



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
1046 Marks Road  
Fort Wainwright, Alaska 99703

<b>PUBLIC NOTICE DATE:</b>	<b>March 1, 2024</b>
<b>EXPIRATION DATE:</b>	<b>March 15, 2024</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00430</b>
<b>WATERWAY:</b>	<b>Johnson Slough, Wetlands</b>

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Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). All comments should include the public notice reference number listed above.

All comments should reach this office no later than the expiration date of this public notice to become part of the record and be considered in the decision. Please contact Carolyn Farmer at (561) 785-5634 or by email at [carolyn.h.farmer@usace.army.mil](mailto:carolyn.h.farmer@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Native Village of Napakiak, P.O. Box 34069, Napakiak, Alaska 99634

**AGENT:** Steven Lemmel, PE; Summit Consulting Services

**LOCATION:** The proposed project is located on an island between Johnson Slough to the north and west and the Kuskokwim River to the east and south within Sections 17 and 18 of Township 23 N, Range 72 W, Seward Meridian, Latitude 60.69646° N., Longitude - 162.00056° W., which is approximately 15 miles down the Kuskokwim River from Bethel, Alaska.

**PURPOSE:** The applicant's stated purpose is to modify an existing DOA authorization, POA-2022-00430, to include an additional 585 lf of pioneer road and a 1.35-acre laydown pad in support of the ongoing Managed Retreat Project in Napakiak, AK. The applicant also proposes to modify the currently authorized access road alignment between the permitted material site and Mission Rd.

**PROPOSED WORK:**

***Pioneer Road between Existing Landfill Road and Material Site***

Work under the proposed permit modification involves the construction of a new 585 lf pioneer road connecting the existing landfill road to the new material site. The new connection seeks to improve safety in the community by routing heavy equipment transporting fill material around the heavily populated portions of the community, reducing potential pedestrian-vehicular conflicts. The pioneer road will be 20 ft. wide at the top of traveled way, with a 2.5 ft. thick sand/silt embankment, and 2:1 side slopes for a total footprint of roughly 30 ft./ft. of road. Construction of the pioneer road will entail the placement of roughly 1,355 cy of sand/silt fill over approximately 0.4 acres of wetlands.

***Laydown Pad***

Work under this proposed permit modification also includes the construction of a 300 ft. by 180 ft. laydown pad for material preparation and staging. The proposed laydown pad is adjacent to the existing landfill and will remain upon project completion to accommodate a new landfill after the existing landfill reaches capacity. The laydown pad will consist of a 3 ft. thick sand/silt embankment with 2:1 side slopes, encompassing roughly 6,265 cy of material placed over roughly 1.35 acres of wetlands.

***Modification to Material Site Access Road Alignment***

The proposed permit modification also involves altering the alignment of the material site access road connecting the extraction area to Mission Rd. The new alignment reflects the lack of available funding to extend Mission Rd., where the previously permitted alignment was meant to connect. The new alignment is roughly 65 lf longer than the originally authorized alignment, resulting the placement of an additional 150 cy of fill over a further 0.05 acres of wetlands.

**ADDITIONAL INFORMATION:** On September 15, 2023, the Native Village of Napakiak obtained authorization (POA-2022-00430) for the Napakiak Managed Retreat Project to discharge approximately 30,705 cubic yards of fill material and permanently impact 5.31 acres of waters of the United States (WOTUS). Temporary impacts to WOTUS from clearing and grubbing is estimated to be 13.1 acres. The authorization included the development of a new material source and construction of associated pioneer access road, 24 new house pads and driveways, three (3) commercial gravel pad foundations and driveways, electrical distribution to the new subdivision, the extension of Mission Road, and the restoration and cleanup of former lots of homes and community buildings relocated to the new subdivision. The proposed scope of work will generally focus on moving structures closest to the river first and then proceeding inland. As structures are moved to the new subdivision, the lots they previously occupied will be cleaned of all debris and revegetated through a combination of seeding and willow staking. These efforts will improve the habitat nearest the river and most susceptible to erosion and degradation of the watershed.

The proposed modification request will result in the placement of an additional 7,771 cy of fill over a further 1.78 acres compared to the originally authorized project. Total fill volume under the proposed modification is expected to be around 38,476 cy permanently impacting roughly 7.09 acres of wetlands.

**APPLICANT PROPOSED MITIGATION:** The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

- a. Avoidance: Avoidance of wetlands through site selection, alignments, design configurations, etc. was not feasible due to the abundance of wetlands on the island. The US Fish & Wildlife Service National Wetland Inventory identifies the existing developed townsite as the only uplands on the island. Experience on the island, including several geotechnical test holes drilled on the island as well as the bluff north of the island towards Bethel, confirms that the Wetland Inventory is likely accurate.
- b. Minimization: Road embankment height, and subsequent fill footprint/quantities, is designed to minimize the chances of flooding at flood levels recently encountered in the community. Cross-sectional elements of the roadway follow standard rural roadway design guidelines and cannot be further minimized without negatively affecting vehicular safety.

The material site access road is designed to be as short as possible and connect the material site to the existing Mission Rd. while avoiding the placement of fill in an unnamed tidally influenced creek.

In addition to the minimization of design elements, the disturbance limits of the project will be delineated and marked prior to construction in order to minimize unnecessary impacts to wetlands. A project specific SWPPP will be established to protect surrounding wetlands from any sediment runoff.

- c. Compensatory Mitigation: Compensatory mitigation proposed for the originally authorized project includes the cleanup and restoration of the former lots of relocated homes and community buildings. Restoration and revegetation will be performed on the abandoned lots and surrounding areas by gravel scraping, soil scarifying, seeding, fertilizing, and willow staking (where conducive). Approximately 7.4 acres of wetland restoration will be performed as part of this proposal.

No additional compensatory mitigation is proposed under this permit modification.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The Corps has made a No Potential to Cause Effects determination for the proposed project modification. Consultation with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties is not required. However, any comments SHPO, Federally recognized Tribes, and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

In July of 2023, the applicant's consultant, DOWL, LLC (DOWL) completed an archaeological and historic resources survey of the permit area in accordance with a previously submitted and approved work plan. The archaeological survey was negative for cultural material. The historic resources survey focused on features of the built environment within the portion of the village slated for relocation. This effort documented 40 buildings that were 45 years old or older or of an unknown construction date. These buildings, as well as two previously documented Alaska Heritage Resources Survey (AHRS) properties within the permit area (BTH-000006 and BTH-00168), were evaluated for their eligibility to the National Register of Historic Places (NRHP).

The Corps concurred with DOWL's assessment and recommendations provided in their technical report regarding the NRHP-eligibility status of BTH-000006, BTH-00168, and BTH-00203 through BTH-00243. As such, the Corps made a determination of no historic properties affected and provided a consultation letter and the technical report to the SHPO on August 10, 2023.

The SHPO responded to the consultation letter on September 14, 2023, concurring a determination of no adverse effect to historic properties was deemed appropriate for this undertaking which was authorized on September 15, 2023 under POA-2022-00430.

ENDANGERED SPECIES: According to a search of the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPAC) database, the Wood bison and Steller's eider are listed as threatened species for the general area; however, there is no designated critical habitat within the project site. Any comments the USFWS or the National Marine Fisheries Service (NMFS) may have regarding endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to occur within the project area.

TRIBAL CONSULTATION: The Corps fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. The applicant is the Native Village of Napakiak, a Federally recognized Tribe.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

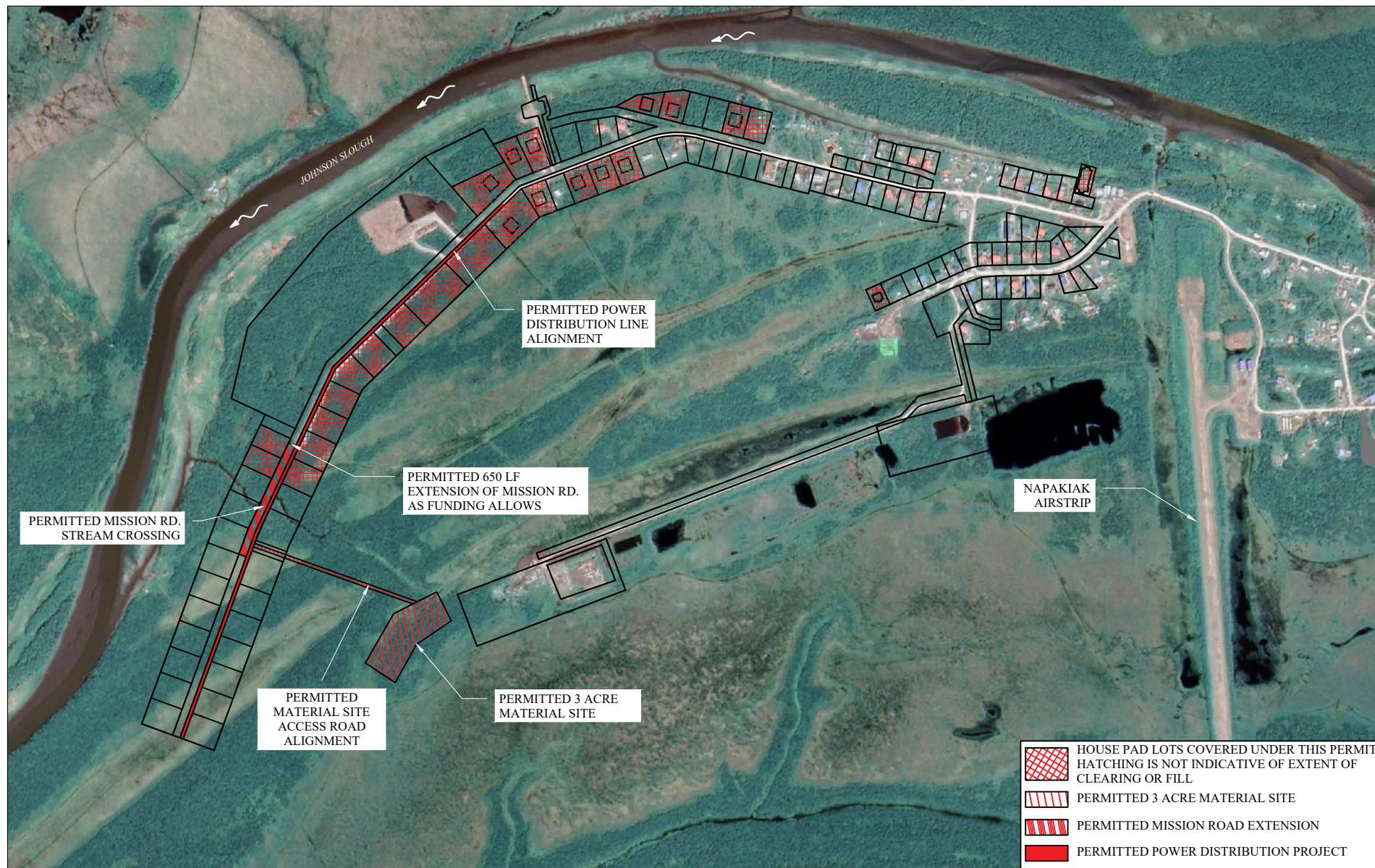
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this public notice.

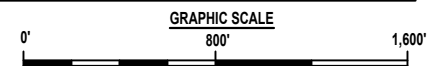
District Commander  
U.S. Army, Corps

Enclosures





REFERENCE:  
POA- 2022-00430, Johnson Slough and Kuskokwim River  
Napakiak Managed Retreat Project



CITY OF NAPAKIAK, ALASKA  
NAPAKIAK 2020 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS PROJECT  
**PROJECT SITE MAP**  
**EXISTING AUTHORIZED PROJECT**

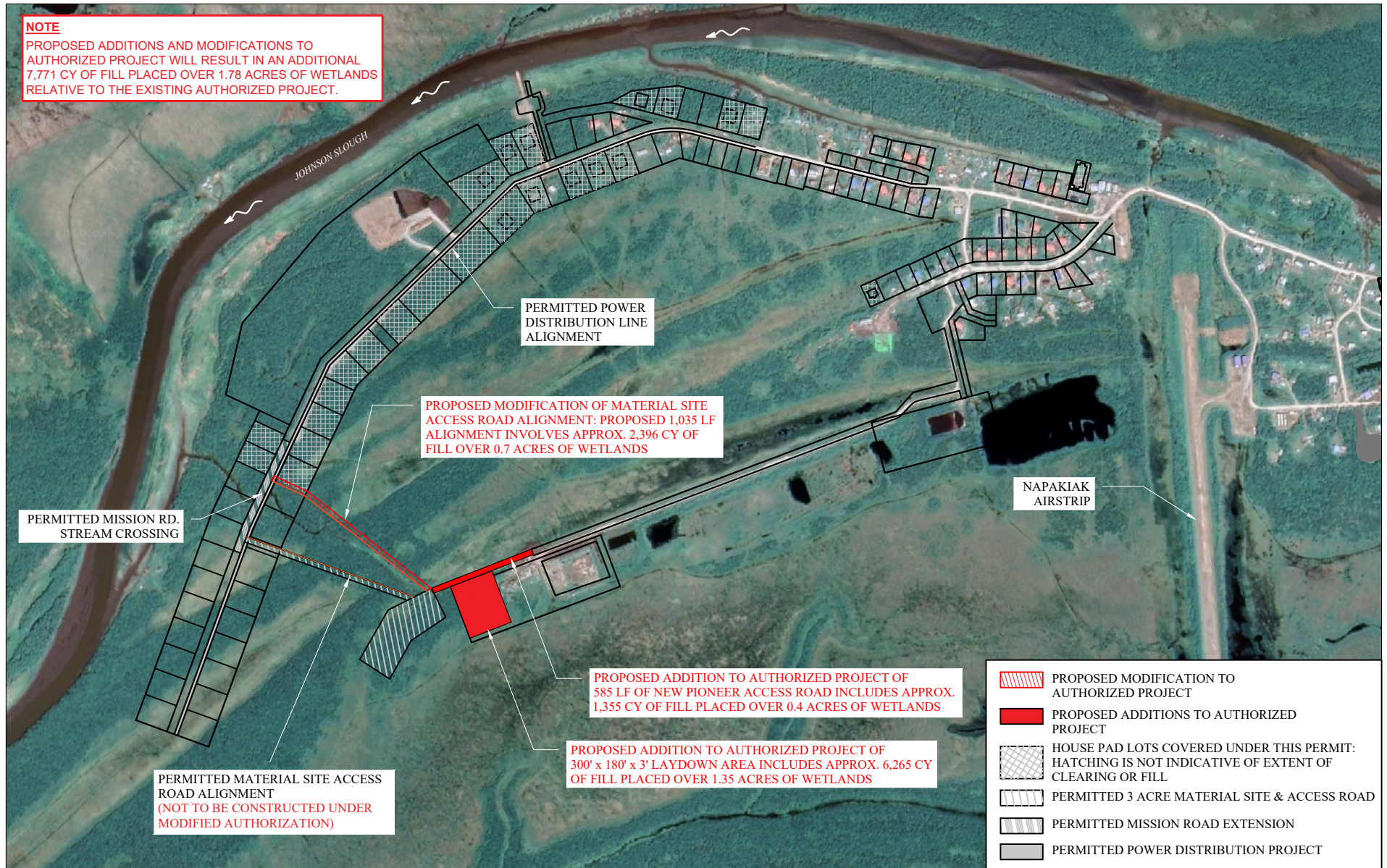
DATE: 11/02/2022  
DRAFTER: JK  
CHECKED BY: SL  
SCALE: AS NOTED





**NOTE**

PROPOSED ADDITIONS AND MODIFICATIONS TO AUTHORIZED PROJECT WILL RESULT IN AN ADDITIONAL 7,771 CY OF FILL PLACED OVER 1.78 ACRES OF WETLANDS RELATIVE TO THE EXISTING AUTHORIZED PROJECT.



**REFERENCE:**

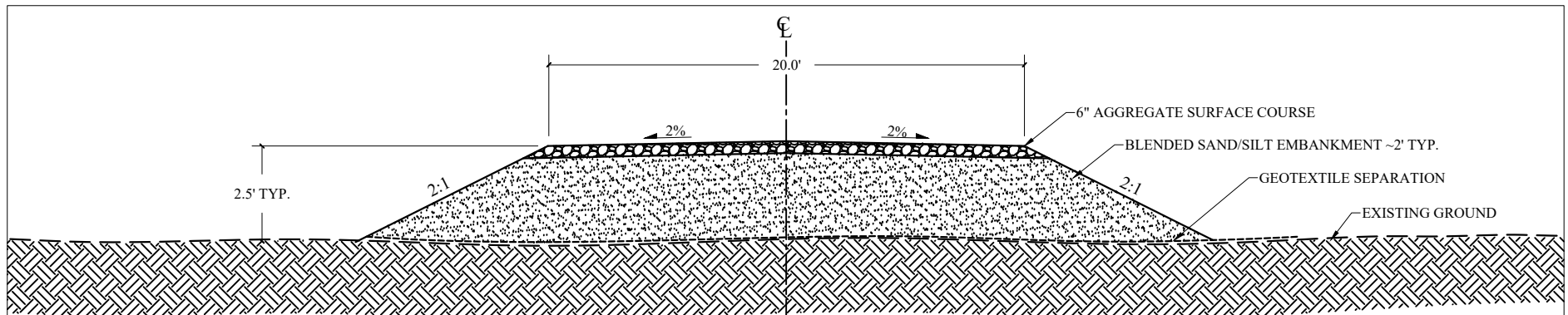
POA- 2022-00430, Johnson Slough and Kuskokwim River  
Napakiak Managed Retreat Project



CITY OF NAPAIAK, ALASKA  
NAPAIAK 2020 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS PROJECT  
**PROJECT SITE MAP**  
**PROPOSED MODIFICATIONS TO AUTHORIZED PROJECT**

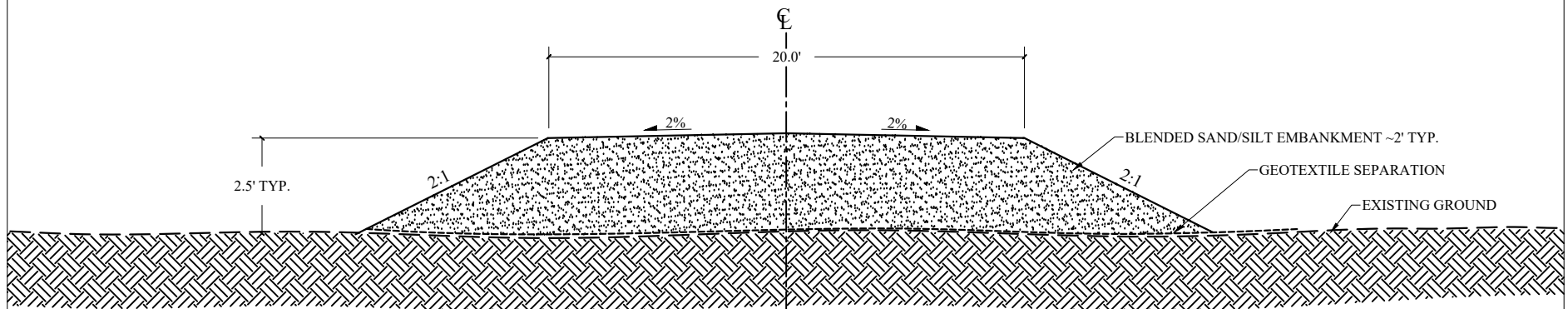
DATE: 2/22/2024  
DRAFTER: SL  
CHECKED BY: SL  
SCALE: AS NOTED





### MATERIAL SITE ACCESS ROAD TYPICAL CROSS SECTION

SCALE: NTS



### PIONEER ROAD TYPICAL CROSS SECTION

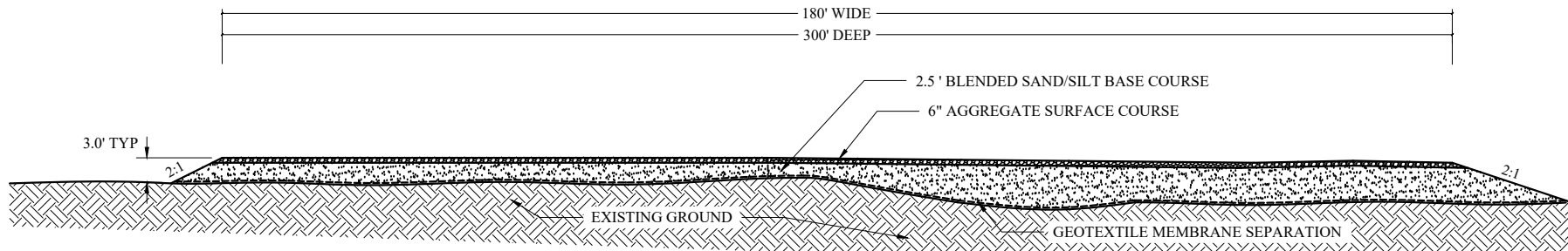
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CITY OF NAPAIAK, ALASKA  
NAPAIAK 2020 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS PROJECT

## ROAD CROSS SECTION DETAILS

DATE: 2/23/2024  
DRAFTER: SL  
CHECKED BY: SL  
SCALE: NTS



## LAYDOWN PAD TYPICAL CROSS SECTION

SCALE: NTS



CITY OF NAPAIAK, ALASKA  
NAPAIAK 2020 SUBDIVISION INFRASTRUCTURE IMPROVEMENTS PROJECT

## LAYDOWN PAD DETAILS

DATE: 2/23/2024  
DRAFTER: SL  
CHECKED BY: SL  
SCALE: NTS