



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	28 September, 2017
EXPIRATION DATE:	30 October, 2017
REFERENCE NUMBER:	POA-2017-446
WATERWAY:	Kwigillingok River

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.

Comments on the described work, with the reference number, 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 Jeremy Grauf at (907) 753-2798, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jeremy.Grauf@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Andrew Beaver, Native Village of Kwigillingok, Post Office Box 90, Kwigillingok, Alaska 99622, 907-588-8114, kwktribal@yahoo.com

AGENT: Karen Brown, Alaska Native Tribal Health Consortium (ANTHC), 4500 Diplomacy Drive, Suite 454, Anchorage, Alaska 99508, 907-729-3498, kmbrown@anthc.org

LOCATION: The project site is located within Kwigillingok, Alaska, at Latitude 59.86252° N., Longitude 163.169417° W.

SPECIAL AREA DESIGNATION: The project is located within the Yukon Delta National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to provide the village of Kwigillingok with a three-cell sewage lagoon compliant with State of Alaska regulations and meeting Alaska

Pollutant Discharge Elimination System (APDES) requirements and standards. The existing single-cell sewage lagoon does not meet APDES standards or have the capacity to serve additional users. The sewage lagoon discharge area also lacks fencing. ATV and snow machines with haul trailers have difficulty turning around because the existing boardwalk dead ends at the lagoon. Fencing the two sewage lagoon cells and creating a turnaround boardwalk is needed for worker and public safety and to protect the environment from accidental sewage spills.

PROPOSED WORK: The proposed project would include the construction of a new primary lagoon cell (cell #1), rehabilitation of the existing lagoon cell (cell #2), develop a polishing cell (cell #3), upgrade an existing boardwalk, build new boardwalk, develop a new material borrow site, and construct a new fence. The proposed project would fill approximately 2.56 acres of palustrine wetlands to construct a new primary lagoon cell (cell #1) and a new material borrow site. All work would be performed in accordance with the enclosed plan (sheets 1-11), dated August 31, 2017, and the project description below:

- New Primary Cell (Cell #1): Approximately 210 feet by 340 feet (1.64 acres). Vegetation would be removed prior to construction of the new primary cell. Material from a new borrow site would be used to create berms and caps for the new primary cell. No other excavation would occur. Approximately 10,000 cubic yards (cy) of silty sand would be used to create berms and caps for the new primary cell.
- Existing Cell (Cell #2): Approximately 148 feet by 159 feet (0.54-acre). No excavation or discharge of fill material would occur.
- New Polishing Cell (Cell #3): The new polishing cell, which is approximately 99,200 square feet (2.28 acres), would utilize the existing depleted borrow site. It currently receives discharges from the adjacent, existing single-cell lagoon. The depleted borrow site would not be dewatered. No additional excavation or discharge of fill material would occur at the polishing cell.
- Existing Boardwalk: Portions of the existing boardwalk would be rehabilitated as needed. Excavation and discharge of fill material would not occur.
- New Boardwalk: Approximately 700 feet by 10 feet (0.16-acre). The new boardwalk would be placed over an existing raised trail. The existing trail would be graded, and duck bill anchors would be hammered into the ground and connected to mud sills. The mud sills would be placed on the ground as a foundation. The boardwalk would be constructed on the mud sills. Duck bills and mud sills would be placed as needed during construction. Discharge of fill material would not occur during boardwalk repairs.
- New Boardwalk Turnaround Loop: Approximately 265 feet by 10 feet (0.6-acre). A new boardwalk turnaround area would be constructed between the new primary cell and the new boardwalk. Duck bills would be hammered into the ground and connected to mud sills. The mud sills would be placed on the existing ground to create a foundation, and the boardwalk turnaround would be constructed on the mud sills. Discharge of fill material would not occur.
- New Material Borrow Site: Approximately 200 feet by 200 feet by up to 15 feet (depth) (0.92-acre). The borrow site is located adjacent to the existing sewage lagoon. About 2 feet of overburden (peat/organics) would be removed. The overburden would be replaced in the borrow site after the fill material required to construct the new primary cell is removed.

- Fence: A fence would be constructed around the sewage lagoon. Screw pile anchors would be installed every 10 feet to a depth of 10 feet. No excavation or discharge of fill material would occur.
- Transfer Pipes: Transfer pipes would be installed to connect the three lagoons. No excavation or discharge of fill material would occur for the placement of transfer pipes.

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: The entire project area is wetlands and the Frontal Kuskokwim Bay Watershed is dominated by wetlands, therefore, impacts to wetlands cannot be avoided.

b. Minimization: A new section of boardwalk would replace an existing trail on the same footprint. The trail is not useable during wet periods because of mud. The new boardwalk and boardwalk turnaround loop would be placed on mud sills and no excavation or discharge of fill would occur. The new boardwalk and boardwalk turnaround loop would be constructed to provide safety for workers and reduce the opportunity for accidental spills of raw sewage to surrounding wetlands. The existing borrow pit and single-cell lagoon would be used to construct the three-cell sewage lagoon. The new cell would be constructed adjacent to the existing sewage lagoon.

c. Compensatory Mitigation: Kwigillingok is a remote rural community located at the western border of the Yukon Delta Wildlife Refuge (YDWR). The YDWR is dominated by low-lying wetlands similar to those found in the project area, and contains minimal development. Because of this, the Native Village of Kwigillingok does not propose compensatory mitigation for the proposed project.

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 latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of (cell #1) and the new material source location, which would include approximately 2.56 acres of wetlands.

Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project.

ENDANGERED SPECIES: The project area is within the known or historic range of the spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the threatened *spectacled eider*. We will initiate the appropriate consultation procedures under section seven of the Endangered Species Act with the U.S. Fish and Wildlife Service. Any comments they may have concerning 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, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (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 use the project area.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period, 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 (EPA) 404(b) (I) 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 authority: (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 Waters Act (40 CFR 230).

Project Drawings and a Notice of Application for State Water Quality Certification are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2017-466, Kwigillingok River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.