



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	April 27, 2021
EXPIRATION DATE:	May 27, 2021
REFERENCE NUMBER:	POA-2021-00112
WATERWAY:	Kuskokwim 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Mr. Steve Moore at (907) 753-5713, toll free from within Alaska at (800) 478-2712, or by email at: Stephen.A.Moore2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Adam Turner, Vitus Energy LLC, 5300 A Street, Anchorage, Alaska 99518. email: adam.turner@vitusmarine.com; telephone: (907) 793-9731.

AGENT: Mr. Karl Hulse, CRW Engineering group, LLC, 3940 Arctic Blvd, Suite 300, Anchorage, Alaska 99503. email: khulse@crweng.com; telephone: (907) 646-5621.

LOCATION: The project site is located within Section 14 T. 8 N., R. 72 W., Seward Meridian; USGS Quad Map Cape Flattery; Latitude 60.7775 N., Longitude 161.8541 W.; southwest of the Bethel airport on Noel Polty Road in the City of Bethel, Alaska.

PURPOSE: The applicant's stated purpose is to provide fuel storage for Vitus's operations in Bethel, Alaska. Fuel stored at the tank farm will be delivered to local residents, filling stations, and other customers on an as needed basis.

PROPOSED WORK: construction of a new bulk fuel tank farm and truck fill/offload facility in Bethel AK. The new facility will include approximately 34 30,000-gallon skid mounted, horizontal, aboveground storage tanks (ASTs) for bulk storage of diesel and gasoline situated within a lined, earthen, secondary containment dike. Other features will include a drive-in truck fill/offload secondary containment area, access drives, security fence, mechanical, electrical, lighting, and other associated systems.

The proposed work will result in the placement of approximately 8,000 cubic yards of clean fill composed of sand and crushed rock into 4.5 acres of wetlands.

Construction is targeted to start in June 2021, and is expected to be completed in August of 2021. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated March 2021.

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

- a. Avoidance: The applicant has stated to meet the purpose and need for this project complete avoidance of wetlands is not possible. Additionally, the applicant has stated there is no other commercial property available in town zoned for industrial use.
- b. Minimization: The applicant has stated that the proposed tank farm will be designed and constructed to minimize adverse effects (both temporary and permanent) to wetlands to the maximum extent practicable. Ground disturbance will be limited to the proposed facility footprint. Further, Best Management Practices will be implemented during construction to limit sediment transport, ponding, and other detrimental effects. The facility will be designed using minimum code required setback and separation distances to reduce the overall facility footprint and the required fill quantities.
- c. Compensatory Mitigation: the project participants have stated they do not consider compensatory mitigation measures to be applicable to the project or technically feasible.

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 (ADEC). The applicant submitted a pre-filing meeting request to the ADEC on March 29, 2021.

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 known cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the area within the labeled "proposed boundary" as depicted in Sheet 3 of the project plans. 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. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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 NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

There is no EFH within or in the vicinity of the project area, and the project will not adversely affect EFH.

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 PN 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.

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 authority:

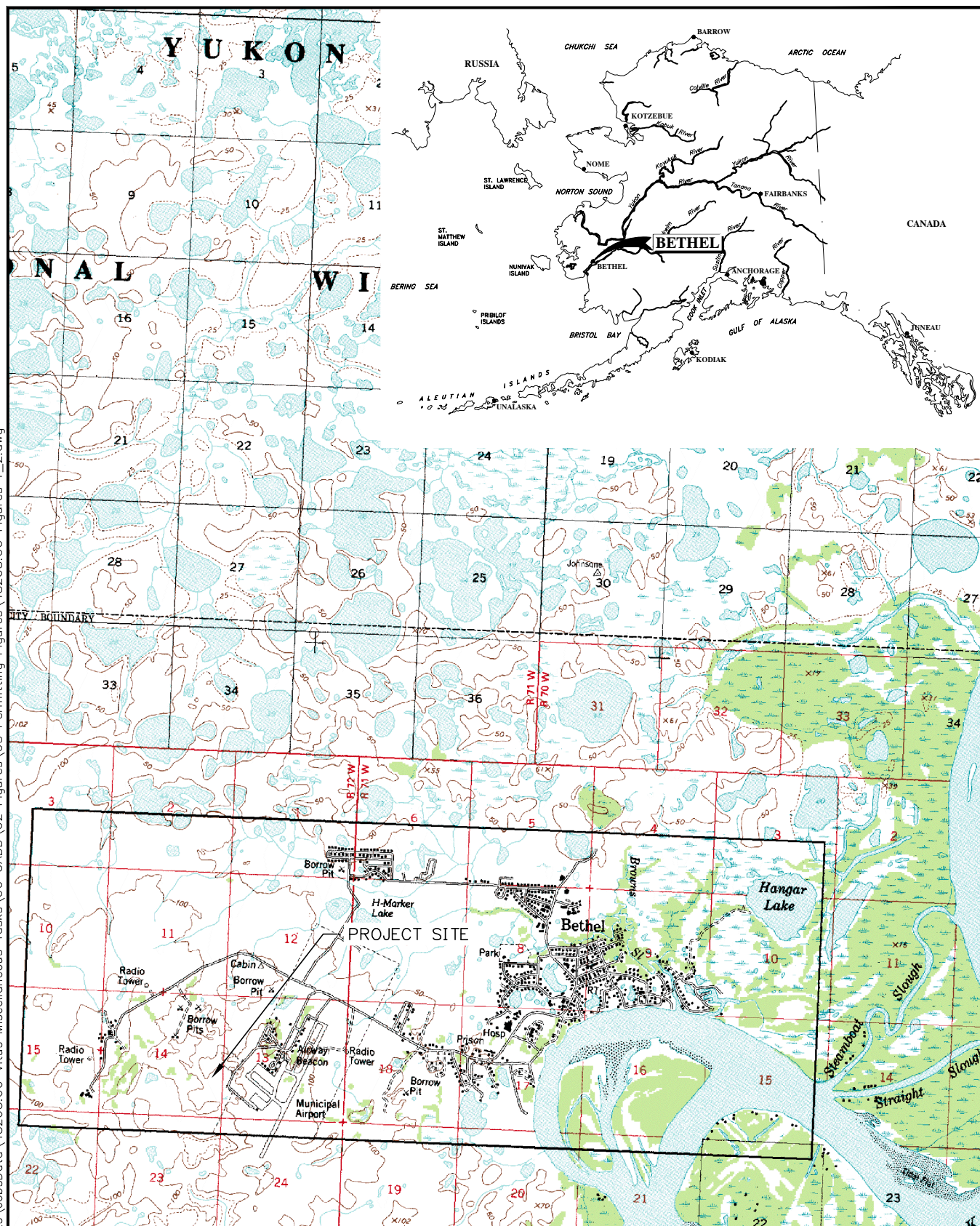
(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings 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

FILE: \\crweng.com\Projects\JobsData\48203.00_Vitus Miscellaneous Tasks\00_CADD\02 Figures\05 Permitting Figures\48203.00 Figures 1_2.dwg



APPLICANT:
VITUS ENERGY
5300 A ST
ANCHORAGE, AK 99518

AGENT:
CRW ENGINEERING GROUP, LLC
3940 ARCTIC BLVD., SUITE 300
ANCHORAGE, AK 99503

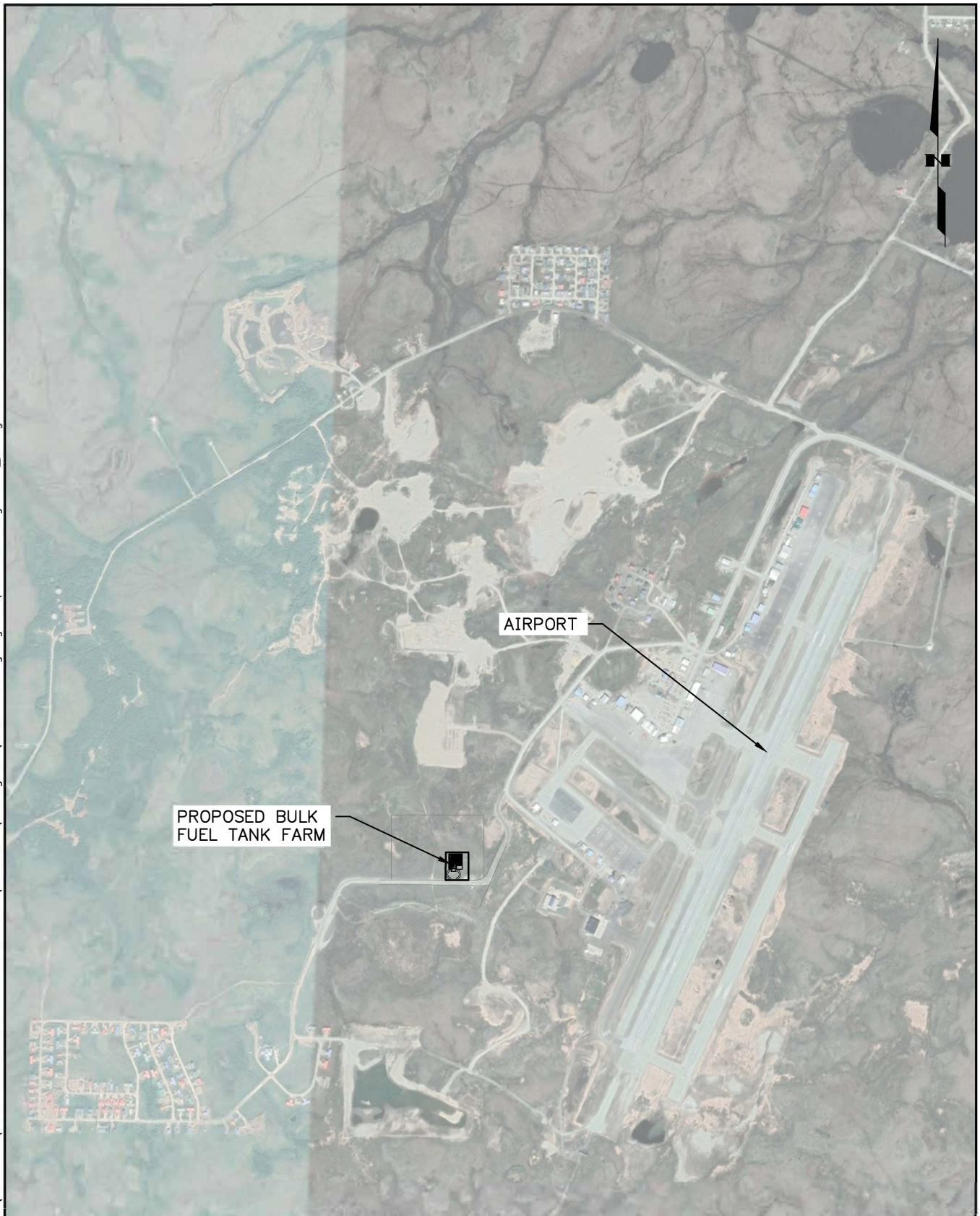
BETHEL, ALASKA
BULK FUEL UPGRADES
PROJECT LOCATION MAP

LOCATION: BETHEL, ALASKA
SEC. 14, T.8 N., R. 71 W.; C.R.M
USGS QUAD: BETHEL D-8

FIGURE 1 OF 5

MARCH, 2021 SCALE: NTS

FILE: \\crweng.com\Projects\JobsData\48203.00 Vitus Miscellaneous Tasks\00 CADD\02 Figures\05 Permitting Figures\48203.00 Figures 1_2.dwg



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BULK FUEL UPGRADES

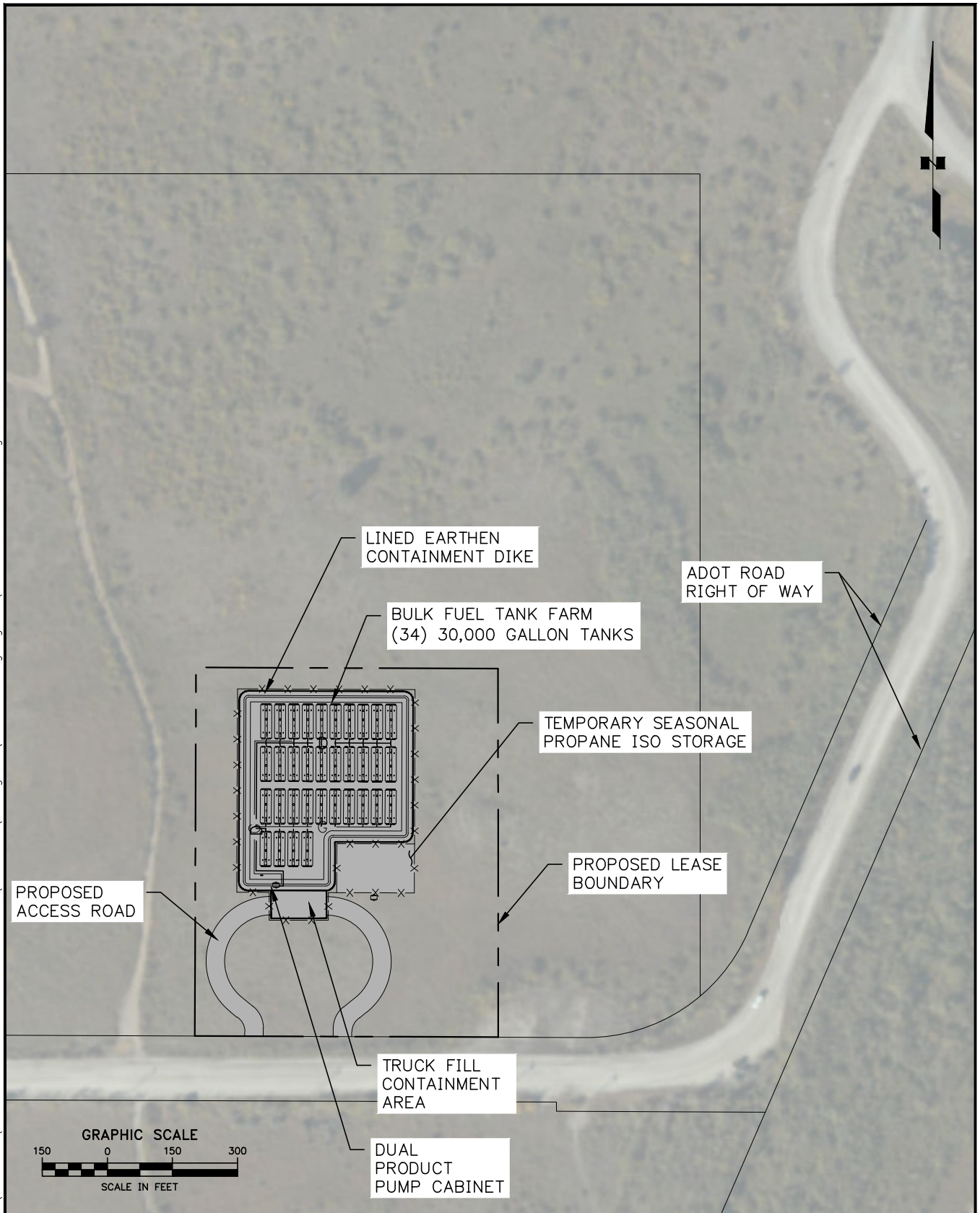
VICINITY MAP

LOCATION: BETHEL, ALASKA
SEC. 14, T.8 N., R. 71 W.; C.R.M
USGS QUAD: BETHEL D-8

FIGURE 2 OF 5

MARCH, 2021 SCALE: NTS

FILE: \\crweng.com\Projects\JobsData\48203.00 Vitus Miscellaneous Tasks\00 CADD\02 Figures\05 Permitting Figures\48203.00 Site Plan.dwg



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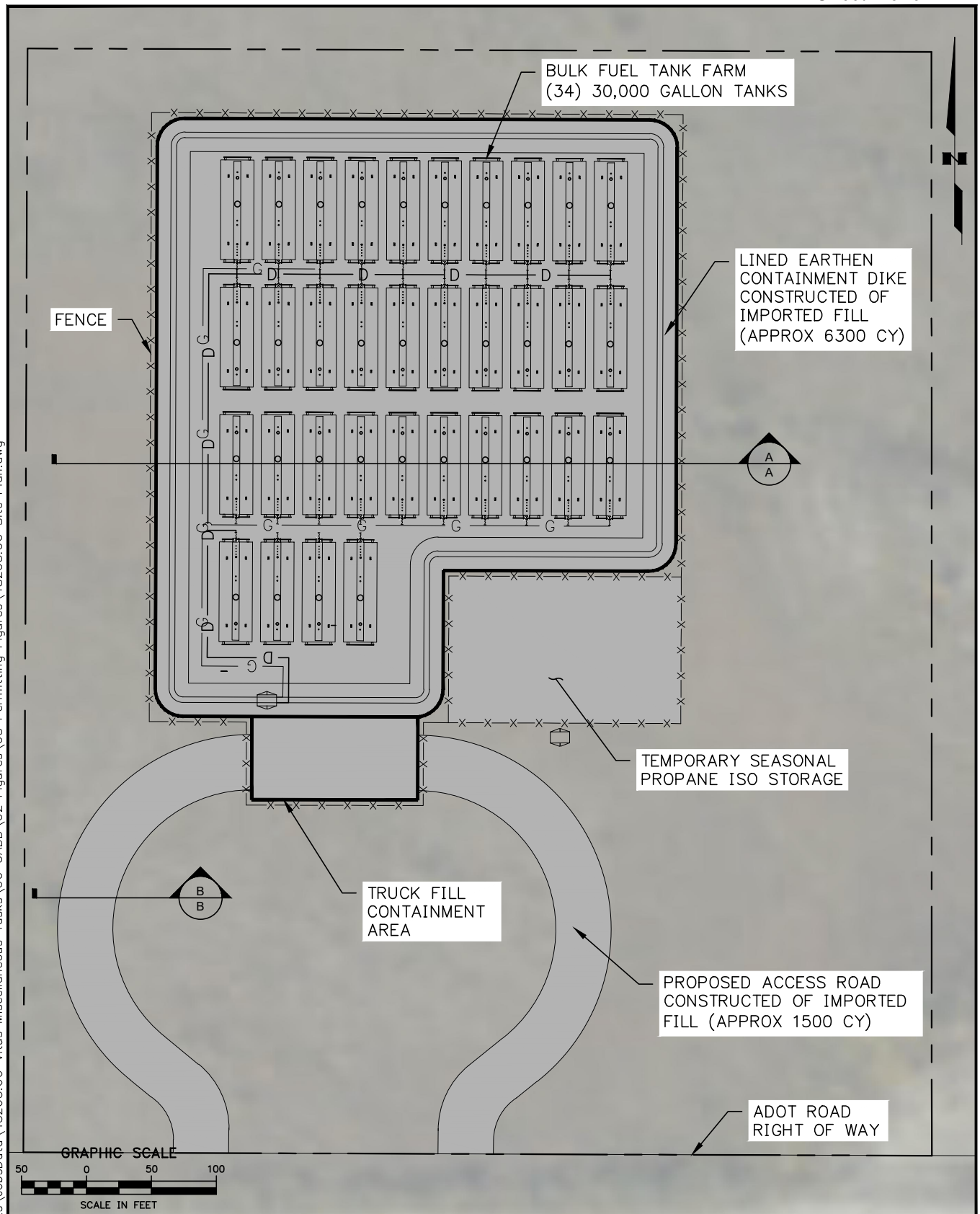
BETHEL, ALASKA
BULK FUEL UPGRADES

PROJECT SITE MAP

LOCATION: BETHEL, ALASKA
SEC. 14, T.8 N., R. 71 W.; C.R.M
USGS QUAD: BETHEL D-8

FIGURE 3 OF 5

MARCH, 2021 SCALE: GRAPHIC



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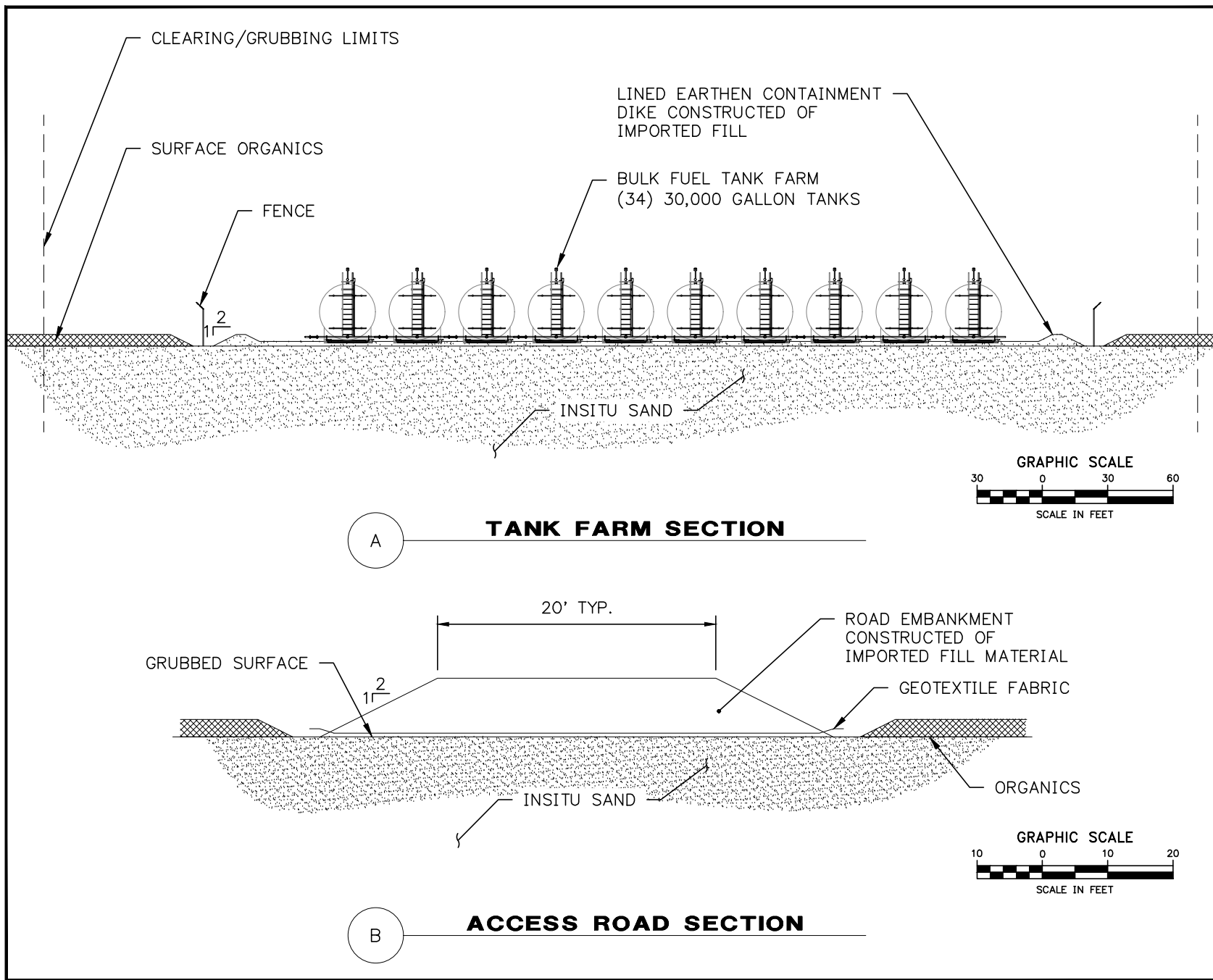
BETHEL, ALASKA
BULK FUEL UPGRADES

PLAN VIEW

LOCATION: BETHEL, ALASKA
SEC. 14, T.8 N., R. 71 W.; C.R.M
USGS QUAD: BETHEL D-8

FIGURE 4 OF 5

MARCH, 2021 SCALE: GRAPHIC



LOCATION: BETHEL, ALASKA
SEC. 14, T.8 N., R. 71 W.; C.R.M
USGS QUAD: BETHEL D-8

FIGURE 5 OF 5
MARCH, 2021 SCALE: GRAPHIC

BETHEL, ALASKA
BULK FUEL UPGRADES
SECTION VIEW

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