



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:	February 27, 2019
EXPIRATION DATE:	March 14, 2019
REFERENCE NUMBER:	POA-1992-00836-M9
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 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. 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 Leslie Tose at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at leslie.w.tose@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities, Attn. Theresa Dutchuk, Post Office Box 196900, Anchorage, Alaska, 99519. Email: theresa.dutchuk@alaska.gov, Phone: 907-269-0524

LOCATION: The project site is located within Sections 13 and 24, T. 8 N., R. 72 W., Seward Meridian; USGS Quad Map Bethel D-8; Latitude 60.769004° N., Longitude 161.84589° W.; in Bethel, Alaska.

PURPOSE: The applicant's stated purpose is to fill in a gravel pit located at the end of the Bethel Airport Runway, using material generated from a runway reconstruction project, in order to decrease the attraction of bird activity in the vicinity of the airport operations.

PROPOSED WORK: Discharge of 141,000 cubic yards of gravel fill material into a five acre manmade pit located south of the parallel runway at Bethel, Alaska. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 7, 2019.

ADDITIONAL INFORMATION:

Alaska State Historic Preservation Office, Section 106 Review, applied on January 10, 2019 status: in process

FAA Categorical Exclusion Review, application in process, status in process

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.

The proposed project has been designed to avoid impacts to Waters of the U.S. to the maximum extent feasible while still meeting the project purpose and need. Total avoidance of impacts to wetlands is not feasible because the design of the project is to conversion of wetlands to non-wetlands, due to safety concerns of attracting birds near airport operations.

Unavoidable impacts have been minimized to the extent practicable by selecting a disposal site that has been used previously for dredged material and at which substrate is composed of material similar to that being discharged (40 CFR 230.70c and d). Impacts to waters of the U.S. would be further minimized through implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Alaska Pollutant Discharge Elimination System's (APDES) Construction General Permit (CGP), requiring implementing best management practices (BMPs) during construction to reduce or eliminate erosion and sediment discharge, and to permanently stabilize disturbed ground as soon as practicable. Revegetation will follow recommendations from the Alaska Department of Natural Resources' *A Revegetation Manual for Alaska*.

DOT&PF is not proposing compensatory mitigation for the proposed action. Impacts to the manmade wetlands will be beneficial to the safety of airport operations in addition to deterring birds from unsafe habitat. Based the local abundance of longer established wetlands which likely have higher functional value, DOT&PF believes the benefits of the proposed action outweigh the minor loss of wetlands.

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 five acre area of the manmade gravel pit. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources.

The Corps has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

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). 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.

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 of Engineers 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 of Engineers 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) 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 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
Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

**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 (PN) Reference Number **POA-1992-836-M9, Kuskokwim 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.

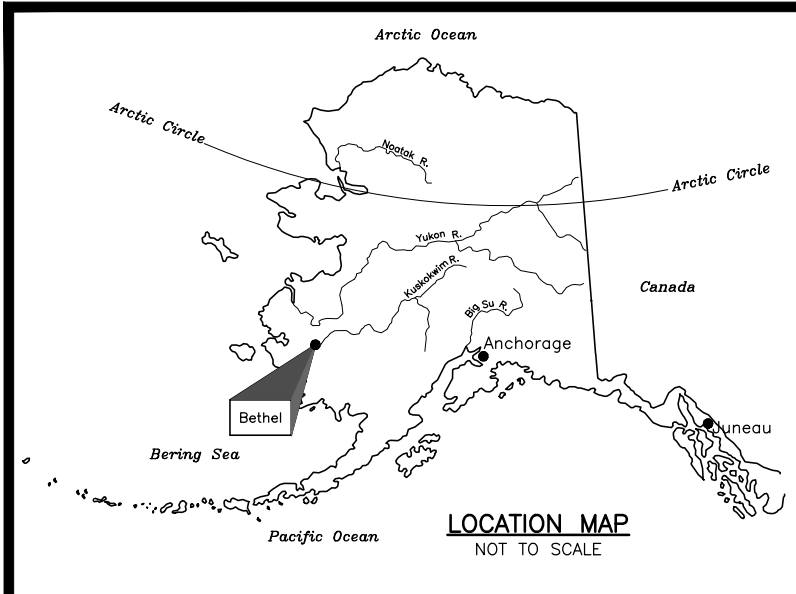
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice




The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

Z:\project\2690.01 DOT_C BET Parallel And Main RW Reconstruction\01\A\04\Environmental Figures\2690.01 - Environmental Figures.dwg

Plotted 1/7/2019 2:49 PM by James Colles



LEGEND



PROJECT AREA	
AIRPORT BOUNDARY	
WETLAND	

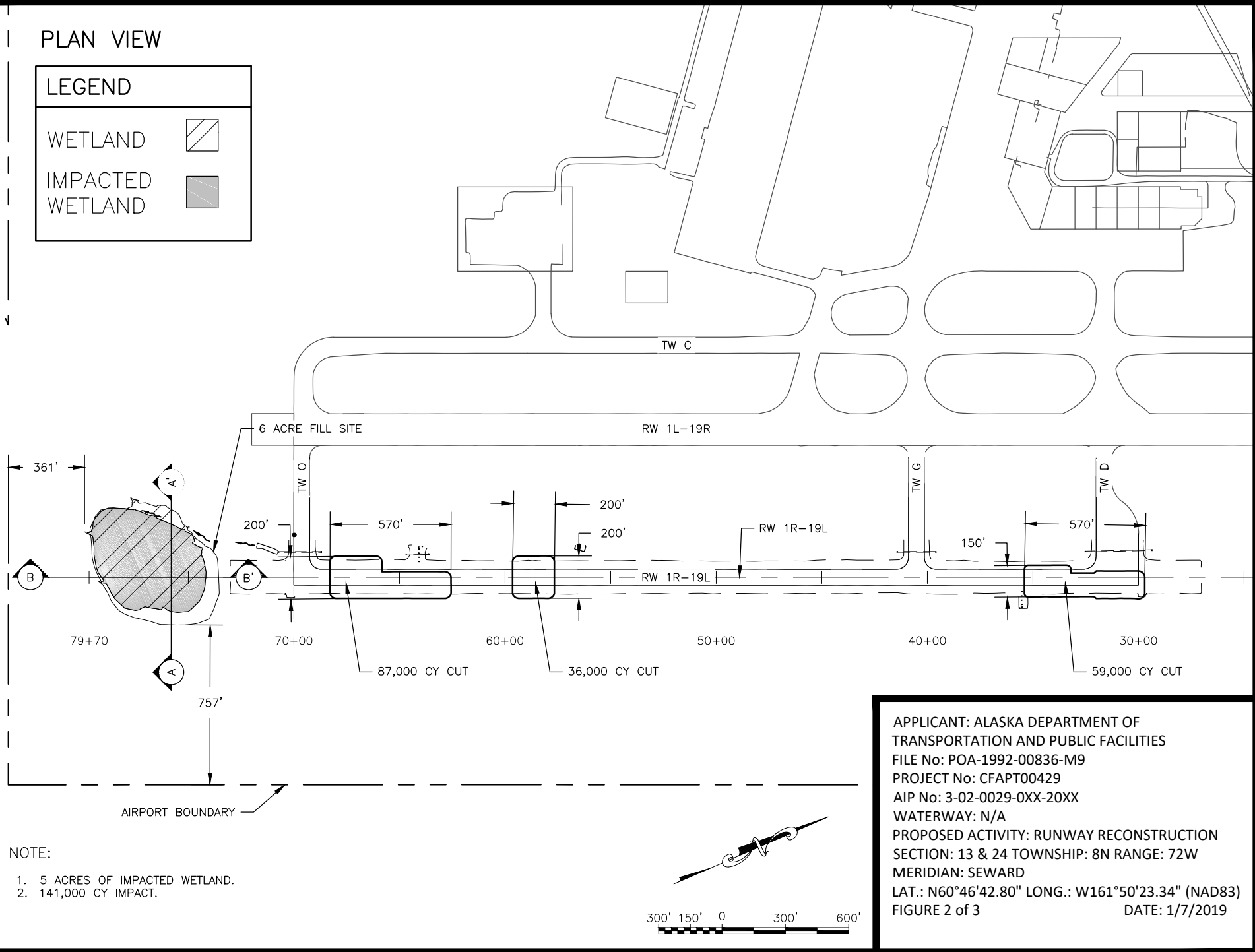
APPLICANT: ALASKA DEPARTMENT OF
 TRANSPORTATION AND PUBLIC FACILITIES
 FILE No: POA-1992-836-M9
 PROJECT No: CFAPT00429
 AIP No: 3-02-0029-OXX-20XX
 WATERWAY: N/A
 PROPOSED ACTIVITY: RUNWAY RECONSTRUCTION
 SECTION: 13 & 24 TOWNSHIP: 8N RANGE: 72W
 MERIDIAN: SEWARD
 LAT.: N60°46'42.80" LONG.: W161°50'23.34" (NAD83)
 FIGURE 1 of 3 DATE: 1/7/2019

Z:\project\2690.01 DOT_C BET Parallel And Main RW Reconstruction\Civil\A040\Environmental Figures\2690.01 - Environmental Figures.dwg

Plotted 1/7/2019 2:49 PM by James Colles

PLAN VIEW

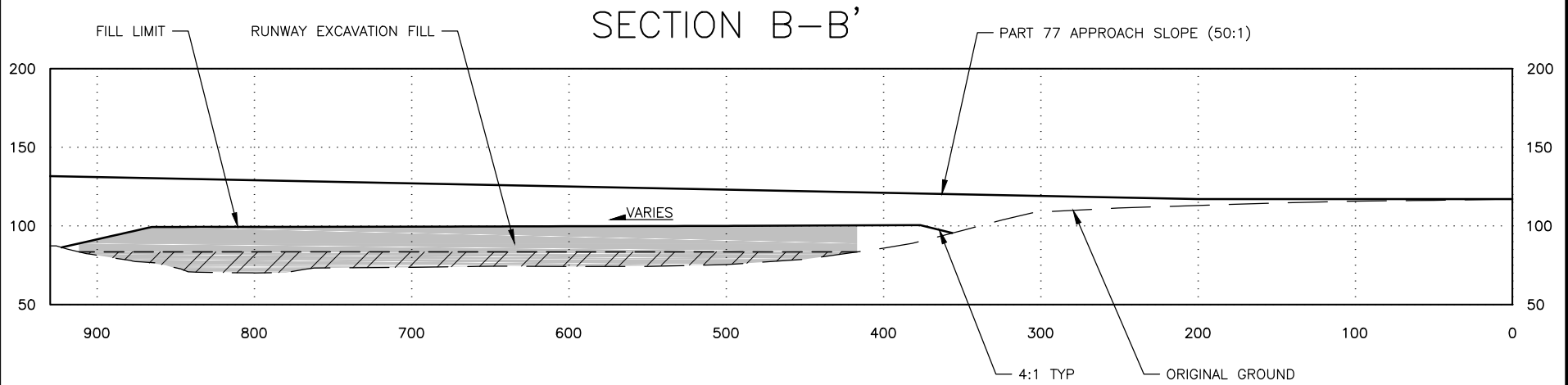
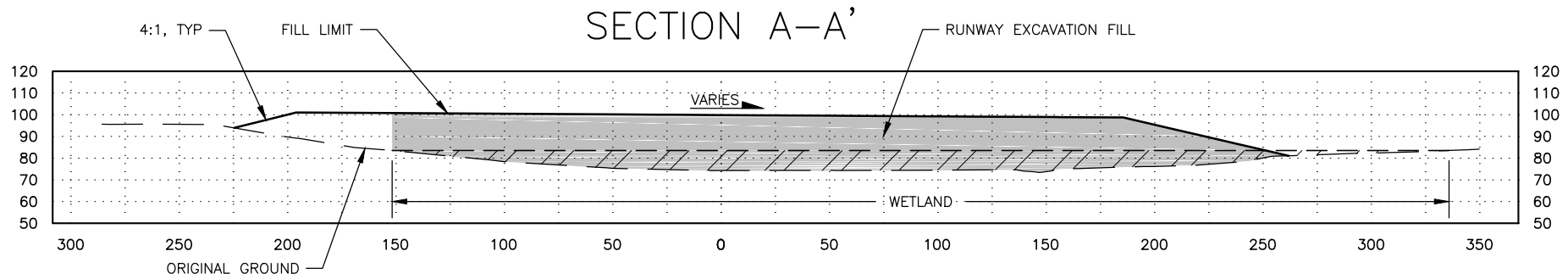
LEGEND	
WETLAND	
IMPACTED WETLAND	



APPLICANT: ALASKA DEPARTMENT OF
 TRANSPORTATION AND PUBLIC FACILITIES
 FILE No: POA-1992-00836-M9
 PROJECT No: CFAPT00429
 AIP No: 3-02-0029-OXX-20XX
 WATERWAY: N/A
 PROPOSED ACTIVITY: RUNWAY RECONSTRUCTION
 SECTION: 13 & 24 TOWNSHIP: 8N RANGE: 72W
 MERIDIAN: SEWARD
 LAT.: N60°46'42.80" LONG.: W161°50'23.34" (NAD83)
 FIGURE 2 of 3 DATE: 1/7/2019

- NOTE:
- 5 ACRES OF IMPACTED WETLAND.
 - 141,000 CY IMPACT.

Z:\project\2690.01 DOT_C BET Parallel And Main RW Reconstruction\Civil\AAD\Environmental Figures\2690.01 - Environmental Figures.dwg
 Plotted 1/7/2019 2:49 PM by James Colles



LEGEND	
WETLAND	
IMPACTED WETLAND	

APPLICANT: ALASKA DEPARTMENT OF
 TRANSPORTATION AND PUBLIC FACILITIES
 FILE No: POA-1992-00836
 PROJECT No: CFAPT00429
 AIP No: 3-02-0029-OXX-20XX
 WATERWAY: N/A
 PROPOSED ACTIVITY: RUNWAY RECONSTRUCTION
 SECTION: 13 & 24 TOWNSHIP: 8N RANGE: 72W
 MERIDIAN: SEWARD
 LAT.: N60°46'42.80" LONG.: W161°50'23.34" (NAD83)
 FIGURE 3 of 3 DATE: 1/7/2019

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -
 OMB No. 0710-0003
 Expires: 01-08-2018*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. 1992-00836-M9	2. FIELD OFFICE CODE POA-RD-N	3. DATE RECEIVED 02/08/2019	4. DATE APPLICATION COMPLETE 02/21/2019
-------------------------------------	----------------------------------	--------------------------------	--

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Theresa Middle - Carol Last - Dutchuk Company - Alaska DOT&PF E-mail Address - theresa.dutchuk@alaska.gov	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - N/A Middle - N/A Last - N/A Company - N/A E-mail Address - N/A
6. APPLICANT'S ADDRESS: Address- PO Box 196900 City - Anchorage State - AK Zip - 99519 Country - US	9. AGENT'S ADDRESS: Address- N/A City - N/A State - N/A Zip - N/A Country - N/A
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax N/A 907-269-0524 907-243-6927	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax N/A N/A N/A

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Bethel Airport Parallel Runway Reconstruction	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Unnamed wetland	14. PROJECT STREET ADDRESS (if applicable) Address N/A
15. LOCATION OF PROJECT Latitude: °N 60°46'9.20" Longitude: °W 161°50'29.25"	City - Bethel State- AK Zip- 99559
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID N/A Municipality City of Bethel Section - 13, 24 Township - 008N Range - 072W	

17. DIRECTIONS TO THE SITE

From Bethel Airport, go south along the parallel runway, once the end of pavement is reached the site is located approximately 50ft to the south.

18. Nature of Activity (Description of project, include all features)

See Project Description and Section 404 Involvement in attached cover letter.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

See Purpose and Need in attached cover letter.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The permanent placement of fill material will be required in jurisdictional wetlands to decrease the attraction of bird activity in the vicinity of the airport operations and address safety concerns.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

See attached Supplemental

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres See attached Supplemental

or

Linear Feet N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See attached Supplemental

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

N/A

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Mary Charles, 3705 Arctic Blvd #2713

City - Anchorage State - Alaska Zip - 99503

b. Address- Barbara C. Anvil, PO Box 1285

City - Bethel State - Alaska Zip - 99559

c. Address- Bethel Native Corproation, 2605 Denali St

City - Anchorage State - Alaska Zip - 99503

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
AK SHPO	Section 106 Review	in process	2019-01-10	in process	
FAA	CE Approval	in process	in process	in process	
ADEC	Section 401Cert.	in process	in process	in process	

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Theresa Dutchuk

Digitally signed by Theresa Dutchuk
DN: cn=Theresa Dutchuk, o=Department of Transportation and Public Facilities,
ou=Professional Design and Engineering, email=theresa.dutchuk@alaska.gov, c=US
Date: 2019.02.21 10:31:55 -0900

2019-02-21

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.