



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:	August 22, 2018
EXPIRATION DATE:	September 6, 2018
REFERENCE NUMBER:	POA-2018-00101
WATERWAY:	Kinak 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 Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Daniel Walker, Lower Kuskokwim School District (LKSD), PO Box 305, Bethel, Alaska 99559, 907.453.4912, daniel_walker@lkسد.org

AGENT: Ms. Kristi McLean, R&M Consultants, Inc., 9101 Vanguard Drive, Anchorage, Alaska 99507, 907.646.9658, mclean@rmconsult.com

LOCATION: The project site is located within Sections 16 & 21, T. 3 N., R. 77 W., Seward Meridian; USGS Quad Map Baird Inlet B-2; Latitude 60.3427° N., Longitude 162.6761° W.; in Tuntutuliak, Alaska.

PURPOSE: The applicant's stated purpose is the renovation of and addition to the existing Lewis Angapak Memorial K-12 School in Tuntutuliak, Alaska.

PROPOSED WORK: The mechanized land clearing and site grading of an area 180 feet x 120 feet, within 0.50 acre of wetlands. This area would then be backfilled with clean fill material along with the placement of insulation materials, the backfill with insulation would extend 10 feet outside the perimeter of the new 160 feet x 100 feet school building which would be built on pilings. Additionally, a 16 feet wide insulation barrier would be placed under the perimeter of the original school building for a total of up to a linear length of 296 feet within 0.2 acre of wetlands, for a total impact to 0.70 acre of Palustrine wetlands.

Included in the work is the temporary placement of 500 cubic yards of material into an area 130 feet x 100 feet, 0.30 acre for a staging area. Geotextile would be laid on the tundra and four inches of insulation would be placed over it to protect the tundra. Next, up to one foot of fill material would be placed with a crane over the top. All materials down to the geotextile would be removed upon completion of the school construction and the tundra would be restored to its original condition.

Other additions included with this proposed project are the construction of a 35 feet x 17 feet generator building and a 50 feet x 26 feet maintenance building, each of these buildings which will be constructed on pilings driven into the tundra. Their construction is not considered a fill impact to wetlands under the Corps of Engineers (Corps) jurisdiction.

All work would be performed in accordance with the enclosed plan (sheets 1-3), dated August 2018.

ADDITIONAL INFORMATION: A Nationwide Permit (NWP) was verified for the renovation of the school in April 2018. Since then there have been changes made to the project to include adding insulation to prevent further degradation to the permafrost (the heated building has caused thawing of the tundra over the years) and driving the pilings into the ground instead of digging holes and backfilling behind them. These changes have increased the impacts to wetlands over the ½ acre threshold of a NWP.

The original school was constructed in 1980, a Facility Inventory Conditions Survey conducted in April 2012 determined the school's current conditions to be inadequate to house and operate the LKSD's educational program. Renovating and adding on to the existing school was identified as the preferred solution, as a new school at a new site was deemed not viable.

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 that efforts to avoid wetland impacts were incorporated where possible in the proposed design. The improvements are proposed at the existing school, which is constructed on pilings in previously disturbed wetlands. Complete avoidance of wetlands is not possible as all undisturbed areas are considered wetlands. Furthermore, any potential alternative locations to meet the need for additional school capacity in Tuntutuliak would also impact wetlands, likely to a greater extent than the proposed expansion of the existing school.

b. Minimization: For minimization the applicant states the proposed action meets the project purpose and need while minimizing wetland impacts to the greatest extent practicable. Wetland impacts have been minimized by using pile installation methods such as driving, as opposed to excavating or drilling. Clean material will be brought in rather than mining on site as previously proposed. Insulating around the foundation of the existing school and the proposed addition will provide protection against permafrost damage. Impacts are also minimized by the design and construction of a temporary staging pad, with no excavation required, to be removed following project completion. These methods will minimize disturbance and limit adverse effects to the aquatic environment.

c. Compensatory Mitigation: The applicant states there is no practicable way to completely avoid wetland impacts given Tuntutuliak's geographical location. Impacts to wetlands have been avoided and minimized to the greatest extent practicable, as described above. No loss of high value wetlands or habitat would occur as a result of the proposed action. Mitigation in the form of avoidance and minimization has been included throughout project design, therefore compensatory mitigation is not being proposed.

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 complete project area. The permit area under the Appendix C (33 CFR 325) is the school site construction area, as well as the materials site. 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. R&M Consultants submitted a Finding of No Historic Properties Affected for Tuntutuliak K-12 Renovation/Addition and received a concurrence letter from SHPO for "No Historic Properties Affected" on September 7, 2017. 31302R-SOA DEED.

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 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 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 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 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-2018-00101, Kinak 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.

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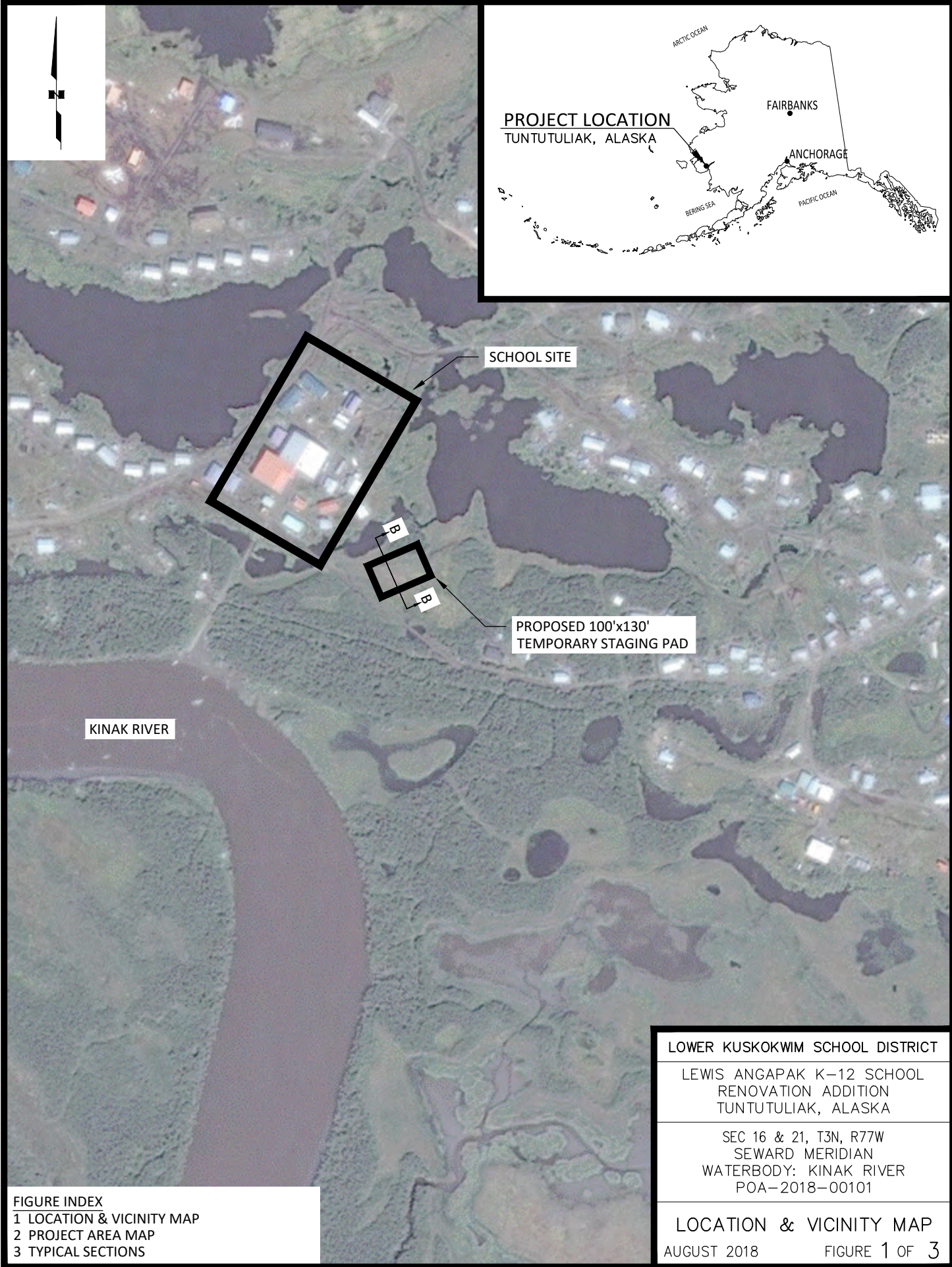
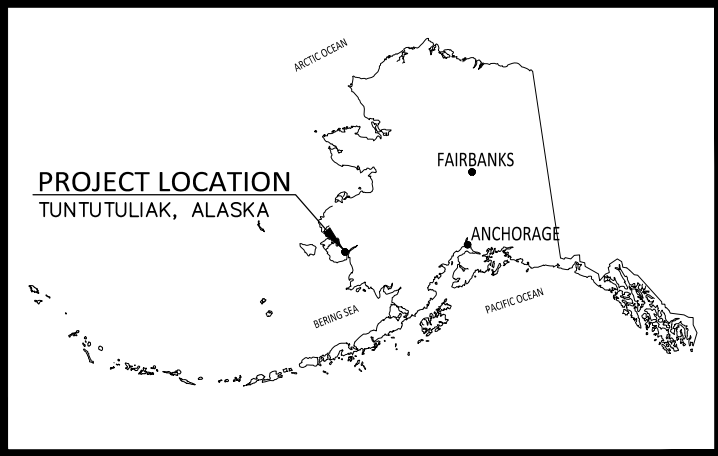
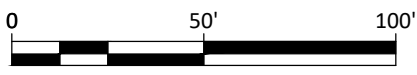
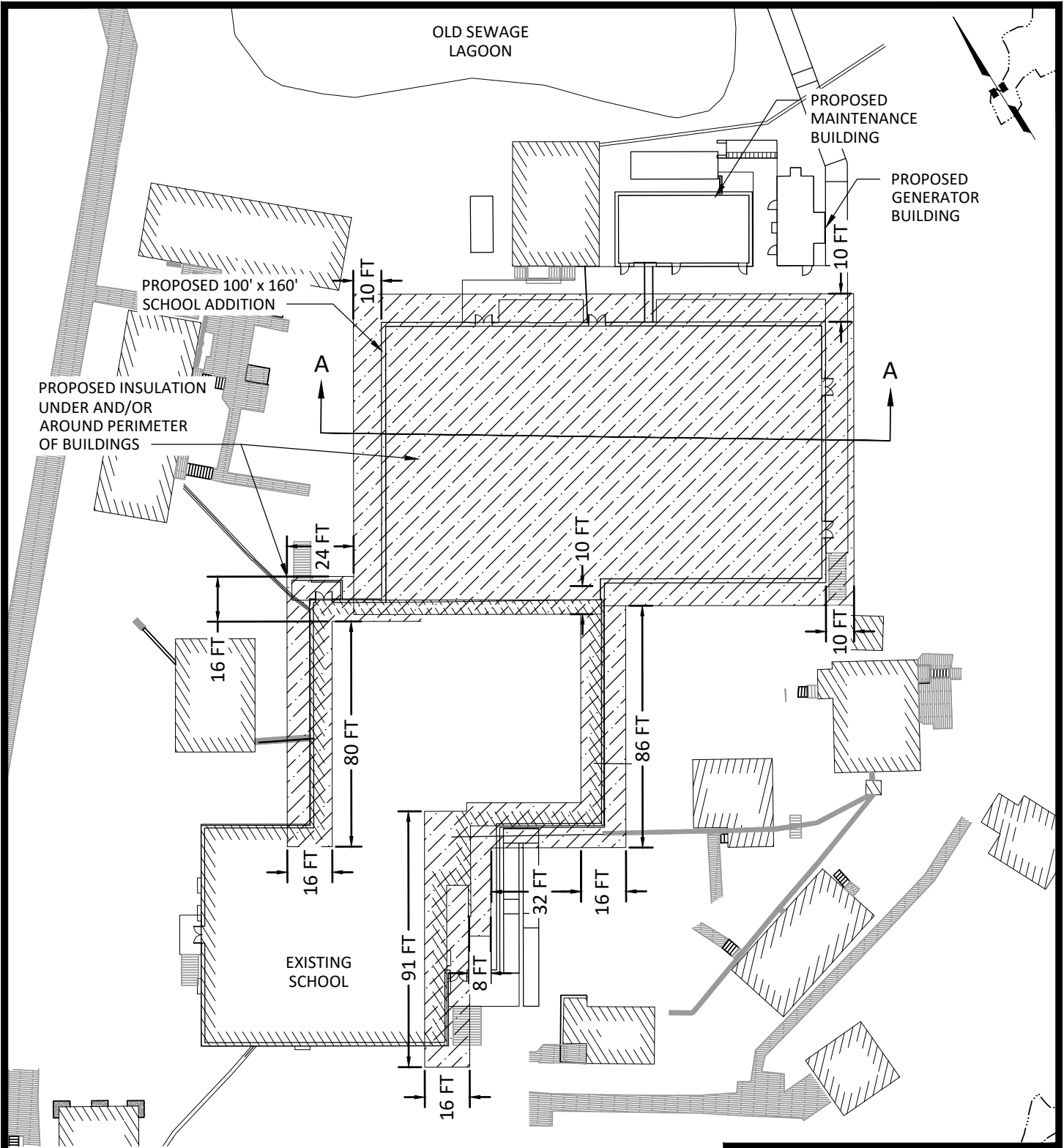


FIGURE INDEX
 1 LOCATION & VICINITY MAP
 2 PROJECT AREA MAP
 3 TYPICAL SECTIONS

LOWER KUSKOKWIM SCHOOL DISTRICT	
LEWIS ANGAPAK K-12 SCHOOL RENOVATION ADDITION TUNTUTULIAK, ALASKA	
SEC 16 & 21, T3N, R77W SEWARD MERIDIAN WATERBODY: KINAK RIVER POA-2018-00101	
LOCATION & VICINITY MAP	FIGURE 1 OF 3
AUGUST 2018	



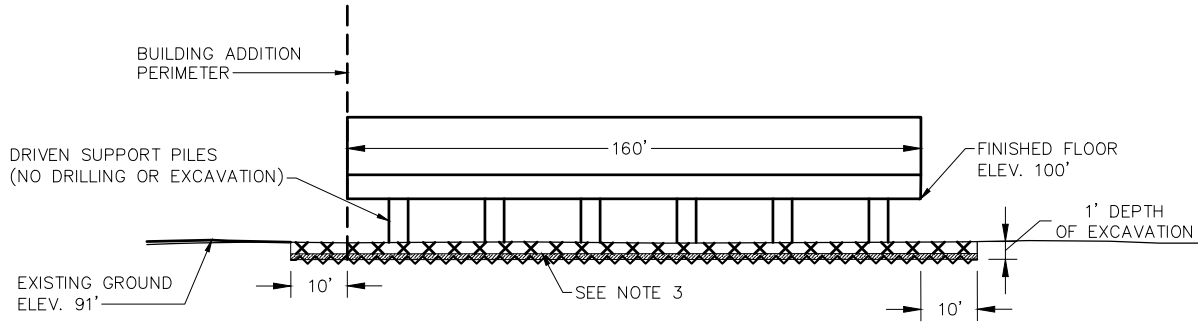
LEGEND

- EXISTING BUILDING
- INSULATION

NOTE:
 ALL AREA BEYOND EXISTING FILL
 AND/OR PREVIOUSLY DISTURBED
 GROUND IS CONSIDERED WETLANDS

<p>LOWER KUSKOKWIM SCHOOL DISTRICT</p> <p>LEWIS ANGAPAK K-12 SCHOOL RENOVATION ADDITION TUNTUTULIAK, ALASKA</p> <p>SEC 16 & 21, T3N, R77W SEWARD MERIDIAN WATERBODY: KINAK RIVER POA-2018-00101</p> <p>PROJECT AREA MAP</p> <p>AUGUST 2018 FIGURE 2 OF 3</p>
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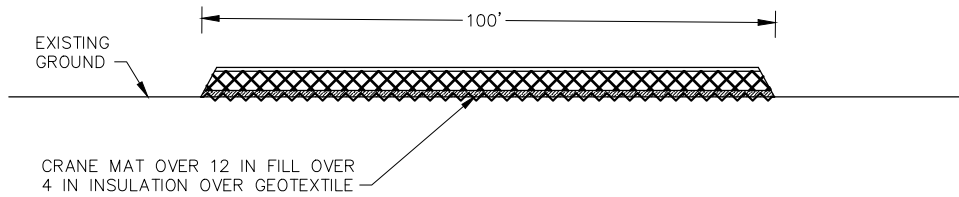
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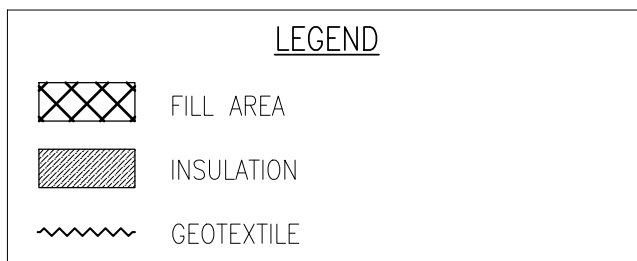
SCHOOL ADDITION - TYPICAL SECTION A-A
NTS

NOTES:

1. INSULATION TO BE INSTALLED UNDER FOOTPRINT OF SCHOOL ADDITION TO 10' BEYOND THE BUILDING PERIMETER AS SHOWN ON FIGURE 2.
2. INSULATION TO BE INSTALLED AROUND PERIMETER OF EXISTING SCHOOL BUILDING (16' WIDE) AS SHOWN ON FIGURE 2.
3. EXCAVATE 1' UNDER BUILDING FOOTPRINT, INSTALL GEOTEXTILE 4" INSULATION AND COVER WITH EXCAVATED MATERIAL.



TEMPORARY STAGING PAD - TYPICAL SECTION B-B
NTS



LOWER KUSKOKWIM SCHOOL DISTRICT
LEWIS ANGAPAK K-12 SCHOOL RENOVATION ADDITION TUNTUTULIAK, ALASKA
SEC 16 & 21, T3N, R77W SEWARD MERIDIAN WATERBODY: KINAK RIVER POA-2018-00101
TYPICAL SECTIONS
AUGUST 2018
FIGURE 3 OF 3

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