



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

<b>PUBLIC NOTICE DATE:</b>	<b>July 2, 2020</b>
<b>EXPIRATION DATE:</b>	<b>August 3, 2020</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2009-01156</b>
<b>WATERWAY:</b>	<b>Snake River</b>

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Interested parties are hereby notified that a Department of the Army (DA) 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](mailto: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 Jason Brewer at (907) 753-2823, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: [Jason.D.Brewer@usace.army.mil](mailto:Jason.D.Brewer@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities; Melissa Jensen, 907-451-5377, [melissa.jensen@alaska.gov](mailto:melissa.jensen@alaska.gov), 2301 Peger Road, Fairbanks, Alaska 99709

**LOCATION:** The project site is located at Latitude 64.51464° N., Longitude 165.45718° W.; on the north side of airport runway 10-28, in Nome, Alaska.

**PURPOSE:** The applicant's stated purpose is to repair Nome's airport runways that have suffered significant surface wear and settling. Additionally, the purpose is to remove an abandoned mine tailings pond that is creating a bird strike hazard adjacent to runway 10-28.

PROPOSED WORK: Rehabilitate Runway 10-28, Runway 3-21, North Apron, and the Runway Safety Area to include replacement of sub-base course materials and resurfacing. Other repairs include airport lighting replacements and/or upgrades including fixtures, signage, utilities associated with the airport runway operation, and new striping on replaced runway surface and associate facilities.

Fill material for the repairs would come from an existing permitted commercial source. The fill material would be hauled to the airport and stored in uplands until use.

Clean sub-base material stripped from the damaged portions of the runways would be discharged into the 2.6-acre abandoned mine tailings pond adjacent to Runway 10-28. Material would be discharged into the pond until the surface elevation matches the surrounding ground level. Excess sub-base material, asphalt, and other material stripped from the damaged portion of the runways and associated facilities would be stockpiled in uplands at the airport for long-term storage, re-use by Maintenance and Operations, or hauled away by the contractor for re-use on other projects.

The only portion of the project requiring a DA permit (Section 404) would be the discharge of clean sub-base material into the 2.6-acre abandoned mine tailings pond. No material would be discharged in wetlands or other waters of the U.S. Construction is expected to occur between June 2021 and September 2022.

Work would be performed in accordance with the enclosed plan (sheets 1-2), dated July 1, 2020.

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 stated the proposed repairs would be completed within the footprint of existing airport features, with no expansion into adjacent wetlands or other Waters of the U.S. However the airport does not contain sufficient upland areas to store all the waste material anticipated to be excavated from damaged areas of the airport. Using the adjacent abandoned mine tailings pond for disposal of clean excavated waste addresses the need for additional storage space, and also eliminates the man-made feature attracting birds near the airstrip. Using the tailings pond also avoids the need for disposing excess material into higher value wetlands on-site.

b. Minimization: The discharge of clean fill into the abandoned mine tailings pond would not extend into adjacent wetlands. An existing road would be used to haul the clean stripped material from the airport to the tailings pond. No new fill material or excess stripped material would be placed in wetlands.

c. Compensatory Mitigation: The applicant stated that given the avoidance and minimization measures incorporated into the project, compensatory mitigation for the remaining unavoidable impact is not appropriate or practicable.

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 2.6-acre pond as well as the immediately adjacent area where heavy equipment would be operated to fill the pond and contour the surface. 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 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: The project area is within the known or historic range of the polar bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the threatened species listed above. We will initiate the appropriate consultation procedures under section 7 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 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 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

# 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](mailto: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.

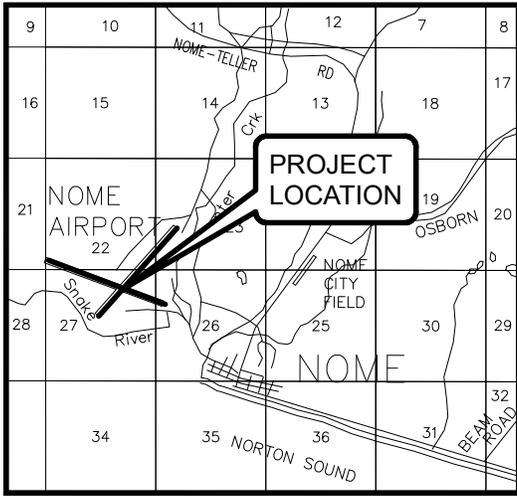
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2009-01156, Snake River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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](mailto: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 Kate Orozco 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.



**LOCATION MAP**  
NO SCALE



**Legend**

**Nome Airport Rehabilitation**

PROJECT NUMBER: NFAPT00409

- ① Runway, taxiway and apron pavement rehabilitation
- ② Runway safety area repairs as required for pavement rehabilitation
- ③ Repair lighting as required for pavement rehabilitation
- ④ On-airport material stockpile location
- ⑤ Waste Disposal Site

STATE OF ALASKA  
Department of Transportation and Public Facilities  
2301 Peger Road Fairbanks, AK 99709

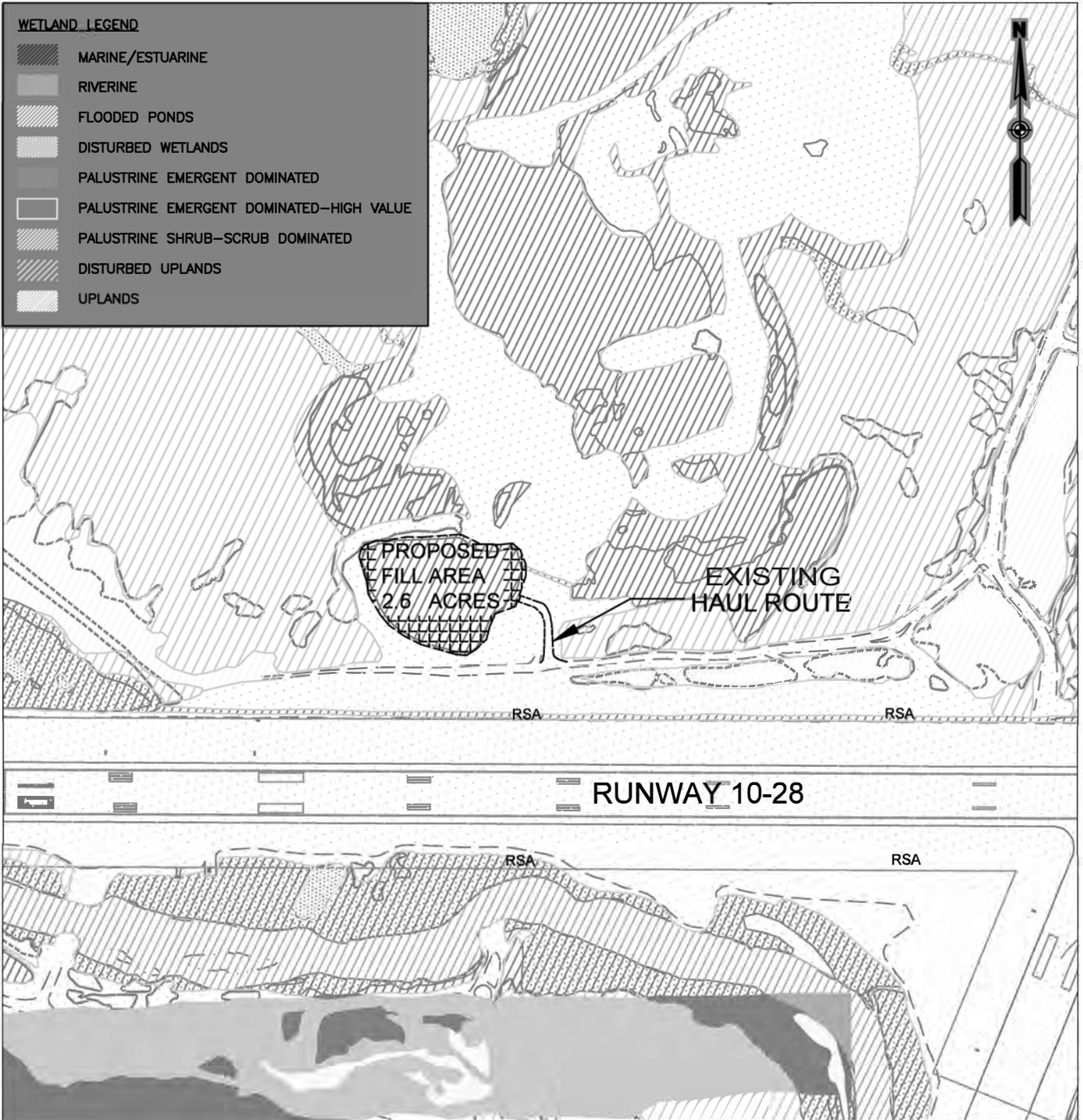
POA-2009-01156 ADOT&PF  
Latitude: 64.51464°N, Longitude: 165.42639°W

Date: July 1, 2020

SHEET: 1 OF 2

**WETLAND LEGEND**

-  MARINE/ESTUARINE
-  RIVERINE
-  FLOODED PONDS
-  DISTURBED WETLANDS
-  PALUSTRINE EMERGENT DOMINATED
-  PALUSTRINE EMERGENT DOMINATED—HIGH VALUE
-  PALUSTRINE SHRUB—SCRUB DOMINATED
-  DISTURBED UPLANDS
-  UPLANDS



NOTE: Wetland boundaries in this figure were mapped in 2009 and permitted fills from projects since this delineation are not shown.

STATE OF ALASKA  
Department of Transportation and Public Facilities

<p>NORTHERN REGION</p> <p>NOME AIRPORT REHABILITATION/ NFAPT00409</p> <p>APPLICANT/AGENT: BRETT NELSON</p> <p>2301 Peger Rd. Fairbanks, Ak 99709</p>	
<p>POA-2009-01156 ADOT&amp;PF</p> <p>Latitude: 64.51464°N, Longitude: 165.42639°W</p>	
<p><b>WASTE POND AREA</b></p>	
<p>DATE: July 1, 2020</p>	<p>SHEET: 2 OF 2</p>