



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:	May 25, 2018
EXPIRATION DATE:	June 8, 2018
REFERENCE NUMBER:	POA-2018-00102
WATERWAY:	Koyukuk 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 Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Heather.N.Markway@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Hughes, P.O. Box 45010, Hughes, Alaska 99745; Contact: Wilmer Beetus, 907-889-2206, tnicholia62@gmail.com

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

LOCATION: The project site is located within Section 5, T. 7 N., R. 22 E., Kateel River Meridian; Latitude 66.0383° N., Longitude 154.2700° W.; ADL 240278; on the east bank of the Koyukuk River adjacent to the Hughes Airport (HUS) runway, in Hughes, Alaska.

PURPOSE: The applicant's stated purpose is to replace the failed existing community septic drainfield/leachfield and lime and fill the existing temporary emergency sewer drain trench.

PROPOSED WORK: The applicant proposes to extract up to 5000 cubic yards of sandy gravel from an existing material source on the Koyukuk River gravel bar to the west of and adjacent to the Hughes Airport runway. Material would be scraped off the top of the gravel bar by dozer to obtain gravels with low fines content. Gravel would be pushed into piles, then loader will lift material into dump truck for transport to the construction site within the community of Hughes. Excavation is proposed to be done entirely on the gravel bar at a time of low river water and will be shallow over about five (5) acres. No equipment, materials, or work would occur in the flowing water of the channel or below the water line. A drainage channel would be constructed on the downstream side of the gravel pit from the low point of the pit to the active river channel to avoid fish entrapment. No construction or fuel storage/refueling would occur on the gravel bar. Access would be via existing roads and along the north end and west sides of the runway. All work would be performed in accordance with the enclosed plan (sheet 1), dated February 2018.

ADDITIONAL INFORMATION (Other Approvals or Certificates Required):

Alaska Department of Fish & Game: Fish Habitat Permit FH18-III-0040 issued on March 2, 2018, expires on December 31, 2018.

Alaska Department of Natural Resources: Limited Material Sale applied for on February 28, 2018.

Alaska Department of Transportation & Public Facilities: Airport property access to gravel bar issued on February 28, 2018.

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 project will not impact any new wetlands areas, because the footprint of the planned drain field expansion has already been disturbed by prior activities. The existing drain field has been filled and the area immediately adjacent, where the expansion will be located, is currently a trench dug by the community to accommodate septic tank overflow to prevent sewage from backing up in people's homes. Because this trench acts as a make-shift sewage lagoon, it likely no longer qualifies as waters of the U.S. The only waters of the U.S. that will be temporarily and minimally impacted is the bed of the Koyukuk River. The project will extract gravel and sand from the gravel bar above water line only and at low water levels, to avoid direct impacts to the river. The fine silts left behind by the screening of materials will be spread upon the surface to avoid concentration and naturally redistributed by the river at high flows.

b. Minimization: Impacts to the Koyukuk River bed will be minimized by conducting all sand and gravel extraction activities above the water line at times of low water. If materials need to be washed after screening, Alaska Native Tribal Health Consortium will

appropriately screen the intake to avoid fish entrainment and will discharge the water to a settling pond or series of check dams as appropriate to allow fine silts to settle out before discharging back to the river.

c. **Compensatory Mitigation:** Due to the small volume of materials to be extracted from the gravel bar, the temporary and minimal impacts to the river and the natural actions of the river that will replenish and re-grade the site at high water levels, compensatory mitigation is not appropriate or practicable for this 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 entire project footprint. 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: No threatened or endangered species are known to use the project area.

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).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), sockeye (*Oncorhynchus nerka*), chum (*Oncorhynchus keta*) and coho (*Oncorhynchus kisutch*) salmon.

We have determined that since the project will occur above the water line, 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 authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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
401 Certification Program
Non-Point Source Water Pollution Control Program

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-2018-00102, Koyukuk 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.

Hughes Hughes

Hughes Drainfield

Project area

Gravel extraction area

~330ft
~5 ac
~660ft

Gravel bar access points, in coordination with DOT for runway access

POA-2018-102
Sheet 1 of 1
Dated: 2/27/2018

