



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 30, 2014
EXPIRATION DATE: June 30, 2014
REFERENCE NUMBER: POA-2014-148
WATERWAY: Putuligayuk 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.

Comments on the described work, with the reference number, 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 Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Estrella.f.campellone@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Chris Smith, North Slope Borough; P.O. Box 69, Barrow, Alaska 99723.
Phone: (907) 852-0253. Email: Chris.Smith@north-slope.org

AGENT: Ms. Whitney Moretti, UMIAQ; 6700 Arctic Spur Road, Anchorage, Alaska 99518.
Phone (907) 677-8290. Fax (907) 677-8286.

LOCATION: The proposed project is located within Section 26, T. 11 N., R. 14 E., Umiat Meridian; USGS Quad Beechey Point B-3; Latitude 70.2843° N., Longitude -148.5209° W.; State Tax Parcel IDL 414832, North Slope Borough, approximately 8 miles by road from Deadhorse, Alaska.

PURPOSE: The applicant's stated purpose is to increase the existing capacity of SA10 landfill. The landfill expansion would ensure uninterrupted solid waste disposal for the area.

PROPOSED WORK: To place 352,391 cubic yards of gravel material in 51.70 acres of palustrine wetlands to construct two (2) new landfill cells, gravel-support pad, perimeter access road, and snowmelt/storm water swale. Acreage and volume of fill material estimated for each of the project components are shown in the table below. Gravel source will come from an approved gravel source. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated January 27, 2014.

Table: Wetland impacts from the proposed project:

Project Footprint	Area (acres)	Volume (cubic yards)
Access/Perimeter Road	5.90	52,453
Cell #1	18.00	143,971
Cell #2	22.40	116,797
Gravel Pad	4.20	39,170
Swale	1.20	Unknown
Fence Post	0.00(423 square feet)	Unknown
TOTAL	51.70	352,391

ADDITIONAL INFORMATION: The landfill expansion would not change the classification of the landfill, remaining Class 1 landfill. The new insulated landfill cells will have no less than 2" of rigid insulation overlain by

approximately 4' of gravel fill. The pad will freezeback after wastes are placed and permafrost will provide a lower impermeable layer. The working face is anticipated to progress from the eastern perimeter to the west and eventually built up to working directly on top of compacted wastes. A new gravel pad will be constructed between the new expansion and the existing landfill to provide better traffic flow around the site and support future landfill operations. A minimum of 6' of fill will be placed on top of a woven geo-textile fabric to construct the gravel pad. Waste will be relocated to construct a new swale to divert snowmelt/storm water from the new cell and gravel pad. Ground temperature monitoring wells will be installed on the perimeter and within the active waste areas to monitor the integrity of the permafrost.

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.

- a. **Avoidance:** The project site was selected due to its location adjacent to the existing landfill. Using the existing infrastructure and just adding new working cells (capacity), access to the cells, and some additional support areas reduced the footprint of the project compared to opening a new landfill at a different location. Two new cells would be developed concurrently due to the cost of the construction, mobilization, and mitigation now versus the future. Without the development of both cells the landfill would run out of capacity too quickly for the North Slope Borough to be able to fund another expansion. Construction of only one of the cells or the two cells as separate projects would not be practicable to satisfy the waste management needs of the area or for the project timeline and budget.
- b. **Minimization:** The perimeter/access road and gravel support pad were designed to meet the minimum needs for the vehicles that would be using the road and pad. Placement of future buildings on site was taken into consideration to reduce the need for future expansion and additional wetland impacts.
- c. **Compensatory Mitigation:** UMIAQ on behalf of the North Slope Borough is proposing to compensate for unavoidable impacts to waters of the U.S. via in-lieu fee mitigation. The applicant stated that wetlands in the project area have low to mid level functions due to the industrial nature of the surrounding area. There is an active landfill adjacent to the expansion site, an active gravel extraction operation north of the existing landfill, and vehicle traffic on the adjacent Oxbow Road. Therefore compensating for unavoidable wetland impacts is proposed at a ratio of 1.5:1.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened species spectacled eiders (*Somateria fischeri*), Steller's eiders (*Polysticta stelleri*), polar bears (*Ursus maritimus*) and the candidate species Yellow-billed Loon (*Gavia adamsii*).

We have determined the described activity may affect these threatened species. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service; however, the proposed project may be covered under the USFWS Programmatic Biological Opinion of May 15, 2015. Any comments USFWS 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).

The project area would be located at approximately 200 feet from the Putuligayuk River, which provides habitat for anadromous and resident species such as broad whitefish, Dolly Varden, Leas Cisco, and white fish. Rainbow smelt is also present in this river.

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).

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-2014-148, Putuligayuk 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.