



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 7, 2015
EXPIRATION DATE:	June 5, 2015
REFERENCE NUMBER:	POA-2012-406
WATERWAY:	Bering Sea

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 Steve Moore at (907) 753-5713, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Stephen.A.Moore2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation & Public Facilities

LOCATION: The project site is located within Sections 17, 21, 22, 27, 28, 33, and 34, T. 17 N., R. 93 W., and Sections 2-4, 10, and 11, T. 16 N., R. 94 W., on USGS Quad Map Hooper Bay C-4; Seward Meridian; Latitude 61.520585°N, Longitude 166.13947°W, one mile east of Hooper Bay, Alaska.

PURPOSE: The overall project purpose is to bring the airport up to current Federal Aviation Administration (FAA) design standards for airport safety so that it safely and efficiently accommodates the current air service requirements.

PROPOSED WORK: Proposed work consists of improvements to the runway, apron, taxiway, access road, airport utilities and obstruction removal. This work would result in the discharge of approximately 97,200 cubic yards of fill material into a total of 17.7 acres of waters of the United States, including 14.5 acres of wetlands as shown on the attached drawing (Figure 2, Sheet 76 of 76), dated March 27, 2015. All work would be performed in accordance with the enclosed plan (sheets 1-76), dated January 23, 2015. Specific project components are described as the following:

Runway: Rehabilitate the existing runway by removing the pavement, raising the grade and resurfacing. The fill slope would extend beyond the existing disturbed area in some locations as a result of the raised runway elevation. Rock armor would be installed at the end of the runway to protect against scour and wave action. A windcone pad and access drive would be installed on the east side of the runway to provide navigation assistance.

Apron: A new apron would be relocated 460 feet from runway centerline. The new location would maximize use of the existing embankment to extend the taxiway to the new apron and minimize wetland disturbance for the access road extension. Rip rap would be added to the apron fill slopes as part of the storm protection measures for this project.

Taxiway: The existing taxiway is 35 feet wide. Wetland impacts would occur with installation of shoulders, the taxiway safety area and ditches. The final total width of the taxiway and embankment would be approximately 115 feet wide.

Access Road: The elevation of the existing access road, which currently varies between 2.8 and 5.2 feet, would be raised to 6.5 feet in order to prevent storm surges from overtopping the road. Protection of the road against water flow during storm surges would also require installation of riprap on the embankment slopes. Improvements to the access road would provide safer access to the airport during and immediately after storm and seasonal high water events. The width of the road surface would not change; however wetland impacts would result from widening the base width to accommodate the raise in elevation. A new 90-foot access road extension would provide access to the relocated apron.

Airport Utilities: Utility relocations are required due to the access road realignment and riprap installation (the toe of riprap extends to 2.5 ft below ground). These improvements would also provide a permanent solution to the discovery of a segment of underground electrical power line which rose to the surface and became exposed during a storm event in 2005. Wetland impacts for the utility improvements would occur with the access road improvements.

Obstruction Removal: Elevated terrain features (dunes) currently adjacent to the runway present obstructions to the airspace by penetrating Federal Aviation Regulation (FAR) Part 77, Imaginary Surfaces. Dunes would be excavated to required elevations to eliminate obstructions.

Muck Disposal Area: The top 2.5 ft of organic soil excavated from the new apron and road extension sites is not usable as part of the proposed embankment. The organic soils would be disposed within an area of wetland measuring approximately 2.5 acres. The applicant is currently evaluating whether these impacts could be minimized by using the organic material to top dress fill slopes.

Barge Landing Site: No dredge or fill of wetlands is proposed to occur in these areas.

ADDITIONAL INFORMATION: The applicant has not identified a source or location for construction material extraction at this time, and states that needed materials are to be contractor furnished. Additional impacts to waters of the U.S. resulting from materials extraction or other currently unidentified impacts must be evaluated and permitted, as required, prior to construction. The project is in association with the Federal Aviation Administration (FAA).

APPLICANT PROPOSED MITIGATION: The applicant provided the following statements (in italics) regarding proposed 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 Build Alternative uses the existing airport runway and facilities to the extent practicable. However, the project vicinity is comprised entirely of emergent wetlands and complete avoidance of wetlands was not possible.*
- b. Minimization: *The area of impact was minimized by utilizing already disturbed areas as much as possible such as the existing apron, road corridor, and staging area.*
- c. Compensatory Mitigation: The applicant is not proposing compensatory mitigation at this time.

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 lead Federal agency, the FAA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A permit for the described work will not be issued until the Section 106 process has been completed. On June 15, 2012, the State Historic Preservation Officer (SHPO) concurred (ref: SHPO No.: 3130-1R FAA, 3330-6 XHB-00041) with the FAA finding of "no historic properties affected" for the proposed undertaking.

ENDANGERED SPECIES: The project area is within the known or historic range of two threatened species, the spectacled eider (*Polysticta stelleri*) and the Steller's eider (*Polysticta stelleri*). The FAA has completed Section 7 Endangered Species Act (ESA) Consultation (# 2010-0191-R001) with the USFWS. The consultation resulted in a determination that the proposed project is not likely to adversely affect ESA protected species.

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.

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) 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).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

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-2012-406, Bering Sea**, 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.