



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:	April 2, 2015
EXPIRATION DATE:	May 1, 2015
REFERENCE NUMBER:	POA-2014-414
WATERWAY:	Isatkoak Lagoon

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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Native Village of Barrow Att: Mr.Charles Brower 6090 Boxer Street, Barrow AK 99723 907-852-4411

AGENT: UIC UMIAQ DPB President, Att: Mr. Dave Pfeifer, 6700 Arctic Spur Road, Anchorage, AK 99518 907-677-8220

LOCATION: The project site is located within Section 4, 33 T. 22, 23 N, R. 18 W., Umiat Meridian; USGS Quad Map Barrow B-4; Latitude 71.2975° N., Longitude 156.7148° W.; in Barrow, Alaska.

PURPOSE: The applicant's stated purpose is to provide access to approximately 240 undeveloped residential lots in Barrow, Alaska. The community of Barrow is experiencing a shortage of housing of all types. The 2008-2012 American Community Survey 5 year estimate indicates that 13% of households in Barrow are overcrowded, 4% of which are severely overcrowded (US Census 2012). This project is priority number three in the Native Village of Barrow Long Range Transportation Plan (2010). Additionally, the August 2014

Comprehensive Plan identifies the need for road expansions to facilitate new residential housing development.

PROPOSED WORK: The project proposes to construct 15,860 linear feet of roadway placing 124,978 cubic yards of clean gravel fill into 21.5 acres of wetlands. Roadways would be approximately 20 feet wide and have 5 foot wide shoulders with 4:1 side slopes tapering to 3:1 at the toe of slope. A total of 42 corrugated pipe culverts, with a 24 inch diameter, would allow for surface drainage. Fill would be placed over woven geotextile and 2-inch rigid insulation will be used to provide insulation between the roadway and permafrost. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated 11/20/2014.

ADDITIONAL INFORMATION: Fill material would be obtained from one of the existing permitted Barrow Material sites. The roads to access residential lots would be constructed in phases. Phase 1 would be constructed in 2015 and would impact 3.47 acres of wetlands. The applicant proposed project start date is May 1, 2015. Dates for construction of phases 2-5 have not yet been determined.

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.

Applicant's Proposed Mitigation :

1. Avoidance of impacts to waters of the U.S., including wetlands:

The East Barrow Shareholder Lot Roads Project (Project) was designed to meet the purpose and need while avoiding unnecessary impacts to wetlands by utilizing the existing 60-foot Right-of-Way (ROW). Fragmentation of wetlands will be avoided by constructing roads closest to town first, and southernmost phases last. This way, existing roadways can be used for access during construction of all phases, which will avoid degradation of nearby wetlands. Two inches of rigid insulation will decrease the amount of fill required by reducing the profile of the roadways by approximately two feet. Additionally, in order to avoid potential impacts to migratory birds no fill placement shall occur on undisturbed tundra during the nesting season recognized by USFWS as being 1 June - 10 August in the Arctic Region.

2. Minimization of unavoidable impacts to waters of the U.S., including wetlands:

The design ensures that the project footprint will be within limits of the ROW, which required steepening the side slopes to 3:1 after the clear zone, narrowing the roadway and minimizing impact. In addition, the following efforts are proposed to minimize impact: clear definition of construction limits prior to construction, working from the existing roadways to the extent possible, implement Best Management Practices during construction to minimize temporary disturbances and potential for erosion and sedimentation, implement standard spill prevention measures, and ensure spill clean-up equipment is available onsite during construction.

3. Compensatory Mitigation:

Avoidance and minimization efforts have reduced impacts to wetlands; however there are 21.5 acres of unavoidable impacts to wetlands. The wetlands in the area of impact are identified by the National Wetlands Inventory as Palustrine Emergent Persistent/Palustrine Shrub-Scrub broad leafed deciduous-seasonally saturated wetlands (PEM1/SS1E). This type of wetland habitat is extensive across the North Slope and is not considered critical habitat for threatened or endangered species.

Overcrowding is a serious problem in Barrow, and this subdivision, which has been platted since 1991, will help assuage the current overcrowding by providing room for residential development to grow. The need for residential development is described in the 2015 Comprehensive Plan and heard often at public meetings. Many families live with multiple generations in one home. Barrow is a growing community experiencing many changes due to altered climate and industrial pressures. Barrow is surrounded by wetlands on three sides and the ocean to the west. The only option that exists for the community is to develop the surrounding wetlands.

The Conservation Fund is no longer available as a provider of compensatory mitigation and there are no mitigation banks in the North Slope region. The Native Village of Barrow is unable to implement permittee responsible mitigation as they do not own land that can be placed in a conservation easement. Due to the public good this project provides, and the inability to develop residential spaces in non-wetland areas, it is proposed that no compensatory mitigation be required, and the avoidance and minimization measures detailed above be sufficient for offsetting wetlands impact caused by the Shareholder Lot Roads 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 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 Polar Bear, Steller's Eider and Spectacled Eider. We have determined the described activity may affect but is not likely to adversely affect these species. The applicant has been designated as the non-federal representative to conduct Section 7 consultation. They have initiated 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 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 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 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).

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-2014-414, Isatkoak Lagoon**, 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.