



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:	March 31, 2015
EXPIRATION DATE:	April 29, 2015
REFERENCE NUMBER:	POA-2015-56
WATERWAY:	Hamilton Slough

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 Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Chevie Roach, City of Shageluk, Mayor, PO Box 110, Shageluk, Alaska 99665 (907) 473-8221

AGENT: Kimberly Smith, Alaska Native Tribal Health Consortium (ANTHC), 3900 Ambassador Drive, Suite 301, Anchorage, Alaska 99507 (907) 729-3498

LOCATION: The project site is located within Section 26, T. 30 N., R. 55 W., Seward Meridian; USGS Quad Map Holy Cross C-2; Latitude 62.6575° N., Longitude 159.5312° W.; in Shageluk, Alaska.

PURPOSE: The applicant's stated purpose is the development of sanitation improvements in Shageluk, Alaska, including the modification of the existing lagoon.

PROPOSED WORK: The applicant proposes the placement of 11,000 cubic yards (cy) of clean fill material into a total of 3.952 acres of jurisdictional wetlands for the construction of a new sewage system. The new lagoon would place 20,000 cy of fill into 2.854 acres of wetlands, 3,000 cy of fill into 0.754 acre for the expansion of the existing lagoon for the creation of a percolation cell, mechanized land clearing of 0.197 acre to bury the tanks and outfall pipes, mechanized land clearing and placement of 1,500 cy of fill material within 0.055 acre to move the above ground pipes to below ground, and the placement of 3,000 cy in 0.09 acre for the construction of a temporary berm. The staging area would be located in a previously disturbed area and the quarry is in uplands.

The proposed project would include the following components:

1. Construction of a new 1.4 acre, single cell facultative sewage lagoon with earthen embankments and modification of the existing sewage lagoon into an adjacent percolation cell; including fencing and discharge piping.

2. Installation of 650-feet of buried gravity sewer arctic pipe, five manholes, replacement of 250-feet of above-ground sewer with new buried sewer. Connection with the existing buried sewer, and removal of the existing above-ground sewer arctic pipe.
3. Installation of two 5,000-gallon buried septic tanks, and 150-feet of arctic pipe buried in an embankment from the septic tanks to the new sewage lagoon.
4. Removal of inner dikes and weir at existing sewage lagoon, excavation of existing lagoon bottom to an elevation of 60-feet. Replace fencing and install discharge piping. Existing lagoon to remain as percolation cell. The new lagoon cell mentioned above will be for secondary treatment prior to the percolation cell
5. Temporary construction of earthen berm for erosion control and prevention of flooding around construction site due to high water from the slough.
6. Installation of 2,000-feet of chain link fence.

No new roads are proposed by this project. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated January 23, 2015.

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: Most of the area surrounding Shageluk is wetlands, the site needs to be located near the community and already has infrastructure nearby.

b. Minimization: To avoid environmental impacts to wetlands, ANTHC proposes to upgrade existing sanitation facilities on previously disturbed ground and maintain a vegetative buffer around the proposed construction site. Reusing the existing lagoon reduces the project footprint.

c. Compensatory Mitigation: The existing sewage lagoon is failing due to overflow from the Hamilton Slough. Construction of the new facilities will eliminate the current wastewater impact on adjacent wetlands. Further mitigation efforts will include utilizing existing access roads to avoid building any access roads in the wetland areas. The seasonal discharge to the outfall to the Innoko River will be minimized by design of a secondary treatment percolation cell. The ANTHC will ensure best management practices for erosion and sedimentation control are being implemented and maintained. The containment will prevent sewage from spillage into wetlands that occurs now. Therefore, no compensatory mitigation is proposed.

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 is an unevaluated property in the vicinity of the worksite. It has been designated **XHC-00079, New Shageluk**. On February 15, 2007, SHPO gave a 'No Historic Properties Affected' determination to the ANTHC. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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: 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). 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 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).

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-2015-56, Hamilton Slough**, 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.