



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	July 20, 2017
EXPIRATION DATE:	August 21, 2017
REFERENCE NUMBER:	POA-2000-299
WATERWAY:	Chukchi 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 Jason Brewer at (907) 753-2823, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jason.D.Brewer@usace.army.mil if further information is desired concerning this notice.

APPLICANT: United States Air Force (USAF), Lt. Col. Jeremiah Hammill, 10471 20th Street, Suite 302, JBER, Alaska 99506, 907-552-4489, jeremiah.hammill@us.af.mil

AGENT: Captain Benjamin Shearer, 10471 20th Street, Suite 302, JBER, Alaska 99506, 907-552-4489, benjamin.shearer.4@us.af.mil

LOCATION: The project site is located within Section 34-36, T. 6 S., R. 60 W., Umiat Meridian; USGS Quad Map Point Hope D-2; Latitude 68.87355° N., Longitude 166.11225° W.; approximately 40 miles northeast of Point Hope, Alaska.

SPECIAL AREA DESIGNATION: A portion of the project (quarry) is located within the Alaska Maritime National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to repair the seawall at Cape Lisburne Long Range Radar Site (LRRS) to allow for safe aircraft operating conditions during takeoff and landing.

PROPOSED WORK: The applicant proposes to discharge 100,000-160,000 cubic yards (cy) of fill material into a 9.4 acre area below mean high water (MHW) during the reinforcement of a seawall protecting a remote airstrip. The material discharged below MHW would consist of smaller rock, sand, and gravel removed from the seawall.

The proposal is to remove failing substrates on a 1,620 meter long seawall and then reconstruct and expand the seawall using additional rock. The additional rock would be extracted from an existing quarry on adjacent property administered by the U.S. Fish and Wildlife Service (Alaska Maritime National Wildlife Refuge). The majority of rock removed from the seawall would be reused during reconstruction. Smaller rock and finer substrate removed from the seawall and seafloor would be stockpiled in several upland locations, including two upland sites on the beach that extend below MHW. The project is anticipated to last a duration of three years, inclusive of both elements of the project (quarry rock extraction operations and the actual seawall repair).

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated July 18, 2017.

ADDITIONAL INFORMATION:

U.S. Fish and Wildlife Service: Right of Way (M-312-AM) - 7/22/2015

U.S. Fish and Wildlife Service: Special Use Permit (74500-14-023) – 12/12/2014

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: It is not practical to avoid impacts to waters of the United States to reconstruct and reinforce the seawall. Excavation of the failing seawall would require work in and discharges of material below the MHW. Additionally, there is not enough capacity in the upland sites to contain all the unsuitable material removed from the seawall. No material would be discharged into wetlands. All operation of heavy equipment would occur on existing roads and pads, and not impact wetlands.

b. Minimization: The smaller rock and finer substrate removed from the seawall would be stockpiled in available upland areas. Only after the upland sites are at capacity would disposal occur in areas below MHW. The vast majority of the rock removed from the failing seawall would be re-used, reducing the amount of new material needed to reconstruct the wall and minimizing the amount of material needed to be stockpiled. The seawall is adjacent to the two beach disposal sites; therefore the source of the material discharged below MHW would originate from a similar location and condition as the disposal area. The shore and seafloor at the two disposal sites on the beach contain no vegetation and are impacted each year by ice scour.

c. Compensatory Mitigation: The applicant states the proposed action would “result in a localized net increase in three dimensional habitats, resulting in a benefit to vertebrates and invertebrates, which require such strata for foraging and breeding habitat. The increase in

rock strata both in shallow and deeper depths, would increase species diversity and abundance. The extensive availability of sandy and muddy substrates outside the project area afford ample habitat to those species which prefer those substrates. Given the positive impact that would result from this project (increase in marine vertebrate and invertebrate habitats), no additive mitigation is planned for implementation.”

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, although there are some within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project within the Corps of Engineers (Corps) jurisdiction. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO’s concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the polar bear (*Ursus maritimus*), spectacled eider (*Somateria fischeri*), Steller’s eider (*Polysticta stelleri*), and Critical Habitat for polar bear.

We have determined the described activity may affect the polar bear, spectacled eider, and Steller’s eider and polar bear Critical Habitat. 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 (NMFS). 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).

The project area is within the known range of the Arctic cod (*Arctogadus glacialis*).

We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the

Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

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).

Project drawings 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

ANCHORAGE

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-2000-299, Chukchi 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.