



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
P.O. BOX 6898
JBER, AK 99506-0898

PUBLIC NOTICE DATE:	April 21, 2023
EXPIRATION DATE:	May 22, 2023
REFERENCE NUMBER:	POA-2003-00473-M3
WATERWAY:	Ikroavak Lake

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.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the public notice reference number listed above.

All comments 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, or by email at Janet.L.Post@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: North Slope Borough, P.O. Box 1050, Utqiagvik, AK 99723,
Meryl.Guevara@north-slope.org, (907) 852-0489

AGENT: UMIAQ Environmental, LLC., 6700 Arctic Spur Road, Anchorage, AK 99518,
Emily.Mcdonald@uiccs.com, (907) 677-8288

LOCATION: The project site is located at Latitude 71.241865° N, Longitude 156.553563° W;
Off Gas Well Road, in Utqiagvik, Alaska.

PURPOSE: The applicant's stated purpose is to increase local, permanent, solid waste storage in Utqiagvik.

PROPOSED WORK: Discharge 26,155 cubic yards of gravel into 4.2 acres of wetlands to construct a solid waste landfill. All work would be performed in accordance with the enclosed plan (sheets 1–3), dated February 1, 2023.

ADDITIONAL INFORMATION (Other permits needed):
North Slope Borough Land Management Reg. Applied: March 7, 2023

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 possible to avoid impacts to wetlands when expanding the Utqiagvik landfill.
- b. Minimization: The project has been minimized to the extent practicable by opening only those cells projected to be needed in the near future.
- c. Compensatory Mitigation: Compensatory mitigation may not be appropriate as the landfill is a needed utility, critical to protecting human health and the environment.

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 or within the vicinity of the permit area. The permit area has been determined to be the project footprint and adjacent areas where heavy equipment would likely operate. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (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), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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 spectacled eiders (*Somateria fischeri*) and Alaska-breeding Steller's eiders.

We are currently gathering information regarding these 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 consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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 (Magnuson-Stevens 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 not within EFH. We have determined the described activity would not affect EFH.

TRIBAL CONSULTATION: The Corps 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 Corps, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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 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 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:

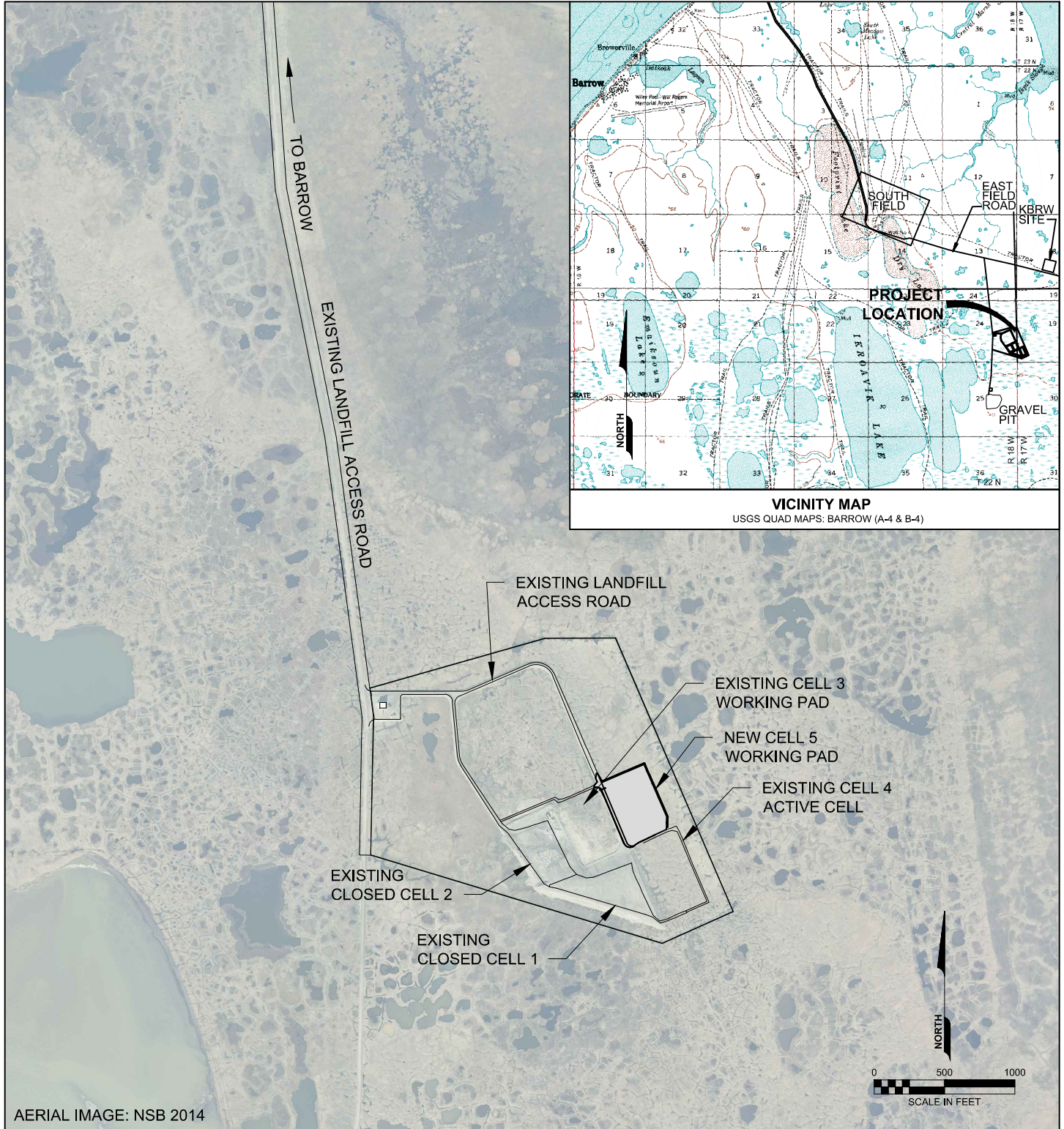
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosure

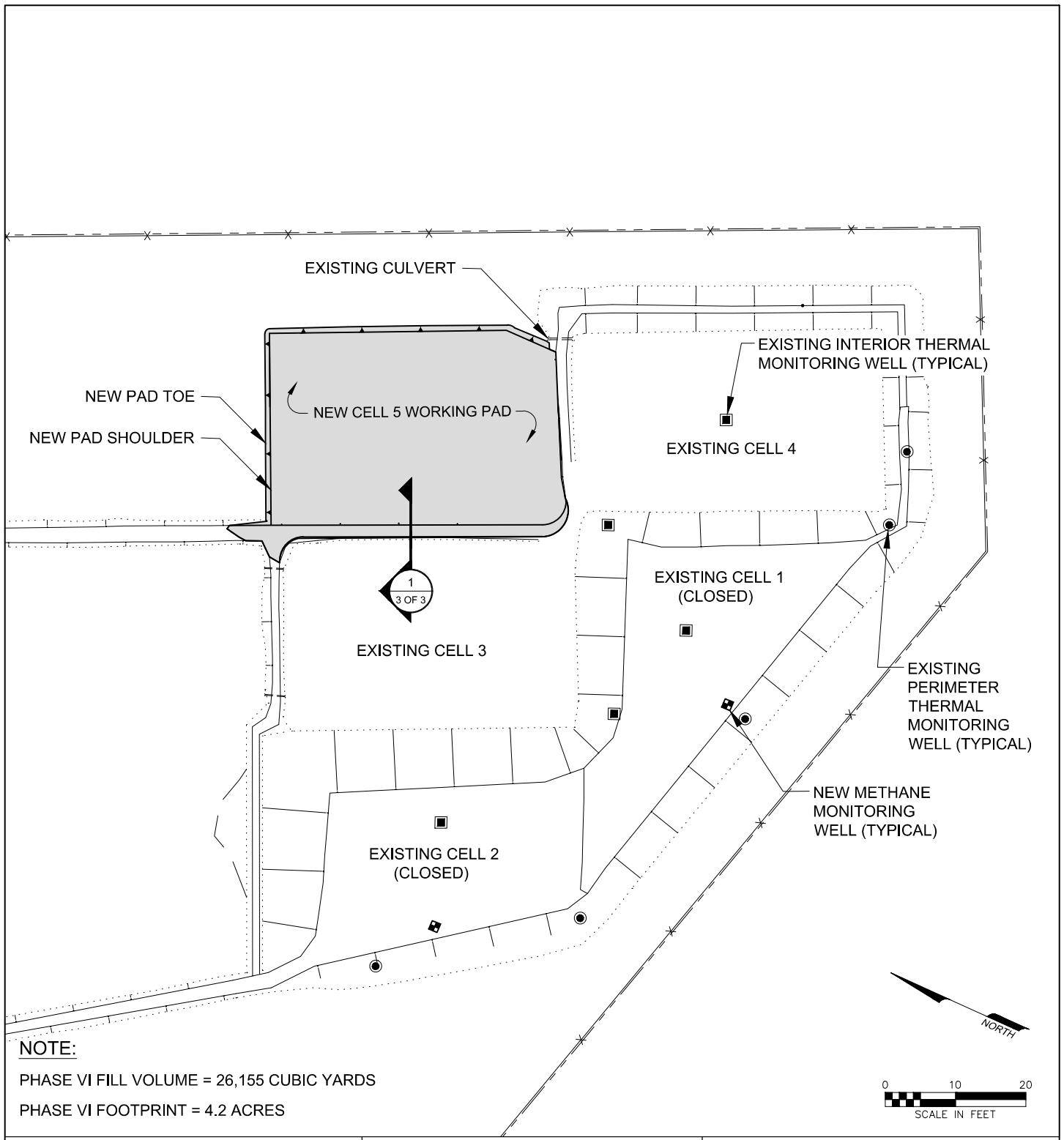
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AERIAL IMAGE: NSB 2014

PURPOSE: LANDFILL PERMIT	VICINITY MAP	BARROW LANDFILL PHASE VI POA-2002-00473-M3
	ADJACENT PROPERTY OWNERS: UIC UIC CONSTRUCTION	APPLICANT/AGENT: NORTH SLOPE BOROUGH AGENT: UMIAQ LLC 6700 ARCTIC BLVD. ANCHORAGE, ALASKA 99518

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NOTE:

PHASE VI FILL VOLUME = 26,155 CUBIC YARDS
 PHASE VI FOOTPRINT = 4.2 ACRES

PURPOSE:
 LANDFILL PERMIT

PHASE VI CELL LAYOUT

APPLICANT/AGENT:
 NORTH SLOPE BOROUGH

**BARROW LANDFILL
 PHASE VI**

POA-2002-00473-M3

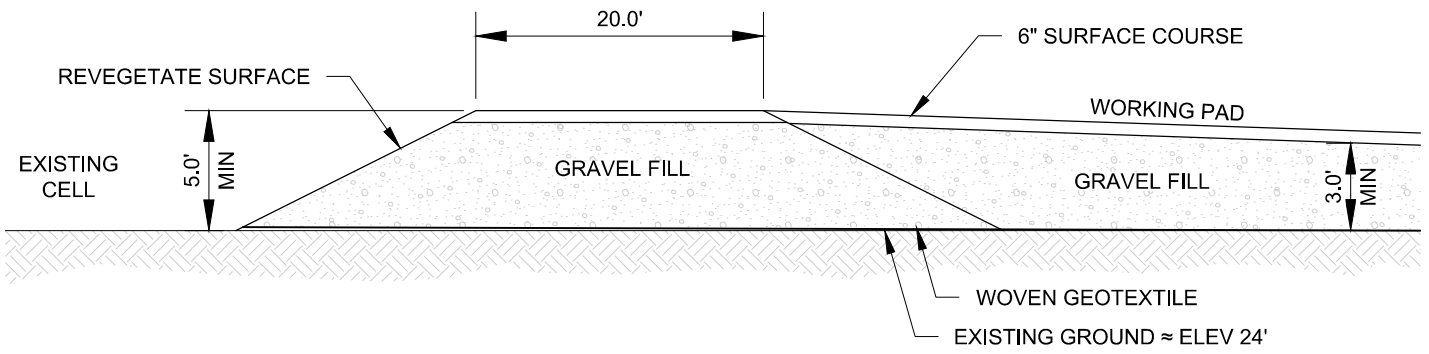
ADJACENT PROPERTY OWNERS:
 UIC
 UIC CONSTRUCTION

AGENT:
 UMIAQ LLC
 6700 ARCTIC BLVD.
 ANCHORAGE, ALASKA 99518

UTQIAGVIK, ALASKA
 T 22 N, R 18 W AND T 22 N, R 17 W
 SECTIONS 19 AND 24

DATE:02/01/2023 SHEET: 2 OF 3

FILE: M:\Design\Engineering\PROJECTS\70360.22 Barrow Landfill Ph VI - Design\DESIGN\Permitting\70360.22 Figure 3.dwg
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1
 3 OF 3 **CELL ACCESS ROAD/WORKING PAD**
 SCALE: 1" = 8'

PURPOSE: LANDFILL PERMIT ADJACENT PROPERTY OWNERS: UIC UIC CONSTRUCTION	TYPICAL SECTIONS	BARROW LANDFILL PHASE VI POA-2002-00473-M3
	APPLICANT/AGENT: NORTH SLOPE BOROUGH AGENT: UMIAQ LLC 6700 ARCTIC BLVD. ANCHORAGE, ALASKA 99518	UTQIAGVIK, ALASKA T 22 N, R 18 W AND T 22 N, R 17 W SECTIONS 19 AND 24
		DATE: 21/01/2023 SHEET: 3 OF 3