



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:	March 31, 2023
EXPIRATION DATE:	April 30, 2023
REFERENCE NUMBER:	POA-2023-00052
WATERWAY:	Nazuruk Channel

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 Jonathan Hegna at (907) 753-2708 or toll free from within Alaska at (800) 478-2712, or by email at Jonathan.R.Hegna@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Noorvik Native Community, P.O. Box 209, Noorvik, AK 99763

AGENT: DOWL LLC, 5015 Business Park Boulevard, Suite 4000, Anchorage, AK 99503

LOCATION: The project site is located approximately 1.8 miles southeast of Noorvik in Section 36, Township 17 North, Range 11 West, Latitude 66.822433° North, Longitude -160.983889° West, Northwest Arctic Borough, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new roadway to provide safe access to a local cemetery near Noorvik.

PROPOSED WORK: The proposed Middle Cemetery Road Project is being funded by the Bureau of Indian Affairs and will involve construction of a 0.98 mile long, two-way, single lane roadway to an existing cemetery that does not currently have road access. The roadway will be constructed to have a 10 foot wide travel lane with 6 foot wide shoulders. The road will be 60 feet wide at toe of slope. Also, the proposed roadway would end in a cul-de-sac at the cemetery and have four pullouts that are spaced approximately every 1,000 feet. The Middle Cemetery Road would be constructed as an overlay section on top of the existing ground without stripping vegetation or excavation to protect underlaying permafrost and reduce premature road degradation. These construction activities will result in the permanent loss of approximately 7.27 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1–8), dated November 23, 2022, and February 17, 2023.

ADDITIONAL INFORMATION: The proposed project will require the following additional authorizations: Northwest Arctic Borough Title 9 Land Use Permit.

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: The area around the cemetery is surrounded by wetlands and, as a result, impacts to wetlands are not avoidable for road developments in this area.
- b. Minimization: Impacts to wetlands will be minimized in several different ways. Side slopes will be minimized to a 2:1 ratio. To prevent disruption to natural hydrology, culverts will be installed at natural drainage channels and areas where water is likely to pond on one or both sides of the road embankment. The underside of the culverts will be insulated to protect the underlying permafrost. In addition, no new construction staging areas will be used, which will minimize impacts. Also, fill material will be sourced from an existing permitted site and will not result in any additional wetland impacts. Lastly, water quality will be maintained throughout construction through the implementation of construction best management practices.
- c. Compensatory Mitigation: No compensatory mitigation is proposed for the project's wetland impacts.

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, Bureau of Indian Affairs (BIA), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The U.S. Army Corps of Engineers (Corps) will review the BIA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with the BIA's work or

documentation. The BIA has currently made a No Historic Properties Affected determination for this proposed project.

ENDANGERED SPECIES: The project area is within the known or historic range of the Threatened Wood Bison (*Bison bison athabasca*) and the Steller's Eider (*Polysticta stelleri*).

The lead Federal agency, BIA, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. The Corps will review the BIA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 7 process has been completed and the Corps concurs with the BIA's work or documentation. The BIA has currently made a No Effect determination for the projects impacts to listed species.

ESSENTIAL FISH HABITAT: The lead Federal agency, BIA, is responsible for compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996. The Magnuson-Stevens Act requires all Federal agencies to consult with the National Marine Fisheries Service 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 mapped 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 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 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.

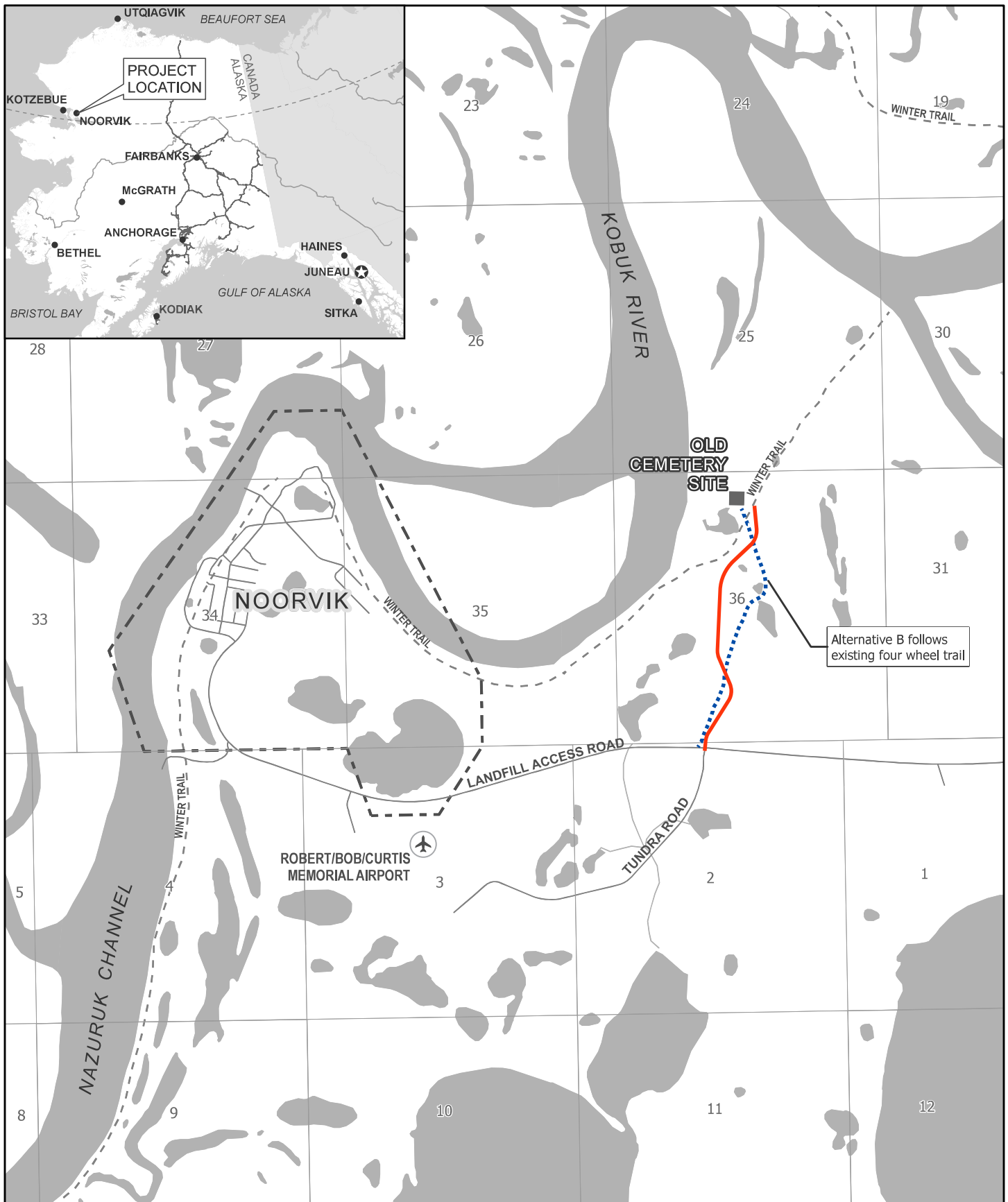
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge of 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



Applicant: Noorvik Native Community

File No.: POA-XXXX-XXXX

Waterway: Kobuk River

Proposed Activity: Middle Cemetery Road

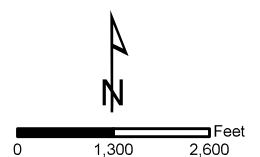
Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian

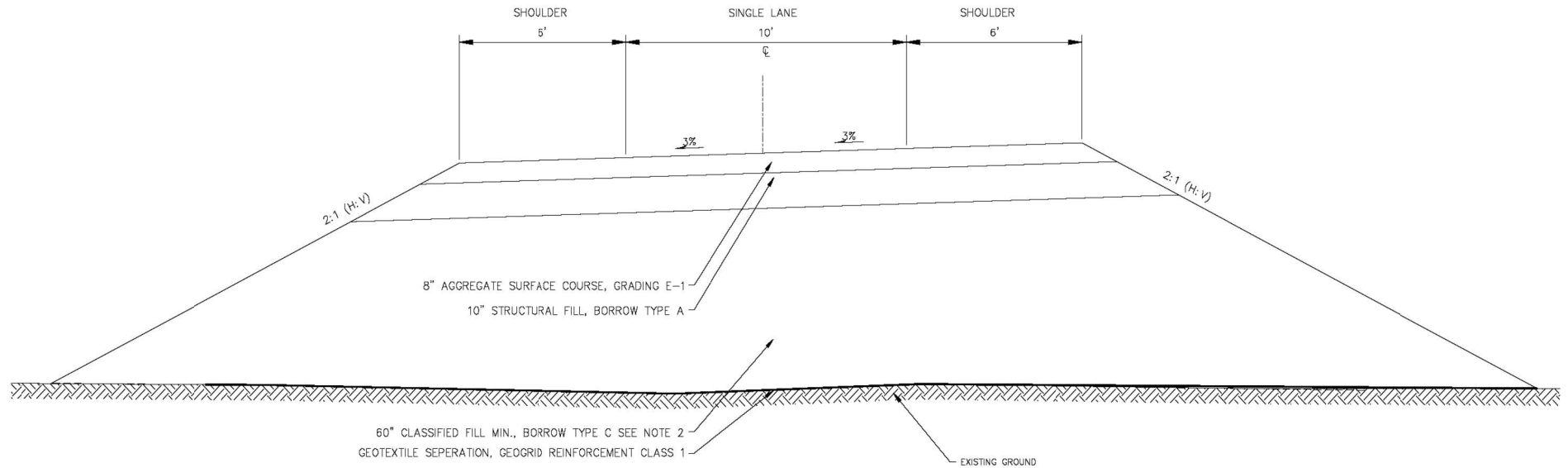
Lat.: 66.828827° N Long.: -160.981807° W

Sheet: 1 of 8

Date: 11/23/2022

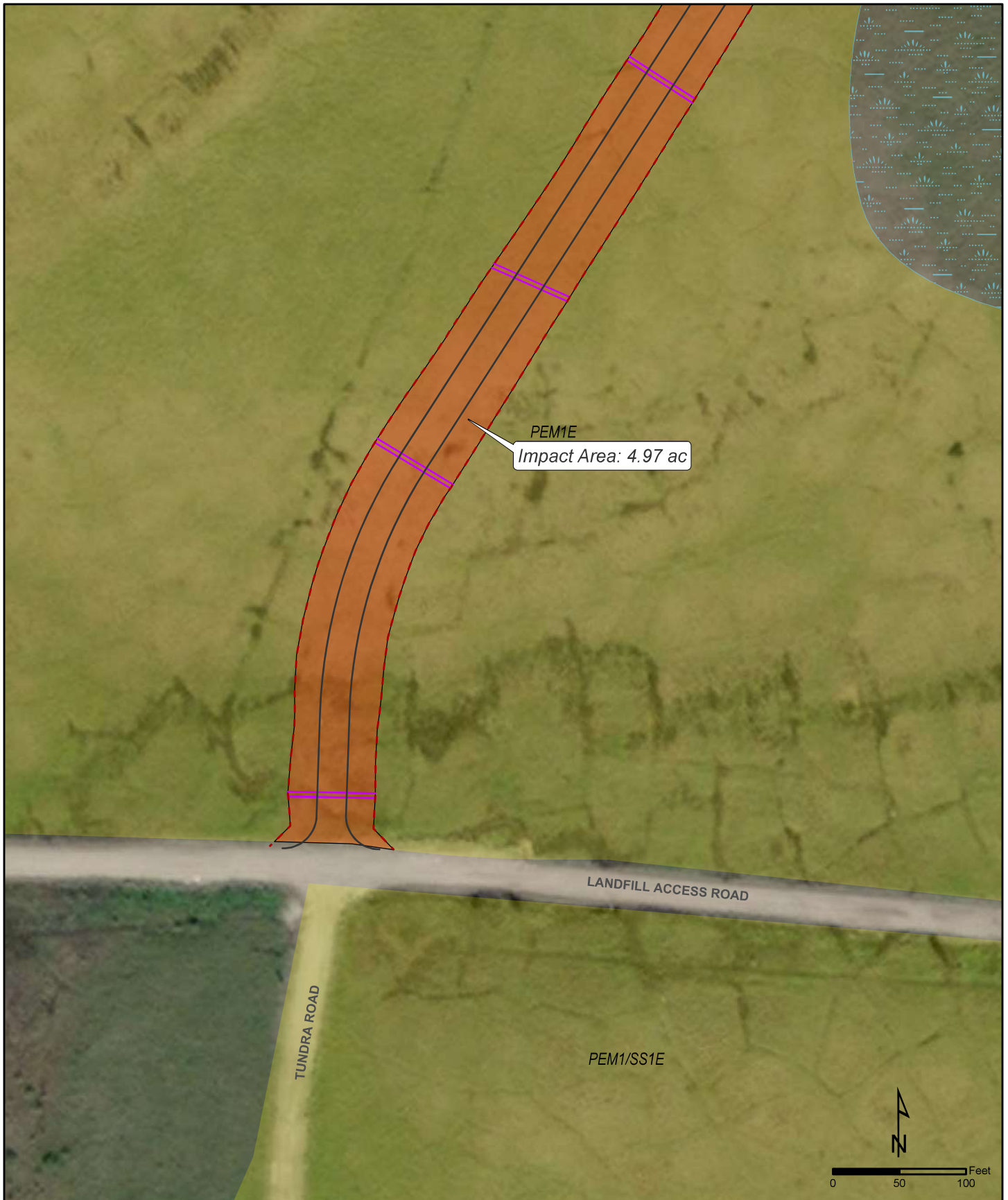
- DOT&PF Road
- Alternative A (Proposed)
- Alternative B (Existing)
- ▭ Incorporated City Boundary





Applicant: Noorvik Native Community
 File No.: POA-XXXX-XXXX
 Waterway: Kobuk River
 Proposed Activity: Middle Cemetery Road
 Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
 Lat.: 66.828827° N Long.: -160.981807° W
 Sheet: 8 of 8 Date: 11/23/2022

Typical Not to Scale



Applicant: Noorvik Native Community

File No.: POA-XXXX-XXXX

Waterway: Kobuk River

Proposed Activity: Middle Cemetery Road

Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian

Lat.: 66.828827° N Long.: -160.981807° W

Sheet: 1 of 6

Date: 2/17/2023

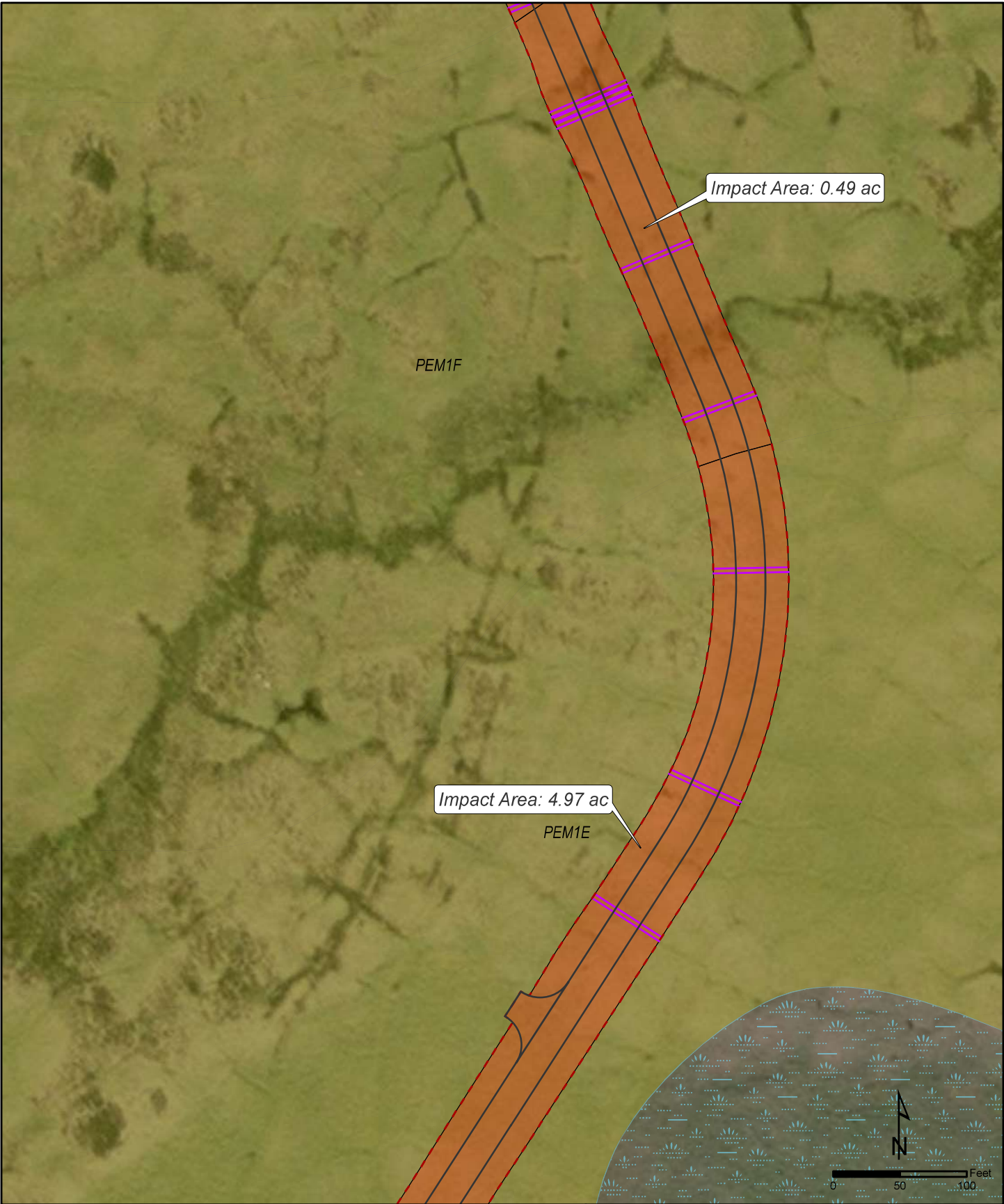
- - - Proposed Fill Limits
- Edge of Gravel Road
- Proposed Culvert

NWI Mapped Wetland

Freshwater Emergent

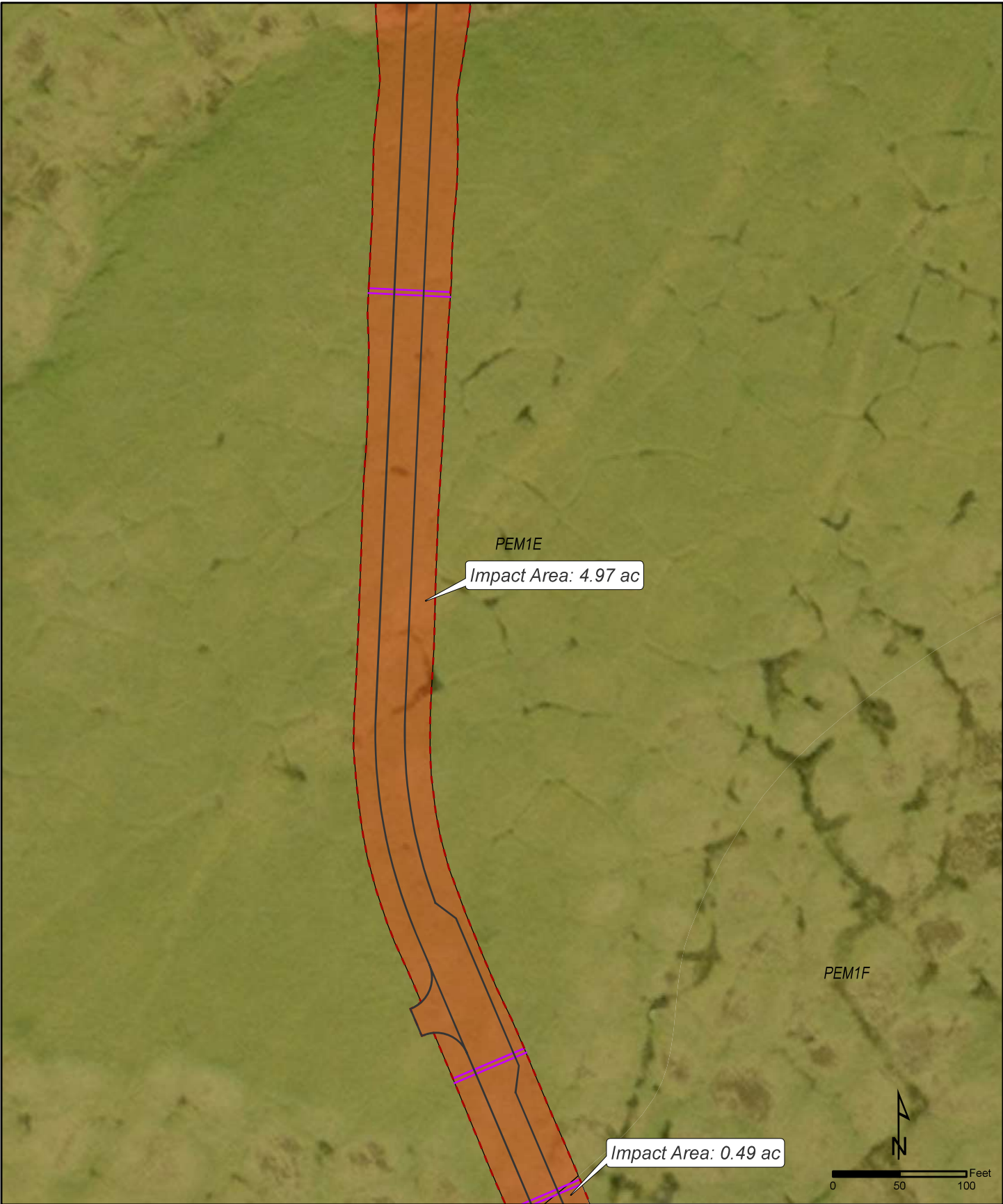
DOWL Mapped Wetland

Palustrine Emergent



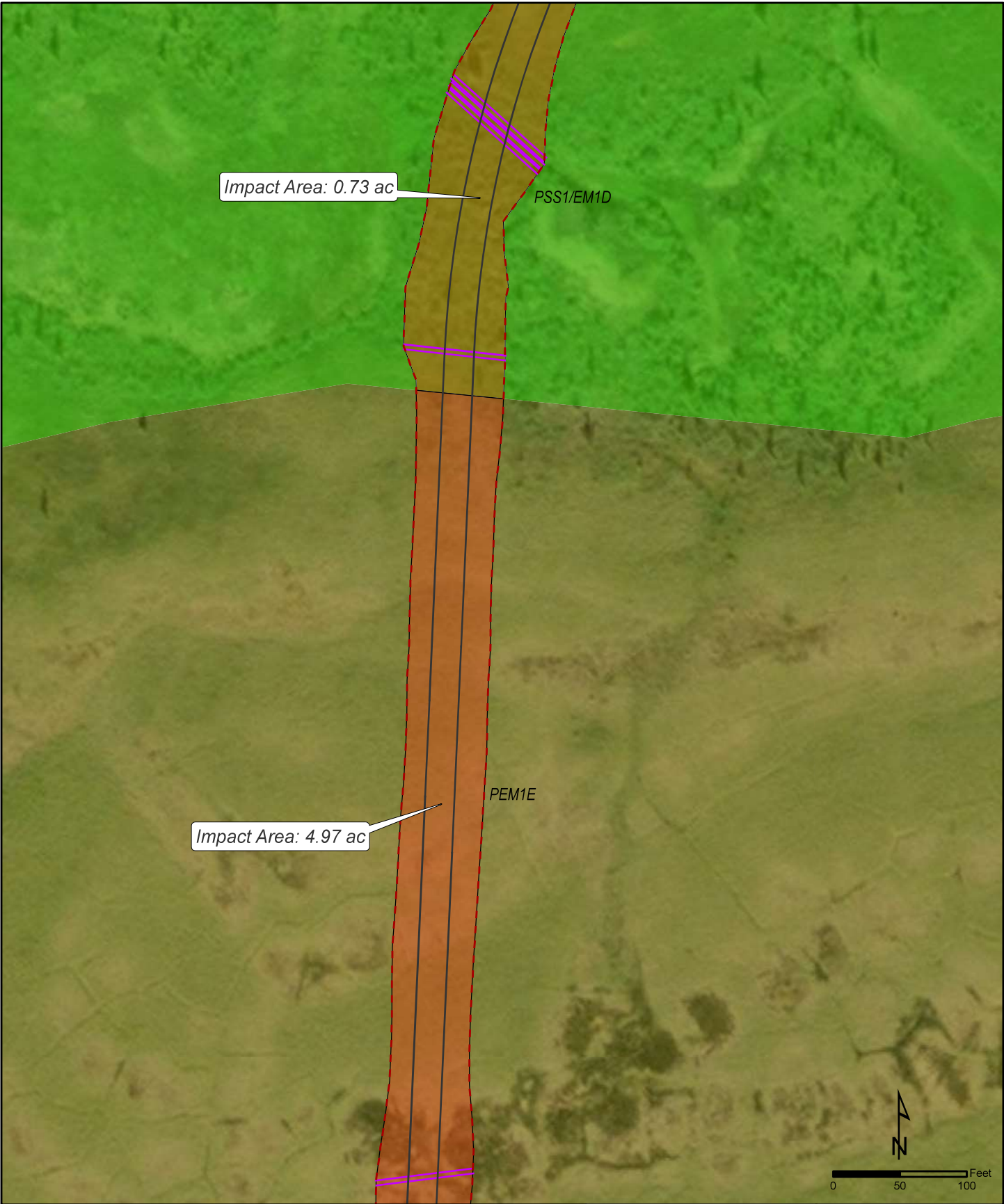
Applicant: Noorvik Native Community
File No.: POA-XXXX-XXXX
Waterway: Kobuk River
Proposed Activity: Middle Cemetery Road
Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
Lat.: 66.828827° N Long.: -160.981807° W
Sheet: 2 of 6
Date: 2/17/2023

- - - Proposed Fill Limits
- Edge of Gravel Road
- Proposed Culvert
- NWI Mapped Wetland**
- Freshwater Emergent
- DOWL Mapped Wetland**
- Palustrine Emergent



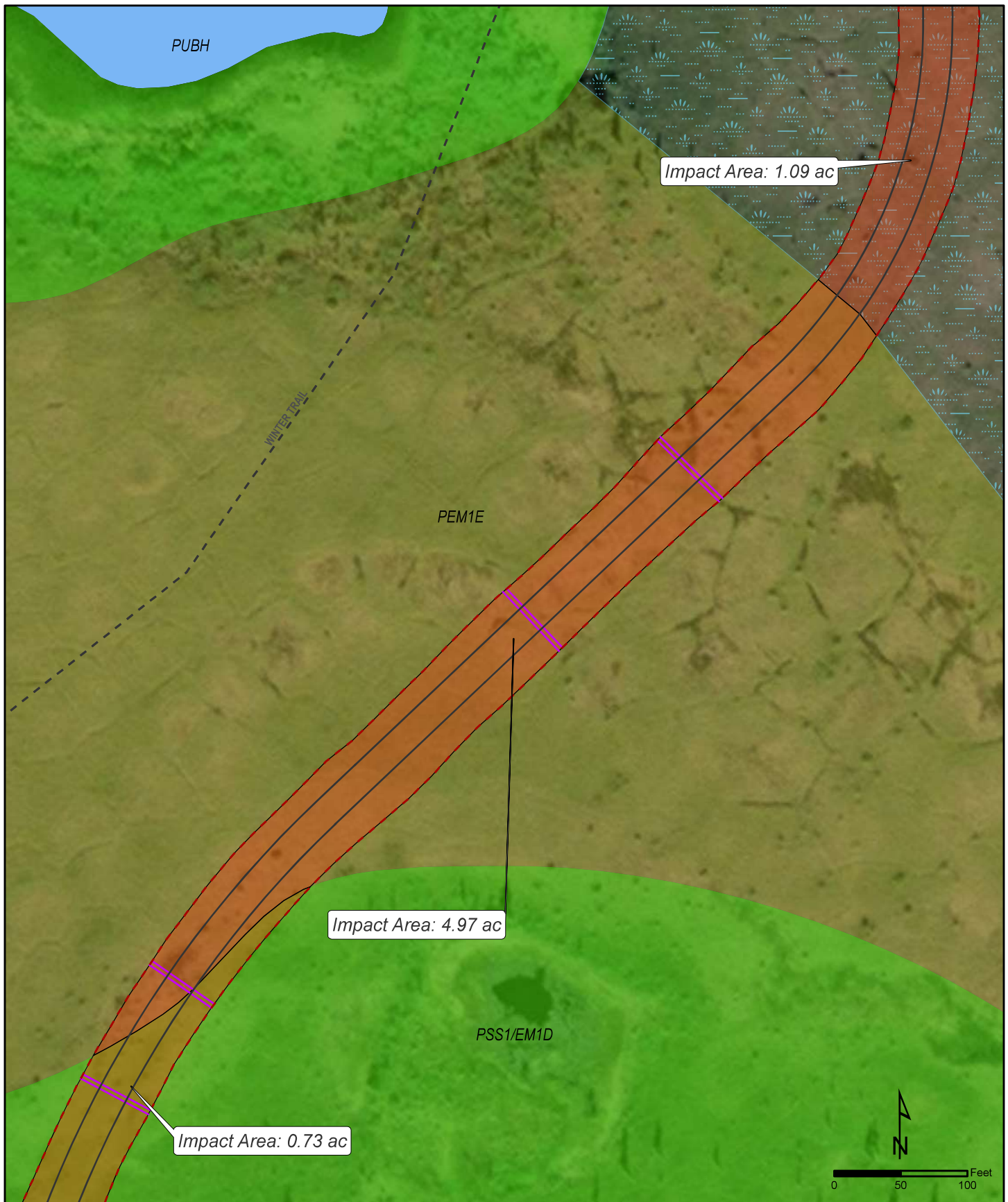
Applicant: Noorvik Native Community
File No.: POA-XXXX-XXXX
Waterway: Kobuk River
Proposed Activity: Middle Cemetery Road
Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
Lat.: 66.828827° N Long.: -160.981807° W
Sheet: 3 of 6
Date: 2/17/2023

- | | |
|----------------------------|----------------------------|
| - - - Proposed Fill Limits | NWI Mapped Wetland |
| — Edge of Gravel Road | Yellow Freshwater Emergent |
| — Proposed Culvert | |



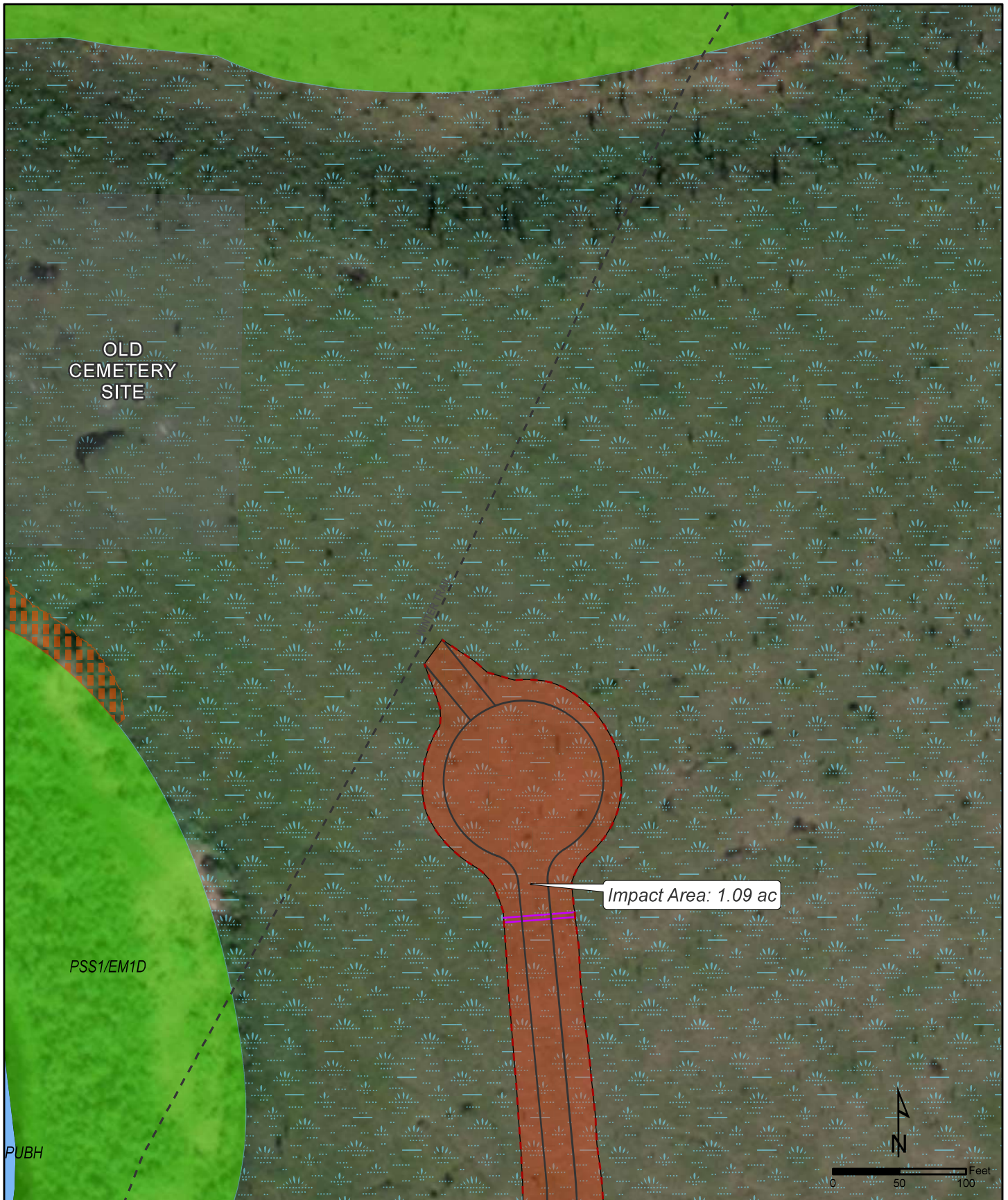
Applicant: Noorvik Native Community
File No.: POA-XXXX-XXXX
Waterway: Kobuk River
Proposed Activity: Middle Cemetery Road
Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
Lat.: 66.828827° N Long.: -160.981807° W
Sheet: 4 of 6
Date: 2/17/2023

- | | |
|----------------------------|---------------------------------|
| - - - Proposed Fill Limits | NWI Mapped Wetland |
| — Edge of Gravel Road | Yellow Freshwater Emergent |
| — Proposed Culvert | Green Freshwater Forested/Shrub |



Applicant: Noorvik Native Community
File No.: POA-XXXX-XXXX
Waterway: Kobuk River
Proposed Activity: Middle Cemetery Road
Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
Lat.: 66.828827° N Long.: -160.981807° W
Sheet: 5 of 6
Date: 2/17/2023

- | | |
|----------------------------|---------------------------------|
| - - - Proposed Fill Limits | NWI Mapped Wetland |
| — Edge of Gravel Road | Yellow Freshwater Emergent |
| — Proposed Culvert | Green Freshwater Forested/Shrub |
| - - - Existing Trail | Blue Freshwater Pond |
| | DOWL Mapped Wetland |
| | Light Blue Palustrine Emergent |



Applicant: Noorvik Native Community
 File No.: POA-XXXX-XXXX
 Waterway: Kobuk River
 Proposed Activity: Middle Cemetery Road
 Sec 2, T 16 N, R 11 W; Sec 36, T 17 N, R 11 W Kateel River Meridian
 Lat.: 66.828827° N Long.: -160.981807° W
 Sheet: 6 of 6

Date: 2/17/2023

- | | |
|--|---|
| - - - Proposed Fill Limits | NWI Mapped Wetland |
| — Edge of Gravel Road | Freshwater Forested/Shrub |
| Proposed Culvert | Freshwater Pond |
| - - - Existing Trail | DOWL Mapped Wetland |
| | Palustrine Emergent |
| | Palustrine Scrub |