



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
1046 Marks Road  
Fort Wainwright, Alaska 99703

<b>PUBLIC NOTICE DATE:</b>	<b>January 22, 2024</b>
<b>EXPIRATION DATE:</b>	<b>February 22, 2024</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2023-00519</b>
<b>WATERWAY:</b>	<b>Dry Creek</b>

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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](mailto: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 Greg Mazer at (907) 347-9059, toll free from within Alaska at (800) 478-2712, or by email at [Gregory.J.Mazer@usace.army.mil](mailto:Gregory.J.Mazer@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Matthew Emrick, Norton Sound Health Corporation (NHSC)

**AGENT:** Josh Grabel, DOWL

**LOCATION:** The project site is located within Section 25, T. 11 S., R. 34 W., Kateel River Meridian; Latitude 64.501269° N., Longitude 165.380826° W.; off of Greg Kruschek Avenue in Nome, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct additional staff housing and a storage facility for the Norton Sound Regional Hospital.

**PROPOSED WORK:** The proposed activity entails the discharge of approximately 72,607 cubic yards of fill into 8.8 acres of jurisdictional waters of the U.S., predominantly consisting of wetlands but also including a minor amount of streams. The unnamed on-site streams are tributaries of Dry Creek, a tributary of Norton Sound. These streams would be traversed by two access roads (linear sections of the proposed fill footprint connecting the southern and northern fill pads) that would each have two 36-inch diameter culverts. An additional 24-inch diameter culvert would be placed within the driveway connecting the property from Greg Kruschek Avenue, the nearest road.

The project would construct four 20-plex housing units on the southern pad under Phase 1 of fill placement and four 20-plex housing units on the northern pad under Phase 2. An additional pad would be constructed for a storage facility north of the existing 20-plex housing unit. The 17.75-acre property within which the proposed work would occur is adjacent to the hospital and includes an existing 20-plex housing unit, and a building pad and driveway connected to Greg Kruschek Avenue. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 9, 2024.

**ADDITIONAL INFORMATION:** In 2013, NSHC constructed the Norton Sound Hospital, located in the parcel immediately east of the parcel containing the proposed activity, with modifications for increased parking and utilities (POA-2002-00339). Although no housing quarters were included when the facility was constructed, the NSHC purchased the parcel immediately west of the hospital including the existing 20-plex housing unit. The proposed activity would facilitate construction of eight additional 20-plex housing units.

Since 2013, the number of employees working at NSHC has grown by 44%, and recruitment challenges have resulted in hiring more intermittent employees who require housing during their rotation. These employees use a large portion of currently available housing and thereby have contributed to the significant housing shortage in Nome and the surrounding area, which impedes hiring a permanent local workforce. The proposed project would likely ease the housing shortage for both the hospital and the community.

Aside from the Department of the Army permit from the U.S. Army Corps of Engineers, other authorizations that must be acquired for the proposed activity to proceed include the following:

1. Clean Water Action Section 401 Water Quality Certification from the Alaska Department of Environmental Conservation
2. Clean Water Action Section 402 Construction General Permit from the Alaska Department of Environmental Conservation

**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: Offsite and onsite alternatives that would avoid impacts to wetlands and waters of the U.S. were considered for this project. However, avoiding all impacts to wetlands and waters of the U.S. was not practicable because all undisturbed areas in and around the City of Nome with sufficient acreage, access, and availability to meet project objectives are

almost entirely comprised of wetlands. Wetlands comprise the entirety of the selected property. Thus, the excavation and discharge of fill into the jurisdictional wetlands at the property is necessary to construct the project.

b. Minimization: The applicant asserts that the proposed footprint is the minimum needed to provide enough area for the housing, parking, and storage needed to meet the project purpose and need. Construction activities would be mostly constrained to the designated fill footprint, which is 8.81 acres. The remaining 6.5 acres of wetland within the property would not be filled and would not be subject to heavy equipment activity except during winter when the ground is frozen and covered in snow. Construction of the proposed fill pads and access roads would occur in Spring 2024 during the April 1 to June 15 construction window when the active permafrost layer is still frozen. NSHC proposes to construct all fill pads in the first construction season or separate the fill placement into two phases based on contractor proposals with a southern pad and storage facility pad construction in Spring 2024 and northern pad construction in Spring 2025.

The on-site wetlands and streams that would be filled by the proposed activity do not support very high levels of functionality, exhibit seasonal and shallow flow, and are not considered unique or rare. Project design maintains existing natural drainage patterns by concentrating most of the fill footprint away from the on-site streams and associated wetland riparian areas and installing culverts where the fill pads would traverse streams. No impacts are proposed to any anadromous streams or open water.

All utilities except a sewer main would be constructed in the access roads and elevated fill to minimize disturbance to permafrost and additional impacts due to wider fill footprints to accommodate the utilities. The sewer main would be constructed on helical piles instead of additional fill to extend the pad for burying the sewer main. The helical piles would not result in a discharge of fill.

During construction, stormwater runoff would be controlled by best management practices including installation of silt fences and/or maintenance of native vegetation buffers to minimize sediment transport from the construction site until final stabilization has been achieved. An existing material site would be used to source the structural and non-frost susceptible fill material for the project with no additional impacts to waters of the U.S. Revegetation of all temporarily disturbed areas would occur within the same growing season or as soon as possible.

c. Compensatory Mitigation: No compensatory mitigation is proposed for the unavoidable impacts to waters of the U.S., including wetlands due to the minimal effect it would have on aquatic resource functions and the limited opportunities for conducting permittee-responsible mitigation. The project would occur within a drainage area that has relatively low amount of development (less than 4.5 percent covered by impervious surfaces). Dry Creek is not listed as an impaired water by the Alaska Department of Environmental Conservation. Further, the on-site wetlands and streams do not support anadromous fish, are not unique or rare, and do not appear to perform very high levels of aquatic resource function. There are no mitigation banks or in-lieu fee programs with service areas containing the

proposed project and there are no aquatic resources in the vicinity that could be readily acquired, restored, established and/or enhanced.

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 8.8-acre area where fill discharge is proposed. 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: We have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) is required. However, 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.

Although the USFWS Information for Planning and Consultation (IPaC) Database identified the following three species listed under the Endangered Species Act as having ranges including the project area: including polar bear (*Ursus maritimus*), spectacled eider (*Somateria fischeri*), and Steller's eider (*Polysticta stelleri*), none of these species or any other threatened or endangered species are known to use the project area. In support of a 2012 permit modification for the hospital construction (POA-2002-00339), the USFWS determined in 2011 that Spectacled and Steller's eiders migrate through coastal areas in the vicinity of Nome, and Norton Sound is an important molting and staging area for spectacled eiders. However, migrating eiders usually remain offshore and known ranges for molting have been greater than 30 kilometers (18.75 miles) from Nome. Neither species nests on the Seward Peninsula and USFWS did not anticipate disturbance to either of the eider species due to very low probability that they utilized the project area. Polar bears are uncommon in the vicinity of Nome and there is no critical habitat near the project area. For the 2012 permit modification mentioned above, USFWS concluded that proposed construction of the hospital was not likely to adversely affect eiders or polar bears.

**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 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. If applicable, this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

**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 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

Enclosures

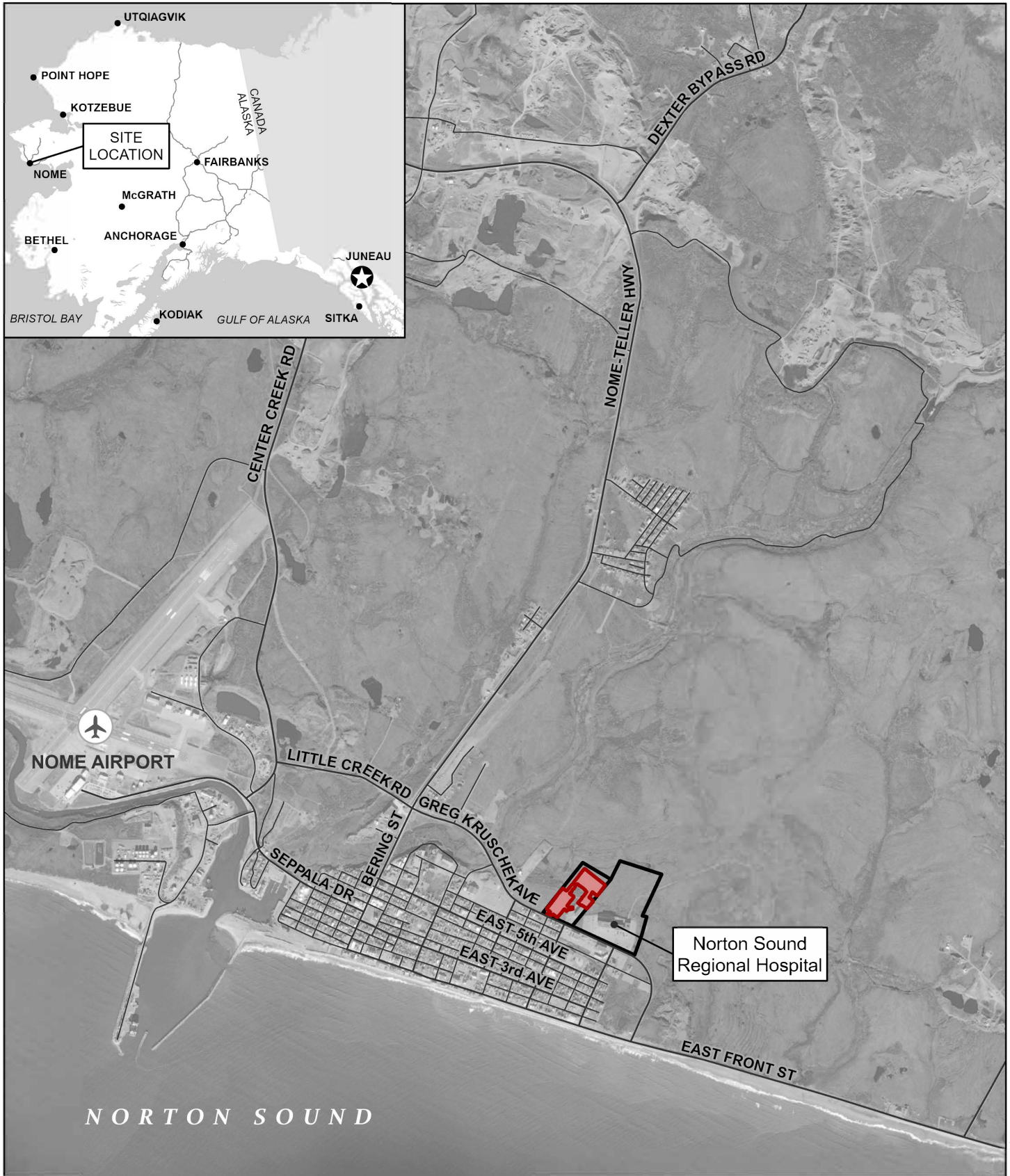
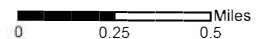


FIGURE 1: Vicinity Map

Applicant: Norton Sound Health Corporation  
 File No.: POA-2023-00519  
 Proposed Activity: Norton Sound Regional Hospital Staff Housing  
 Section 25 T 11 S, R 34 W Kateel River Meridian USGS  
 Lat.: 64.501269° N Long.: 165.380826° W

Date: 1/9/2024

- Project Footprint
- Parcel Boundary



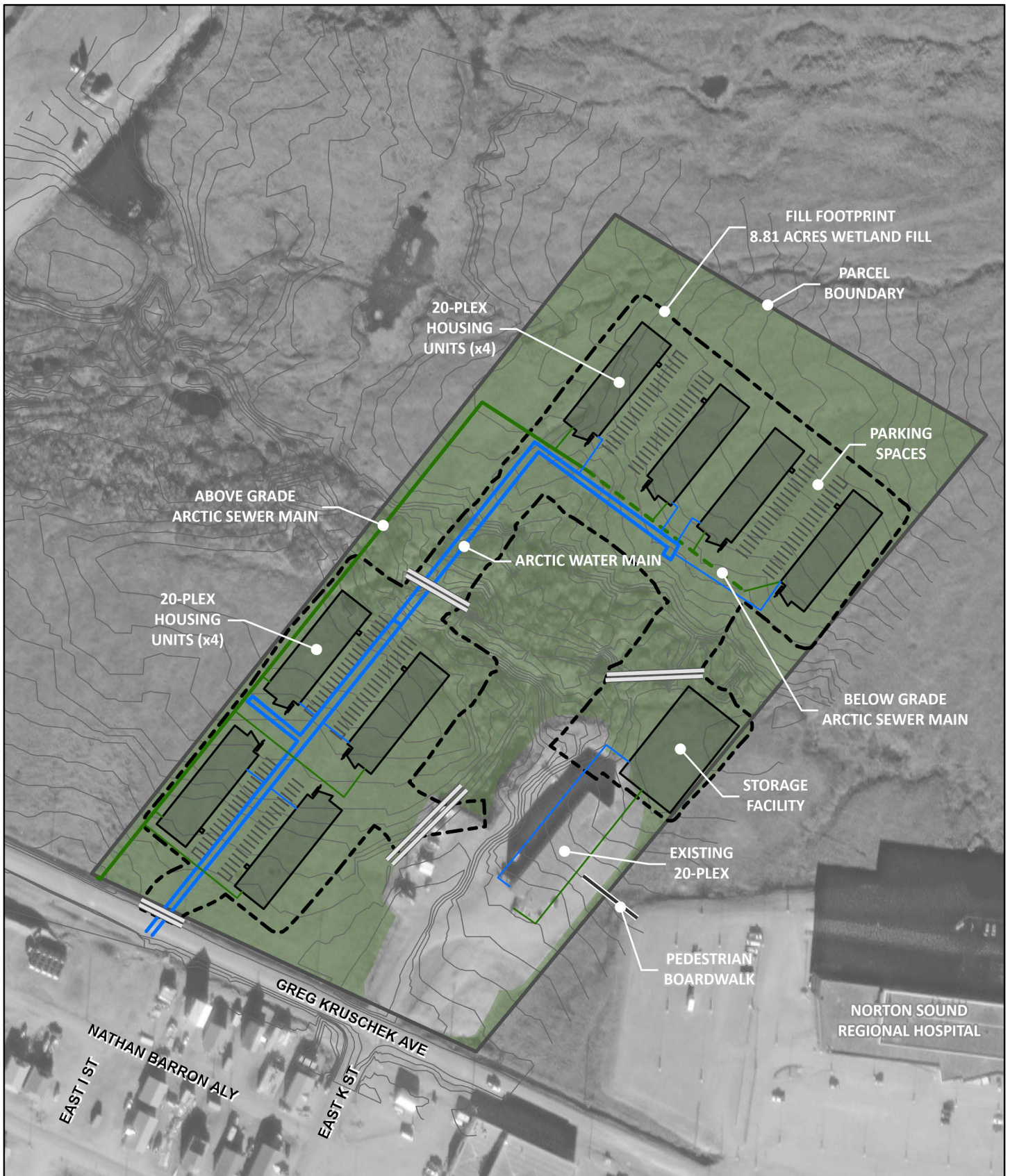





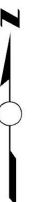
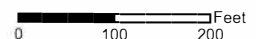


FIGURE 2: Plan View

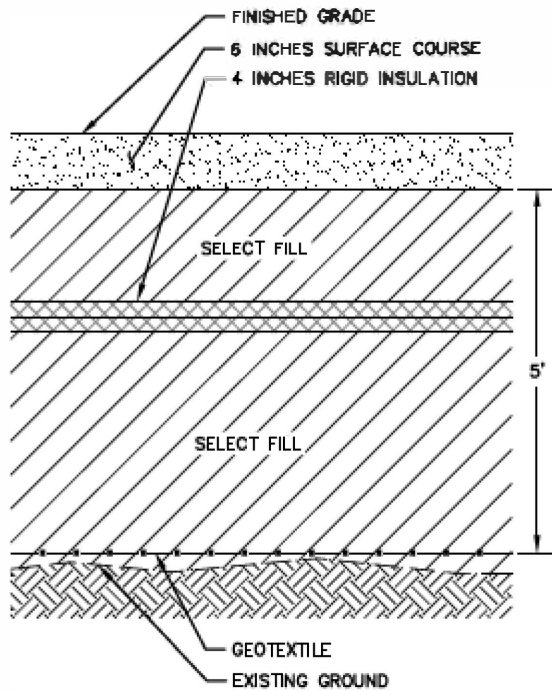
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-  Subject Parcel Boundary
-  Project Footprint
-  Proposed Building Footprint
-  Proposed Culvert
-  Nome Wetlands

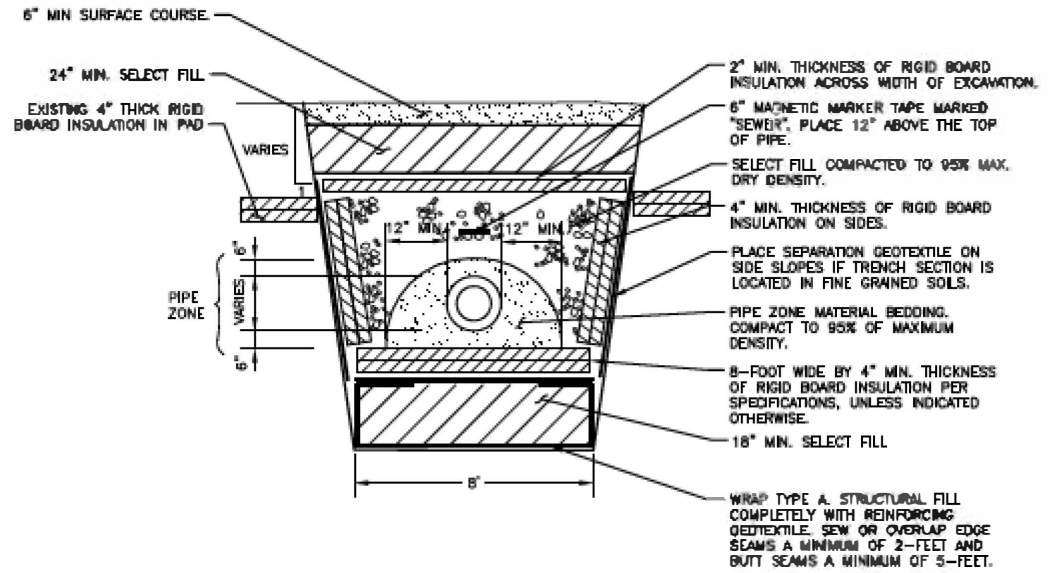






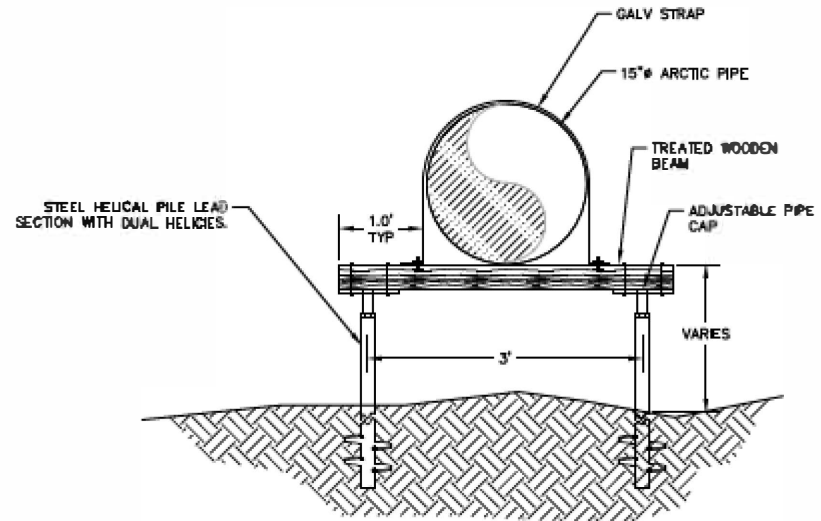
**ANTICIPATED PAD SECTION**

SCALE: NTS



**BELOW GRADE TYPICAL UTILITY SECTION**

SCALE: NTS



**ABOVE GRADE TYPICAL UTILITY SECTION**

SCALE: NTS

FIGURE 3: Elevation View

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