



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: March 1, 2024

EXPIRATION DATE: March 30, 2024

REFERENCE NUMBER: POA-2024-00057

WATERWAY: Yukon River

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: Brice Incorporated
P.O. Box 70668
Fairbanks, AK 99707

AGENT: Stantec Consulting Inc.
962 North Meridian, Suite 1B
Wasilla, AK 99567

LOCATION: The project is located near the city of Marshall, approximately 75 miles north of Bethel on the lower Yukon River, and consists of the current and proposed mining areas (Latitude 61.9146° N, Longitude -162.0225° W), proposed bypass road (Latitude 61.8716° N, Longitude -162.0628° W), and an existing storage/facility location (Latitude 61.8653° N, Longitude -162.0648° W), Kusilvak Census Area, Alaska.

PURPOSE: The applicant's stated purpose is to expand the existing gravel and rock mining area to produce more construction aggregate that is needed for construction projects in the region. In addition, the applicant proposes to construct a bypass road for mining haul trucks to reduce traffic going through town where the local school and residential housing is located and to improve safety for local residents.

PROPOSED WORK: The proposed project would involve expanding an existing gravel and rock mining area to produce more construction aggregate that is needed for construction projects in the region. Specifically, the mining operation would expand to the north, which would require additional area for overburden placement, which would impact 3.8 acres of shrub wetlands. When mining ceases, waste rock and overburden will be graded to overall slopes of 3:1 (H:V). Growth media stockpiles will be spread over the waste rock material to a minimum of one-foot depth. The regraded and covered waste rock will be reseeded. The applicant also proposes to build a new bypass road to the storage facility (old airport) in order to bypass the village, which will impact 2.4 acres of wetlands. The new road will improve public safety by eliminating heavy construction traffic through the Marshall community where the local school and residential housing is located. These construction activities in total will permanently impact approximately 6.2 acres of wetlands. All work would be performed in accordance with the enclosed construction plans.

ADDITIONAL INFORMATION: The proposed project will require the following additional authorizations: Alaska Department of Natural Resources temporary water usage permit and an Alaska Department of Environmental Quality pollutant discharge elimination system multi-sector general 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 majority of overburden, waste rock disposal, and stockpiling will be in uplands. The wetland fill only occurs due to its location in the middle of the stockpile area. Although uplands surround the mine plan footprint, the mine source is on a steep hillside within a small valley. The most efficient and safe overburden storage is below the mine operations where the area of wetlands occurs. There is no way to completely avoid wetland impacts within the level flat stockpile area. The area through which the bypass road must pass consists almost exclusively of wetlands making complete avoidance of wetlands not possible. A shorter bypass road route with fewer impacts and fill was evaluated, but it required passage through a native allotment. The applicant was unable to negotiate an easement across the allotment, making this route not capable of being used.

b. Minimization: The existing material site adjacent to the old Marshall Airport would be used to supply material for construction of the new bypass road. The bypass road will be built upon geotextile materials for tundra stabilization. Road width is 24 feet with 2:1 side-slopes on a 3-foot-deep base. The road width and side-slopes were reduced to minimize fill in wetlands. All road widths were minimized and designed for the proposed equipment that will be available in the community. The project incorporates existing access routes to the greatest extent practicable to avoid and minimize impacts. Aggregate materials will be transported to other locations via barge. No docks or piers would be constructed and no fill will be placed below the ordinary high water mark of the Yukon River, as no additional barge loading facilities or improvements are needed. A variety of best management practices (BMPs) will be used, including embankment stabilization, contouring, and seeding. The project will comply with Alaska's Water Quality Standards. BMPs for waste rock and growth media stockpiles, include contouring and potentially seeding to reduce erosion and sediment runoff into wetland areas. Dust control measures will be implemented as needed to reduce suspension of fugitive dust during construction and operations. Surface drainage will be culverted along the access roads to ensure flow connectivity. Water will not pond on uphill fills. Existing surface drainage will not be adversely impeded. Existing surface and sediment controls will be maintained on the existing access road. The footprint of the mining will be minimized to ensure only localized mine pit impacts to vegetation. No fish bearing streams will be crossed or impacted during road construction or mining. There are no eagle nests along the proposed access roads or at the material site. To minimize the introduction of invasive species to the project area, the applicant will use native seed mixes for revegetation and stabilization.

When mining ceases, waste rock and overburden will be graded to overall slopes of 3:1 (H:V). Growth media stockpiles will be spread over the waste rock material to a minimum of one-foot depth. The regraded and covered waste rock will be reseeded. All seeding on site will be done with native seeds. All laydown areas, facility areas, and storage areas will be regraded and seeded. All equipment, on-site buildings, and supplies will leave Marshall when reclamation is complete. On site sediment runoff will be controlled through BMPs.

c. Compensatory Mitigation: The applicant has proposed no compensatory mitigation 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 Corps has not made an effect determination at this time regarding potential impacts to historic properties. As applicable under Section 106 of the National Historic Preservation Act, this application will be 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Threatened Wood Bison (*Bison bison athabascae*).

We have determined the described activity would have no effect on the Threatened Wood Bison, and would have no effect on any designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service 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.

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.

We have determined the described activity would not adversely 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 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.

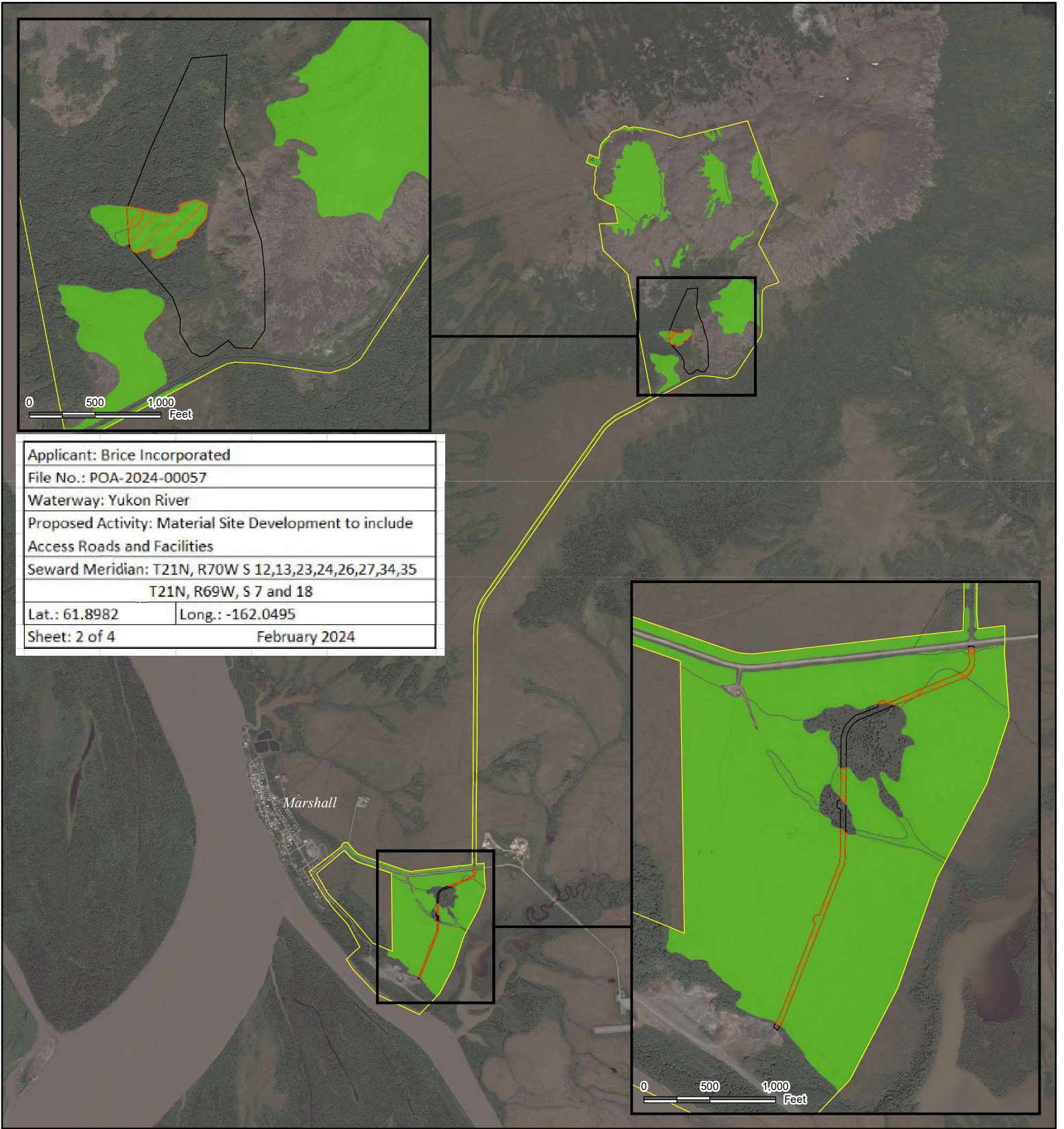
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge 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).

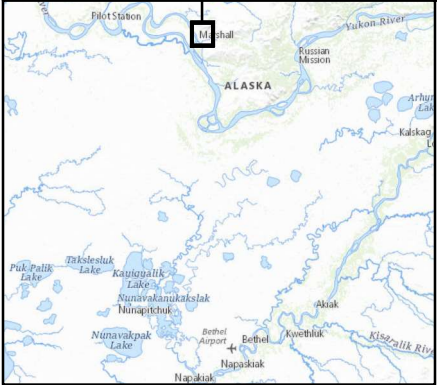
Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

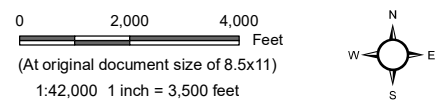
Enclosures



Applicant: Brice Incorporated	
File No.: POA-2024-00057	
Waterway: Yukon River	
Proposed Activity: Material Site Development to include Access Roads and Facilities	
Seward Meridian: T21N, R70W S 12,13,23,24,26,27,34,35 T21N, R69W, S 7 and 18	
Lat.: 61.8982	Long.: -162.0495
Sheet: 2 of 4	February 2024

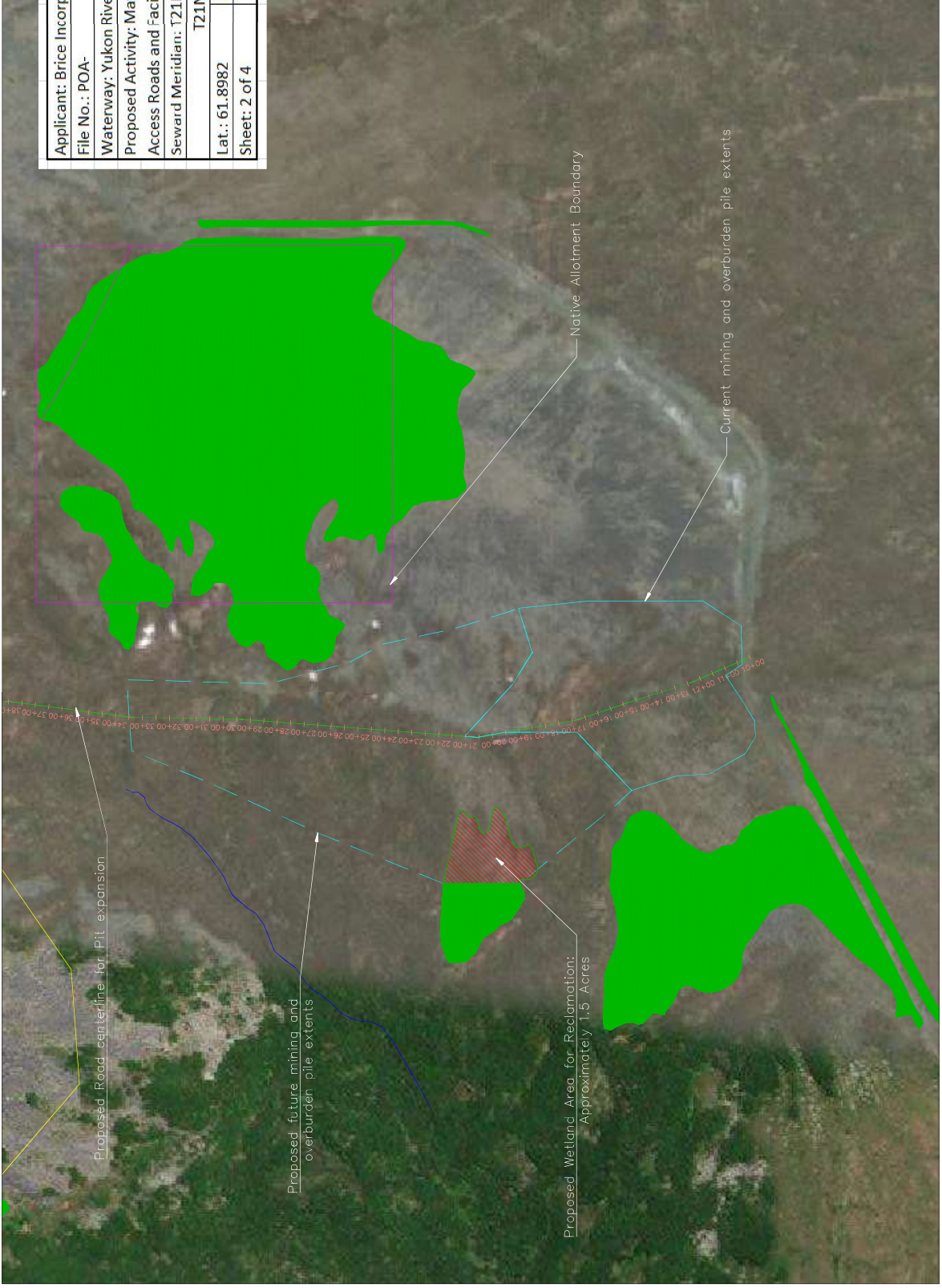


- Wetland Delineation Study Area
 - Wetland Impact
 - Project Footprint
- Wetland Mapping**
- Wetland
 - Stream



Client
Brice Incorporated

Project
Marshall Material Site and Facilities



General Notes

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Sheet: 2 of 4
January 2024

Native Allotment Boundary

Current mining and overburden pile extents

Proposed Road centerline for P1L expansion

Proposed future mining and overburden pile extents

Proposed Wetland Area for Reclamation: Approximately 1.5 Acres

No.	Revisions/Issues	Date

From Name and Address

Brice
 300 University Avenue
 Marshall, AK 99901
 907.538.6223

Project Name and Address

PROJECT No. NFAPT00371
 Marshall Airport Improvements
 Marshall, AK

Project	Marshall AIP
Date	12/7/23
Scale	1" = 40'
Sheet	1

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Sheet: 3 of 4

February 2024



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From Name and Address

Brice
 550 University Avenue
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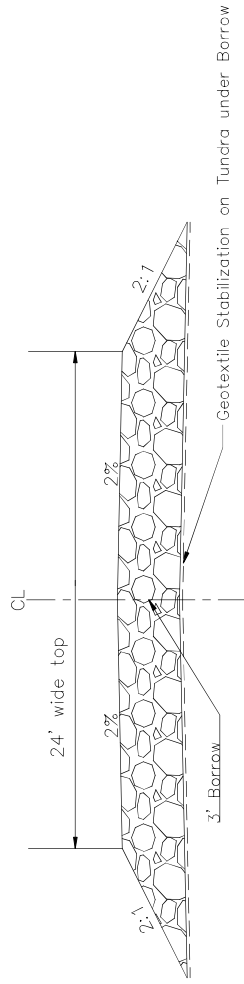
Project Name and Address

PROJECT No. NEAP000371
 Marshall Airport Improvements
 Marshall, AK

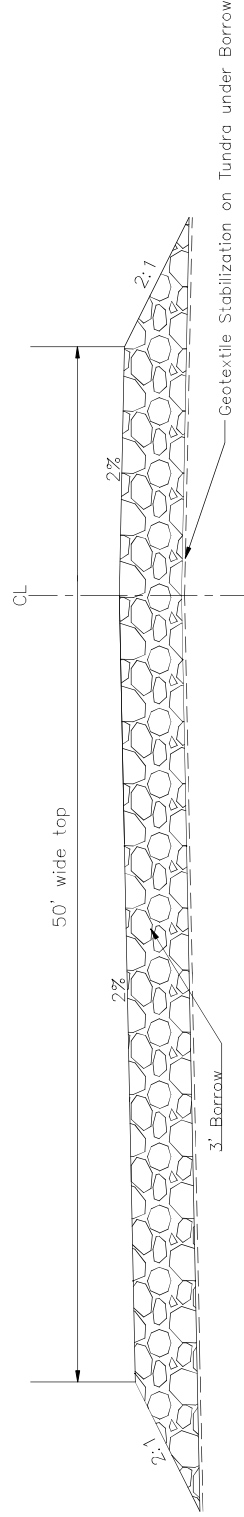
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Drawn: 12/16/2023
 Scale: 1" = 40'

Haul Road Turnout Typical



Haul Road Turnout Typical



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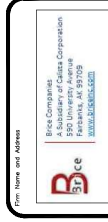
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Long.: -162.0495

February 2024

Sheet: 4 of 4

No.	Revisions/Issues	Date



Project Name and Address
 PROJECT No. NFAPT00371
 Marshall Airport Improvements
 Marshall, AK

Project	Marshall AIP
Date	12/16/2023
Scale	1" = 40'
Sheet	3