



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	June 19, 2013
<b>EXPIRATION DATE:</b>	July 5, 2013
<b>REFERENCE NUMBER:</b>	POA-1986-768-M6
<b>WATERWAY:</b>	Kotzebue Sound

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 Mary Leykom at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.f.leykom@usace.army.mil if further information is desired.

**APPLICANT:** Alaska Department of Transportation and Public Facilities, Northern Region, 2301 Peger Road, Fairbanks, Alaska 99709-5399; contact Paul Karczmarczyk at 907 451-2288.

**LOCATION:** The project site is at the Kotzebue Airport, Kotzebue, Alaska, within Section 9S, T. 17 N., R. 18 W., Kateel River Meridian; at Latitude 66.9856° N., Longitude -162.8188° W.; and which can be located on USGS Quad map Beechey Point A-3.

**PURPOSE:** The applicant's stated purpose for modification of their existing permit is to construct a barge access channel and landing for the Kotzebue Airport and Runway Safety Area Improvements Project, right at the project site, instead of using the existing barge landing at the north end of town. This would reduce by 90% the number of trucks hauling material the 1½ miles through town, estimated at 13,000 loads over the 2-year life of the project.

**PROPOSED WORK:** Construct a temporary barge channel through a subsea sand bar offshore from the Kotzebue Airport by excavating an 800-foot by 75-foot (bottom width) channel. Up to 5,150 cubic yards (cy) of bottom sediments would be generated, affecting 1.8 acres of marine area. Dredging and material removal using an excavator would occur from the shore, nearshore, or from a barge. Material would be placed on the barge or in trucks to be used as fill on previously-permitted



areas if suitable, or deposited in the permitted project disposal area. Maintenance dredging may be necessary in the spring after ice-out if necessary the second year of construction. Dredging would take 1 to 2 weeks.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated May 2012.

ADDITIONAL INFORMATION: The barge landing on shore would require placing 200 cy of gravel, 30 cy of which would be placed below the high tide line, at the barge channel shoreline. This fill occurs within the fill footprint of the original permit.

APPLICANT PROPOSED MITIGATION: The excavation would take place before the chum salmon season begins on July 15 of any year to avoid conflicts with subsistence and commercial fishing.

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 is an eligible property, the Kotzebue Archaeological District (KTZ-00036), in the vicinity of the worksite. The proposed project would have no effect on the District because the activity is either within a previously-permitted area or below the high tide line. The Federal Aviation Administration is the lead federal agency for this action and is coordinating with the State Historic Preservation Office (SHPO). Any comments SHPO may have 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 following threatened, endangered, or proposed-for-listing species: spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*), polar bear (*Ursus maritimus*), bowhead whale (*Balaena mysticetus*), pacific walrus (*Odobenus rosmarus divergens*), ringed seal (*Phoca hispida hispida*) and bearded seal (*Erignathus barbatus nauticus*).

We have determined the described activity would have no effect on either species of eiders because they migrate further offshore; and no effect on polar bears because the dredging would take place during open water when the bears are not present. We are currently gathering information on the marine mammals listed above. Should we determine that the described activity may affect a listed species or its designated critical habitat, 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 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 National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). NMFS has agreed with the applicant's determination of "no adverse effect to EFH or EFH resources." Any further comments or recommendations NMFS may have concerning EFH 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, property ownership, and, in general, the needs and welfare of the people. Subject to 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 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 authority:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures