



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

**PUBLIC NOTICE DATE:** June 6, 2012  
**EXPIRATION DATE:** July 6, 2012  
**REFERENCE NUMBER:** POA-2007-898  
**WATERWAY:** Gweek 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.

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](mailto:mary.f.leykom@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Akiachak Native Community, Post Office Box 70, Akiachak, Alaska 99551; contact: Charles James, phone 907 825-4626.

**AGENT:** EBSC Engineering LLC, 11301 Olive Lane, Anchorage, Alaska 99515; contact: Edward L. Hakala, phone 907 222-1085.

**LOCATION:** The project site is located in Akiachak, Alaska within Sections 23, 26 and 35, T. 10 N., R. 69 W., Seward Meridian; centered on Latitude 60.928° N., Longitude -161.475° W.; and which can be noted on USGS Quad map Bethel D-7. The proposed 1.6 mile road would connect the existing airport road to the Gweek River to the north.

**SPECIAL AREA DESIGNATION:** The project is located on private land within the outside boundaries of the Yukon Delta National Wildlife refuge.

**PURPOSE:** The applicant's stated purpose is to provide a road from Akiachak to the Gweek River for improved access to important subsistence resources. In the near future, an improved boat ramp and dock would be constructed and a new residential subdivision at the Gweek River Site.

PROPOSED WORK: Place up to 35,000 cubic yards of fill material into 9.1 acres of wetland to construct a 1.6-mile road. The road side slopes would be 4:1 (h:v), with a 20-foot wide driving surface. Fill material would be obtained from a 10-acre borrow site accessed during frozen soil conditions on a snow road. Within the borrow site, one-acre would be filled temporarily for stockpiling overburden and fill. Gravel surface material would be barged to the site. The borrow site would be restored after construction is complete. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated June 2012.

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: Wetland could not be avoided because the entire area surrounding Akiachak is wetland.

b. Minimization: The road width was minimized. Equalization culverts would be installed along the road to allow water movement.

c. Compensatory Mitigation: Because no alternatives to constructing the necessary road in wetlands was available, the applicant is not proposing compensatory mitigation.

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 applicant has coordinated this project with the State Historic Preservation Office (SHPO) and the SHPO responded that "No Historic Properties Affected" in a letter dated December 3, 2007. 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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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: No threatened or endangered species are known to use the project area. We have determined the described activity would have no effect on any listed or proposed threatened or endangered species or 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 or the National Marine Fisheries Service 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, 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). We have determined the described activity would not adversely affect EFH in the project area.

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, 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 decision should reflect the national concern for both protection and utilization of important resources. 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 of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties to evaluate the impacts of this proposed activity. Comments received will be considered in determining whether to issue, modify, condition or deny this permit. To make this decision, comments will be 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 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 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

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

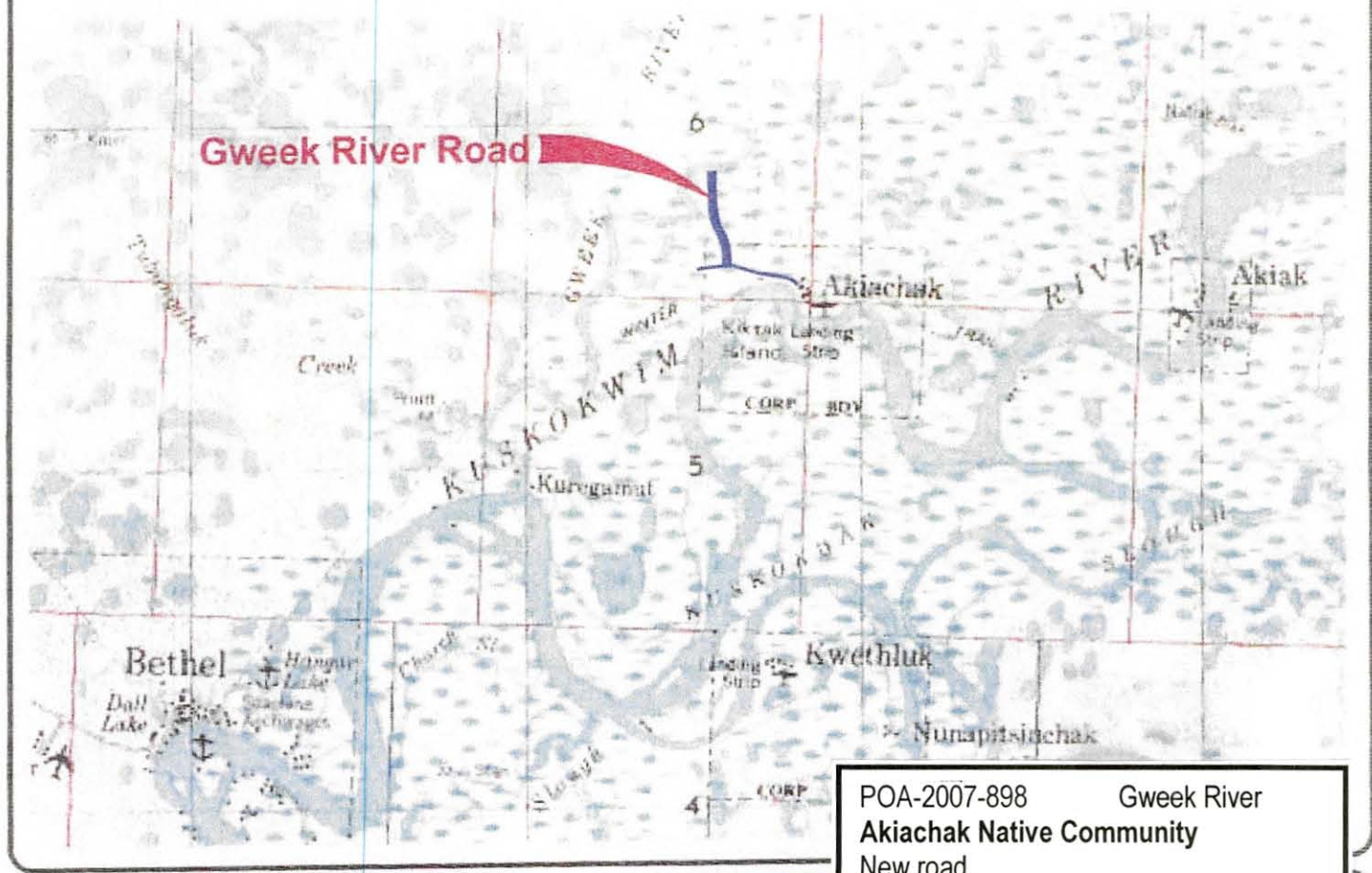
NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2007-898, Gweek River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

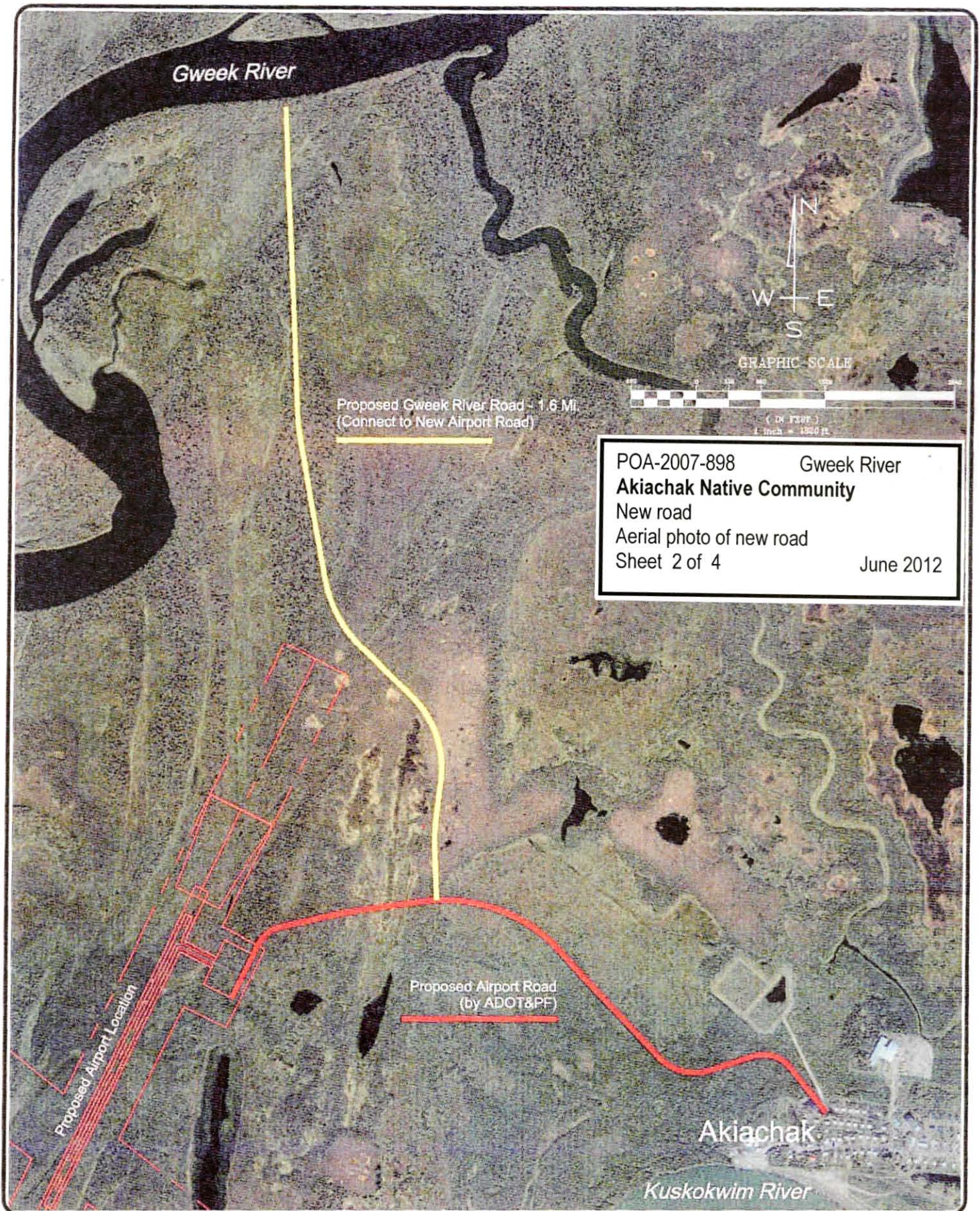
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



POA-2007-898      Gweek River  
**Akiachak Native Community**  
 New road  
 Location map  
 Sheet 1 of 4  
 June 2012

**ASCG**  
 INCORPORATED  
 ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS  
 500 W. 31ST AVENUE • ANCHORAGE, AK 99503

Location  
 Environmental  
**Gweek River Road**  
**Akiachak Native Community**



POA-2007-898      Gweek River  
**Akiachak Native Community**  
 New road  
 Aerial photo of new road  
 Sheet 2 of 4      June 2012

**ASCG**  
 INCORPORATED  
 ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS  
 300 W. 31ST AVENUE • ANCHORAGE, AK 99503  
 PHONE (907) 339-6500 • FAX (907) 339-5328

**Project Map**  
 Environmental Assessment

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**Gweek River Road**  
 Akiachak Native Community

JOB NO.: 5017  
 DATE: Nov. 12, 2007  
 DRAWN BY: sec  
 CHECKED BY: dkr  
 FIGURE NO.:  
**2**

PLOTTED: 04.18.12  
TIME: 1:01 pm

LAYER MGR:  
CTB FILE:

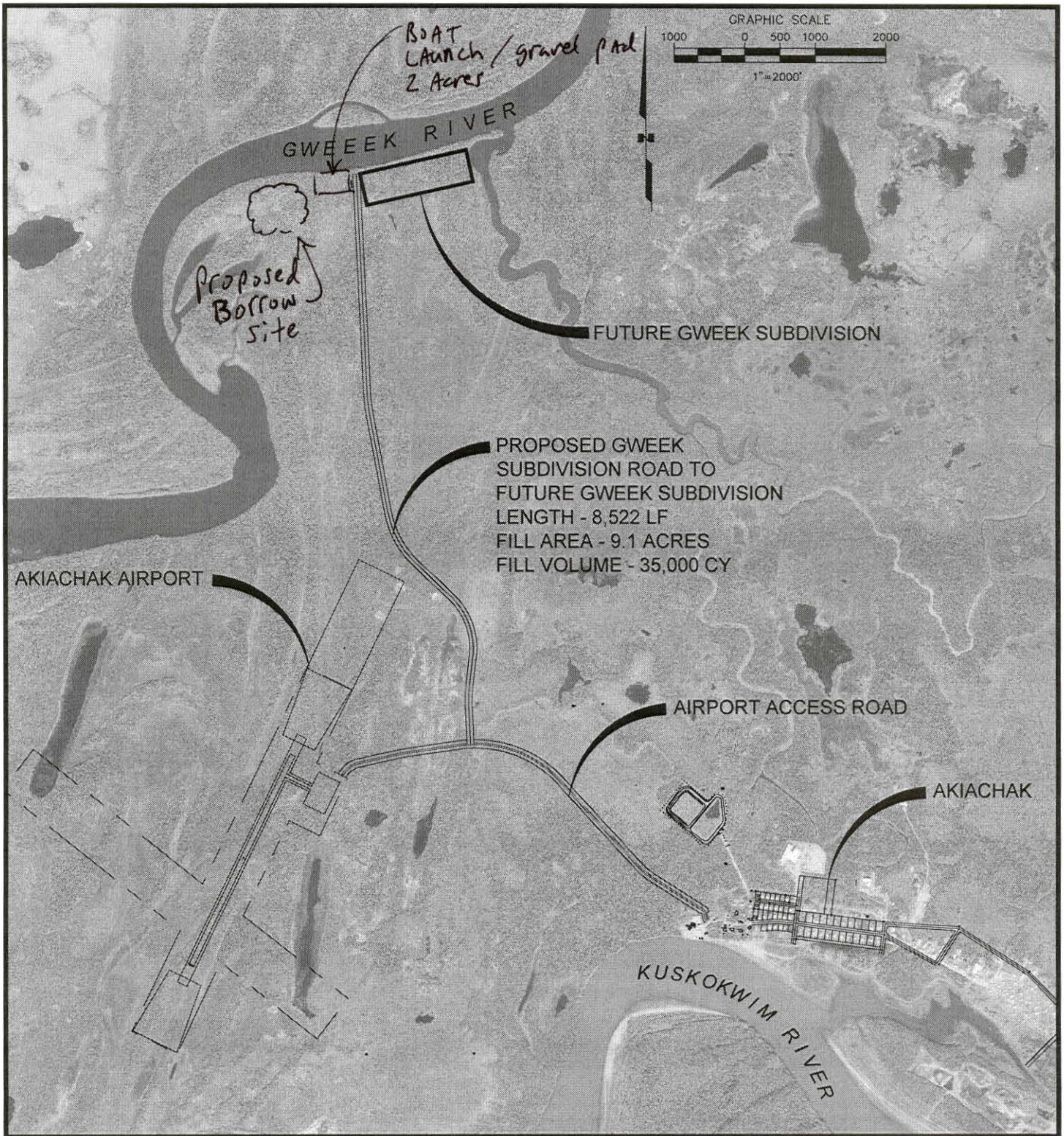


FIGURE 1  
USACE WETLANDS PERMIT  
**GWEEK SUBDIVISION ROAD**  
**AKIACHAK, AK**



**EBSC Engineering, LLC**  
*Effectively Building Sustainable Communities*  
11301 Olive lane  
Anchorage, AK 99515  
P: 907.222.1085 | Fax: 222.5210

SCALE:  
HORIZONTAL: 1"=2000'  
VERTICAL: -  
PLOT SCALE: 1/1

PROJECT No:  
CAD DWG FILE:  
DATE: 4/  
DESIGNED:

POA-2007-898      Gweek River  
**Akiachak Native Community**  
New road  
Plan view  
Sheet 3 of 4

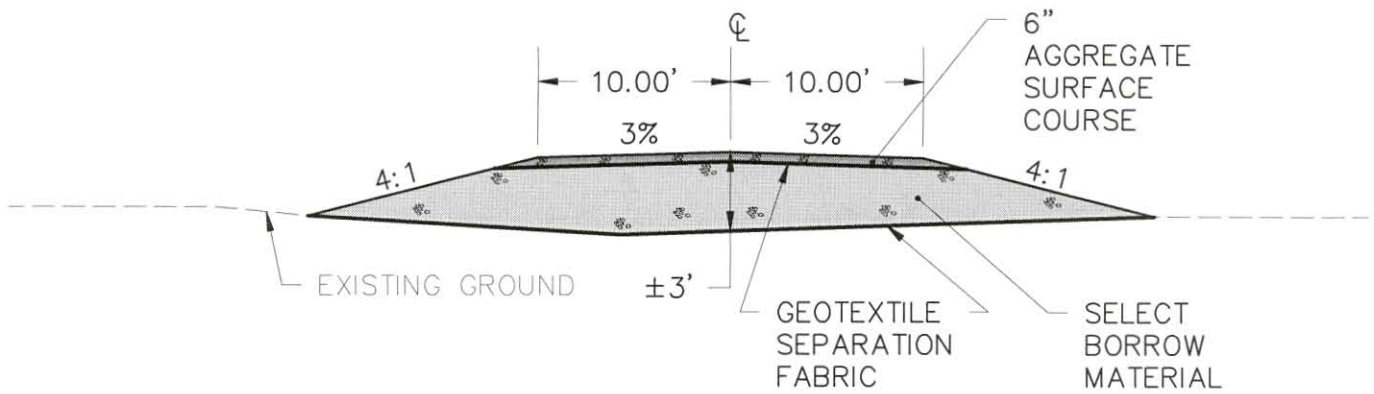
June 2012

DRAWING NAME:  
GSDR Wetlands.dwg



PLOTTED: 04.18.12  
TIME: 1:47 pm

LAYER MGR:  
CTB FILE:



GWEEK SUBDIVISION ROAD TYPICAL SECTION

POA-2007-898      Gweek River  
**Akiachak Native Community**  
 New road  
 Typical road section  
 Sheet 4 of 4      June 2012



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*Effectively Building Sustainable Communities*  
 11301 Olive lane  
 Anchorage, AK 99515  
 P: 907.222.1085 | Fax: 222.5210

TYPICAL ROAD SECTION  
 USACE WETLANDS PERMIT  
**GWEEK SUBDIVISION ROAD  
 AKIACHAK, AK**

SCALE:	PROJECT No:	E12.02	
HORIZONTAL: 1"=2000'	CAD DWG FILE:	GSDR Wetlands.dwg	
VERTICAL: -	DATE:	4/18/2012	DRAWN BY: LDM
PLOT SCALE: 1/1	DESIGNED:	LDM	CHECKED BY: ELH

DRAWING NAME:  
GSDR Wetlands.dwg