

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE: August 28, 2013

EXPIRATION DATE: September 30, 2013

REFERENCE NUMBER: POA-2011-545

WATERWAY: Eek 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 Trish Lora at (907) 753-2797; toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or, by email at patricia.l.lora@usace.army.mil, if further information is desired concerning this notice.

APPLICANT: City of Eek, Mayor Carlie Beebe, cityofeek@yahoo.com, P. O. Box 9, Eek, Alaska 99578, 907-536-5129.

AGENT: Alaska Native Tribal Health Consortium (ANTHC); Attn: Mr. Kurt Sauers; ksauers@anthc.org; 907-729-3600.

<u>LOCATION</u>: The project site is located within Section 31, T. 2 N., R. 73 W., Seward Meridian; USGS Quad Map Baird Inlet A-1; Latitude 60.21444° N., Longitude -162.020278° W.; Bethel Borough, from the school travel east on School Road for approximately 880 feet, turn south, travel approximately 300 feet. The project encompasses the area to the east of the existing wastewater lagoon, in Eek, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to construct a wastewater lagoon for a fully-piped community in the City of Eek, Alaska. The amount of permanent impacts to jurisdictional wetlands with the proposed lagoon and access road to it will be **7.6 acres**.

PROPOSED WORK: Due to limited availability of construction material in the area (sand and gravel), the material for the proposed wastewater lagoon project will be excavated from wetlands located near the existing and proposed sewage lagoon site. The inside and tops of the lagoon berms will be constructed on the existing tundra mat with 10-foot wide geotextile wrapped cells using 6-inch lifts of excavated material. The final cover will consist of topsoil mixed with cement, seeding, and erosion mat. A 471-foot long by 12-foot wide by 4-foot deep road with a 3:1 slope is also proposed for access to the wastewater lagoon. All work would be performed in accordance with the enclosed plans (sheets 1-4 & 6-8, dated, August 9, 2013, sheet 5, dated, August 8, 2013, and sheet 9, dated August 22, 2013.)

ADDITIONAL INFORMATION: None

<u>APPLICANT PROPOSED AVOIDANCE, MINIMIZATION AND COMPENSATORY MITIGATION</u>: 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 ANTHC has designed the project to avoid wetland impacts to the maximum extent possible by proposing winter construction and expanding the existing wastewater lagoon, as opposed to constructing a different location. The ground surface in the area is generally flat, treeless, and covered with numerous small lakes or wet, poorly-draining tundra. The United States Fish and Wildlife Service (USFWS) oversees the National Wetland Inventory (NWI) Map and has identified Eek and the entire surrounding area as freshwater emergent wetlands (sheet 8 of 9, USFWS NWI). Because of the vast quantity of similar wetlands in Eek and the immediate area, the project is not seen as impacting any high value wetlands.

b. Minimization:

- The project boundaries will be clearly marked prior to construction and additional flagging every 100 feet.
- Natural drainage patterns will be maintained to the maximum extent practicable, to ensure there is no ponding or drying of adjacent areas.
- All excavated material that is not suitable for the lagoon construction will be replaced as soon as possible after excavation to ensure that the substrate is not exposed for an extended period.
- All spoils, debris, construction material, etc., resulting from or used during construction shall be removed upon project completion and disposed of at appropriate disposal sites.
- Any petroleum products and/or hazardous materials needed at the project site will be managed in accordance with local, state, and federal regulation.
- Spill control equipment, such as sorbent pads, will be readily available on-site in case of an equipment leak.
- **c.** <u>Compensatory Mitigation</u>: No compensatory mitigation is proposed for this project as the proposed project is being constructed in a watershed with large expanses of wetlands that are not at a risk of being cumulatively degraded. The wetlands impacted by this project are located within the existing village boundary.

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 is a registered or eligible property in the vicinity of the worksite. It has been designated St. Michael the Archangel Russian Orthodox Church (AHRSXBI-00028). A field survey was conducted in August 2010, by an ANTHC Archaeologist, Victoria Florey. Components of this field work included survey and testing in the project area of potential effect (APE), with a focus on locations with potential for containing buried cultural resources. Results of this effort were negative, and a finding of No Adverse Effect to archaeological resources in the vicinity was submitted on October 14, 2010. Concurrence with this finding was received from SHPO on November 16, 2010. Evaluations of the impact of the project to potentially historic houses in the project APE were included in the August field work; however, a request for concurrence was prepared separately for the houses, and was submitted to SHPO on November 10, 2010. A finding of No Adverse Effect of the project was concurred by SHPO on December 22, 2010. The concurred finding includes a stipulation that archaeological testing be done in the vicinity of House 156. Findings of the evaluation of the buildings in the APE indicate that although nine houses fall into the criterion of being 50 years or more in age, none meet any of the significance criteria to be listed on the National Register of Historic Places. Because it has been determined to be outside of the project area, no further action is required. [Information extracted from The Alaska Native Tribal Health Consortium's Environmental Assessment for the City of Eek, April 2011.]

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the *Spectacled eiders* (*Somateria fischeri*) and *Steller's eiders* (*Polysticta stelleri*). USFWS concurred on November 9, 2010, the proposed project would not likely to have adverse effects on threatened and endangered species, based on the project's location, which is inland from marine waters used by Steller's eiders.

<u>ESSENTIAL FISH HABITAT</u>: 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). No EFH species are known to use 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.

<u>PUBLIC HEARING</u>: 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)(l) 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 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.

<u>AUTHORITY</u>: 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.

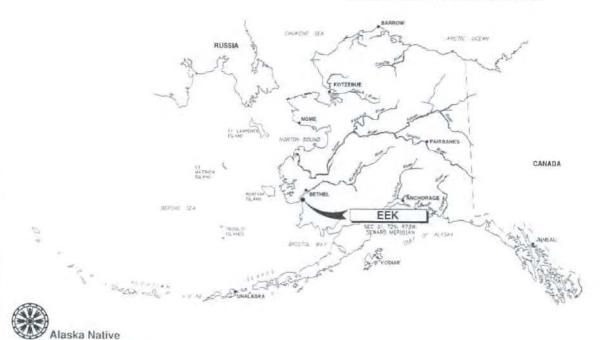
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. <u>POA-2011-545</u>, <u>EEK RIVER</u>, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

EEK, ALASKA **WASTEWATER LAGOON PHASE I** ISSUED FOR CONSTRUCTION

PLAN SET NUMBER: EEK-08-002 ANTHC PROJECT NUMBER: AN-06-ND3



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		0-001	COVER SHEET
		5-007	GENERAL LEGEND
G-003	COMMUNITY SITE PLAN		
0-004	DESIGN CRITINIA		
G-005	SYSTEM SCHEMATIC AND NARRATIVE		
SURVEY			
V=801	SCRIVEY LEGEND		
V=101	SURVEY CONTROL		
V-102	SURVEY RIGHT OF WAY		
CEDIECHNI	CAL		
8-601	SOIL BEATNG LOGS GOS-11 AND GOS-12		
8-602	SDR. BORING 1005-008-13 AND G09-14		
CIVIL			
100-3	CIVIL LEGEND		
0-101	PROJECT SITE PLAN		
C+102	LADOON SITE PLAN		
E-301	MORTH AND SOUTH SECTION		
E-302	EAST AND WEST SECTIONS		
5-401	EXISTING SCHOOL LACOON SECTION AND CLOSURE FLAN		
5-402	LAGOON CROSS SECTION		
C-403	LADOON DIPLYEWAY PLAN AND EROFILE		
0-501	CURTAIN BAFFLE DETAILS		
0-502	HOPE WANHOLE		
6-503	HEPE DISCHARGE WANHELE		
C-804	LAGOON DETAILS		
C-905	CHAIN LINK FENCE TUNDRA POST DETAILS		
C+500	SEDN BETAILS		
C-807	COPNER MOST DETAILS		
STATE SEW			
05-101	SCHOOL GRANTY SERER STA 8+00 TO 6+08		
CS-107	WASHETERIA ERAVITY SEWER STA 0+00 TO 0+74		
C5=103	CRAVITY SEWER STA 0+30 TO 1+39		
C5-10A	LAGOON SECTION		
ELECTRICA:			
E-001	ELECTRICAL LEGEND AND MANHOLE HEAT MADE DETRIE		
E-101	ELECTRICAL SITE FLAN		

Tribal Health Consortium Division of Environmental

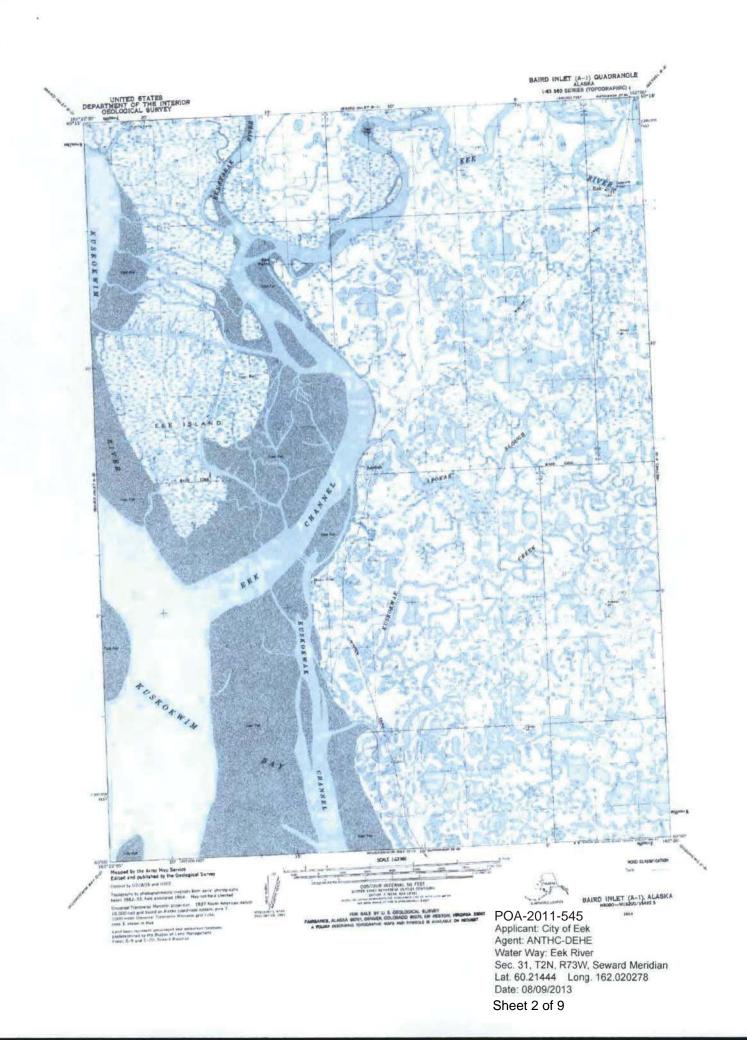
Health and Engineering

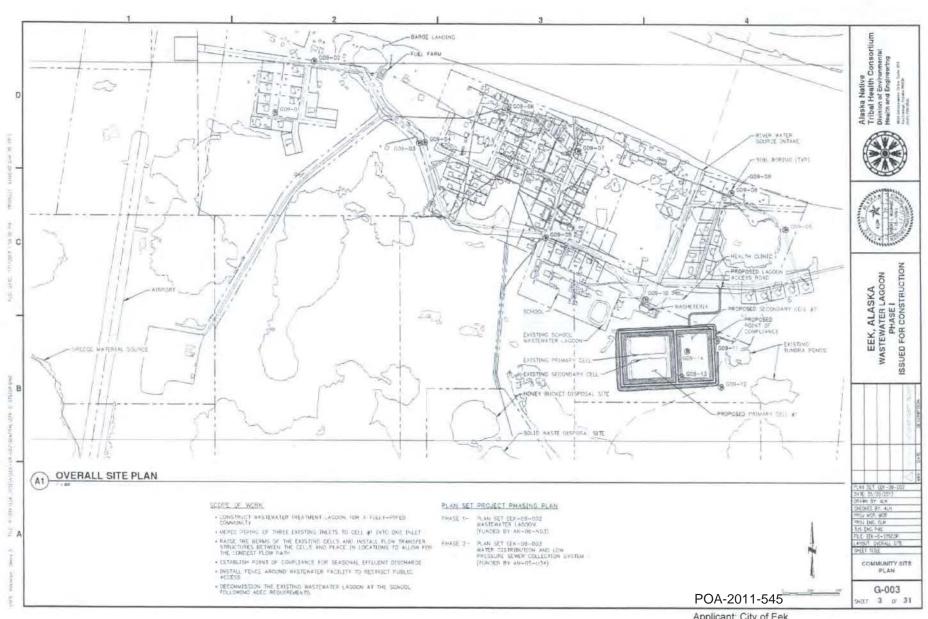
3900 Ambossador Drive, Suite 301 Ancharage, Alaska 99508 Phone: (907) 729-3600 Fax: (907) 729-4090 http://www.dehe.org

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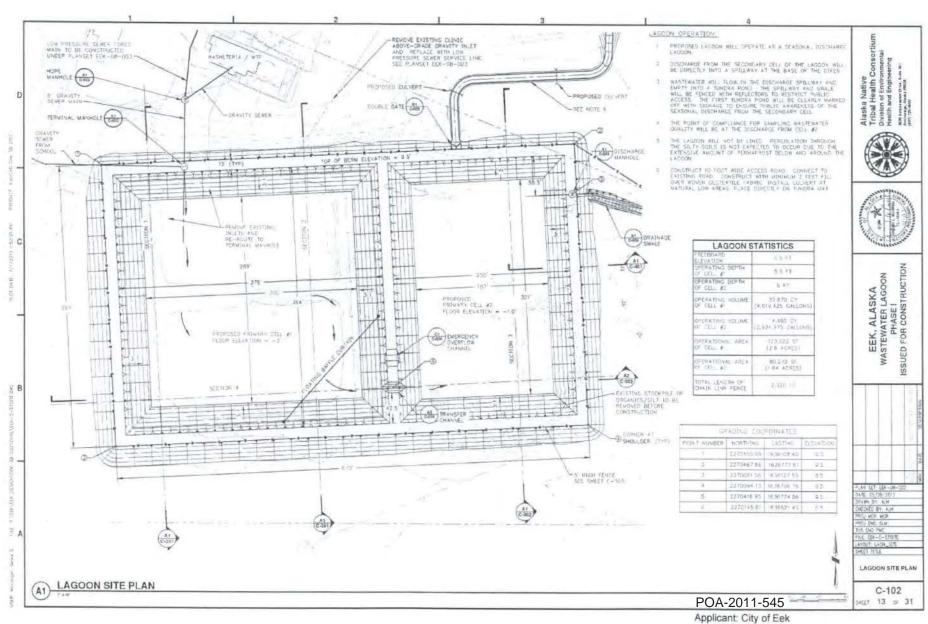
Applicant: City of Eek Agent: ANTHC-DEHE Water Way: Eek River Sec. 31, T2N, R73W, Seward Meridian Lat. 60.21444 Long. 162.020278 Date: 08/09/2013





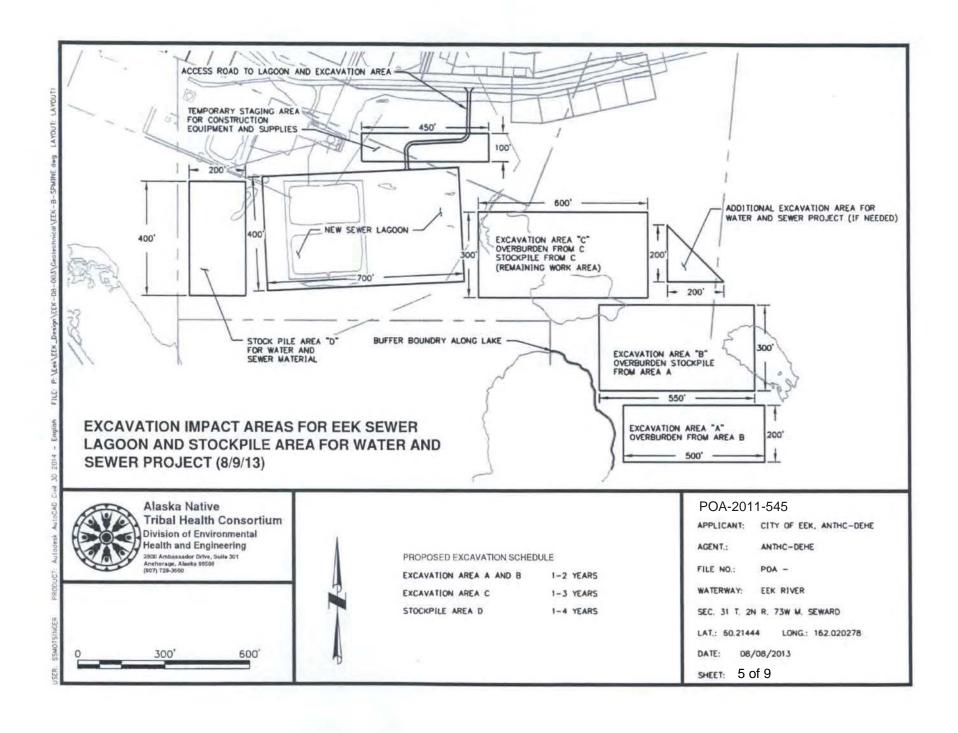
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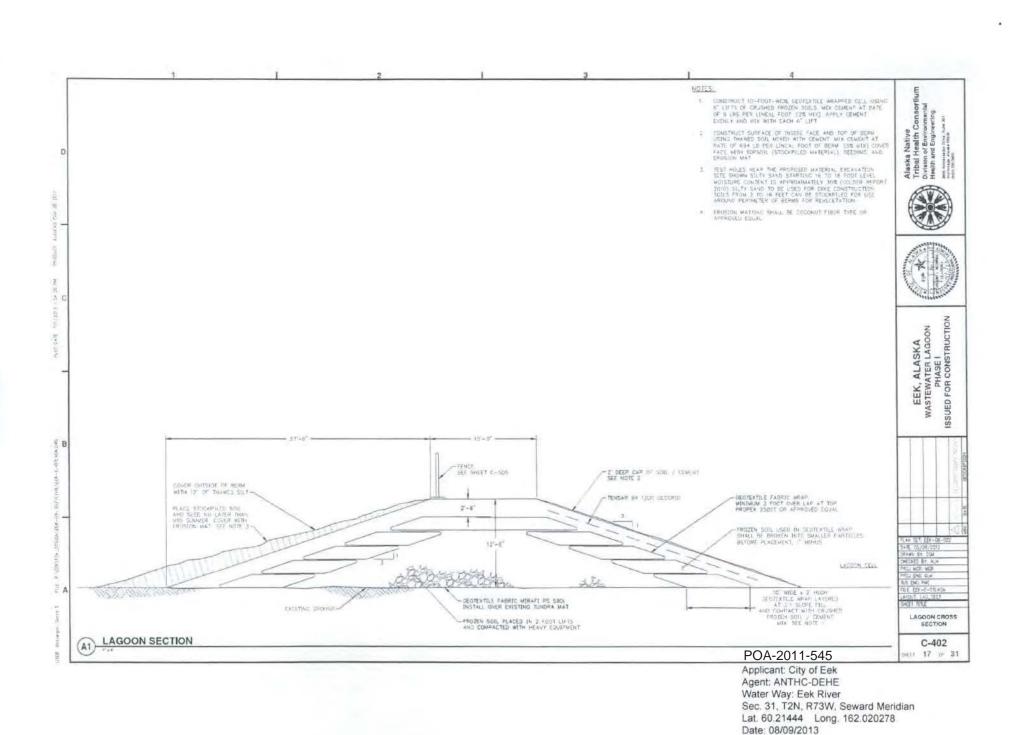
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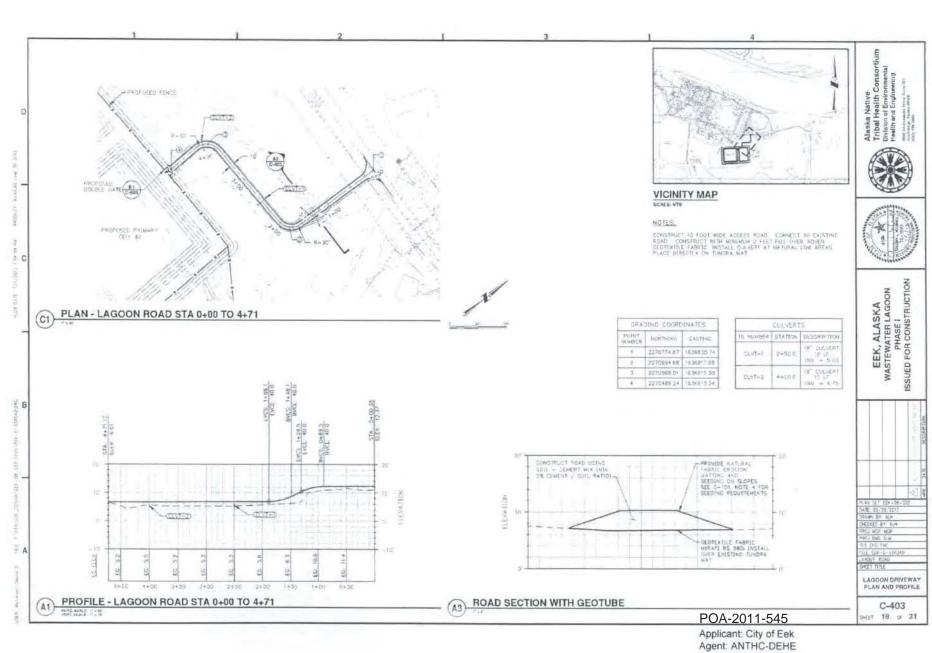
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Applicant: City of Eek Agent: ANTHC-DEHE Water Way: Eek River Sec. 31, T2N, R73W, Seward Meridian Lat. 60.21444 Long. 162.020278 Date: 08/09/2013

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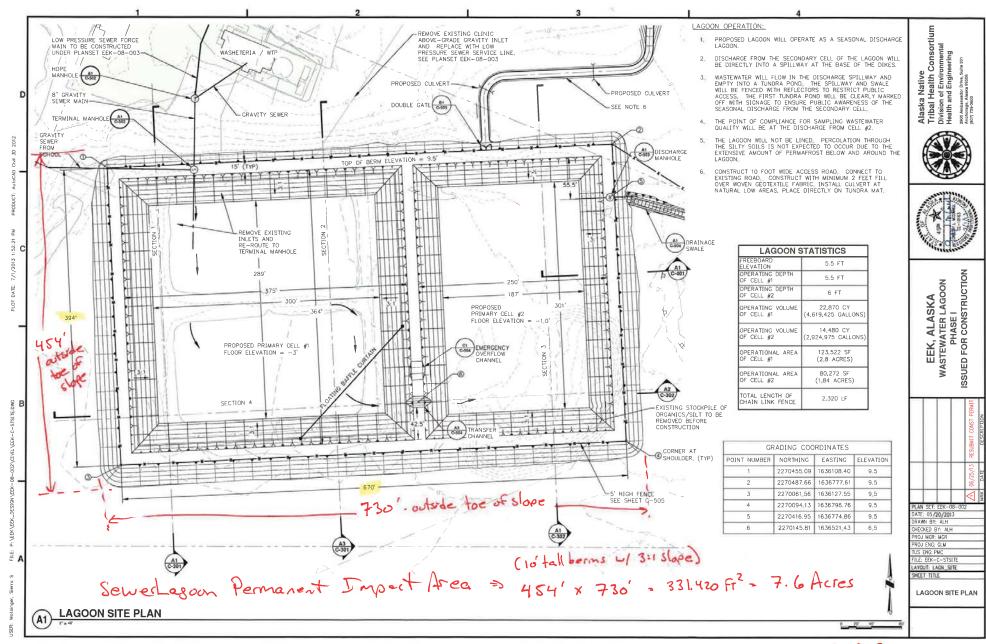


http://www.fws.gov/wetlands/Wetlands-Mapper.html

Date: 08/09/2013

8/8/2013

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POA-2011-545, Eek River Applicant: City of Eek Agent: ANTHC-DEHE

Sec. 31, T2N, R73W, Seward Meridian

Lat. 60.21444 Long. -162.020278

Date: August 22, 2013

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8-22-13