



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>	<b>November 7, 2013</b>
<b>EXPIRATION DATE:</b>	<b>November 25, 2013</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2013-457</b>
<b>WATERWAY:</b>	<b>EЕК RIVER</b>

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](mailto:patricia.l.lora@usace.army.mil), if further information is desired concerning this notice.

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

**AGENT:** CRW Engineering Group, LLC., Mr. Jon Hermon, [jhermon@crweng.com](mailto:jhermon@crweng.com), or, Mr. David Beiswenger, [dbeiswenger@crweng.com](mailto:dbeiswenger@crweng.com), 3940 Arctic Blvd, Suite 300, Anchorage, Alaska, 99503, 907-562-3252.

**LOCATION:** The project site is located within Sections 31 and 32, T. 2 N., R. 73 W., Seward Meridian; Latitude 60.21444°N., Longitude -162.00653°W.; and which can be noted on USGS Quad maps Baird Inlet A-1.

**PURPOSE:** The applicant's stated purpose is to construct a new permitted Class III solid waste facility in accordance with 18 AAC 60, as regulated by Alaska Department of Environmental Conservation (ADEC). The project also includes construction of a 1400-foot long by 12-foot wide boardwalk to access the new landfill. The total impact of fill material placed into jurisdictional wetlands is **8.416 acres**.

## **PROPOSED WORK:**

**New Class III Landfill:** The applicant proposes to open a new permitted landfill that will serve the community for the next 20 years. Approximately **3.0 acres** of wetlands will be permanently impacted by the discharge of fill material. The existing dump site has exceeded its useful life and poses potential health, safety, and environmental hazards. Trash is currently dumped in an uncontrolled area adjacent to a 3-acre pond. As a result, trash is accumulating in the pond and could potentially contaminate surface and ground water. Contaminants can affect public health and aquatic and terrestrial plants and animals coming in contact with the water. Additionally, there is no heavy equipment present at the dump site; therefore, the waste is not compacted or covered and it attracts wildlife including ravens and foxes. Wildlife may contract diseases from the exposed waste and may also spread it. Animals also become accustomed to this food sources and to human presence, increasing the potential for human-wildlife encounters that can lead to physical attack or disease transmission.

All work would be performed in accordance with the enclosed plan (sheets 1 - 8) dated October 21, 2013.

**Boardwalk:** A new boardwalk will be 1400 feet long by 12 feet wide and constructed with 3"x12" decking, and placed south of the project. Approximately 840, 24" x 36" wide timber foundation supports will be placed directly on the ground for a total impact area of 47 cubic yards of fill, or, **0.116 acre** of wetlands.

**Silt Borrow Source:** The proposed silt borrow source for the new landfill will be approximately 336 feet by 386 feet in size (**3 acres**) and a maximum of 10 feet deep. The site is located east of the old runway and will require a haul route approximately 3,000 feet in length.

- Approximately 20,000 CY of organic silt and vegetative mat will be cleared and temporarily stockpiled on a geotextile mat.
- 20,000 CY of silty sand will be used to construct the new landfill berms and pads.
- Approximately 10,000 CY of peat and vegetative mat will be as a final cap for the landfill berms and stockpiled for use as active landfill cover material.
- The remaining 10,000 CY of organic silt and vegetative mat will be returned to the borrow site.

**Gravel Borrow Source (2 Sites):** *[Please note: The contractor will use either Site 1 or Site 2, but not both.]*

The Gravel Site 1 proposed gravel borrow source for the new landfill gravel cap will be approximately 300 feet by 100 feet in size (**0.7 acres**) and a maximum of 3 feet deep. The site is located approximately 20 miles upriver from Eek and will require a haul route approximately 12 miles in length. (No impacts are expected for the haul routes/construction access. All heavy equipment construction activities are to occur during winter months above frozen ground and any grading will be accomplished by plowing snow.)

- Approximately 1,000 CY of organics and vegetative mat will be cleared and temporarily stockpiled on a geotextile mat.
- 2,000 CY of gravel will be used to cap the landfill and operation pads.
- The 1,000 CY of organics and vegetative mat will be returned to the borrow area.

The Gravel Site 2 proposed gravel borrow source for the new landfill gravel construction option will be approximately 1,000 feet by 100 feet in size (**2.3 acres**) and a maximum of 7 feet deep. The site is located approximately 25 miles upriver from Eek and will require a haul route approximately 15 miles in length. (No impacts are expected for the haul routes/construction access. All heavy equipment construction activities are to occur during winter months above frozen ground and any grading will be accomplished by plowing snow.)

- Approximately 3,500 CY of organics and vegetative mat will be cleared and temporarily stockpiled on a geotextile mat.
- 20,000 CY of gravel will be used to construct the new landfill berms and pads.
- The 3,500 CY of organics and vegetative mat will be returned to the borrow area.

**Construction Access:** Equipment will be mobilized from the barge landing to proposed project areas after freeze up to protect wetlands outside of the borrow area and work areas. Any leveling required for access will be developed above the frozen ground by plowing snow. No grading of the existing surface or filling of access routes will occur.

**ADDITIONAL INFORMATION:** *[REFERENCE: POA-2004-493, Eek River, to close the existing unpermitted solid waste landfill in the City of Eek.]*

**APPLICANT PROPOSED MITIGATION:** The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States (U.S.) from activities involving discharges of dredged or fill material.

**AVOIDANCE, MINIMIZATION AND COMPENSATORY MITIGATION:**

**a. Avoidance:** Eek lies within the Yukon-Kuskokwim Coastal Lowland and is on the south bank of the Eek River. The ground surface in the area is generally flat, treeless, and covered with numerous small lakes or wet, poorly-draining tundra. Eek and the entire surrounding area are classified as palustrine emergent wetlands. The proposed project includes construction of a new landfill, a boardwalk to access it, and developing a borrow pit site. Given the extent of wetlands and water bodies in the area, avoiding wetlands was not feasible. To comply with applicable regulations, minimize impacts to the environment, and be functional to the community, the new landfill site was selected to be:

- More than 5,000 feet from the state-owned runway to minimize bird and wildlife hazards in accordance with FAA regulations.
- Outside a 100-year floodplain.
- Outside the Yukon Delta Wildlife Refuge.
- More than 200 feet from a surface water body.
- Outside subsistence areas.
- Convenient to community so residents will use the new landfill and to minimize the need for extensive road and/or boardwalk construction to access the new landfill.

Equipment will be mobilized from the barge landing to proposed project areas after freeze up to protect wetlands outside of the borrow area and work areas. Any leveling required for access will be developed above the frozen ground by plowing snow. No grading of the existing surface or filling of access routes will occur. Access to the new landfill will be via an at-grade boardwalk to avoid impacting wetlands and drainage patterns.

**b. Minimization:** The proposed landfill has been sized to meet the demands of the community for the next 20 years based on population and solid waste generation per capita rates. It has been located away from water bodies. Boardwalks are being constructed at grade, existing drainage patterns will remain, and little to no disturbance of the ground or vegetation is anticipated. The construction of boardwalks in lieu of a traditional gravel/sand roadway network mitigates impacts to sensitive wetland areas by avoiding extensive fills of wetlands. Existing vegetation will not be removed or damaged unless absolutely necessary. The peat and vegetative mat from the borrow area will be cleared and stockpiled for use as the capping material for the new landfill berms. Disturbed areas will be stabilized and reseeded as soon as practicable.

**c. Compensatory Mitigation:** The proposed action would result in the construction of a new permitted Class 3 landfill which will improve water quality and public health. By providing a controlled landfill for solid waste produced in the community, waste will be kept in a controlled area and will not be exposed to humans, animals, and the environment. Contamination of subsistence resources will also be limited. Because of the long term benefits to public health and the environment, no additional compensatory mitigation is proposed.

**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.]*

**ENDANGERED SPECIES:** 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 and upland from marine waters used by Steller's eiders.

**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).

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.

**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 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.

**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-2013-457, Eek 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.