



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:** December 21, 2016  
**EXPIRATION DATE:** January 21, 2017  
**REFERENCE NUMBER:** POA-2014-107  
**WATERWAY:** Tatitlek Narrows

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 Danielle Knight at (907) 753-2728, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Danielle.g.knight@usace.army.mil](mailto:Danielle.g.knight@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. David Totemoff, P.O. Box 99677, Tatitlek, Alaska 99677

**AGENT:** Mr. Nicholas C. Phelps, 3940 Arctic Blvd. Suite 300, Anchorage, Alaska 9950

**LOCATION:** The project site is located within Section 5, T. 12 S., R. 8 W., Copper River Meridian; USGS Quad Map AK-CORDOVA D-8; Latitude 60.8624° N., Longitude 146.6787° W.; in Tatitlek, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide a stable foundation for the proposed fuel system.

**PROPOSED WORK:** Excavate and remove 4.5' of organic overburden and construct 108'x80' gravel pad on underlying gravelly silt. A new bulk fuel tank farm consisting of one 11,600-gallon, protected, horizontal, dual product dispensing tanks (7,100 diesel and 4,500 gasoline). This tank will be placed on a gravel pad constructed of imported gravel within a lined, concrete wall containment area. A new drive in fuel transfer area within a secondary curbed concrete containment area. Containment described in (1) and (2) is adjoined and continuous. This area includes a new truck fill header and hose reel dispenser for NVT fleet equipment and vehicles.

A new gasoline retail dispenser and spill response connex, adjacent to item (1) New Electrical controls, spill response equipment and regulatory documents as required. All work would be performed in accordance with the enclosed plan (figures 1-4), dated November 8, 2016.

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 applicant stated that fuel storage tanks will be double wall protected tanks located within a lined, concrete wall containment area. Using the concrete wall design minimizes pad dimensions. Corrosion mitigation techniques include skid mounting the tanks allowing for visual inspection of tank bottoms, and grading the containment area so that runoff does not accumulate around the tank bottom. Tanks will be equipped with high level alarms and whistle vents alerting the operator prior to overfilling the tank. Bulk transfers will take place within a concrete containment basin (truck transfer containment)

b. Minimization: The applicant stated that culverts will be placed under the driveways to minimize impact to natural surface drainage. Tank farm foot print has been minimized to the extent allowable by code. Silt fences and other BMPs will be used during construction. Equipment will not be stored or operated in wetlands outside of the construction footprints. Work will be avoided during periods of heavy precipitation. All finished slopes will be capped with gravel, armor rock, and/or seeded. The larger wetland area located east of the project is separated hydraulically by the existing ADOT&PF road.

c. Compensatory Mitigation: The applicant has proposed placement of 2,500 cubic yards of gravel fill into an area of no more than 0.20 acres for the construction of the items outlined in this application. Compensatory mitigation is not thought to be required due to the nature and small size of the proposed project, which has been designed to minimize, and, in most instances, improve impacts to wetlands and other waters of the U. S. Lastly, any proposed purchase of additional land for project completion would place an undue burden on the applicant.

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 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: We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on 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 (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, 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 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) 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 are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures