



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: October 11, 2012
EXPIRATION DATE: November 13, 2012
REFERENCE NUMBER: POA-1996-634-M5
WATERWAY: Kanektok 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 Romero** at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: John Mark, Native Village of Kwinhagak (NVK), PO Box 149, Quinhagak, Alaska 99655

AGENT: Brian Davis, CE2 Engineers, PO Box 232946, Anchorage, Alaska 99523

LOCATION: The project site is located within Sections 3 & 10, T. 5 S., R. 74 W., Seward Meridian; USGS Quad Map Goodnews Bay D-8; Latitude 59.7638° N., Longitude 161.8543° W.; east of Quinhagak, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Yukon Kuskokwim National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to expand an existing gravel pit.

PROPOSED WORK: Mechanized land clearing of 1.4 acres of wetlands for the expansion of Calista Corporation's Pit "A" located east of Quinhagak near the new runway, for the purpose of developing a gravel pit. The gravel would be used for the construction of an evacuation route from the Quinhagak. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated August 23, 2012.

ADDITIONAL INFORMATION: Prior to gravel extraction, an approximate 60,984 square feet (1.4 acres) would be mechanically cleared from the existing edge of Pit "A".

Approximately 4,450 cubic yards of overburden (organic matter and peaty soil) will be removed. Overburden would be placed into the previously used borrow site, which is immediately to the west of the new proposed borrow site, as per agreement with the property owner. Approximately 10 vertical feet of gravel totaling 20,400 cubic yards of gravel would be excavated from the Pit "A" during the summer of 2013. The working areas of the borrow area would be staked out prior to material extraction. Gravel would be extracted in shallow, even layers. Expanding Pit "A" to the east would result in a new eastern edge to the pit with a minimum side slope of 4:1. Gravel would not be stockpiled during this project. Material would be excavated and brought directly to the construction site. A dozer, excavator, and loader would be used to load dump trucks to haul the gravel to the construction site.

Reclamation - During previous excavations at the Pit "A" borrow source, the area was excavated with the intention of letting it fill with water. Similarly, no reclamation would be done during expansion of Pit "A". Overburden and vegetation would be deposited directly into the bottom of the adjacent previously used borrow pit. No re-vegetation or seeding would occur at the extraction site. The pit would be left open to become a lake, as has been the procedure for other nearby former gravel pits.

This permit modification is concurrent with the public notice to construct the evacuation route from Quinhagak, and would provide the gravels needed to construct the proposed evacuation route.

POA-1996-634 was originally issued to the Alaska Department of Transportation and Public Facilities on February 25, 1997 and authorized the excavation of approximately 457,000 cubic yards of sand and gravel from 15 acres of wetlands to be placed into approximately 52.7 acres of adjacent wetlands for the construction of the new Quinhagak airport and access road.

POA-1996-634-M1 (M), was issued on November 23, 1999, and authorized a transfer of the permit to the Native Village of Kwinhagak and also a time extension until November 30, 2002.

POA-1996-634-M2 (N) was issued on May 7, 2001, and authorized airport design modifications, which reduced the project fill footprint from 52.7 to 42.5 acres; new gravel extraction sites K, G, & H; and a temporary access road to site K.

POA-1996-634-M3 (O), was issued on April 30, 2003 to authorize airport design modifications, which include an extension of the runway/safety area, relocation and expansion of the SRE (Snow Removal Equipment) building area, and an expansion of gravel extraction site K (that would include a new site referred to as site "L").

POA-1996-634-M4 (P), was issued July 12, 2005, to authorize a time extension to July 31, 2008.

This permit modification if authorized would be the last modification as it has been determined after this project the gravels will be almost completely utilized.

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: In planning this project, the NVK was mindful of the need to avoid impacting waters of the U.S. including wetlands to the maximum extent practicable.

However, two factors made this difficult. The first is that Quinhagak is a community like others in the Yukon-Kuskokwim Delta in that it is low-lying and situated mainly in wetland tundra soil. For this reason they decided to expand the "A" to avoid impacting other wetlands

b. Minimization: The expansion of "A" pit minimizes the impacts to wetlands because the expansion would only go as far as needed to get the materials to construct the evacuation route from Quinhagak.

c. Compensatory Mitigation: NVK proposes that no compensation should be required for this project's impact to wetlands. Quinhagak is like other communities in the Yukon-Kuskokwim River delta, an area with a tremendous amount of wetland habitat. The impact of providing gravels for the development of an evacuation road by the mechanized clearing of 1.377 acres is relatively minor in the context of the larger aquatic environment, and especially in light of the fact that the purpose of the road is to protect human health and public safety, NVK believes that any requirement for compensatory mitigation would be unjustified.

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 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, 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 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). No EFH species are known to use the project area.

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) 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.

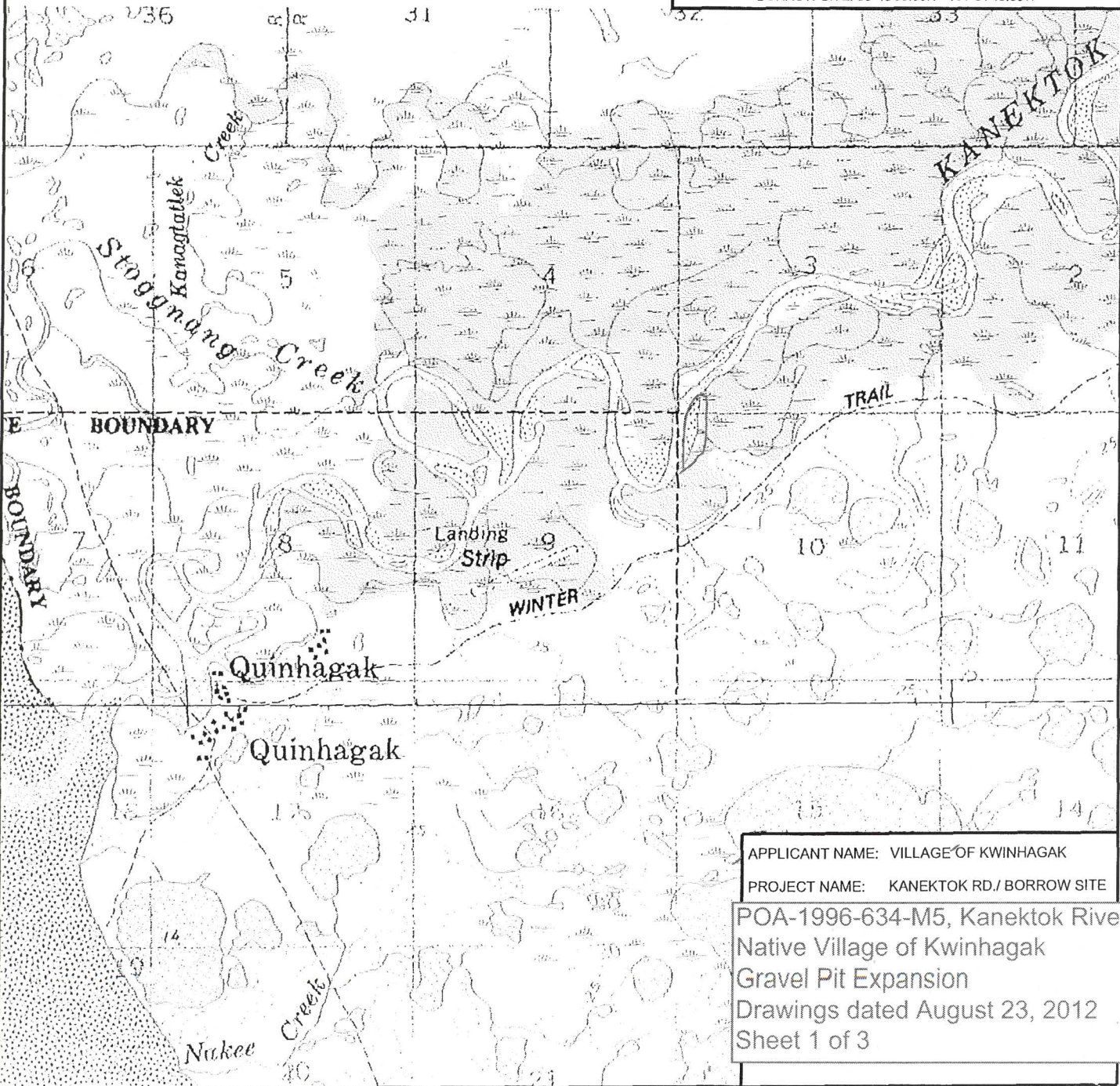
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1996-634-M5, Kanektok River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



VICINITY MAP
USGS QUAD: GOODNEWS BAY D-8
BORROW SITE: 59°45'33.55N - 161°51'48.50W



APPLICANT NAME: VILLAGE OF KWINHAGAK
PROJECT NAME: KANEKTOK RD./BORROW SITE
POA-1996-634-M5, Kanektok River
Native Village of Kwinhagak
Gravel Pit Expansion
Drawings dated August 23, 2012
Sheet 1 of 3

G:\ACAD\Quinhagak\2012 Kanektok River Road\FIG 2_3_4 AND 5 (COE).dwg, 8/23/2012 1:24:31 PM, cmerz, \\Ce2main\LANIER.MP C2050\LD520C PCL 6

KANEKTOK RIVER

SEC. 3



PREVIOUSLY USED BORROW SITE

EXISTING WINTER TRAIL

PREVIOUSLY USED BORROW SITE

PROPOSED GRAVEL BORROW SITE AND STOCKPILE AREA
125' x 480' x 12' DEEP
(APPROX. 1.4 AC)

PREVIOUSLY USED BORROW SITE



QANIRTUUQ CORPORATION PROPERTY

EXISTING ACCESS ROAD

PROPOSED KANEKTOK RIVER ROAD (BIA ROUTE 2700), SEE SECTION A, SHEET 3 FOR DETAILS

JULIA WILLIAMS' NATIVE ALLOTMENT

QUINHAGAK AIRPORT PROPERTY

EXISTING WINTER TRAIL

MATERIAL SOURCE ASSESSMENT AREA BY
DUANE MILLER ASSOCIATES, JUNE 2009

APPLICANT NAME: VILLAGE OF KWINHAGAK
PROJECT NAME: KANEKTOK RD./BORROW SITE
LOCATION: QUINHAGAK, ALASKA

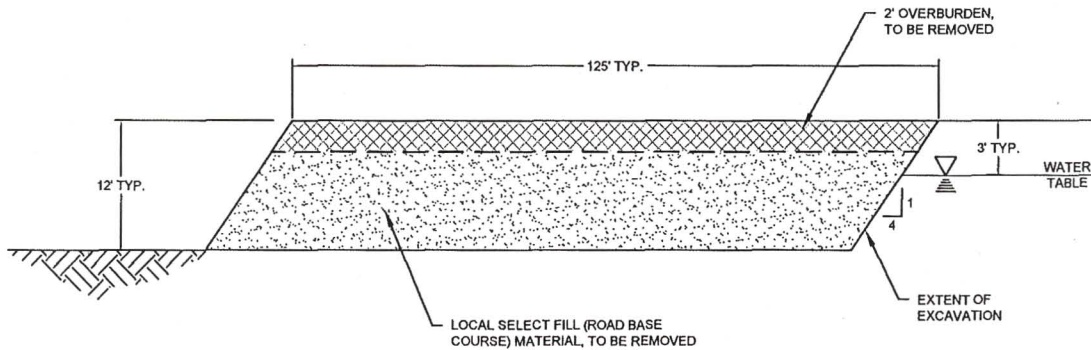
POA-1996-634-M5, Kanektok River
Native Village of Kwinhagak
Gravel Pit Expansion
Drawings dated August 23, 2012
Sheet 2 of 3

PROPOSED GRAVEL BORROW SITE DESIGN CRITERIA

DIMENSIONS: 125' x 480' x 12' DEEP
SURFACE AREA: 60,900 SF (1.4 AC)
TOTAL VOLUME TO BE EXTRACTED: 27,070 CY
OVERBURDEN: 4,520 CY
NET USABLE VOLUME: 22,550 CY

RECLAMATION PLAN

1. REMOVE VEGETATION AND ORGANIC OVERBURDEN, APPROXIMATELY 2 FT, AND DEPOSIT IN ADJACENT BORROW SITES
2. EXCAVATE AND HAUL FILL MATERIAL, START ON NORTH SIDE AND MOVE SOUTH, EXCAVATE TO 12 FT DEPTH
3. SHAPE FINAL EXCAVATION SIDE WALLS TO 4:1 SLOPE



C
SHT 5 PROPOSED GRAVEL BORROW SITE SECTION
SCALE: NTS

APPLICANT NAME: VILLAGE OF KWINHAGAK
PROJECT NAME: KANEKTOK RD./BORROW SITE

POA-1996-634-M5, Kanektok River
Native Village of Kwinhagak
Gravel Pit Expansion
Drawings dated August 23, 2012
Sheet 1 of 3