



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: March 5, 2012
EXPIRATION DATE: April 4, 2012
REFERENCE NUMBER: POA-2011-896
WATERWAY: Kuskokwim 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 if further information is desired.

APPLICANT: City of Bethel, Post Office Box 1388, Bethel, Alaska 99559; Contact is Peter Williams, Port Director, (907) 543-2047.

AGENT: Guy McConnell, U.S. Army Corps of Engineers, Post Office Box 6898, JBER, Alaska 99506; (907) 753-2614.

LOCATION: The project site is located in Bethel, Alaska, at the Bethel small boat harbor. The harbor lies within Sections 9 and 10, T. 8 N., R. 71 W., Seward Meridian, at Latitude 60.792° N., Longitude -161.735° W.; and which can be noted on USGS Quad map Bethel D-8.

PURPOSE: The applicant's stated purpose is to remove accumulated sediments and stabilize eroding shorelines within the Bethel harbor, entrance channel and maneuvering channel. Erosion and sedimentation have been adversely affecting navigation into and within the harbor.

PROPOSED WORK: Dredge the Bethel small boat harbor, entrance channel and maneuvering channel to a maximum -6 feet Mean Lower Low Water (MLLW); producing up to 28,100 cubic yards (cy) of sand and silt. Work would occur in winter so the material could be trucked over ice and frozen soil to an adjacent 14.1-acre disposal site. The site has been used previously for the same purpose.

Stabilize side slopes in the harbor, entrance channel and maneuvering channel using a combination of the following treatments: stone rubble revetment, classified gravel, geotextile fabric, and geo-cell grids filled with gravel. Slopes would be graded before the erosion control materials installed. Two existing boat launch ramps would be removed and replaced with cast concrete ramps and scour aprons. Four rock aprons at existing culverts would also be installed. A total of 12,110 cy of material would be excavated and 7,875 cy of material placed, all of which would occur within previously-disturbed areas. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated January 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 the discharge of dredged or fill material.

a. Avoidance: Impacts to the aquatic environment are being avoided by dredging the harbor and channels in winter when mostly frozen.

b. Minimization: New bank stabilization along the harbor, entrance and maneuvering channels will reduce erosion from boat wakes and foot traffic. The dredged material generated would be placed in an area previously used as a disposal site eliminating new impact areas.

c. Compensatory Mitigation: The applicant does not feel compensatory mitigation is necessary because almost all the impact area has been previously disturbed and environmental benefits outweigh the temporary adverse effect of the project.

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 made a preliminary determination that 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). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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 made a preliminary determination that 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 authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

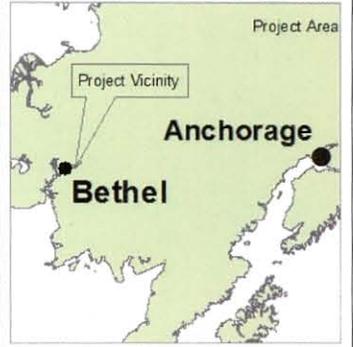
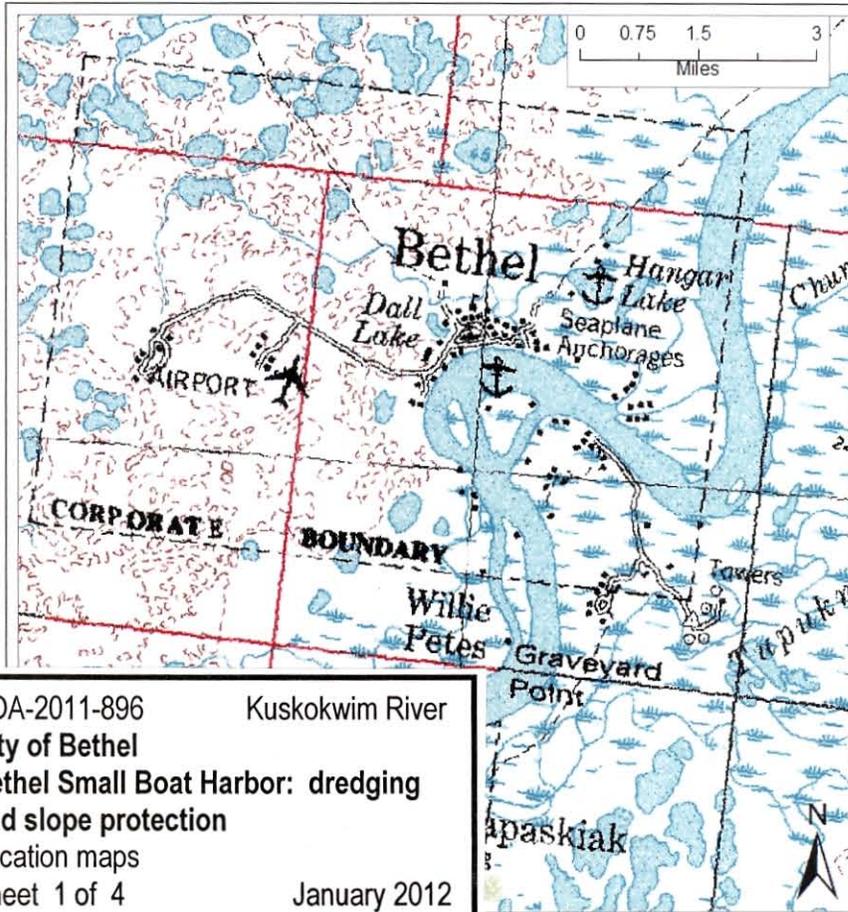
**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

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-2011-896, Kuskokwim 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.



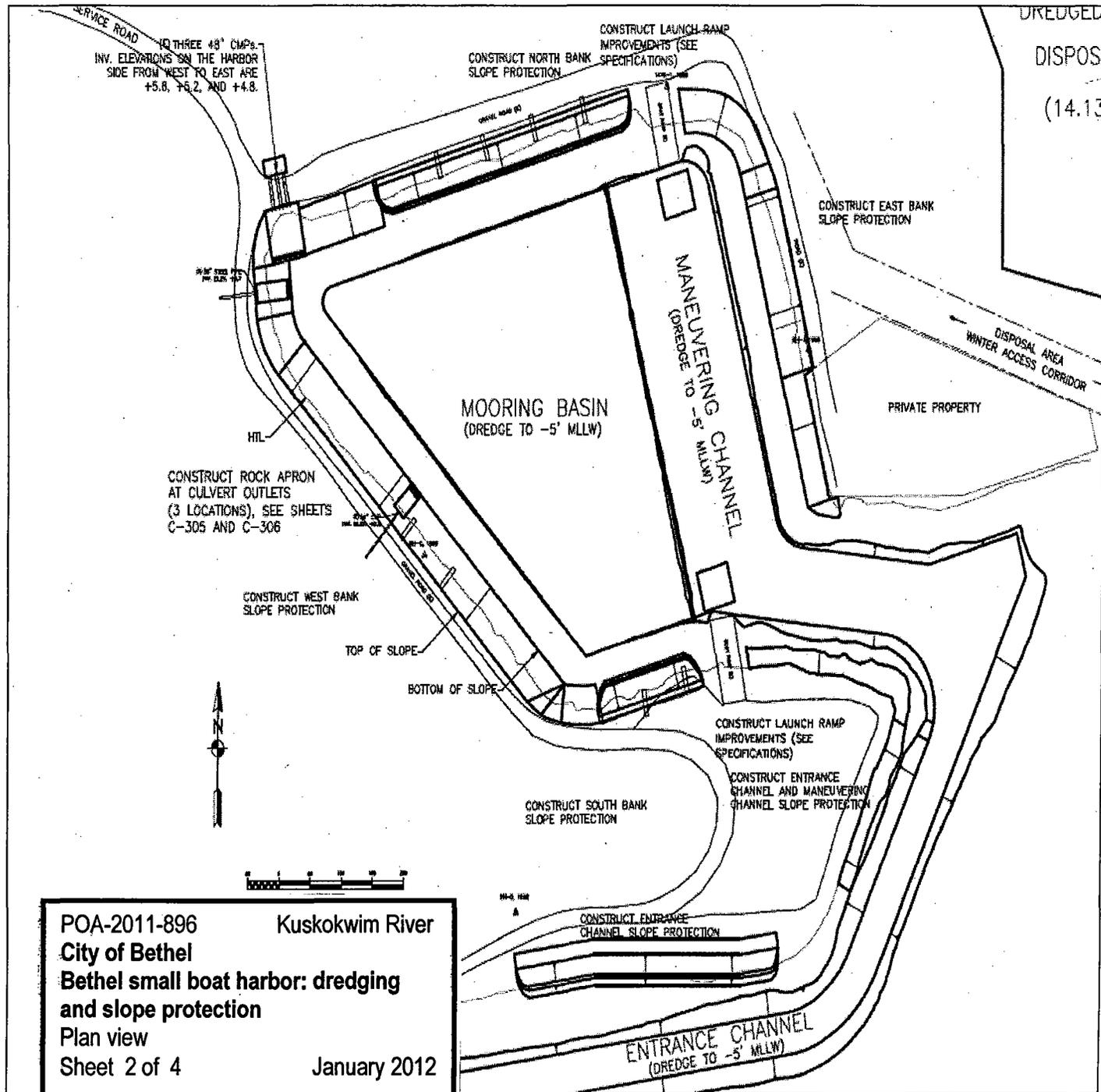
POA-2011-896 Kuskokwim River
 City of Bethel
 Bethel Small Boat Harbor: dredging
 and slope protection
 Location maps
 Sheet 1 of 4 January 2012

Bethel, Alaska
Vicinity Map
 USGS Quad Map (1:62,500)
 Bethel D-8

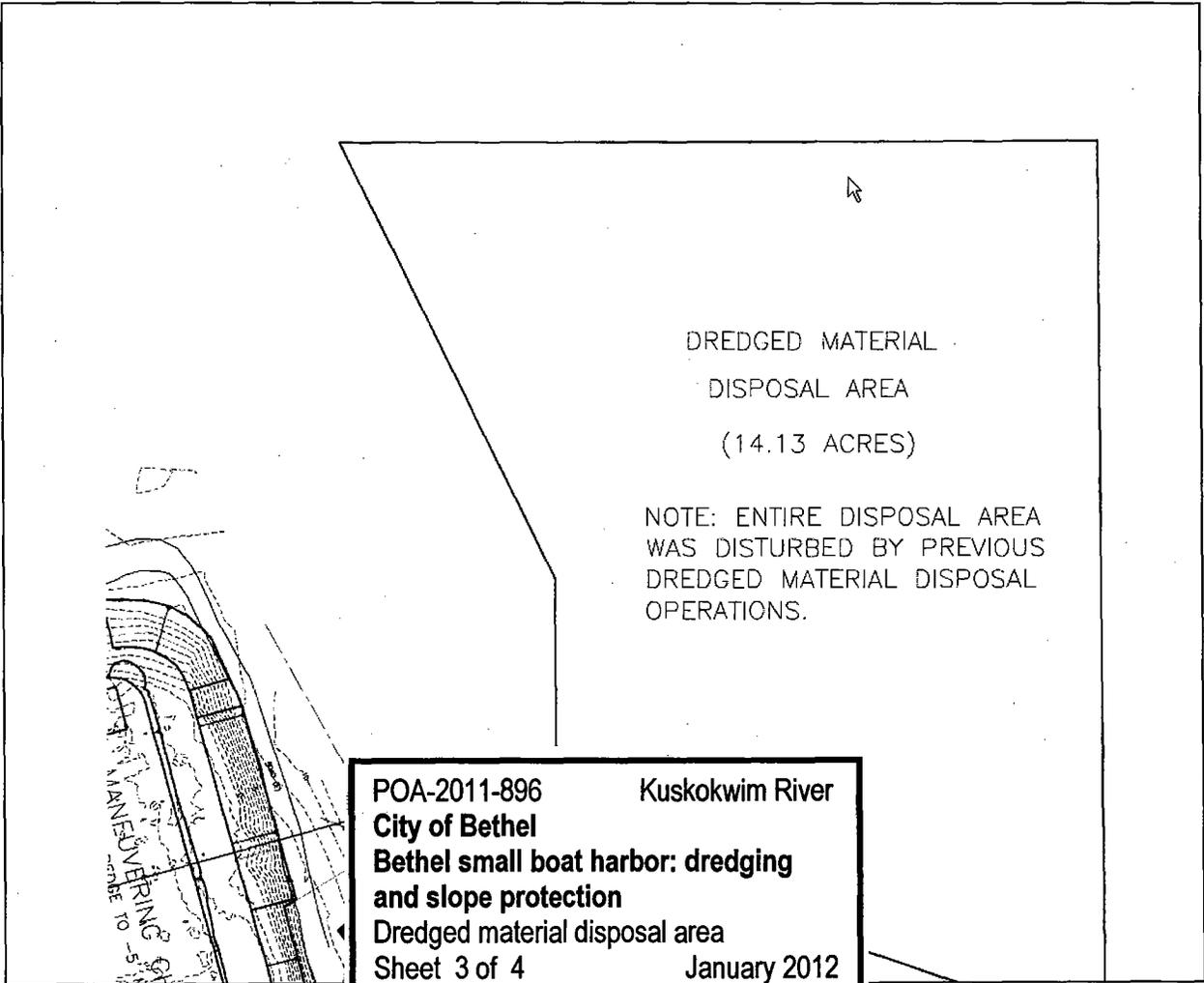
 Alaska District
 US Army Corps of Engineers



City of Bethel Harbor



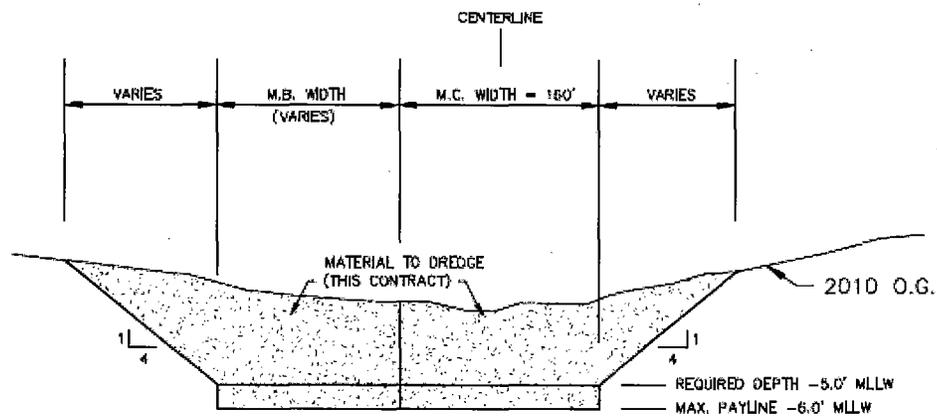
POA-2011-896 Kuskokwim River
 City of Bethel
 Bethel small boat harbor: dredging
 and slope protection
 Plan view
 Sheet 2 of 4 January 2012



DREDGED MATERIAL
DISPOSAL AREA
(14.13 ACRES)

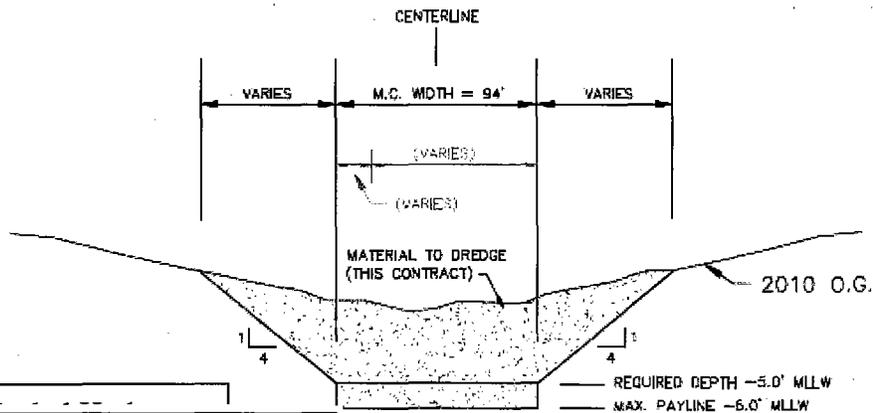
NOTE: ENTIRE DISPOSAL AREA
WAS DISTURBED BY PREVIOUS
DREDGED MATERIAL DISPOSAL
OPERATIONS.

POA-2011-896 Kuskokwim River
City of Bethel
**Bethel small boat harbor: dredging
and slope protection**
Dredged material disposal area
Sheet 3 of 4 January 2012



D TYPICAL SECTION: DREDGING - MANEUVERING CHANNEL AND MOORING BASIN NOT TO SCALE

STA. 27+35.43 TO 32+00.88, M.C. WIDTH = 160', M.B. WIDTH VARIES



DREDGING - MANEUVERING CHANNEL NOT TO SCALE

TO 24+32.83, M.C. WIDTH VARIES
 TO 25+80.11, M.C. WIDTH = 94'
 TO 27+35.43, M.C. WIDTH VARIES

POA-2011-896 Kuskokwim River
 City of Bethel
 Bethel small boat harbor: dredging
 and slope protection
 Typical section dredging
 Sheet 4 of 4 January 2012