CWA 401 Water Quality Certification Request

version 2.15

(Submission #: HQE-FHWF-QV6R0, version 1)

Details

Site: Noatak River Gravel Mine

Submission ID HQE-FHWF-QV6R0

Form Input

Form Instructions

Form Instructions

Instructions for filling out the 401 Prefiling Meeting Request Form are located on the Alaska DEC website at the link below.
401 Prefiling Meeting Request Form Instructions

Agents: For Delegation of Authority to act on behalf of the applicant in processing the application, use the following form, have signed, and upload with application.

- Delegation of Authority - 401 Application

Contact Information (1 of 3)

Required Contacts

The following **Contact Roles are *REQUIRED***. Please select the appropriate role(s) for each contact and complete the contact details. Multiple role(s) may be assigned to each unique individual.

- **Applicant** (Responsible Party)
- **Billing Contact**

Contact Role(s)
Applicant

Contact

Prefix
NONE PROVIDED

First Name	Last Name
Toby	Drake

Title
President

Organization Name
Drake Construction, Inc

Phone Type	Number	Extension
Business	907-442-3512	

Email
tdrake@drakeconstruction.net

Mailing Address

Po Box 338

Kotzebue, AK 99752

[NO COUNTRY SPECIFIED]

Contact Information (2 of 3)

Required Contacts

The following **Contact Roles are *REQUIRED***. Please select the appropriate role(s) for each contact and complete the contact details. Multiple role(s) may be assigned to each unique individual.

- **Applicant** (Responsible Party)
- **Billing Contact**

Contact Role(s)
Agent

Contact

Prefix
NONE PROVIDED

First Name	Last Name
Alina	Rice

Title
Agent

Organization Name
MLP & Associates, LLC

Phone Type	Number	Extension
Business	907-885-0271	104

Email
alina@mlpassociates.com

Mailing Address

721 Depot Drive

Anchorage, AK 99501

United States

Contact Information (3 of 3)

Required Contacts

The following **Contact Roles are *REQUIRED***. Please select the appropriate role(s) for each contact and complete the contact details. Multiple role(s) may be assigned to each unique individual.

- **Applicant** (Responsible Party)
- **Billing Contact**

Contact Role(s)
Billing Contact

Contact

Prefix
NONE PROVIDED

First Name	Last Name
Alina	Rice

Title
Agent

Organization Name
MLP & Associates, LLC

Phone Type	Number	Extension
Business	907-885-0271	104

Email
alina@mlpassociates.com

Mailing Address

721 Depot Drive

Anchorage, AK 99501

United States

Project / Facility Site Info

Identify the applicable federal license or permit

A copy of the federal permit or license application is required to be submitted with the request for the water quality certification. (18 AAC 15.130, 18 AAC 15.180)

Federal Agency
Army Corps of Engineers (USACE)

Permit License Number (ex. USACE: POA-XXXX-XXXX; FERC: FERC-xxxx-xxxx; EPA: AK#######)
POA-2008-00618

Project Name or Title
Noatak River Gravel Mine

Primary Receiving Waterbody Name
NONE PROVIDED

Estimated Project Dates (+/- 30 days)

Project Estimated Start Date	Project Estimated End/Completion Date
05/15/2025	10/31/2030

Approximate date(s) when any Discharge(s) may commence (+/- 30 days)

Description	Discharge Estimated Start Date	Discharge Estimated End Date
Discharge	05/25/2025	10/31/2030

Project Description (Nature of Activity, include all features)
Drake proposes extracting an additional 300,000 cubic yards from the Noatak material site. An Excavator and a loader will be used for extracting material and loading dump trucks.
The heavy equipment's servicing, maintenance, and storage will be done on-site. All waste oil, coolants, and replacement parts will be removed by barge and disposed of at the City of Kotzebue Hazardous Waste Collection Facility or at the local Class lll Landfill if applicable.
The current gravel pit and two additional undisturbed cells total 21.5 acres. Of the total acreage, Cell 1 is approximately 2.5 acres and Cell 2 is approximately 5 acres. See Figure 6.

Project Purpose (Describe the reason(s) for discharge)
DCI proposes to continue developing an aggregate material source in western Alaska, about 560 miles northwest of Anchorage and about 20 miles north of Kotzebue along the northeastern bank of the Noatak River (see Figure 1). The purpose of this project is to extract sand and gravel materials for use in support of Alaska Department of Transportation & Public Facilities (Alaska DOT&PF) roadway projects in Kotzebue, Alaska and other entities and communities. The proposed project includes the extraction of sand and gravel materials from the current extraction site.
Activities include constructing, operating, and eventually closing a gravel borrow pit that would serve the Kotzebue area and the surrounding villages. The project is on land owned by Ms. Lily (Pilcher) Mayland, which is held in trust by the Bureau of Indian Affairs as a restricted-use Native Allotment. The footprint of the proposed site is limited to a portion of Ms. Mayland's property identified as a source of high quality borrow material. DCI has a recorded lease for this property. See Figure 9 for the boundary of the lease. An Environmental Assessment (EA) was completed in May 2008, before POA-2008-618, Noatak River was issued. The EA was updated in 2020 when the Mayland lease was renewed.
Material would be transported down the Noatak River to the city of Kotzebue by barge and tugboat, where it would be commercially available to various projects in the region. The construction site would utilize the existing infrastructure consisting of a 1,250-foot by 31-foot (bottom width) haul road, a barge landing, and stockpile area. Material excavation and reclamation would occur in phases. Extraction at the current mine extraction area will continue with additional phased extraction in Cell 1 and Cell 2. See Figure 6. Reclamation at the site will follow the attached reclamation plan.
Extracted material would be loaded on barges at the Noatak River shoreline and barged where needed. No improvements would be necessary below the ordinary high water mark at the barge landing. The estimated life of the project is 5 years, providing an estimated 300,000 CY of material and impacting a total of 21.5 acres
The mine is active seasonally during summer months using conventional truck and shovel operation using both bulk and selective mining methods. Currently there is no road or rail access to the site, and all personnel and supplies are transported by tug and barge. The project is completely isolated from existing power and other infrastructure.

Is any portion of the work already complete?
Yes

Please describe the completed work
The project is an extension of the Noatak River Gravel Pit Project previously permitted under POA-2008-618, Noatak River. Gravel mining operations were initially permitted on March 10, 2009 and placed into use on August 1, 2011. The total aggregate mined since 2011 is approximately 150,000 cubic yards. Completed excavation acreage is 14 acres.

Description of current activity site conditions
NA

Relevant Site Data, Photographs that Represent Current Site Conditions, or other Relevant Documentation
NONE PROVIDED
Comment
NONE PROVIDED

Is this a linear project? (i.e., utility line, road, etc.)
No

Project Address
[NO STREET ADDRESS SPECIFIED]
[NO CITY SPECIFIED], AK *[NO ZIP CODE SPECIFIED]*

Visit the link below to help with conversion between DMS and Latitude/Longitude
DSM - Lat/Long converter

Project Location
67.15726,-162.326989

Visit the following link if you need to convert the lat/long to get the **PLSS information**

Converter for Section, Township, and Range

PLSS Location (Public Land Survey System)

State Tax Parcel ID	Borough/Municipality	Meridian	Section	Township	Range
NONE PROVIDED	Northwest Arctic Borough	Kateel River	2	20N	17W

Directions to Site
Noatak River mile 14, approximately 18 miles northeast of Kotzebue, Alaska and which can be noted on USGS map Noatak A-I.

Federal Agency Contact (1 of 1)

Have you been working with anyone in the Federal Agency?
Yes

Federal Contact Role
USACE

Federal Agency Contact

First Name Tyler
Last Name Marye

Title
NONE PROVIDED

Organization Name
USACE

Phone Type	Number	Extension
Business	907 753-5778	

Email
Tyler.J.Marye@usace.army.mil

Dredge Material to be Discharged

Is dredging involved?
Yes

How many acres?
21.5

How much volume? (Cubic Yards)
300,000.00

Is the dredging considered a new project, or maintenance?
New Project

Tier Analysis

A tier analysis is comprised of a layered approach to determine the need for testing the dredge material to aid in generating physical, chemical, toxicity and bioaccumulation information, but not more information than is necessary to make factual determinations. The tier analysis is a series of tiers (I – IV) or levels of intensity (and cost) of investigation. It is necessary to proceed through the tiers only until information is sufficient to make factual determinations, no further testing is required.

- **Tier I - Site Evaluation and History**. The initial tier (Tier I) uses readily available, existing information (including all previous testing). For certain dredge materials with readily apparent potential for environmental impact (or lack thereof), information collected in Tier I may be sufficient for making factual determinations.
- **Tier II - Chemical Testing** is concerned solely with sediment and water chemistry.
- **Tier III - Biological Testing (bioassay and/or bioaccumulation testing)** is concerned with well-defined, nationally accepte toxicity and bioaccumulation testing procedures.

- **Tier IV - Special Studies** allows for case-specific laboratory and field testing, and is intended to for use in unusual circumstances.

For more information regarding a Tier analysis, see below references

- [EPA Inland Testing Manual]
- [USACE Seattle District Civil Works DMMP User Manual]

Has a Tier analysis been conducted of the dredged prism?
No

Note, if marked NO; A Tier analysis may be required later upon review of the request.

For more information regarding a Tier analysis, see below references

- [EPA Inland Testing Manual]
- [USACE Seattle District Civil Works DMMP User Manual]

Fill Material to be Discharged

Will Fill Material be Discharged?
Yes

For fill material, identify the material source
Existing Gravel

Types of material being discharged and the amount of each type (cubic yards)

Type	Cubic Yards
Sand and Gravel	300,000.0

Surface area in (acres or linear feet) of wetlands or other waters filled

Surface Area	Units
21.5	Acres

Discharge Location Information (1 of 1)

Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters

Discharge Location ID (001, 002, 003, - increment by one)
001

Location Description
67° 9'36.75"N, -162°19'56.7"W

Placement of Dredged/Fill material discharge
Wetland

NOTE: if you have a receiving water that is Wetlands, just enter the generic term "Wetlands". Do not enter "Wetlands of Tanana River", for example.

Please select 'Other' if your waterbody is not in the list below.
You can start typing the name of the waterbody to filter the list.

Receiving Waterbody / Wetlands Name
Noatak River

Discharge Location
67.1594427708906,-162.3303007125819

Other Pollutant Sources

Contaminated Site Information

Determine if your project is **within 1,500 feet** of a known Alaska DEC Contaminated Site. See the *Alaska DEC Contaminated Web Map* below. This will help you to identify if any potential pollutants/parameters of concern may be present on your project site., see DEC's website:

- **Contaminated Sites Web Map**
- **Contaminated Sites Database Search website**

Is the project within 1,500 feet of a known contaminated site?
No

Parameters of Concern that may be present in discharge

Parameter(s) of Concern

Identify the parameters of concern that may be present in your discharge from the dredge and/or fill material.

Note, **TURBIDITY** and **SEDIMENT** are routine parameters associated with dredge and/or fill activities.

Consider if other parameters may be present from past activities in the area such as contamianted site data, impaired waters or other relevant water quality data, or other parameters of concern identified during the application process.

Parameter(s)
Sediment

If known, describe respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water
NA

Impaired Waters

An ***impaired waterbody*** are those listed as a **Category 4 [304(b)] or Category 5 [303(d)]** in the current EPA approved *Alaska's Integrated Water Quality Monitoring and Assessment Report.*

For the most recently *Approved Integrated Water Quality Monitoring And Assessment Report (Integrated Report)*, see DEC's

website:

- **Integrated Water Quality Monitoring And Assessment Report** https://dec.alaska.gov/water/water-quality/integrated-report

Does a discharge of any parameter identified above occur to an impaired waterbody?
No

If determined necessary and requested by the Department, submit sufficient and credible baseline water quality information for the receiving water which meets the requirements of 18 AAC 70.016(a)(6)(A-C).

Avoidance & Minimization BMPs and Mitigation Measures

Describe how impacts are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize environmental impacts, and any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge.

Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge
The project has an active Multi Sector SWPPP

Avoidance Measures
Complete avoidance of wetlands is not practicable to accomplish the purpose and needs of this project. No in-water work is expected to take place during the extraction of materials. Temporary stockpiles will be placed at least 100 feet away from the waters of the U.S. The project requires excavation in freshwater emergent wetlands to extract suitable sands and gravels for the construction of regional projects. The applicant has lease ownership of the property and subsurface.
Wetlands are located on the subject property, and avoiding all wetlands to meet the project's purpose and needs is not practicable. See Figure 4. Project alternatives, including no action, barging gravel from Nome, single-phase extraction at the proposed location, and the proposed location in two-phase extraction, were evaluated to identify the most practicable alternative after taking into consideration site logistics, Alaska Department of Transportation (ADOT) construction requirements, noise pollution, and the overall project purpose. Alternatives were considered, with the current proposed project being the most reasonable and practicable alternative. The alternatives considered include the following:
Alternative 1: No Action
The No Action alternative would not develop any more of the property and leave it as it is currently. This alternative provides no new source of sand and gravel for construction projects.
Alternative 2: Barge Gravel from Nome
Kotzebue does not have a deep draft port. Barging gravel from Nome to Kotzebue could have impacts on wildlife. The coastline and water bodies from Nome to Kotzebue are critical habitats for wildlife.
Alternative 3: One-phase, current location
Extraction would occur in one 21.5-acre cell unit until all usable material is exhausted.
Alternative 4: Two-phases, current location
Current mining would continue within the existing disturbed footprint. Additional extraction would occur in two additional Phases (two cells), one cell at a time, until all usable material is exhausted. Cell 1 is approximately 2.5 acres and Cell 2 is approximately 5 acres. See Figure 5 and 6.
Analysis of Alternatives
The proposed action (Alternative 4) is the preferred alternative for meeting the purpose and need of the project, which is to provide additional sand and gravel at the least cost with the least impact on wetlands. This alternative also provides a phased approach to extraction.

Minimization Measures
The proposed site's selection is based on utilizing the applicant's property, with an extraction site of approximately 21.5 acres. To further minimize impacts to the waters of the U.S., the project is designed to reduce wetland impacts to the greatest extent practicable. Complete avoidance of wetlands is not practicable to accomplish the purpose and needs of this project. To minimize the impact of this project on the environment, the following measures are proposed:
• The proposed project will follow necessary USFWS and NOAA Fisheries recommendations to avoid disturbing migratory birds or Threatened or Endangered species.
• There are no known Historic Properties. A Cultural Resources Desktop Assessment was completed in 2020 by Northern Land Use Resources and submitted to the Bureau of Indian Affairs (BIA) as part of the updated Environmental Assessment requested by the BIA. This assessment can be provided if requested.
• The extraction limits will be clearly identified in the field prior to extraction to ensure the permitted project footprint is not exceeded during development.
• This site is currently an active mine and increasing the current size is the least damaging option. Any other option requires new site development.
• Extraction would occur in Phases, one cell at a time, until all usable material is exhausted.
• Movement of construction equipment would be restricted to within the identified project boundaries to minimize disturbance to native vegetation.
• Stockpiles will not be placed in undisturbed wetlands.
• BMPs such as vegetative buffers would be installed and implemented to minimize the introduction of additional suspended sediment into the wetlands.
• All refuse, garbage, or debris created during activities will be removed and disposed of at an approved facility.

Mitigation Measures
No purchases of mitigation bank or in-lieu fee credits are proposed during any phase of the proposed rehabilitation as neither option is currently available for the area. The applicant stated that compensatory mitigation should not be required for the Noatak River Gravel Mine project because all practicable steps have been taken to avoid and minimize adverse impacts to the wetland ecosystem.

Social / Economic Importance

Social or Economic Importance

(18 AAC 70.016(c)(5): Provide information that demonstrates the accommodation of important social or economic development. The applicant shall complete either a social OR economic importance analysis (or both) for each affected community in the area where the receiving water for the proposed discharge is located.

Social Importance Analysis
NONE PROVIDED

Economic Importance Analysis
Employment, job availability, and salary impacts
Commercial activities

Describe Social and/or Economic Importance of the project
NA

Description of Social or Economic Importance, if needed
NONE PROVIDED
Comment
NONE PROVIDED

List of Other Permits or Certificates

*Would include but is not restricted to zoning, building, and flood plain permits.

Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received.

Agency	Type of Approval*	Identification Number	Date Applied	Date Approved	Date Denied
Northwest Arctic Borough	Title 9	Title 9 Conditional Use Permit No.: 109-03-22	*NONE PROVIDED*	06/02/2022	*NONE PROVIDED*

Agency	Type of Approval*	Identification Number	Date Applied	Date Approved	Date Denied
ADEC	Multi Sector SWPPP	AKR06GA40	*NONE PROVIDED*	10/10/2019	*NONE PROVIDED*

Other Agency or Local Contacts (1 of 1)

Contact Role
OTHER_REG_CNTCT

Other Agency and or Local Contacts

First Name	Last Name
Noah	Naylor

Title
Planning Director

Organization Name
Northwest Arctic Borough

Phone Type	Number	Extension
Business	907-442-2500	

Email
NNaylor2@nwabor.org

Attachments

Copy of Federal Application (USACE, EPA, or FERC, etc.)
Eng_Form_4345_03062025.pdf - 07/30/2025 09:32 AM
Comment
NONE PROVIDED

Figures and/or Drawings/Plan Sets. To include a map or diagram of the proposed activity site, including the proposed activity boundaries in relation to local streets, roads, and highways.
20250402 DCI - USACE Permit Figures.pdf - 07/30/2025 09:32 AM
Comment
NONE PROVIDED

Document Attachments
Project Description and Mitigation Noatak_040125.pdf - 07/30/2025 09:32 AM
Surface Mining Reclamation Plan - Noatak 2025_040125.pdf - 07/30/2025 09:32 AM
Comment
NONE PROVIDED

Delegation of Authority for Submission of Application
delegation-of-authority-401-application (1).pdf - 07/30/2025 09:32 AM
Comment
NONE PROVIDED

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:
1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
2) in the case of a partnership, by a general partner;
3) in the case of a sole proprietorship, by the proprietor; and
4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Agreements and Signature(s)

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:
1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
2) in the case of a partnership, by a general partner;
3) in the case of a sole proprietorship, by the proprietor; and
4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Signed By info@mlpassociates.com info@mlpassociates.com on 07/30/2025 at 9:45 AM