



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
1046 Marks Road  
Fort Wainwright, Alaska 99703

<b>PUBLIC NOTICE DATE:</b>	<b>February 26, 2026</b>
<b>EXPIRATION DATE:</b>	<b>March 30, 2026</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2025-00427</b>
<b>WATERWAY:</b>	<b>OPHIR CREEK</b>

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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.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). All comments should include the public notice reference number listed above.

All comments 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 Gwen Jacobson at (907) 347-5802, or by email at [Gwendolyn.A.Jacobson@usace.army.mil](mailto:Gwendolyn.A.Jacobson@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Jon Erickson, City and Borough of Yakutat, 43 Max Italio Drive, Yakutat, AK 99689; (907) 784-3325

**AGENT:** Katie Ring, Shannon & Wilson, Inc., 2355 Hill Road, Fairbanks, AK 99709; (218) 380-0501

**LOCATION:** The project site is located within Sections 30-32, T. 27 S., R. 34 E., and Sections 4-6 and 9, T. 28 S., R. 34 E., Copper River Meridian. The approximate center of the project site is located at Latitude 59.5264° N., Longitude -139.6939° W.; in Yakutat, Alaska. The project would span 3.5 miles, following the north side of Airport Road, between the City of Yakutat and the Airport. The northwest end of the alignment would split at Coast Guard Road

to separately meet Mallott Avenue and Ophir Creek Road, while the southeast end of the alignment would depart from Airport Road to follow Endicott Road to Airport Access Road.

PURPOSE: The applicant's stated purpose is to provide a reliable drinking water supply to properties near the Yakutat airport that have been affected by per- and polyfluoroalkyl substances (PFAS) contamination of their drinking water wells.

PROPOSED WORK: The applicant proposes to discharge approximately 1,500 cubic yards of fill material into 0.6 acres of wetlands and 0.7 acres of waters below the ordinary high water (OHW), to extend the municipal water supply line approximately 3.5 miles. The waterline extension would consist of approximately 18,000 linear feet of 10-inch line and 2,250 linear feet of 6-inch line, installed at a minimum of 5 feet below existing grade using trenching and boring techniques. The waterline would primarily be installed within existing road rights-of-ways with an estimated 20-foot of disturbance on either side of the alignment resulting from vegetation clearing, trenching, excavation, and fill activities. Where the waterline follows Airport Road, it would be buried within the road prism and as close to pavement as possible to avoid the need for dewatering and to improve access to valves and hydrants that should not be placed in the adjacent channel.

Where the alignment crosses stream channels, waterline would be installed by horizontal directional drilling beneath the streambed. Where stream channels run alongside the existing road alignment, waterline would be installed below the OHW on the road embankment side of the channel. The disturbed slope would be reconstructed with material matching the existing embankment substrate, capped with four inches of topsoil, and seeded.

Additionally, the project would involve the construction of a 500,000-gallon water holding tank and 1,400 square foot pump house.

All work would be performed in accordance with the enclosed plan (sheets 1-37), dated January 2026.

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 the proposed alignment was selected to avoid wetlands where feasible by following existing corridors and minimizing the construction footprint. No trenching, clearing, sidecast, or stockpiling of materials would occur in wetlands. Additionally, the project design would avoid impacts to several waterways by using directional drilling methods.

b. Minimization: The applicant stated that the project would minimize impacts to wetlands and waters by following existing road corridors, siting work within an existing road prism and as close to the road as possible, and using directional drilling to cross stream channels. Additionally, the applicant would implement a Stormwater Pollution Prevention Plan (SWPPP) with comprehensive temporary and permanent erosion, sediment, and pollutant

control systems, including vegetative buffers, silt fences, seeding, and slope stabilization. Where the waterline would be installed below the OHW of roadside channels, sediment curtains would be installed to prevent sedimentation of streams, and minnows would be trapped and relocated outside of the work area.

c. Compensatory Mitigation: To compensate for unavoidable impacts to wetlands, the applicant proposes to purchase 0.08 mitigation credits from Trillium Mitigation Bank, if available, which they calculated based on Wetland Ecological Services Protocol for Alaska-Southeast (WESPAK-SE) functional assessment and the Alaska District Credit Debit Methodology (ADCDM).

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 lead Federal agency, the Environmental Protection Agency (EPA) Region 10, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The U.S. Army Corps of Engineers (USACE) will review EPA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until USACE has reviewed the Section 106 documentation from EPA and concurs with their findings and/or determinations.

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 (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 (Magnuson-Stevens 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).

The project area is within mapped EFH for coho (*Oncorhynchus kisutch*), sockeye (*Oncorhynchus nerka*), and pink (*Oncorhynchus gorbuscha*) salmon.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may adversely affect EFH for the species listed above, we will follow the appropriate course of action under Section

305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: USACE 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 USACE, 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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in USACE's final assessment of the described work.

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.

USACE 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 USACE 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) 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 are enclosed with this public notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures