

# CWA 401 Water Quality Certification Request

version 2.16

(Submission #: HQN-1E5D-BARVQ, version 1)

Digitally signed by:  
dec.alaska.gov  
Date: 2026.04.23 12:46:12 -08:00  
Reason: Submission Data  
Location: State of Alaska

## Details

---

**Site:** Nimiuk Point Sand and Gravel KIC

**Submission ID** HQN-1E5D-BARVQ

## 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 2)

### 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

Thomas Baker

### Title

Manager

### Organization Name

Kikiktagruk Inupiat Corporation

### Phone Type Number Extension

Business 907-442-3165

### Email

tbaker@kikiktagruk.com

### Mailing Address

PO Box 1050

Kotzebue, AK 99752

[NO COUNTRY SPECIFIED]

## Contact Information (2 of 2)

### 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  
Billing Contact

## Contact

### Prefix

NONE PROVIDED

### First Name Last Name

Maria Lewis

### Title

Agent

### Organization Name

MLP and Associates

### Phone Type Number Extension

Business 9078850271

### Email

maria@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#####)**

POA200500246

**Project Name or Title**

Nimiuk Point Sand and Gravel KIC

**Primary Receiving Waterbody Name**

Wetlands

**Estimated Project Dates (+/- 30 days)**

Project Estimated Start Date	Project Estimated End/Completion Date
05/15/2026	10/31/2030

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

Description	Discharge Estimated Start Date	Discharge Estimated End Date
NONE PROVIDED	05/15/2026	10/31/2030

**Project Description (Nature of Activity, include all features)**

The project site is a partially developed 27-acre piece of land with a narrow sand and gravel beach and adjacent tundra wetlands. Behind these are approximately 70-foot bluffs and tundra beyond. The area of extraction is freshwater emergent wetlands (National Wetlands Inventory Mapping Sheet 4) with vegetation consisting of grasses and tundra.

Winter access to the project site is limited due to offshore ice. Topsoil and overburden removed from the extraction area will be stockpiled onsite for reuse in the southern end of the extraction area (Sheet 6). Overburden will be removed with crawler dozers. Extraction will be performed with a combination of hydraulic excavators and wheeled front-end loaders excavating the material. Some material processing will occur onsite with a screen plant, crusher, grizzly, and/or sand separator. The material will be transported across the site to a barge for transport to Kotzebue by either front-end loaders or articulated dump trucks.

Material extraction is not planned within a 100-foot setback/buffer from adjacent properties and Hotham Inlet. The extraction area will be graded such that stormwater, and any other potential discharges cannot travel into wetlands onsite or offsite and waters of the U.S.

Reclamation will begin after the extraction period once all aggregates are exhausted. A reclamation plan (as required by ADNR pursuant to AS 27.19) will be filed with the state before extraction activities commence. Existing USGS topographical information on the property is shown on Sheet 3.

The material extraction area is approximately 9.73 acres occurring in two cells, in two separate phases. See Sheet 6. Cell 1 will be excavated until all material is exhausted, and then cell 2 will be excavated. Approximately 104,000 cubic yards of sand/gravel will be extracted from the material source. Work will take place 12 hours per day, 7 days per week. Equipment and supplies will be stored onsite in the project staging area, which is in the uplands of cell 2 (Sheet 6). The overburden and top-soil stockpile will be at the southern end of the extraction area (Sheet 6). Material extraction is to take place within wetlands (See Sheet 4 showing wetland mapping from the National Wetland Inventory) and in accordance with the U.S. Army Corps of Engineers permit requirements.

The site will be accessed by beach landing craft and/or deck barge with a landing ramp adjacent to the cell 2 site (Sheet 6). It is anticipated that there will be approximately 12 barge trips per year between May/June to September. Other vehicle traffic to the site will employ four-wheelers and/or snow machines along informal trails to/from Kotzebue.

**Project Purpose (Describe the reason(s) for discharge)**

This project aims to extract sand and gravel for road construction, landfill reclamation, sewer cell improvements, and building pads in Kotzebue, Alaska. The proposed project includes the extraction of sand and gravel from freshwater emergent wetlands with vegetation consisting of grass and tundra (Sheet 5).

**Is any portion of the work already complete?**

Yes

**Please describe the completed work**

17.27 acres of the total 27-acre piece of land have already been excavated for sand and gravel under a prior permit. See map sheet 5

**Description of current activity site conditions**

17.27 acres of the total 27-acre piece of land have already been excavated for sand and gravel under a prior permit. See map sheet 5

**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]

Kotzebue, AK 99752

Visit the link below to help with conversion between DMS and Latitude/Longitude

[DSM - Lat/Long converter](#)

**Project Location**

66.76226,-162.01474

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	25 and 30	16N	15 and 16 W

**Directions to Site**

The subject property project is a 27-acre site within the Federal Conveyed ANCSA Land Kikiktagruk Inupiat Corporation on the western shoreline of Hotham Inlet (Kobuk Lake) and on the eastern side of Baldwin Peninsula, approximately eighteen miles southeast of the City of Kotzebue, Alaska (Sheet 1) located within Section 25 & 30, Township 16 North, Range 15 & 16 West, Kateel River Meridian, Alaska; Northwest Arctic Borough; Kotzebue recording district; USGS Quad Map Kotzebue D-2 SE, AK. The property is approximately 1,055 feet (east-west) by 1,174 feet (north-south) and Latitude 66.76226, Longitude -162.01474 (latitude longitude obtained from Google Earth; Sheet 1 and 4).

The project area is relatively shallow (6 feet in depth). A sand and gravel beach shoreline is located approximately 100 feet east of the subject property. West of the beach, an approximately 70-foot-tall bluff, aligned approximately north-south, is present. The property is an open ocean estuarine and marine deep-water habitat (Sheets 2, 4, and 5).

**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      Last Name**

Drew                      Sliger

**Title**

Project Manager, North Section Regulatory Division

**Organization Name**

US Army Corps of Engineers

**Phone Type      Number                      Extension**

Business              907-753-2723

**Email**

drew.e.sliger@usace.army.mil

## Dredge Material to be Discharged

### Is dredging involved?

Yes

### How many acres?

9.73

### How much volume? (Cubic Yards)

104,000.00

### 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 to 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 accepted 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**

Sand and Gravel

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

Type	Cubic Yards
Sand and Gravel	104,000

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

Surface Area	Units
9.73	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**

Southern end of Project Area

**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**

Wetlands

**Discharge Location**

66.7605562,-162.0146196

**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 contaminated site data, impaired waters or other relevant water quality data, or other parameters of concern identified during the application process.

### Parameter(s)

Sediment  
Turbidity

**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**

None

### 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](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**

Topsoil and overburden removed from areas to be excavated will be stockpiled onsite for reuse. If possible, stockpiles will be located away from areas of concentrated runoff flow and a minimum of 100 feet from any waters of the U.S. in accordance with Best Management Practice (BMP) 44 Stockpile Management and BMP 40.00 Cold Weather Stabilization (Appendix B).

When the borrow source has been exhausted, the slopes will be graded, and stockpiled topsoil and overburden will be placed on the slopes with an excavator and bulldozer. This process will provide even coverage, facilitate vegetation growth, and minimize erosion until vegetation is established.

Natural vegetation and/or seed will be placed on the reclaimed slopes. If seeds are used, careful consideration will be taken to avoid introducing non-native seeds to the area. A site-specific revegetation plan has been prepared for this project.

During clearing and grubbing operations, stockpiled organic-rich soil will be managed using BMP 44 Stockpile Management and BMP 12.00 Plastic Covering. During reclamation and/or post-mining, stockpiled organic-rich soil will be placed and graded per the plan. BMP 52.00 & 53.00 Permanent Seeding and Soil Amendments and/or BMP 57.00.

### **Avoidance Measures**

Material extraction is to take place within wetlands and in accordance with the U.S. Army Corps of Engineers permit requirements. 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 ownership of the property and subsurface. The subject property is in a remote location with access to the site by beach landing craft and/or deck barge with a landing ramp adjacent to the extraction site. Other vehicle traffic to the site will employ four-wheelers and/or snow machines along informal trails to/from Kotzebue.

Wetlands are located on the subject property, and avoiding all wetlands to meet the project's purpose and needs is not practicable. 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 included the following:

### **Minimization Measures**

The proposed site's selection is based on utilizing the applicant's property, with a small extraction site of 9.73 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 any necessary USFWS and NOAA Fisheries recommendations to avoid disturbing migratory birds or Threatened or Endangered species.
- ◆ Project activities will attempt to avoid any water bodies. There are no known Historic Properties.
- ◆ The limits of extraction will be clearly identified in the field prior to extraction to ensure the permitted project footprint is not exceeded during development.
- ◆ Extraction will occur in two 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, if any, would not occur in wetlands that are not proposed for permanent fill placement and would be covered to protect from stormwater runoff.
- ◆ BMPs such as fiber rolls 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**

After aggregate material has been mined, the site will be reclaimed as a revegetated marshland.

The purpose of the reclamation plan is to provide guidelines for implementing stabilization and reclamation procedures for the material source. Reclamation will take place at the end of the complete extraction, once all aggregates are exhausted and results in a revegetated native marsh. A reclamation plan has been developed for this project along with a site specific revegetation plan.

## **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**

Infrastructure improvements

**Economic Importance Analysis**

Access to resources

**Describe Social and/or Economic Importance of the project**

Access to resources

**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
NWAB	Title 9	112-08-24	07/29/2024	NONE PROVIDED	NONE PROVIDED
USACE	CWA 404	POA200500246	10/10/2024	NONE PROVIDED	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.)**

[KIC Nimiuk Point USACE Permit Signed2.pdf - 04/23/2026 11:48 AM](#)

**Comment**

Signed USACE permit application

**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.**

[20241007 KIC - USACE.pdf - 04/23/2026 11:48 AM](#)

**Comment**

Site Maps

**Document Attachments**

2026.01.14\_POA Nimiuk Point S&G Project Description.docx - 04/23/2026 11:48 AM

**Comment**

USACE permit project description and reclamation plan

**Delegation of Authority for Submission of Application**

delegation-of-authority-401-application\_mal.pdf - 04/23/2026 11:56 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)

---

## Certification Statement

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** `tbaker@kikiktagruk.com` on 04/23/2026 at 12:23 PM  
OJxOaZ70IP25kDACAPKdruDHI0Qa48T4LO8fW69tpFm5/qOL2stjMH43jNFTV6SMam3cfHr+CcT8X0farRUlw==