

ALASKA DEPARTMENT OF NATURAL RESOURCES
Water Resources Section

TO: Henry Brooks
FROM: Lesli Schick

DATE: December 30, 2020
FILE NUMBER: TWUA A2020-99

The subject Temporary Water Use Authorization (TWUA) case file has been reviewed for accuracy and conformance with statutes and regulations. The following comments, recommendations or corrections are presented.

Water Sources & Amounts: Igushik River in Section 11, Township 14 South, Range 59 West, Seward Meridian. The maximum daily withdrawal is limited to 5,000 gallons, with a combined seasonal maximum of 500,000 gallons.

Brief Project Description: Water withdrawals associated with dust suppression and compaction associated with the Manokotak Second and Third Street Rehabilitation Project in Manokotak. Season of use is May 1 - October 31 of each authorized year.

Check for duplicate water use: None.

Agency Review: Dated October 9, 2020, with comments due by 5PM October 23, 2020.

ADF&G: Fish Habitat Permit FH20-II-0104 was issued for this project on December 23, 2020. Please see the Effect on Fish & Game section below.

DEC – Drinking Water: DEC commented that the TWUA is near an active registered public water system (PWS) source (PWS ID# AK2260090 Manokotak Water System). DEC asks that the applicant adhere to the *DEC Recommendations for General Project Activities*, where applicable.

Response: The DEC Recommendations for General Project Activities will be attached to the authorization and referenced in the conditions.

DEC – Contaminated Sites: DEC commented “there are two active Contaminated Sites located directly outside of the project area within 150 feet. These are: Manokotak Natives Limited Bulk Farm (File No. 2611.38.003), and the Manokotak School (File No. 2611.38.001). However, due to the nature of the release (petroleum constituents) and the age of the release (10+ years), they are unlikely to have impacted the Ugashik [Igushik] river and dust suppression activities in the project area are not expected to affect the contaminated sites. If contamination is encountered, please contact ADEC Contaminated Sites.”

Response: A condition will be in the authorization requiring DNR and ADEC to be contacted if contamination is encountered.

DEC – Water Permitting: DEC commented that the coordinates given for the water source are within 1500 ft of active contaminated sites, and that no application for excavation dewatering has been received.

Response: The applicant was asked on October 7, 2020 if dewatering was occurring during this project. The applicant responded on October 8, 2020 that no diversions or dewatering are occurring.

City of Manokotak: No comments were received.

Appropriators of Record, Temporary Authorizations & Water Availability:

A DNR Land Administration System search of the case category for Water (excluding the case category “Closed”) occurred within a ¼ mile of the worksite in:

Section(s)	Township	Range	Meridian
1-3, 11, 12, 14, 15	14 South	59 West	Seward

The search located 2 subsurface prior appropriators, 1 application for a subsurface water right and no temporary water use authorizations (see below).

File Type	File #	Case Type	Case Subtype	Case Status	Applicant Name	Location	MTR	Sec	Well Depth (ft)
LAS	21637	Water Right	Subsurface	Issued	City of Manokotak	Lot 2, Bk 4 USS 4875	S014S059W	12	150
LAS	31823	Water Right	Subsurface	Application	City of Manokotak	Tract C, USS 4875	S014S059W	12	32
LAS	24410	Water Right	Subsurface	Issued	Manokotak Village Council	Lot 1, Manokotak Sub	S014S059W	12	57

LAS 24410 is a water right associated with a multiunit duplex in the village of Manokotak. LAS 21637 and LAS 31823 are for the public drinking water supply for Manokotak.

TWUA A2020-99 is for temporary withdrawals from the Igushik River for a project with construction near multiple appropriators of record. As a result, the DNR authorization will contain a condition that work will cease and DNR-Water immediately contacted if a well owner notes interference potentially do to construction activities associated with this project. Work will not resume until approved by DNR following analysis of the situation.

Water Availability:

The estimated daily discharge of the requested water source was determined using a simple estimation approach where the stream channel is x feet in width, y feet in depth, with a stream flow of .25 to 1.0 (depending on the channel). Aerial photography and GIS depictions were used to derive channel width and depth.

At the withdrawal location, the Igushik River is 217' in width, with an estimated average depth of 4' and a stream flow of 1.0, resulting in 561,005,760 gallons of daily discharge.

To conform with current water resources practices, any authorization resulting from this application would limit the withdrawal from any one source to 20% of available water. If the maximum daily total of 5,000 gallons was removed from this source, it would equal 0.001% of the source. below the twenty percent threshold. The effect of this authorization is de Minimis, as this application does not provide for a measurable impact to the Igushik River.

Proposed Use of Water:

Beneficial. The Manokotak Road Rehabilitation Project will involve the rehabilitation of six (6) roads (0.9 total miles), the installation of new drainage features, and the construction of four on-street parking stalls and ramps along Third Street constructed with retaining walls and guardrails. Road improvements will include the placement of a woven geotextile material to stabilize all subgrades, placement of new fill material to establish proper road embankments, followed by the placement of a crushed aggregate surface course to widen and enhance the traveling surface. Proposed drainage features include the placement of new appropriately sized culverts along existing roadways, replacement of existing failed culverts, the construction of roadside ditches along all streets, and the installation of rock-filled drainage channels with perforated pipe. The drainage channels will run between lots, perpendicular to First, Second, and Third Street. The new storm drainage features will improve drainage patterns and ensure water conveyance away from residential housing. Additionally, the proposed improvements will prevent ponding in existing roadways, which leads to erosion/rutting, washouts, and health concerns.

Proposed Means of Diversion:

Adequate. As described in the application materials: screen intake, pump(s) with a 6" intake or less and up to a 1,700 gpm output through pipe/hose, water truck (capacity to be determined), installation of drainage ditches and culvert(s). No dewatering or diversion are occurring during construction activities.

Effect upon access to navigable or public water:

DNR does not anticipate the issuance of this TWUA will restrict access to navigable or public water ways. A condition will be in the authorization stating that equipment cannot unnecessarily hinder public access to the Igushik River.

Effect on Fish & Game:

DNR does not anticipate any impacts to fish and game. ADF&G issued Fish Habitat Permit FH20-II-0104 with the following stipulations, which will be incorporated into TWUA A2020-99:

1. To avoid entrainment, impingement, or injury to fish, a properly sized and [and] screened structure must surround the water intake structure. The screen mesh size shall not exceed 0.1 inches (2.54 mm) and the water velocity at the screen surface shall not exceed 0.5 feet per second.
2. No fuel shall be stored, no equipment shall be fueled or serviced, and equipment leaking fuel, hydraulic fluids, or other pollutants shall not be operated below the ordinary high water mark of the Igushik River.

Contaminated Sites:

A review of the contaminated sites database located 2 active contaminated sites within a ¼ mile of the project location:

1. Hazard ID 25352, First Street, Manokotak
2. Hazard ID 2197, Salmon Street, Manokotak

DEC commented that due to the nature and age of the release, the known contaminated sites are unlikely to have impacted the water source requested, and dust suppression activities in the project area are not expected to affect the contaminated sites. Any authorization that results from this application will require the authorization holder to immediately contact DEC and DNR if contamination is encountered.

Coastal Zone:

The City of Manokotak received the agency notice and had an opportunity to comment.

Determination:

The authorization for TWUA A2020-99 will be issued with Conditions and Advisories, including, but not limited to:

1. A Condition stating, "Pursuant to 11 AAC 93.220 (f), this authorization may be suspended by the Department of Natural Resources to protect the water rights of other persons or the public interest."
2. A Condition stating that if any well owner notes interference during any activities associated with TWUA A2020-99, work will immediately cease and DNR contacted. Work will not resume until approved by DNR following analysis of the situation.
3. Conditions requiring immediate notification of DEC and DNR if contamination is encountered, either preexisting or authorization holder caused.
4. A Condition will be in the authorization noting the *DEC Recommendations for General Project Activities*, which will be attached to the authorization.
5. A Condition that perimeter controls (i.e. silt fence, fiber roll or similar material) will be used to prevent disturbed sediment from entering water bodies.
6. Incorporation of the stipulations from ADF&G cited above.
7. A Condition that the placement of equipment shall not unnecessarily hinder public access to the Igushik River.

It is determined by DNR that given the documentation above, this proposed authorization is unlikely to adversely affect the water source or unduly affect the right of a prior appropriator, as defined in 11 AAC 93.970(38). It is interpreted that the proposed use of water is in the public interest. This file contains no evidence of the likelihood of harm to the public interest. Furthermore, it is inferred that the applicant has the intent and ability to complete the project.

Authorized water use does not mean actual water use. Water use varies from year to year depending on the project. DNR will continue to require monitoring, reporting and water use coordination for all sources. A temporary water use authorization is not a water right and does not establish priority. All authorizations are temporary and are subject to appropriation by others (11 AAC 93.210(b)). The Department may suspend this authorization if necessary, to protect the public interest or the right of a prior appropriator.

Concurrence

Denial

Other: _____

Henry Brook
Signature

1/4/2021
Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Effective July 1, 2018, under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), currently \$250. Effective July 9, 2018, under 11 AAC 05.160 (a) and (b), this fee will be reduced to \$200.00 for each appeal or request for reconsideration. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to superior court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.