



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1600 A Street, Suite 110
Anchorage, AK 99501-5146

PUBLIC NOTICE DATE:	January 24, 2014
EXPIRATION DATE:	February 24, 2014
REFERENCE NUMBER:	POA-2012-759
WATERWAY:	Winner Creek

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 Shane McCoy at (907) 753-2715, toll free from within Alaska at (800) 478-2712, by fax at (907) 279-0064, or by email at Shane.m.McCoy@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Municipality of Anchorage, Project Management and Engineering; 4700 Elmore Road, Anchorage, Alaska 99507; Mr. Jerry Hansen.

AGENT: DOWL HKM; 4041 B Street, Anchorage, Alaska 99507; Mr. Matt Grim; (907) 562-2000; mgrim@dowlhkm.com

LOCATION: The project site is located within Section 9, T. 10 N., R. 2 E., Seward Meridian; USGS Quad Map Seward D-6; Latitude 60.9724° N., Longitude 149.0994° W.; north of the terminus of Arlberg Avenue, in Girdwood, Alaska.

PURPOSE: The applicant's stated purpose is to develop an access road to public lands; the applicant also states this would be Phase I of a safety corridor that would provide a secondary access to the east side of Glacier Creek.

PROPOSED WORK: The applicant proposes to extend Arlberg Avenue 1,400 feet north of the current terminus near the Alyeska Tram. The project would include installation of utilities, including water, sewer, gas, electric, lighting and communications. If the resources are available, the applicant is proposing parking for approximately 20 vehicles at the end of the extension, and is being considered in this review. The project would include a 2 lane road; each lane would be 22 feet wide, a 16-foot wide pedestrian path and a 10-foot wide drainage ditch between the road and the pedestrian path. Total width would be 104-114 feet wide. A total of 8 stream crossings would be required for the project. The crossings would be accomplished with a variety of culverts, ranging from 18-inch diameter to 36-inch diameter round culverts, with two of the crossings (Sheets 10 & 11) using box culverts with

simulated in-stream substrate. Excluding the area previously impacted from the existing trail, the project would place 3192 cubic yards (cy) of Type II and 1044 cy of Type IIA, and 171 cy of Pavement, 171 cy of leveling course, 114 cy of base course, 200 cy of Riprap in the ditches, and 4950 cy of unclassified excavation material into 1.77 acres of wetlands and place 641 linear feet of streams in culverts. All work would be performed in accordance with the enclosed plan (sheets 1-11), dated January 7, 2014.

ADDITIONAL INFORMATION: The applicant would need to receive authorization from the Alaska Department of Fish and Game for Fish Habitat, from the Alaska Department of Natural Resources for temporary water use, the Alaska Department of Environmental Conservation for the APDES and the 401 certification, in addition to any permits needed from the Municipality of Anchorage.

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: Upon field investigation, the immediate area in the Arlberg Avenue Right-of-Way (ROW) was found to contain abundant wetlands, so complete avoidance was not possible.

b. Minimization: The applicant states the project utilizes two general minimization measures: use of specific construction measures and the use of surface and ground water controls.

The construction based methods identified by the applicant are:

- Utilizing the ROW that has previous fill in it (corduroy log trail) and has been cleared historically by a local skiing guide service;
- Using the existing fill as staging areas during construction;
- Crossing streams as close to perpendicular as possible;
- Landscape design focusing on preservation of existing vegetation, rather than use of ornamentals and other nonnative species;
- All slopes would be at a maximum of 2:1;
- Timing associated with bird nesting and fish requirements;
- Clearly demarking the project boundary to alleviate inadvertent disturbance to the adjacent aquatic resources;
- And revegetation of disturbed areas with native seed mix as soon as possible after final grading.

The hydrologic controls the applicant has proposed are:

- Culverts have been designed to maintain a natural channel, including embedded stream simulation, within the confines of the structure to preserve stream bed characteristics in salmon bearing waters;
- Rip-Rap would be used in the ditches to promote infiltration and minimize sediment loading into the discharge areas;
- And the replacement of the existing log bridges and culverts to increase the hydrologic capacity of the stream conveyances.

c. Compensatory Mitigation: The applicant has proposed putting a portion of one of four parcels the Heritage Land Bank (HLB) owns into preservation. (See sheet 12, dated November 5, 2013, to review the four parcels). The four parcels are the top four parcels on the prioritization list for the proposed HLB Mitigation Bank (MB) in the Girdwood valley. The applicant would provide enough credits via preservation to offset the unavoidable impacts, with any remainder credits from the parcel to be incorporated into the HLB MB if finalized.

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 and there is no designated Critical Habitat in the project area.

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).

The project area is within the known range of the Coho salmon (*Oncorhynchus kitsutch*).

With the simulated stream design in the box culverts and the construction timing windows included in the fish habitat permit(s), we have determined 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 authority:

(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-2012-759, Winner Creek**, 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.