



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE:	May 12, 2014
EXPIRATION DATE:	May 26, 2014
REFERENCE NUMBER:	POA-2014-195
WATERWAY:	Moose 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 Mr. Benjamin Soiseth at (907) 474-2166, by fax at (907) 474-2164, or by email at Benjamin.N.Soiseth@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities, Mr. Brett Nelson, 2301 Peger Road, Fairbanks, Alaska 99709.

LOCATION: The project site is located within Sections 5 and 6, T. 5 N., R. 8 W.; Sections 1, 10, 11, 12, 15, and 16, T. 5 N., R. 9 W.; Sections 32 and 33, T. 6 N., R. 8 W., Fairbanks Meridian; USGS Quad Map Livengood B-5; Section 19, 20, and 21, T. 6 N., R. 8 W., Fairbanks Meridian; USGS Quad Map Livengood A-5. Beginning at Latitude 65.299° N., Longitude 149.213° W. and ending at Latitude 65.246° N., Longitude 149.479° W.; Elliot Highway Mile Post (MP) 97.7 to 106.6, near Livengood, Alaska.

PURPOSE: The applicant's stated purpose is to improve drainage, reduce snow drifting, and increase safety for traveling public from MP 97.7 – 106.6 of the Elliot highway.

PROPOSED WORK: The placement of fill into 6.3 acres of wetlands to improve drainage ditches, widen road, raise road grade, and construct thermal berms for road stabilization. All work would be performed in accordance with the enclosed plan, (sheets 1-7), dated February 18, 2014.

ADDITIONAL INFORMATION The proposed project is designed to restore positive drainage, reduce snow drifting, and increase safety of the road by improving the ditch line and roadway between MP 97.7 -106.6 of the Elliot Highway.

The project would establish 12' wide flat bottom ditches and a new slope profile for sections needing improvement to drainage and storage capacity for snow. This excavation work would occur in both

wetlands and uplands. Current maintenance practices require the removal and stockpiling of snow, leading to over saturation, concentrated flows, and erosion when these stockpiles melt in the spring. The creation of this profile would improve drainage patterns in the areas by increasing the uniformity of snowmelt dispersion and infiltration. All areas of disturbance would be seeded with a site specific seed mix developed in conjunction with the Plant Material Center and will eventually revegetate with native grasses.

Excavated material would be placed on the existing road surface in certain areas, establishing a grade raise (2-3') and wider road (2-4') that would also reduce snow drifting issues and improve safety of roadway. Between MP 101.8-102, thermal stabilization berms would be constructed from excavated material to buffer the thermal gradient and prevent settlement of the roadway in wetlands. In addition, cross drain culverts would be installed as necessary to maintain natural drainage patterns and do not involve waterbodies or stream crossings.

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 proposed the following avoidance measures:

- The subset of fill locations in wetlands is limited to areas with the highest concern for the safety of the traveling public and recurring drainage and maintenance problems.
- Clearing limits will be marked to identify wetland areas to be preserved
- Temporary stockpiles and equipment staging will be located in uplands or previously disturbed areas.

b. Minimization: The applicant proposed the following minimization measures:

- A Storm Water Pollution Prevention Plan has been developed for the proposed project. Best Management Practices will be utilized to stabilize disturbed areas and prevent storm water discharge from construction activities. Wetland fill would be temporarily and permanently stabilized.
- The footprint of wetland fill would be placed adjacent to the existing road structure. The proposed fill quantity in wetlands is the minimal amount necessary to improve the safety of the roadway and drainage problems in the project area.

c. Compensatory Mitigation: As compensatory mitigation for unavoidable, permanent impacts to 6.3 acres of wetlands, the applicant proposes an In-Lieu-Fee.

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. 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 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, 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).

No EFH species are known to use the project area. 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-2014-195, Moose 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.