



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>February 12, 2014</b>
<b>EXPIRATION DATE:</b>	<b>March 13, 2014</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2014-32</b>
<b>WATERWAY:</b>	<b>Nenana River</b>

---

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 Melissa Riordan at (907) 474-2166, by fax at (907) 474-2164, or by email at [Melissa.C.Riordan@usace.army.mil](mailto:Melissa.C.Riordan@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Toghoththele Corporation, P.O. Box 249, Nenana, Alaska 99760

**LOCATION:** The project site is located within Sections 34-35, T. 4S., R. 8 W., Fairbanks Meridian; USGS Quad Map Fairbanks C-5; Latitude 64.5240° N., Longitude 149.1131° W.; near Nenana, Alaska. The proposed material site and access road is located approximately 1.5 mile south of Nenana off the Parks Highway near the end of Cemetery Road.

**PURPOSE:** The applicant's stated purpose is to provide gravel for projects in the Nenana area, including the Parks Highway MP 163-305 project, the 9<sup>th</sup> street project in Nenana, and the Totchaket Highway project.

**PROPOSED WORK:** The applicant proposes to place 11,000 cubic yards of material into 2.9 acres of palustrine forested wetlands to construct a 3000' long road to access and develop a gravel pit. The gravel pit material site area is an abandon slough channel (oxbow) of Nenana River that is predominantly uplands. Based on pre-application coordination, the applicant has agreed to limit gravel pit mining operations to upland areas, and maintain a 200' buffer between the Nenana River and the Oxbow Pit.

All work would be performed in accordance with the enclosed plan, (Sheets 1-4), dated 2/6/2014. For additional information, the [Mining and Reclamation Plan for Oxbow Pit](#) is available on the electronic version of this Public Notice found on our website:  
<http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

**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 is proposing to avoid wetlands and limit mining operations to upland areas only. The applicant is using an existing road to get as close to the gravel source as possible and planned the access road to be the shortest possible distance while still bypassing the cemetery.

b. Minimization: The applicant plans to lay down geotextile fabric prior to placement of fill in order to use the minimum amount of gravel necessary to construct a 24' wide access road. The mining plan includes maintaining a 200' buffer between the excavation area and the Nenana River to prevent run-off.

c. Compensatory Mitigation: Regarding compensation for road impacts, the applicant proposes to create wetland habitat in the oxbow lake that will result from gravel extraction. The applicant proposes to excavate the pit with a 2:1 slope ratio and berm the perimeters with the cleared overburden to facilitate revegetation of the banks. See the Mining and Reclamation Plan for the Oxbow Pit for more information.

**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 (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, 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

## **ANCHORAGE**

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-2014-32, Nenana River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

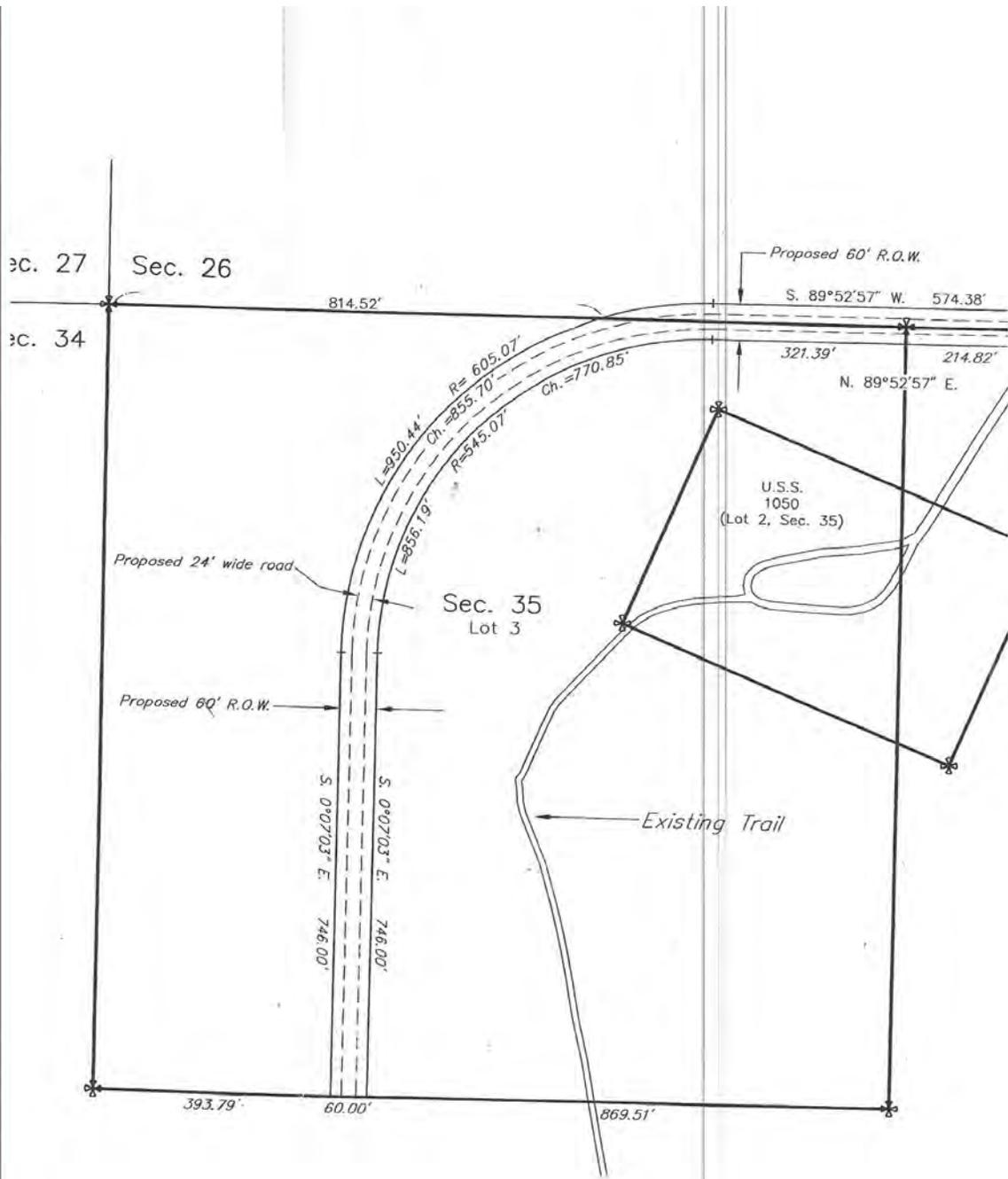
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.



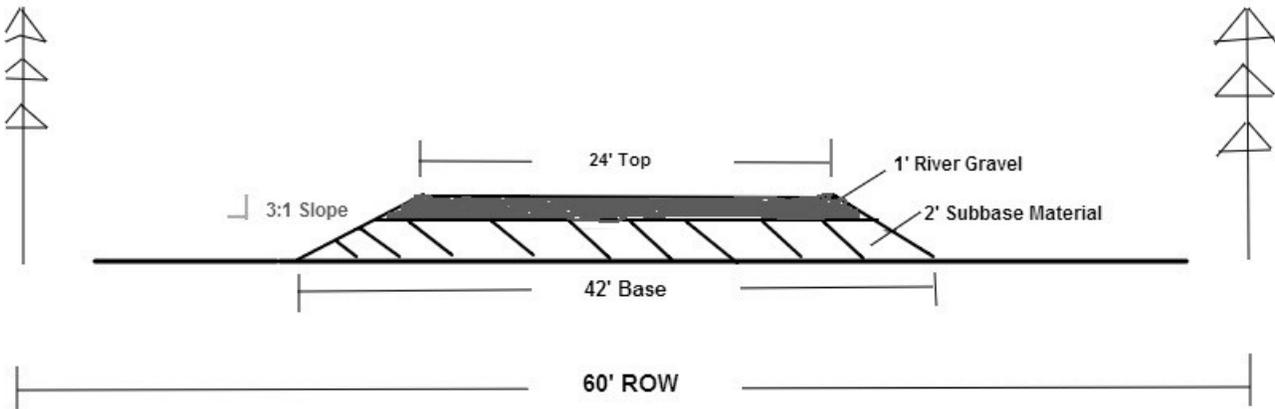


**POA-2014-32, Nenana River**  
**Applicant: Toghothele Corporation**  
**Plan View**  
**Sheet 2 of 4, February 6, 2014**



## Material Site Access Road Plan View

POA-2014-32, Nenana River  
 Applicant: Toghothle Corporation  
 Plan View of Access road  
 Sheet 3 of 4



## Material Site Access Road Cross Section

POA-2014-32, Nenana River  
Applicant: Toghothele Corporation  
Cross Section  
Sheet 4 of 4, February 6, 2014

# Mining and Reclamation Plan Oxbow Pit

Created by

Toghotthele Corporation, acting as Nenana Gravel, LLC  
307.8 Parks Highway  
Nenana, AK 99760  
December 3013

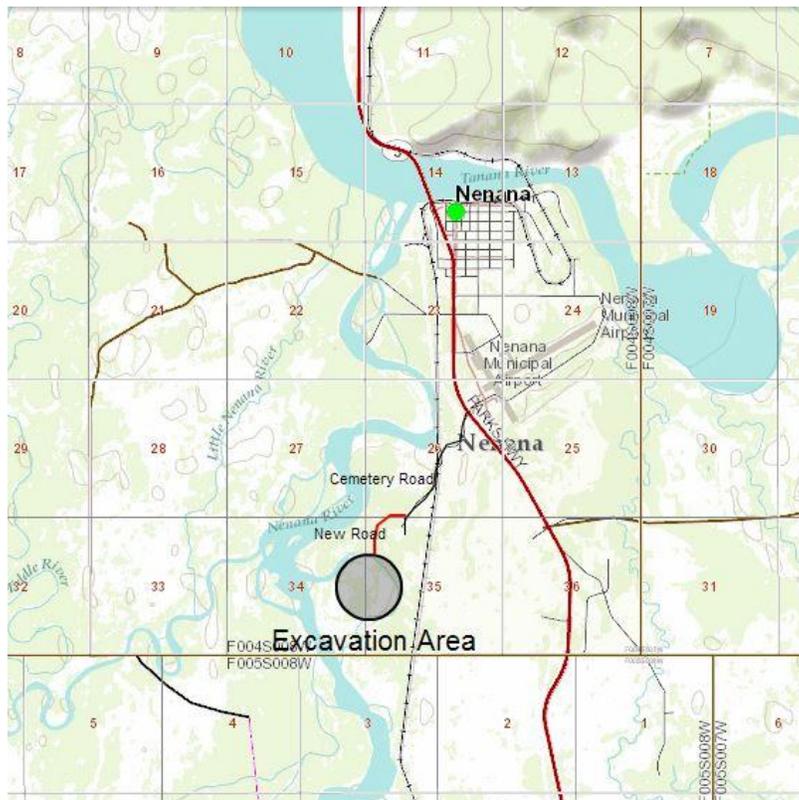
## Introduction

The summer of 2014 anticipates a number of projects that will require gravel from the Nenana area. DOT is rehabilitating and adding passing lanes from miles 163-305 of the Parks Highway and is building a railroad crossing at mile 194. 9<sup>th</sup> street road in Nenana is being upgraded and construction will continue on the Totchaket road west of Nenana, with 21 new miles to be added. All told, roughly 400,000 cy of sand and gravel materials will be needed next summer. Construction on the Totchaket road will continue for four more years, the City of Nenana is working to put in a bridge over the Nenana River, and road access to Minto Flats means future development is sure to follow.

To meet this demand, Toghotthele Corporation, through its subsidiary, Nenana Gravel, LLC, would like to open a new gravel pit on an old river bed south of Nenana that borders on Toghotthele land. We currently bail 25,000 cy annually from the Nenana River at our 10<sup>th</sup> street pit for local projects around town, but this site does not provide near the quantities needed for next summer's construction projects. This proposal lays out a mining and reclamation plan for a new site we want to open up to help meet this demand.

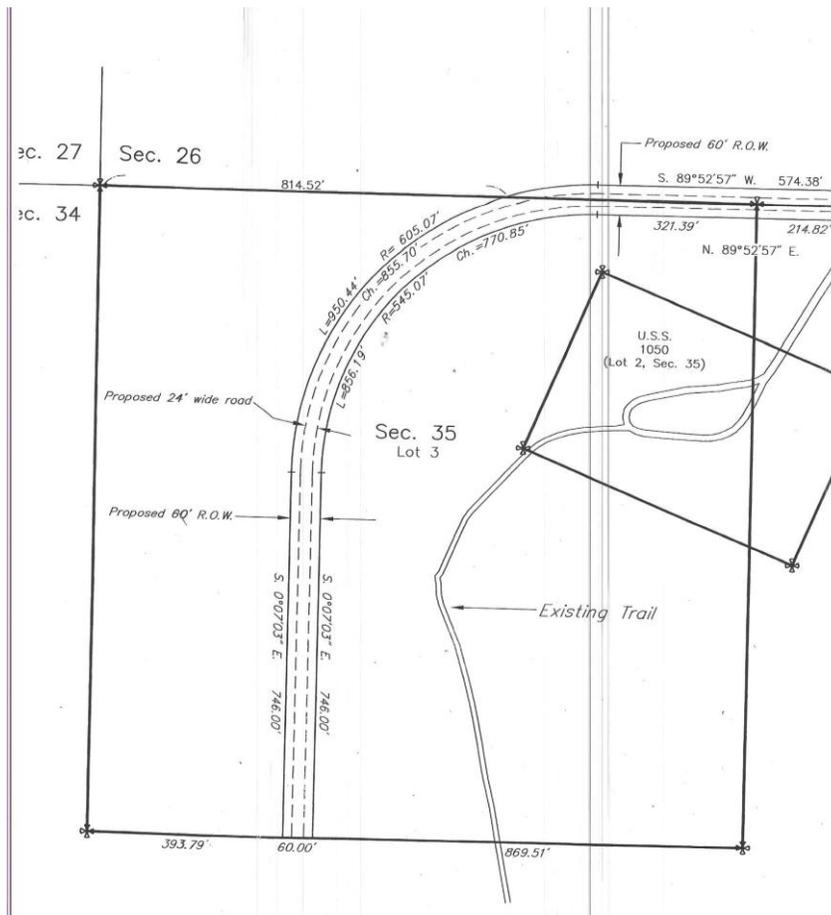
## Location of Planned Excavation

The area we want to open up to gravel mining is located 1 mile south of Nenana on an old channel of the Nenana River. The site is located in sections 34 and 35 of T. 4S, R. 8W of the Fairbanks Meridian, as shown in the map below. It is accessed by Cemetery Road, which exits the Parks Highway near mile 303 and heads southwest to the cemetery.



### Access to the site

Cemetery Road will be used to gain access as far as the cemetery. At the section line between sections 26 and 35 Toghotthele will begin construction of a new road to access the old river channel. The road will be approximately 2,400 feet in length and will head due west along the section line, then rounding the corner and heading south-west until it reaches the excavation site, as shown in figure 2. TCC has surveyed and flagged out the best route, making best possible efforts to avoid wetlands while staying on City land. The road will have 60' ROW with a 24' top. Geotek fabric will be laid the entire stretch, topped with 2' of sub-base material from the Doyon Pit and another 1' of river gravel. There is less than a 1% grade and from the survey indicates that culverts will not be needed because the area is mostly dry. Silt abatement will not be necessary as there are no water bodies bordering the new road. Access to the excavation site will be gated off with signage.



TCC Survey, 2013

## **Site Analysis**

The site is an old river channel of the Nenana River and it borders land owned by the Mental Health Trust, the City of Nenana, and Toghotthele Corporation. We are requesting a title record to determine ownership of the land that has accreted since statehood when the area was submerged. The area does not appear to be wetlands, as seen in the photos. However, the short stretch of road to access the pit may in fact cross wetlands, and so we are working with the Army Corp of Engineers on permitting for the road.

In fall of 2013 soil cores and gravel samples were taken to a depth of 12'. At the time the water table was at 8'. Mappa Inc. analyzed the gravel samples. The material breaks down roughly into: 30% coarse gravel, 30% fine gravel, 20% medium sand, and 20% fine sand, and meets state specs for DOT road projects. We have included photographs of the area with this plan.

## **Area and Depth of Excavation**

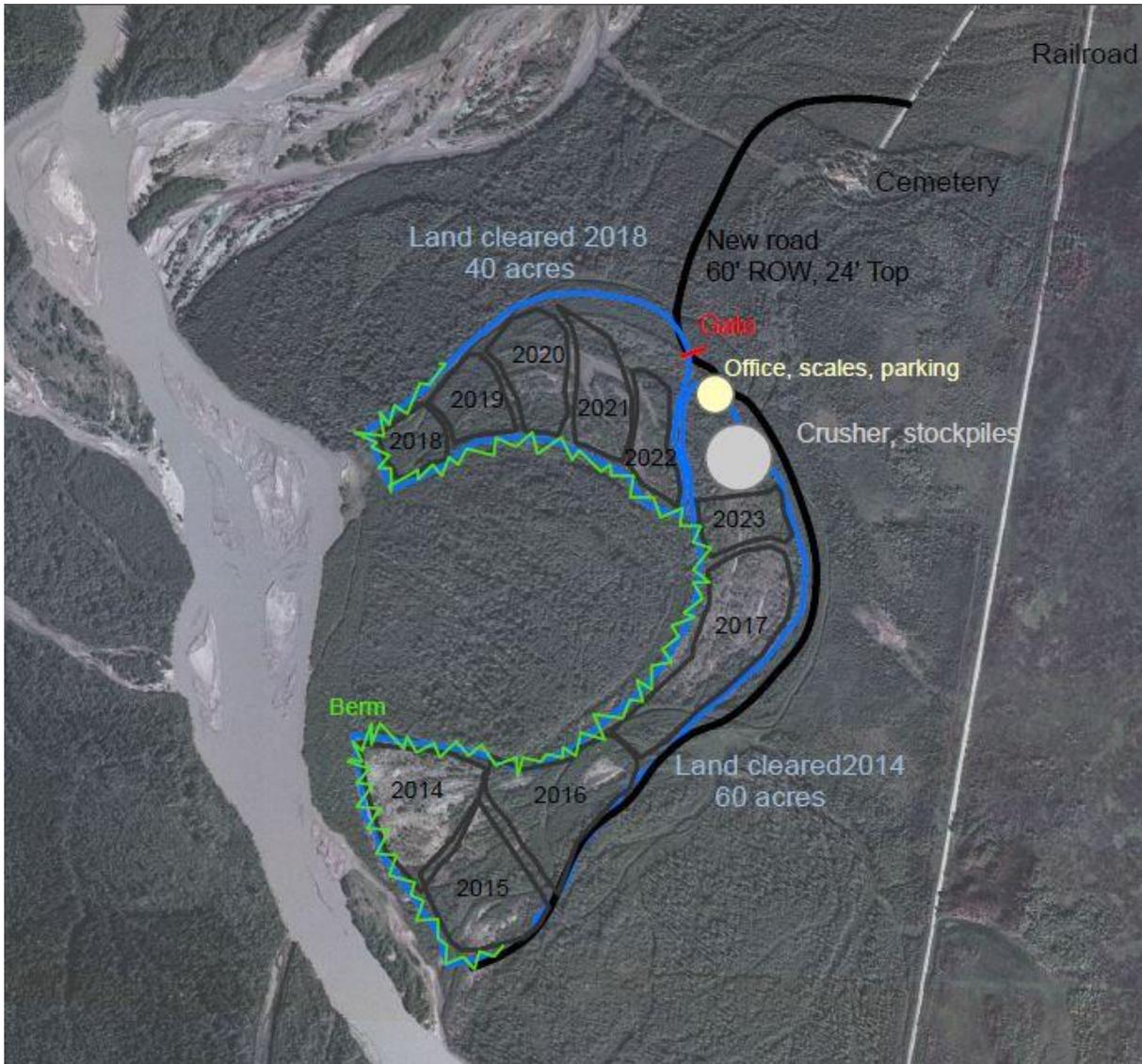
Roughly 60 acres will be cleared in the spring and summer of 2014 by Toghotthele using excavators and dozers. We will leave 200' of land uncleared as a buffer between the river and the excavation area. We estimate an average depth of 2' of overburden across the area, which will be bermed around the perimeter of the pit to contain surface water, prevent erosion and sloughage, and to encourage quicker regeneration of vegetation after the excavation.

The excavation will begin on the southern edge of the oxbow by ripping and pushing with dozers and excavators. This will be followed by a dragline bailing operation to a maximum depth of 25' with a 2:1 slope ratio. Material will be dragged to an upland crushing area for loading, crushing, or stockpiling. Of the 100 cleared acres, roughly 80 will be excavated, resulting in an oxbow lake. The other 20 acres will be used for access, materials stockpiling, and a staging/crushing area.

## **Material Storage and Site Logistics**

Just inside the gate we will have a 1 acre area for parking, an office, safety information, and weigh scales. Just south-east of this, on the upland area, we will clear a 2-3 acre site for materials stockpiling, a crushing operation, and loading area. We estimate that a maximum of 100,000 cy may be stockpiled at any one time, which will be used within a year of stockpiling. All structures will be temporary and include an Atco trailer for the office, a transportable crusher and scales, and a fuel truck for refueling.

## Toghotthele Mining and Reclamation Plan: Oxbow Pit

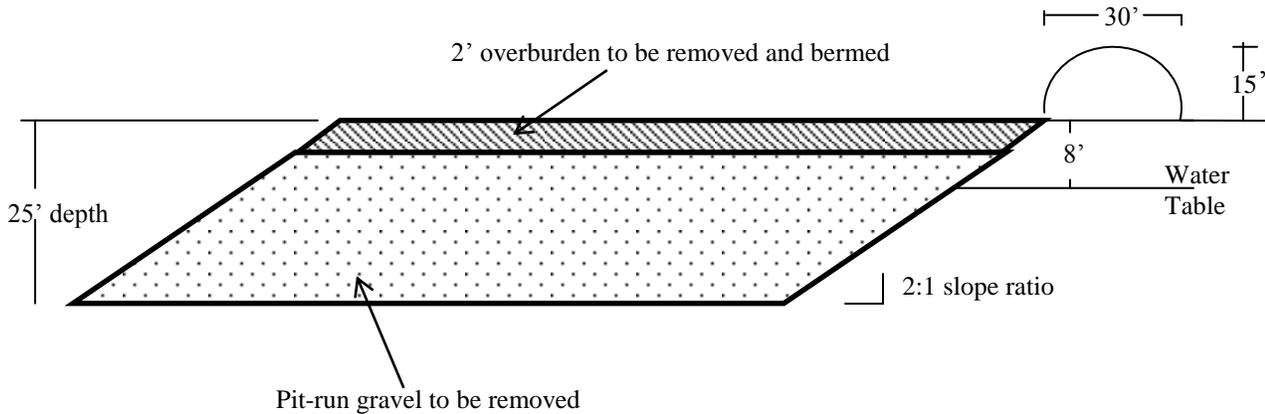


### Time Frame

Toghotthele will be working on the Totchaket road for the next four years. That and other projects will require a larger than normal need for gravel in the Nenana area in the coming years. In anticipation of this, we plan to extract 200,000 cy of gravel per year for the first four years the pit is in operation. Unless new projects come up, we will probably down-scale our efforts after that to 50-100,000 cy/year. The time schedule looks something like this:

- 2014: Build road, clear land, construct berm, excavate 200,000 cy gravel (10 acres)
- 2015-2017: Extract 200,000 cy gravel/year (10 acres/year)
- 2018: Clear 40 acres on northern half of oxbow, construct berm
- 2018-2024: Extract 50-100,000 cy gravel/year (5-10 acres/year)
- 2024: Reassess site to determine remaining gravel resources, assess revegetation

## Toghotthele Mining and Reclamation Plan: Oxbow Pit



### Estimated quantities to be extracted

Excavated area: 80 acres

Depth: 25' – 2' overburden = 23'

Waste: 20%

$$80 * 43,560 * 23 = 80,150,400 \text{ ft}^3$$

$$80,150,400 / 27 = 2,968,533 \text{ cy}$$

$$2,968,533 * .80 \text{ (useable material)} = \mathbf{2,400,000 \text{ cy gravel}}$$

Gravel will be weighed on site and accounted for through our invoicing process. All gravel will be invoiced and sold, even when used for in-house projects.

### Drainage, Erosion, and Pollution Controls

As our test pits indicate, ground water will be encountered and the excavated area will most likely fill with water. There is no grade across the site, so storm water and run-off will drain into the pit. The overburden we clear from the site will be bermed around the perimeter of the cleared area to ensure that the run-off water drains into the pit, to prevent erosion along the banks of the pit, and to speed up re-vegetation of the area.

## **Reclamation**

After ten years we will reassess the site to determine whether or not it is feasible to extract more gravel. If our estimates are correct, we should be able to keep the pit open for 20 years, extracting 50-100,000 cy/year after the first four years. However, there may not be gravel to a depth of 25', or there may be a large project in the future that requires more than 100,000 cy of gravel. Regardless of when we pull out of the pit, our reclamation plan remains the same.

After we end our gravel operation the area will revert to wilderness and the pit will be an oxbow lake. We plan to excavate the areas furthest from the entry point/processing area first so that revegetation can occur as we make our way back towards the entry point. The sides closest to the river and along the inside of the oxbow will be bermed with overburden and left undisturbed as we use the outside perimeter for access and operations. Piling up the overburden material will prevent bank erosion and provide organic matter so that natural revegetation can occur. At the ten-year mark, in addition to assessing the site for future gravel extraction, we will also assess the revegetation that has occurred at the extremities of the pit. We have discussed some options, such as willow staking and vegetation mats, with the Soil and Water Conservation District to speed up revegetation if we haven't seen any natural regeneration in ten years.

When operations cease we will remove all structures and block off the road. The resulting lake will provide wetlands habitat for ducks, geese, and other water fowl. The oxbow shape will provide more surface area for revegetation to occur and will appear natural from overhead.