



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>October 14, 2015</b>
<b>EXPIRATION DATE:</b>	<b>November 13, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2011-874</b>
<b>WATERWAY:</b>	<b>Skookum Creek</b>

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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 Matt Beattie at (907) 753-2791, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Matthew.L.Beattie@usace.army.mil](mailto:Matthew.L.Beattie@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Railroad Corporation

**AGENT:** Alaska Railroad Corporation; POC Jeanette Greenbaum at 327 W. Ship Creek Ave., Anchorage, Alaska 99501 or 907-265-2440 or [greenbaumj@akrr.com](mailto:greenbaumj@akrr.com)

**LOCATION:** The project site is located within Section 18 and 19, T. 08 N., R. 03 E., Seward Meridian; USGS Quad Map Seward D-6; Latitude 60.7706° N., Longitude 148.9887° W.; From Anchorage, drive south on the Seward Highway, turn left onto Portage Road and immediately after crossing the tracks, turn right into the Alaska Railroad Corporation (ARRC) Portage Section where a hy-rail will be needed to travel south on the rail to ARRC MP 59-60.15, Skookum Creek, Girdwood, Alaska.

**PURPOSE:** The applicant's stated purpose is to enhance safety for railroad employees, passengers and customers by providing immediate flood protection along the railroad embankment in the Skookum Creek area. The project would minimize the potential for future damage to railroad infrastructure and the need for future emergency responses.

**PROPOSED WORK:** The Alaska Railroad Corporation (ARRC) proposes flood control improvements in the vicinity of Milepost (MP) 59 to 60.15 to enhance safety for railroad employees, passengers and customers and provide immediate flood protection along the railroad embankment in the Skookum Creek area. The project would minimize the potential for future damage to railroad infrastructure and the need for future emergency responses.

The applicant proposed using up to 2,383 cubic yards of gravel and 1,228 cubic yards of rip-rap that would be placed in up to 1.11-acre of wetlands. Temporary impacts from the proposed project would include 0.63-acre of drainage channel reconstruction, 0.64-acre of temporary material storage areas at MP 59.5 and 59.6, and other miscellaneous discharges at MP 59.5 and 59.6. The bridge installation at MP 59.7 would result in the creation of up to 0.046-acre of jurisdictional waters. All work would be performed in accordance with the enclosed plan (sheets 1-17), dated October 7, 2015.

**ADDITIONAL INFORMATION:**

AGENCY:	TYPE APPROVAL:	DATE APPLIED:
ADF&G	Fish Habitat Permit	Seeking concurrently
DNR	TWUA	Seeking concurrently
ADEC	CGP	Doc In Progress

**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: Given the project location in an area with abundant WOUS, discharging fill material into WOUS cannot be avoided, but impacts would be minimized to the maximum extent practicable with a project design that limits the amount of fill in WOUS and reduces the affected area to the minimum operational size.

b. Minimization: The ARRC proposes the following measures to avoid and minimize impacts to WOUS associated with the project:

1. Minimize surface disturbance during construction by working from the track, embankment, or the maintenance pads to the extent possible. Other examples, include the embankment slope design is 1.5 to 1 (rather than a flatter slope), the track raise in the middle of the braid plain (approximately MP 59.6) is a modest 2 feet (rather than 3 or 4 feet), and the incorporation of appropriately sized maintenance pads to facilitate construction and longterm maintenance (rather than larger pads).
2. Prepare a SWPPP or an erosion and sediment control plan, as appropriate, and identify and implement appropriate BMPs to minimize the potential for erosion and sedimentation during construction. Such measures may include:
  - a. Minimizing the amount of unstable, erodible material that is generated or stockpiled;
  - b. Using silt fences, fiber rolls, diversion ditches, check dams, infiltration basins, or other effective measures around unstable soil and disturbed ground to prevent release of sediment-laden runoff into surface water;
  - c. Stabilizing disturbed surfaces not intended to remain as gravel surfaces as soon as practicable;

- d. Inspecting and maintaining the erosion control measures until the site is sufficiently stabilized.
3. Use contaminant-free fill material, and monitor construction activities as necessary to reduce temporary impacts.
4. Develop and implement standard spill prevention and response measures during construction. Such measures may include:
  - a. Using proper fuel storage containers and handling procedures;
  - b. Keeping fueling and servicing operations a minimum of 100 feet from waterbodies except in the unlikely event of equipment breakdown;
  - c. Ensuring equipment is in good working order;
  - d. Ensuring spill clean-up equipment is available onsite during construction (e.g., oilabsorbent pads and appropriate response materials).
5. To the maximum extent practicable, conduct work during periods of low water.
6. Minimize use of equipment in water and conduct in-water work during construction windows determined through consultation with agencies.
7. Avoid creation migration barriers for adult or juvenile salmonids except as authorized inproject permits.

c. Compensatory Mitigation: Both adverse and beneficial environmental consequences would occur as a result of the project. By increasing openings through the embankment with a new approximately 70-foot bridge, the proposed project would improve hydraulic capacity, reduce sediment deposition upstream of the railroad embankment, and improve fish passage at the bridge openings. This would create up to 0.046-acre if jurisdictional waters. ARRC would minimize impacts through project design, which minimizes the amount of fill in WOUS and reduces the affected area to the minimum operational size. The anticipated beneficial impacts would offset adverse impacts, and may even result in a net ecological benefit. The affected habitat is not limited in the area. Further, the project is in the public interest given the importance of the rail corridor to economics, recreation, and communications. Therefore, ARRC does not believe compensatory mitigation is warranted, and none is proposed.

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 three eligible properties/structures and one unevaluated property/structure in the vicinity of the worksite. They have been designated a historic telegraph line, a historic railroad, and two historic rail bridges.

The properties have been determined to be within the project area, and a determination of effects has already been made by the State Historic Preservation Officer (SHPO). The Alaska SHPO determined that there would be no adverse effect to historic properties. The Corps also finds that there would be no adverse effect to the historic properties because the ARRC does not propose work near the remnants of the telegraph line and the bridges would be raised rather than replaced, which would maintain their integrity and setting. Additionally, any remnants of the historic telegraph line would not be affected by the project. Therefore, the

Corps finds, and concurs with the SHPO, that there is no adverse effect to historic properties as a result of the proposed project.

A Memorandum of Agreement is in place between the Alaska Railroad Corporation, the Alaska State Historic Preservation Office, and the Federal Railroad Administration that covers mitigation measures required for projects adversely affecting the railbridges within the project area.

Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. Any additional 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).

The project area is within the known range of Coho salmon (*Oncorhynchus kisutch*) and Dolly varden (*Salvelinus malma*).

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).

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-2011-874, Skookum 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.