



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

<b>PUBLIC NOTICE DATE:</b>	<b>February 2, 2015</b>
<b>EXPIRATION DATE:</b>	<b>March 3, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2013-665-M1</b>
<b>WATERWAY:</b>	<b>Sagavanirktok River</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 Ellen Lyons at (907) 474-2166, or by email at [Ellen.H.Lyons@usace.army.mil](mailto:Ellen.H.Lyons@usace.army.mil), if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities (AK DOT&PF)

**AGENT:** Melissa Jensen, 2301 Peger Road, Fairbanks, Alaska 99709. [Melissa.jensen@alaska.gov](mailto:Melissa.jensen@alaska.gov)

**LOCATION:** The proposed material site is located near Dalton Highway milepost (MP) 405, Latitude 70.00726 N., Longitude 148.55283 W. in Sections 1 and 2 of T. 8 N., R. 14 E. and Sections 45 and 35 of T. 9 N., R. 14 E., Umiat Meridian; near Deadhorse, Alaska. It has been assigned number POA-2013-665-M1, Sagavanirktok River, which should be referred to in all correspondence with us.

**PURPOSE:** The applicant's stated purpose is to extract gravel for the rehabilitation of the Dalton Highway MP 401-414, (as authorized under POA-2013-665, dated November 7, 2014). The proposed gravel pit is needed for the construction of the Dalton Highway project. This public notice only concerns the proposed gravel pit.

**PROPOSED WORK:** The proposed project would involve the extraction of gravel material from up to 45 acres below ordinary high water on a gravel bar adjacent to the active channel by excavating a linear trench that would eventually function as a river channel. The applicant also proposes to permanently impact up to 46 acres of palustrine emergent wetlands adjacent to the Sagavanirktok River, for haul road construction as well as staging area and/or stockpile pads. An additional 90 acres below ordinary high

water in the Sag River would be temporarily used as a staging and stockpile area. (The temporary stockpiles would not be placed in open water).

All work would be performed in accordance with the enclosed plan, (sheets 1-5 dated November 2014).

#### ADDITIONAL INFORMATION

Gravel extraction at this site would be a deep extraction with a target depth of 15-18 feet. Material would be mined as far to the east as possible using a long, deep excavation parallel to the active channel, separated from the river by a temporary berm if necessary. Mining would proceed from the downstream end of the work area toward the upstream end, following the river channel edge. The maximum width of each linear excavation will not exceed 150 feet. Fill would be temporarily stored on the floodplain. Material would be loaded and hauled to the stockpile/crusher area located on uplands for processing and storage. Final excavation side slopes would be 4H:1V or flatter. Downstream and upstream extents of the excavation would be sloped to 6H to 1V or flatter. Once mining for the project is complete, or at the end of each season, temporary berms would be removed and the excavated area would be daylighted to the active river channel at the downstream end to prevent fish entrapment and to help establish a new channel.

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 and Minimization: "Impacts within the river floodplain would be temporary, no permanent structures or fill needed."

c. Compensatory Mitigation: The applicant proposed the following: "AK DOT&PF proposes to provide compensatory mitigation for the unavoidable permanent impacts of up to 46 acres of wetlands at material site 65-9-042-2 at a ratio of 1.25:1, with purchase of In-Lieu Fee credits from The Conservation Fund."

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 Office of History and Archaeology concurred with the Alaska Department of Transportation and Public Facilities finding of no historic properties affected for the proposed project in a letter to AK DOT&PF dated November 20, 2014.

ENDANGERED SPECIES: The project area is within the known or historic range of the spectacled eider and potential denning habitat for polar bears. The U.S. Fish and Wildlife Service issued a Biological Opinion in February 2013, (Biological Opinion for Dalton Highway Rehabilitation Project: MP 362-414), that considered the entire length of the Dalton Highway improvement project and proposed material sites, including MS 65-9-101-2, 65-9-102-2, and 65-9-026-2. Although that BO may be applicable to this material site, this is new material site was not covered under that B.O.

This mine site falls within the historical range of Steller's eider (*Polysticta Stelleri*), Spectacled eider (*Somateria fischeri*) and the Polar Bear (*Ursus maritimus*). The Corps of Engineers has determined that this project may effect, but is not likely to adversely affect these species.

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 National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The Sagavanirktok River is within the known range of the Chum salmon, (*Oncorhynchus keta*), pink salmon, (*Oncorhynchus gorbuscha*) (spawning), Broad whitefish, (*Coregonus nasus*), Dolly Varden, (*Salvelinus maha* Walbaum), and Least Cisco.

A Fish Habitat Permit (FH14-III-0254) was issued for this project on October 14, 2014. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS or the Alaska Department of Fish and Game (ADF&G) may have concerning essential fish habitat will be considered in our final assessment of the described work.

**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).

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

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

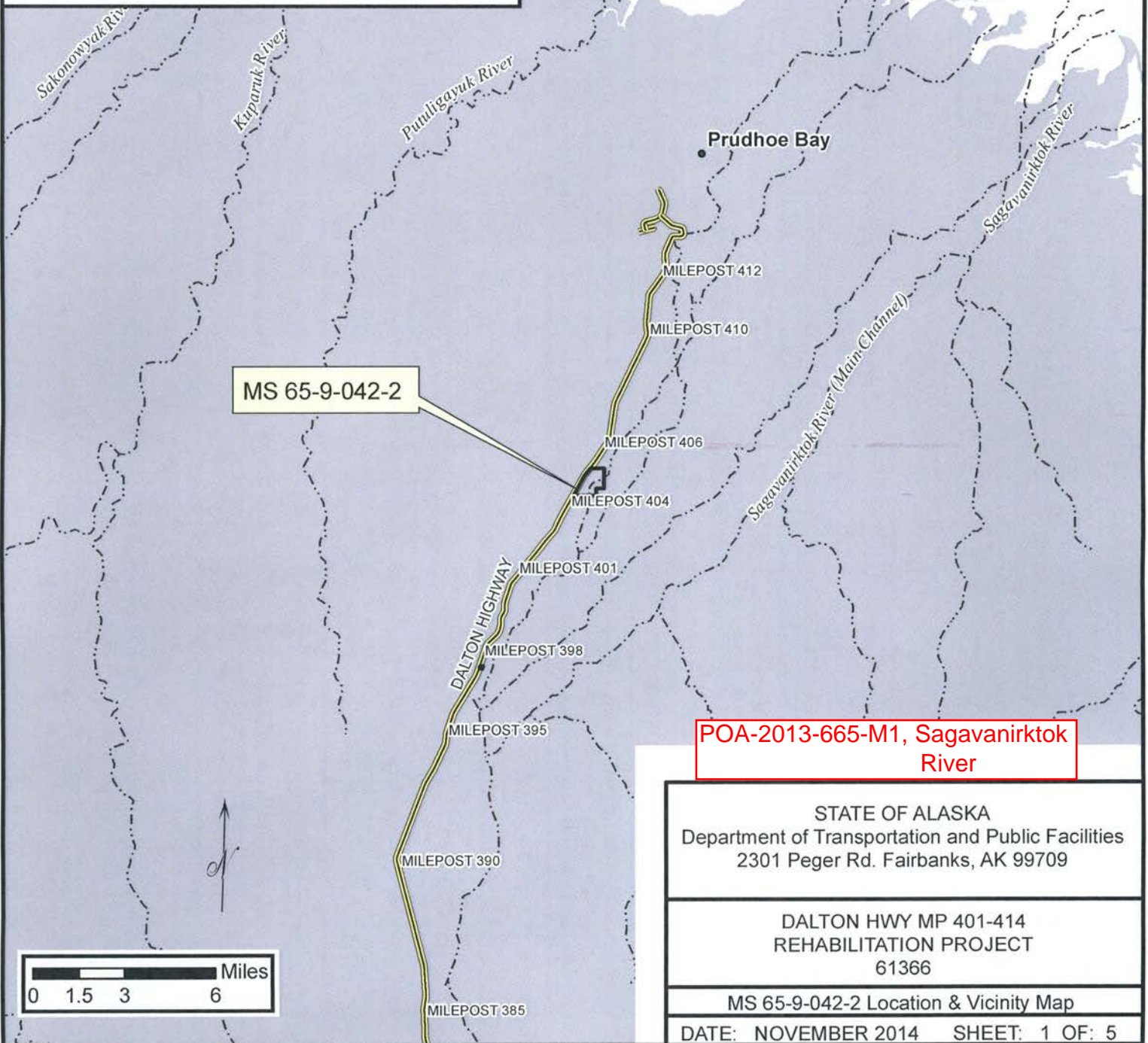
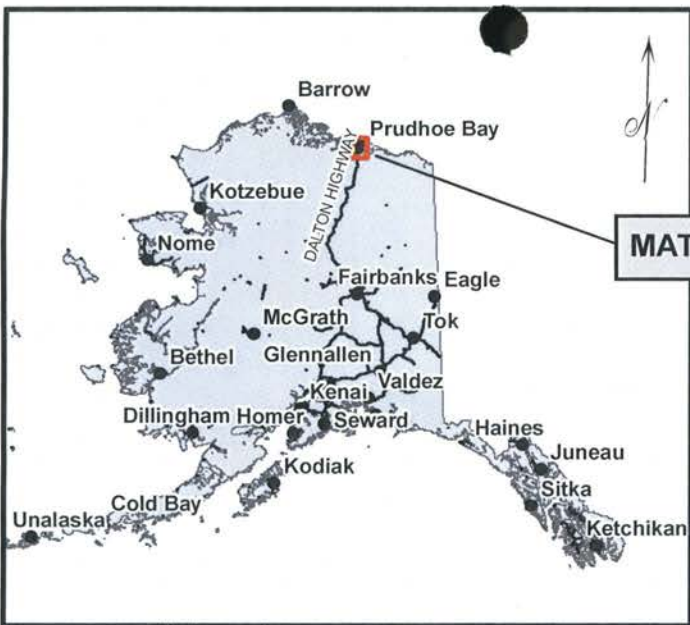
## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2013-665-M1, Sagavanirktok 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.

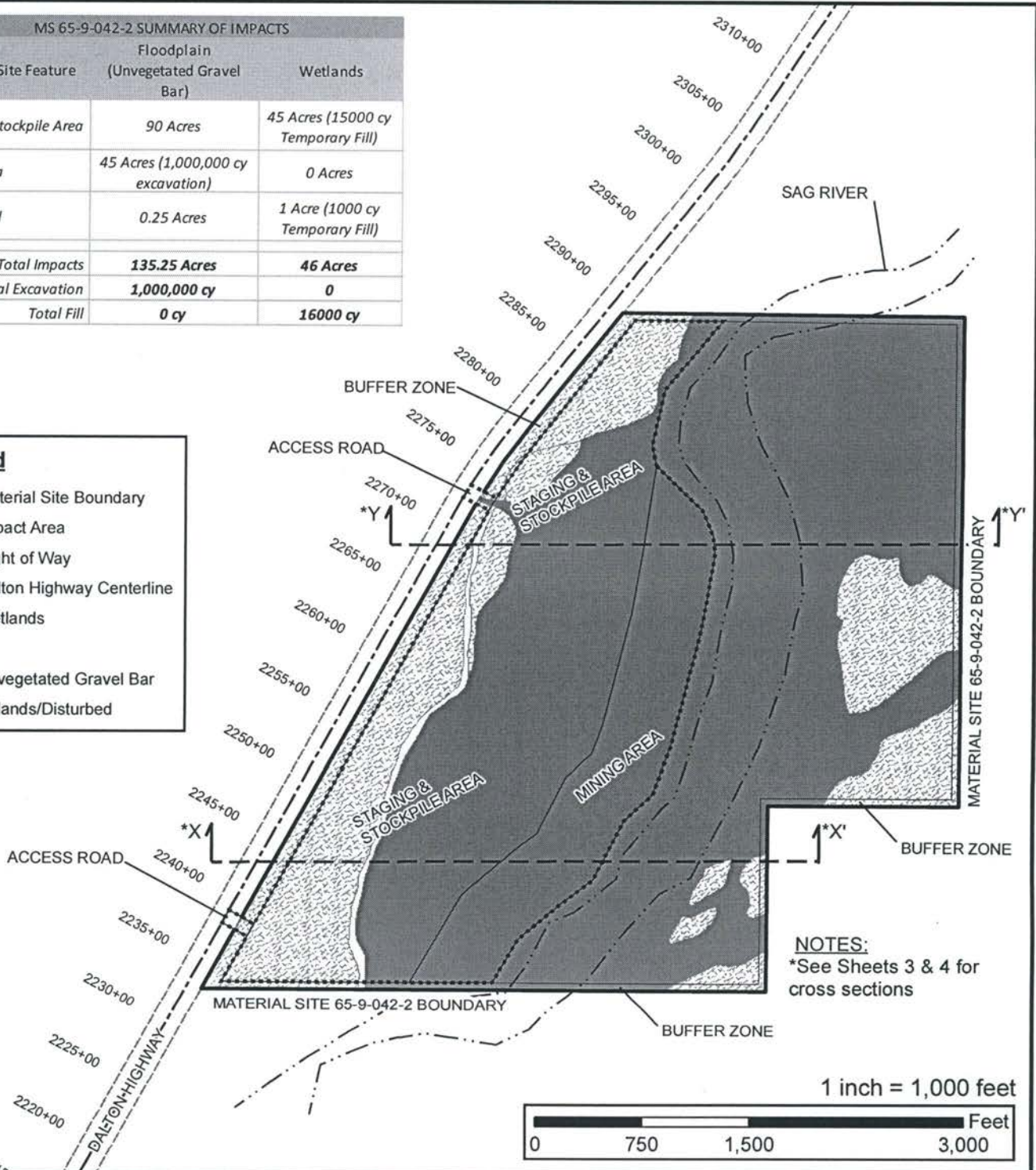


MS 65-9-042-2 SUMMARY OF IMPACTS

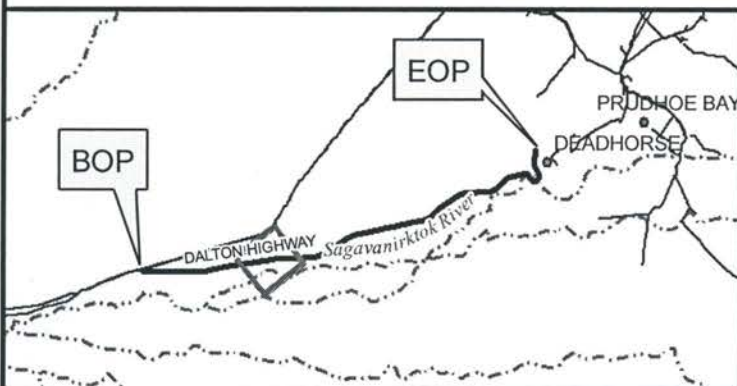
Material Site Feature	Floodplain (Unvegetated Gravel Bar)	Wetlands
Staging & Stockpile Area	90 Acres	45 Acres (15000 cy Temporary Fill)
Mining Area	45 Acres (1,000,000 cy excavation)	0 Acres
Access Road	0.25 Acres	1 Acre (1000 cy Temporary Fill)
<b>Total Impacts</b>	<b>135.25 Acres</b>	<b>46 Acres</b>
<b>Total Excavation</b>	<b>1,000,000 cy</b>	<b>0</b>
<b>Total Fill</b>	<b>0 cy</b>	<b>16000 cy</b>

**Legend**

- Material Site Boundary
- Impact Area
- Right of Way
- Dalton Highway Centerline
- Wetlands
- Unvegetated Gravel Bar
- Uplands/Disturbed



**NOTES:**  
 \*See Sheets 3 & 4 for cross sections



STATE OF ALASKA  
 Department of Transportation and Public Facilities  
 2301 Peger Rd. Fairbanks, AK 99709

DALTON HWY MP 401-414  
 REHABILITATION PROJECT  
 61366

Material Site 65-9-042-2 Plan View  
 DATE: NOVEMBER 2014 SHEET: 2 OF: 5

POA-2013-665-M1, Sagavanirktok River

MS 65-9-042-2 SUMMARY OF IMPACTS

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**Legend**

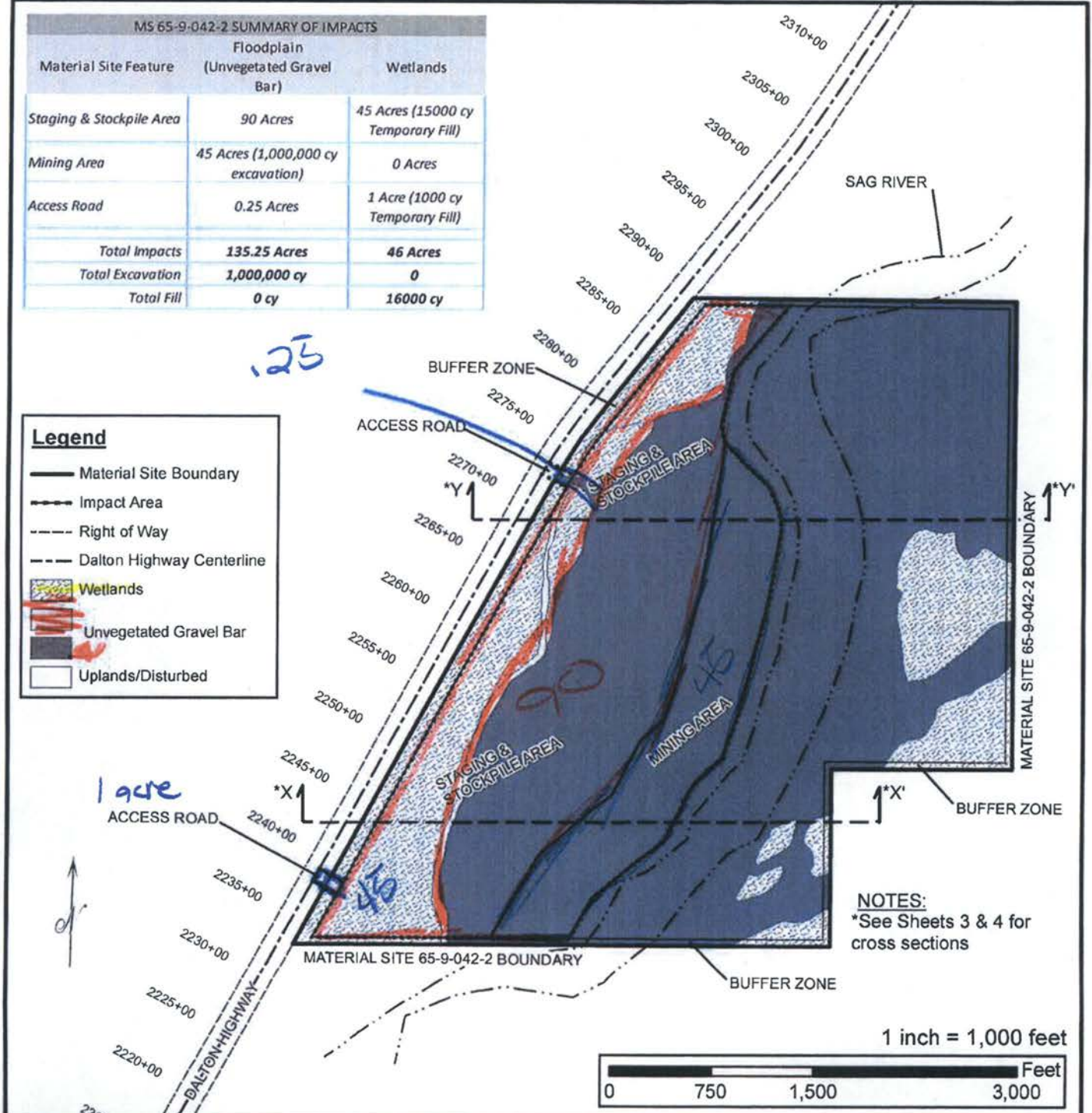
- Material Site Boundary
- - - Impact Area
- - - Right of Way
- - - Dalton Highway Centerline
- Wetlands
- Unvegetated Gravel Bar
- Uplands/Disturbed

125

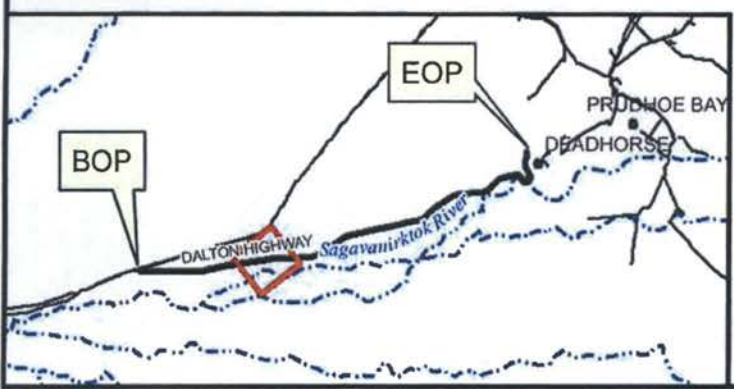
1 acre

90

45



**NOTES:**  
\*See Sheets 3 & 4 for cross sections



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2301 Peger Rd. Fairbanks, AK 99709

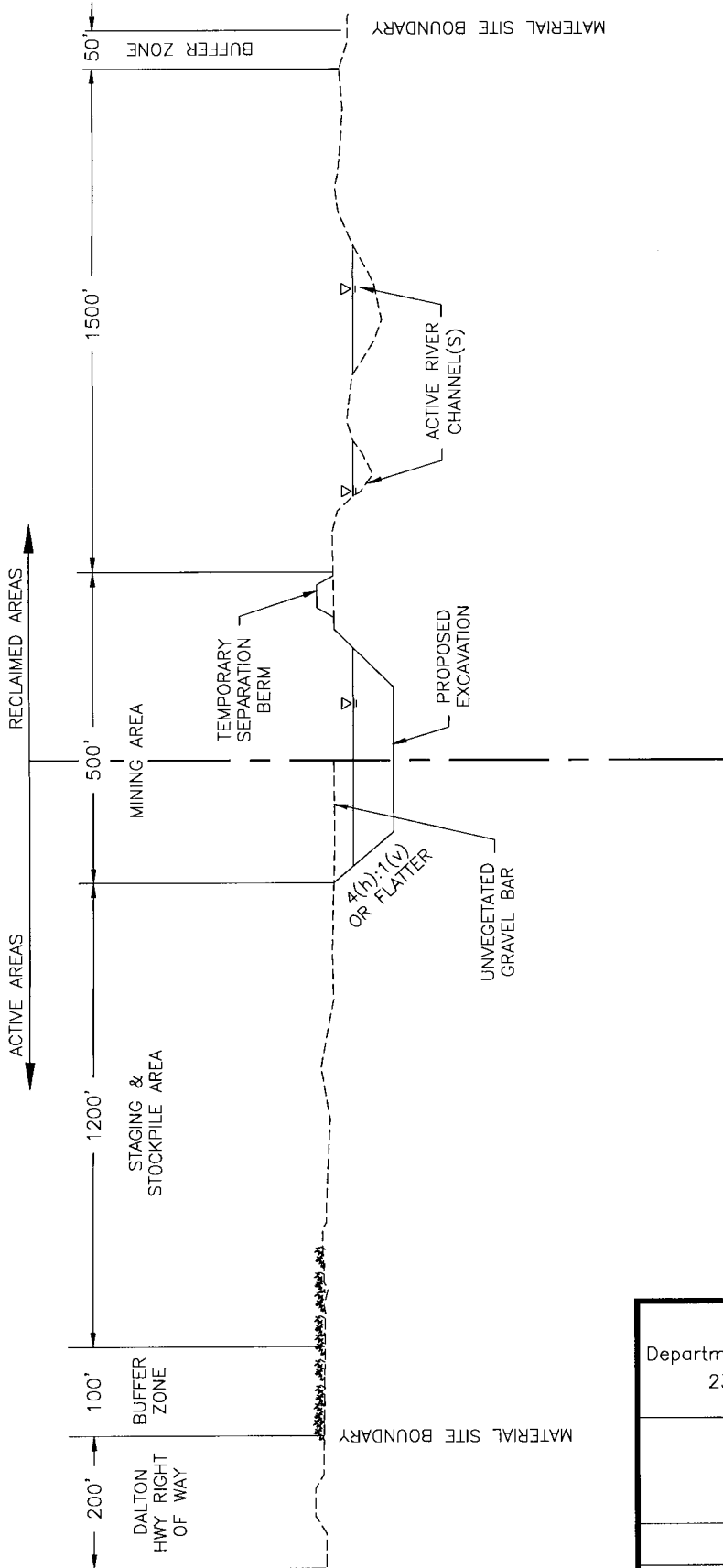
DALTON HWY MP 401-414  
REHABILITATION PROJECT  
61366

Material Site 65-9-042-2 Plan View  
DATE: NOVEMBER 2014 SHEET: 2 OF: 5

POA-2013-665-M1, Sagavanirktok River



H:\Projects\Dalton Hwy\6035\_Dalton\_401\_414\5\_Environment\7 Permits\02E\02E\401-414 Wetland Permit\Wetlands Permit Figures\040 Fairchild Site Permit Drawing-MS 65-9-042-2 Y-Y' Fr. 29/Nov/14 11:12am

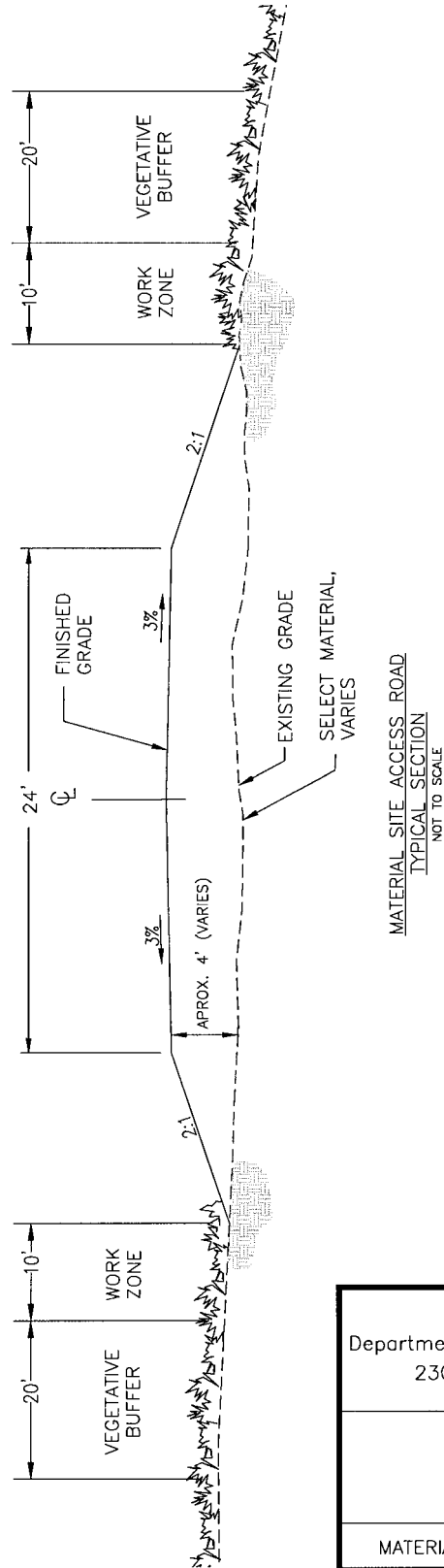


MATERIAL SITE MS 65-9-042-2  
 CROSS SECTION Y-Y'  
 NOT TO SCALE

NOTES:  
 1. SEE MATERIAL SITE 65-9-042-2 PLAN VIEW FOR DETAILS (SHEET 2).

STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709		
DALTON HWY MP 401-414 REHABILITATION PROJECT 61366		
MS 65-9-042-2	SECTION Y-Y'	
DATE: NOVEMBER 2014	SHEET: 4	OF: 5

H:\Projects\Dalton Hwy\64035\_Dalton\_401\_414\5 Environmental\7 Permits\COE\401-414 Wetland Permit\Wetlands Permit Figures\COE\Financial Site Road Typical-Typcal Fr. 28/Nov/14 11:35am



MATERIAL SITE ACCESS ROAD  
TYPICAL SECTION  
NOT TO SCALE

NOTES:

1. THE IMPACT AREA EXTENDS 30' ON EITHER SIDE OF THE ROADWAY EMBANKMENT TOE(S), INCLUDING THE WORK ZONE AND VEGETATIVE BUFFER, AS SHOWN ABOVE.
2. WORK WITHIN THE WORK ZONE INCLUDES VEGETATIVE CLEARING, AND EQUIPMENT ACCESS TO ALLOW THE CONTRACTOR ADEQUATE ROOM TO CONSTRUCT EMBANKMENT SLOPES.
3. THE NATURAL VEGETATIVE MAT SHALL BE PRESERVED WITHIN THE VEGETATIVE BUFFER ZONE, AND SHALL SERVE AS A BEST MANAGEMENT PRACTICE (BMP) TO PROTECT SURROUNDING WETLAND AREAS FROM SEDIMENT RUNOFF.
4. SEE MATERIAL SITE PLAN VIEW SHEET 2 FOR PROPOSED MATERIAL SITE ACCESS ROAD LOCATION INFORMATION.

STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709		
DALTON HWY MP 401-414 REHABILITATION PROJECT 61366		
MATERIAL SITE ACCESS ROAD TYPICAL SECTION		
DATE: NOVEMBER 2014	SHEET: 5	OF: 5