



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: June 18, 2015**

**EXPIRATION DATE: July 17, 2015**

**REFERENCE NUMBER: POA-2015-350**

**WATERWAY: Sagavanirktok River**

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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 (DOT&PF)  
2301 Peger Road, Fairbanks, Alaska 99709

**AGENT:** Mr. Brett Nelson or Ms. Melissa Jensen

**LOCATION:** The project begins at Dalton Highway milepost (MP) 379 (Latitude 69.737° N., Longitude 148.6993° W.) and ends at Dalton Highway MP 401 (Latitude 70.0302° N., Longitude 148.6455° W.); near Deadhorse, Alaska. It has been assigned number POA-2015-350, Sagavanirktok River, which should be referred to in all correspondence with us.

**PURPOSE:** The applicant is seeking after the fact authorization for the development of three material sites, all to the east of the Dalton Highway, (MS 65-9-099-2 at MP 390, MS 65-9-040-2 at MP 374.5 and MS 65-9-024-2 at MP 381), authorized under U.S. Army Corps of Engineers (USACE) emergency permitting procedures, (permit number POA-2015-342), on May 27, 2015, as well as the authorization to discharge 845,000 cubic yards (cy) of gravel fill material into 353.2 acres of waters of the United States (U.S.), including wetlands, to raise the grade of the Dalton Highway by ten feet between MP 379-401 and develop three material sites. The applicant also requests authorization for temporary impacts to 160 acres of wetlands. The applicant states that “the project is needed because snow drifting on the roadway is common, the existing gravel surface is high maintenance and creates unwanted dust. Many existing drainage culverts are in need of repair or replacement. Extensive auffs formation and flood damage in the spring of 2015 emphasized the need for raising the grade on the Dalton Highway.”

**PROPOSED WORK (Emergency permit granted on May 27, 2015):** On May 27, 2015, the USACE gave verbal authorization to ADOT under emergency permitting procedures to clear and excavate three material sites along the Dalton Highway (MS 65-9-099-2 at milepost (MP) 390; MS-65-9-024-2 at MP 381; and MS 65-9-040-2 at MP 374.5. MS 65-9-099-2 at MP 390 would impact 116.1 acres of wetlands, MS 65-9-040-2 at MP 374.5 would impact 101.6 acres of wetlands, and MS 65-9-024-2 at MP 381 would impact 47.5 acres of wetlands and 26.5 acres of the Sagavanirktok River below Ordinary High Water (OHW). The materials excavated from these sites would be used to repair the Dalton Highway to make it passable after the recent flooding of the Sagavanirktok River. The ADOT would excavate approximately 100,000 cubic yards of gravel from one or more sites as needed. The road repair work would be performed under Nationwide Permit (NWP) 3, Maintenance. The project is located between MP 390-414 of the Dalton Highway. MS 65-9-024-2 at MP 381 is located within Sections 20 and 29, T. 5 N., R. 14 E. MS 65-9-040-2 at MP 374-375 is located within Sections 22 and 27, T. 4 N., R. 14 E.; and MS 65-9-099-2 is located within Section 12, T. 6 N., R. 13 E. Umiat Meridian; near Latitude 70.031429° N., Longitude 148.6419° W.; North Slope Borough; near Deadhorse, Alaska. A permit (POA-2013-665) currently exists to raise the grade on the Dalton Highway between MP 401 and 414.

**PROPOSED ADDITIONAL WORK:**

**All work would be conducted in accordance with attached plans Sheets 1 – 3. For a complete set of plans, (sheets 1 – 52, dated April 2015), see our website at <http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>. To request a hard copy of the plans, 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).**

The following work was not authorized under the above described emergency permit. The applicant requests to raise the grade of the Dalton Highway by 10 feet between MP 379-401. The grade raise would permanently impact 88 acres of waters of the U.S., including wetlands. The applicant also requests that the material sites be used to obtain

material required to raise the grade on the Dalton Highway MP 379-401, (the grade raise was not authorized by the emergency permit). All culverts would be replaced. Sixteen of the twenty nine culverts are fish passage culverts. The new fish passage culverts would be replaced with a larger diameter and would be installed in the same location as the existing culvert to attempt to maintain the thermal equilibrium that has been established in the 40 years the culvert has been in place. Creek diversion methods will be determined by the contractor. Twin 72" and twin 60" diameter flood relief culverts located 40' and 50' north of the main crossing will be installed first and the creek will be pumped through the flood relief culverts during installation of the main culvert. The channel will be lined with Class II riprap with filler material placed in the riprap below OHW.

*Past Corps Authorizations for associated work:*

USACE Permit POA-2013-665 dated November 7, 2014, POA-2013-665-M1 dated May 5, 2015 and POA-2013-665-M2 dated May 29, 2015 for improvements to MP 401-414 of the Dalton Highway and three material sites necessary for that portion of the highway improvements.

**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. To request a hard copy of the Mitigation Statement, 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).)

a. Avoidance: "DOT&PF was able to avoid additional wetland impacts at material site 65-9-024-2 by mining in-river for gravel. At this location, DOT&PF estimates 24 acres will be mined and stockpiled on a gravel bar within the Sagavanirktok (Sag) River.

The in-river mining of gravel will reduce the need for an additional 24 acres of terrestrial gravel sources, which would most likely come from sites adjacent to the currently proposed 47.5 acre terrestrial footprint."

b. Minimization: "The road is currently estimated to be 3 feet above the existing natural surface. DOT&PF proposes to raise the level of the Dalton Highway. To reduce impacts to wetlands, DOT&PF proposes to create side slopes at a 3:1 angle, as opposed to 4:1. Geotextiles will be used during construction in areas of new impact."

Reduced wetland impacts through minimization methods are shown in Table 1. Impacts are calculated for the new area beyond the existing road. For the section of road that is 7 feet above the surrounding ground, the 3:1 angle will reduce impacts by 15.8 acres. For the section of road that is 10 feet above the surrounding ground, the 3:1 angle will reduce impacts by 15.2 acres for a total of 31.0 acres of wetlands that will not be filled due to minimization of side slopes on the road."

**Table 1 Minimization of Wetland Impacts through Construction Methods**

Road Dimensions Above Surrounding Ground	Highway Mile Post	Width of Impact	Distance per method/total acres	Reduced width of impact
4:1 Side Slopes, 7 feet	379-392	32 feet	13 miles/50.4 acres	-
3:1 Side Slopes, 7 feet	379-392	22 feet	13 miles/34.6 acres	15.8 acres
4:1 Side Slopes, 10 feet	392-401	56 feet	9 miles/61.0 acres	-
3:1 Side Slopes, 10 feet	392-401	42 feet	9 miles/45.8 acres	15.2 acres

c. Compensatory Mitigation: “With this project, the DOT&PF proposes to do permittee responsible mitigation (PRM) in the Sag River watershed where the project is located. There are no mitigation banks servicing this watershed, nor are there In-lieu fee options at this time...DOT&PF believes it is environmentally preferable to complete PRM projects within the Sag River watershed....The DOT&PF PRM includes numerous components: to include functional lift through additional improvements for streams and fish passage under the Dalton Highway, to create a high value habitat through conversion of uplands and wetlands into shallow water ponds with littoral zones, functional lift of the Sag River environment, and hydrological studies of the Sag River. Each component is detailed below:

1. Functional Lift through Culvert Replacement: The Dalton Highway was built in 1974. Most, if not all of the culverts along the highway are from the original construction efforts. Culvert replacement will be planned with three outcomes; fish passage improvements, non-fish bearing stream connectivity improvements, and improved hydrological connectivity for non-stream areas through runoff management and reduced velocity delivery to downstream areas.
2. Reclamation of Material Sites: The reclamation of the material sites used for this road reconstruction project will create high value habitats through conversion of uplands and wetlands into shallow water ponds with littoral zones. These reclaimed material sites should provide good habitat for both fish and waterfowl. It is unlikely that Yellow-billed Loons (*Gavia adamsii*) or Spectacled Eiders (*Somateria fischeri*), both species of concern, would use these sites, as the location is in the southern boundary of their range and also due to the proximity to the Dalton Highway (ABR 2006).
3. In-River Fish Habitat and Channel Alignment; Material Site 65-9-024-2: The in-river mining at this material site will provide functional lift to the Sag River in several ways, including the creation of valuable overwintering fish habitat and channel realignment.
4. Hydro-Sedimentological Monitoring of the Sag River during 2015 Breakup:  
The DOT&PF proposes to provide funding to the University of Alaska Fairbanks (UAF) to conduct hydro-sedimentological monitoring of the Sagavanirktok River during spring breakup. Studies will focus on the

area where the Sag River splits into the west and east channels between MP 392 and 394. The west channel is nearest to the Dalton Highway. Focus will be on this channel during spring breakup after the winter flooding of 2015. The fall deliverable will consist of a report containing discharge, sediment load data, water elevations and longitudinal profiles along the west channel.

Conduct longer term Hydro-Sedimentological Monitoring and Analysis on the Sag River. DOT&PF proposes to also provide funding to UAF to conduct hydro-sedimentological monitoring and analysis on the Sag River. DOT&PF proposes to use this multiyear PRM project as partial mitigation not only for this project (Dalton Highway 379-401), but also for Dalton Highway 362-379.“

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 lead Federal agency, Alaska Division of Federal Highway Administration in partnership with the Alaska Department of Transportation and Public Facilities, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. They completed consultation with the State Historic Preservation Office (SHPO) in May of 2012. The ADOT&PF determined there were cultural resource site within the project area, however only XBP-00114 and SAG-00097 were within the Area of Potential Effects (APE). The ADOT&PF consulted with SHPO in a letter dated July 7, 2011. The SHPO responded, concurring that “No historic properties would be adversely affected by the proposed project” in a stamped letter sent to ADOT&PF in May 2012. 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: The U.S. Fish & Wildlife Service (USFWS) consulted on the Dalton Highway improvement project, MP 362-414, in a biological opinion (BO) dated February 25, 2013 (USFWS February 2013). “This BO described effects of the proposed project on threatened spectacled eiders (*Somateria jischeri*), Alaska-breeding Steller's eiders (*Polysticta stelleri*), and polar bears (*Ursus maritimus*), pursuant to section 7 of the ESA. The Service determined the activities considered in the 2013 BO may affect, but were not likely to adversely affect, Steller's eiders or polar bears. Furthermore, although the activities may adversely affect spectacled eiders, upon reviewing the status and environmental baseline of this species, and analysis of potential effects of the proposed activities, the Service concluded the proposed actions were not likely to jeopardize the continued existence of spectacled eiders.”

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 Sagavanirktok River and its fish bearing tributaries are within the known range of the Chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*)(spawning), Broad whitefish (*Coregonus nasus*), Dolly Varden (*Salvelinus mama Walbaum*), and Least Cisco. Material Site 65-9-024-2 will impact 25 acres of the Sagavanirktok River below OHW.

We are currently gathering information regarding these species and have yet to make a determination of effect. 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 National Marine Fisheries Service or Alaska Fish and Game 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 authorities:

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

(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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

## **NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION**

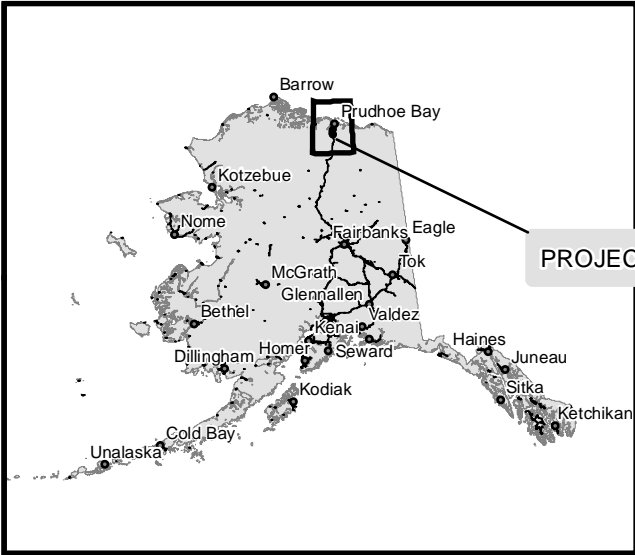
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-2015-350, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

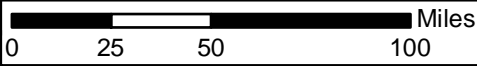
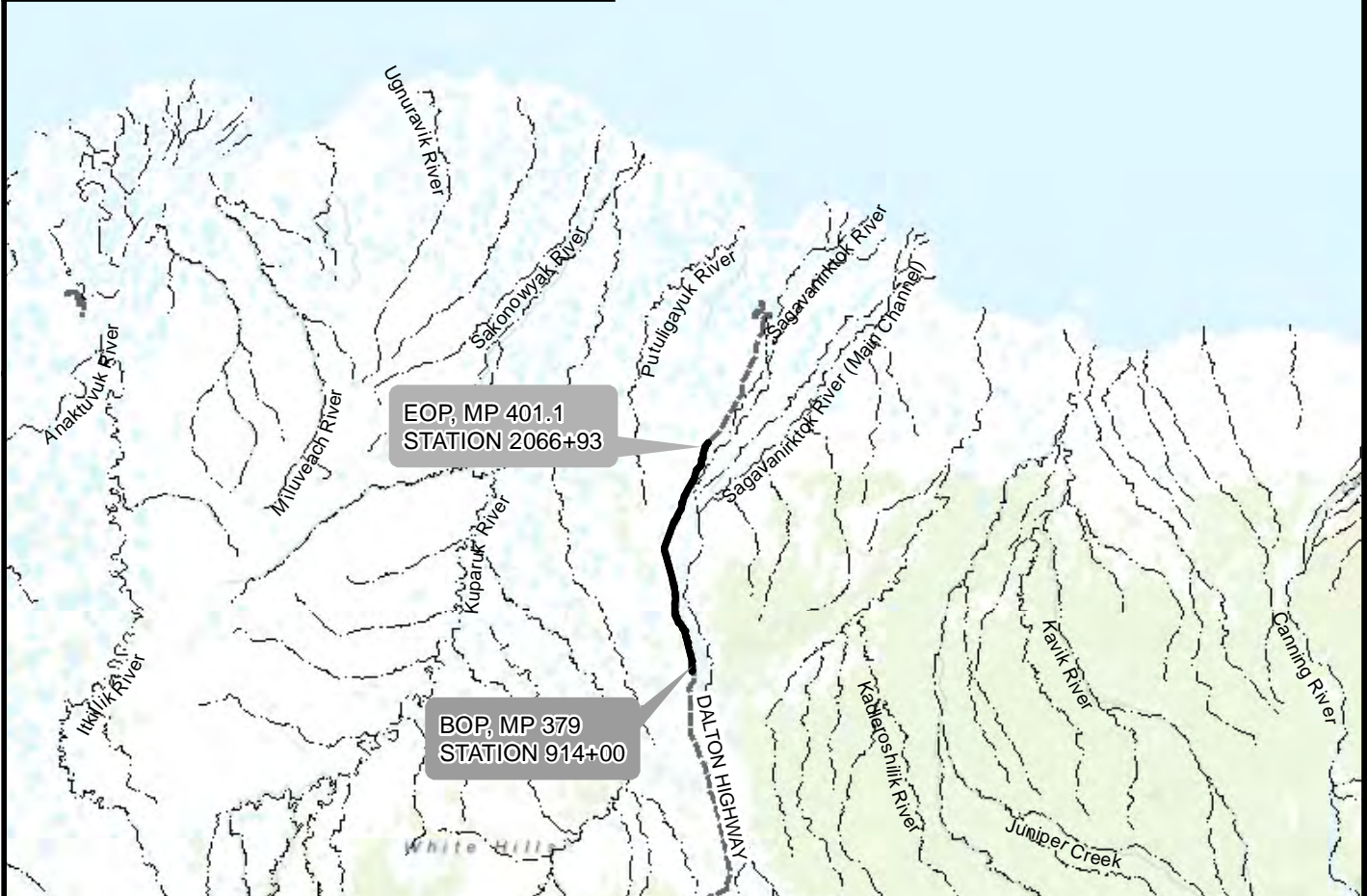
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.





**PROJECT LOCATION**



LOCATION:  
 COPPER RIVER MERIDIAN  
 T5N R14E SECTIONS 6,7,17,18,20,29,32  
 T5N R13E SECTION 1  
 T6N R13E SECTIONS 1,2,12,13,24,25,36  
 T7N R14E SECTIONS 5,7,8,18,19,30  
 T8N R14E SECTIONS 21,28,32,33

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

DALTON HWY MP379-401  
 REHABILITATION PROJECT  
 63818

LOCATION & VICINITY

DATE: APRIL 2015 SHEET: 1

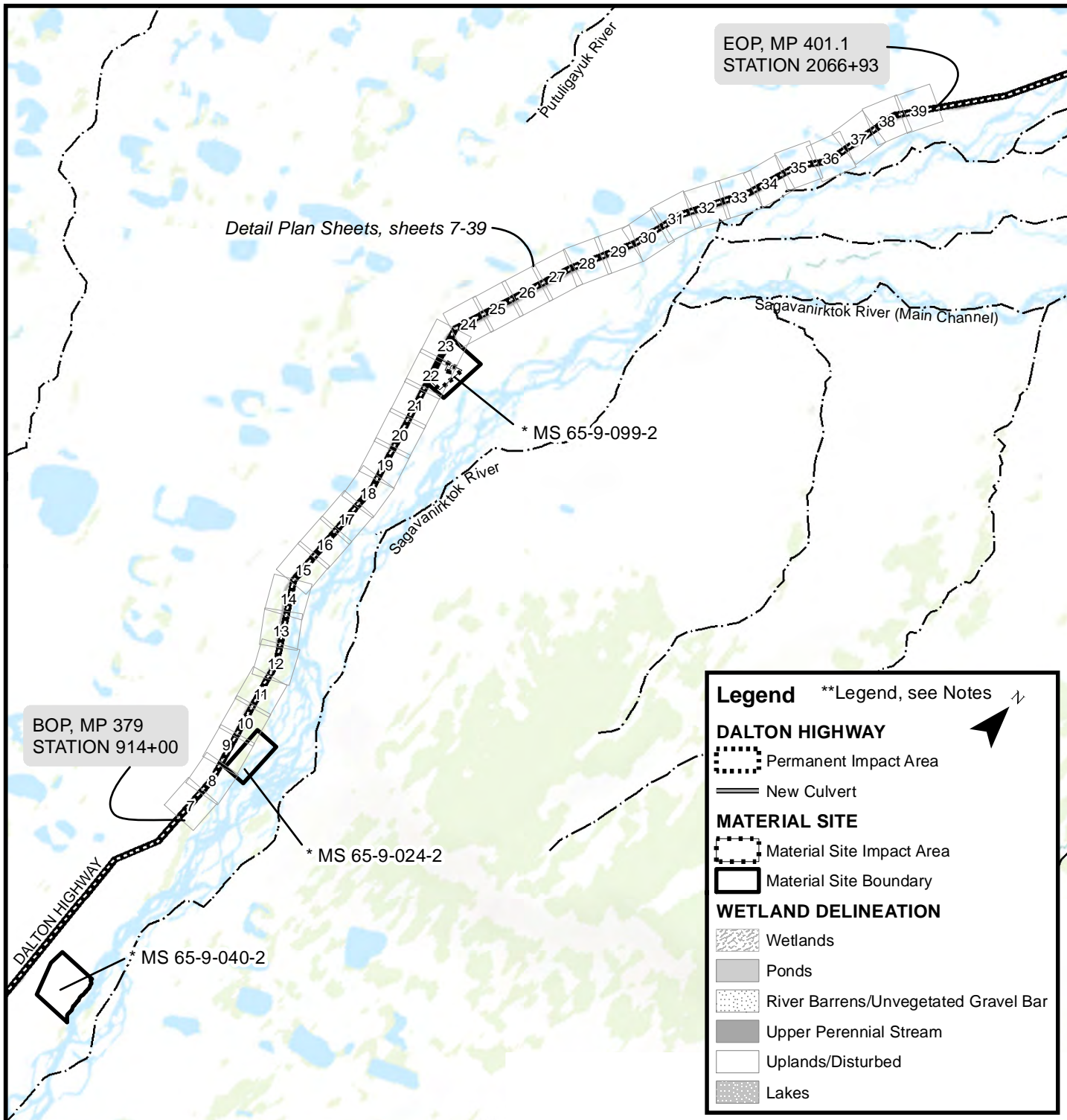
**SUMMARY OF PROPOSED IMPACTS TO  
WETLANDS AND WATERS OF THE U.S.**

<b>SUMMARY OF PROJECT IMPACTS</b>				
	<b>Wetlands</b>		<b>Below OHW</b>	
	Area (Acres)	Fill (CY)	Area (Acres)	Fill (CY)
Roadway Embankment MP 379-401.1	88	752,000	0	0
Culverts	0	0	0.18	572
Temporary Impacts (Work Zone + Veg Buffer)	160	0	0	0
<b>TOTAL</b>	<b>248</b>	<b>752,000</b>	<b>0.18</b>	<b>572</b>

<b>*SUMMARY OF PROPOSED MATERIAL SITE IMPACTS</b>		
<i>Material Site #</i>	<i>Wetlands</i>	
	<i>Area (Acres)</i>	<i>Volume (CY)</i>
Material Site 65-9-040-2	101.6	2,000,000 Excavation / 36,500 Fill
Material Site 65-9-024-2	47.5	2,000,000 Excavation / 23,000 Fill
Material Site 65-9-099-2	116.1	3,000,000 Excavation / 34,000 Fill
<b>TOTAL</b>	<b>265.2</b>	

<b>SHEET SUMMARY</b>	
<b>Sheet #</b>	<b>Name</b>
1	LOCATION & VICINITY
2	SUMMARY OF PROJECT IMPACTS
3	TYPICAL SECTION A
4	TYPICAL SECTION B
5	TYPICAL SECTION C
6	PLAN VIEW SUMMARY
7-39	PLAN VIEW DETAIL
40	MS 65-9-024-2 DETAIL
41	MS 65-9-024-2 SECTION X-X'
42	MS 65-9-024-2 SECTION Y-Y'
43	MS 65-9-040-2 DETAIL
44	MS 65-9-040-2 SECTION X-X'
45	MS 65-9-040-2 SECTION Y-Y'
46	MS 65-9-099-2 DETAIL
47	MS 65-9-099-2 SECTION X-X'
48	MS 65-9-099-2 SECTION Y-Y'
49	MATERIAL SITE ACCESS ROAD TYPICAL SECTION
50	CULVERT SUMMARY
51	NON-FISH PASSAGE CULVERT DETAIL
52	FISH PASSAGE CULVERT DETAIL

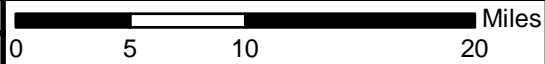
STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709
DALTON HWY MP379-401 REHABILITATION PROJECT 63818
SUMMARY OF PROJECT IMPACTS
DATE: APRIL 2015      SHEET:      2



**NOTES:**

\*See Material Site 65-9-040-2, Material Site 65-9-024-2, & Material Site 65-9-099-2 Plan View Detail Sheets

\*\* Legend Applies to Sheets 6 - 40, 43, & 46



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

DALTON HWY MP379-401  
 REHABILITATION PROJECT  
 63818

PLAN VIEW DETAIL

DATE: APRIL 2015 SHEET: 3