



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	January 6, 2017
EXPIRATION DATE:	February 7, 2017
REFERENCE NUMBER:	POA-1990-375-M1
WATERWAY:	Skagway River

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 Randal Vigil at (907) 790-4491 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mark L. Taylor, Pacific & Arctic Railway & Navigation Co., PO Box 435, Skagway, AK 99840. Telephone number (907) 612-0570.

LOCATION: The project site is located within Sections 29, 30, and 31, T. 27 S., R. 60 E., Copper River Meridian; USGS Quad Maps Skagway B-1 and Skagway C-1; Beginning at Latitude 59.4854° N., Longitude 135.2753° W. and Ending at Latitude 59.50° N., Longitude 135.2481° W.; within the Pacific & Arctic Railway and Navigation Company main track between Mile 3.7 and Mile 5.1; in Skagway, Alaska.

PURPOSE: The applicant's stated purpose is: "The new Boulder Siding is an essential element to the implementation of a new passenger train operating plan the [Pacific & Arctic Railway & Navigation Co.] PARN is implementing to significantly increase the safety to excursion train passengers, its train operating employees, reduce locomotive fuel consumption and will improve passenger train movement efficiency. When implemented the plan completely eliminates Federal Railroad Administration red zone (person entering the space between cars/locomotives to uncouple or couple cars) entries for all passenger trains operating between

Skagway and the summit at White Pass Station. In addition wasteful passenger train starts and stops, locomotive runarounds, and wasted train switching movements will be completely eliminated from the train maneuvering that now take place at White Pass Station, Mile 20.4 on the railroad."

PROPOSED WORK: The applicant request authorization to discharge 15,000 cubic yards of gravel and 3,000 cubic yards of riprap fill material into 0.75 acres below the ordinary high water mark of the Skagway River, which is a perennial water of the United States, in order to widen 3,200 linear feet of the existing railroad embankment for the construction of a new siding track.

All work would be performed in accordance with the enclosed plan sheet 1 of 1, dated 1 DEC 2016, and sheet 1 of 1, dated 8 SEP 2016.

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 purpose for PARN's proposed construction of new Boulder Siding is to provide a siding positioned at the exact place where up to 22 trains per day can pass each other without any of the trains stopping to wait on another train. PARN is implementing many other significant safety and passenger train performance modifications and improvements as part of its passenger service improvement plan. In addition to passenger service betterments PARN train employees will experience much safer work conditions by the complete elimination of many switching movements.

It is possible to construct a siding at Boulder by cutting into the rock walls flanking the main track. But the cutting would be prohibited by cost. Also flanking the main track are extensive rock slides composed of school bus size boulders that continually ravel over time landing on the main track. Cutting into these rock slides would have very high slopes running to the catch points with the longer and higher slopes increasing the threat to rock falls onto the track.

These high cut slopes on the solid rock as well as the high rock slide slopes would be visible from the Klondike Highway and to train passengers and would be unattractive.

There are strong railway operating procedures and safety considerations for PARN to locate the proposed Boulder Siding on to the left or west side of the main track. All of PARN's yard track and siding tracks are located to the left or west side of the main tack over its heavily used passenger train tracks. Therefore PARN operates its northward trains running right hand with southward trains running left hand. This track running arrangement is the railroad equivalent of highway driving on the right in the U.S. as opposed to driving on the left in England.

Consistency and uniformity of train operating practices on dedicated track is vital to the safe operation of PARN's passenger trains. Further PARN's northward running trains are operating uphill on steep grades and take precedence to the main track where southward running trains are operating downhill and use sidings to pass northward trains.

b. Minimization: PARN's design of Boulder Siding reduces the centerline distance between the main track and the siding to 16 feet as shown on the Typical Section drawing. PARN's standard distance between a main track and a siding is 25 feet following current best railroad practices. Therefore the reduction in track spacing reduces the impact to the Skagway River by 9 feet.

The design of the new siding embankment riprap slope is 1V to 1.25H when recommended dike slopes is at least 1V to 2H. PARN's steepened slope reduces the impact to the Skagway River by approximately 3.8 feet.

PARN's design does not include a launchable toe of riprap, located at the bottom of the fill, thereby avoiding approximately 20 feet or more disturbance to the Skagway River.

c. Compensatory Mitigation: No compensatory mitigation is proposed for impacts to waters of the United States.

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 is a registered or eligible property in the vicinity of the worksite. It has been designated **SKG-00013 - SKAGWAY & WHITE PASS HISTORIC DISTRICT and NATIONAL HISTORIC LANDMARK DISTRICT.**

This public notice constitutes consultation pursuant to Section 106 of the National Historic Preservation Act and 33 CFR 325 Appendix C. We have defined our scope of analysis under Appendix C (permit area) to be the footprint of the proposed fill at the project site. The Corps has determined the proposed activity would have "No Adverse Effect to Historic Properties". This determination was made because the project would impact up to 0.75 acres of the Skagway River, and the magnitude and scope of the fill placement would constitute a broad impact, which would have the potential to effect unknown historic properties. Additionally, due to the relatively remote location of the fill area, the difficult access, including the steep mountainous terrain to the south, it would not be expected that this part of Skagway was densely populated or extensively used.

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).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), and coho (*Oncorhynchus kisutch*) salmon.

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
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.

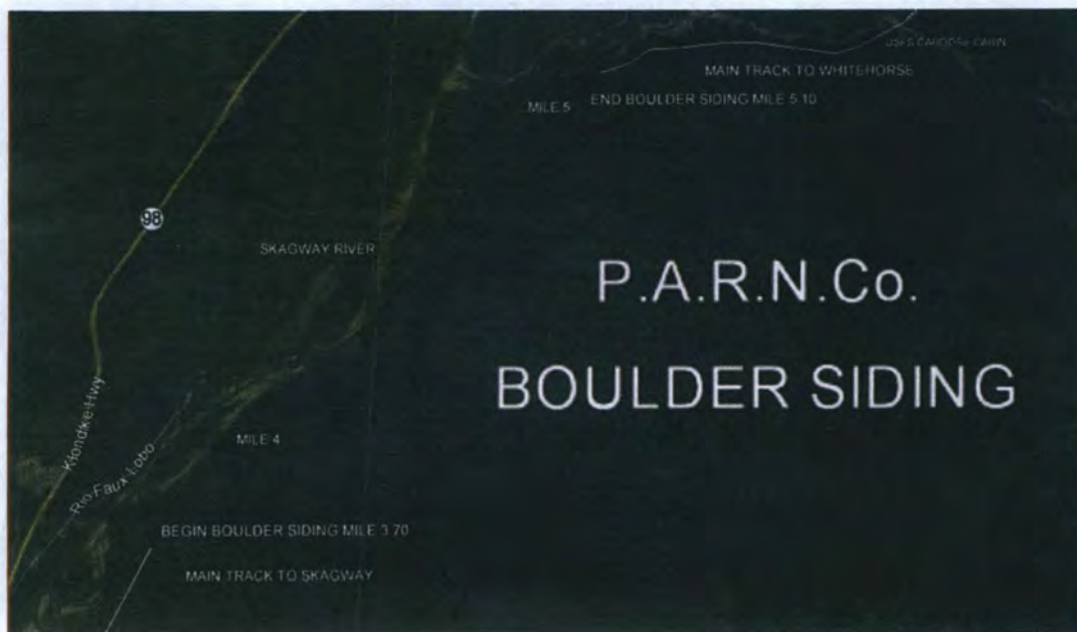
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1990-375-M1, Skagway River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

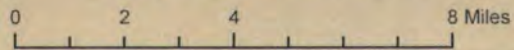


**PACIFIC & ARCTIC RAILWAY & NAVIGATION Co.
 CONSTRUCT NEW BOULDER SIDING
 VICINITY MAPS
 SKAGWAY, ALASKA**

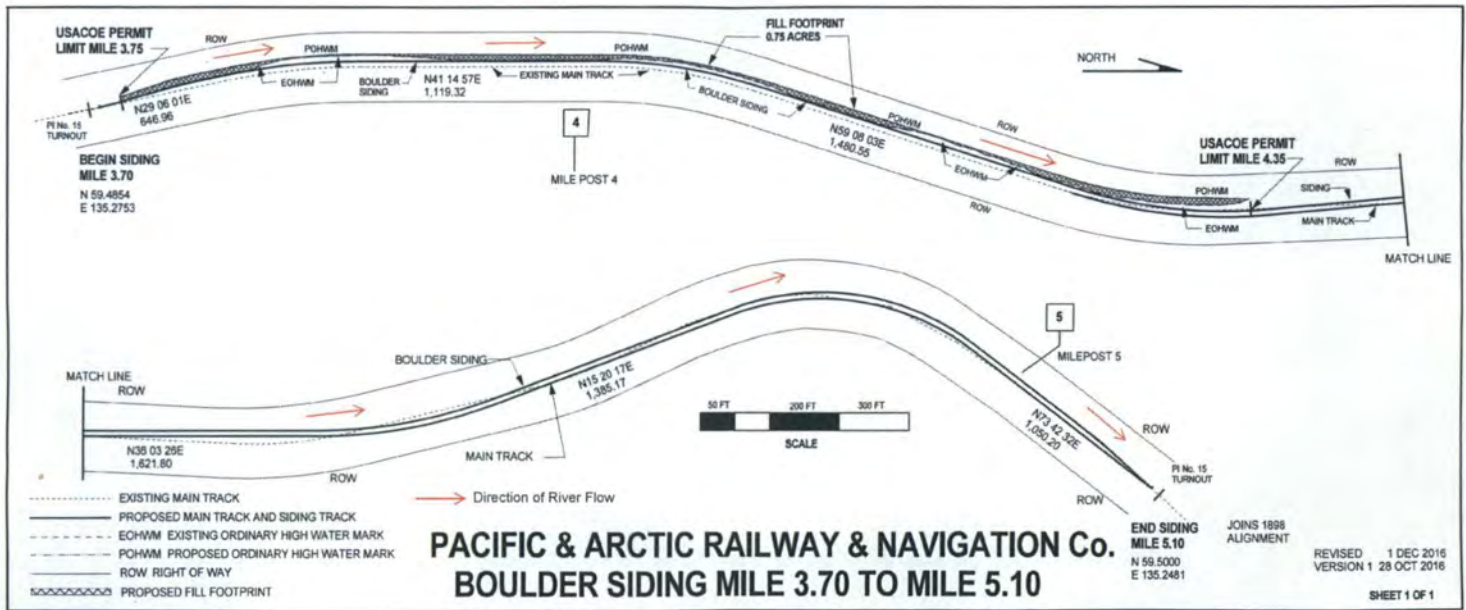




Project Location



POA-1990-375-M1, Skagway River
 Pacific & Arctic Railway & Navigation Co.
 Siding Track
 12/23/2016



PACIFIC & ARCTIC RAILWAY & NAVIGATION Co.
BOULDER SIDING MILE 3.70 TO MILE 5.10

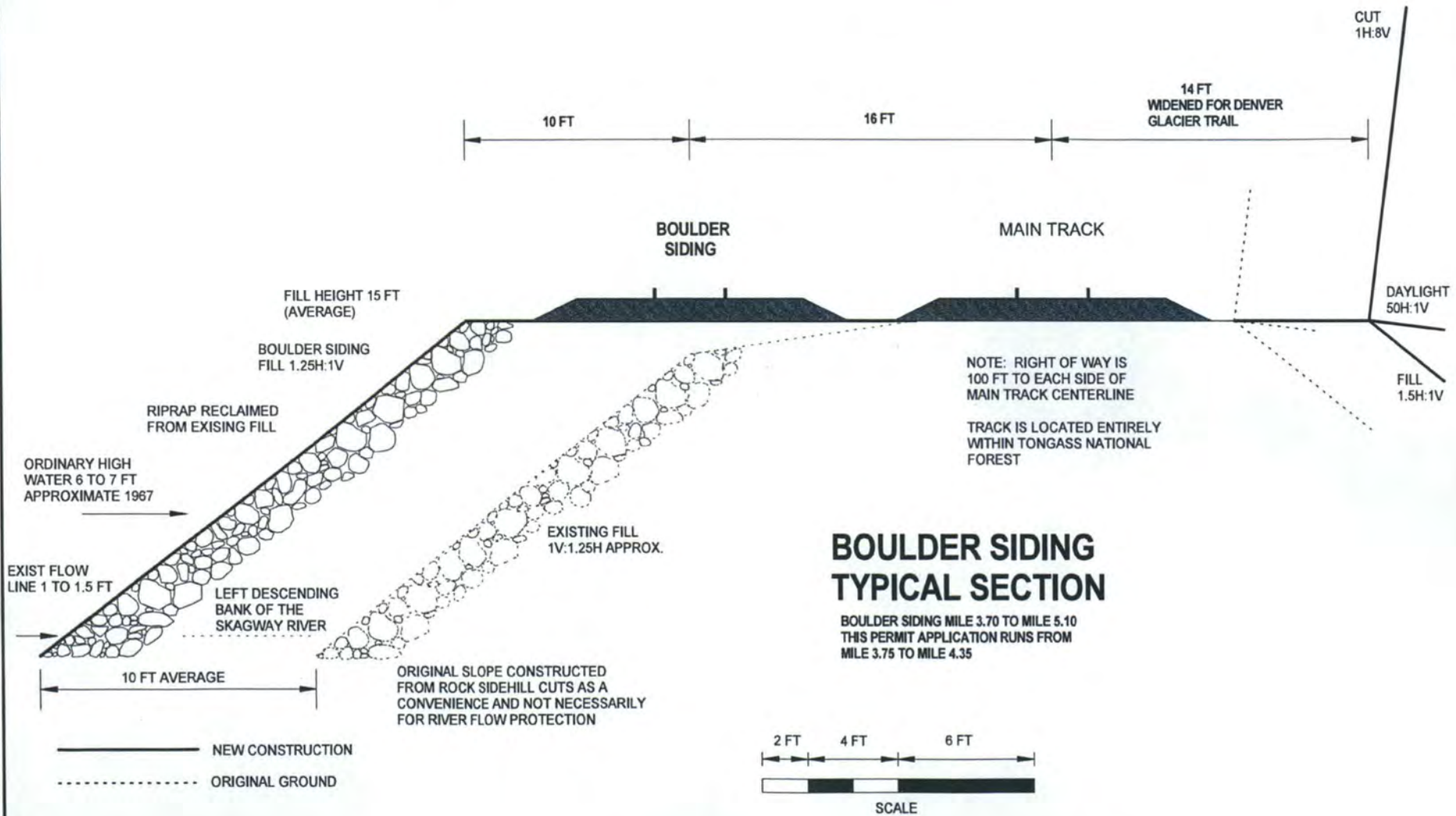
- EXISTING MAIN TRACK
- PROPOSED MAIN TRACK AND SIDING TRACK
- ECHWM EXISTING ORDINARY HIGH WATER MARK
- POHWM PROPOSED ORDINARY HIGH WATER MARK
- ROW RIGHT OF WAY
- ~~~~~ PROPOSED FILL FOOTPRINT

→ Direction of River Flow

JOINS 1998 ALIGNMENT

REVISED 1 DEC 2016
 VERSION 1 28 OCT 2016

SHEET 1 OF 1



BOULDER SIDING TYPICAL SECTION

BOULDER SIDING MILE 3.70 TO MILE 5.10
THIS PERMIT APPLICATION RUNS FROM
MILE 3.75 TO MILE 4.35

PACIFIC & ARCTIC RAILWAY & NAVIGATION CO.
NEW BOULDER SIDING

DESIGN: MLT
DRAWN: MBT

DRAWN: 8 SEP 2016
REVISED:
REVISED:

SHEET 1 OF 1