



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

PUBLIC NOTICE DATE:	January 27, 2017
EXPIRATION DATE:	February 27, 2017
REFERENCE NUMBER:	POA-2016-548
WATERWAY:	NENANA 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 John Sargent at (907) 474-2166 by fax at (907) 474-2164, or by email at John.C.Sargent@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Usibelli Coal Mine, Attn: Fred Wallis, P.O. Box 1000, Healy, Alaska 99743

LOCATION: The project site is located within Section 5,6, T. #12 S., R. 7 W., Fairbanks Meridian; USGS Quad Map Healy D-4; Latitude 63.9021° N., Longitude 148.9890° W.; , at the Poker Flat coal mine in Healy, Alaska.

PURPOSE: The applicant's stated purpose is to develop a material site to provide 12-inch minus gravel for road base construction within the Jumbo Dome Mine blocks 2 through 5; and secondarily to provide space for future expansion of the existing coal stock pile. The project site was previously permitted by the Corps of Engineers in 1999 for the discharge of fill material in 27 acres of wetlands for a proposed coal storage area (Corps of Engineers file number D-970003).

PROPOSED WORK: The applicant proposes to discharge dredge or fill material into 8.63 acres of scrub-shrub-emergent wetlands, (445,000 cubic yards), during the mechanical extraction, grading, and stockpiling of gravel at a 13.78 acre site at the existing Poker Flat mine. Access to the site would be from the existing developed land off of River Road. Top soil and vegetation would be temporarily stockpiled on-site and reused in the construction of temporary berms to minimize impact to adjacent wetlands, and to stabilize exposed soil and promote revegetation of the site. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated January 11, 2017.

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: Alternative sites in uplands were considered but determined to be unacceptable because they did not contain the suitable size of gravel. Therefore, avoidance of wetlands was not practicable.

b. Minimization: The area of wetland fill was reduced from 19.8 acres to 8.63 acres. The applicant proposes methods to minimize impacts to wetlands to include phased mining and reclamation in 1-acre parcels, salvage and reuse of top soil for use in land reclamation, and drainage and sedimentation control. Vegetation and organic soil would be re-used to create vegetated berms to contain the site and minimize impacts to adjacent wetlands and other waters. Berms would be seeded and located at the edges of disturbance at toes of slopes or tops of cuts.

c. Compensatory Mitigation: The applicant has proposed that compensatory mitigation would not be required because of the abundance of wetlands within the Tanana River watershed as a whole.

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 an unevaluated property in the vicinity of the worksite. Because the property has been determined to be outside of the project area, no further action is required.

ENDANGERED SPECIES:

We have determined that there are no Federally listed species in the project area and 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).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), Coho (*Oncorhynchus kisutch*) and Chum (*Oncorhynchus keta*) salmon. EFH is present outside of the project area within the Nenana River. However, the project would have **No Effect** to EFH because the project impacts would be limited to wetlands outside of EFH and secondary impacts would be avoided by using sedimentation control measures.

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) 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

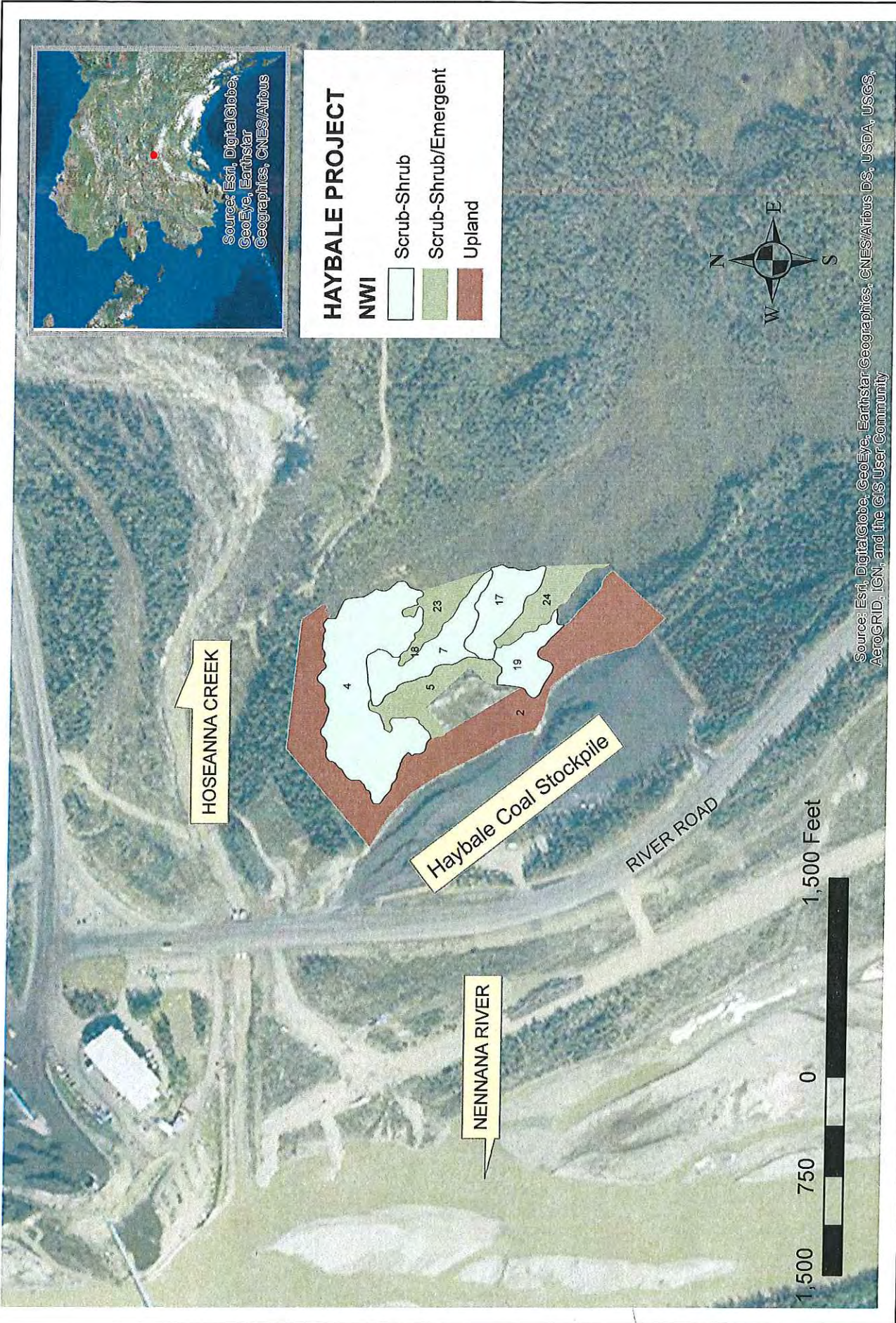
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2016-548, 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.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

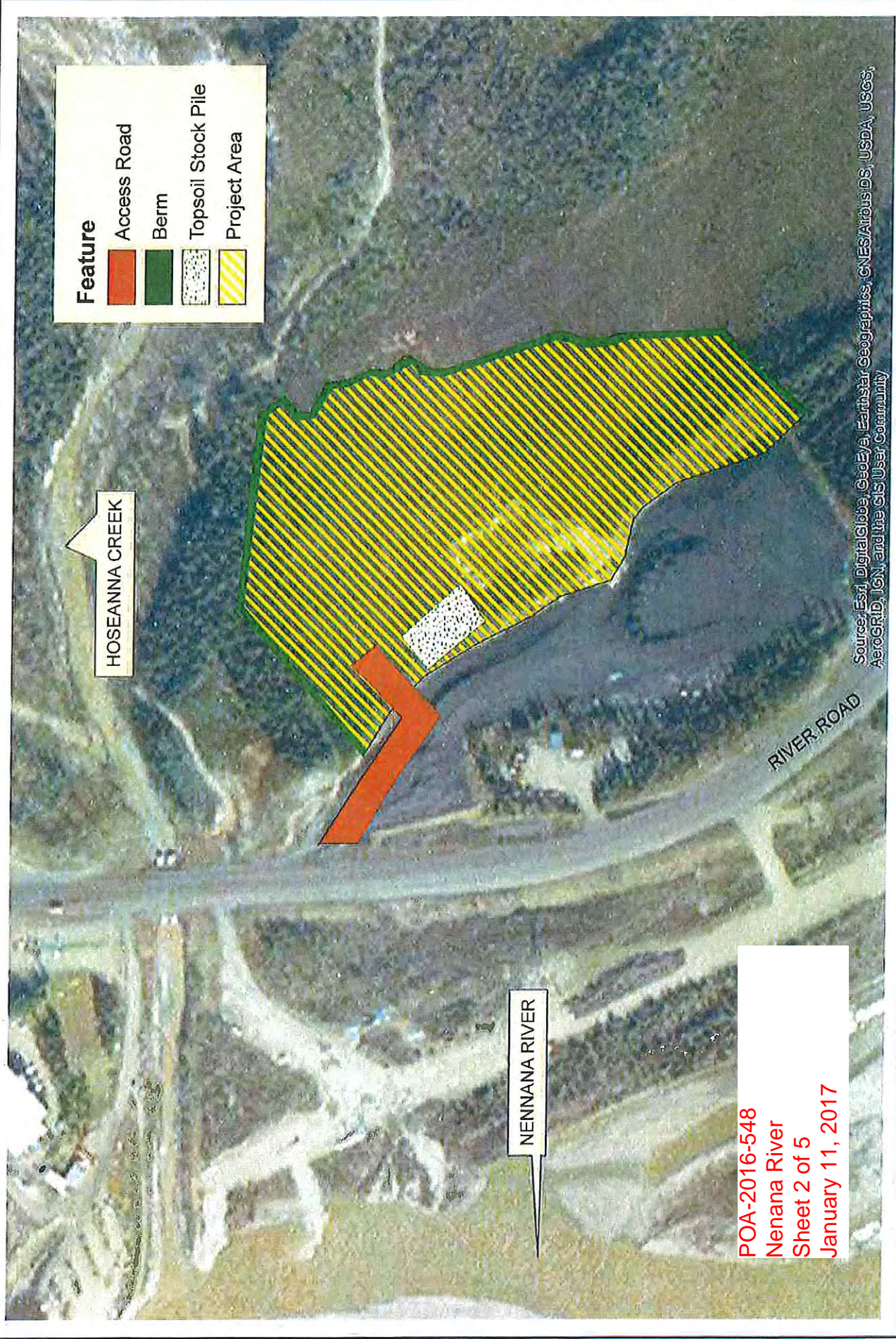
HAYBALE PROJECT

- NWI**
- Scrub-Shrub
 - Scrub-Shrub/Emergent
 - Upland



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Feature	Symbol
Access Road	Orange rectangle
Berm	Green rectangle
Topsoil Stock Pile	Dotted rectangle
Project Area	Yellow hatched rectangle

HOSEANNA CREEK

NENNANA RIVER

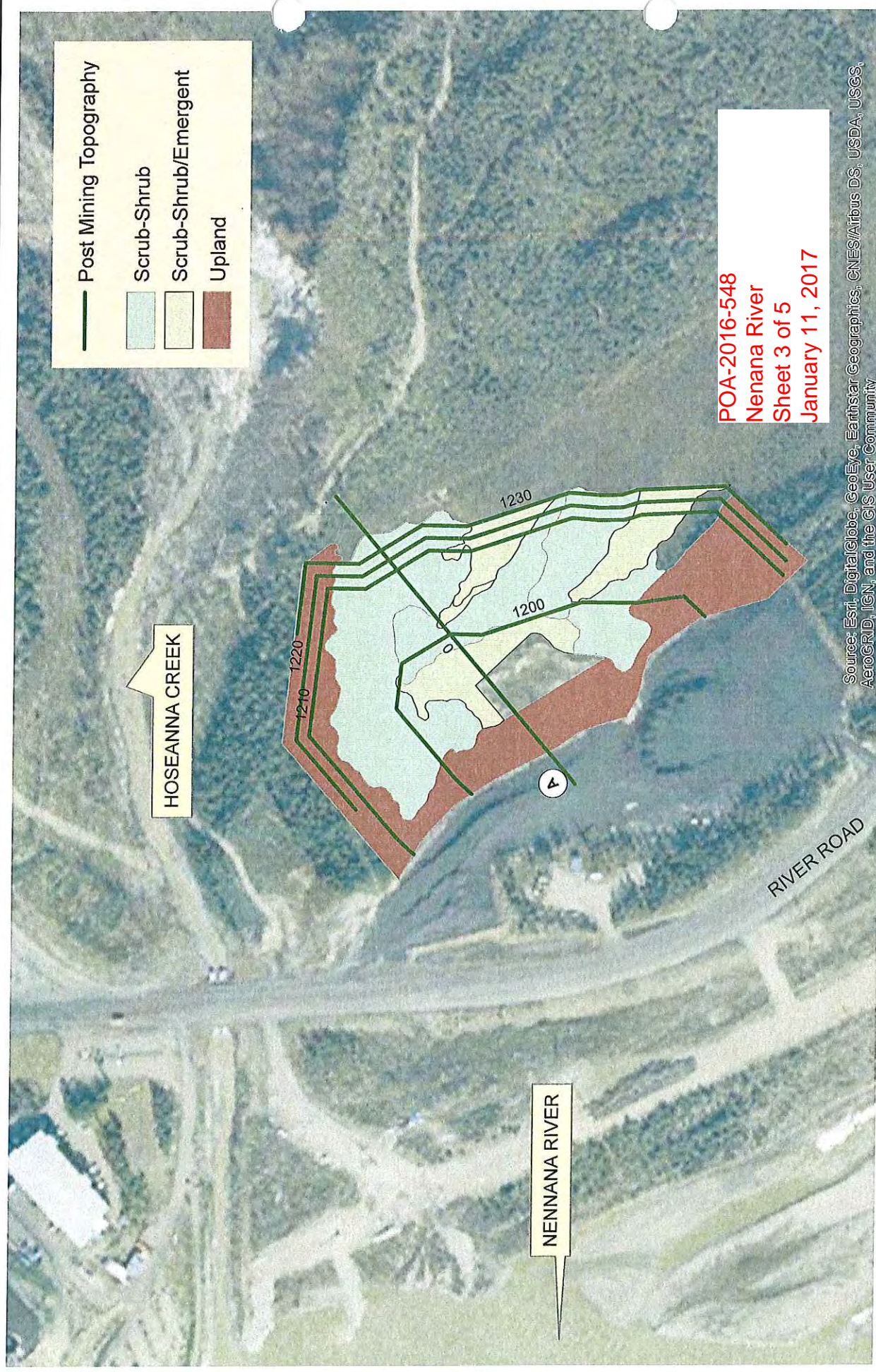
RIVER ROAD





POA-2016-548
 Nenana River
 Sheet 2 of 5
 January 11, 2017

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



USIBELLI COAL MINE
 HAYBALE GRAVEL PROJECT FEATURES
 HEALY, AK



	Post Mining Topography
	Scrub-Shrub
	Scrub-Shrub/Emergent
	Upland

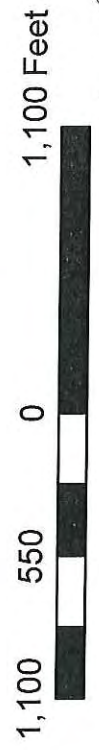
HOSEANNA CREEK

NENNANA RIVER

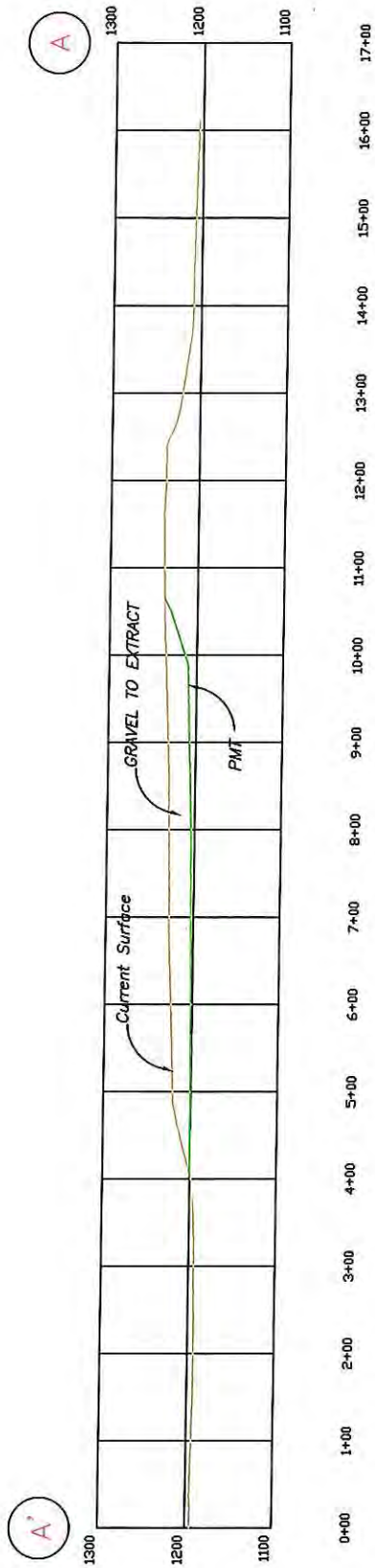
RIVER ROAD

POA-2016-548
 Nennana River
 Sheet 3 of 5
 January 11, 2017

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



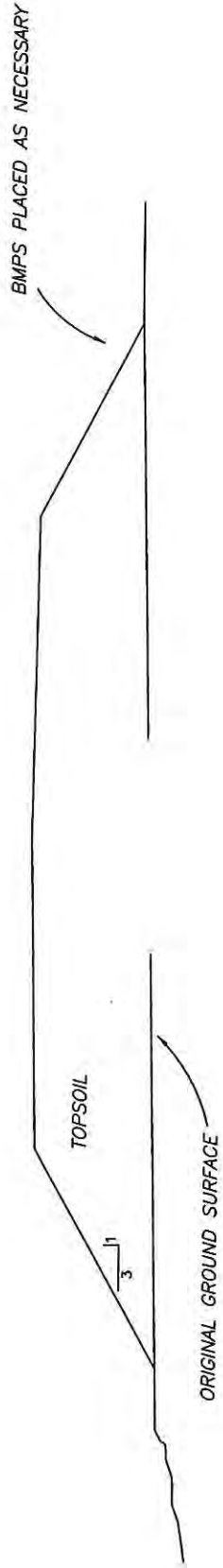
USIBELLI COAL MINE
 Post Mining Topography
 HEALY, AK



TYPICAL GRAVEL EXTRACTION CROSS SECTION

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TOPSOIL STOCKPILE DESIGN



TYPICAL CROSS SECTION
NOT TO SCALE