



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: JANUARY 29, 2013

EXPIRATION DATE: FEBRUARY 27, 2013

REFERENCE NUMBER: POA-2007-488

WATERWAY: SKULL CREEK

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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Railroad Corporation (ARRC)

LOCATION: The project site is located within Section 25, T. 30 N., R. 4 W., Seward Meridian; USGS Quad Map Talkeetna Mts C-6; Latitude 62.659° N., Longitude 149.9367° W.; near Talkeetna, Alaska.

PURPOSE: The applicant's stated purpose is to ensure that the ARRC Bridge 252.5 and track do not wash out during future storm events. The project would reestablish the stream channel, restore water flow under the ARRC Bridge, maintain sediment transport capacity, and reduce sediment accumulation to maintain the safety and integrity of the railroad.

PROPOSED WORK: Use a D-8 Caterpillar bulldozer and excavator to move 9,400 cubic yards of deposited creek bed material from Skull Creek, a tributary of the Susitna River, to the upland river banks and haul away excess material; 1,000 foot length upstream of ARRC Bridge 252.5 and 370 foot length downstream of ARRC Bridge 252.5. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 2013.

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 existing location of the railroad, Skull Creek, and ARRC's bridge over Skull Creek do not allow avoidance of impacts to waters of the U.S. The September storm event and deposition of aggraded material in the stream nearly resulted in a washout of the track. Impacts have been avoided to the maximum extent practicable by

limiting the dredging/excavation to the minimum necessary to re-establish the former creek channel and future high water flows. As is common with this type of stream, sediment deposition will continue to occur, and maintenance will be needed to maintain the sediment transport capacity of the stream. If dredging is not undertaken, the flow will break out of the current channel and begin the process of eroding new channels. This will require an even greater response to protect the railroad. Response actions would include armoring the railroad embankment with rip rap against flow impingement and construction of upstream flow training dikes to direct the water beneath the bridge in addition to the proposed limited scope dredging.

b. Minimization: Recent past efforts to minimize the need for excavation/dredging at Skull Creek have included raising the track and bridge, and lengthening the bridge to provide additional clearance. However, these measures have not eliminated the need for continued maintenance dredging/excavation following storm events. Unavoidable impacts are minimized, as only minor incidental fill would occur during dredging/excavation. Dredging/excavation activities are limited to the minimum necessary to achieve the project purpose (reestablish the stream channel, restore water flow under the ARRC bridge, maintain sediment transport capacity, and reduce sediment accumulation to maintain the safety and integrity of the railroad). In addition, ARRC would implement the following measures to avoid and minimize impacts to waters of the U.S.:

- Minimize surface disturbance to the extent possible.
- Construct only during timing windows established in coordination with ADF&G.
- Minimize use of equipment in water.
- Implement best management practices during construction to minimize temporary disturbances to the area and the potential for erosion and sedimentation.
- Keep fueling and servicing operations a minimum of 100 feet from water bodies except in the unlikely event of equipment breakdown.
- Implement standard spill-prevention measures to minimize or prevent spills or leakage of hazardous materials during construction and ensure spill clean-up equipment is available onsite during construction (e.g., oil-absorbent pads and appropriate response materials).
- Monitor construction activities as necessary.

c. Compensatory Mitigation: No compensatory mitigation is proposed, as the project would correct storm-related problems. There would be a net environmental benefit, as the project would re-establish the stream channel, restore water flow, and maintain the sediment transport capacity of the stream.

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 TLM-00278. Because it has been determined to be outside of the project area, no further action is required.

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 Chum Salmon and the Pink Salmon.

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 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).

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

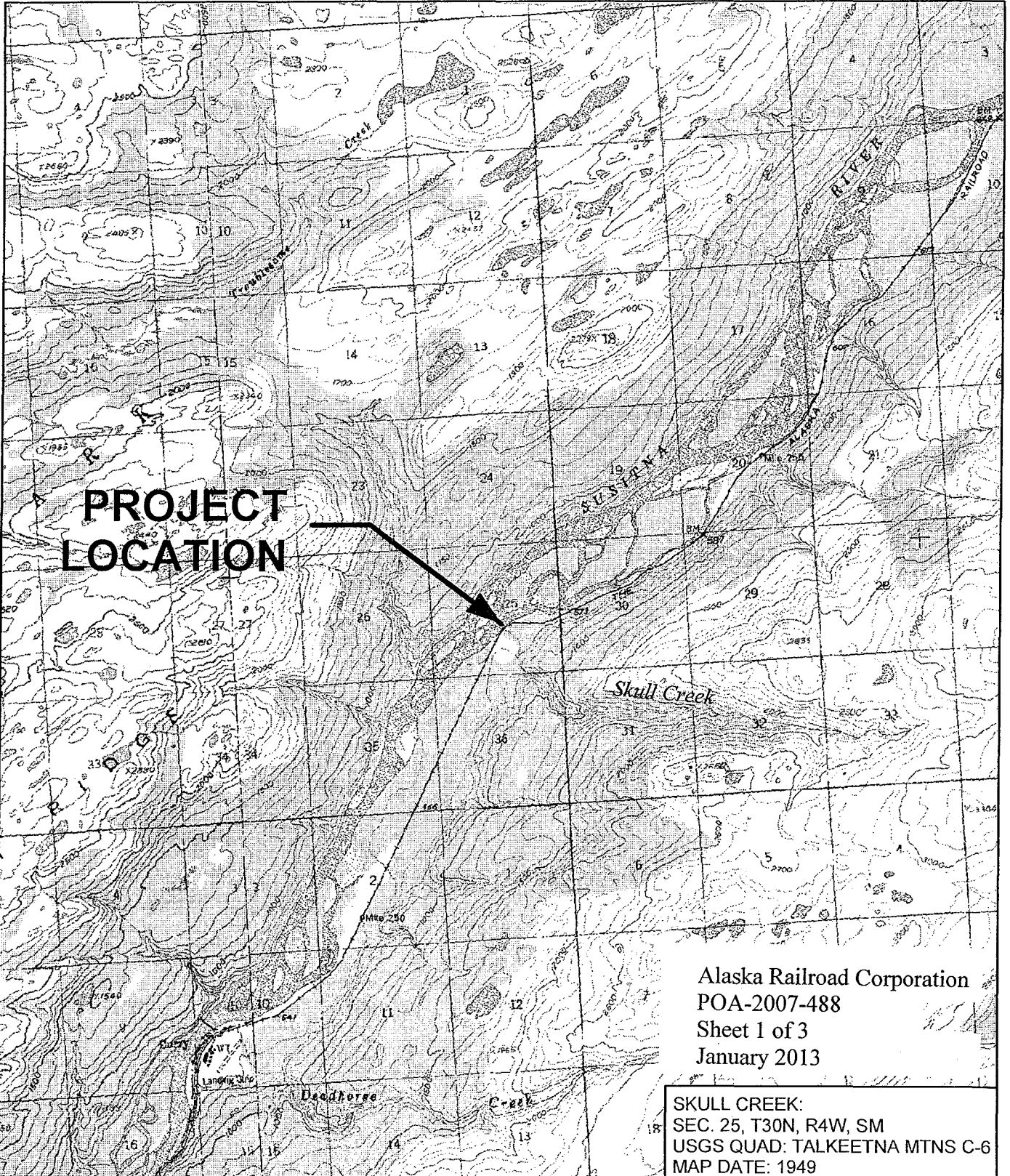
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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-2007-488, SKULL 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.



Alaska Railroad Corporation
 POA-2007-488
 Sheet 1 of 3
 January 2013

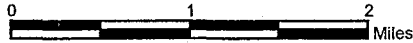
SKULL CREEK:
 SEC. 25, T30N, R4W, SM
 USGS QUAD: TALKEETNA MTNS C-6
 MAP DATE: 1949

PURPOSE: IMPROVE AND MAINTAIN BRIDGE
 AND CHANNEL CONVEYANCE

PERMIT:

DATUM: ALASKA ALBERS NAD 1927
 ADJACENT PROPERTY OWNERS:
 UPLANDS: N/A
 OFFSHORE: N/A

VICINITY MAP



1 inch equals 1 miles

ALASKA RAILROAD CORP.
 P.O. BOX 107500
 ANCH., AK 99510-7500

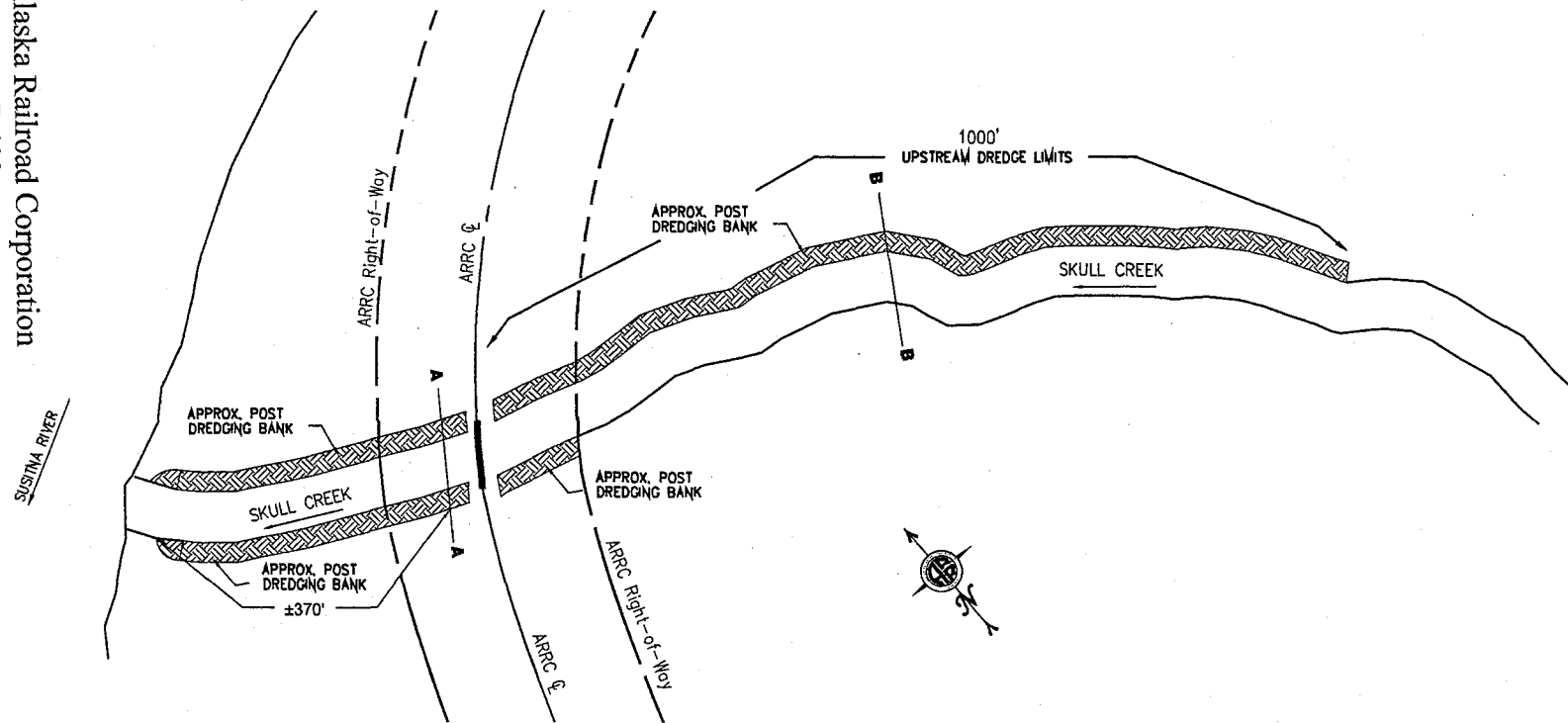
SKULL CREEK

IN: ARRC MILEPOST 252.5
 AT: CURRY
 MATANUSKA SUSITNA BOROUGH
 APPLICATION BY:
 T.E. BROOKS, CHIEF ENGINEER
 ARRC-ENGINEERING SERVICES

SHEET: 1 OF DATE: 3/30/04

REV.:

Alaska Railroad Corporation
 POA-2007-488
 Sheet 2 of 3
 January 2013



Total Excavation Area - 1.6 Acres
 Waters of U.S. Excavation Area - 0.57 Acres
 Upland Stockpile Area - 1.2 Acres

1 PLAN
 C-1 SCALE: 1" = 200'

PURPOSE: 2012 FLOOD REPAIR

PLAN

MP 252.5

PERMIT:

IN: SKULL CREEK
 AT: CURRY
 MATANUSKA SUSITNA BOROUGH
 APPLICATION BY:
 ROY THOMAS, DIRECTOR
 ENGINEERING SERVICES

DATUM:
 ADJACENT PROPERTY OWNERS:



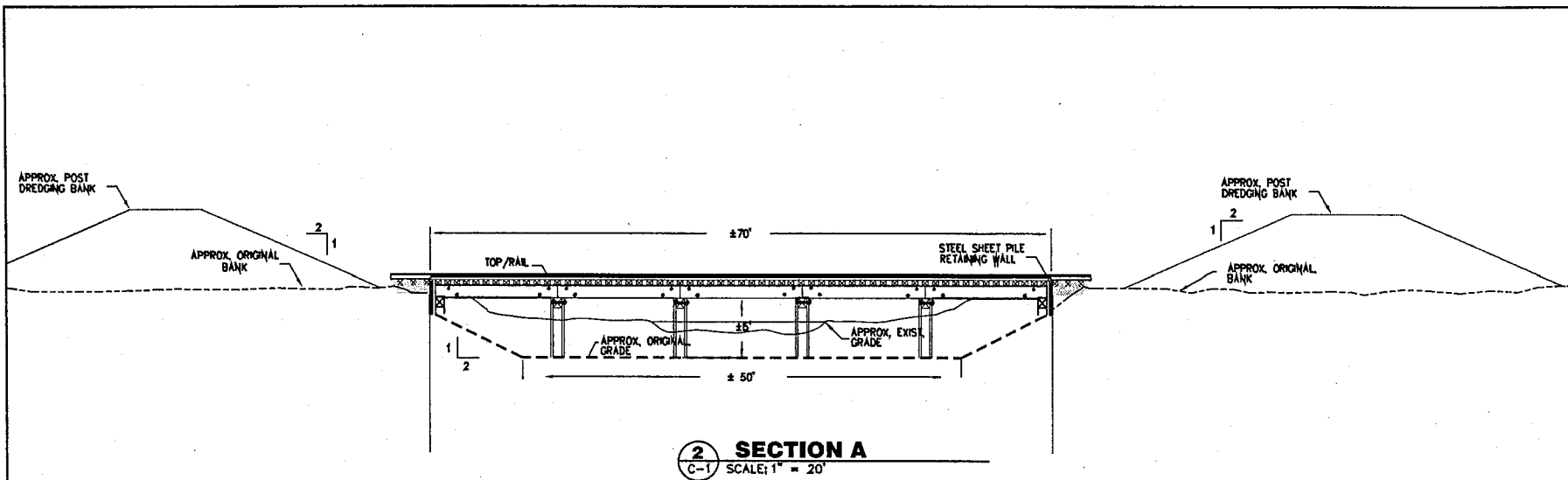
ALASKA RAILROAD CORP.
 327 W. Ship Creek Avenue
 P.O. Box 107500
 ANCHORAGE, ALASKA 99510-7500

UPLANDS:
 OFFSHORE:

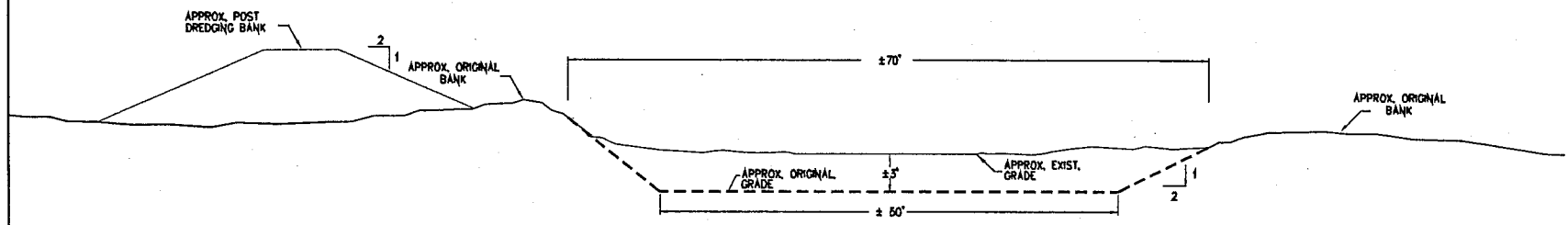
SHEET: 1 OF 2 DATE: 12/05/12

REV.:

U:\ACAD\eng\project\COF\permits\252-5\2012 Flood Repair\BR 252.5
 Skull Creek



2 SECTION A
SCALE: 1" = 20'



2 SECTION B
SCALE: 1" = 20'

Alaska Railroad Corporation
 POA-2007-488
 Sheet 3 of 3
 January 2013

PURPOSE: 2012 FLOOD REPAIR
 PERMIT:
 DATUM:
 ADJACENT PROPERTY OWNERS:
 UPLANDS:
 OFFSHORE:

SECTIONS

ALASKA RAILROAD CORP.
 327 W. Ship Creek Avenue
 P.O. Box 107500
 ANCHORAGE, ALASKA 99510-7500

MP 252.5
 IN: SKULL CREEK
 AT: CURRY
 MATANUSKA SUSITNA BOROUGH
 APPLICATION BY:
 ROY THOMAS, DIRECTOR
 ENGINEERING SERVICES
 SHEET: 2 OF 2 DATE: 12/05/12

REV.:

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 Skull Creek -5\2012 Flood Repair\BR 252.5