



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	December 5, 2016
EXPIRATION DATE:	January 6, 2017
REFERENCE NUMBER:	POA-2016-248
WATERWAY:	Eklutna 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 Ms. Amanda Whittier at (907) 753-5582, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Amanda.L.Whittier@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Eklutna, Inc.; POC: Mr. Steve Connelly; 907-696-2828, SConnelly@eklutnainc.com; 16515 Centerfield Drive, Suite 201, Eagle River, Alaska 99577.

AGENT: HDR Alaska, Inc.; POC: Ms. Erin Cunningham; 907-644-2000, Erin.Cunningham@hdrinc.com; 2525 C Street, Suite 500, Anchorage, Alaska 99503.

LOCATION: The project site is located within Sections 29 and 30, T. 16 N., R. 1 E., Seward Meridian; USGS Quad Map Anchorage B-7; Latitude 61.44954° N., Longitude 149.32979° W.; Municipality of Anchorage; near Eagle River, Alaska.

PURPOSE: The applicant's stated purpose is to remove the functionally obsolete Lower Eklutna River Dam, which would restore some natural stream functions currently inhibited by the dam's presence.

PROPOSED WORK: The applicant proposes to remove the Lower Eklutna Dam. The proposed project would include:

- Construction of temporary stream diversions for the Eklutna River and a tributary stream. For both stream diversions, an inflatable bladder type diversion dam (Figure 3) would be angled across the channel to direct flow into an adjacent diversion pond, where a diversion pipe fitted with a slip gate would convey water downstream. The diversion pipes would extend to the face of the dam.
- Construction of a Bulldozer Route Downstream of the Dam. The applicant anticipates that once sediment is cast downstream of the dam, the sediment would need to be mechanically transported farther downstream to avoid sediment accumulation in the canyon's constriction points. Prior to sediment relocation and dam removal, the applicant proposes to construct a safe access route for the bulldozer by regrading existing substrate along the streambank. The route would extend about 700 feet downstream of the dam, to another constriction point visible on imagery.
- Construction of temporary excavation dewatering sumps. Four temporary dewatering sumps would be excavated and operated in the Eklutna River upstream of the dam within the bypass reach prior to and during sediment removal.
- Sediment relocation and dam deconstruction, which would begin once the Eklutna River and tributary were diverted and the temporary sumps were in place. Sediment relocation is anticipated to begin in mid-June 2017. Sediment from behind the dam would be relocated in order to access and safely remove the dam. To maintain safe working conditions, the sediment relocation and dam deconstruction would be an incremental process.
- During sediment relocation and dam deconstruction activities, the Eklutna River would be visually inspected for sediment deposition and scour at locations downstream of the dam in the vicinity of the Alaska Department of Transportation and Public Facility (ADOT&PF) and/or the Alaska Railroad Corporation (ARRC) crossing sites. A monitoring plan, which is currently under development, would include an emergency action plan in the event that sediment deposition related to dam removal threatens either bridge crossing. Post construction sediment monitoring at the established cross-section(s) would be continued in subsequent years after the 2017 dam removal. The post construction monitoring plan is forthcoming.
- Demobilization and site restoration would involve removing metal and other debris from the canyon bottom and the remaining sediment would be graded into a stable condition. The temporary diversion structures, bypass pipes and culverts would be removed and the two diversion ponds backfilled. The activities during the 2016 site preparation would also be restored.

The impacts from the proposed project would be 2400 cubic yards (CY) of temporary fill into 0.74-acre of waters of the U.S. (WOUS) for the various work areas, 186.1 CY of temporary diversion structures, and 21,000 CY of relocated sediment downstream of the dam. For complete details, please see the enclosed Project Description. The enclosed Project Description also includes an alternatives analysis. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated November 3, 2016.

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ADDITIONAL INFORMATION: The application is seeking separate authorization from the Alaska Department of Fish & Game (ADF&G) for an addendum to their Fish Habitat Permit. The applicant has received authorization from the Army Corps of Engineers by a Nationwide 33 verification, an ADF&G Fish Habitat Permit and an Alaska Department of Natural Resources Temporary Water Use Authorization.

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: Due to the nature of the proposed project, complete avoidance of impacts to waters of the U.S. would not be feasible.

b. Minimization: The applicant has stated that the proposed project has been designed with the following minimization measures:

- The proposed project was designed to incorporate the incremental sediment relocation and deconstruction methodology to minimize downstream impacts to fish habitat and WOUS while maintaining safe working conditions;
- The limits of the work areas would be clearly identified in the field (e.g., staking, flagging) prior to ground disturbing activities to ensure avoidance of impacts to wetlands, WOUS and other resources beyond the defined boundary;
- Heavy equipment would remain inside the identified disturbance limits.
- Low-pressure, tracked equipment including an excavator (135 or similar), skid steer, and potentially a bulldozer (D-6 or similar) would be used;
- Fueling would occur within the designated staging areas with containment in place (i.e., containment boom at the toe of the pad, duck ponds for generators, and 5 gallon safety cans). During the 2017 bulldozer-assisted sediment relocation that may be necessary downstream of the dam, only minimal refueling would be necessary; refueling would occur as needed using 5 gallon safety cans;
- The contractor would continue to remove metal debris and concrete with rebar from the bottom of the canyon, minimizing the amount of debris that would be stockpiled along the banks of the Eklutna River;
- Temporary storage, staging, materials lay down, and other work areas would be sited in uplands or previously disturbed areas to the extent practicable;
- Disturbed areas within the work limits would be re-contoured to match surrounding contours after sediment relocation/dam deconstruction is complete. The lower work area would be allowed to re-vegetate naturally; hydro seed would be applied to portions of the upper work area;
- The United States Fish and Wildlife Service recommends that vegetation clearing, grubbing, and other site preparation activities be avoided from May 1 through July 15 to minimize potential impacts to nesting birds (USFWS 2009), as migratory birds are protected by the Migratory Bird Treaty Act. However, the project proposes to clear vegetation, as necessary, during the May 1 through July 15 timeframe. Therefore, a qualified biologist would conduct a nest survey within 3 days of clearing activity. If active nests are evidence of nesting birds are observed, activities would be delayed and coordination with USFWS would occur prior to clearing;

- Eklutna Inc. would prepare a SWPPP and maintain compliance with that plan. The plan would clearly describe Best Management Practices (BMPs) required during construction to prevent erosion and runoff from entering aquatic habitats; and,
- During and after dam removal, the Eklutna River would be monitored for sediment deposition and scour near the ADOT&PF and/or the ARRC crossing sites to ensure sediment does not threaten existing infrastructure. The monitoring plan, which is currently under development, would include an emergency action plan if either bridge crossing appears at risk. The monitoring plan is forthcoming.

c. Compensatory Mitigation: Compensatory mitigation has not been proposed.

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 are unevaluated properties in the vicinity of the worksite. They have been designated ANC-01973 and ANC-1991. Because the properties have been determined to lie within the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with SHPO. 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 ESA 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 (USFWS) 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*), chum (*O. keta*), Coho (*O. kisutch*), pink (*O. gorbuscha*), and sockeye (*O. nerka*) 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 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

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-2016-248; Eklutna 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.