



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:	December 16, 2020
EXPIRATION DATE:	January 15, 2021
REFERENCE NUMBER:	POA-2019-00082-M2
WATERWAY:	Haggard 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Amy Tippery at (907) 458-1502, by fax at (907) 474-2164, or by email at Amy.C.Tippery@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF)
Attention: Jill Baxter-McIntosh

LOCATION: The project site is on the Richardson Highway between Mile Posts (MP) 159 and 167, located within: USGS Quad Gulkana C-3, T 10 N., R 01 W., Sections 5 & 6, T 11 N., R 01 W., Sections 6, 8, 16, 17, 21, 28, 29, and 32 and USGS Quad Gulkana D-3, T 12 N., R 01 W., Section 32. Three proposed disposal areas along the Richardson Highway include (1) 62.71389° N., -145.4333° W. to 62.72083° N., -145.4350° W.; (2) 62.7225° N., -145.4353° W. to 62.72889° N., -145.4367° W.; and (3) 62.73694° N., -145.4375° W. to 62.75111° N., -145.455° W.; near Glennallen, Alaska.

PURPOSE: The applicant's stated purpose is to improve safety on this stretch of highway. Proposed work would modify the original permit to increase the wetland acres impacted by placement of fill additional disposal sites. This is a precautionary contingency proposal as the soil, which is rich in permafrost and fine particles, are wet and slumping and the original volume of excavated materials cannot be piled as originally planned.

PROPOSED WORK: Three newly proposed spoil disposal areas are in Palustrine Scrub Shrub wetlands. A maximum of 25.9 acres of impacts are anticipated if all the proposed disposal areas are needed for the project. This will be the result of placing approximately 70,500 cubic yards of unusable material in stabilization berms along the road embankment. Estimations of acreage and fill quantities were made assuming a 3:1 catch slope and 10-ft offset from the edge of right-of-way. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated December 01, 2020.

ADDITIONAL INFORMATION: The applicant has gained the following approvals for the proposed project.

State Historic Preservation Office 106 Concurrence, file number 3130-1R FHWA applied for on February 6, 2016, approved June 14, 2016.

Alaska Department of Fish and Game Fish Habitat Permit for resident fish in Haggard Creek, file number FH19-III-00027 & 28, applied for on January 23, 2019, approved January 25, 2019.

Bureau of Land Management Right of Way Acquisition is being applied for concurrently.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: All efforts will be made to maximize usage of the old road alignment, shoulders, and other small, previously disturbed areas for disposal of unsuitable materials. Sequencing of disposal into previously permitted sites first will avoid unnecessary usage of new disposal areas.

b. Minimization: To minimize the use of new disposal areas, several strategies will be used. First, the contractors will alternate working in disposal areas to allow for drying and drainage of materials to stabilize the newly placed soils and get the most material possible into previously permitted disposal sites. Second, to minimize soil from creeping downhill into surrounding wetlands, contractors will construct and maintain surface grades to ensure positive drainage throughout embankment construction. This will allow drying of ice rich soils and prevent precipitation from re-saturating the fine textured soils. Finally, material will be placed in thin lifts and spreading the material widely over the available disposal site to maximize the drying of saturated ice rich soils and minimize soil sloughing.

c. Compensatory Mitigation: The modification to increase soil disposal capacity may not be necessary if the construction season has low precipitation, and the full additional acres represent a worst-case scenario for additional impacts. If necessary, a compensatory mitigation strategy will be decided upon through the permit review process.

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 ADOT&PF has assumed responsibilities of the Federal Highway Administration under 23 U.S.C Section 326, and has acted as lead agency in consultation with the State Historic Preservation Office (SHPO). In June of 2016, SHPO concurred with ADOT&PF's determination of 'no historic properties affected' assessment within the Project Area (which includes the Corps of Engineer's (Corps) regulatory permit area). See reference above in 'Additional Information' section.

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 (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).

We have determined the described activity would not adversely affect EFH in the project area because no EFH species are known to use 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 PN 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 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 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.

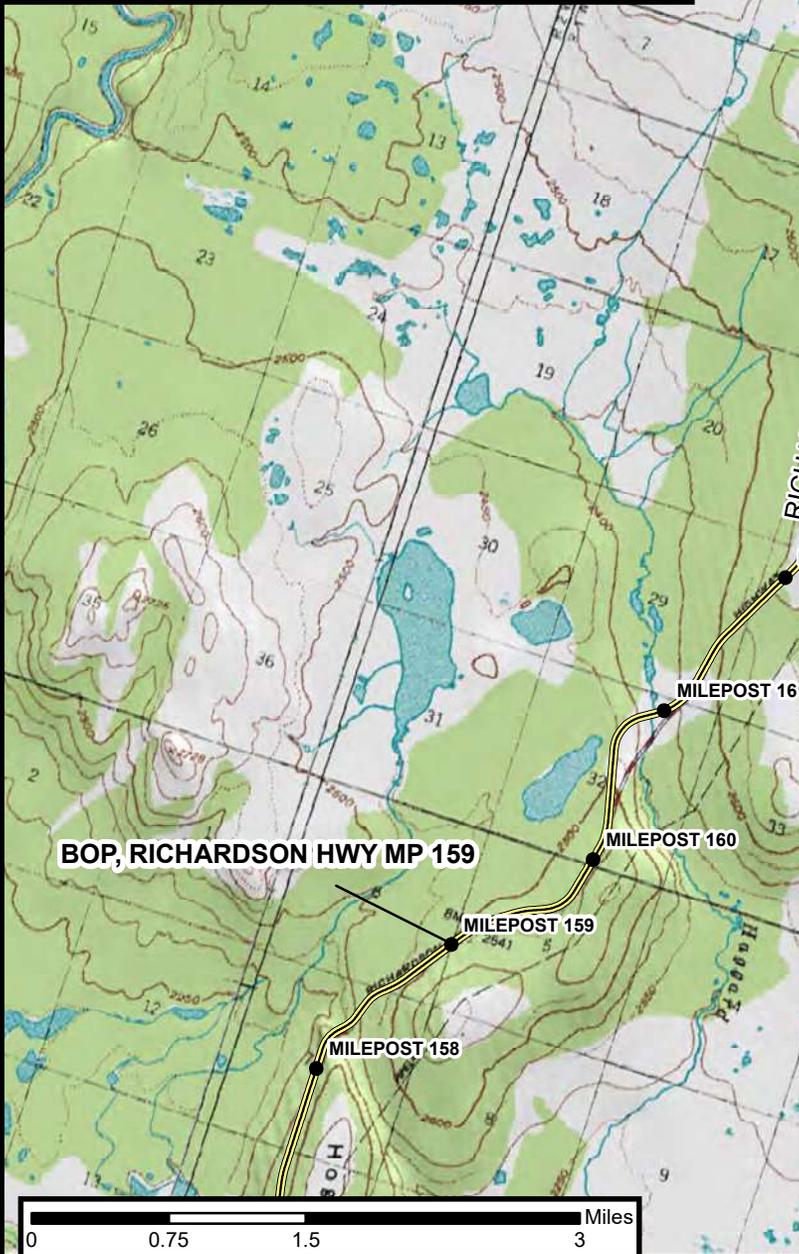
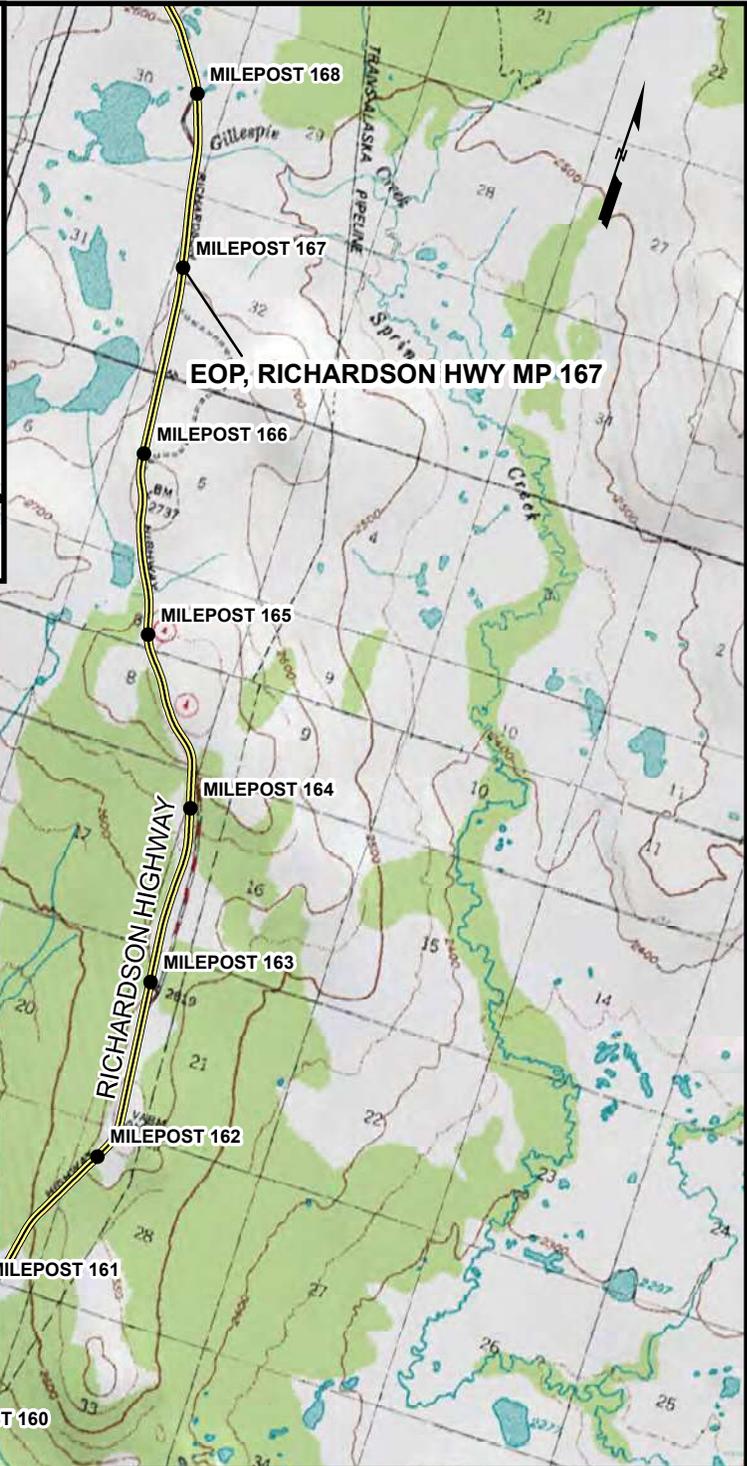
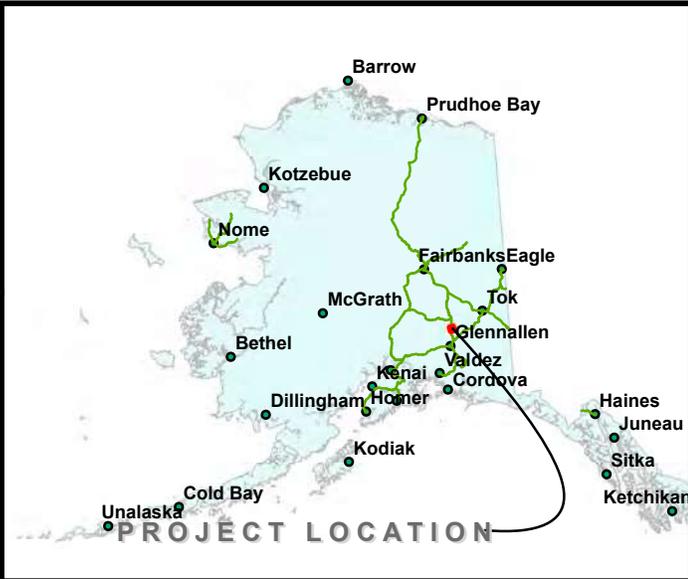
AUTHORITY: This permit will be issued or denied under the following authority:

(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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure

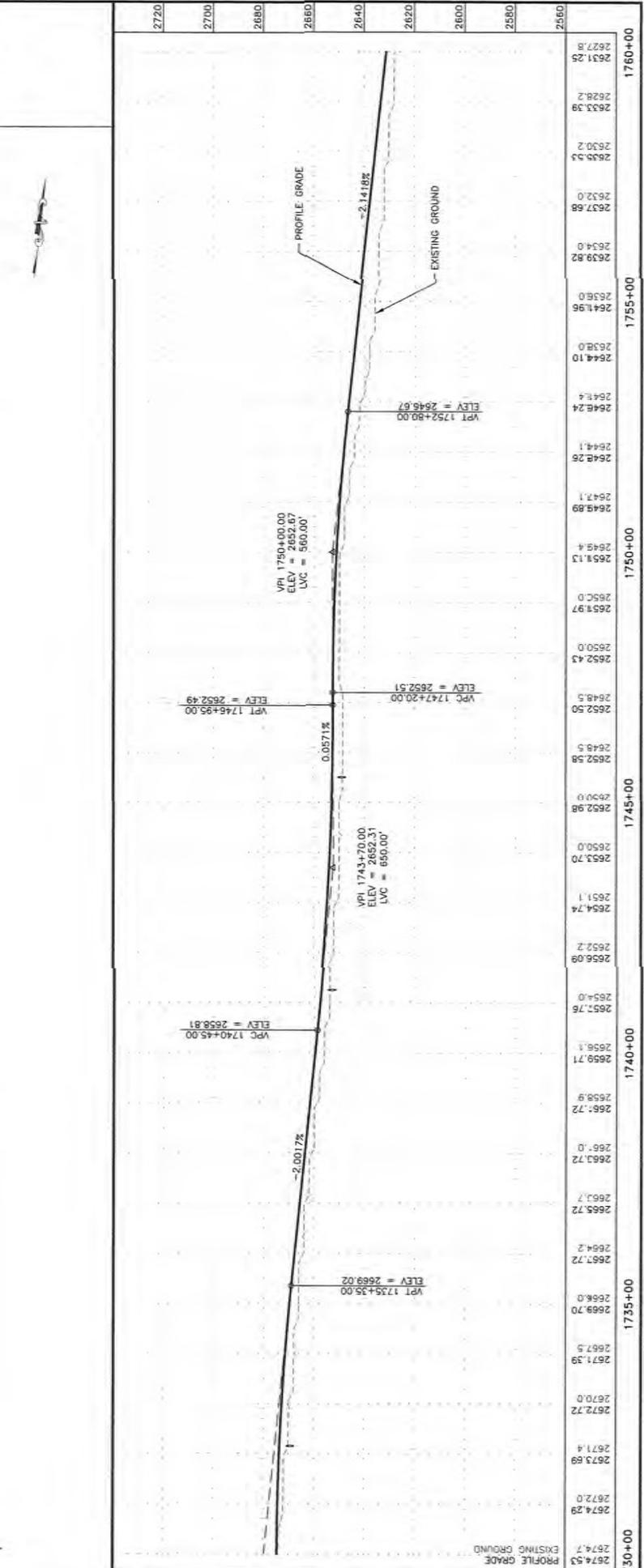
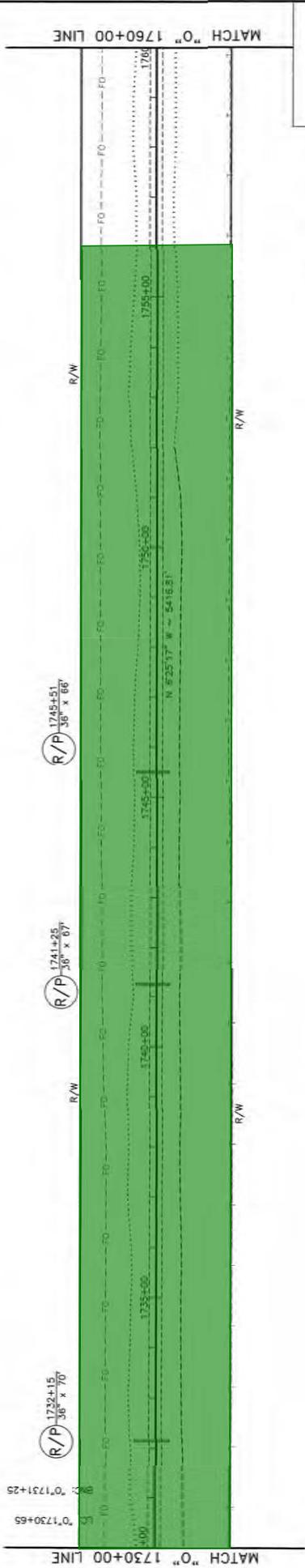


STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709	
RICHARDSON HIGHWAY 159-167 RECONSTRUCTION 62253 LOCATION AND VICINITY MAP	
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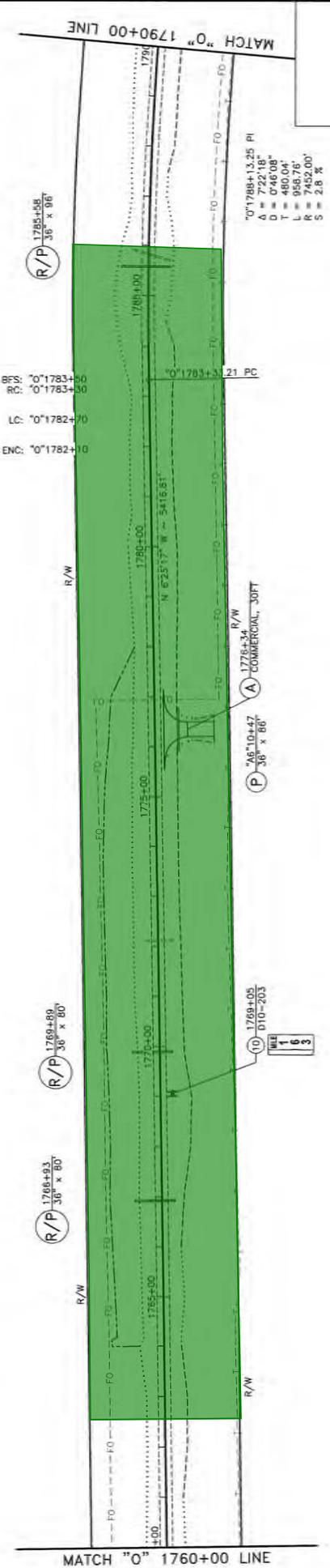
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PROPOSED DISPOSAL AREA

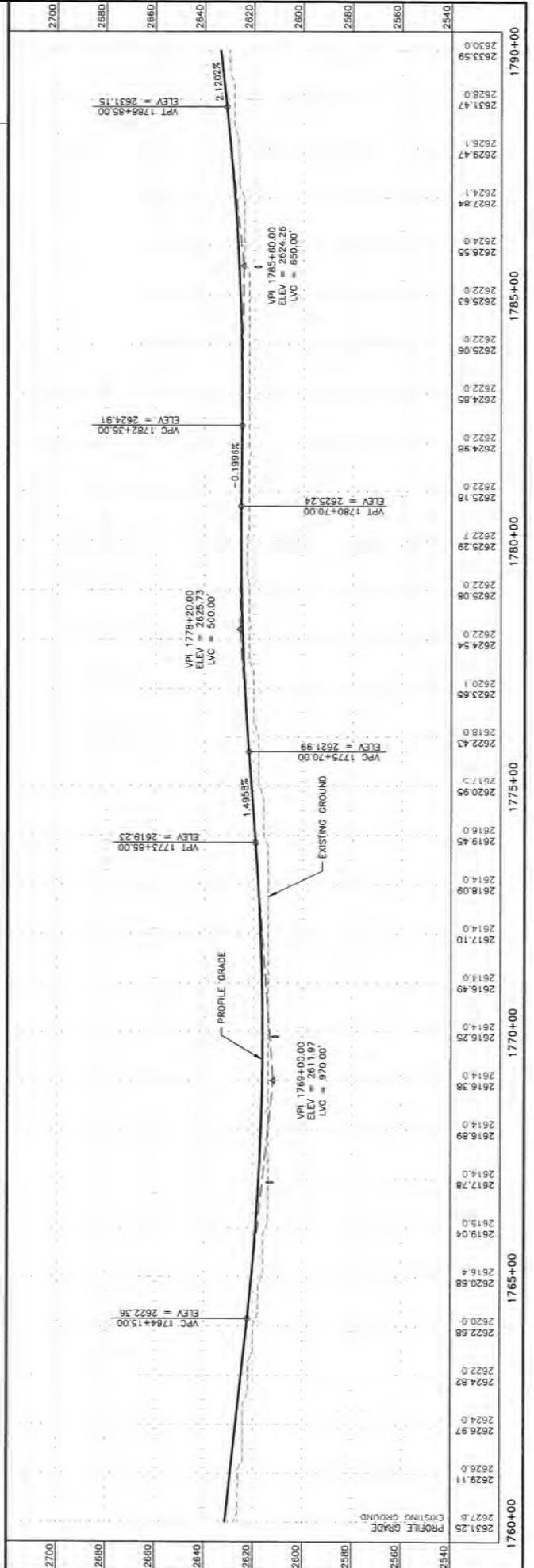


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PROPOSED DISPOSAL AREA



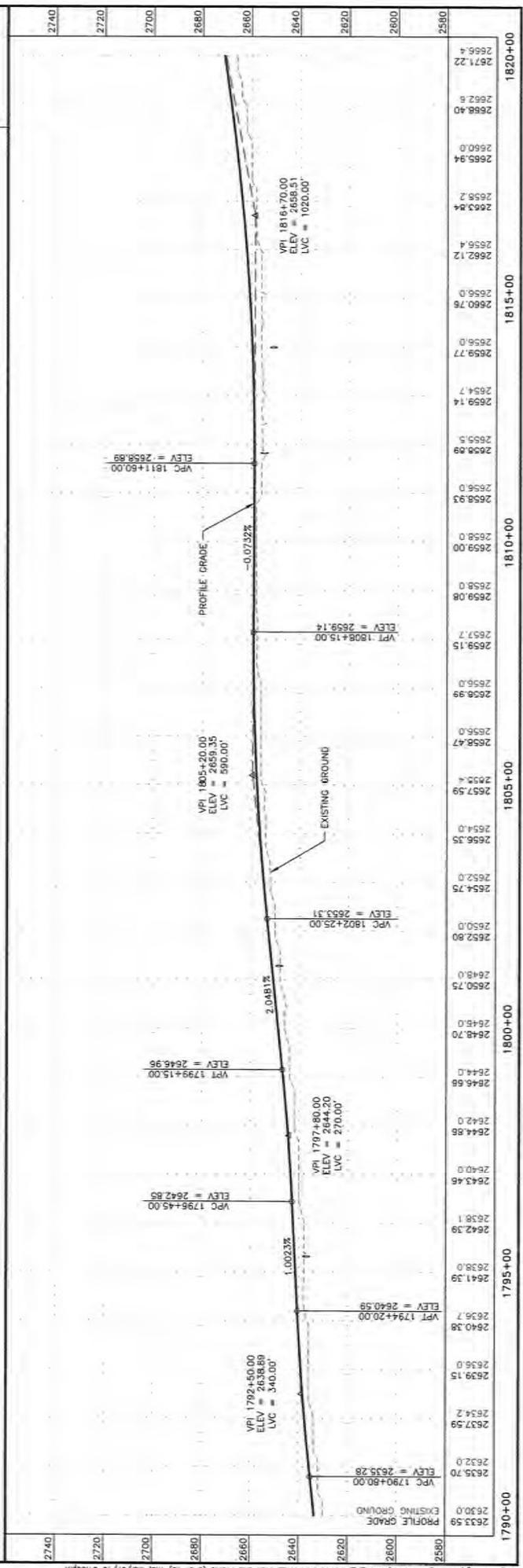
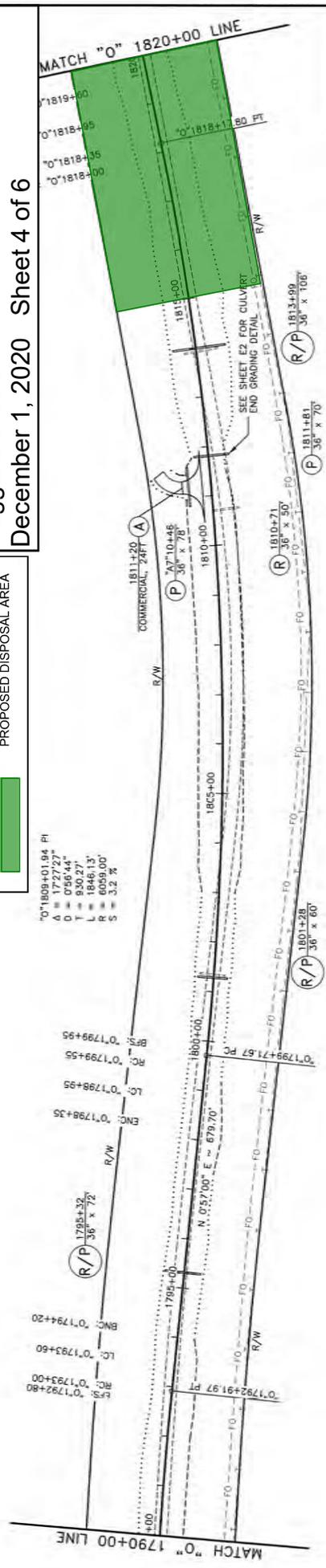
PLANS DEVELOPED BY: H&R ENGINEERING, INC. 2535 C STREET SUITE 500, ANCHORAGE ALASKA 99503 (907)844-2000 CERT. OF AUTH. NO. ACC0599



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PROPOSED DISPOSAL AREA

$\Delta = 1727.27'$
 $D = 0'65.44"$
 $T = 9.30.27'$
 $L = 1846.13'$
 $R = 6059.00'$
 $S = 3.2\%$



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PROPOSED DISPOSAL AREA

