



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:	March 4, 2016
EXPIRATION DATE:	April 4, 2016
REFERENCE NUMBER:	POA-2006-442-M10
WATERWAY:	Tanana 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 Melissa Riordan at (907) 474-2166, by fax at (907) 474-2164, or by email at melissa.c.riordan@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Fairbanks North Star Borough, Parks and Recreation Department

LOCATION: The project site is located within Section 27, T. 1 S., R. 1 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.797° N., Longitude 147.737° W.; Tanana Recreational Area, south of Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to expand recreational public use areas to adequately accommodate the number of visitors. Since opening the beach in the summer of 2014, the swim beach has been an enormous success. Busy days at the beach attract over 600 patrons. A single parking area and entry point leads to a congested beach area just south of the parking lot. Limited parking spaces are available and overflow parking occurs on both sides of Northlake Lane, making it

difficult for patrons to drive to other portions of the park. The purpose of the channel is to promote water circulation through the end of the swimming inlet, create additional shallow water habitat, and enhance the visual aesthetic of the area.

PROPOSED WORK: Discharge 1,900 cubic yards of material into approximately 0.9 acres of wetlands. The proposed Rotary Park is a continuation of the development at Tanana Lakes Recreation Area. The Rotary Park project would involve renovating the peninsula south of the swim beach and constructing a 22-car parking area adjacent to and east of the peninsula. The Rotary Park project includes constructing a linear pedestrian path, 10- feet wide and 700 - feet long, surfaced with recycle asphalt to provide Americans with Disabilities Act (ADA) access from parking area to the eastern point of the peninsula. A total of eleven play nodes would be situated along the path; each node would vary in area and have the appropriate playground safety surfacing, likely consisting of engineered wood fiber or artificial playground grass. A living willow tunnel along the path would allow for interpretation and environmental education. A 3- foot wide path would lead to a wetland overlook situated on the south shore of the peninsula.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated 3/1/2016.

APPLICANT PROPOSED MITIGATION: The applicant proposes mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material. See sheet 1, attached, for applicant's mitigation statement.

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 no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (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 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).

No EFH species are known to use the project area. 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

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-2006-442-M10, Tanana 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.

23. Description of Avoidance, Minimization, and Compensation.

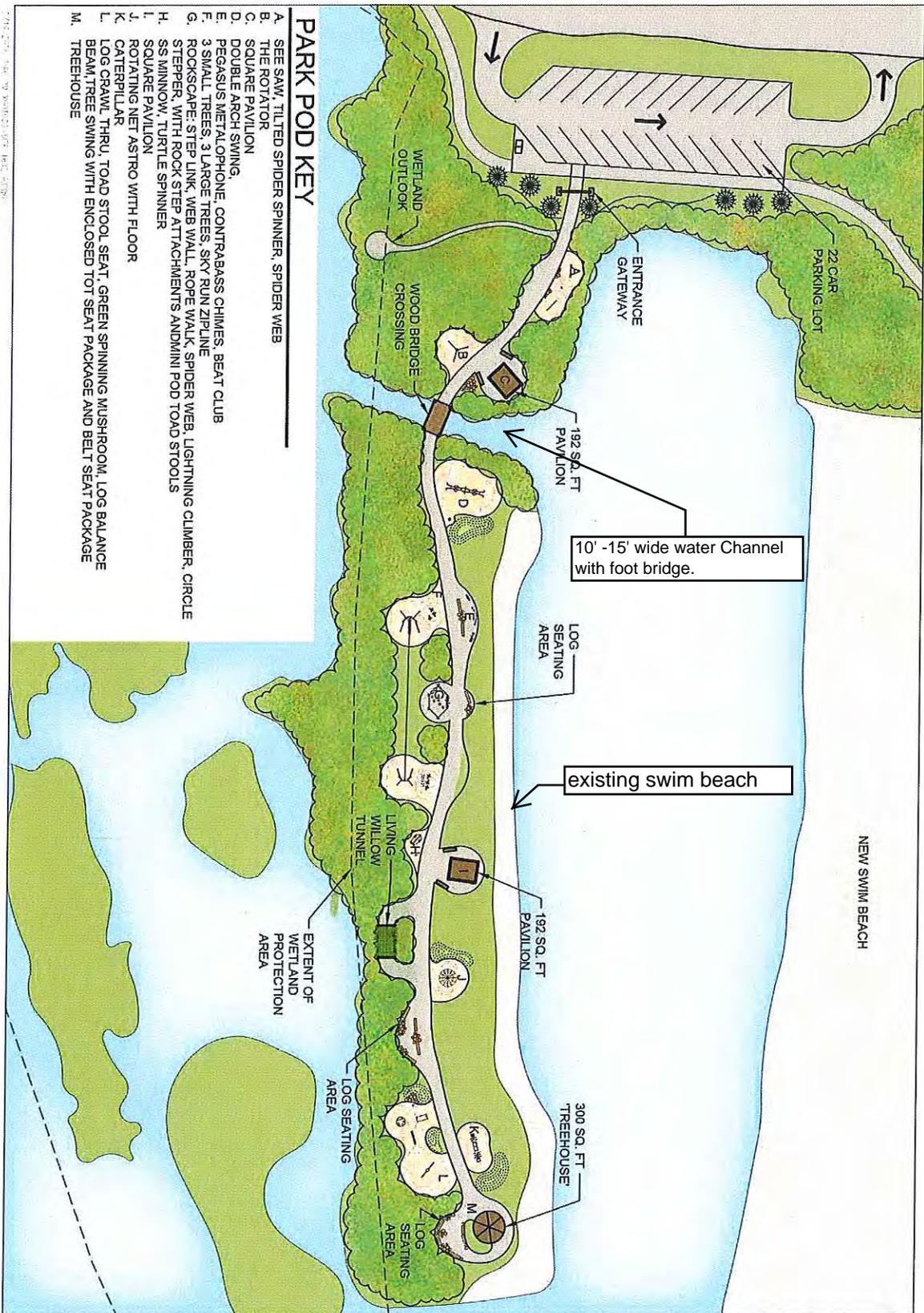
The Tanana Lakes Recreation Area Master Plan proposed development of a recreation facility in a manner that avoided and restored 188 acres of the highest quality wetlands in the area. The preserved wetlands provide important habitat for migratory birds. However, the issue of avoidance for this project has been complicated by disparate boundaries of the western 9-acre preserved area that are represented in several permits and documents.

The initial intent of the 9-acre preserved area was to maintain and enhance the seasonally flooded wetlands at the western end of the lake. The peninsula to the north is viewed by the US Fish and Wildlife Service as a buffer between the preserved area and human use occurring at the swim beach (Henszey email dated Aug 7, 2015). The preserved area boundary portrayed in the original Army Corps permit #POA-2006-442-4 appears to support the intent as it (there are actually two discrete parts separated by a roadbed that existed at the time) lies primarily south of the peninsula (see Figure 1). The boundary identified in Figure 4 of the Tanana Lakes Master Plan closely approximates the boundary in permit #POA-2006-442-4 with two exceptions; at the northwest corner it extends onto the peninsula and the roadbed is assumed to be removed, re-establishing connectivity of the two parts. Army Corps permit modification POA-2006-442-M6 significantly changes the preserved area boundary shifting it further north onto the peninsula.

As part of this permit modification application, the Borough proposes to reconcile the preserved area boundary to reflect the original intent and avoid future confusion. The proposed boundary closely resembles the footprint approved by the Corps under POA-2006-442-M6 but shrinks the northern boundary (on the peninsula) and expands the footprint in the southeast to include seasonally flooded wetlands restored by a contractor working under permit POA-2006-442-M6. It is believed that the proposed boundary is better aligned with the original goals of maintaining and enhancing the seasonally flooded wetlands for migratory bird habitat.

This action minimizes impacts to wetlands by concentrating recreational swimming and picnicking activities and placing these developments on the peninsula, an area that was previously degraded by industrial gravel dredging operations. The “peninsula” is the southern limit of an old gravel pit. It has an old access road and a series of scattered vegetation-covered mounds consisting of old overburden and waste materials discarded during the gravel mining days.

Compensation will be provided by creating a channel across the peninsula which will connect the swimming area to the preserved wetlands to the south. The channel will convert degraded uplands, palustrine forested and scrub/shrub wetlands to a flooded waterway. The channel will provide fish passage and habitat during the summer and promote water circulation in front of the swim beach. The channel depth will allow for it to be water-filled during the summer, but in the winter water depth will be shallow and likely freeze solid.

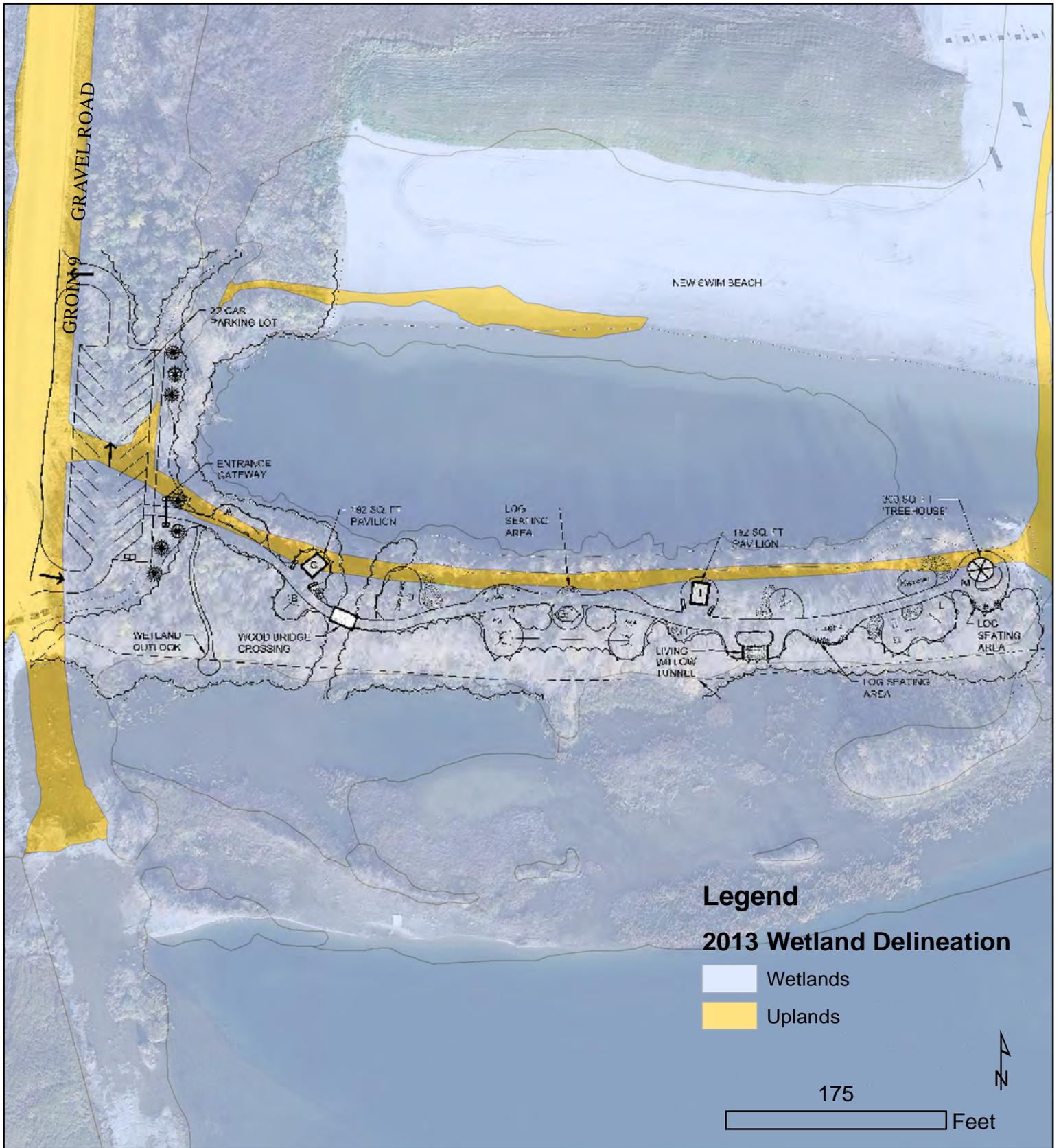


FNSB Parks and Recreation
 Tanana Lakes Recreational Area
 POA-2006-442-M10
 Waterway: Tanana River
 Plan View
 Sheet 2 of 8, Date: 3/1/2016

ROTARY PARK
 MASTER PLAN

ISSUE DATE: JUN 21, 2016
 SCALE NUMBER: 001503
 DRAWN BY: [unintelligible]

L200



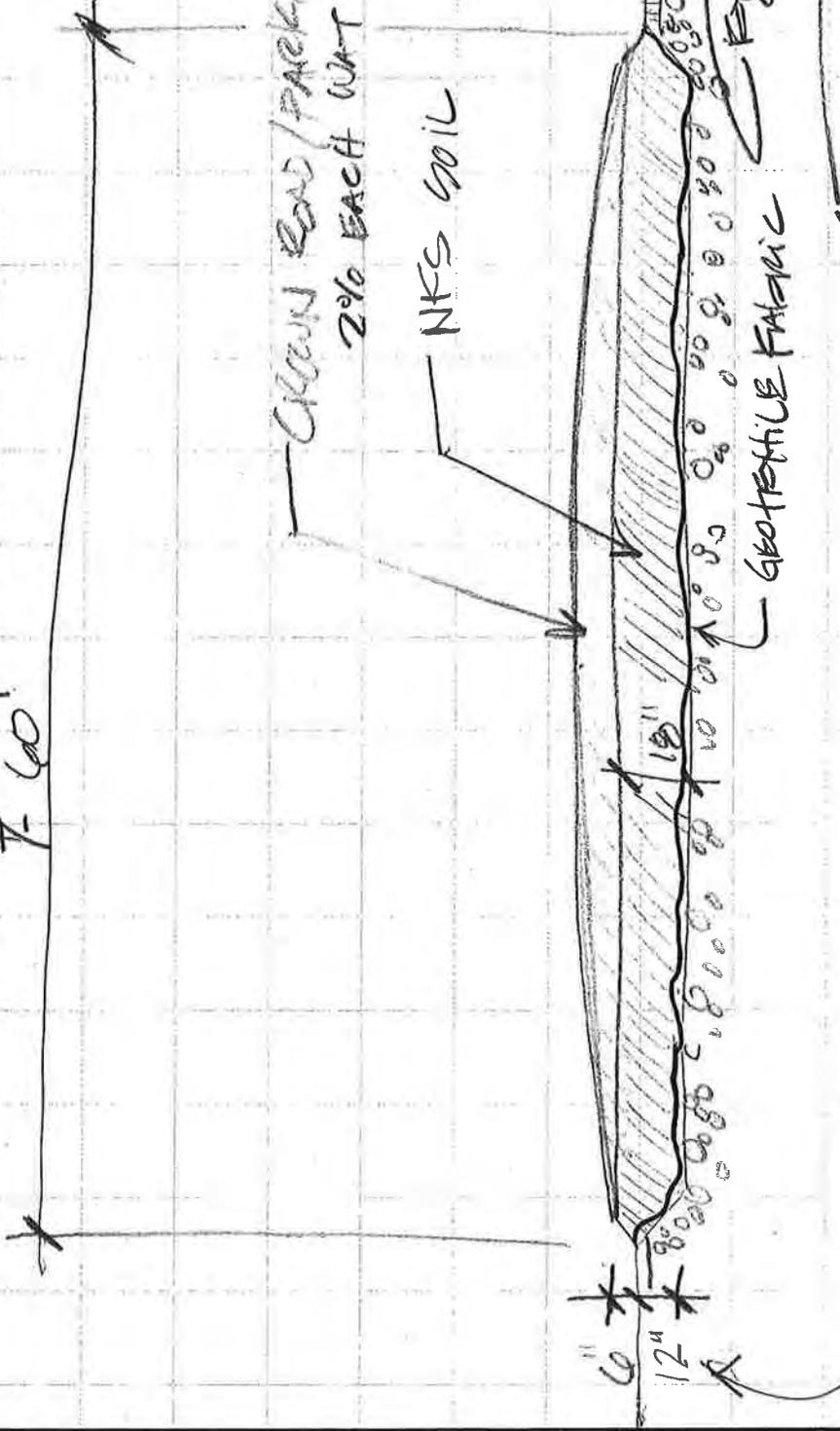
Project Area and Jurisdictional Wetlands

Rotary Park @ Tanana Lakes Recreation Area
Fairbanks North Star Borough

FNSB Parks and Recreation
Tanana Lakes Recreational Area
POA-2006-442-M10
Waterway: Tanana River
Wetland Map
Sheet 3 of 8, Date: 3/1/2016

Rotary Park @ TANANA LAKES REC. AREA

7' 60"



TYPICAL DRIVE/PARKING SECTION NKS

Figure 3. Typical Drive/Parking Pathway - N.T.S.

Rotary Park @ Tanana Lakes Recreation Area
Fairbanks North Star Borough



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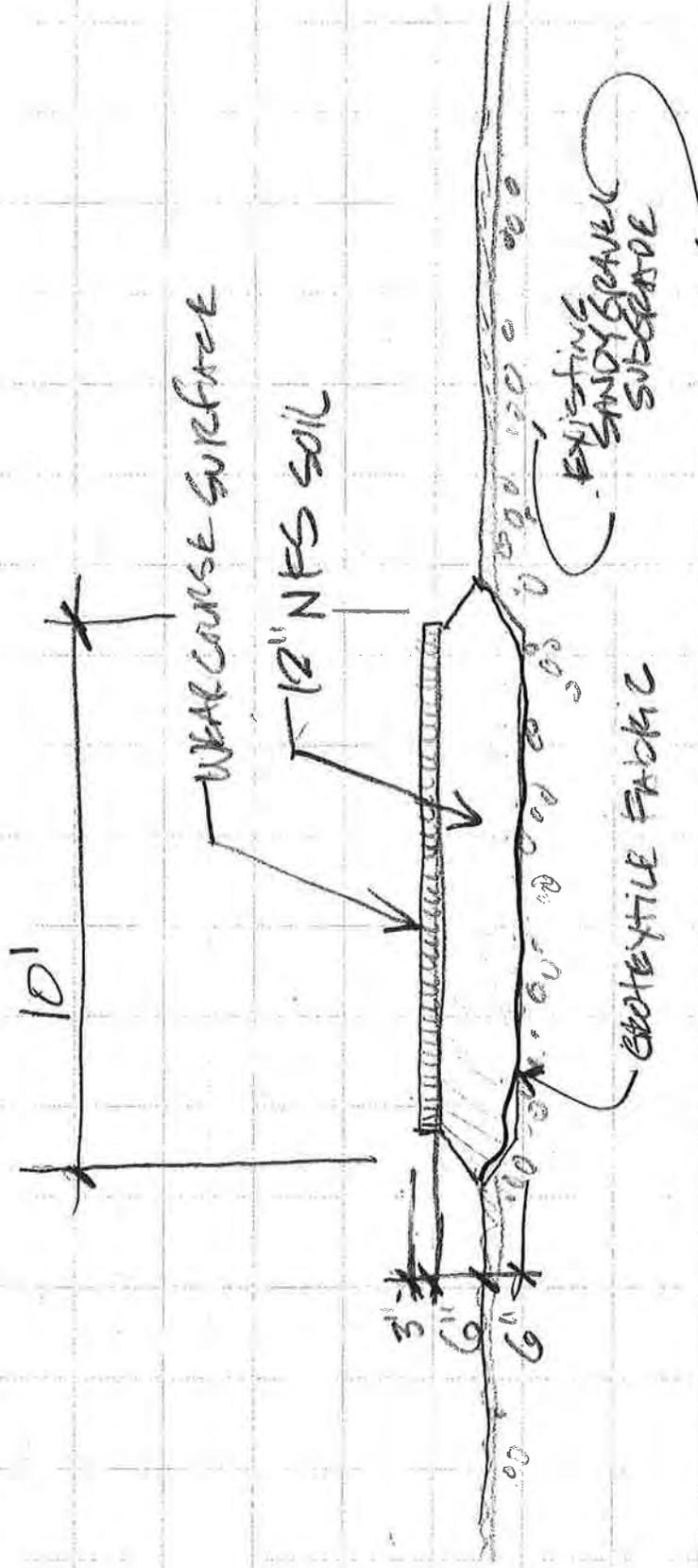
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PROJECT TITLE

FNSB Parks and Recreation
Tanana Lakes Recreational Area
POA-2006-442-M10
Waterway: Tanana River
Parking Lot and Pathway Typical
Sheet 4 of 8, Date: 3/1/2016

Rotary Park & Tanana Lakes Rec Area



TYPICAL PEDESTRIAN PATHWAY SECTION

NTS

Figure 4. Typical Pedestrian Pathway - N.T.S.

Rotary Park @ Tanana Lakes Recreation Area
Fairbanks North Star Borough

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ROTARY PARK

FNSB Parks and Recreation
Tanana Lakes Recreational Area
POA-2006-442-M10
Waterway: Tanana River
Pedestrian Pathway Typical
Sheet 5 of 8, Date: 3/1/2016

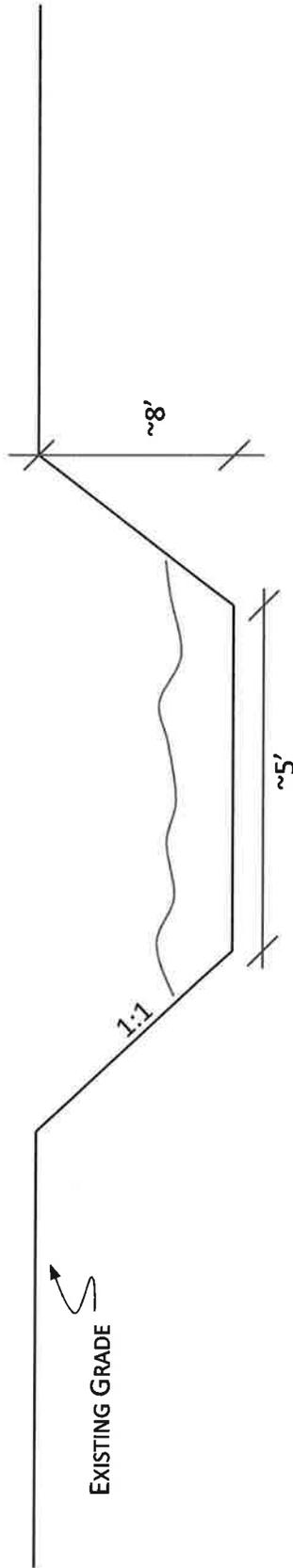


Figure 5. Typical Channel - N.T.S.
 Rotary Park @ Tanana Lakes Recreation Area
 Fairbanks North Star Borough

FNSB Parks and Recreation
 Tanana Lakes Recreational Area
 POA-2006-442-M10
 Waterway: Tanana River
 Water Channel Typical
 Sheet 6 of 8, Date: 3/1/2016

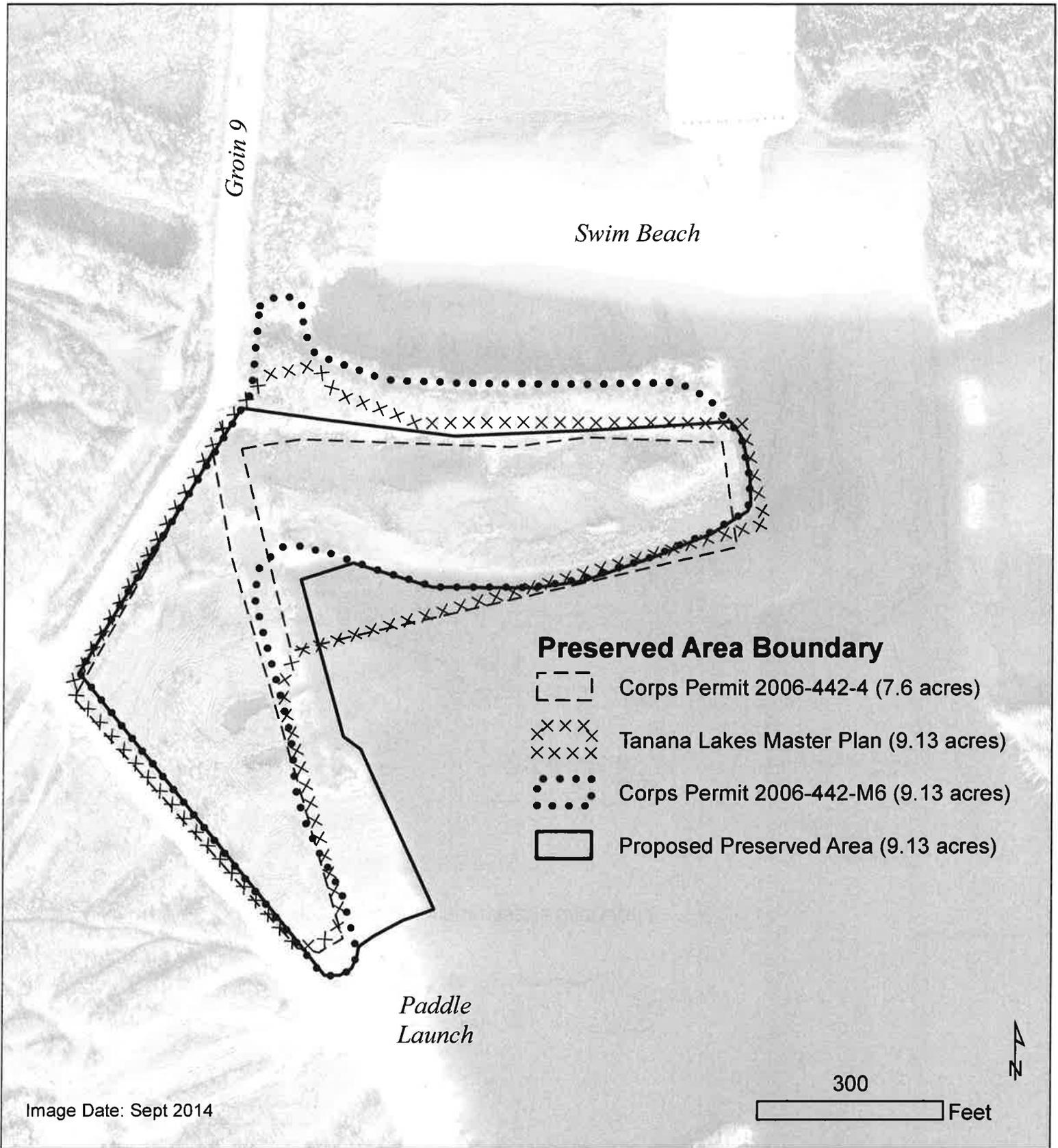


Figure 1. Preserved Area Boundary Comparison

Rotary Park @ Tanana Lakes Recreation Area
 Fairbanks North Star Borough

FNSB Parks and Recreation
 Tanana Lakes Recreational Area
 POA-2006-442-M10
 Waterway: Tanana River
 Wetland Map
 Sheet 7 of 8, Date: 3/1/2016

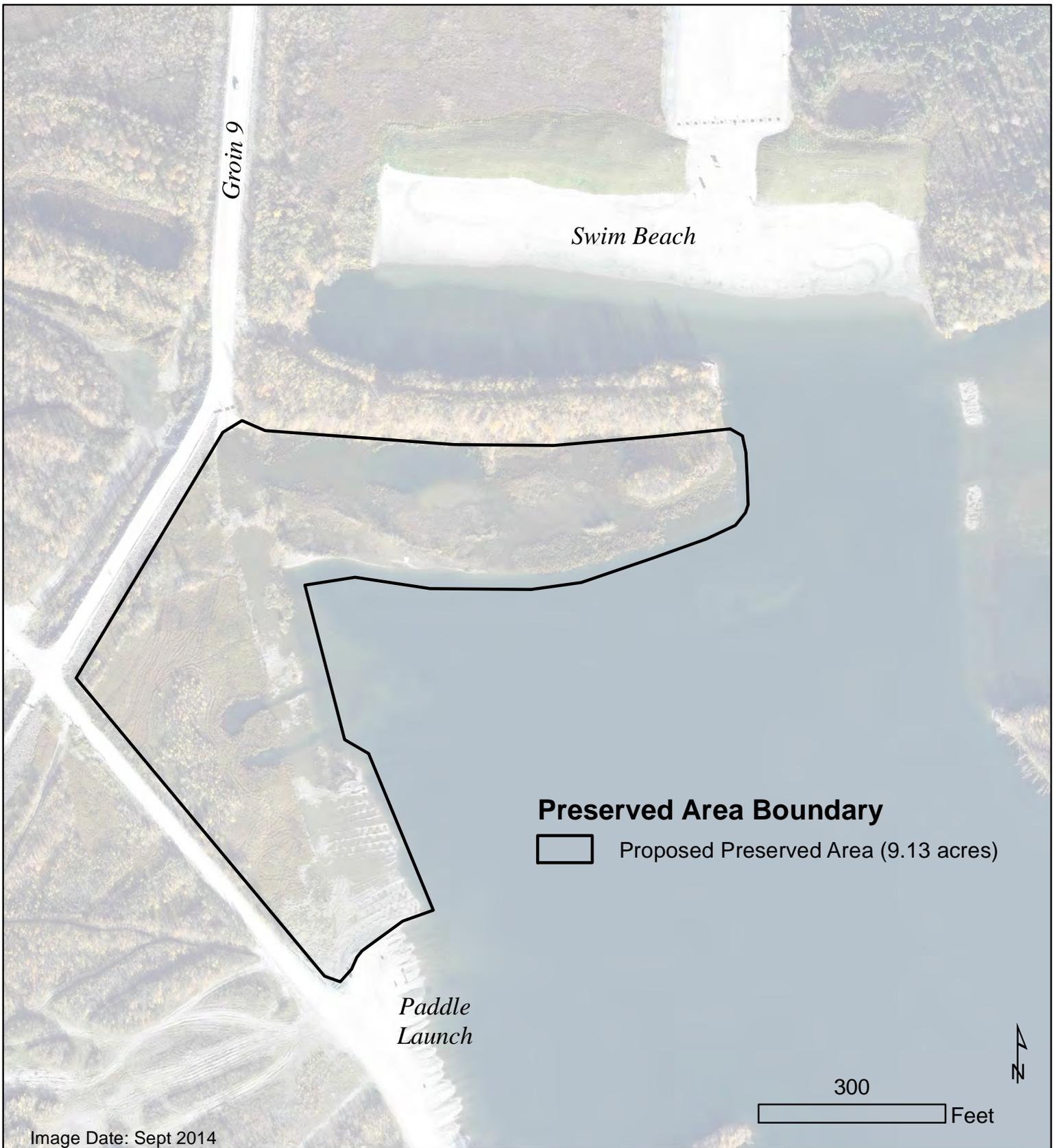


Figure 2. Proposed Preserved Area Boundary

Rotary Park @ Tanana Lakes Recreation Area
 Fairbanks North Star Borough



FNSB Parks and Recreation
 Tanana Lakes Recreational
 Area
 POA-2006-442-M10
 Waterway: Tanana River
 Wetland Map
 Sheet 8 of 8, Date: 3/1/2016