



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:	May 4, 2016
EXPIRATION DATE:	June 2, 2016
REFERENCE NUMBER:	POA-2016-177
WATERWAY:	South Fork Little Campbell 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 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: Alaska Department of Transportation and Public Facilities (ADOT&PF); POC: Mr. Matthew Dietrick; Post Office Box 196900, MS-2525, Anchorage, Alaska 99519.

LOCATION: The project site is located within Sections 14 through 17 and 20 through 23, T. 14 N., R. 3 W., Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.123075° N., Longitude 149.855383° W.; O'Malley Road between Seward Highway and Hillside Drive, in Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to provide a roadway that accommodates projected traffic volumes through 2035, provide enhanced transportation for pedestrian and non-motorized traffic and improves safety for corridor users.

PROPOSED WORK: The proposed project consists of two construction phases. Phase I covers O'Malley Road from Seward Highway to Livingston Street, and is expected to begin construction in 2016. Phase II covers O'Malley Road from Livingston Street to Hillside Drive, and is expected to begin construction in 2018. The total proposed project would discharge 91,329 cubic yards of fill into 2.12 acres of wetlands and 395 linear feet of stream. Both phases would be permitted together.

Phase I of the proposed project includes:

- Widening the existing two-lane roadway to four lanes with 12-foot lane widths, a 16-foot median, and six- to eight-foot shoulders; and,
- Ten-foot wide, paved multi-use pathways on the north and south sides of the road, separated by a vegetated or patterned concrete buffer.

Phase II of the proposed project includes:

- Widening the existing two-lane roadway to three lanes with 12-foot lane widths, a 14-foot center two-way-left-turn lane, and six-foot shoulders;
- Multi-use pathways on the north and south sides of the road, varying between six- to ten-foot wide, separated by a vegetated buffer;
- Replace the existing 30-inch culvert on Craig Creek with a 108-inch culvert, gradient and bed material would be sized to match the upstream and downstream waterway reaches; and,
- Replace the 36-inch culvert on South Fork Little Campbell Creek with a 136-inch by 86-inch box culvert, gradient and bed material would be sized to match the upstream and downstream waterway reaches.

Activities along both Phases:

- Vegetation clearing and grubbing;
- Utility relocations;
- Additional illumination;
- Storm water drainage improvements;
- Intermittent curb and gutter;
- Vertical curve realignment to meet current design standards; and,
- Left and right turn pockets.

All work would be performed in accordance with the enclosed plan (sheets 1-19), dated April 12, 2016.

ADDITIONAL INFORMATION: The applicant has applied for a Title 16 Fish Habitat permit from the Alaska Department of Fish and Game and an Environmental Assessment Re-evaluation from the Federal Highways Administration.

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 applicant has stated that the proposed project has been designed to avoid impacts to waters of the U.S. to the extent feasible while still meeting the project purpose and need. Total avoidance of impacts to wetlands and waterways is not feasible, because the existing road alignment bisects one jurisdictional wetland and two waterways.

Realignment of O'Malley Road is not reasonable or feasible due to the design, construction, and right-of-way costs involved. In addition, realignment would most likely be unable to avoid impacting these resources due to their general north-south alignment and the east-west alignment of the roadway.

b. Minimization: The applicant has stated that unavoidable impacts have been minimized to the extent practicable by steeping side slopes, reducing the roadway elevation, and constructing headwalls on culverts. Impacts to waters of the U.S. would be further minimized through implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Alaska Pollutant Discharge Elimination System's (APDES) Construction General Permit (CGP). Compliance with the CGP requires implementing best management practices (BMPs) during construction to reduce or eliminate erosion and sediment discharge from the construction area and to permanently stabilize disturbed ground as soon as practicable. Revegetation would follow recommendations from the Alaska Department of Natural Resources *A Revegetation Manual for Alaska*.

Phase I: Moose Meadows Wetland

- Side slopes from approximately station (STA) 2036+00 to STA 2045+00 have been designed to a 3H:1V grade for the first nine lateral feet, then steepen to 2H:1V grade;
 - This meets safety standards for pedestrians, while minimizing the overall fill footprint through a steeper base slope.
- A cross-drainage culvert would be placed under O'Malley Road at approximately STA 2041+00 to maintain hydrologic connectivity with any remnant wetlands on the north side of the road; and,
- For the sections of O'Malley Road where the grade slopes towards Moose Meadows, storm water would be directed towards the wetlands on the south side via a system of curb and gutter, culverts and riprap or grass lined ditches. As the storm water filters through the riprap, it would percolate down towards Moose Meadow and maintain or increase hydrology to the wetland.

Phase 2: Craig Creek and South Fork Little Campbell Creek

Although the design for Phase II is not complete, one of its goals is to reconnect much of the watershed back to the Craig Creek and South Fork Little Campbell Creek waterways. This would be accomplished by constructing a combination of culverts and ditches that allow water flow to filter and freely migrate towards the waterways. This would result in a reduction of the historic fragmentation of the watershed. Ditches would be vegetated at slopes of 5 percent or less, and slopes greater than 5 percent grade would have riprap stabilization. Water would be treated in small retention areas where ROW allows.

Both Craig Creek and South Fork Little Campbell Creek pass underneath O'Malley Road in culverts that are rated "red" by the Alaska Department of Fish and Game (ADFG). A "red" rating indicates the pipe likely impacts fish passage. Specific issues with the existing culverts include constricted flood flows and in-pipe velocity issues due to gradient. The South Fork Little Campbell Creek culvert also experiences broad, sheet-flow dispersion at the outlet.

Both culverts would be replaced with upsized culverts that would be designed to meet or exceed Tier I fish passage criteria, as stipulated in the memorandum of agreement between DOT&PF and the Alaska Department of Fish and Game. The new pipes would be anticipated to improve in-stream habitat and fish passage capabilities. Additional details are below.

- Craig Creek - the existing 30-inch corrugated metal pipe (CMP) would be replaced with a 108-inch steel culvert;
 - Oversized to accommodate 100-year flood flows and to improve fish passage and in-stream habitat.
- South Fork Little Campbell Creek - the existing 36-inch CMP would be replaced with a 136-inch by 86-inch aluminum box culvert;
 - Oversized to accommodate 100-year flood flows and to improve fish passage and in-stream habitat.
- Substrate in both culverts would be bedded between 2.6 and 3.6 feet in depth, and placed to resemble or match upstream and downstream stream reaches;
 - This design allows the substrate to resist disturbance during flood events.
- Proposed culvert locations would be as close as possible to the existing culverts, to reduce the amount of disturbance to the waterways;
- Proposed culvert gradients would be designed to match the existing upstream and downstream stream gradients, to the extent possible;
- To ensure suitable waterway condition, new reaches of open channel would be designed with coir log buffers and willow stakes on the banks;
- Retaining walls and headwalls would be constructed to minimize the amount of fill, length of waterway affected, and the overall footprint of disturbance; and,
- A riprap infiltration ditch would be constructed at approximately Sta. 2153+00 to approximately 2157+00. This design feature would encourage sediment filtration from storm water runoff from the road and surrounding areas, improving the quality of water entering South Fork Little Campbell Creek.

c. Compensatory Mitigation: The applicant states that they are not proposing compensatory mitigation at this time because of the credits generated through the replacement of the South Fork Little Campbell Creek and Craig Creek culverts. Compensatory mitigation requirements were calculated using the Anchorage Debit Credit Methodology (April 2011) for projects within the Municipality of Anchorage, which resulted in a total of 1.66 REV 1 and REV 2 debits from wetland impacts on Phase I, 0.74 debits from waterway impacts on Phase II, and 3.24 credits from replacement of the South Fork Little Campbell Creek and Craig Creek culverts on Phase II. This results in a balance of 0.84 credits and no further mitigation is 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 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 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 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).

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-2016-177, South Fork Little Campbell 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.