



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
P.O. Box 35066  
Fort Wainwright, Alaska 99703

<b>PUBLIC NOTICE DATE:</b>	<b>January 28, 2022</b>
<b>EXPIRATION DATE:</b>	<b>February 28, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00032</b>
<b>WATERWAY:</b>	<b>Sagavanirktok River</b>

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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.

All comments regarding this Public Notice 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](mailto:regpagemaster@usace.army.mil). All comments should include the Public Notice reference number listed above.

All comments 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 John Sargent at (907) 347-1801 or by email at [John.C.Sargent@usace.army.mil](mailto:John.C.Sargent@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities, Attention: Brett Nelson

**AGENT:** Alaska Department of Transportation and Public Facilities, Attention: Cynthia Nelson

**LOCATION:** The project site is located within Latitude 69.8898° N., Longitude 148.7678° W.; MP 390, east of the Dalton Highway, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide aggregate gravel to extend the life of existing road surfaces and to complete maintenance and structural rehabilitation work to meet safety and design requirements for the Dalton Highway.

PROPOSED WORK: The applicant proposes to excavate, within freshwater forested/shrub and emergent wetlands, a new mining cell to a depth of 30 feet and 10 acres in area, to provide a source and stockpile area for aggregate gravel. The proposed new cell would be within an existing material site area. Waste rock and overburden material would be used to backfill the current or adjacent gravel mine cells or blocks. Mined areas regraded to final slopes would have overburden organic materials spread over the surfaces to aid in revegetation and seeded with native plant species. There is an existing access to the site at MP 390. The proposed work is scheduled to occur during the summer and fall construction seasons.

All work would be performed in accordance with the enclosed plan (sheets 1-2), dated December 2021.

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: To avoid further impacts to Waters of the U.S. including wetlands, a vegetative buffer would separate construction activities from the adjacent wetlands.

b. Minimization: The proposed deep excavation of material would minimize the project footprint area in wetlands. The material site would be reclaimed once the gravel sources have been depleted to include regrading, reuse of organic soils and revegetation with native species.

c. Compensatory Mitigation: The applicant did not propose compensatory mitigation due to the relatively small amount of wetlands that would be impacted, and the avoidance and minimization measures being 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project footprint in waters of the U.S. Consultation of the AHRs and information in the permit application constitute the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

**ENDANGERED SPECIES:** The project area is within the known or historic range of the threatened spectacled eiders (*Somateria fischeri*), Alaska-breeding Steller's eiders (*Polysticta stelleri*), and polar bears (*Ursus maritimus*).

We have determined the described activity may affect the threatened spectacled eiders (*Somateria fischeri*), Alaska-breeding Steller's eiders (*Polysticta stelleri*), and polar bears (*Ursus maritimus*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. 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 National Marine Fisheries Service (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 U.S. Army Corps of Engineers 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:

( ) 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



# PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)  
Wastewater Discharge Authorization Program/401 Certification  
555 Cordova Street, Anchorage AK 99501-2617  
Phone: 907-269-6285 | Email: [DEC-401Cert@alaska.gov](mailto:DEC-401Cert@alaska.gov)

## 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 (CWA) 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 CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps of Engineers' Reference Number POA-2022-00032, Sagavanirktok River has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

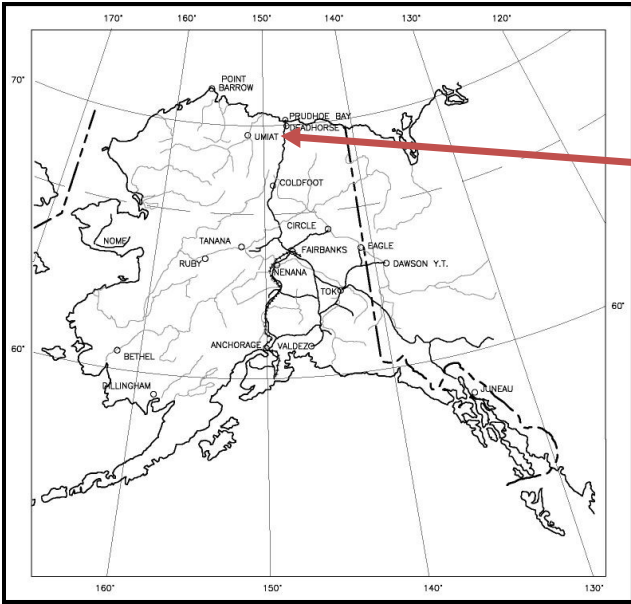
Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to [DEC-401cert@alaska.gov](mailto:DEC-401cert@alaska.gov) by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquiries or to request copies of the documents, contact [dec-401cert@alaska.gov](mailto:dec-401cert@alaska.gov), or call 907-269-6285.

### **Disability Reasonable Accommodation Notice**

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Brian Blessington at 907-269-6272 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



Project Location



STATE OF ALASKA Department of Transportation and Public Facilities

2301 Peger Road Fairbanks, AK 00709

Maintenance & Operations Northern Region

**Material Site 65-9-099-2**

Sec 12, T6N, R14E

UM USGS Quad

Sagavanirktok D-3

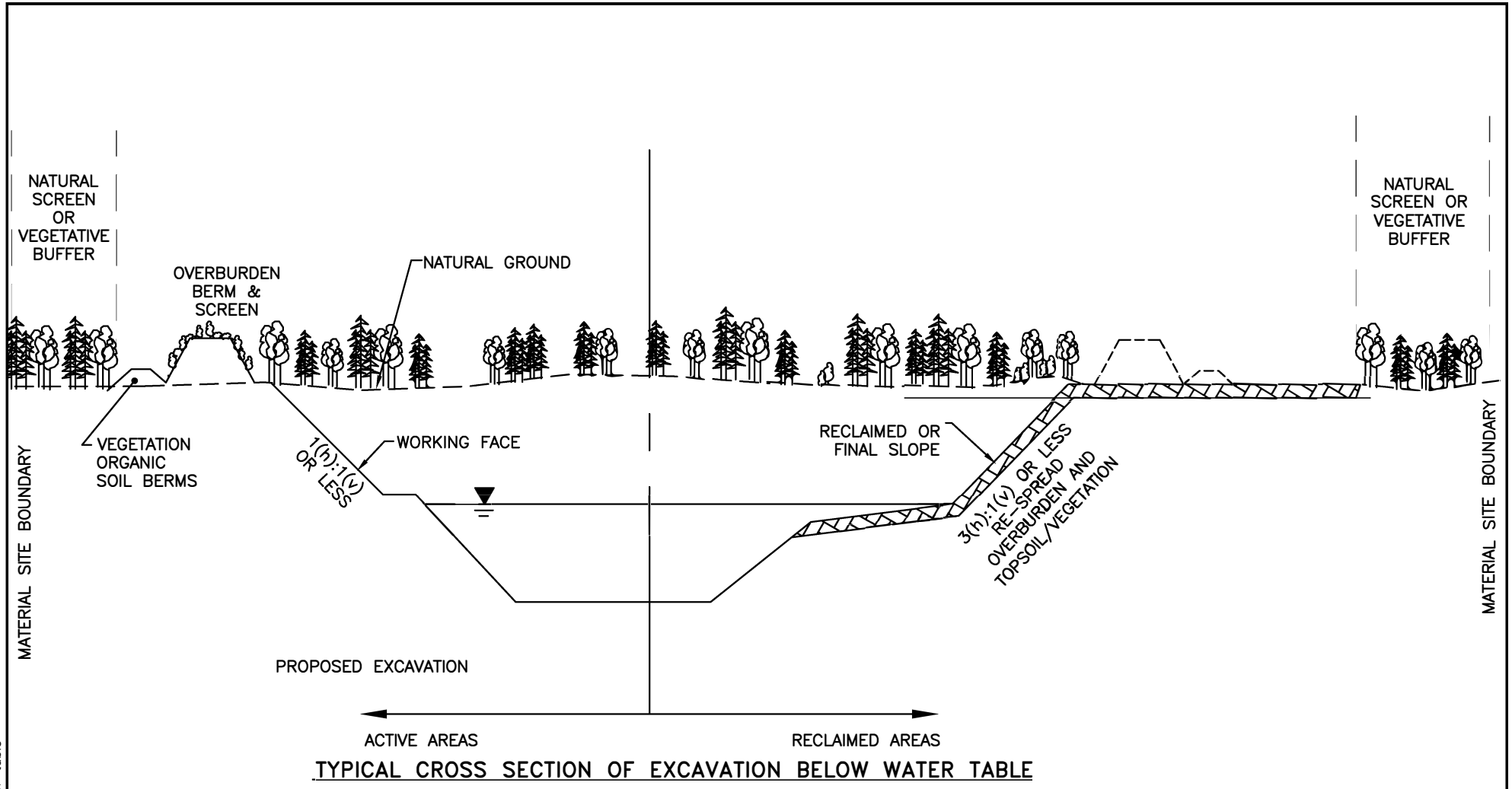
POA-2022-00032



DATE: December 2021

FIGURE 1

Jul 30, 2020 - 7:56am - Tab: Exc below water table



TYPICAL CROSS SECTION OF EXCAVATION BELOW WATER TABLE  
NOT TO SCALE

POA-2022-00032,  
Sheet 2 of 2

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
DATA: SM	DALTON HIGHWAY MILE 390 MATERIAL SITE
DRAWN: HC	PROJECT NO. MS 65-9-099-2
APPROVED:	
DATE: DEC 2021	