



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: June 29, 2012
EXPIRATION DATE: July 30, 2012
REFERENCE NUMBER: POA-1988-93-M3
WATERWAY: Skagway River

Interested parties are hereby notified that a Department of the Army (DA) 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 **Randal Vigil** at (907) 790-4491, by fax at (907) 790-4497, or by email at **Randal.P.Vigil@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: David Hunz, PO Box 185, Skagway, AK 99840

AGENT: R&M Engineering, Inc., 6205 Glacier Highway, Juneau, AK 99801

LOCATION: The project site is located within Section 1, T. 28 S., R. 59 E., Copper River Meridian; Latitude 59.471° N., Longitude 135.297° W.; USS 1805, within the confines of the Skagway River, in Skagway, Alaska.

PURPOSE: The applicant's stated purpose is to "remove existing raised sand/gravel bars that are located within the Skagway River on USS 1805 for purposes of acquiring commercial gravel resources for the Municipality of Skagway."

PROPOSED WORK: Discharge fill material into waters of the United States to facilitate the excavation of approximately 50,000 cubic yards of sand and gravel from approximately 4.42 acres of the Skagway River floodplain to obtain suitable construction aggregate. The discharge would consist of the pushing/leveling of riverbed materials over a period of 5 years below the ordinary high water mark (OHW) for material loading and site contouring for drainage.

Discharge approximately 75 cubic yards of riverbed material into the maximum of 0.034 acres below OHW to construct a temporary haul road not to exceed 10 feet wide by 150 feet long and the installation of a temporary 48-inch diameter culvert as needed. The location and size of the haul road would vary with each mining season.

Material extraction would start from the southeast and south middle of the site and would work north. Mining would be performed using a Caterpillar 330L Excavator and 980F loader that would load 20 cubic yard dump trucks, which would haul sand and gravel to stock pile areas.

The proposed work would start on the 1st of November to end when weather prohibits operation and would be performed over a five year period during the river's winter low flow stage. The approximate surface area of impact per the five year mining period would be: First winter season 0.65 acres, Second and third winter season 2.06 acres, and Fourth winter season 1.71 acres.

The applicant states that all fueling and maintenance of equipment would be performed in uplands.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated Feb. 2012.

ADDITIONAL INFORMATION: DA permits (POA-1988-93, POA-1988-93-M, POA-1988-93-N (Skagway River)) were issued to Mr. David Hunz on March 18, 2003 March 27, 2006, and May 9, 2007, authorizing the discharge of fill material to facilitate the excavation of "approximately 50,000 cubic yards of riverbed material over a five-year period of time from the Skagway River at this same location.

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: Complete avoidance is not possible.

b. Minimization: "Gravel extraction will only occur during winter low flow of the Skagway River. Each season's extraction will be completed before Spring thaw. Storage of material will be on the upland portion of USS 1805. All fueling and maintenance of equipment will occur on uplands."

c. Compensatory Mitigation: No compensatory 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.

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 is an unevaluated property in the vicinity of the worksite. It has been designated **SKG-220**. Because the property has been determined to be outside of the project area, no further action is required. 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 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 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 (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

Preliminarily, we have determined the described activity may adversely affect EFH in the project area for the following species: chum (*Oncorhynchus keta*) and Coho (*Oncorhynchus kisutch*) salmon. The proposed project location is habitat primarily for adult and juvenile salmon migration to clear-water spawning and rearing side channels. The proposed project would involve filling and grading activities, which may increase the potential for injury or mortality to salmon from elevated levels of suspended particulates in the water column. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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.

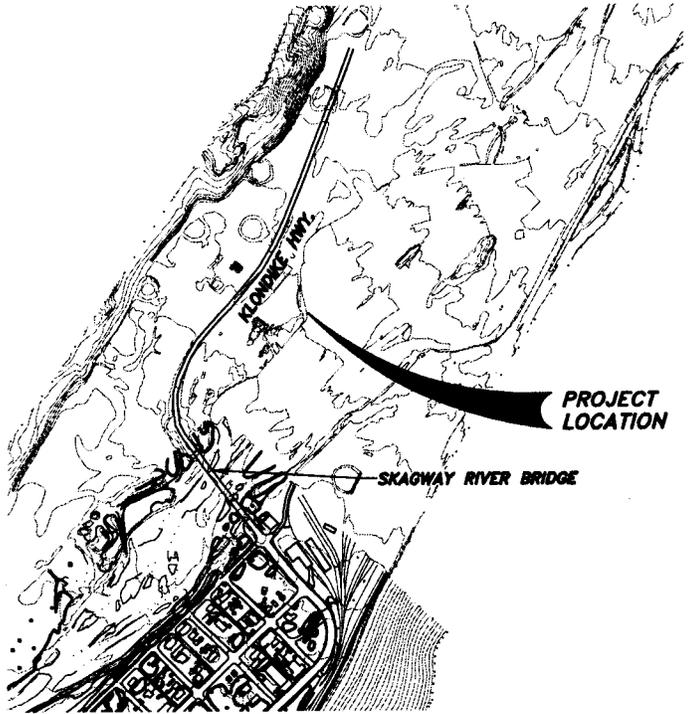
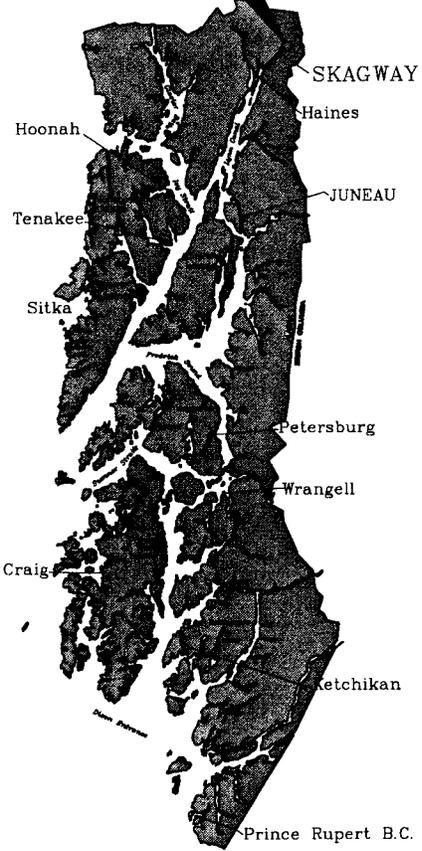
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1988-93-M3, Skagway River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

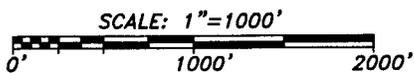
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

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PROJECT LOCATION



SITE LOCATION MAP



SKAGWAY TIDAL DATA

EHT	23.40'
MHHW.	16.70'
MHW	15.70'
HTL	8.65'
MLW	1.60'
MLLW.	0.00'
ELT	-6.00'

SHEET INDEX

SHT.	DESCRIPTION
1	SITE LOCATION MAP
2	SITE PLAN
3	SITE SECTIONS
4	HAUL ROAD SECTION

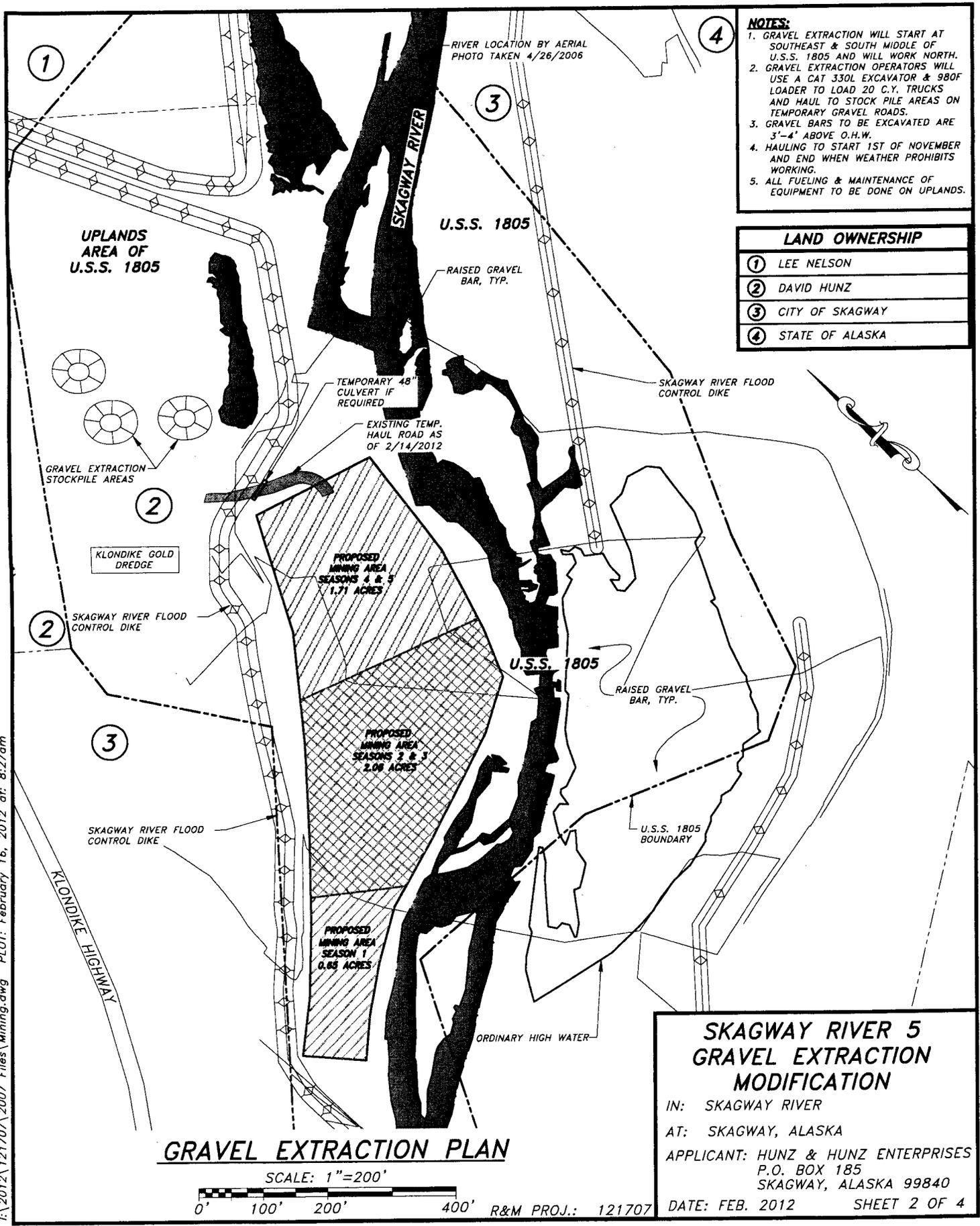
SKAGWAY RIVER 5 GRAVEL EXTRACTION MODIFICATION

IN: SKAGWAY RIVER
 AT: SKAGWAY, ALASKA
 APPLICANT: HUNZ & HUNZ ENTERPRISES
 P.O. BOX 185
 SKAGWAY, ALASKA 99840

DATE: FEB. 2012 SHEET 1 OF 4

R&M PROJ.: 121707

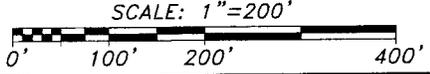
I:\2012\121707\2007 Files\Mining.dwg PLOT: February 16, 2012 at: 8:27am



- NOTES:**
1. GRAVEL EXTRACTION WILL START AT SOUTHEAST & SOUTH MIDDLE OF U.S.S. 1805 AND WILL WORK NORTH.
 2. GRAVEL EXTRACTION OPERATORS WILL USE A CAT 330L EXCAVATOR & 980F LOADER TO LOAD 20 C.Y. TRUCKS AND HAUL TO STOCK PILE AREAS ON TEMPORARY GRAVEL ROADS.
 3. GRAVEL BARS TO BE EXCAVATED ARE 3'-4' ABOVE O.H.W.
 4. HAULING TO START 1ST OF NOVEMBER AND END WHEN WEATHER PROHIBITS WORKING.
 5. ALL FUELING & MAINTENANCE OF EQUIPMENT TO BE DONE ON UPLANDS.

LAND OWNERSHIP	
①	LEE NELSON
②	DAVID HUNZ
③	CITY OF SKAGWAY
④	STATE OF ALASKA

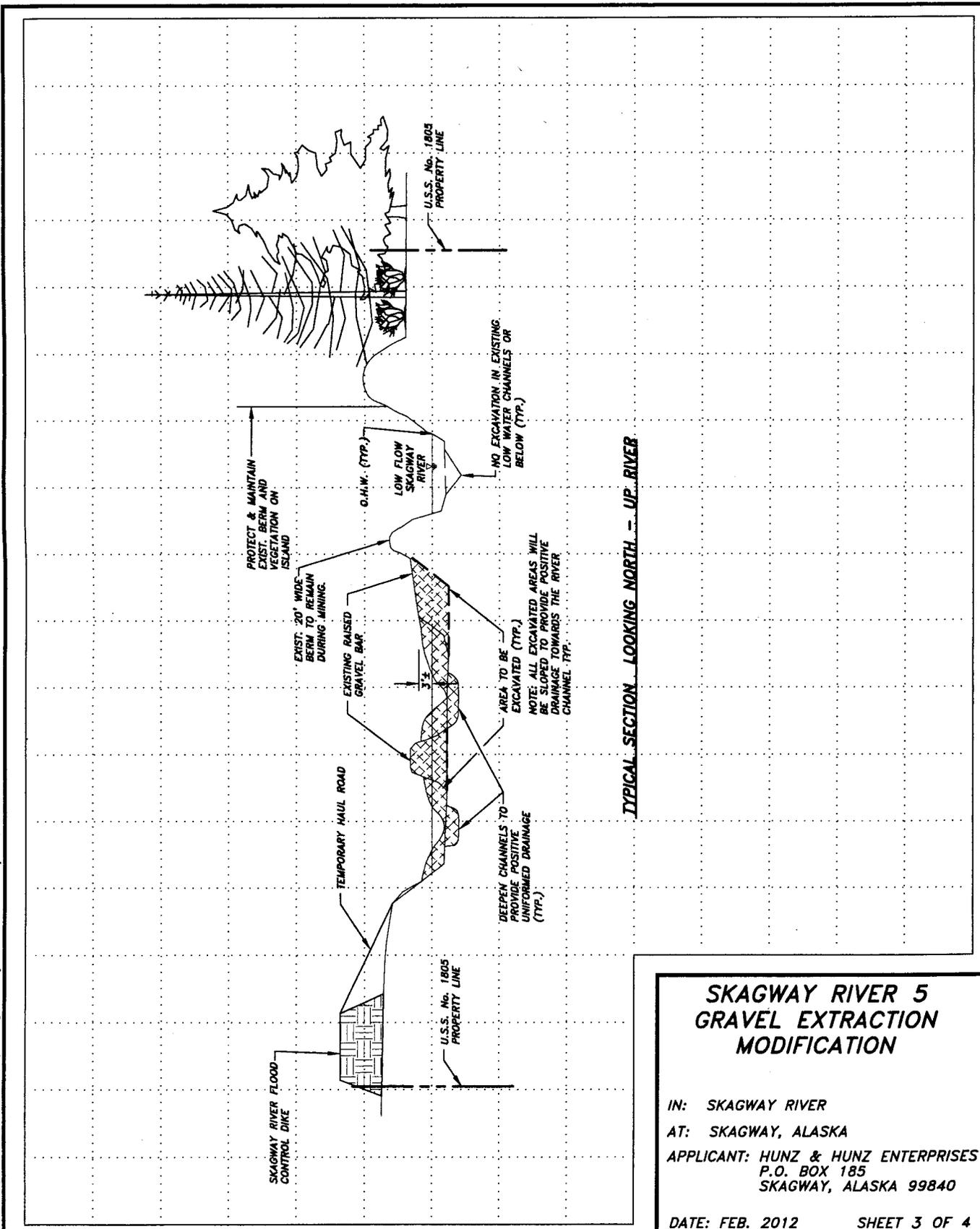
GRAVEL EXTRACTION PLAN



SKAGWAY RIVER 5 GRAVEL EXTRACTION MODIFICATION

IN: SKAGWAY RIVER
 AT: SKAGWAY, ALASKA
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 P.O. BOX 185
 SKAGWAY, ALASKA 99840
 DATE: FEB. 2012 SHEET 2 OF 4

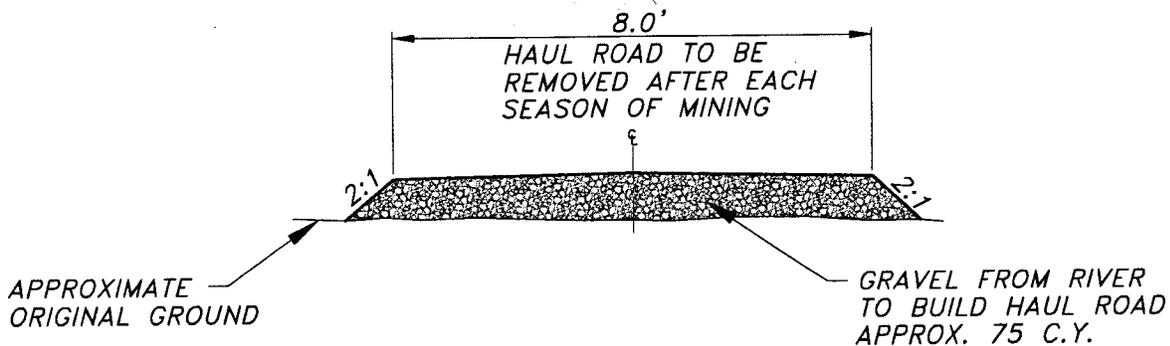
R&M PROJ.: 121707



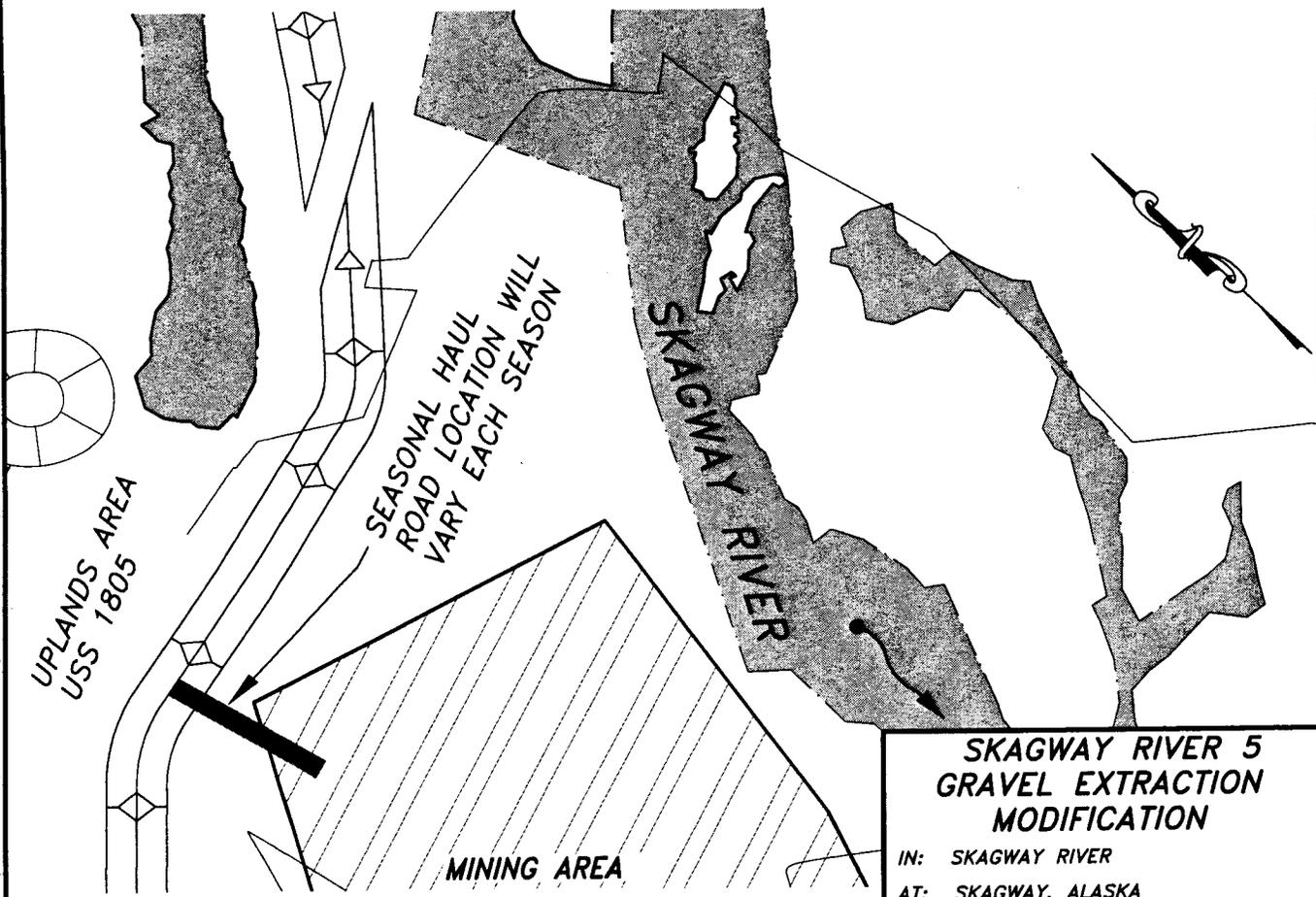
**SKAGWAY RIVER 5
GRAVEL EXTRACTION
MODIFICATION**

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DATE: FEB. 2012 SHEET 3 OF 4
 R&M PROJ.: 121707



TYPICAL HAUL ROAD SECTION
NTS



GRAVEL HAUL PLAN

SCALE: 1"=200'
0' 100' 200' 400'

**SKAGWAY RIVER 5
GRAVEL EXTRACTION
MODIFICATION**

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SKAGWAY, ALASKA 99840
DATE: FEB, 2012 SHEET 4 OF 4

I:\2012\121707\2007 Files\HAULROAD.dwg PLOT: February 16, 2012 at: 8:48am

R&M PROJ.: 121707