



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: April 2, 2013
EXPIRATION DATE: May 1, 2013
REFERENCE NUMBER: POA-2013-97
WATERWAY: Nenana 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. If further information is desired concerning this notice, please contact Heather Moncrief by phone at (907) 474-2166, by fax at (907) 474-2164, or by email at heather.h.moncrief@usace.army.mil.

APPLICANT: Alaska Railroad Corporation (ARRC)
327 West Ship Creek Avenue
Anchorage, Alaska 99501

AGENT: Barbara Hotchkin, Alaska Railroad Corporation

LOCATION: The project site is located within Sections 7, 17, and 18, T. 12 S., R. 7 W., Fairbanks Meridian; USGS Quad Map Healy D-4; Latitude 63.8731° N., Longitude 148.9787° W.; in Healy, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the ARRC Healy Reserve.

PURPOSE: The applicant's stated purpose is to improve service for Holland America Princess (HAP) and its passengers and to reduce operating expenses.

PROPOSED WORK: The applicant is proposing to place 11,000 cubic yards of fill into 1.11 acres of wetlands to (1) reconstruct and extend the tail of

wye track approximately 1,500 feet to allow trains to turn around; (2) construct an approximate 1,200 foot spur track parallel to the existing Track 2 in Healy, which would be used to park the train for servicing, and (3) construct a gravel pad between an existing road and the spur track for use by HAP for a small office and parking for employees, buses, and service vehicles. Construction activities would include clearing, excavation of unsuitable soils as necessary, filling, and placement of rails, ties, and ballast. All work would be performed in accordance with the enclosed plan: sheet 1, dated February 5, 2013, and sheets 2-3, dated February 14, 2013.

ADDITIONAL INFORMATION: The applicant has provided the following information concerning project alternatives:

- Construct Turnaround Track South of Denali. ARRC considered construction of a turnaround track south of Denali. The project would have required a land exchange of up to 25 acres with the National Park Service. ARRC eliminated this alternative as project costs and wetlands impacts were considerably higher than with the proposed alternative.
- Modify Usibelli Cole Facility. ARRC evaluated several options at the current Usibelli coal loading tipple at Usibelli, (north of Healy), including the construction of a wye and a servicing track, to accommodate the turning of trains. These options have proven to be infeasible for ARRC, as the passenger coaches will not fit through the coal loading facility, (which will remain in service), and the facility cannot be re-configured so that the cars would not have to go through the tipple.
- Use the Suntrana Branch. ARRC evaluated use of its Suntrana Branch, south of Healy, for turning and servicing of cars. ARRC believes this alternative is infeasible because of steep grades and because passenger cars could not safely be serviced due to the risk of them rolling away. Further, according to ARRC, it is not feasible to construct a wye track along the branch due to the exceedingly rough terrain and limited ground available in the Healy canyon area.
- Modify Design in the Healy Area. According to ARRC, the tail of the wye at the far north end of the project was redesigned to avoid impacts to wetlands in that area. Other modifications were considered but deemed infeasible by ARRC. The existing tail of the wye could not be extended to the west due to unsuitable topography. The fill area for the office/parking/servicing pad cannot be moved to a non-wetland area to the north as it needs to be directly adjacent to the spur track. The spur track cannot be moved to the north without adding an additional switch to the main line, which is undesirable to ARRC for operational and safety reasons. Also, there is insufficient distance to the north of the Healy Spur Road overpass and the existing wye for the needed track length.

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: Although the proposed project area contains both uplands and wetlands, the applicant would be unable to avoid placing 11,000 cubic yards of fill into 1.11 acres of wetlands due to the constraints of the project layout.
- b. Minimization: The applicant is proposing the following measures to minimize impacts to water of the United States (U.S.):
- Place one or more culverts in the wetlands area bisected by the wye extension to maintain the hydraulic connection between the wetlands
 - Clearly define construction limits prior to construction.
 - Minimize surface disturbance during construction by working from the track or fill footprint to the extent possible.
 - Minimize the use of equipment in wetland outside the fill footprint.
 - Implement best management practices during construction to minimize temporary disturbances to the area and the potential for erosion and sedimentation.
 - Stabilize disturbed areas as soon as possible after construction.
 - Implement standard spill-prevention measures to minimize or prevent spills or leakages of hazardous materials during construction.
 - Ensure spill clean-up equipment is available onsite during construction (e.g. oil-absorbent pads and appropriate response materials).
 - Monitor construction activities as necessary to ensure temporary impacts are minimized.
- c. Compensatory Mitigation: The applicant is proposing to compensate for unavoidable impacts to 1.11 acres of wetlands via an in-lieu fee to The Conservation Fund at a mitigation ratio of 1.5:1 for a total preservation of 1.7 acres of wetlands.

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 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:

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
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-2012-97, Nenana 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.