



US Army Corps
of Engineers
Alaska District

Special Public Notice

FAIRBANKS
Regulatory Division (1145)
CEPOA-RD
2175 UNIVERSITY AVENUE, SUITE 201E
FAIRBANKS, ALASKA 99709

ISSUANCE DATE: January 27, 2020
EXPIRATION DATE: February 26, 2020
REFERENCE NUMBER: POA-2017-00227 (RGP-03)

SPECIAL PUBLIC NOTICE POA-2017-00227
Notice of Intent to issue General Permit RGP-03
Military Training Activities

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) Regulatory Division is proposing to issue Regional General Permit (RGP) POA-2017-00227 (RGP-03) for a five-year period. The proposed activities covered under RGP-03 are described in the attached draft copy of RGP-03.

RGP's are considered appropriate for activities which are similar in nature, cause only minimal adverse environmental impacts when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of Section 10 of the Rivers and Harbors Act (33 U.S.C § 403) and Section 404 of the Clean Water Act (33 U.S.C § 1344) without creating an undue burden on the public. If issued this RGP would be in effect for five years.

PURPOSE OF THIS NOTICE: The Corps is soliciting and accepting comments for the next 30 days on our intent to issue this RGP. Comments on the described work, with the reference number, should reach this office no later than the expiration date of the Public Notice (PN) to become part of the record and be considered in the decision. Please contact Amy C. Tippery via email at: Amy.C.Tippery@usace.army.mil, by mail at the address above, or by phone at (907) 458-1602 for further information concerning this notice.

PURPOSE: The activities intended for authorization under this RGP are the discharge of dredged and/or fill material into waters of the United States (WOTUS) for the purpose of supporting military training activities on U.S. Army Garrison Alaska Training Lands.

AUTHORIZED ACTIVITIES: The temporary discharge of dredged and/or fill material into wetlands and/or WOTUS and permanent discharges of up to 2.0 acres per permit use, for the purpose of training and training support activities.

WATER QUALITY CERTIFICATION: Anyone wishing to use this RGP must acquire a project specific certification or waiver of certification, as required under Section 401 of the Clean Water Act (33 U.S.C. § 1251), from the Alaska Department of Environmental Conservation (ADEC) unless the ADEC provides a certification for the overall RGP.

CULTURAL RESOURCES: For each use of this RGP, compliance with Section 106 of the National Historic Preservation Act (NHPA) would be determined. Federal permittees using this RGP are considered the 'lead Federal agency' and should follow their own procedures for complying with the requirements of the NHPA. The lead Federal agency is responsible for compliance with the requirements of Section 106 of the NHPA. The Corps will review the lead federal agency's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work would not be issued until the Section 106 process has been completed and the Corps concurs with the lead federal agency's work or documentation. For non-Federal applicants, the Corps assumes the lead agency role. In this case, for each project the Corps would review the latest published version of the Alaska Heritage Resource survey (AHRS) for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. A permit area would be determined for each individual project using this RGP and an effects determination would be made. Consultation with the State Historic Preservation Office (SHPO) would occur for any determination of 'No Historic Properties Affected (No Effect)', 'No Adverse Effect', or 'Adverse Effect'. The proposal would also be coordinated with the Advisory Council on Historic Properties for any 'Adverse Effect' determination. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit would 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 Tribal resources will be accorded due consideration in this process. This PN 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 Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: At this time we have determined the proposed issuance of this RGP 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 (ESA)(16 U.S.C. 35 § 1531 et. sec). Upon each submission for use of this RGP, a review the latest published version of the ESA and critical habitat list will be performed to check for the presence or absence of listed or proposed species. Federal permittees using this RGP are considered the 'lead Federal agency' and should follow their own procedures for complying with the requirements of the ESA. The Corps is considered a coordinating agency. If the activity being permitted with this RGP is within federally listed or designated critical habitat, the Federal permittee must provide the Corps with the appropriate documentation to demonstrate compliance with their procedural requirements. If the permittee is not a Federal Agency, the Corps will lead the process under its own guidelines (50 C.F.R. § 402, 33 C.F.R. § 320.3(i)).

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (16 U.S.C. 38 § 1801 et. sec.), 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).

In the event there are EFH species, coordination with the appropriate agency would occur for any adversely affected EFH, and any comments or recommendations the agency may have concerning EFH will be considered in our final assessment of the described work.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified above, that a public hearing be held to consider this proposal. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts of the activity and its intended role in the public interest. All factors relevant to the proposal must be considered, including cumulative effects. The reasonably foreseeable benefits which may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The outcome of this 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 use of affected resources. 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. Among those concerns are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and the general needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the proposed permit activity 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.

In order to consider and evaluate the impacts of this proposed action, the Corps is soliciting comments from the public: Federal, State, and local agencies and officials; Native Tribes; and other interested parties. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. 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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity, and to complete the appropriate environmental review.

AUTHORITY: A permit under RGP-03 may be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. § 1344). In accordance with this Act, our public interest review will consider the guidelines set forth under Section 404(b) (40 C.F.R. § 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: 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 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.

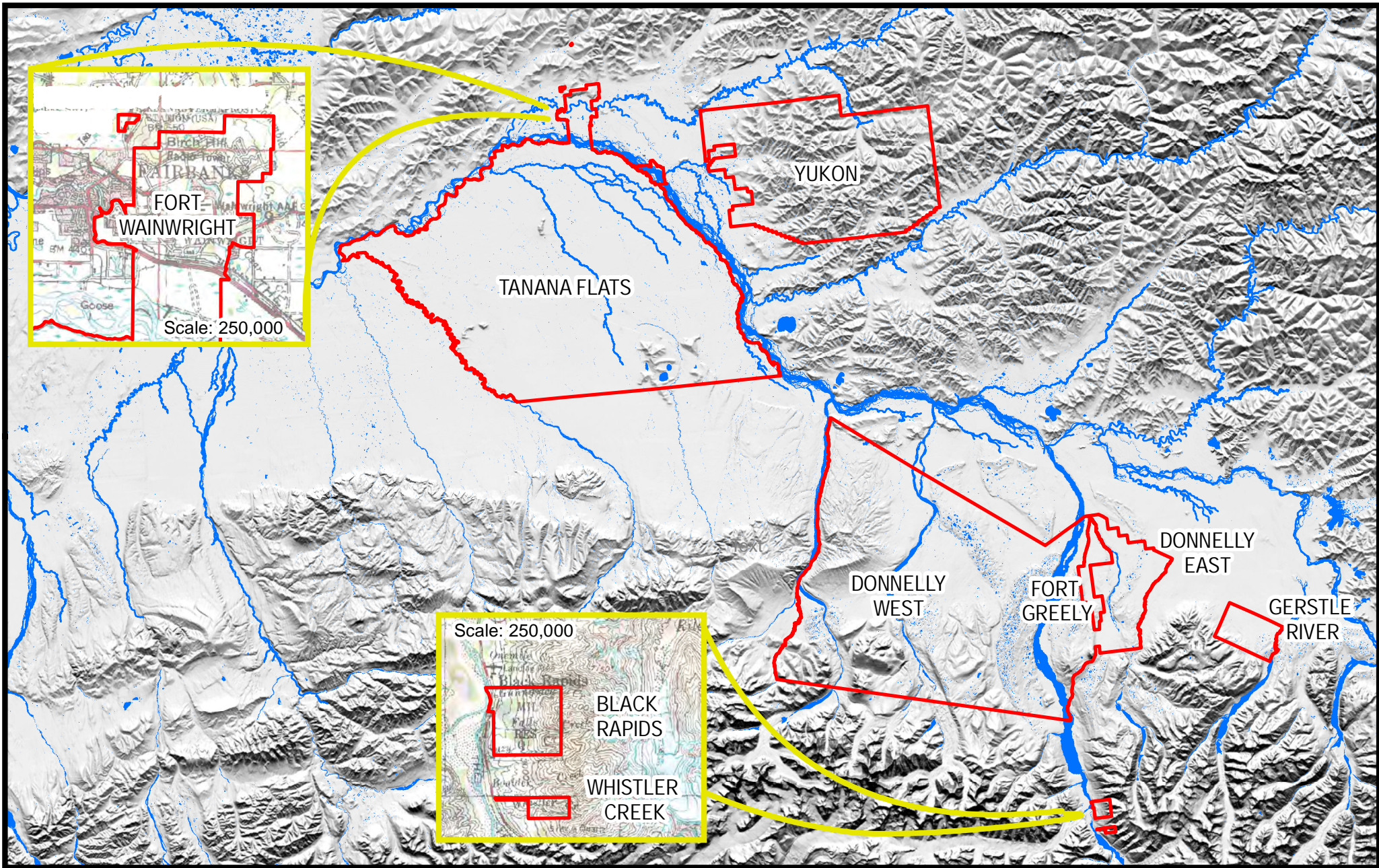
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2017-00227, Multiple Waterbodies**. This notice serves as application for State Water Quality Certification from the Department of Environmental 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.

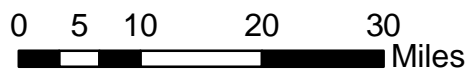
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act 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 Kate Orozco at 907-465-6171 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.



UNITED STATES ARMY GARRISON ALASKA (USAGAK) MILITARY TRAINING LANDS



USACE Regulatory, Alaska District
 Fairbanks Field Office (907) 458-1602
 Contact: amy.c.tippery@usace.army.mil
 Citation: Installation Boundary.FWA
 Imagery: ned_60m_dtm_hs.tif
 Scale: 1,000,000 Date: 1/15/2020

Legend

- USAGAK Installations
- Major Streams & Rivers

