



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4910

PUBLIC NOTICE DATE: December 24, 2008

EXPIRATION DATE: January 22, 2009

REFERENCE NUMBER: POA-2000-1121

WATERWAY: Tanana River

Interested parties are hereby notified that a Department of the Army permit application for a modification to POA-2000-1121 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 **Ellen Lyons** at (907) 474-2166, by fax at (907) 474-2164, or by email at **Ellen.H.Lyons@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Mr. J. Andrew Bachner, 542 4th Avenue, Suite 300, Fairbanks, Alaska 99701

AGENT: Mr. Brian Miller, RCH Surveys, 326 Driveway Street, Fairbanks, Alaska 99701, 907-451-7411

LOCATION: The project site is located within Section 15, T. 1 S., R. 2 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.8216° N., Longitude 147.9140° W.; Roland Acres Subdivision, Block 1, Lots 1-12 and Block 2, Lots 1-21; (plat was modified 8/15/2008) in Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is the development of a 33-lot subdivision to be used for residential housing.

PROPOSED WORK: The applicant is seeking a modification to POA-2000-1121, Tanana River, issued November 21, 2007. The applicant proposes to place 13,451 cubic yards of gravel into wetlands for the construction of roads, driveways, housepads and septic pads. All work would be performed in accordance with the enclosed plan (sheets 1-4, dated November 17, 2008, and sheet 5 dated December 16, 2008).

ADDITIONAL INFORMATION:

The original permit authorized the placement of approximately 13,834 cubic yards of gravel fill into 5.2 acres of wetlands for the construction of roads, driveways, septic systems, and building sites, as part of the development of an 18-lot residential subdivision.

For the original permit, the lots ranged in size from 1.8 acres to 2.3 acres. The housepads were 58' by 88' and the septic pads were 28' by 48' for approximately 0.2 acres of fill per lot. The total impacts included 1.12 acres filled for the construction of roads, 2.85 acres for the housepads and septic pads and 1.21 acres for the construction of the driveways. This permit contained a condition that required a 2.8-acre portion of Tract A remain permanently undisturbed.

For the current modification, the applicant is proposing a 33-lot subdivision, with lots ranging in size from 0.9 acres to 1.3 acres. The housepads would be 48' by 48' for 28 of the lots, 22 of which are located in wetlands (resulting in 0.1 acres of disturbance per each of the lots with housepads). Five lots in wetlands would have houses built on piers, with no associated house pad (for 0.05 acres of impacts per lot). Each lot would have a 28' by 48' septic pad. A total of 27 lots would impact wetlands. Wetlands would be avoided on six of the 33 lots.

The applicant is requesting authorization to fill 1.12 acres of wetlands for the construction of roads, 2.43 acres for the construction of the housepads and septic pads and 1.65 acres for the construction of driveways, for a total of 5.2 acres of impacts to wetlands. The applicant is also proposing to preserve 3.2 acres of wetlands in a native growth protection easement which would remain permanently undisturbed.

The proposed modification does not request additional impact area (5.2 acres of impacts for each plan); however, it does increase the number of lots that the parcel would be divided into. The proposed modification would increase the amount of acres that would remain permanently undisturbed from 2.8 acres to 3.2 acres.

MITIGATION: The applicant submitted the following mitigation statement which outlines measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material:

1. Avoidance of impacts to waters of the U.S. including wetlands:

"In order to avoid impacts to wetlands, the lot designs proactively avoid placing lot pads within wetlands wherever it is possible within the lot boundaries. So, if there are sufficient areas of uplands within the lot, our design places the lot pad within the upland areas. We have also designed culverts to be placed through the roadbed of Helm Drive at low areas where the culverts can work to maintain the natural drainage patterns."

2. Minimization of unavoidable impacts to waters of the U.S., including wetlands:

"Certain measures have been taken to minimize unavoidable impacts to waters of the U.S. including wetlands. Our lot design uses 48' x 48' lot pads, which are smaller than the standard 58' x 88' lot pad size, yielding a total area of 0.104 acres per lot (not including individual driveways which vary by lot). For five of the lot pads we have opted to use a foundation pilings system, which will avoid direct impacts to wetlands under the construction site. These special lot pad designs have a new impact of only 0.05 acres each, again not including individual driveways. We have done this in order to decrease the total impacts to wetlands to under the 5.2 acres originally approved."

3. Compensation for unavoidable impacts to waters of the U.S. including wetlands:

"We shall reserve a 3.228 acre Native Growth Protection Easement over portions of Lot 1 and Lot 2, Block 2 as a mitigation measure. This protection easement shall be

recorded at the office of the Fairbanks Recording District and shall be maintained in perpetuity by the lot owners. This protection easement will constitute a preservation of wetlands with the removal of a threat to, and prevention of the decline of aquatic resources by said legal instrument."

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.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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).

Preliminarily, the described activity will not affect EFH, since there is no EFH within the project area. 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 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

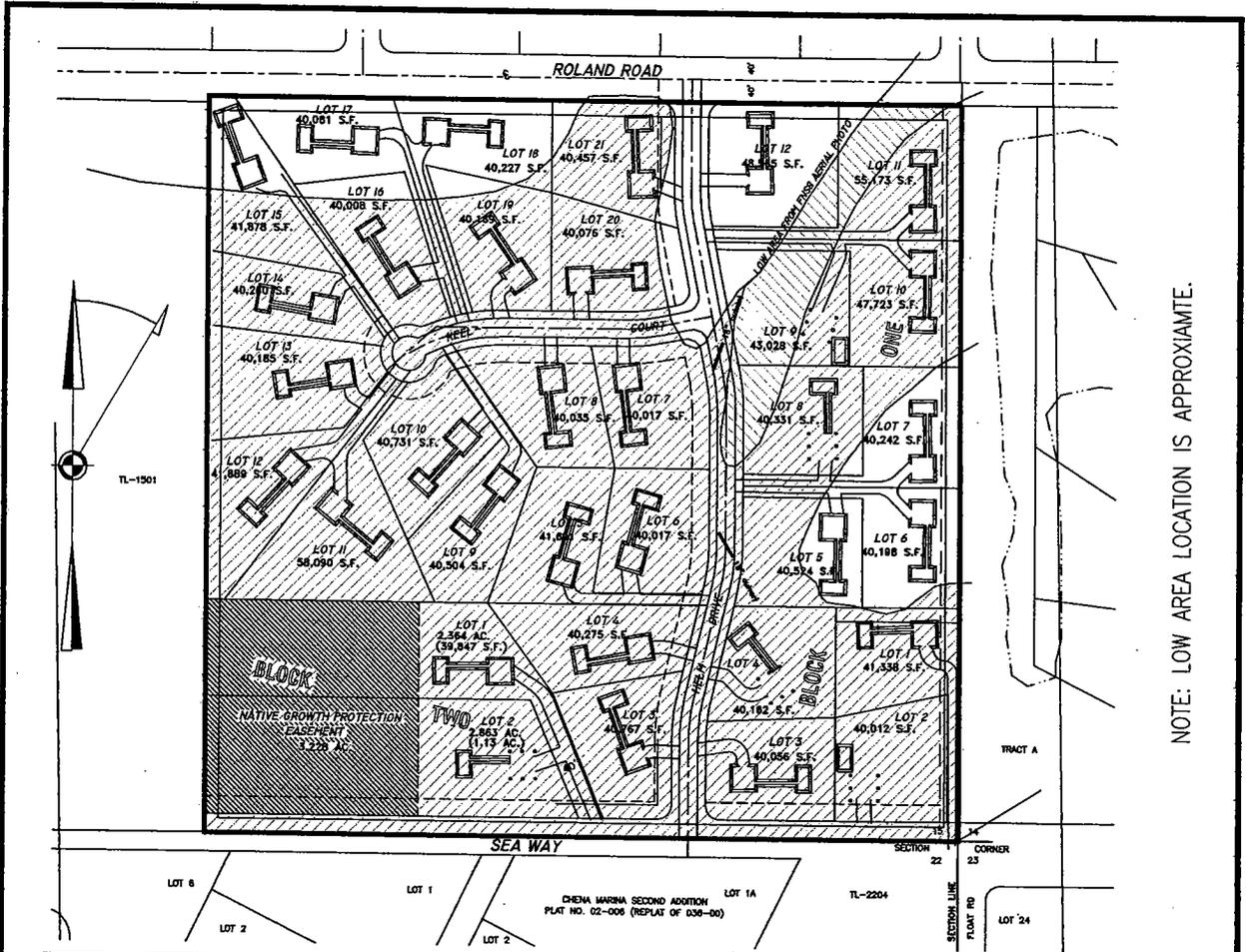
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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.

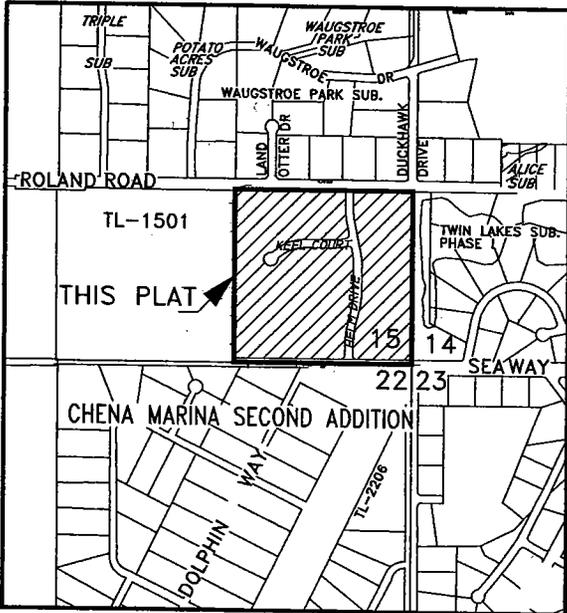
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2000-1121-M2, Tanana River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



NOTE: LOW AREA LOCATION IS APPROXIMATE.



FNSB BASEMAP SCALE: 1"=1/2 mile
SE1/4 SE 1/4 SEC. 15 T.1S.,R.2W., FM. AK.

SCALE: N.T.S.

- Wetland
- Foundation Piling
- CMP

SUBDIVISION ACREAGE

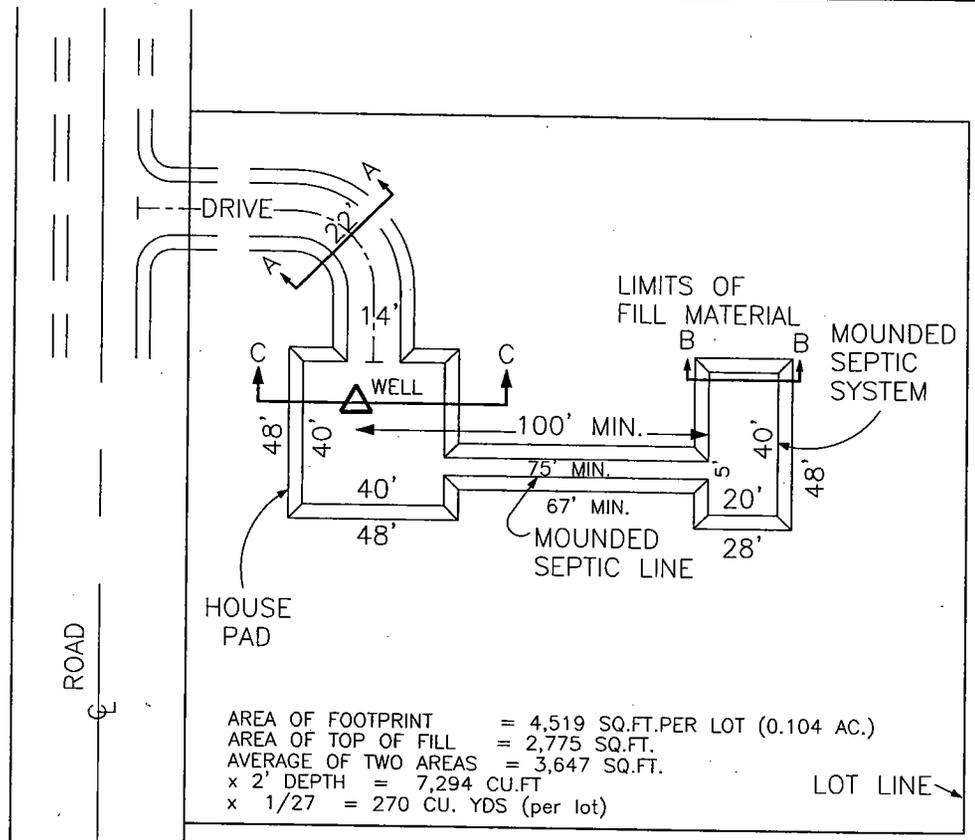
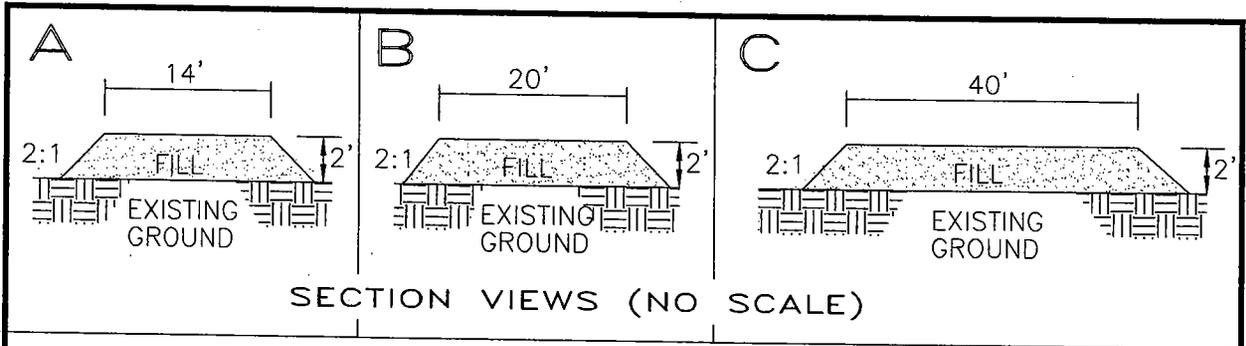
TOTAL = 39.04 ACRES
 WETLANDS = 32.63 ACRES
 TOTAL ROAD LENGTH = 1901' (1519' IN WETLANDS)

WETLANDS IMPACTED
 BY ROAD = 1.12 ACRES -- SEE SHEET 4
 BY LOT = 2.43 AC.
 BY DRIVEWAY = $3267'(D/W) \times 22'(WIDE) / 43560 = 1.65$ AC
 TOTAL = 5.20 AC.

WETLANDS DELINEATION SOURCE:
 PRELIMINARY JURISDICTIONAL DETERMINATION
 U.S. ARMY CORPS OF ENGINEERS SHEET 1 OF 4

MODIFIED PLAN VIEW

ROLAND ACRES SUBDIVISION
 RCH SURVEYS LTD.
 326 DRIVEWAY ST.
 FAIRBANKS, AK 99709
 (907) 451-7411
 REVISED: 11-17-08



NOTE:
 THIS TYPICAL IS REPRESENTATIVE
 OF A POTENTIAL VOLUME OF FILL
 MATERIAL ON A LOT

PLAN VIEW

SHEET 2 OF 4

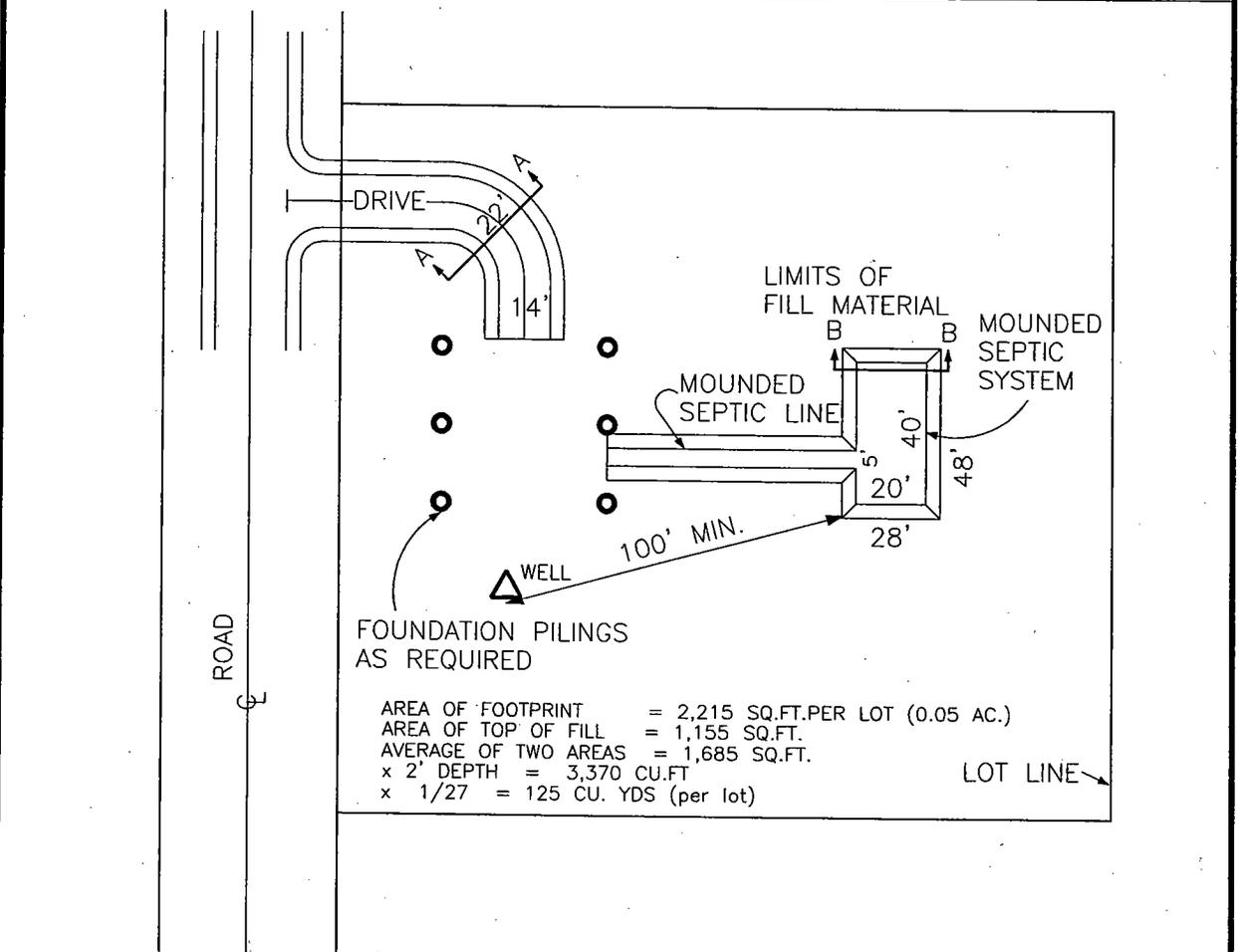
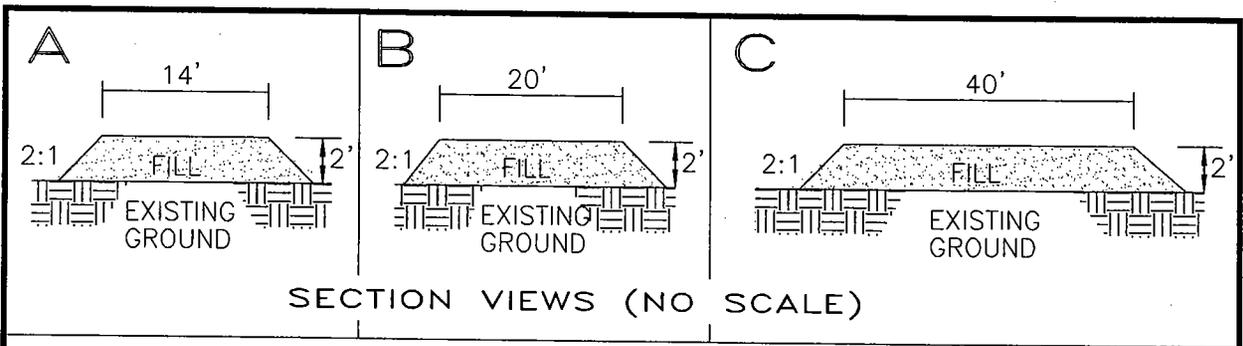
RCH SURVEYS LTD
 326 DRIVEWAY ST.
 FAIRBANKS, ALASKA
 99709
 (907) 451-7411

TYPICAL LOT
 21 COUNT
 FILL FOR RESIDENCE
 SCALE: 1"=50'

0 10 20 30 40 50 100

ROLAND ACRES
 SUBDIVISION

11-17-08

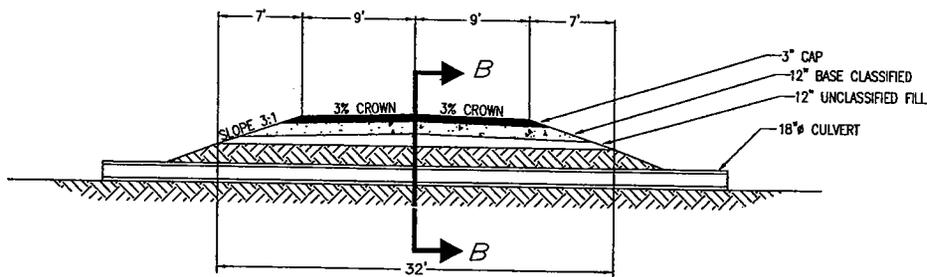


AREA OF FOOTPRINT = 2,215 SQ.FT.PER LOT (0.05 AC.)
 AREA OF TOP OF FILL = 1,155 SQ.FT.
 AVERAGE OF TWO AREAS = 1,685 SQ.FT.
 x 2' DEPTH = 3,370 CU.FT
 x 1/27 = 125 CU. YDS (per lot)

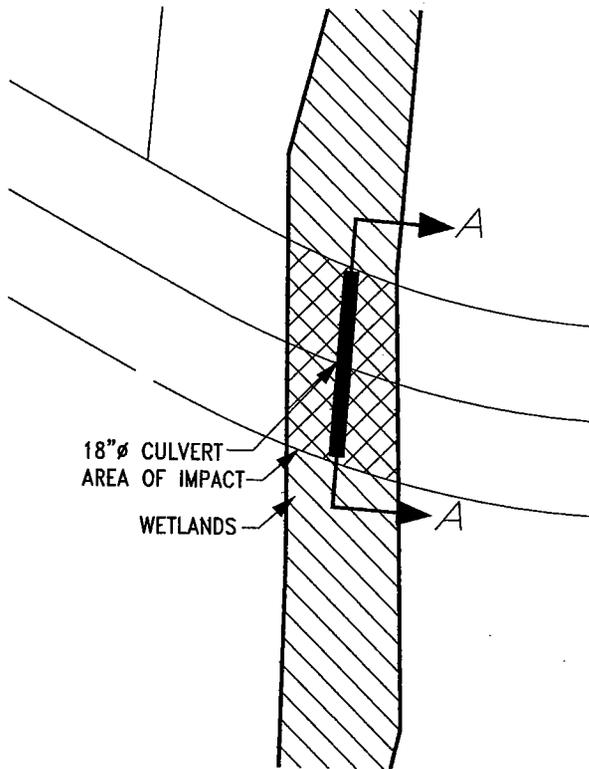
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 99709
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SPECIAL LOT
5 COUNT
FILL FOR RESIDENCE
SCALE: 1"=50'

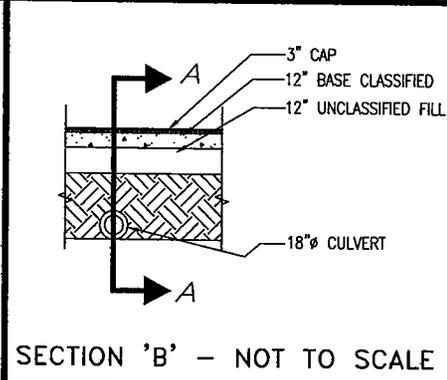
ROLAND ACRES
 SUBDIVISION
 11-17-08



SECTION 'A' - NOT TO SCALE



TYPICAL CULVERT PLAN VIEW - NOT TO SCALE



SECTION 'B' - NOT TO SCALE

ROAD VOLUME

LENGTH IMPACTING WETLANDS = 1519'
 ROADWAY WIDTH = 32'
 ROADWAY TOP OF FILL = 18'
 AVG OF 2 AREAS = $(32+18)/2 = 25$ SFT
 X2' DEPTH = 50 CU. FT PER LIN. FT.
 X/27 = 1.85 CU. YDS PER LIN. FT.
 X1519' = 2,811 CU. YDS FILL

ROAD AREA

ROADWAY WIDTH = 32'
 LENGTH IMPACTING WETLANDS = 1519'
 AREA IMPACTING WETLANDS = $(32' \times 1519')$ / 43560 SFT/AC. = 1.12 AC.

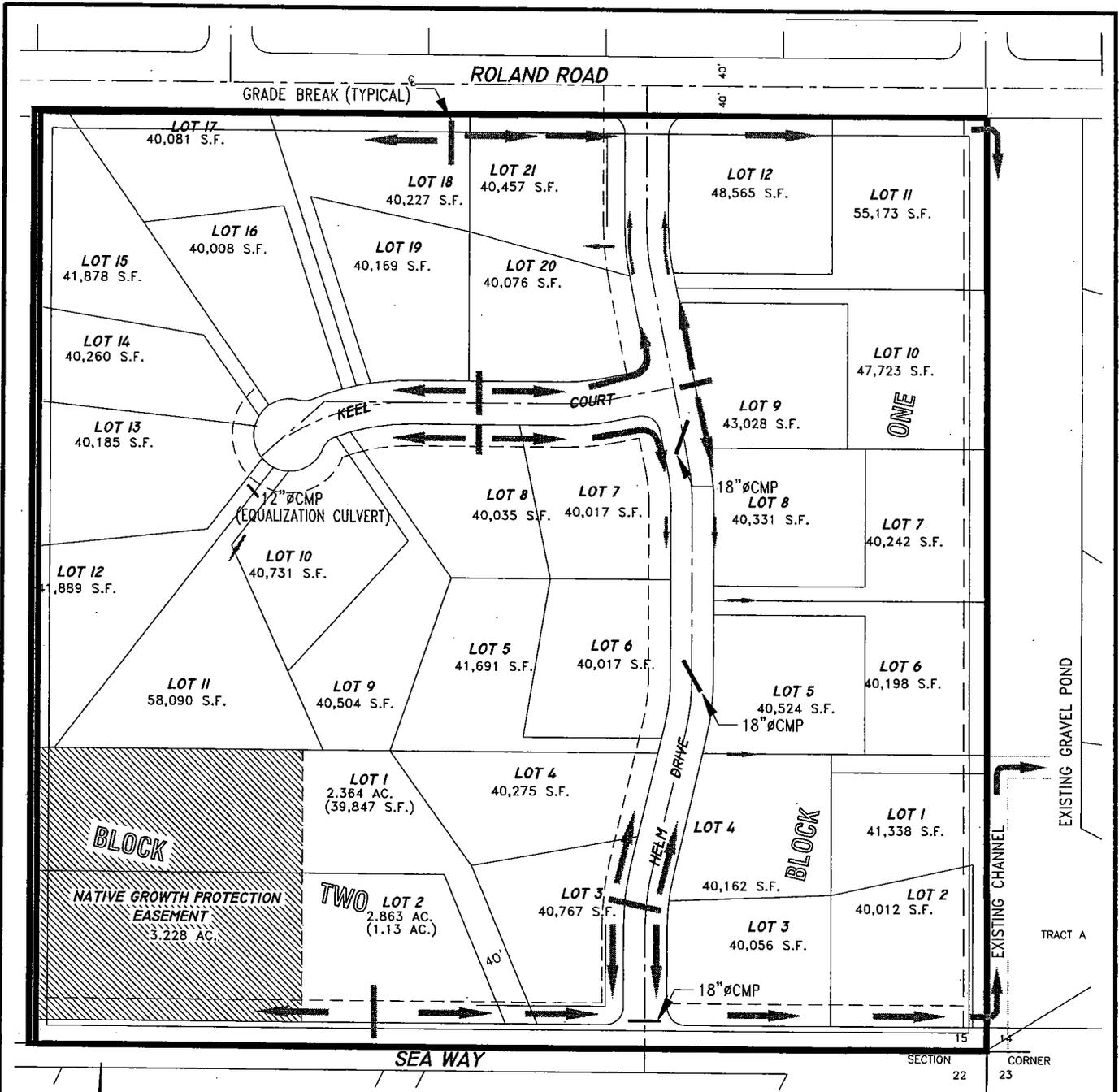
SHEET 4 OF 4

RCH SURVEYS LTD
 326 DRIVEWAY ST. STE 102
 FAIRBANKS, ALASKA
 99709
 (907) 451-7411

TYPICAL SPAN
 FOR
 WETLANDS CROSSINGS
 SCALE: AS NOTED

ROLAND ACRES
 SUBDIVISION

11-17-08



-  GRADE BREAK
-  CMP
-  WATER FLOW VECTOR

SCALE: 1"=200'



**ROLAND ACRES SUBDIVISION
DRAINAGE PLAN SUMMARY**

SCALE: 1"=200' POA-2000-1121-M2, Tanana River DATE: 12-16-08
 Mr. J. Andrew Bachner
 Drainage Plan
 Sheet 5 of 5