



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 29 October 2008
EXPIRATION DATE: 28 November 2008
REFERENCE NUMBER: POA-2003-896-M1 (Modification 1)
WATERWAY: Chitina River

Interested parties are hereby notified that a Department of the Army permit modification 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 **Mary Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.f.leykom@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709-5316; contact Brett Nelson at (907) 451-5212.

LOCATION: The project location is 56 miles of the McCarthy Road between Chitina and McCarthy, Alaska. The project begins at Milepost 3, Latitude 61.5369° N., Longitude -144.3698° W.; the project ends at Milepost 59, Latitude 61.4339° N., Longitude -142.9343°. A table with the work locations and list of USGS topographical maps is contained in the plans.

SPECIAL AREA DESIGNATION: The project is located within the outside boundaries of the Wrangell-Saint Elias National Park and Preserve.

PURPOSE: The applicant's stated purpose is to improve vehicle safety and reduce maintenance efforts by improving the road width, sight distances, drainage, and roadway surface material.

PROPOSED WORK: Widen the existing McCarthy Road by 6 to 8 feet to a consistent 24-foot top width, in places where deficient (the original permit authorized a 20-foot roadway width). The grade would also be raised by 1-2 feet in the upgraded areas. Approximately 35,000 cubic yards of fill material would be required, and an estimated 17.6 acres of wetland filled. Additional cross-drainage culverts would be installed where deemed necessary; no fish streams would be affected. Temporary disturbance to surface soils would potentially affect 29 acres of wetlands; affected areas would be contoured and seeded with native grasses. One of the six

material sites to be used contains wetlands, the Collins pit, and 0.1 acre would be affected. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated September 2008.

ADDITIONAL INFORMATION: The original DA permit for road maintenance on the McCarthy Road was issued in July 2006 and authorized fill placement in wetlands between Mileposts 9 and 44. The work included road widening, ditch construction, catch basin construction, and culvert replacement and installation. The work not yet completed under that permit would be superseded by this permit modification.

MITIGATION: The applicant's stated mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material are: 1) the proposed road work causes the minimum wetland impact while still providing the desired predictable driving surface and safe, maintainable road; 2) the forested wetland at the Esker Ridge East material site would be avoided entirely, leaving a buffer between the material site and the road; 3) material sites impacting wetlands were eliminated from consideration; 4) impacts to higher value aquatic bed wetlands and fish streams were avoided entirely; 5) stockpile areas, equipment turn-arounds, and unusable material disposal sites have all been designed in upland locations.

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 71 AHRS-listed sites in the project vicinity. The State Historic Preservation Officer (SHPO) has concurred with ADOT&PF that 69 of the listed sites are not Register eligible; and that site XMC-217 Crystal Lake Archaeological Site is eligible for listing in the Register. SHPO suggests that site VAL-357 Kuskulana Trail may be eligible and also recommended that surveys be conducted on 7 of the 10 possible material sites.

ADOT&PF has designed the project to avoid sites XMC-217 and VAL-357. Six of the 10 possible material sites are still under consideration by ADOT&PF, three of which have been surveyed; the other sites pending. Additional coordination will occur when that information is provided to the 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. A preliminary evaluation has determined that 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). The 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 because no work would occur in or near anadromous fish streams. 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.

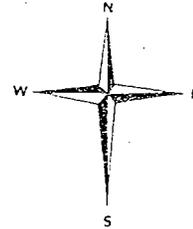
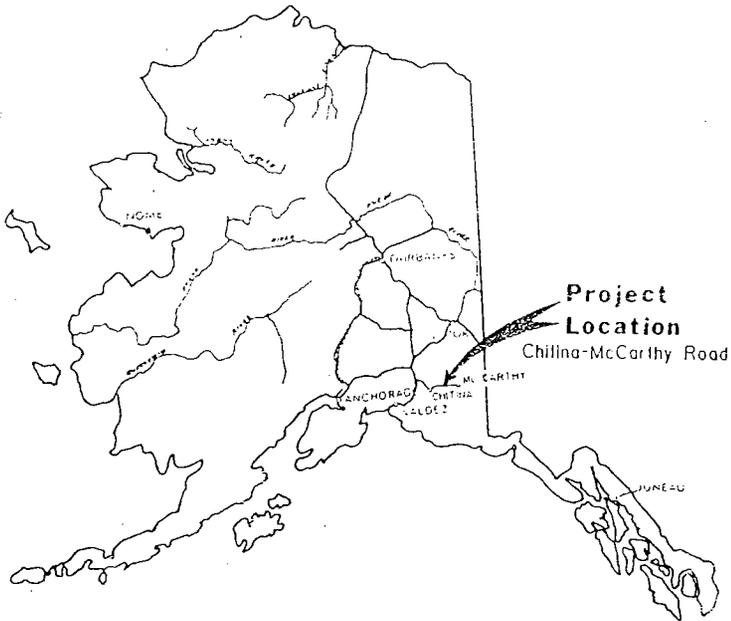
AUTHORITY: This permit modification will be issued or denied under the following authorities:

(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

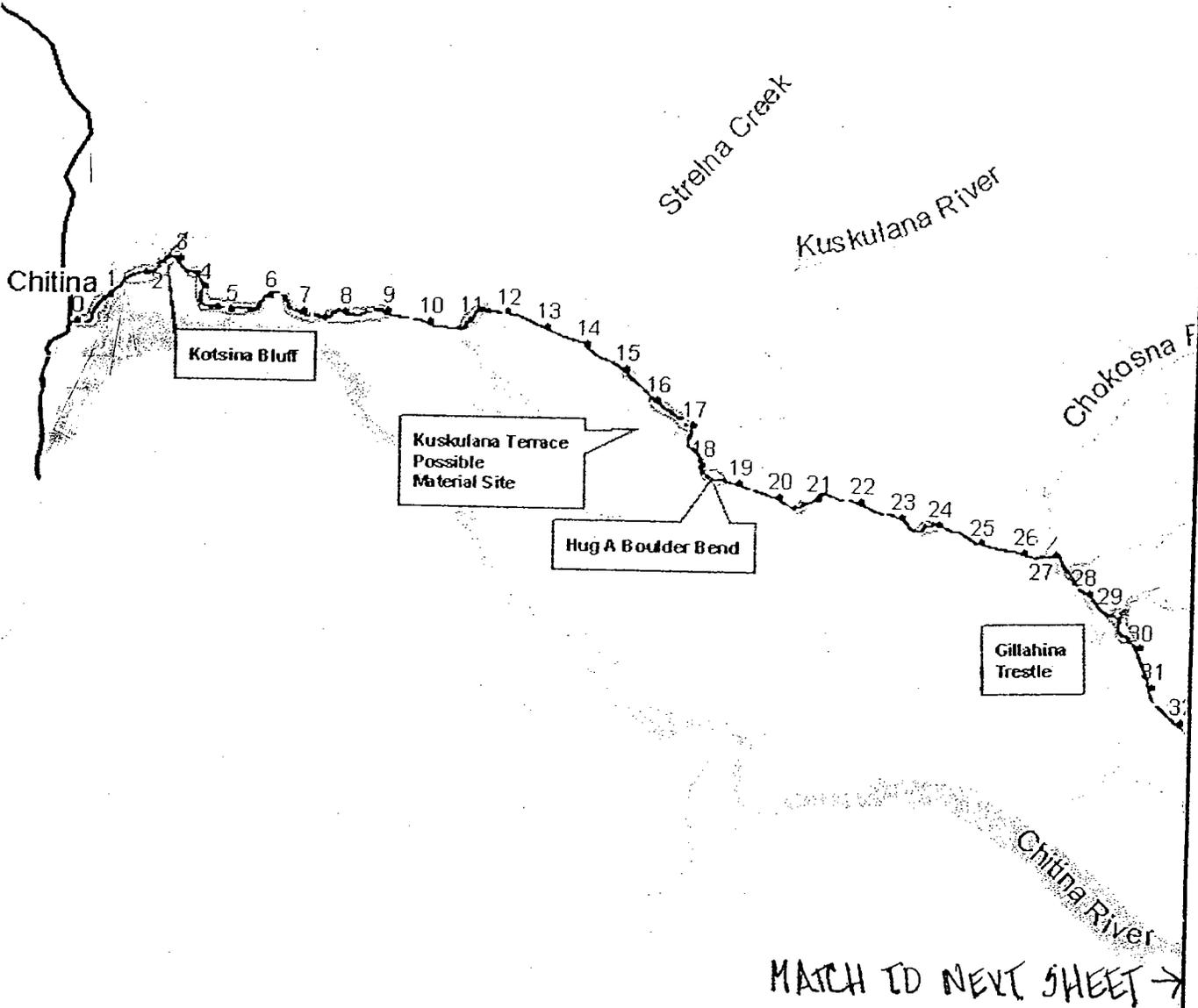


Beginning of Project Area: McCarthy Road MP 3 (N 61.5369, W -144.3698)
 End of Project Area: McCarthy Road MP 59 (N 61.4339, W -142.9343)

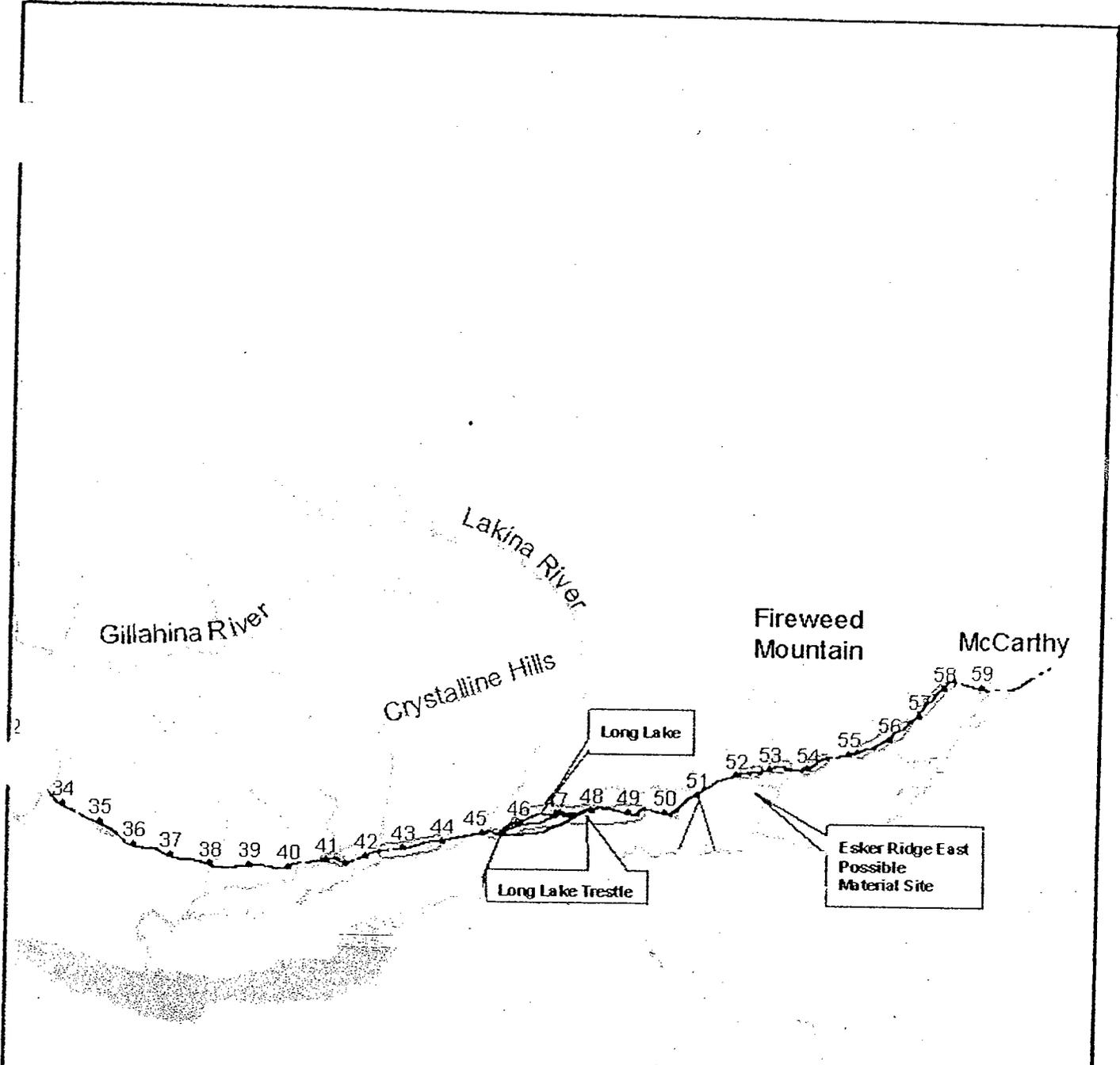
Valdez (C-1)	T4S, R6E, Sections 13, 14, 15, 16, 27, 8 T4S, R7E, Sections 18, 17, 16, 15, 14, 23, 24 T4S, R8E, Section 19
Valdez (C-2)	T4S, R6E, Section 7
Valdez (B-1)	T4S, R8E, Sections 30, 31, 32
McCarthy (B-8)	T4S, R8E, Sections 32, 33, 34, 35 T5S, R8E, Sections 3, 2, 1 T5S, R9E, Sections 6, 5, 4, 9, 10, 11, 13, 14, 24 T5S, R10E, Sections 19, 30, 29, 32, 33, 4 T6S, R10E, Section 4
McCarthy (B-7)	T6S, R10E, Sections 4, 3, 10, 11, 12 T6S, R11E, Sections 7, 8, 9, 10, 11, 2, 1 T6S, R12E, Sections 6, 5, 4 T5S, R12E, Section 33
McCarthy (B-6)	T5S, R12E, Sections 34, 35, 36 T5S, R13E, Sections 31, 30, 29, 28, 27, 26, 23, 24, 13 T5S, R14E, Sections 18, 17

POA-2003-896-M1 McCarthy Road
 Alaska Dept. of Transportation
 Road Maintenance Milepost 3 to 59
 Location information
 Sheet 1 of 4 September 2008

Overview

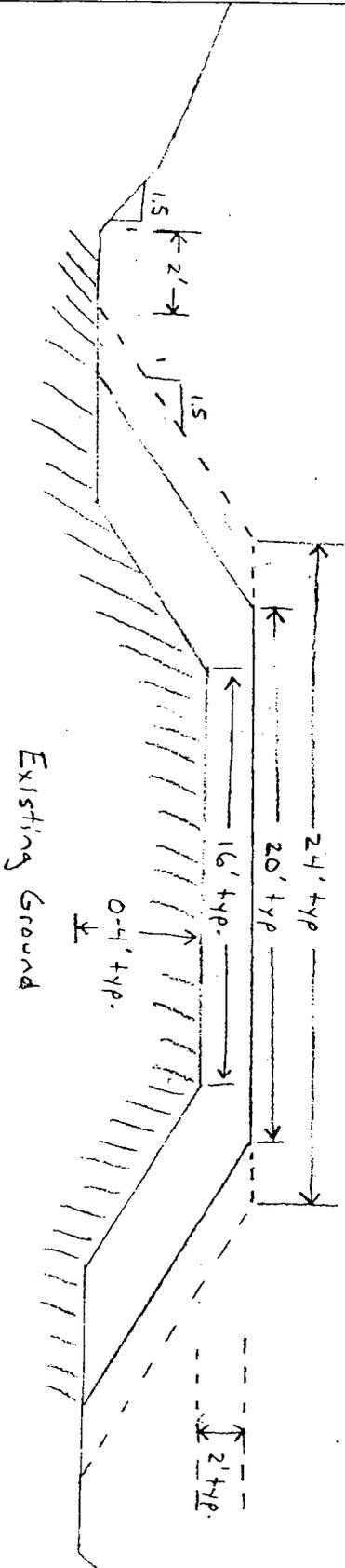


POA-2003-896-M1 McCarthy Road
Alaska Dept. of Transportation
Road Maintenance Milepost 3 to 59
Location and mileposts
Sheet 2 of 4 September 2008



← MATCH TO PREVIOUS SHEET

POA-2003-896-M1 McCarthy Road
 Alaska Dept. of Transportation
 Road Maintenance Milepost 3 to 59
 Location and mileposts
 Sheet 3 of 4 September 2008



STATE OF ALASKA

POA-2003-896-M1 McCarthy Road
 Alaska Dept. of Transportation
 Road Maintenance Milepost 3 to 59
 Typical cross section
 Sheet 4 of 4 September 2008

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 modification described in the Corps of Engineers' Public Notice No. POA-2003-896-M1, (State project # 62900), 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.

STATE OF ALASKA

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