



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 21 September 2004

EXPIRATION DATE: 20 October 2004

REFERENCE NUMBER: POA-2000-704-4

WATERWAY NUMBER: Copper River 19

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Kenny Lake Soil and Water Conservation District, HC 60 Box 52, Copper Center, Alaska, POC Rich Pearson (907) 822-4479

LOCATION: The parcel of land, which contains the three roads is located approximately 4 miles south of Copper Center, 12 miles northwest of Kenny Lake and one mile east of the Richardson Highway. The proposed roads are within, sections 6-8, 17-20, 28-29, Township 1 South, Range 1 East, Copper River Meridian, near Copper Center, Alaska [Harris's Way south beginning - Latitude 61° 51' 39" Longitude 145° 16' 35", Harris's Way north ending Latitude 61° 53' 54", Longitude 145° 18' 50" (Roig Road west ending location Latitude 61° 50' 53", Longitude 145° 18' 48", Steve's Lane ending point Latitude 61° 52' 31", Longitude 145° 18' 48"]

PURPOSE: Construct approximately five miles of roadway within a 50' road easement, within the Tonsina North Agricultural Area parcel. The road would provide access to 11 individual parcels of lands designated for agricultural development. Construction of the access roads would be accomplished in phases as needed and as funding is available.

WORK: Phase I, Discharge approximately 2,550 cubic yards of clean (pit run) gravel materials within a 1.1 mile portion of road (Harris's Way) northward of Northwood Avenue. Phase II would construct an additional 20,700 feet of roadway (roadway south of Northwood Avenue and also Steven's Lane and Roigs Road) placing 8,800 cubic yards of fill materials within areas of wetlands (permafrost and swales). The amount of wetland acreage being impacted is approximately 4.2 acres.

ADDITIONAL INFORMATION: The proposed work involves the placement of fill to construct the roadway through areas of permafrost and wetland swales. Construction of the road would also include the placement of 35,000 square yards of Typar fabric to stabilize it from permafrost effects and settling.

Culverts would be placed into established swales to maintain hydrology between areas divided by the road.

Phase II may be divided into additional phases based upon need and funding.

MITIGATION: The applicant has incorporated culverts to maintain cross drainage in swales throughout the proposed roadway to reduce impacts to the aquatic environment.

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.

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.

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 Engineer 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That 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 Engineer 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.

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 Mr. John Klutz at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at john.r.klutz@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit 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).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

## 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-2004-704-4, Copper River 19, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

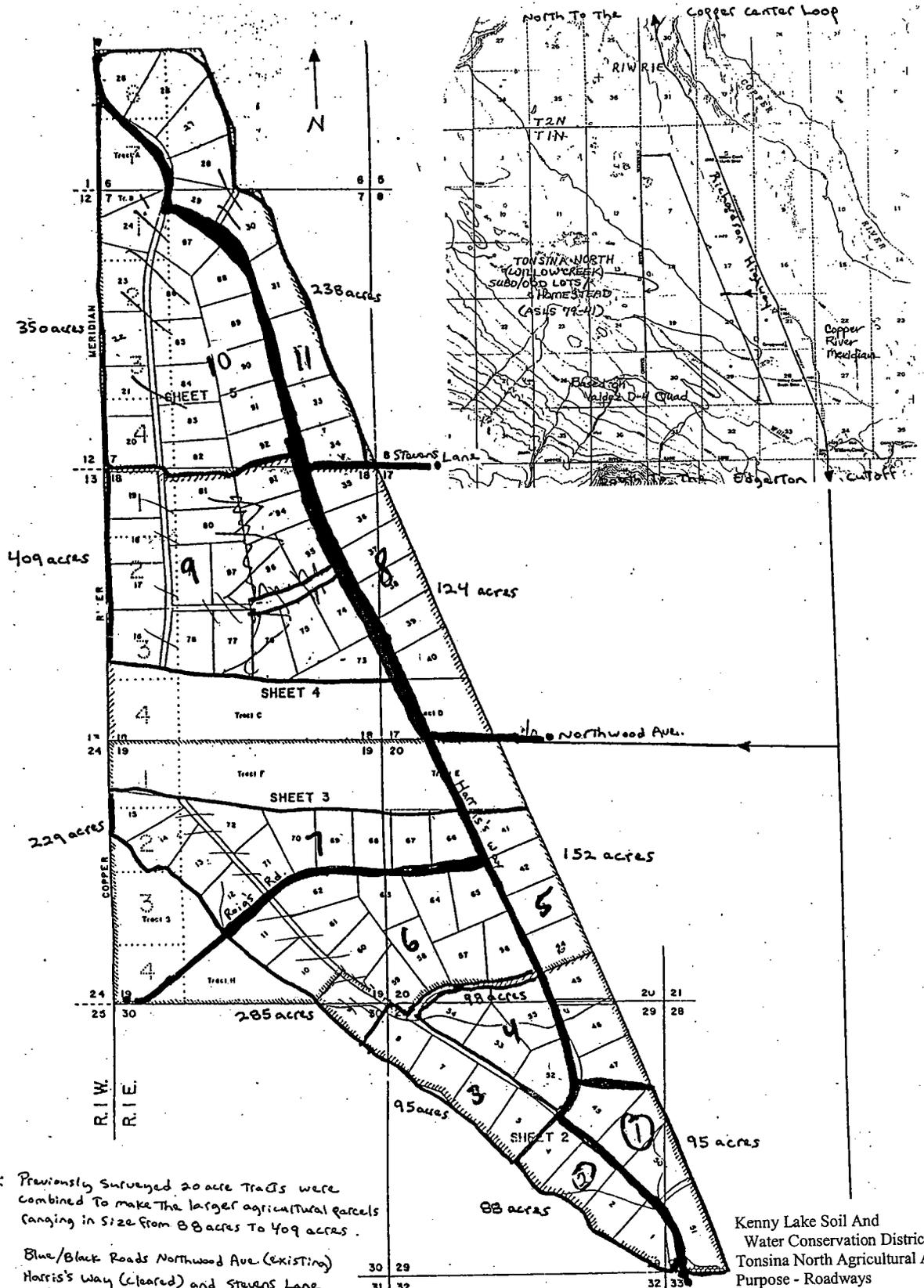
After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

# TONSINA NORTH Agricultural Sale

Total Acres = 2,163



NOTE: Previously surveyed 20 acre tracts were combined to make the larger agricultural parcels ranging in size from 88 acres to 409 acres.

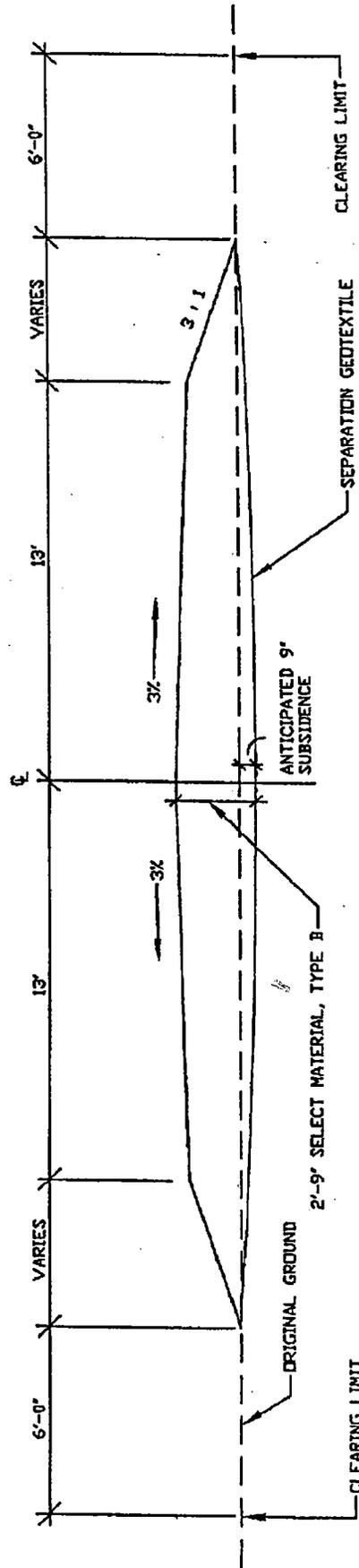
Blue/Black Roads Northwood Ave. (Existing) Harris Way (Cleared) and Stevens Lane and Roig's Road (not cleared) are the only roads planned.

The other roads on this map (with hatch marks) are no longer part of the plan.

NOTE: Red area from Northwood Ave. north

Kenny Lake Soil And  
Water Conservation District  
Tonsina North Agricultural Area  
Purpose - Roadways  
COE # - POA-2000-704-4  
Copper River 19  
Date: 9/10/04  
Sheet 1 of 2

Tonsina North Agricultural Land  
Proposed Road Cross-Section



# TYPICAL SECTION

Kenny Lake Soil And  
 Water Conservation District  
 Tonsina North Agricultural Area  
 Purpose - Roadways  
 COE # - POA- 2000-704-4  
 Copper River 19  
 Date: 9/10/04  
 Sheet 2 of 2