US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
3437 Airport Way
Suite 206
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE:	August 31, 2005
EXPIRATION DATE:	September 30, 2005
REFERENCE NUMBER:	POA-2002-146-M
WATERWAY:	Tanana River

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: Mr. Milt Behr, Post Office Box 71938, Fairbanks, Alaska 99707. (907) 474-0479

LOCATION: Section 28, T. 1 S., R. 2 W., Fairbanks Meridian, latitude 64.805° N., longitude 147.949° W., in Fairbanks, Alaska.

WORK: All work would be completed in accordance with the attached plans (sheets 1-5) dated July 26, 2005.

PURPOSE: Peat mining and agricultural development with a small on-site sand and gravel source for material to be used in the agricultural activities. Please see narrative description of the nature of activity, included in the attached plans.

ADDITIONAL INFORMATION: The applicant proposes to place approximately 39,470 cubic yards of silt and sand fill material into approximately 17 acres of wetlands and mechanically clear an additional area of approximately three acres at the material pits. The applicant would also place approximately 4000 cubic yards of gravel and an undetermined quantity of overburden (resulting from clearing the winter access) on a 25 foot wide summer access road and mechanically clear a 25 foot winter access immediately adjacent to the summer access road. The applicant has included reclamation practices for the resulting material pits in the plans, with 1:20 littoral zones, irregular shorelines, and placement of organics consistent with his previous reclamation plans used on similar projects.

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.
Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, 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. 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 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 Will Strickland at the Fairbanks Field Office, 907-474-2166, or by email at William.k.strickland@poa02.usace.army.mil if further information is desired concerning this notice.

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

( ) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
Non-Point Source Water Pollution Control Program
401 Certification Program

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

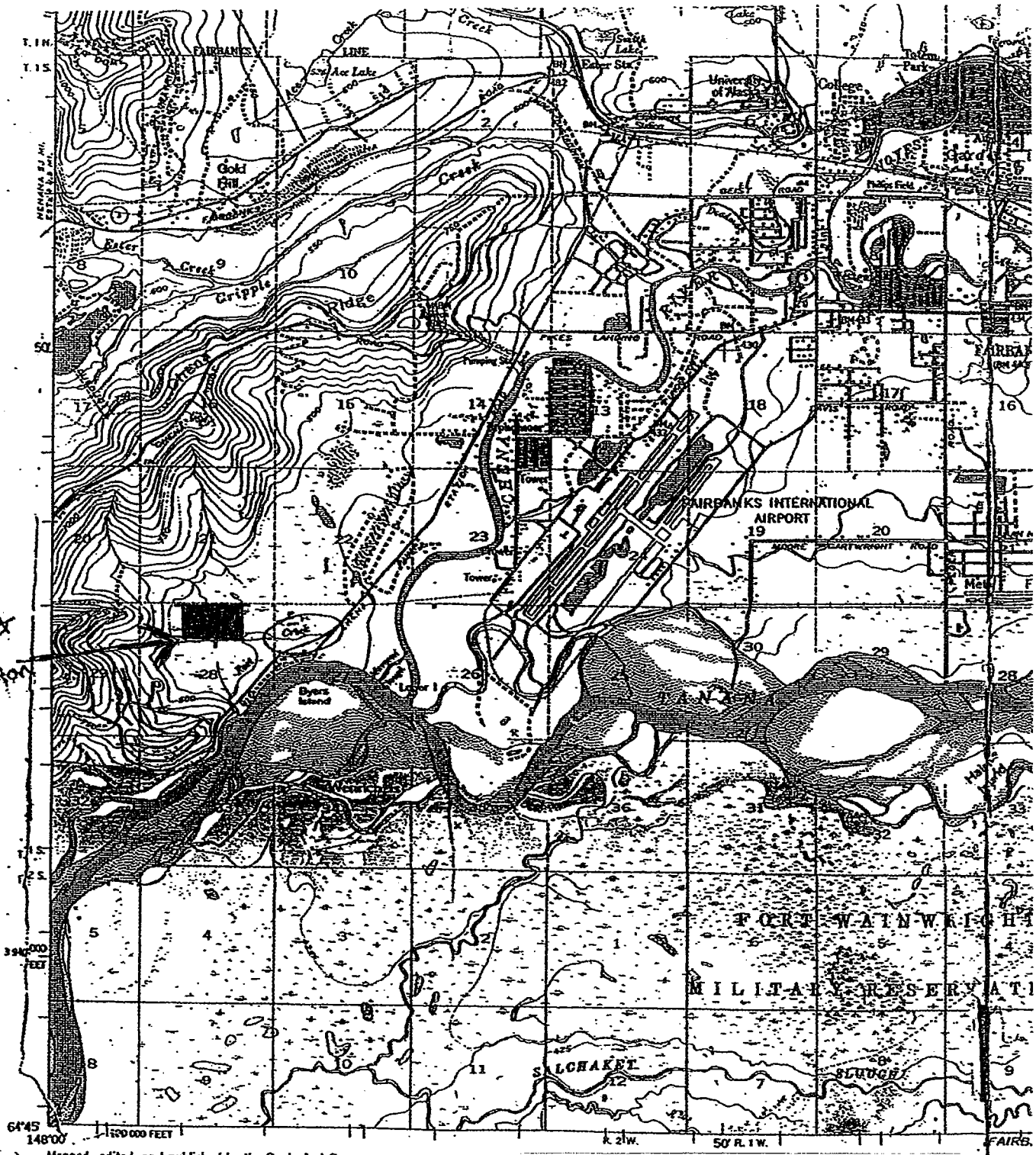
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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 20i2-146-M, Tanana River** serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), 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) 269-7564
FAX: (907) 269-7508



Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS and USCE

Topography by photogrammetric methods from aerial photographs taken 1949. Culture revised 1955 from aerial photographs taken 1954
Map not field checked

Universal Transverse Mercator projection, 1927 North American datum
10,000-foot grid based on Alaska coordinate system, zone 3
1000-meter Universal Transverse Mercator grid ticks, zone 6, shown in blue

Gray land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management
Folios F-6, F-7, F-9, and F-10, Fairbanks Meridian

Swamps, as portrayed, indicate only the wetter areas, usually of low relief, as interpreted from aerial photographs

Red tint indicates areas in which only landmark buildings are sho

FAIRBANKS C-3

Blueberry Acres Vicinity Map

POA-2002-146-M
July 26, 2005
Vicinity Map

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18- Nature of Activity (Description of project, include all features)

Area 1 - Develop a peat pit for the extraction of peat to be trucked off after it is pushed up into piles and allowed to drain. I had soils drilled in April of 2005 and found peat in this area from 4 foot to 8 foot in depth. A 10 acre area would be cleared of vegetation where peat is to be excavated and vegetation would be placed back in the 10 acre area after the excavation of the peat. I had moisture samples taken from the peat and moisture content was high and with annual rainfall it is expected that excavated area will fill with water forming a lake. A winter road will also need to be constructed to remove the peat. A 50 foot wide road will be necessary for both winter and summer access. A 25 foot wide area would be cleared for winter access, pushing vegetation and mosses onto the other 25 foot road area that would be used for summer access. The vegetation and mosses removed from this 25 foot section will be used to keep the other 25 foot section insulated for summer use. The road will go from peat extraction area to Area 2.

Area 2 – This area will involve 20 acres on the east portion of the 80 acre site, as designated on the attached map. 17.5 acres of this 20 acre portion would be filled with thefill material from two pits totaling 2.5 acres (leaving two lakes totaling 2.5 acres) A one acre gravel pit will be formed on SE corner of 80 acres.. A 1.5 acre pit will be excavated and that fill used to build up the agricultural and area. One pit will be developed for fill material which consists of silt and sand. The majority of gravel excavated will be used for on-site activity with the possibility of some off-site use. Peat from Area 1 will be needed to develop the agricultural site on Area 2. The north end of Area 2 will be used to temporarily stockpile peat excavated from Area 1. The south end of Area 2 will be used to temporarily stockpile gravel excavated from Area 2. Stockpile area would later be used for agriculture or residential purposes.

19- Project Purpose (Describe the reason or purpose of the project)

Area 1 – Extract peat for sale, donation of peat to Interior Girl's Softball Association for construction of new softball fields at South Davis Park and development of agricultural site on Area 2. Peat excavation areas to be returned to wetland status. Work would begin in April of 2006 and continue for approximately 5-7 years. The development of this area will be dependant on seasonal temperature changes from year to year. Peat would be stacked in piles to drain during the summer months as the ground thaws. The removal of peat would occur when the ground is frozen so that it may be transported over the frozen winter road.

Area 2 – To build up an area for agricultural purposes so that proper drainage can be achieved and the mixture of silt, sand and peat to make richer soils for agriculture purposes. To excavate needed material to build up these areas. To obtain gravel for site and road development, possible off-site usage. To stockpile peat and gravel during development. Both of these stockpile areas will be developed for agriculture or residential use in the future. Work would begin in April 2006 and continue for approximately a five year period.

20-Reason (s) For Discharge

Area 1 – No permanent discharge.

Area 2- To build up area so it will drain for agriculture use and to stockpile peat and gravel. Stockpile areas would later be used for agriculture or residential purposes.

Block 21- Type (s) of materials Being Discharged and the amount of each type in Cubic Yards

39,470 cubic yards of silt and sand to be placed on 17 acres. 4000 cubic yards of gravel to be used for roads.

Block 22- Surface Area of Wetlands or Other Waters Filled

Area 2- Fill material (silt and sand) will be placed on 17 acres. A bulldozer and backhoe will be used to excavate silt and sand from pit areas and either a backhoe or dragline will be used to excavate gravel. Fill material will be spread over fill area by a bulldozer or front-end loader and dump trucks.

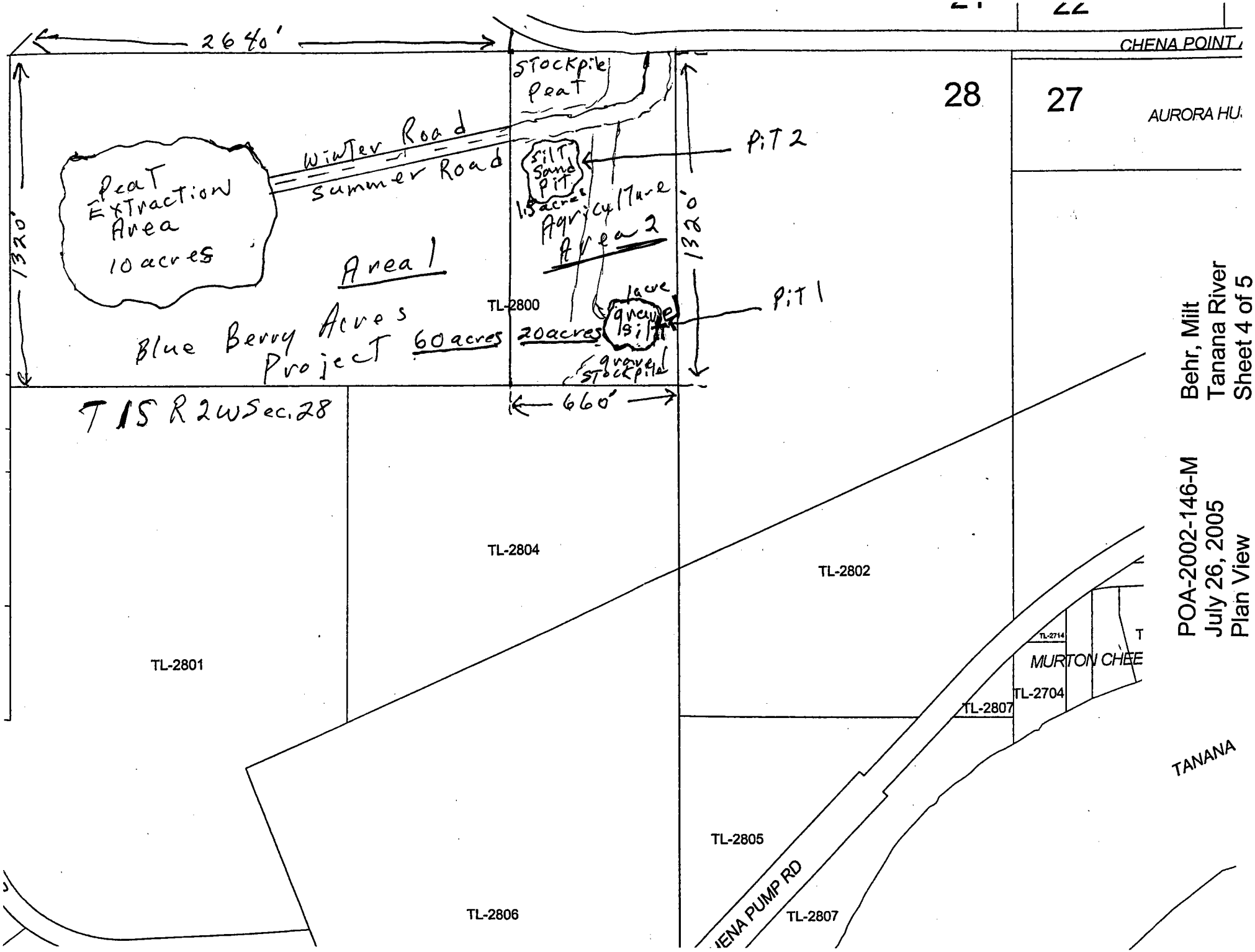
Block 23. Is any portion of the Work Already Completed?

In April 2003 I obtained a Corp Permit and drilled 12 holes on this parcel to obtain information on soils and in April 2005 I got another permit and drilled 14 additional holes for soils information and 1 hole to test water quality for agriculture use.

Block 24- Names and Addresses of Ajoining Property Owners, Leesees, etc., Whose Property Adjoins the Project Site

Peter Smith
1390 Pickering Dr.
Fairbanks, Alaska 99708

Don Hopkins
P.O. Box 80668
Fairbanks, Alaska 99708



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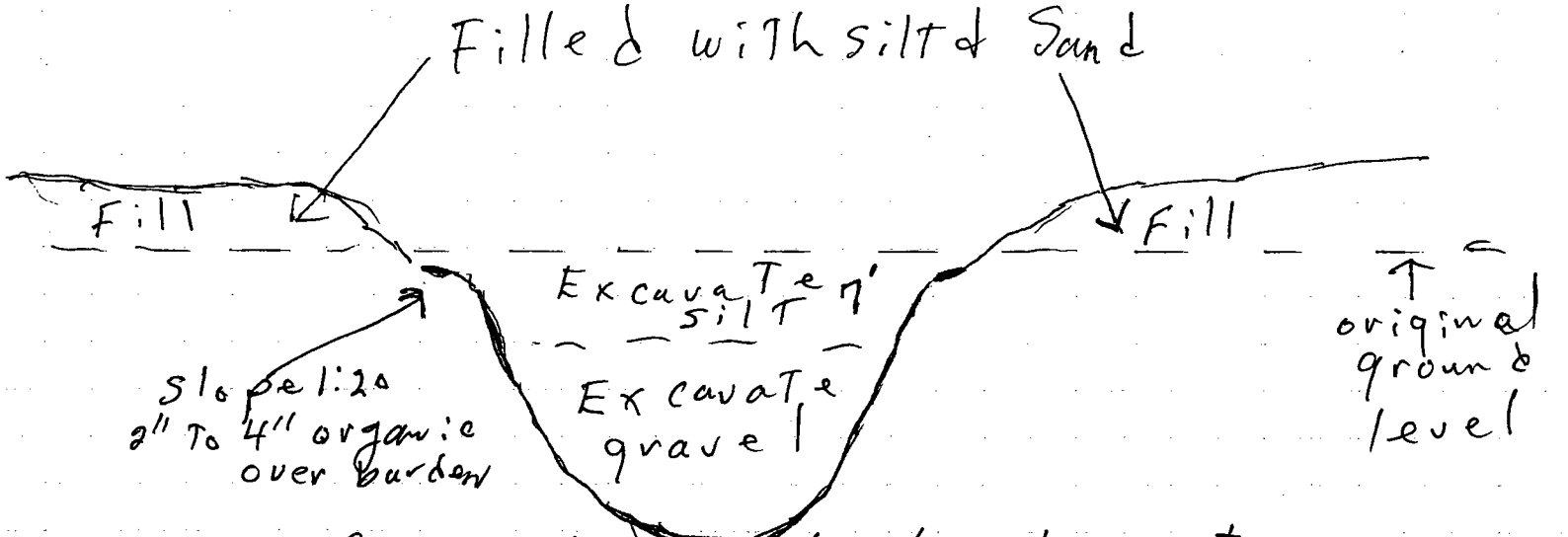
Plan View

Blueberry Acres

Pit 1

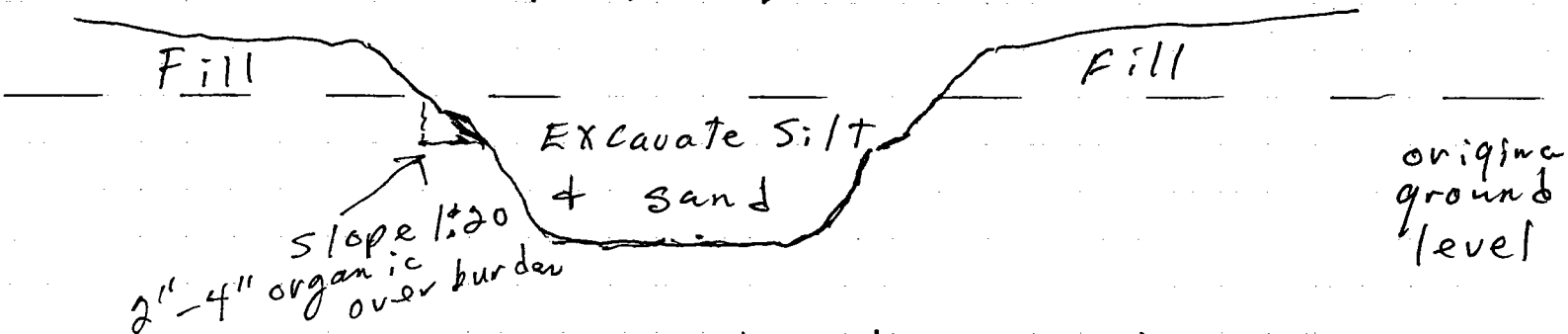


Gravel placed cleared areas. ± 4000 cu.yd.
Fill placed on cleared areas - ± 10,370 cu.yd

Cross Sections

No Scale

Pit 2



Fill placed on cleared areas - ± 29,100 cu.yd.

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Pit Sections

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