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: December 31, 2003

EXPIRATION DATE: January 31, 2004

REFERENCE NUMBER: 4-2003-1555

WATERWAY NUMBER: Jarvis Creek 5

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: Michael T Meeks, Directorate of Public Works, Fort Wainwright, Alaska.

LOCATION: Donnelly Training Area, Alaska. Sections 5, 8, 9, 16, 21, and 22, T. 11 S., R. 11 E., Fairbanks Meridian. USGS quadrangle Mount Hayes D-4. Latitude 63° 58′ N, Longitude 145° 34′ W.

WORK: The applicant proposes to mechanically clear approximately 275 acres of vegetation and organic mat using a dozer. Eighty-five of these acres are located within wetlands. The vegetation will be cleared and placed in windrows for burning in the fall. An estimated 10,542 cubic yards of vegetation debris will be discharged in the form of windrows along the entire project length. Refer to Project Vicinity Plan View, dated 12-29-2003, page 1 of 1.

PURPOSE: The project is designed to construct firebreaks in the Jarvis North area.

ADDITIONAL INFORMATION: The Jarvis North Fire Mitigation Project (JNFMP) would consist of clearing several 300-foot wide strips of vegetation along an existing trail in order to convert spruce dominated forested areas to hardwoods. As each plot is cleared, slash and overburden would be windrowed for burning. This would result in overburden being consolidated within wetlands on location. Overburden cleared in wetlands must be windrowed in these locations, as upland locations do not exist nearby. The total area impacted by this project would be 257 acres of which 85 acres of wetlands would be impacted. These wetlands are located within Tanana series soils and are saturated to varying degrees. Treatments would consist of shearblading at ground level or hydro axing, and then clearing to mineral soil with a bulldozer, dependent upon the existing vegetation. All coniferous over story vegetation would be mechanically removed and piled into windrows within the treatment area. The windrows would be burned during the next winter. The organic mat would be removed exposing bare mineral soil after windrows have been burned. Seedbeds would be prepared and seeded where no hardwoods are present for stump or root sprouting. Thirty-six acres of hand thinning has already been completed.

This project has been designed in coordination with the Alaska Fire Service. United States Army Garrison, Alaska intends this project to be a landscape scale fire mitigation project. Multiple management techniques would be used to lessen the probability of fire moving off or onto military lands. Rapid stand conversion from black spruce to a pure deciduous stand would be conducted over a period of five years. If a fire were to start in Donnelly Training Area, the less volatile deciduous stand would stop or slow the progression of low intensity fire from moving northward. This fuel break would give fire fighters an advantage of suppression if the conditions were that of a high intensity crown fire. Ground disturbing portions of the JNFMP are projected to begin in March 2004 and to be completed by December 2008.

Authorized Agent: Ellen M. Clark, Natural Resources Specialist, Post Office Box 1291, Delta Junction, Alaska 99737. (907) 873-1614.

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 is an unevaluated property in the vicinity of the worksite. It has been designated AHRS # XMH-00290. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with 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 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: The project is located within the Donnelly Training Area, United States Army, Alaska.

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 Mrs. Sheila Newman at (907) 474-2166, if further information is desired concerning this notice.

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

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 AIR AND WATER QUALITY
Non-Point Source Control Section
401 Certification Program

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

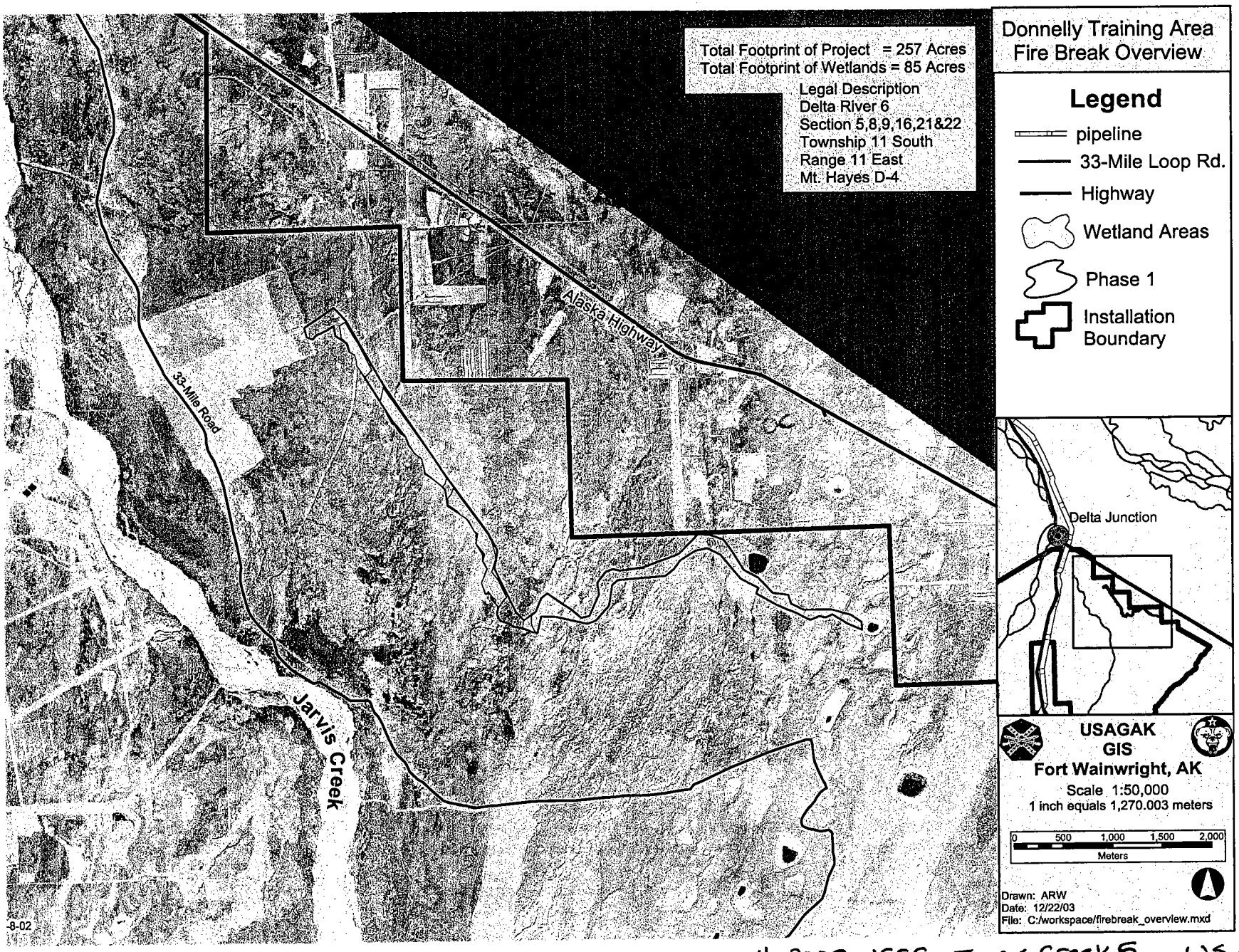
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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. **4-2003-1555, Jarvis Creek 5** 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



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Project Vicinity, Plan View