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: February 19, 2004

EXPIRATION DATE: March 19, 2004

REFERENCE NUMBER: POA-2004-199-2

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: Interior Excavation and Trucking, Inc., Ray Wills, President, Post Office Box 70372, Fairbanks, Alaska 99707

LOCATION: On the Tanana River, northwest of Groin 9, west of Lathrop Street Extension, Sections 27 and 28, T. 1 S., R. 1 W., Fairbanks Meridian, latitude 64.8°N, longitude 147.7 E., near Fairbanks, Alaska.

WORK: Mechanized landclearing of approximately 7.1 acres of waters of the US, wetlands, excavation of approximately 125,000 cubic yards of gravel from the Tanana River, placement of approximately 30,000 cubic yards of overburden into approximately 2.3 acres of the cleared wetland area, and placement of temporary stockpiles of no more than 30,000 cubic yards of gravel into approximately 4.6 acres of the cleared wetland area, in accordance with the attached plans (3 sheets), dated 01/26/04.

PURPOSE: The applicant proposes to extract gravel for commercial sale.

ADDITIONAL INFORMATION: Authorization for gravel extraction from this site was issued to Fairbanks North Star Borough (FNSB) on March 12, 1998, for use at the FNSB landfill. The work was completed as permitted, with the exception of a recreational boat launch and parking area. There are no current plans for recreational development of the area. The area originally cleared as a staging area and workpad is currently occupied by approximately 20,000 cubic yards of fill material originally excavated by FNSB, held as reserve landfill cover. The current applicant proposes to clear approximately 7.1 acres north of the original pad, excavate approximately 4.6 acres of this area (180-200′ X 800-1000′), and use the remainder of the cleared area, approximately 2.5 acres, for temporary stockpiles of excavated gravel, and possible future excavation. Overburden would be stockpiled east of this area, in approximately 2.3 acres (250′ X 400′). Upon completion of the excavation, the site would be reclaimed as described on sheet 3 of the attached plans.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: The mined area would be reclaimed by recontouring slopes, restructuring drainage, repairing access roads, disposing of remaining stockpiles, spreading overburden and vegetating any disturbed areas and banks.

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.

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 Ms. Christy Everett at (907) 474-2166, or by email at Christy.a.Everett@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) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

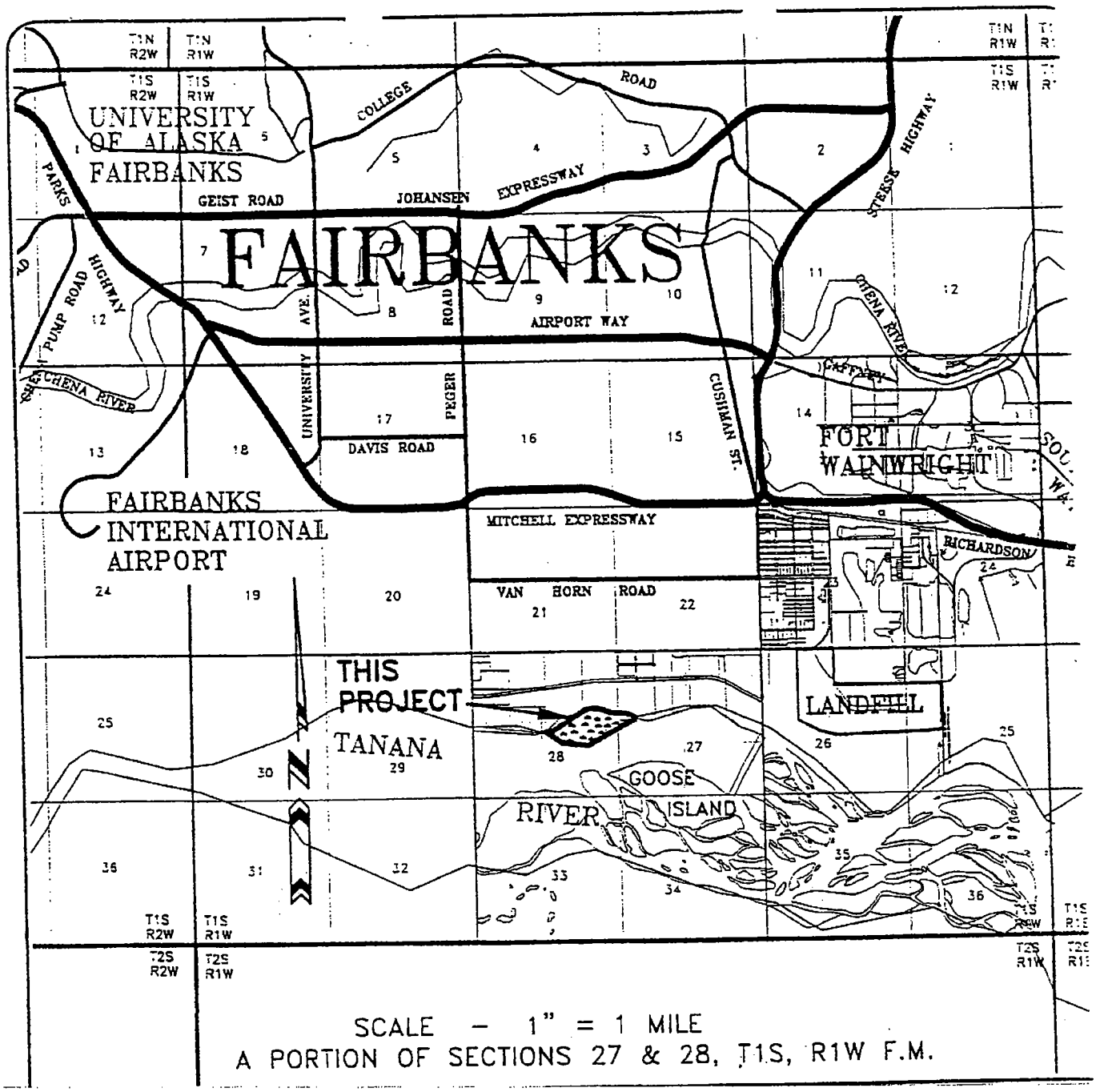
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

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



SCALE – 1" = 1 MILE

A PORTION OF SECTIONS 27 & 28, T1S, R1W F.M.

Name: Intior Excavating + Trucking Inc

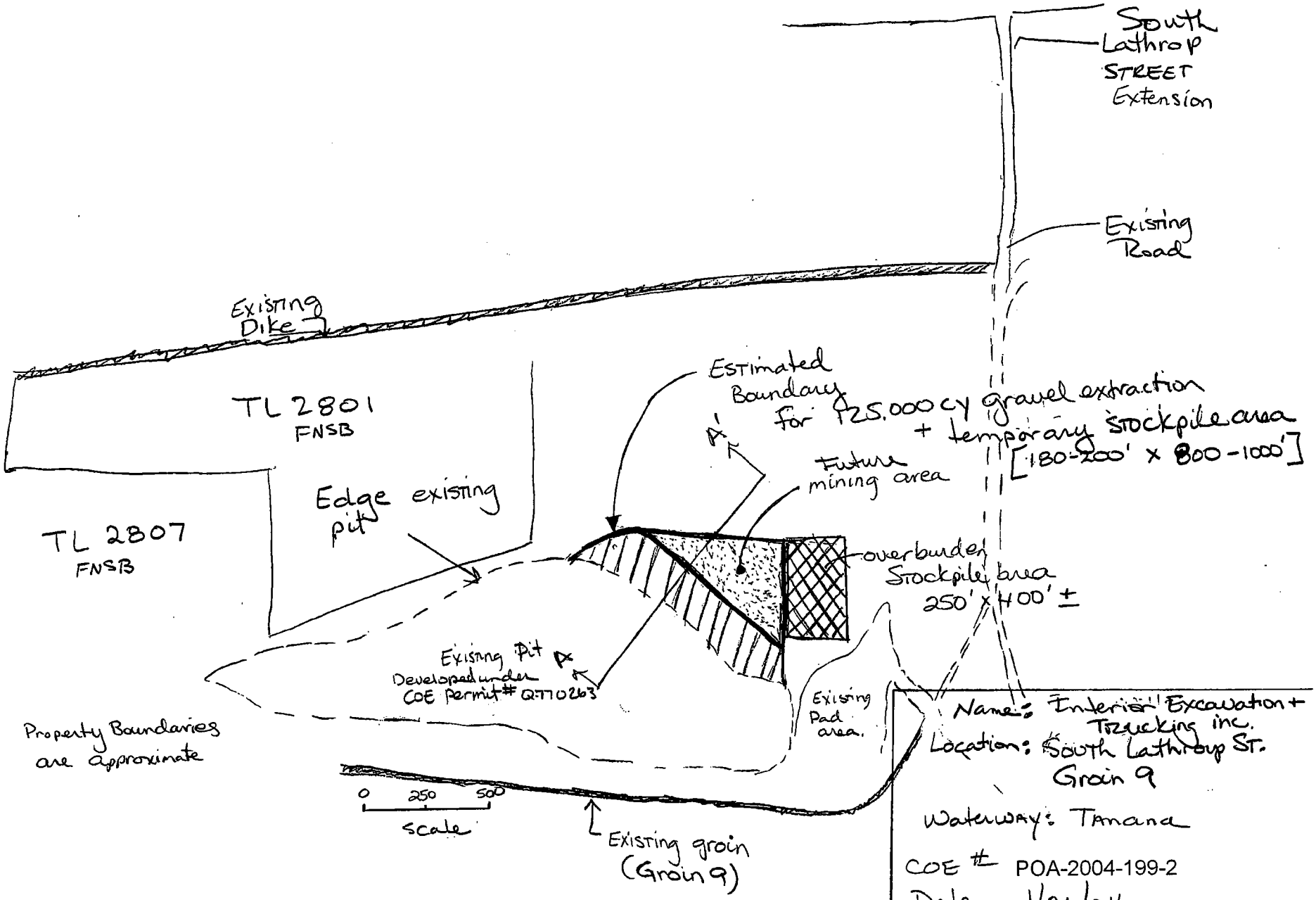
Location: South Lathrop St. Groin 9

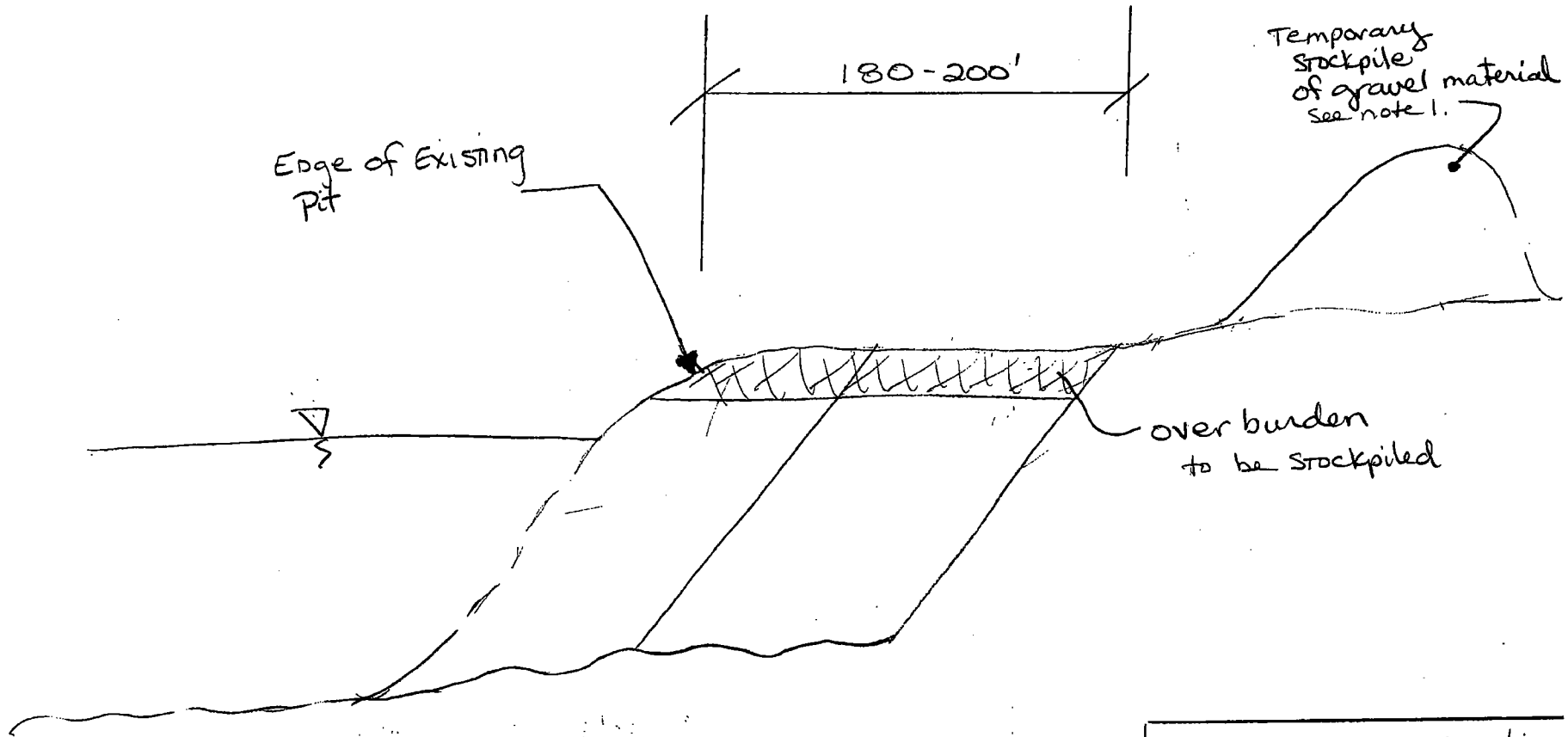
Waterway: Tanana

COE # POA-2004-199-2

Date 1/26/04

Sheet 1/3


South Lathrop STREET Extension
Existing Road
Existing Dike
TL 2801 FNSB
TL 2807 FNSB
Edge existing pit
Estimated Boundary for 125,000 cy gravel extraction + temporary stockpile area [180-200' x 800-1000']
Future mining area
overburden Stockpile area 250' x 400' ±
Existing Pit Developed under COE Permit # Q-770263
Existing Pad area.
Property Boundaries are approximate
0 250 500
scale
Existing groin (Groin 9)
Name: Interior Excavation + Trucking inc.
Location: South Lathrop St. Groin 9
Waterway: Tanana
COE # POA-2004-199-2
Date 1/26/04
Sheet 2/3



Notes:

1. As gravel is bailed by dragline it will be temporarily Stockpiled adjacent to the mining area. The material will then be transported off site.
2. The area mined under this permit will be reclaimed by recontourning slopes, restructuring drainage, repairing access roads to and within the pit area, disposing of remaining stockpiles, spreading overburden and vegetating any disturbed areas and banks as well as removal of any equipment and/or materials used in the operation.

Name: Interior Excavation + Trucking Inc.

Location: South Lathrop St. Groin 9

Waterway: Tanana

COE # POA-2004-199-2

Date 1/26/04

Sheet 3/3

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. **POA-2004-199-2, 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