

Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE Regulatory Division (1145) CEPOA-RD 2175 University Avenue, Suite 201E Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE: March 9, 2021

EXPIRATION DATE: April 8, 2021

REFERENCE NUMBER: POA-2021-00041

WATERWAY: Sagavanirktok River

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact John Sargent at (907) 458-1603 by fax at (907) 474-2164, or by email at John.C.Sargent@usace.army.mil if further information is desired concerning this notice.

<u>APPLICANT</u>: Alaska Department of Transportation and Public Facilities, Attention: Mr. Brett Nelson

<u>LOCATION</u>: The project site is located at south end at MP 289, Latitude 68.64706° N., Longitude -149.41167° W., and north end at MP 305; Latitude 68.76080° N., Longitude -148.88611° W., along the Dalton Highway on the North Slope near Slope Mountain, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to rehabilitate the Dalton Highway by preserving and extending the life of the highway to enhance public safety.

<u>PROPOSED WORK</u>: The applicant proposes to permanently fill 80 acres of wetlands and 0.27 acre of open water with 346,705 cubic yards of gravel fill material, in order to establish a uniform road width with vehicle turnouts, raised embankment, and improve water drainage along the Dalton Highway between MP 289 and MP 305.

All work would be performed in accordance with the enclosed plan (sheets 1-59), dated January 2021.

<u>APPLICANT PROPOSED MITIGATION</u>: The applicant proposes the following mitigation measures to mitigate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: Total avoidance of wetlands was not possible because of the abundance of wetlands in the road alignment area.
- b. Minimization: The highway would be maintained in its current alignment and only shifting with no major realignments. The embankment slopes were designed at a relatively steep 2:1 slope that would reduce wetland impacts compared to a flatter slope. Existing drainage patterns would be maintained or enhanced, to include the replacement of damaged or failing culverts with culverts of similar or larger sizes. Existing 24-inch drainage culverts would be primarily replaced with 36-inch culverts to ensure sufficient hydraulic capacity. Culvert replacements would improve water quality by reducing scour and erosion of sediments, reduce flooding, and by providing improved hydrological connectivity.
- c. Compensatory Mitigation: The applicant has not proposed compensatory mitigation for this project, because the landscape along the project alignment contains virtually all wetlands and the project would have a relatively small impact to the overall wetland ecology of the area.

<u>WATER QUALITY CERTIFICATION</u>: 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.

<u>CULTURAL RESOURCES</u>: The lead Federal agency, Alaska Department of Transportation (DOT) for Federal Highways Administration is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The State Historic Preservation Officers had issued a letter of concurrence in response to the Alaska DOT's No Historic Properties Adversely Affected determination dated September 11, 2015, (File No. 3130-1R FHWA/2015-01430; 3330-6N PSM-00011). The Corps of Engineers (Corps) has reviewed the Section 106 documentation from Alaska DOT and concurs with their findings and determinations.

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

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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).

We have determined the described activity would not adversely affect EFH in the project area.

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 PN 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.

<u>PUBLIC HEARING</u>: 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)(l) 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 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 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.

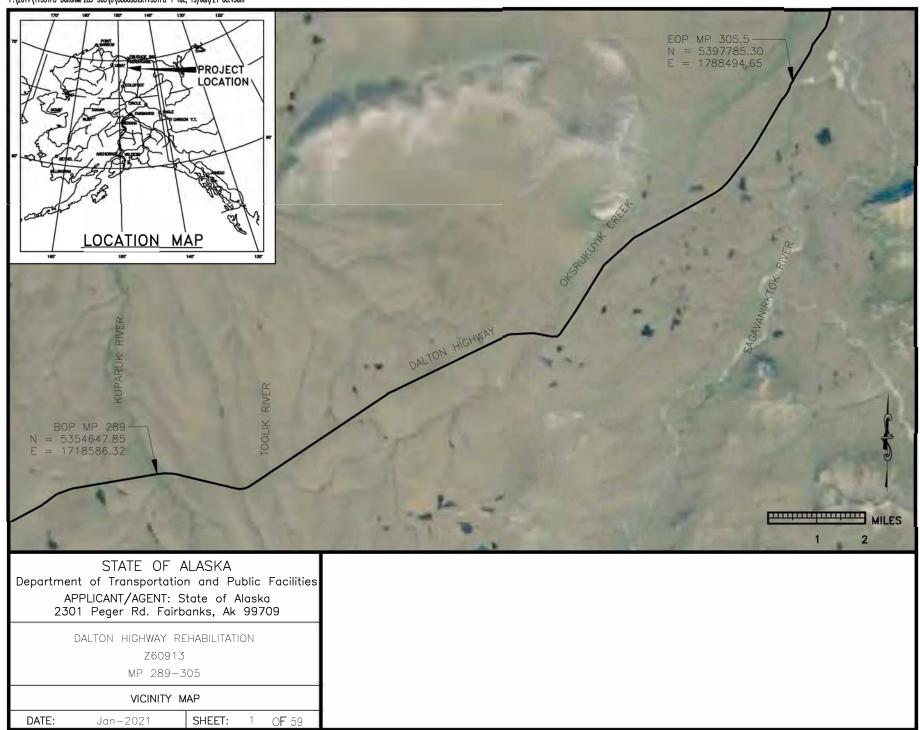
AUTHORITY: This permit will be issued or denied under the following authorities:

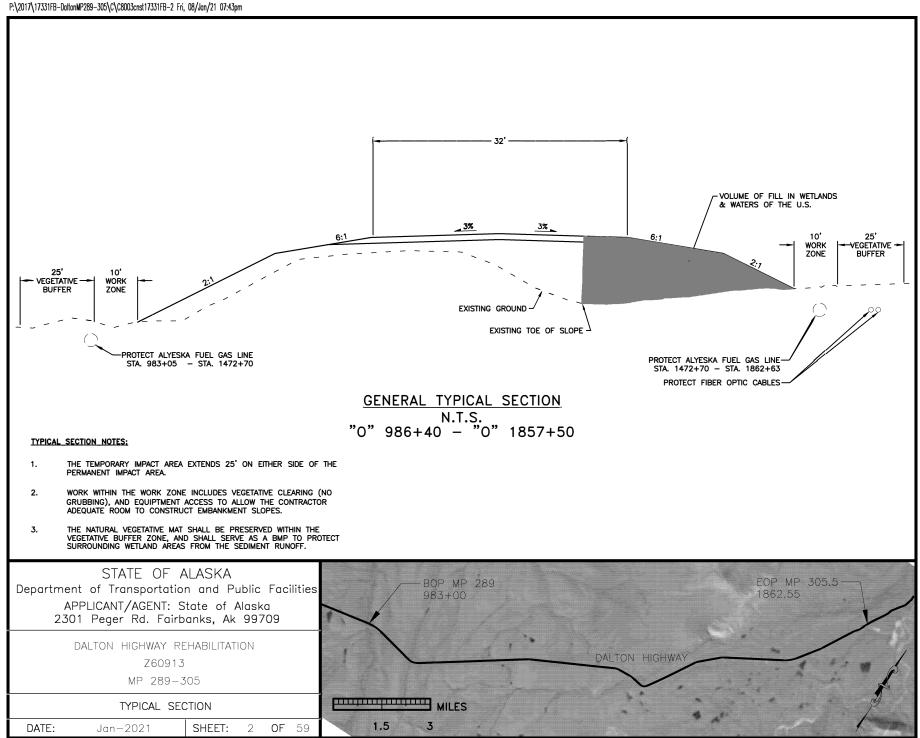
(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this Public Notice.

District Commander U.S. Army, Corps of Engineers

Enclosures





SUMMARY OF PROJECT IMPACTS		
Project Feature	Wetlands	
	Area (Arces)	Fill (yd³)
Roadway Embankment MP 289-305	59.11	346,705
Work Zone	23.37	0
Vegetative Buffer	116.64	0
<u>Total</u>	199.12	346,705

