



US Army Corps
of Engineers
Alaska District

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:	August 14, 2020
EXPIRATION DATE:	September 14, 2020
REFERENCE NUMBER:	POA-2020-00357
WATERWAY:	Delta 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 or by email at: John.C.Sargent@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation & Public Facilities (DOT&P), Attention: Brett Nelson, 2301 Peger Road, Fairbanks, Alaska 99709

LOCATION: The project site is located within Section 17, T. 09S., R. 10 E., Big Delta A-4; Latitude 64.1322° N., Longitude -145.8339° W.; Spengler Road, approximately from Milepost 5.3 to 5.8.

PURPOSE: The applicant's stated purpose is to construct a new riprap dike, berms, and armored banks with riprap to channel the Delta River back to its original location in order to protect Spengler Road and nearby residences from further flooding and erosion related damage. Pursuing this work with immediacy is important because the longer the river stays in its new channel the harder it becomes to repair Spengler Road properties and other DOT&PF infrastructure (i.e. the Richardson Highway).

PROPOSED WORK: The applicant proposes to construct a new riprap dike and berms and armor the banks with riprap to direct the Delta River back to its original channel, and away from Spengler Road. The dike would be armored with Class-II riprap with 5-foot (ft) keyway and would be 8-ft high with a 3:1 slope on the river side. The dike and berms would be constructed of gravel and riprap that would result in approximately 7,000 cubic yards of fill below ordinary high water (OHW). The dike would be approximately 150-ft long and 53-ft wide at the base be constructed of Class-II and Class-III riprap. The armored bank/berms would be approximately 1,700-ft long and 23-ft wide at the base and built of gravel borrow and armored with Class-II riprap. Total area of impact below OHW would be 1.2 acres, 0.2 acre for the dike and 1 acre for the berms.

All work would be performed in accordance with the enclosed plan (sheets 1-3), dated July and August 2020.

ADDITIONAL INFORMATION: The applicant has received a Permit dated July 16, 2020, from the Alaska Department of Natural Resources and has received a Fish Habitat Permit with the Alaska Department of Fish and Game.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid and minimize for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance and Minimization:

- Equipment would remain on adjacent upland banks to the extent practicable during the work.
- Construction work would not impair surface water flow into or out of the river.
- Appropriate erosion and sediment control measures (BMPs) would be implemented on or at the perimeters of disturbed soil surfaces to minimize the transport of sediment to waters of the U.S.
- Wetlands and stream banks left with exposed soils as a result of construction would be seeded with a native, perennial grass seed mixture to provide vegetation stabilization. Project contract specs include utilization of certified weed-free seed mixture. Seed containing prohibited noxious weeds would not be incorporated in the project.
- Material stockpiles and staging areas would be located in uplands or previously disturbed area Material Site and would be stabilized with temporary BMPs. Excess or unusable material would not be disposed of within designated wetlands or waters of the U.S.
- Any temporary wetland fills would be completely removed, and those wetlands restored.

b. Compensatory Mitigation: Given the steps described above to avoid and minimize unavoidable wetlands impacts and assess environmental impacts to resources in the area, DOT&PF is not proposing compensatory

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.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the areas of fill in waters of the U.S. and adjacent uplands. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: 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 or 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).

The project area is within the known range of Chum Salmon (*Oncorhynchus keta*) and Coho Salmon (*Oncorhynchus kisutch*) and these species use this reach of the Delta River as spawning habitat (Alaska Anadromous Streams Catalog). A Fish Habitat Permit dated August 12, 2020, has been issued to the applicant from the Alaska Department of Fish and Game, which determined the project would not have adverse effects on anadromous fish or their habitats, and included the condition that the structures shall be designed, installed and maintained to accommodate the efficient passage and movement of fish, both upstream and downstream for the life of the project.

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.

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.

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)(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 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 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.

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

(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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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.

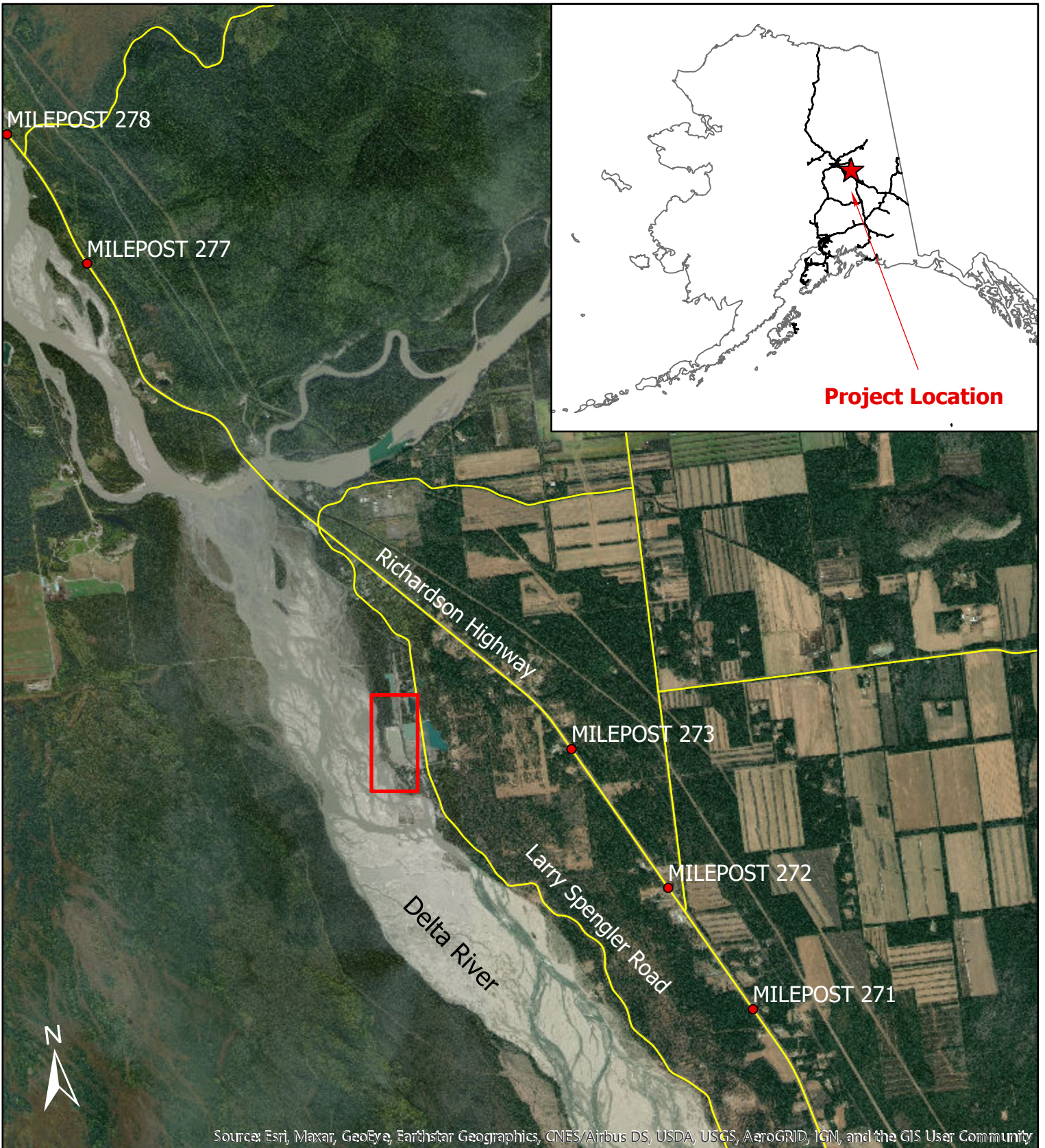
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2020-00357** serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance 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 to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

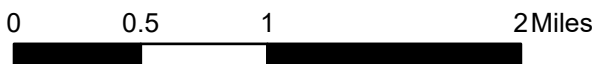
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Kate Orozco at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



— Project Area

Sec. 17, T9S, R10E
Big Delta A-4, Fairbanks Meridian

POA-2020-00357



STATE OF ALASKA
Department of Transportation and Public Facilities
2301 Peger Road Fairbanks, AK 99709

File No.: POA-2020-XXXX
Waterway: Delta River
Proposed Activity: Spengler Road Flood Repairs

August 2020

Sheet 1 of 3



RICHARDSON HIGHWAY

MP 274


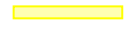
LARRY SPENGLER ROAD

Existing Pond

Stock Pile and Staging Area

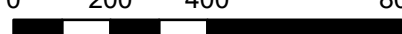
POA-20020-00357

CONCEPT #3

-  - Armour
-  - Berm
-  - Excavate Channel
-  - Dike
-  - Stockpile/Staging Area

NOTE: Imagery acquired July 20, 2020.

0 200 400 800 Feet




STATE OF ALASKA
 Department of Transportation and Public Facilities
 2301 Peger Road Fairbanks, AK 99709

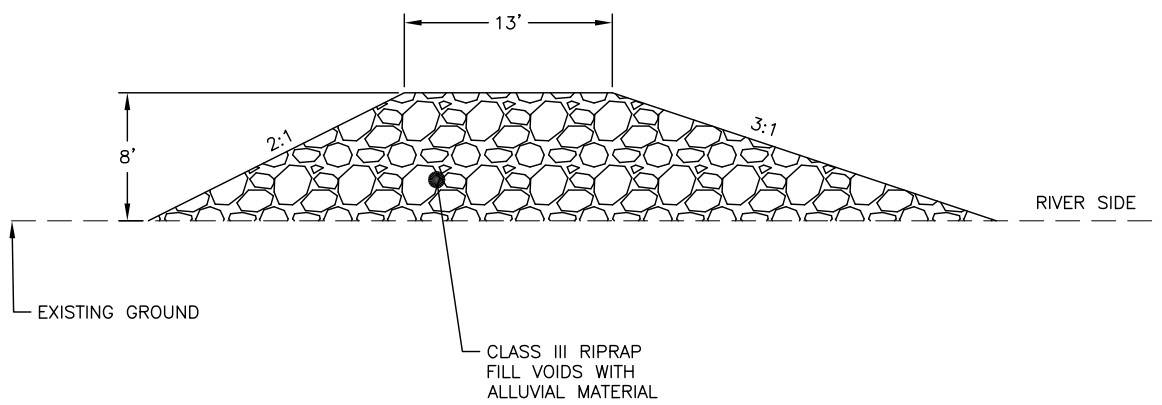
Date: July 2020

Sheet 2 of 3

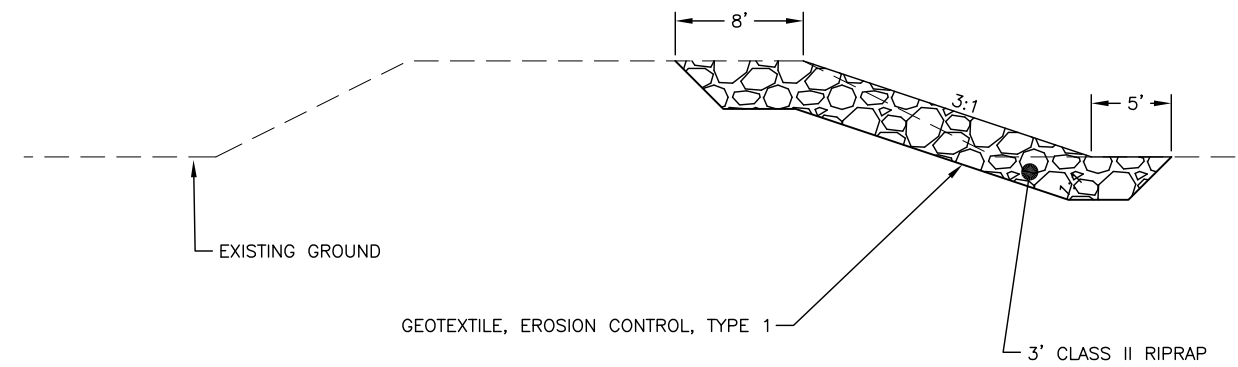
Spengler Road Flooding

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NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	Spengler Road Flood Repairs			



DIKE TYPICAL SECTION



BANK ARMORING TYPICAL SECTION

PLANS DEVELOPED BY: STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, NORTHERN REGION, 2301 PEGER ROAD, FAIRBANKS, AK 99709 (907)451-2200
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