



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

<b>PUBLIC NOTICE DATE:</b>	<b>August 1, 2017</b>
<b>EXPIRATION DATE:</b>	<b>August 30, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2003-1238-M4</b>
<b>WATERWAY:</b>	<b>Chena Slough</b>

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

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 Melissa Riordan at (907) 474-2166, by fax at (907) 474-2164, or by email at [melissa.c.riordan@usace.army.mil](mailto:melissa.c.riordan@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** PBJ Enterprises LLC, P.O. Box 55068, North Pole, Alaska 99705

**AGENT:** Northland Surveying & Consulting LLC, 326 Driveway Street, Suite #102, Fairbanks, Alaska, POC: Paula Hicks

**LOCATION:** The project site is located within Section 5, T. 2 S., R. 2 E., Fairbanks Meridian; USGS Quad Map Fairbanks D-1; Latitude 64.7717° N., Longitude 147.3905° W.; Quinnell Subdivision, State Tax Parcel ID Pan 626993, TL -541, North Pole, Alaska.

**PURPOSE:** The applicant's stated purpose is expansion of an existing commercial gravel source to meet existing and projected need for development projects in the greater North Pole area.

**PROPOSED WORK:** Under permit ID, POA-2003-1238-M2 and POA-2003-1238-M3, the existing access road and manmade lake, (3.4 acres- existing commercial gravel source), was permitted on August 26, 2005 and August 31, 2015, respectively. The proposed project is to expand the existing gravel source area to dredge and stockpile approximately 70,000 cubic yards of material, which would impact 21.2 acres of wetlands. Overburden would be removed and stockpiled to make landscaping soil mix with the remaining overburden used for reclamation. The dredge area would be cleared first, with the eventual development of the entire lot, except for 10' wide undisturbed buffers on the east and west borders of the lot, and a 200' wide natural area on the north end of the lot. Overburden removal is planned to start September 1, 2017 with dredging operations to begin April 1, 2018. Expected timeframe for material extraction and stockpiling is 20 years. More detailed information, alternative analysis, and the mining plan are presented on enclosed sheets 1 and 2.

All work would be performed in accordance with the enclosed plans, (sheets 1-7), dated 6/19/2017.

**APPLICANT PROPOSED MITIGATION:** The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material

a. Avoidance: The proposed stockpile and fill area was chosen to take advantage of upland areas and have as little impact as possible on the wetlands. The existing area road built under the previous permit will continue to be used.

b. Minimization: The gravel pit mine will truck the gravel and some sand from the organics layer that is removed will be mixed with the sandy soil and stockpiled. This soil mix will be trucked away and used in local landscape and the beautification efforts. Storage of gravel will be approximately 30,000 cubic yards. The dredge location may need to be adjusted to maximize gravel extraction and minimize sandy soil discharge.

c. Compensatory Mitigation: No compensatory mitigation should be required because of the relatively small and temporary impacts of the project in relation to the total parcel. A strip of land around the dredge area will be restored and enhanced after the project is completed. Natural flora will return to the site and become reestablished. This process will be monitored to minimize any invasive species in the area.

Note: The Corps of Engineers does not consider a 20 year operation temporary even though the applicant plans to reclaim and naturalize material site after operations are complete.

**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 (AHRHS) 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 wetland areas within TL-541. Consultation of the AHRHS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps of Engineers (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, 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).

No EFH species are known to use the project area. 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 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 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 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.

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

(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).

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  
401 Certification Program  
Non-Point Source Water Pollution Control Program

## **ANCHORAGE**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## **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-2003-1238-M4, Chena Slough**, 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 by the expiration date of the Corps of Engineer's Public Notice.

BLOCK 18 CONTINUED...

### Project description

The site is relatively flat with a berm on the north edge of the proposed stockpile area so runoff into the surrounding wetlands will not be an issue. The existing berm was created over 20 years ago, when this parcel was under other ownership.

### Alternative Analysis

There is a need for gravel in the Fairbanks & North Pole community.

The Otis family, PBJ Enterprises LLC and Badger Properties LLC do not own other upland sites that would fill the need for gravel in this community. Land for a gravel pit must allow private ownership of mineral rights. The land can't be in a residential area, even sites where trucks have to drive through a residential area to access a pit beyond, have been prevented by the residents. Airport land and state owned land cannot be used for gravel extraction purposes. The site must be located within an area where FNSB zoning requirements allow for gravel extraction. This site is located within the General use (GU-1) zoning district.

If this project is not completed there will be a decline in quality gravel available in this community. The Fairbanks North Star Borough & City of North Pole both require that roads be constructed with base material and surface coarse material that meet their standards. Gravel in this community that meets the borough & city of North Pole standards is becoming scarce. There is very little land for sale in the Fairbanks & North Pole area that is rich in gravel.

Proper erosion control will be implemented as necessary to minimize impact on the undisturbed surroundings. The best management practices for design, construction and reclamation will be practiced. A proper reclamation plan will enhance and mitigate the initial disturbance of a low grade wetland area of this type.

The property is within the North Pole city limits, and is marginal wildlife habitat. The gravel pit site chosen is the best alternative.

### Mining Plan

The additional gravel extraction, (expansion of the existing pit) is expected to take 20 years.

### Reclamation Plan

Phase 1, after gravel extraction is completed, reclamation of the area will commence, leaving an overall positive impact on the site. Some of the organics layer will be stored on site to be used in reclamation. (See attached reclamation plan) The stored vegetation and topsoil will be spread around the edges of

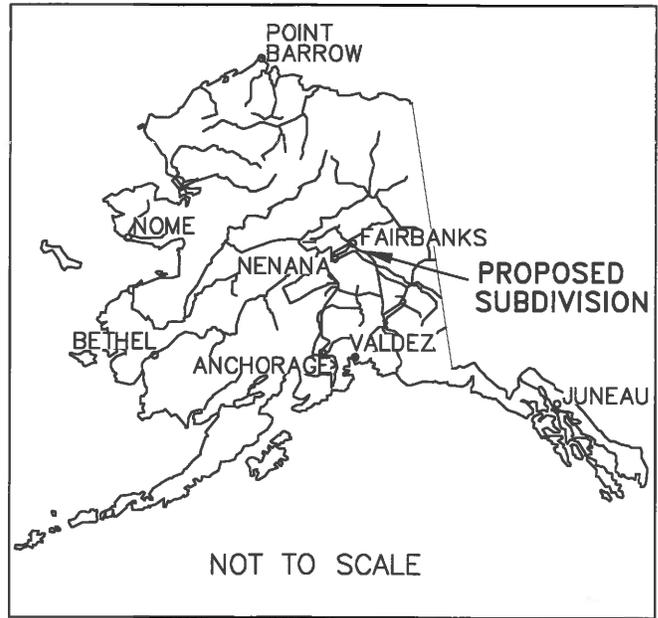
Applicant: PBJ Enterprises LLC File No.: POA-2003-1238-M4 Waterway: Chena Slough Sheet 1 of 7, Dated 6/19/17
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the dredge area to promote growth. The sand stockpiles will be minimized over time and the stockpile area will be reseeded to prevent erosion. Northern region field grass will be used in the reseeded area. Eventually the natural flora will be allowed to take over.

Phase 2, the area will be monitored for 2 more years to minimize any invasive plant species impact. Photo points will be established within the reclaimed areas and revisited at least once during the growing season each year.

# VICINITY MAP

QUINNELL SUBDIVISION,  
2ND ADDITION, TRACT A,  
TL-523 & TL-541

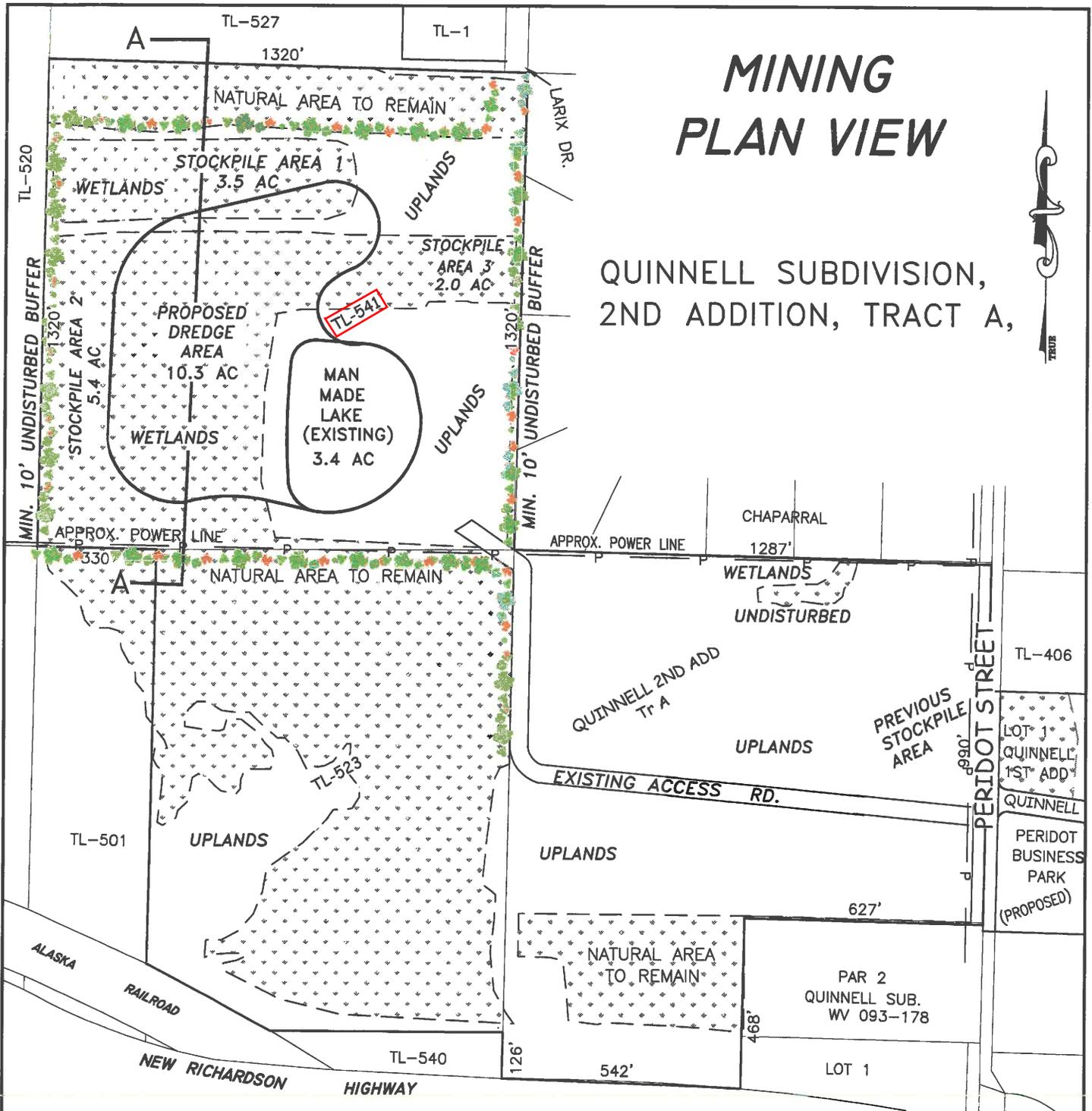


SCALE: 1"=1/4 MILE

APPLICANT: PBJ ENTERPRISES LLC  
 AGENT: NORTHLAND SURVEYING & CONSULTING LLC  
 FILE No.: POA-2003-1238-M4  
 WATERWAY: CHENA SLOUGH  
 QUINNELL SUBDIVISION, 2ND ADD; WITHIN SEC. 5, T.2S., R.2E., F.M.  
 SHEET 3 OF 7

# MINING PLAN VIEW

QUINNELL SUBDIVISION,  
2ND ADDITION, TRACT A,



PROPERTY BOUNDARY  
INFORMATION IS FROM THE  
RECORD PLAT

SCALE: 1"=400'

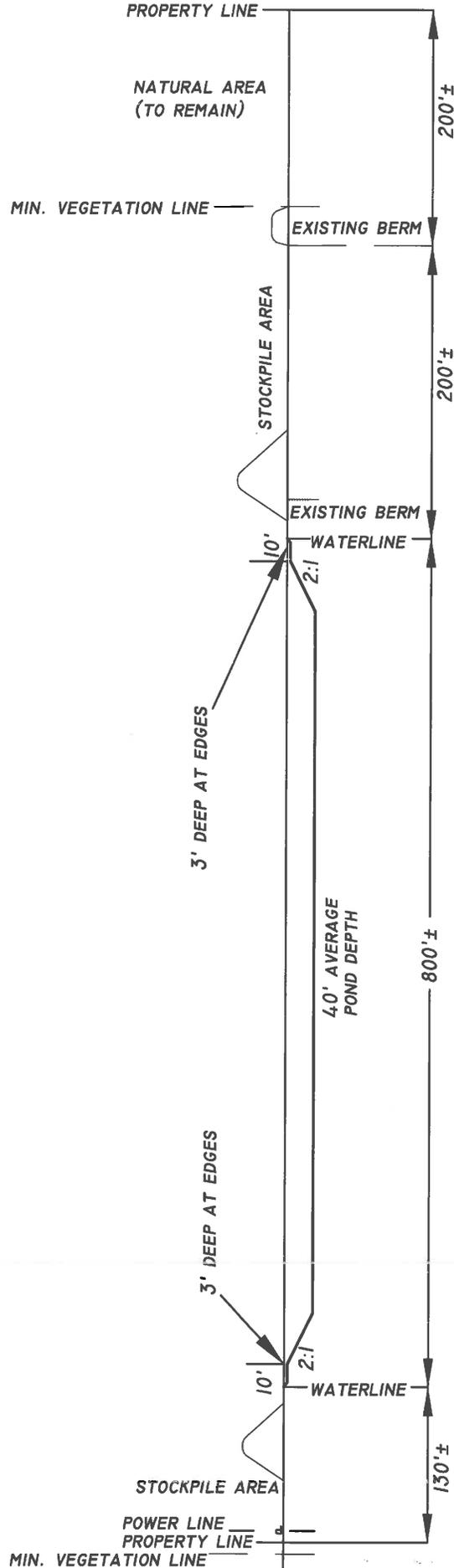


Wetlands Quinnell\_west\_2017.dwg

APPLICANT: PBJ ENTERPRISES LLC  
 AGENT: NORTHLAND SURVEYING & CONSULTING LLC  
 FILE No.: POA-2003-1238-M4  
 WATERWAY: CHENA SLOUGH  
 QUINNELL SUBDIVISION, 2ND ADD; WITHIN SEC. 5, T.2S., R.2E., F.M.  
 SHEET 4 OF 7  
 DATE: 6/19/17

# PROPOSED CROSS SECTIONAL VIEW (MINING PLAN)

QUINNELL SUBDIVISION,  
2ND ADDITION, TRACT A,  
TL-523 & TL-541



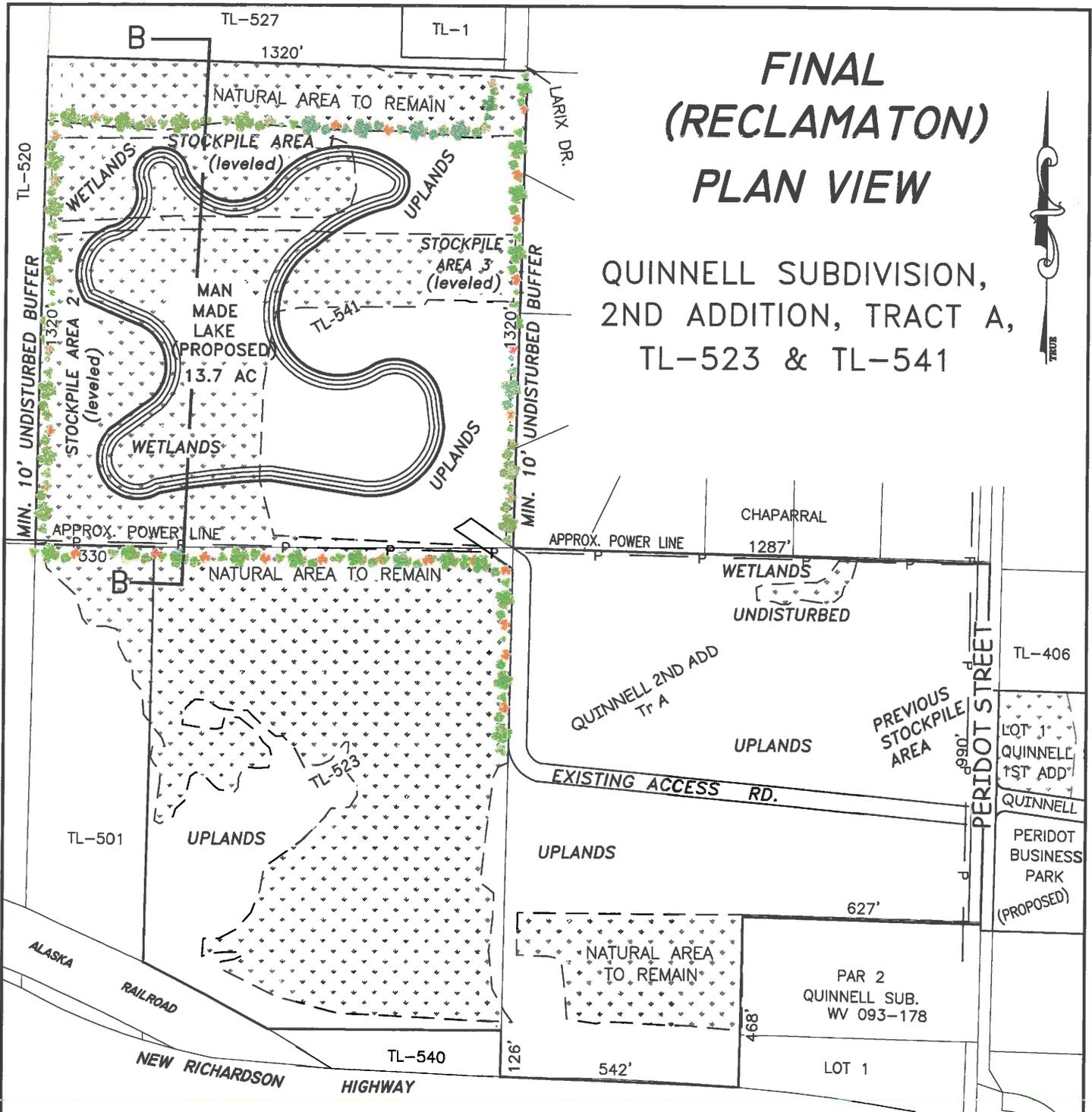
## SECTION A-A not to scale

Applicant: PBJ Enterprises LLC  
File No.: POA-2003-1238-M4  
Waterway: Chena Slough  
Sheet 5 of 7, Dated 6/19/17

APPLICANT: PBJ ENTERPRISES LLC  
AGENT: NORTHLAND SURVEYING & CONSULTING LLC  
FILE No.: POA-  
WATERWAY: CHENA SLOUGH  
QUINNELL SUBDIVISION, 2ND ADD; WITHIN SEC. 5, T.2S., R.2E., F.M.  
SHEET 3 OF 5  
DATE: 6/19/17

# FINAL (RECLAMATION) PLAN VIEW

QUINNELL SUBDIVISION,  
2ND ADDITION, TRACT A,  
TL-523 & TL-541



PROPERTY BOUNDARY  
INFORMATION IS FROM THE  
RECORD PLAT

SCALE: 1"=400'

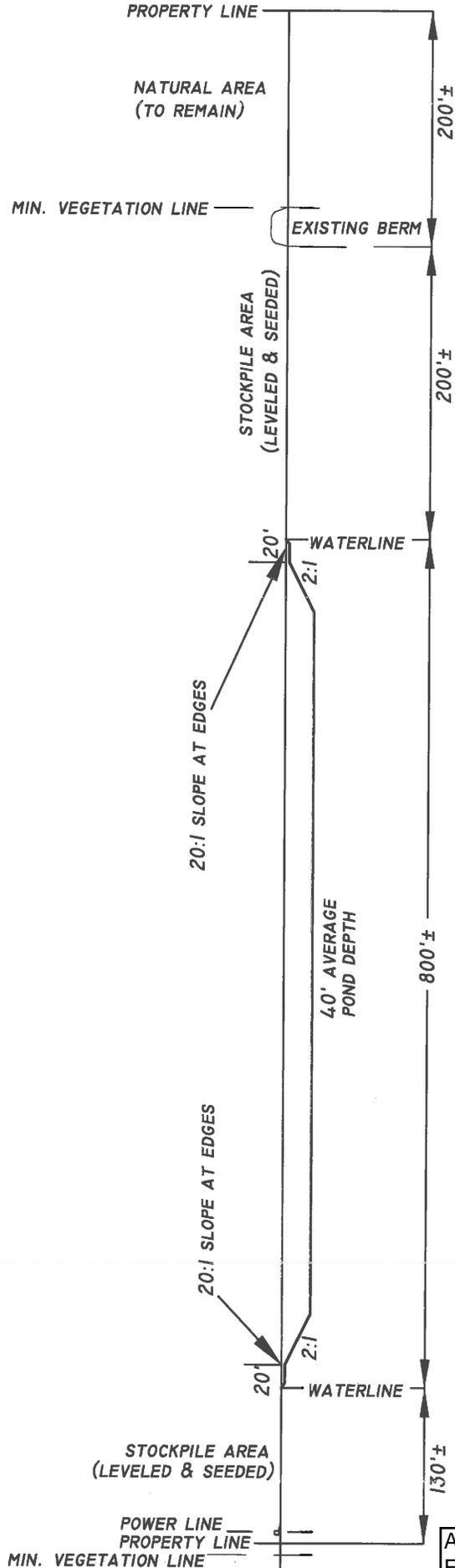


Wetlands Quinnell\_west\_2017.dwg

APPLICANT: PBJ ENTERPRISES LLC  
 AGENT: NORTHLAND SURVEYING & CONSULTING LLC  
 FILE No.: POA- 2003-1238-M4  
 WATERWAY: CHENA SLOUGH  
 QUINNELL SUBDIVISION, 2ND ADD; WITHIN SEC. 5, T.2S., R.2E., F.M.  
 SHEET 6 OF 7  
 DATE: 6/18/17

# FINAL CROSS SECTIONAL VIEW (RECLAMATION PLAN)

QUINNELL SUBDIVISION,  
2ND ADDITION, TRACT A,  
TL-523 & TL-541



## SECTION B-B

not to scale

APPLICANT: PBJ ENTERPRISES LLC  
 AGENT: NORTHLAND SURVEYING & CONSULTING LLC  
 FILE No.: POA-  
 WATERWAY: CHENA SLOUGH  
 QUINNELL SUBDIVISION, 2ND ADD; WITHIN SEC. 5, T.2S., R.2E., F.M.  
 SHEET 5 OF 5  
 DATE: 6/19/17

Quinnell\_west\_2017.dwg

Applicant: PBJ Enterprises LLC  
 File No.: POA-2003-1238-M4  
 Waterway: Chena Slough  
 Sheet 7 of 7, Dated 6/19/17