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:	**February 27, 2018**
EXPIRATION DATE:	**March 28, 2018**
REFERENCE NUMBER:	**POA-2017-542**
WATERWAY:	**Chena 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 as described below and shown on the enclosed project drawings.

All mailed comments regarding this Public Notice 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 Public Notice reference number listed above.

All comments should reach this office no later than the expiration date of this Public Notice. Contact Laurel Gale at (907) 474-2166, or by email at Laurel.A.Gale@usace.army.mil if further information is needed concerning this notice.

APPLICANT: Mr. David E. Sandberg, PDC Engineers, 1188 Stock Road, Fairbanks, Alaska 99709.

LOCATION: The project site is located within Section 23, T. 1 S., R. 2 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.8135º N., Longitude 147.8989º W.; Fairbanks North Star Borough, Anchor Subdivision South Slough, 2405 Shanks Mare Road; in Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to maintain year-round open water for boat and recreational access from the Chena River to private properties adjoining the slough, and to provide a means of egress for resident fish species stranded after the slough becomes inundated with seasonally high water.

PROPOSED WORK: The applicant proposes to dredge and remove approximately 16,000 cubic yards (cy) of accumulated sediment and debris below Ordinary High Water (OHW) from approximately 1.2 acres of the southern portion of the existing slough channel within the Anchor Subdivision where it meets the Chena River, a Section 10 Navigable River. The slough contains low stagnant water from fall to late spring in the area of the project, and hosts canoe and jet prop type vessels during seasonally higher water. The proposed plan is to dredge an approximately 1,440-feet long by 35-feet wide by 11-feet deep section of the slough channel that would act to improve drainage, as well as alleviate stranded resident fish species. Excavation operations would take place during seasonally low ground water, and after the native silt/organic layer is frozen. A tracked excavator and end dumps would be used to remove and transport material from the area, and will work within the limits specified in a temporary construction easement. Excavation work would occur from the north end of the proposed project area to the south end. Upon the completion of excavation within the slough, the sediment plug and brush where the slough channel meets the Chena River would be removed in an area as small as practicable in order to reduce discharge into the Chena River. Upon the completion of the dredging, a tracked excavator would be used to compact banks in order to reduce erosion. The applicant would temporarily stockpile removed materials in an upland location, and would be considered property of the subdivision for use as fill and roadway improvements.

Temporary impacts to approximately 1.2 acres of waters of the United States (U.S.) below OHW would result from the maintenance dredging of sediment from the Anchor Subdivision Slough at the portion of the southerly right-of-way of Shanks Mare Road to the north bank of the Chena River of the Anchor Subdivision.

All work would be performed in accordance with the attached project plans, sheets 1 – 2, dated May 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.

Avoidance: "Work activities would take place during the winter, at seasonally low water levels while slough substrate materials would be frozen and non-erodible. Excavation would be phased in such a way that the accumulated sediment and vegetation acting as a soil plug where the slough drains into the Chena River would be removed last, and as small a quantity of material as practicable will be disturbed to avoid unnecessary impacts to the surrounding wetland area as well as the Chena River.

It is our intent to reduce impact to adjacent wetlands and aquatic resources through appropriate planning and methodology.

To provide a project that would reduce fish mortality which enter the slough and die when waters subside, offer recreational access to the Chena River, and restore the original channel of the slough, This project would be carried out in four (4) phases.

The first phase, Planning, would refine the preferred alternative, in cooperation with subdivision residents, stakeholders, and the selected contractor. This would allow input and tunings to be made before the project is started. The second phase would be Site Preparation. In this phase, we identify the project limits, locate property corners, and set lathe and flagging to ensure proper horizontal and vertical control. Dredging work within the slough would begin after the ground is frozen, and groundwater has diminished. The surveyed and flagged boundaries will remain throughout the project to provide a visual boundary within which the contractor shall remain. Clearing would be only what is necessary to achieve the limits of excavation, and would also be flagged. After the materials have been removed from the slough, the final phase of Stabilization begins. In this phase, all disturbed surfaces would be dormant seeded to provide a vegetated matt to stabilize the slopes, and prevent erosion in the spring."

Minimization: "The location of the proposed project acts to improve hydrology and aquatic habitat of the project area by alleviating stagnant pooling water and seasonally stranded resident fish species. Additionally, by removing the accumulated sediment and debris plug, as well as performing work while the water and sediment layers are frozen so that silt and sediment do not migrate off site also acts minimize impacts to the surrounding wetlands and water way.

Since the proposed footprint is as small as practicable, further reduction is not a viable option. The proposed project plans are to disturb only enough wetlands to develop and operate small sized watercraft within the southern portion of the slough channel. Temporary erosion control measures may be used to protect the seeded surfaces until establishment is reached. The channel profile would be stepped with a shallows area on each side of a deeper channel. This shallows area will help to recover any material which settles throughout this time period. It will also provide an intermediate area for users to enter and exit the channel without further degradation of the primary channel slope. During excavation operations, the excavation materials will be loaded directly into dump trucks, or stockpiled along the center of the excavation until the next truck arrives for loading. No fill into the existing wetlands will be permitted. We will require the contractor to submit a pollution prevention plan in writing for review to identify contingency measures to avoid and mitigate a spill throughout the project. Provisions for spill response will be assembled onsite prior to commencing dredging operations, and since the ground will be frozen, the risk for spill infiltration is minimized. No endangered species, adjacent land use, or habitat would be impacted."

Compensatory Mitigation: "Compensatory mitigation is not appropriate for this project. The proposed project would act to improve aquatic habitat by restoring the hydrologic flow to the area to alleviate stagnant pooling water and restore connectivity of the slough with the Chena River.
Because the proposed project reestablishes the original slough channel, provides a means for fish to survive fluctuating water levels,

and does not adversely impact the land, water, wildlife or other ecological resources through clear and consistent approaches to avoid and minimize impacts, compensatory mitigation is not necessary."

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 approximately 1.2 acres of the area affected by the dredging. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers at this time, and we are otherwise unaware of the presence of such resources. The Corps of Engineers 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 of Engineers is requesting the SHPO's concurrence with this determination.

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

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 National Marine Fisheries Service 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 the Chinook salmon (*Oncorhynchus tshawytscha*), Chum salmon (*Oncorhynchus keta*), and Coho salmon (*Oncorhynchus kisutch*). 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)(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 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 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).

( ) 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.

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

BILL WALKER, GOVERNOR

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

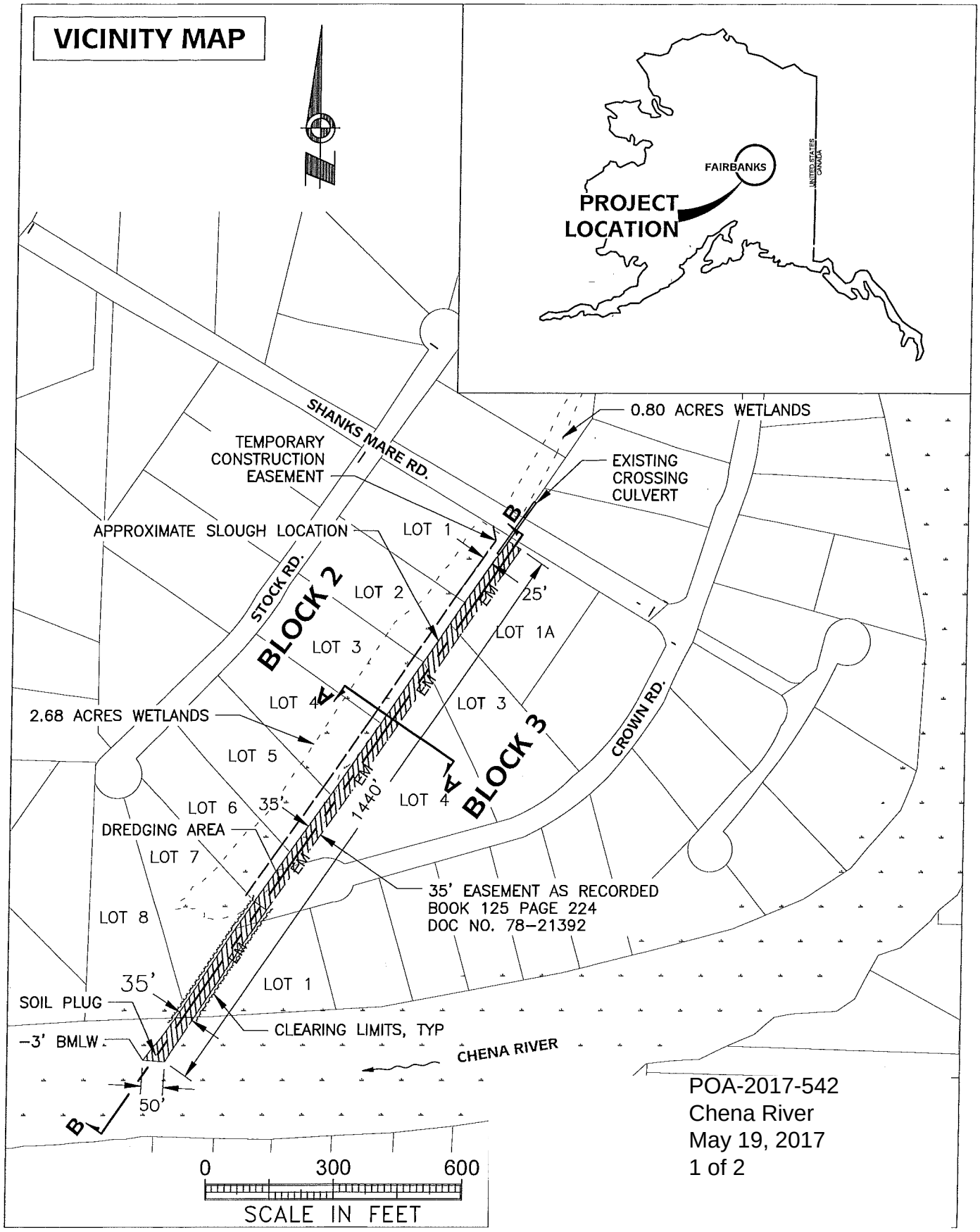
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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-2017-542, Chena River**, 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.



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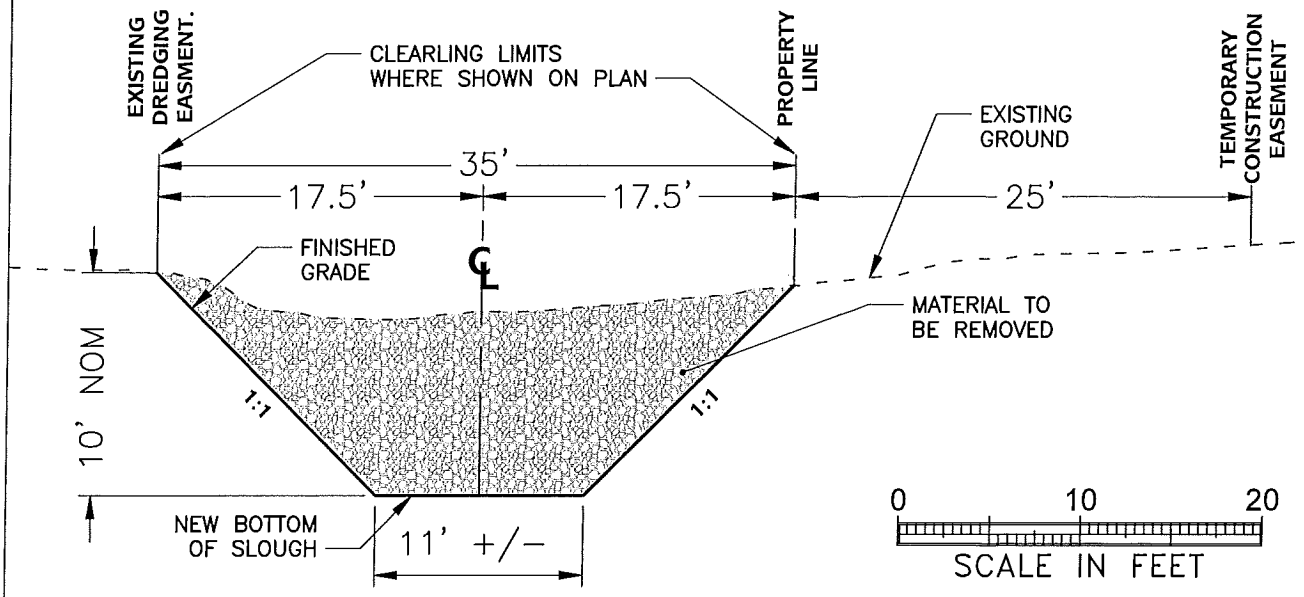
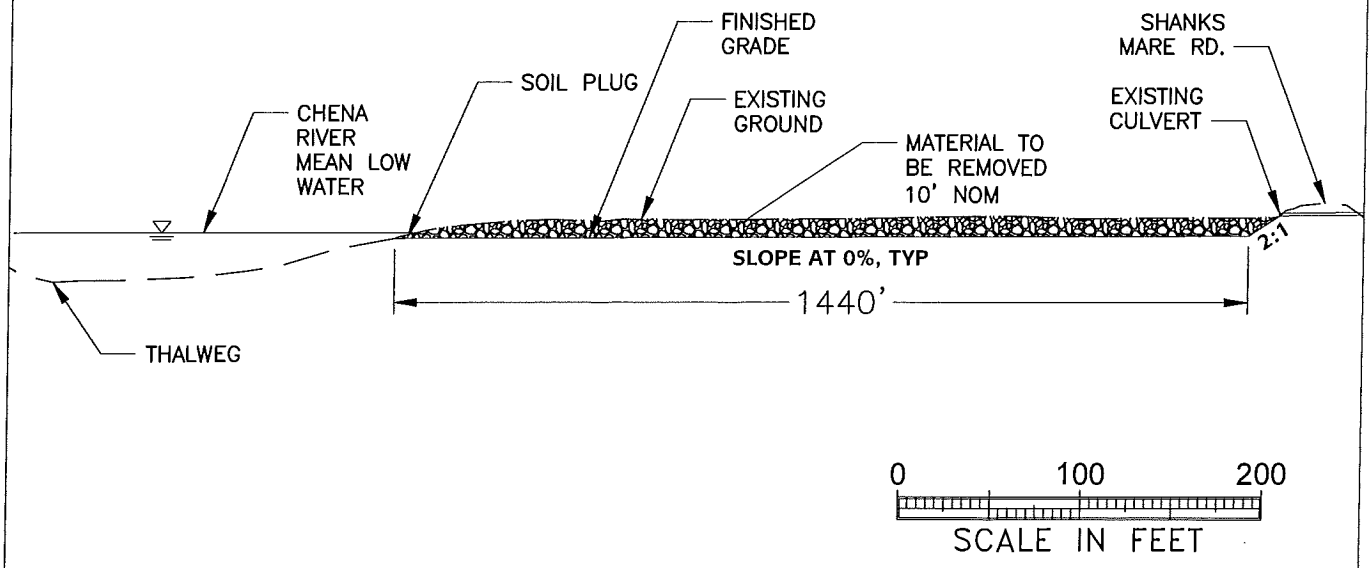
ANCHOR SUBD. DREDGING SECTION A-A



ANCHOR SUBD. DREDGING SECTION B-B



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