



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	November 6, 2020
EXPIRATION DATE:	December 7, 2020
REFERENCE NUMBER:	POA-2004-01127
WATERWAY:	Isabella Creek

Interested parties are hereby notified that a Department of the Army (DA) 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 Ashley Kraetsch at (907) 458-1606, or by email at Ashley.M.Kraetsch@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Northside Investments (Attention: Dan Himebauch)

AGENT: Stantec (Attention: Steve Reidsma)

LOCATION: The project is located within Section 2, T. 1 S., R.1 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2, Latitude 64.861° N., Longitude 147.684° W., In Fairbanks North Star Borough, Northside Business Park, Lots 1-45; In Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to remove and sell mineral material (sand, gravel, and peat) from the project site, and then sell finished graded lots.

PROPOSED WORK: The applicant has previously performed work on the site under the Corps of Engineers (Corps) permit, POA-2004-01127 M1-M9, for the purpose of the development and sale of subdivision lots in the Bentley Trust North Subdivision (Lots 6-45). Fill material in 36.9 acres of wetlands for the construction of roads, sewer and water utilities, and driveways were approved by the Corps in the individual permit issued on August 29, 2008. In the future, the applicant proposes to use clean fill to backfill areas that are mined for mineral materials in order to recontour the area and prepare the commercial lots for sale. The applicant does not intend to place any additional fill beyond the originally permitted 36.9 acres. Vegetation in portions of the site (to include Tract A and B) will be cut and removed in the winter to curb homeless occupation. Fill will not be placed in Tract A or B. The gravel project will be constructed and operated over multiple seasons, and the project lifespan will be based on material sales. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated October 16, 2020.

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

a. Avoidance: The applicant was unable to completely avoid wetlands while still meeting the project purpose but has avoided additional wetland impacts beyond what was previously permitted by incorporating all uplands into access roads, processing facilities, and lot placement. No fill will be placed in Tract A or Tract B.

b. Minimization: To avoid and minimize wetland impacts, no additional roads or pads will be constructed in wetlands, and the mining method selected does not require the placement of fill or construction of pads in wetlands. Mineral material will be stockpiled on uplands where it will be processed and shipped off-site. Additionally, North Side Investments will be using best management practices (BMPs) to further minimize anticipated impacts from the continued project. Surface drainage has been considered and incorporated into the final lot development and new mine design, and North Side Investments will file a Notice of Intent with the Alaska Department of Environmental Conservation to comply with the Alaska Pollutant Discharge Elimination System.

c. Compensatory Mitigation: The applicant has paid \$87,480 as compensatory mitigation for the unavoidable impacts to wetlands within phases three and four of the development. The applicant has also purchased 12.48 wetland mitigation credits from Tanana Umbrella Mitigation Bank to compensate for the originally permitted impacts. As part of the commercial redevelopment of the property, the applicant will leave a 3.33-acre wetland pond in the Northwest corner of the property as a shallow pond for wildlife with a littoral area. The applicant will also leave the excavated gravel material source in the east parcel as a pond for wildlife, as described above. This includes 11.65 acres of new waters created in the uplands in the southeast parcel of the property. A total of 6.88 acres of Tract A and 0.23 acres of Lot 38 will also be mined, creating an 18.76-acre pond when completed. The pond will not be filled but contoured for wildlife use, surface water retention, and aesthetic values in the commercial lots regraded around the pond. No other compensatory mitigation is proposed for the change in project purpose.

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 entirety of the project site, to include the site access from nearby paved roads. Consultation of the AHRs 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 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.

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 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure



0 750 1,500 3,000 Feet
1:24,000 1 inch = 2,000 feet



- NHDFlowline
- Project Area
- PLS Section

Applicant: Northside Investments

Vicinity Map

File No.: POA-2004-01127

Waterway: Isabella Cr.

Proposed Activity: Excavate peat, sand, gravel

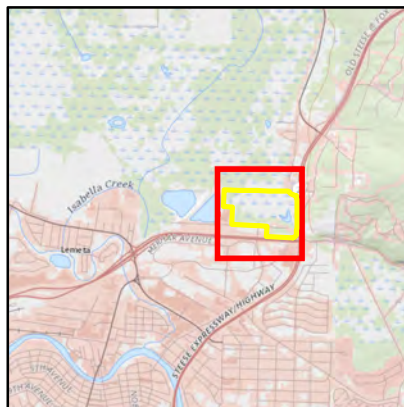
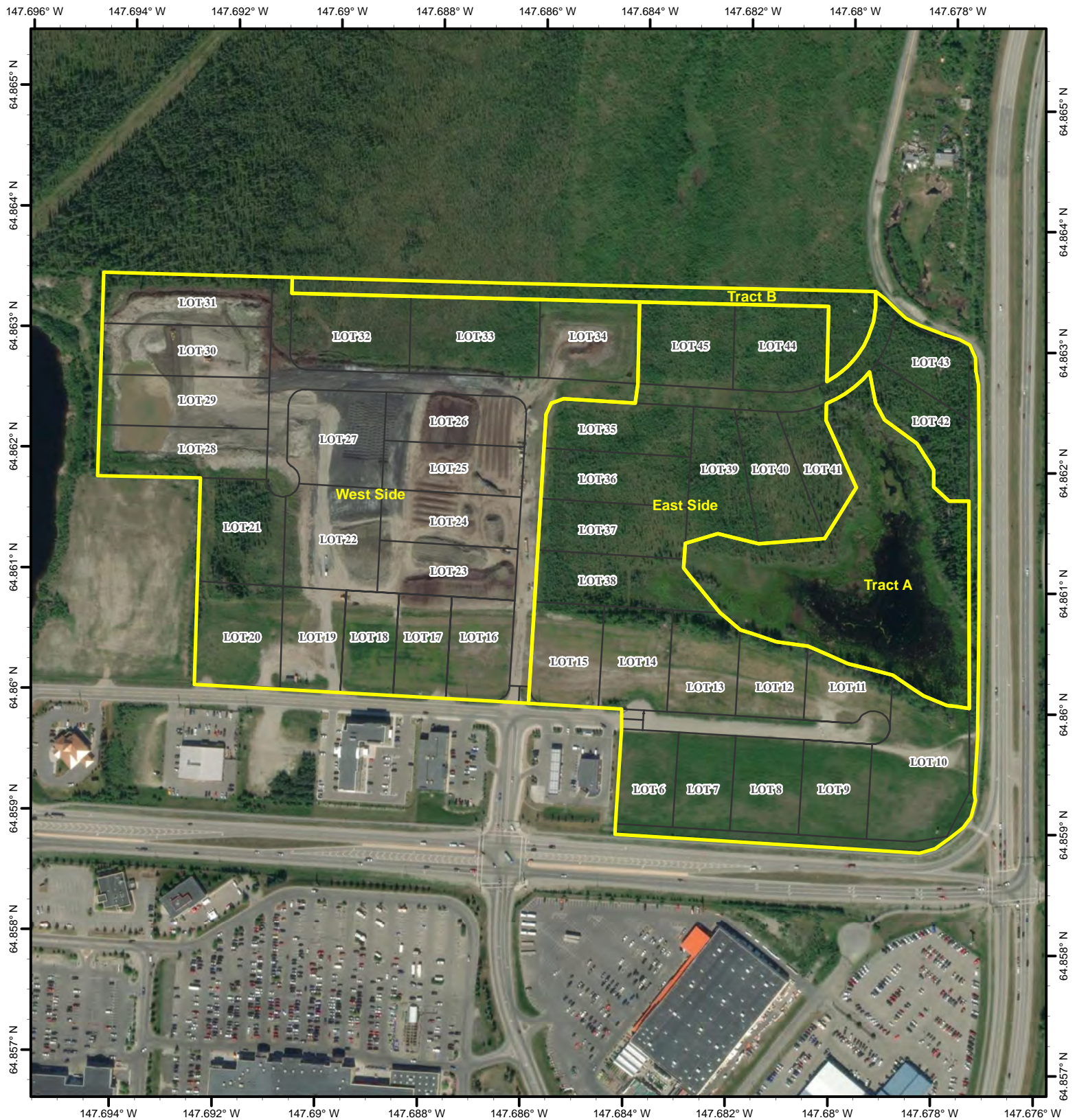
Section: 2 Township: 1S Range: 1W Meridian: Fairbanks

Lat.: 64.8615 N

Long.: 147.6873 W

Sheet: 1 of 4

Date: 10/16/20



0 150 300 600 Feet
1:4,800 1 inch = 400 feet



Project Area
— Lot Lines

Applicant: Northside Investments

Project Area

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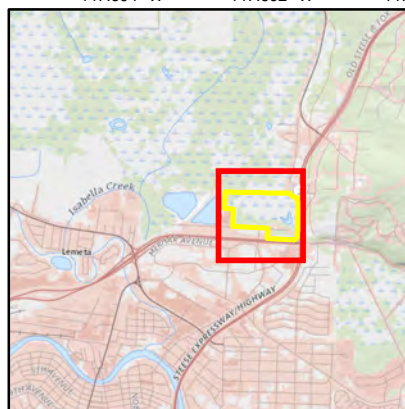
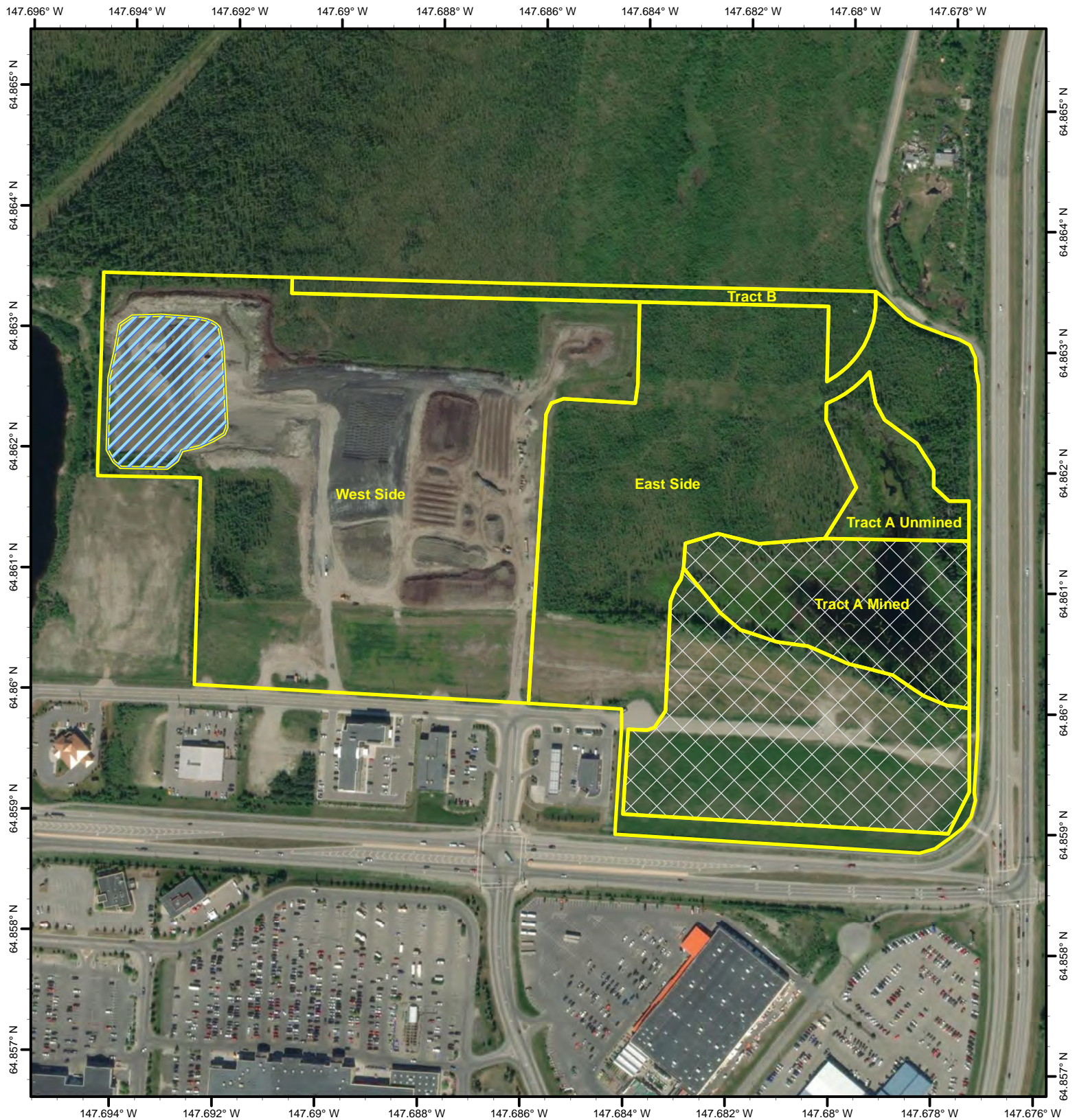
Lat.: 64.8615 N

Long.: 147.6873 W

Sheet: 2 of 4

Date: 10/16/20

*Aerial imagery date: 6/21/19



0 150 300 600 Feet

1:4,800 1 inch = 400 feet



Area



Project Area

NW Pond

Proposed Gravel Pit

Applicant: Northside Investments

Mine Plan

File No.: POA-2004-01127

Waterway: Isabella Cr.

Proposed Activity: Excavate peat, sand, gravel

Section: 2 Township: 1S Range: 1W Meridian: Fairbanks

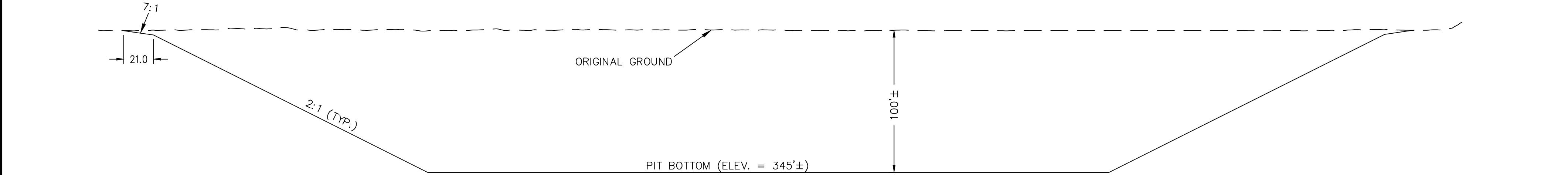
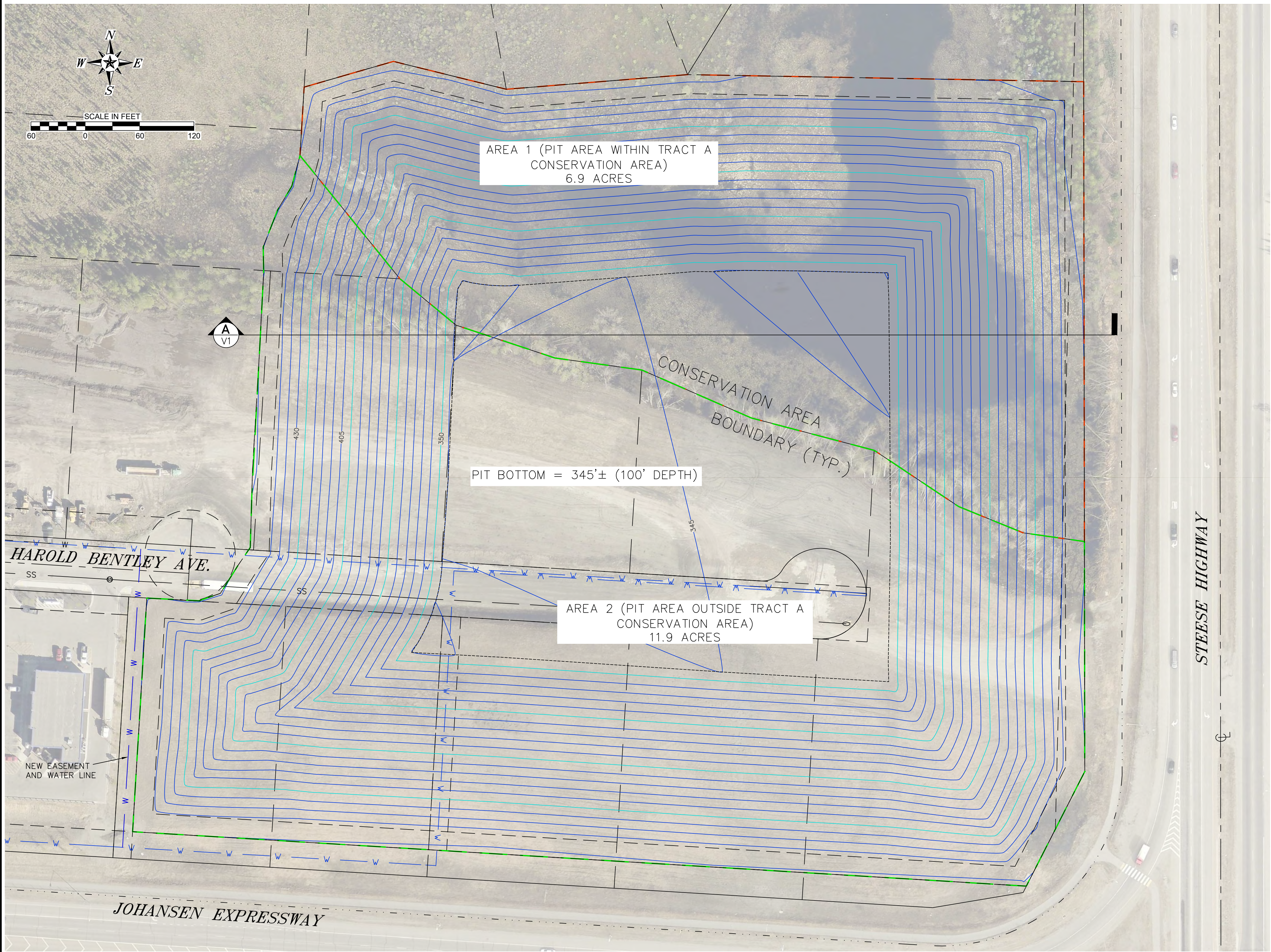
Lat.: 64.8615 N

Long.: 147.6873 W

Sheet: 3 of 4

Date: 10/16/20

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A TYPICAL PIT SECTION
V1 SCALE: 1" = 50' HORIZ. / 1" = 1' VERT.

Applicant: Northside Investments

Mine Plan - Detail

File No.: POA-2004-01127

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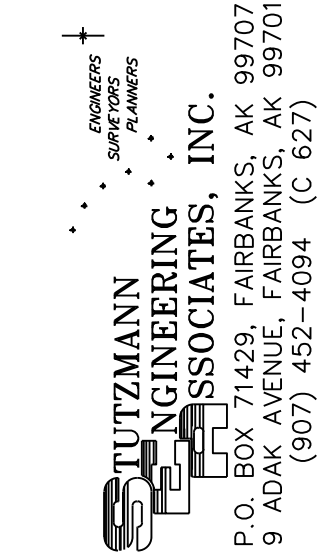
Lat.: 64.8615 N

Long.: 147.6873 W

Sheet: 4 of 4

Date: 10/16/20

CONCEPT



DATE: 1/9/2020
DRAWN: JDS
CHECKED: JDS
DRAWING NO.

V1

10F 1

LOCATION:

NORTHSIDE BUSINESS PARK
FAIRBANKS, ALASKA

PROPOSED GRAVEL PIT

FOR: NORTHSIDE PARTNERS

NO. DATE BY DESCRIPTION

1/9/2020