

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:	September 13, 2019
EXPIRATION DATE:	October 15, 2019
REFERENCE NUMBER:	POA-2013-00396
WATERWAY:	Kobuk, Alatna, and Kovukuk Rivers

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 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 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.

<u>APPLICANT</u>: Alaska Industrial Development Authority, Attention: Mark Davis, 813 W. Northern Lights Boulevard., Anchorage, Alaska 99503-6690

<u>AGENT</u>: DOWL HKM, Attention: Maryann Tuttell, 4041 B Street, Anchorage, Alaska 99503

LOCATION: The project site is located within begin Latitude 67.162° N., Longitude 157.052° W.; end Latitude 67.081° N., Longitude 150.345° W near mile post 161 of Dalton Highway about 211 miles to Ambler Mining District near Ambler, Alaska.

<u>SPECIAL AREA DESIGNATION</u>: The project is partly located within National Park Service (NPS) lands at Gates of the Arctic National Preserve, and will cross several Federally Designated Wild and Scenic Rivers - Alatna, Kobuk, and North Fork of Koyukuk Rivers.

<u>PURPOSE</u>: The applicant's stated purpose is to increase job opportunities and encourage the economic growth of the state by supporting mineral resource exploration and development in the Ambler Mining District in Northwest Alaska.

<u>PROPOSED WORK</u>: The permit application is for the phased construction of a controlled access, year-round, industrial road linking the Ambler Mining District to the Dalton Highway. The project would construct a new 211-mile-long gravel surfaced roadway along the southern flanks of the Brooks Range, extending west from the Dalton Highway near milepost 161 to the south bank of the Ambler River. The road, at full build-out would provide year-round surface transportation access to the Ambler Mining District to allow for expanded exploration, mine development, and mine operations at mineral prospects. Access to the road would be controlled and primarily limited to mining-related industrial uses, although some commercial access may be allowed. A fiber optic line, radio communication towers and associated infrastructure are planned to be installed within the project footprint to provide communications during construction and operation of road. Impacts to waters of the United States (U.S.) from fiber optic line work are expected to be minimal.

Phase I of the project would construct a single-lane, gravel pioneer road, approximately 16 feet wide on a shallow embankment typically 30 to 72 inches deep depending on conditions. The embankment would have 2 horizontal to 1 vertical side slopes (2:1) and would be seasonal use. Phase II would construct a single-lane, gravel roadway, about 20 feet wide over the existing pioneer road with a full embankment ranging from 36 to 96 inches deep with side slopes of 1:2 to 1:4. This phase would be year-round, one-way access until mining activity justifies the need for a two-lane road in phase III. Phase III (full build-out) would be a two-lane gravel roadway, typically 32 feet wide, over the existing phase II footprint. The phase III road would be an all-season road designed to support mining exploration, development and operations including the hauling of ore loads for export.

The discharge of fill material in wetlands and other waters is needed to construct the appropriate roadway foundation, culvert and bridge crossings, landing strips, gravel extraction sites, construction camps, fiber optics line and associated access and maintenance support facilities. The project along its 211 mile length is anticipated to permanently fill 2,059.5 acres of wetlands, 26.6 acres of open waters, and temporarily fill about 320 acres of wetlands. Approximately 77,004 linear feet of streams would be permanently impacted and 324,115 linear feet of stream channel temporarily impacted

by the project. A total of 11,065,464 cubic yards of permanent and 50,440 cubic yards of temporary fill material is proposed to be discharged into waters of the U.S., including wetlands, during the construction activities. All work would be performed in accordance with the enclosed plan (sheets 1-20), dated September 10, 2019.

ADDITIONAL INFORMATION: This work is also being evaluated with an Environmental Impact Statement (EIS) which is currently open for public comment. The Bureau of Land Management (BLM) is the lead agency for the EIS. The Corps of Engineers (Corps) is a cooperating agency for the EIS and will use the information to support a permit decision. For additional information regarding the EIS please visit <a href="https://www.blm.gov/programs/planning-and-nepa/plans-in-development/alaska/AmblerRoadEIS">https://www.blm.gov/programs/planning-and-nepa/plans-in-development/alaska/AmblerRoadEIS</a>. The project would also require the following permits-Title 16 fish habitat permit- Alaska Department of Fish and Game; right of way, material and temporary water use permits-Department of Natural Resources; right of way permits- BLM and NPS; bridge permits over Section 10 Rivers and Harbors Act waters- U.S. Coast Guard; waste water discharge permit-Alaska Department of Conservation, among other authorizations.

<u>APPLICANT PROPOSED MITIGATION</u>: 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 applicant has stated that given the purpose of the project and the prevalence of wetlands throughout the project area, complete avoidance of wetlands and other waters is not possible. Wetlands were avoided by selecting the shortest route with the least wetland impact, minimizing fill in waters of the U.S. to the maximum extent practicable, maintaining hydrology through design measures, and using best management practices for design and construction to reduce impacts.

b. Minimization: The applicant states in the permit application that the project aims to lessen its impacts to greatest extend practicable through innovative design, avoidance of high value wetlands, and construction decisions. The applicant's preferred alternative was based on evaluation of screening criteria that included wetlands, hydrology, design, geotechnical conditions, and availability of construction materials. Some of the ways the applicant proposes to minimize impacts to waters and wetlands are: bridges to avoid in-water work; culverts designed to maintain natural channels and stream beds, fish passage and 100-year flows; site selection of road corridor and supporting facilities; soil stabilization and revegetation; construction limits during spring breakup period; delineating work boundaries; and implementation of a stormwater pollution prevention plan.

c. Compensatory Mitigation: For Compensatory Mitigation, the applicant has proposed a combination of on-site enhancement efforts such as using gravel sites as mitigation by creating ponds with appropriate vegetation, combined with off-site restoration or preservation of areas and potential use of wetland mitigation banks in the Fairbanks or Matanuska-Susitna areas.

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.

<u>CULTURAL RESOURCES</u>: The lead Federal agency, Bureau of Land Management (BLM), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps will review BLM's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with BLM's work or documentation.

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

The BLM is the lead federal agency for ESA consultations and has 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.

<u>ESSENTIAL FISH HABITAT</u>: 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 salmon species; Chinook (Oncorhynchus tshawytscha), Coho (Oncorhynchus kisutch), and Chum (Oncorhynchus keta).

The lead Federal agency, Bureau of Land Management (BLM), is responsible for compliance with the requirements of under Section 305(b)(2) of the Magnuson-Stevens Act. The Corps will review BLM's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the EFH consultation has been completed and the Corps concurs with BLM's documentation.

<u>TRIBAL CONSULTATION</u>: 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.

<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)(I) 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 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.

<u>AUTHORITY</u>: 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).

(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).

() 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 attached 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: <u>dec-401cert@alaska.gov</u>

## 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-2013-00396**, Kobuk, Alatna and Koyukuk Rivers 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 <u>dec-401cert@alaska.gov</u> 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 Theresa Zimmerman 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.



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Ч Ч ರ 10' VARIES VARIES 10' 24.0' 32.0' 24.0' 4.0' 12.0' 4.0' 12.0' 4.0' 4.0' EXIST. GROUND LINE 3% 3% 1 1 2 2 6" CRUSHED AGGREGATE SURFACE COURSE EXIST. GROUND

CUT SECTION TYPICAL ROAD (NTS)

NOTE: TYPICAL SECTIONS ARE FOR FULL BUILD OUT (PHASE III) € : CENTERLINE DL: DAYLIGHT LIMITS CL: CLEARING LIMITS NTS: NOT TO SCALE

## ACOE PERMIT: POA-2013-396 CROSS SECTIONS: TYPICAL CUT SECTION APPLICANT: Alaska Industrial Development and Export Authority (AIDEA) **PROJECT: Ambler Mining District** Industrial Access Project LOCATION: Ambler Mining District WATERBODY: Kobuk/Koyukuk/Alatna Rivers



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TURNOUT PLAN VIEW (NTS)

Q: CENTERLINE	
NTS: NUT TO SCALE	







MINOR CULVERT PLAN VIEW NOT TO SCALE

ACOE PERMIT: POA-2013-396	
PLAN VIEW: MINOR CULVERT	
APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)	
PROJECT: Ambler Mining District Industrial Access Project	
LOCATION: Ambler Mining District	
WATERBODY: Kobuk/Koyukuk/Alatna Rivers	
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€ : CENTERLINE







MODERATE CULVERT PLAN VIEW NOT TO SCALE

ACOE PERMIT: POA-2013-396	
PLAN VIEW: MODERATE CULVERT	
APPLICANT: Alaska Industrial Development and Export Authority (AIDEA) PROJECT: Ambler Mining District Industrial Access Project	
LOCATION: Ambler Mining District WATERBODY: Kobuk/Kovukuk/Alatna Rivers	
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60693/GIS/ENV/Northern Bvoas/DETAILS March16 CORP and Reaular Title Block.dwa PLOT DATE 2016-6-27 15:36 SAVED DATE 2016-06-27 15:31



