

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 28, 2017
EXPIRATION DATE:	September 27, 2017
REFERENCE NUMBER:	POA-2017-408
WATERWAY:	Julius Creek

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 if further information is desired concerning this notice.

<u>APPLICANT</u>: Alaska Department of Natural Resources, Division of Mining, Land and Water, POC: Mr. Adam Leland

LOCATION: The project site is located within Section 12, T. 8 S., R. 8 W. and Section 7, T. 8 S., R. 7 W., Fairbanks Meridian; USGS Quad Map Fairbanks B-5; Latitude 64.235° N., Longitude 149.041° W.; Rex Trail near Seven Mile Lake, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to reduce trail degradation by rerouting the trail to higher ground that is less wet, and to reduce the possibility of trespassing on private property. The reroute bypass would provide safer year-round travel for large and small vehicles, which would include summer vehicles up to 25,000 lbs., and large mining equipment such as a Caterpillar D10 during the winter. See Attachment B, for a more detailed description.

<u>PROPOSED WORK</u>: Bypass a 1 mile section of Rex Trail along Seven Mile Lake. The proposed project would discharge 16,810 cubic yards of gravel into 4.37 acres of black spruce wetlands to construct a bypass trail 6,766 feet long with a top width of 15 feet. In addition, seven pullouts 40-feet long and 20-feet wide would be constructed for use during construction and as pull off areas for oncoming traffic. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated July 27, 2017.

<u>APPLICANT PROPOSED MITIGATION</u>: See mitigation statement provided by the applicant in attachment B: Seven Mile Lake Reroute Project.

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 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 footprint of the project area as described above. 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 State Division of Natural Resources, Division of Mining, Land, and Water (DNR) is consulting with the State Historic Preservation Office (SHPO), directly. A permit for the described work will not be issued until the Section 106 process has been completed with DNR, which we will use to make our findings 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.

<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). 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. <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 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.

<u>AUTHORITY</u>: 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

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 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. <u>POA-2017-408, Julius Creek</u>, 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.

ATTACHMENT B: SEVEN MILE LAKE REROUTE PROJECT

Background

The eastern Rex Trail, extending 50 miles east from the Parks Highway mile post 280 to the Wood River, is an important access route and RS2477 in use since the early 1900s. The trail crosses water-logged lowlands north of the Alaska Range and was originally placed for winter mining access. Today, the trail is used year-round as access for private land owners, trapping, hunting, mining and recreation.

A spike in non-winter travel by wheeled and tracked vehicles, coinciding with 2004 legalization of antlerless moose hunting in game unit 20A, resulted in the severe degradation of many portions of the trail. The water-logged pits, braids and ruts have compromised the safety of both winter and non-winter travel. To slow further degradation of the trail, the Alaska Department of Natural Resources (DNR) limited vehicle use to off-road vehicles 1500 lbs or less (ATVs and snowmachines) in 2008, and allowed large tracked vehicles via permit in 2009.

In 2011, DNR Division of Mining, Land, and Water (DMLW) applied for a Recreational Trail Program Grant through the Alaska State Trails Program. The purpose of the grant was to evaluate the potential and feasibility of trail upgrades and/or reroutes for particularly degraded sections of the trail. A preliminary investigation generated a report for four sites where upgrades would be appropriate. The report gave upgrade/reroute prescriptions for improvements for each site that would support: (1) ATVs less than 1,500 lbs, and tracked vehicles less than 25,000 lbs; and (2) vehicles from the first group plus wheeled vehicles less than 15,000 lbs.

Using the recommendations of the prescription report, a small vehicle reroute was constructed in 2014 for one of the sites, which moved vehicles less than 1,500 lbs from the main stem of the trail (large tracked vehicles continue to use original trail alignment). This project was permitted under United States Army Core of Engineers permit number POA-2013-467.

Another site identified in the prescription report is a notoriously degraded and impassable section of trail at Seven Mile Lake. This site has been selected for the construction of a reroute that would ease year-round travel for large and small vehicles. In 2014, the Alaska Legislature awarded Capitol Improvement Project (CIP) funds for Rex Trail improvements that were subsequently paired with Pitman-Robertson match funds in 2015.

Project Description (Box 18)

Seven Mile Lake Realignment Project

The most seriously degraded section of the Rex Trail at Seven Mile Lake is approximately 1 mile in length and crosses a private parcel. The heavily degraded section starts when the trail drops into a low, boggy area about a half mile west of the lake. Here, the trail consists of ponds and deep, saturated mud, and is likely influenced by the lake water table. Seasonally, during non-frozen periods, the trail progressively degrades up as motorized vehicles travel the main trail stem and braids, until existing vegetation is removed and a thick layer of unconsolidated mud is churned up. As the season progress, the main stem of the trail becomes impassable to ATVs as areas of standing water and mud expand, and access is limited to only the most aggressive or tracked vehicles, or through braiding.

> POA-2017-408, Julius Creek Applicant: ADNR Mining, Land & Water Rex Trail Seven Mile Lake Realignment Project Sheet 1 of 8, Dated July 27, 2017

The original alignment of this section of trail was approximately 12-30 ft in width, but due ongoing braiding, is now 130 ft and wider. Motorized vehicle traffic has removed native vegetation and compacted soils, such that affected areas no longer drain naturally and are below grade, and resulting in ponds of standing water and wide stretches of deep mud. Currently, the area of trail impact has expanded from an original area of approximately 3.85 acres of exposed trail¹ to 8.75 acres of impacted wetlands.² Without an alternative road route, degradation of the site will continue to expand as motorized vehicles avoid impassible sections by skirting the edges or creating new braids to avoid obstacles. This project meets the requirements of a Nationwide 14 permit as it is a linear transportation project.

<u>Habitat</u>

The trail crosses ecoregions classified as Interior Forests Lowlands and Uplands³ and Tanana-Kuskokwim Lowlands.⁴ Both the original trail alignment and the reroute trail cross a mosaic of habitat types including black spruce woodlands, black spruce mixed deciduous forest, willow shrub and moss-sedge wetlands. For the purposes of this permit, all lands for the placement of fill (road construction) and reclamation (original trail alignment and braids) are considered wetlands.

Construction Details:

A road will be constructed that bypasses a 1 mile section of the Rex trail at Seven Mile Lake by realigning the trail to higher, stable ground to the south, avoiding a private parcel traversed by the original alignment as shown in Attachment A. Rerouting the trail to higher ground will provide a stable surface on which to construct a road. The new road will be less likely to experience soil compaction and altered soil hydrology that would result in water ponding and soft spots into which the road surface would sink. Project design and contracting is being completed in cooperation with the Alaska Department of Transportation and Public Facilities (DOT&PF). The DOT&PF road design and plans are included as Attachment C.

The constructed road will be 6,766 ft in length and consist of an elevated gravel surface capable of accommodating summer travel of vehicles up to 25,000 lbs, and winter travel of mining equipment up to and including a Caterpillar D10. The path will be flagged and cleared of vegetation 10ft on either side of centerline (total width 20ft) by hydro ax during the winter. Any material layed down during clearing activities will be pushed to the center of the new alignment and used as fill. Road construction will consist of an average of two feet of gravel fill on geotextile placed over the existing ground and vegetation. Organic soil and vegetation will be left in place to provide insulation and prevent thawing of existing permafrost. Gravel will be transported from a nearby material site and staged near the construction site during the winter for spring or summer placement. The road will be constructed to have a travel surface width of 15ft capable of accommodating one-way travel of mining equipment.

POA-2017-408, Julius Creek Applicant: ADNR Mining, Land & Water Rex Trail Seven Mile Lake Realignment Project Sheet 2 of 8, Dated July 27, 2017

¹ Assuming a linear length of 5,596.82 ft (1.06 miles) and 30 ft width for the original trail alignment between the proposed entry and exit points of the proposed trail re-alignment, the calculated area of impact is 167,904.60 ft2 (5,596.82 x 30), or 3.85 acres.

² Calculated based on visual assessment of trail corridor width and braiding using aerial imagery in a GIS.

³ Gallant, A. L., E. F. Binnian, J. M. Omernik, and M. B. Shasby. 1995. Ecoregions of Alaska. USGS Professional Paper 1567. Available from the U.S. Government Printing Office, Washington. 73p.

⁴ Nowacki, G., P. Spencer, M. Fleming, T. Brock, and T. Jorgenson. 2001. Ecoregions of Alaska: 2001. USGS Open-File Report 02-297 (map).

Seven vehicle pullouts, 40 ft deep and 20 ft wide, will placed at approximately equal distances along the length of the new alignment. To facilitate continued down slope water flow, sides will be sloped to a grade of 2:1 and seeded, and approximately seven culverts of 18 inch HPDE pipe will be placed in appropriate locations. For further construction details, please see DOT plans in Attachment C.

Two alternatives to the new trail alignment were considered:

1. Harden the existing trail with geotextile and a gravel cap.

While this option would place gravel on existing disturbed area without the need for additional disturbance to state lands, this solution would be either temporary, or require frequent maintenance. Unstable soils and high degree of water saturation of the current alignment will likely result in a constantly sinking trail surface that would require frequent replacement of gravel fill. Over the long term, this solution would have a high cost of maintenance and would not ultimately result in a permanent, hardened trail surface.

- 2. Create a shorter reroute, by either (A) shortening the span between the entry and exit points along the original trail alignment, or (B) running a shorter new alignment parallel to the original alignment.
 - A. While this alternative would result in a smaller area of new disturbance, one of the reroute entrances (or both) will still cross trail sections that are highly disturbed and consist of ponding, unconsolidated mud, or other hazards. Trail users will be forced to create and use braids prior to reaching the reroute, resulting in new, unplanned entrances to the new trail surface. Unplanned access to the new surface will lead to surface damage and threaten the integrity of the reroute construction.
 - B. This operation would result in a slightly smaller area of disturbance, but would not reroute the trail to stable, higher elevation ground. The route would be constructed on adjacent water logged soils, and would face similar problems of soil compaction and altered soil hydrology over time. The placement of geotextile and gravel would delay the soil compaction, but not prevent it all together, resulting in a sinking trail surface requiring ongoing maintenance through the placement of additional gravel fill.

Project Purpose (Box 19)

The purpose of the Rex Trail Seven Mile Lake realignment is twofold:

First, rerouting traffic from this highly degraded and frequently impassible section of trail improves safety and access to state managed lands and game management units. Leaving the trail as-is would lead to continued trail degradation through increased rutting and areas of impassible ponds and mud during the non-frozen season. The unstable trail surface increases the hazards of winter travel, particularly during low snow years, as uneven surfaces and holes are encountered by snow machines in low light conditions. By improving access, Department of Natural Resources Division of Mining Land and Water furthers its mission to "...[p]rovide for the appropriate use and management of Alaska's state-owned land and water, aiming toward maximum use consistent with the public interest.⁵"

POA-2017-408, Julius Creek Applicant: ADNR Mining, Land & Water Rex Trail Seven Mile Lake Realignment Project Sheet 3 of 8, Dated July 27, 2017

⁵ From DNR Web page

Second, the realignment moves the trail from a section of private property, where obstacle avoidance and braiding increased incidences of possible trespass outside the existing RS2477 right of way. The newly constructed road will reduce potential for further trail braiding by providing a raised, hardened surface, and users will not be forced to find alternative trails and unknowingly travel on private property.

Affected Area and Placement of Fill (Box 20)

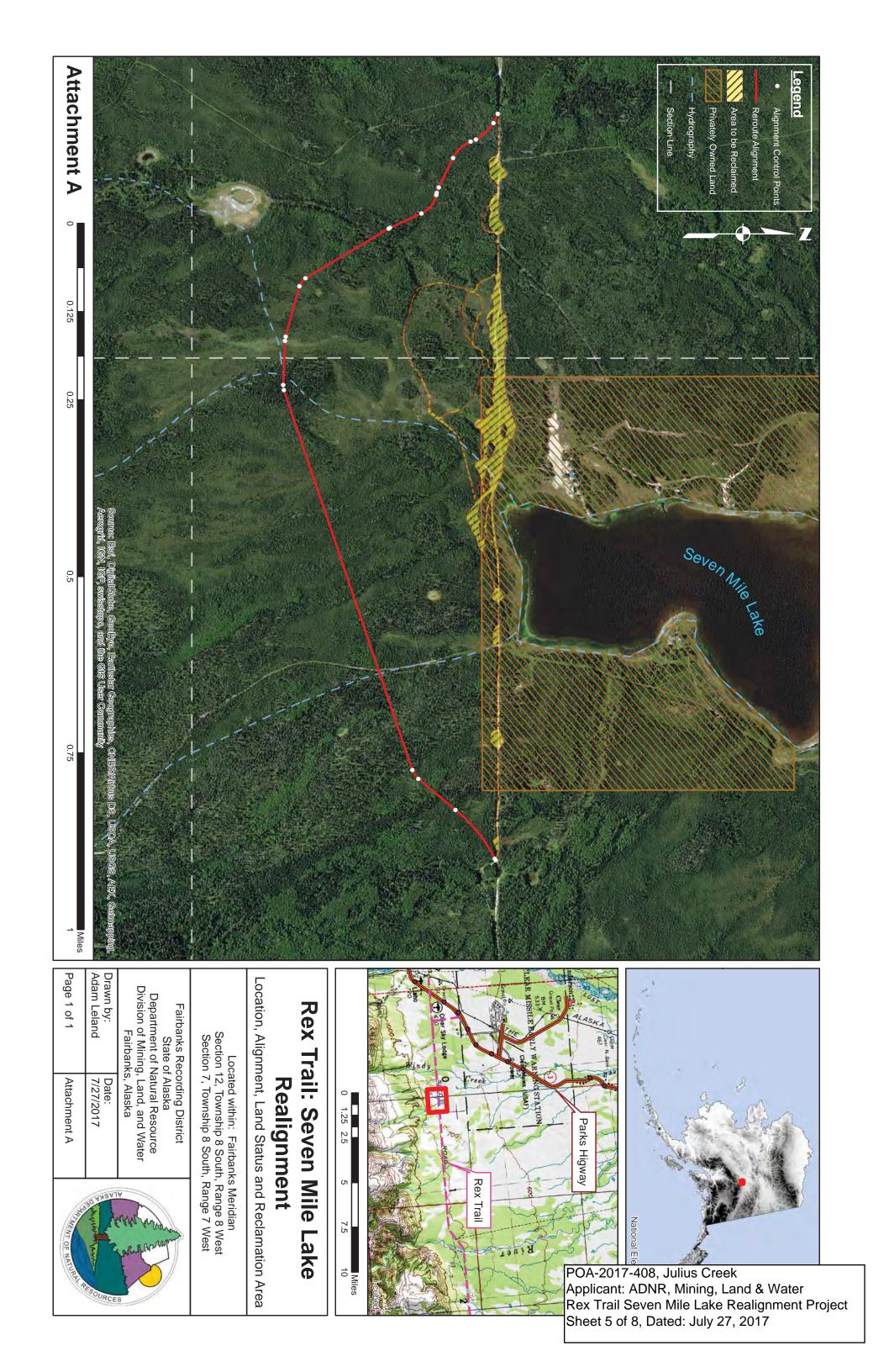
For construction of the road, the surface will be raised above existing grade to provide a durable, hardened surface cable of supporting summer traffic of vehicles up to 25,000 lbs, and winter travel of mining equipment. Two vertical feet of gravel fill will be placed on geotextile laid over the vegetative mat of the road alignment. Approximately 4.37 acres of state managed lands (all considered wetlands) will be subject to the placement of fill for the road surface based on the acreage of geotextile estimated for the project. Approximately 16,810 cubic yards of borrow will be placed by earthmoving equipment from a location off site.

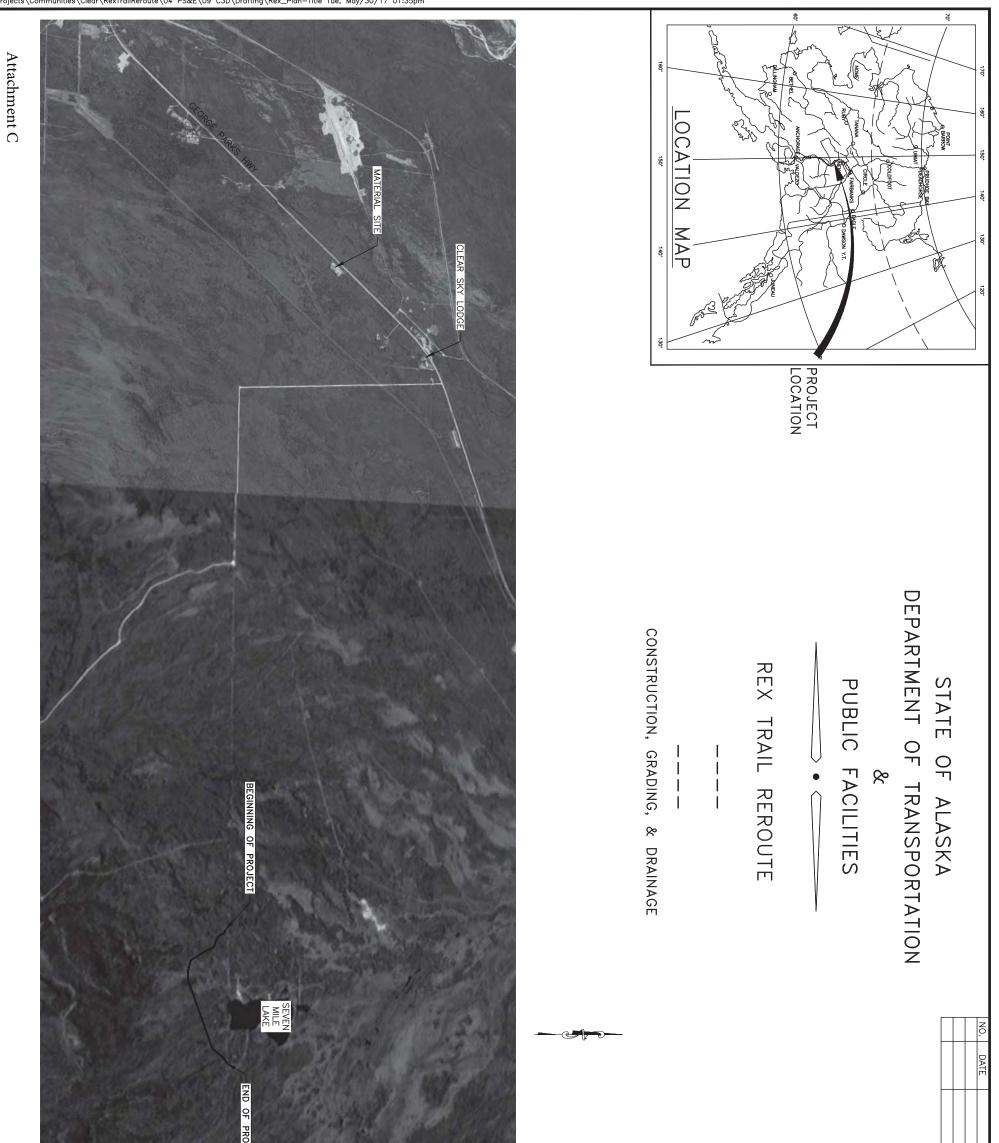
Mitigation (Box 23)

The current alignment of the Rex Trail crosses high-value wetlands adjacent to Seven Mile Lake. Travel during non-frozen periods has led to severe degradation of these wetlands through soil compaction changes to soil hydrology. Continued use of the trail increases wetland impacts as travelers avoid impassible trail sections by creating new braids and increase the surface area of disturbance. To date, the area of impact is approximately 8.75 acres of wetlands within the original trail alignment corridor and adjacent braids.

The new trail alignment project will impact approximately 4.37 acres of wetlands while restoring the 8.75 acres of impacted wetlands from the original alignment (a ratio of 2:1 restored vs affected lands). The area to be restored is immediately adjacent to Seven Mile Like and affected by the lake water table, while the new alignment will be placed on higher, more stable lands. Restoration will be by reseeding and redirecting public traffic through the placement of signs so that wetlands may recover and vegetation reestablish.

POA-2017-408, Julius Creek Applicant: ADNR Mining, Land & Water Rex Trail Seven Mile Lake Realignment Project Sheet 4 of 8, Dated July 27, 2017





		S. M. R.	REVISION
DESIGN SPEED		THE FOLLOWING PROJECT: C-00.00, D-00.00,	SHEET N A1 A2 A3 B1 C1 F1-F2 F1-F2 F1-F3 Q1
ED (V)	DESIG		ALASKA ALASKA INDE
	N D	STANDARD	ROJEC SHEET VD ECT LANE CILLANEOD ELLANEOD NO SED
	ESIGNATIONS	DRAWINGS AF	DESIGNATIC SHEET DESCRIPTIC DESCRIPTIC DETAILS DETAILS EENT CONTROL
15 1	SN	APPLY	C PLANS
MPH		ТО	POA-2017-408, Julius Creek
		IIIS	Applicant: ADNR, Mining, Land & Water
		0,	Rex Trail Seven Mile Lake Realignment Project
			Sheet 6 of 8, Dated: July 27, 2017

PUBLIC FACILITIES	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION	CHRISTOPHER F. JOHNSTON, P.E., PROJECT MANAGER PAUL ECKMAN JR DESIGNER	

Sarah E. Schacher, P.E. Preconstruction Engineer, Northern Region ACCEPTED FOR CONSTRUCTION:

DATE .

Ryan F. Anderson, P.E. Regional Director, Northern Region

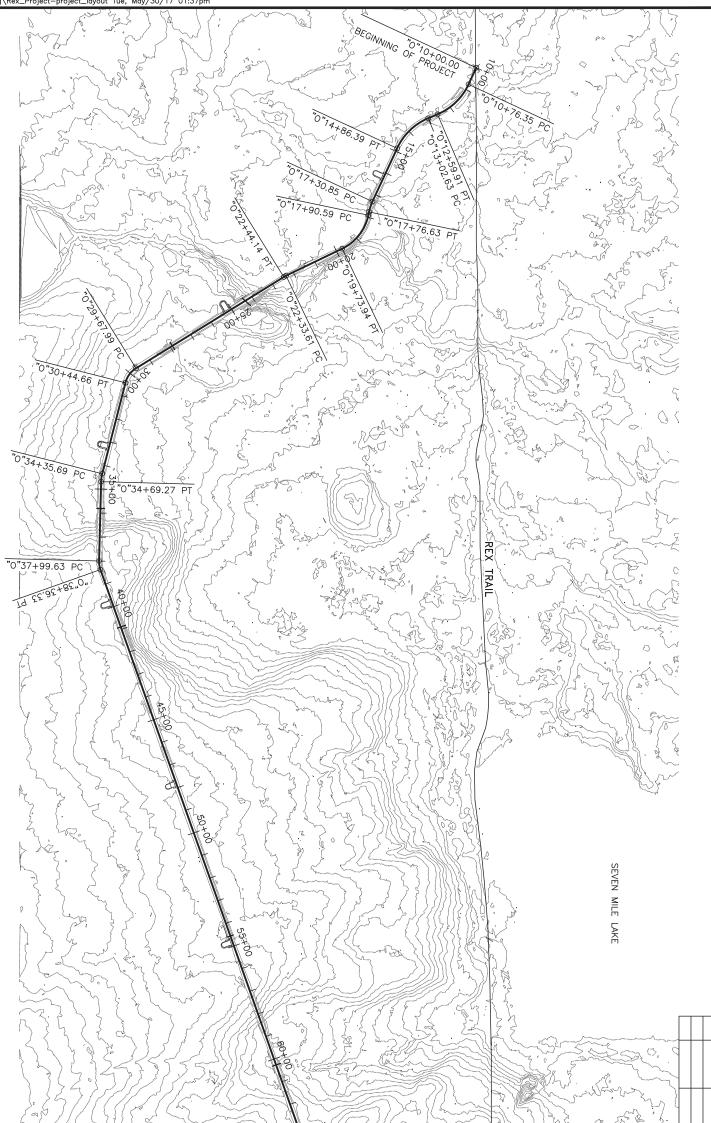
DATE .

PROJECT SUMMARY		
JECT SUMMARY		LENGTH OF PROJECT
	15 FT	WIDTH OF PAVEMENT
	IARY	

PROJECT	
SUMMARY	

JECT

Þ	ALIGNMENT CONTROL POINTS	OL POINTS	4	ALIGNMENT CONTROL POINTS	$\overline{\mathbf{x}}$
STATION	LATITUDE	LONGITUDE	STATION	LATITUDE	
10+00.00	N64° 14' 04.3459"	W149°02'39.0556"	34+35.69	N64° 13' 48.7563"	
10+76.35	N64° 14' 04.0190"	W149°02'37.5008"	34+69.27	N64° 13' 48.7060"	
12+59.91	N64° 14' 02.7309"	W149°02'34.7234"	37+99.63	N64° 13' 48.5715"	
13+02.63	N64° 14' 02.3414"	W149°02'34.3592"	38+36.33	N64* 13' 48.6226"	
14+86.39	N64° 14' 01.0523"	W149°02'31.5777"	68+37.64	N64° 13' 58.0694"	
17+30.85	N64° 14' 00.0073"	W149°02'26.5977"	69+19.79	N64° 13' 58.5197"	
17+76.63	N64* 13' 59.8596"	W149°02'25.6221"	72+81.40	N64° 14' 01.2472"	
17+90.59	N64* 13' 59.8295"	W149°02'25.3139"	77+52.27	N64° 14' 04.1315"	
19+73.94	N64° 13' 58.7358"	W149°02'22.1983"	77+65.82	N64° 14' 04.1932"	
22+33.61	N64° 13' 56.4116"	W149°02'19.7256"			
22+44.14	N64° 13' 56.3247"	W149°02'19.6194"			
29+67.99	N64° 13' 50.2096"	W149°02'11.2181"			
30+44.66	N64° 13' 49.7649"	W149°02'09.8698"			



DA

PLANS DEVELOPED BY: STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, NORTHERN REGION, 2301 PEGER ROAD, FAIRBANKS, AK 99709 (907)451-2200 H:\Projects\Communities\Clear\RexTrailReroute\04 PS&E\09 C3D\Drafting\Rex_Project-project_layout Tue, May/30/17 01:37pm



