



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: | May 22, 2019 |
| EXPIRATION DATE: | June 5, 2019 |
| REFERENCE NUMBER: | POA-2019-00115 |
| WATERWAY: | Tanana 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 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 Laurel A. Gale at (907) 458-1601, or by email at Laurel.A.Gale@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. John Thies

AGENT: Mr. Edmond C. Packee, Travis/Peterson Environmental Consulting, Inc.

LOCATION: The project site is located within Section 20, T. 1 S., R. 1 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.8160° N., Longitude 147.8100° W.; Fairbanks North Star Borough; Block20, Lots 23, 24, 25, and 26; located at 3510 Van Horn Road, in Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to expand an already existing commercial gravel material source.

PROPOSED WORK: The applicant's proposed work is to expand 3.5 acres of an already existing commercial gravel pit located on Tax Lot 26. Lots 23, 24, 25, and 26 are currently owned by the applicant. The existing 2.5 acre material site located on Lot 26 will be expanded to incorporate land area on Lots 23, Lot 24, and Lot 25. The anticipated wetland impact is anticipated to consist of approximately 3.3 acres of Palustrine Scrub-Shrub Broad-Leaved Deciduous/Broad-Leaved Evergreen Seasonally Saturated wetlands (PSS1/3B). The entirety of the lots outside the uplands, located on Lot 26, consist entirely of wetlands. The proposed work will consist of removing and stockpiling approximately 10,650 cubic yards (CY) overburden for use as stockpiling and topsoil, and the extraction of approximately 122,450 CY of sand and gravel to an already existing upland area. The approximately 3.3 acre expansion will be phased over the course of three years. All work would be performed in accordance with the enclosed plan sheets (1-6), dated May 03, 2019.

ADDITIONAL INFORMATION: This is a historic material source pit, and was originally permitted by the previous owner under POA-2004-461. The original permit expired May 31, 2007, several years prior to the sale of the property to the current owner, Mr. Thies. The site contains an already existing access road located in the southeast corner of Lot 26. The existing access consists of uplands, and aside from routine maintenance, no additional structural improvements are planned. Initially, the applicant plans on using a hydraulic excavator and truck combination to remove the overburden and initiate gravel extraction to a depth of 12-14 feet in the project area. Following full development of the material site, the applicant will use a dragline to further excavate gravel to a depth of 25-feet.

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 applicant owns the property and would have to purchase land, assuming a suitable parcel is available for purchase, to avoid wetland impacts. Additionally, the proposed expansion of an existing material source owned by the applicant onto his adjacent property will enable continuation of existing use without the need to mobilize equipment to a separate location. The pit area would be surrounded by a graveled work area, which would act to keep water fallback from pit excavation contained so it does not further impact the surrounding wetland areas located outside the project perimeter. The banks and graveled areas of the work pad would be angled to direct storm water runoff and seasonal melt from migrating out of the project area. As an insurance measure to prevent sediment runoff, berms would be installed around the project perimeter to prevent sediment from migrating off site.

b. Minimization: The applicant proposed the following minimization measures: The proposed project plans are to only disturb enough wetlands to develop and operate the material site at that location. The location of the proposed project development would include a 50-foot setback from property lines and a 20-foot setback from the 0.40 acres of emergent wetlands located in the northwest corner of Lot 24 and would incorporate approximately 1.87 acres of uplands. The emergent wetlands in the northwest corner of Lot 24 would not be developed in order to minimize the effect of the unavoidable impacts to the 3.3 acres of Palustrine Scrub Shrub Broad-Leaved Deciduous/Broad-Leaved Evergreen Seasonally Saturated wetlands within the project plan area. In compliance with a special condition in POA-2004-461, a 20-foot wide buffer zone will be left around the outside of the developed site as noted in the Wetland Development and Enhancement Project Plan.

c. Compensatory Mitigation: No compensatory mitigation is proposed for this 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.

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 those areas comprising the waters of the United States that will be directly affected by the proposed work. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (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.

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 (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.

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 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 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

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: dec-401cert@alaska.gov

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.

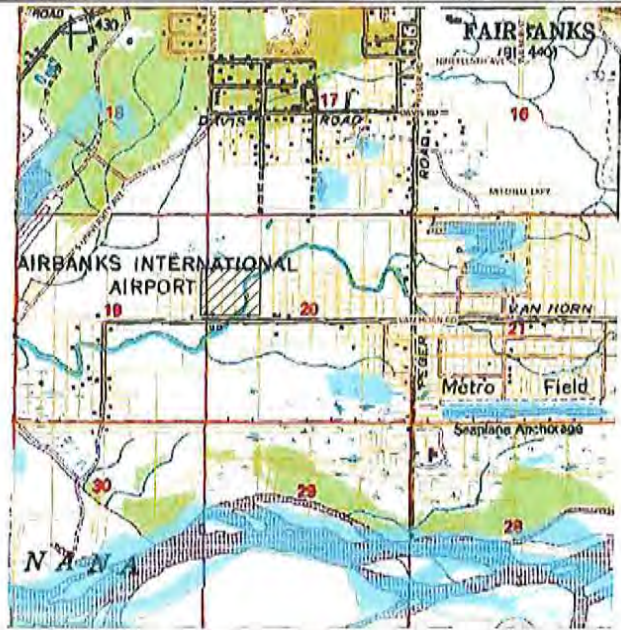
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00115, Tanana River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

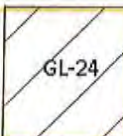
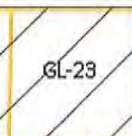
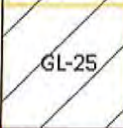
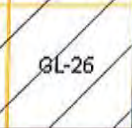
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed 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.



 **INSET BELOW**

| | | | | | | | |
|-------|-------|-------|-------|---|---|-------|--------|
| GL-5 | GL-6 | GL-7 | GL-8 |  |  | GL-22 | GL-21 |
| GL-12 | GL-11 | GL-10 | GL-9 |  |  | GL-27 | GL-28 |
| GL-13 | GL-14 | GL-15 | GL-16 | GL-40 | GL-39 | GL-38 | GL-37 |
| GL-20 | GL-19 | GL-18 | GL-17 | GL-41 | GL-42 | GL-43 | GL-44E |



 **SUBJECT PROPERTY**

POA-2019-00115
 Tanana River
 May 03, 2019
 1 of 6

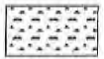
TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.
 329 2ND STREET
 FAIRBANKS, ALASKA 99701

PROJECT No: 1626-02

FILE: 1626/02/Sheet 1 of 3.SKF



PSS/EM



PEM



Uplands
Previously Converted



Property Boundary



GRAPHIC SCALE



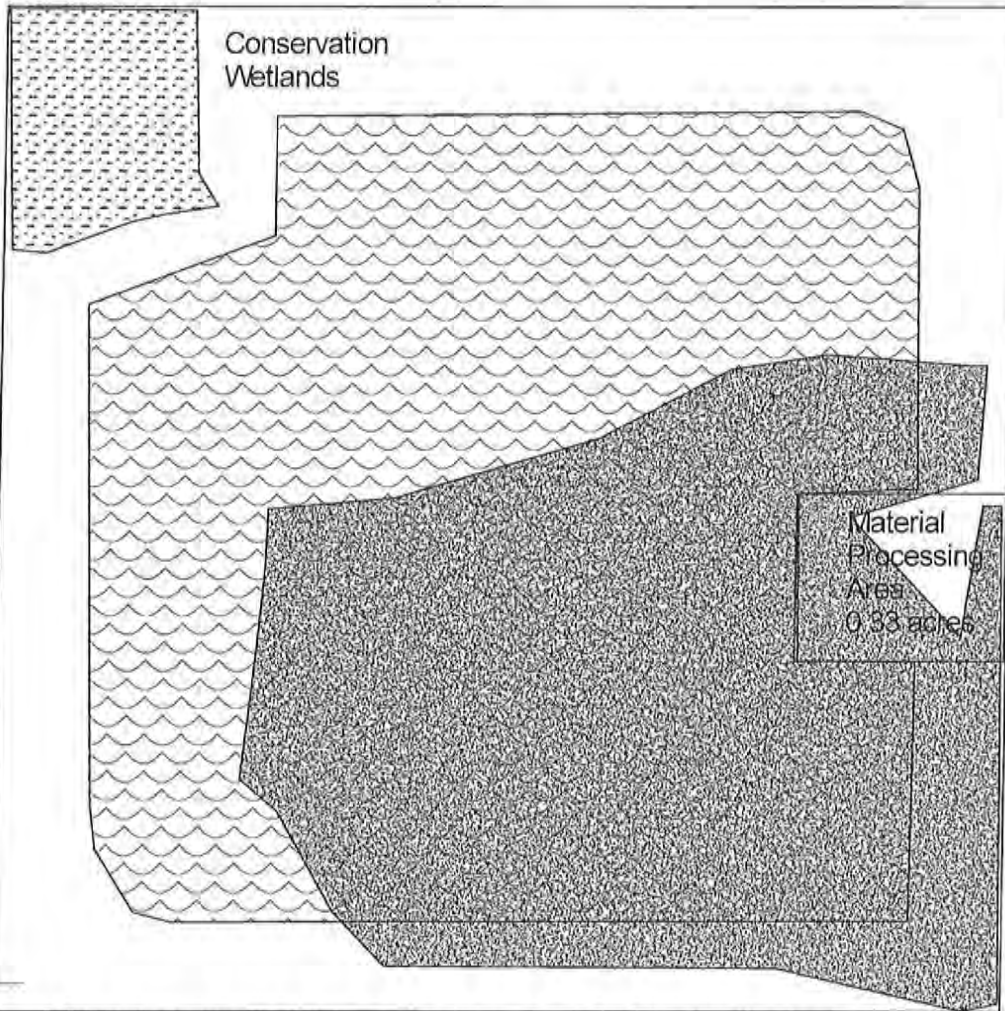
0 57.5 ft 115 ft

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PROJECT No: 1626-02

FILE: 1626/02/Sheet 2 of 3.SKF



Material Site Limits will impact 3.33 acres of PSS/EM wetlands and incorporate 1.87 acres of existing uplands.

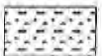
0.4 acres PEM wetlands to be set aside permanently



Proposed Material Site Boundaries (5.2 acres)



PSS/EM Wetlands (2.53 acres)



PEM (0.4 acres)

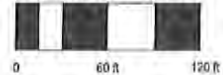


Uplands
Previously Converted



Property Boundary

GRAPHIC SCALE

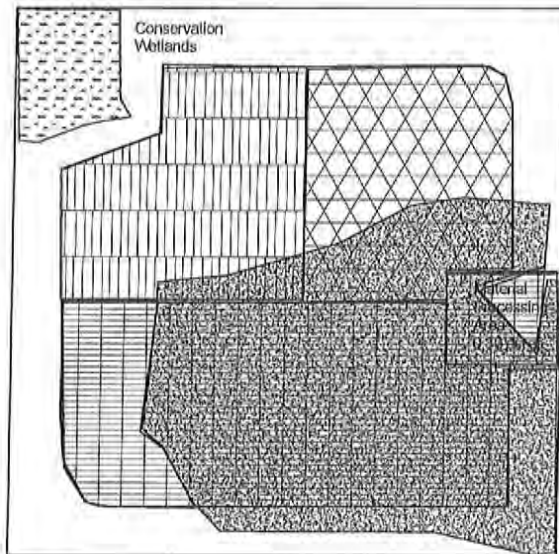


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PROJECT No: 1626-02

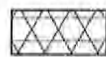
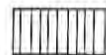
FILE: 1626/02/Sheet 3 of 6.SKF



Phase I - 2019

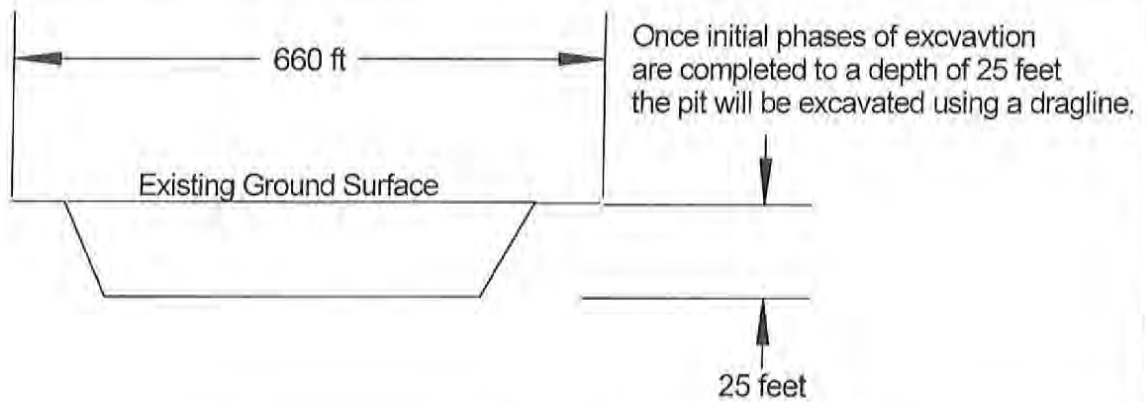
Total disturbance: 3.2 acres
 Dredge in wetlands: 0.62 acres
 25,000 yds
 Fill in wetlands: 0.08 acres
 *144 yds

*1 foot fill depth assumed for processing area.



Phase II - 2019 - 2020

Phase II - 2021



PSS/EM



PEM



Uplands
 Previously Converted



Property Boundary



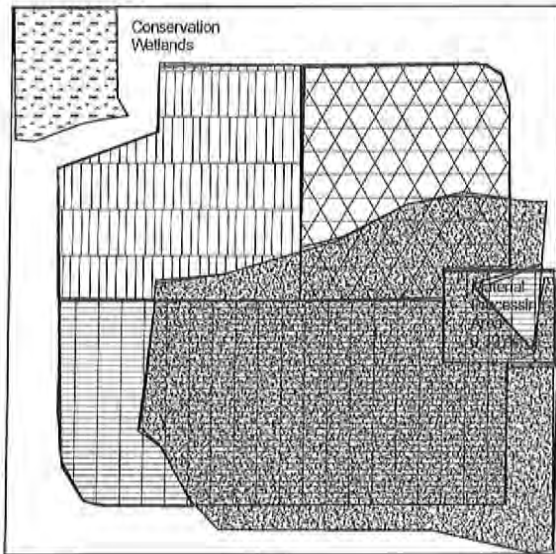
POA-2019-00115

Tanana River

May 03, 2019

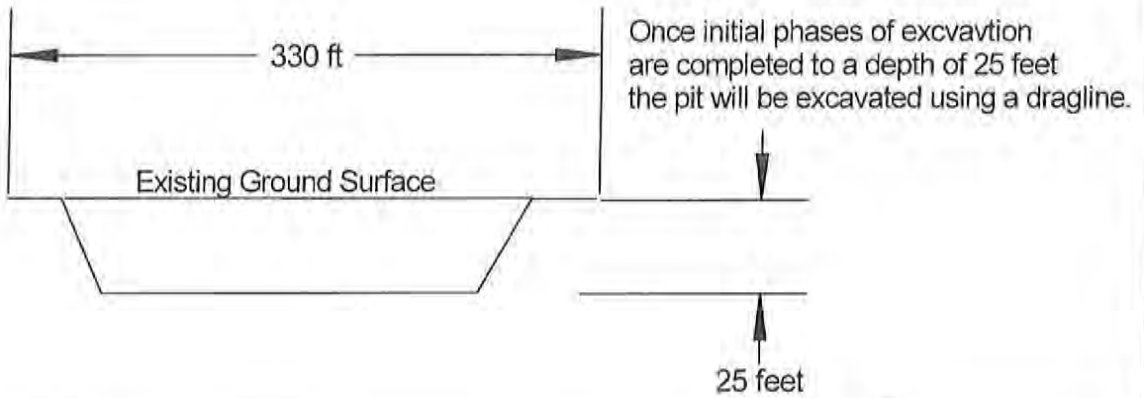
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-  **Phase I - 2019**
-  **Phase II - 2019 - 2020**
 Total disturbance: 1.5 acres
 Dredge in wetlands: 1.47 acres
 59,290 yds
-  **Phase II - 2021**

Fill in wetlands: 0.00 acres
 0.0 yds

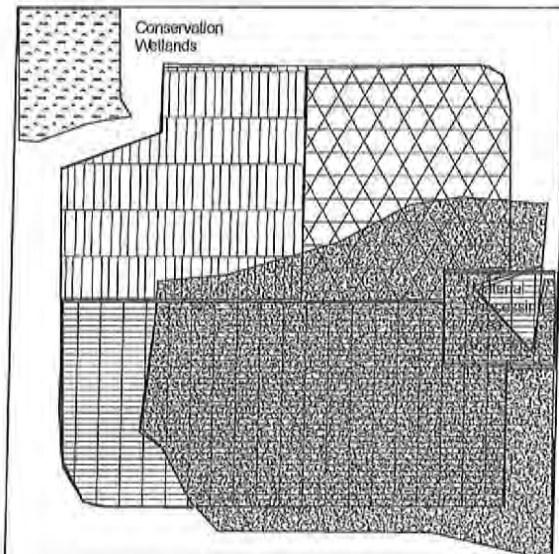





-  PSS/EM
-  PEM
-  Uplands Previously Converted
-  Property Boundary

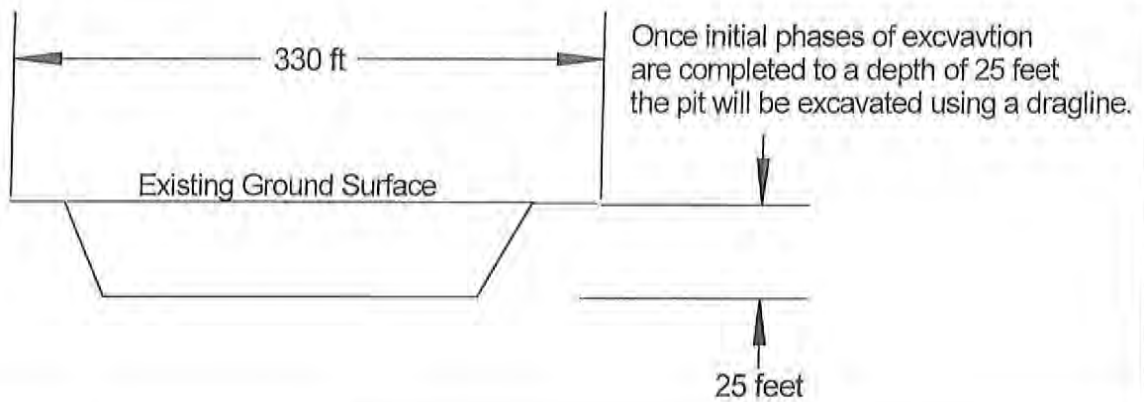
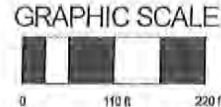







POA-2019-00115
 Tanana River
 May 03, 2019
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 329 2ND STREET
 FAIRBANKS, ALASKA 99701



-  Phase I - 2019
 -  Phase II - 2019 - 2020
 -  Phase III - 2021
- Total disturbance: 1.5 acres
 Dredge in wetlands: 1.0 acres
 40,400 yds
 Fill in wetlands: 0.00 acres
 0.0 yds



-  PSS/EM
 -  PEM
 -  Uplands Previously Converted
 -  Property Boundary
- 

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 Tanana River
 May 03, 2019
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