US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	**January 15, 2014**
EXPIRATION DATE:	**February 18, 2014**
REFERENCE NUMBER:	**POA-2012-328**
WATERWAY:	**Copper 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.

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 Roberta K. Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: DOI – National Park and Preserve AKRO, Attn: Mr. Daniel Chamberlain, 240 West 5th Avenue, Anchorage, Alaska 99501

LOCATION: The project site is located within Section 1 of T. 7 N., R. 8 E., Sections 25 and 36 of T. 8 N., R. 8 E., Sections 6, 7, 18, 19, and 30 of T. 9 N., R. 10 E., Sections 10, 11, 14, 23, 25, 26, and 36 of T. 9 N., R. 9 E., Copper River Meridian; USGS Quad Maps Nabesna B-6 and C-6; Latitude 62.5816º N., Longitude 143.6964º W.; Copper Lake Trail (MP 20 Nabesna Road), near Slana, Alaska.

SPECIAL AREA DESIGNATION: The proposed project is located within the Wrangell – Saint Elias National Park.

PURPOSE: The applicant's stated purpose is to repair and realign the existing off-road vehicle trail.

PROPOSED WORK: Discharge up to 10,000 cubic yards of native soil and gravel into a maximum of 10.4 acres of wetlands and 0.1-acre of waterways. The proposed project would consist of hardening the existing Copper River Trail's surface, and rerouting the trail to firmer surfaces. Trail hardening would be completed in a variety of methods, depending on specific site conditions. Methods for trail repair would be as follows:

1. Ditch and elevate – Raise the tread surface above the surrounding terrain and allow for drainage to the sides. This method would be used in saturated soils that are sufficient to support an off-road vehicle, but lack drainage. Ditching and elevating would mitigate further erosion of the trail.
2. Sidehill, sidecast, and compact – Bench cutting along a cross gradient of 5% or greater. All tread surfaces would be crowned for drainage. Materials removed from the uphill side would be used to fill in the lower side to produce the 5% or less cross slope.

3. Plastic cellular soil confinement grids – Geo-web or geo-block would be utilized in completely saturated soils. Grids would be either filled or unfilled, depending on the size of grid, bedding surface, level of wear, and available materials. Grading of the trail prior to installation would be necessary. Grids would be set on treaded or plastic lumber, placed on geotextiles, classified soils, or directly on the trail surface.
4. Geotextiles – Geotextile fabrics would be buried with classified soils. Geotextiles would be used over saturated soils to mitigate mixture of soil types.

Repair to the trail would include multiple stream crossings, achieved in a variety of methods, as follows:

1. Culvert – Arched culverts, or multiple large diameter pipes would be placed over flowing waterways. The trail would be raised above the flowing water, and culverts would be covered by gravels. Up to five (5) culvert crossings are possible, but exact crossing methods would be determined during construction. Each culvert crossing would have a fill dimension of no more than 20 feet by 8 feet by 1 foot.
2. Native rock stream crossings – Native rock would be placed in a stream channel to stabilize the stream bed to reduce erosion from tires and water movement. A layer of 10 to 12 inches of rock would be placed with subsequently smaller rock placed over it. No more than six (6) stream crossings would be constructed in this method, and each crossing would be no more than 40 feet in length each. No more than 10 cubic yards of rock would be placed in a stream for each crossing.

All work would be performed in accordance with the enclosed plan (sheets 1-15), dated December 9, 2013.

ADDITIONAL INFORMATION: Other trail repair activities that would be accomplished, but are not subject to the Corps' jurisdiction as they do not involve the discharge of fill material into waters of the U.S. are as follows:

1. Bridge crossings – One 60-foot full span bridge would be placed over a stream at the outlet of Copper Lake. None of the bridge's components would be placed below the ordinary high water of the stream.
2. Drainage structures – Drainage basins would be excavated and spaced approximately every 300 feet of the trail to catch runoff from a typical rain event. These drainage structures would allow the trail tread to remain unsaturated and compacted.

The National Park Service completed the "Nabesna Off-Road Vehicle Management Plan Final Environmental Impact Statement" in August 2011 (Nabesna ORV EIS). The Nabesna ORV EIS evaluated the environmental impacts that would result from the proposed project, along with other nearby trail repairs. A copy of the Nabesna ORV EIS is available online at the address below, and contains detailed information about the proposed projects impacts to different resources.

http://parkplanning.nps.gov/document.cfm?parkID=21&projectID=20698&documentID=42805

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 trail route has been selected in order to minimize the length of trail that crosses very wet boggy terrain. It has been observed that where the trail crosses very wet, boggy terrain, users have braided the trail. This has caused impact to a wide swath of wetlands. By re-routing the trail to place it on firmer mineral soils, the users will confine their impacts to just the constructed trail tread. Trail route has been selected so that natural features such as trees prevent users from deviating from one intended route of travel."

b. Minimization: "The only fill discharge we [the applicant] are proposing is to move soils that are excavated from constructed drainage features to the trail tread. This will elevate the trail tread and minimize potential for erosion of the trail surface into the wetlands."

c. Compensatory Mitigation: "No compensatory mitigation is proposed. The proposed improvements will reduce the degradation of wetlands by confining the route of travel into a single track and eliminate braiding of the trail by trail users.

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 lead Federal agency, the National Parks Service (NPS), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A permit for the described work will not be issued until the Section 106 process has been completed. In the Nabesna ORV EIS, the NPS found that the proposed project would avoid direct impacts to cultural resources by mitigation measures, and that the resources would benefit from keeping off-road vehicles on one alignment.

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 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). The proposed project area is within the known range of the Chinook salmon (*Oncorhynchus tshawytscha*) and sockeye salmon (*Oncorhynchus nerka*). The NPS evaluated impacts to fish resources in the Nabesna ORV EIS. The NPS found that improvements to stream crossings would have an overall benefit to the aquatic resources over the current conditions.

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 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

SEAN PARNELL, GOVERNOR

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

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-2012-328, Copper 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.