



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** JULY 31, 2014  
**EXPIRATION DATE:** AUGUST 14, 2014  
**REFERENCE NUMBER:** POA-2008-351  
**WATERWAY:** HUTLINANA 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 Patricia Lora at (907) 753-2797; toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [patricia.l.lora@usace.army.mil](mailto:patricia.l.lora@usace.army.mil), if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities (ADOT&PF), Mr. Bob Effinger, [bob.effinger@alaska.gov](mailto:bob.effinger@alaska.gov); (907) 451-5294; fax (907) 451-5126.

**LOCATION:** The project site is located within Fairbanks Meridian; USGS Quad Map Livengood A-6; T5N, R9W, Section 19; T5N, R10W, Sections 24-26, 31-35; T5N, R11W, Sections 35 and 36; T4N, R10W, Sections 6; T4N, R11W, Sections 1- 7; T4N, R12W, Sections 12; at the following grid coordinates, between Minto and Manley Hot Springs, Alaska:

Project type/Location	Latitude	Longitude
MP 107.7	65.24030 N	-149.50530 W
MP 120.5	65.18370 N	-149.89120 W
Material Site MP 94.5	65.30430 N	-149.12210 W
Material Site MP 134	65.12560 N	-150.21910 W

**PURPOSE:** The applicant's stated purpose is to reconstruct approximately 12 miles of the Elliott Highway, starting at Milepost (MP) 107.7 and ending at MP 120.5. The purpose of the project is to improve safety and maintain access for the traveling public and to reduce roadway maintenance costs.

**PROPOSED WORK:** The project would involve realigning up to 5 miles of the highway, raising road embankments, replacing damaged or compromised culverts, and upgrading substandard horizontal and vertical curves. The continued development of the material site situated at MP 94.5 (impact volume ~ 114,800 cubic yards, or 9 acres) is also proposed by the Federal Highway Administration (FHWA). Material Site MP 134 (impact volume ~ 2,000 cubic yards, or 0.56 acres). would also be utilized in providing material for this proposed project. The existing Elliott Highway within the project limits is a two-lane gravel roadway with substandard curves causing the road to be impassable due to spring run-off or rain events, which are subject to erosion from poor drainage. Natural drainage patterns would be maintained by replacing existing culverts and adding new ones.

The total estimated *permanent* fill impacts to wetlands are 116,800 cubic yards, or, **9.56** acres for the entire project. The total estimated *temporary* impacts to wetlands are approximately 22.6 acres within waters of the United States.

All work would be performed in accordance with the enclosed plan (sheets 1-20) dated May 8, 2014 and (sheets 21-22), dated July 7, 2014.

**ADDITIONAL INFORMATION:** To view the applicant's complete Preconstruction Notification application, please visit: <http://www.dot.alaska.gov/nreg/projects/62227-Elliott-107.7-120.5-PCN.pdf>.

**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:** Existing drainage patterns would be maintained wherever possible. Culverts to be replaced and newly installed would be designed at the appropriate sizes, elevations, gradients that would maintain the natural drainage patterns and hydrology. This would avoid impacts to wetlands due to altered drainage patterns. Hazardous material use and storage would be in accordance with all State and Federal regulations for the purpose of avoiding contamination impacts to waters. Materials stockpiles or excess material would avoid permanent fill in wetlands by being disposed of or stored in uplands, unless otherwise permitted for fill in waters.

b. **Minimization:** The side slopes of the proposed roadway embankment would be minimized to avoid wetlands while meeting design standards. Temporary fill utilized during construction would be removed from jurisdictional waters when construction is complete. Appropriate erosion and sediment control measures would be implemented on or at the perimeters of disturbed soil surfaces to minimize the transport of sediment to waters of the U.S. Disturbed areas, vegetated prior to the project and left unprotected by improvements, including slopes, would be stabilized and re-vegetated. Ground disturbances in these areas would be addressed by measures such as raking slopes, seeding, fertilizing, and mulching. This would reduce erosion and sediment transport and help establish vegetative cover, thereby minimizing short-term and long-term impacts to adjacent and downstream waters. Temporary work areas leaving wetlands with exposed disturbed soils would be restored by seeding disturbed ground with appropriate plant species.

c. **Compensatory Mitigation:** ADOT&PF proposes compensatory mitigation for wetland impacts by means of in-lieu fee paid to The Conservation Fund.

**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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

**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 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 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).

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# 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, 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-2008-351, Hutlinana Creek**, 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.