



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE:	July 8, 2014
EXPIRATION DATE:	August 7, 2014
REFERENCE NUMBER:	POA-2013-665
WATERWAY:	Sagavanirktok 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 Ellen Lyons or Benjamin Soiseth at (907) 474-2166, or by email at Ellen.H.Lyons@usace.army.mil or Benjamin.N.Soiseth@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (AK DOT&PF)

AGENT: Melissa Jensen, 2301 Peger Road, Fairbanks, Alaska 99709. Melissa.jensen@alaska.gov

LOCATION: The project begins at Dalton Highway milepost (MP) 401 (Latitude 70.031429° N., Longitude 148.641922° W.) and ends at Dalton Highway MP 414 (Latitude 70.198867° N., Longitude 148.4100037° W.); near Deadhorse, Alaska. It has been assigned number POA-2013-665, Sagavanirktok River, which should be referred to in all correspondence with us.

PURPOSE: The applicant's stated purpose is to conduct road improvements to the Dalton Highway.

PROPOSED WORK: The proposed project includes the discharge of 185,000 cubic yards (cy) of fill material into 35.1 acres of waters of the U.S., including wetlands to conduct road improvements to the Dalton Highway, MP 401-414. An additional 111.7 acres of impacts are associated with the three proposed material sites for a total of 146.8 acres of impacts (See sheet 2 of 36 for the breakdown of impacts). MS 65-9-101-2 is located entirely in wetlands and would include the construction of a 7.2 acre work pad, 0.46 acres of access road, 19.6 acres of overburden storage areas, and a 40 acre mining area. MS 65-9-102-2 is located completely in wetlands, would use an existing work pad/staging area, would fill 0.33 acre of wetlands for an access road, and would use 18 acres for overburden storage, and would have a 23 acre mining area. MS 65-9-026-2 is located below ordinary high water (OHW) in the Sagavanirktok River. There would be a 7.5 acres stockpile area, 0.6 acres of access road and the mining area would be 23 acres in size, mined to a depth of 12', and would result in 450,000 cy of excavation from the Sagavanirktok River. (Details on the material site can be found on Sheets 23-31 of 36).

All work would be performed in accordance with the enclosed plan (sheets 1 – 33 dated January 2014, and 34-36 dated May 2014).

ADDITIONAL INFORMATION This work is the first phase of a three phase road improvement project that would eventually also include MP 379-401 and MP 362-379. However, the proposed project is a single and complete project, and will be evaluated for a permit independently from the other phases. The AK DOT&PF proposes to “reconstruct the Dalton Highway from MP 362-414 by nominally raising the road grade 4-feet, paving the road and incorporating drainage improvements. The grade raise would mitigate snow drifting issues. Paving the road would reduce dust and maintenance requirements, provide a more durable road surface and increase safety. Expansion and /or development of material sources will be required to provide borrow and crushed products for the project.”

The project would include the replacement of seventeen culverts (See sheet 36 for a typical culvert detail). “Out of these seventeen culverts, two are fish passage culverts. The new fish passage culverts would be replaced with a larger diameter and would be installed in same location as the existing culvert to attempt to maintain the thermal equilibrium that has been established in the 40 years the culvert has been in place. (See sheets 34 and 35 for fish passage culvert plans).

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: “1) Follow the existing road alignment and fill footprint where possible. 2) Temporary stockpiles and equipment staging areas would be located in uplands or previously disturbed areas where possible, 3) any excess material excavated from the project area will be disposed of in uplands or in an area permitted for fill.”

b. Minimization: “1) The majority of the project would be constructed within a previously disturbed area (existing roadway). Wetlands surrounding the road have been exposed to secondary impacts associated with the road (i.e. surface runoff, dust, etc.); therefore, they are somewhat degraded and have reduced wetland functions. 2) Temporary impacts would be limited to 30 feet beyond the proposed toe of slope. The temporary construction would be 10 feet from toe of slope, with 20 feet of vegetative buffer. The temporary construction areas would be staked prior to construction. 3) Temporarily disturbed areas, including slopes, would be stabilized and re-vegetated. Ground disturbances in these areas would be addressed by measures such as raking slopes, track walking 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 wetlands. 4) Existing drainage patterns would be maintained. 5) In river material sites will be restored after use to enhance fish populations.”

c. Compensatory Mitigation: “The functional value of each wetland was determined according to *Wetlands and Habitat Assessment of Proposed Dalton Highway MP 362-414 Material Sites, North Slope, Alaska and Wetlands Determination and Wildlife Habitat Evaluation for the Dalton Highway MP 362-414 Rehabilitation Project*. The specific method utilized is a derivation of the *Washington State Department of Transportation’s (WSDOT) Wetlands Functions Characterization Tool for Linear Projects (WSDOT, 2000)*. This tool incorporates the relative importance of several processes or attributes for each wetland type that encompass hydrological, water quality, ecological, and social functions. Based on the number of attributes each wetland possesses, each wetland type is ranked into categories of low, moderate, and high importance. DOT&PF proposes to provide compensatory mitigation for the project’s permanent impacts to wetlands by means of an In-Lieu Fee (ILF) payment to the Conservation Fund. The permanent wetland impacts are estimated to have a moderate (Category III) functional capacity. The proposed area is mostly along the roadside and has been disturbed either directly or indirectly due to road traffic. To compensate for 130 acres of Palustrine Emergent Wetland (PEM) DOT&PF suggest mitigation ration of 1:1. Paving the road will cut down on the fugitive dust and have less impact on wetlands adjacent to the road (see Walker and Everett, 1987 and Auerbach, Walker and Walker, 1997). Heavy deposition is relatively unreactive chemically up to 10m from the road edge. The addition of dust from roads has a negative impact on vegetation, soils, ground ice, and wildlife. This increases the snowmelt, which brings wildlife to the roadside, causing hazards to animals and traffic passing by. The early snowmelt contributes to early initiation of soil thaw. Premature vegetation growth could result in reduction, and in extreme cases, elimination of desired species. Paving the road will reduce dust, which will reduce the amount of water withdrawal taken out of wetlands. The remaining 16.8 acres of Palustrine Emergent Wetland (PEM), Category III wetland impacts, DOT&PF suggest mitigation ration of 1.5:1.”

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, Alaska Division of Federal Highway Administration in partnership with the Alaska Department of Transportation and Public Facilities, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. They completed consultation with SHPO in May of 2012. The ADOT&PF determined there were cultural resource site within the project area, however only XBP-00114 and SAG-00097 were within the APE. The ADOT&PF consulted with SHPO in a letter dated July 7, 2011. The SHPO responded, concurring that "No historic properties would be adversely affected by the proposed project" in a stamped letter sent to ADOT&PF in May 2012. 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: The project area is within the known or historic range of the spectacled eider and potential denning habitat for polar bears.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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 Sagavanirktok River is within the known range of the Chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*)(spawning), Broad whitefish (*Coregonus nasus*), Dolly Varden (*Salvelinus mama Walbaum*), and Least Cisco. Material Site 65-9-026-2 will impact 31.1 acres of the Sagavanirktok River below Ordinary High Water.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b) (2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service or Alaska Fish and Game may have concerning essential fish habitat will be considered in our final assessment of the described work.

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

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-2013-665, Sagavanirktok 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.