



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

KENAI FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
44669 Sterling Highway, Suite B  
Soldotna, Alaska 99669-7915

<b>PUBLIC NOTICE DATE:</b>	<b>September 22, 2015</b>
<b>EXPIRATION DATE:</b>	<b>October 21, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2012-303</b>
<b>WATERWAY:</b>	<b>Resurrection River</b>

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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 Andy Mitzel at (907) 753-2689, by fax at (907) 753-2689, or by email at [andy.mitzel@usace.army.mil](mailto:andy.mitzel@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** National Park Service/ Kenai Fjords National Park, attn: Rebecca Lassell or Sharon Kim, P.O. Box 1727, Seward, Alaska 99664

**LOCATION:** The project site is located within Section 11, T. 1 N., R. 2 W., Seward Meridian; USGS Quad Map Seward A-7; Latitude 60.1949° N., Longitude 149.5899° W.; Herman Leirer (Exit Glacier) Road, Kenai Fjords National Park; near Seward, Alaska.

**SPECIAL AREA DESIGNATION:** The project is located within the Kenai Fjords National Park.

**PURPOSE:** The applicant's stated purpose is to maintain summer vehicular access to the Exit Glacier visitor use area in an area subject to annual seasonal flooding of the road from milepost seven to eight which has resulted in temporary road closures, public safety concerns, as well as road deterioration.

**PROPOSED WORK:** The applicant is proposing to discharge 26,000 cubic yards (cy) of aggregate material and 5,000 cy of rip rap into 2.46 acres of wetlands to raise the existing road five feet, installation of four box culverts (6 feet wide by 5 feet tall), and the placement of rip rap on the south side of the road at a 2:1 slope. The work would occur over a distance of 5,400 linear feet of the current road alignment. All work would be performed in accordance with the enclosed plan (sheets 1-2), dated August 17, 2015.

**ADDITIONAL INFORMATION:** Kenai Fjords National Park has conducted their own environmental review for the proposed project, and their environmental assessment is available at: <http://parkplanning.nps.gov/documentsList.cfm?projectID=54877>.

**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: Additional impacts were avoided by retaining the current alignment rather than developing a new alignment, requiring a new bridge, across the wetlands on the flood plain of the Resurrection River.

b. Minimization: The project, as proposed, would allow for the greatest movement of water by installing the box culverts. Additionally the road design, along the current alignment, reduces impacts to additional wetlands.

c. Compensatory Mitigation: The applicant has proposed returning hydrology to approximately 80 acres of wetlands that have been impacted by the current road alignment. The increase in hydrology would enhance the currently degraded wetlands.

**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, National Park Service, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. In a letter dated June 30, 2015, the Alaska State Historical Preservation Office concurred with the National Park Service findings of "no historic properties affected".

**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).

We have determined the described activity would not adversely affect EFH in 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).

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  
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-2012-303, Resurrection 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.

Summary of Wetland Impacts Proposed Compensation

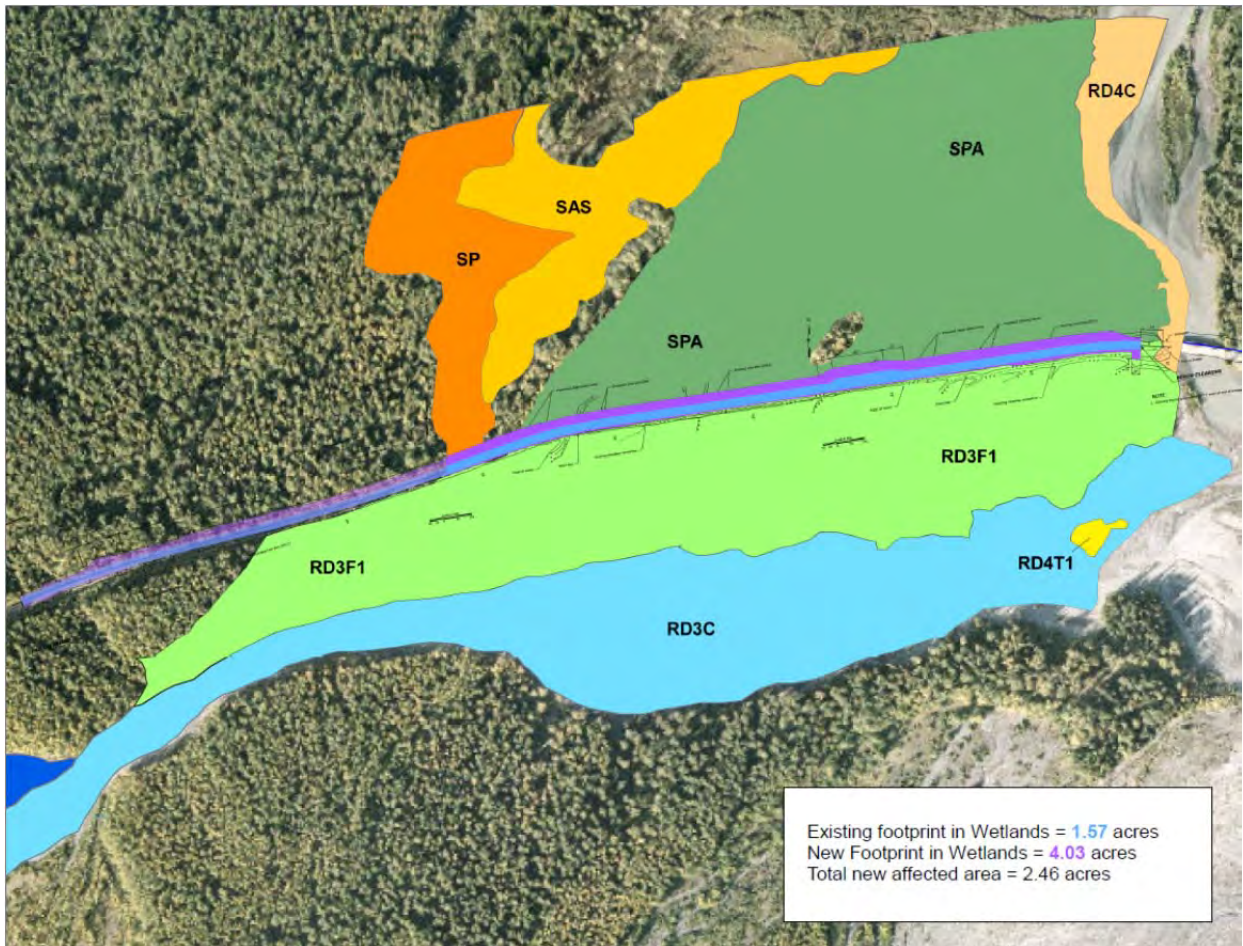


Fig 1 – Wetlands and Impact Acreage

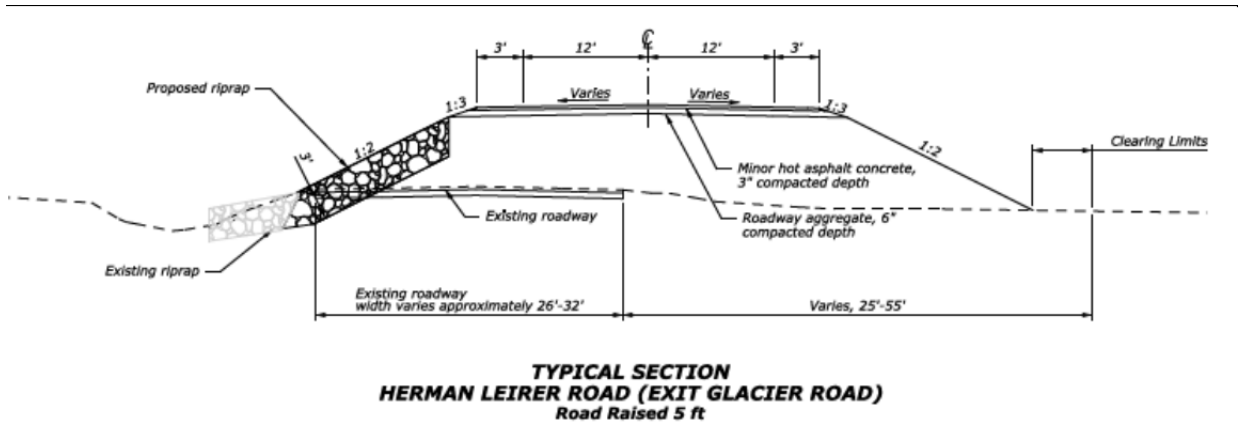


Fig 2 – Typical section depicting five foot road raise.

Application for Department of Army Permit  
Herman Leirer Road Flood Mitigation Project

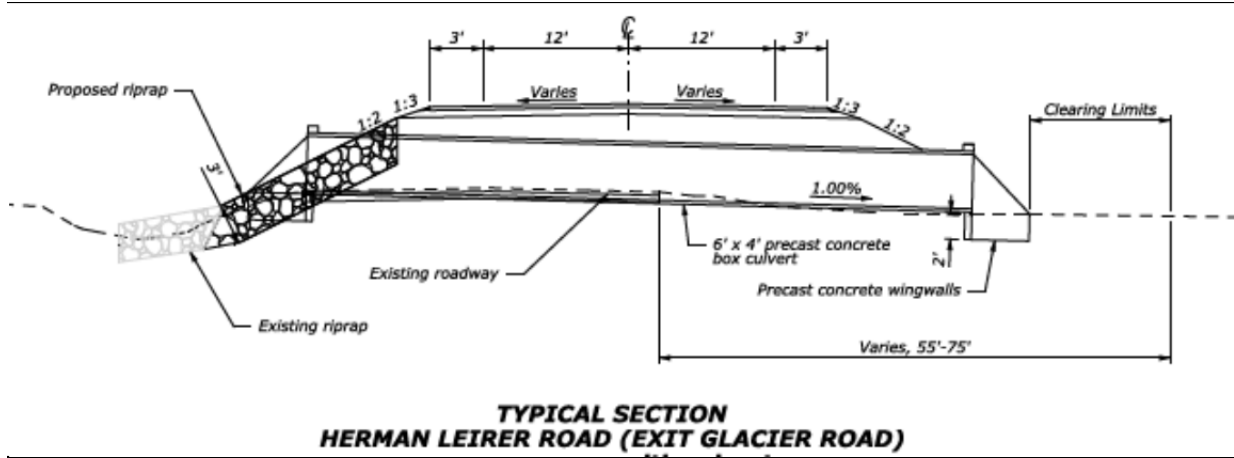


Fig 3 – Typical section depicting box culvert.