



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: October 27, 2015

EXPIRATION DATE: November 25, 2015

REFERENCE NUMBER: POA-2015-471

WATERWAY: Chena 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 Laurel A. Gale at (907) 474-2166, by fax at (907) 474-2164, or by email at Laurel.A.Gale@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Richard Heieren, 326 Driveway Street, Suite 102, Fairbanks, Alaska 99701.

AGENT: Ms. Christy Everett, CJ Everett LLC, 2308 Robinson Circle, North Pole, Alaska 99705.

LOCATION: The project site is located within Sections 4, 8, 16, 17, and 21, T. 1 S., R. 3 E., Fairbanks Meridian; USGS Quad Map Fairbanks D-1; and begins at Latitude 64.853° N., Longitude 147.174° W.; and ends at Latitude 64.820° N., Longitude 147.167° W; beginning approximately 2,000 feet south of Chena Hot Springs Road at the south end of Sand Lane, near Two Rivers, Alaska.

PURPOSE: The applicant's stated purpose is to place approximately 1,135 cubic yards of gravel fill material into approximately 0.7 acres of wetlands as a part of the construction of 3.6 mile long access road in order to provide all-season access to the applicant's property.

PROPOSED WORK: The applicant proposes to place 1,135 cubic yards of gravel fill material into 0.7 acres of jurisdictional wetlands as part of the construction of an access road. In addition, two bridges, each spanning 35 feet, would be constructed from flat rack shipping platforms. One bridge is to be placed over Potlatch Creek and the other over an unnamed creek. Bridge abutments would be above ordinary high water in uplands. Culverts would be placed as necessary in wet areas in order to maintain natural hydrologic flow. Culverts are 12 inches in diameter by 30 feet long, and would be installed just below the invert elevation of the ground surface at the crossing. The total length of the road would be approximately 3.6 miles long. In addition, a 16 foot swath along the 60 feet road alignment in wetlands would be hand-cleared, leaving the organic mat in place. All work would be performed in accordance with the enclosed plan, (sheets 1-9), dated September 16, 2015.

ADDITIONAL INFORMATION: In areas where the substrate is soft, limbed small trees will be laid perpendicular to the road centerline and placed under the fill, (corduroy road construction). Filter fabric would be placed over the ground surface and logs, where present, and 6 to 12 inches of gravel fill material will be placed on top. Current access is by winter trail only.

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 alignment of the road was selected to avoid crossing wetlands and other waters to the maximum extent possible. Two bridges 35 feet in length would be installed to allow access across Potlatch Creek and an additional unnamed creek, fully spanning the streams from top of bank to top of bank. Bridge abutments are to be placed in uplands."

b. Minimization: "The alignment will be hand-cleared, and the organic mat will be left in place, to minimize disturbance of the soil surface, thermal degradation, and erosion. The width of the road is the minimum required by ADNR for the public road across state land, further minimizing impacts. Drainage patterns will be maintained by placement of culverts where necessary."

c. Compensatory Mitigation: "Compensatory mitigation is not appropriate for this project. The proposed road is in a relatively undeveloped area. Numerous measures have been taken to avoid and minimize impacts to waters of the U.S., including routing, bridges, culverts, and construction methods. The proposed road length is approximately 1,000 feet longer than would be necessary if it did not avoid wetlands

impacts. This will add significantly to the cost of the road. Additional cost for compensatory mitigation is not warranted 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 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: 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 (NMFS) 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).

No EFH species are known to use the project area. 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

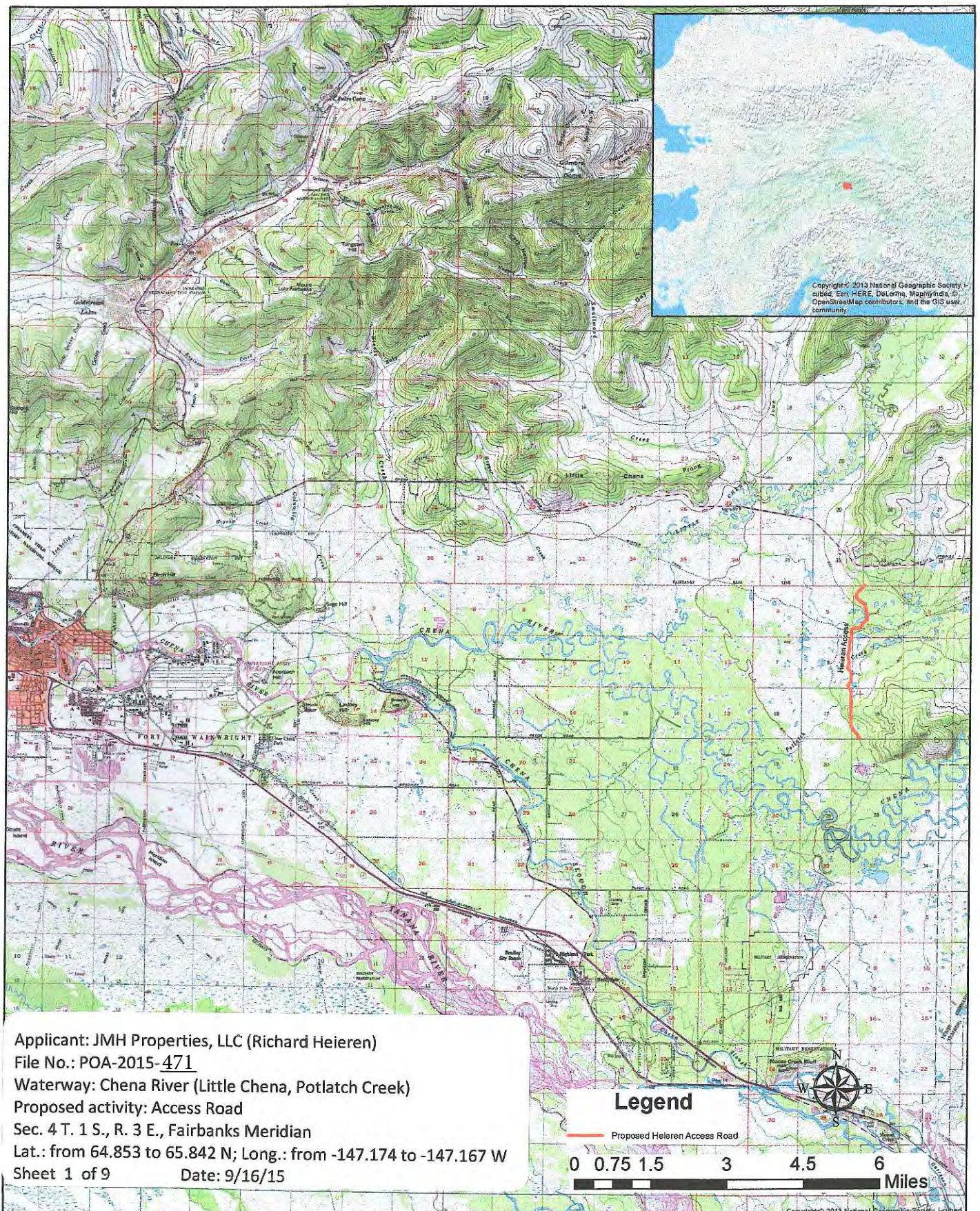
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-2015-471, Chena 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.

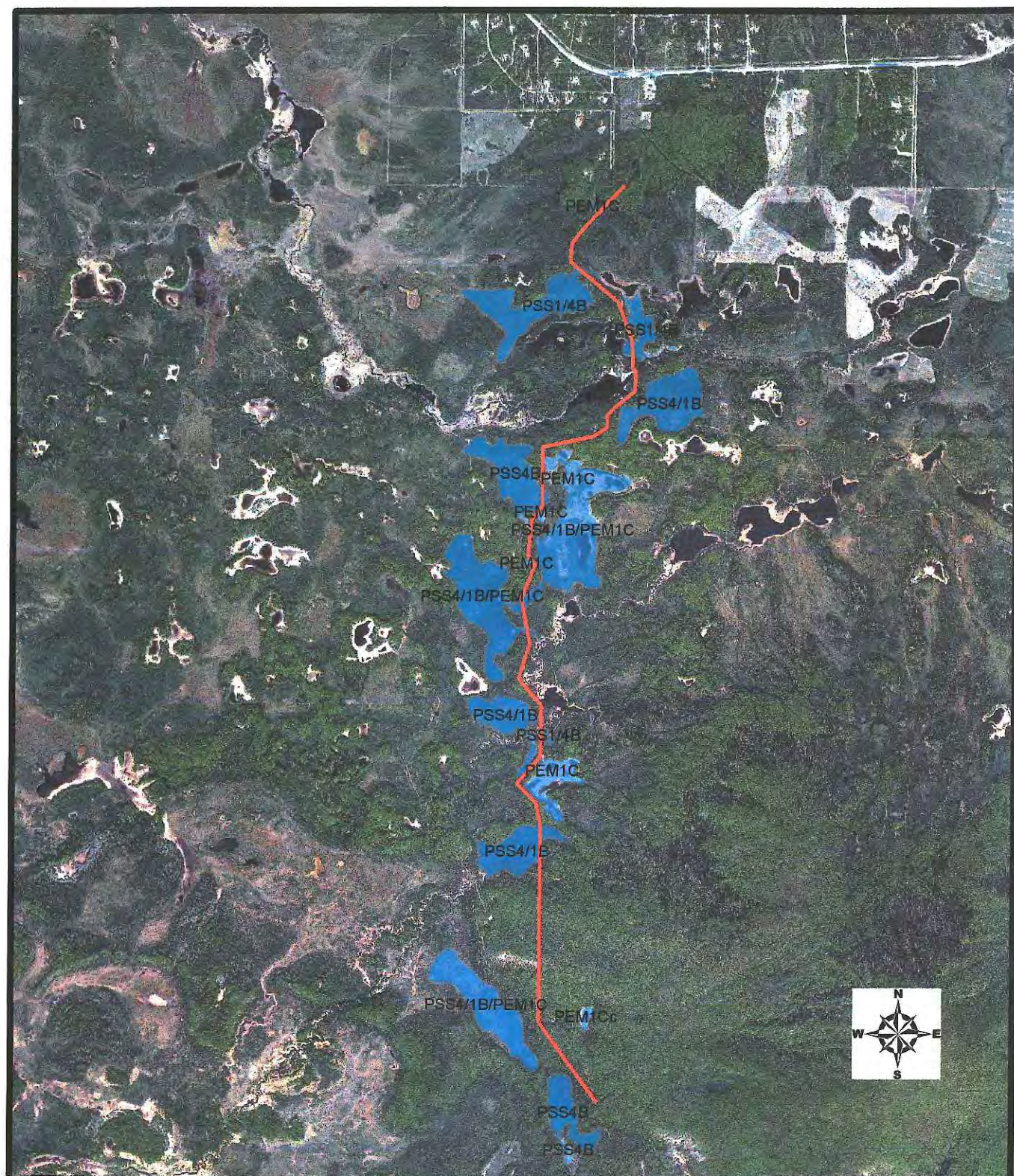
Heieren Access Road: Vicinity Map



Heieren Access Road: Topography and Watersheds



Heieren Access Road: PlanView with Wetlands



Applicant: JMH Properties, LLC (Richard Heieren)

File No.: POA-2015-471

Waterway: Chena River (Little Chena, Potlatch Creek)

Proposed activity: Access Road

Sec. 4 T. 1 S., R. 3 E., Fairbanks Meridian

Lat.: from 64.853 to 65.842 N; Long.: from -147.174 to -147.167 W

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Date: 9/16/15

Legend

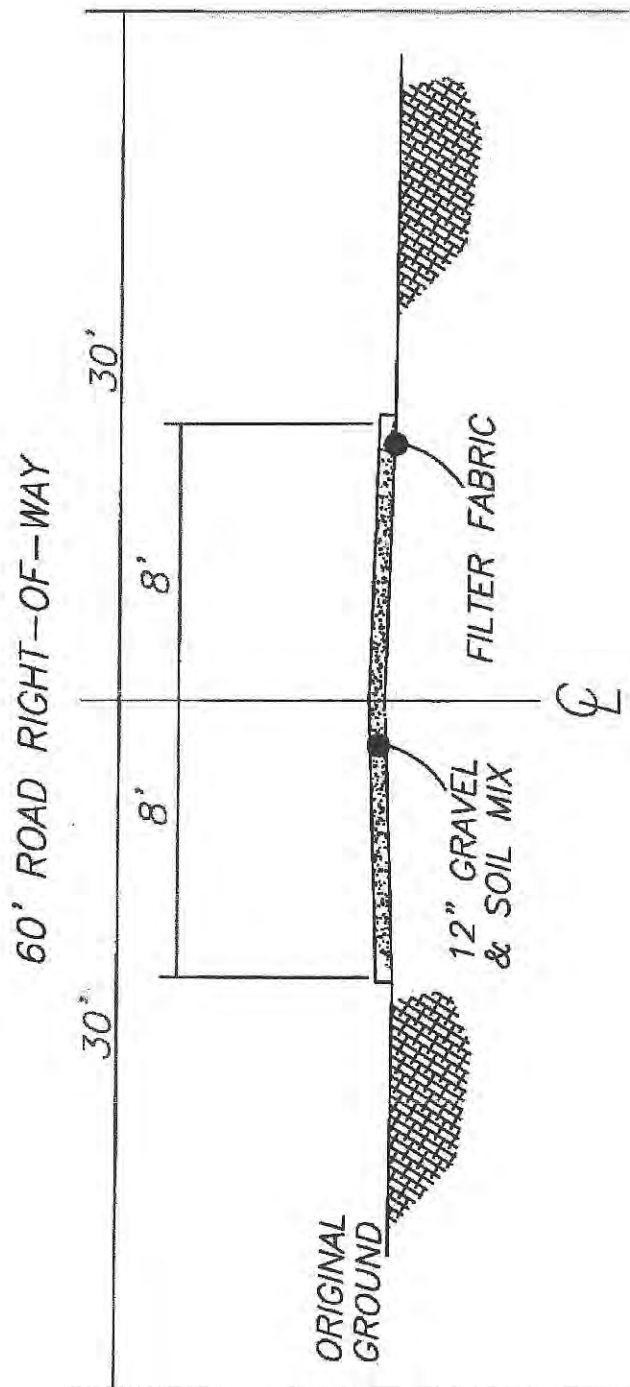
- Proposed Heieren Access Road
- Wetlands as revised by delineation

0 0.125 0.25 0.5 0.75 1 Miles

Heieren Access Road: Plan View Proposed Bridge and Culvert Locations

Note: Culverts are 12" diameter X 30' long, and would be installed just below the invert elevation of the ground surface at the crossing. Additional culverts would be installed where necessary to maintain natural drainage patterns.





TYPICAL ROAD SECTION - WETLANDS

NO SCALE

NOTES:

1. LIMBED SMALL TREES LAID PERPENDICULAR TO THE ROAD CENTERLINE WILL BE PLACED UNDER THE FILL AS DETERMINED NECESSARY BY FIELD CONDITIONS. THIS TYPE OF CONSTRUCTION IS COMMONLY REFERRED TO AS "CORDUROY ROAD CONSTRUCTION".
2. A SOIL AND GRAVEL MIXTURE ROAD BED IS INTENDED TO ALLOW FOR VEGETATION TO GROW.

Applicant: JMH Properties, LLC (Richard Heieren)

File No.: POA-2015-471

Waterway: Chena River (Little Chena, Potlatch Creek)

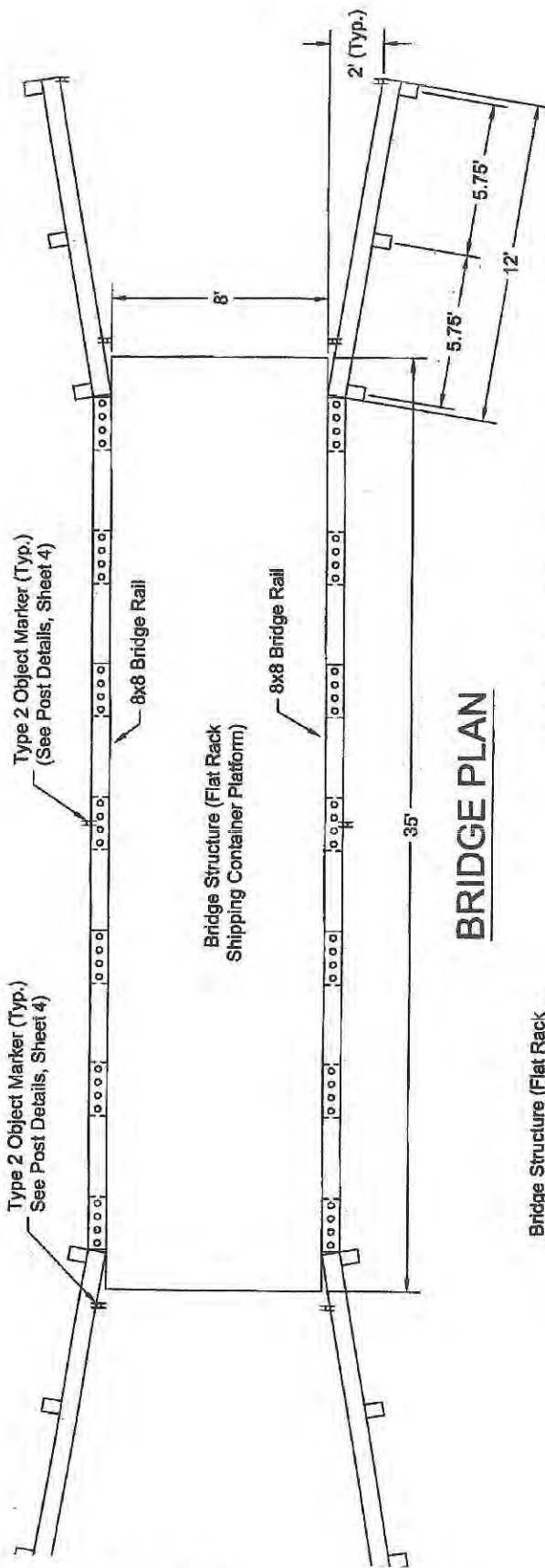
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Sec. 4 T. 1 S., R. 3 E., Fairbanks Meridian

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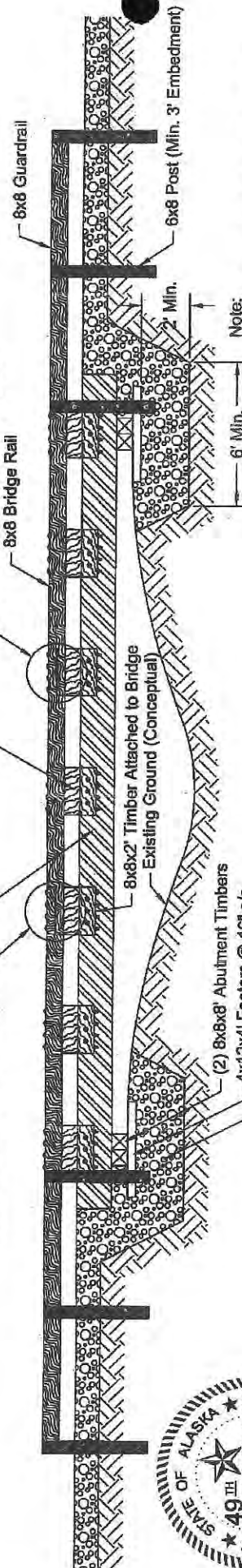
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Date: 9/16/15



BRIDGE PLAN

Bridge Structure (Flat Rack Shipping Container Platform)
Half Lap Splice Joint in Bridge Rail
8x8x2' Blocking @ 5' o/c (Typ)
8x8 Bridge Rail



BRIDGE ELEVATION



Sheet 1 of 4

CREEK BRIDGE

Applicant: JMH Properties, LLC (Richard Heieren)

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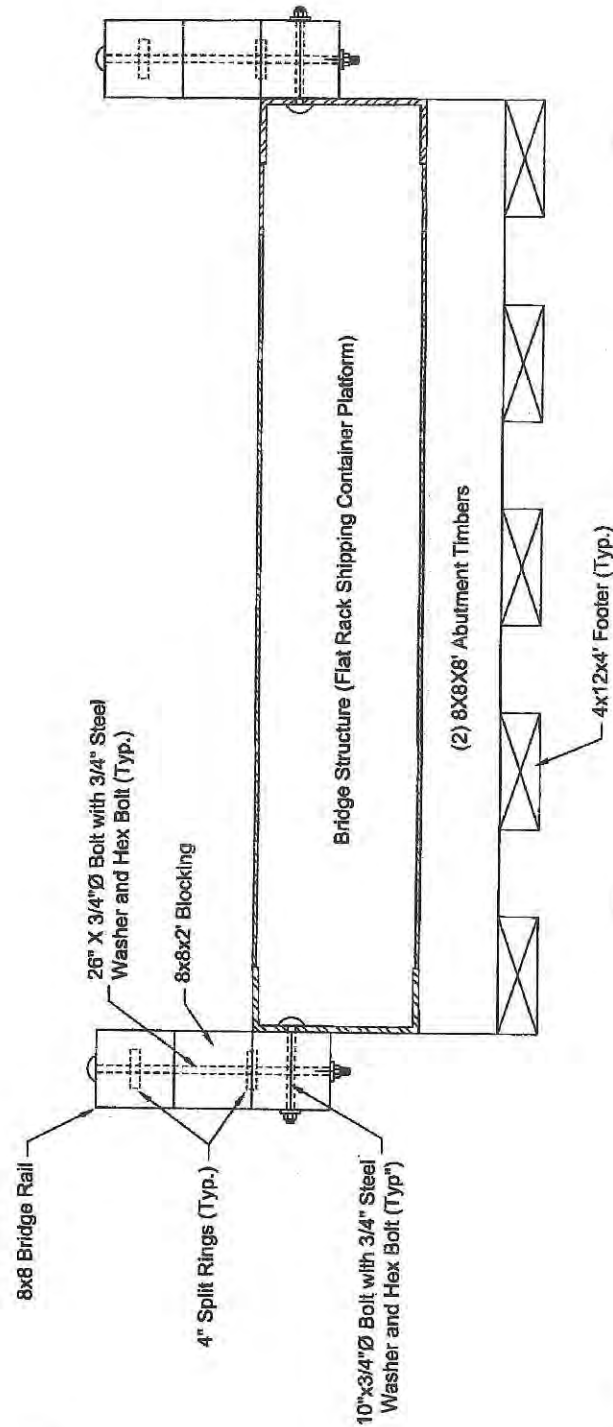
Sec. 4 T. 1 S., R. 3 E., Fairbanks Meridian

Lat.: from 64.853 to 65.842 N; Long.: from -147.174 to -147.167 W

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CREEK BRIDGE

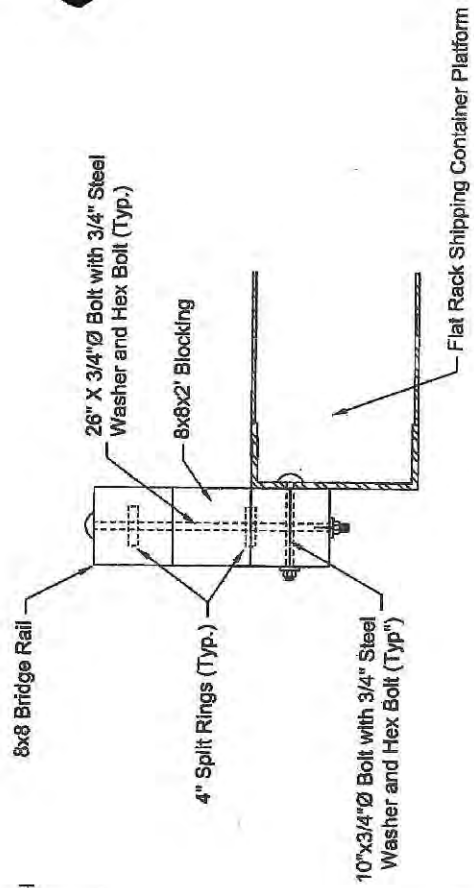
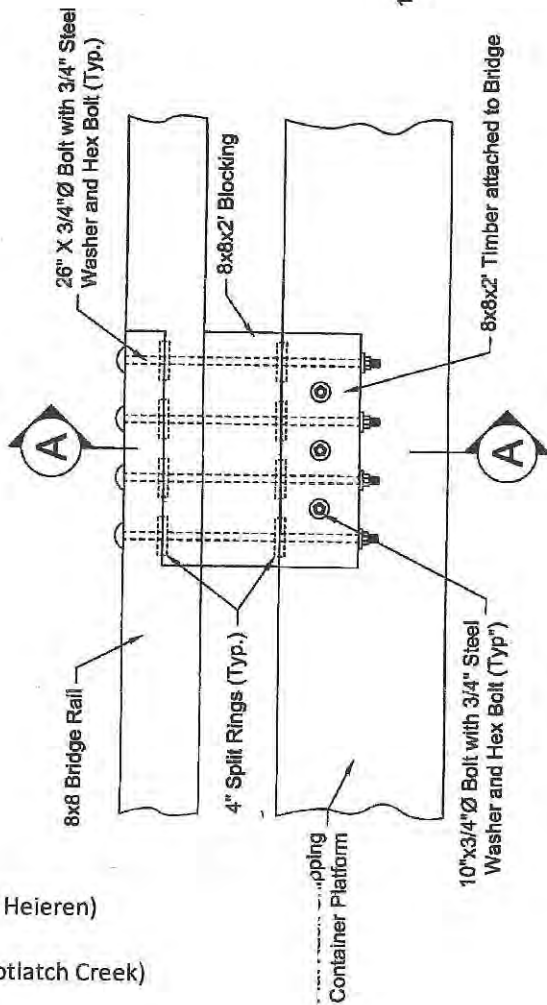


BRIDGE SECTION



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Applicant: JMH Properties, LLC (Richard Heieren)
 File No.: POA-2015-471
 Waterway: Chena River (Little Chena, Potlatch Creek)
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 Sec. 4 T. 1 S., R. 3 E., Fairbanks Meridian
 Lat.: from 64.853 to 65.842 N; Long.: from -147.174 to -147.167 W
 Sheet 7 of 9 Date: 9/16/15



BRIDGE RAIL ATTACHMENT DETAIL

SECTION A-A

CREEK BRIDGE





Applicant: JMH Properties, LLC
File No.: POA-2015-471

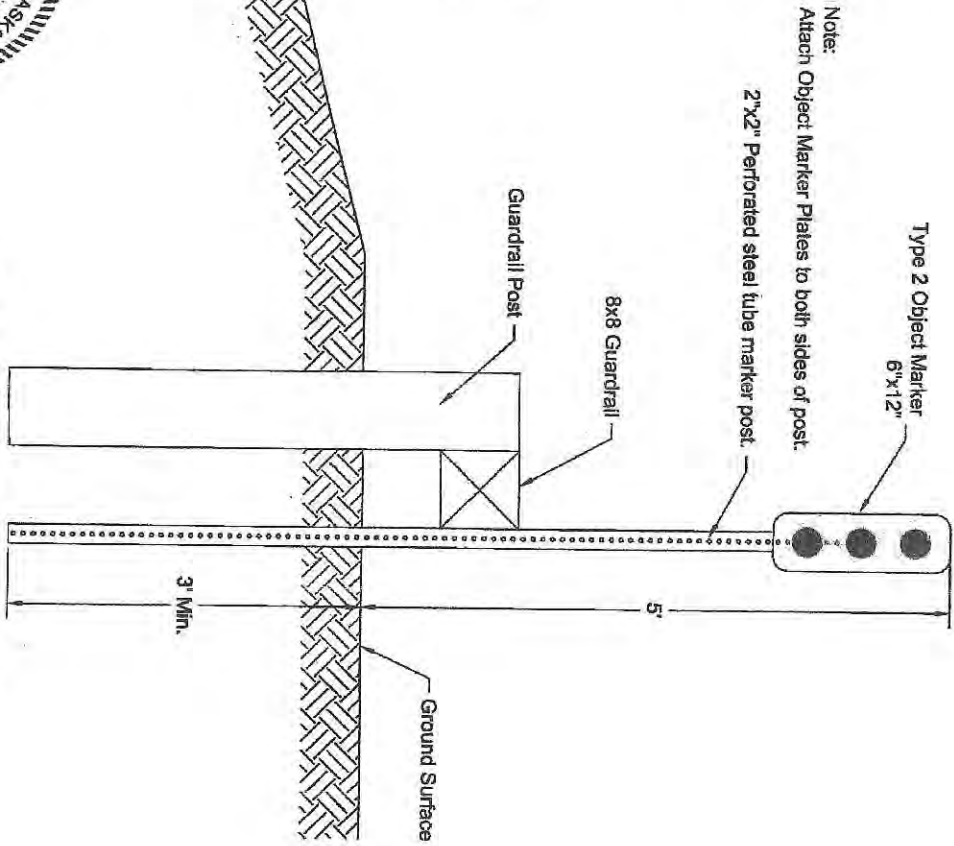
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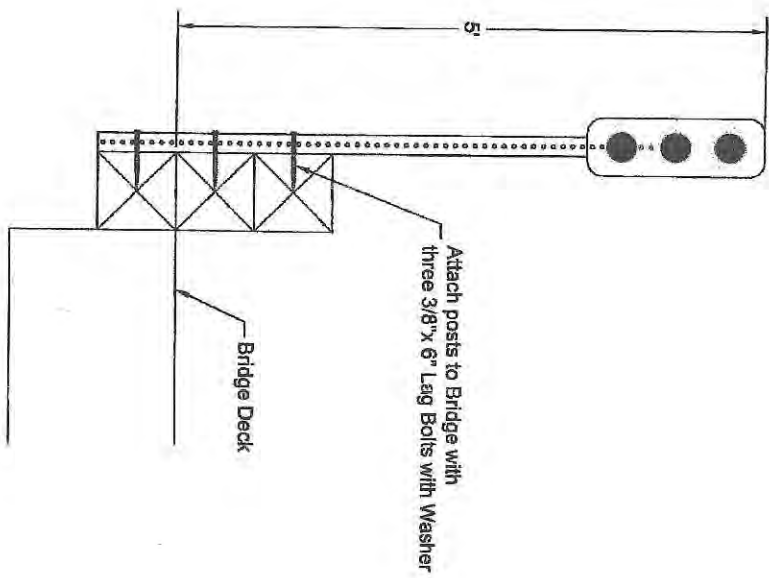
Sheet 9 of 9 Date: 9/16/15

AT GUARDRAIL APPROACH



OBJECT MARKER POST DETAILS

AT GUARDRAIL APPROACH



CREEK BRIDGE