



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:	March 30, 2015
EXPIRATION DATE:	April 28, 2015
REFERENCE NUMBER:	POA-2014-432
WATERWAY:	Scott 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 Shane McCoy at (907) 753-2715, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at shane.m.mccoy@usace.army.mil if further information is desired concerning this notice.

APPLICANT: U.S. Forest Service – Chugach National Forest, POC: Mr. David Zastrow, Post Office Box 280, Cordova, Alaska 99574

LOCATION: The project site is located within Section 2, T. 16 S., R. 2 W., Copper River Meridian; USGS Quad Map Cordova C-5; Latitude 60.5091° N., Longitude 145.5438° W.; mile point 9.5 Copper River Highway at the Sand Trail trailhead, in Cordova, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Chugach National Park.

PURPOSE: The applicant's stated purpose is to provide nearby and safe access to public lands accessed by Sand Trail, while improving critical salmon spawning habitat. Currently, there is no safe place to park vehicles and vehicles with off-highway vehicle trailers at the Sand Trail trailhead. The closest location to safely park these vehicles is 2.5 miles west from the trailhead, where both recreational and subsistence users are accessing public lands (at mile point 7 Copper River Highway). However, access to public lands at this area is restricted to subsistence users only, and the user created trails at this location cross and disturb critical salmon spawning and rearing habitat in the Ibeck Creek drainage.

PROPOSED WORK: The U.S. Forest Service (USFS) proposes to discharge up to 6,700 cubic yards of clean gravel fill material into 0.68-acre of wetlands in order to create a driveway and parking area for the Sand Trail trailhead. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated March 16, 2015.

ADDITIONAL INFORMATION: The USFS is the lead federal agency for the proposed project.

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 site for this project was selected for its location adjacent to the existing Copper River Highway, an existing Alaska Department of Transportation levee, and previously establish Sand Trail to avoid any additional impacts to the surrounding wetlands. The parking area would incorporate the existing fill slopes of the road and levee to avoid additional impacts and the existing trail follows the Scott River along a raised and well drained bank. The proposed project also avoids impacts to wetlands by getting off-highway vehicle users to travel on a “wetland-friendly” trail, rather than the user-created trails elsewhere that are damaging salmon streams.

b. Minimization: The proposed project design limits fill discharges to the minimum amount required for raising the parking area high enough to create a solid base. The lot size is also minimized to accommodate a maximum of 8 vehicles with trailers. It has been determined that this is the minimum amount of parking spaces required to meet the public needs for access.

c. Compensatory Mitigation: The proposed project is part of a larger effort by the USFS and Alaska Department of Fish and Game (ADF&G) Habitat Division, to designate off-highway vehicle trail routes in the Scott Glacier Valley to avoid, minimize, and mitigate the effects caused by off-highway vehicles users in critical salmon spawning and rearing habitat. User created off-highway vehicle trails throughout the valley has had a number of adverse effects on coho salmon spawning and rearing habitat. Off-highway vehicle users cross streams causing bank erosion, introduce fine sediments into salmon spawning gravels, destroy riparian vegetation, and potentially injure adult and juvenile salmon, including the incubating eggs. There were an estimated 80 stream crossings and 5 to 6 miles of user-created trail in the upper Ibeck Creek/Scott Glacier area, which is prime spawning habitat for coho salmon.

To address these problems the USFS and the ADF&G have worked together to make sections of the upper Sand Trail more “fish friendly.” They have been able to reroute the trail to eliminate 14 anadromous stream crossings and revegetate the banks. Four stream crossings were unavoidable. Where stream crossings have been necessary, they have hardened the banks to prevent erosion and sedimentation. The user created trails are now blocked off and an additional two miles of new trail has been added to Sand Trail redirecting off-highway vehicle users away from critical salmon spawning and rearing habitat.

The Sand Trail parking lot would provide safe, convenient access to the start of what would become the designated off-highway vehicle route into the valley. Without a designated trail, riders create their own routes that frequently cross salmon streams, or for lack of better trails, simply follow shallow stream channels. In FY15 another three miles would be added to Sand Trail to complete the route and stream bank restoration would be completed at the remaining user created stream crossings.

Preservation – the parking lot and the Sand Trail would provide an alternative to the user-created trails that are damaging wetlands and fish habitat. Thus, this proposed project would help to preserve the wetlands in those areas.

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 USFS, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. In the “Sand Trail Vehicle Parking Area Environmental Assessment,” (USFS; January 2015) the USFS made the determination of “No Historic Properties Affected.”

ENDANGERED SPECIES: The lead Federal agency, the USFS, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. In the “Sand Trail Vehicle Parking Area Environmental Assessment,” (USFS; January 2015) the USFS made the determination that habitat for threatened and endangered species does not exist in the project area and no threatened and endangered species would be affected. 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). Government Slough, which is near the proposed project area, provides EFH for coho salmon (*Oncorhynchus kisutch*) and eulachon (*Thaleichthys pacificus*). We have determined the described activity would not adversely affect EFH in the project area, as a major purpose of the proposed project is to improve the area’s critical salmon habitat.

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-2014-432, Scott 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.