



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
P.O. Box 35066  
Fort Wainwright, Alaska 99703

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|----------------------------|-----------------------|
| <b>PUBLIC NOTICE DATE:</b> | <b>April 27, 2022</b> |
| <b>EXPIRATION DATE:</b>    | <b>May 27, 2022</b>   |
| <b>REFERENCE NUMBER:</b>   | <b>POA-2022-00150</b> |
| <b>WATERWAY:</b>           | <b>Copper 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.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). All comments should include the Public Notice reference number listed above.

All comments 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 Greg Mazer at (907) 347-9059, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Gregory.j.mazer@usace.army.mil](mailto:Gregory.j.mazer@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** The Alaska Department of Transportation and Public Facilities (ADOT&PF)

**AGENT:** N/A

**LOCATION:** The project site is the Old Edgerton Highway, which extends from Willow Creek to Kenny Lake, Alaska and is located within USGS Quad Maps Valdez C-3, D-3, and D-4; the project mid-point is Latitude 61.7842° N., Longitude 145.0492° W.

PURPOSE: The applicant's stated purpose is to improve maintenance and public safety of the Old Edgerton Highway by widening the road, clearing vegetation for sight distance and improving drainage and the driving surface.

PROPOSED WORK: The proposed upgrades would widen the road to 24-feet with two 12-foot lanes, improve and re-establish ditches, replace culverts where needed, and clear vegetation 30 feet from edge of new roadway width. Activities would occur in a phased manner for at least 5 years and would include:

- Clearing trees and brush up to 42 feet from the road centerline Small trees and brush will be cut with a hydro-ax and/or slash-buster mulched. Tree stumps will be covered with fill or removed for disposal.
- Establishing a consistent ditch line and back slopes. Fill or cut in fore slopes at a 3:1 with a 5-foot flat bottom ditch and 4:1 back slope.
- Widening the road up to 4 feet (current road width is approximately 20 to 22-feet), and place gravel aggregate materials to improve road surface.
  - Up to 12-inches of pit run and a base course of 4-inches of D-1 (types of gravel aggregate) with a 3% sloped crown and a maximum of 6% super elevation on curves.
  - A grade raise of up to 3 feet may be needed in select locations.
  - Culvert extensions, replacement and installation of cross drainage culverts
  - Hi-float the road once the road bed is at final grade. Hi-float is a road surfacing that deters road degradation, improves tracking, and reduces fugitive dust.

Gravel source for this project would come from material site (MS) 850-036-5 located at MP 5 of the Edgerton Highway. All development areas within this material site are located in uplands.

All work would be performed in accordance with the enclosed plan (sheets 1-2), dated April 26, 2022.

The proposed project would place 3,150 cubic yards of aggregate fill material impacting 1.8 acres of waters wetlands located along the Old Edgerton Highway. Most of the road alignment is located in uplands, with only a few small wetland areas located within the ADOT&PF right-of-way.

ADDITIONAL INFORMATION: Since there are no stream crossings or other environmental issues of concern, no additional permits or agency coordination are anticipated prior to construction for this 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: It is not practicable to avoid impacts to wetlands and other waters because the proposed activity entails discharging fill to improve an existing facility.

b. Minimization: Appropriate erosion and sediment control measures would be implemented to minimize the transport of sediment to waters of the U.S. Stockpiling of fill material would occur in upland areas only. Disturbed soils caused by construction activity would be seeded with a native, perennial grass seed mixture that is certified weed-free to prevent the spread of noxious weeds. Further, the Hi-float road surfacing would reduce secondary impacts caused by fugitive dust.

c. Compensatory Mitigation: Given the steps described above to avoid and minimize impacts, and the overall abundance of pristine wetlands and other waters in the project watershed, ADOT&PF is not proposing compensatory mitigation 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 (ADEC). The applicant submitted a pre-filing request to ADEC on April 26, 2022. After at least 30 days have passed from that date, the applicant must request a water quality certification (per 40 CFR Part 121.5).

CULTURAL RESOURCES: The U.S. Army Corps of Engineers (Corps) reviewed the latest published version of the Alaska Heritage Resources Survey (AHRs) for the presence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places (NRHP). Further, the Corps reviewed results of a cultural resources survey conducted by a qualified archaeology firm in 2021 within the permit area and within the immediate vicinity of the project area. The permit area has been determined to be coincident with the 1.8 acres of wetlands that would be filled as part of project construction.

The Old Edgerton Highway was determined to be eligible for the NRHP by the ADOT&PF, and the State Historic Preservation Office (SHPO) concurred with this finding on February 25, 2019. Of the six other historic sites identified by AHRs within the preliminary APE, five were previously determined to not be eligible for inclusion in the NRHP, and the SHPO concurred with these determinations. The remaining site, a cemetery, has not received a determination of eligibility for the NRHP, but would be avoided by the proposed activity. No other sites were found by the field survey.

ADOT&PF initiated consultation with the SHPO for the proposed project in June 2021. The applicant also sent letters describing the identified cultural resources to the following potentially interested parties: the State of Alaska Office of History and Archaeology Chief; Native Village of Chitina; Native Village of Kluti-Kaah; Chitina Native Corporation; Copper River Native Association; Ahtna, Inc.; the Bureau of Indian Affairs; and the Wrangell-St. Elias National Park and Preserve. ADOT&PF is actively consulting with SHPO and at least one of the potentially interested parties.

The Corps will review ADOT&PF's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with ADOT&PF's work or documentation.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area. 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).

The project area does not intersect with any fish-bearing streams. Thus, 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 Corps 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 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 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 authorities:

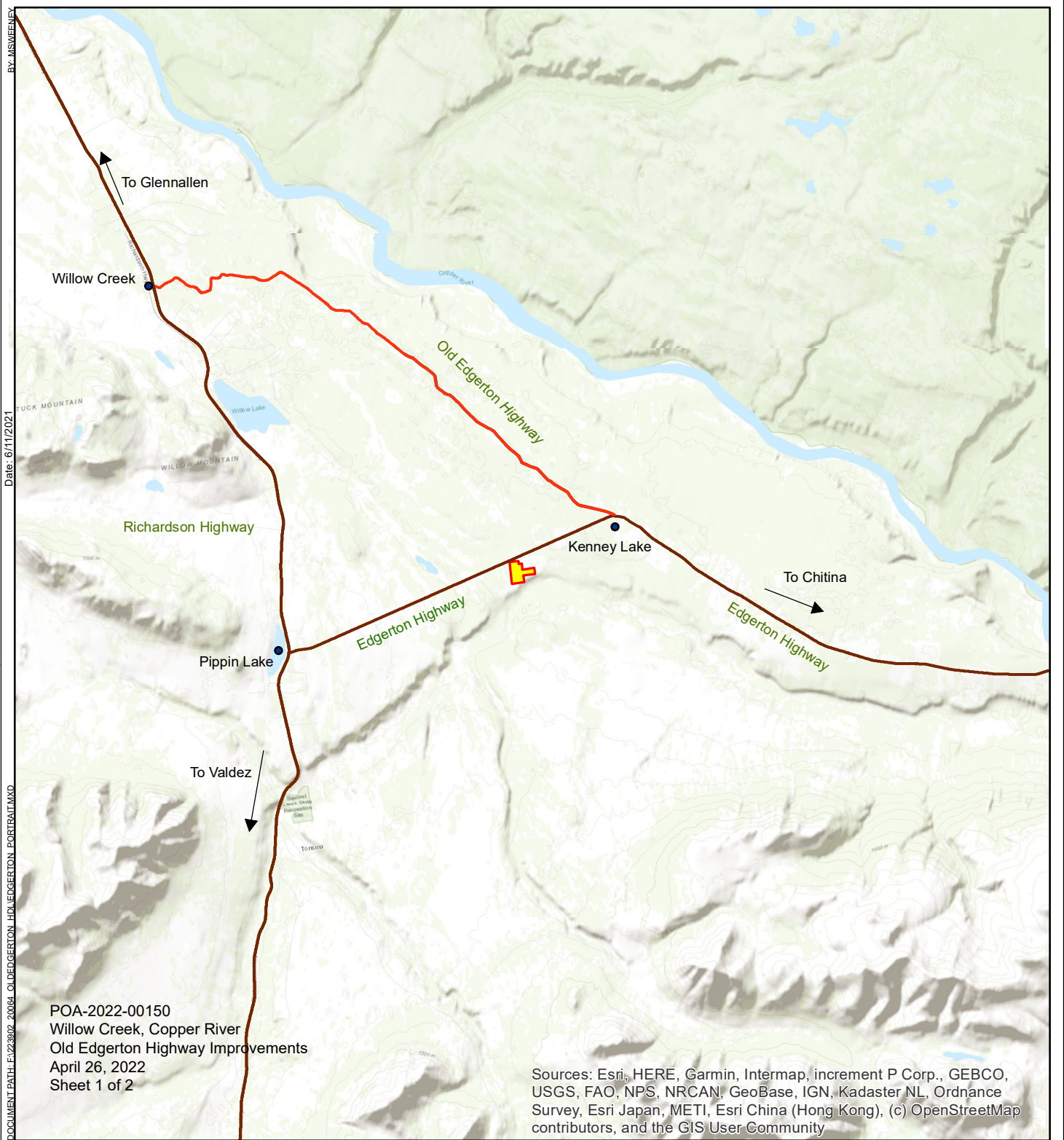
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps

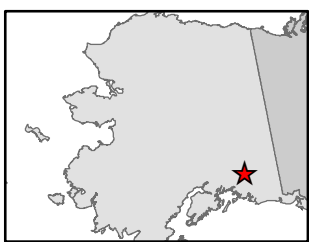
Enclosures

BY: MSW/EM/EX Date: 6/11/2021 DOCUMENT PATH: E:\223502\_20084\_01\EDGERTON\_HIGHLAND\EDGERTON\_PORTRAIT.MXD






POA-2022-00150  
 Willow Creek, Copper River  
 Old Edgerton Highway Improvements  
 April 26, 2022  
 Sheet 1 of 2

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**PROJECT OVERVIEW AND LOCATION**

 Project Alignment
  Other Major Roads

 Material Site MS850-036-5

**M&O  
 OLD EDGERTON HIGHWAY  
 ROAD WORK  
 FIGURE 1**



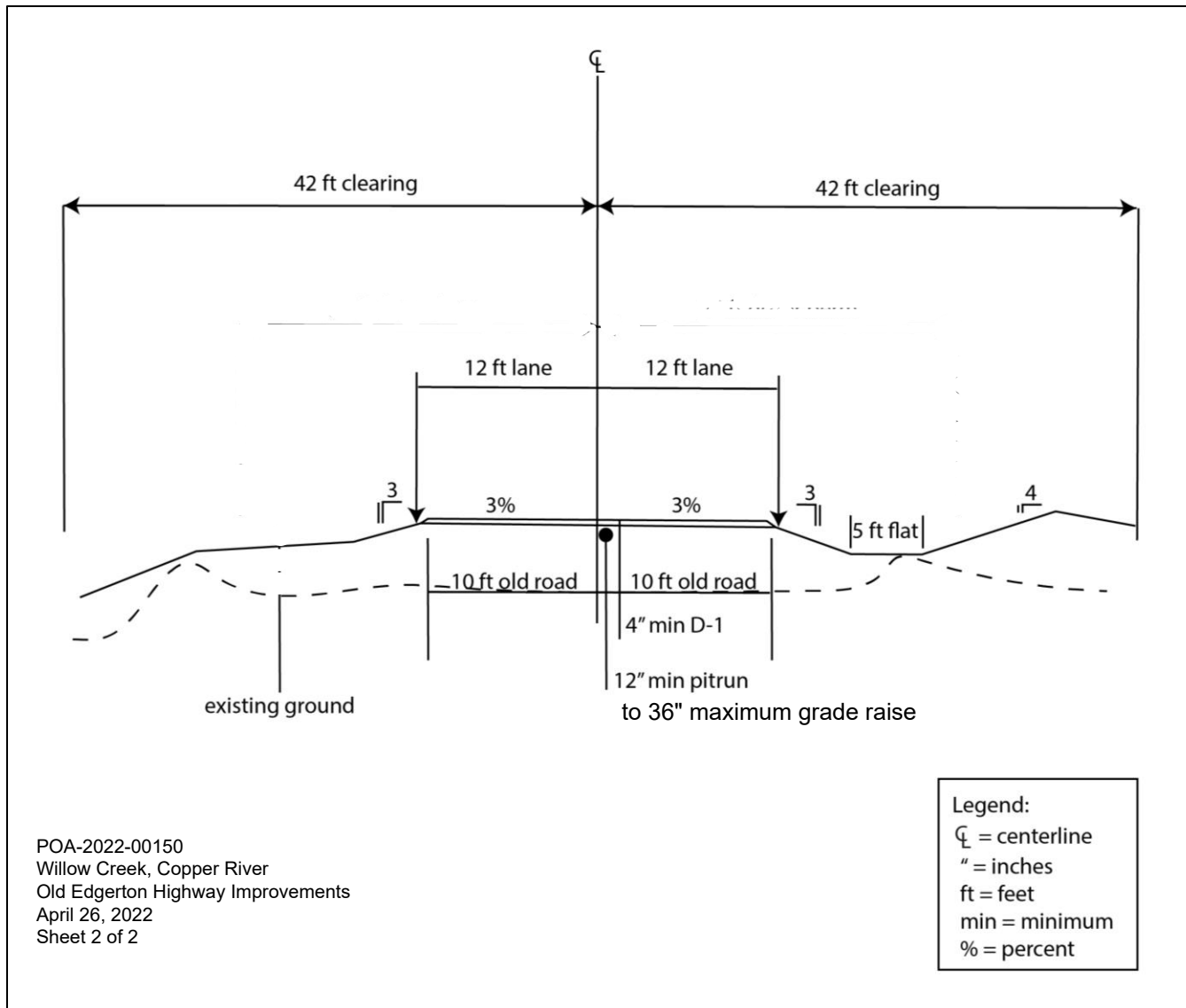


Figure 2: Typical Road Profile Section, Old Edgerton Highway.