



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	March 29, 2023
EXPIRATION DATE:	April 28, 2023
REFERENCE NUMBER:	POA-2023-00145
WATERWAY:	Moose Creek

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. 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 Rebecca Manbeck at (907) 251-6716, or by email at Rebecca.S.Manbeck2@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Brett Nelson, Alaska Department of Transportation and Public Facilities (ADOT&PF), 2301 Peger Road, Fairbanks, AK 99709, brett.nelson@alaska.gov

AGENT: Melissa Riordan, ADOT&PF, 2301 Peger Road, Fairbanks, AK 99709, melissa.riordan@alaska.gov

LOCATION: The project is located in the following Sections, Townships, Ranges, and Meridians; and USGS Quad Maps:

Table 1: Project Location

Project Elements	Township	Range	Section	Meridian	USGS Quad Map
Project Alignment	5N.	10W. & 9W.	19 & 24	Fairbanks	Livengood A-5
Staging Area	5N.	9W.	19	Fairbanks	Livengood A-5
Material Site	5N.	9W.	20	Fairbanks	Livengood A-5

The beginning of the project is located at Elliot Highway Mile Post (MP) 106.6 at approximately Latitude 65.2462° N, Longitude 149.4823° W; the end of the project is located at Elliot Highway MP 107.7 at approximately Latitude 65.2387° N, Longitude 149.5131° W. The Material Site (MS 680-052-2) is located on the Elliot Highway at MP 105.5. The staging area is located at a pullout at MP 106.5 just before the beginning of the project. The project site can be reached by taking the Elliot Highway north out of Fox, Alaska for approximately 73 miles, taking a left at Livengood, AK and following the Elliot Highway 34 miles to the beginning of the project.

PURPOSE: The applicant's stated purpose is to reconstruct the Elliot Highway between MP 106.6 and MP 107.7 to improve public safety by widening the road so there is sufficient width for oncoming vehicles, to provide a consistent road width to match road widths (24 feet) at either end of the project, to construct drainage ditches to provide sufficient area for snow removal and improve drainage away from the roadway, and extend existing culverts and install cross drainage culverts where needed in previously disturbed areas.

PROPOSED WORK: The proposed upgrades consist of 2.25 acres of permanent impacts from the discharge of approximately 566 cubic yards of fill into waters of the U.S. (WOTUS), including wetlands. Additional work associated with the proposed project includes the use of one material site and one staging area located in uplands (Figure 4, March 22, 2023). Work is proposed to start during the summer of 2023 and continue depending on resources available over the next three to five years. All work would be performed in accordance with the enclosed plan (sheets 1–3), dated March 22, 2023.

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 applicant has stated that complete avoidance of wetlands is not practicable as there is no reasonable, entirely upland alternative (location and/or alignment) along the existing highway route. Impacts to wetlands were avoided where possible by using an existing material site and staging area located in uplands.

b. Minimization: The applicant has minimized impacts to wetlands to the greatest extent practicable as described below:

(1) Alaska Pollutant Discharge Elimination System (APDES) – Construction General Permit coverage would be obtained, and a Storm Water Pollution Prevention Plan developed with appropriate erosion and sediment control measures. Best Management Practices (BMPs) will be implemented to minimize the potential transport of sediment outside permitted areas to WOTUS.

(2) All fill material would be clear and free of contaminants.

(3) Disturbed soils caused by construction activity would be seeded with a native, perennial grass seed mixture to provide vegetation stabilization. Certified weed-free seed mixture will be utilized. Seed containing prohibited noxious weeds would not be incorporated in the project.

c. Compensatory Mitigation: The applicant is not proposing compensatory mitigation due to the steps described above to avoid and minimize impacts to WOTUS and the relatively small area of wetlands impacted compared to the overall abundance of pristine wetlands within the Tolovana watershed.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project footprint within jurisdictional WOTUS. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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. The Corps is requesting SHPO's concurrence with this determination.

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 (Magnuson-Stevens 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 is not within mapped EFH.

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 Corps, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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.

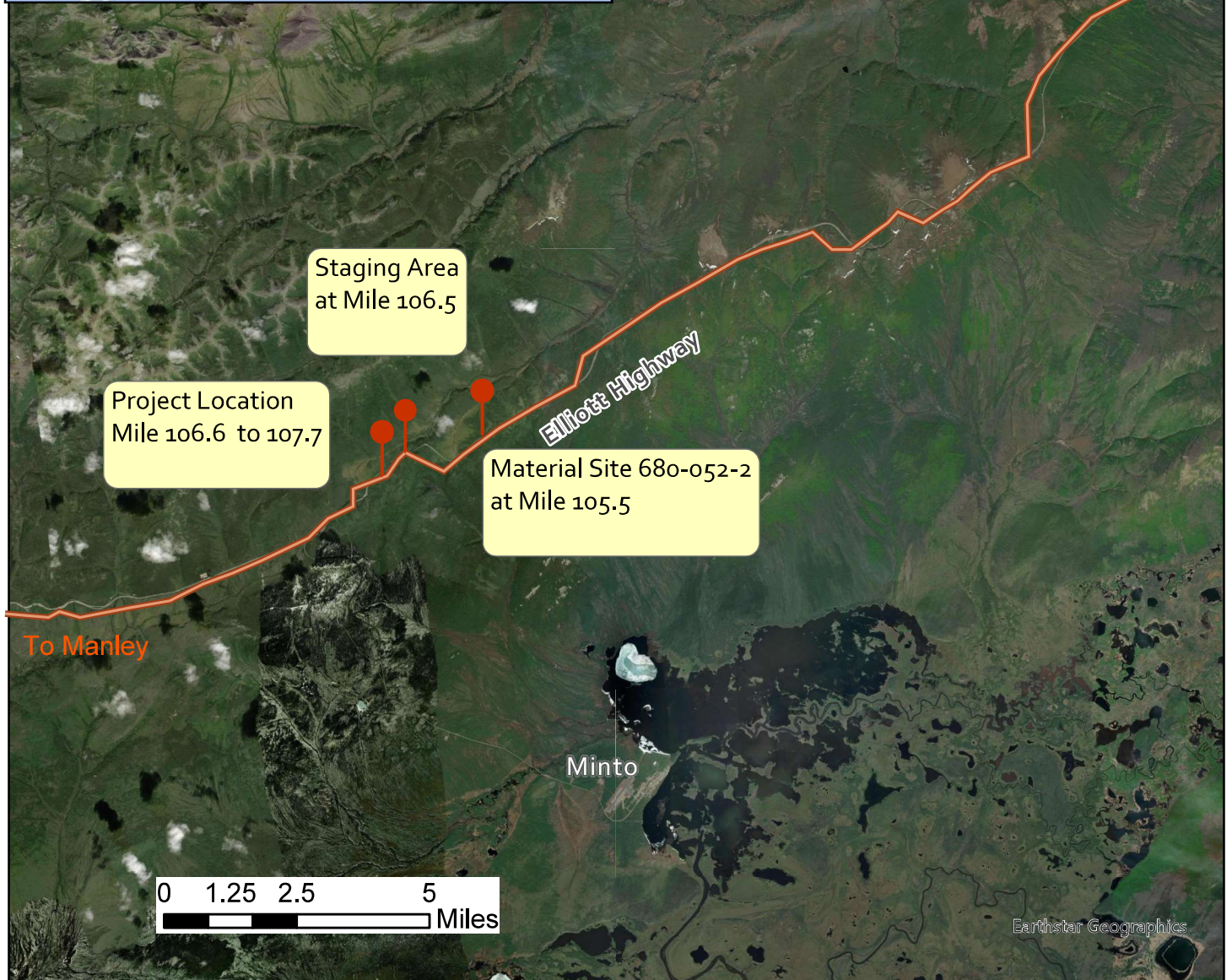
AUTHORITY: This permit will be issued or denied under the following authority:

(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 are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosure



POA-2023-00145, Moose Creek
ADOT&PF
Elliot Highway Widening
MP 106-108
March 22, 2023
Sheet 1 of 3

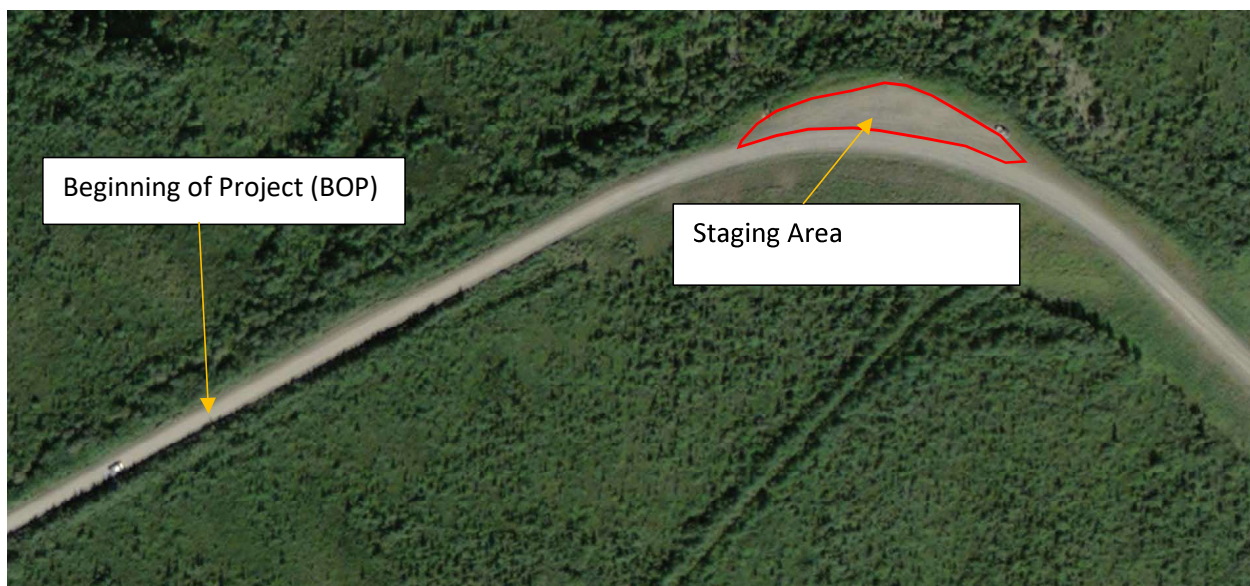
STATE OF ALASKA
Department of Transportation and Public Facilities
2301 Peger Road Fairbanks, AK 99709







Material site 680-052-2 located at MP 105.5 of the Elliot Highway.



Staging area located at the Elliot Highway wayside at MP 106.5

POA-2023-00145, Moose Creek
ADOT&PF
Elliot Highway Widening
MP 106-108
March 22, 2023
Sheet 3 of 3