



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	April 12, 2023
EXPIRATION DATE:	May 8, 2023
REFERENCE NUMBER:	POA-2023-00180
WATERWAY:	Bridget Cove

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 Jennifer Mercer at (907) 753-2779, toll free from within Alaska at (800) 478-2712, or by email at Jennifer.A.Mercer@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Michele Elfers, City and Borough of Juneau (CBJ) Parks and Recreation Department (PRD), 155 S. Seward Street, Juneau, Alaska 99801, michele.elfers@juneau.gov

LOCATION: The project site is located within Sections 25 & 36, T. 37 S., R. 63 E., Copper River Meridian; USGS Quad Maps Juneau C-3 NW & SW; Latitude 58.6260° N., Longitude 134.9350° W.; Mile Marker 35 Alaska Highway 7, near Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to develop off road vehicle (ORV) recreation opportunities to help foster a sense of community and create job opportunities in an underserved sector of the outdoor recreation community, as well as provide economic benefits for the community.

PROPOSED WORK: The applicant proposes to discharge a total of 5,365 cubic yards of fill material into 1.25-acres of wetlands for the construction of an ORV park. The proposed project would include approximately five miles of riding trails, a parking and entry area, a mud pit feature, and a cross country riding area. Up to 4,546 cubic yards of shot rock, geotextile, and logs would be discharged into 1.07-acre of wetlands to construct the trails. Trails would be eight feet wide with occasional wider turnout areas. Turnout areas would be located in upland areas only. Where conditions permit, a corduroy building technique would be employed, utilizing trees cleared from the site as a base. The trail would clear-span one stream.

Up to 438 cubic yards of shot rock borrow, clay, mud, and logs would be discharged into 0.12-acre of wetlands to construct a 110-foot by 50-foot mud pit with a sediment trap. The mud pit would consist of two mud bogs and entry and exit trails, which would be constructed utilizing a clay liner, 12-inches of shot rock, and saturated, non-organic mud. A sediment trap on the downhill side would be constructed as a detention area with a 6-inch shot rock base to collect and settle sediment.

Up to 381 cubic yards of shot rock and geotextile would be discharged into 0.05-acre of wetlands to construct a 1.5-acre parking area at the entrance to the site. The parking lot would consist of a gravel lot with 4-foot of rock fill in the wetland. The 5,000 square foot cross country riding area would be located in a previously logged area at the north end of the site. Trails would not be constructed, and fill would not be added in this area. All work would be performed in accordance with the enclosed plan (sheets 1-11), dated March 11, 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: A Geographic Information System (GIS) was created to analyze streams, wetlands, and topography to create trail layouts to avoid and minimize impacts to wetlands and water resources. While in the field with the initial layouts, trail planners and wetland experts relocated initial trail layouts when feasible to minimize trail construction in wetlands or near creeks found on-site. Two proposed trail segments were removed from consideration because their routes went through extensive wetland systems or would impact a stream. Additionally, the bridge was located so that the abutments would be placed in uplands.

b. Minimization: Widened turnouts for vehicles would be located in uplands wherever possible. During trail construction, edges of trails would be revegetated with moss and vegetated mats found onsite to stabilize disturbed areas and prevent erosion and sedimentation. Crossings over drainages and creeks would be hardened with culverts and rocks to stabilize the crossings and prevent vehicles from eroding the creek. Check dams and filter strips would be used in drainage areas to collect sediment and prevent downstream sedimentation. The mud pit would be constructed with a sediment trap on the downhill side.

c. Compensatory Mitigation: Compensatory mitigation is not proposed 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed ORV park. 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 the 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.

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 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.

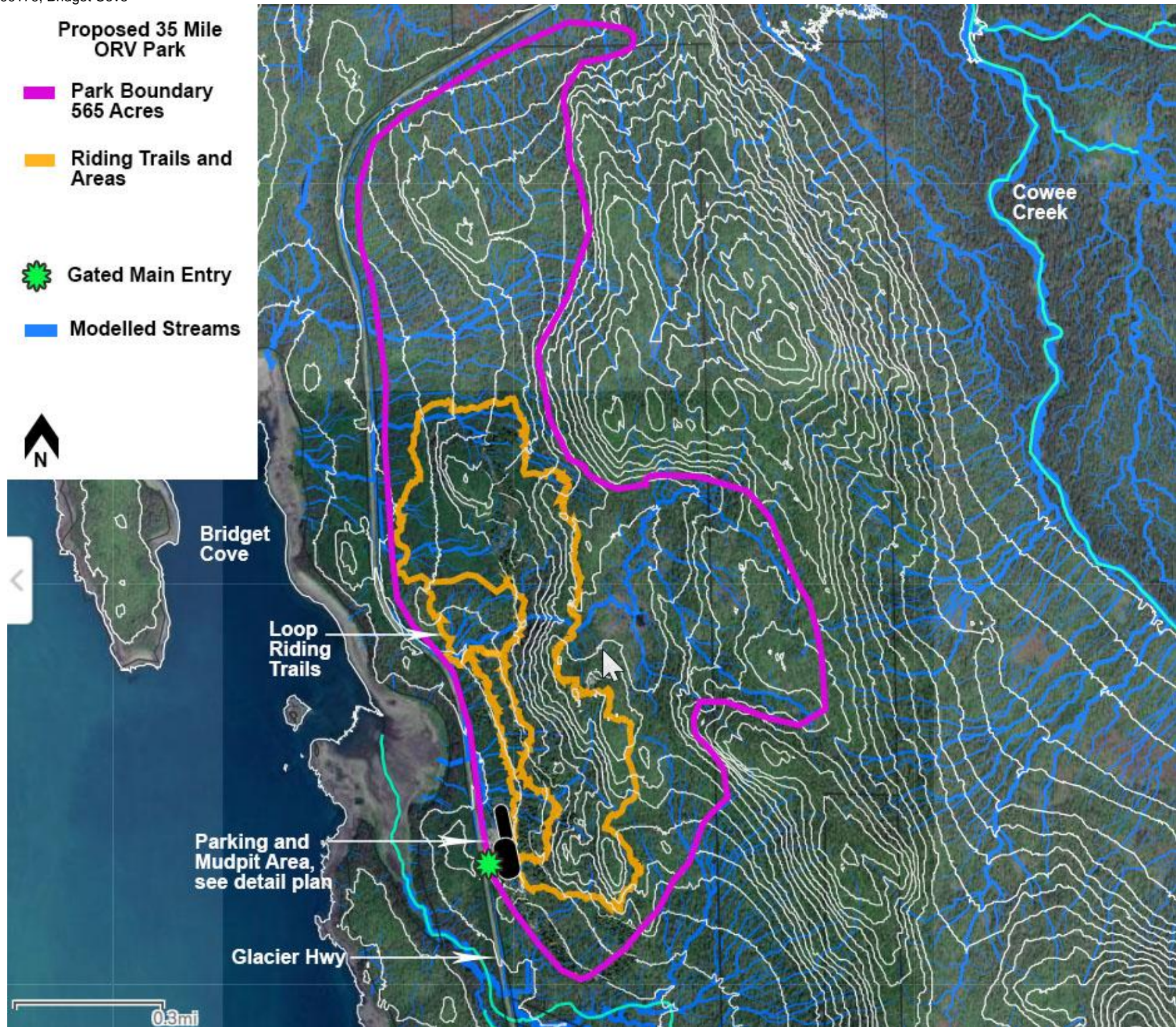
AUTHORITY: This permit will be issued or denied under the following authority:

(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



**Proposed 35 Mile
ORV Park Detail**



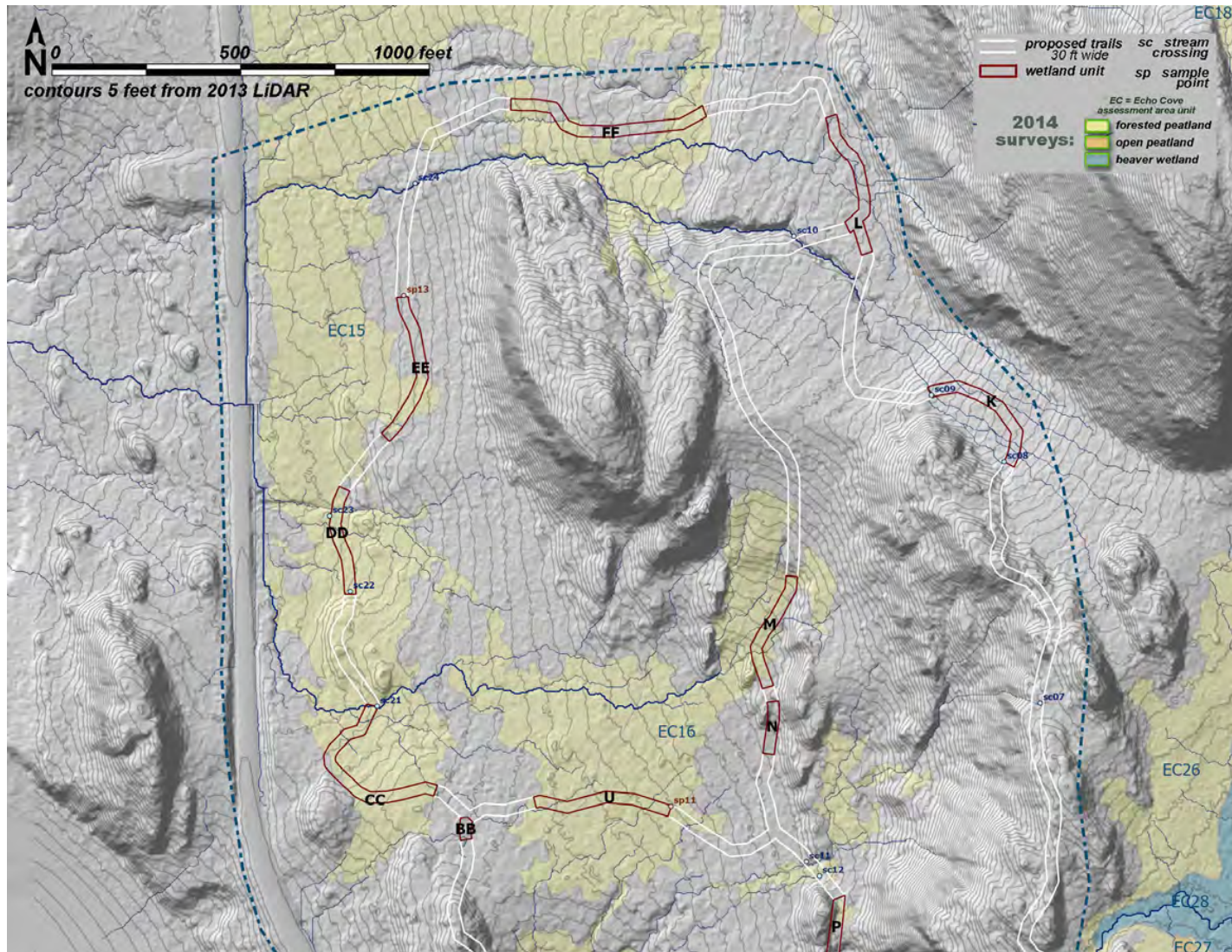


Figure 6 – The wetland delineation map of the northern 1/3rd of the project area. The base map is the 2013 CBJ LiDAR mapping with the 2014 JWMP-Update wetland mapping overlain and the 2014 modeled stream layer included.

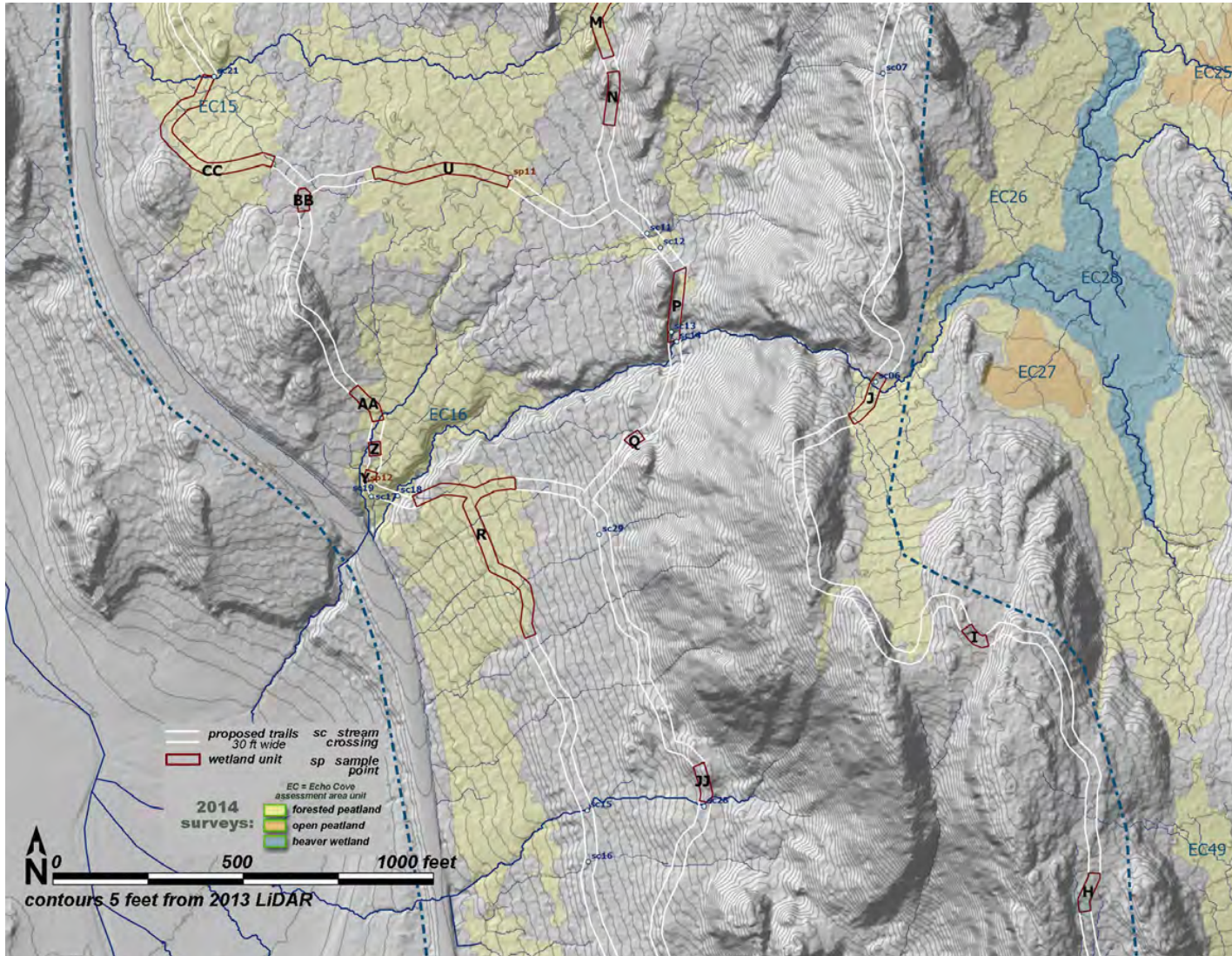


Figure 7 - The wetland delineation map of the central 1/3rd of the project area. The base map is the 2013 CBJ LiDAR mapping with the 2014 JWMP-Update wetland mapping overlain and the 2014 modeled stream layer included.

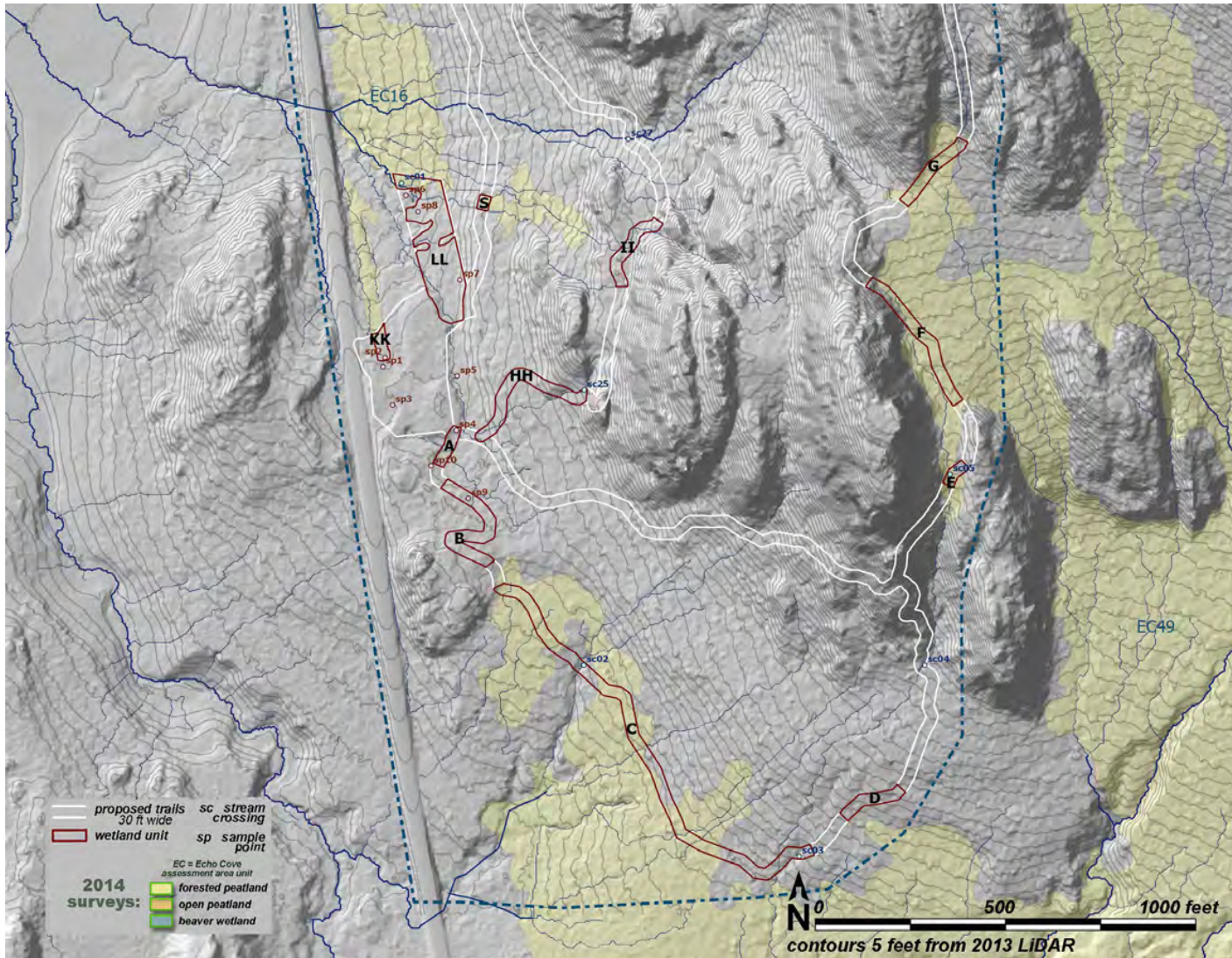


Figure 8 - The wetland delineation map of the southern 1/3rd of the project area. The base map is the 2013 CBJ LiDAR mapping with the 2014 JWMP-Update wetland mapping overlain and the 2014 modeled stream layer included.