



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1046 Marks Road
Fort Wainwright, Alaska 99703

PUBLIC NOTICE DATE:	March 19, 2024
EXPIRATION DATE:	April 3, 2024
REFERENCE NUMBER:	POA-2014-00032
WATERWAY:	Nenana 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.

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 Tiffany Kwakwa at (907) 201-5458 or by email at Tiffany.D.Kwakwa@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Toghotthele Corporation (Point of Contact: George Wolfenbarger), P.O. Box 249, Nenana, Alaska 99760

AGENT: N/A

LOCATION: The proposed project is located within Sections 34-35, T. 4S., R. 8 W., Fairbanks Meridian; USGS Quad Map Fairbanks C-5; Latitude 64.5271° N., Longitude 149.1160° W.; near Nenana, Alaska approximately 1.5 miles south of Nenana off the Parks Highway (AK-3) near the end of Cemetery Road.

PURPOSE: The applicant's stated purpose is to continue to meet the gravel needs of local projects.

PROPOSED WORK: The applicant previously received authorization for the proposed gravel pit under an Individual Permit (POA-2014-00032, Nenana River) issued April 22, 2014. To date, the applicant has only completed the vegetation clearing for the access road. The permit expired prior to the completion of work, which within the same footprint as the previously authorized project and is as follows: An approximately 2,570-foot-long road with 24-foot-wide base (16-foot-wide top) would be constructed through the discharge of approximately 20,000 cubic yards of fill (two feet of subbase material topped with one foot of river gravel) into approximately 1.42 acres wetlands. Additional features include installation of one two-foot diameter culvert surrounded by geotextile fabric, rock fill, and dirt fill within an unnamed slough of the Nenana River. The applicant is proposing to take an existing trail from the cemetery to cut across to the proposed road, using gravel from this proposed gravel pit to supply the gravel for the access road. The gravel pit has been sited outside of wetlands and waters of the U.S. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated October 1, 2023 and October 26, 2023.

ADDITIONAL INFORMATION:

Alaska Department of Natural Resources (ADNR) ADL 420053 (12/13/2013)

Alaska Department of Environmental Conservation (ADEC) 401 Water Quality Certification

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: Mining operations have been limited to upland areas only.

b. Minimization: The applicant is proposing to use an existing road to get as close as possible to the gravel source and designed the proposed access road to be the shortest possible while still bypassing the cemetery.

The applicant's mining plan includes a 200-foot buffer between the excavation area and the Nenana River to prevent runoff. The applicant's test pits indicate that ground water would be encountered in the proposed mining area, so they propose to berm the perimeter of the cleared area to ensure that stormwater and run-off water drains into the pit to prevent erosion along the banks of the pit and to assist with revegetation of the area. The applicant is proposing to lay down geotextile fabric prior to the placement of fill for the road to use the minimum amount of gravel necessary and the proposed road is the shortest possible distance that would bypass the cemetery. Culvert(s) would be installed to maintain natural drainage patterns, a storm water pollution prevention plan is being developed, stockpiles and disturbed areas would be stabilized, and no fill or stockpiles on wetlands beyond the road construction to the site is proposed.

c. Compensatory Mitigation: The applicant is proposing the following mining reclamation plan as compensatory mitigation:

“After five years we will reassess the site to determine whether or not it is feasible and necessary to extract more gravel. Our goal is to keep this site as a

long-term gravel source and not mine from our in-river site at 10th street, which is much more dangerous, unreliable, and risky to the river flow.

We plan to excavate the areas furthest from the entry point/processing area first so that revegetation can occur as we make our way back towards the entry point. We have discussed rehabilitation options with [the Department of] Fish and Game, [U.S.] Fish and Wildlife [Service], and the Soil and Water Conservation District. We plan to excavate creating an irregular shoreline to increase surface area along the edge of the pit. The sides closest to the river and along the outside of the oxbow will be bermed with overburden and left undisturbed as we use the inside perimeter for access and operations. We have given the side by the river an extra 50' buffer to allow for re-sloping. Piling up the overburden material will prevent bank erosion and provide organic matter so that natural re-vegetation can occur. At the five-year mark, in addition to assessing the site for future gravel extraction, we will also assess the re-vegetation that has occurred at the extremities of the pit.

When operations cease we will remove equipment and block off the road. The resulting lake will provide wetlands habitat for ducks, geese, and other water fowl. The oxbow shape will provide more surface area for re-vegetation to occur and will appear natural from overhead.”

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 waters of the U.S. directly affected by the proposed work and activities outside waters of the U.S. (i.e. the entire project area). 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. During the 2014 permitting process, the SHPO concurred with the same No Historic Properties Affected (No Effect) determination; no new properties have been identified since the prior consultation.

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. If applicable this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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:

() Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

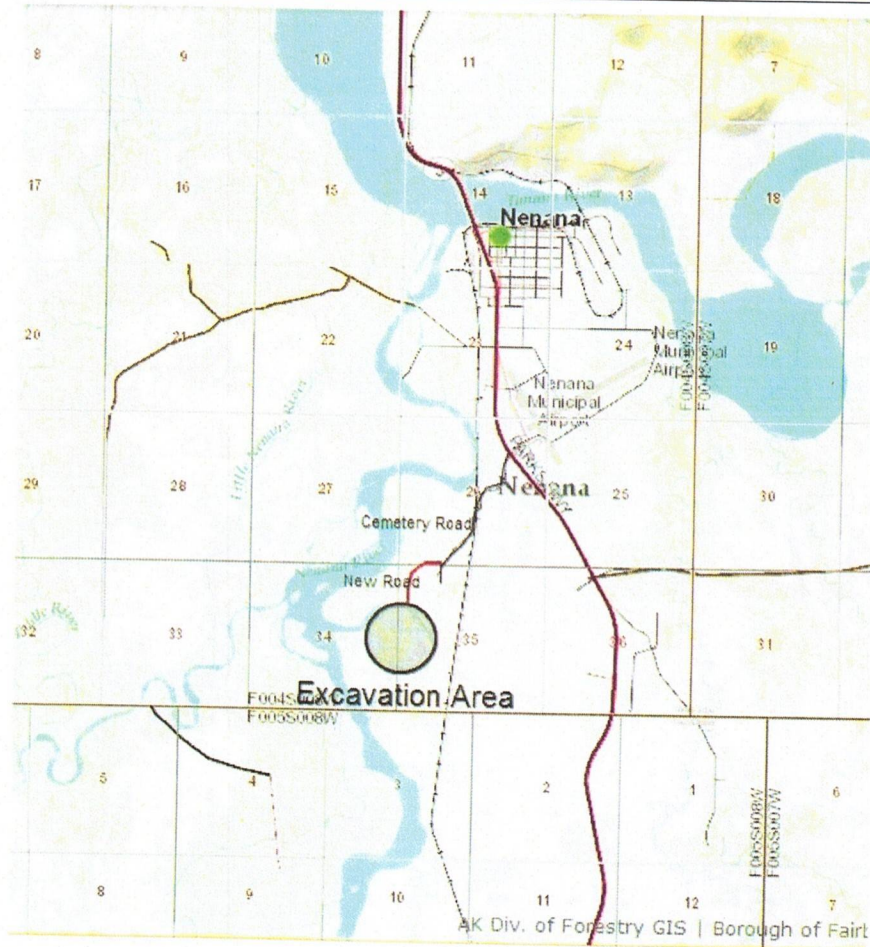
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosures



Project: Toghotthele Corporation

Oxbow Pit

Purpose: To Access a dry oxbow of Nenana River for gravel extraction.

File No: POA-2014-0032

Waterway: Nenana River

Adjacent Property Owners:

City of Nenana

DNR Mining, Lands, and Water

Mental Health Trust

Applicant: Toghotthele Corporation DBA Tog Services

Location: 64.5240 N

Township: 4 South

149.1131 W

Range: 8 West

Fairbanks Meridian

Section: 34-35

Sheet 4 of 4

Date: 8-1-23



Project: Toghotthele Corporation

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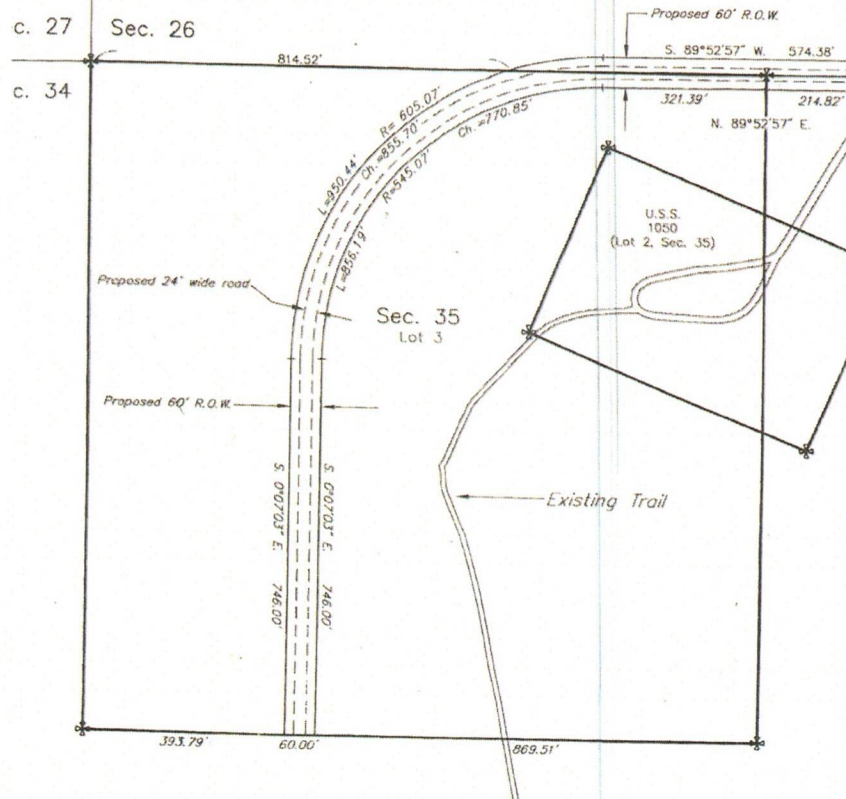
Range: 8 West

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Sheet ____ of ____

Date: 10/26/2023



**Material Site Access Road
 Plan View**

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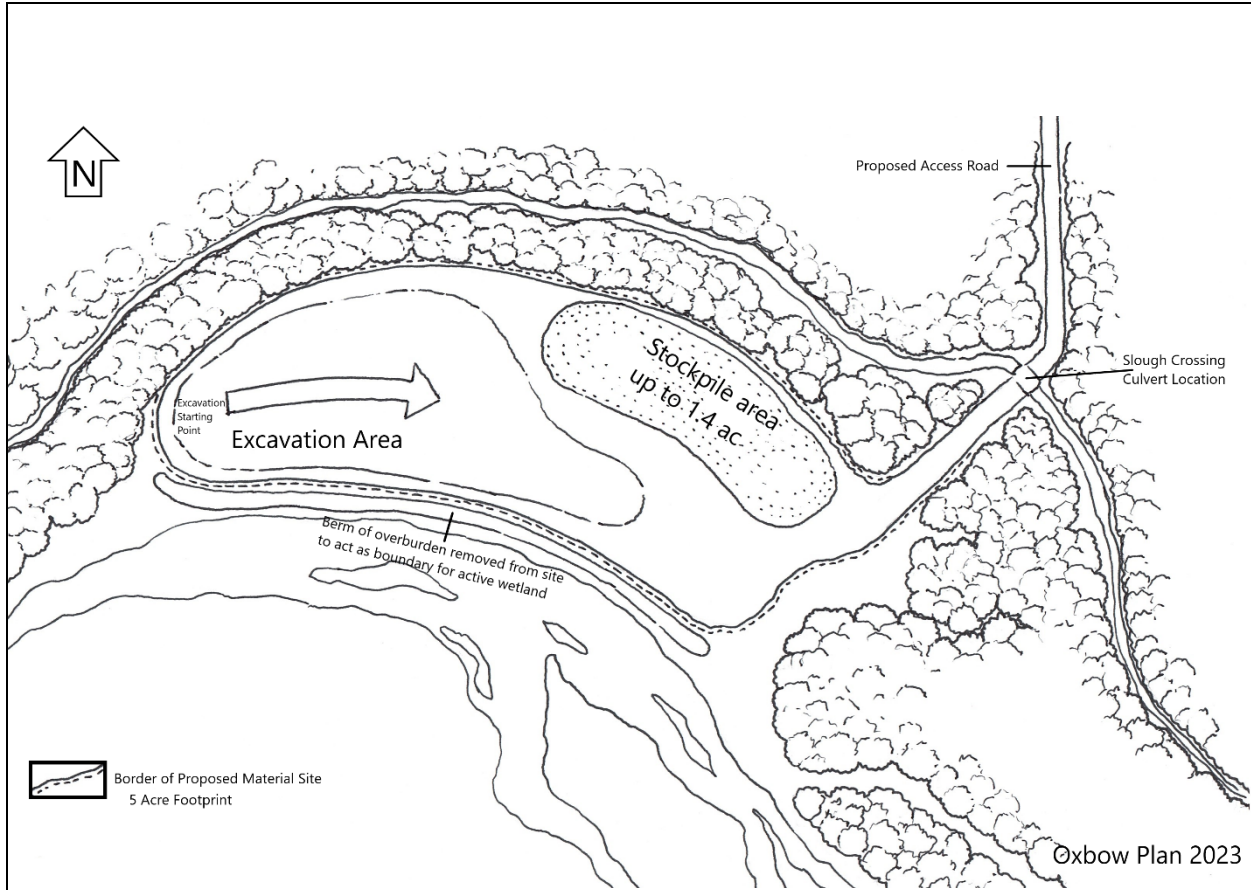
Range: 8 West

Fairbanks Meridian

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Sheet 1 of 4

Date: 8-1-23



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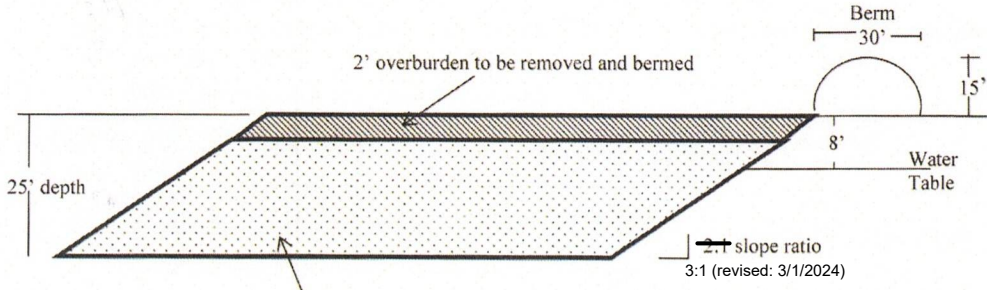
Range: 8 West

Fairbanks Meridian

Section: 34-35

Sheet ____ of ____

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Material Excavation Plan

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Adjacent Property Owners:

City of Nenana DNR Mining, Lands, and Water

Mental Health Trust

Applicant: Toghotthele Corporation DBA Tog Services

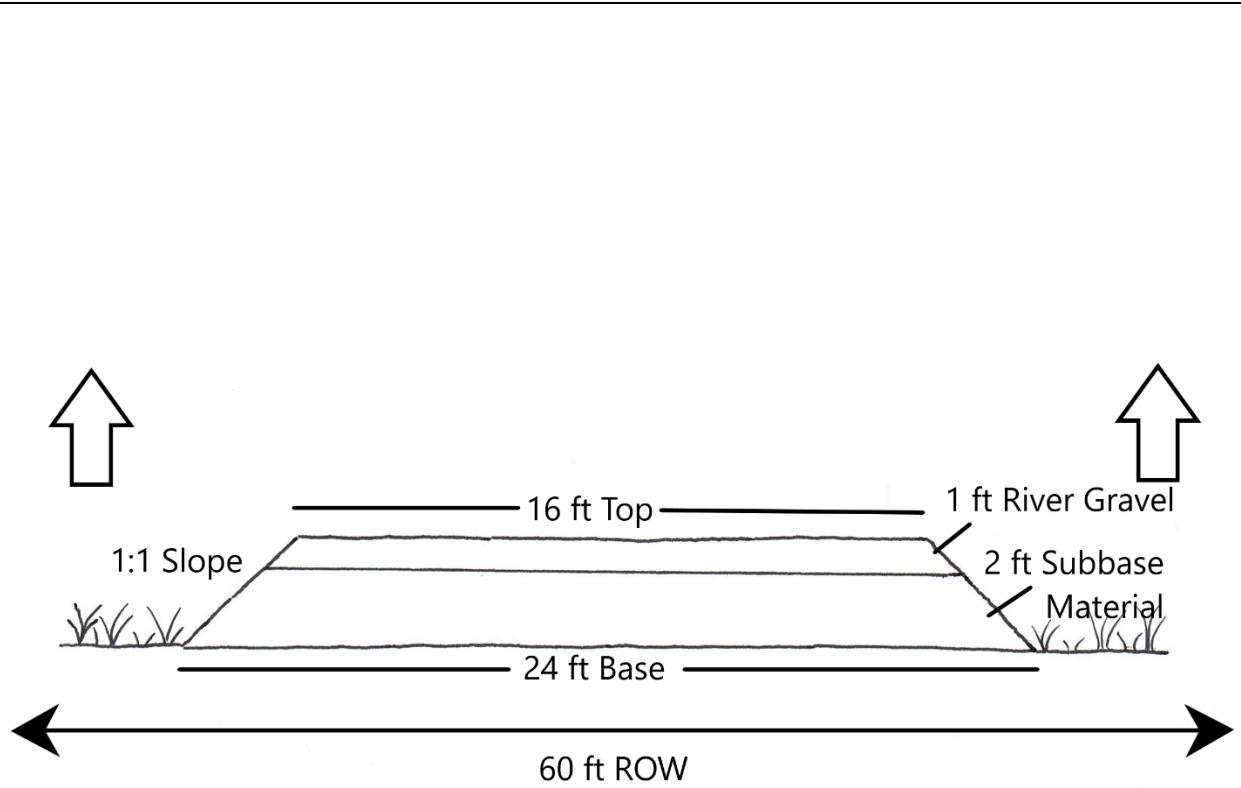
Location: 64.5240 N Township: 4 South

149.1131 W Range: 8 West

Fairbanks Meridian Section: 34-35

Sheet 2 of 4

Date: 8-1-23



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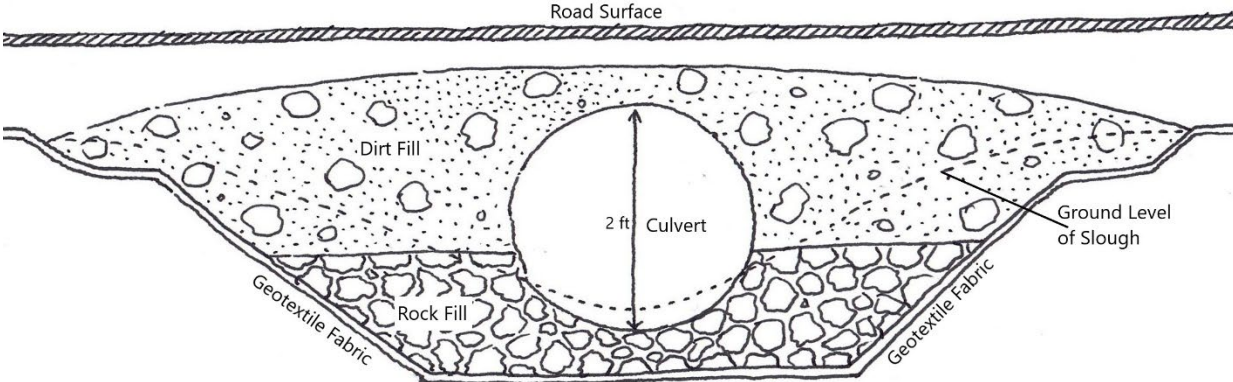
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