



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
2175 University Avenue, Suite 201E  
Fairbanks, Alaska 99709-4927

**PUBLIC NOTICE DATE:** June 7, 2013  
**EXPIRATION DATE:** July 6, 2013  
**REFERENCE NUMBER:** POA-1991-243-M2  
**WATERWAY:** Goldstream Creek

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Interested parties are hereby notified that a Department of the Army (DA) 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 Melissa Riordan at (907) 474-2166, by fax at (907) 474-2164, or by email at [elissa.c.riordan@usace.army.mil](mailto:elissa.c.riordan@usace.army.mil) if further information is desired concerning this notice.

APPLICANT: Mr. Fritz Kuykendall, P.O. Box 82042, Fairbanks, Alaska 99708

LOCATION: The project site is located within Section 22, T. 1 N., R. 2 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.9051° N., Longitude 147.9385° W.; near Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to provide affordable residential homes and home sites.

PROPOSED WORK: The applicant proposes to add eight residential lots with access roads; improve the existing subdivision road and expand the residential pad footprint of seven existing cabin rental lots in a subdivision that was originally authorized by DA permit POA-1991-243,

Goldstream Creek on 6/24/02. The proposed permit modification would occur in two phases as follows:

Phase I - Proposed Phase I development would discharge 1185 cubic yards of clean fill material into 0.6 acres of wetlands with the following proposed actions: 1) develop one lot and improve seven existing lots; 2) straighten and widen existing access road, (Golden Valley Drive), with a top width of 20 feet to comply with Borough subdivision standards; 3) construct a cul de sac turnaround at end of access road.

Phase II - Proposed Phase II development would discharge 3388 cubic yards of fill into 2.0 acres of wetlands with the following proposed actions:

1) widen existing access road 3.5 feet at the beginning of Golden Valley road, (subdivision access road), to upgrade road for more users as required by the Borough for a larger subdivision; 2) remove temporary Phase I cul de sac and extend Golden Valley access road to access new subdivision lots; 3) develop driveways, house pads, and septic for seven new lots.

Total impacts for proposed Phase I and II work would be 2.6 acres of wetlands within a 55 acre subdivision parcel area that has approximately 40 acres of wetlands and 2250 linear feet of stream channel. All work would be performed in accordance with the enclosed plan, (sheets 1-8), dated 6/5/2013.

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.

Avoidance:

1. Roads and building sites are located as much as possible in uplands.
2. Proposed road upgrades are no more than the road widths and dimensions required by the Borough for subdivisions.
3. Footprint of fill in wetlands would be reduced by removing gravel from old sections of the access road when straightening and improving new sections of access road.

Minimization:

1. Construction impacts would be minimized by operating and placing fill from existing roads and pad infrastructures.

Compensatory Mitigation: The applicant proposes compensatory mitigation through the establishment of the following protection buffers to compensate for impacts to wetlands within subdivision:

1. Establish stream riparian buffer zones along the west side of Goldstream Creek along entire length that is within the subdivision property boundaries. As described in the Interior Alaska Riparian Management Zones General recommendations for high value resident fish streams the riparian protection area would establish a 33-foot primary buffer of undisturbed native vegetation extending inland from the ordinary high water line of stream; and a 33-foot secondary buffer extending inland from the primary buffer.

2. Establish a primary protection buffer along a drainage swale area 775 feet long and 75 feet wide that has intermittent flow and supplies water to a pond located in lot 5.

Buffer areas would be noted on subdivision plans to protect 3.4 acres of riverine and upland riparian buffer area along Goldstream Creek and 1.3 acres of palustrine scrub shrub along drainage swale for discharging clean fill material into 2.6 acres of palustrine forested needle-leaved evergreen/scrub-shrub broad-leaved deciduous wetlands.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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.

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 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).

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 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).

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

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

**ANCHORAGE**

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-1991-243-M2, Goldstream Creek 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.