



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: April 18, 2013
EXPIRATION DATE: May 17, 2013
REFERENCE NUMBER: POA-2005-1322
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.

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. If further information is desired concerning this notice, please, contact Heather Moncrief by phone at (907) 474-2166, by fax at (907) 474-2164, or by email at heather.h.moncrief@usace.army.mil.

APPLICANT: Mr. Michael Meeks, Directorate of Public Works (DPW), Attn: IMFW-PWE, 1060 Gaffney Road, #4500, Fort Wainwright, Alaska 99703-4500

AGENT: Mr. John Haddix, Directorate of Public Works, Attn: IMFW-PWE, 1060 Gaffney Road, #4500, Fort Wainwright, Alaska 99703-4500

LOCATION: The project site is located within Section 31, T. 2 S., R. 4 E., Fairbanks Meridian; USGS Quad Map Fairbanks C-1; Latitude 64.6938° N., Longitude 147.0324° W.; on Fort Wainwright, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Yukon Training Area (YTA).

PURPOSE: The applicant's stated purpose is to provide for tactical bivouac training opportunities in a heavily utilized portion of the Yukon Training Area on Fort Wainwright. The project is designed to accommodate company sized Stryker units and enable them to train year round in an area that has

historically only been available during frozen soil conditions. Additionally, the project would protect surrounding wetlands from impacts by confining bivouac activities to hardened surfaces.

PROPOSED WORK: The applicant is proposing to place approximately 5,300 cubic yards of fill into 2.7 acres of wetlands for the improvement of 2,483 feet of access trails, seventeen (17) 45.3' x 45.3' bivouac pads, and a 165.3' x 155.3' common pad. All work would be performed in accordance with the enclosed plan: sheets 1 & 2, dated December 11, 2012, and sheets 3-5, dated December 28, 2012.

ADDITIONAL INFORMATION: The applicant has provided the following information concerning project alternatives: Alternative sites do not exist due to issues with access to existing utility infrastructure, construction costs, and military training, security, and safety requirements.

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: While the proposed project area is located entirely in wetlands, the applicant has stated the site is located in the lower winter camp, a previously disturbed military training site in the YTA. The site would allow for the use of existing trails and bivouac areas in a part of the YTA where long-term military training and management activities have occurred,= (e.g. mowing, prescribed burning, re-seeding, and re-grading).
- b. Minimization: The applicant has stated that direct and indirect wetland impacts associated with the proposed project have been minimized by using existing trails and bivouac areas to the maximum extent possible, limiting the amount of fill to be used, and locating the project in the lower winter camp, where previously disturbed wetlands and existing infrastructure exists. The hardened trails and pads would help restrict military vehicles to harden surfaces and thereby prevent damage to adjacent wetlands and non-wetlands. The applicant has also stated impacts to wetlands and other waters of the United States (U.S.) within and adjacent to the proposed project site would be further minimized through compliance with the following: United States Army Corps of Engineer's best management practices for projects in waters of the U.S., Section 402 of the Clean Water Act, (requires coverage under the Alaska Construction General Permit through submittal of a notice of intent and preparation of a storm water pollution prevention plan), and Section 438 of the Energy Independence and Security Act, (requires the training facility to be designed in a manner that maintains or restores the pre-development site hydrology to the maximum extent technically feasible).
- c. Compensatory Mitigation: The applicant has stated compensatory mitigation should not be required for the following reasons:
 1. Executive Order No. 11990 states that federal agencies shall avoid new construction in wetlands unless the head of the agency finds no practicable alternative to such construction and the proposed action includes all practicable measures to

minimize harm to wetlands that may result from such use. As previously described, this project will implement multiple best management practices to avoid disturbances to water quality and flow. In the absence of practicable alternatives, locating this project within a disturbed area of the YTA minimizes the destruction, loss, and degradation of less disturbed, higher-value wetlands in other parts of the installation. Furthermore, due to restricted access, noises, hazards associated with training exercises, and range operation and management activities, the wetlands in question provide little recreational, scientific, and cultural value to the public.

2. The extent and nature of wetlands in Alaska are unique, as discussed by the White House Office on Environmental Policy on August 24, 1993. Wetlands are abundant in Alaska, and this project will not disturb wetlands in areas where wetland losses have been historically greatest, such as coastal Alaska, nor will it disturb pristine or high-value wetlands, such as fresh water ponds. Instead, it will minimize impacts to waters of the U.S. by making use of existing infrastructure and implementing best management practices.

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-2005-1322, Moose 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.