



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** July 24, 2013

**EXPIRATION DATE:** August 26, 2013

**REFERENCE NUMBER:** POA-2008-1257

**WATERWAY:** Allison Creek

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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. Please contact Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Roberta.K.Budnik@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Copper Valley Electric Association, Incorporated; Attention: Mr. John Duhamel, Post Office Box 45, Glennallen, Alaska 99588.

**LOCATION:** The project site is located within Section 19, T. 9 S., R. 6 W., Copper River Meridian; USGS Quad Map Valdez A-7; Latitude 61.0555° N., Longitude 146.3481° W.; in Valdez, Alaska.

**PURPOSE:** The applicant's stated purpose is to enable Copper Valley Electric Association, Inc. to reduce its dependence on diesel generation and transmit hydroelectric power to the existing switchyard.

**PROPOSED WORK:** To permanently discharge 1,705 cubic yards (cy) of fill material into 0.74-acre of waters of the U.S., and temporarily discharge 1,730 cy of fill material into 0.58-acre of waters of the U.S. in order to construct the Allison Creek Hydroelectric Project.

The project components include a diversion structure, penstock, powerhouse, and transmission line. See the attached project plans for a full text description of the proposed project. All work would be performed in accordance with the enclosed plan (sheets 1-45), dated May 3, 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.

a. Avoidance: The proposed project has been designed to avoid waters of the U.S. to the extent practicable. Transmission line poles have been sited around wetlands and streams.

b. Minimization: The penstock route was selected based on the site specific geologic conditions and constructability. The transmission route was selected to utilize existing right of ways and minimize wetland and stream crossings as much as possible. During the construction of the diversion/intake structure, any exposed soils would be stabilized with erosion control blankets and seeding to reduce the quantity of erosion back into Allison Creek. The cofferdam installed to divert water around the construction of the diversion/intake structure would be removed after project construction. Temporary construction access across streams would have geotextile material on the bottom of the stream and side banks, and would include an appropriately sized culvert in the middle of the channel on top of the geotextile material. Erosion control fabric would be installed as necessary. Removal would include the removal of all fill from the channel for offsite disposal, along with the culvert and geotextile material. The channel would be graded back to pre-fill conditions and supplemental stream substrate would be added, if necessary. Temporary fills in wetlands would have similar minimization measures, include the use of geotextile material below the temporary fill, erosion control, removal of all fill to an offsite location, and grading of the wetland back to pre-fill conditions.

c. Compensatory Mitigation: The applicant has not proposed any compensatory mitigation.

For a complete applicant proposed mitigation statement, see attachment titled "Allison Creek Hydroelectric Project Supplemental Permit Application Information, Applicant Proposed Mitigation Statement."

**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 lead Federal agency, the Federal Energy Regulatory Commission (FERC), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. Section 106 consultation between the FERC and the Alaska State Historic Preservation Office (SHPO) resulted in the finding by the SHPO that

there would be “No Historic Properties Affected” by the proposed project on November 9, 2011. (“Final Environmental Assessment for Hydropower License – Allison Creek Hydroelectric Project –FERC Project No. 13124-003, Alaska.” June 2013.)

**ENDANGERED SPECIES:** The FERC, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. The FERC found that the proposed project would have no effect on any federally listed threatened and endangered species. (“Final Environmental Assessment for Hydropower License – Allison Creek Hydroelectric Project – FERC Project No. 13124-003, Alaska.” June 2013.)

**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

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-2008-1257, Allison 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.