



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: January 14, 2015
EXPIRATION DATE: February 18, 2015
REFERENCE NUMBER: POA-2010-249
WATERWAY: Zak Lake

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: Alaska Department of Transportation and Public Facilities (ADOT&PF); Ryan Riddle, Post Office Box 1969000, Anchorage, Alaska 99519-6900

LOCATION: The project site is located within Section 7, of T. 17 N., R. 1 W., and Sections 9-12 of T. 17 N., R. 2 W., Seward Meridian; USGS Quad Map Anchorage C-7 and C-8; Latitude 61.5791° N., Longitude 149.5113° W. to Latitude 61.5826° N., Longitude 149.6319° W.; Parks Highway Mile Point 44.5 to 48.8, in Wasilla, Alaska.

PURPOSE: The applicant's stated purpose is to improve mobility and safety for people and freight, and enhance access management along the Parks Highway.

PROPOSED WORK: The ADOT&PF proposes to discharge up to 14,453 cubic yards of fill into a total of 2.76 acres of wetlands in order to widen the Parks Highway, improve and extend frontage roads, and modify and relocate existing utilities. Roads that would be improved as part of this project, outside of the Parks Highway, include North Pacific Way, Stanley Road, West Machen Road, Museum Drive, and South Museum Place. Table 1 in the attached project plans outlines all acreages and volumes of fill. A new parallel, separate bridge would be constructed over the Alaska Railroad crossing at MP 46.5 (near Museum Drive), to accommodate additional northbound lanes. All work would be performed in accordance with the enclosed plan (sheets 1-18), dated July 25, 2014.

ADDITIONAL INFORMATION: Improvements to the Parks Highway are being completed in three phases. The first phase was verified by the Corps under Nationwide Permit 14 – Linear Transportation Projects on December 30, 2013. Work for Phase 1 is underway. The proposed project is considered Phase 2. The third phase is still in design.

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 ADOT&PF designed realignments of the highway and secondary roads to avoid impacting wetlands wherever possible. However, complete avoidance of wetlands was not achievable as the existing corridor alignment bisects several wetland areas.

b. Minimization: Impacts to waters of the U.S., including wetlands, would be minimized by the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Alaska Department of Environmental Conservation's Alaska Pollutant Discharge Elimination System (APDES) Construction General Permit (CGP), implementing best management practices (BMPs) to minimize erosion and sedimentation; and reseeding and stabilizing disturbed ground as soon as practicable with native species recommended for the region by the Alaska Department of Natural Resource's *A Revegetation Manual for Alaska*.

In addition the following minimization measures would be included at specific work areas:

At Zak Lake (West Machen Road), the embankment would be constructed at a 2:1 ratio on the northern edge of the frontage road in order to minimize the amount of fill.

At the Alaska Railroad Crossing, improvements would be concentrated on the north side of the existing highway alignment, which has a smaller area of the wetland complex. The embankment would be steepened to a 2:1 ratio in order to minimize the footprint in wetlands.

At Museum Drive, impacts would be minimized by curving the alignment north around an unnamed pond. In doing so, impacts would be limited to the edge of surrounding wetlands. The embankment would be steepened to 4:1, and lowering the roadway elevation in order to minimize the footprint in wetlands.

At South Museum Place, wetland fill would be minimized by steepening the embankment to 4:1, and lowering the roadway elevation.

c. Compensatory Mitigation: In order to compensate for unavoidable impacts to waters of the U.S., including wetlands, the ADOT&PF proposes to purchase credits from a mitigation bank at a ratio of 2:1.

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, Federal Highways Administration (FHWA), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Office of History and Archaeology concurred with the FHWA's finding of "no historic properties affected" for the proposed project in a letter dated December 12, 2014.

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. Therefore, 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-2010-249, Zak Lake**, 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.