



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: May 25, 2012
EXPIRATION DATE: June 25, 2012
REFERENCE NUMBER: POA-2011-1132
WATERWAY: Crooked 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. Please contact **Mary Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **mary.f.leykom@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Crooked Creek Traditional Council, Post Office Box 69, Crooked Creek, Alaska 99575; phone (907) 432-2200.

AGENT: Rodney P. Kinney Associates, Inc., 16515 Centerfield Drive, Suite 101, Eagle River, Alaska 99577; phone (907) 694-2332.

LOCATION: The project site is located in Crooked Creek, Alaska within Sections 31 and 32, T. 21 N., R. 48 W., Seward Meridian; near Latitude 61.870° N., Longitude -158.110° W.; and which can be noted on USGS Quad map Sleetmute D-5.

PURPOSE: The applicant's stated purpose is to upgrade existing roads and to construct a new road to provide access to a new housing development.

PROPOSED WORK: Place 25,400 cubic yards of clean fill and rock riprap into 4.6 acres of wetlands to improve roads in Crooked Creek. Existing and new roads would be constructed to a 20-foot wide driving surface with 2:1 (v:h) side slopes. The new road segment would measure 0.82 mile and the length of upgraded roads would be 2.2 miles. Fill material would be obtained from a local existing source. Included in this project is the installation of two 6-foot culverts at Village Creek; the existing bridge over Crooked Creek will not be replaced. All work would be performed in accordance with the enclosed plan (sheets 1-11), dated February 2012.

ADDITIONAL INFORMATION: This project combines two projects previously evaluated for regulatory jurisdictional under project numbers POA-2009-909 and POA-2011-1132.

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: Almost the entire village of Crooked Creek is located in wetlands, so alternatives to avoid wetlands are not available.

b. Minimization: Road side slopes and road widths were designed to produce the smallest footprint. During construction silt fences and other erosion control methods would be used to minimize impacts outside the fill footprint.

c. Compensatory Mitigation: The applicant is considering an in-lieu fee to compensate for unavoidable wetland losses.

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 four unevaluated properties in the vicinity of the worksite: SLT-00004, Crooked Creek; SLT-00064 Parent's Trading Post; SLT-00088 Tough Kitty Site; SLT-00090 St. Nicholas Chapel. These properties have been determined to be outside of the actual construction project area, and no further action may be required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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 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). The project area is within the known range of king salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), and coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity would not adversely affect EFH in the project area because the existing bridge over Crooked Creek, an anadromous stream, would not be altered by the proposed action.

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, that a public hearing be held to consider this application. Requests for public hearings shall state, the particular 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, requires a careful weighing of all the relevant factors 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. 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 to consider and evaluate the impacts of this proposed activity. Comments received will be considered by us to help determine whether to issue, condition or deny a permit for this proposal. Comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. An Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act will be prepared. 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). Our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act.

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

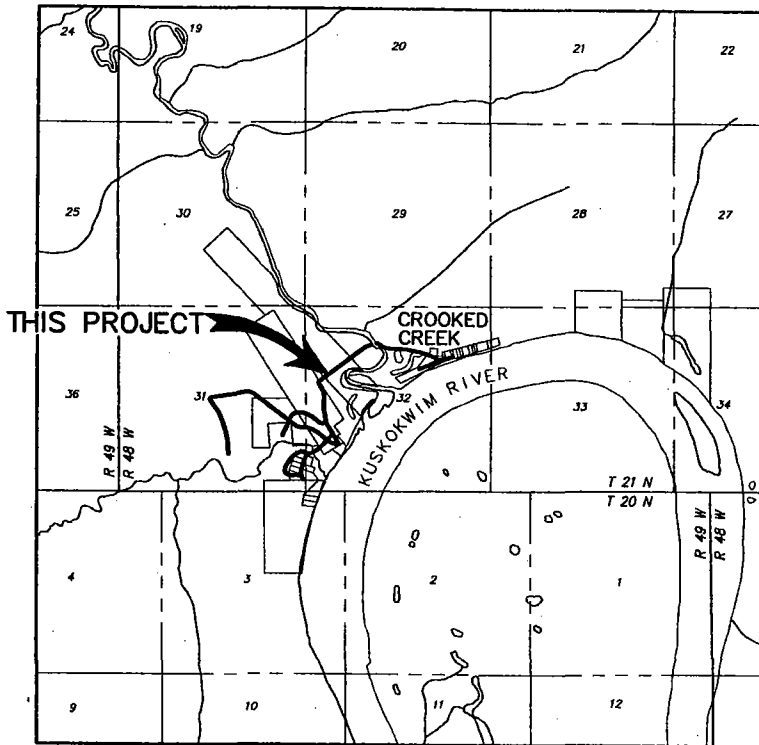
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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-2011-1132, Crooked Creek, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

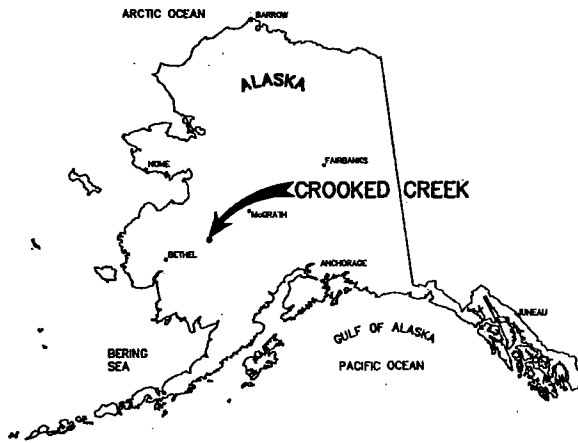
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.



VICINITY MAP

APPROXIMATE SCALE: 1" = 1 MILE
 SOURCE MAP: USGS QUADRANGLE
 SLEETMUTE (D-6) ALASKA, 1954



PROJECT LOCATION MAP

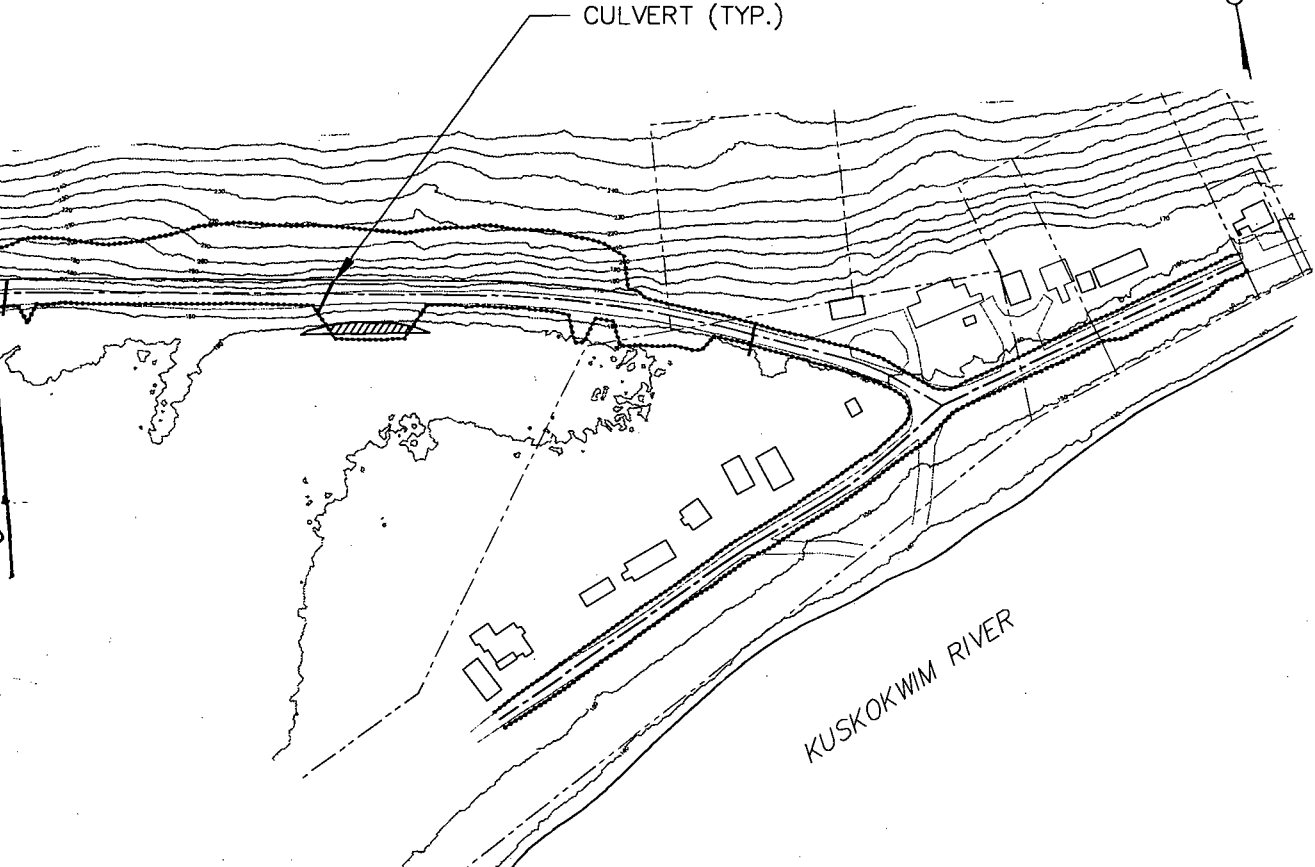
POA-2011-1132

NAME:	CROOKED CREEK TRADITIONAL COUNCIL
PROJECT:	CROOKED CREEK COMMUNITY STREETS PROJECT
LOCATION:	SECTIONS 31, 32 T21S R48E SEWARD MERIDIAN
WATERBODY:	KUSKOKWIM RIVER
DATE:	FEBRUARY 24, 2012
SHEET:	1 OF 11

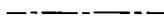


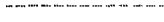
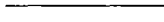







CULVERT (TYP.)

MATCHLINE SEE SHEET 3



LEGEND

- ROAD CENTERLINE 
- EDGE OF DISTURBED AREAS (CUT AND FILL) 
- PROPERTY LINE 
- 10' CONTOURS 
- STREAM 
- EXISTING ROAD 
- IMPACTED WETLANDS, PSS 
- IMPACTED WETLANDS, PEM 
- IMPACTED WETLANDS, CREEK 
- DELINEATED WETLANDS 

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

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PROJECT: CROOKED CREEK COMMUNITY STREETS PROJECT

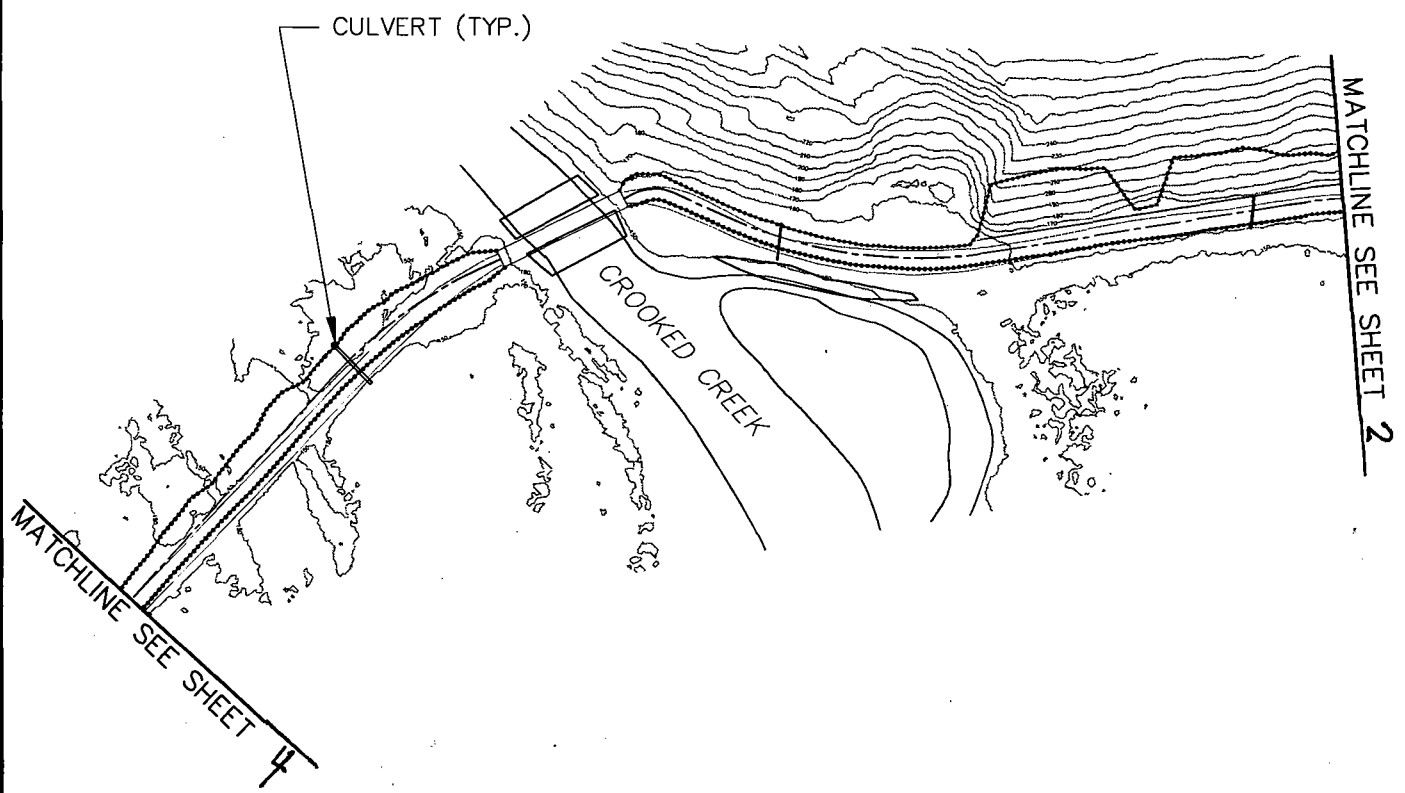
LOCATION: SECTIONS 31, 32 T21S R48E SEWARD MERIDIAN

WATERBODY: KUSKOKWIM RIVER

DATE: FEBRUARY 24, 2012

SHEET: 2 OF 11

POA-2011-1132



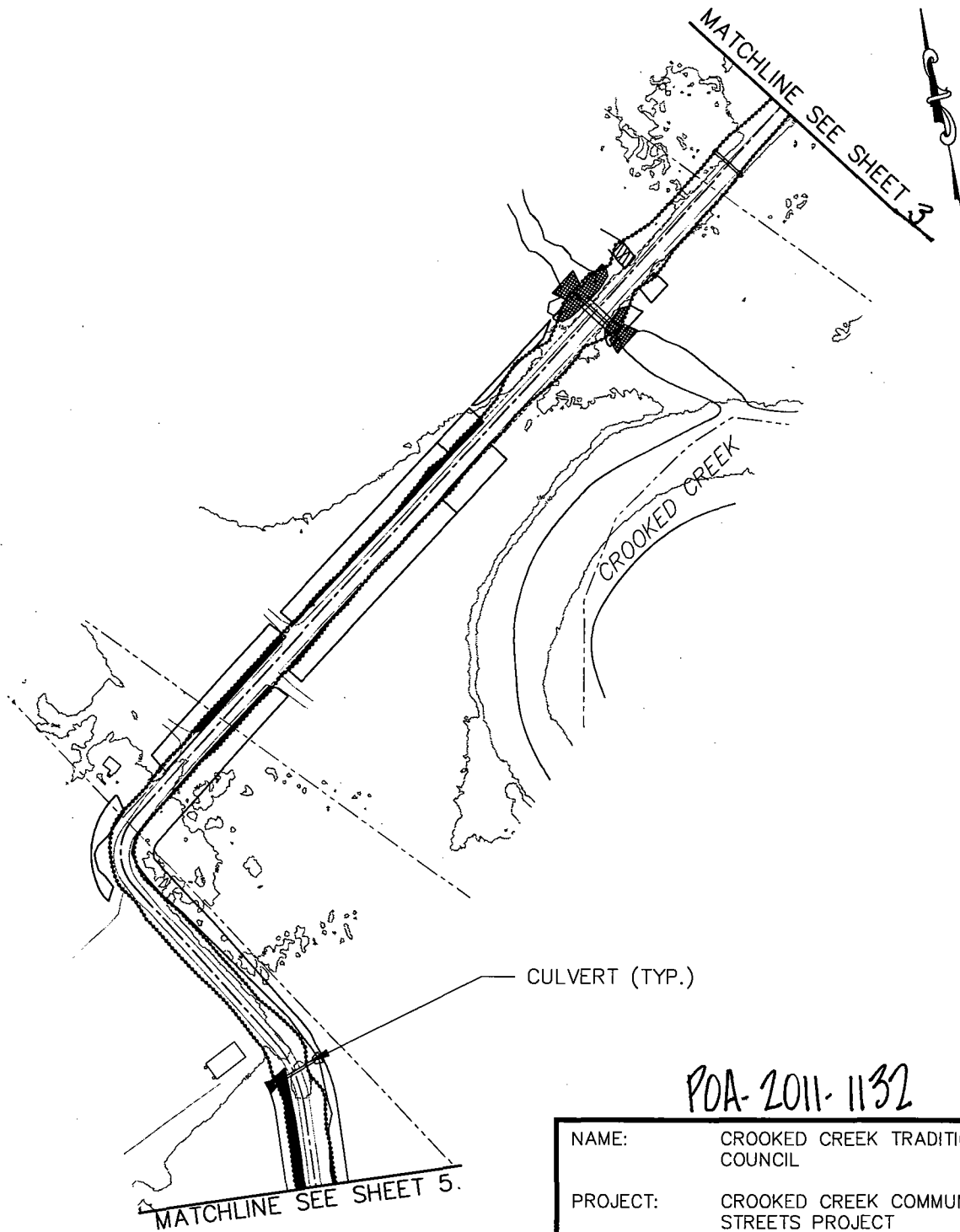
POA-2011-1132

GRAPHIC SCALE



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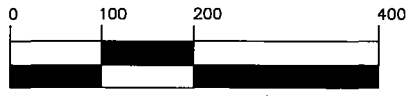
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WATERBODY:	KUSKOKWIM RIVER
DATE:	FEBRUARY 24, 2012
SHEET:	3 OF 11



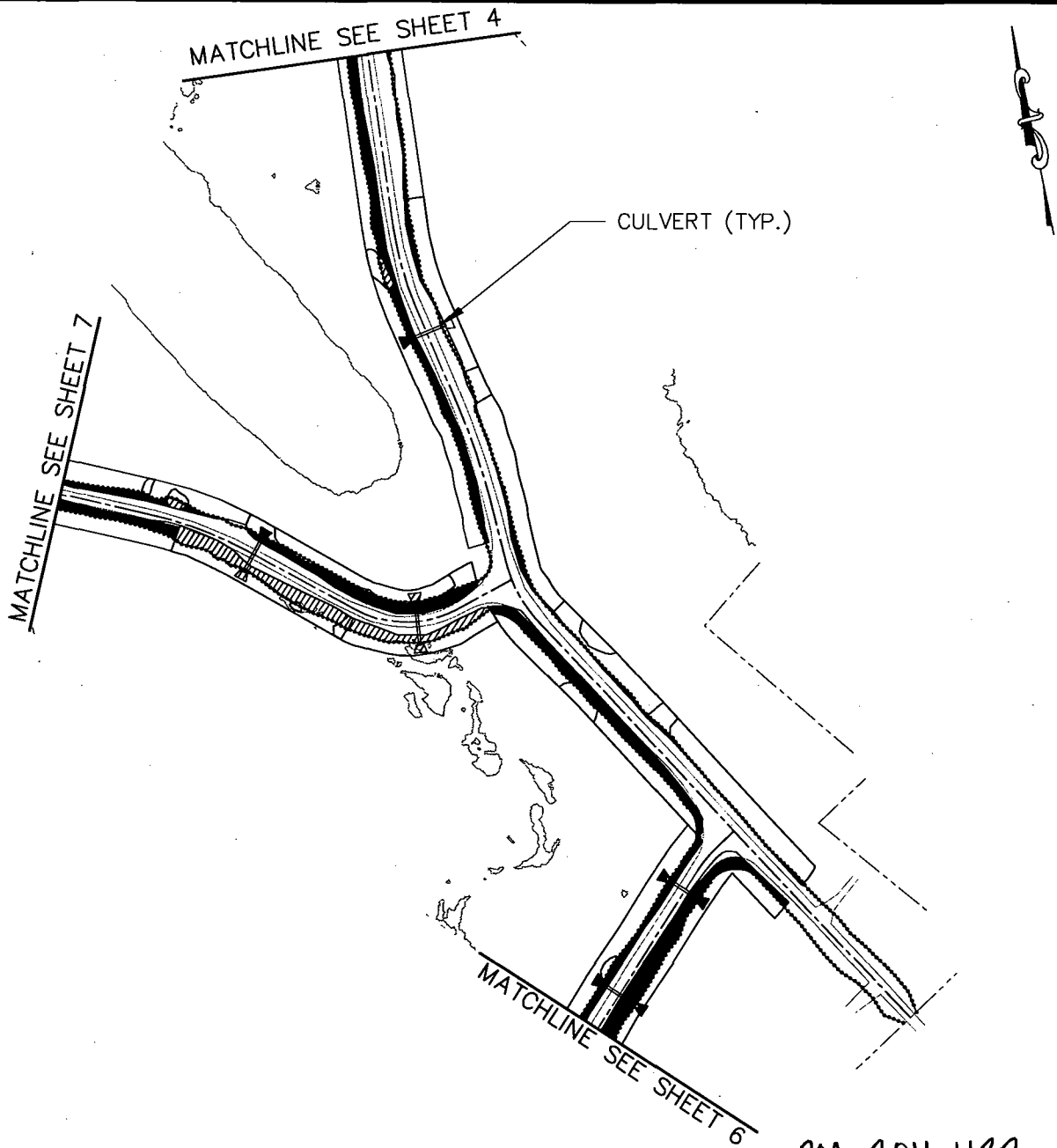
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DATE:	FEBRUARY 24, 2012
SHEET:	4 OF 11

GRAPHIC SCALE

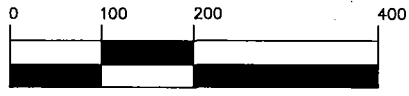


(IN FEET)
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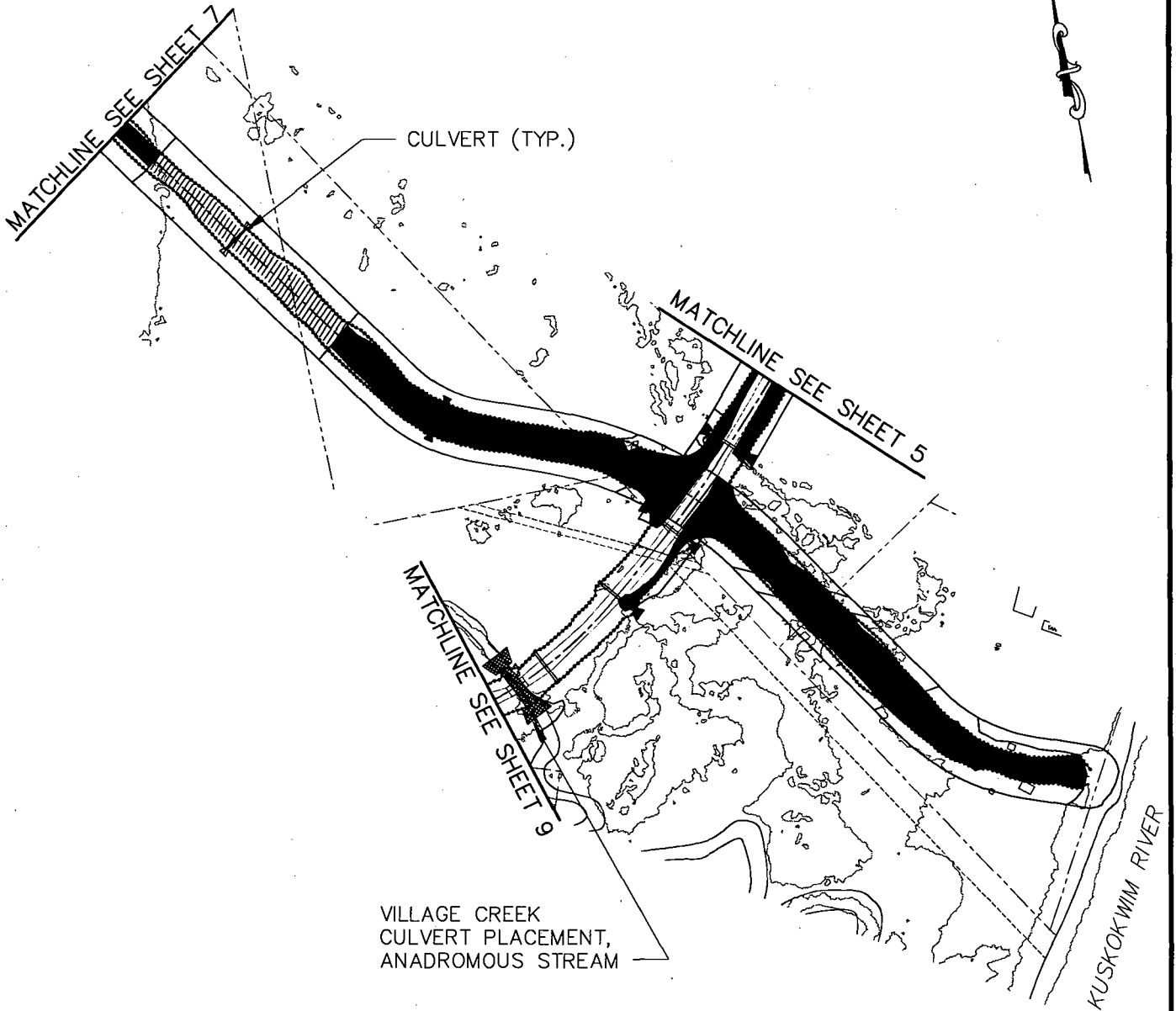
POA-2011-1132

GRAPHIC SCALE



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SHEET:	5 OF 11



VILLAGE CREEK
CULVERT PLACEMENT,
ANADROMOUS STREAM

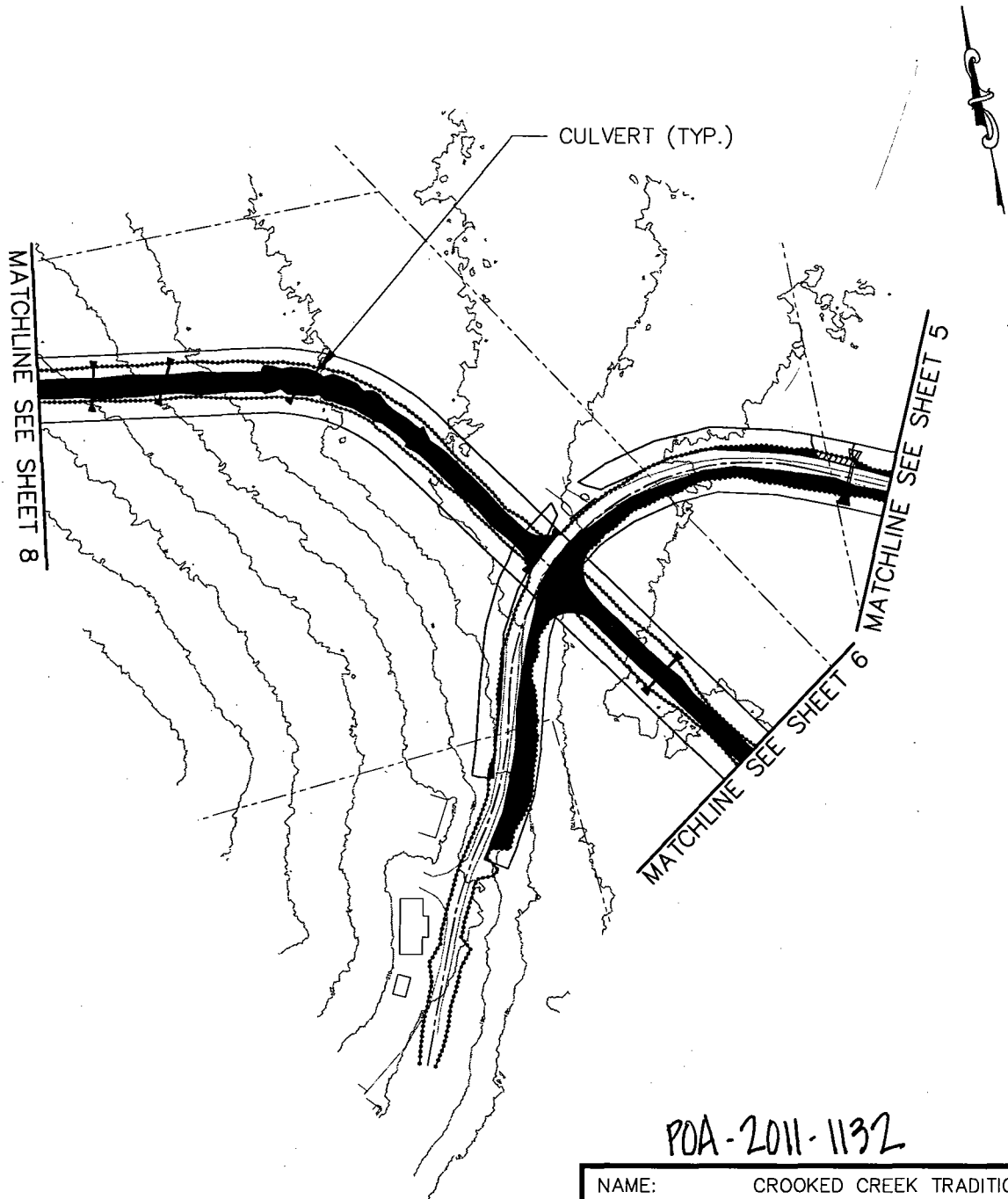
PDA-2011-1132

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SHEET:	6 OF 11

GRAPHIC SCALE



(IN FEET)
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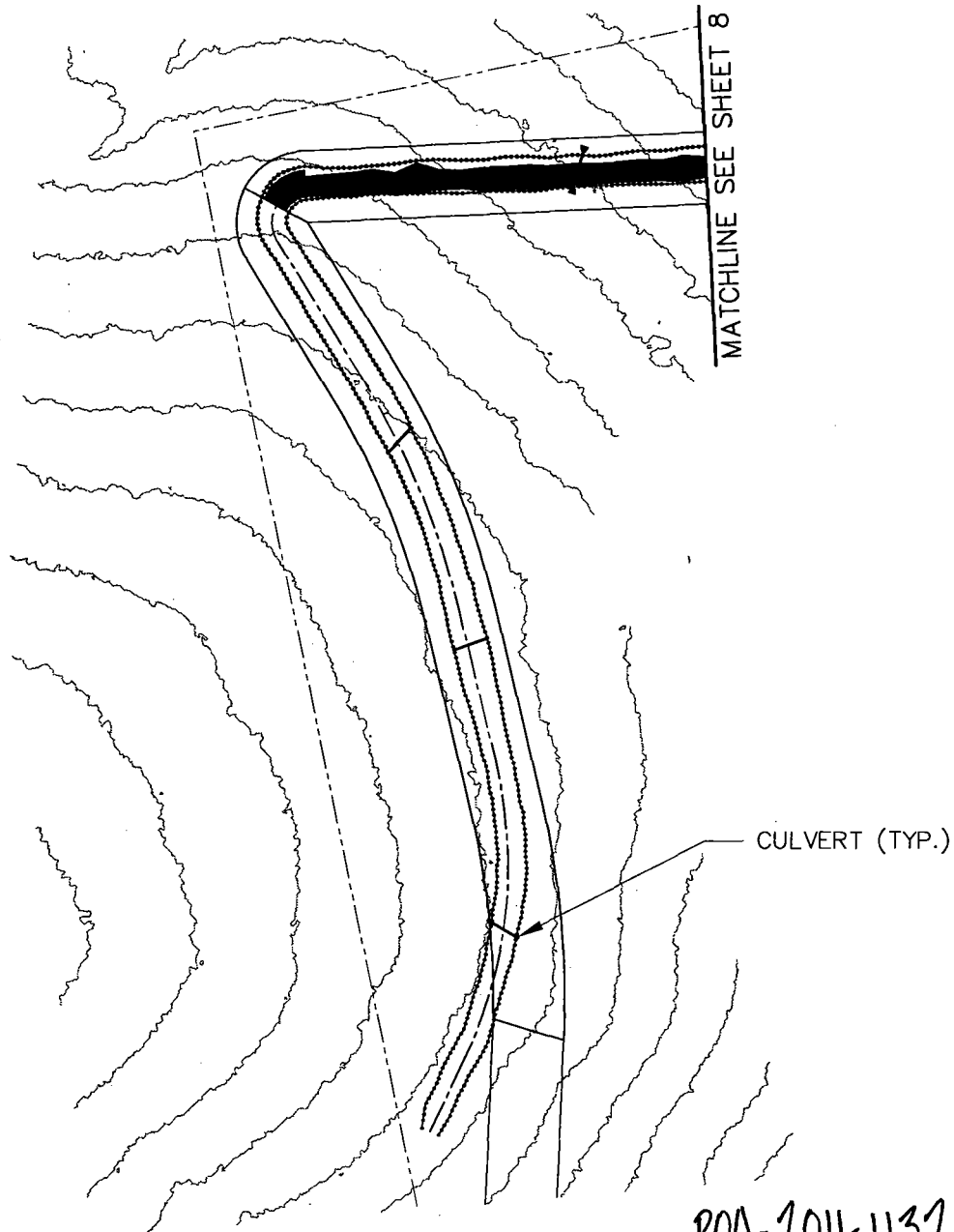


GRAPHIC SCALE



(IN FEET)
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SHEET:	7 OF 11



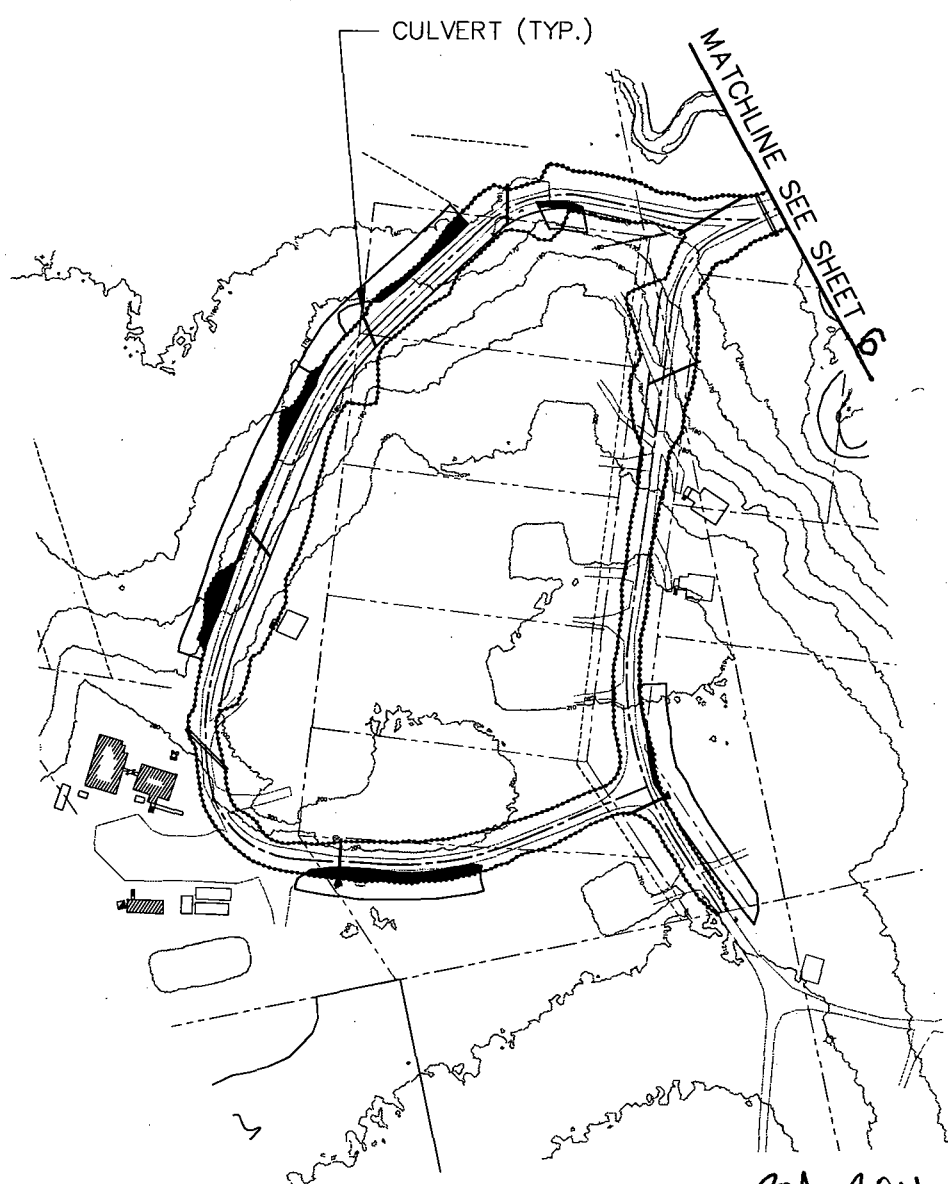
POA-2011-1132

GRAPHIC SCALE



(IN FEET)
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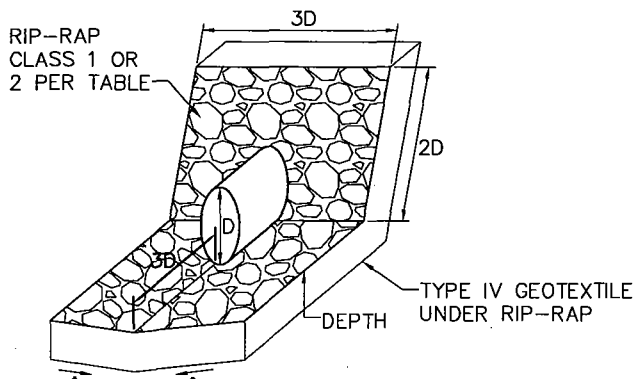
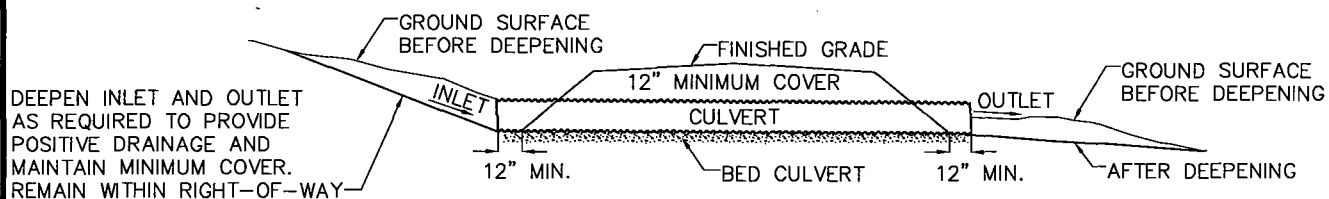
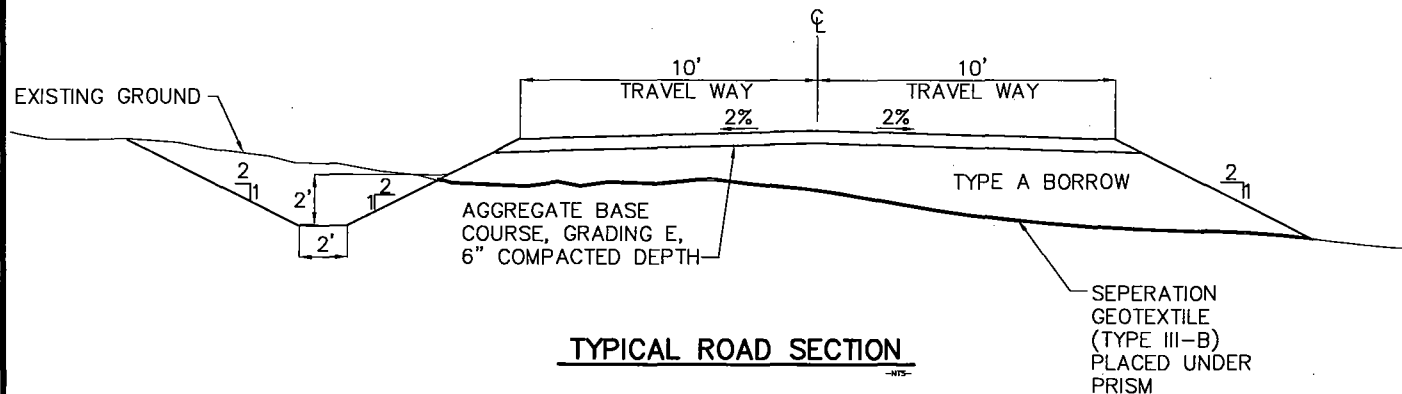
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RIP-RAP TABLE		
CSP (D)	DEPTH	RIP-RAP CLASS
12"-24"	12"	1
36"-48"	16"	2
48"-72"	24"	3

OUTLET/INLET PROTECTION

POA-2011-1132

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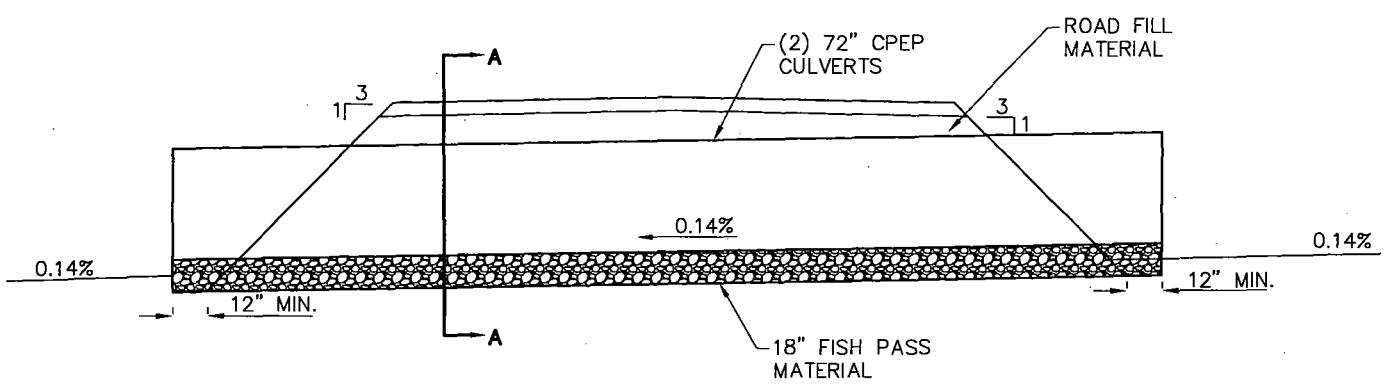
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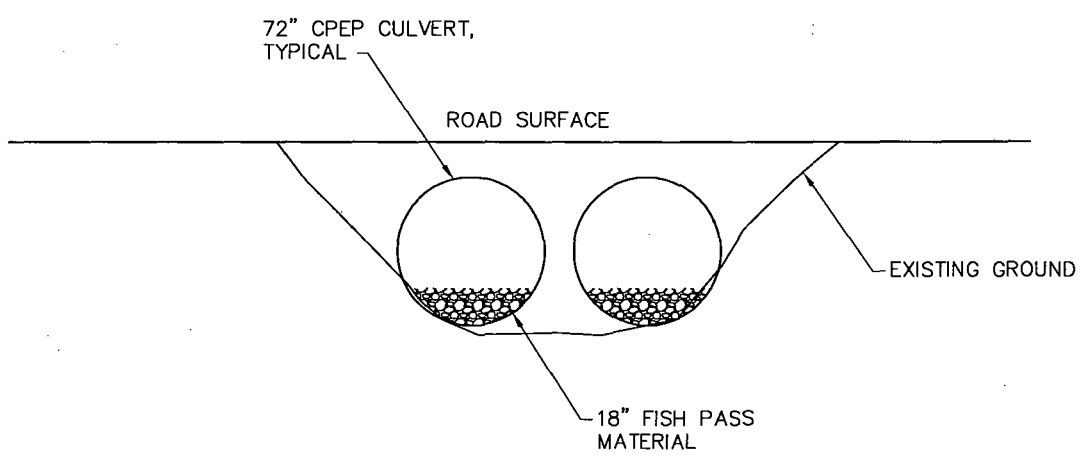
WATERBODY: KUSKOKWIM RIVER

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SHEET: 10 OF 11



TYPICAL 20-FOOT ROAD SECTION
-WIS-



SECTION A-A

VILLAGE CREEK
FISH PASSAGE CULVERT DETAIL

POA-2011-1132

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SHEET:	11 OF 11