



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: June 28, 2012
EXPIRATION DATE: July 30, 2012
REFERENCE NUMBER: POA-2012-293
WATERWAY: Salmon River

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: Northwind Services, LLC, Attn: Mr. Dan Frisella, 1176 Big Creek Road, Kellogg, Idaho 83837

LOCATION: The project site is located within Sections 2, 11, and 12, T. 69 S., R. 100 E., Copper River Meridian; USGS Quad Map Ketchikan D-1; Latitude 55.9076° N., Longitude 130.0295° W.; 0.5-mile southwest of Wharf Road via Mainstreet to Salmon River floodplain, in Hyder, Alaska.

PURPOSE: The applicant's stated purpose is to extract gravel for the purpose of reconstructing the Hyder Causeway.

PROPOSED WORK: To remove a total of 24,000 cubic yards of gravels, silts, and cobbles from below the mean high water of the tidally influences portion of the Salmon River floodplain, over the period of two years. Material would be extracted from a 1.4348-acre area of an approximately 11.5-acre state owned material site. Extracted materials would be used for embankment purposes for the widening and reconstruction of the Hyder Causeway. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated April 13, 2012.

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 applicant plans to avoid as much disturbance from gravel extraction activities as possible at Salmon River. The project site is located in a state owned designated material site.

b. Minimization: They plan to use properly sized equipment which would minimize adverse effects of contributing to the sediment load into the Salmon River. Typical gravel extraction best management practices would be followed, such as silt fence installation and usage of straw wattles. The applicant also intends to maintain a suitable buffer between their proposed excavation activities and the main channel of the river. Settling ponds would be constructed if they would be needed to catch any sediment from excavation activities.

c. Compensatory Mitigation: No compensatory mitigation has been proposed by the applicant.

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). The project area is within the known range of the Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*Oncorhynchus kisutch*), and pink salmon (*Oncorhynchus gorbuscha*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

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.

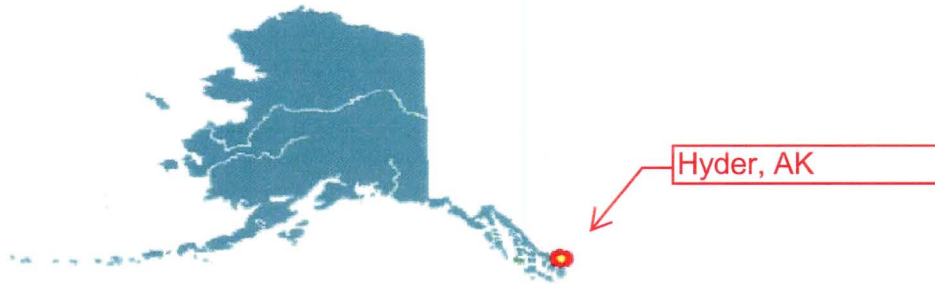
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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~~) Perform work in or affecting navigable waters of the United States -
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

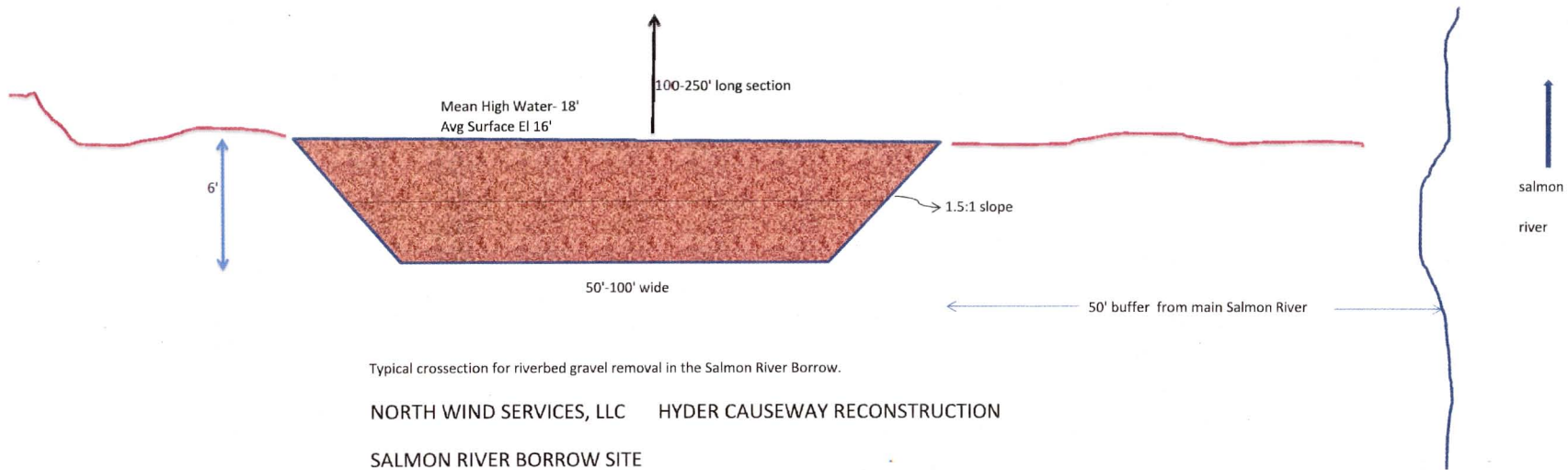
Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



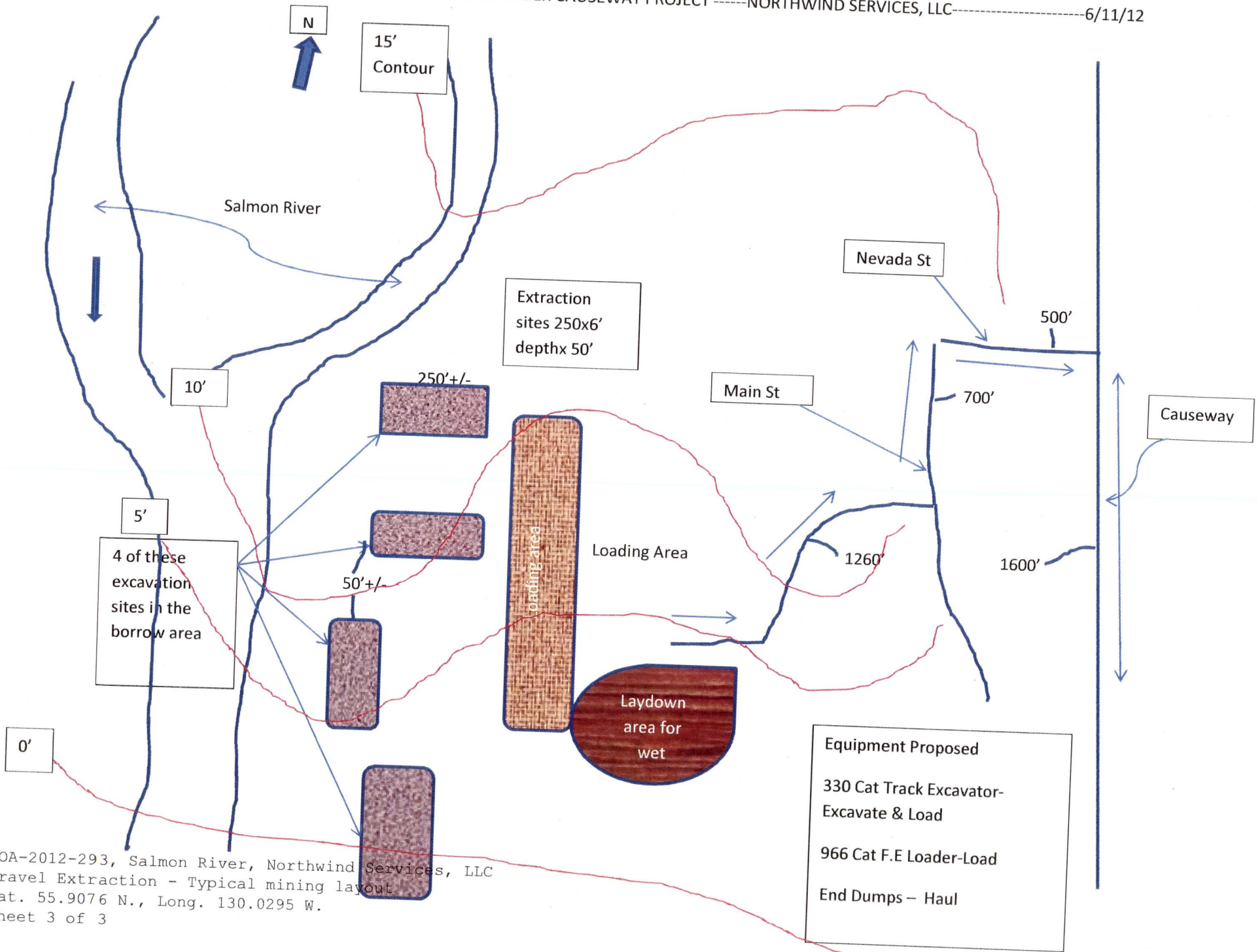
POA-2012-293, Salmon River, Northwind Services, LLC
Gravel Extraction
Lat. 55.9076 N., Long. 130.0295 W.
Sheet 1 of 3



Typical crosssection for riverbed gravel removal in the Salmon River Borrow.

NORTH WIND SERVICES, LLC HYDER CAUSEWAY RECONSTRUCTION

SALMON RIVER BORROW SITE



POA-2012-293, Salmon River, Northwind Services, LLC
 Gravel Extraction - Typical mining layout
 Lat. 55.9076 N., Long. 130.0295 W.
 Sheet 3 of 3

Equipment Proposed
 330 Cat Track Excavator-
 Excavate & Load
 966 Cat F.E Loader-Load
 End Dumps - Haul