



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: September 21, 2012

EXPIRATION DATE: October 20, 2012

REFERENCE NUMBER: POA-2012-555

WATERWAY: Little Chena 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 Ellen Lyons at (907) 474-2166, by fax at (907) 474-2164, or by email at Ellen.H.Lyons@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF) 2301 Peger Road, Fairbanks, Alaska 99709

AGENT: Mr. Thomas Benjamin, thomas.benjamin@alaska.gov, 907-451-2262

LOCATION: The project site is located on Nordale Road within Sections 19, 29, 30-32, T. 1 N., R. 2 E. and Sections 5-8 and 17-20, T. 1 S., R. 2 E., Fairbanks Meridian; USGS Quad Map Fairbanks D-1. The center of the project is located at Latitude 64.8725° N., Longitude 147.405833° W., near Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to rehabilitate Nordale Road including repaving, improve the river bank protection adjacent to abutments in the Chena River and to stabilize the road structure in the vicinity of the abutments for the benefit of the travelling public.

PROPOSED WORK: The applicant proposes to discharge 6000 cubic yards of fill material into 4 acres of jurisdictional wetlands, and 1030 cubic yards of

riprap below ordinary high water in the Chena River to improve the bridge crossing. The applicant also proposes to temporarily impact 6 acres of wetlands during the construction process by driving a loader, excavator or truck across them to access the permanent fill areas. All work would be performed in accordance with the enclosed plan, (sheets 1-15), dated August 2012.

ADDITIONAL INFORMATION: No work would be done in or fill placed in the Little Chena River for this proposed project. The project would involve road and shoulder slope flattening, and there will be minor profile adjustments to eliminate undulations in the profile caused by settling and by thawing of subsurface material. Fill would be placed next to the embankment to eliminate standing water in settled areas of the drainage ditches. There would be up to 20 foot expansion of embankment toe on both sides of highway. No material site is proposed for this project as commercial sites are available to provide adequate material for this project. The Chena River is an impaired water body - Category 5, Section 303(d) and is listed for sediment from urban runoff. The ADOT&PF states that "It is anticipated that a sediment curtain would be placed surrounding the areas where rip rap will be placed, so as to protect the remainder of the river from receiving the suspended sediment from that activity."

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: Avoidance is not possible for this project because: 1) Portions of the project area are bordered by wetlands, 2) The location of the project is dictated by the location of the existing road. Relocating the road would result in more impacts to wetlands than the proposed project.

b. Minimization: 1) The project would only place fill where it is necessary to correct road and bridge deficiencies, 2) Best management Practices would be implemented during construction to reduce the potential for erosion and sedimentation into waters of the United States (U.S.) adjacent to the project area.

c. Compensatory Mitigation: The applicant proposes to pay an in-lieu fee to The Conservation Fund, for 4.0 acres of permanent impacts at a ratio of 1.5:1, and for 6 acres of temporary impacts at a ratio of 1:1.

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 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. Northern Land Use Research (NLUR) conducted a survey of the Nordale Road Area of Potential Effect (APE) in June 2006. The ADOT consulted with the State Historic Preservation Officer (SHPO) in March of 2007. SHPO concurred with a finding of "No Historic Properties Affected in a letter to ADOT&PF dated April 20, 2007. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. 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 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.

Consultation with the US Fish and Wildlife Service (USFWS) on January 23, 2006, by the ADOT&PF determined that the nearest known bald eagle nest is located over seven miles from the project. No bald eagles would be affected by this project.

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 (*Oncorhynchus tshawytscha*) and chum (*Oncorhynchus keta*) salmon.

ADOT&PF states that "work to install riprap in the Chena River would affect EFH for chinook (*Oncorhynchus tshawytscha*) and chum (*Oncorhynchus keta*) salmon. The Chena River (FDD Code:3347-40-11000-2490-3301) is a spawning and rearing ground for chinook salmon and a spawning ground for chum salmon. The Chena Slough (FDD Code: 334-40-11000-2490-3301-4010) is a rearing ground for Chinook salmon; however, no work is being performed in the slough. In addition a Title 41 Permit would be obtained from the Alaska Department of Natural Resources- Office of Habitat Management and Permitting prior to the initiation of site work."

We have determined the described activity may adversely affect EFH in the project area for the following species chinook (*Oncorhynchus tshawytscha*) and chum (*Oncorhynchus keta*) salmon. Approximately 800 cubic yards of riprap would be placed in the river. Work would be timed to avoid salmon runs, i.e. no work would be conducted in the river between June 15 and August 15. Up to three culverts would be replaced as part of this project, (Figures 5 and 6). All impacts would be temporary and short-term. An EFH assessment was submitted to NOAA Fisheries by ADOT&PF and no additional conservation measures were offered.

This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH 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 authorities:

(XX) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(XX) 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-2012-555, Chena River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

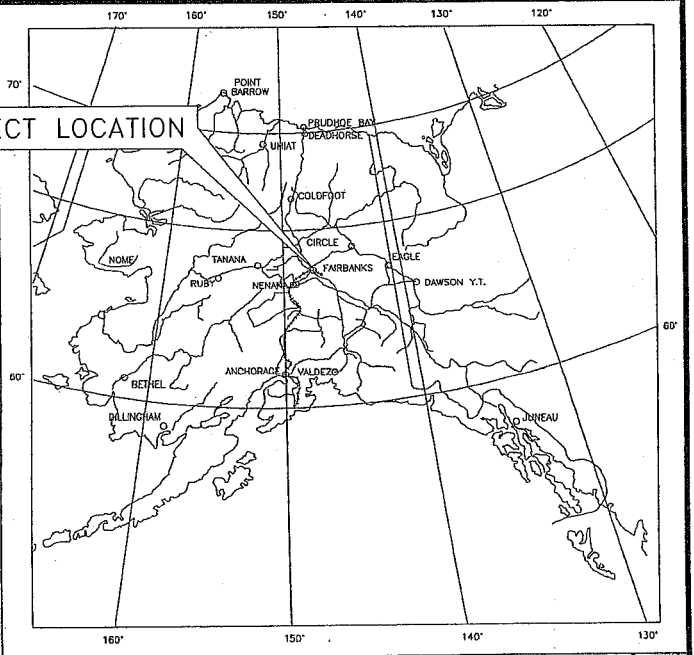
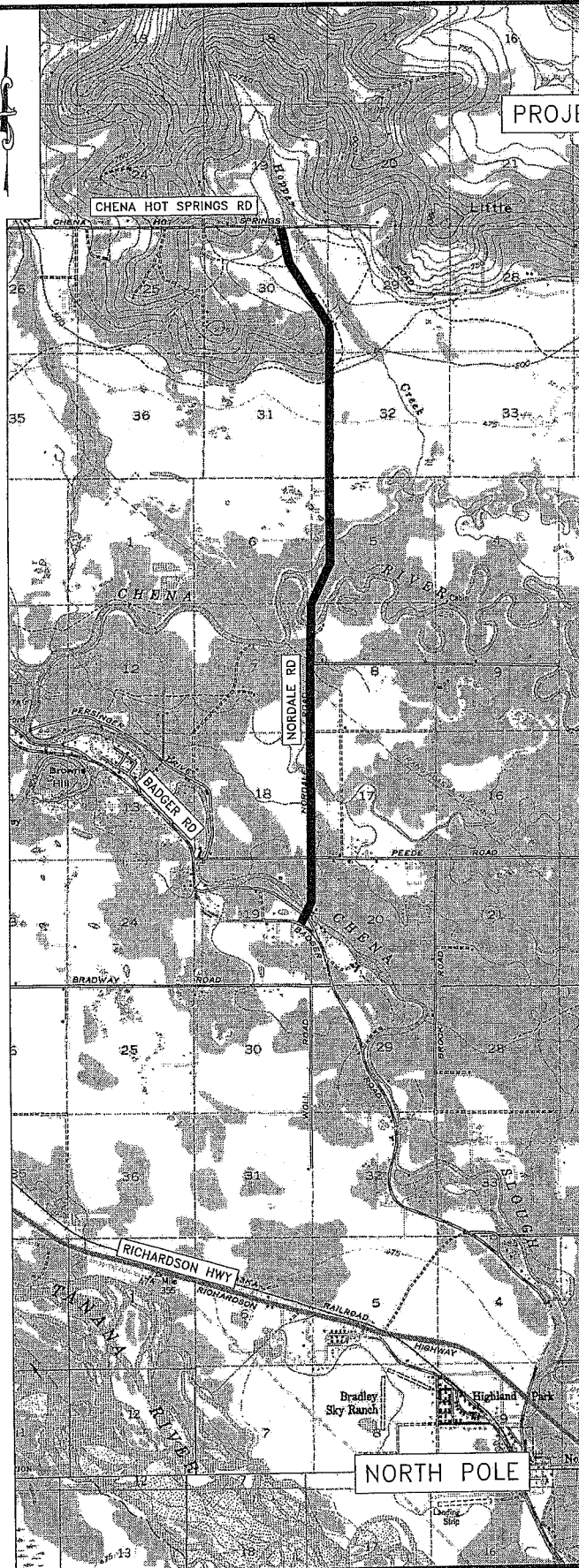
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.

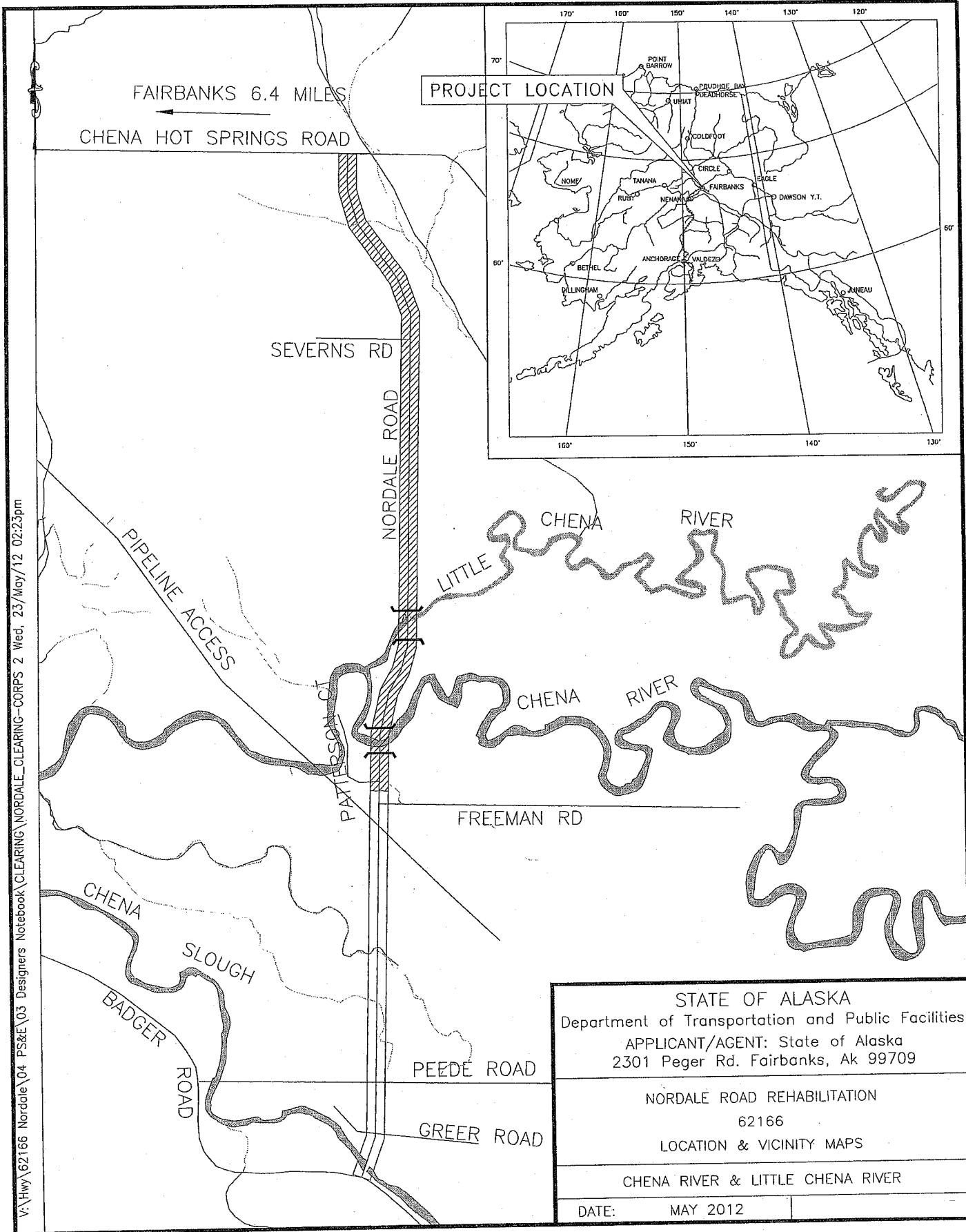
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TEMPORARY				PERMANENT							
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306+12	310+42	0.04	266+27	279+11	0.58	295+45	300+74	0.11	284+09	310+81	0.61
312+49	315+56	0.09	283+96	327+19	1.83	344+25	345+50	0.12	312+25	315+56	0.11
344+00	345+68	0.12	370+00	381+61	0.48	348+65	349+75	0.08	324+42	326+88	0.01
348+45	350+00	0.04	386+66	392+67	0.22	368+10	371+85	0.43	370+00	371+59	0.08
368+00	372+00	0.13				374+50	380+30	0.19	372+00	379+48	0.35
374+50	380+77	0.29				386+85	390+66	0.16	379+85	380+92	0.01
386+85	391+90	0.12							386+66	389+62	0.05
						391+29	392+45	0.03			
TOTAL LEFT				TOTAL RIGHT				TOTAL			
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TOTAL LEFT				TOTAL RIGHT				TOTAL			
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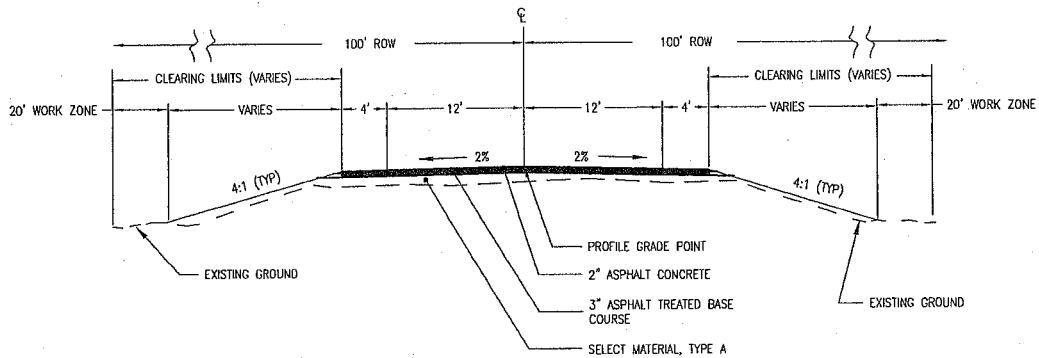


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NORDALE ROAD REHABILITATION 62166 LOCATION & VICINITY MAPS	
CHENA RIVER & LITTLE CHENA RIVER	
DATE: MAY 2012	Figure



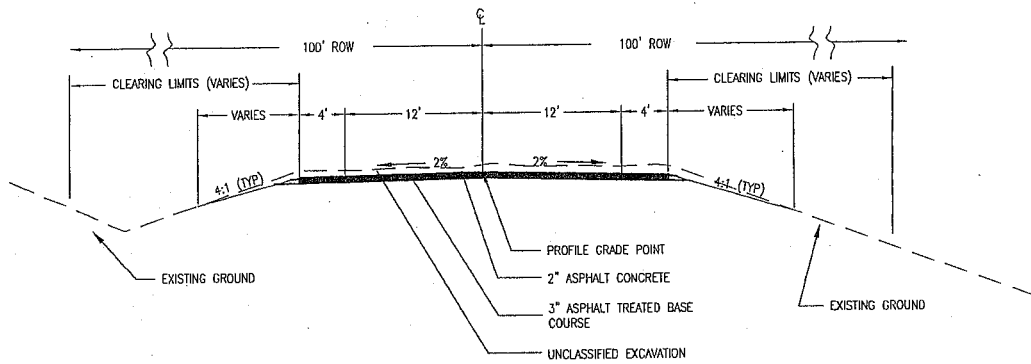
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NORDALE ROAD REHABILITATION 62166 LOCATION & VICINITY MAPS	
CHENA RIVER & LITTLE CHENA RIVER	
DATE:	MAY 2012



GRADE RAISE TYPICAL SECTION

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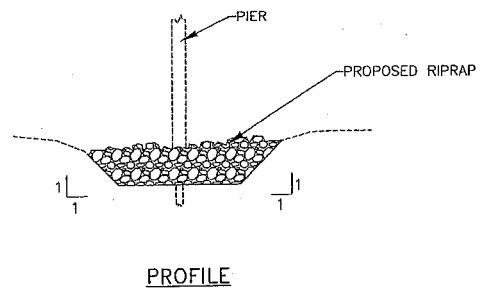
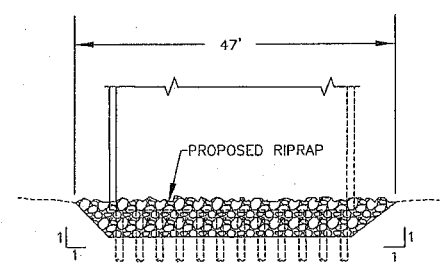
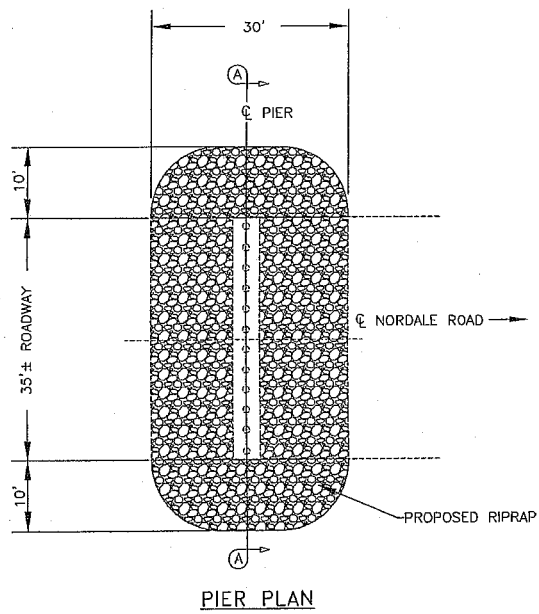
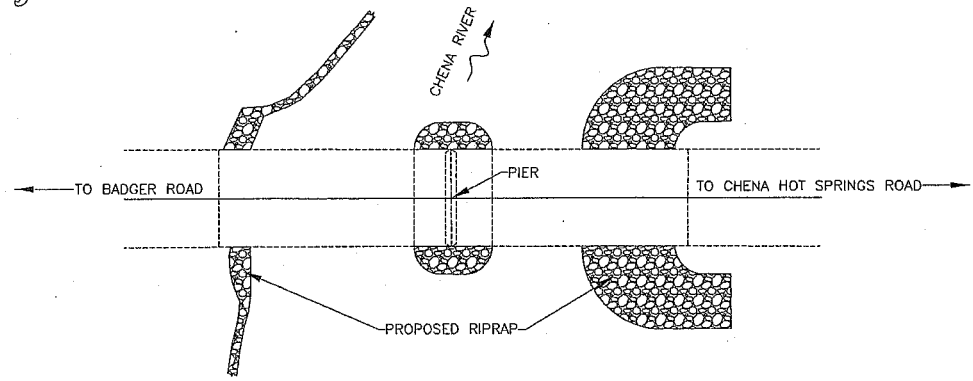
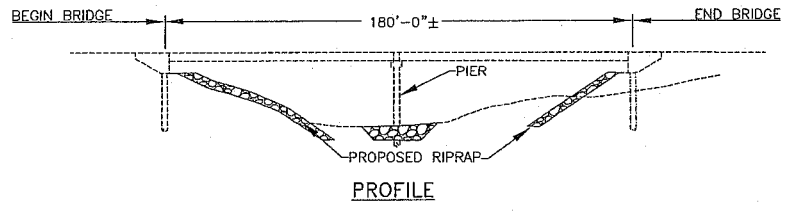


CUT SECTION TYPICAL SECTION

NOT TO SCALE

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709
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CHENA RIVER & LITTLE CHENA RIVER
DATE: MAY 2012

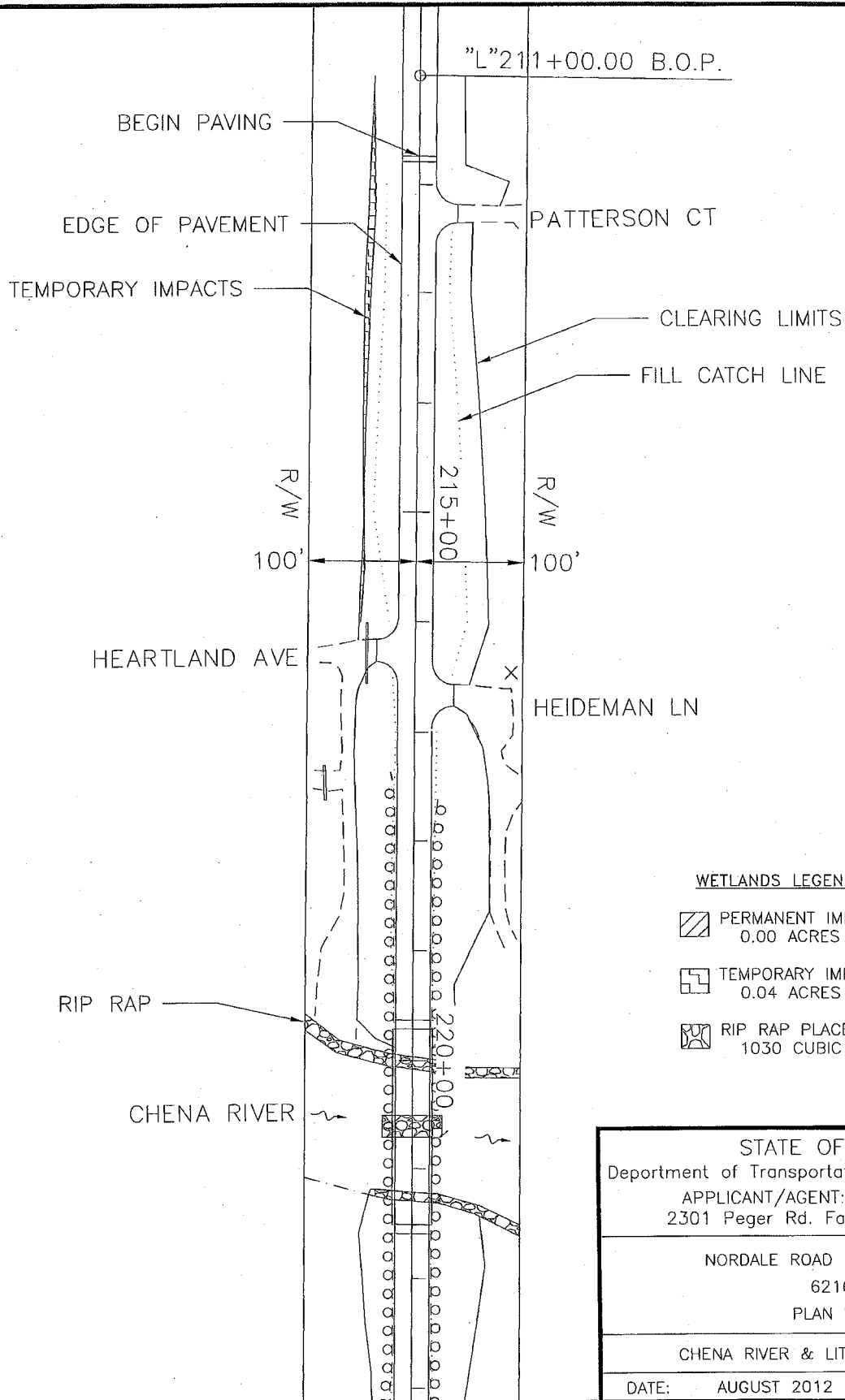
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

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NORDALE ROAD REHABILITATION 62166 CHENA RIVER RIPRAP DETAILS
CHENA RIVER & LITTLE CHENA RIVER
DATE: MAY 2012

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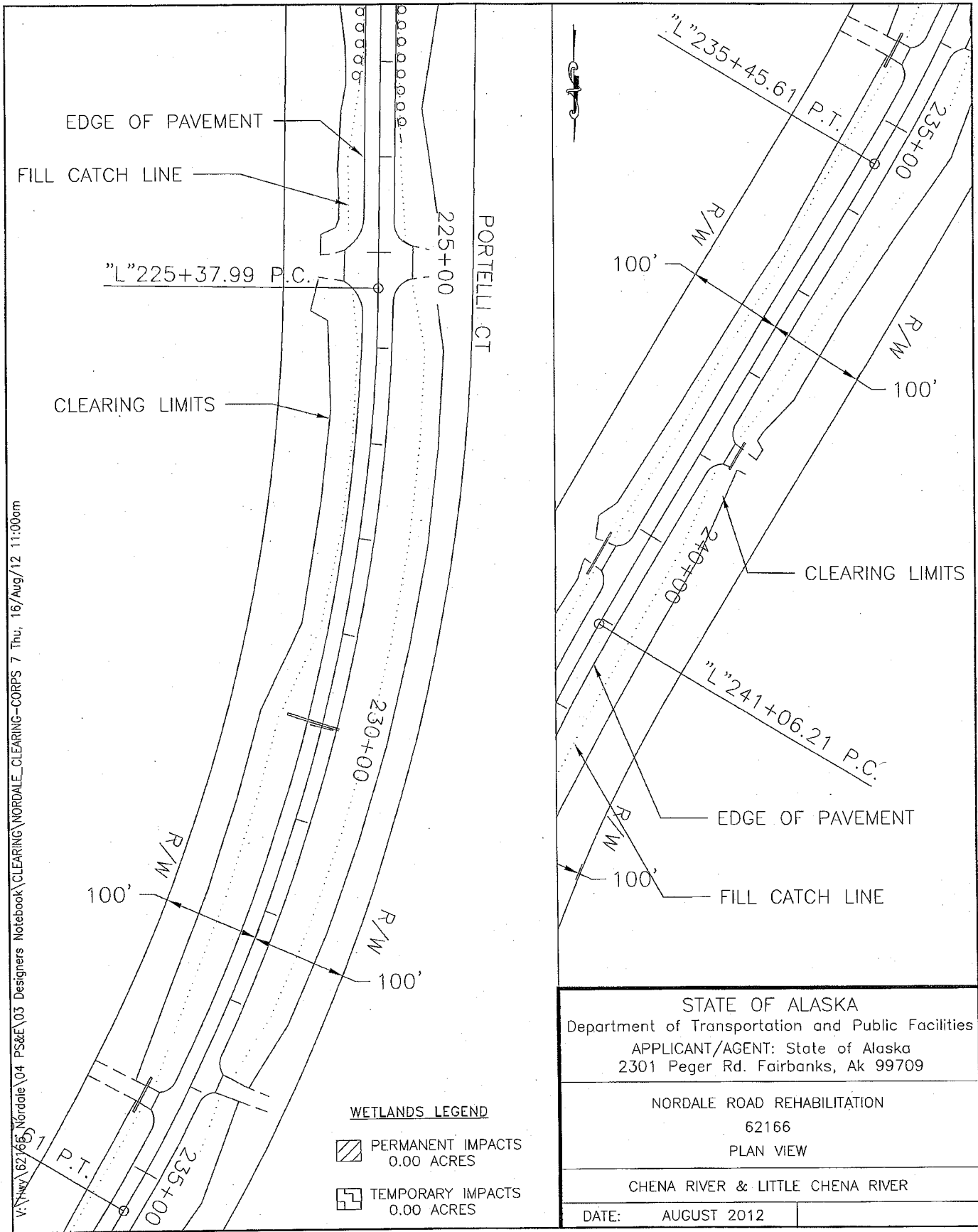


WETLANDS LEGEND



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-  TEMPORARY IMPACTS
0.04 ACRES
-  RIP RAP PLACEMENT
1030 CUBIC YARDS

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
NORDALE ROAD REHABILITATION 62166 PLAN VIEW	
CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

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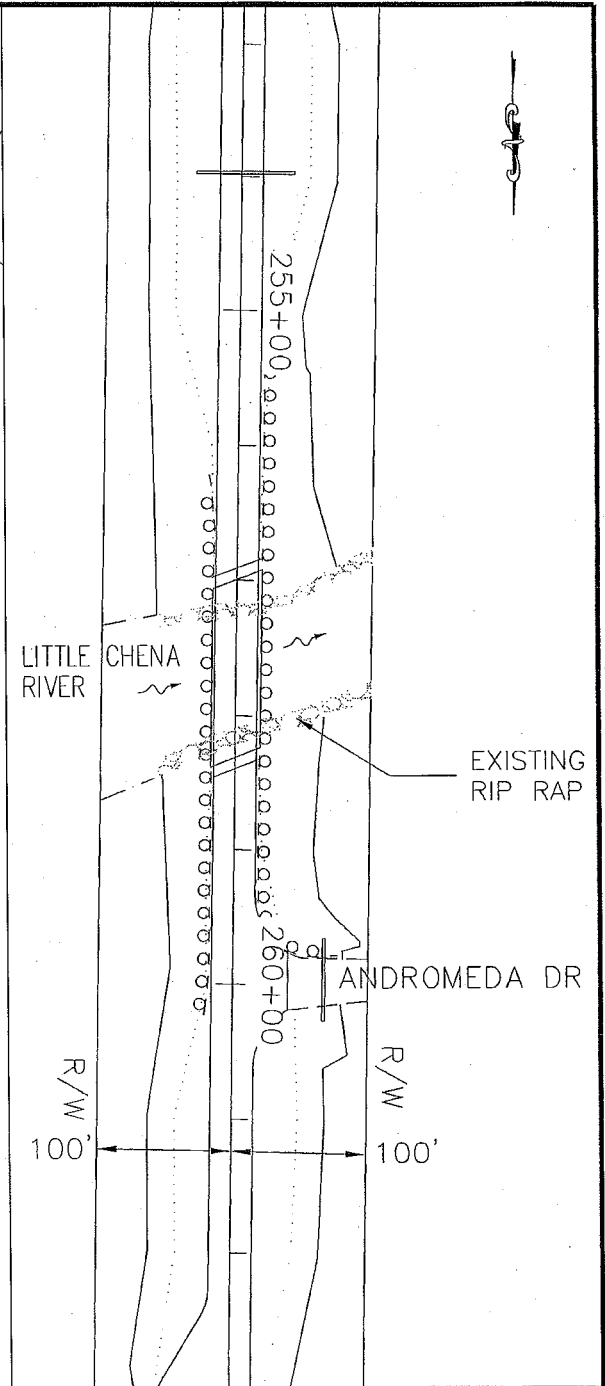
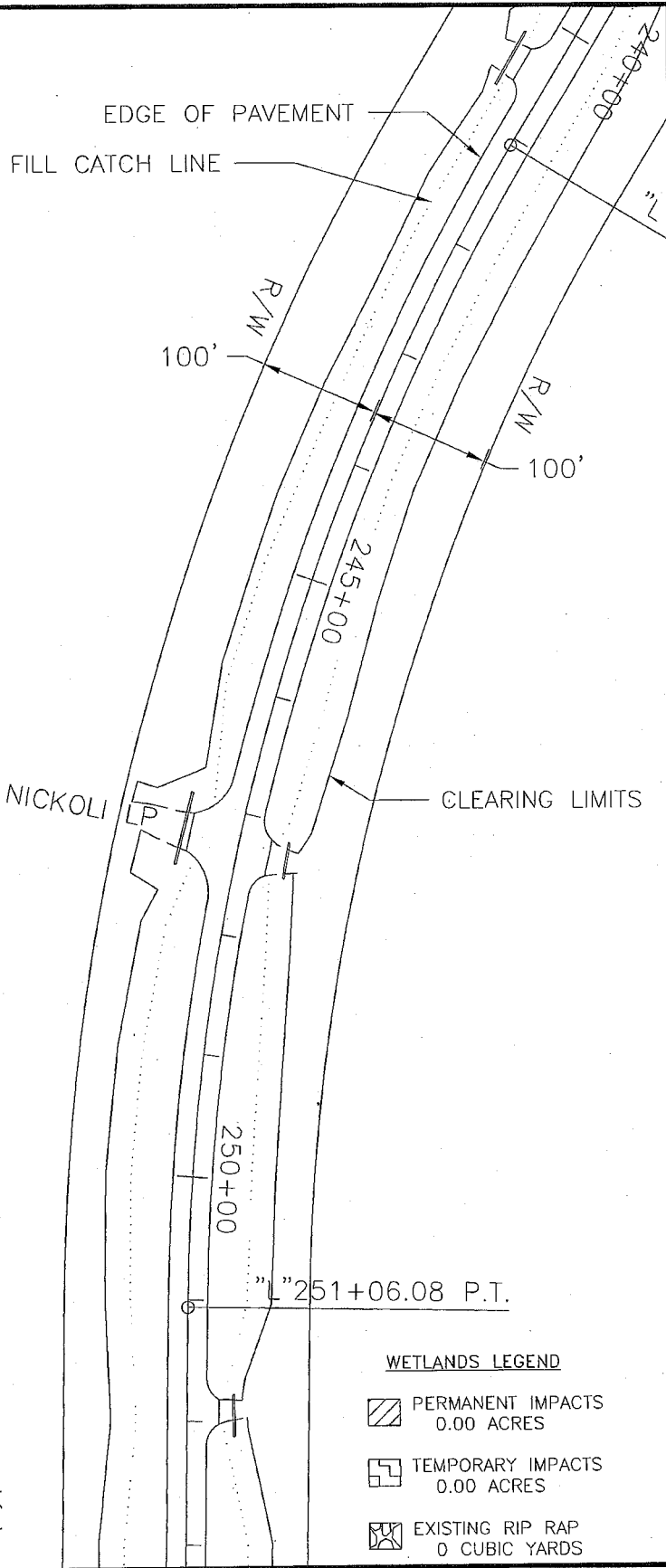


WETLANDS LEGEND




-  PERMANENT IMPACTS
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-  TEMPORARY IMPACTS
0.00 ACRES

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
NORDALE ROAD REHABILITATION 62166 PLAN VIEW	
CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

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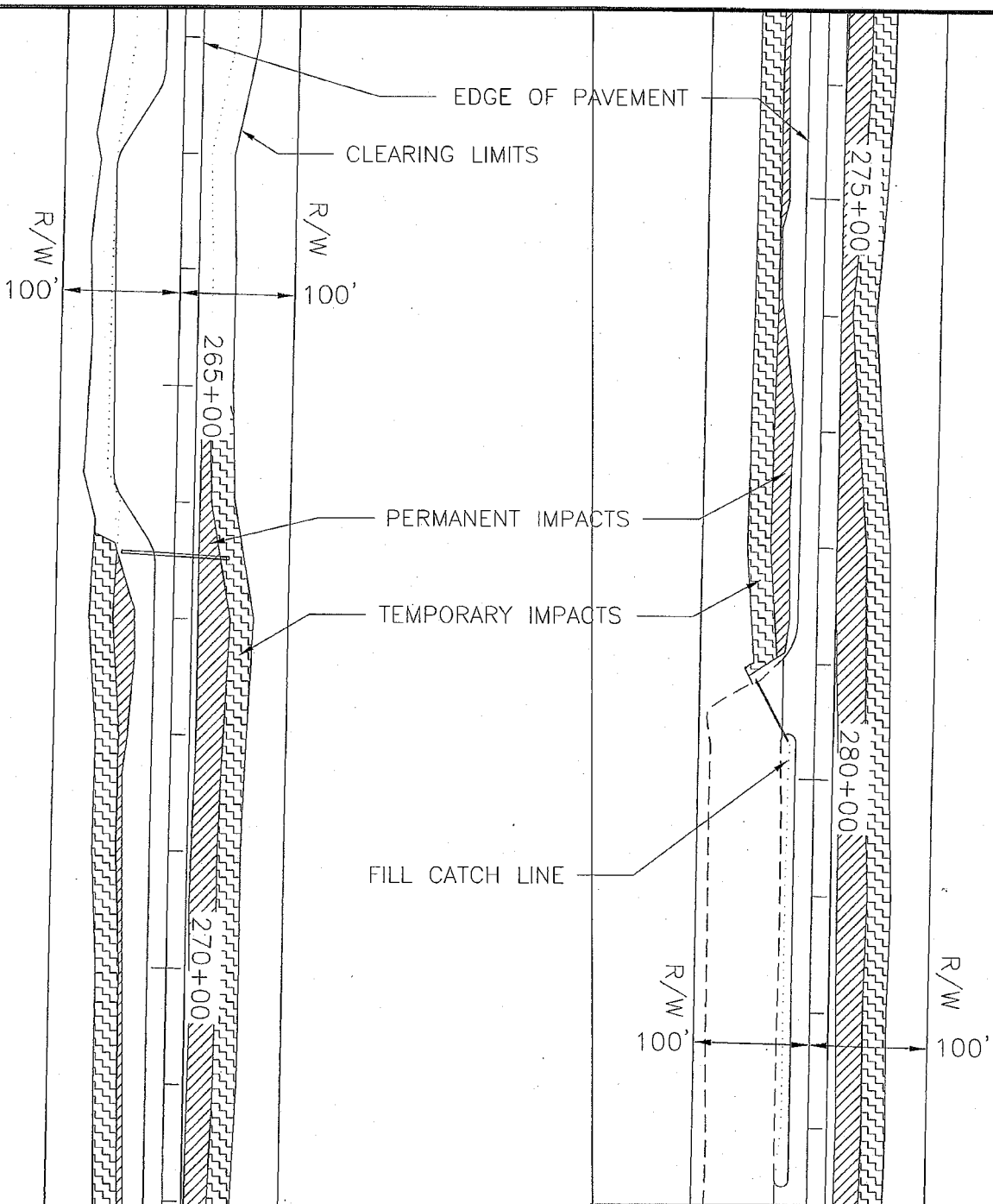


WETLANDS LEGEND



-  PERMANENT IMPACTS
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-  TEMPORARY IMPACTS
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-  EXISTING RIP RAP
0 CUBIC YARDS

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
NORDALE ROAD REHABILITATION 62166 PLAN VIEW	
CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

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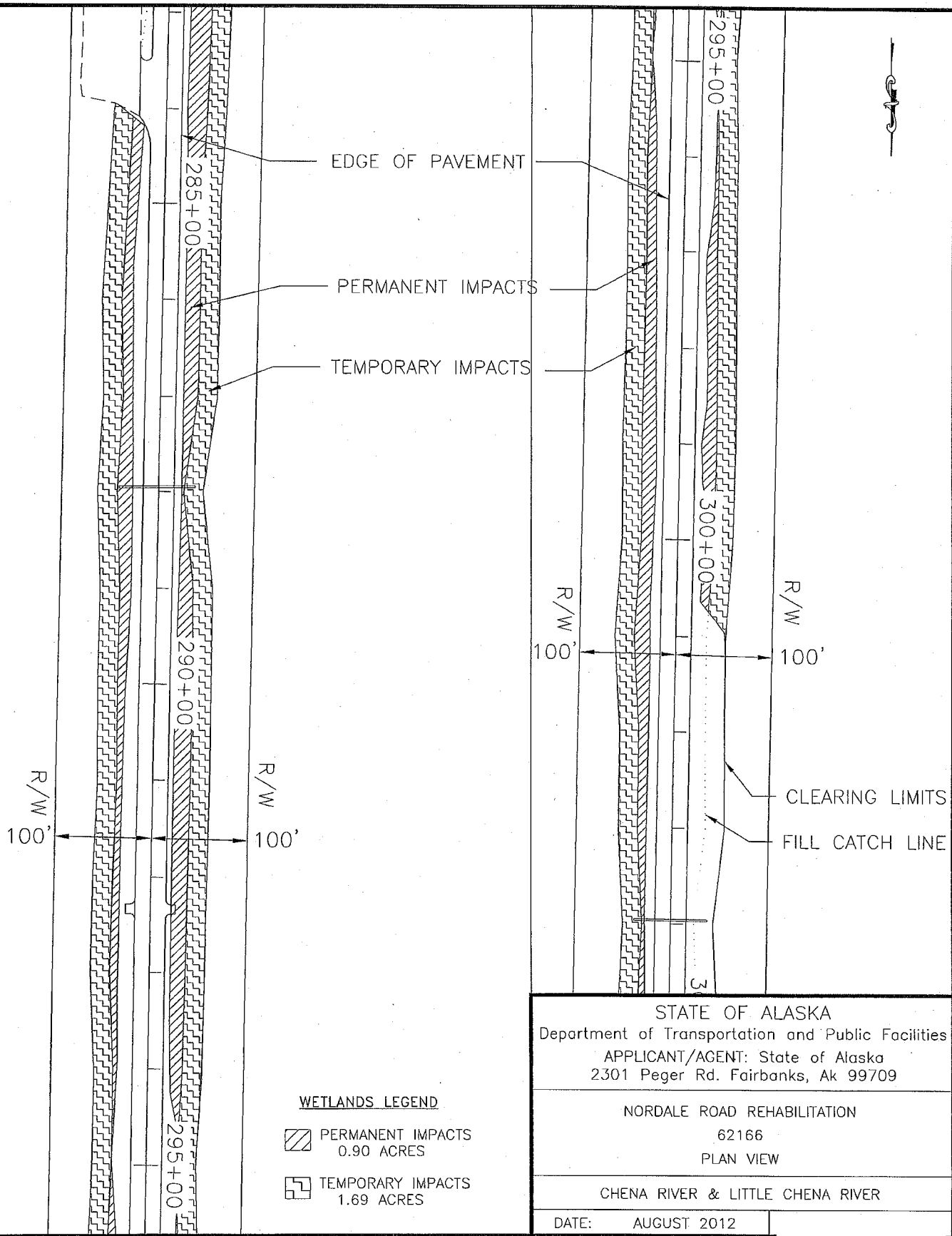


WETLANDS LEGEND



-  PERMANENT IMPACTS
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-  TEMPORARY IMPACTS
1.45 ACRES

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
NORDALE ROAD REHABILITATION 62166 PLAN VIEW	
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DATE:	AUGUST 2012

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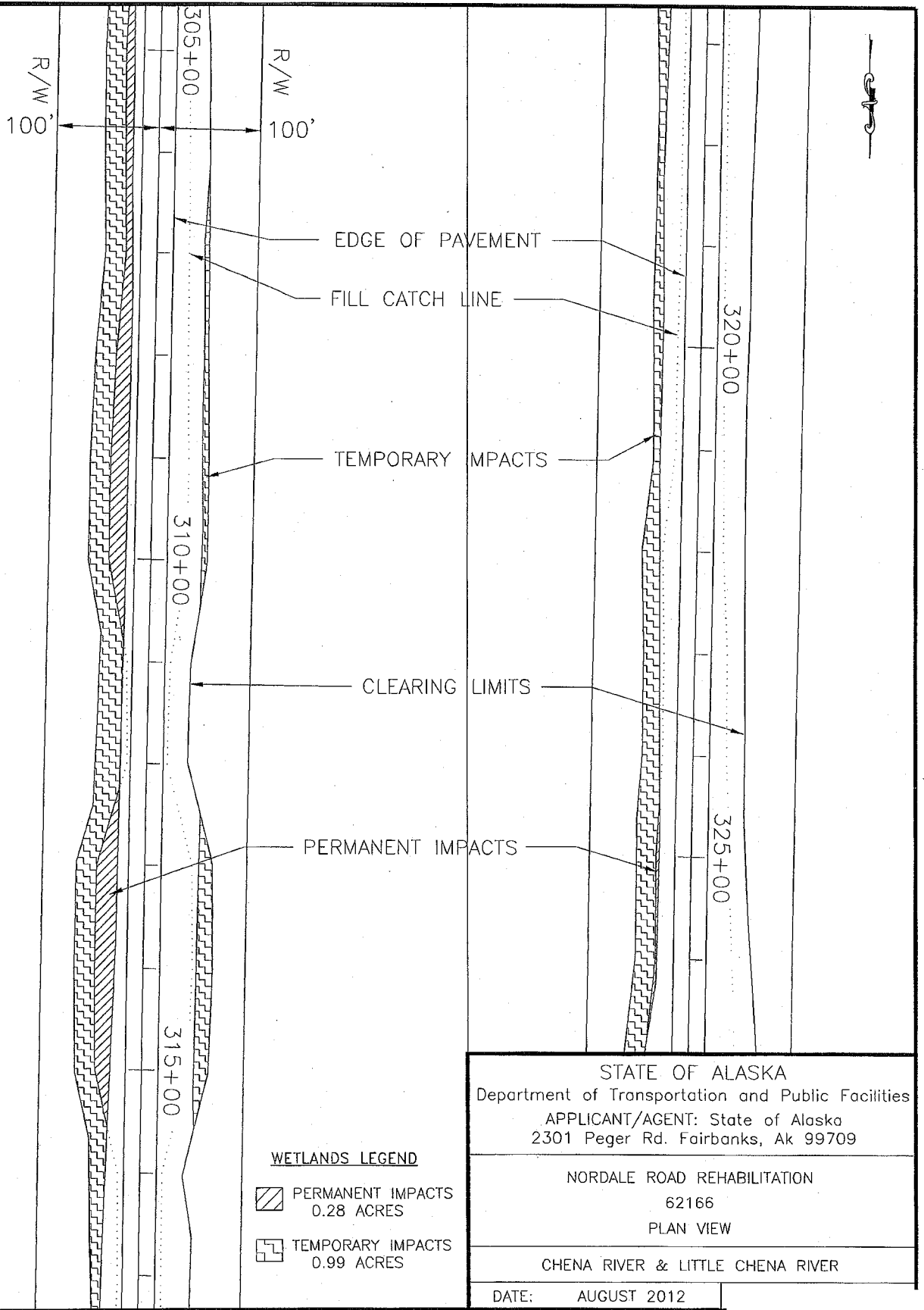


WETLANDS LEGEND



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STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
NORDALE ROAD REHABILITATION 62166 PLAN VIEW	
CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

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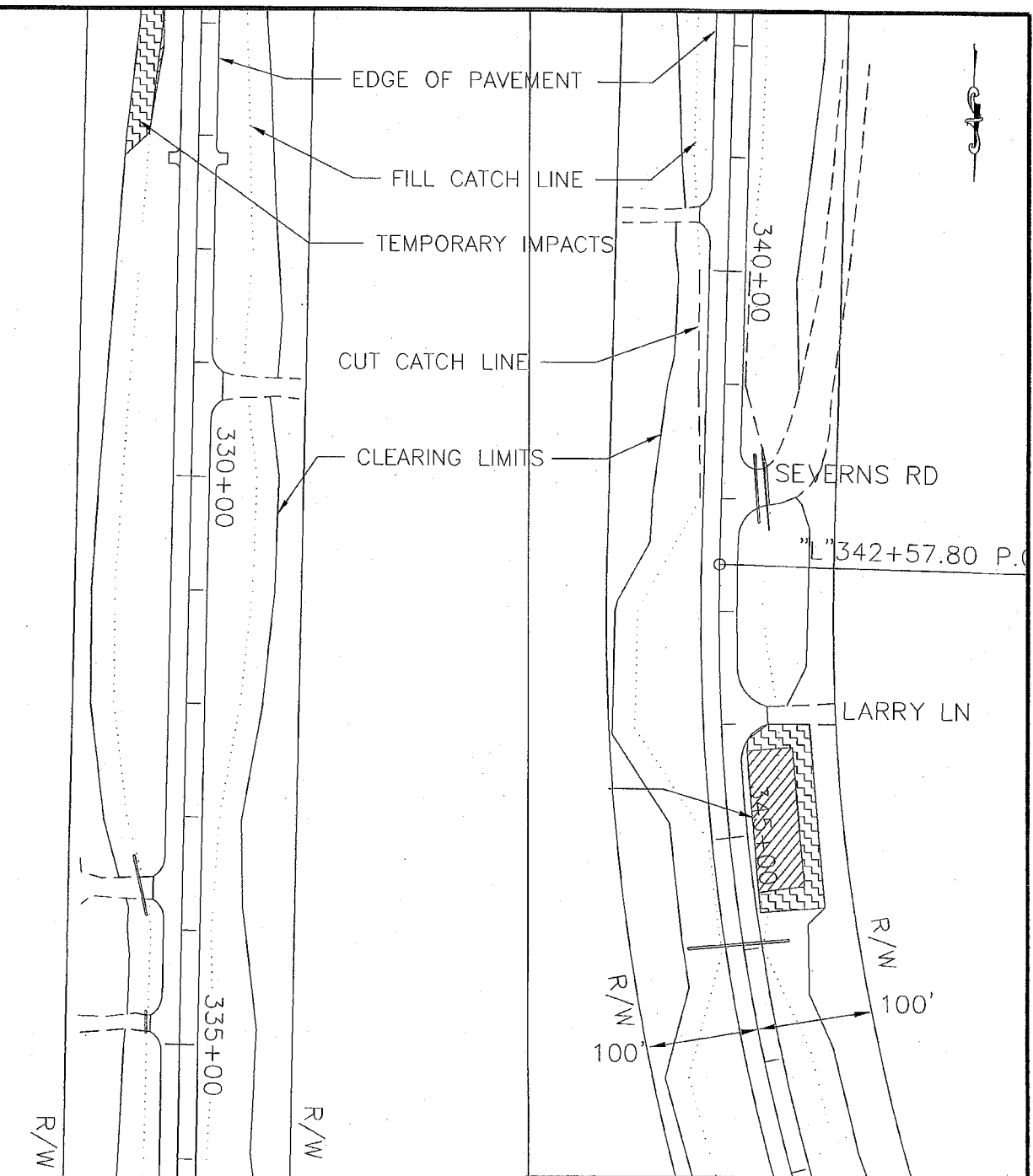




WETLANDS LEGEND

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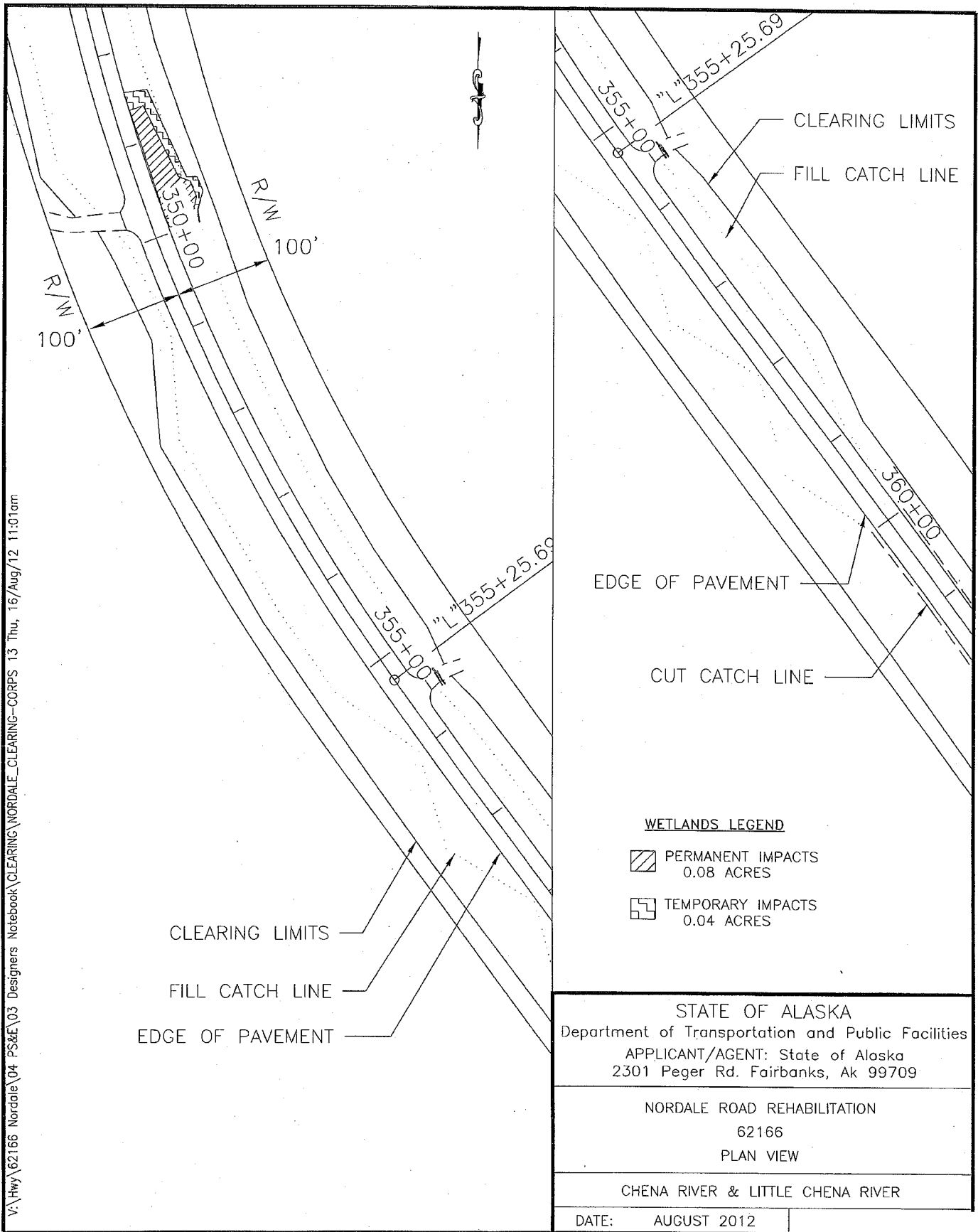
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CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

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- WETLANDS LEGEND**
-  PERMANENT IMPACTS
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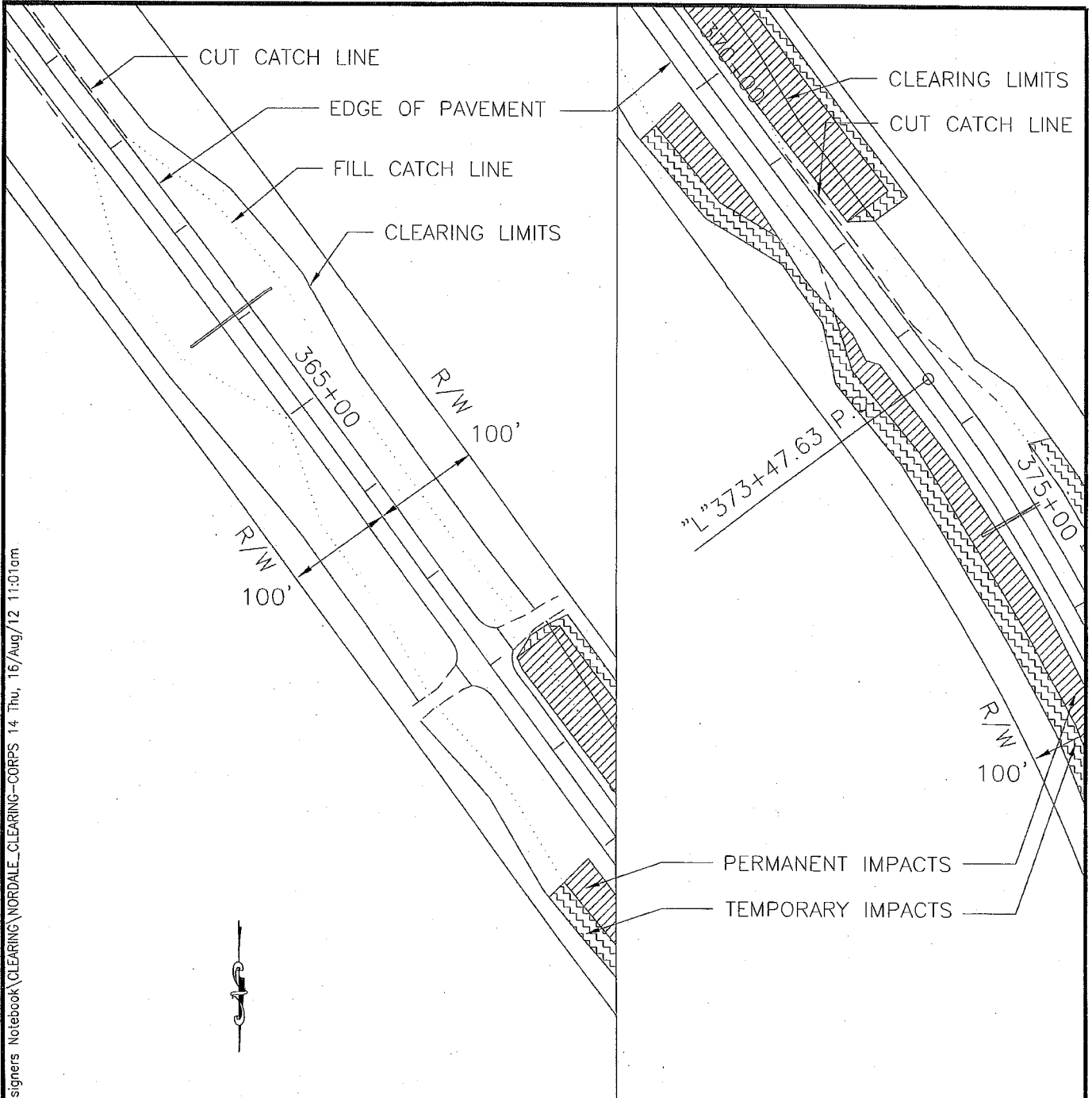
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CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012





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STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
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CHENA RIVER & LITTLE CHENA RIVER	
DATE:	AUGUST 2012

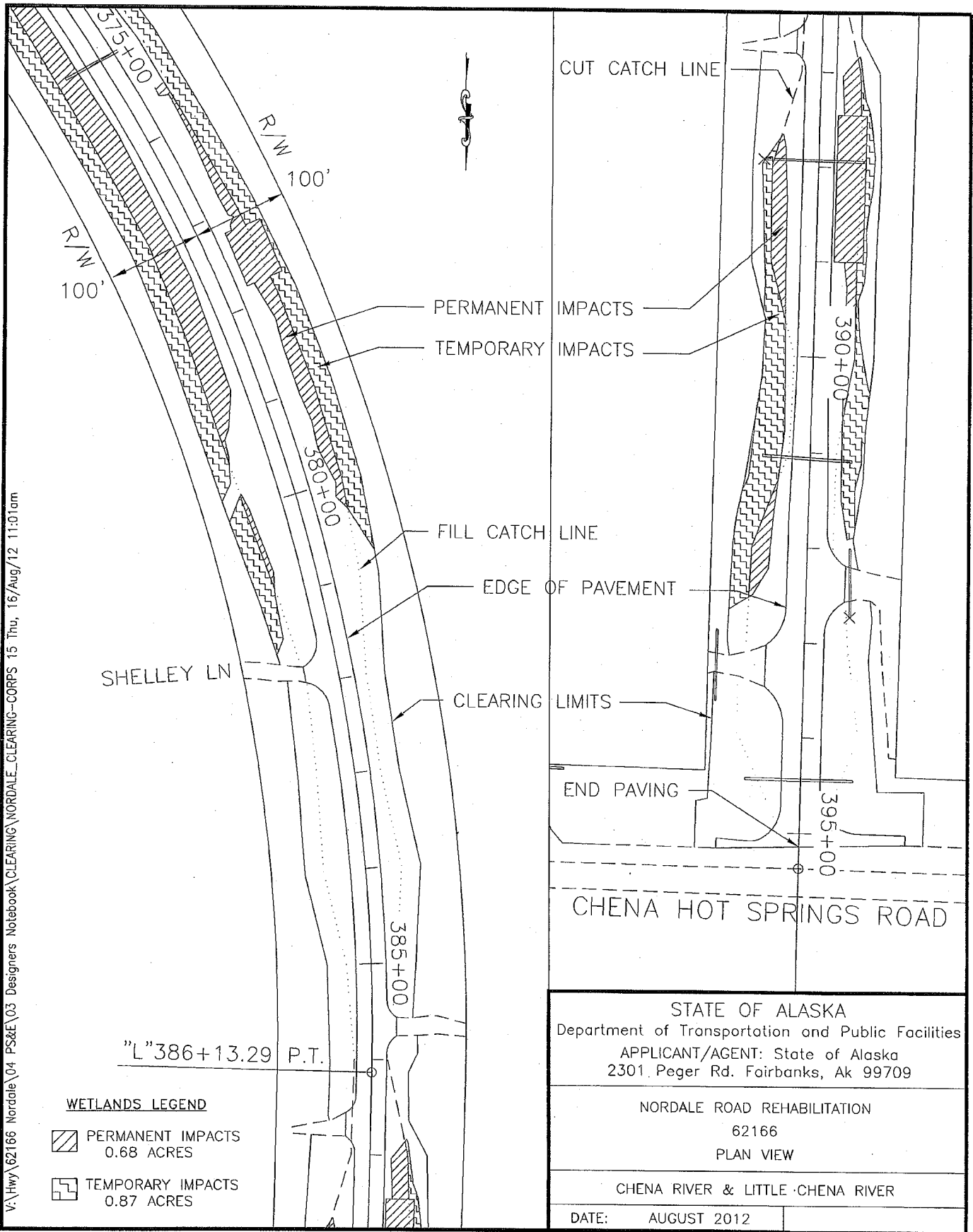
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WETLANDS LEGEND

-  PERMANENT IMPACTS
0.64 ACRES
-  TEMPORARY IMPACTS
0.36 ACRES

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
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WETLANDS LEGEND
 PERMANENT IMPACTS
 0.68 ACRES
 TEMPORARY IMPACTS
 0.87 ACRES

STATE OF ALASKA Department of Transportation and Public Facilities APPLICANT/AGENT: State of Alaska 2301 Peger Rd. Fairbanks, Ak 99709	
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