



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
2175 University Avenue, Suite 201E  
Fairbanks, Alaska 99709-4927

**PUBLIC NOTICE DATE: March 21, 2013**

**EXPIRATION DATE: April 19, 2013**

**REFERENCE NUMBER: POA-2013-50**

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

**APPLICANT:** The Alaska Department of Transportation and Public Facilities, Northern Region

**AGENT:** Paul Karcamarczyk, [paul.karczmarczyk@alaska.gov](mailto:paul.karczmarczyk@alaska.gov). 907-451-2288.  
2301 Peger Road, Fairbanks, Alaska 99709-5399.

**LOCATION:** The proposed project is located within multiple Township, Range and Sections, (see attached POA-2013-50 Additional Info Sheets, Sheets 5-6), Fairbanks Meridian; USGS Quad Map Tanana A-2, A-3 and A-4; the project starts near Manley Hot Springs, Alaska at Latitude 65.089142° N., Longitude 150.825793° W.; and ends near Tanana, Alaska, at Latitude 65.195665° N., Longitude 151.838842 W.

**PURPOSE:** The applicant's stated purpose is to extend the existing highway system that currently terminates near Manley Hot Springs, to the Yukon River near Tanana. The project would improve approximately 16.5 miles of existing road and unimproved trail and construct 19.34 miles of new road across undeveloped terrain to provide an all season link to the south bank of the Yukon River near Tanana, Alaska.

**PROPOSED WORK:** The project consists of upgrading the last two miles of the existing Tofty Road, as well as an additional 14.5 miles of existing roads

and trails that extend past the current terminus of Tofty Road (beginning at approximately mile post 15; the installation of a new bridge at Boulder Creek (#2297), and the construction of 19.34 miles of new road beginning at mile post 29.5.

The proposed project also includes the expansion of two existing material sites, the creation of five new material sites, the installation of 3 new fish passage pipes, improvements to drainage, and vegetation clearing. The project terminus is near the Yukon River, above its ordinary high water level, approximately 6 miles upriver from the community of Tanana. No work would be done in the Yukon River.

All work would be performed in accordance with the enclosed plan, (sheets 1-110), dated February 2013.

ADDITIONAL INFORMATION: See attached document 'POA-2013-50 Additional Info Sheets 1-22', dated February 2013.

The 30 foot buffer referred to in table 21.1 (and others) in 'POA-2013-50 Additional Info Sheets 1-22' identifies the marginal areas where temporary wetland impacts may occur during construction. These include two 30-foot buffers parallel to, originating at and extending outward from the anticipated cut/fill extents of the road prism. Within these buffers, surface vegetation may be cleared either partially or in its entirety, depending on the specific construction need for any specific location; however in areas delineated as wetlands within these buffers all vegetation clearing will be conducted by hand tools (chain saw, brush saw, lopping shears) and accessed by small, wheeled ATV. Potential, temporary wetlands impacts within the 30 foot buffers are estimated to be affected on no greater than 13.9 acres (see Table 23.3-2).

No fill would be placed, no work would be conducted, and no equipment would be operated below ordinary high water in the Yukon River as part of the proposed project.

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 has avoided by choosing the alternative with the least amount of wetland impacts. See attached 'POA-2013-50 Mitigation Plan, sheets 1 - 28', dated February 2013.

b. Minimization: The applicant has minimized impacts to wetlands through design features and construction methods (see attached 'POA-2013-50 Mitigation Plan, sheets 1 - 28', dated February 2013.)

c. Compensatory Mitigation: The applicant proposes to pay an in lieu fee to The Conservation Fund as described on pages 22-25 of the attached Mitigation Plan, (sheets 25-28), dated February 2013.

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: A Cultural Resource Survey of Proposed Road to Tanana (DOT&PF Project #61759) was completed by Molly E. Conley and Alan D. DePew in January of 2013. They found one site (TAN-009) within the project area that may be adversely affected by the proposed project. Because the property has been determined to lie within the project area, a determination of eligibility and, if needed, a final determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). 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).

No EFH species are known to use the project area. The Tanana River and Yukon River are Anadromous Fish Streams, however the proposed project would not affect those Rivers. Four streams in the project area are known to contain resident fish: Bailey Creek, West Long Lake Tributary, Twelvemile Lake Creek and Boulder Creek. Fish Passage culverts are proposed for the first three Creeks, and a new bridge is proposed for Boulder Creek.

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

SEAN PARNELL, GOVERNOR

# 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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

**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-2013-50, Yukon 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.

**File Number:** POA-2013-50  
**Waterway Name:** Yukon River

**APPLICANT:** Alaska Department of Transportation and Public Facilities,  
 Northern Region

**AGENT:** Paul Karcamarczyk, [paul.karczmarczyk@alaska.gov](mailto:paul.karczmarczyk@alaska.gov). 907-451-2288.  
 2301 Peger Road, Fairbanks, Alaska 99709-5399.

**ADJACENT PROPERTY OWNERS:**

State of Alaska Department of Natural Resources Division of Lands 3700 Airport Way Fairbanks, Alaska 99709-4699	State of Alaska, Department of Transportation and Public Facilities Mr. Steve Titus, Director Northern Region 2301 Peger Road Fairbanks, Alaska 99709
United States Department of the Interior / Bureau of Land Management Central Yukon Field Office 1150 University Avenue Fairbanks, Alaska 99709	Doyon Ltd. Regional Corporation ATTN: Lands Manager 1 Doyon Place Fairbanks, Alaska 99701
Tozitna, Ltd. Native Corporation Attn: Lands Manager P.O. Box 129 Tanana, Alaska 99777	Bean Ridge Native Corporation Box 110 Manley Hot Springs, Alaska 99756
Bureau of Indian Affairs Attn: Lands Manager, Yukon River Region 3601 C Street Suite 1100 Anchorage, AK 99503-5947	

**FEDERALLY RECOGNIZED TRIBES:**

Native Village of Tanana  
 President Kathline Peters-Zuray  
 P.O. Box 130  
 Tanana, Alaska 99777

Native Village of Minto (IRA)  
 Chief Lori Baker  
 P.O. Box 58026  
 Minto, Alaska 99758-0026

**MAILING LISTS USED:**

List Used	Date of list used	# on list
Master list	(Dated 28 Oct 2011)	11
Northern	(Dated 17 Aug 2011)	04