



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1046 Marks Road
Fort Wainwright, Alaska 99703

PUBLIC NOTICE DATE:	21 SEPT 2023
EXPIRATION DATE:	30 DAY
REFERENCE NUMBER:	POA-2012-00235
WATERWAY:	Tanana 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.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the public notice reference number listed above.

All comments 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 Rebecca Manbeck at (907) 251-6716, or by email at Rebecca.S.Manbeck2@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Steven Selvaggio, Whitestone Community Association, P.O. Box 1630, Delta Junction, Alaska 99737

LOCATION: The project site is located within Section 7, T. 9 S., R. 10 E., Fairbanks Meridian; USGS Quad Map Big Delta A-4; Latitude 64.156° N., Longitude 145.868° W.; Big Delta, Alaska.

PURPOSE: The applicant's stated purpose is to construct a causeway and dock area on exposed gravel bars in the Tanana River to provide access for the residents of the community of Whitestone to their jobs, medical care, supplies and other necessities of life.

PROPOSED WORK: The applicant proposes to discharge a total of 3,000 cubic yards of pit run gravel and 1,000 cubic yards of rip rap into 3.64 acres below ordinary high-water (OHW) of the Tanana River. Impacts include previous work conducted between 2018 and 2021 in addition to future work necessary to maintain access for residents to their jobs and needed medical attention. The proposed project is not intended to fill the entire 3.64 acres at any one time, rather, fill material will be discharged as needed to build and maintain a causeway and dock area on exposed gravel bars in the highly dynamic Tanana River. Areas within the proposed 3.64-acre impact area will be improved as needed depending on changing river conditions from year to year to maintain access to navigable water. Causeways built will not exceed 20-feet in width and will range from 50-feet to 300-feet in length. Two 8-foot by 25-foot floating docks and two 4-foot by 20-foot aluminum gangway ramps will be anchored to concrete blocks on shore and moved as necessitated depending on riverbank conditions. The proposed work would occur between the months of March and December starting in 2024 and ending in 2028. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated August 03, 2023.

ADDITIONAL INFORMATION: Additional authorizations required for the work include a land use permit from Alaska Department of Natural Resources and a fish habitat permit from Alaska Department of Fish and Game (ADF&G). ADF&G issued Fish Habitat Permit FH23-III-0070 on April 28, 2023, authorizing the grading of an exposed gravel bar and placement of several loads of pit-run gravel from the southwestern bank of the Tanana River out to an existing boat dock for a portion of the proposed work. The permit indicated the work should not have adverse effects on anadromous fish or their habitat and should not obstruct the free passage of fish.

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 stated alternative locations were explored but none were found to be viable. Community members require docking facilities for up to eight or ten boats and the proposed project location has provided the only consistent access to dependable transportation. Attempts to use a smaller dock downstream of the proposed project were unsuccessful due to safety concerns from shallow water and lack of adequate space. The applicant stated more permanent alternatives are beyond the available financial resources of the community.

b. Minimization: The applicant stated only the minimum amount of fill needed to construct a safe and reliable access point would be used. The proposed work would utilize existing gravel deposits in the Tanana River to further reduce impacts. Due to frequently changing river conditions, the proposed work would be temporary and likely last no more than one or two boating seasons before being washed away by the river.

c. Compensatory Mitigation: The applicant is not proposing compensatory mitigation due to the steps described above to avoid and minimize impacts to waters of the U.S.

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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project footprint within jurisdictional waters of the U.S., including wetlands. Consultation of the AHRS constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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. The Corps is requesting the SHPO's concurrence with this determination.

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 (NMFS) 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 (Magnuson-Stevens 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 Tanana River (Anadromous Catalog Number 334-40-11000-2490), an anadromous stream, and mapped EFH for chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), chinook (*Oncorhynchus tshawytscha*), and sockeye (*Oncorhynchus nerka*) salmon as well as Arctic lamprey (*Lampetra camtschatica*) and humpback whitefish (*Coregonus pidschian*).

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 adversely affect EFH for 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 NMFS may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Corps 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 Corps, 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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. If applicable this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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 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 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:

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

(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 are enclosed with this public notice.

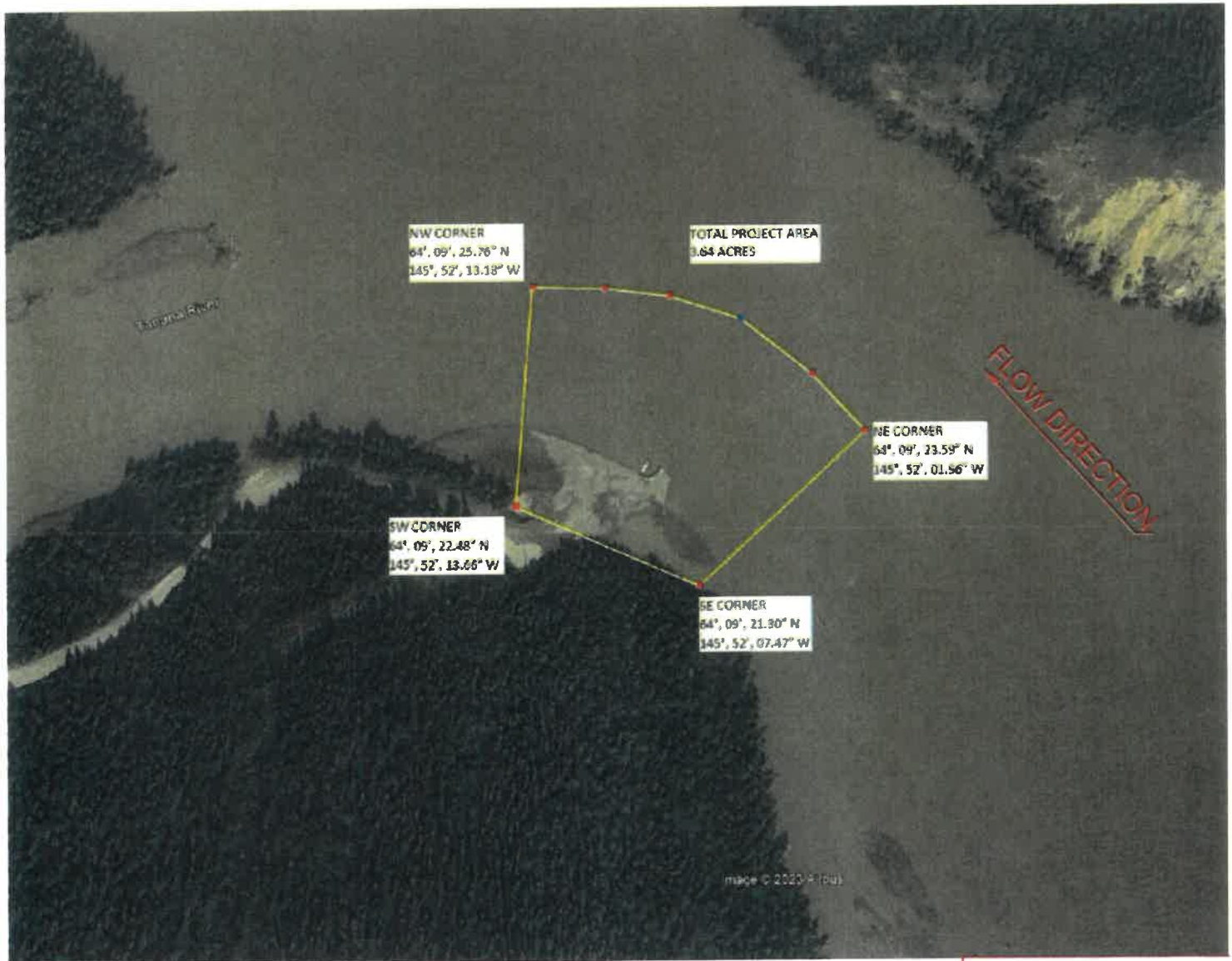
District Commander
U.S. Army, Corps

Enclosures

**POA-2012-00235, Tanana River
Steven Selvaggio
Whitestone Community Association**



**POA-2012-00235, Tanana River
Steven Selvaggio
Whitestone Community Association**



APPLICANT: WHITESTONE COMMUNITY	
FILE #:POA-2012-00235	WATERWAY:
SECTION 6, T9S, R10E, FAIRBANKS MEF	
LAT: 64° 09' 23.52" N	LONG: 145°

