



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:	January 16, 2025
EXPIRATION DATE:	February 17, 2025
REFERENCE NUMBER:	POA-1995-00935
WATERWAY:	Resurrection 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 Nicholas Baggett at (907) 227-3124 or by email at nicholas.s.baggett@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Metco Alaska, LLC

AGENT: Cole Peterson

LOCATION: The project site is located within Section 27, T. 1 N., R. 1 W., Seward Meridian; Latitude 60.1421° N., Longitude -149.4191° W.; Kenai Peninsula Borough Parcel Numbers 14403028, 14403037, & 14502131; near mile 3 of Seward Highway, near the city of Seward, Alaska.

PURPOSE: The applicant's stated purpose is to remove 80,000 cubic yards of gravel per year from the Resurrection River.

PROPOSED WORK: The applicant proposes to remove 80,000 cubic yards of gravel per year from below the ordinary high watermark (OHW) of the Resurrection River. Rubber-tired

scrapers and loaders may be used to excavate gravel from exposed bars during low river stages. In order to remove gravel during the spring work period, the gravel bar may occasionally be ripped by bulldozers pulling rip blades in order to speed the thawing process. Gravel shall be removed in shallow, even lifts so as to not create depressions that might entrap fish. Gravel may be stockpiled below the OHW, but not in or near flowing water for several days during the process. All stockpiled gravel shall be removed before the river rises to the level of the stockpiles. All work would be performed in accordance with the attached plan/drawing labeled "Attachment 3 - POA-1995-00935 - Resurrection River - Metco Alaska – Project Plan/Drawing".

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: Waters of the U.S. could not be entirely avoided because the project involves the commercial removal of gravel from the river bed. There are no wetlands in the project area. Gravel shall be removed in shallow, even lifts so as to not create depressions that might entrap fish. Gravel may be stockpiled below the OHW, but not in or near flowing water for several days during the process. All stockpiled gravel shall be removed before the river rises to the level of the stockpiles. Reasonable precautions will be taken to avoid discharge of petroleum products. Fuel storage and handling will be conducted away from the riverbed so there is no petroleum contamination of surface runoff and waterbodies.
- b. Minimization: The area of impact will be kept to the minimum necessary to meet the project needs and would occur in a previously disturbed area.
- c. Compensatory Mitigation: None proposed.

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 located within Section 27, T. 1 N., R. 1 W., Seward Meridian; Latitude 60.1421° N., Longitude -149.4191° W.; Kenai Peninsula Borough Parcel Numbers 14403028, 14403037, & 14502131; mile 3 of Seward Highway, near the city of Seward, Alaska.. (Please also see the enclosed plan/drawing) 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: 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 mapped EFH for coho salmon (*Oncorhynchus (O.) kisutch*), sockeye salmon (*O. nerka*), and Chinook salmon (*O. tshawytscha*).

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. This application is being 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) 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 of Engineers

Enclosures





