

## PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/§401 Certification
555 Cordova Street, Anchorage AK9501-2617
Phone: 907-269-6285 | Email: DEC-401Cert@alaska.gov

# Notice of Application for State Water Quality Certification

Public Notice (PN) Date: February 6, 2024 PN Reference Number: POA-2023-00075 v1.0 PN Expiration Date: March 10, 2024 Waterway: Nome Creek

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into waters of the United States, in accordance with Section 401 of the Clean Water Act (CWA), must also apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the CWA and the Alaska Water Quality Standards (18 AAC 70). The scope of certification is limited to the water quality-related impacts from the activity subject to the Federal license or permit (40 CFR 121.3, 18 AAC 15.180).

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps of Engineers' PN Reference Number indicated above has been received<sup>1</sup> for the discharge of dredged and/or fill materials into waters of the United States (WOTUS), including wetlands, as described below, and shown on the project figures/drawings. The public notice and related project figures/drawings are accessible from the DEC website at <a href="https://dec.alaska.gov/water/wastewater/">https://dec.alaska.gov/water/wastewater/</a>.

To comment on the project or request for a public hearing with respect to water quality, submit comments electronically via the DEC public notice site at <a href="https://water.alaskadec.commentinput.com?id=trNMikbBJ">https://water.alaskadec.commentinput.com?id=trNMikbBJ</a> on or before the public notice expiration date listed above.

<u>Applicant</u>: Bureau of Land Management (BLM), Tim Hammond, 222 University Avenue Fairbanks, AK 99709, (907) 251-0262; <a href="mailto:thammond@blm.gov">thammond@blm.gov</a>.

Agent: BLM, Ben Kennedy, 222 University Avenue Fairbanks, AK 99709-3816; (907) 460-8881; <a href="mailto:bkennedy@blm.gov">bkennedy@blm.gov</a>.

**Project Name**: Nome Creek Landing Gravel Borrow Site

<u>Location</u>: The proposed activity is located within Section 24, T. 06 N., R. 4 E., Fairbanks Meridian; USGS Quad Map Circle B-6. Travel from Fairbanks along the Steese Highway to mile post 57, then north on U.S. Creek Road to mile 7, then west 3.5 miles on Nome Creek Road; near Fairbanks, Alaska. Project Site (Latitude, Longitude): 65.336400, -146.82730.

<u>Purpose</u>: The applicant's stated purpose is to improve conditions to the Nome Creek Road. The road surface is very rough from extended use and needs to be resurfaced to meet BLM road standards for safe travel. If deterioration of the road surface, existing culverts, and the roadside drainage ditch system continues, it would likely result in road failures, compromising safety and reducing access to the Nome Creek Campground and other areas. The BLM intends to utilize the mined gravel to resurface the entire 18-miles of the road.

<u>Description of Proposed Work</u>: The applicant proposed to discharge 160,000 cubic yards of gravel fill via mechanized land clearing in 23.2 acres of waters of the U.S. (WOTUS), including wetlands to extract gravel and sand needed to resurface Nome Creek Road.

The work associated with the proposed project includes:

<sup>&</sup>lt;sup>1</sup> Reference submission number: HQ1-31A6-QRPYN; Received: 2/1/2024 6:20:43 AM

- Creating the Moose Creek Landing Borrow Site, which would consist of a cluster of four borrow pits including three that are within wetland and one that is entirely upland. All would be within proximity to Nome Creek, though no closer than 100 feet from the stream's ordinary high-water mark.
- The following components of the project are exempt activities under 33 CFR 323.4(a)(6)
- Temporary roads: The project would include constructing approximately 1,500 linear feet of road connecting pit-2 to pit-1, 200 linear feet connecting borrow pit-2 to pit-3, and 200 linear feet connecting borrow pit-3 to pit-4. Both 200 linear segments would be associated with the bridge construction. Temporary roads would be constructed with suitable fabric underlayment, 18-ft in width, overlain by approximately one foot of coarse gravel base, with a 16-foot base width, 14-foot top width, with 1:1 shoulder slope.
- Bridge crossing: The creation of 1 to 2 temporary bridge crossings over Nome Creek approximately 50 feet in length and 14 feet wide. The bridges would be supported by pilings installed at least partially below the stream's ordinary high-water mark. Pilings would be installed during a low water period to minimize unavoidable short-term adverse impacts to Nome Creek aquatic habitat and water quality.
- Storage of overburden: Overburden would be stored along the perimeter of the proposed borrow pits and temporary roads. The overburden storage consists of 3.9 acres of impact.

### **Additional Information:**

- Alaska Department of Natural Resources (ADNR) State Historic Preservation Office (SHPO) National Historic Preservation Act (NHPA) Section 106 consultation
- Alaska Department of Fish and Game (ADF&G) Fish passage permit.
- The BLM selected development of the Moose Creek Landing Materials Site, within Nome Creek Valley, as the most cost-effective site with the least environmental impacts for obtaining materials needed to complete the project.

Table 1. Moose Creek Landing Borrow Site, Summary Acres of Proposed Mining, Estimated Volumes of Mined Gravel Material, and Geographic Center Coordinates for Borrow Pits 1-4.

Feature	Proposed	Estimated	Temporary	Estimated	Resource Type
	Mining Borrow	Volumes Mined	Storage for	Amounts of	
	Pit Area	Gravel Material	Vegetation	Stored	
	(acres)	(cubic yards)	(acres)	Vegetation	
				(cubic yards)	
Borrow Pit 1	10.7	10.7 72,813 1.4	72,813	1.4	Wetland
		17,260 Wetland			
Borrow Pit 2	5.0	34,025	0.7	8,067	Upland
Borrow Pit 3	11	74,855	1.5	17,747	Wetland
Borrow Pit 4	1.5	10,207	0.2	2,420	Wetland
Wetlands	23.2	157,875	3.1	37,427	
Uplands	5	34,025	0.7	8,067	
Total	26.3	191,900	3.8	45,494	

<u>Applicant Proposed Mitigation</u>: 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.

The applicant asserts that compensatory mitigation should not be required for the proposed Moose Creek Landing Borrow Site project because, as currently planned, all practicable steps would be taken to avoid and minimize

adverse impacts to the wetland ecosystem. Although the project would result in a disturbance of 26.3-acres of palustrine wetlands, no long-term net loss of wetlands or other waters is anticipated. The wetlands would be converted to permanently inundated ponds and palustrine wetlands.

**a. Avoidance:** The majority of the project area contains jurisdictional waters of the United States. Therefore, complete avoidance is not practicable. The existing access road would be used to transport extracted materials to Nome Creek Road. The applicant would avoid 5 acres of wetlands by establishing one of the four borrow pits within uplands.

Material Storage: Initial materials and equipment would be staged in upland areas located at the south end of Moose Creek Landing Road (0.2-acres) and the west end of the Spur Road (0.6-acres). These sites are comprised of compacted barren gravel and cobble material with little vegetation. As mining progresses additional temporary staging areas would be developed in the vicinity of Pit-2, on previously disturbed areas as needed, to avoid impacts to wetlands.

**Riparian Buffer:** A 100-foot riparian buffer would be established between the edge of pits and Nome Creek. Maintaining riparian buffers would avoid adverse impacts to Nome Creek aquatic habitat and avoid stream capture for floodplain borrow pits 1, 3, and 4, during high water events. To avoid potential degradation of stream water quality there would be no surface channel connections between the borrow pits and Nome Creek.

**Temporary Bridge Structures:** A temporary bridge structure would be installed across Nome Creek channel to access borrow Pit-3 on the south side of Nome Creek. Installation of the bridge structure would include driving pilings in the Nome Creek stream bed. If Pit-4 is developed, a similar bridge structure would be installed across Nome Creek channel to access Pit-4. Constructing temporary bridges rather than low water crossings would minimize adverse impacts to Nome Creek aquatic habitat and water quality during mining and transport of mineral materials. If sufficient material is obtained from the other pits, pit-4 will not be developed.

**b. Minimization:** The applicant stated that a NEPA Environmental Assessment, entitled DOIBLM-AK-F020-2023-0008-EA, was completed for Nome Creek Road and Materials Site Development on March 17, 2023. The analysis indicated that there would be no significant impacts from the proposed work. The Environmental Assessment demonstrated that development, mining, and reclamation plans for the Moose Creek Landing Borrow Site project would minimize unavoidable impacts to wetlands by maximizing salvage of vegetation and overburden for use in reclamation of disturbed areas, limiting areal extent and depth of developed borrow pits, and minimizing time between disturbance and reclamation of wetland borrow Pit-1, Pit-3, and Pit-4.

Geotechnical investigations estimated a total of 191,900 cubic yards of mineral materials at the Moose Creek Landing Borrow site available from the four (4) borrow pit areas. Cubic yards of mineral material available from each borrow pit, estimated from geotechnical reports are as follows: Pit-1 (72,813-cu yds), Pit-2 (34,025-cu yds), Pit-3 (74,855-cu yds) and Pit-4 (10,207- cu yds).

The Pit-2 area would be developed first. Pit-2 is adjacent to Moose Creek Landing Road and located within a 7-acre upland area. This area was previously disturbed by legacy mining and road construction activity. Two of the five acres within this area not part of Pit-2 would be utilized throughout the project as a central hub for staging equipment and materials and processing mineral material from Pit-1, Pit-3 and Pit-4. Pit-1 would be developed next, followed by Pit-3 and, if necessary, Pit-4 would be developed last. If the estimated volume of available mineral materials in Pit-1, Pit-2, and Pit-3 is reasonably accurate, and would exceed 160,000 cubic yards of gravel material, then Pit-4 would likely not be developed. Mined gravel determined to be useful would be processed and transported for resurfacing as needed.

**Storage of Overburden:** For each pit, vegetation and overburden would be cleared and staged along the perimeter of each pit. Organic-rich overburden would be separated from overburden that is predominantly mineral material. During reclamation, the organic-rich material would be placed on top of the mineral material. Best Management Practices (BMPs) for erosion and sediment control would be utilized in all phases of borrow pit and temporary road

development, mining, and reclamation to minimize adverse impacts to aquatic habitat. Seasonal shutdown procedures of operations would ensure that material stockpiles are protected from erosion and stabilized until the continuation of pit operations. Overburden will be stored along the perimeter of the borrow pit to act as a levee minimizing inflow should a high-water event occur.

**Temporary Roads:** To the extent practicable vegetation cleared with root-mass intact, using excavators and front-end loaders. Cleared vegetation would be staged along the perimeter of temporary roads. Suitable fabric underlayment (18-foot width), overlain with estimated one-foot of gravel, sixteen-foot base width, fourteen-foot top width, would be used to minimize impacts to wetlands from temporary roads. Reclamation of temporary roads would include removing gravel material and fabric underlayment with vegetation reinstalled where roads had been removed. It is anticipated that the reclamation of the temporary roads placed within wetlands would be done in such a way that wetland conditions would be restored within 1-2 years after reclamation.

**Temporary Bridge Structures:** Installation of temporary bridge structures across Nome Creek, includes driving pilings into the streambed to support bridge structures. Bridge structure would be installed during low water, typically July, or in winter to minimize unavoidable short-term adverse impacts to Nome Creek aquatic habitat and water quality. Removal of temporary bridge structures and pilings would be completed during periods of low water.

Reclamation: Concurrent reclamation of each exhausted borrow pit and other areas would occur while planned mining operations continue at other pit areas, utilizing a phased reclamation approach. Stockpiled overburden would be redistributed as fill material and contoured to grade level, filling an estimated 40 percent of the pit areas. The remaining 60 percent would be reshaped with maximum bank slope of 1:1 and stabilized by track-walking. Salvaged vegetation mats and organic debris would be spread over the top of the disturbed areas. Approximately 60 percent of disturbed area would be reclaimed as ponded areas with seasonal water depths of 1 to 4 feet. Temporary surface connection to Nome Creek may be present during a flooding event.

Pit-2 would be partly reclaimed, backfilled with staged overburden material, and salvaged vegetation mats placed over disturbed areas to the extent practicable. An estimated 2.9 acres of the Pit-2 mined area would be established as shallow ponded habitat. Much of the remaining area around Pit-2 would remain open, to support staging of equipment and processing and staging mineral material from Pit-1, Pit-3, and Pit-4. When mining operations are complete, the BLM plans to develop the Pit-2 area as an improved recreation area with level camping areas, picnic tables, and outhouse facilities.

According to the reclamation plan approved by BLM, reclaimed areas shall be in a condition to support approximately 70 % native plant cover with self-sustaining upward trend in native plant growth over the two growing seasons following completion of the reclamation. Where reclaimed palustrine wetland areas are not meeting this criterion, the BLM would complete maintenance work as needed including seeding and/or transplanting native vegetation.

c. Compensatory Mitigation: The applicant stated that compensatory mitigation should not be required for the proposed Moose Creek Landing Borrow Site project because all practicable steps have been taken to avoid and minimize adverse impacts to the wetland ecosystem. Although the project would result in temporary disturbance of 26.3-acres of palustrine wetlands, no long-term net loss of wetlands is anticipated. The reclamation of the project area would facilitate the rehabilitation of wetlands.

After reviewing the application, the Department will evaluate whether the activity will comply with applicable water quality requirements (any limitation, standard, or other requirement under sections 301, 302, 306, and 307 of the CWA, any Federal and state laws or regulations implementing those sections, and any other water quality-related requirement of state law). The Department may certify (or certify with conditions) with reasonable assurance the activity and any discharge that might result will comply with water quality requirements. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquires or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

# Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Megan Kohler at 907-269-4198 or TDD Relay Service 1-800-770-8973/TTY or dial 711 prior to the expiration date of this public notice to ensure that any necessary accommodations can be provided.

### **GENERAL NOTES**

- 1. SEE LOCATION MAP (C-100) FOR BORROW SITE LOCATION. DETAILS OF THIS PLAN ARE APPROXIMATE. MINING OPERATIONS ARE EXPECTED TO PRODUCE APPROXIMATELY 200,000 CY OF GRAVEL. AREAS DENOTED AS BORROW AREAS ARE ANTICIPATED TO HAVE THE HIGHEST MATERIAL YIELDS. MINING MAY OCCUR WITHIN THE OPERATION BOUNDARY TO REACH THE MATERIAL QUOTA, NOME CREEK IS A NON ANADROMOUS STREAM AND SHALL BE PROTECTED THROUGHOUT MINING OPERATIONS.
- MINING PIT OPERATIONS SHALL BE OPENED IN PHASES. ONE CONTINUOUS BORROW AREA MAY BE DEVELOPED AT A TIME. CONCURRENT RECLAMATION OF EXHAUSTED BORROW SITES AND ALL OTHER DISTURBED SURROUNDING AREAS SHALL OCCUR WHILE MINING OPERATIONS BEGIN ELSE WHERE.
- 3. SEASONAL SHUTDOWN PROCEDURES OF PIT OPERATIONS SHALL ENSURE THAT MATERIAL STOCKPILES ARE PROTECTED FROM EROSION AND STABILIZED UNTIL THE CONTINUATION OF PIT OPERATIONS, STOCKPILED MATERIAL AS A RESULT OF MINING OPERATIONS SHALL NOT ENCROACH UPON THE NOME CREEK VEGETATION BUFFER
- 4 A 100-FOOT VEGETATION BUFFER FROM THE ORDINARY HIGH WATER MARK OF NOME CREEK AS SHOWN ON THE PLANS SHALL REMAIN UNDISTURBED EXCEPT FOR TEMPORARY ACCESS ROAD CLEARING AS NEEDED TO REACH THE BORROW SITES.
- 5. THE OPERATOR IS RESPONSIBLE FOR THE ACCURATE LOCATION OF OPERATIONS AND ANY SURVEY THAT MAY BE REQUIRED
- 6. ANY ANTIQUITIES OR OTHER ITEMS OF CULTURAL OR HISTORIC VALUE FOUND AS A RESULT OF MINING OPERATIONS SHALL BE REPORTED TO THE BUREAU OF LAND MANAGEMENT AUTHORIZED OFFICER.
- 7. STREAM CROSSINGS LOCATIONS SHALL BE LOCATED BY BORROW PIT OPERATOR AND USE A TEMPORARY BRIDGE SYSTEM TO MINIMIZE STREAM DISTURBANCE.SEE MX-02.
- 8. STRIP AND STOCKPILE OVERBURDEN TO DEPTH OF GRAVEL. BORROW TO BEDROCK. THE CONTRACTOR SHALL NOT BORROW FROM WITHIN 100' OF NOME CREEK ORDINARY HIGH WATER MARK.
- 9 CLEARING LIMITS SHALL BE CURVILINEAR WITH ROUNDED CORNERS AND TANGENTS NOT GREATER THAN 2001

- 14. TEMPORARY STOCKPILES OF GRAVEL MATERIAL FOR PROCESING AND TRANSPORT SHALL BE STAGED WITHIN THE BORROW PIT- 2 AREA AND ADJACENT PRE-EXISTING ROADS AND UPLAND AREAS AS NEEDED.
- 15. WHEN BORROW OPERATIONS ARE COMPLETE, EXCAVATED AREAS SHALL BE RESHAPED TO MATCH THE NATURAL TOPOGRAPHY. ALL CUTS SHALL BE 3:1 MAXIMUM SLOPE. OVERBURDEN PILES CONTAINING TOPSOIL SHALL BE SPREAD OVER EXCAVATION LIMITS AND PREPARED FOR RECLAMATION. SEE MX-02
- 16. WHERE MATERIAL EXTRACTION OCCURS BELOW THE WATER TABLE THE CONTRACTOR SHALL ENSURE THERE ARE NO DIRECT SURFACE WATER CONNECTIONS/CHANNELS FROM EXCAVATED BORROW AREAS TO NOME CREEK
- 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UPGRADING AND MAINTAINING ACCESS TO THE BORROW SITE AS NECESSARY TO COMPLETE THE WORK. AFTER BORROW OPERATION IS COMPLETE, TEMPORARY STRUCTURES SHALL BE REMOVED FROM THE SITE AND DISTURBED BORROW AREAS AND ALL SURROUNDING DISTURBED AREA SHALL BE RECLAIMED.
- 18. CONSTRUCTED TEMPORARY ACCESS ROADS SHALL NOT BE OF GREATER WIDTH OR EMBANKMENT HEIGHT THAN THE MINIMUM NECESSARY TO SUPPORT MINING OPERATIONS AND SHALL MINIMIZE DISTURBANCE WHERE POSSIBLE.

POA-2023-00075

### **RECLAMATION NOTES**

- AREAS OF CLEARING AND EXCAVATION SHALL BE RESHAPED TO BLEND WITH THE SURROUNDING TOPOGRAPHY AND BE STABILIZED BY TRACK-WALKING. STOCKPILED TOPSOIL AND OVERBURDEN SHALL BE SPREAD OVER THE MINING SITE TO PROMOTE PLANT GROWTH, STOCKPILED ORGANICS SHALL BE SPREAD OVERTOP
- 2. SOILS IN RECLAIMED AREAS SHALL BE IN A CONDITION TO SUPPORT APPROXIMATELY 70% NATIVE PLANT COVER WITH SELF-SUSTAINING UPWARD TREND IN NATIVE PLANT GROWTH IN TWO GROWING SEASONS. NON-NATIVE PLANT COVER SHALL NOT BE GREATER THAN THE PRE-MINING CONDITIONS OR OF THE SURROUNDING AREA.
- 3. ALTERNATIVE WILDLIFE HABITAT FEATURES MAY BE USED TO LOWER VEGETATIVE CRITERIA WHERE APPROVED BY THE BUREAU OF LAND MANAGEMENT PER INSTRUCTION MEMORANDUM AK-2021-009
- 4. IF MINING OPERATIONS CAUSE THE STREAM CHANNEL TO BECOME UNSTABLE, IT SHALL BE REESTABLISHED IN A STABLE LOCATION WITHIN THE FLOODPLAIN. 100-FOOT RIPARIAN BUFFER SHALL BE MAINTAINED BETWEEN EXCAVATED PIT AREAS AND NOME CREEK.
- 5 WHERE THE STREAM BANK HAS BEEN DISTURBED BY MINING OPERATIONS OR BORROW PIT ACCESS THE STREAM BANK SHALL BE RESTORED TO THE FUNCTIONAL RANGE PER BUREAU OF LAND MANAGEMENT INSTRUCTION MEMORANDUM AK-2021-010
- 6. TEMPORARY ROADS AND OTHER ACCESS FEATURES SHALL BE RECLAIMED WITH MEASURES NECESSARY TO PREVENT EROSION



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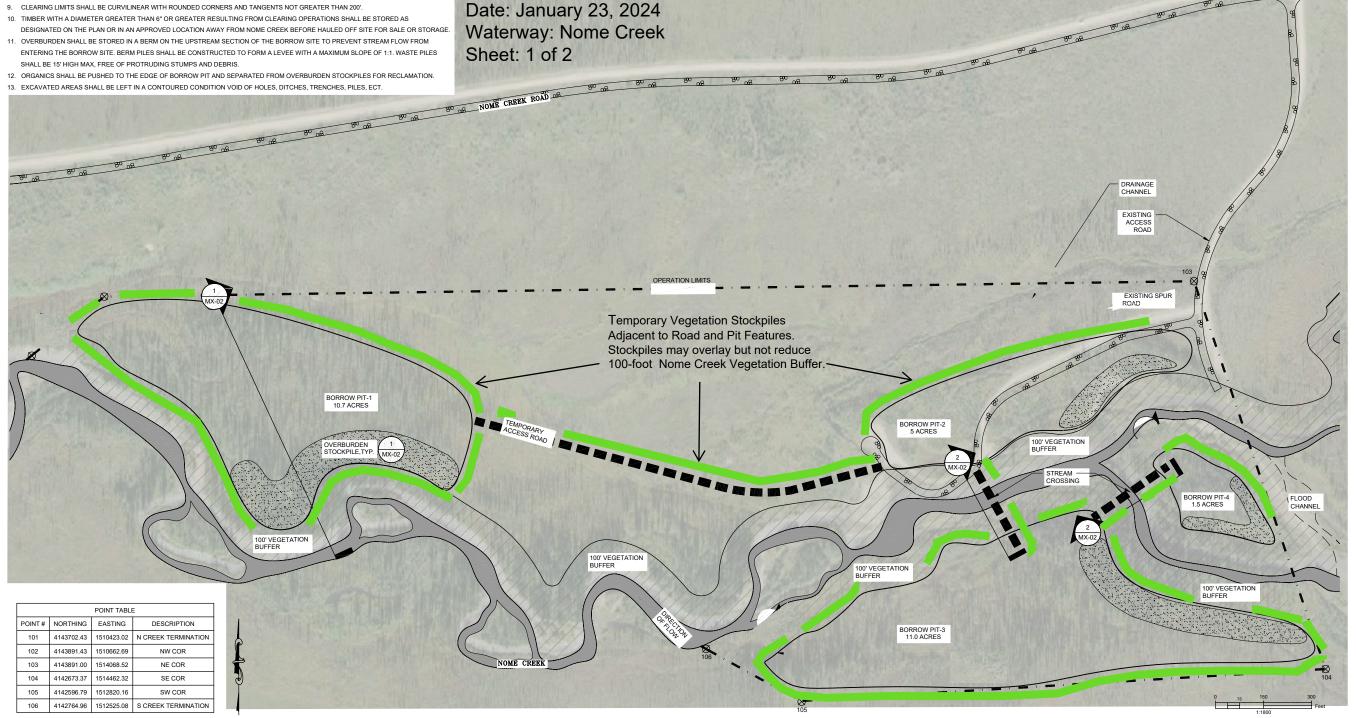




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MODIFIED -12/21/23 - BWK **BORROW SITE** MINING & RECLAMATION **PLAN** 

**MX-01** 



POA-2023-00075 Date: January 23, 2024

Waterway: Nome Creek

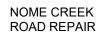
Sheet: 2 of 2 EXISTING GRADE OVERBURDEN PILE MAX 1:1 SLOPE MAX. 15' HEIGHT FINAL SLOPES ORDINARY HIGH WATER MARK 100' BUFFER FROM ORDINARY ---- ESTIMATED WATER TABLE DEPTH **EXCAVATION NOTES** 



TEMPORARY STREAM CROSSING

- BEDROCK DEPTH -

1. DEPTH OF OVERBURDEN IS ANTICIPATED 1.5 TO 3-FEET FROM THE SURFACE. DEPTH TO BEDROCK IS ANTICIPATED 10 TO 12-FEET FROM THE SURFACE PER THE WHITE MOUNTAINS RECREATION AREA BORROW SITES EXPLORATION GEOTECHNICAL REPORT FINDINGS.



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NOT FOR CONSTRUCTION

DRAFT

CONSTRUCTION

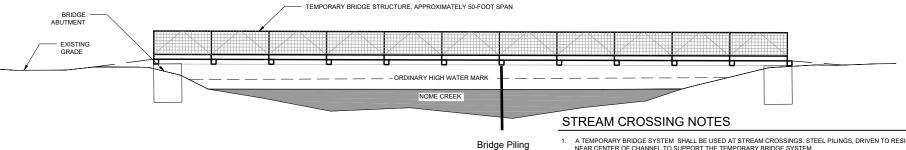
DOCUMENTS

FOR REVIEW ONLY

ISSUE DATE COMM. NUMBER 902104 DESIGNED BY CCD SCALE

MODIFIED 12/21/23 --BWK **BORROW SITE** MINING & RECLAMATION PLAN DETAILS

MX-02



- A TEMPORARY BRIDGE SYSTEM SHALL BE USED AT STREAM CROSSINGS. STEEL PILINGS, DRIVEN TO RESISTANCE, SHALL BE INSTALLED NEAR CENTER OF CHANNEL TO SUPPORT THE TEMPORARY BRIDGE SYSTEM.
- 2. CONTRACTOR IS RESPONSIBLE FOR THE SELECTION, DESIGN, INSTALLATION, INSPECTION, MAINTENANCE, AND REMOVAL OF TEMPORARY BRIDGE AND APPURTENANCES.
- 3. TEMPORARY BRIDGE SHALL MEET REQUIREMENTS OF THE CURRENT EDITION OF AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, AASHTO GUIDE SPECIFICATIONS FOR LRFD SEISMIC BRIDGE DESIGN, ALASKA BRIDGES AND STRUCTURES MANUAL, AND AS SPECIFIED IN PROJECT
- 4. BRIDGE ABUTMENTS MAY BE LOCATED WITHIN THE ORDINARY HIGH WATER MARK OF NOME CREEK.
- 5. DISTURBANCE AND PLACED FILL WITHIN THE NOME CREEK 100-FOOT VEGETATION BUFFER SHALL BE THE MINIMUM REQUIRED FOR BRIDGE INSTALLATION AND DECONSTRUCTION.
- 6. BRIDGES MUST BE DECONSTRUCTED AND REMOVED FROM THE SITE AT PROJECT COMPLETION, BUT IN NO CASE LONGER THAN 2 YEARS.