



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	September 15, 2015
EXPIRATION DATE:	October 14, 2015
REFERENCE NUMBER:	POA-1996-72-M4
WATERWAY:	Pullout Creek

Interested parties are hereby notified that a Department of the Army (DA) 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 Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Douglas Jones, 714 NW 24th Avenue, Camas, Washington 98607

LOCATION: The project site is located within the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T. 5 N., R. 11 W., Seward Meridian; USGS Quad Map Kenai C-4; Beginning - Latitude 60.5602° N., Longitude 151.1756° W.; Ending – Latitude 60.5565° N., Longitude 151.1925° W.; in Kenai, Alaska; Kenai Peninsula Borough Parcel # 049-382-16 and 049-010-29.

PURPOSE: The applicant's stated purpose is to construct a road to provide access to 22 acres of uplands for the purpose of developing 18 residential lots.

PROPOSED WORK: The applicant proposes to construct a 3,600 linear foot (lf) access road, with a 38-foot base and 26-foot crest, resulting in the discharge of 5,130 cubic yards of gravel and other fill into 1.185 acres (1,302 lf) of wetlands and other waters of the United States (U.S.), as follows:

- Discharge 3,720 cubic yards (cy) of fill into 0.976 acre of wetland, over a distance of 1,076 feet, including the installation of three 18-inch diameter culverts and five 5-foot wide permeable roadbed sections,
- Discharge 1,410 cubic yards of fill into 0.209 acre of Pullout Creek and adjacent wetlands, over a distance of 226 feet, including the installation of a 10-foot x 50-foot counter-sunk corrugated metal pipe culvert, a 2-foot x 40-foot corrugated metal pipe overflow culvert, and three 5-foot wide permeable roadbed sections.

All work would be performed in accordance with the enclosed plan, (sheets 1-8), dated February 4, 2005, and June 6, 2005.

ADDITIONAL INFORMATION: The applicant was originally issued a DA permit on October 31, 1996 (POA-1996-72, Pullout Creek), with a time extension on December 13, 1999 (POA-1996-72-M), which authorized the discharge of 3,630 cy of fill placed in 0.82 acre of wetlands for construction of a 28-foot by 1,600-foot long access road. The road was never constructed.

A DA permit modification was issued February 3, 2006 (POA-1996-72-M2), which authorized the work proposed above, (to construct a 3,600 lf access road, with a 38-foot base and 26-foot crest, resulting in the discharge of 5,130 cubic yards of gravel and other fill into 1.185 acres [1,302 lf] of wetlands and other waters of the U.S.). A time extension was authorized on February 4, 2010 (POA-1996-72-M3), for the same work. No work has commenced to date.

The applicant has not changed the project, however, due to the amount of time which has elapsed, it is our policy to provide the public an opportunity to review the proposed project again.

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: An access road and a total of 18 residential lots are to be developed on 22 acres of an 80-acre parcel. All 18 lots are located on uplands and the remaining 58 acres of wetland have been avoided.

b. Minimization: The access road skirts the edge of the Kenai Golf Course taking advantage (to the extent possible) of golf course uplands. In addition, along the road in, or partially in the wetlands, the flow of water between opposite sides of the road will be assisted using three 18-inch diameter culverts and five 5-foot wide permeable road sections.

Within the road crossing Boat Launch Creek are two culverts: a 10-foot diameter culvert located at the creek channel and a 2-foot diameter overflow culvert for additional flood-flow protection. The creek-crossing section also has three 5-foot permeable road sections.

The bottom of the 10-foot diameter culvert will be filled with gravelly sand to enhance fish passage.

c. Compensatory Mitigation: Avoidance and minimization has been incorporated to a large extent in this project. It has been reviewed, modified and reauthorized since 1996.

Minimization, to the extent possible, plus design modifications to account for prior agency concerns to offset as many impacts as possible were completed. Therefore, it is not believed that compensatory mitigation is warranted.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

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.

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

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

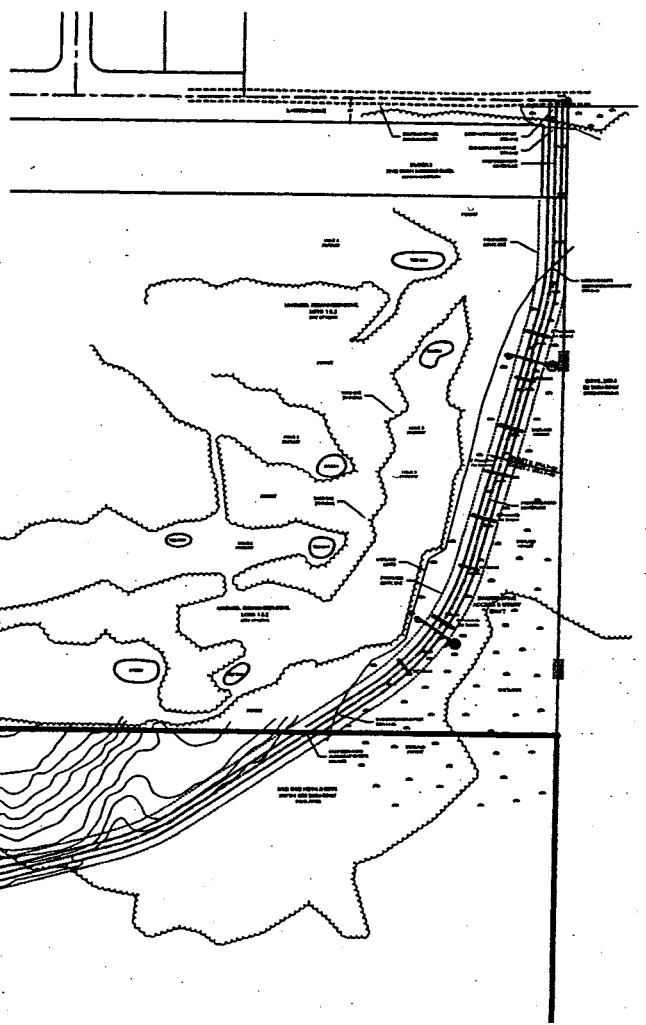
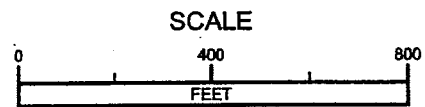
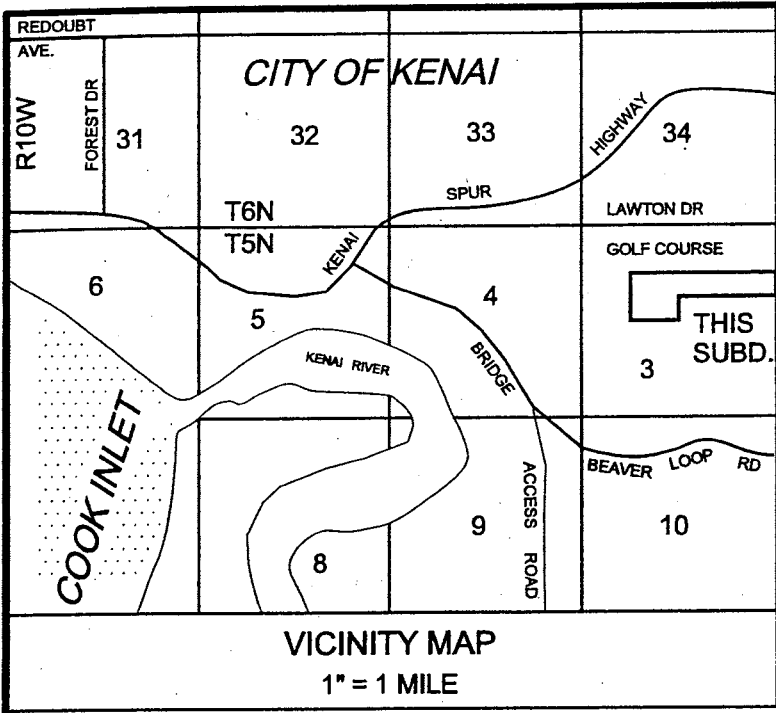
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-1996-72-M4, Pullout Creek**, 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.

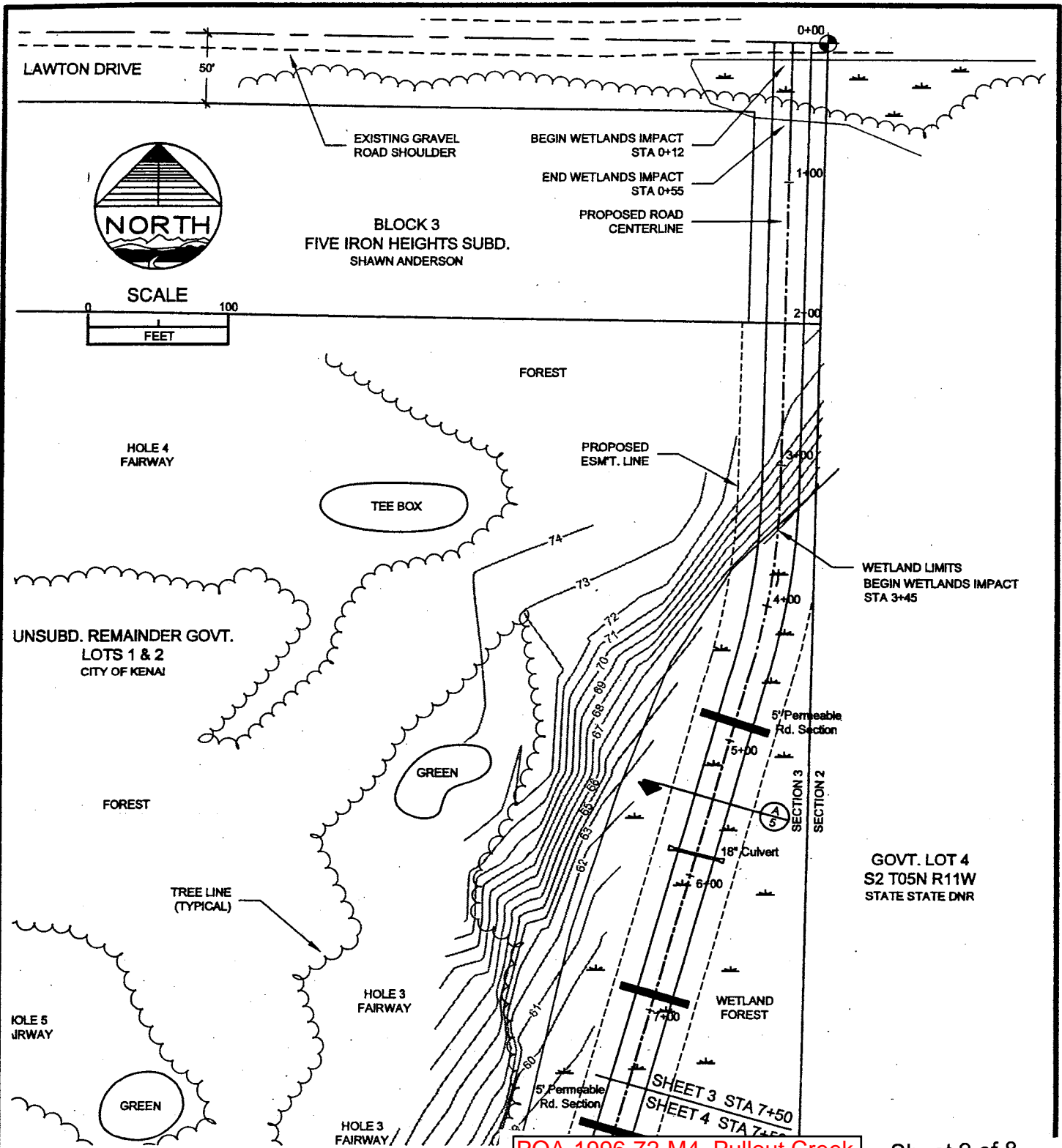
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



POA-1996-72-M4, Pullout Creek


Sheet 1 of 8

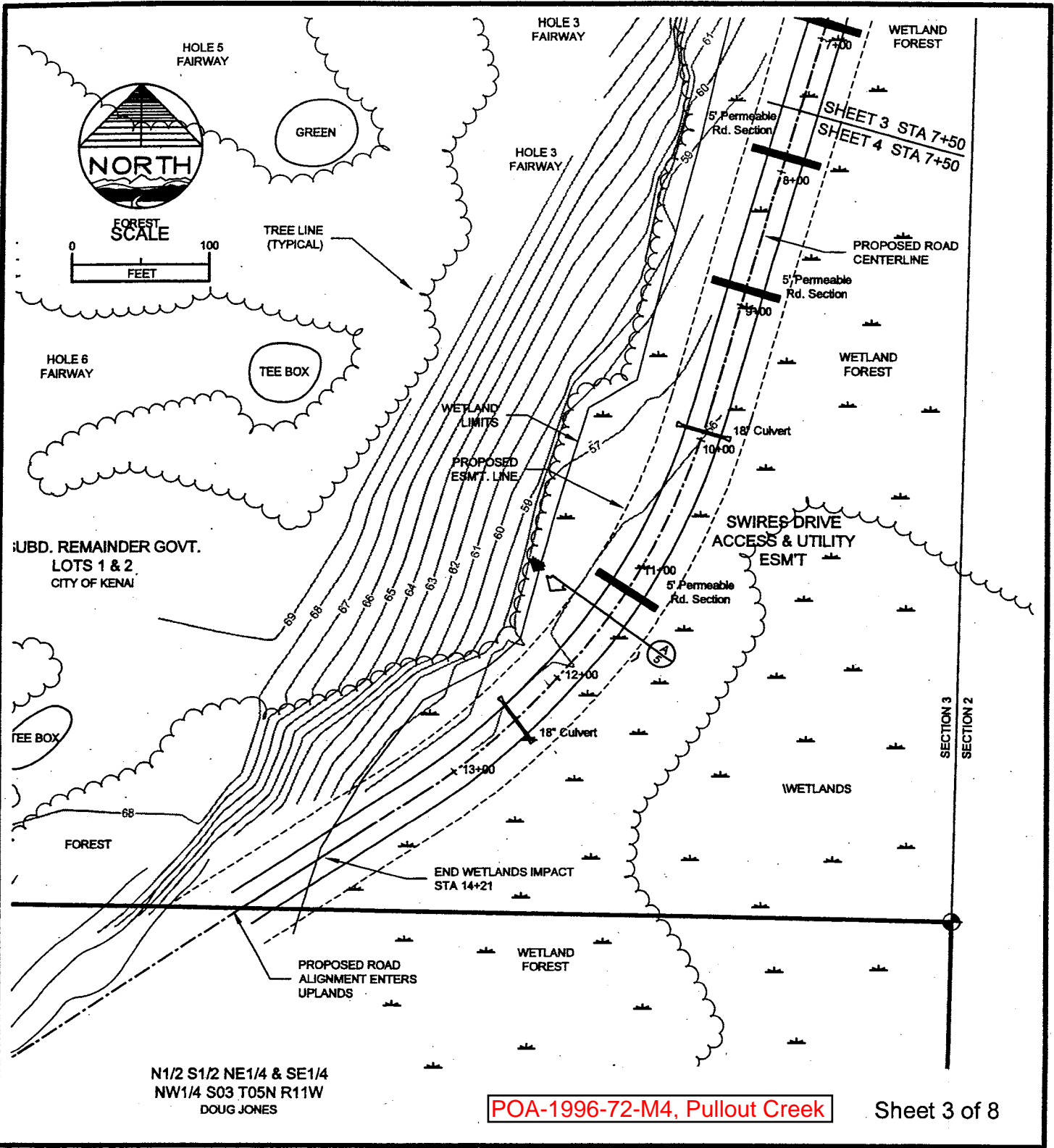
 McLANE Consulting Inc.	PROJECT SWIRES ROAD EXTENSION	LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA	REVISION: 3 DATE: 6/6/05 DRAWN BY: CFM
	MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK. 99569 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECCG.COM	PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT	APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519



POA-1996-72-M4, Pullout Creek

Sheet 2 of 8


PROJECT SWIRES ROAD EXTENSION		LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA		REVISION: 3 DATE: 6/6/05 DRAWN BY: SAM SCALE: 1" = 40' PROJECT NO.: 044D15 BOOK NO.: 03-24 SHEET <div style="font-size: 2em; font-weight: bold;">2</div> of 7	
 MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM		PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT			
		APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519			



N1/2 S1/2 NE1/4 & SE1/4
 NW1/4 S03 T05N R11W
 DOUG JONES

POA-1996-72-M4, Pullout Creek

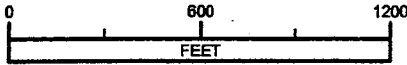
Sheet 3 of 8

PROJECT SWIRES ROAD EXTENSION		LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA		REVISION: 3 DATE: 6/6/05 DRAWN BY: SAM	
 MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99689 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM		PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT		SCALE: 1" = 40' PROJECT NO. 044015 BOOK NO. 03-24	
		APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519		SHEET 3 OF 7	



PROPOSED DEVELOPMENT

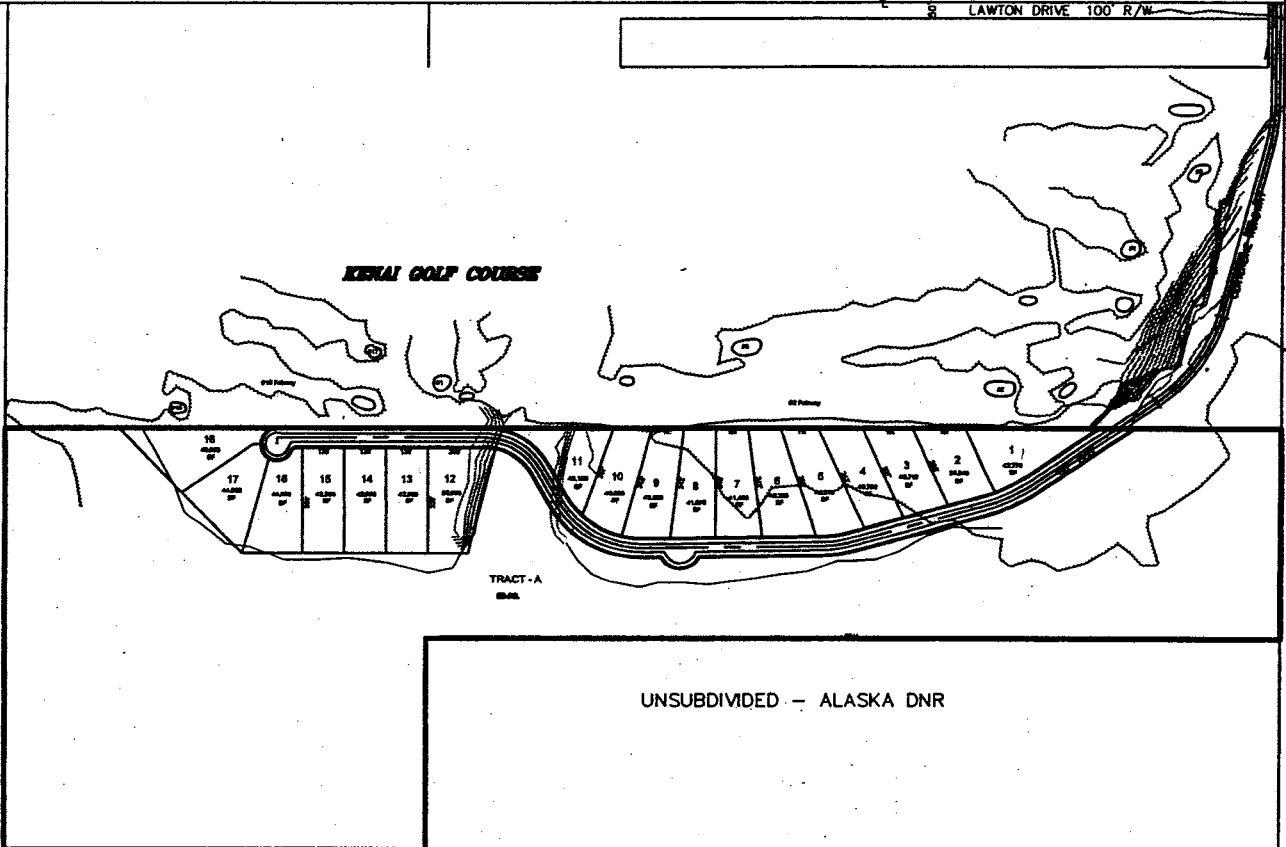
SCALE



N89°55'39"E

LAWTON DRIVE 100' R/W

KENAI GOLF COURSE



TRACT - A

UNSUBDIVIDED - ALASKA DNR


UNSUBDIVIDED - CITY OF KENAI

PROPOSED DEVELOPMENT IS RESIDENTIAL USE OF UPLANDS. LOT CONFIGURATION SHOWN HEREON IS PRELIMINARY AND FOR PERMITTING PURPOSES ONLY. MINOR CHANGES AND ALTERATIONS ARE ANTICIPATED. ACREAGE FIGURES ARE APPROXIMATE.

80 ACRES TOTAL AREA
 58 ACRES NON-DEVELOPMENT AREA
 22 ACRES RESIDENTIAL DEVELOPMENT

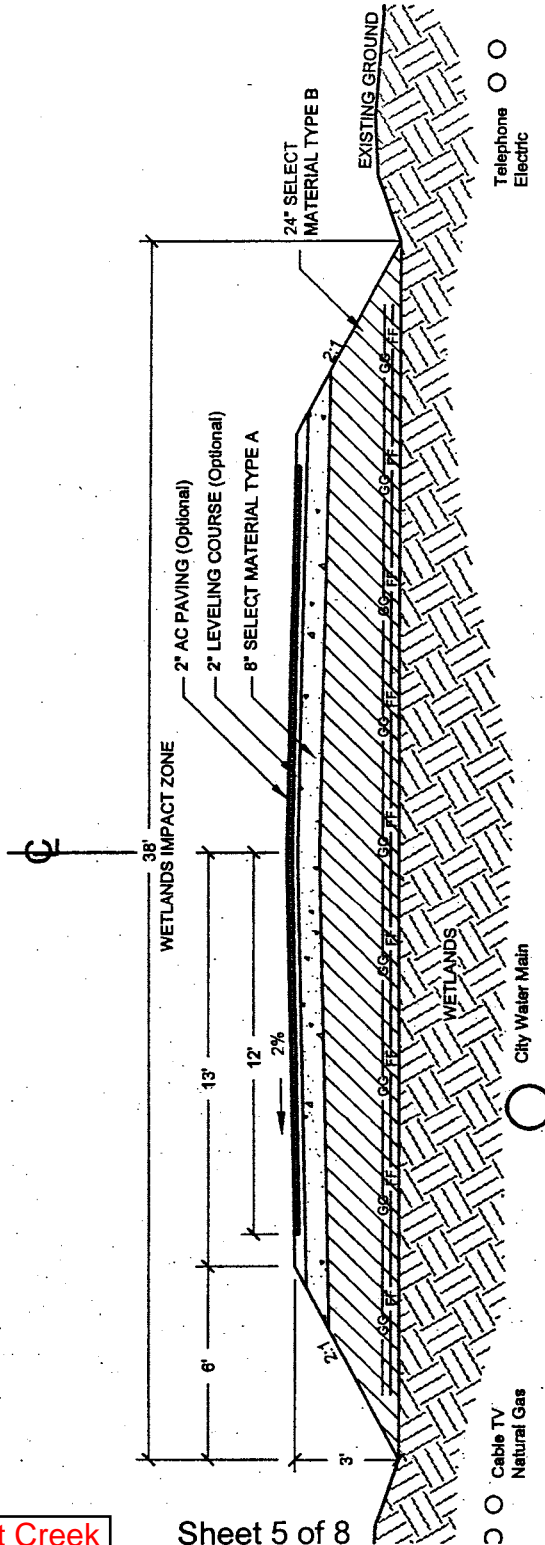
POA-1996-72-M4, Pullout Creek

Sheet 4 of 8

PROJECT SWIRES ROAD EXTENSION	LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA	REVISION: 2 DATE: 6/6/05 DRAWN BY: sam
	PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT	SCALE: 1" = 600' PROJECT NO. 044015 BOOK NO. 03-24
 MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99689 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECONG.COM	APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519	SHEET <div style="font-size: 2em; font-weight: bold; text-align: center;">4</div> OF 7

WETLANDS IMPACT SUMMARY

WETLAND DESCRIPTION	BEGINNING STATION ENDING STATION	LENGTH (LF)	PROPOSED WIDTH (FT)	FOOT PRINT AREA	FILL VOLUME (CY)
WETLAND 1	3+45 14+21	1076	26	42,522 SF 0.976 AC	3720
WETLAND 2 BOAT LAUNCH CREEK BOUNDARY	34+45 36+71	226	26	9,100 SF 0.209 AC	1410
TOTALS		1302	26	51,622 SF 1.185 AC	5,130




- NOTES:**
1. IN WETLAND AREAS CONTRACTOR MAY NOT PLACE FILL, REMOVE NATIVE MATERIAL, OR RUN EQUIPMENT OUTSIDE DESIGNATED CONSTRUCTION ZONE AS MARKED IN FIELD BY THE ENGINEER.
 2. GRAVEL FILL SHALL BE PLACED IN NO GREATER THAN 8" LIFTS AND COMPACTED TO 95% OF MAXIMUM DENSITY, AS DETERMINED BY THE ENGINEER.
 3. SELECTED MATERIAL TYPE A SHALL BE UNDERLAIN WITH GEOTEXTILE, AMOCO 2002 OR EQUIVALENT.
 5. IN WETLAND AREAS GEOGRID MAY BE USED TO HELP STABILIZE GRAVEL FILL AS DETERMINED BY THE ENGINEER.

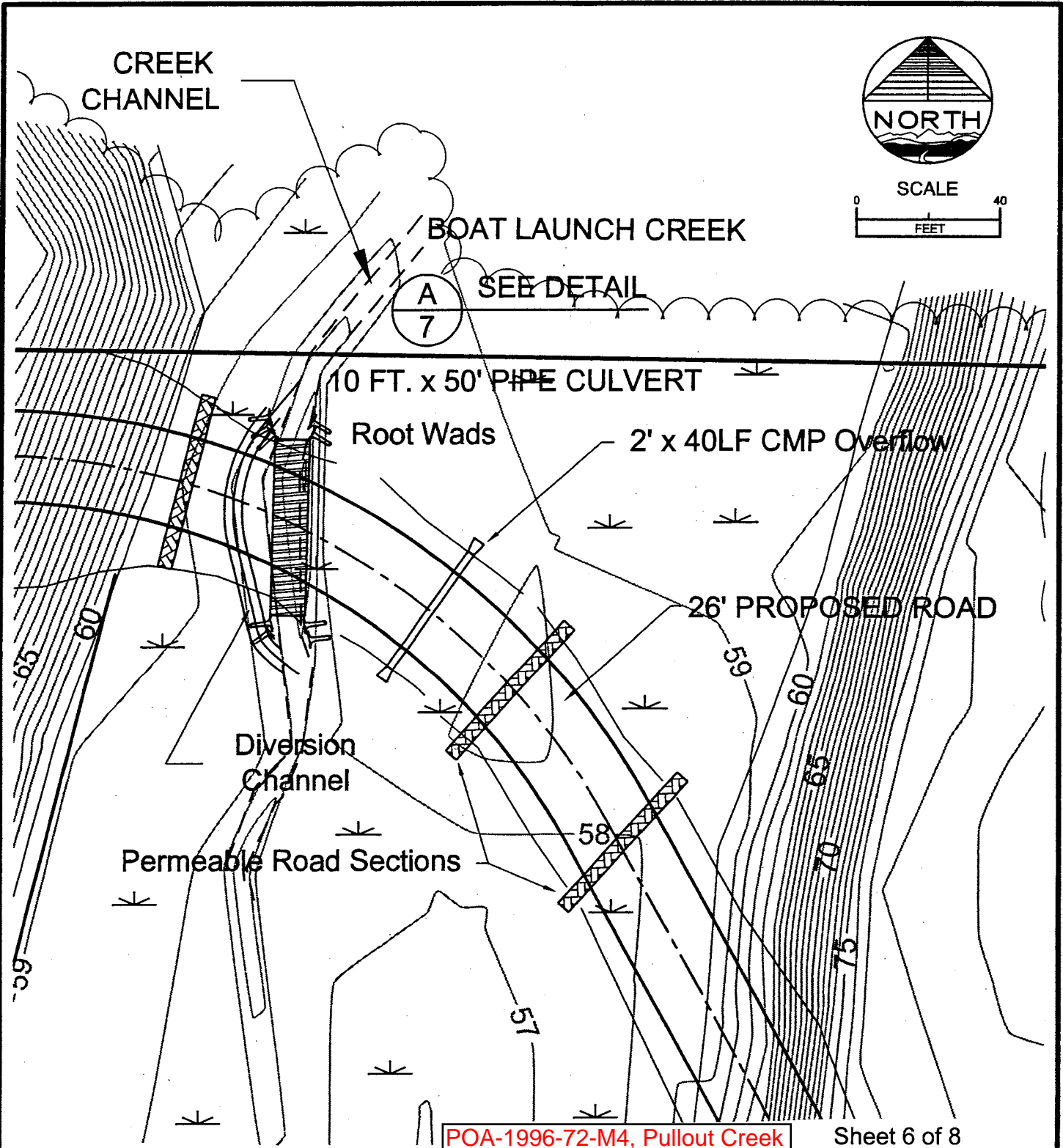
TYPICAL ACCESS ROAD SECTION - WETLANDS

SCALE: 1" = 6'

POA-1996-72-M4, Pullout Creek


Sheet 5 of 8

 McLANE Consulting Inc.	PROJECT SWIRES ROAD EXTENSION	LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA	REVISION: 1 DATE: 2/4/05 DRAWN BY: CRM
	MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99668 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT	APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519



POA-1996-72-M4, Pullout Creek

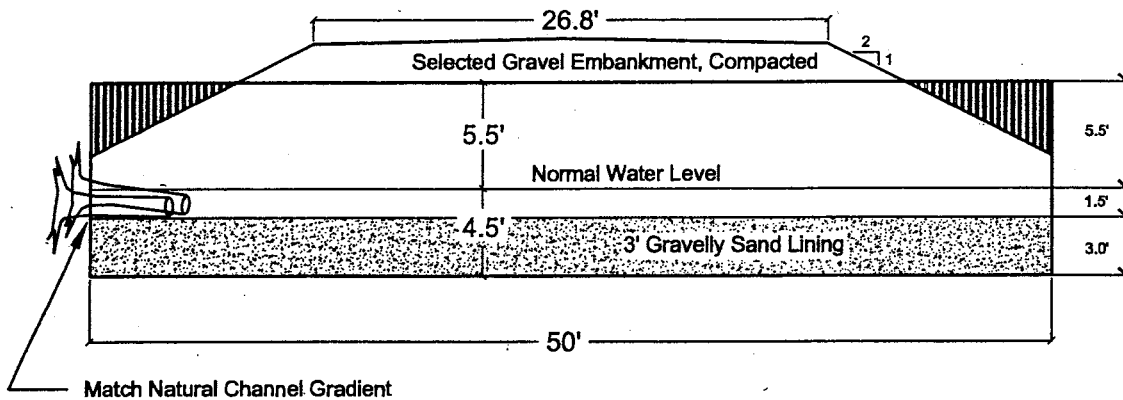
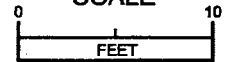
Sheet 6 of 8

PROJECT SWIRES ROAD EXTENSION	LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA	REVISION: 3
 MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT	DATE: 6/6/05
	APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519	DRAWN BY: SAM
	SCALE: 1" = 40'	
	PROJECT NO. 044015	
BOOK NO. 03-24		
SHEET 6 OF 7		

CULVERT DETAIL

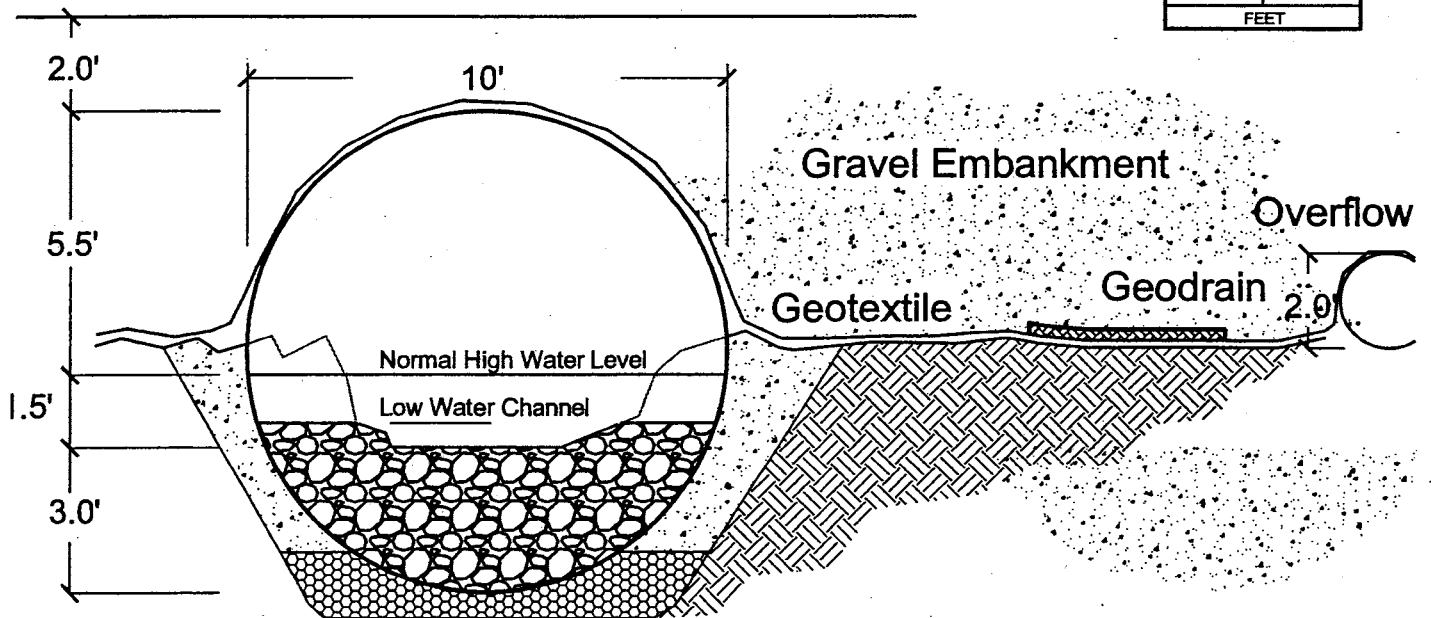
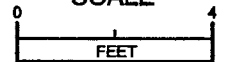
10' PIPE X 50 LF, 3" x 1" Corrugations
Submerged Depth 3.0', Min. Cover 2.0'

SCALE



TYPICAL SECTION

SCALE



No. 67 Bedding or native sand

POA-1996-72-M4, Pullout Creek

Sheet 7 of 8

PROJECT SWIRES ROAD EXTENSION

LOCATION PARCEL ID NO. 04901029 & 04938216 S03
T05N R11W SM KENAI PENINSULA

REVISION: 3

DATE: 6/8/05

DRAWN BY: SAM

SCALE: As Noted

PROJECT NO. 044015

BOOK NO. 03-24

SHEET

7 OF 7



MCLANE CONSULTING INC.

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECONG.COM

PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO
FACILITATE DEVELOPMENT

APPLICANTS DOUGLAS F. JONES
5900 LYNKERRY CIRCLE ANCHORAGE, AK 99519

Consulting Inc

Project Notes

GENERAL NOTES


1. Install culvert and maintain to accomodate fish passage.
2. Minimize alteration of stream banks. Limit bank disturbance to that necessary to install culvert and divert stream to new channel.
3. Line diversion channel with PE sheeting prior to diversion.
4. Use appropriate BMPs to prevent erosion and sedimentation of the stream.
 - a. Install silt fence along eastern edge of work area in wetlands Sta 3+45 to Sta 14+21.
 - b. Install silt fence on boths side of fill in Boat Launch Creek wetlands.
 - c. Install rootwads to stabilize chanel and fill embankment adjacent to stream.
5. Install permeable road sections at locations shown on plan to maintain drainage patterns in the fill areas.

SPECIFICATIONS

1. Place pipe in orignal stream channel. Embed 3 ft. depth and match stream gradient.
2. Culvert backfill shall include 50% by volume of rock, 3" to 6". Mix 20 CY screened rock with 21 CY of native sand material.
3. Form low-flow channel in middle of culvert. Channel shall be approx. 6" deep and 4 ft. wide.

POA-1996-72-M4, Pullout Creek

Sheet 8 of 8

PROJECT SWIRES ROAD EXTENSION		LOCATION PARCEL ID NO. 04901029 & 04938216 S03 T05N R11W SM KENAI PENINSULA	REVISION: 3
 <p>MCLANE CONSULTING INC. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK. 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM</p>	PURPOSE PROVIDE ACCESS TO PRIVATE LAND TO FACILITATE DEVELOPMENT	DATE: 6/06/05	DRAWN BY: SAM
	APPLICANTS DOUGLAS F. JONES 5900 LYNKERRY CIRCLE ANCHORAGE, AK 99518	SCALE: As Noted	PROJECT NO. 044015
			SHEET 7.1 OF 7