



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:** June 21, 2017  
**EXPIRATION DATE:** July 5, 2017  
**REFERENCE NUMBER:** POA-2017-180  
**WATERWAY:** Tustumena Lake

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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 Ms. Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at [jen.l.martin@usace.army.mil](mailto:jen.l.martin@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. Erik Huebsch, Post Office Box 599, Kasilof, Alaska 99610

**LOCATION:** The project site is located within Section 2, T. 1 N., R. 9 W., Seward Meridian; USGS Quad Map Kenai A-3; Latitude 60.2099° N., Longitude 150.7973° W.; Kenai Peninsula Borough (KPB); Tustumena Lake Subdivision No. 3, Block 3, Lots 4 and 5; on the north shore of Tustumena Lake, near Kasilof, Alaska; KPB Parcel # 135-180-20 and 135-180-19.

**PURPOSE:** The applicant's stated purpose is to dredge material for use in bank stabilization to protect and preserve two historic buildings.

**PROPOSED WORK:** To dredge up to 80 cubic yards of cobble-sized rock from an area 250 foot long by 20 foot wide, with a depth of no greater than 6 inches, below the ordinary high water mark (OHWM) of Tustumena Lake, a navigable water of the U.S., for the purpose of installing 240 linear foot of gabion baskets as a bank stabilization method above the OHWM. Work above the OHWM does not require a DA permit. Material would be dredged with a front end loader bucket, and dropped directly into the gabion baskets. The work would only be conducted when the site is dewatered, and no materials would be stored (stockpiled) below the OHWM.

All work would be performed in accordance with the enclosed plan (sheets 1-3), dated April 20, 2017, and June 11, 2017.

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: There would be no impact to wetlands, and material discharged into gabion baskets would be located above the OHWM of Tustumena Lake, in uplands. Navigation would not be affected. The bank and shoreline doesn't provide fish habitat or spawning habitat due to dramatic seasonal water level changes and the large cobble-size beach materials.

b. Minimization: The potential impact of this project to the quality and function of the lake is low. The shoreline of Tustumena Lake is 75.7 miles in length, with only 2,500 linear foot of the shoreline in private ownership. The remainder of the shoreline is within the Kenai National Wildlife Refuge, and a majority of the lake is located within designated wilderness area. With only six-tenths of one percent of the lakeshore in private ownership, the shoreline is not at a very high risk of further human development.

c. Compensatory Mitigation: No compensatory mitigation has been proposed.

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 area of dredging (5,000 square feet) and the area where the material would be deposited in gabion baskets (720 square feet). Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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). 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 National Marine Fisheries Service (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 known range of the pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*O. keta*), sockeye salmon (*O. nerka*), chinook salmon (*O. tshawytscha*) and coho salmon (*O. kisutch*).

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.

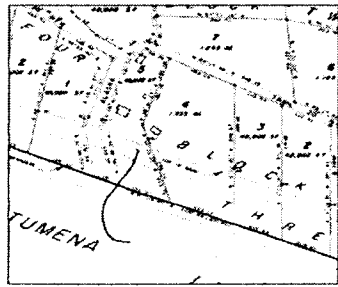
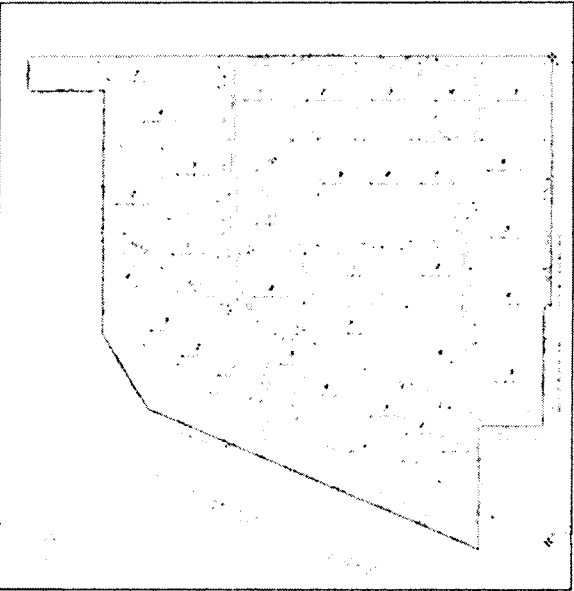
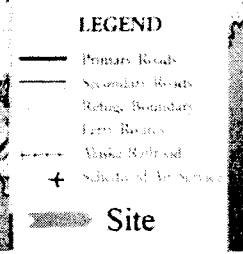
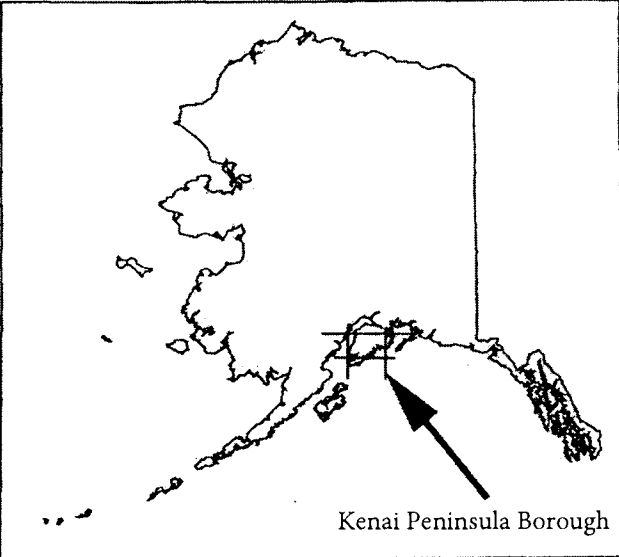
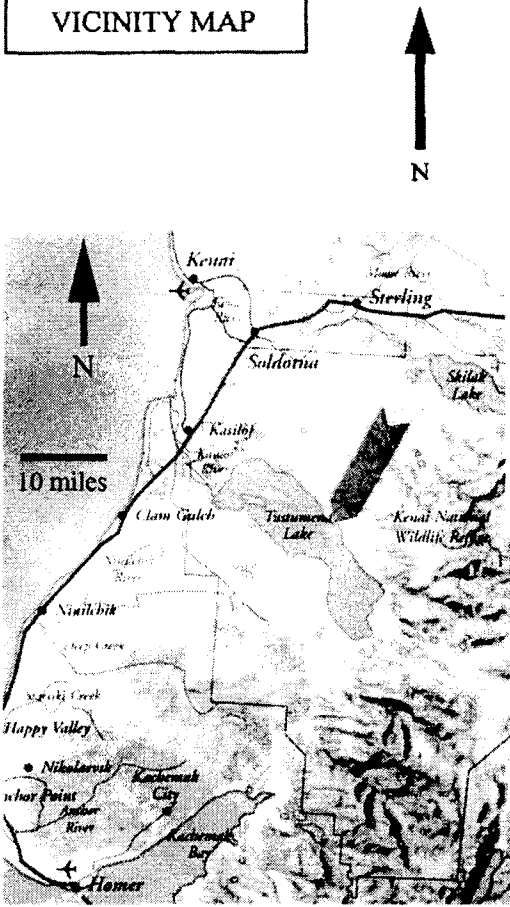
AUTHORITY: This permit will be issued or denied under the following authority:  
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

Project drawings are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

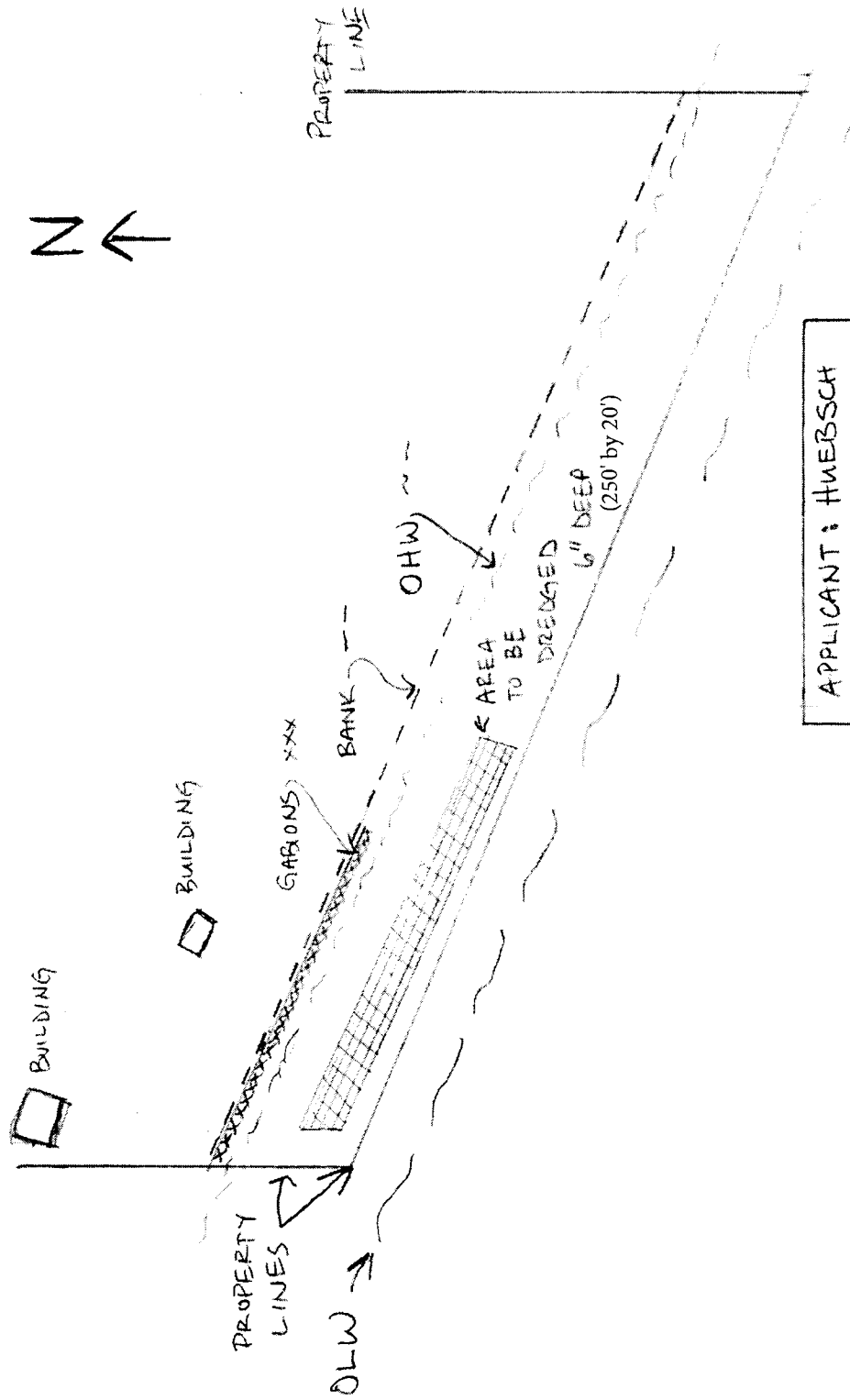
**VICINITY MAP**



**Applicant:** Huebsch  
**File No.:** POA- 2017-180  
**Waterway:** Tustumena Lake  
**Sec.** T. 1N R. 9W M. Seward  
**Lat.:** N 60 12 35 **Long.:** W 150 47 44  
**Date:** 4/20/17

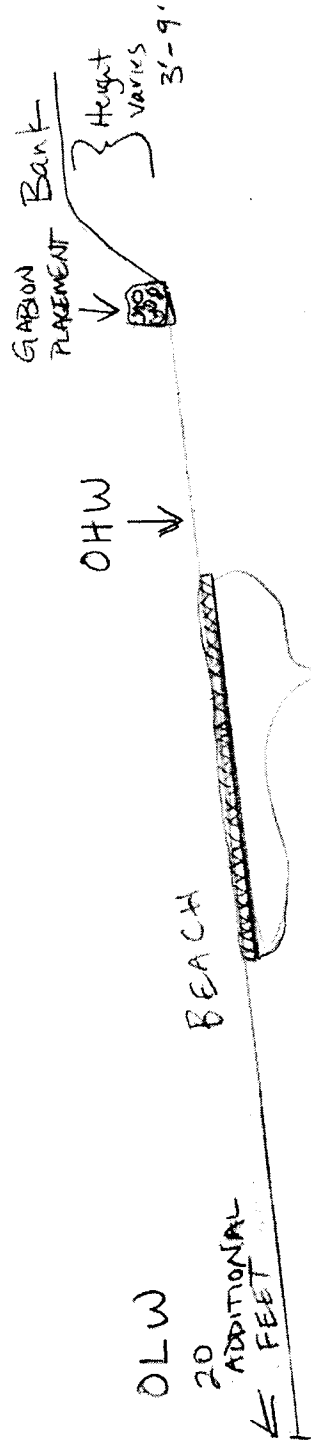
Subdivision plat. Shaded area is owned by applicants

# PROJECT PLAN - TOP VIEW



APPLICANT: HUEBSCH  
FILE NO: POA 2017-180  
SHEET: 2 OF 3  
SCALE: 1" = 100'

PROJECT PLAN - CROSS SECTION



TOP 6" OF ROCK TO BE  
 REMOVED FROM THIS AREA  
 TO FILL GABIONS.  
 REMOVAL WILL OCCUR ONLY  
 WHEN BEACH IS DEWATERED

APPLICANT: HUEBSCH  
 FILE NO: POA 2017-180  
 SHEET: 3 OF 3  
 SCALE 1" = 10'