



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	September 16, 2021
EXPIRATION DATE:	October 1, 2021
REFERENCE NUMBER:	POA-2020-00332
WATERWAY:	Neilson Creek

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 Matthew Brody at by email at Matthew.T.Brody@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Peter Peel

AGENT: Mr. Bruce Griggs – Creative Development Inc

LOCATION: The project site is located within Section 8, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.323590° N., Longitude -134.497916° W.; Blacktail Mountain Estates; Tax Parcel ID # 6D0801110010; located on Douglas Island, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to develop 12 residential lots for the purpose of providing housing within the City and Borough of Juneau.

PROPOSED WORK: The applicant is proposing to subdivide an existing 91-acre parcel into 12 residential lots of varying sizes. The new lots would be accessed via 3 private shared driveways servicing 4 lots each. Of the 12 new lots created, 10 have designated wetlands present primarily consisting of forested peatlands. Specifically the work would include the placement of 24,926-cubic yards of structural grade rock fill into 8.63-acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated September 15, 2020.

ADDITIONAL INFORMATION: The applicant has also applied for a City & Borough of Juneau (CBJ) Subdivision Application (ID# MIP2020 0004)

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 has designed their proposed project to avoid wetlands while still meeting their purpose and need by situating lots and buildings within uplands where possible.

b. Minimization: The proposed development would take place on a 91 acre parcel that was originally intended to be phase 3 of Bonnie Brae subdivision and was platted for more than 60 lots and would have impacted approximately 40-acres, however that development never took place. Additionally the applicant stated that the CBJ would like to see a full build out which would include full CBJ specific roads and approximately 300 lots that would result in the filling of approximately 70-acres of wetlands. The applicant has minimized the proposed project by reducing the number of lots that would be developed and the overall impact to waters of the U.S.

c. Compensatory Mitigation: The applicant stated that due to the small portion of the lot that would be developed, less than 10%, they feel that compensatory mitigation should not be required.

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 footprint of the proposed work within the subject parcel. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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 due to the absence of any known historic or prehistoric sites. 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. 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, 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.

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.

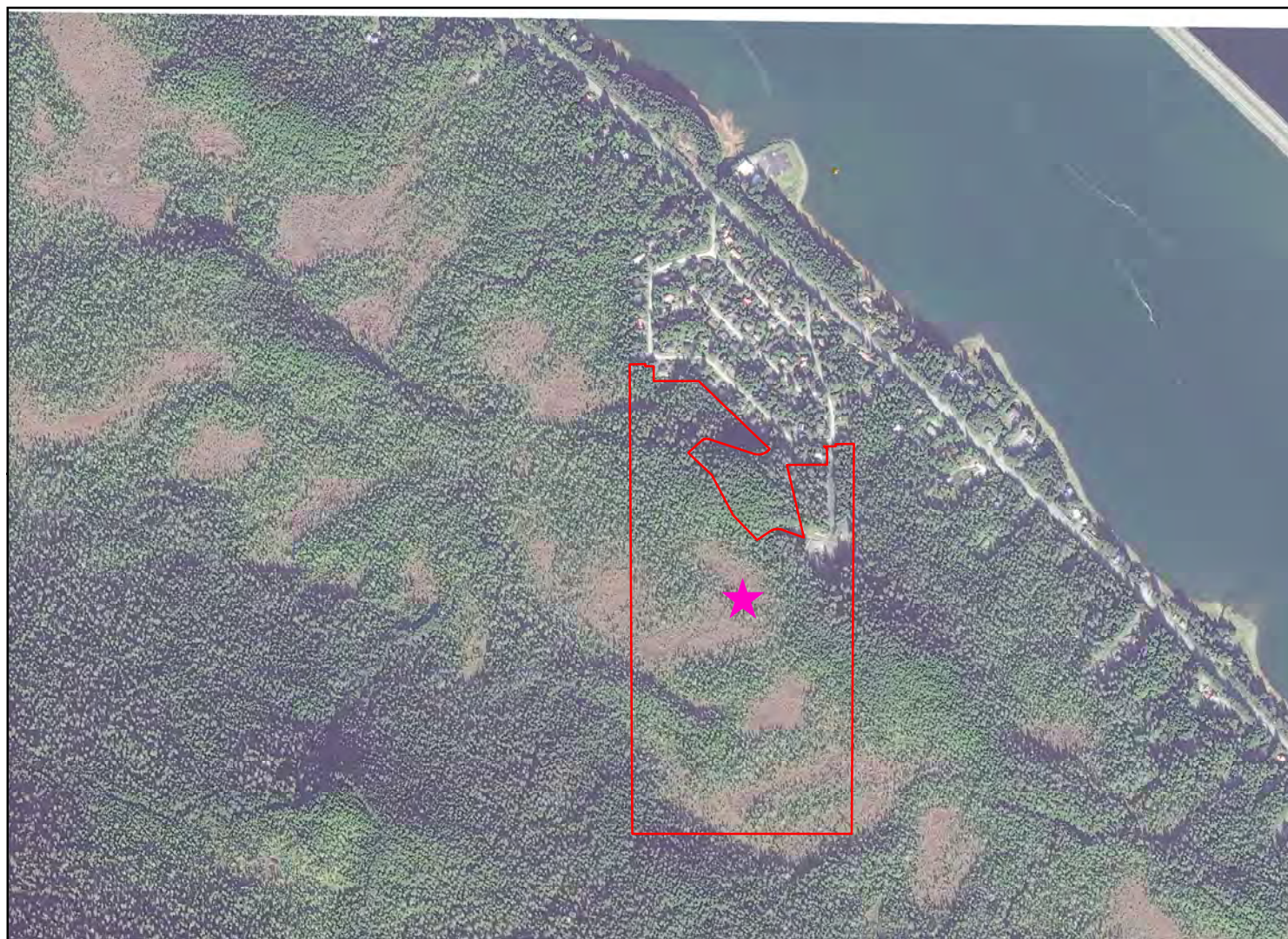
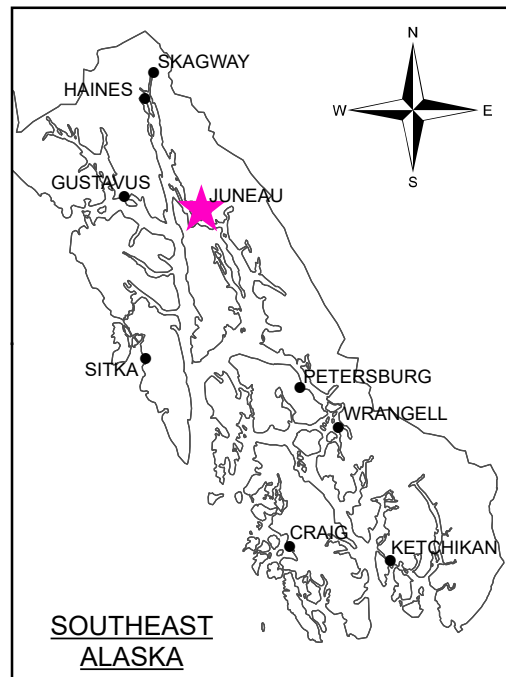
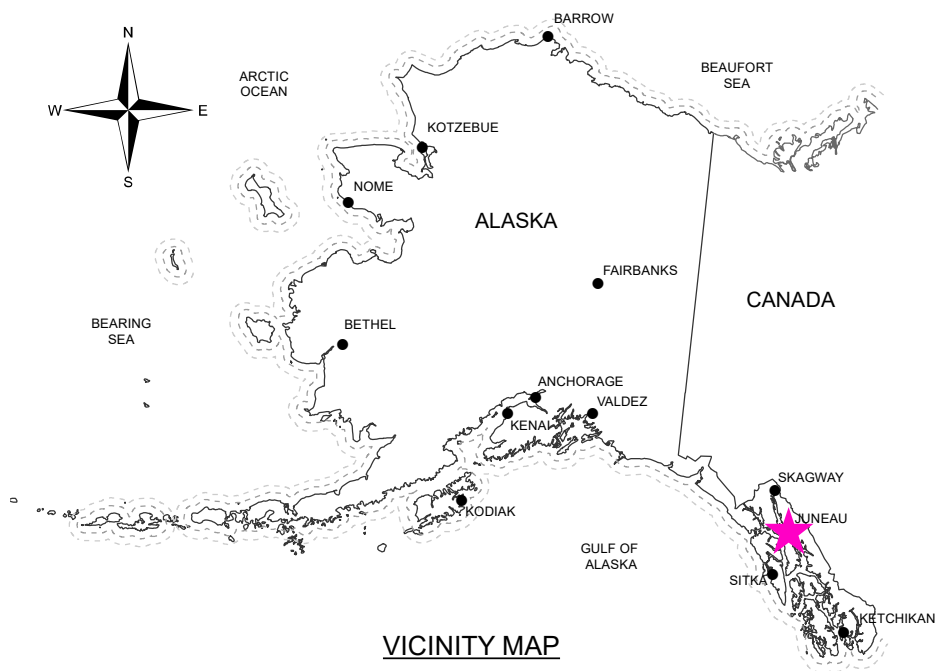
AUTHORITY: This permit will be issued or denied under the following authority:

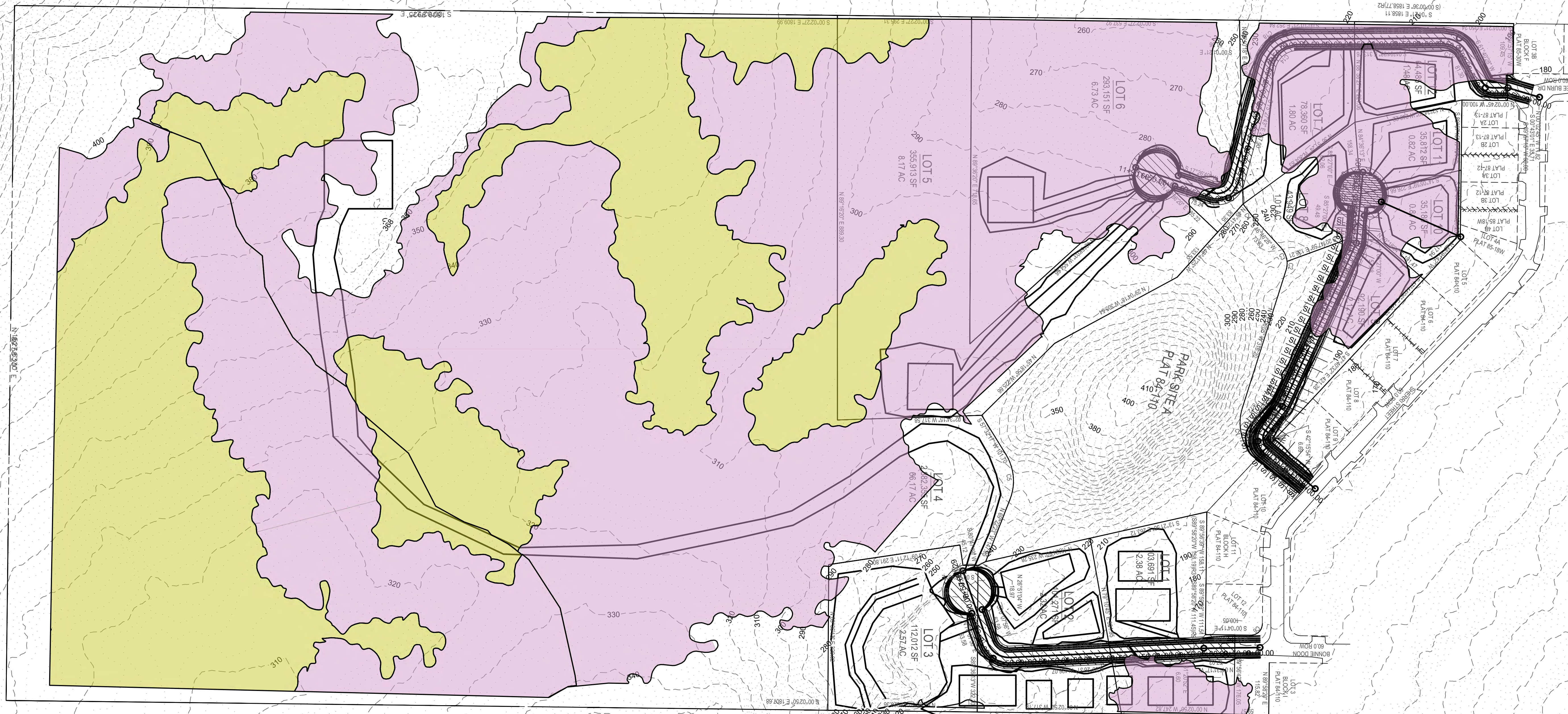
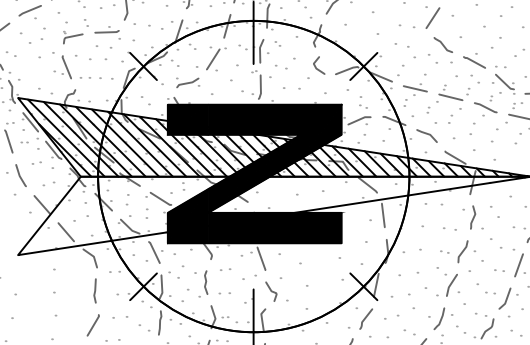
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures





FORESTED PEATLAND
OPEN PEATLAND



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

Blacktail Mountain Estates

404 PERMIT DRAWING SET

WETLAND DELINEATION OVERLAY

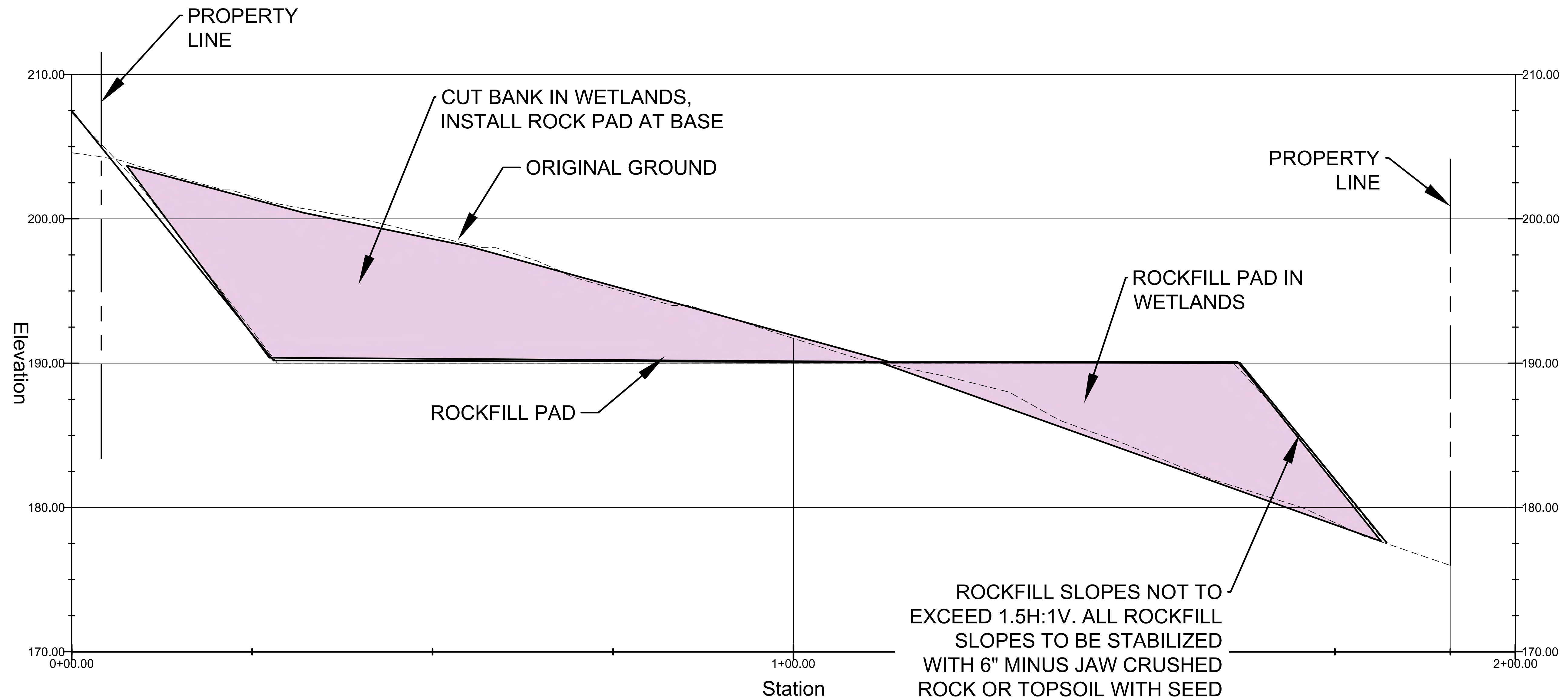
DESIGN COMMISSIONED BY:
CREATIVE DEVELOPMENT, LLC
PO 032076 JUNEAU, AK 99803

CBJ REVIEW
APPROVED:
DATE:

DRAWN:
4/ 20/ 2020
SHEET #
1 / 5

Blacktail Subdivision**Summary of Fill quantities and disturbed footprint****4/20/2020**

Fill				
Description	Fill (CY)	FW Fill Area (FT2)	OP Fill Area (FT2)	Total Area (FT2)
Driveway A	200.00	1,125.00	0.00	1,125.00
Driveway B	2,500.00	20,439.00	0.00	20,439.00
Driveway C	3,500.00	44,780.00	0.00	44,780.00
Lot 1	7,625.00	22,466.00	0.00	22,466.00
Lot 2	200.00	700.00	0.00	700.00
Lot 3	0.00	0.00	0.00	0.00
Lot 4	1,401.00	70,516.00	12,386.00	82,902.00
Lot 5	1,000.00	46,045.00	0.00	46,045.00
Lot 6	1,000.00	29,074.00	0.00	29,074.00
Lot 7	1,000.00	31,262.00	0.00	31,262.00
Lot 8	1,000.00	11,471.00	0.00	11,471.00
Lot 9	1,500.00	20,243.00	0.00	20,243.00
Lot 10	1,500.00	22,371.00	0.00	22,371.00
Lot 11	1,500.00	22,261.00	0.00	22,261.00
Lot 12	1,000.00	20,865.00	0.00	20,865.00
Total	24,926.00	363,618.00	12,386.00	376,004.00



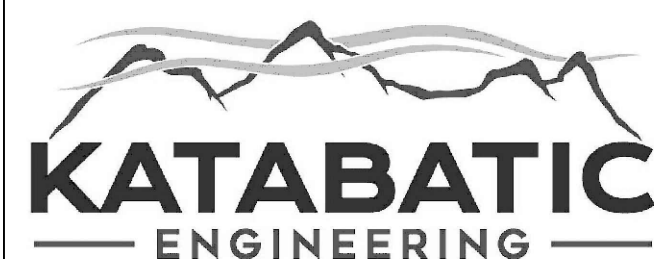
ROCKFILL IN WETLANDS

10 0 20 40

SCALE: 1" = 20'

2X VERTICAL EXAGGERATION

SCALE BASED ON FULL SIZED (ANSI D) PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

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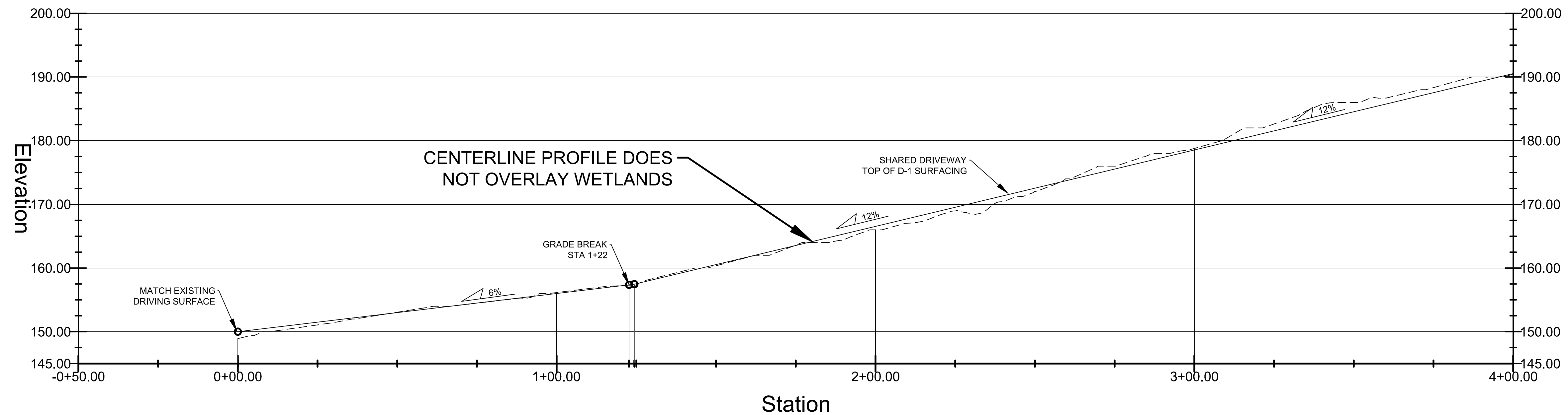
404 PERMIT DRAWING SET

TYPICAL LOT CUT / FILL PROFILE

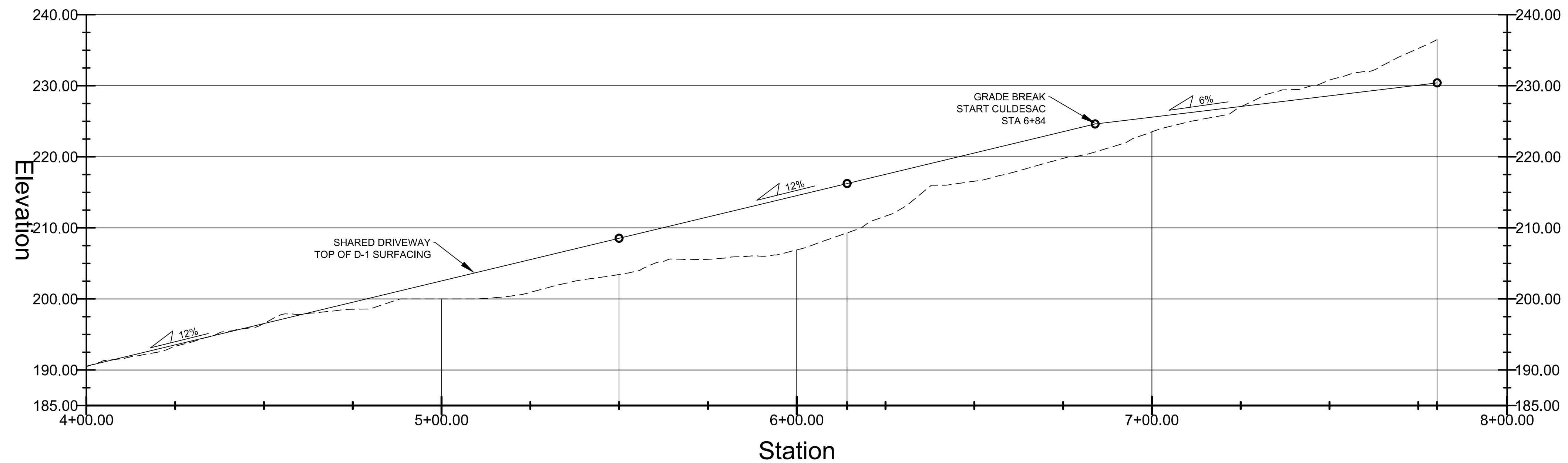
LOT #10

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4/20/2020
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5 / 5



DRIVEWAY A - PROFILE



DRIVEWAY A - PROFILE

10 0 20 40
 SCALE: 1" = 20'
 2X VERTICAL EXAGGERATION
 SCALE BASED ON FULL SIZED (ANSI D) PLOT

ROCKFILL IN WETLANDS



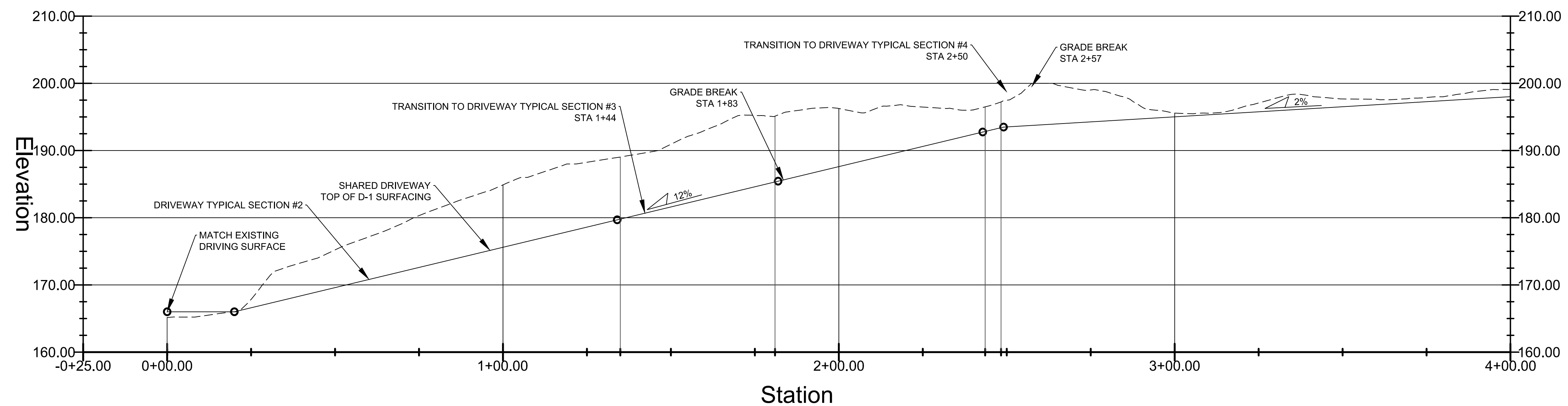
Gabriel Hayden, P.E.
 hayden@katabaticeng.com
 (505) 866-5579

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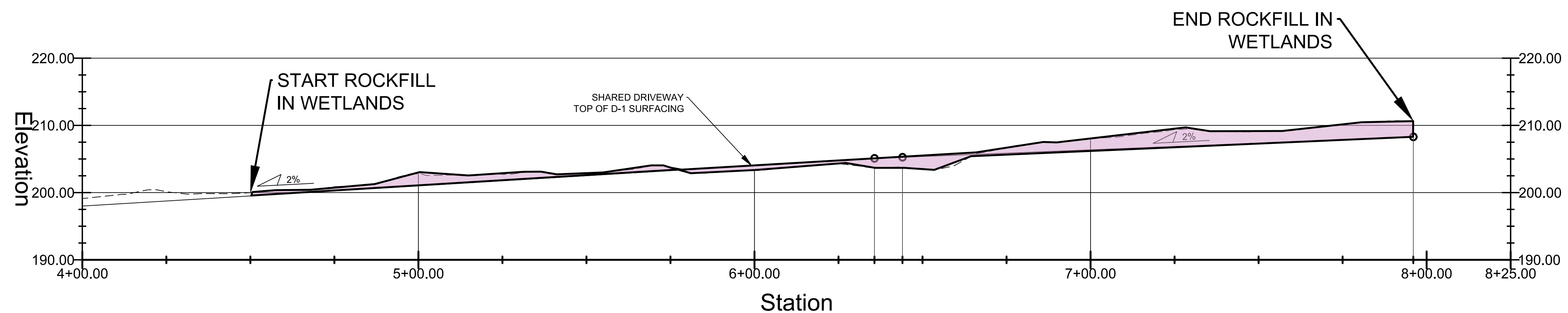
SHARED DRIVEWAY A
 PROFILE

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DRIVEWAY B - PROFILE



DRIVEWAY B - PROFILE

ROCKFILL IN WETLANDS

10 0 20 40

 SCALE: 1" = 20'
 2X VERTICAL EXAGGERATION
 SCALE BASED ON FULL-SIZED (ANSI D) PLOT



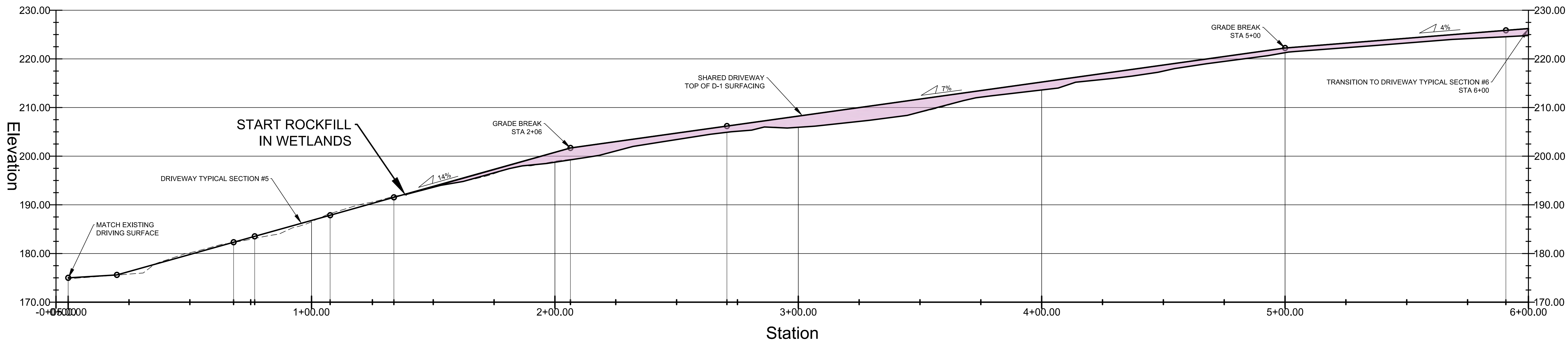
Gabriel Hayden, P.E.
 hayden@katabaticeng.com
 (505) 866-5579

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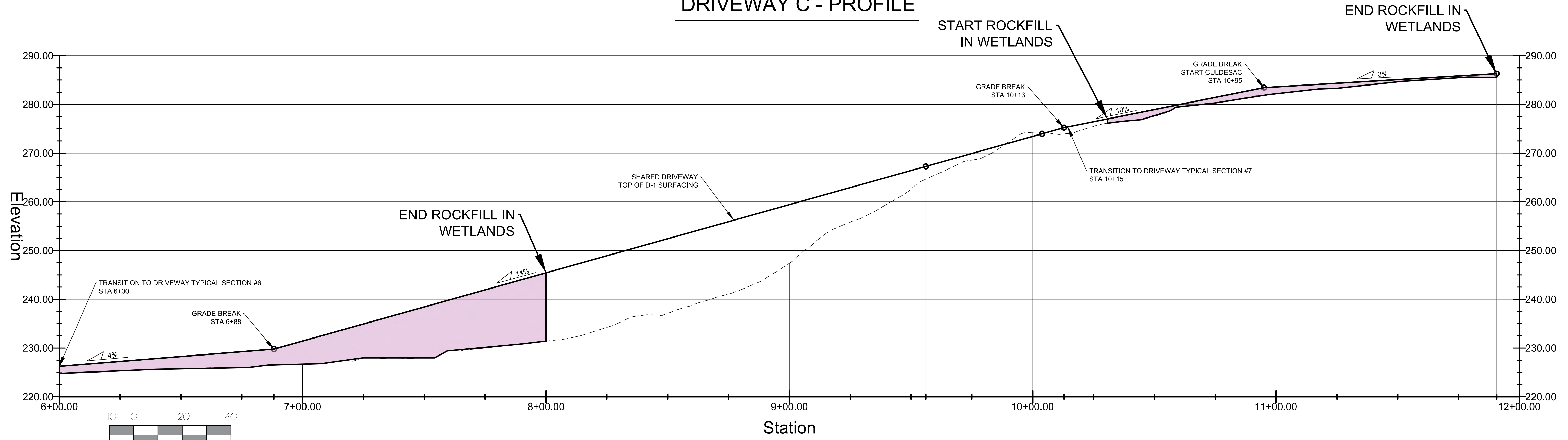
SHARED DRIVEWAY B
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 3 / 5



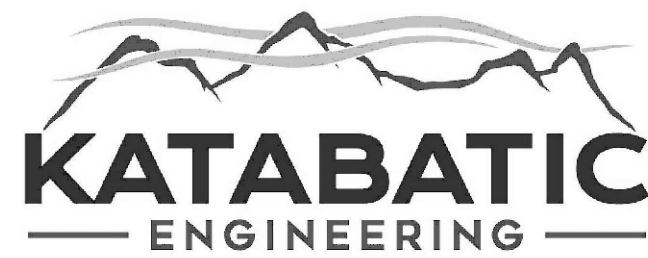
DRIVEWAY C - PROFILE



DRIVEWAY C - PROFILE

ROCKFILL IN WETLANDS

10 0 20 40
 SCALE: 1" = 20'
 2X VERTICAL EXAGGERATION
 SCALE BASED ON FULL SIZED (ANSI D) PLOT



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