



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:	December 12, 2022
EXPIRATION DATE:	January 11, 2023
REFERENCE NUMBER:	POA-2009-00791
WATERWAY:	Lampert Lake

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 CEPOA-RD-Kenai@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 Ms. Jen Martin at (907) 753-2730 or by email at Jen.L.Martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Emil Nelson, Post Office Box 130, Homer, Alaska 99603

AGENT: Ms. Melissa Ferguson, M and M Environmental, 9430 Kylie Circle, Anchorage, Alaska 99502

LOCATION: The project site is located within Section 22, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.6465° N., Longitude 151.4601° W.; Government Lot 12; 3859 Arctic Tern Place, in Homer, Alaska.

PURPOSE: The applicant's stated purpose is to provide needed sport and commercial boat and gear storage for the public and industry in the Lower Kenai Peninsula. The existing storage yard is completely full and requests continue to be submitted for the waiting list. The Volcano Storage Yard is optimally located in proximity to the Homer Spit and Harbor.

PROPOSED WORK: The applicant proposes to discharge 2,933 cubic yards of pit run gravel into 0.59-acre of palustrine forested/scrub-shrub wetlands to expand an existing parking and storage pad. Fill would be placed at a depth of two to three foot to match the elevation of the existing storage yard. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated December 7, 2022.

ADDITIONAL INFORMATION: The wetlands on-site have been categorized as high-value wetlands under the Homer Wetlands Functional Assessment.

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 reduced the area of the proposed lot expansion by over 50 percent. The original plans were revised by removing the 100-foot by 300-foot (0.69-acre) northern lot expansion area.

b. Minimization: The remaining proposed expansion is the minimum area required to satisfy the applicants stated project purpose.

c. Compensatory Mitigation: The remaining 0.59-acre of wetland impacts would be incurred in wetlands abundant in the region, adjacent to the existing pad, and likely degraded from stormwater runoff sedimentation, so the applicant does not propose compensatory mitigation to offset unavoidable impacts to aquatic resources.

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. Site SEL-00391 is in the general vicinity, however, there would be no impacts in that location. The permit area has been determined to be the 0.59-acre proposed expansion area, as described in Proposed Work above. 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: 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 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 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 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 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 authority:

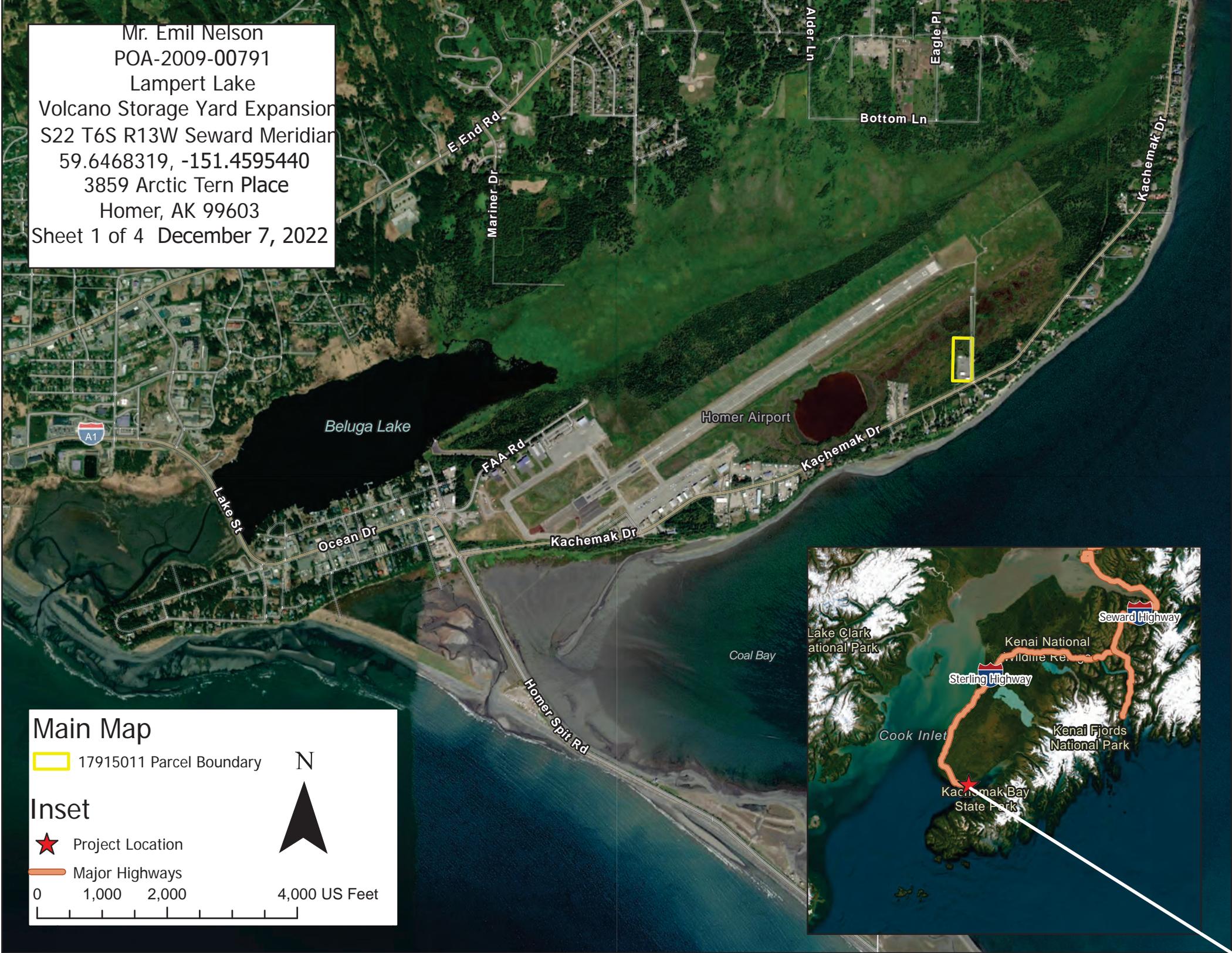
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps

Enclosure

Mr. Emil Nelson
 POA-2009-00791
 Lampert Lake
 Volcano Storage Yard Expansion
 S22 T6S R13W Seward Meridian
 59.6468319, -151.4595440
 3859 Arctic Tern Place
 Homer, AK 99603
 Sheet 1 of 4 December 7, 2022



Main Map

 17915011 Parcel Boundary

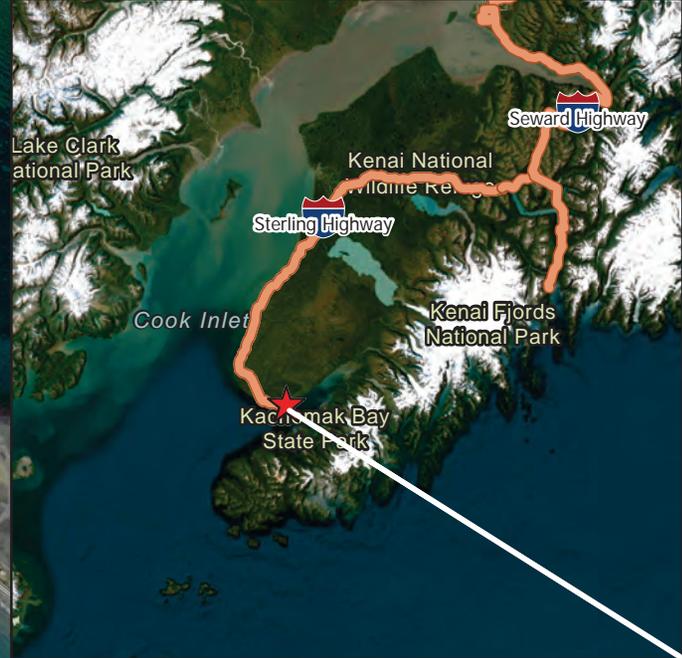
Inset

 Project Location

 Major Highways

0 1,000 2,000 4,000 US Feet

N

Mr. Emil Nelson
 POA-2009-00791
 Lampert Lake
 Volcano Storage Yard Expansion
 S22 T6S R13W Seward Meridian
 59.6468319, -151.4595440
 3859 Arctic Tern Place
 Homer, AK 99603
 Sheet 2 of 4 December 7, 2022



Main Map

-  17915011 Parcel Boundary
-  Wetland Boundary (2018 JD)

Inset

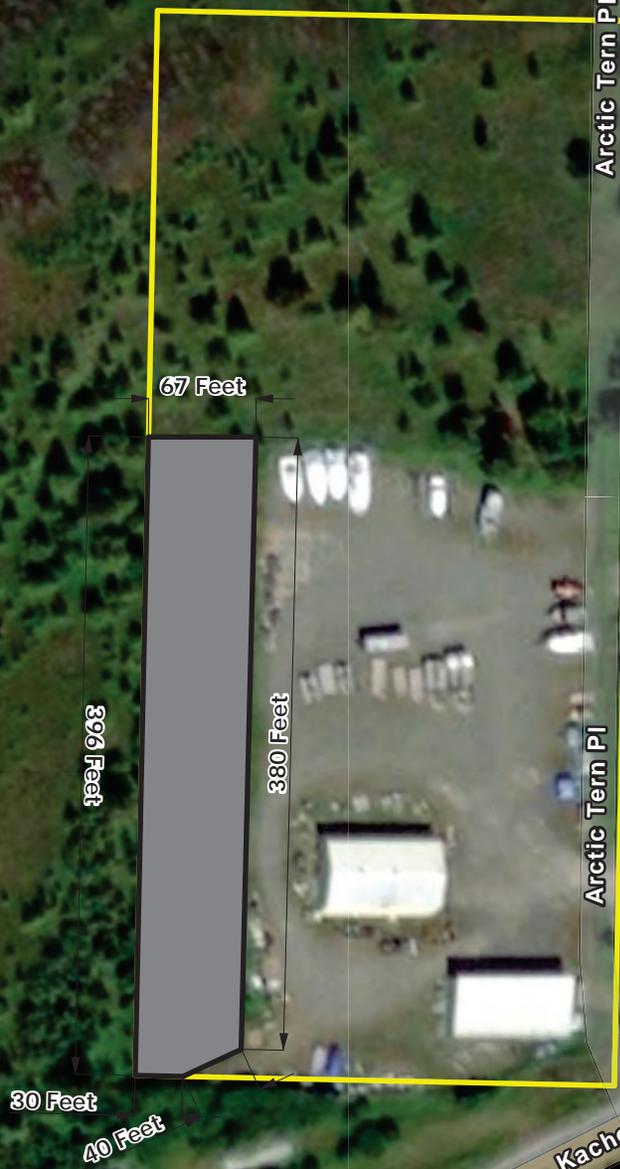
- | | |
|--|---|
| Cook Inlet Wetlands |  Drainageway |
|  DISTURB |  Lake |
|  Discharge Slope |  Lakebed |
| |  Tidal |



0 130 260 520 US Feet



Mr. Emil Nelson
 POA-2009-00791
 Lampert Lake
 Volcano Storage Yard Expansion
 S22 T6S R13W Seward Meridian
 59.6468319, -151.4595440
 3859 Arctic Tern Place
 Homer, AK 99603
 Sheet 3 of 4 December 7, 2022



Main Map

- 17915011 Parcel Boundary
- Proposed Pad Expansion

Inset

Cook Inlet Wetlands

 Drainageway	 Lake
 DISTURB	 Lakebed
 Discharge Slope	 Tidal

0 80 160 320 US Feet



Mr. Emil Nelson
POA-2009-00791
Lampert Lake
Volcano Storage Yard Expansion
S22 T6S R13W Seward Meridian
59.6468319, -151.4595440
Sheet 44 of 4 December 7, 2022

