US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R-EJ
Juneau Regulatory Field Office
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: May 5, 2006

EXPIRATION DATE: May 19, 2006

REFERENCE NUMBER: POA-1987-165-R

WATERWAY: Mendenhall River 32

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans, sheets 1-4, dated May 30, 1988.

APPLICANT: Mr. Thomas File, 9167 Parkwood Drive, Juneau, Alaska 99801

AGENT: None

LOCATION: The proposed project is located within NW ¼, Section 36, T. 40 S., R. 65 E., Copper River Meridian; Latitude 58.363° N., Longitude 134.614° W., Juneau B-2 Alaska Quadrangle, on USS-2136, in Juneau, Alaska.

PURPOSE: To place fill materials into waters of the U.S. for the purpose of constructing a golf course.

WORK: Place approximately 1,000 cubic yards of clean sand and gravel and construct a 200 foot by 30 foot access road, a 150 foot by 120 foot parking area, and a 375 foot by 10 foot footpath. Place an additional 400 cubic yards of clean sand, sawdust, and other soil to build five greens and five tees, to develop a 9-hole golf course.

ADDITIONAL INFORMATION: The permit was first authorized in December, 1988, and subsequently granted permit modifications M, N, O, P and Q for time extensions. Permit Modification Q expired on November 30, 2004, and no time extension was requested until December 20, 2005, which necessitated that the original permit be re-authorized. There are no changes to the original permit plans and construction drawings. The original permit conditions as stipulated in the original Section 401 "Certificate of Reasonable Assurance" have been completed with the removal and replacement of the bridges (see attached No ACMP Consistency Review Required letter, dated April 27, 2006, State I.D. No. 2005-1215J).

For additional information on this project, please contact Mr. Thomas File at the above address, or by telephone at (907) 789-1221.

For additional information on this project, please contact Mr. Thomas File at the afore mentioned address, or by telephone at (907) 789-1221.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources, has concurred with the applicant's certification. The original permit conditions, as stipulated in the original Section 401 "Certificate of Reasonable Assurance", have been completed with the removal and replacement of the bridges (see attached No ACMP Consistency Review Required letter, dated April 27, 2006).

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.

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 Engineer 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine

Fisheries Service. 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 proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. et seq and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and Federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That 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 Engineer 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.

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 Mr. Garth Zimbelman

at (907) 790-4490, or by email at garth.a.zimbelman@poa02.usace.army.mil if further information is desired concerning this notice.

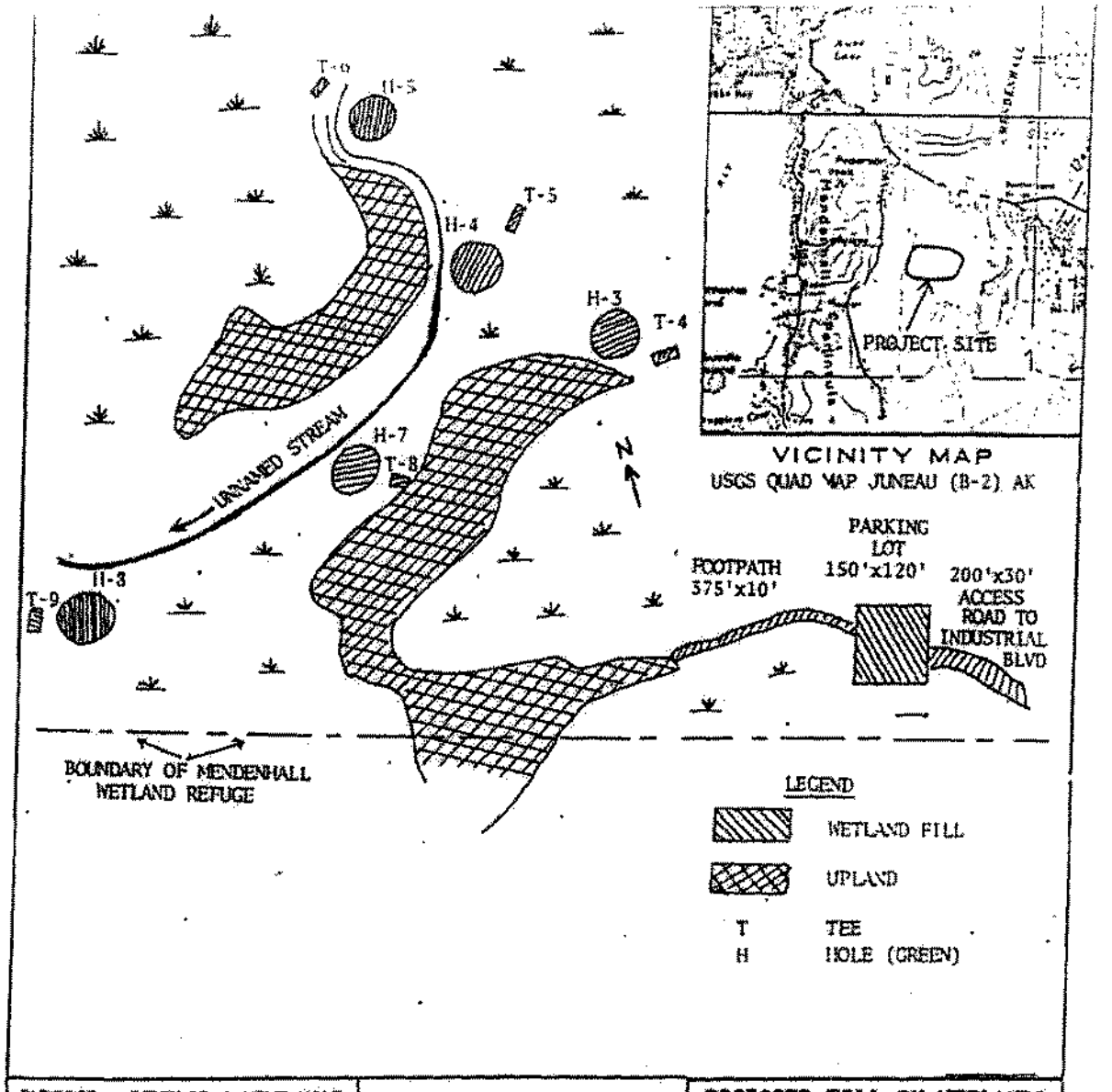
AUTHORITY: This permit will be issued or denied under the following authorities:

(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).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



PURPOSE: DEVELOP A NINE HOLE GOLF COURSE

ADJACENT PROPERTY OWNERS:
1. BETTY SMITH
2. RAINIER NATIONAL BANK
3. GERTRUDE MADSEN
4. STATE OF ALASKA

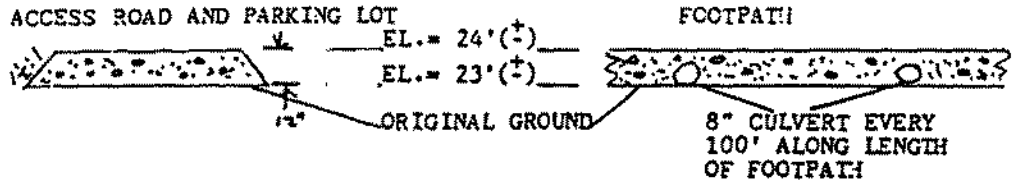
PLAN VIEW

THOMAS L. FILE
10155 JENSINE STREET
JUNEAU, ALASKA 99801

PROPOSED FILL ON WETLANDS
MENDENHALL RIVER WETLANDS
CITY&BOROUGH OF JUNEAU AK
APPLICATION BY TOM FILE
SHEET 1 of 3 3/27/87
MENDENHALL RIVER 32

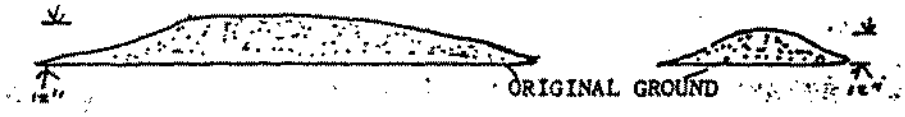
Thomas File POA-1987-165-R
Mendenhall River Sheet 1 of 4
05/30/88

CROSS SECTION DETAIL OF WETLAND FILL



PROFILE AND CROSS SECTION TYPICAL OF BOTH THE 50' AND 100' GREENS

PROFILE AND CROSS SECTION OF TYPICAL TEE



MATERIAL QUANTITIES FOR WETLAND FILL

CLEAN SAND AND GRAVEL TO BE OBTAINED OFFSITE

LOCATION	AMOUNT(C.Y.)
ACCESS ROAD	200
PARKING LOT	650
FOOTPATH	150
TOTAL	1,000 C.Y.

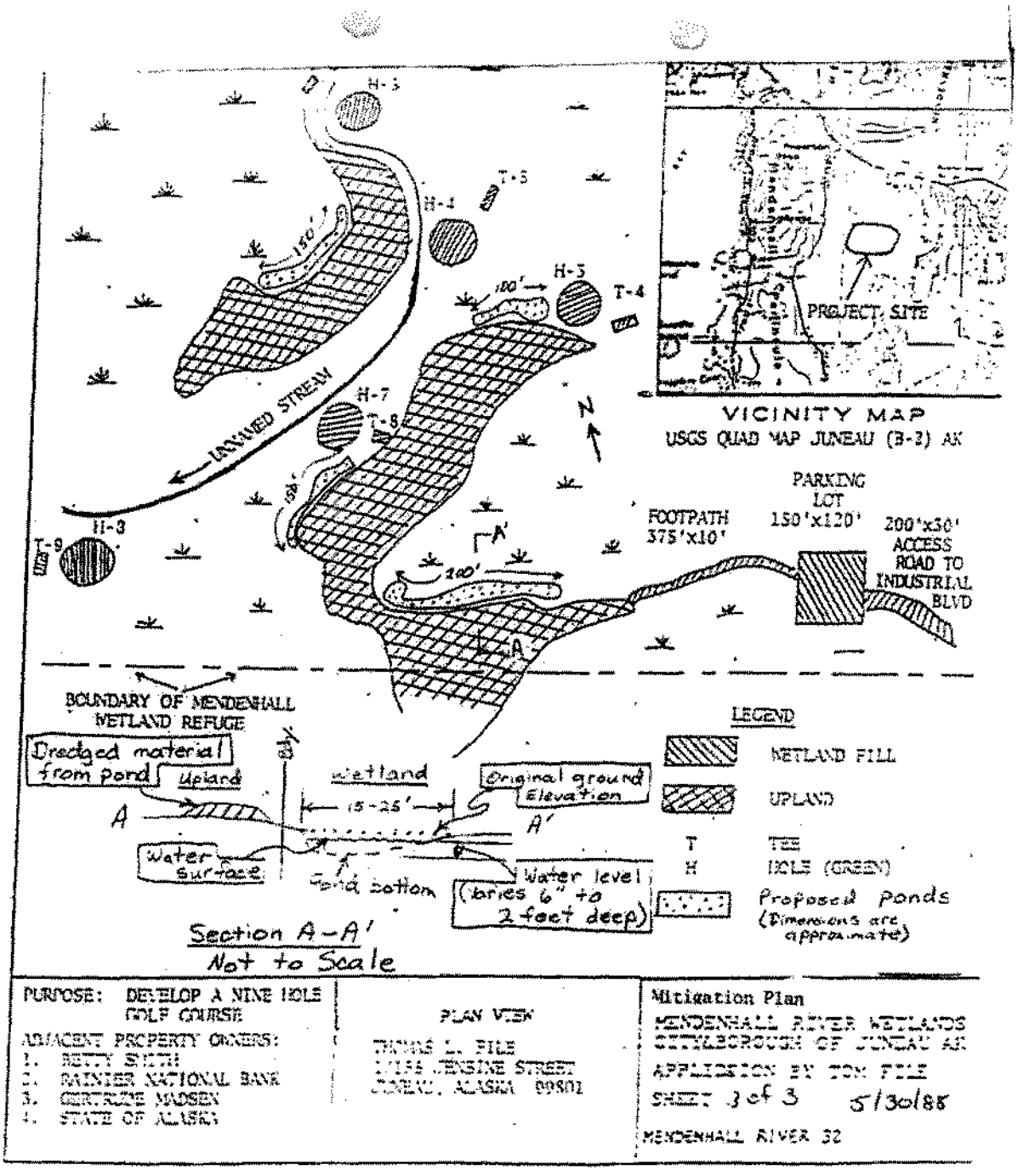
SAND AND SAWDUST MIX*

TEES NO.	AMOUNT(C.Y.)	GREENS NO.	AMOUNT(C.Y.)
4	10	3	50
5	10	4	50
6	10	5	50
8	10	7	100
9	10	8	100
TOTAL	50 C.Y.	TOTAL	350 C.Y.

*THE MAJORITY OF THE SAND PARTICLES FOR TEES AND GREENS WILL BE IN THE RANGE OF.25 AND.6MM (60 TO 30 MESH SCREEN) TO PROVIDE FOR ADEQUATE DRAINAGE. SAWDUST PARTICLES WILL BE 1/8 TO 3/16 OF AN INCH IN LENGTH. VOLUME OF SAND WILL BE 80% TO 20% SAWDUST.

TEES AND GREENS WILL BE FERTILIZED, SMOOTHED COMPACTED AND PLANTED WITH EMERALD, COLONIAL OR CREEPING BENTGRASS.

PROPOSED FILL ON WETLANDS
MENDENHALL RIVER WETLANDS
CITY&BOROUGH OF JUNEAU AK
APPLICATION BY TOM FILE
SHEET 2 of 3 3/27/87
MENDENHALL RIVER 32



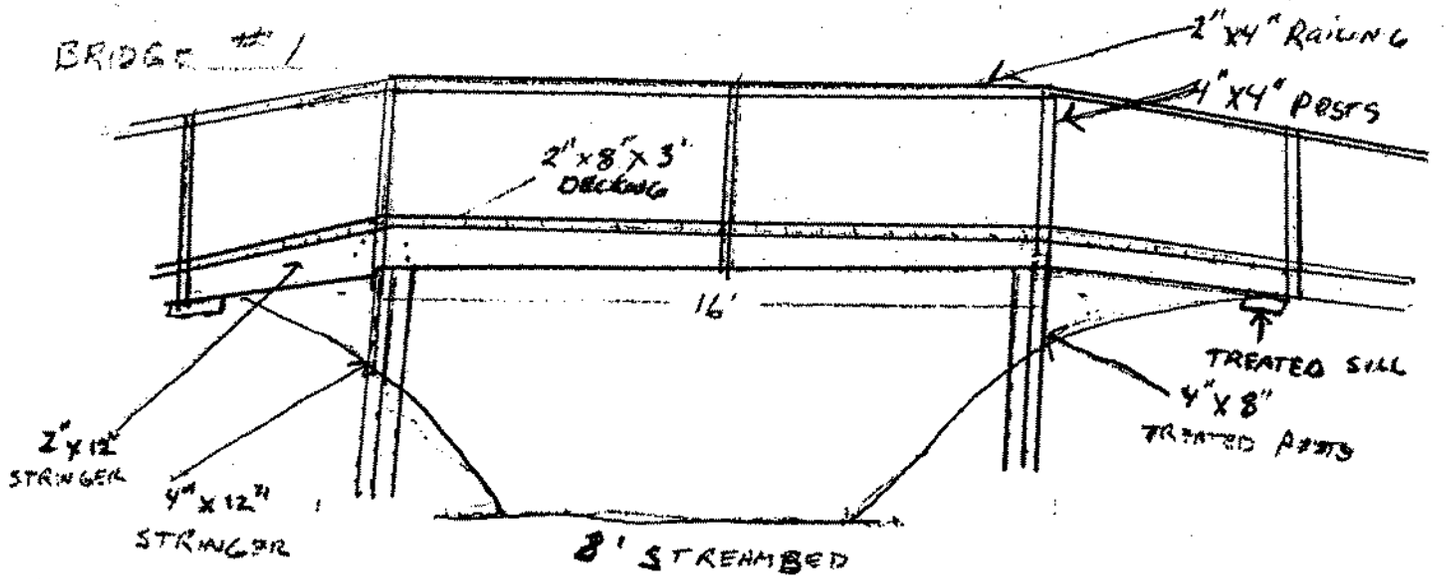
Thomas File
Mendenhall River
05/30/88

POA-1987-165-R
Sheet 3 of 4

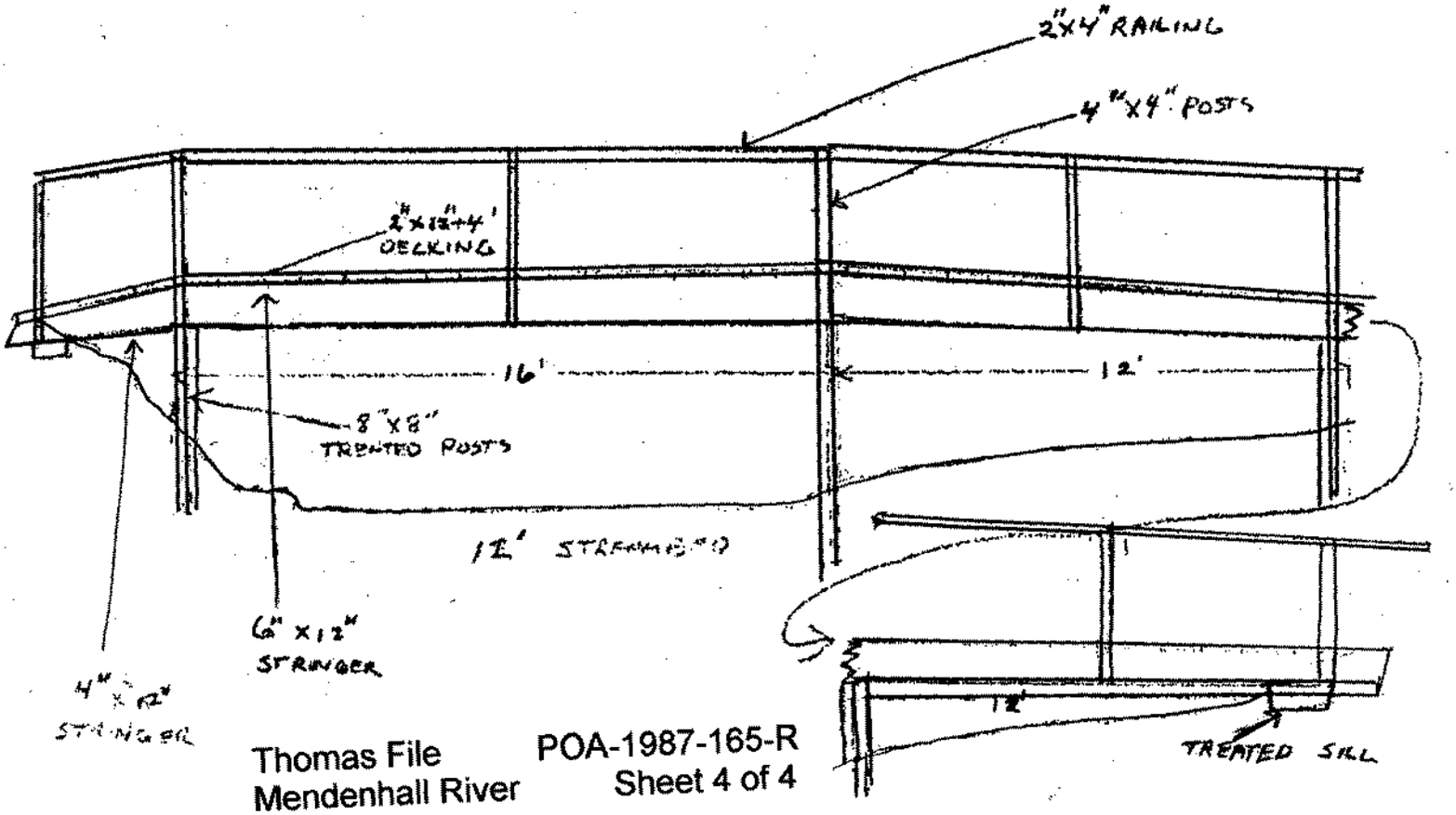
SKETCHES OF FOOT BRIDGES CROSSING

STREAM NUMBER 1049e

BRIDGE #1



BRIDGE # 2



Thomas File
Mendenhall River
05/30/88

POA-1987-165-R
Sheet 4 of 4

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

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-1987-165-R**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that 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 within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

Attachment 2

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

☐ SOUTHCENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

☒ CENTRAL OFFICE
302 GOLD STREET, SUITE 202
P.O. Box 111030
JUNEAU, ALASKA 99811-1030
PH: (907) 465-3562 FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501
PH: (907) 2857-1351 FAX: (907) 272-3829

April 27, 2006

Mr. Thomas File
9167 Parkwood Drive
Juneau, Alaska 99803-2199

Dear Mr. File:

Subject: Mendenhall River 32 Mod. (Mendenhall Golf Course Time Extension)
State I.D. No. 2005-1215J
No ACMP Consistency Review Required

The Office of Project Management & Permitting (OPMP) has received your Coastal Project Questionnaire and Certification Statement (CPQ), and U.S. Army Corps of Engineers (COE) application for a proposed extension of the expiration date of your COE Section 404 permit [POA-1987-0165] issued for the Mendenhall Golf Course on December 14, 1988. The project site is located within section 36, Township 40 S., Range 66 E.; Copper River Meridian; at approximately Latitude 58° 21.821' North, Longitude 134° 36.719' West; on the north side of the Mendenhall River north of Juneau, Alaska.

The original Mendenhall Golf Course activity was the subject of a previous State review [under AK 870421-23J] in 1987 and was found to be consistent with the standards and policies of the Alaska Coastal Management Program (ACMP) in effect at that time - as per a final consistency determination issued on July 22, 1987. This final determination listed four alternative measures (stipulations) that were accepted by the applicant and were placed on the Section 401 "Certificate of Reasonable Assurance" issued for the Golf Course activities by the Department of Environmental Conservation.

Measure #4 in the 1987 final determination reads as follows: *"Bridges must be redesigned and (re)constructed in a manner which will firmly anchor them into mineral soils beyond the upper edge of the stream bank."* On December 30, 2005 representatives of both the Department of Natural Resources' Office of Habitat Management and Permitting and OPMP visited the Mendenhall Golf Course. During this visit it was discovered that the bridges that were the subject of the 1987 stipulation were never brought into compliance with the intent of the 1987 stipulation.

Mr. Thomas File
Mendenhall River 32 Mod. (Mendenhall Golf Course Time Extension)
ID2005-1215J

April 27, 2006

On April 7, 2006 the representative of OHMP revisited the Mendenhall Golf Course and found that the bridges had been replaced and that the structures conformed to the requirements described in 1987 Measure #4. OHMP has determined that these new bridge structures allow the activities of the Mendenhall Golf Course to achieve consistency with the current standards of the ACMP.

objection to the COE issuing an expiration modification to authorization [illegible]

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the project is changed in any significant way, or if the actual use differs from the approved use contained in the original project description, the State may amend this State approval, and may require a consistency determination.

Thank you for your cooperation with the ACMP. If you have any questions, please contact me at (907) 465-4664, or by email at joe_donohue@dnr.state.ak.us.

Sincerely,

Joe Donohue
ACMP Project Specialist

cc: Jim Powell – ADEC, Juneau *
Mark Fink– ADFG, Anchorage *
Doug Sanvik – ADNR/DMLW, Juneau *
Travis Guymon – ADNR/DMLW, Juneau *
Carl Schrader – ADNR/OHMP, Juneau *
Jackie Timothy – ADNR/OHMP, Juneau *
Jen Becker – ADNR/OPMP, Juneau *
Margie Goatley – ADNR/SHPO, Anchorage *
Andy Hughes – ADOT/PF, Juneau *
Teri Camery – Coastal Contact, Juneau *
Garth Zimbelman – USACE, Regulatory, Juneau *
Susan Walker – NMFS, Juneau *

* emailed