US Army Corps
of Engineers
Alaska District

Regulatory Branch (1145)
CEPOA-CO-R-NF
3437 Airport Way, Suite 206
Fairbanks, Alaska 99709-4777

Public Notice of Application for Permit

PUBLIC NOTICE DATE: **January 16, 2007**

EXPIRATION DATE: **February 15, 2007**

REFERENCE NUMBER: **POA-2006-1556-V**

WATERWAY: **Clear Creek**

PARTIAL AFTER-THE-FACT

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 plan.

APPLICANT: Homestead Pumping and Thawing, Mr. Ken Born, 1235 Lakloey Drive, North Pole, Alaska 99705

LOCATION: The proposed project is located within section 22, T. 1 S., R. 1 E., Fairbanks Meridian; Latitude 64.8115° N., Longitude -147.5182° W.; Tax Lot 2251, near North Pole, Alaska.

PURPOSE: The purpose of the project is to develop two single-family home-sites and the expansion of an existing gravel pit.

WORK: The applicant seeks after-the-fact authorization for:

1. The mechanized land clearing of five (5) acres of wetlands. This work was conducted for the expansion of an existing gravel pit and the development of two single-family home-sites.

2. The placement of approximately 850 cubic yards of fill material into 0.4 acres of wetlands. This work was conducted for the construction of a 960' x 14' access road to the existing gravel pit. The fill material for this road was temporary and has since been removed.

The applicant also seeks authorization for the placement of approximately 5000 cubic yards of fill material into approximately two (2) acres of wetlands of the five (5) acres cleared, for the development of two single-family home-sites, and the mechanized land clearing of an additional two (2) acres of wetlands, for the expansion of the existing gravel pit.

A total of 7.4 acres of wetlands would be cleared and/or filled if the proposed project is authorized. All work would be completed in accordance with the attached plans, sheets 1-6, dated 01/12/2007.

ADDITIONAL INFORMATION:

Home-sites: Both home-site lots are approximately one acre in size and are located within the five (5) acres of unauthorized mechanized land clearing. The applicant

proposes to fill each lot (200′ x 200′ x 2′) for a house-pad (60′ x 40′), yard, septic, and driveway.

Gravel Pit/Pond: The applicant proposes to expand an existing gravel pit. The pit would be excavated to a depth of 10′-15′ with a 1V:10H shoreline.

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.

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 modify their designated critical habitat, 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 (MSFCMA), 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 (NMFS).

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 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. 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 Benjamin Soiseth at (907) 474-2166 or by email at Benjamin.N.Soiseth@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

SARAH PALIN, GOVERNOR

STATE OF ALASKA

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

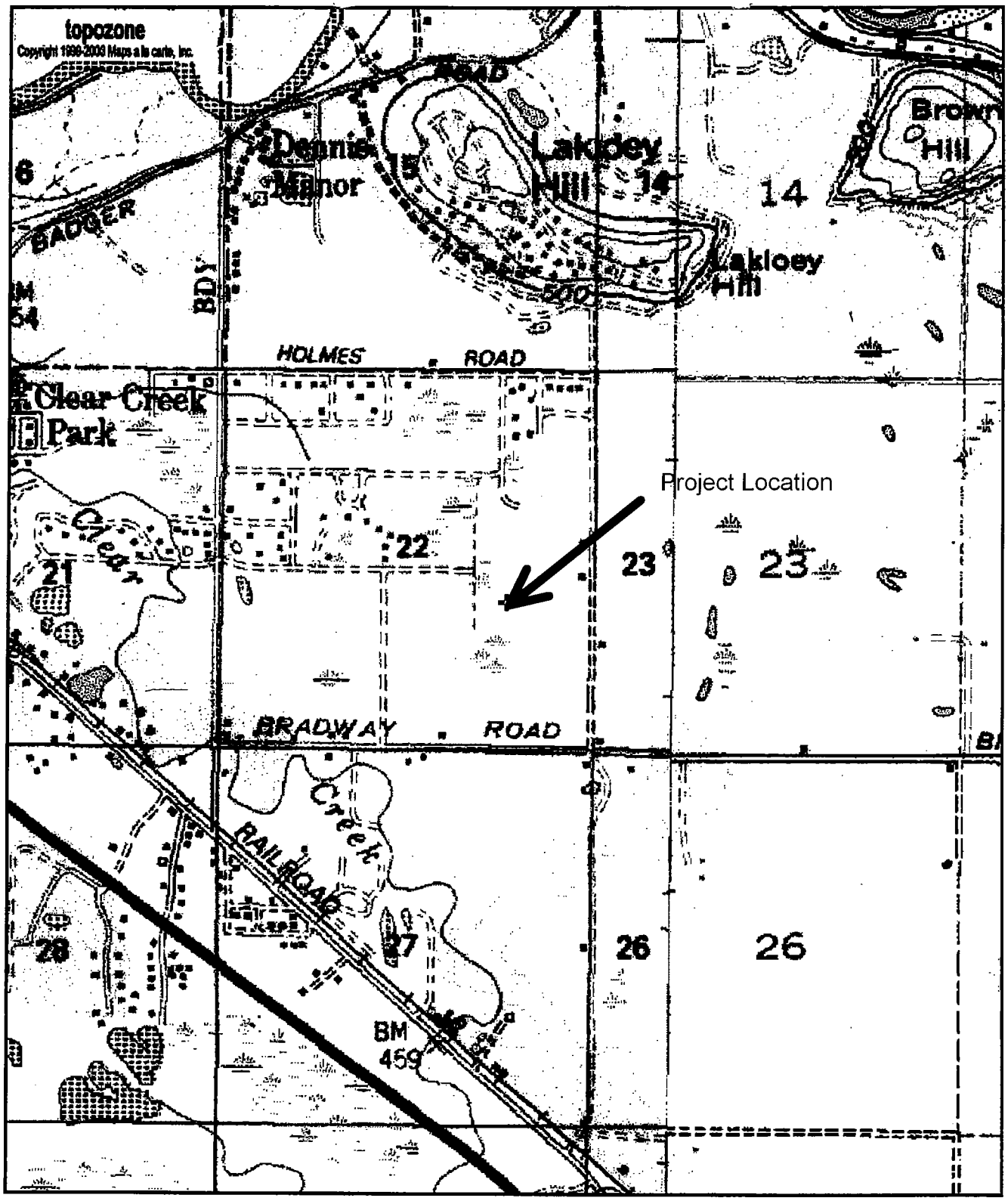
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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 2006 1556 V, Clear Creek**, 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
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508



0 0.4 0.8 1.2 1.6 2 km

0 0.2 0.4 0.6 0.8 1 mi

64.8115°N, 147.5182°W (NAD83/WGS84)

USGS Fairbanks D-2 SE (AK) Quadrangle

Projection is UTM Zone 6 NAD83 Datum

Project Location
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01/12/2006
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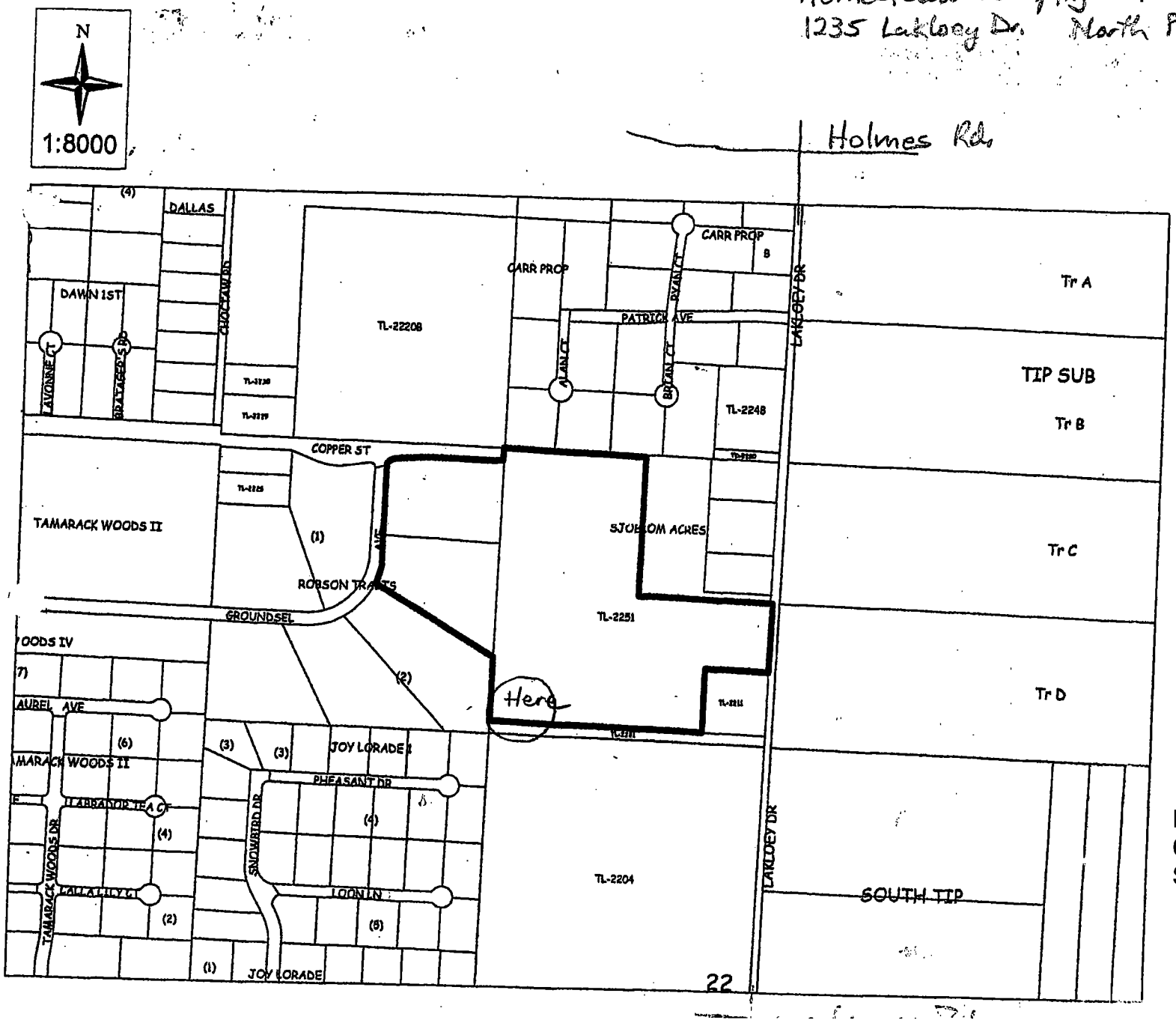
Area Map
Lots 13 + 14 Royal Estate
Homestead Pumping + Thaw
1235 Lakloey Dr. North P



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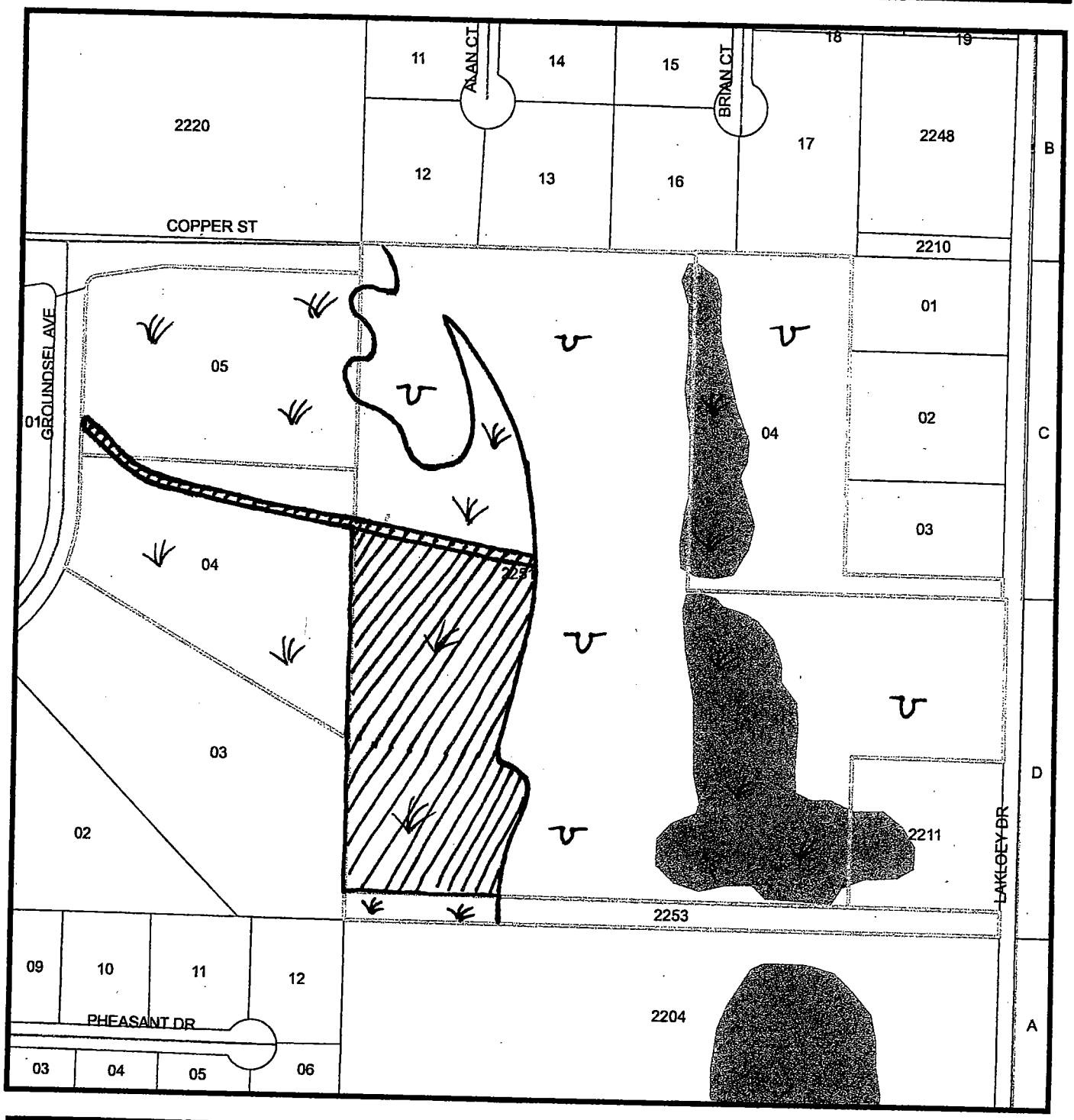

Legend upland

- FNSB Tax Parcels
- FNSB Roads
- FNSB water
- area of unauthorized activity
- preliminary jurisdictional wetl.

ArcGIS 9.0 Map
Compiled By: eeh
Date: 09/27/2006

0 12.5 25 50 75 100 Miles

1:3,289
1 inch equals 274 feet

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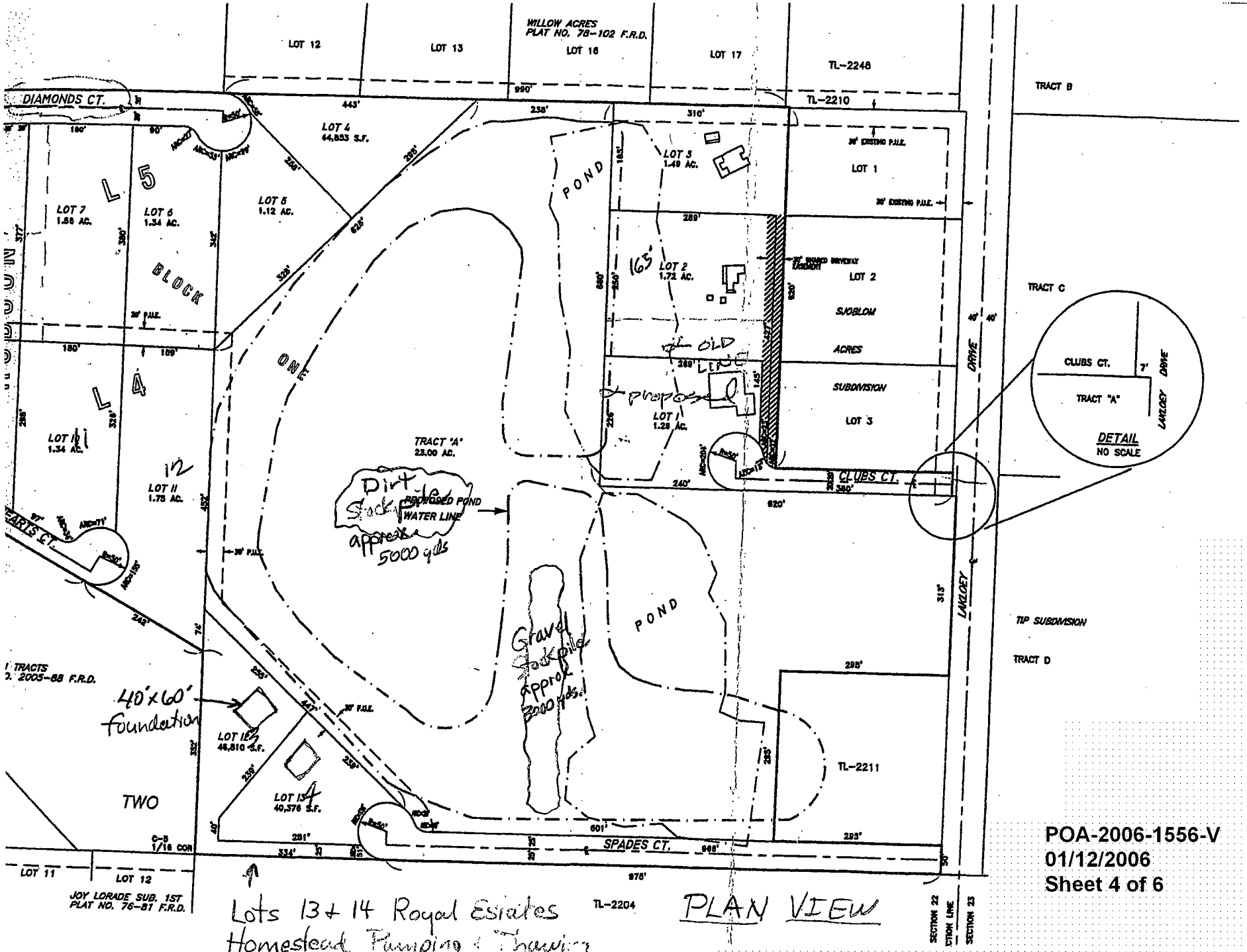

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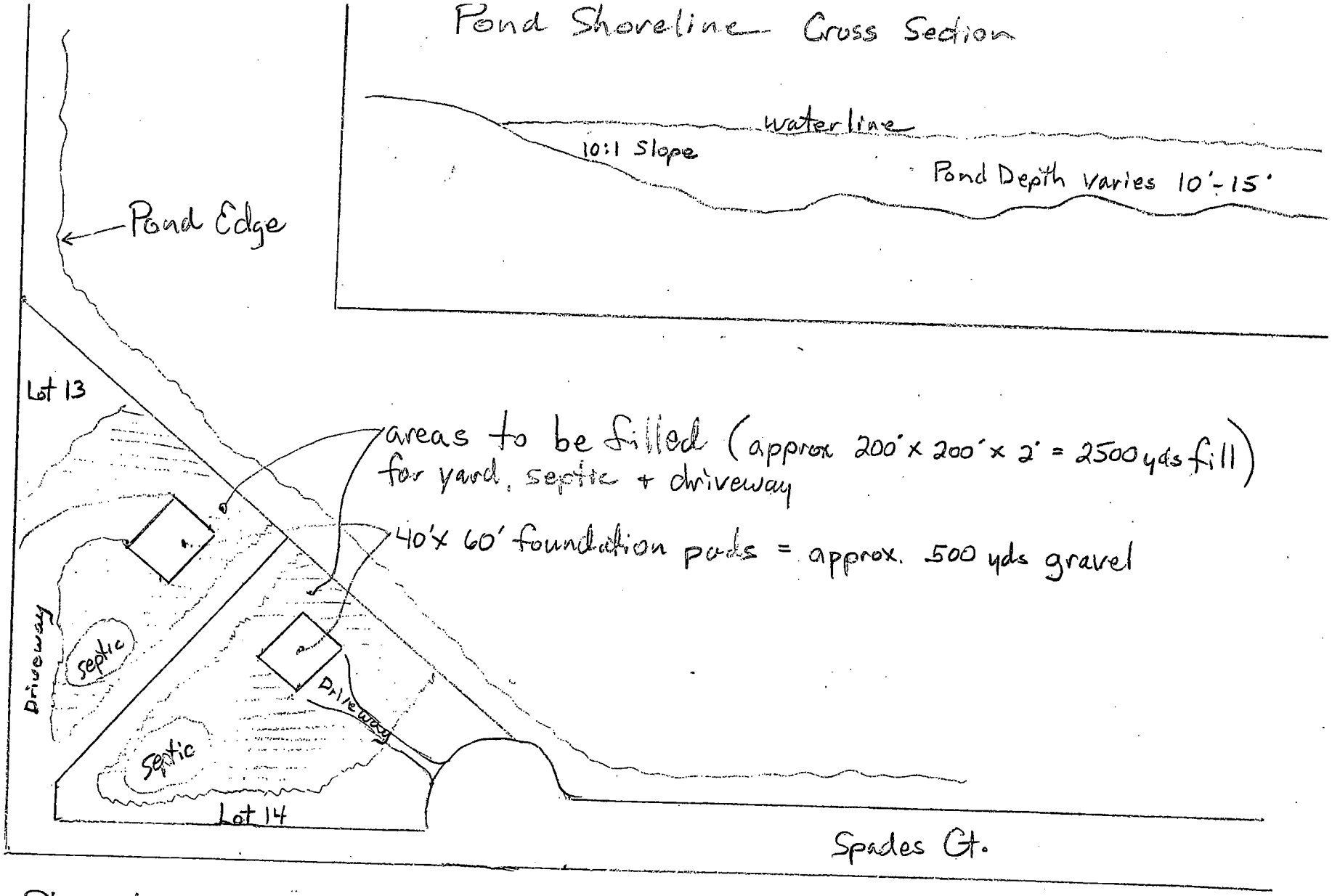

Plan View
Lots 13 + 14 Royal Estates
Homestead Pumping + Thawing
1235 Lakloey Dr. North Pole, AK

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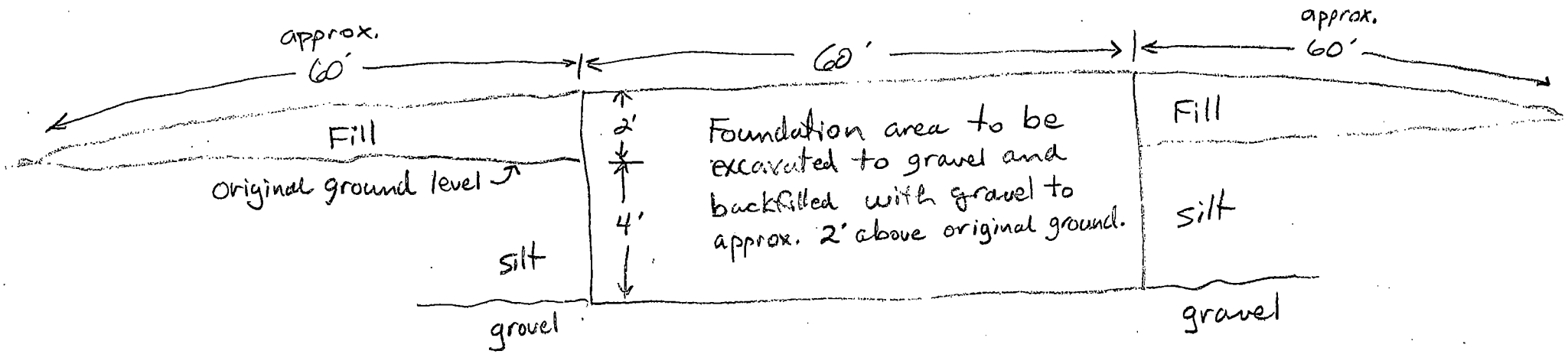

Section View

Foundation Plan

Lots 13 + 14 Royal Estates

Homestead Pumping + Thawing

1235 Lakeloop Dr. North Pole, AK

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