US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: **07 July 2008**

EXPIRATION DATE: **06 August 2008**

REFERENCE NUMBER: **POA-2008-854**

WATERWAY: **Big 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.

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 **Irvin (Skip) Joy** at (907) 753-2744, or cell (907) 350-5180, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Irvin.t.joy**@usace.army.mil if further information is desired concerning this notice.

APPLICANT: James C. Protzman, Post Office Box 520050, Big Lake, Alaska 99652

LOCATION: The project site is located within Section 25, T. 17 N., R. 4 W., Seward Meridian; USGS Quad Map Anchorage C-8; Latitude 61.5383º N., Longitude 149.9167º W.; Lot B-3; located on the north shore of Big Lake, south of Our Road.

PURPOSE: The applicant's stated purpose is to provide sea plane docking and shelter for his private aircraft.

PROPOSED WORK: Excavate approximately .75 of an acre, of lake shore to form a channel and turnaround area for one sea plane. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated June 2008.

ADDITIONAL INFORMATION: This project was originally designed as a large dock with several bays, and a small marina area. After conciliation Mr. Protzman has reduced the scale to the present proposed project.

MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States resulting from the proposed project. The applicant (Mr. Protzman), has reduced the size of the original proposed project by more then half, and will use a dredging fence during

the excavation of the site. The applicant will also replant the banks of the excavation with willows to provide stabilization, and provide shade and protection from predators for the young fish in the excavated area.

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 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 Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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 Commander 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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. At one time an eagles nest was located approximately ¼ mile north of the site, but the nest tree blew down in a wind storm 2 years ago.

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 (NMFS). 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).

Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH 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 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, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT *(33 CFR 325)*	OMB APPROVAL NO. 0710-0003 Expires December 31, 2004

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME JAMES C PROTZMAN	8. AUTHORIZED AGENT'S NAME AND TITLE *(an agent is not required)* NONE
6. APPLICANT'S ADDRESS PO BOX 520050 BIG LAKE AK 99652	9. AGENT'S ADDRESS NONE
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence 907-232-6932 b. Business 907-677-9540	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business None

11. **STATEMENT OF AUTHORIZATION**

I hereby authorize NONE to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE *(see instructions)*

DIG OUT WETLANDS

13. NAME OF WATERBODY, IF KNOWN *(if applicable)*

BIG LAKE

14. PROJECT STREET ADDRESS *(if applicable)*

15. LOCATION OF PROJECT

BIG LAKE — COUNTY

ALASKA — STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

TOWNSHIP 17 N RANGE 4 W Section 25 LOT B-3

17. DIRECTIONS TO THE SITE

PARKS HWY - BIG LAKE TURNOUT - WEST LAKES BLVD - Belarde - SHANGRILA LANE

18. Nature of Activity *(Description of project, include all features)*

Dig out wet land (Approx 3/4 Acre) Make Usable Area to Park Boat / Airplane. Winter Work During Freeze Jan-February 2008. Place Silt Curtain Prior to 2007 freeze up. All Removed material will Be Place on Adjecent 40 Acre Lot

19. Project Purpose *(Describe the reason or purpose of the project, see instructions)*

To Be Able to use water front for Personal Boat Dock, Float Plane Tie up. Start work 07-08 Winter Season, 08 Summer Replant New Shoreline

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

None

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

None

22. Surface Area in Acres of Wetlands or Other Waters Filled *(see instructions)*

None

23. Is Any Portion of the Work Already Complete? Yes _____ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

Gregg & Janice Strong

George (Last name unknown)

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

[signature] 10/2/07

SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

N

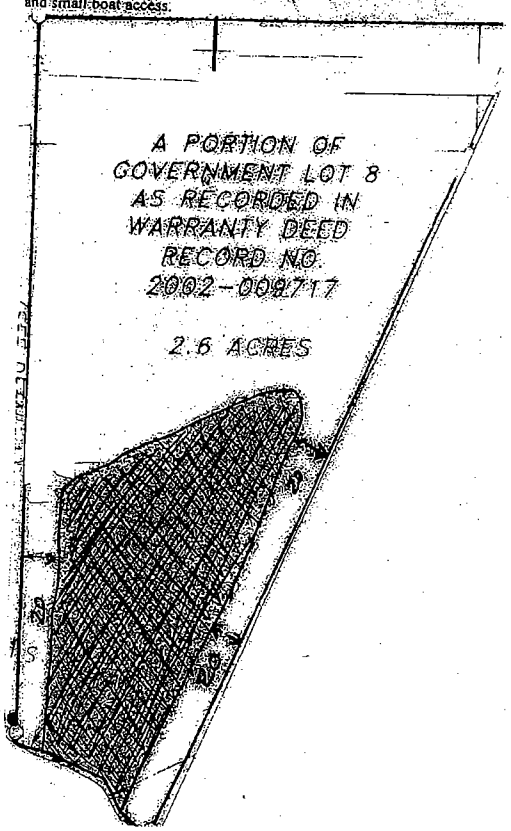
The proposed project consist of
Excavating (In Winter months)
the shaded area as shown. After excavated

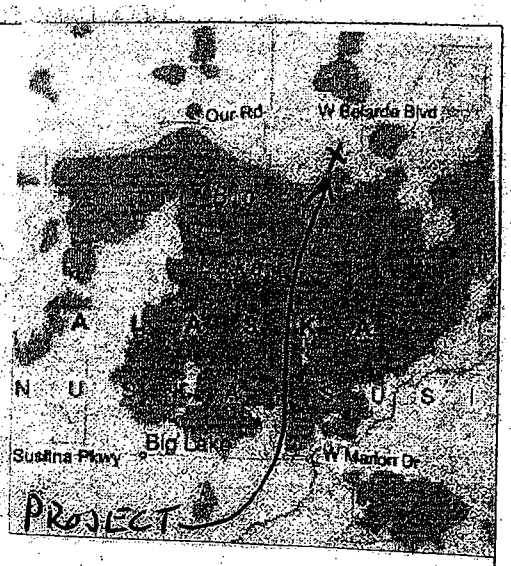
Material will be removed from the
Lot at the time of excavating. A floating
Silt curtain will be placed at the waterfront
Shore line prior to the lake freezing
(150' wide by 7' deep) Manufactured
By Polar Supply Company.

Revegetation of the new shore line will be
Done with willow and other native plant life
In the area during summer months

The existing growth above high water mark
Ranges from 2-3 ft. high

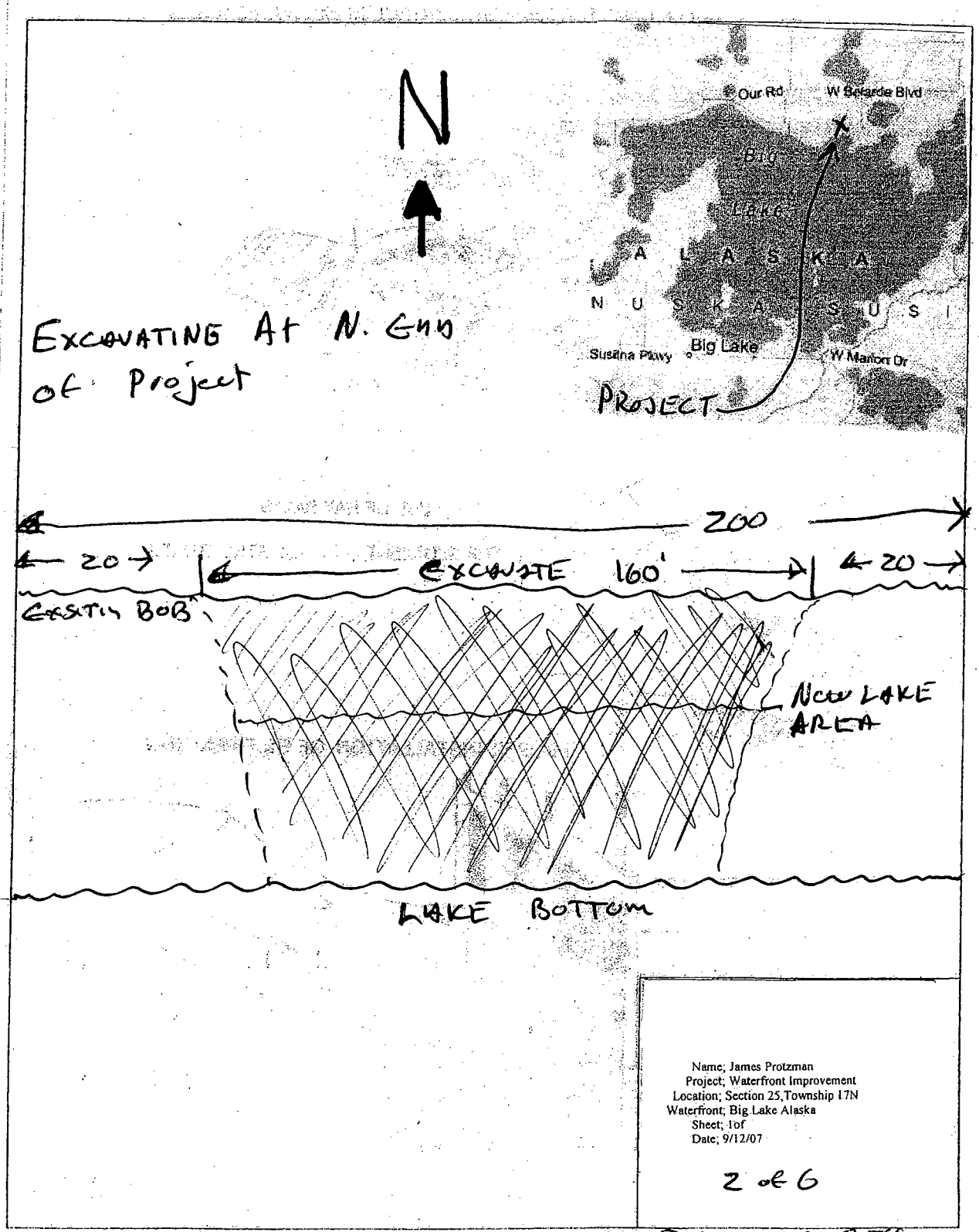
The proposed excavation will be dug out 3-4 ft
Below high water mark, to allow float plane
and small boat access.





Name; James Protzman
Project; Waterfront Improvement
Location; Section 25; Township 17N
Waterfront; Big Lake Alaska
Sheet; 1of 6
Date; 9/12/07

POA - 2008-854
Big Lake
Sheet 1 of 6
June, 2008



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Sheet; 1of
Date; 9/12/07

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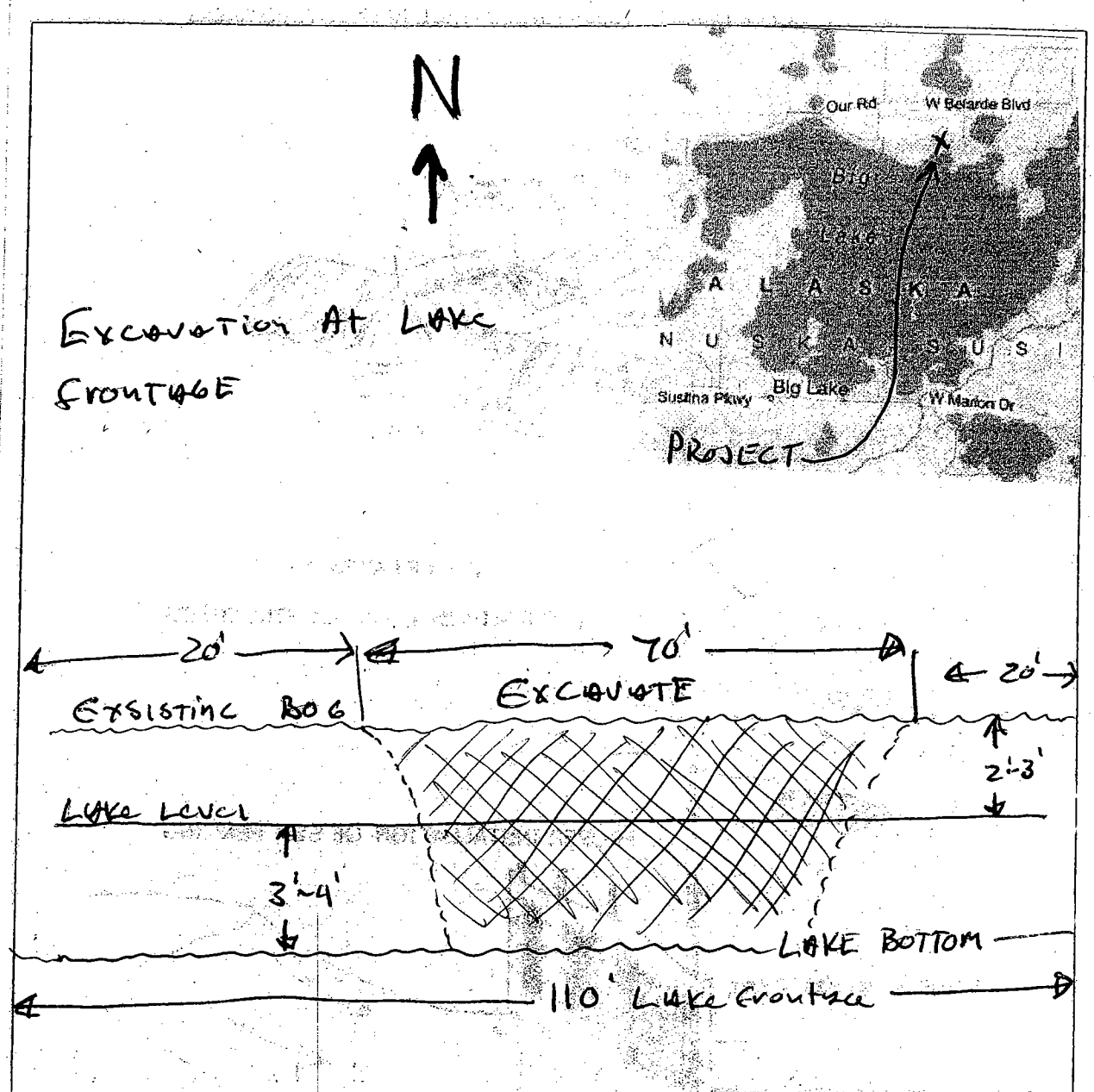
Big Lake
Sheet 2 of 6
June, 2008



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Big Lake
Sheet 3 of 6
June, 2008

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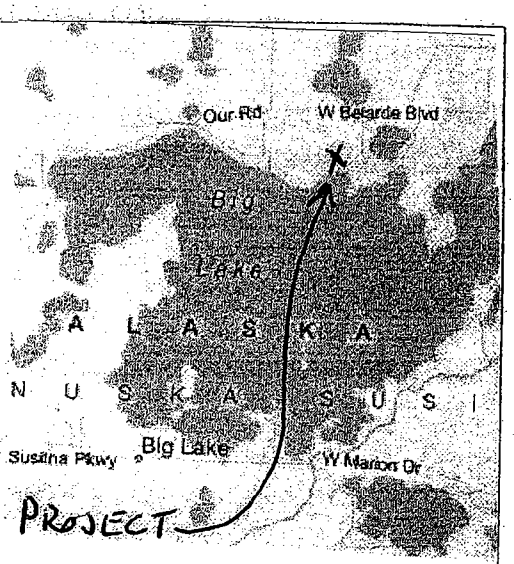

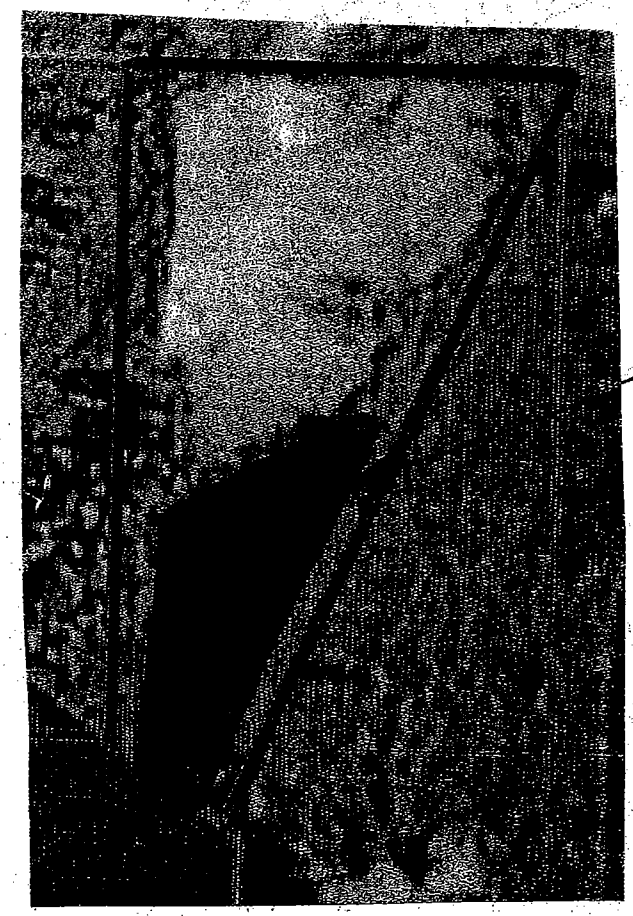

BLACK OUT AREA
Shows Proposed
Excavation AREA

PROJECT LOT

Name; James Protzman
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Location; Section 25,Township 17N
Waterfront; Big Lake Alaska
Sheet; 1of
Date; 9/12/07

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Big Lake
Sheet 4 of 6
June, 2008

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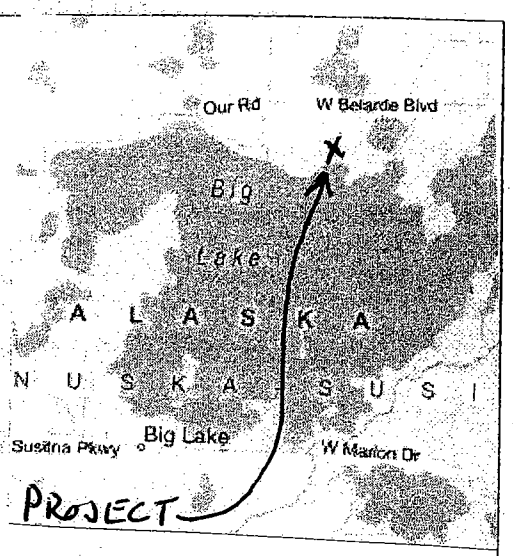

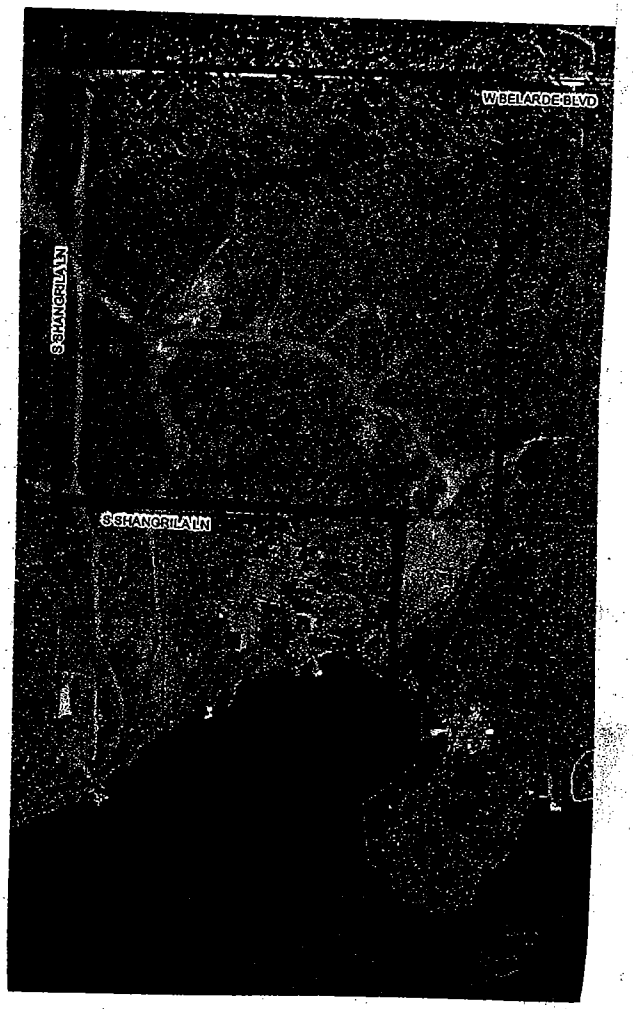

BOTH LOTS

Name; James Protzman
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Waterfront; Big Lake Alaska
Sheet; 1of
Date; 9/12/07

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Big Lake
sheet 5 of 6
June, 2008

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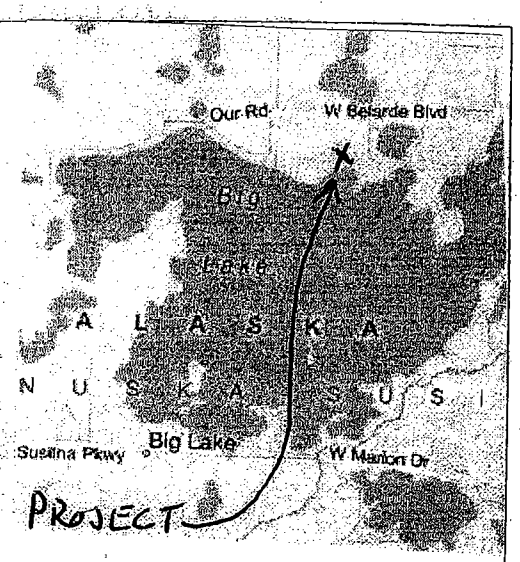
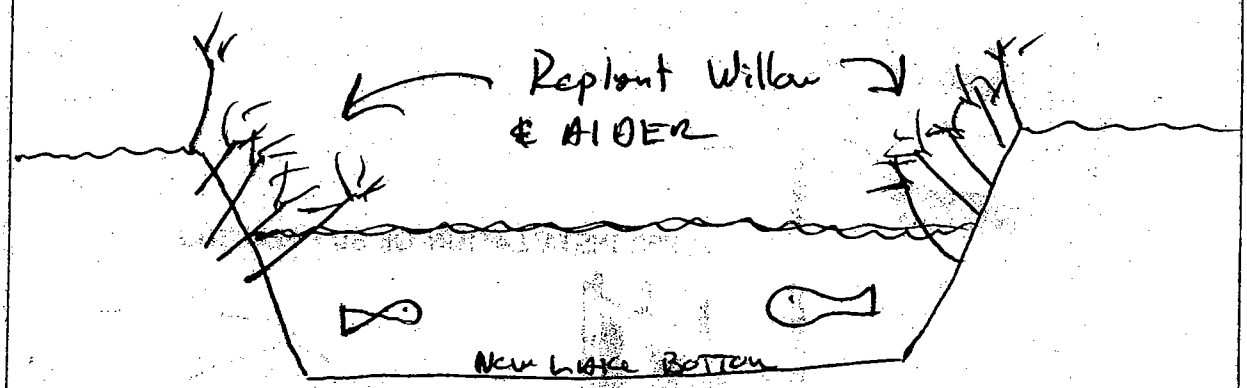


Revegetation Plan



Replant All AREAS DISTURBED

Name; James Protzman
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Sheet; 1of
Date; 9/12/07

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Big Lake
sheet 6 of 6
June, 2008

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT

ANCHORAGE
DIVISION OF COASTAL AND OCEAN MANAGEMENT
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2008-854, Big Lake**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at http://www.alaskacoast.state.ak.us//Projects/projects.html.