



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: 18 July 2008

EXPIRATION DATE: 4 August 2008

REFERENCE NUMBER: POA-2008-865

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 **Ms. Leslie W. Tose** at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **leslie.w.tose@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Mr. and Mrs. Mark and Renae Nelson, PO. Box 52183, Big Lake, Alaska, 99652

AGENT: Ms. Lindsey McGhan, McGhan Construction Company, Inc., P.O. Box 52036, Big Lake, Alaska 99652, phone: (907) 872-6446

LOCATION: The project site is located at 3498 S. Lake View Loop, Sec. 28, T. 17 N., R. 3 W., USGS Quad Anchorage C-8, Seward Meridian, Latitude 61.5383°N., Longitude 149.833° W.

PURPOSE: The applicant's stated purpose is to construct a pile supported boat docks for personal use, at Big Lake, Alaska.

PROPOSED WORK: The applicant proposes to install a pile supported boat dock, 6 feet (') wide by 34' long, totaling 204 square feet (sf) in area. The dock would extend 34' from the shore. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated July 15, 2008, 2008.

ADDITIONAL INFORMATION: The dimensions and size of the proposed dock qualify the project for the State of Alaska General Concurrence 15-A.

MITIGATION: The applicant has proposed the following mitigation measures to reduce impacts to the aquatic environment:

1. To maintain vegetation along the shoreline, the first four feet of the dock shall be constructed so as to allow 50% light penetration below the surface of the structure.
2. If treated wood is used for the dock structure, it should be treated with a waterborne preservative approved for use in aquatic and/or marine environments. Creosote may be used; however, must be applied by pressure injection using a method that prevents leaching.

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 Office of Project Management and Permitting, 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.

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).

The permit application, the project drawings, and the Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, 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. 0710-003
Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including 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. **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

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, 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
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME MARC + RENAE NELSON	8. AUTHORIZED AGENT'S NAME AND TITLE <i>(see agent is not required)</i> MCGHAN CONSTRUCTION CO. INC
6. APPLICANT'S ADDRESS PO BOX 521833 BIG LAKE, AK 99652	9. AGENT'S ADDRESS PO BOX 520356 BIG LAKE, AK 99652
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business 907-892-1628	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business 907-892-6446 892-6124/jek

11. STATEMENT OF AUTHORIZATION
I hereby authorize, Meghan Const Co Inc 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.

X 
APPLICANT'S SIGNATURE

5/23/08
DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <i>(see instructions)</i> NELSON DOCK	
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> BIG LAKE	14. PROJECT STREET ADDRESS <i>(if applicable)</i> 3498 S. LAKE VIEW LOOP TOWNSHIP 17N RANGE 03 W SECTION 28 SEWARD MERIDIAN
15. LOCATION OF PROJECT BIG LAKE COUNTY AK STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, <i>(see instructions)</i>	POA-2008-865, Big Lake Applicants: Mark and Renae Nelson Location: Sec. 28, T. 17 N., R. 3 W. USGS Quad Anchorage C-8, Seward Meridian Latitude 61.5383°N., Longitude 149.833° W.
17. DIRECTIONS TO THE SITE	Page 1 of 4 APPLICATION PAGE ONE

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

BUILD A PILE SUPPORTED DOCK - 6434 FOR A TOTAL OF 204 SQ FT.

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

ACCESS FROM LAKE TO PROPERTY OWNERS UPLAND PROPERTY FOR PERSONAL USE

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

20. Reason(s) for Discharge

N/A

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

N/A

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

N/A

23. Is Any Portion of the Work Already Complete? Yes

No

IE 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).

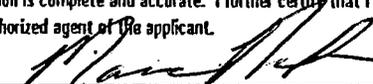
GOETTER SUB LOT 2 3516 S LAKE VIEW LOOP CHESTER R MILTON + KATHARYN A ROSSELLE
PO BOX 770716 EAGLE RIVER 99577-0716
LAKE PARK SUB B111 : 3490 S. LAKE VIEW LOOP SCHILMOELLER HJ + JR TRS
SCHILMOELLER JANE R TR
125 W. MANOR AVE ANCHORAGE, AK 99501-1157

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
DNR - OFFICE OF HABITAT MANAGEMENT + PERMITTING			5/23/08		
DNR - CPQ			5/23/08		

*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.

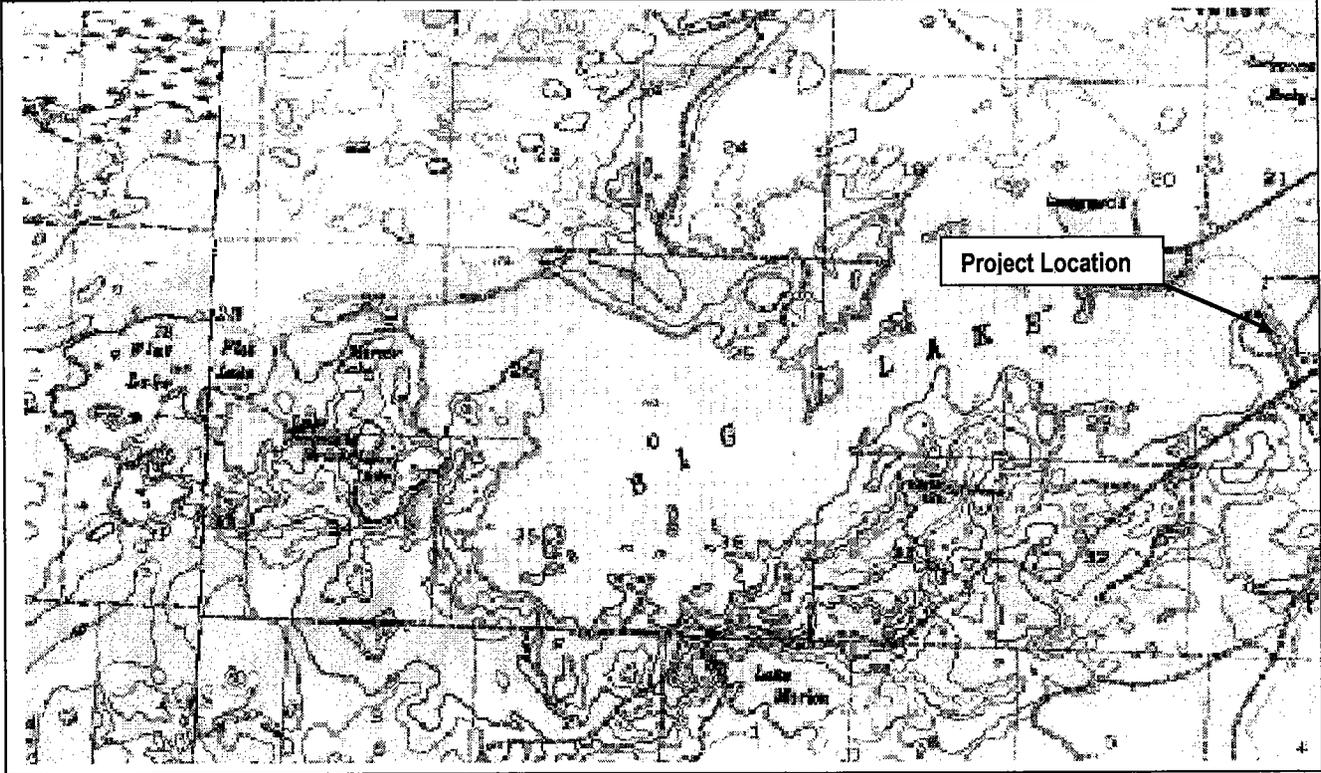
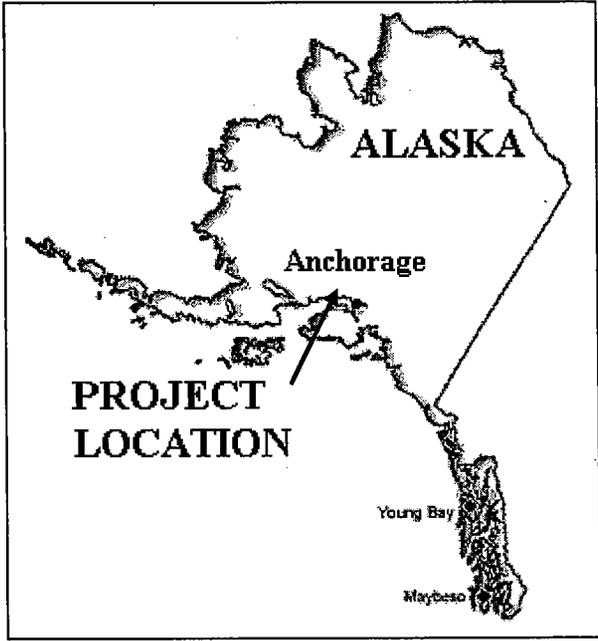
X 
SIGNATURE OF APPLICANT

5/23/08

POA-2008-865, Big Lake
Applicants: Mark and Renae Nelson
Location: Sec. 28, T. 17 N., R. 3 W.
USGS Quad Anchorage C-8, Seward Meridian
Latitude 61.5383° N., Longitude 149.833° W.
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APPLICATION PAGE TWO

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18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or entry, shall be liable.



scale: 1" = 1 mile

POA-2008-865, Big Lake
Applicants: Mark and Renae Nelson
Location: Sec. 28, T. 17 N., R. 3 W.
USGS Quad Anchorage C-8, Seward Meridian
Latitude 61.5383°N., Longitude 149.833° W.
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VICINITY MAP

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

ANCHORAGE

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
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 Office of Project Management and Permitting 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-2008-865, 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 Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.