



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	December 2, 2019
EXPIRATION DATE:	January 2, 2020
REFERENCE NUMBER:	POA-2009-00629
WATERWAY:	Wrangell Narrows

Interested parties are hereby notified that a Department of the Army after the fact permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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: regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Emily Vullo at (907) 753-2704, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Emily.N.Vullo@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ms. Stacy Kittams

LOCATION: The project site is located within Section 11, T. 60 S., R. 79 E., Copper River Meridian; USGS Quad Map Petersburg C-3; Latitude 56.6878° N., Longitude 132.9327° W.; Petersburg Borough, Falls Creek Subdivision, Lot 14; approximately 10 miles south of Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to provide residential access, removal of dangerous leaning trees, erosion control, and business gear storage.

PROPOSED WORK: The project was originally permitted, through NWP 29, Residential Development, to place fill to construct a driveway, house pad, garage pad, and an absorption bed in wetlands on Lot 14. This was verified in 2009 and re-verified in 2013. The applicant filled 0.677-acres of wetlands. These impacts include a driveway, garden, the front of the lawn, erosion control rip rap, as well as an upper storage pad for business gear storage. The below table and page 2 of 5 of the enclosed plans give amounts and locations of placed fill.

Location on Property	Fill Authorized (Acre)	Fill Placed (Acre)	Delineated WOTUS Impacted (Acre)
Driveway (Lot 14)	0.18	0.25	0.25
Garage Pad (Lot 14)	0.02	0.0476	0
House Pad (Lot 14)	0.27	0.2824	0
Lawn/Absorption Bed (Lot 14)	0.01	0.29	0.04
Garden 1 (Lot 14)	0	0.11	0
Garden 2 (Lot 14)	0	0.12	0.12
Rip Rap (Lot 14)	0	0.0167	0.0167
Upper Storage Pad (Lot 11)	0	0.25	0.25
Totals	0.48	1.3667	0.6767

All work has been performed in accordance with the enclosed plan (sheets 1-5), dated November 2019.

ADDITIONAL INFORMATION: The applicant received a Department of Transportation driveway permit (# 21192) on October 14, 2010.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: The house pad, parking pad, garage and majority of the attendant features are situated in uplands. Access to the property would not allow avoiding wetlands entirely.
- b. Minimization: When work was completed, best management practices were carried out. Work was planned and completed in a manner to maintain the existing slope and drainage of the project area. The applicant also only installed one driveway through the wetlands accessing both the business pad and the residential area.
- c. Compensatory Mitigation: The applicant is not proposing compensatory mitigation at this time.

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 or within the vicinity of the permit area. The permit area has been determined to be the direct footprint of the fill. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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). Any comments SHPO may have concerning presently unknown archeological or historic data that may have been lost or destroyed by work under the requested after the fact 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 NMFS 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 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 PN 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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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 (PN) Reference Number POA-2009-00629, Wrangell Narrows, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance 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 to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.


Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.


POA-2009-00629

Vicinity Map

Legend

 Project Location

Petersburg

 Project Location

Wrangell-Petersburg

Google earth

Image © 2019 CNES / Airbus
Image © 2019 Maxar Technologies
Image US Forest Service
Image Landsat / Copernicus



10 mi

POA-2009-00629

Fill Placed

Upper Business Storage Pad

Driveway

Garden 1

Garden 2

Garage Pad

House Pad

Rip Rap

Lawn

Shaded areas are
unauthorized fill in
wetlands. Unshaded
areas are fill in uplands.

Google earth

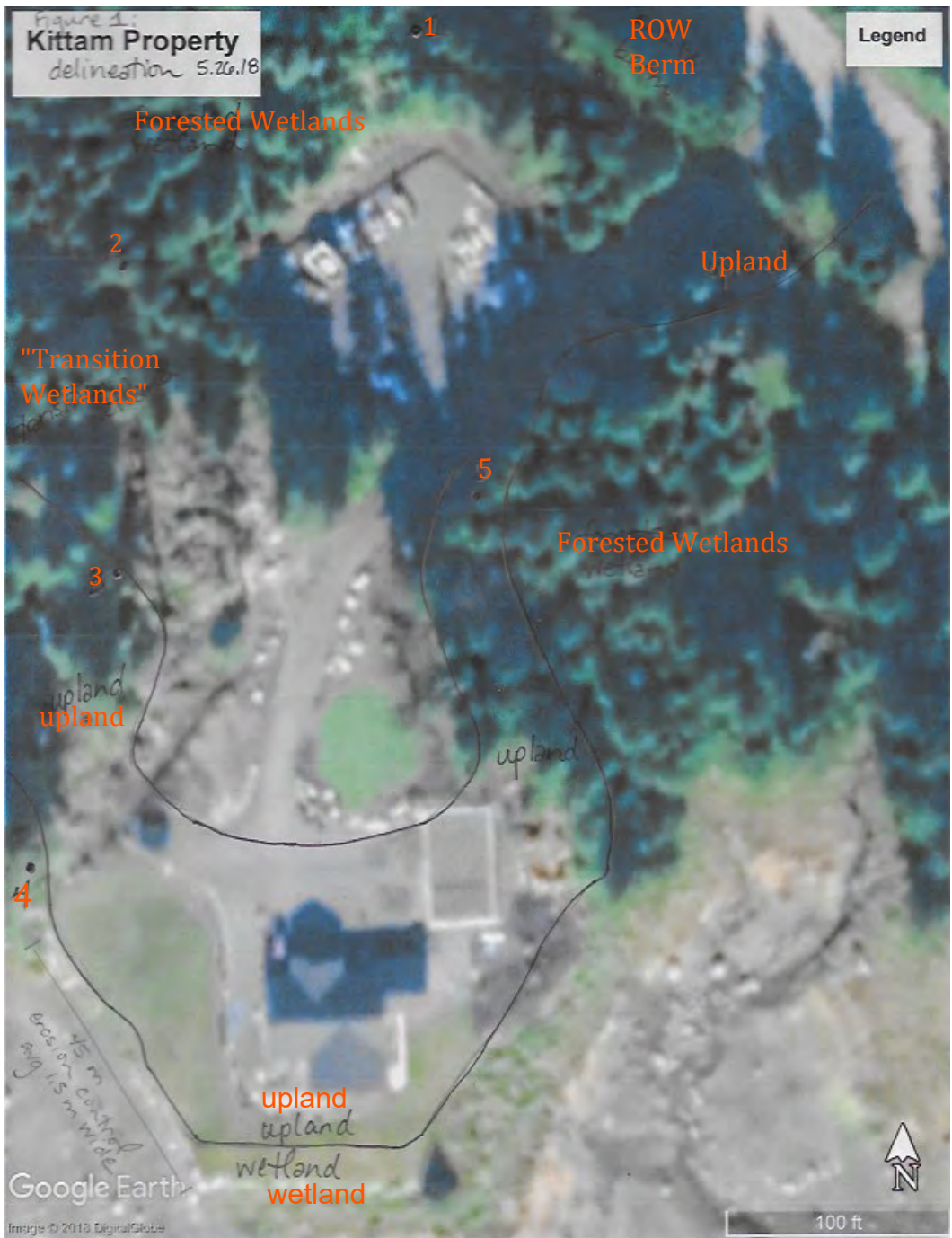
Image © 2018 DigitalGlobe

Applicant: Kittams File No.: POA-2009-00629, Proposed Activity: Retain Fill Impacts, Lat.: 56.6878° N Long.: 132.9327° W, Date: Nov 2019; Page 2 of 5

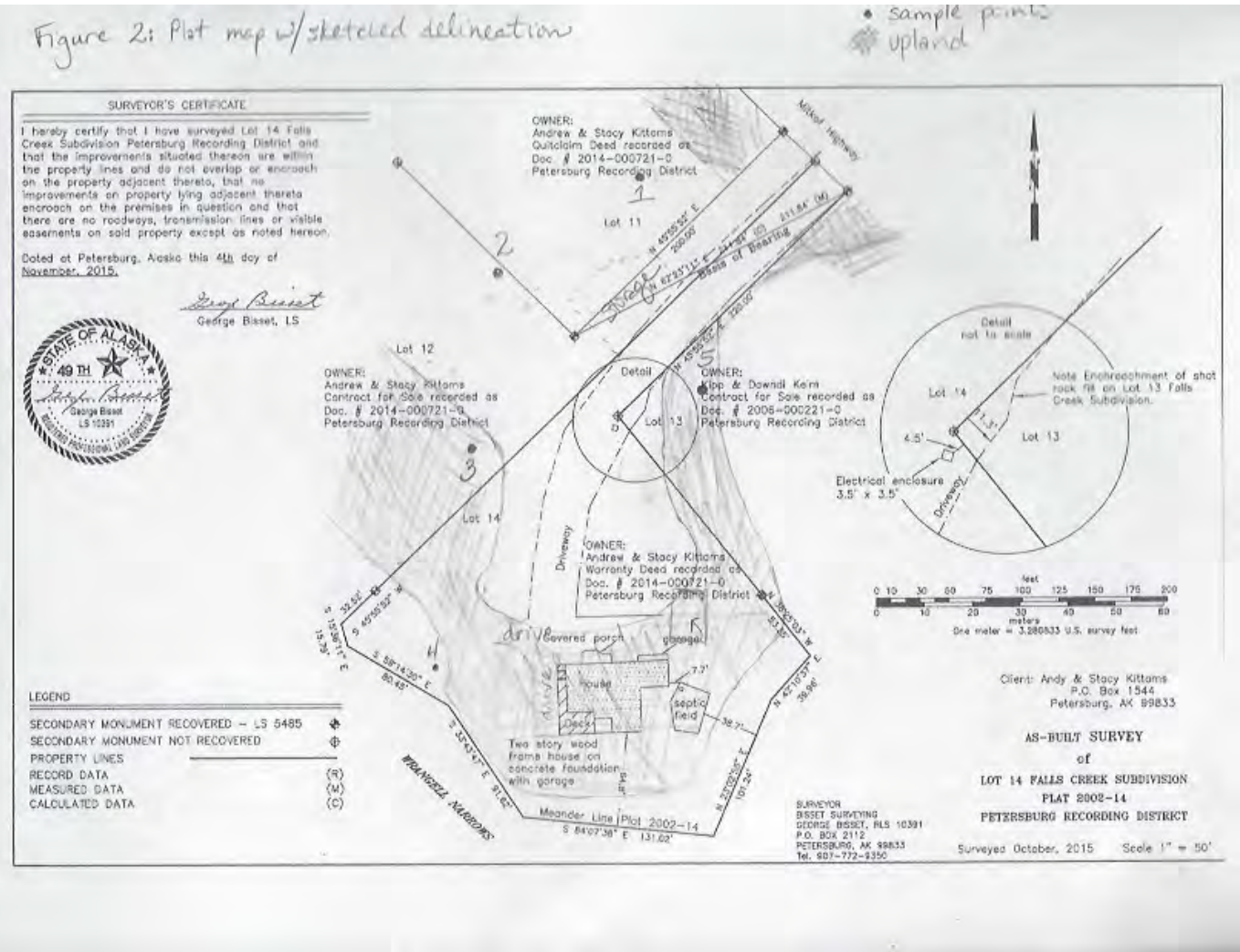
200 ft



Submitted Delineation



Delineation sketch on plat map.



SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed Lot 14 Falls Creek Subdivision Petersburg Recording District and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property adjacent thereto, that no improvements on property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or visible easements on said property except as noted hereon.

Dated at Petersburg, Alaska this 4th day of November, 2015.

George Bisset
George Bisset, LS



OWNER:
Andrew & Stacy Kittams
Contract for Sale recorded as
Doc. # 2014-000721-0
Petersburg Recording District

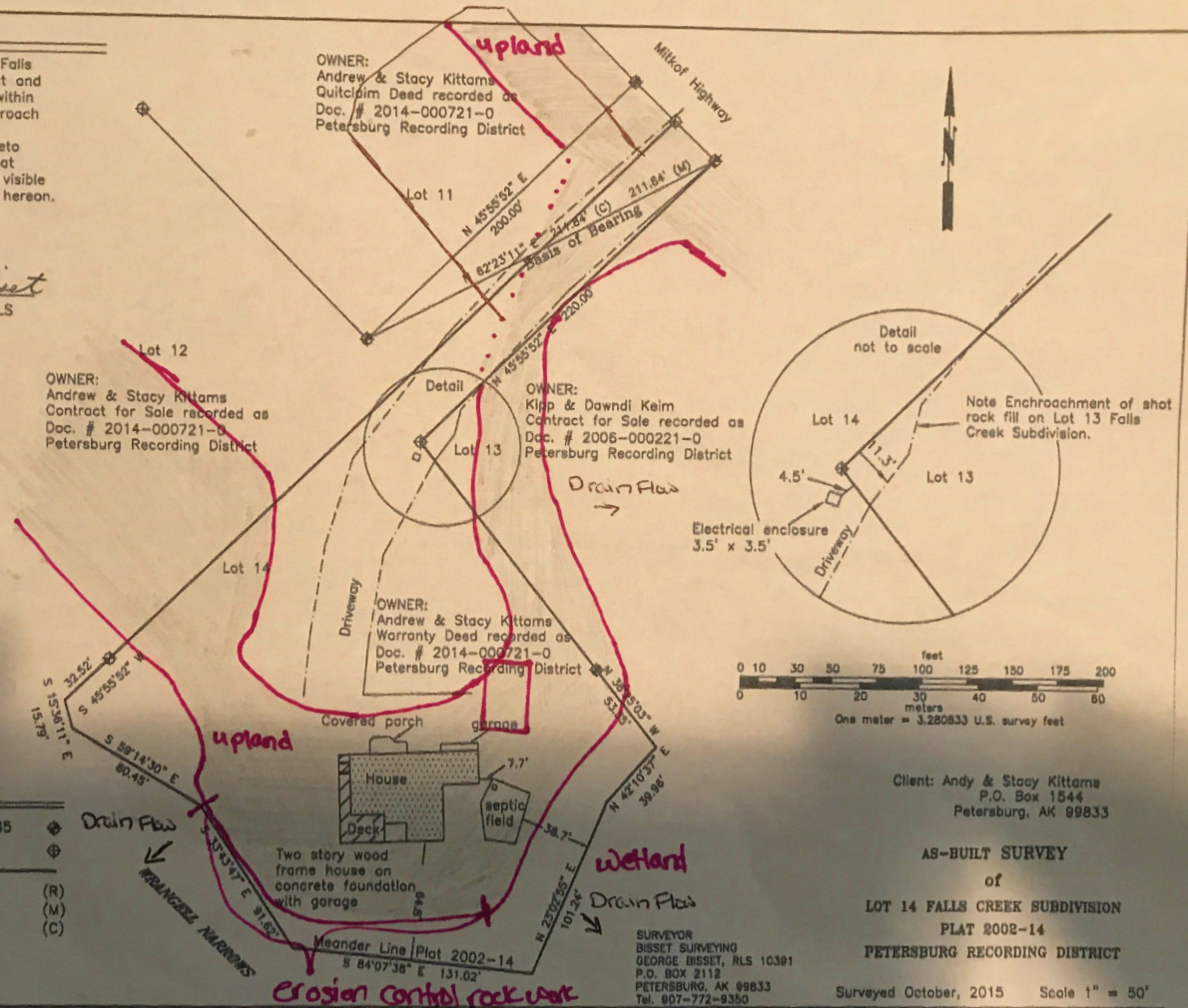
OWNER:
Andrew & Stacy Kittams
Quitclaim Deed recorded as
Doc. # 2014-000721-0
Petersburg Recording District

OWNER:
Kipp & Dawndi Keim
Contract for Sale recorded as
Doc. # 2006-000221-0
Petersburg Recording District

OWNER:
Andrew & Stacy Kittams
Warranty Deed recorded as
Doc. # 2014-000721-0
Petersburg Recording District

LEGEND

SECONDARY MONUMENT RECOVERED - LS 5485	⊕
SECONDARY MONUMENT NOT RECOVERED	⊙
PROPERTY LINES	—
RECORD DATA	(R)
MEASURED DATA	(M)
CALCULATED DATA	(C)



Client: Andy & Stacy Kittams
P.O. Box 1544
Petersburg, AK 99833

AS-BUILT SURVEY
of
LOT 14 FALLS CREEK SUBDIVISION
PLAT 2002-14
PETERSBURG RECORDING DISTRICT

SURVEYOR
BISSET SURVEYING
GEORGE BISSET, RLS 10391
P.O. BOX 2112
PETERSBURG, AK 99833
Tel. 907-772-9350

Surveyed October, 2015 Scale 1" = 50'