



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE:	March 27, 2019
EXPIRATION DATE:	April 26, 2019
REFERENCE NUMBER:	POA-2019-00039
WATERWAY:	Walby 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.

All comments regarding this Public Notice 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 Public Notice reference number listed above.

All comments 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 John Sargent at (907) 458-1603, by fax at (907) 474-2164, or by email at John.C.Sargent@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Allen Short, 1552 North Bluff Drive, Anchorage, Alaska 99501

LOCATION: The project site is located within Section # 26, T.18 N., R.1 E., Seward Meridian; USGS Quad Map Anchorage C-6; Latitude 61.6174° N., Longitude 149.2226° W.; Matanuska-Susitna Borough at 9064 East Tern Drive, in Palmer, Alaska.

PURPOSE: The applicant's stated purpose is to develop a private residence adjacent to Walby Lake for recreational access and privacy.

PROPOSED WORK: Placement of fill material in 2.5 acres (2,100 cubic yards of clean gravel and rock and 801 cubic yards of topsoil and organic matter), in wetlands for a private residence to include house pad, shop, field, and access. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated 3/11/2019 and 3/6/2019.

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

a. Avoidance: Wetland fill would not be avoided and still meet the applicant's purpose, because of the predominance of wetlands on the property.

b. Minimization: The majority of the 16-acre parcels are not proposed to be developed leaving most of the property in wetlands. The amount of fill in wetlands is viewed by the applicant as the smallest amount necessary to achieve the applicant's purpose of a residential home, for lake-side recreation and privacy. The cabin fill pad was reduced to accommodate a small A-frame cabin. No fill material is proposed to be placed within 15 feet of Walby Lake. The side-slopes of driveways, access roads, and fill pads would be revegetated and stabilized to prevent erosion and sedimentation. Drainage to Walby Lake would be maintained with a culvert under the driveway. Temporary disturbed areas would be restored and revegetated. A geotextile mesh would be used with fill placement on the driveways and access road.

c. Compensatory Mitigation: The applicant believes the impacts due to the project are minimal and therefore, compensatory mitigation was not proposed by the applicant.

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 footprint area of fill of wetlands and the uplands immediately adjacent to these areas. 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 be lost or destroyed by work

under the requested 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: The project area is within the known or historic range of no threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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).

No EFH species are known to use the project area.

We have determined the described activity would not adversely affect EFH in 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 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 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).

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.

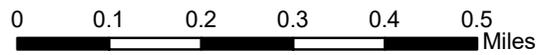
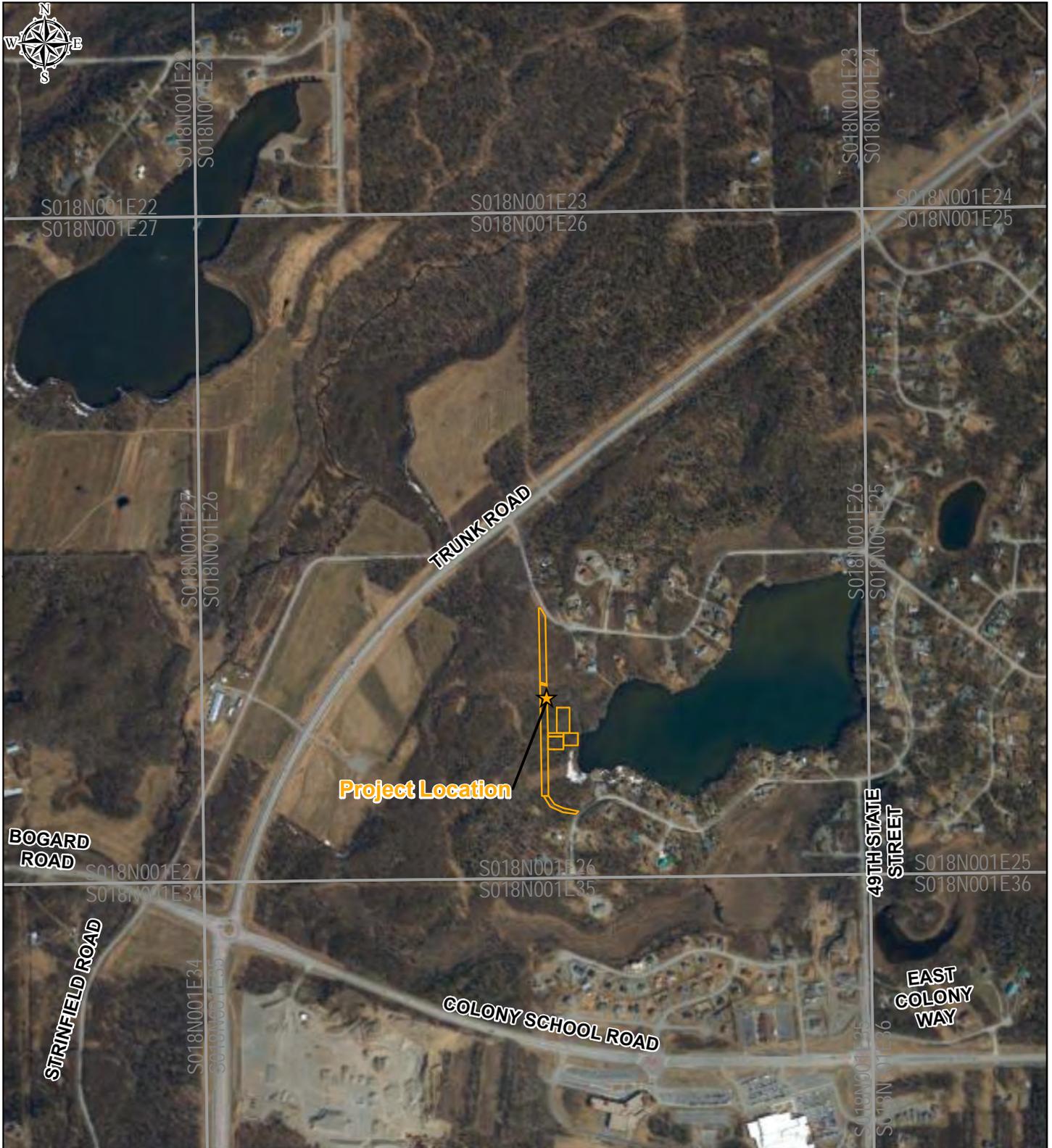
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00039**, Walby Lake serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



1 Inch = 0.2 miles

□ MTRs

POA-2019-00039
Walby Lake, sheet
1 of 3

9064 East Tern Drive,
Palmer, Alaska 99645
Allen Short
Vicinity Map

City of Anchorage-Frontal Cook Inlet HUC10 Watershed
USGS Anchorage C-6 Quadrangle
Seward Meridian
NAD_1983_StatePlane_Alaska_4_FIPS_5003_Feet

3/6/2019

Figure 1

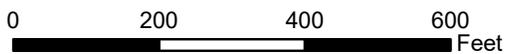
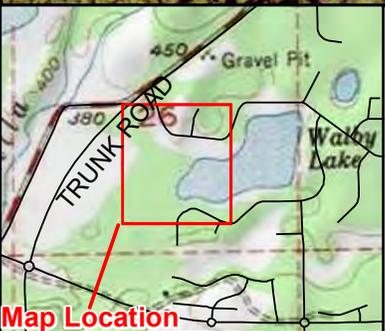


61.6194°

61.6194°

61.6167°

61.6167°



1 Inch = 250 Feet

Proposed Design

Parcels

POA-2019-00039
Walby Lake, sheet
2 of 3

9064 East Tern Drive,
Palmer, Alaska 99645
Allen Short

Nature of Activity

City of Anchorage-Frontal Cook Inlet HUC10 Watershed
USGS Anchorage C-6 Quadrangle
Seward Meridian
NAD_1983_StatePlane_Alaska_4_FIPS_5003_Feet

3/11/2019

Figure 2



61.6194°

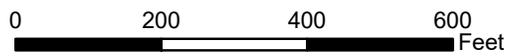
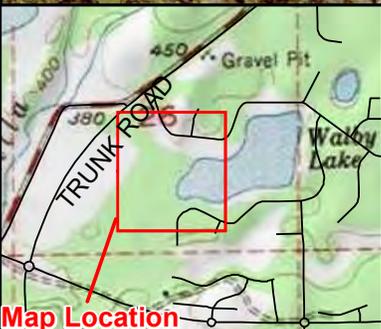
61.6194°

61.6167°

61.6167°



POA-2019-00039
 Walby Lake, sheet
 3 of 3



1 Inch = 250 Feet

-  Proposed Design
-  Wetland
-  Moderate Value Wetland

9064 East Tern Drive,
 Palmer, Alaska 99645
 Allen Short

Wetland Impacts

City of Anchorage-Frontal Cook Inlet HUC10 Watershed
 USGS Anchorage C-6 Quadrangle
 Seward Meridian
 NAD_1983_StatePlane_Alaska_4_FIPS_5003_Feet

3/6/2019

Figure 3