



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	February 12, 2019
EXPIRATION DATE:	February 27, 2019
REFERENCE NUMBER:	POA-2019-00054
WATERWAY:	Favorite Channel

Interested parties are hereby notified that a Department of the Army 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 Randal Vigil at (907) 790-4491, or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Kathy and Rand Thatcher, PO Box 210145, Juneau, AK.

LOCATION: The project site is located within Section 19, T. 40 S., R. 65 E., Copper River Meridian; USGS Quad Map Juneau B-3; Latitude 58.3879° N., Longitude 134.7528° W.; Thatcher Subdivision, Lots 1A, 1B, 1C, 1D, 2, 3, 4, and 5; Ocean View Drive, at Point Lena, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to subdivide a seven acre parcel into nine lots for residential (single-family) homes.

PROPOSED WORK: The applicant requests authorization to discharge approximately 689.5 cubic yards (CY) of crushed aggregate, 2,068.5 CY of shot rock and in-situ soils, 2,151.5 CY of leach rock, and 307.5 CY of topsoil into approximately 1.24-acres of waters

of the U.S. consisting of forested wetlands to construct roads, driveways, pads, and on-site waste-water treatment facilities for eight single-family homes.

All work would be performed in accordance with the enclosed plan 1 sheet, dated December 24, 2018; 2 sheets, dated 1/13/2019; and 1 sheet, dated 2/8/2019.

ADDITIONAL INFORMATION: The applicant would require a right-of-way authorization from the City and Borough of Juneau (CBJ).

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 project design has avoided a stream and adjacent wetlands on the property.

b. Minimization: A wetland delineation by a professional wetland scientist was conducted to determine the wetland boundaries of the parcel. The wetland delineation was used to adjust the proposed subdivision lot lines and the housing plan footprint; driveways and house pads were considered to minimize wetland impacts. The road was placed as much as possible on upland areas while meeting the CBJ's requirements for minimum lot dimensions and road specifications. Wetland impacts were reduced from 1.6 acres to the current 1.24-acres.

c. Compensatory Mitigation: No compensatory mitigation is proposed.

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 of the proposed project within waters of the U.S. 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: 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 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-2019-00054, Favorite Channel**, 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.

VICINITY MAP, Juneau



General Location of Project Area is Northwest of the Juneau Airport.



Applicant: Kathy and Rand Thatcher

File No.: POA-

Waterway: Lena Cove – Frontal Lynn Canal

Sec19, Township40S, Range65E, M- Copper River

Latitude: 58.3879DD Longitude: -134.7528DD

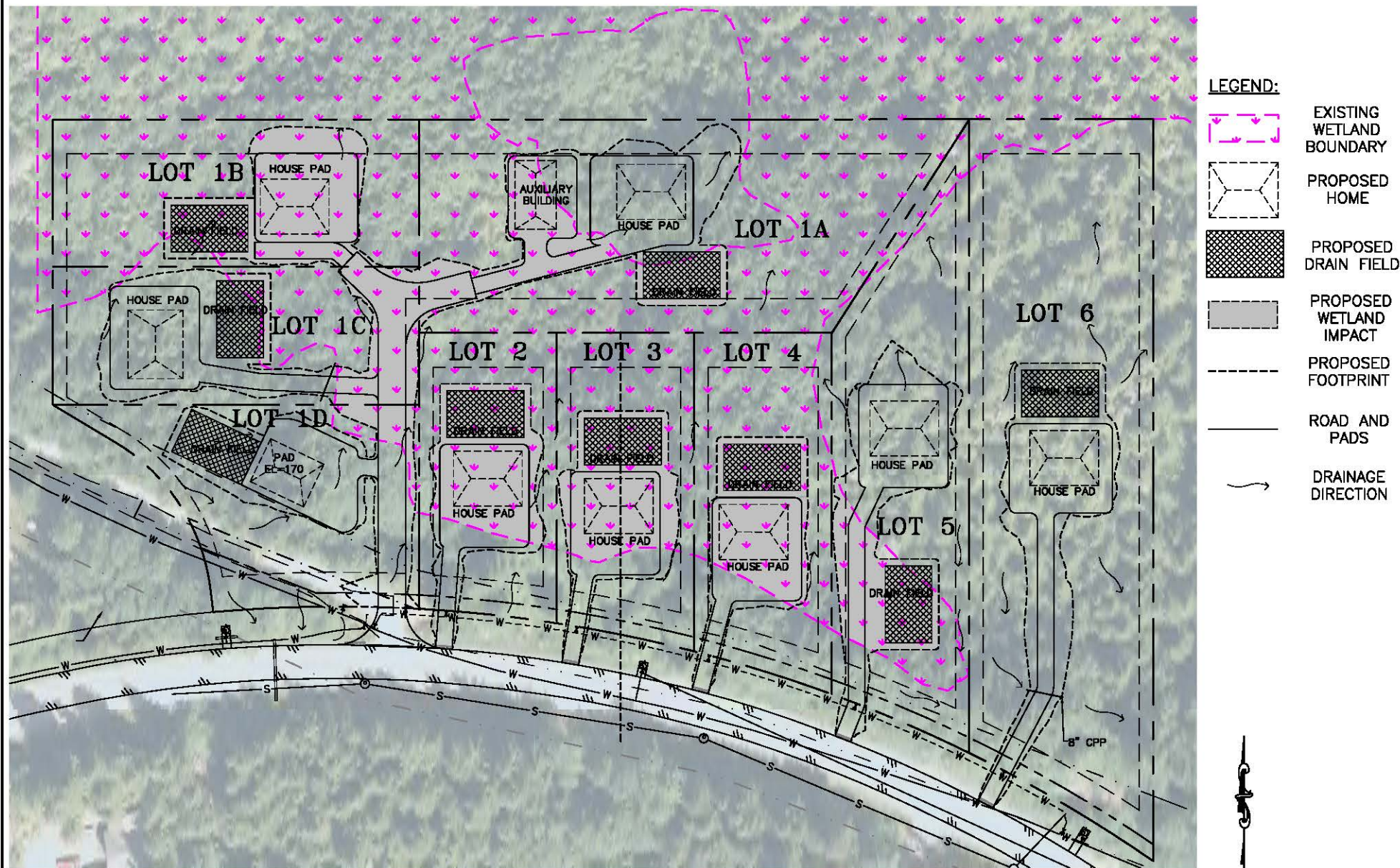
Sheet No. 1 of 3

Date: December 24, 2018



Location Map

POA-2019-00054, Favorite Channel
Kathy and Rand Thatcher
Residential Subdivision
2/8/2019
Sheet 1 of 1



OWNERS

RAND E. & KATHY L. THATCHER
P.O. BOX 210145
AUKE BAY, ALASKA 99821

PROPOSED SUBDIVISION LAYOUT & WETLAND IMPACTS

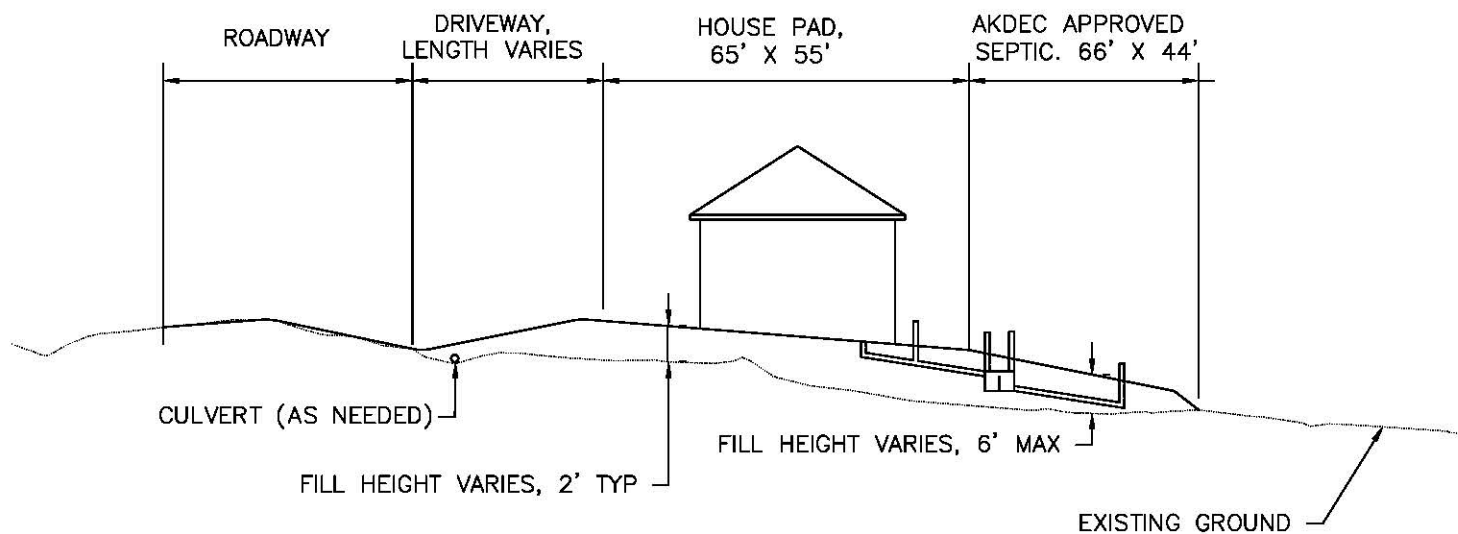
SCALE:
1" = 50'

DATE:
1/13/2019

SHEET NO:
1 OF 2

THATCHER SUBDIVISION

A SUBDIVISION OF
TRACT A1
SOUTH LENA SUBDIVISION
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDER'S DISTRICT



TYPICAL LOT SECTION VIEW

N.T.S.

OWNERS

RAND E. & KATHY L. THATCHER
P.O. BOX 210145
AUKE BAY, ALASKA 99821

TYPICAL LOT SECTION VIEW

SCALE:
1" = 50'

DATE:
1/13/2019

SHEET NO:
2 OF 2

THATCHER SUBDIVISION

A SUBDIVISION OF
TRACT A1
SOUTH LENA SUBDIVISION
CITY AND BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDER'S DISTRICT