



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:	October 25, 2023
EXPIRATION DATE:	November 24, 2023
REFERENCE NUMBER:	POA-2019-00066-M3
WATERWAY:	Gastineau 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 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 Ms. Delana Wilks at (907) 201-5021, or by email at Delana.P.Wilks@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Chilkat Vistas LLC (Mr. Michael Heumann) 1015 Otter Run, Juneau, AK 99801

LOCATION: The project site is located within Section 8 T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3453° N., Longitude 134.4904° W.; in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to extend an existing subdivision to allow for 3 additional multi-family residences.

PROPOSED WORK: To discharge 1,384 cubic yards of shot rock, 1,069 cubic yards of organics/soils into 0.76 acres of wetlands to construct additional residential housing. Specifically the work would include:

- a. 0.43 acres of wetlands to be filled with rock for the housing development and associated structures.
- b. 0.32 acres of wetlands to be regraded with native soils to construct a berm for privacy.

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated August 8, 2023.

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: The primary method of avoidance took place during selection of this phase's concept and location. The project is located on a large, gently sloping tract of land that was subdivided as part of Chilkat Vistas Phase 2. The tract contains wetlands on its eastern and western edges, but has a strip of uplands down the middle. They have designed the project to be a dense development centered upon this strip of uplands to avoid impacting wetlands as much as possible.

b. Minimization: The applicant has minimized impacts through several methods. The primary one is through the project layout. Tract-A3 is over two acres in size but they have minimized the footprint of this project so that it will disturb less than one acre of wetlands, with 18,700' being filled with rock, all while developing the lot to its maximum zoned density. The lot contains wetlands on its east and west sides, the applicant has sited the development to be centered on the strip of uplands that occupies the middle of the lot. The project makes use of two and three story construction to minimize the building footprint. The project also has parking on both sides of the driveway to minimize the length of driveway necessary to serve the parking area. The rest of the impacts will involve clearing wetlands to manage drainage and then regrading those cleared wetlands with onsite materials.

Aside from minimizing the project footprint, impacts are minimized through site selection. Chilkat Vistas Subdivision is located within the Vanderbilt Watershed, but it does not drain into Vanderbilt Creek. The natural drainage of the site is through several culverts under Glacier Highway to the north-east portion of Twin Lakes. The streams that exist on the property are not anadromous (verified by Alaska Department of Fishing Game in 2018) and are largely comprised as a series of man-made ditches as the result of clear cutting and fill placement operations. While there are other developable wetlands in this watershed, Chilkat Vistas Subdivision is highly desirable for development due to its gentle topography and generally lower value wetlands than the surrounding more pristine forest, low-lying estuaries and meadows. Further, this tract already has road access to the site, reducing the impact from construction of new roads and utilities that other areas in the watershed would need. When accounting for these factors, as well as the high-density zoning (15 units/acre) found on the tract, Chilkat Vistas represented the best opportunity to deliver a substantial amount of housing for the Southern Juneau market while limiting the amount of high value wetlands disturbed.

Impacts to waters of the U.S. will also be minimized through usage of a Storm Water Pollution Prevention Plan (SWPPP). The use of a SWPPP means that off-site impacts to wetlands will be minimized through a variety of best management practices that minimize

sediment and other pollutants leaving our site. The SWPPP will be prepared by the engineering firm who designs the rest of our civil construction work and the applicant will consult with engineers during the project regarding storm water issues throughout the project when necessary.

c. Compensatory Mitigation: The applicant does not propose compensation for unavoidable impacts to the waters of the U.S. Through both our site selection and project design process, they have made great effort to create the maximum amount of benefit for the minimum amount of loss in wetland functionality. Juneau has a known shortage of buildable land and several studies have concluded that without substantially more housing being created, Juneau residents will continue to suffer from an unhealthy housing market. The applicant intends to partially solve that problem through this project. This permit would allow for development of 35 multi-family units. Generally, the applicant notes that it's difficult to create more housing in Juneau without impacting wetlands. The wetlands found on our site are of a lower quality than many other wetlands found in the Vanderbuilt Creek Watershed area due to more recent disturbance and topography.

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 work consisting of 0.76 acres. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army 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), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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 (Magnuson-Stevens 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).

The project area is not within mapped EFH.

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

TRIBAL CONSULTATION: The Corps 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 Corps, 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 rights or resources. 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 are enclosed with this public notice.

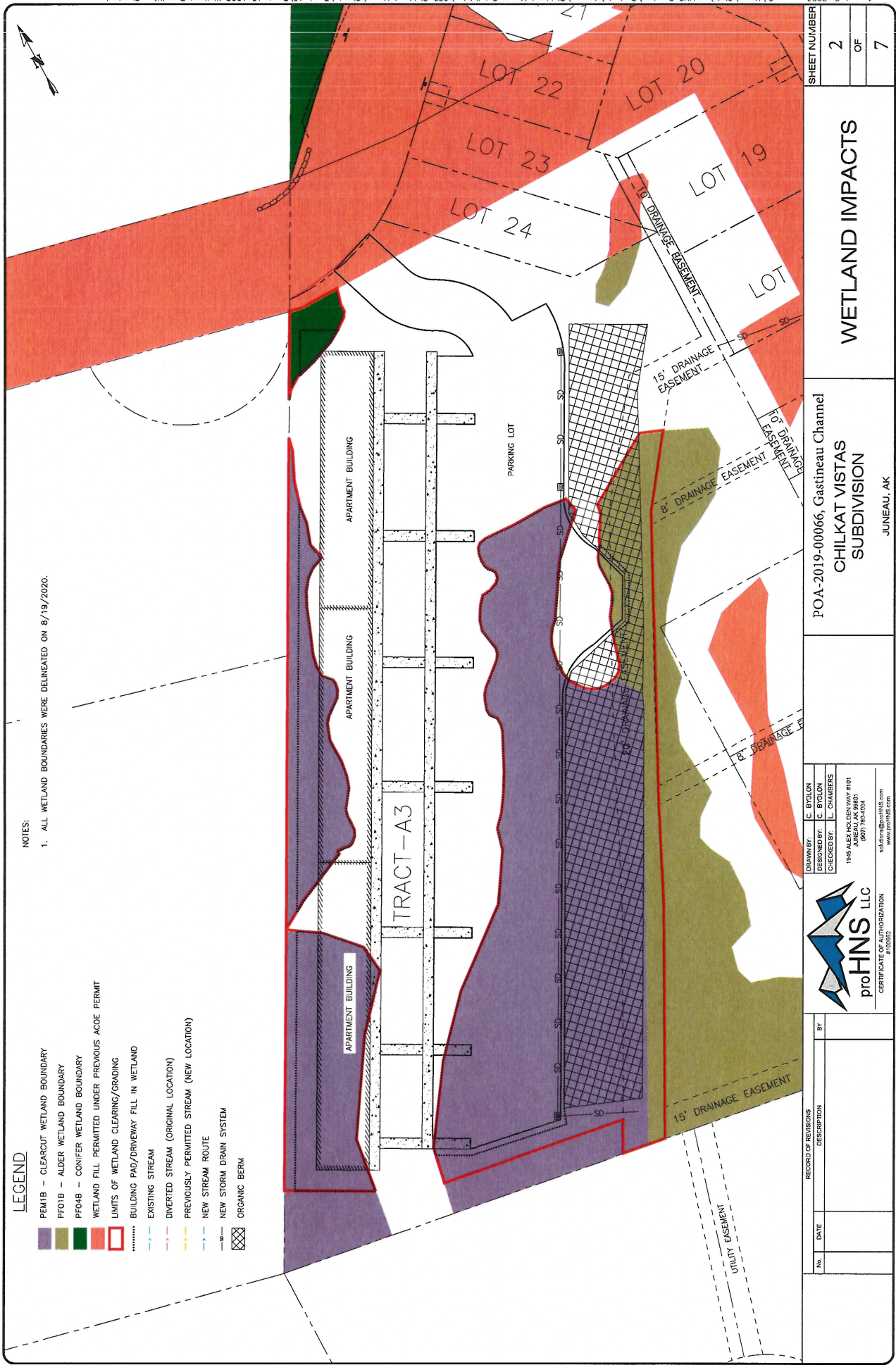
District Commander
U.S. Army, Corps

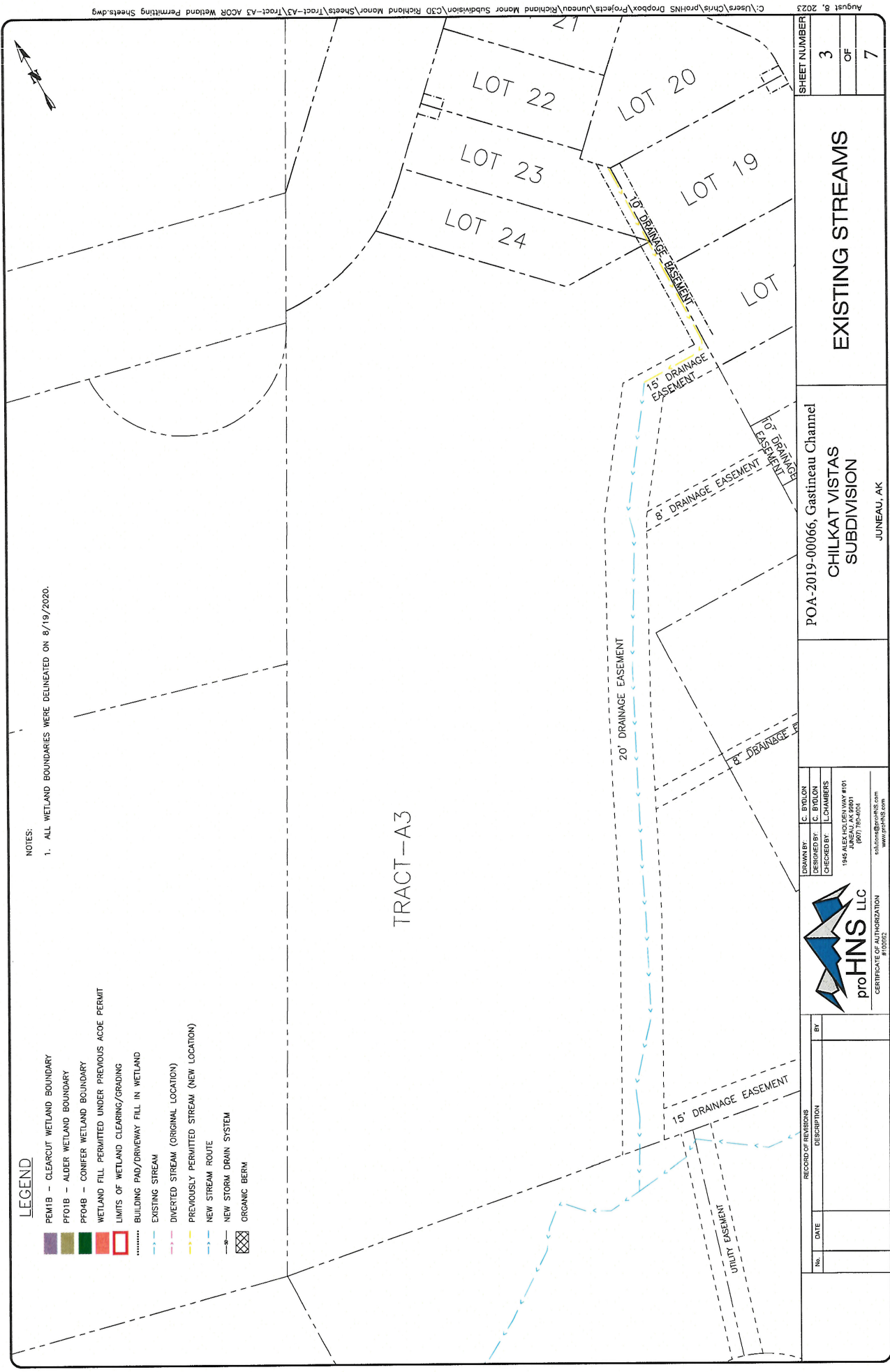
Enclosures

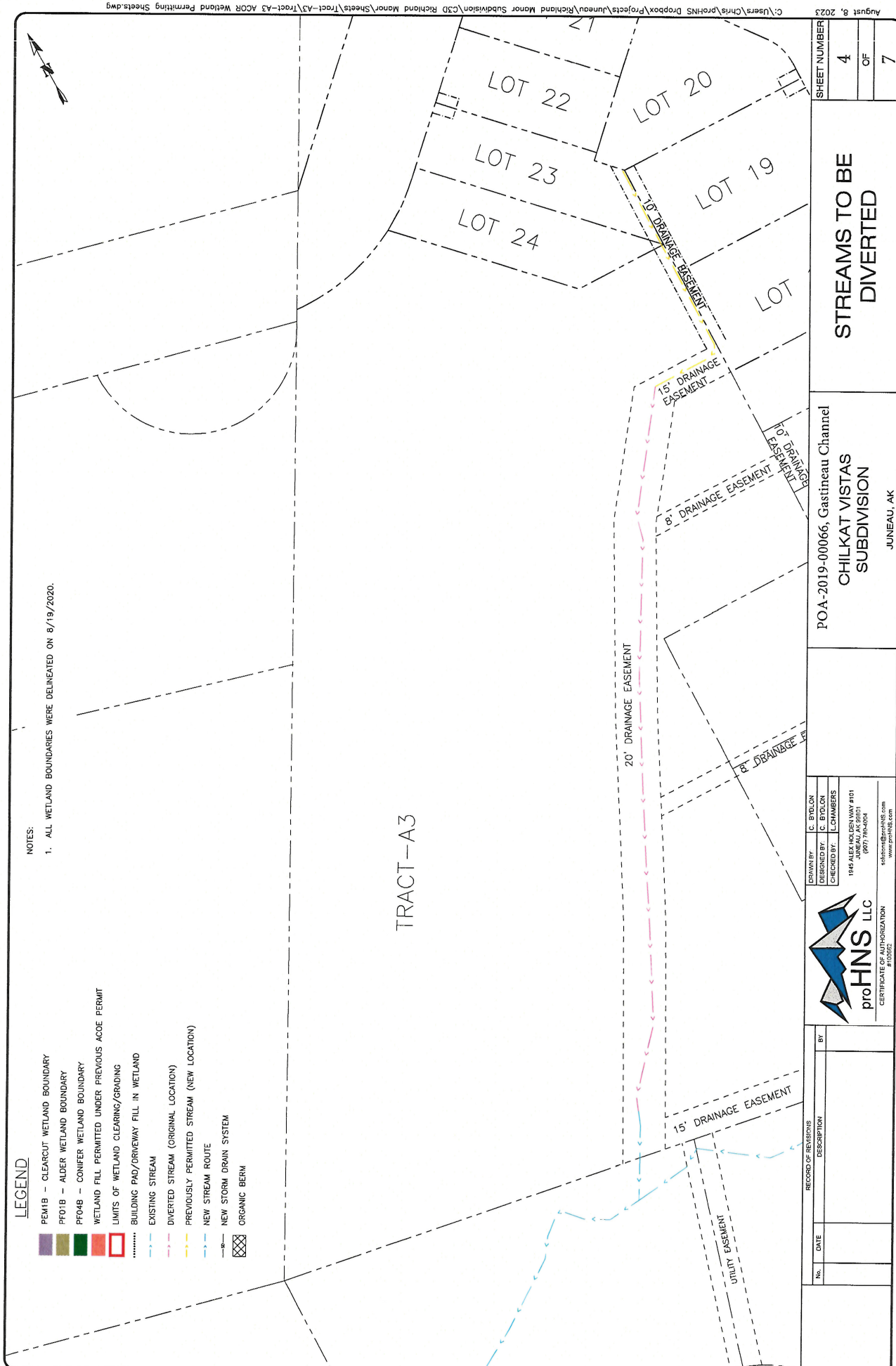
Tract A3 Vicinity Map



POA-2019-00066
Gastineau Channel
Sheet 1 of 7
August 8, 2023




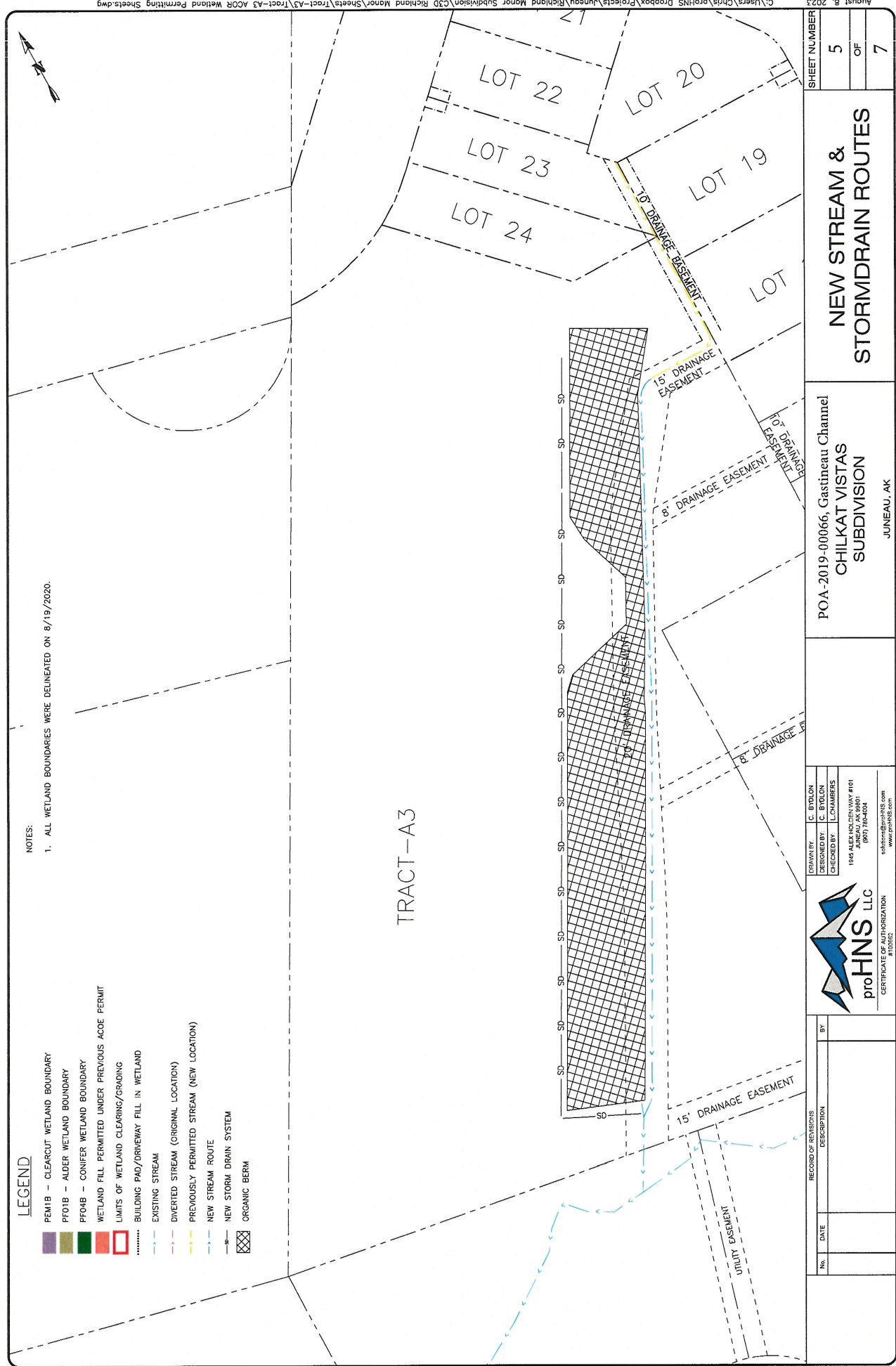




- LEGEND**
- PEMIB - CLEARCUT WETLAND BOUNDARY
 - PF01B - ALDER WETLAND BOUNDARY
 - PF04B - CONIFER WETLAND BOUNDARY
 - WETLAND FILL PERMITTED UNDER PREVIOUS ACOE PERMIT
 - LIMITS OF WETLAND CLEARING/GRADING
 - BUILDING PAD/DRIVEWAY FILL IN WETLAND
 - EXISTING STREAM
 - DIVERTED STREAM (ORIGINAL LOCATION)
 - PREVIOUSLY PERMITTED STREAM (NEW LOCATION)
 - NEW STREAM ROUTE
 - NEW STORM DRAIN SYSTEM
 - ORGANIC BERM

NOTES:
1. ALL WETLAND BOUNDARIES WERE DELINEATED ON 8/19/2020.

 <p>proHNS LLC CERTIFICATE OF AUTHORIZATION #100922</p>		<p>POA-2019-00066, Gastineau Channel CHILKAT VISTAS SUBDIVISION JUNEAU, AK</p>		<p>STREAMS TO BE DIVERTED</p>		<p>SHEET NUMBER 4 OF 7</p>									
<p>RECORD OF REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	DATE	DESCRIPTION	BY					<p>DRAWN BY: C. BYOLIN CHECKED BY: C. BYOLIN DESIGNED BY: C. CHAMBERS 1845 ALEX HOLLEN WAY #101 JUNEAU, AK 99801 (907) 786-4004 solutions@prohns.com www.prohns.com</p>		<p>August 8, 2023</p>		<p>C:\Users\Chris\proHNS Dropbox\Projects\Juneau\Richard Manor Subdivision\Richard Manor\Sheets\Tract-A3\Tract-A3 ACOR Wetland Permitting Sheets.dwg</p>	
No.	DATE	DESCRIPTION	BY												



LEGEND

- PEM1B - CLEARCUT WETLAND BOUNDARY
- PF01B - ALDER WETLAND BOUNDARY
- PF04B - CONIFER WETLAND BOUNDARY
- WETLAND FILL PERMITTED UNDER PREVIOUS ACOE PERMIT
- LIMITS OF WETLAND CLEARING/GRADING
- BUILDING PAD/DRIVEWAY FILL IN WETLAND
- EXISTING STREAM
- DIVERTED STREAM (ORIGINAL LOCATION)
- PREVIOUSLY PERMITTED STREAM (NEW LOCATION)
- NEW STREAM ROUTE
- NEW STORM DRAIN SYSTEM
- ORGANIC BERM

NOTES:

1. ALL WETLAND BOUNDARIES WERE DELINEATED ON 8/19/2020.

 <p>proHNS LLC CERTIFICATE OF AUTHORIZATION #100622</p>		<p>DESIGNED BY: C. BYLON CHECKED BY: L. CHAMBERS 1845 ALEX HOLDEN WAY #101 JUNEAU, AK 99801 (907) 780-4004 solutions@prohns.com www.prohns.com</p>	<p>POA-2019-00066, Gastineau Channel CHILKAT VISTAS SUBDIVISION JUNEAU, AK</p>	<p>NEW STREAM & STORMDRAIN ROUTES</p>	<p>SHEET NUMBER 5 OF 7</p>							
<p>RECORD OF REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	DATE	DESCRIPTION	BY							
No.	DATE	DESCRIPTION	BY									

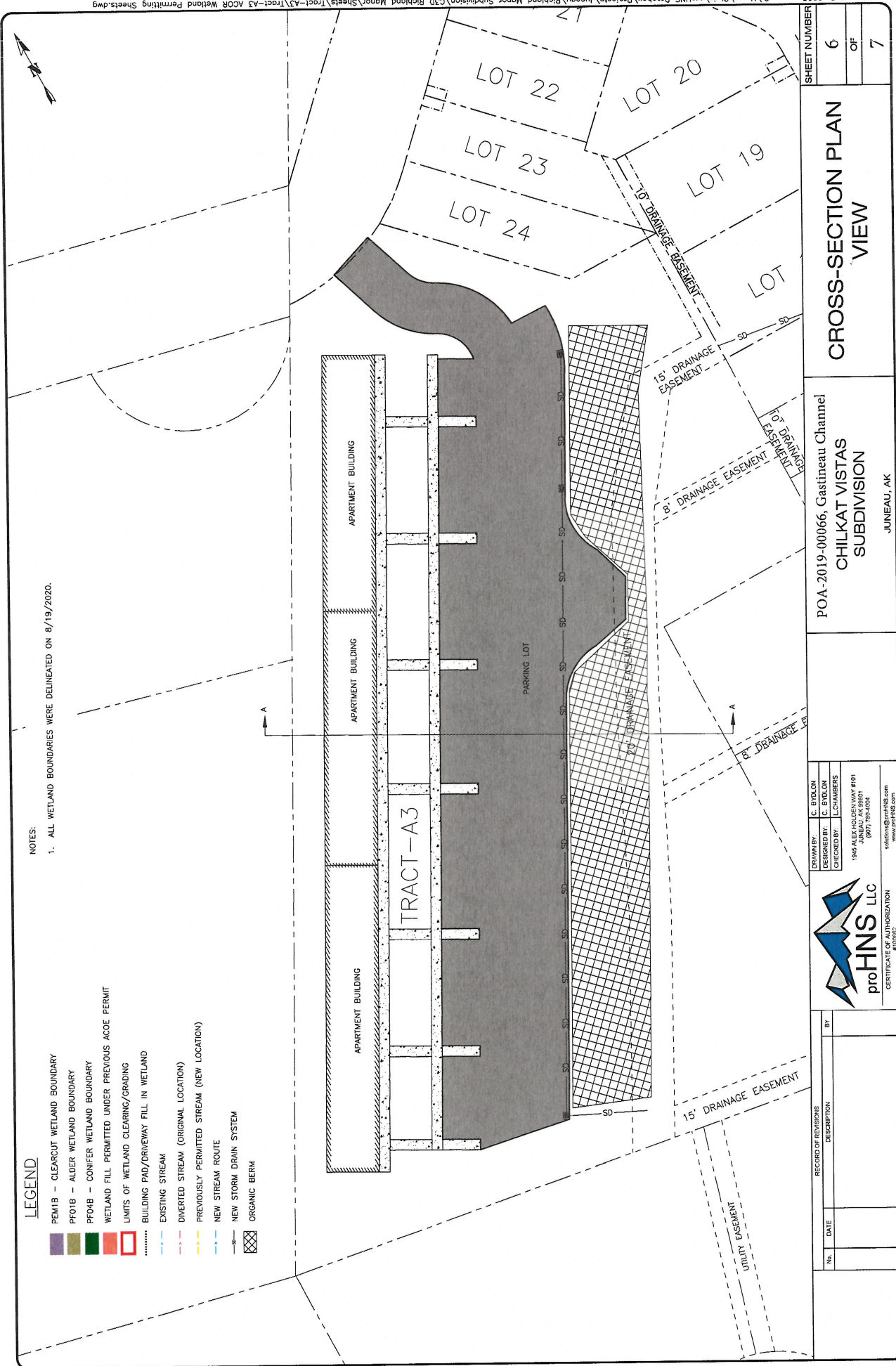
C:\Users\Chris\proHNS Dropbox\Projects\Juneau\Richard Monor Subdivision\CS0 Richard Monor\Sheets\Tract-A3\Tract-A3 ACOR Wetland Permitting Sheets.dwg August 8, 2023

LEGEND

- PEM1B - CLEARCUT WETLAND BOUNDARY
- PF01B - ALDER WETLAND BOUNDARY
- PF04B - CONIFER WETLAND BOUNDARY
- WETLAND FILL PERMITTED UNDER PREVIOUS ACOE PERMIT
- LIMITS OF WETLAND CLEARING/GRADING
- BUILDING PAD/DRIVEWAY FILL IN WETLAND
- EXISTING STREAM
- DIVERTED STREAM (ORIGINAL LOCATION)
- PREVIOUSLY PERMITTED STREAM (NEW LOCATION)
- NEW STREAM ROUTE
- NEW STORM DRAIN SYSTEM
- ORGANIC BERM

NOTES:

- ALL WETLAND BOUNDARIES WERE DELINEATED ON 8/19/2020.



DRAWN BY: C. BYOLON
DESIGNED BY: C. BYOLON
CHECKED BY: L. CHAMBERS
1948 ALEXANDER HWY #101
JUNEAU, AK 99801
(907) 789-4004
cbyolon@prohns.com
www.prohns.com

POA-2019-00066, Gastineau Channel
CHILKAT VISTAS
SUBDIVISION
JUNEAU, AK

CROSS-SECTION PLAN VIEW

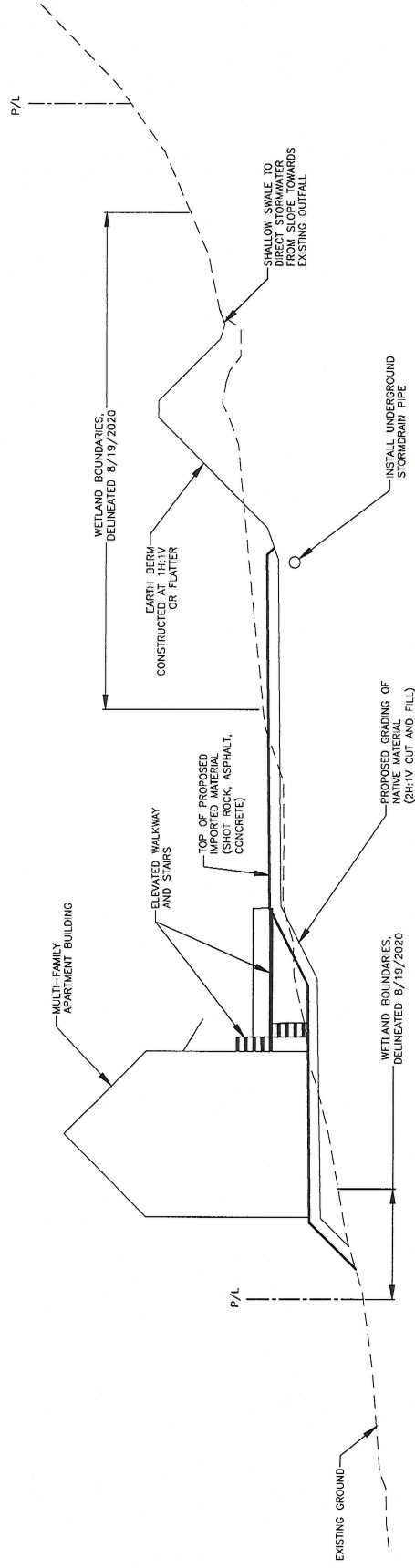
SHEET NUMBER
6
OF
7

NO.	DATE	RECORD OF REVISIONS DESCRIPTION	BY


C:\Users\Chris\proHNS Dropbox\Projects\Juneau\Richard Manor\Sheets\Tract-A3\Tract-A3 ACOE Wetland Permitting Sheets.dwg August 8, 2023

NOTES:

1. ALL WETLAND BOUNDARIES WERE DELINEATED ON 8/19/2020.



SECTION A-A

 CERTIFICATE OF AUTHORIZATION #10952		DRAWN BY: C. BYLON DESIGNED BY: C. BYLON CHECKED BY: L. CHAMBERS 1945 ALEX HOLDEN WAY #101 JUNEAU AK 99801 (907) 784-0004 solutions@prohns.com www.prohns.com		POA-2019-00066, Gastineau Channel CHILKAT VISTAS SUBDIVISION JUNEAU, AK		CROSS-SECTION A-A		SHEET NUMBER 7 OF 7	
RECORD OF REVISIONS NO. DATE DESCRIPTION BY									