



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	February 26, 2019
EXPIRATION DATE:	March 28, 2019
REFERENCE NUMBER:	POA-2018-00368
WATERWAY:	Kachemak Bay

Interested parties are hereby notified that a Department of the Army (DA) 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. 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 Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ms. Leigh Folsom, 105 S. Florida Avenue, Lakeland, Florida 33801.

AGENT: Mr. John S. Bishop, Bishop Engineering, LLC, P.O. Box 2501, Homer, Alaska 99603

LOCATION: The project site is located within Section 4, T. 6 S., R. 12 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.6876° N., Longitude 151.3281° W.; Kenai Peninsula Borough (KPB); Stone Step Subdivision, Tract A; KPB Parcel # 174-320-47; on Sun Step Circle, near Homer, Alaska.

PURPOSE: The applicant's stated purpose is to construct three residential dwellings and a barn on the applicant's property.

PROPOSED WORK: The applicant proposes to discharge 20,464 cubic yards (CY) of fill material into 3.95 acres of wetlands for the construction of four building pads, roads with utility service, flared roadways and bridge abutments. Specifically, each element would include:

Main House: the discharge of 5,520 CY of gravel, 2,150 CY of top soil and 35 CY of pilings into 69,000 square foot (1.58 acres) of wetlands for the construction of a pad for a single family residence.

Lake House: the discharge of 790 CY of gravel, 250 CY of top soil and 10 cy of pilings into 9,350 square foot (0.21 acres) of wetlands for the construction of a pad for a lake house adjacent to Stone Step Lake.

Guest House: the discharge of 1,130 CY of gravel, 430 CY of top soil and 10 CY of pilings into 14,000 square foot (0.32 acres) of wetlands for the construction of a pad for a guest house.

Barn: the discharge of 1,850 CY of gravel, 650 CY of top soil and 24 CY of pilings into 22,500 square foot (0.52 acres) of wetlands for the construction of a pad for a barn.

Roads and utilities: the discharge of 5,490 cy of Type II and Type III fill over an 8-inch thick Geocell into 36,000 square foot (0.83 acres) of wetlands for the construction of a roadway (1,240 linear foot) with a crest width of 16-foot and a base width up to 29-foot. Utilities (electrical and sanitary sewer main) would be located within the roadbed. No other utilities are proposed.

Flared roadways (around the barn): the discharge of 2,110 CY of gravel into 21,150 square foot (0.49 acres) of wetlands for three flared roadways around the barn.

Bridge abutments: the discharge of 5 CY of concrete and 10 CY of pilings into 125 square foot (0.003 acres) of wetlands for the construction of two bridge abutments.

All work would be performed in accordance with the enclosed plan (sheets 1-13), dated February 22, 2019.

ADDITIONAL INFORMATION: The applicant also proposes the following work, some occurring in wetlands, however, there would be no discharge of fill material into waters of the United States (U.S.), including wetlands as a result of the work, therefore, these elements do not require a DA permit:

Pond construction: Two ponds (0.56-acre and 0.36-acre) would be excavated in wetlands by the one-step method, which would not result in a discharge of fill into wetlands. All excavated peat would be placed in uplands.

Moat around the lake house: A 0.17-acre moat around the lake house would be excavated in wetlands by the one-step method, which would not result in a discharge of fill into waters of the U.S., including wetlands. All excavated peat would be placed in uplands.

Lake house dock: A 12-foot x 8-foot pile supported boat dock would be constructed off of the lake house on/over the edge of Stone Step Lake, a Section 404 only waterbody. No discharge of fill material would occur in Stone Step Lake or wetlands.

Boardwalk: A 440-foot long, five-foot wide elevated boardwalk leading to the lake house, supported on helical piles. No discharge of fill material would occur for boardwalk construction.

Work in uplands: Portions of the building pads, access road (420 linear foot) and absorption field would be constructed in uplands. The Corps of Engineers (Corps) has no jurisdiction in these areas.

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 applicant has stated that the project avoids impacts to approximately 41.5 acres of wetlands on the subject parcel. Avoidance measures include the location of building sites on uplands as much as possible while minimizing risk from bluff slope erosion of the building sites. Overall area of development is minimized while still achieving owner's vision of living accommodations and needs.

b. Minimization: The applicant has stated that wetland impacts, where they occur, will be minimized by project design aspects including geotextile fabrics for roadway construction to minimize width footprint, placement of utilities within the roadway limits (avoiding separate trenches and sidecast volumes) and use of piles for structure foundations to minimize fill volume and plan area impacts related to those improvements.

c. Compensatory Mitigation: The project owner has proposed the preservation of a portion of the subject parcel containing wetlands by a recorded legal document acceptable to the Corps. The applicant anticipates preserving 5.14 acres of wetlands on-site.

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 footprint of the project, as described above. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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.

ESSENTIAL FISH HABITAT: 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-2018-368, Kachemak Bay**, 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.



FIGURE 1: LOCATION MAP

Tract A Stone Step Development
Jurisdictional Determination Report

Lat: 59°41'11"N Long: 151°19'50"W

Seldovia C-4 NW Quadrangle

3 Miles





FIGURE 2: PROJECT SITE MAP

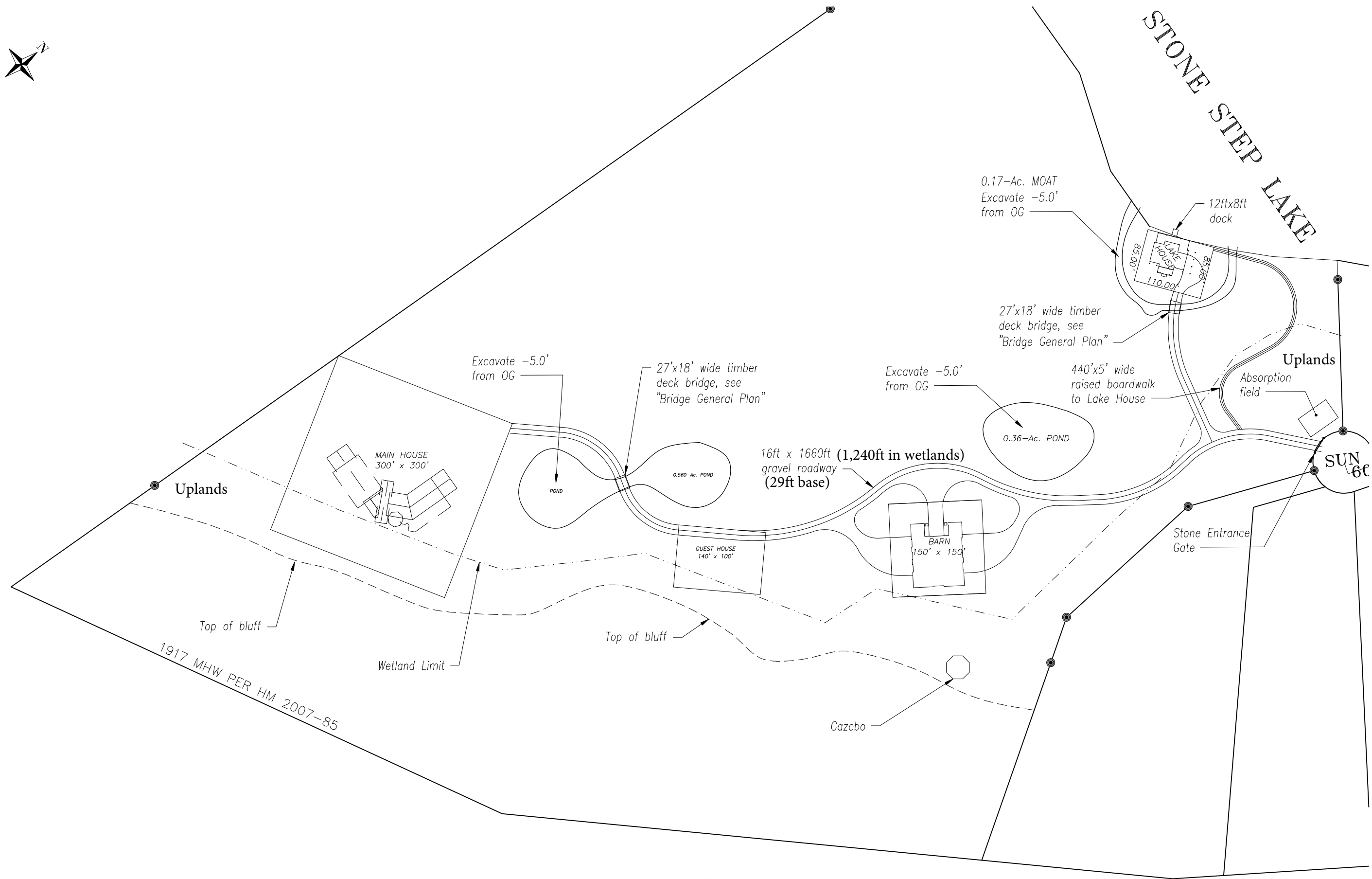
Tract A Stone Step Development
Jurisdictional Determination Report

Lat: 59°41'11"N Long: 151°19'50"W

Seldovia C-4 NW Quadrangle

300 Feet





PLAN
1" = 75'

STONE STEP DEVELOPMENT

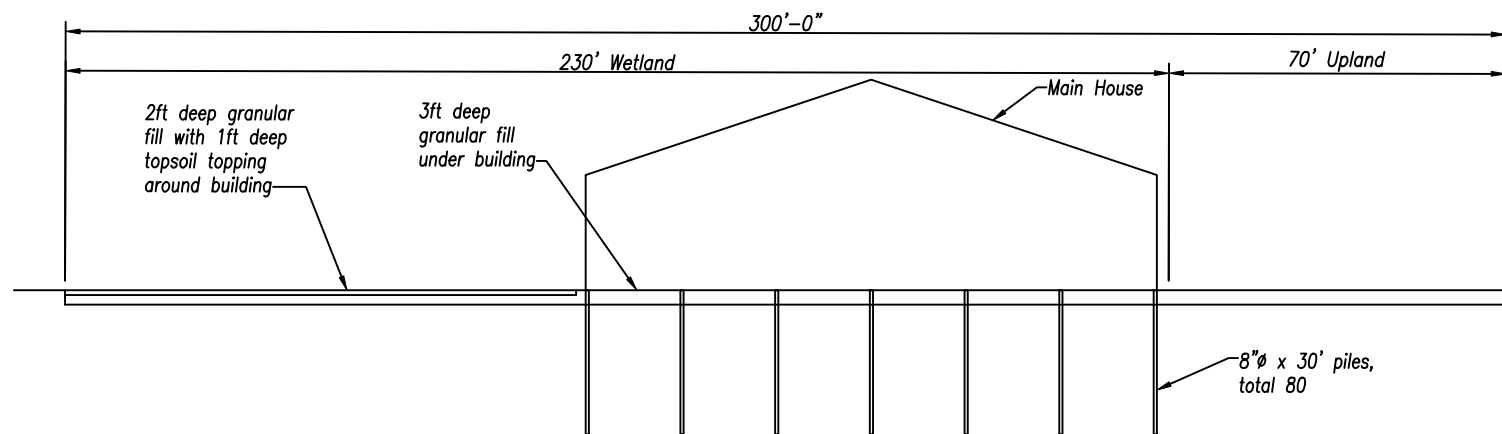
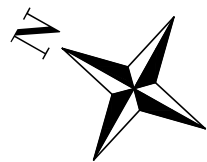
ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)

BISHOP ENGINEERING, LLC
PO BOX 2501 HOMER, ALASKA 99603
(907) 299-7609

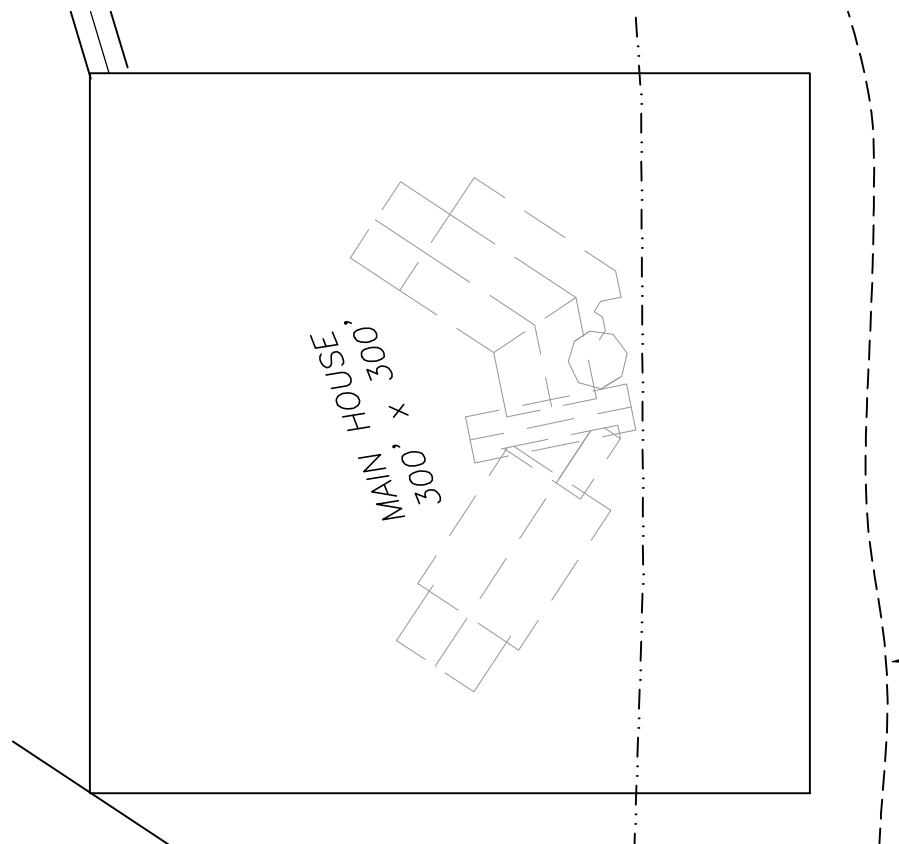
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CHK'D: JSB
SCALE: As Noted
PROJ. NO.: 2018025

SHEET NO.:

C-1



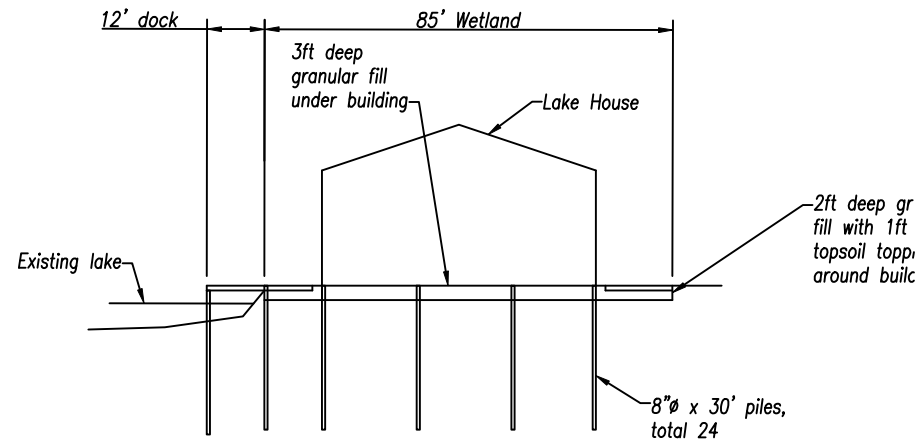
ELEVATION
1" = 20'



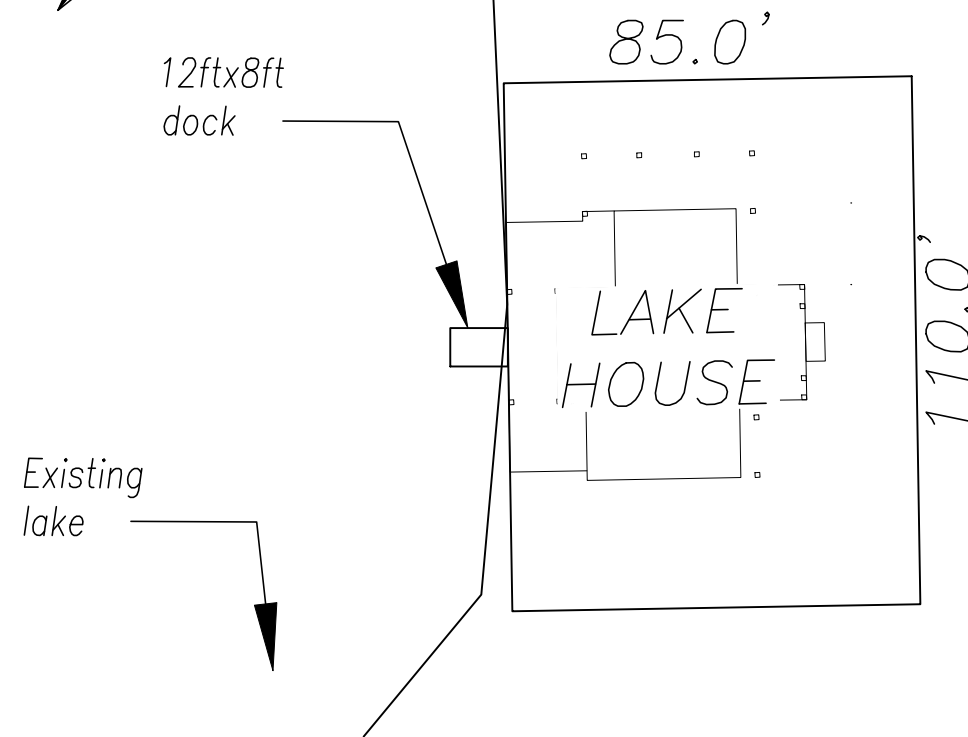
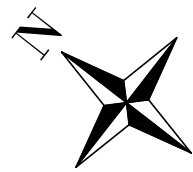
PLAN
1" = 40'

MAIN HOUSE IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Piles	Temporary	N/A	N/A	N/A
	Permanent	90	32	35
Landscape	Temporary	N/A	N/A	N/A
	Permanent	N/A	69,000	5,520 (granular fill) 2,150 (topsoil)



ELEVATION
1" = 20'



PLAN
1" = 20'

LAKE HOUSE IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Piles	Temporary	N/A	N/A	N/A
	Permanent	24	9	10
Landscape	Temporary	N/A	N/A	N/A
	Permanent	N/A	9,350	790 (granular fill) 250 (topsoil)

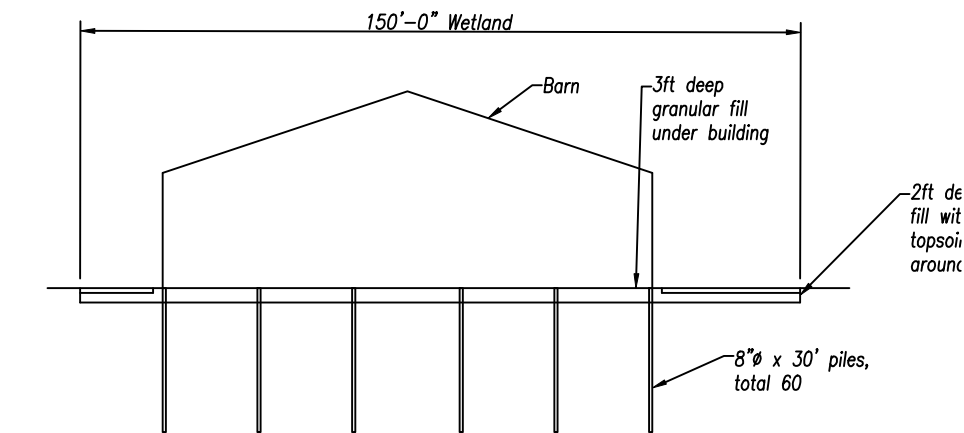
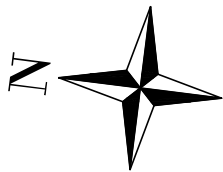
STONE STEP DEVELOPMENT
LAKE HOUSE
ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)

BISHOP ENGINEERING, LLC
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(907) 299-7609

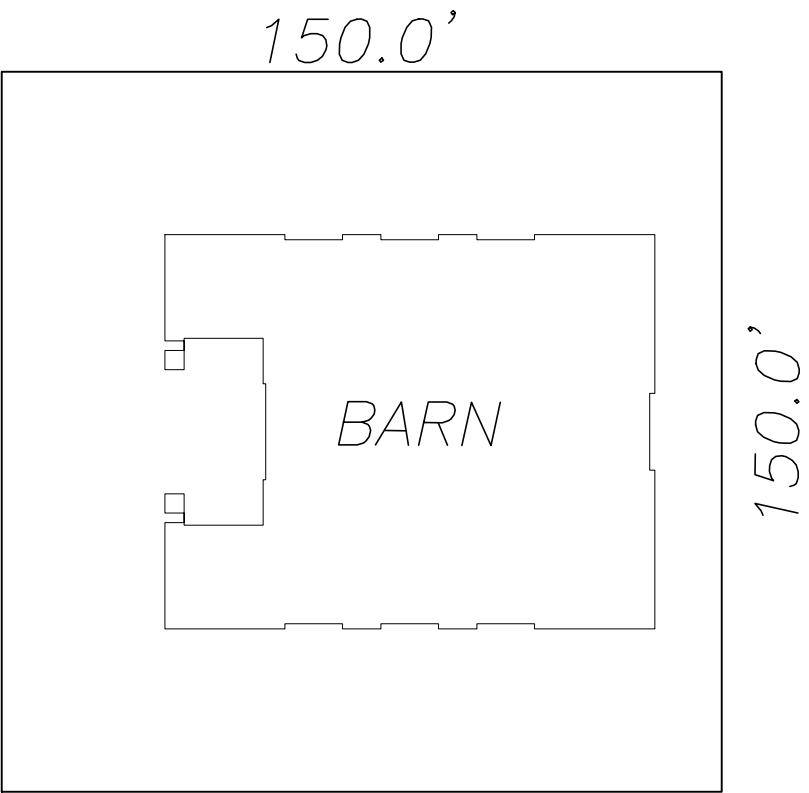
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PROJ. NO.: 2018025

SHEET NO.:

C-3



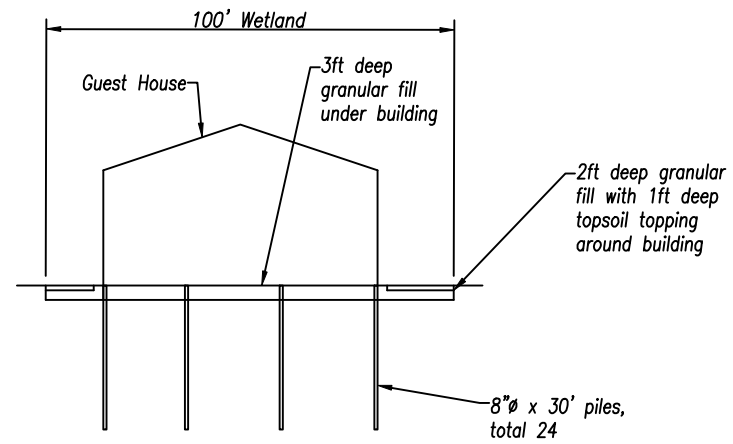
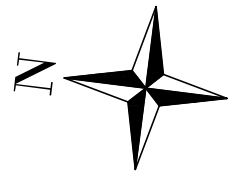
ELEVATION
 $1'' = 20'$



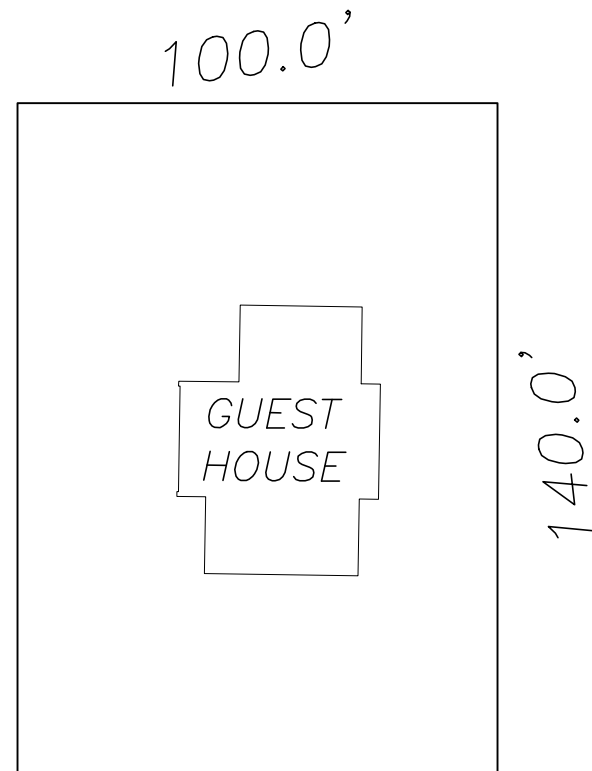
PLAN
 $1'' = 20'$

BARN IMPACT TO WATERS OF THE US

<i>FILL</i>	<i>IMPACT TYPE</i>	<i>NUMBER</i>	<i>TOTAL AREA (square feet)</i>	<i>TOTAL VOLUME (cubic yards)</i>
<i>Piles</i>	<i>Temporary</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
	<i>Permanent</i>	<i>60</i>	<i>21</i>	<i>24</i>
<i>Landscape</i>	<i>Temporary</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
	<i>Permanent</i>	<i>N/A</i>	<i>22,500</i>	<i>1,850 (granular fill) 650 (topsoil)</i>



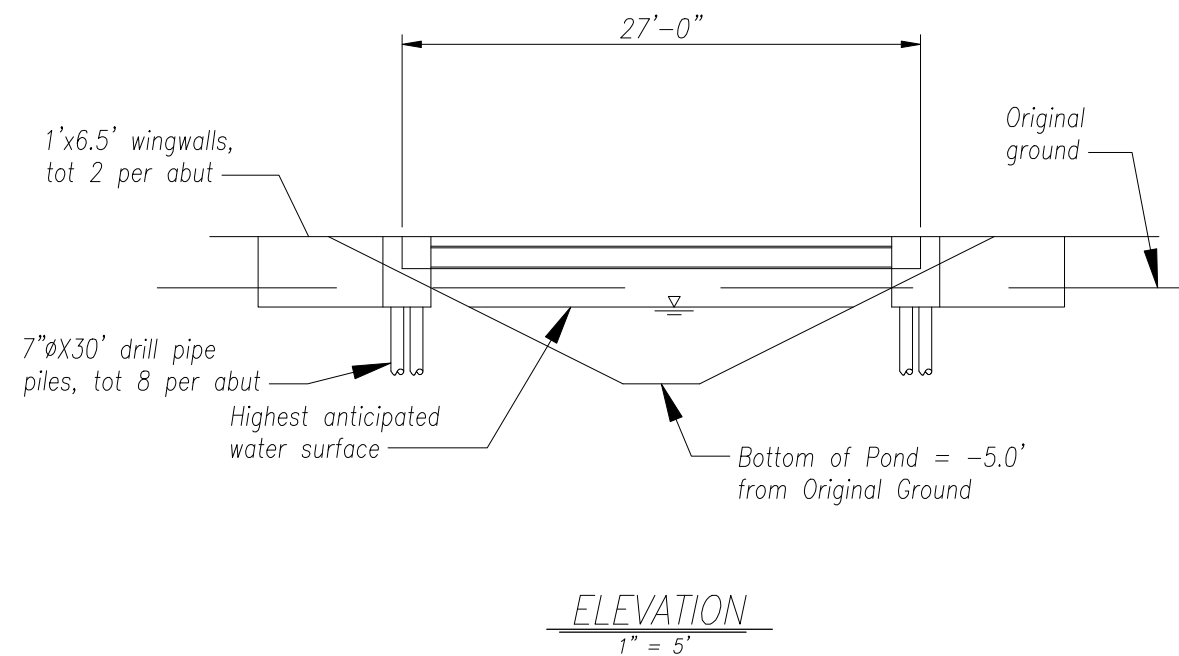
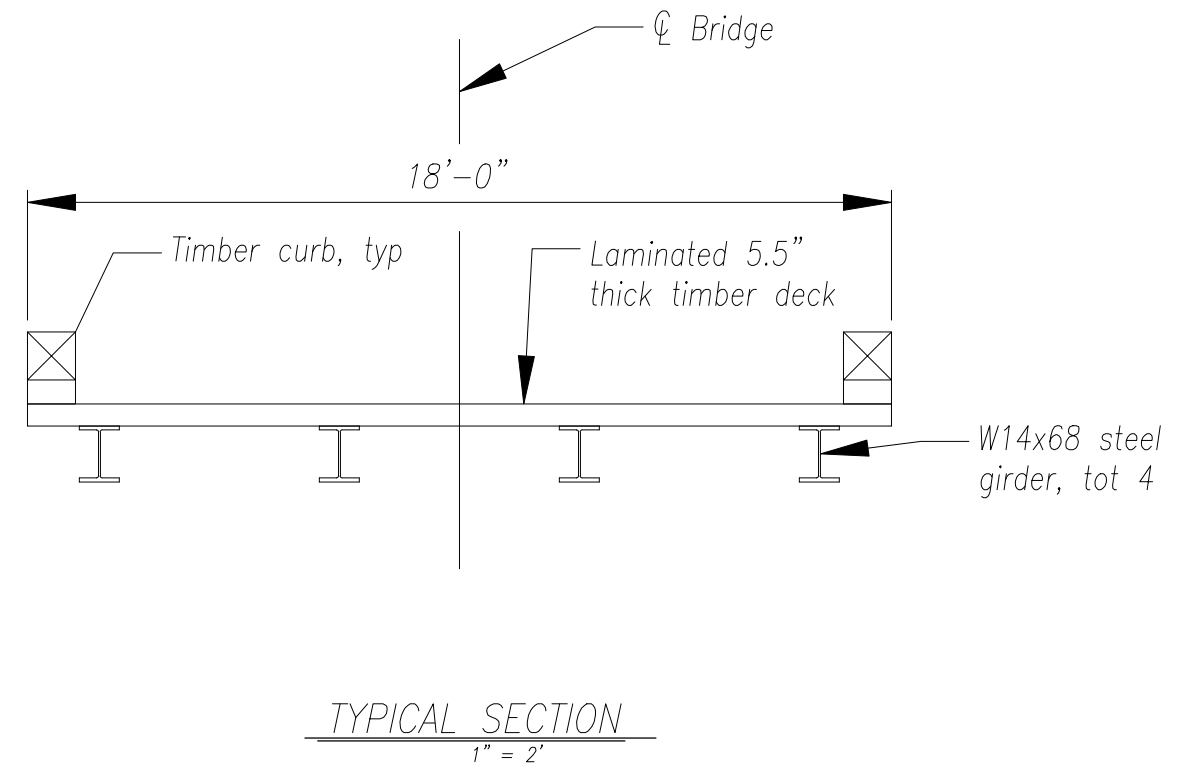
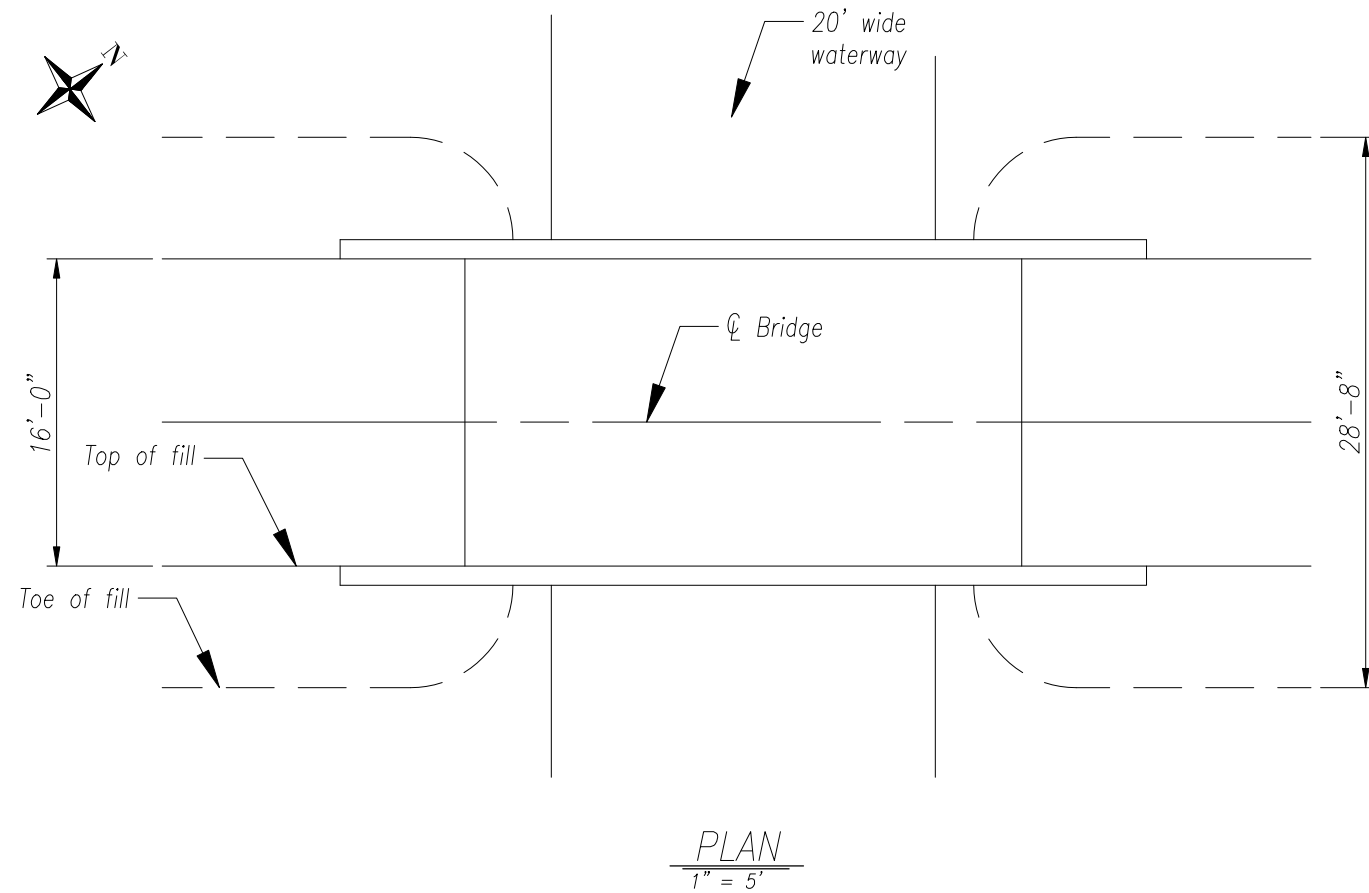
ELEVATION
1" = 20'



PLAN
1" = 20'

GUEST HOUSE IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Piles	Temporary	N/A	N/A	N/A
	Permanent	24	9	10
Landscape	Temporary	N/A	N/A	N/A
	Permanent	N/A	14,000	1,130 (granular fill) 430 (topsoil)



TWO BRIDGE IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Piles	Temporary	N/A	N/A	N/A
	Permanent	32	9	10
Concrete	Temporary	N/A	N/A	N/A
	Permanent	N/A	116	5

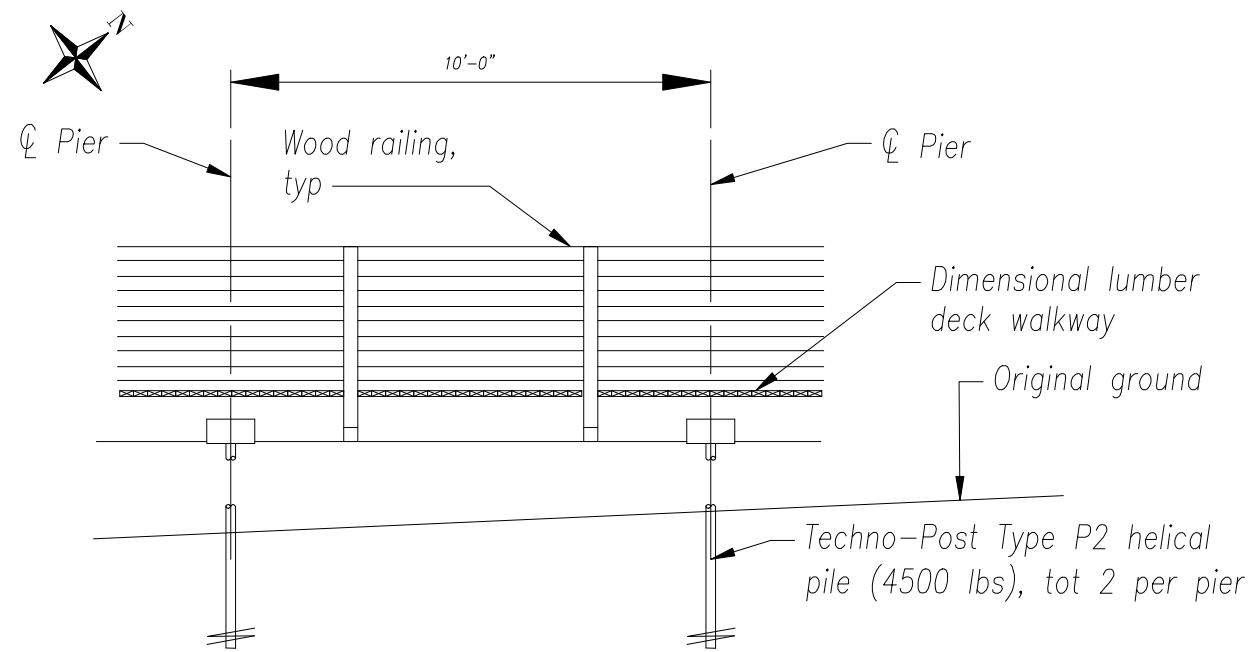
STONE STEP DEVELOPMENT
TYPICAL BRIDGE
ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)

BISHOP ENGINEERING, LLC
PO BOX 2501 HOMER, ALASKA 99603
(907) 299-7609

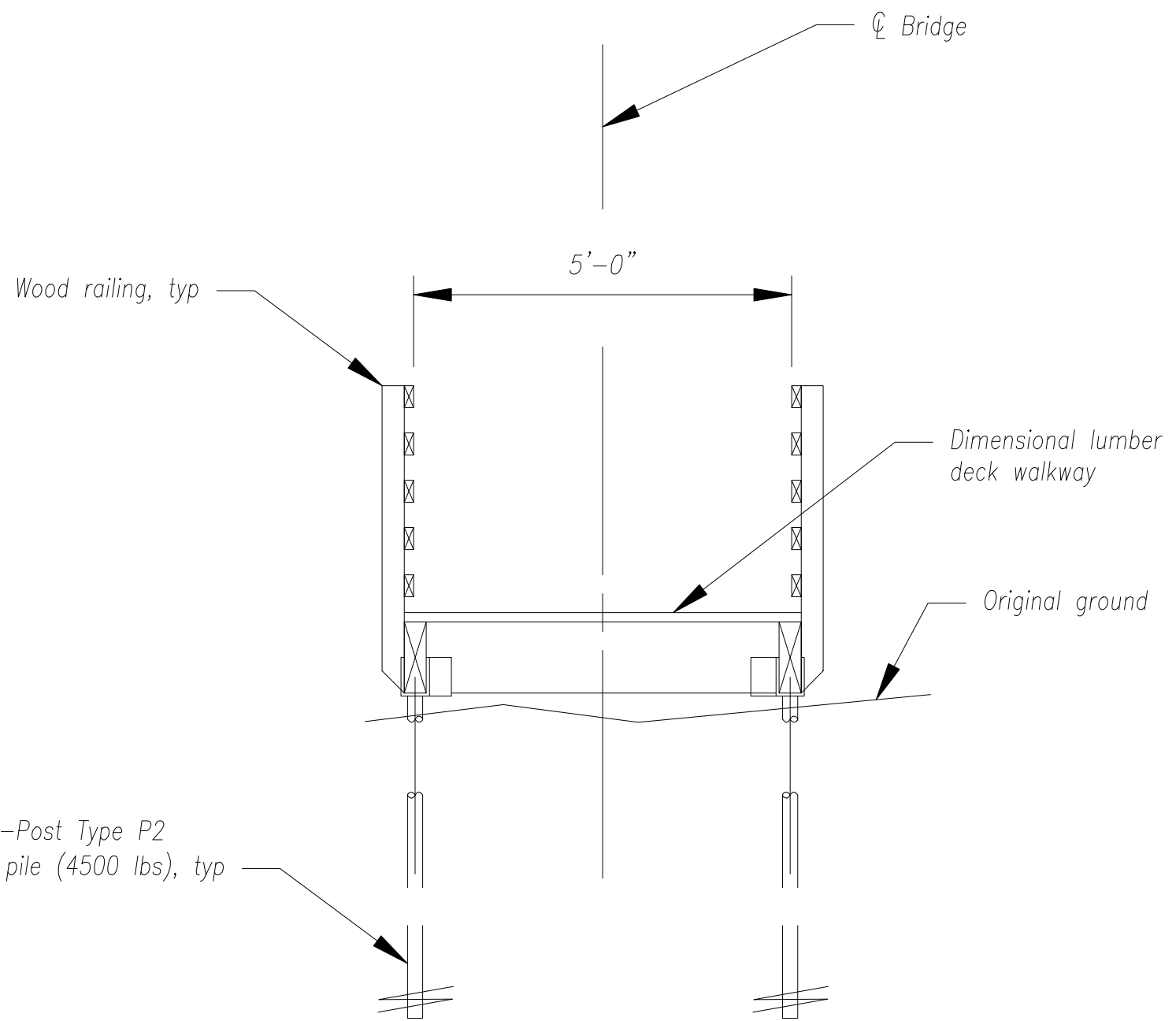
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CHK'D: JSB
SCALE: As Noted
PROJ. NO.: 2018025

SHEET NO.:

C-6



ELEVATION
1" = 2'



TYPICAL SECTION
1" = 1'

RAISED BOARDWALK IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Piles	Temporary	N/A	N/A	N/A
	Permanent	88	8	4

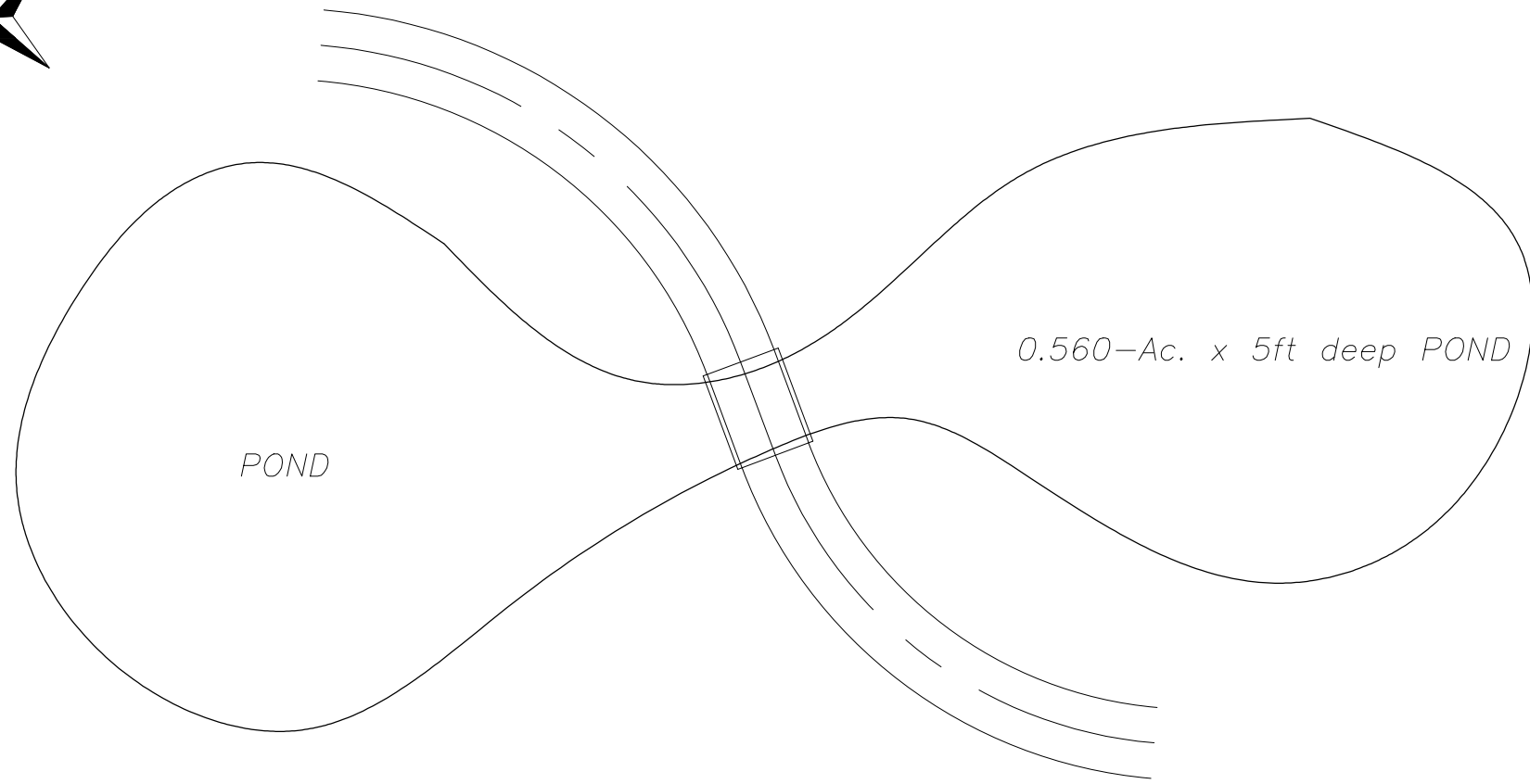
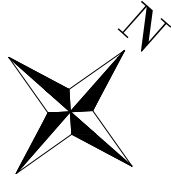
STONE STEP DEVELOPMENT
RAISED BOARDWALK
ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)

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SHEET NO.:

C-7



PLAN
1" = 20'

POND 1 IMPACT TO WATERS OF THE US

<i>DREDGE</i>	<i>IMPACT TYPE</i>	<i>NUMBER</i>	<i>TOTAL AREA (square feet)</i>	<i>TOTAL VOLUME (cubic yards)</i>
<i>Pond Exc</i>	<i>Temporary</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
	<i>Permanent</i>	<i>N/A</i>	<i>24,400</i>	<i>4,520</i>

BISHOP ENGINEERING, LLC
PO BOX 2501 HOMER, ALASKA 99603
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DATE: 1/13/2019
CHK'D: JSB
SCALE: As Noted
PROJ. NO.: 2018025

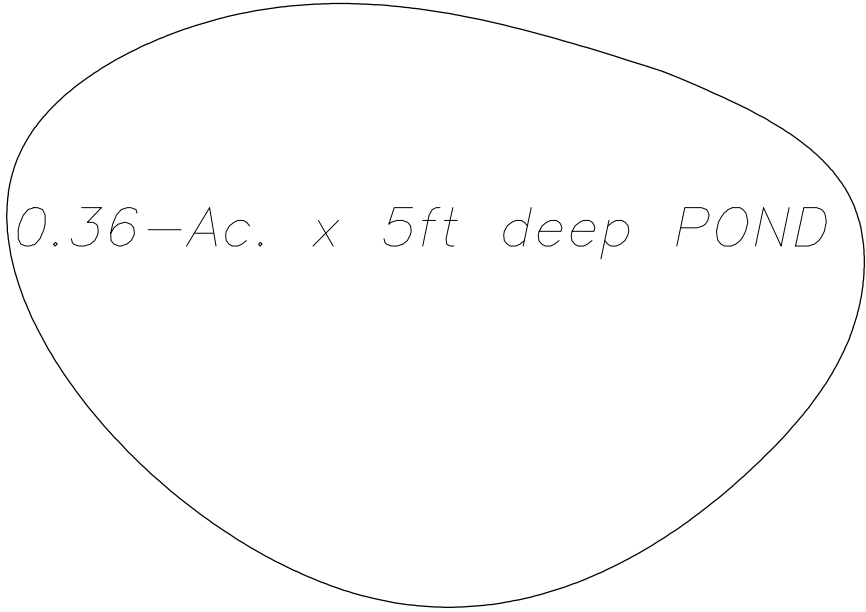
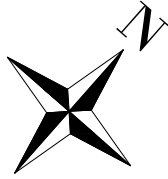
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C-8

STONE STEP DEVELOPMENT

POND 1

ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)



PLAN
1" = 20'

POND 2 IMPACT TO WATERS OF THE US

<i>DREDGE</i>	<i>IMPACT TYPE</i>	<i>NUMBER</i>	<i>TOTAL AREA (square feet)</i>	<i>TOTAL VOLUME (cubic yards)</i>
<i>Pond Exc</i>	<i>Temporary</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
	<i>Permanent</i>	<i>N/A</i>	<i>15,700</i>	<i>2,900</i>

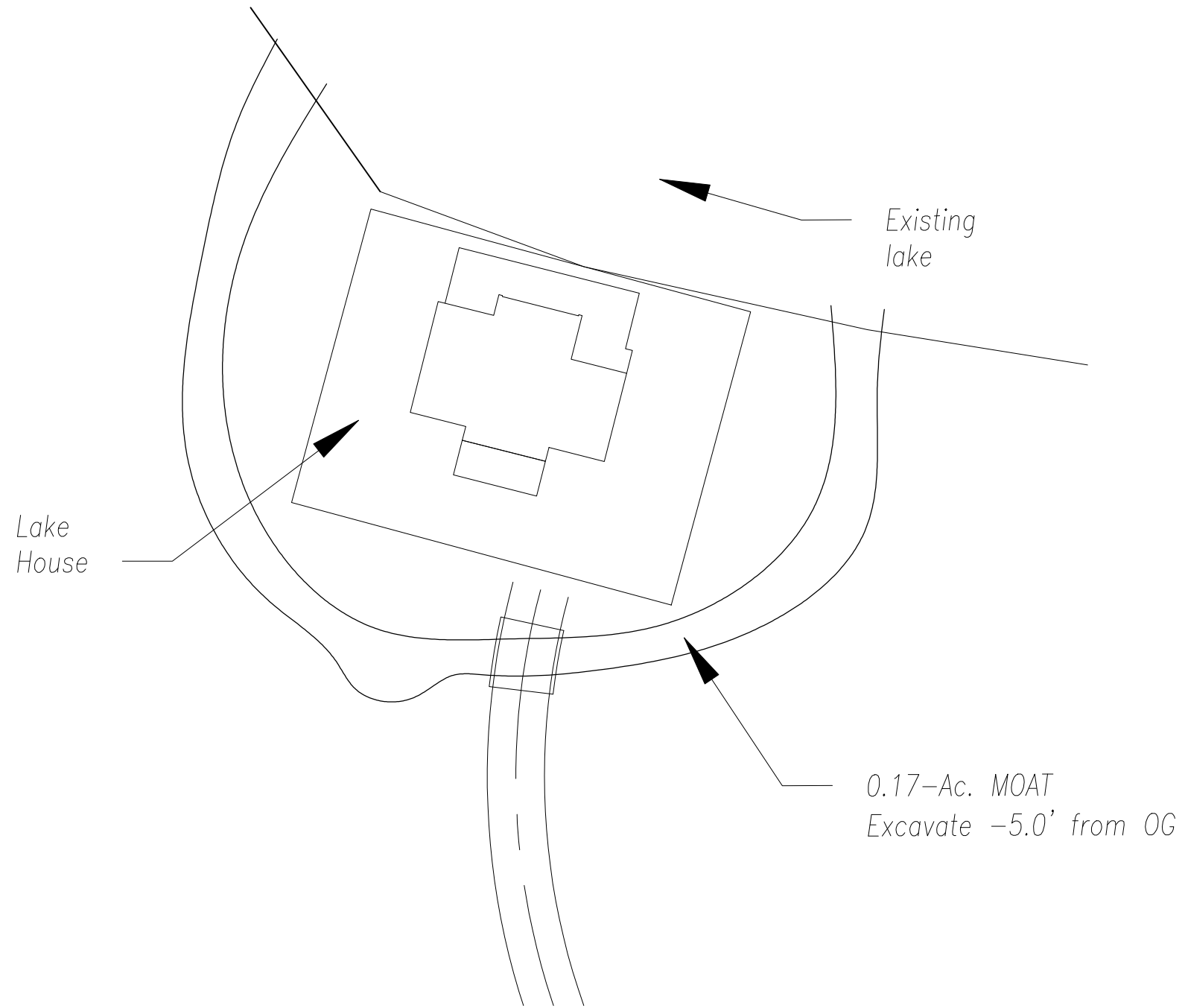
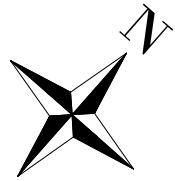
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(907) 299-7609

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SCALE: As Noted
PROJ. NO.: 2018025

SHEET NO.:

C-9

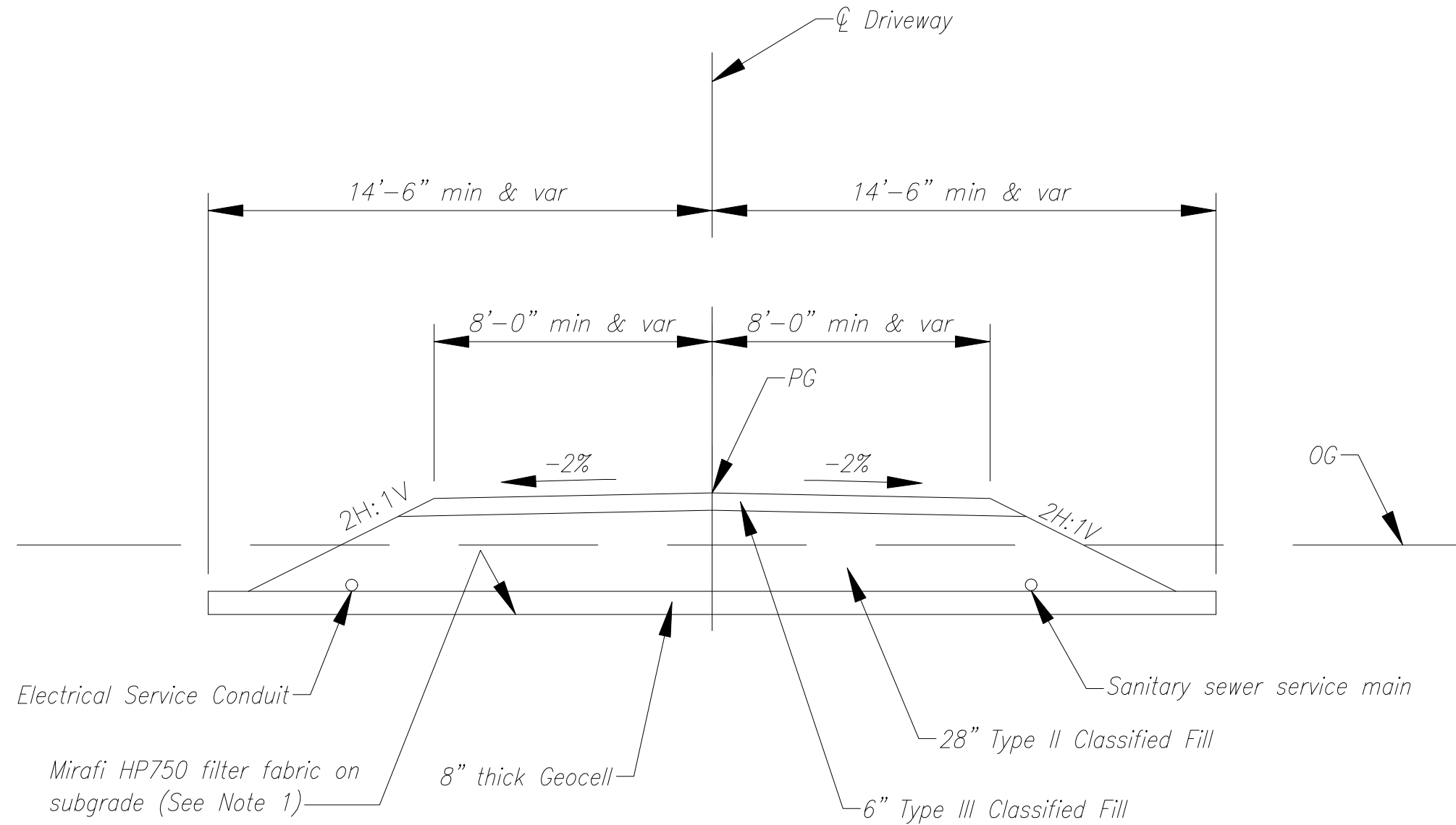
STONE STEP DEVELOPMENT
POND 2
ALTERNATIVE 2.1 (PREFERRED ALTERNATIVE)



PLAN
1" = 20'

MOAT IMPACT TO WATERS OF THE US

DREDGE	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)
Moat Exc	Temporary	N/A	N/A	N/A
	Permanent	N/A	7,420	1,380



ROADWAY TYPICAL SECTION

DRIVEWAY IMPACT TO WATERS OF THE US

FILL	IMPACT TYPE	NUMBER	TOTAL AREA (square feet)	TOTAL VOLUME (cubic yards)	NOTES
16ft Roadway	Temporary	N/A	N/A	N/A	Includes only the 16ft standard width roadway segments totaling 1240 feet in wetlands
	Permanent	N/A	36,000	5,490	
Flared Roadways	Temporary	N/A	N/A	N/A	Includes the flared driveways around the barn
	Permanent	N/A	21,150	2,110	