



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

<b>PUBLIC NOTICE DATE:</b>	<b>January 24, 2018</b>
<b>EXPIRATION DATE:</b>	<b>February 23, 2018</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2005-744</b>
<b>WATERWAY:</b>	<b>Anchor River</b>

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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](mailto: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 Randal Vigil at (907) 790-4490 or by email at [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Cap Shafer, Dibble Creek Rock LTD, 34481 N Fork Road, Anchor Point, AK 99556.

**AGENT:** Nathan Lynn Whitmore, PO Box 355, Anchor Point, AK 99556.

**LOCATION:** The project site is located within Section 32, T. 5 S., R. 14 W., Seward Meridian; USGS Quad Map Seldovia C-5; Latitude 59.6941° N., Longitude 151.6894° W.; adjacent to the Sterling Highway approximately 0.344 miles north of Mile Post 166, near Homer, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct a facility for "handling, sorting, re-purposing, and disposal of fill material resulting from small and larger civil projects".

**PROPOSED WORK:** The applicant requests authorization to discharge approximately 12,000 cubic yards of peat, 75,000 cubic yards of overburden soil material and 12,000 cubic yards of

wood fill material in up to 1.97 acres of waters of the United States consisting of palustrine wetlands in order to construct a waste material sort and stockpile area.

The proposed work would be performed during winter months, and the applicant estimates that the site would be in use for two years.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated December 5, 2017.

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: There is long narrow piece of upland ground on this property paralleling the Sterling Highway that would be utilized for the truck access route or turn-around (ingress and egress). Although that route would use up a significant amount of the uplands, some of those uplands would be utilized for depositing fill material, thus reducing further impacts on the wetlands. Available uplands on this portion of the applicants property will be used to the maximum extent possible to deposit fill material for this project. It is expected that the scope of the scheduled highway project and other current projects will fully utilize the available uplands on this site and will produce additional volumes of fill requiring this permit request. We are not proposing to avoid the wetlands but rather to concentrate impacts on a relatively small footprint while keeping the fill as close to the uplands as possible

b. Minimization: A four foot layer of porous wood material will be placed on the wetlands first to promote any existing natural drainage. Fill material will be sorted so that any woody debris can be salvaged for drain tile, mulched for landscaping purposes, or stacked and seasoned until an appropriate time to burn this excess material-eliminating the need to make a fill discharge. Higher quality soils will be saved and reprocessed into marketable gardening material if possible, further reducing the need to discharge. In addition, any rocky material, asphalt, and or concrete will be sorted and saved to be processed and re-purposed as useful road base products. Finer siltier material that will make a bulk of the fill will be covered with base course material with finish slopes seeded and revegetated to reduce the amount of fine material discharging into the wetlands. Silt fencing would be installed at the limits of fill in addition to a berm being constructed at the base of the fill. This site and parcel was chosen in part because it has been previously disturbed and impacted to an unknown degree. There is evidence of prior ditching and those are currently present. This project would utilize those ditches to ensure there is no adverse effect on existing drainage patterns. All runoff will be contained within the project until embankments are stabilized per any applicable SWPPP. Construction of the berm and the road between uplands will take place during frozen winter months to avoid damaging existing wetlands.

c. Compensatory Mitigation: There has been little or no observed standing water in this medium to low value kettle and discharge slope wetlands. It appears to be dry in the summer and fall months. We will be utilizing geotextile fabric and a culvert in a portion of the project and utilizing fill material separation to sustain natural flow throughout the project. We feel that the relatively low value of these wetlands and the other construction technics explained previously may eliminate the need for compensatory mitigation.

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 cultural resources within the vicinity of the permit area. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time. The Corps has made a No Adverse Effect determination for the proposed project. This application is being coordinated with 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.

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 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 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  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

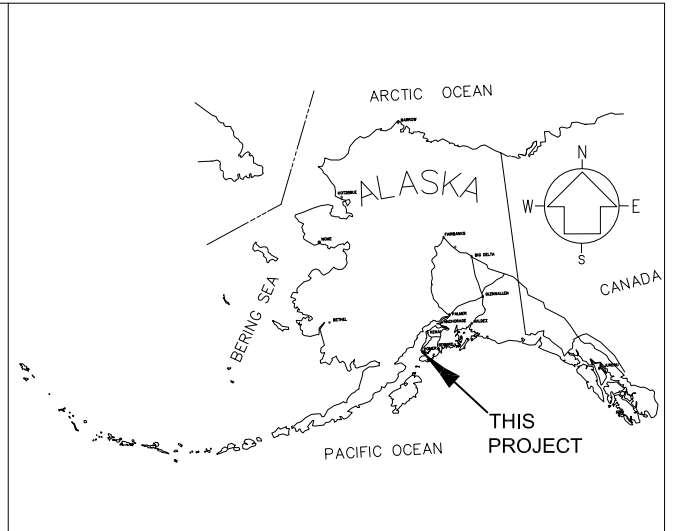
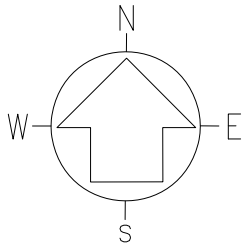
## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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 No. **POA-2005-744, Anchor River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

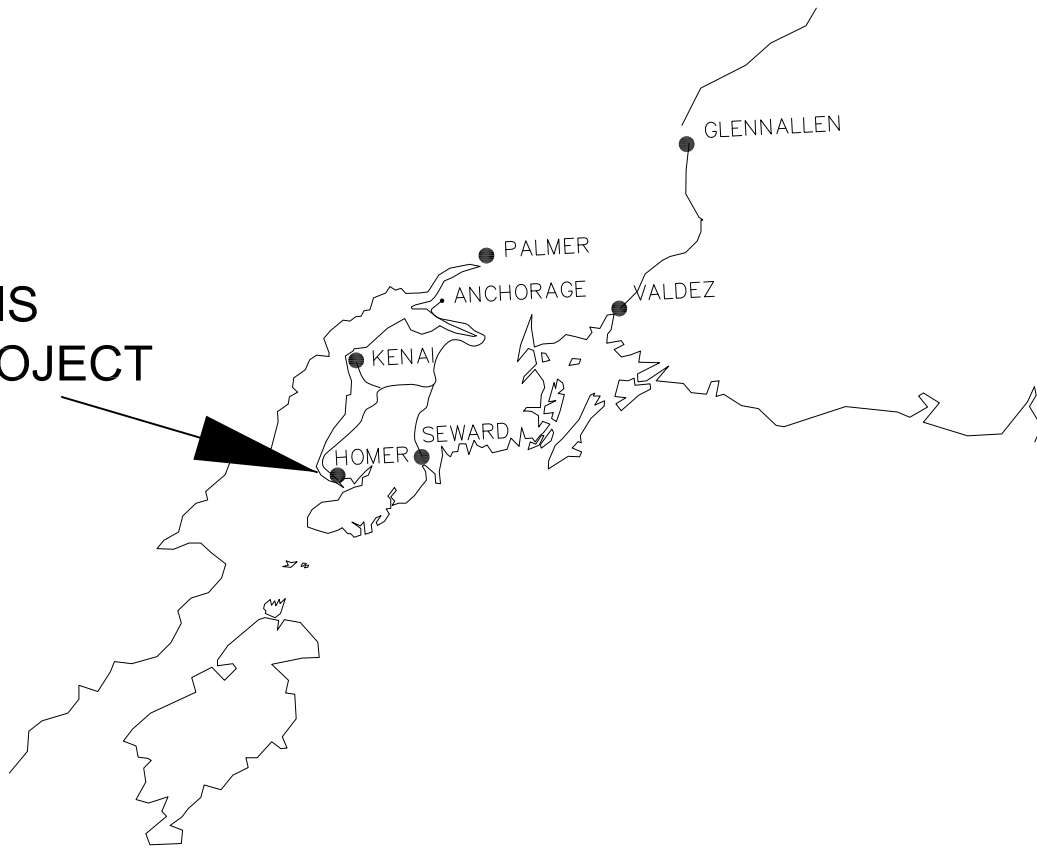
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



L O C A T I O N   M A P

**THIS PROJECT**



NEAR HOMER, KENAI PENINSULA BOROUGH, ALASKA  
 APPROXIMATELY 8 MILES NORTH OF  
 HOMER ALONG THE STERLING HWY  
 AND JUST SOUTH OF THE  
 INTERSECTION OF THE OLD AND  
 NEW STERLING HWY (LOCALLY  
 KNOWN AS "8 MILE").

**DIBBLE CREEK ROCK LTD**

FILE NO.:

WATERWAY:

PROPOSED ACTIVITY: WETLANDS FILL

SEC 32, T6S, R14W, S.M.

Lat: 59° 41' 38.74052" N

Lon: 151° 41' 21.89913" W

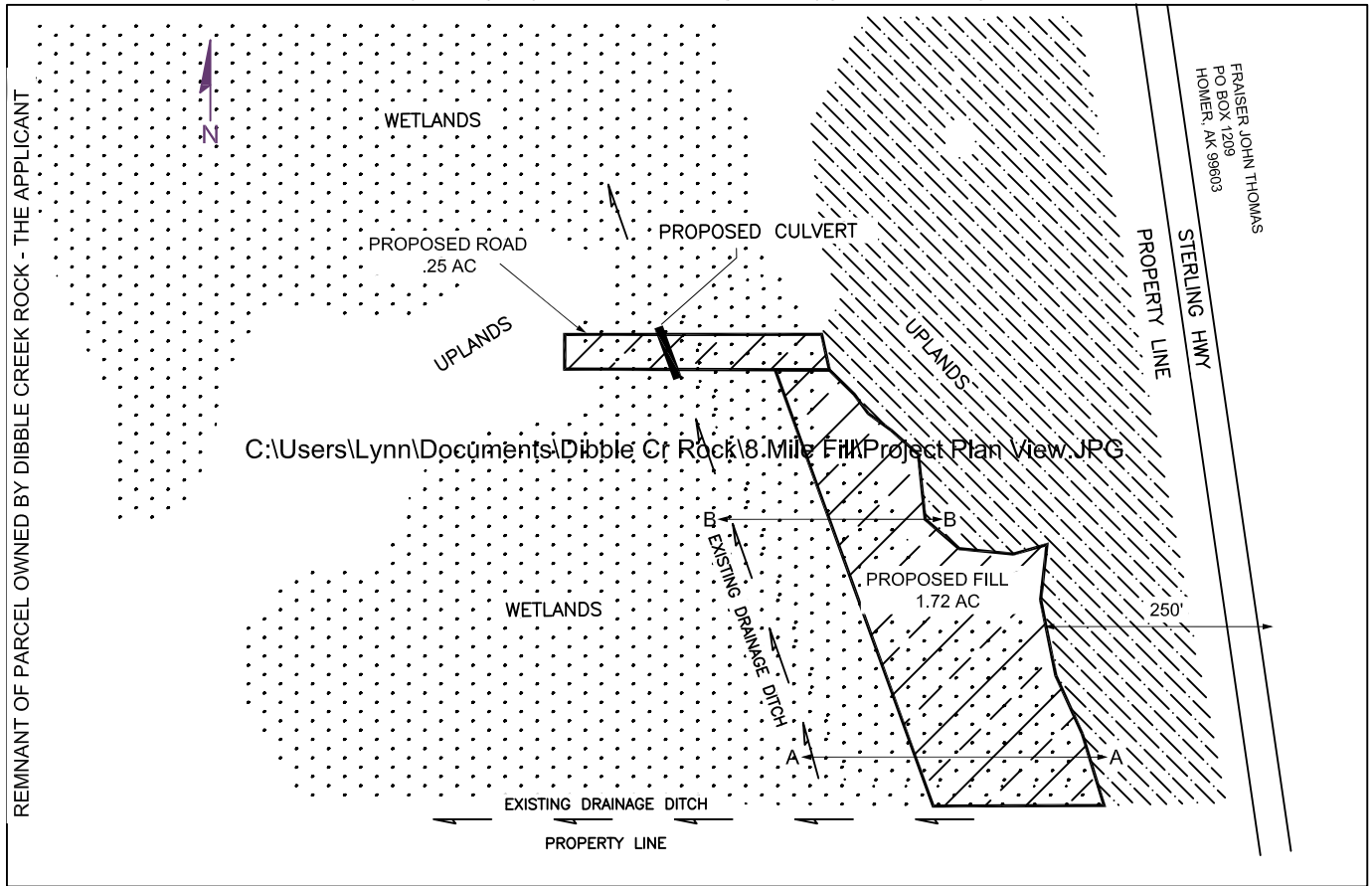
DATE: 12/5/17

DWG: VICINITY MAP

SHT 1 of 5




WETLANDS  
PROJECT PLAN VIEW

REMNANT OF PARCEL OWNED BY DIBBLE CREEK ROCK - THE APPLICANT



ADJACENT LAND OWNER:  
ALSUP NELSON C/O MICHAEL HOUGH,  
3733 BEN WALTERS LANE STE 2, HOMER, AK.

BERMS WILL BE SET INTO PLACE (PER A SWPPP) TO CONTROL VIRTUALLY ALL POTENTIAL RUNOFF FROM THIS PROJECT WHILE RETAINING THE NATURAL AND MAN-MADE DRAINAGE CHARACTERISTICS OF THIS PROPERTY. WHILE VERY LITTLE WATER IS APPARENT IN THE MAN-MADE DITCHES, A CULVERT WILL BE SET IN THE EXISTING DITCH UNDER THE PROPOSED ROAD TO FURTHER ASSURE NATURAL DRAINAGE. THE DITCHES SHOWN HERE WERE CONSTRUCTED AT A PRIOR DATE, UNKNOWN BY THE CURRENT OWNERS. A SEDIMENTATION AND RUNOFF CONTROL BERM WILL SET ALONG THE TOE OF SLOPE OF ALL FILL.

-  UPLANDS AREA TO BE USED FOR INGRESS, EGRESS AND FILL - 4.94 AC.
-  AREA TO BE FILLED - 1.97 AC.
-  EXISTING WETLANDS.



PLAN VIEW -A

DIBBLE CREEK ROCK LTD

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PROPOSED ACTIVITY: WETLANDS FILL

SEC 32, T6S, R14W, S.M.

Lat: 59° 41' 38.74052" N

Lon: 151° 41' 21.89913" W

NEAR HOMER, KENAI PENINSULA BOROUGH, ALASKA APPROXIMATELY 8 MILES NORTH OF HOMER ALONG THE STERLING HWY AND JUST SOUTH OF THE INTERSECTION OF THE OLD AND NEW STERLING HWY (LOCALLY KNOWN AS "8 MILE").

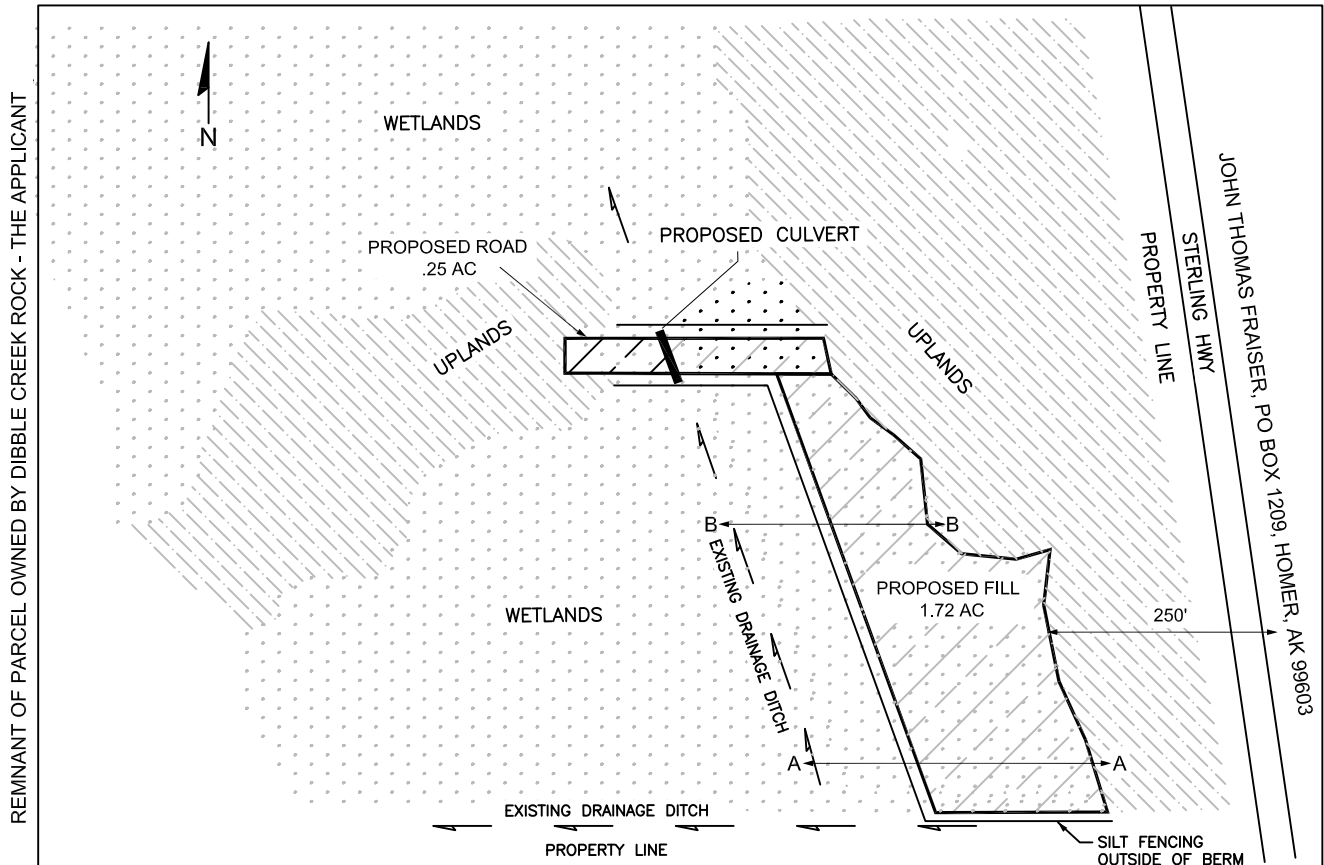
DATE: 12/5/17

DWG: PLAN VIEW - A

SHT 2 of 5




WETLANDS  
PROJECT PLAN VIEW

REMNANT OF PARCEL OWNED BY DIBBLE CREEK ROCK - THE APPLICANT



ADJACENT LAND OWNER:  
ALSUP NELSON C/O MICHAEL  
HOUGH, 3733 BEN WALTERS  
LANE, STE 2, HOMER, AK 99603

BERMS WILL BE SET INTO PLACE (PER A SWPPP) TO CONTROL VIRTUALLY ALL POTENTIAL RUNOFF FROM THIS PROJECT WHILE RETAINING THE NATURAL AND MAN-MADE DRAINAGE CHARACTERISTICS OF THIS PROPERTY. WHILE VERY LITTLE WATER IS APPARENT IN THE MAN-MADE DITCHES, A CULVERT WILL BE SET IN THE EXISTING DITCH UNDER THE PROPOSED ROAD TO FURTHER ASSURE NATURAL DRAINAGE. THE DITCHES SHOWN HERE WERE CONSTRUCTED AT A PRIOR DATE, UNKNOWN BY THE CURRENT OWNERS. A SEDIMENTATION AND RUNOFF CONTROL BERM WILL SET ALONG THE TOE OF SLOPE OF ALL FILL.

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-  AREA TO BE FILLED - 1.97 AC.
-  EXISTING WETLANDS.



**PLAN VIEW - B**

**DIBBLE CREEK ROCK LTD**

FILE NO.:

WATERWAY:

PROPOSED ACTIVITY: WETLANDS FILL

SEC 32, T6S, R14W, S.M.

Lat: 59° 41' 38.74052" N

Lon: 151° 41' 21.89913" W

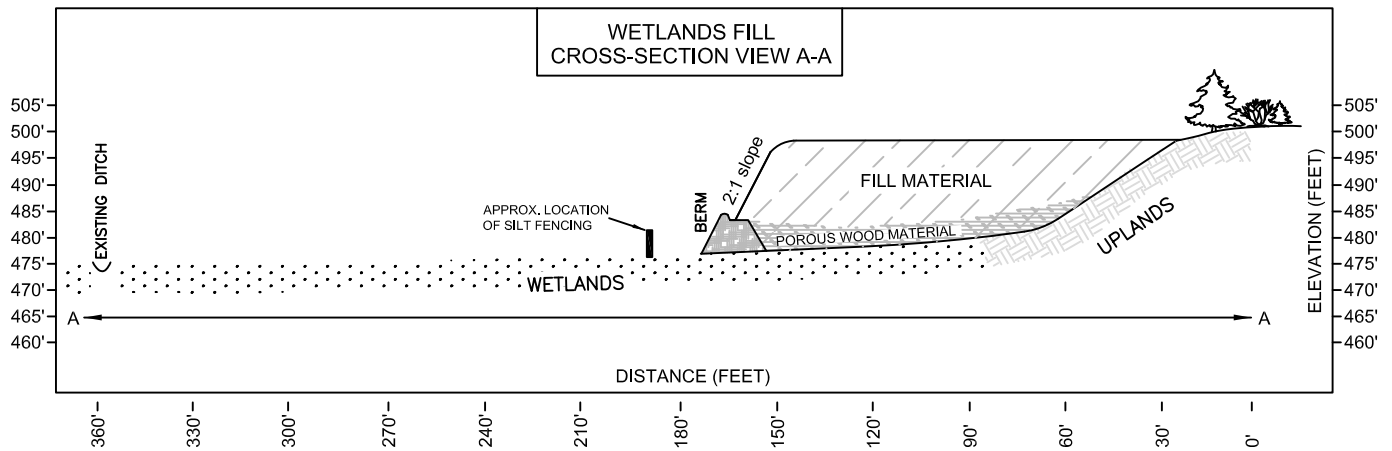
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DWG: PLAN VIEW - B

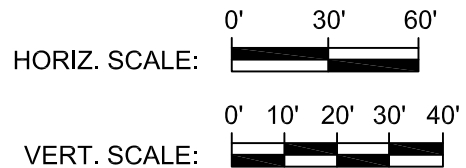
SHT 3 of 5

NEAR HOMER, KENAI PENINSULA BOROUGH, ALASKA APPROXIMATELY 8 MILES NORTH OF HOMER ALONG THE STERLING HWY AND JUST SOUTH OF THE INTERSECTION OF THE OLD AND NEW STERLING HWY (LOCALLY KNOWN AS "8 MILE").





WITHIN THIS OVERALL SCOPE OF THIS PROJECT PLACE APPROX. 12,000 C.Y. OF WOODY DEBRIS, 75,000 C.Y. OF OVERBURDEN AND 12,000 C.Y. OF PEAT/TOP SOIL IN APPROX. 1.97 ACRES OF KETTLE AND DISCHARGE SLOPE WETLANDS FOR A PERMITTED FILL SITE FOR UNUSEABLE CONSTRUCTION MATERIAL. INSTALL APPROX. 40' CMP UNDER A 30' WIDE BASE FOR ACCESS ROAD.



### CROSS-SECTION VIEW A-A

NEAR HOMER, KENAI PENINSULA BOROUGH, ALASKA APPROXIMATELY 8 MILES NORTH OF HOMER ALONG THE STERLING HWY AND JUST SOUTH OF THE INTERSECTION OF THE OLD AND NEW STERLING HWY (LOCALLY KNOWN AS "8 MILE").

#### DIBBLE CREEK ROCK LTD

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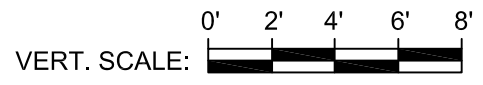
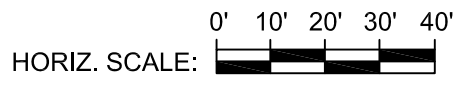
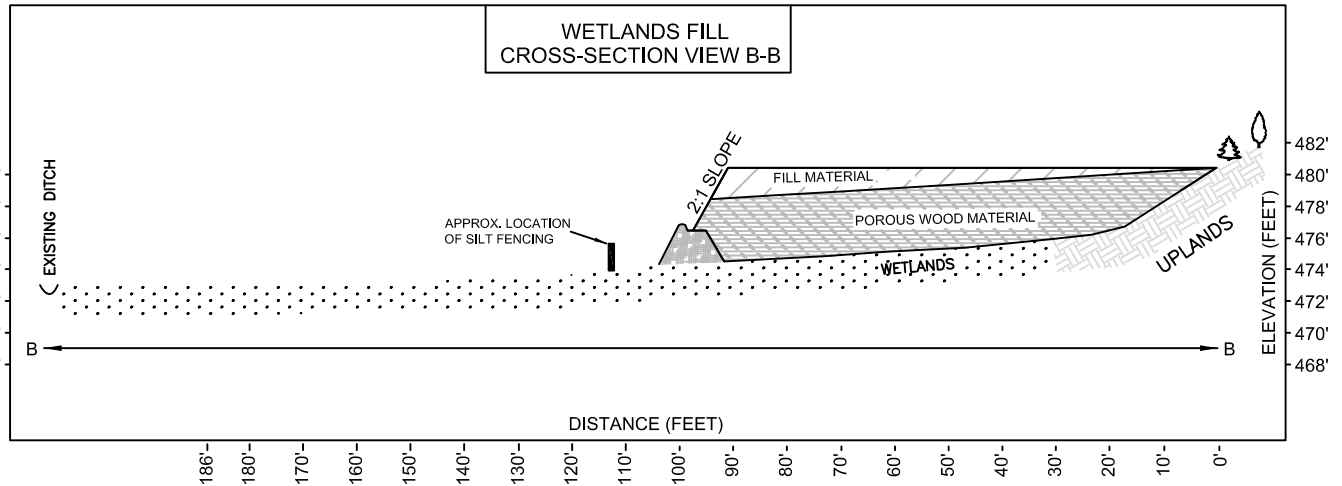
WATERWAY:

PROPOSED ACTIVITY: WETLANDS FILL

SEC 32, T6S, R14W, S.M.

Lat: 59° 41' 38.74052" N  
Lon: 151° 41' 21.89913" W

DATE: 12/5/17	DWG: PROFILE "A"	SHT 4 of 5
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**CROSS-SECTION VIEW B-B**

NEAR HOMER, KENAI PENINSULA BOROUGH, ALASKA  
 APPROXIMATELY 8 MILES NORTH OF HOMER ALONG  
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**DIBBLE CREEK ROCK LTD**

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DWG: PROFILE "B"

SHT 5 of 5