



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	August 4, 2020
EXPIRATION DATE:	August 19, 2020
REFERENCE NUMBER:	POA-2020-00306
WATERWAY:	Big 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 (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 Kendra Holman at (907) 753-753-5693, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Kendra.B.Holman@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Timothy Fenton

LOCATION: The project site is located at Section 20, Township 17 North, Range 3 West, Seward Meridian; Latitude 61.546882° North, Longitude -149.858699° West; North Shore Big Lake Condominiums, Lot 3; near Big Lake, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Alaska DEC impaired water, Big Lake.

PURPOSE: The applicant's stated purpose is to provide usable lawn for family use and activities. There will be access to the lake from the dock and a place to park the boat.

PROPOSED WORK: The applicant proposes to place 2,100 cubic yards (CY) of fill material into 0.5 acre of wetland. This will include 1,400 CY of 6-inch minus gravel and 700 CY of top soil. Under the fill material will be a woven geotextile fabric. The fill material will be used to construct a 0.45 acre pad around the existing drive and toward Big Lake. There would be a 75 feet x 8 feet long path (0.05 acre) from the fill pad to the berm along Big Lake. The path will allow access to the proposed dock. The proposed dock would be 6 feet wide and 30 feet long. A 20 foot long ramp from the berm to the dock would span 16 feet over Big Lake. The dock will be held in place with (14) 2 3/8 inch galvanized steel pipes, which will be driven in place from a private boat with hand tools.

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated July 27, 2020.

ADDITIONAL INFORMATION:

Alaska Department of Fish and Game, Habitat permit
Alaska State Parks, Private Dock Permit

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: There will be 75 feet of wetland avoided between the end of the fill material and the berm along Big Lake. The proposed size of the dock was selected to avoid dredging Big Lake.

b. Minimization: The proposed area of fill is the minimum necessary to complete the project. The driveway, that is currently onsite, will be surrounded on three side by the fill. Incorporating the driveway minimizes the overall area where fill material would be placed. The proposed dock will be held in place with (2) 3/8 inch galvanized pipes placed with hand tools. The size of the dock is the smallest possible while maintaining safety.

c. Compensatory Mitigation: No mitigation is proposed at this time.

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 location of the placement of fill material and

the location where the dock is proposed. 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: We are currently gathering information regarding the species listed below and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

The project area is within the known range of:

Common Name	Scientific Name
Chum Salmon	<i>Oncorhynchus keta</i>
Coho Salmon	<i>Oncorhynchus kisutch</i>
Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Pink Salmon	<i>Oncorhynchus gorbuscha</i>
Sockeye Salmon	<i>Oncorhynchus nerka</i>

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 authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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-2020-00306, Big 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 Kate Orozco 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.

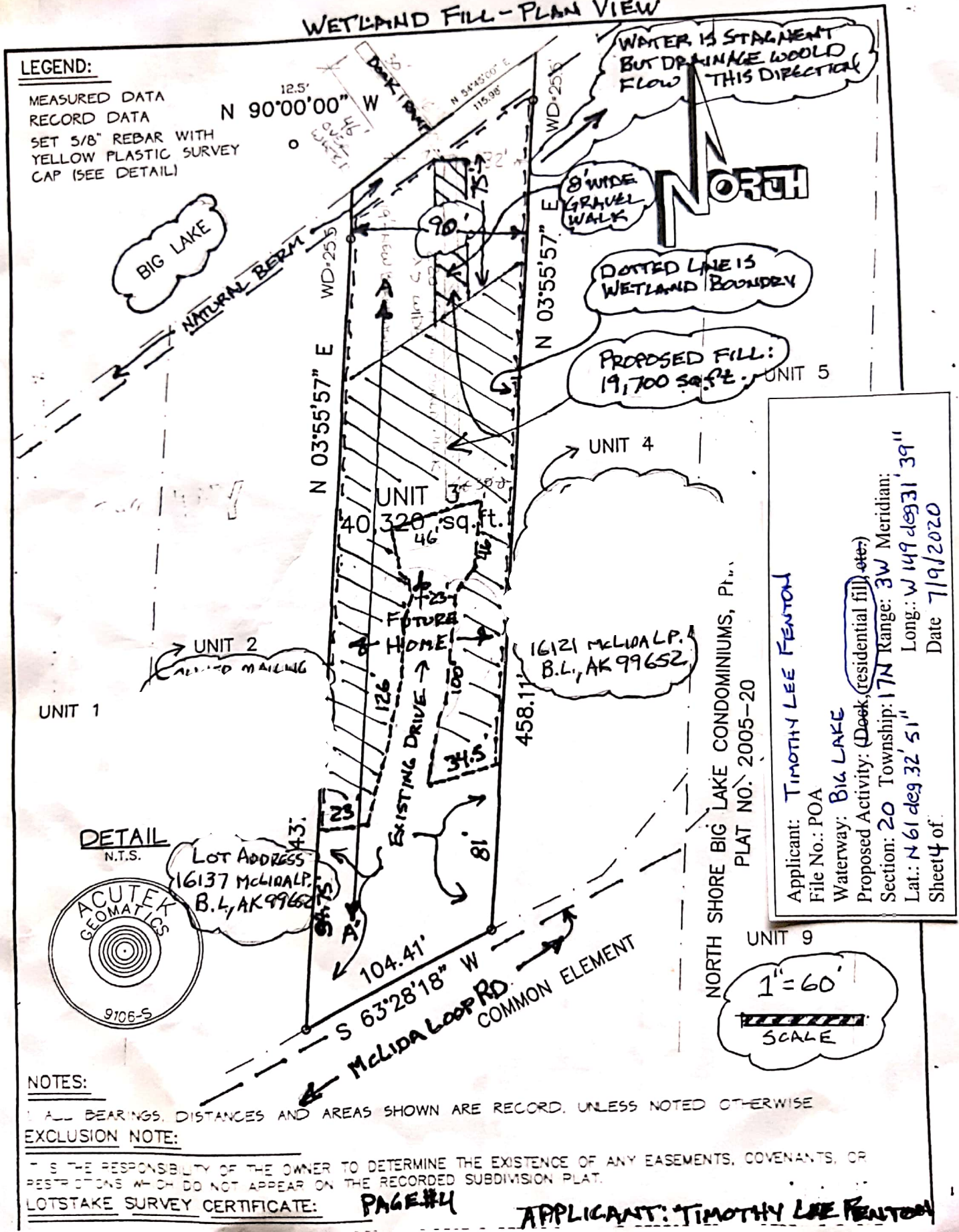




WETLAND FILL - PLAN VIEW

LEGEND:

MEASURED DATA
 RECORD DATA
 SET 5/8" REBAR WITH
 YELLOW PLASTIC SURVEY
 CAP (SEE DETAIL)



BIG LAKE

WATER IS STAGNANT
 BUT DRAINAGE WOULD
 FLOW THIS DIRECTION

NORTH

DOTTED LINE IS
 WETLAND BOUNDARY

PROPOSED FILL:
 19,700 sq. ft. UNIT 5

16121 MCLIDA L.P.
 B.L., AK 99652

LOT ADDRESS
 16137 MCLIDA L.P.
 B.L., AK 99652

Applicant: TIMOTHY LEE FENTON
 File No.: POA
 Waterway: BIG LAKE
 Proposed Activity: (Deck, residential fill, etc)
 Section: 20 Township: 17N Range: 3W Meridian:
 Lat.: N 61 deg 32' 51" Long.: W 149 deg 31' 39"
 Date 7/19/2020
 Sheet 4 of

NORTH SHORE BIG LAKE CONDOMINIUMS, Pt.
 PLAT NO. 2005-20

UNIT 9
 1" = 60'
 SCALE

DETAIL
 N.T.S.



NOTES:

1. ALL BEARINGS, DISTANCES AND AREAS SHOWN ARE RECORD, UNLESS NOTED OTHERWISE

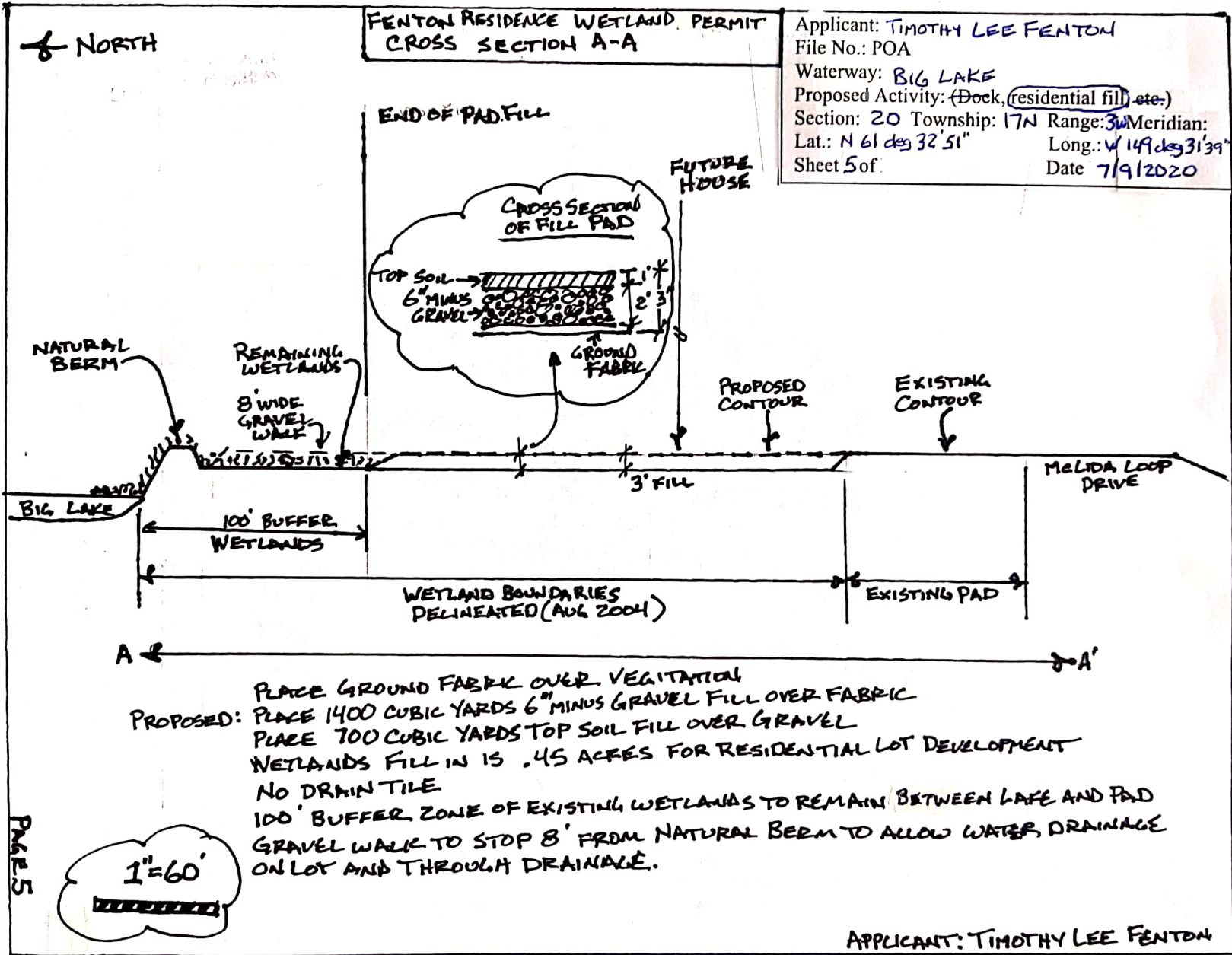
EXCLUSION NOTE:

IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.

LOTSTAKE SURVEY CERTIFICATE:

PAGE #4

APPLICANT: TIMOTHY LEE FENTON



FENTON RESIDENCE WETLAND PERMIT
CROSS SECTION A-A

Applicant: TIMOTHY LEE FENTON
 File No.: POA
 Waterway: BIG LAKE
 Proposed Activity: (Dock, residential fill) etc.)
 Section: 20 Township: 17N Range: 3W Meridian:
 Lat.: N 61 deg 32' 51" Long.: W 149 deg 31' 39"
 Sheet 5 of _____ Date 7/9/2020

PLACE GROUND FABRIC OVER VEGETATION
 PROPOSED: PLACE 1400 CUBIC YARDS 6" MINUS GRAVEL FILL OVER FABRIC
 PLACE 700 CUBIC YARDS TOP SOIL FILL OVER GRAVEL
 WETLANDS FILL IN IS .45 ACRES FOR RESIDENTIAL LOT DEVELOPMENT
 NO DRAIN TILE
 100' BUFFER ZONE OF EXISTING WETLANDS TO REMAIN BETWEEN LAKE AND PAD
 GRAVEL WALK TO STOP 8' FROM NATURAL BERM TO ALLOW WATER DRAINAGE
 ON LOT AND THROUGH DRAINAGE.



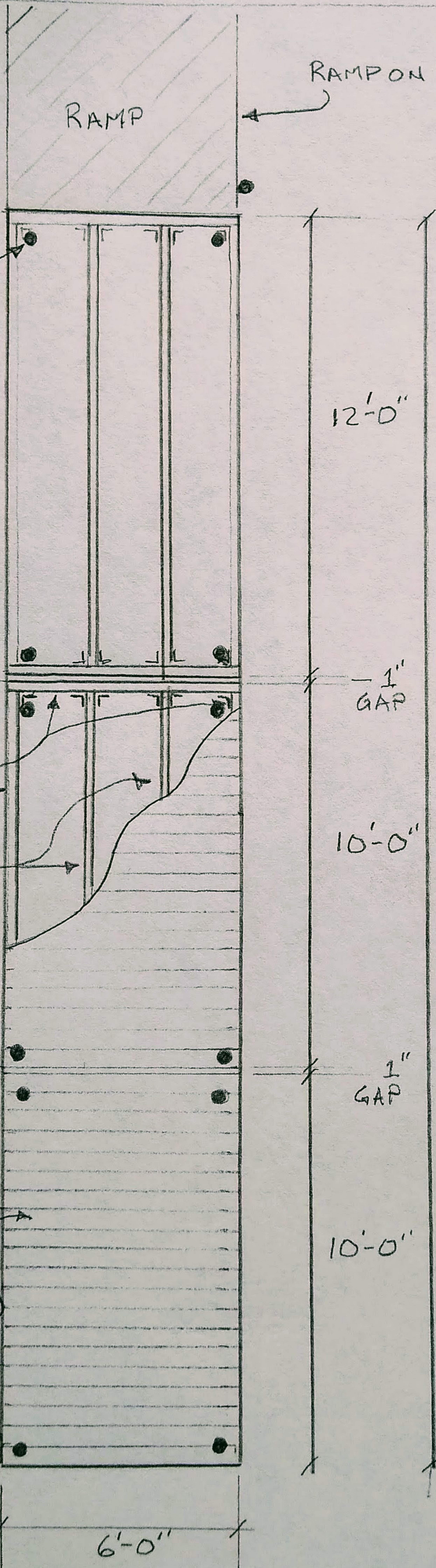
APPLICANT: TIMOTHY LEE FENTON

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RAMP ON PAGE #2

1/4" = 1' SCALE

2 3/8" DIA. GALV. STEEL PILING DRIVEN TO REFUSAL TYP. 14 EA.



TOP OF DOCK TO BE 18" ABOVE WATER LINE

12'-0"

1" GAP

10'-0" 32'-2"

1" GAP

10'-0"

6'-0"

1/4" = 1' SCALE

WALKWAY
TO FUTURE
HOME

TOP OF RAMP

4'-0"

SHORE

20'-0"

RAMP MADE
WITH METALS
& METHODS AS
DOCK

16'-0"

BOTTOM OF RAMP

TRANSITION FROM
DOCK TO RAMP
1'-6" ABOVE WATER LINE

DOCK ON
PAGE #1

6'-0"

1/8" = 1' SCALE

