



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>September 2, 2022</b>
<b>EXPIRATION DATE:</b>	<b>October 3, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00286</b>
<b>WATERWAY:</b>	<b>Root Beer Lake</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 Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, or by email at [roberta.k.budnik@usace.army.mil](mailto:roberta.k.budnik@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. Del Isabelle, P.O. Box 220021, Anchorage, AK 99522

**LOCATION:** The project site is located within Sections 22 and 27, T. 17 N., R. 04 W., Seward Meridian; Latitude 61.53816° N., Longitude 149.97976° W.; in Big Lake, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct access to the private property near Root Beer and Mirror Lakes using public section line easements and rights-of-way.

PROPOSED WORK: To discharge up to 8,500 cubic yards of select pit run gravel fill material into 1.7813 acres of wetlands in order to construct public access roads. A total of 6,597.77 feet of roads would be constructed. Of this length, up to 3,372 feet would be within wetlands. In wetlands, the road would be a maximum of 23 feet wide (toe-to-toe). Gravel fill material would be placed over Geotech fabric laid on top of the existing ground. Culverts, 12 inches by 20 feet long, would be placed as needed to maintain hydrology of the area. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated June 21, 2022.

ADDITIONAL INFORMATION: The proposed roads project would continue from a permitted, but not yet constructed road, POA-2021-00456 (Mr. Gerard Farkas, permittee). The proposed road would continue east-west from where the permitted road turns 90 degrees to the south. It would continue for approximately 2,625.75 feet (of which up to 1,234 feet crosses wetlands), then it would turn 90-degrees south, and follow the section line easement for another 1,317.99 feet (of which up to 914 feet crosses wetlands). The road would then come to a "T". At this point, the roads would be on private properties. One road would travel west for 767.65 feet (completely within uplands), and the other road would travel east for 1,318.07 feet (completely within uplands). At the end of this east portion, the road would turn 90-degrees south and continue for 568.31 feet (of which up 226 feet crosses wetlands). See page 2 of the project plans for a general plan of the proposed roads.

A section line easement authorization from the State of Alaska for the combined footprint of the permitted road (POA-2021-00456) and the currently proposed roads would be required for these roads to be constructed within such easements.

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: Complete avoidance of wetlands is not achievable using public section line easements, as the easements cross large wetland areas. Mr. Farkas' proposed road alignment ends in uplands, and it was considered to construct an additional road fully within uplands from this point. However, these uplands cross multiple private properties, and the applicant has stated that at least one private property owner will not sell or grant access across their property.

b. Minimization: Culverts would be installed along the road alignment as necessary to maintain hydrology of wetlands. Geotech fabric would be laid on top of existing ground before fill is placed.

c. Compensatory Mitigation: The applicant has not proposed any compensatory mitigation, stating that the proposed project would "...minimize degradation and 'rutting' of wetlands in soggy areas, and the widening of the trails by users as they go around 'rutted' and soggy spots."

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 known 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 roads in both wetlands and uplands, as the upland portions could not be constructed but for the wetland crossings of the proposed project. 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, 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 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 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 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

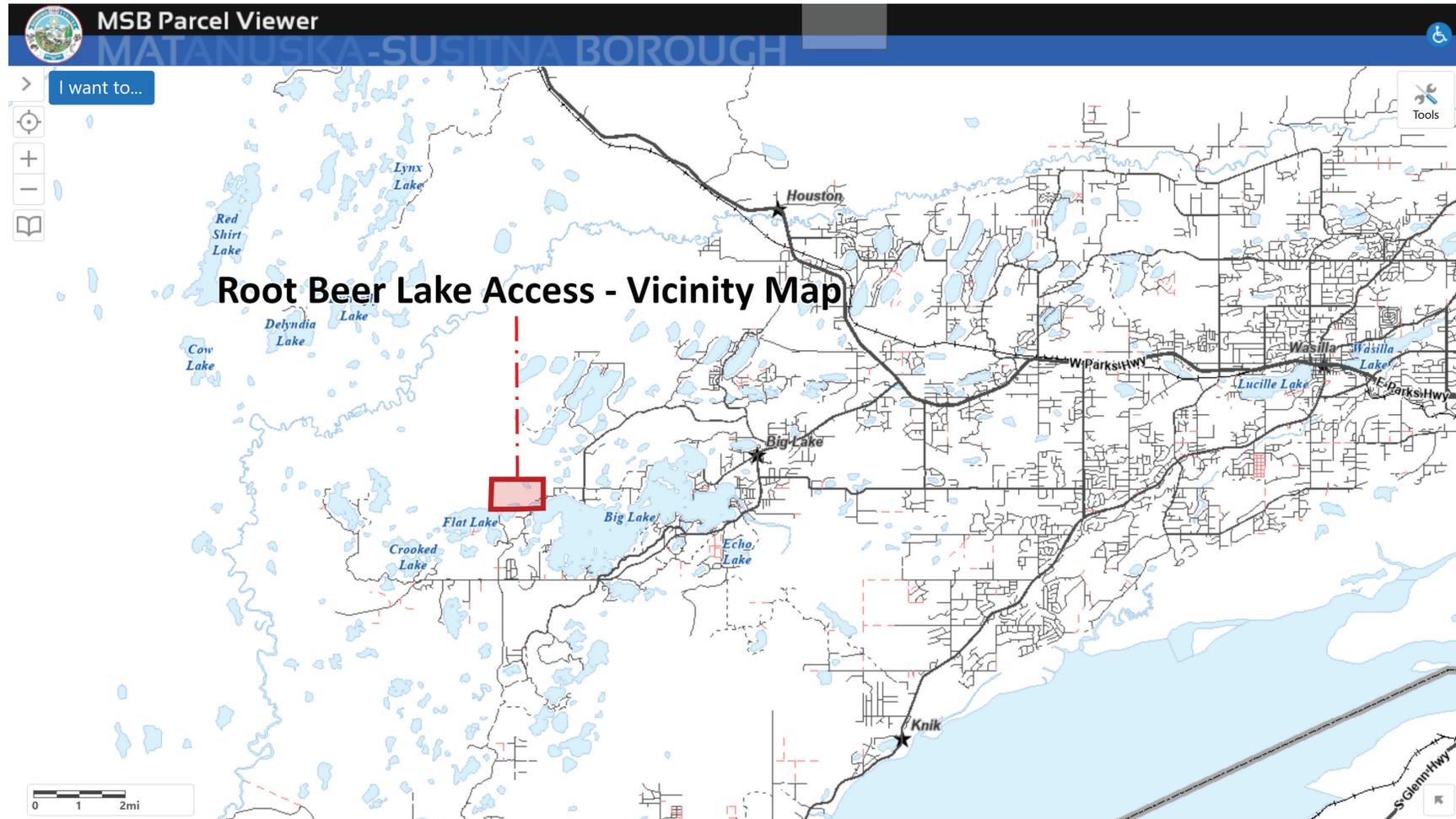
Enclosures

# Root Beer Lake Access

Mr. Del Isabelle 907-830-9647c [iceboss@gci.net](mailto:iceboss@gci.net)  
POA-2022-00286 Lat. 61.53816 N., Long. 149.97976 W.

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## Vicinity Map / Project Location (Approximately Lat: 61.53816° N Lon: 149.97976° W)

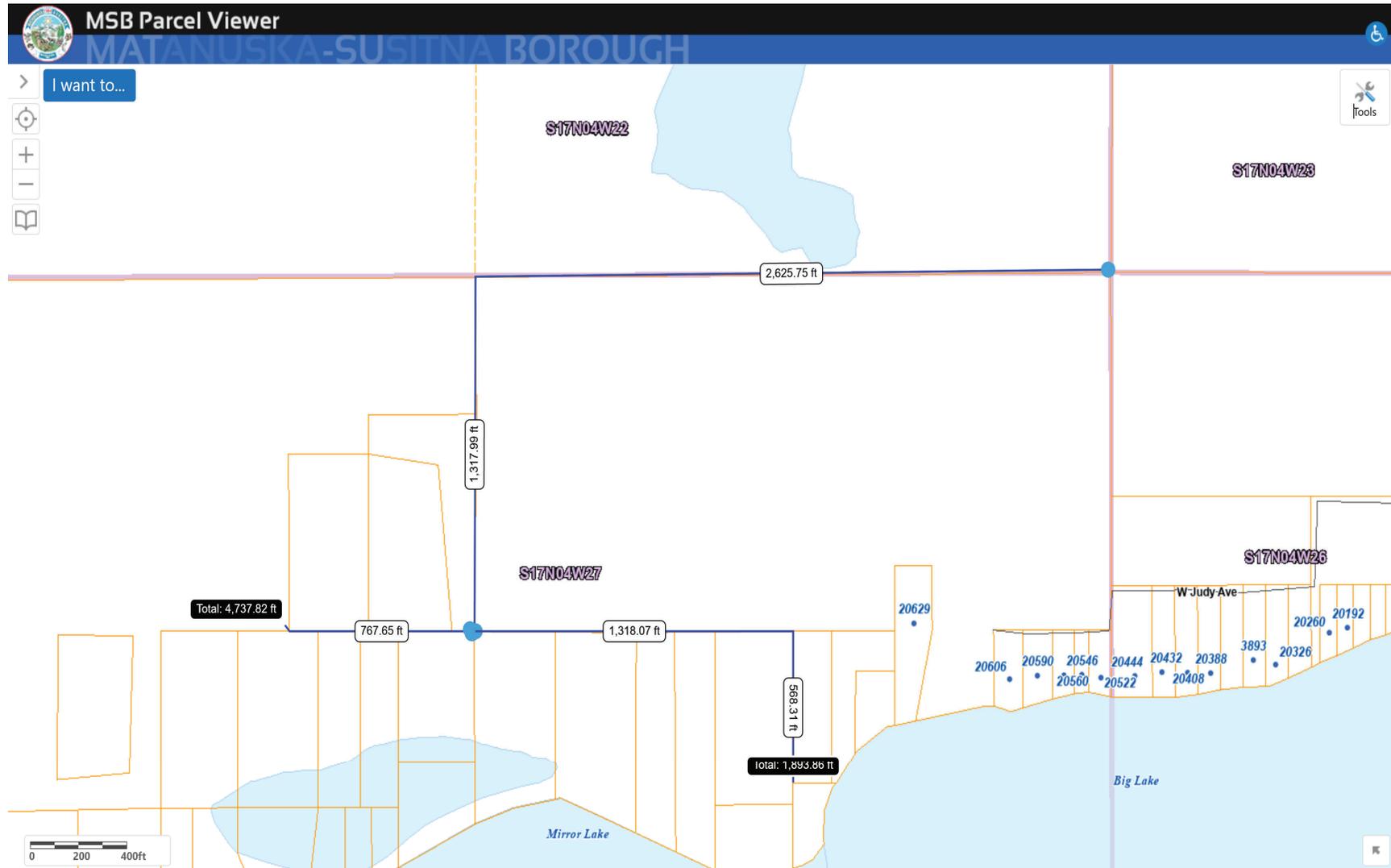


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## Attachment 2



# POA-2022-00286

Proposed Road Alignments  
Red areas in uplands all other areas in wetlands

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## Legend

- POA-2022-00286
- ⬢ Proposed Road
- ⬢ Upland Area

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Google Earth

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1000 ft

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## Attachment 4

