



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 22, 2022</b>
<b>EXPIRATION DATE:</b>	<b>October 21, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00408</b>
<b>WATERWAY:</b>	<b>Glacier Creek</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. Brian Baldwin, 22601 Eagle Glacier Loop, Eagle River, AK 99577

**LOCATION:** The project site is located at Latitude 60.9589672° N., Longitude 149.1256345° W.; Alpine View Estates, in Girdwood, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct their residence and apartment planned for long-term rental.

**PROPOSED WORK:** This is an after-the-fact permit application. The applicant requests after-the-fact authorization of the discharge of a total of 3,680 cubic yards of fill material into 0.26-acre of wetlands for the construction of a driveway and house pad. The applicant excavated 1,300 cubic yards of peat, using 1,150 cubic yards as backfill and spreading

150 cubic yards in 0.05-acre of wetlands in front of the house. The house pad and parking area was constructed with 2,380 cubic yards of gravel in 0.21-acre of wetlands. A sock drain was installed across the lot and releases water at the low corner of the lot (north corner of the property) and a silt fence and straw wattle line was installed for construction. All work was performed in accordance with the enclosed plan (sheets 1-3), dated September 21, 2022.

ADDITIONAL INFORMATION: The Alpine View Estates subdivision was originally permitted (POA-2002-01031) in 2002 under Regional General Permit (RGP) 1993-10 and 11 and authorized the construction of roads and development of the residential lots. It was reverified under the RGPs multiple times in the following years.

APPLICANT PROPOSED MITIGATION: The applicant described 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: Most of the applicant's property is mapped as wetlands. The driveway was situated to maximize the use of the uplands to the extent practicable.

b. Minimization: Drainage features were implemented into the site design, and silt fencing and straw wattles were installed for construction. A residential yard/lawn has not been constructed and is not proposed. The area of spread peat is not intended as a typical grass lawn.

c. Compensatory Mitigation: The applicant has not proposed any compensatory mitigation. When the subdivision was originally permitted, compensatory mitigation was required and fulfilled for the full potential impacts to the existing wetlands.

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 project footprint within waters of the U.S., including wetlands. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO), federally recognized tribes, and other consulting parties is not required. However, any comments SHPO, federally recognized tribes, and other consulting parties may have concerning presently unknown archeological or historic data that may have been 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 had no effect on any listed species and 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. Therefore, no consultation with the NMFS is required. However, any comments the NMFS may have concerning EFH will be considered in our final assessment of the described work.

**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 impacts, including cumulative impacts of the activity and its intended use on the public interest. Evaluation of the impacts, which the 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 activity, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize an activity, and if so, any necessary conditions. 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 activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this activity. 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

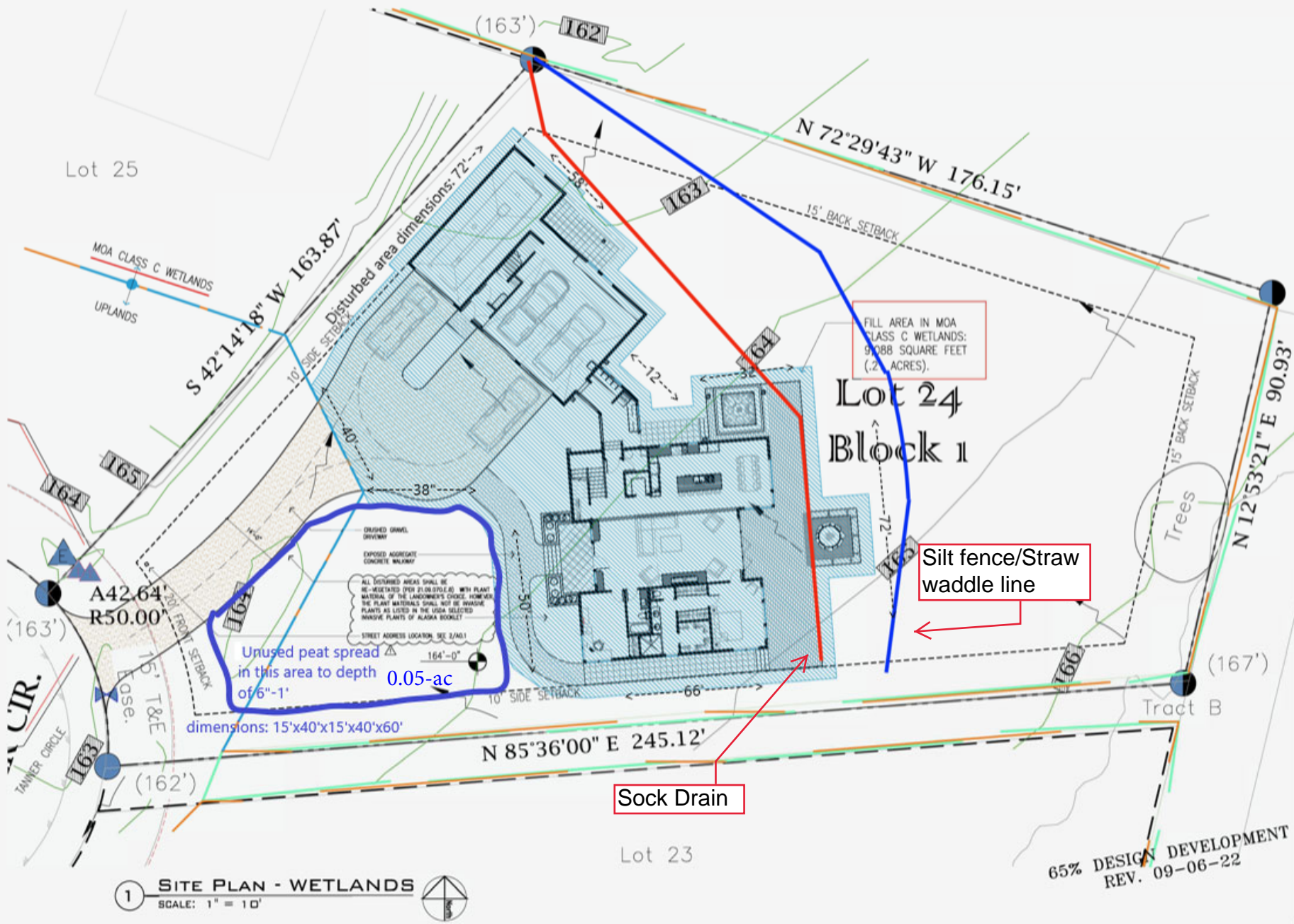
Enclosures

A map showing a residential development with various colored zones. A large orange area covers most of the upper and middle sections. A green area is located in the center, and a white area is on the left. A blue vertical line points to a specific location within the orange area. A yellow dashed line follows the path of a road. The map includes labels for roads: Alyeska Highway, Davos Rd, Barren Ave, Turner Cir, Alpina Way, Timberline Dr, and Vail Dr. A blue line also runs vertically through the map.

Baldwin Residence (Alpine View Estates, Ph2, Blk 1, Lot 24)

POA-2022-00408, Glacier Creek, Mr. Brian Baldwin  
Residential Development  
Lat. 60.9589672 N., Long 149.1256345 W.  
Sheet 1 of 3; September 21, 2022





Z ARCHITECTS  
 Maria A. Zeman  
 No. 1001

BALDWIN RESIDENCE  
 BALDWIN, ALASKA  
 DESIGN DEVELOPMENT

SITE PLAN - WETLANDS

JOB NO. 21-28  
 SUBMITTAL  
 DRAWN BY: MAZ  
 CHECKED BY: MAZ  
 REVISIONS: 08.10.22  
 THIS OFFICE

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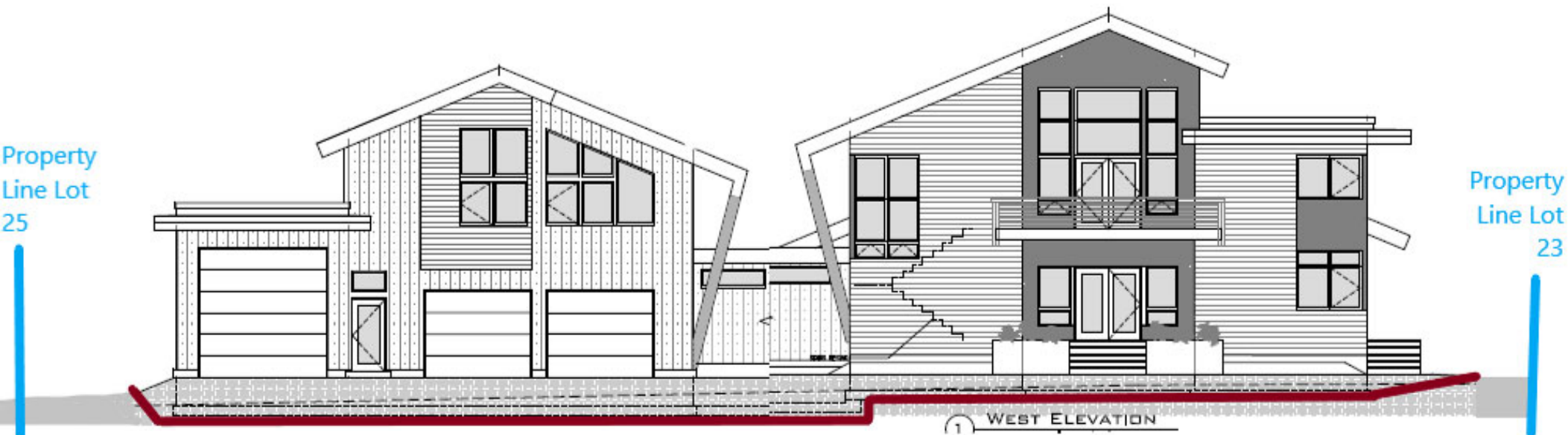
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65% DESIGN DEVELOPMENT  
 REV. 09-06-22

1 SITE PLAN - WETLANDS  
 SCALE: 1" = 10'

POA-2022-00408, Glacier Creek, Mr. Brian Baldwin  
 Residential Development  
 Lat. 60.9589672 N., Long 149.1256345 W.  
 Sheet 2 of 3; September 21, 2022

Cross Section of Lot 24 depicted with structures flattened to show graded and filled area



Graded and filled area depicted on flattened West Elevation  
Excavation of as much as 5' in the north (left) corner and as little as 1.5' to the south (rt)

1150 CY of excavated peat used as backfill with 150 CY spread up to 1' deep on the southeast portion of the lot. Additionally, there was a sock drain placed as low as 5' deep to the north end of the excavated area and a foundation drain pipe at about 4' deep. Straw wattle also used at back of grading line.