



US Army Corps
of Engineers
Alaska District

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
P.O. BOX 22270
Juneau, AK 99802-2270

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	July 7, 2023
EXPIRATION DATE:	July 22, 2023
REFERENCE NUMBER:	POA-2019-00066
WATERWAY:	Gastineau Channel

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. 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 Ms. Delana Wilks at (907) 201-5021, or by email at Delana.P.Wilks@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Chilkat Vistas LLC (Mr. Michael Heumann), 1015 Otter Run, Juneau, AK 99801

LOCATION: The project site is located within Section 8, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3453° N, Longitude 134.4904° W; in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to extend an existing subdivision to allow for nineteen additional single-family residences.

PROPOSED WORK: To discharge 2,078 cubic yards of shot rock, 403 cubic yards of 2-inch rock, and 113 cubic yards of asphalt into 0.73 acres of wetlands to extend a road by 550 feet

for additional residential housing. Several seasonal streams would also be rerouted into storm drains. All work would be performed in accordance with the enclosed plan (sheets 1–6), dated April 27, 2023.

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: Given the nature of Southeast Alaska and the temperate rainforest of Juneau, Alaska, it would be difficult to altogether avoid new construction in wetlands. In 2020, the applicant had a wetland delineation conducted for the entire property and discovered significant areas of uplands. The current application for Phase 3 of the property is laid out in a way that places many housing lots entirely on those uplands. As this is an infill, hillside development, many elements of the project design are dictated by topography and existing infrastructure, but where possible the applicant seeks to fully utilize uplands while also making full use of land fronting the roadway that must be constructed to develop any units at all.

The primary method of avoidance took place during selection of this phase's concept and location. After permitting Phase 2, the applicant looked over the property and determined that if they constructed the Mountainside Drive loop they could create nineteen lots and disturb less than an acre of forested wetlands.

b. Minimization: The applicant has minimized impacts through several methods. The first is through site selection of lands that have been previously disturbed and/or have been previously partially developed. Chilkat Vistas Subdivision is located within the Vanderbilt Watershed, but it does not drain into Vanderbilt Creek. The natural drainage of the site is through several culverts under Glacier Highway to the north-east portion of Twin Lakes. The streams that exist on the property are not anadromous (verified by Alaska Department of Fish and Game in 2018) and are largely comprised as a series of man-made ditches as the result of clear cutting and fill placement operations. The primary type of wetlands found on the tract are previously disturbed second-growth palustrine forested wetlands. When viewed from the highway or by aerial photography, it is clear that the entire tract was clear cut by previous landowners much more recently than the surrounding areas. During this process, large amounts of the ground were disturbed as evident by the topography and vegetation found in the area. While there are other developable wetlands in this watershed, Richland Manor is highly desirable for development due to its gentle topography and generally lower value wetlands than the surrounding more pristine forest, low-lying estuaries and meadows. Further, this tract already has road access to the site, reducing the impact from construction of new roads and utilities that other areas in the watershed would need. When accounting for these factors, as well as the high-density zoning (15 units/acre) found on the tract, Richland Manor represented the best opportunity to deliver a substantial amount of housing for the southern Juneau market while limiting the amount of high value wetlands disturbed.

The applicant has also minimized impacts through their development design. The D-15 zoning of our tract allows for smaller lots than those typically developed in recent Juneau

subdivisions. These smaller lots inevitably have shorter driveways, and smaller building pads than what is commonly developed. The single family building pad and driveway fill areas average just under 2,700 square feet. This is far less than what is typical. Other recent permits in Juneau have included house and driveway related fills that are substantially larger, sometimes over 10,000 square feet for a single home. In addition to the smaller than average footprints for the houses, the small lots also allow for housing to be spaced closer together which results in a greater number of housing units to be constructed per area of roadway constructed.

Impacts to waters of the United States will also be minimized through usage of a Storm Water Pollution Prevention Plan (SWPPP). The use of a SWPPP means that off-site impacts to wetlands will be minimized through a variety of best management practices that minimize sediment and other pollutants leaving our site. The SWPPP will be prepared by the engineering firm who designs the rest of the civil construction work and they will consult with engineers during the project regarding storm water issues throughout the project when necessary.

c. **Compensatory Mitigation:** The applicant does not propose compensation for unavoidable impacts to the waters of the United States. Through both our site selection and project design process, we have made great effort to create the maximum amount of benefit for the minimum amount of loss in wetland functionality. Juneau has a known shortage of buildable land and several studies have concluded that without substantially more housing being created, Juneau residents will continue to suffer from an unhealthy housing market. We intend to partially solve that problem through the subdivision of Chilkat Vistas. This permit would allow for development of 19 single family units. Generally, they note that it's difficult to create more housing in Juneau without impacting wetlands. The wetlands found on our site are of a lower quality than many other wetlands found in the Vanderbuilt Creek Watershed area due to more recent disturbance. The applicant will provide a variety of housing options to address a broad swath of housing needs and do so in a space-efficient manner.

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 footprint of the proposed work consisting of 0.73 acres. 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 (Magnuson-Stevens 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).

The project area is not within mapped EFH.

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 Corps, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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

decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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.

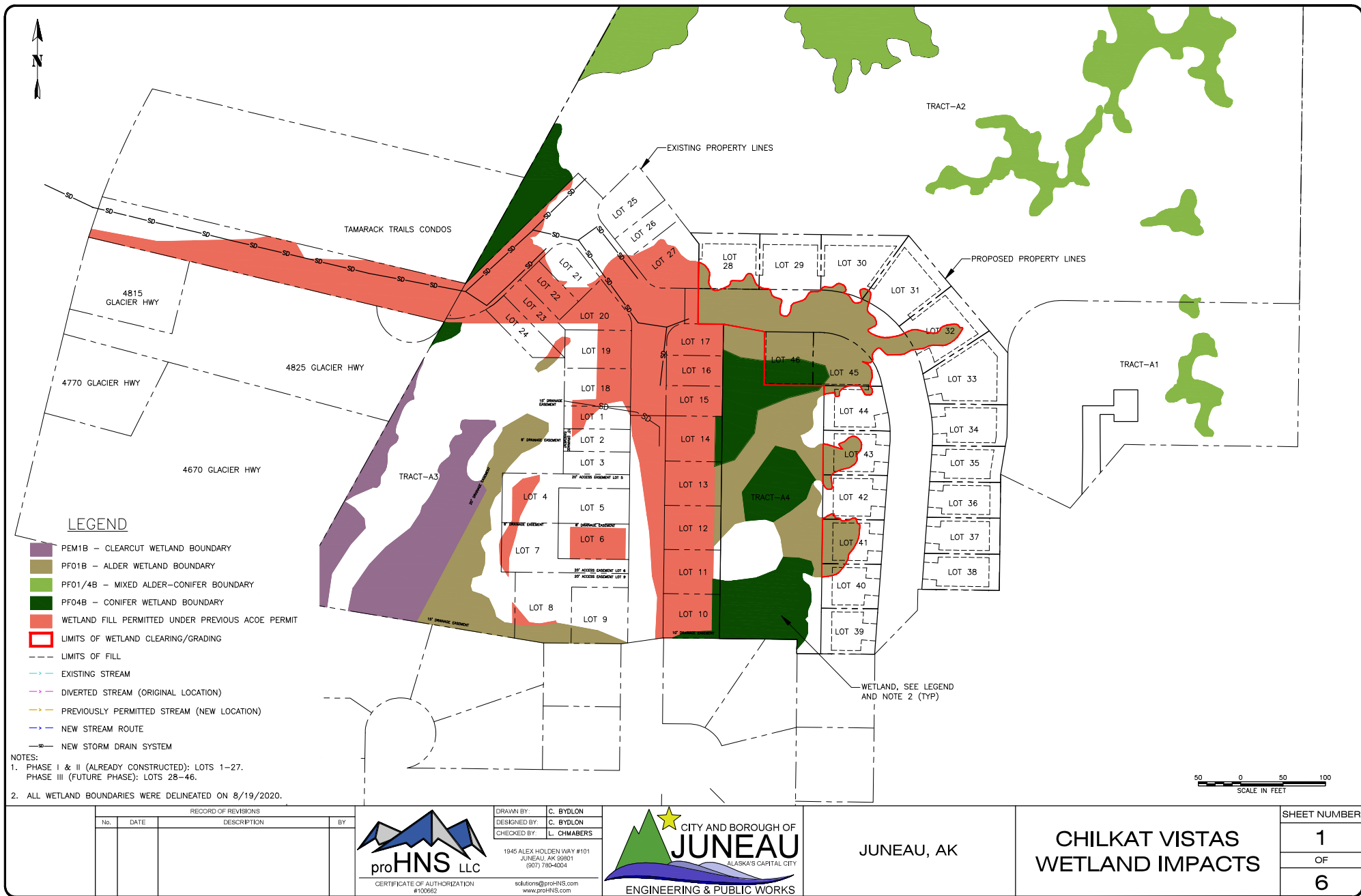
AUTHORITY: This permit will be issued or denied under the following authority:

(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 are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure

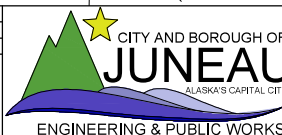


NOTES:
1. PHASE I & II (ALREADY CONSTRUCTED): LOTS 1-27.
PHASE III (FUTURE PHASE): LOTS 28-46.
2. ALL WETLAND BOUNDARIES WERE DELINEATED ON 8/19/2020.

RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY



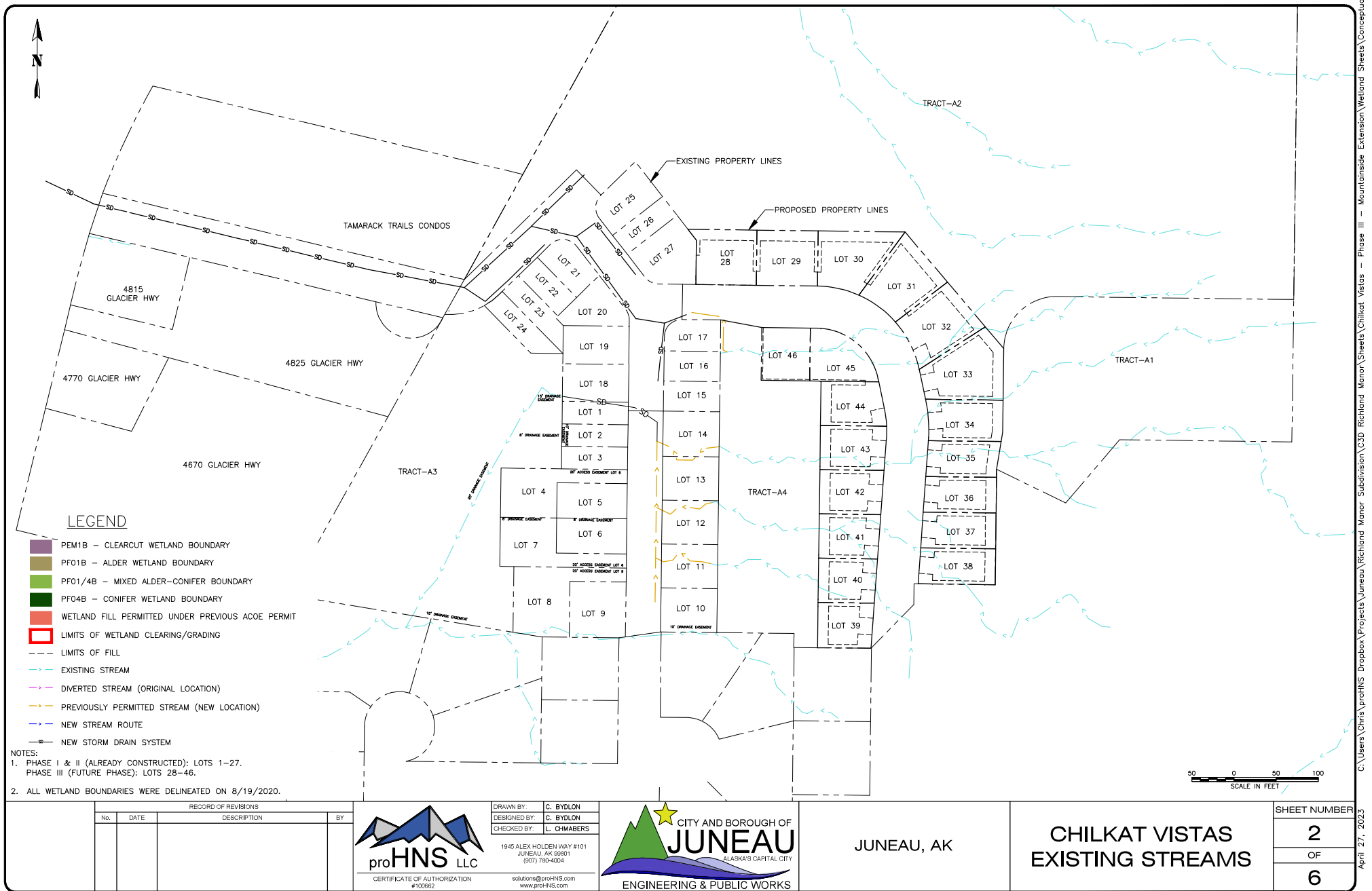
DRAWN BY: C. BYDLON
DESIGNED BY: C. BYDLON
CHECKED BY: L. CHMABERS
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(907) 790-4004
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CHILKAT VISTAS WETLAND IMPACTS

SHEET NUMBER	
1	OF
6	

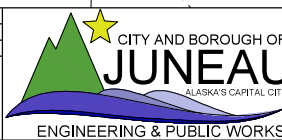


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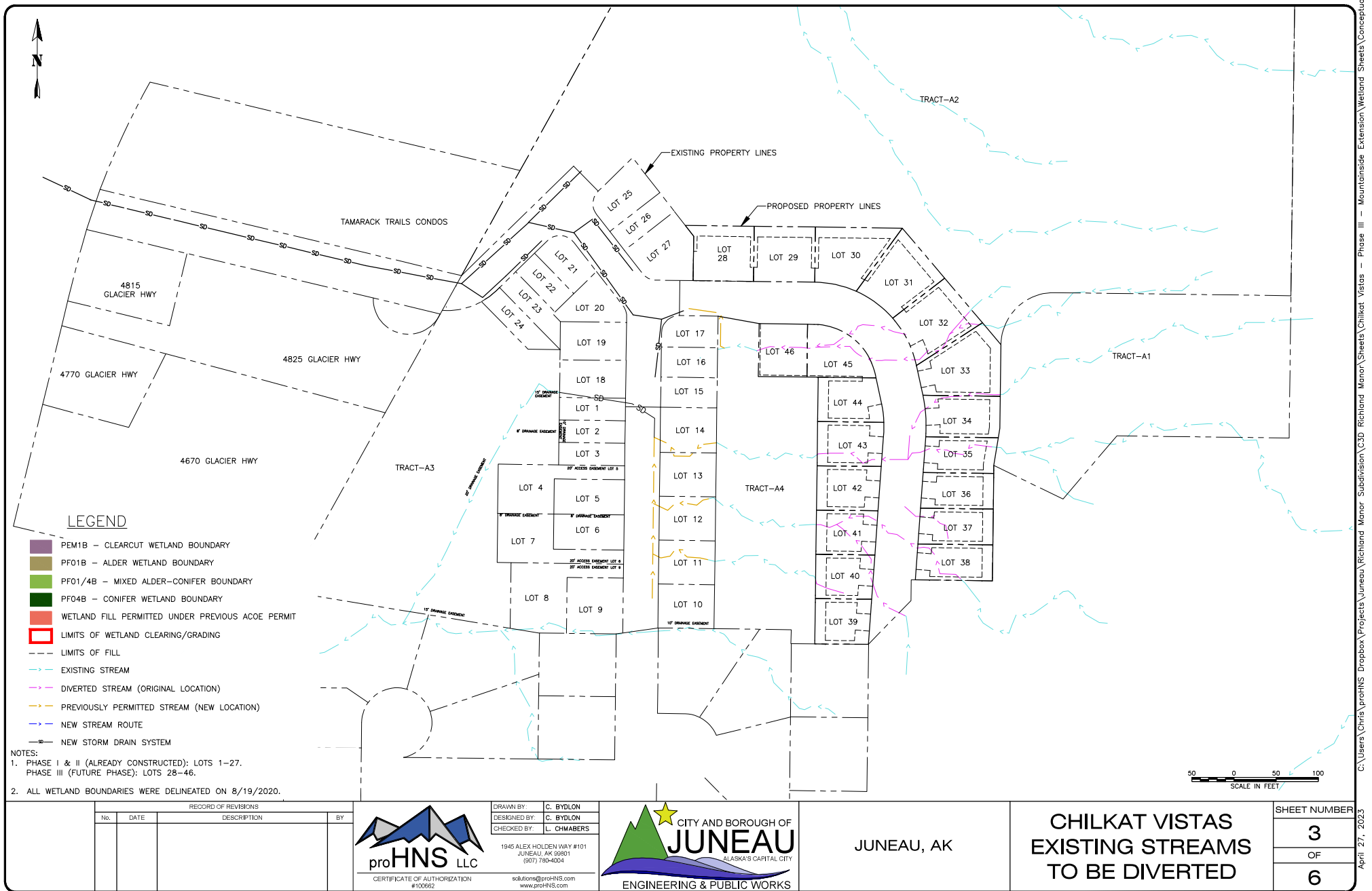
DRAWN BY: C. BYDLON
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CHILKAT VISTAS
EXISTING STREAMS

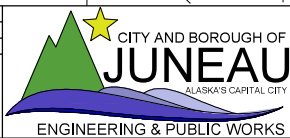
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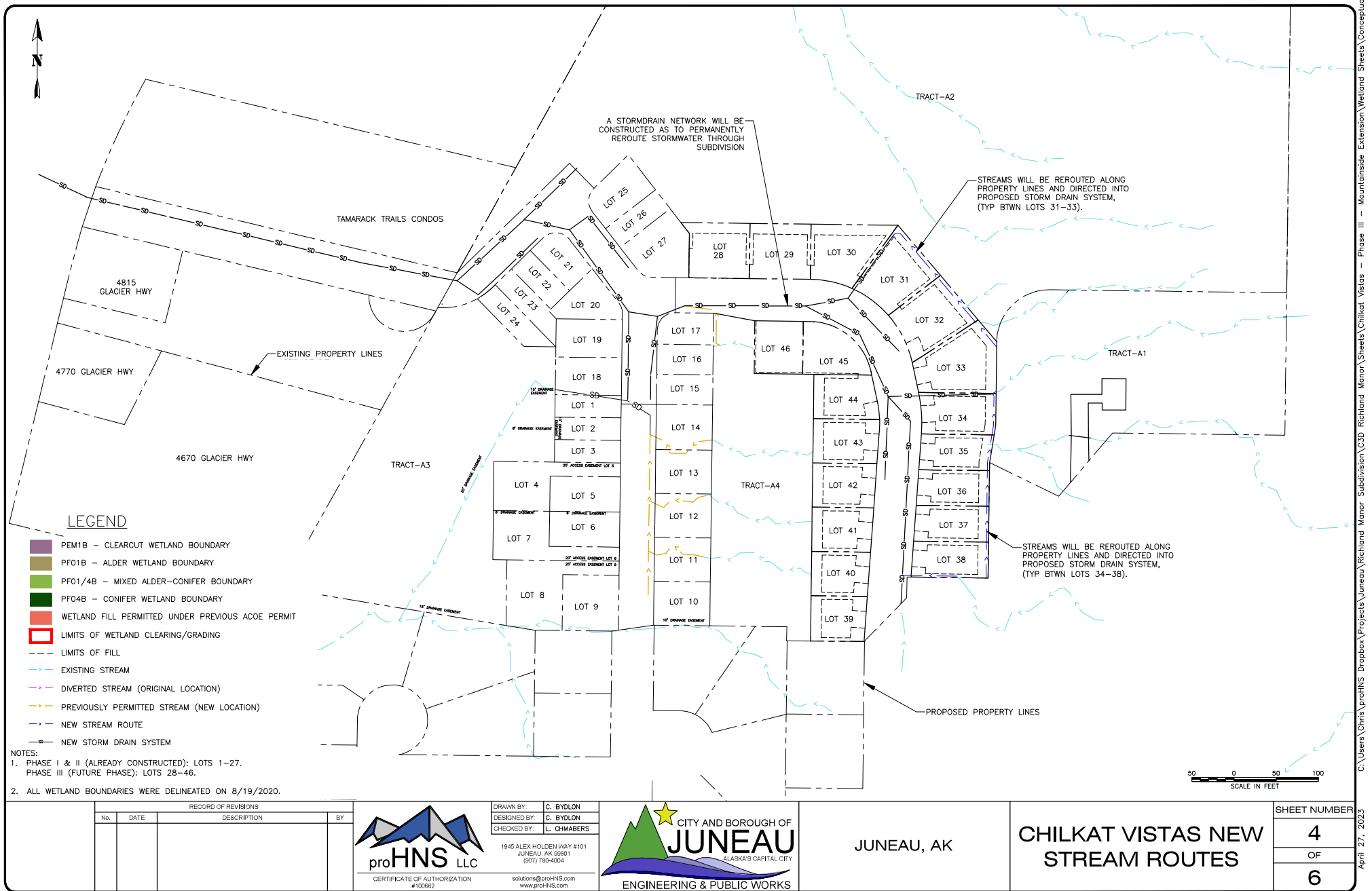
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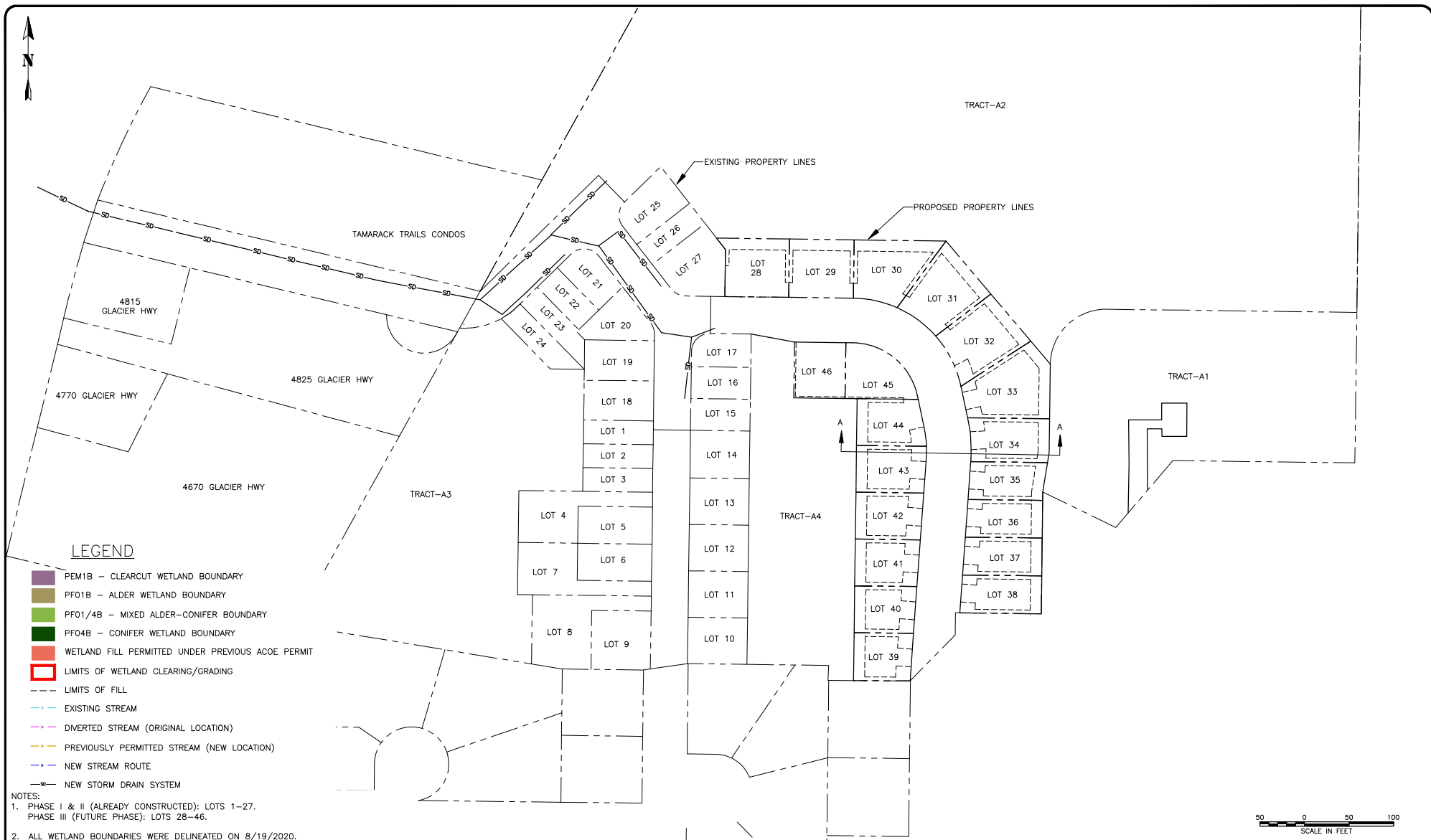


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CHILKAT VISTAS EXISTING STREAMS TO BE DIVERTED

SHEET NUMBER	
3	OF
6	





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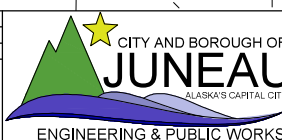
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CERTIFICATE OF AUTHORIZATION
 #10062

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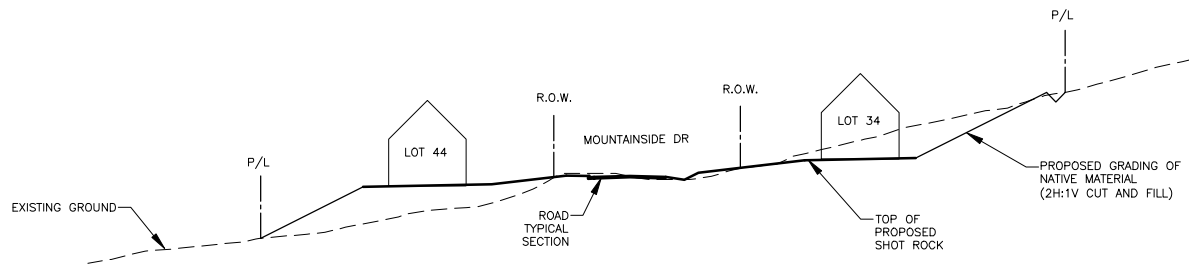
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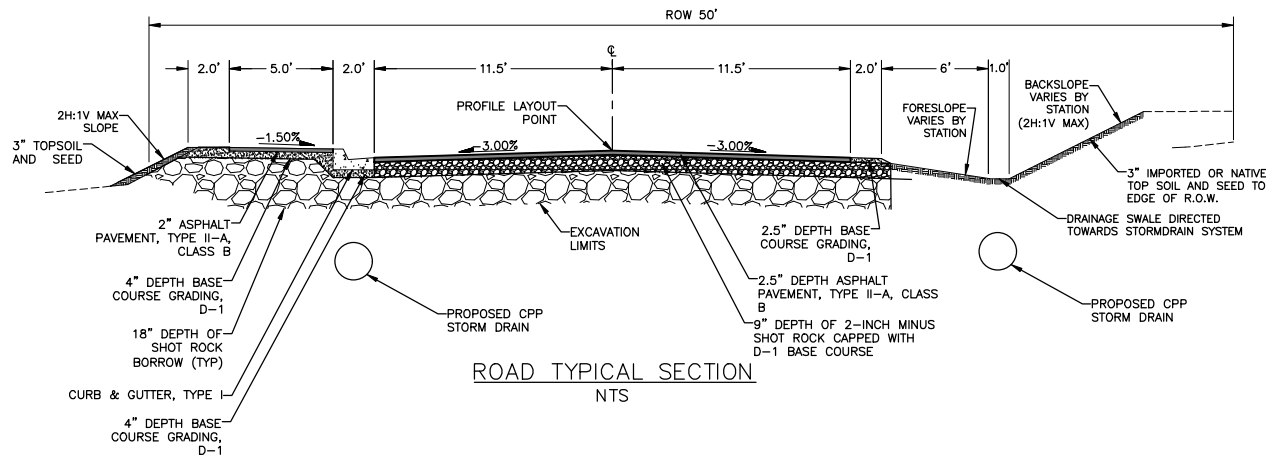
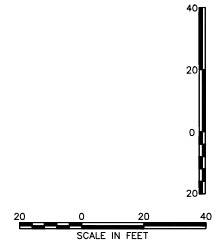
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CHILKAT VISTAS CONCEPTUAL LOT LAYOUT

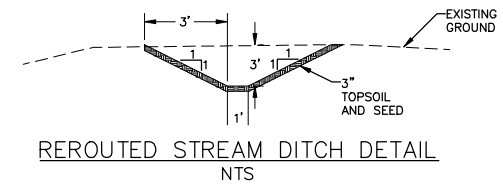
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SECTION A-A



ROAD TYPICAL SECTION
NTS

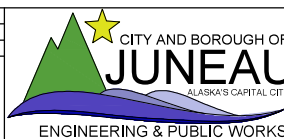


REROUTED STREAM DITCH DETAIL
NTS

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**CHILKAT VISTAS
SECTIONS**

SHEET NUMBER	
6	OF
6	