



US Army Corps
of Engineers
Alaska District

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1046 Marks Road
Fort Wainwright, Alaska 99703

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	05 December 2023
EXPIRATION DATE:	08 January 2024
REFERENCE NUMBER:	POA-2020-00470
WATERWAY:	Beluga 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 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 Gwen Jacobson at (907) 347-5802, or by email at Gwendolyn.A.Jacobson@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Kenneth Crosland, 14K Leasing LLC, 2444 West Cameron Bridge Road, Bozeman, MT 59718

LOCATION: The project site is located within Section 21, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-5 NE; Latitude 59.6468°, Longitude -151.5114°; Virginia Lyn Subdivision, Lots 43-46 (Kenai Peninsula Borough Parcel IDs 17913209-12); in Homer, Alaska.

PURPOSE: The applicant's stated purpose is to provide housing for his family, as well as rental housing for year-round workers as the local rental market is lacking.

PROPOSED WORK: The applicant proposes to discharge fill into approximately 0.6 acres of wetlands across four different parcels to build a 300 linear foot road, two single family homes, two duplexes, one garage, and attendant driveways, culverts, and utilities. All work would be performed in accordance with the enclosed plan (sheets 1-10), dated November 7, 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: The applicant stated that he modified the design for Lot 46 to avoid impacting a low area and a forested portion of wetlands. Avoidance altogether is impractical given the high cover of wetlands on the property.

b. Minimization: Excavated material would be immediately hauled off-site to minimize sediment transport and siltation. If needed, the applicant would install a silt fence. Fill areas would be graded to ensure proper drainage.

c. Compensatory Mitigation: The applicant proposes no 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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the 0.6 acre footprint of fill in waters of the U.S. 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: The project area is within the known or historic range of the Steller's eider (*Polysticta stelleri*).

We have determined the described activity would have no effect on the Steller's eider, 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. If applicable this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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) 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.

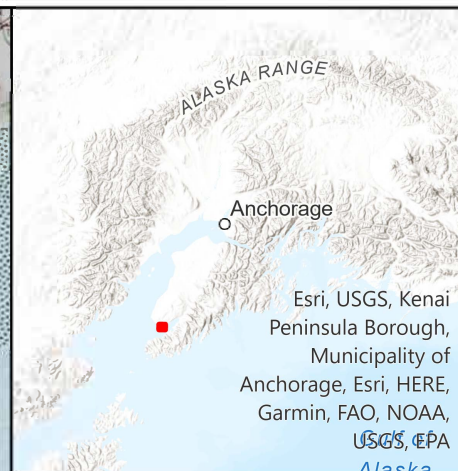
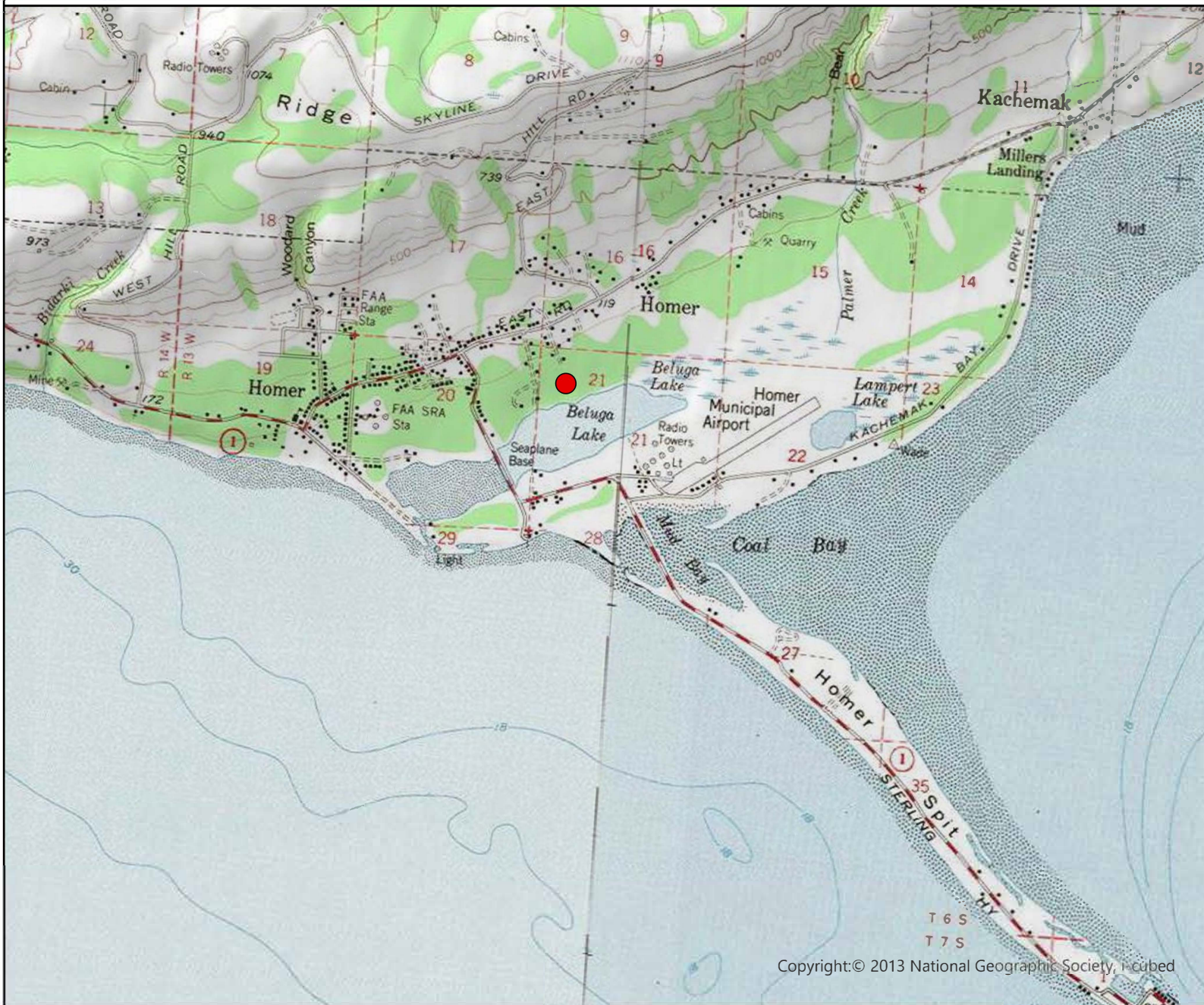
District Commander
U.S. Army, Corps

Enclosures



US Army Corps
of Engineers®
Alaska District

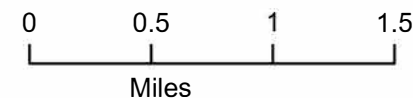
POA-2020-00470, Beluga Lake



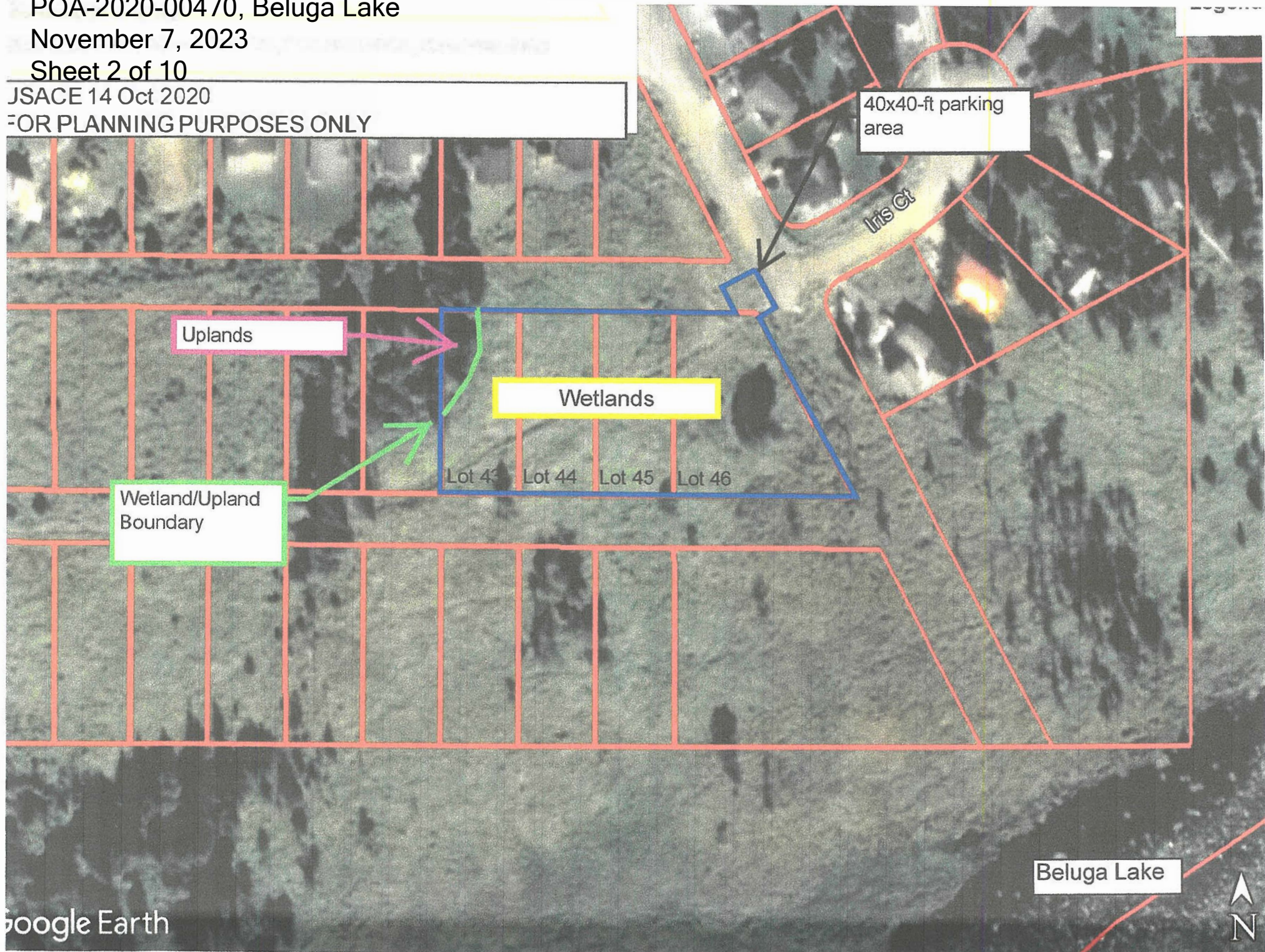
MAP FEATURES

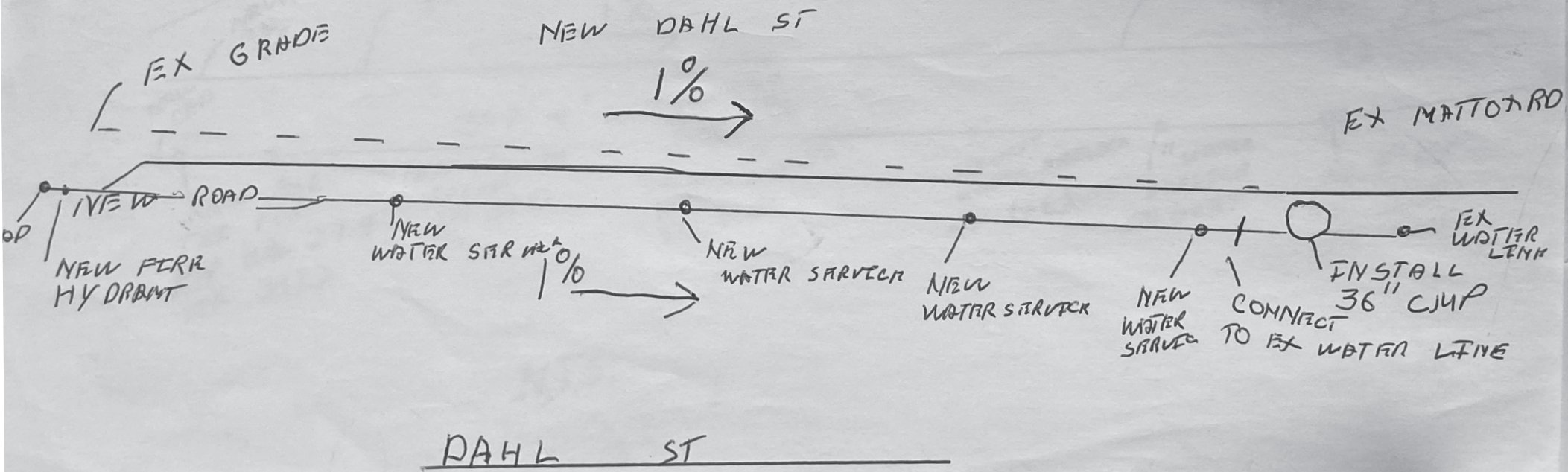
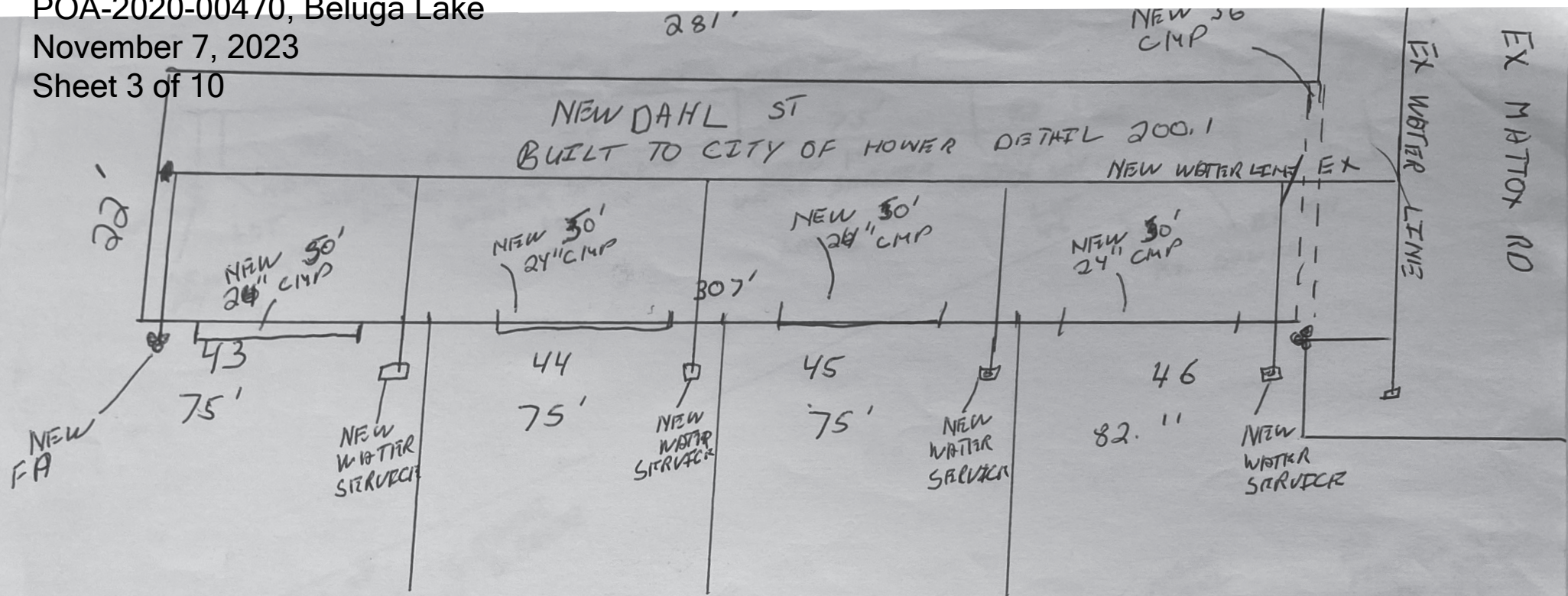
● Project Area

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Long: -151.5114
Scale: 1:10,000

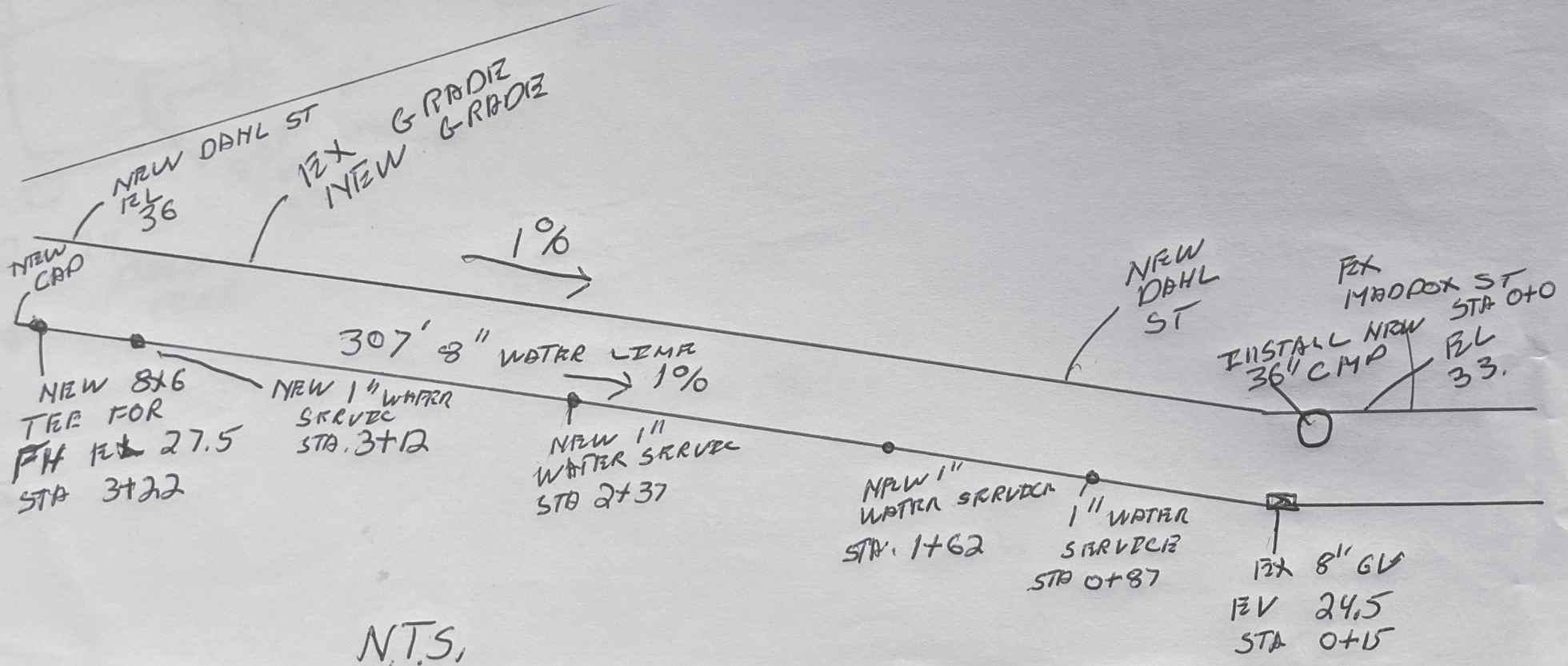
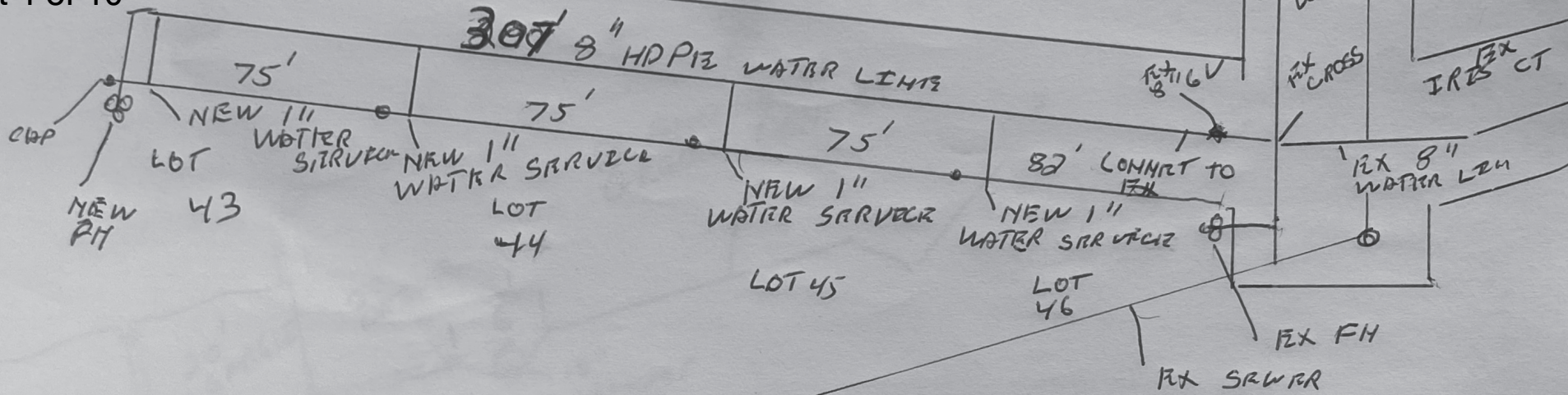


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DAHL ST



NEW DAHL ST

UTILITY
EASEMENT
30' CL ROW

NEW
WATER
SERVICE
PISTON
COH 600.17

12.5'

75'

12.5'

30' 24" CMP

NEW
FLLC/GAS
SERVISON

NEW DRIVEWAY
22' x 20'

20'

NEW
WATER
LINE

46'
60
66

NEW PROPOSED
DUPLEX

46

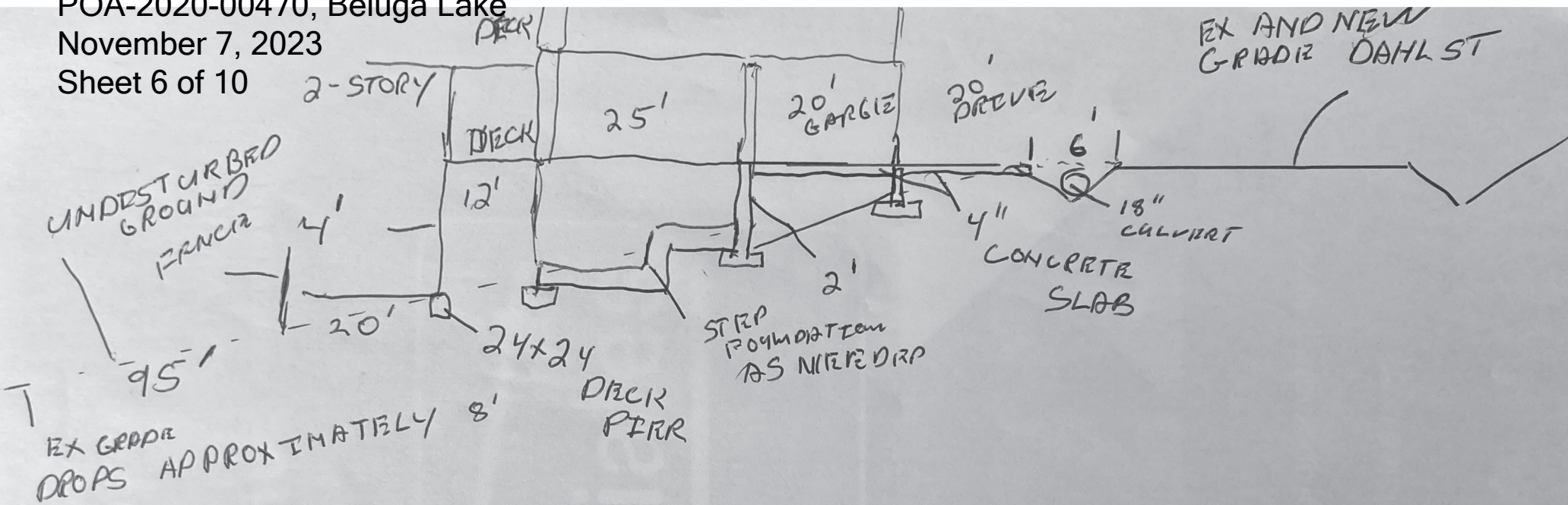
58

LOT 43/44

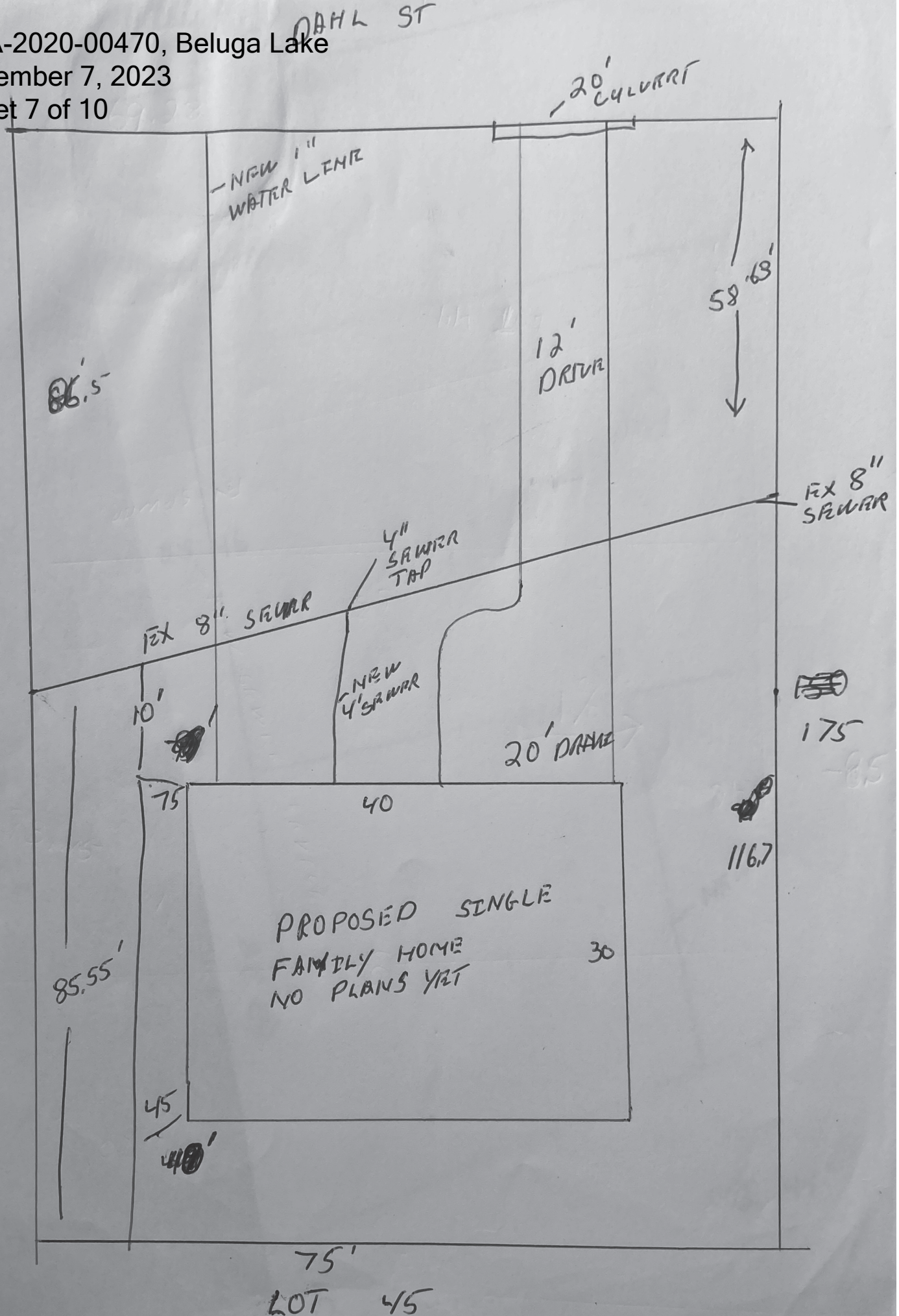
TAP 8" SEWER WITH
PISTON
4" SERVICE LINE
COH 500.13

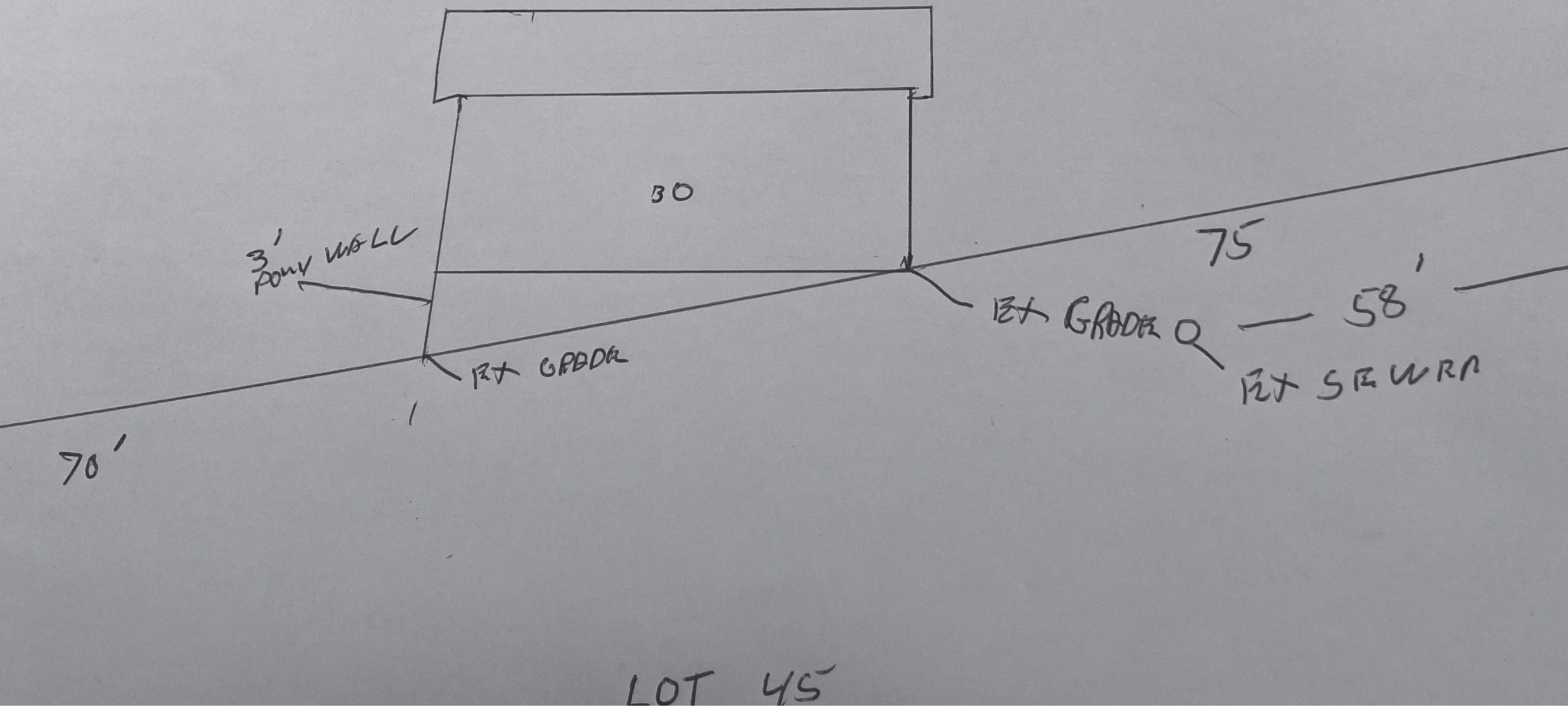
EX 8"
SEWER

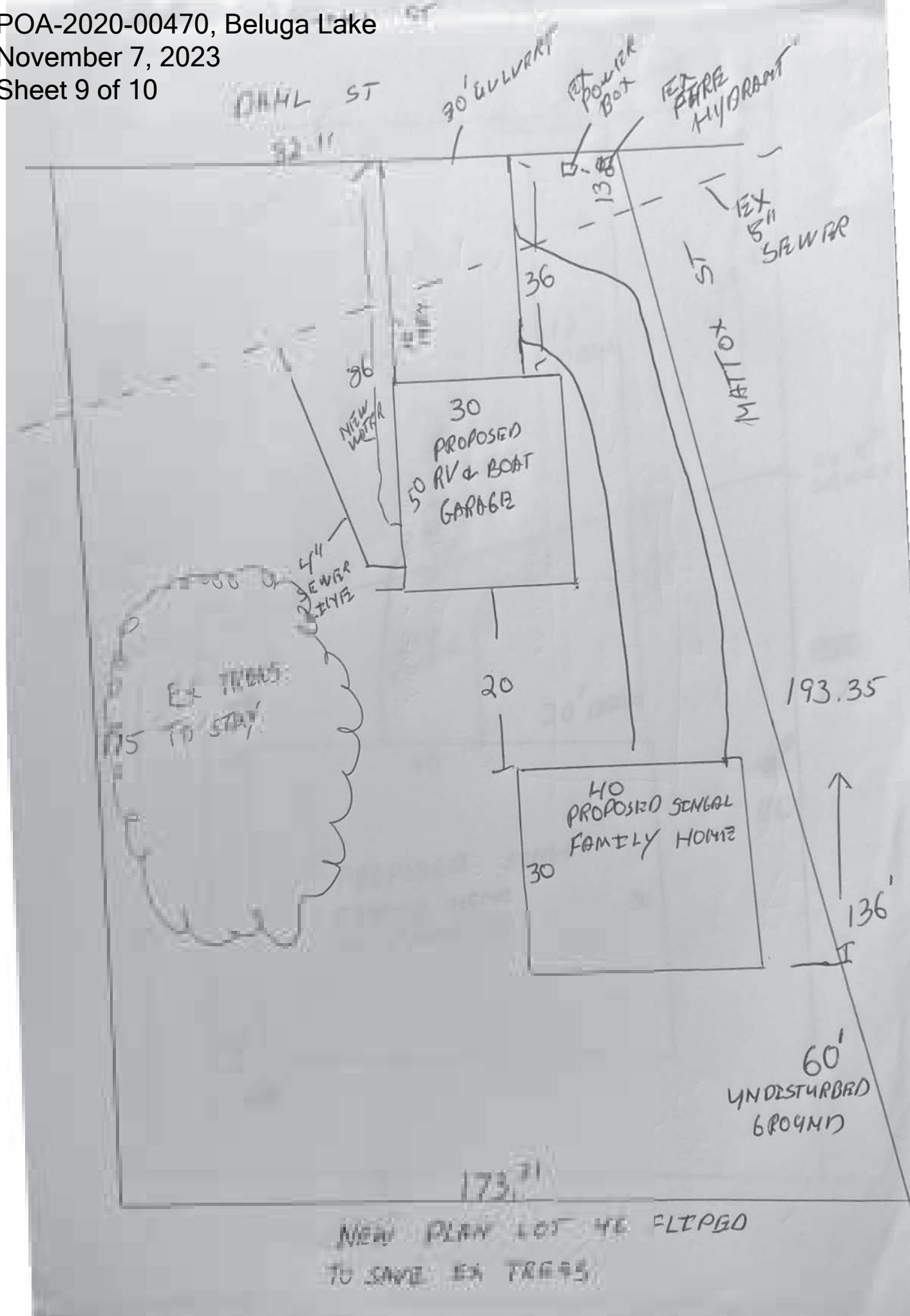
175'



LOT 43-44



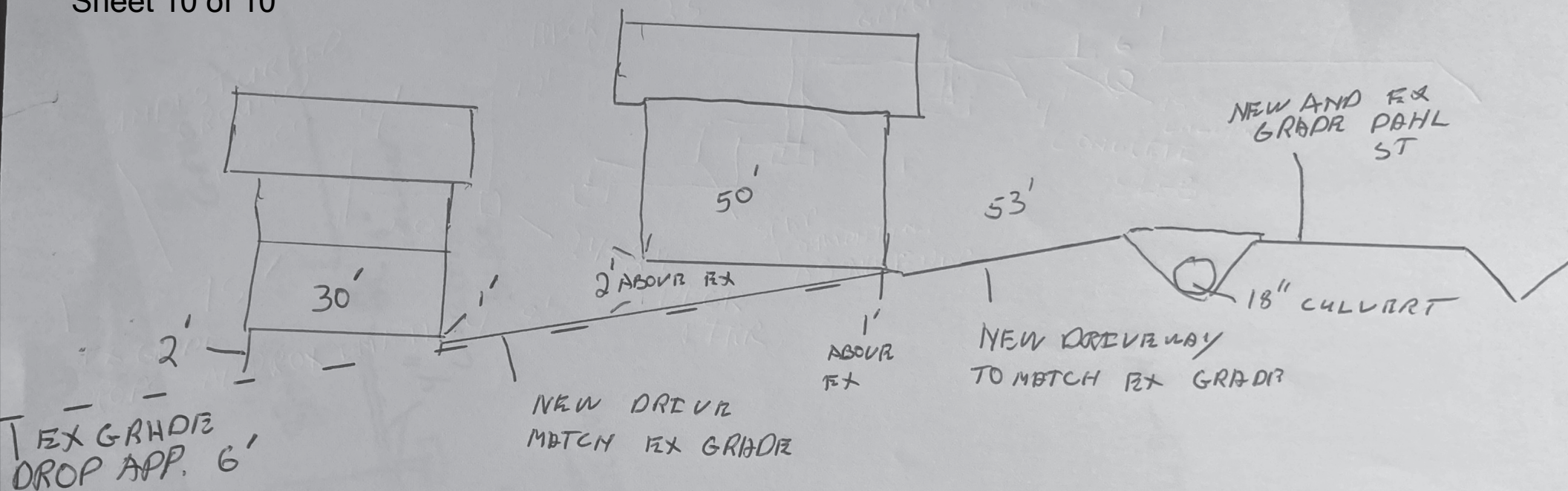




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November 7, 2023

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~~LOT 43-44~~ LOT 46