



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	July 9, 2024
EXPIRATION DATE:	August 8, 2024
REFERENCE NUMBER:	POA-2024-00111
WATERWAY:	Barr 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 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: Terence Rais

AGENT: McLane Consulting, Inc (Ms. Gina DeBardelaben)

LOCATION: The project site is located within Section 33, T. 8 N., R. 11 W., Seward Meridian; USGS Quad Map KEN C-4; Latitude 60.7213° N., Longitude 151.2230° W.; near Nikiski, Alaska.

PURPOSE: The applicant's purpose is to create a residential lawn area, as well as create water access for sea planes and boats.

PROPOSED WORK: To discharge 120 cubic yards native soil, 1065 cubic yards gravel, 100 cubic yards vegetative mat into 0.32 acres of wetlands and dredge 3.25 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated April 2024.

ADDITIONAL INFORMATION: KPB Multi-Agency, applied April 4, 2024

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: Avoiding all impacts into wetlands is not practicable as the Applicant is applying to fill 0.22 acres of wetland for residential landscaping and recreational use and an additional 0.10 acres in Wetland A on an as-needed basis for slope stabilization during excavation. The avoidance measures for proposed fill areas include:

- Wetland B fill area boundaries will be clearly delineated in the field to avoid accidental impacts from equipment operation and fill material placement.
- Wetland B clearing will be selective, hand clearing, limited to the work area.
- Clearing will be completed outside the migratory bird nesting window to ensure clearing activities do not accidentally harm migratory birds.
- In WOTUS, the Contractor may not place fill (including clearing debris), remove native material or run equipment outside the designated construction zone.
- Wetland A will be excavated under frozen conditions to avoid impacts to the adjacent wetland/lake bank and confine impacts to the immediate area being worked in each phase.
- Wetland A excavation spoils will immediately be removed from the wetland area, not stockpiled in wetland prior to removal avoiding the potential impact to adjacent wetlands.
- During excavation of Wetland B, the slope from upland toe water will be dressed at a 2:1 slope as excavation is completed.

b. Minimization: Minimizing direct impacts to wetland fill areas include:

- Not grubbing wetlands and in uplands not grubbing land outside the project footprint.
 - Only clean, non-frost susceptible sandy gravel fill will be utilized in the Wetland B project area. Wetland A slopes will utilize in-situ nutrient rich material and vegetative mat for slope stabilization.
 - Project will require Applicant to develop and utilize a Storm Water Pollution Prevention Plan. Preventing storm water runoff from construction activities into WOTUS is a component of this project. Applicant will be required to perform bi-weekly inspections.
 - Prior to entering the work site, all earthmoving equipment will be inspected and cleaned of any extraneous soil and debris at an off-site location to mitigate migration of invasive species.
 - Wetland A excavation will be completed during frozen conditions which minimize sedimentation during excavation and the potential for disturbances to immediately adjacent areas.
 - All disturbed areas will be stabilized with either vegetative mat or seeding.

c. Compensatory Mitigation: The Applicant proposes the mitigation requirements are fulfilled by the project design, utilizing site scoping and protection of adjacent habitat. No compensation is proposed.

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 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

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. This application is being 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:

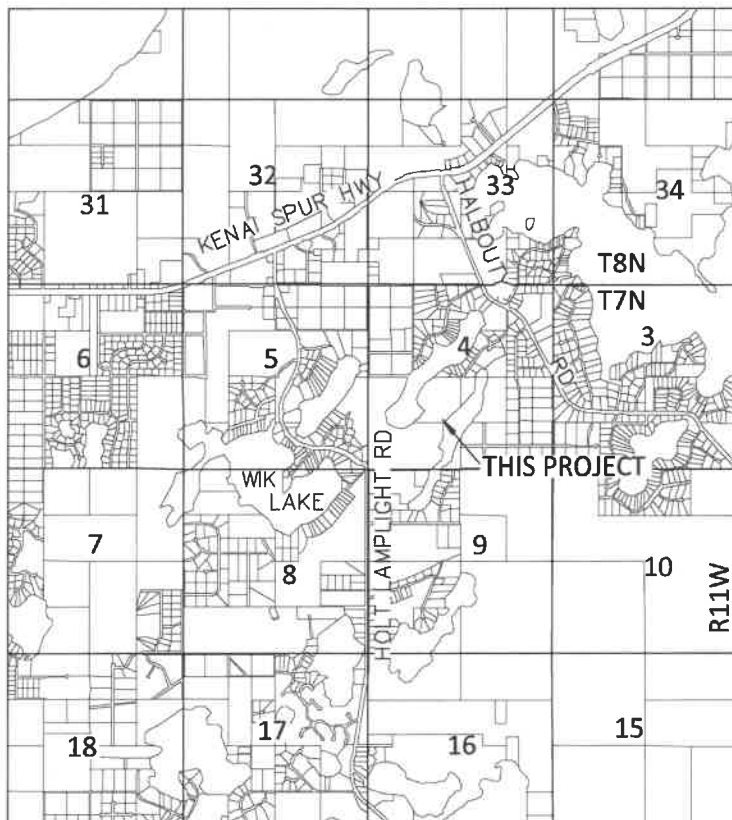
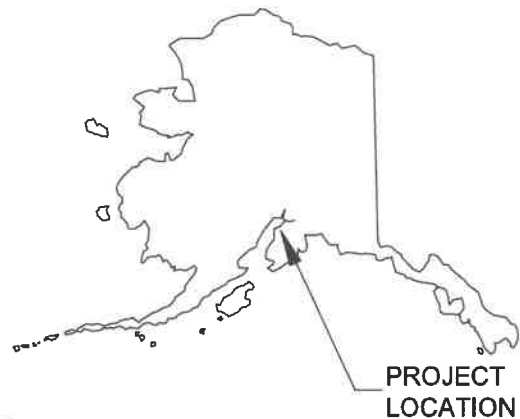
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

BARR LAKE RESIDENTIAL SECTION 04 T7N R11W SEWARD MERIDIAN NIKISKI, ALASKA



VICINITY MAP
Scale 1" = 1 MILE

LEGEND

	WETLAND
	WETLAND LIMIT
	PROPERTY LINE

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER
2	SITE
3 - 4	DETAILS & IMPACTS

WETLAND MAPPING UTILIZED IS FROM
NATIONAL WETLANDS INVENTORY & KENAI
WATERSHED FORUM WETLANDS ASSESSMENT

DESCRIPTION

FILE: POA-2024-00111
WATERBODY: BARR LAKE

LOCATION

T7N, R11W, S04 SEWARD MERIDIAN
LAT/LONG: 60° 43' 21"N, 151° 13' 21" W

APPLICANTS

TERENCE RIAS
1007 2ND STREET, KENAI, AK 99611



MCLANE
CONSULTING INC.

REVISION: 1

DATE: 4/4/2024

DRAWN BY: GMD

SCALE: NTS

PROJECT NO. 244005

SHEET

1 OF 4



DESCRIPTION

FILE: POA-2024-00111
WATERBODY: BARR LAKE

LOCATION

T7N, R11W, S04 SEWARD MERIDIAN
LAT/LONG; 60° 43' 21"N, 151° 13' 21" W

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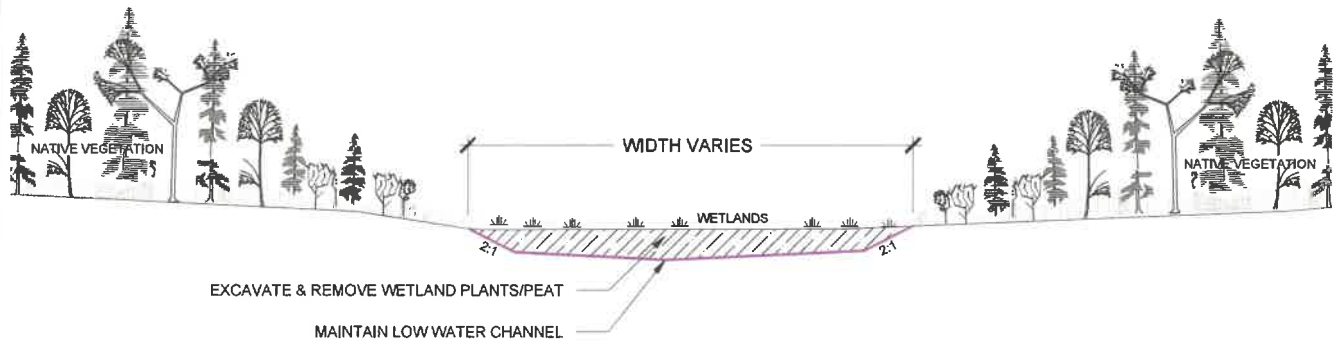
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SCALE: 1"= 250'

PROJECT NO. 244005

SHEET

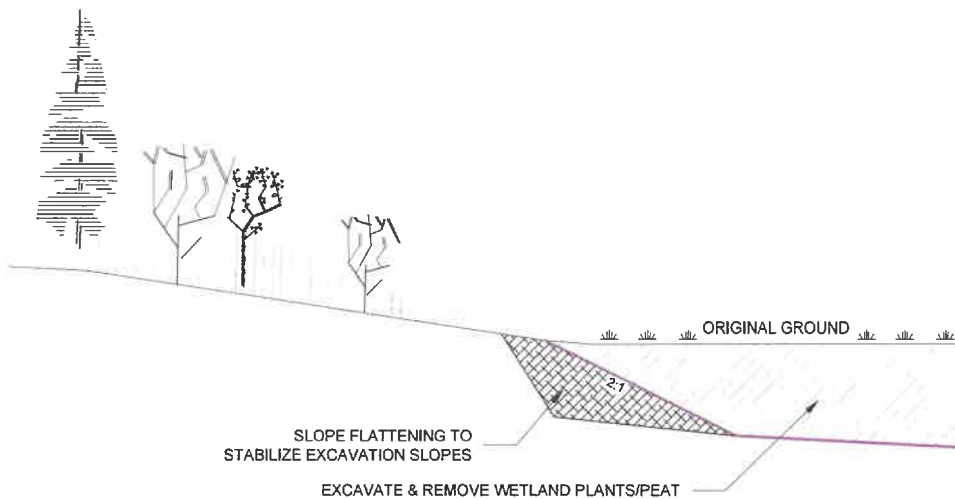
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1. DURING WETLAND EXCAVATION, DO NOT STOCKPILE OR PLACE EXCAVATION IN WETLANDS. REMOVE EXCAVATION SPOILS TO UPLAND LOCATION.
2. MAINTAIN A LOW FLOW CHANNEL THAT DRAINS BACK TOWARDS BARR LAKE AS NOT TO IMPOUND WATER AND AQUATIC ORGANISMS.
3. DEPTH OF EXCAVATED AREA NOT TO EXCEED DEPTH OF BARR LAKE.
4. SIDE SLOPES SHALL BE 2 HORIZONTAL TO 1 VERTICAL OR SHALLOWER TO ALLOW FOR STABILIZATION. NATIVE VEGETATIVE MATERIAL MAY BE UTILIZED TO STABILIZE THE SLOPES.
5. DO NOT RUN EQUIPMENT OUTSIDE THE DESIGNATED WORK AREA.

A 3 WETLAND EXCAVATION

SCALE: 1" = 40'



1. SIDE SLOPES SHALL BE 2 HORIZONTAL TO 1 VERTICAL OR SHALLOWER TO ALLOW FOR STABILIZATION.
2. UTILIZE WETLAND EXCAVATION AND NATIVE VEGETATIVE MATERIAL TO ESTABLISH AND STABILIZE THE SLOPES.

B 3 SLOPE STABILIZATION

SCALE: 1" = 10'

DESCRIPTION

FILE: POA-2024-00111
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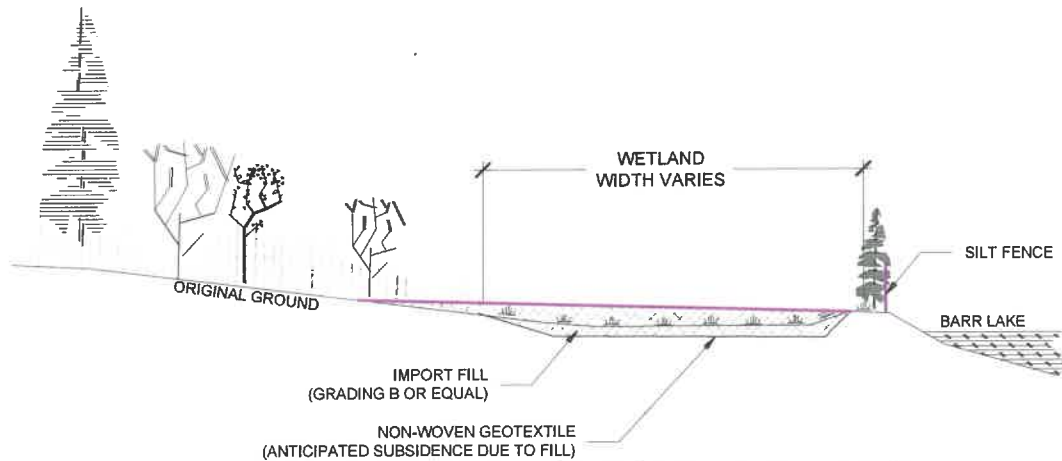
DRAWN BY: GMD

SCALE: NTS

PROJECT NO. 244005

SHEET

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1. INSTALL SILT FENCE OR OTHER SEDIMENT CONTROL PROTECTION ADJACENT TO BARR LAKE PRIOR TO WORK.
2. DO NOT GRUB WETLAND. HAND BRUSH VEGETATION FLUSH WITH GROUND ON AS-NEEDED BASIS.
3. UTILIZE SEPARATION GRADE NON-WOVEN GEOTEXTILE PRIOR TO IMPORT.
4. PLACE SANDY FILL IN INITIAL 18" LIFT. COMPACT AND DOZER EACH LIFT. SUBSEQUENT LIFTS SHOULD NOT EXCEED 8" DEPTH.
5. DO NOT OPERATE EQUIPMENT OR RELEASE FILL INTO BARR LAKE.

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4

WETLAND FILL

SCALE: 1" = 10'

AREA	IMPACT AREA	EXCAVATION VOLUME	FILL VOLUME
WETLAND A	3.25 AC	13,150 CY	0 CY
WETLAND A	0.10 AC	0 CY	220 CY
WETLAND B	0.22 AC	0 CY	1,065 CY

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SHEET

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