



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

PUBLIC NOTICE DATE:	April 13, 2023
EXPIRATION DATE:	May 15, 2023
REFERENCE NUMBER:	POA-2023-00127
WATERWAY:	Unnamed Stream

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 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 if further information is desired concerning this public notice.

APPLICANT: Mr. Christian Buschmann, P.O. Box 898, Petersburg, Alaska 99833

AGENT: Mr. Rick Braun, P.O. Box 211, Petersburg, Alaska 99833

LOCATION: The project site is located at Latitude 56.7888° N., Longitude 132.9574° W.; 1141 feet east of 300 Airport Bypass Road, in Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to construct roadway access and utilities for a residential and fishing storage development, as well as construct pads for vacation rental cabins, a private residence, and a fishing gear storage warehouse and shed.

PROPOSED WORK: Discharge up to 25,800 cubic yards of shot rock fill material into a total of 3.14 acres of wetlands in order to construct a road and two building pads. The road would be 1,250 feet long with a top width of 17 feet and a bottom width varying from 30 to 40 feet wide. Within the road, a 6-inch diameter HDPE waterline would be placed. Power poles would be placed along the road for above ground power utilities. Up to a total of 2.7 cubic yards of crushed rock would be placed with nine poles for stabilization. An approximately 194 foot long by 87 foot wide fill pad would be constructed on the south side of the road for the construction of four vacation rental cabins. At the end of the road, an approximately 400 foot long by 100 foot wide fill pad would be constructed for the applicant's residence, warehouse, and shed. At the north end of this pad, the northwest corner would be extended for the house (see project drawings for dimensions). To construct the proposed road and fill pads which will house the water line, four to eight feet of muskeg overlaying hard pan clay would be removed and replaced with shot rock. For those filled areas which do not house the water line, soil stabilizing fabric would be placed over the muskeg and up to three feet of shot rock would be placed on top of the fabric. The road would cross four streams and culverts would be installed for each crossing. Each culvert would be approximately 46 foot long and width would vary depending on the width of the stream. The inlets and outlets of the culverts would have riprap stream channel liners installed within the footprint of the road dimensions. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated March 2023.

ADDITIONAL INFORMATION: The proposed project would require building permits from the Petersburg Borough.

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 entire parcel owned by the applicant is wetlands, making impacts to wetlands unavoidable.

b. Minimization: The roadway location was chosen in order to access the desired area for vacation rental cabins and the residential site as well as to minimize the roadway grade. The roadway has been designed to be a single lane in order to minimize the project footprint. Silt fences and straw bales would be used to minimize impacts to wetland areas adjacent to the project footprint. No refueling of equipment would be done on-site to minimize potential contamination of surrounding wetlands.

c. Compensatory Mitigation: The applicant states the following in their permit application, "Compensatory mitigation has not been required for residential development in Petersburg in the past. Public projects such as Petersburg's Fire Hall, have been required to provide compensatory mitigation. Since governmental agencies often own large amounts of land and have greater monetary resources, it is not a great burden for them. These agencies can compensate for the impacted wetlands with other wetlands they own or purchase conservation easements with their money. It is a much greater burden for private residential developers to set aside land for compensation. For this reason, compensatory mitigation should not be required for this project."

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), including the document repository, 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 proposed project footprint within waters of the U.S., including wetlands, and those areas immediately adjacent to the project footprint. 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. As such, 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. As such, we have determined the described activity would not adversely affect EFH in the project area and consultation with NMFS is not required. However, any comments or recommendations they 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 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 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.

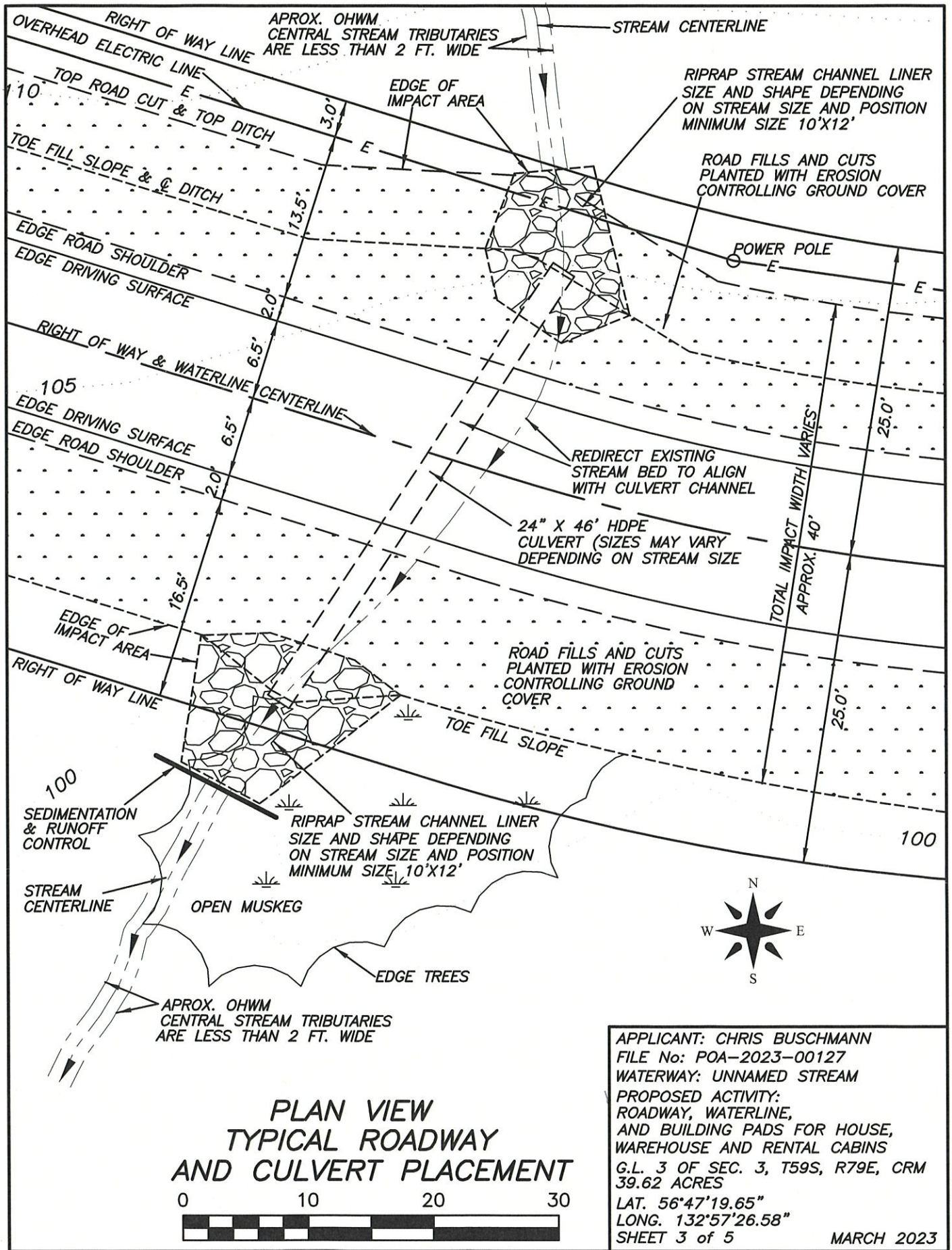
AUTHORITY: This permit will be issued or denied under the following authority:

(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 are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosure

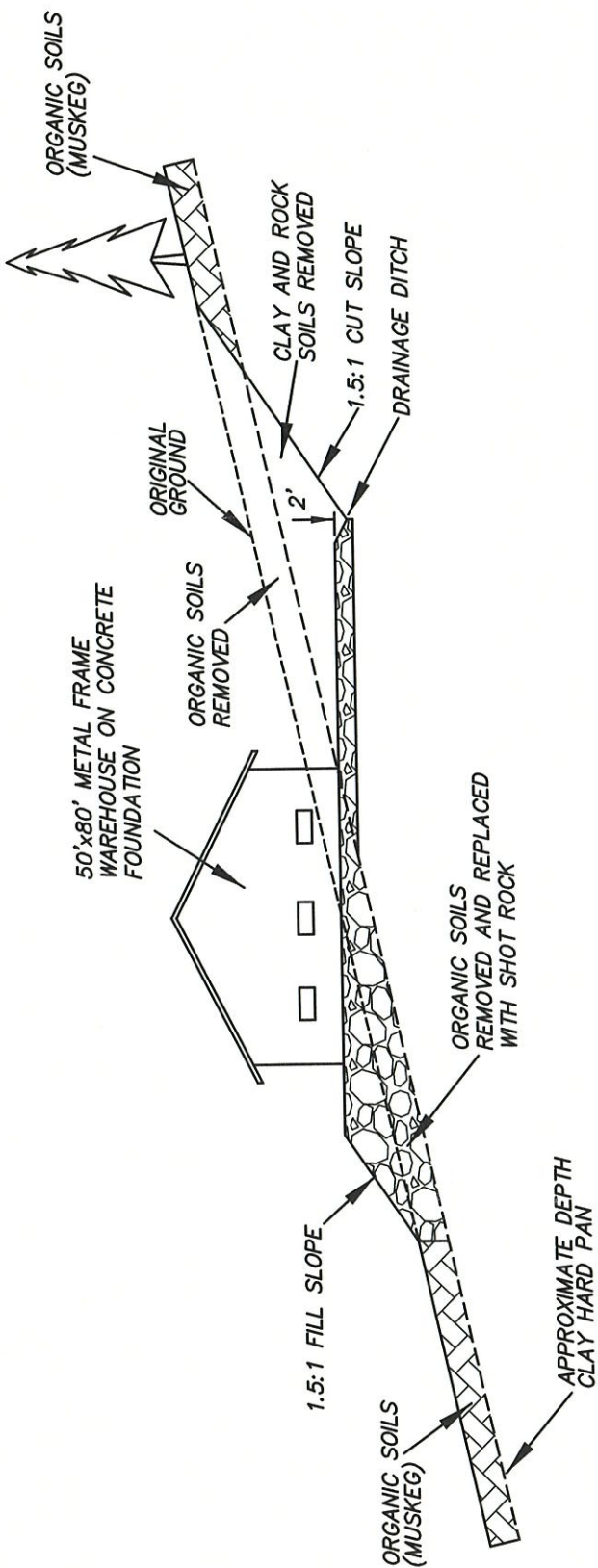
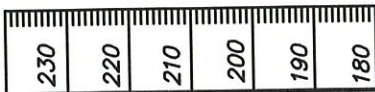


**PLAN VIEW
TYPICAL ROADWAY
AND CULVERT PLACEMENT**



APPLICANT: CHRIS BUSCHMANN
 FILE No: POA-2023-00127
 WATERWAY: UNNAMED STREAM
 PROPOSED ACTIVITY:
 ROADWAY, WATERLINE,
 AND BUILDING PADS FOR HOUSE,
 WAREHOUSE AND RENTAL CABINS
 G.L. 3 OF SEC. 3, T59S, R79E, CRM
 39.62 ACRES
 LAT. 56°47'19.65"
 LONG. 132°57'26.58"
 SHEET 3 of 5

MARCH 2023

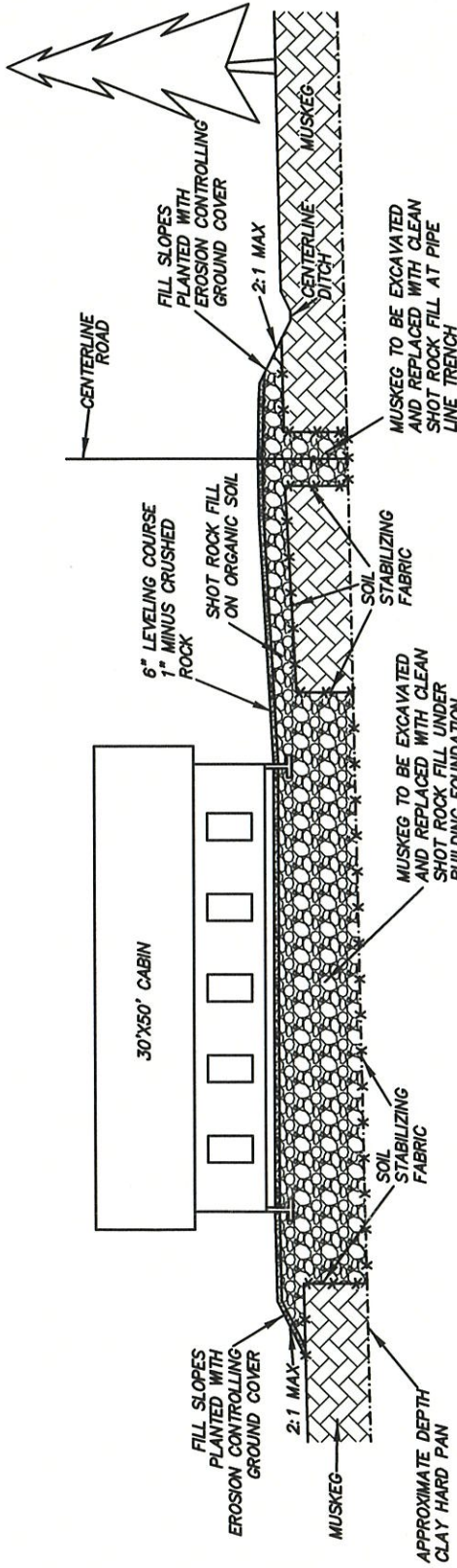
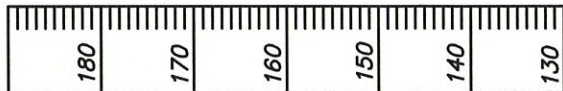


SECTION B-B



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SECTION C-C



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