



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>February 1, 2023</b>
<b>EXPIRATION DATE:</b>	<b>March 3, 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00381</b>
<b>WATERWAY:</b>	<b>Wrangell Narrows</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 Andrew Gregory at (907) 753-2791, toll free from within Alaska at (800) 478-2712, or by email at [Andrew.W.Gregory@usace.army.mil](mailto:Andrew.W.Gregory@usace.army.mil) if further information is desired concerning this public notice.

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

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

**LOCATION:** The proposed project is located within Section 3, T. 59 S., R. 79 E., Copper River Meridian; Latitude 56.78835° N., Longitude 132.962369° W.; Back Forty Subdivision in Petersburg, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide access and utilities for a residential development.

PROPOSED WORK: Construction of a 1,250-foot-long by 50-foot-long roadway. Within the roadway footprint would be overhead electric line and waterline utilities. Additionally, construction of three (3) 24-inch diameter culverts and one (1) 30-inch culvert. The total work includes discharge of 6,000 cubic yards of shot rock into 1.26-acre of palustrine wetland and 6.7 cubic yards of rip rap into 315-square-feet below the Ordinary High Water mark of four (4) unnamed tributaries. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 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: Avoidance of wetland impacts is difficult at lower elevations due to the high prevalence of wetlands within Petersburg. Uplands alternatives to avoid all wetland impacts are not feasible.

b. Minimization: The proposed project was designed to limit fill discharge to the minimum amount and size necessary to achieve the project purpose. Disturbed areas such as roadway cut and fill slopes will have erosion control ground cover and be revegetated. Silt fences and straw bales will be utilized along the roadway and at drainages to minimize sediment in runoff.

c. Compensatory Mitigation: No compensatory mitigation is proposed. The agent, on behalf of the applicant, has stated they do not believe compensatory mitigation is warranted for rural development projects that are small in size.

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 entire proposed impact area. 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, 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.

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 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 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.

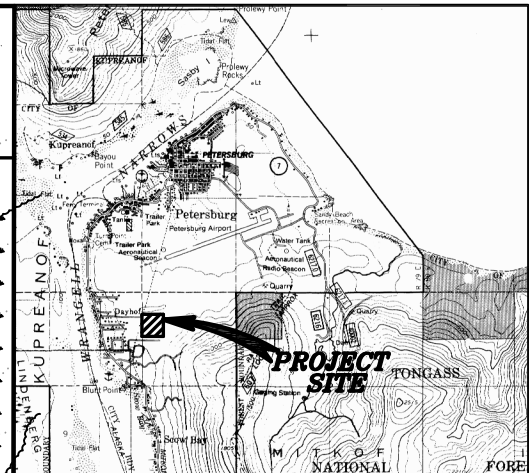
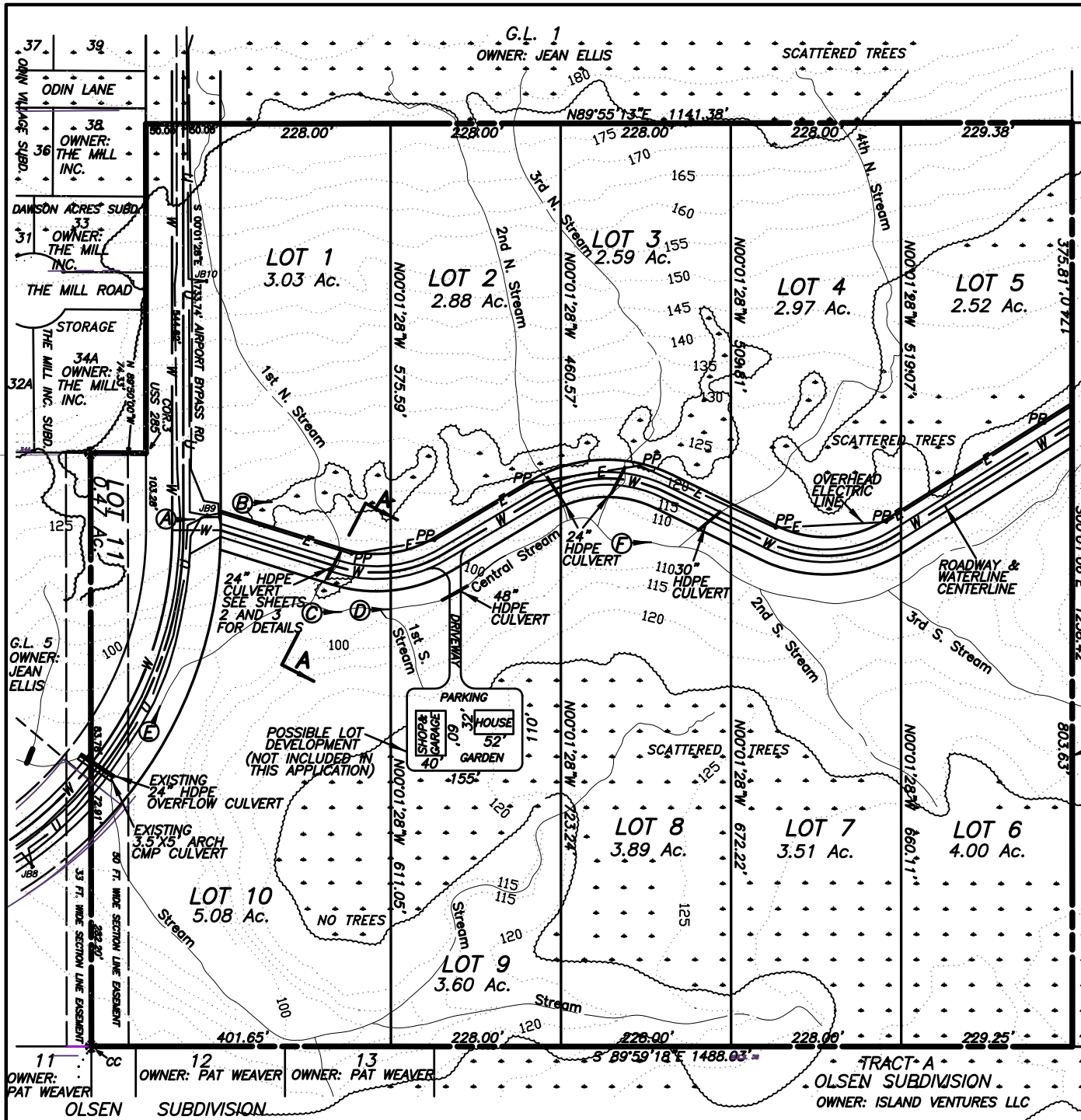
AUTHORITY: This permit will be issued or denied under the following authorities:

(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).

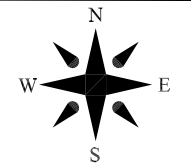
Project drawings are enclosed with this public notice.

District Commander  
U.S. Army, Corps

Enclosure

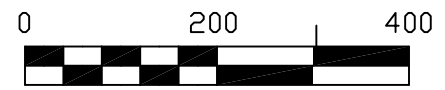


**VICINITY MAP**  
 SOURCE: USGS QUADRANGLE PETERSBURG (D-3)  
 DATE: 1986 SCALE: 1 INCH = 2 MILES

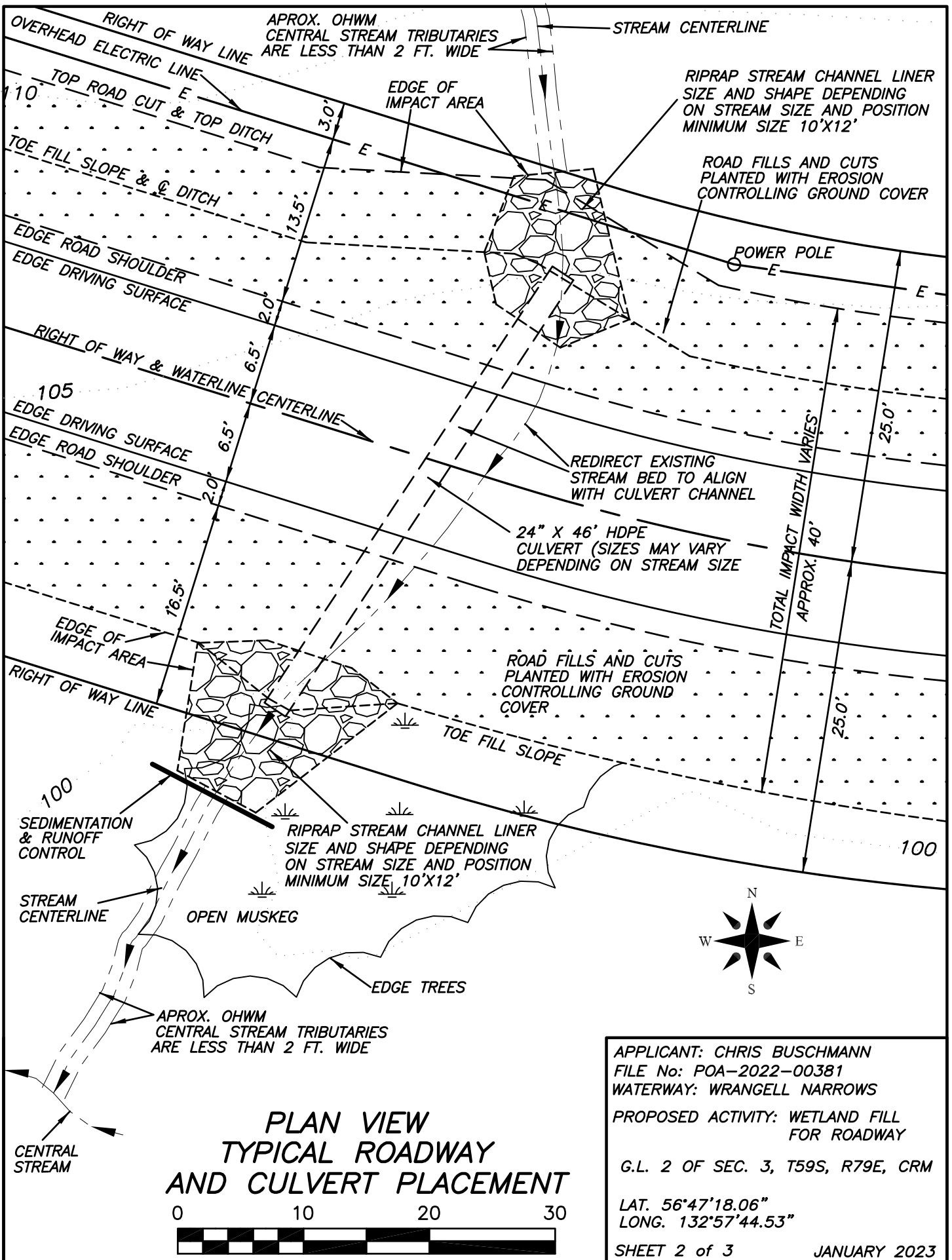


- PP POWER POLE
- Ⓐ PHOTO INDEX AND DIRECTION OF PHOTO

HEAVY BOUNDARY LINE INDICATES PERIMETER OF PROJECT AREA AND LIMITS OF WETLANDS FOR THIS PROJECT



APPLICANT: CHRIS BUSCHMANN  
 FILE No: POA-2022-00381  
 WATERWAY: WRANGELL NARROWS  
 PROPOSED ACTIVITY: WETLAND FILL FOR ROADWAY  
 G.L. 2 OF SEC. 3, T59S, R79E, CRM 36.61 ACRES  
 LAT. 56°47'18.06"  
 LONG. 132°57'44.53"  
 SHEET 1 of 3  
 JANUARY 2023



**PLAN VIEW  
TYPICAL ROADWAY  
AND CULVERT PLACEMENT**

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