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Subject: POA-2025-00299_Kachemak Bay PN

Attachments: POA-2025-00299_Kachemak Bay PN

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US Army Corps
of Engineers
Alaska District

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Public Notice of Application for Permit

PUBLIC NOTICE DATE:	August 5, 2025
EXPIRATION DATE:	September 5, 2025
REFERENCE NUMBER:	POA-2025-00299
WATERWAY:	Kachemak Bay

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (WOTUS) 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 Rebecca Manbeck at (907) 251-6716, toll free from within Alaska at (800) 478-2712, or by email at Rebecca.S.Manbeck2@usace.army.mil, if further information is desired concerning this public notice.

APPLICANT: James Amundsen
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AGENT: Chris Black
R&M Consultants, Inc.
9101 Vanguard Dr.
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LOCATION: The project site is located within Section 27, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.629043° N., Longitude 151.485378° W.; Homer Spit Road, Lot 12; in Homer, Alaska

PURPOSE: The applicant's stated purpose is to construct a gravel pad for vehicle and boat storage with existing driveway access to the Homer Spit Road. The proposed work is needed due to a lack of existing parking and storage areas on the Homer Spit.

PROPOSED WORK: The applicant proposes to discharge 1,300 cubic yards of gravel aggregate fill material into 0.13 acre of Kachemak Bay below the High Tide Line (approximate elevation +23.1 feet above the 0.0 foot contour) (HTL). The fill material would be sourced from Dibble Creek Rock Ltd. The toe would be sloped two horizontal feet to one vertical foot from the top of the bank to the existing ground. Construction is anticipated to begin in September and end in October of 2025. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated June 30, 2025.

ADDITIONAL INFORMATION: The applicant will be applying for a Flood Hazard Development Permit and Grading Plan from the City of Homer.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to WOTUS from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant states the proposed project has been designed to avoid and minimize impacts to WOTUS to the maximum extent practicable while still meeting the project purpose and need. The applicant states there are no upland alternative sites. The applicant owns an approximately 2-acre parcel on the opposite side of the road that was considered as an alternative. However, increased storm action on that side would have required more reinforcement, a more rock hardened face and deeper fills, resulting in additional impacts to WOTUS. No dredging would be required for the proposed project and the pad has been designed to provide the smallest feasible footprint while meeting the project goals.

b. Minimization: The applicant states fill below the HTL would be limited by constructing the pad adjacent to the road and utilizing an existing driveway and uplands on the parcel. To minimize impacts during construction, fill would be placed and stabilized during low tides and only clean fill material meeting the requirements of the City of Homer Classified Fill and Backfill Type IV would be used. Additional best management practices (BMPs) proposed include placement of construction fencing along uphill sides, silt fencing and/or straw wattles at downhill sides, a stabilized construction exit at the driveway, and watering for dust control.

c. Compensatory Mitigation: The applicant states that they have avoided and minimized impacts to the maximum extent practicable while still meeting the project purpose and need. Therefore, the applicant proposes that no compensatory mitigation 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) 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 project within jurisdictional WOTUS under the U.S. Army Corps of Engineers (Corps) authority. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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 endangered Western Distinct Population Segment Steller sea lion (*Eumetopias jubatus*), the proposed sunflower sea star (*Pycnopodia helianthoides*), the endangered Cook Inlet Beluga Whale (*Delphinapterus leucas*), the threatened humpback whale (*Megaptera novaeangliae*), the endangered fin whale (*Balaenoptera physalus*), and the threatened Alaska breeding population of Steller's eiders (*Polysticta stelleri*). The proposed project is also within Cook Inlet Beluga Whale designated critical habitat.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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 within mapped EFH for pink salmon (*Oncorhynchus gorbuscha*), Chinook salmon (*O. tshawytscha*), sockeye salmon (*O. nerka*), chum salmon (*O. keta*), and coho salmon (*O. kisutch*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may adversely affect EFH for the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS 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. 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) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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