



Planning Commission Meeting Agenda

Regular Meeting Thursday, June 11, 2015 – 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

Joy Shantz
Chair
Term Expires
12/2015

John Guinn
Vice-Chair
Term Expires
12/2015

Heather Pike
Council Rep.
Term Expires
10/2015

Kathy Hanson
Committee Member
Term Expires
12/2016

Cliff Linderoth
Committee Member
Term Expires
12/2016

Vacant
City Planner
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (5 Minute Limit)
- IV. APPROVAL OF THE MINUTES OF THE MAY 14, 2015 MEETING
- V. APPROVAL OF THE AGENDA
- VI. COMMISSIONER COMMENTS
- VII. ADJOURNMENT

>>>>DRAFT<<<<
City of Bethel, Alaska
Planning Commission

May 14, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held on May 14, 2015 in the City of Bethel Council Chambers room, in Bethel, Alaska.

Vice-Chair John Guinn called the meeting to order at 6:45 p.m.

II. ROLL CALL:

Compromising a quorum of the Committee, the following members were present for roll call: John Guinn, Heather Pike, Kathy Hanson, and Cliff Linderoth. Joy Shantz was excused. Also present was recorder Betsy Jumper.

III. PEOPLE TO BE HEARD: Nobody wished to be heard.

IV. APPROVAL OF AGENDA:

MOTION TO APPROVE THE AGENDA OF May 14, 2015

MOVED:	Heather Pike	To approve the agenda, but postpone Item B, Tall Tower Ordinance.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor 4 yes, 0 opposed.	

V. APPROVAL OF MINUTES:

MOTION TO APPROVE THE MINUTES OF APRIL 9, 2015

MOVED:	Heather Pike	To approve the minutes of April 9, 2015.
SECONDED:	Kathy Hanson	
VOTE ON MOTION	All in favor 4 yes, 0 opposed	

VII. UNFINISHED BUSINESS : None

VIII. NEW BUSINESS:

A. Minor Replat of USS 3230, vacating a common lot line between lots 6 & 7, Block 12, to create a single lot 1 Block 12 to create JWS subdivision.

MOVED:	Cliff Linderoth	Motion to introduce Item A.
SECONDED:	Heather Pike	
VOTE ON MOTION	All in favor 4 yes, 0 opposed	

A discussion ensued.

MOVED:	Kathy Hanson	To take no action on Item A until the applicant has been contacted for further clarification.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION		
	All in favor	
	4 yes, 0 opposed.	

IX. COMMITTEE MEMBER COMMENTS: **Kathy:** Asked what did the City Council do for the budget request for \$61,000 to subcontract for Planning Services—also inquired if the Planning Director job is being advertised. Plus, we need more members on the commission; it’s an interesting commission—all about the future of Bethel and it’s very important. And we need a Planning Director. **Cliff:** Nothing really, except saw the 1st mosquito’s—they’re here, and also the swallows. The cavalry is here. **Heather:** The only comments I have—unless the majority of the Planning Commission doesn’t want me to—is to continue to lobby against the \$61,000 expenditure. I think 679.00 per day in Bethel is too much, especially after consulting with the City Attorney and Betsy—we have nothing pending for the Planning Commission. We don’t need an acting Planning Director to come out here and sit with us for our monthly meetings. That’s not justification for \$61,000 for 90 days. The other thing that’s exciting is that I asked the City Attorney to look into the legalities of a 2nd class city versus a 1st class city. With a 1st class city, a City Planner is needed/required; with a 2nd class city, a Planning Director is not required. I think that that’s a real viable option and something I want to talk further about is if Betsy or whoever the employee that is in the position already, if they had interest, with Code Enforcement training and possibly entering into some courses to become a Planner 1 where we can develop from within. We already have a long term employee that’s worked under two Planning Directors. Why do we need to hire an outsider who may only stay for a year? Why not invest in the employee we already have that is knowledgeable about working in this field?—just food for thought. **John:** had no comments.

X. ADJOURNMENT

MOVED:	Kathy Hanson	Motion to adjourn the meeting at 7:20.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION		
	All in favor	
	4 yes, 0 opposed	

Next meeting will be on June 11, 2014

ATTEST: _____, Joy Shantz, Chairperson
 _____, Betsy Jumper, Recorder

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CITY OF BETHEL

PLANNING OFFICE

P.O. Box 1388 • Bethel, Alaska 99559

907-543-5301

Fax # 907-543-4186

6-2-15

--The Planning Department has been busy with the summer season. So far, 34 permits have been issued, double the amount from last year at the same time. Mostly for infill for sand pad improvements/stabilizations. A couple new housing permits were issued. The Moravian's are constructing a new dormitory and an office.

--The Engineer from DOWL was here again in May, going over Institutional Corridor items. A copy of a quitclaim deed granting easement was sent to the Engineer--he's checking with his "land" people to see if it is what is needed.

-- Daily/weekly/monthly routines—answer phones, do legal descriptions from callers and/or walk-ins; pick up mail twice weekly from City Hall; assist the public in filling out site plan permits as needed; digitizing of historical site plan permits as time allows and updating CAD address map as time allows. Do planning commission agendas, ongoing until the date of posting; do meeting minutes, both draft and final, route planning packets to members, and attend and record monthly Planning Commission meetings. Update COB website with final minutes/packets/agendas when done. Did a couple of assignments for the City Manager on two properties.

--The District Recorder's office is going to be closing here in Bethel, as well as other smaller communities statewide. This will be somewhat inconvenient, as any documents/plats that need to be recorded will now have to go to Anchorage.

--YTD monies the Planning Dept. has collected is \$2045.00.

Betsy Jumper

2015 SITE PLANS ISSUED

Number	Housing Type	Date arrived in Planning	Approval Date	Cubic Yards Fill	Lot	Block	Subdivision	Name of Applicant	Land Owner	Address
15-01	Infill	OCT. 2014	4/6/15	87,000	44A		USS 4117	KNIK Construction	Alex Hately	1171 KNIK RD. ****POA#-2014-484
15-02	Construct a shed, infill	4/3/15	4/3/15	1920	10	6	Kasayuli	Tim and Ashley Grace	Tim and Ashley Grace	5908 Nacaullek Street
15-03	Relocate a 20'x16' bldg	4/14/15	4/14/15	84	9	5	Mumtretek	Richard Yager	Richard Yager	386 1st Ave.
15-04	Construct a house	4/15/15	4/16/15				Nuvak	Henry Jung	Henry Jung	180 North Ave.
15-05	Erect a wind tower	4/15/15	4/16/01		5	1	Martina Oscar	Robert Sherer	Robert Sherer	430 Ptarmigan St.
15-06	Infill	5/4/15	5/5/15	240	36	6	City Sub	Stanley Hoffman	Stanley Hoffman	327 Akiachak
15-07	Infill	5/5/15	5/5/15	1200	13	3	USS 3230 A&B	Robert Graham	Robert Graham	510-520 6th Ave.
15-08	Infill	5/5/15	5/5/15	1200	21	2	USS 3770	Robert Graham	Robert Graham	280 6th Ave.
15-09	Infill	5/5/15	5/5/15	1296	31	6	USS 3770	Robert Graham	Robert Graham	313 Akiachak Ave.
15-10	Infill	5/6/15	5/6/15	50	20	4	USS 3230 A&B	Casey Burke	Casey Burke	840 7th Ave.
15-11	Infill	5/6/15	5/6/15	600	6	5	USS 3230 A&B	Steven Sorg	Steven and Mandy Sorg	681 6th Ave.
15-12	Infill	5/6/15	5/6/15	500	32	6	City Sub	Casey Burke	Casey Burke	319 Akiachak Ave
15-13	Erect a cell tower	5/8/15	5/11/15		5B	9	USS 3230 A&B	GGI/AWN	GGI	208/210 3rd Ave.
15-14	Infill	5/8/15	5/8/15	250	2,12	15	USS 3230 A&B	The Lumber Yard	Mike Langlie	849 3rd Ave.
15-15	Remodel	5/8/15	5/11/15		32		USS 4117	BCSF	BCSF	1801 Chief Eadie Hoffman Hwy
15-16	Infill	5/11/15	5/11/15	1200	13	11	USS 3230 A&B	Muhamer Kugo	Muhamer Kugo	740 3rd Ave.
15-17	Infill	5/11/15	5/11/15	600	5	1	City Sub	Kevin Pheian	Kevin Pheian	013 Kwethluk Lane
15-18	Infill	5/12/15	5/12/15	400	24	7	City Sub	Shane Iverson	Shane Iverson	403 B Napkiak Dr.
15-19	Infill, demolition	5/13/15	5/13/15	48	12	11	USS 3230 A&B	Sandra Abdiu	Sandra Abdiu	720 & 724 3rd Ave.
15-20	Infill, construct garage	5/14/15	5/14/15	550	21	4	USS 3230 A&B	James Flemings	James Flemings	870 7th Ave.
15-21	Infill	5/14/15	5/15/15	400	10, 11	10	USS 3230 A&B	AVCP, INC.	AVCP, INC	570 3rd Ave.
15-22	Infill	5/15/15	5/15/15	400	38	3	Mumtretek	Rita Kalistook	Rita Kalistook	280 Mission Lake Road
15-23	Infill	5/18/15	5/18/15	366	11	1	Tundra Ridge	Robin Kolbus	Robin Kolbus	9462 Ayaginar



JUN 08 2015 - rec'd in planning via email

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898
JUN 05 2015

Regulatory Division
POA-2008-1450

Ms. Colette Brandt
Restoration Science and Engineering, LLC
911 West 8th Avenue, Suite 100
Anchorage, Alaska 99501

Dear Ms. Brandt:

We have received your March 15, 2015, Department of the Army (DA) permit application for Mr. Lyman Hoffman to construct a new residential subdivision proposed as Blue Sky Estates Subdivision. The proposed project is located within Section 12, T. 8 N., R. 71 W., Seward Meridian; USGS Quad Map Bethel D-8; Latitude 60.7991° N., Longitude 161.8498° W.; approximately 1 mile northwest of the Bethel Airport, in Bethel, Alaska. It has been assigned number POA-2008-1450, Brown's Slough, which should be referred to in all correspondence with us.

Based on our review of the information you provided and available to our office in 2008 an Approved Jurisdictional Determination (JD) was completed. It expired in December of 2013. A new JD based on the Wetland Determination and Functional Assessment Report completed by you and dated March 2015 was utilized to complete a new Approved JD which is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed are a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this approved jurisdictional determination, as well as a copy of the approved JD.

If you would like us to begin evaluation of your proposal, more information is essential for the application to be considered complete. Please provide the following:

- a. Identify the placement of power poles for the subdivision.
- b. Plan drawings need to include the size of the lots, roads and easements, dimensions showing the toe of slope for all components of the project.
- c. Driveway dimension indicates the driveway would be 9.5' at the base, with a fill depth of 5' and with side slopes being 3:1 that doesn't allow for enough travel surface (the top of road couldn't be even 1' wide).

d. Where will fill materials come from?

e. A conversation with the City of Bethel attorney's office indicates that the concerns submitted by the City of Bethel in 2009 have not been addressed. These concerns need to be addressed before the Alaska District, U.S. Army Corps of Engineers (Corps) publishes a new public notice.

f. On April 14, 2009, the Corps sent a letter requesting responses to concerns raised by residents of the Larsen/Tsikoyuk Subdivision for a proposal almost exactly like the current proposal. Because the applicant did not respond to those comments the file was closed. A copy of the Corps letter, along with the comments is attached. These concerns also need to be addressed before we can issue a public notice.

Upon receipt of the requested information we will begin evaluating your application. If we do not receive the information within 30 days of the date of this letter, we will close your file. Closure of the file at such time will not preclude you from reopening the file at a later date.

A preliminary review for compliance with the Environmental Protection Agency's 404 (b)(1) guidelines indicates that the proposed discharge of dredged or fill material may not contain all appropriate and practicable steps to minimize potential impacts of the discharge on the aquatic ecosystem, nor does it appear to represent the least environmentally damaging practicable alternative. You must provide us information on the alternatives you considered for your proposed project. This information should include the availability of other sites and the use of other project designs which would avoid or minimize project impacts on the aquatic ecosystem. See the enclosed "Practicable Alternatives Information Sheet" for a detailed description of the alternatives information. This information must be provided by the public notice expiration date once we've determined your application is complete, and have issued a public notice.

Should a DA permit be issued, a fee will be required. Since the purpose of the project is commercial in nature, the fee will be \$100. You will be notified when to submit the fee.

Section 401(a)(1) of the Clean Water Act requires that you obtain a Certificate of Reasonable Assurance or waiver of certification. This is the responsibility of the Alaska Department of Environmental Conservation (ADEC). Once we determine your application to be complete, we will forward a copy of your application to the ADEC, which they will accept as an application for a Certificate of Reasonable Assurance. A fee is charged by the ADEC for the 401 certificate. Fee information can be found online at www.state.ak.us/dec/water/wwdp/online_permitting/individual_permit_fees.htm or by contacting the ADEC at WQM/401 Certification, 555 Cordova Street, Anchorage, Alaska 99501-2617, or by telephone at (907) 269-7564.

Please contact me via email at mary.r.romero@usace.army.mil, by mail at the address above, by phone at (907) 753-2773, or toll free from within Alaska at (800) 478-2712. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in cursive script that reads "Mary Romero".

Mary Romero
Project Manager

Enclosures

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 27, 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA- 2008-1450 – Brown's Slough

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: *Click here to enter text* City: Bethel
Center coordinates of site (lat/long in degree decimal format): Lat. 60.7991 ° N, Long. 161.8498 ° W
Universal Transverse Mercator: *Click here to enter text*
Name of nearest waterbody: Brown's Slough
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Kuskokwim River
Name of watershed or Hydrologic Unit Code (HUC): 19030502

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: May 27, 2015
 Field Determination. Date(s): *Click here to enter a date*, *Click here to enter a date*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There *Choose an item* "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: *Click here to enter text*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There *Choose an item* "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet width (ft) and/or acres
Wetlands: 37.15 acres.

c. Limits (boundaries) of jurisdiction based on: *Choose an item*

Elevation of established OHWM (if known): *Click here to enter text*

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: *Click here to enter text*

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months)

³ Supporting documentation is presented in Section III F

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below

1. TNW

Identify TNW: *Check here to enter text*

Summarize rationale supporting determination: *Check here to enter text*

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": *Check here to enter text*

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: *Choose an item*

Drainage area: *Choose an item*

Average annual rainfall: *Choose an item*

Average annual snowfall: *Choose an item*

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through *Choose an item* tributaries before entering TNW.

Project waters are *Choose an item* river miles from TNW.

Project waters are *Choose an item* river miles from RPW.

Project waters are *Choose an item* aerial (straight) miles from TNW.

Project waters are *Choose an item* aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: *Check here to enter text*

Identify flow route to TNW⁵: *Check here to enter text*

Tributary stream order, if known: *Check here to enter text*

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

Artificial (man-made). Explain: *Check here to enter text*

Manipulated (man-altered). Explain: *Check here to enter text*

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West
⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW

Tributary properties with respect to top of bank (estimate):

Average width: - feet
Average depth: - feet
Average side slopes: *Choose an item*

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover: *Click here to enter text*
 Other. Explain: *Click here to enter text*

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: *Click here to enter text*

Presence of run/riffle/pool complexes. Explain: *Click here to enter text*

Tributary geometry: *Choose an item*

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: *Choose an item*

Estimate average number of flow events in review area/year: *Choose an item*

Describe flow regime: *Click here to enter text*

Other information on duration and volume: *Click here to enter text*

Surface flow is: *Choose an item* Characteristics: *Click here to enter text*

Subsurface flow: *Choose an item* Explain findings: *Click here to enter text*

Dye (or other) test performed: *Click here to enter text*

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list): *Click here to enter text*
 Discontinuous OHWM,⁷ Explain: *Click here to enter text*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or seum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list): *Click here to enter text*

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: *Click here to enter text*

Identify specific pollutants, if known: *Click here to enter text*

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid

(iv) **Biological Characteristics, Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): *Click here to enter text.*
- Wetland fringe. Characteristics: *Click here to enter text.*
- Habitat for:
 - Federally Listed species. Explain findings: *Click here to enter text.*
 - Fish/spawn areas. Explain findings: *Click here to enter text.*
 - Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
 - Aquatic/wildlife diversity. Explain findings: *Click here to enter text.*

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) **General Wetland Characteristics:**

Properties:

- Wetland size: _____ acres
- Wetland type. Explain: *Click here to enter text.*
- Wetland quality. Explain: *Click here to enter text.*
- Project wetlands cross or serve as state boundaries. Explain: *Click here to enter text.*

(b) **General Flow Relationship with Non-TNW:**

- Flow is: *Choose an item.* Explain: *Click here to enter text.*
- Surface flow is: *Choose an item.*
 - Characteristics: *Click here to enter text.*
- Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*
 - Dye (or other) test performed: *Click here to enter text.*

(c) **Wetland Adjacency Determination with Non-TNW:**

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: *Click here to enter text.*
 - Ecological connection. Explain: *Click here to enter text.*
 - Separated by berm/barrier. Explain: *Click here to enter text.*

(d) **Proximity (Relationship) to TNW**

- Project wetlands are *Choose an item* river miles from TNW.
- Project waters are *Choose an item* aerial (straight) miles from TNW.
- Flow is from: *Choose an item*
- Estimate approximate location of wetland as within the *Choose an item* floodplain.

(ii) **Chemical Characteristics:**

- Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: *Click here to enter text.*
- Identify specific pollutants, if known: *Click here to enter text.*

(iii) **Biological Characteristics, Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): *Click here to enter text.*
- Vegetation type/percent cover. Explain: *Click here to enter text.*
- Habitat for:
 - Federally Listed species. Explain findings: *Click here to enter text.*
 - Fish/spawn areas. Explain findings: *Click here to enter text.*
 - Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
 - Aquatic/wildlife diversity. Explain findings: *Click here to enter text.*

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

- All wetland(s) being considered in the cumulative analysis: *Choose an item*
- Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y		Y	
N		Y	
Y		Y	
N		Y	

Summarize overall biological, chemical and physical functions being performed. [Click here to enter text](#)

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D; [Click here to enter text](#)
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D; [Click here to enter text](#)
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D; [Click here to enter text](#)

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft). Or, acres.
- Wetlands adjacent to TNWs: 37.15 acres.

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial; [Click here to enter text](#).
- Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally; [Click here to enter text](#).

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.

Identify type(s) of waters: [Click here to enter text](#)

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
 Other non-wetland waters: _____ acres.
Identify type(s) of waters: *(check box to enter text)*

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *(check box to enter text)*
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *(check box to enter text)*

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: _____ acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: *(check box to enter text)*
 Other factors. Explain: *(check box to enter text)*

Identify water body and summarize rationale supporting determination: *(check box to enter text)*

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
 Other non-wetland waters: _____ acres.
Identify type(s) of waters: *(check box to enter text)*
 Wetlands: _____ acres

⁸See Footnote # 3

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps EPA Memorandum Regarding CWA Act Jurisdiction Following Repeals

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR)
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*
- Other: (explain, if not covered above); *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): - linear feet = width (ft).
- Lakes/ponds: = acres.
- Other non-wetland waters: = acres. List type of aquatic resource: *Click here to enter text.*
- Wetlands: = acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): - linear feet = width (ft).
- Lakes/ponds: - acres.
- Other non-wetland waters: = acres. List type of aquatic resource: *Click here to enter text.*
- Wetlands: = acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Click here to enter text.*
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: *Click here to enter text.*
- Corps navigable waters' study: *Click here to enter text.*
- U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- Alaska District's Approved List of Navigable Waters
- U.S. Geological Survey map(s). Cite scale & quad name: Bethel D-8
- USDA Natural Resources Conservation Service Soil Survey. Citation: *Click here to enter text.*
- National wetlands inventory map(s). Cite name: *Click here to enter text.*
- State/local wetland inventory map(s): *Click here to enter text.*
- FEMA/FIRM maps: *Click here to enter text.*
- 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): *Click here to enter text.*
or Other (Name & Date): October 14, 2014
- Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- Applicable/supporting case law: *Click here to enter text.*
- Applicable/supporting scientific literature: *Click here to enter text.*
- Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: A previous Approved JD was completed for a portion of this project in December of 2008 and expired in 2013.

Mary Romero
Project Manager

May 27, 2015
Date

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Lyman Hoffman		File Number: POA-2008-1450	Date: June 5, 2015
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mary Romero, PM
Alaska District Corps of Engineers
CEPOA-RD-N
P.O. Box 6898
JBER, AK 99506-0898
(907) 753-2773

If you only have questions regarding the appeal process you may also contact:

Commander
USAED, Pacific Ocean Division
ATTN: CEPOD-PDC/Cindy Barger
Building 525
Fort Shafter, HI 96858-5440

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____



REPLY TO
ATTENTION OF:

Regulatory Division
POA-2008-1450

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

APR 14 2009

Michael J. Horne
SENTEC
2525 Gambell St., Suite 200
Anchorage, Alaska 99503

Dear Mr. Horne:

This is in regard to your application, on behalf of Lyman Hoffman, for a Department of the Army (DA) permit; file number POA-2008-1450, Brown Slough. Enclosed are copies of letters we received in response to our Public Notice which described the proposed Hoffman Subdivision project in Bethel, Alaska.

It is the policy of the DA to provide an applicant the opportunity to furnish a proposed resolution or rebuttal to all objections and other substantive comments before a final decision is made on a proposed project. In this regard, I request that you address the following issues:

We have concerns that fill from your subdivision may exacerbate existing flooding in the Tsikoyak Subdivision. Describe how excess precipitation and snow melt in your new development will be carried away from your improvements and not contribute to problems in the existing adjacent subdivision. Describe how you have addressed snow storage and calculated road culvert capacity.

Also of concern to the Corps of Engineers is a letter from the City of Bethel Planning Department regarding several components of your subdivision plan which do not appear to meet current requirements in the Bethel Municipal Codes and Bethel Comprehensive Plan for new subdivisions. We encourage you to contact the City of Bethel Planning Department, directly, to resolve the issues.

The concerns expressed in the comment letters appear to have substance. In order for us to complete the public interest review, these concerns must be addressed. It is recommended that you provide us your comments on these matters within 30 days of the date of this letter. Failure to do so could result in the denial of your permit unless there are substantive mitigating factors to preclude such a response.

You may contact me via email at mary.f.leykom@usace.army.mil, by mail at the address above, by phone at (907) 753-2711, or toll free from within Alaska at (800) 478-2712, to discuss this letter. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

SIGNED
Mary F. Leykom
Project Manager

Enclosures



CITY OF BETHEL

Planning Department
P.O. Box 1388
Bethel, Alaska 99559

City of Bethel Planning Department Response to US Army Corp of Engineers of Alaska application POA-2008-1450 Brown Slough by Lyman Hoffman

March 25, 2009

TO: US Army Corp of Engineers Alaska District Attn: Ms. Mary Leykom

FROM: Daniel J. Shea, Planning Director, Land Use Administrator

SUBJECT: Application for permit for a New Subdivision to develop in excluded wetlands/water from the General Permit 83-4A.

REVIEW: The Planning Department with the guidance of the Planning Commission have been asked to review a conceptual drawing regarding the proposed subdivision of property found to surround the Larson Subdivision to the east, north, and west.

ANALYSIS: Several concerns that are presented to be taken into account prior approval of any subdivision. General guidance is provided in the Bethel Municipal Code (BMC) and the Bethel Comprehensive Plan (BCP). The applicant Lyman Hoffman has had several consultations with the Bethel Planning Department & the Planning Commission in 2007 and recommendations were given.

Concepts of Bethel Municipal Codes 15-18
16.04.010 Purposes.

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
2. Encourage the most appropriate use of land throughout the city;
3. Reduce congestion in the streets;
4. Enhance safety from fire, flooding and other dangers;
5. Provide adequate light, air and open space;
6. Preserve property values;
7. Prevent the overcrowding of the land;
8. Avoid undue concentration of population;
9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;

11. Assure that the burdens placed on public facilities by development are borne by the development;
12. Promote the public health, safety and welfare.

In addition to meeting the requirement of the BMC, the proposed plan does not complement the goals and objectives of the comprehensive plan. "Actions such as rezoning and subdivisions of land should be consistent with the comprehensive plan and applicable state and federal laws" (Bethel Comprehensive Plan (BCP) Final Plan, p3.). Several concepts that deal with the development of subdivision are directly referenced in the BCP

Public infrastructure in regards to new development is addressed in the BCP. The Hoffman Subdivision design does not assure the Planning Department that the development will not adversely affect either the ability of the city to deliver public services or the safety of the property and health, safety and welfare of the people within the development area and that burdens placed on public infrastructure (especially water and sewer) by development are borne sole by the development it self.

An action item found in the Land Use Chapter dealing with the policies and regulations to coordinate future land development states, "require that public infrastructure (roads, sewer, and water) be in place in conjunction with future residential development" (BCP Final Plan, p11). Furthermore, a strategic goal found in the Housing Chapter states, "Require that private and public housing developers install or fund sewer, and water." A statement needs to be developed in regards to current and future plans for water and sewer service. The Water and Sewer Master Plan can be found on the Planning Department web page. A consultation with the Public Works Department in regards to infrastructure is recommended. A suggestion has been made to design some rights-of ways

(ROW) as collectors that provide a greater road width leading to areas of proposed and likely future development (Public Works 100 feet of width dedi cated).

The land indicated for development is designated as "Urban Reserve" (5B) by Map 1 (Rev. September 2000) titled, "Future Land Use" in the BCP. The BCP notes that, "Service areas 3D, 5A, 5B, and 5C are accessible by the existing road system. Urban development should occur as the water and sewer system is extended to these areas.

Leapfrog development, which requires extension of services (water, sewer, police, fire, garbage collection, etc.) is discourage throughout the Comprehensive Plan until such time as the population density and demand for services in these areas make provision of services cost effective. Urban reserve is intended for lower density of 1 dwelling unit per acre" (BCP Final Plan, p13). It is necessary to provide justification in regards to the cost effectiveness of providing service to this area. The division of lots indicated in the document would lead to development well in excess of the required 1 dwelling unit per acre. An amendment to the BCP is necessary to proceed with development of this scale. Additionally, the northern most 600 ft. of the allotment is designated as rural reserve by the BCP. According to the comprehensive plan, rural reserve intended uses are open space, subsistence, and recreation.

An area of concern indicated in both the BCP and BMC is drainage. The BCP states that we should "Work with land developers to create incentives to preserve and enhance natural drainage in subdivision design" (BCP Final Plan, p 28)

Requirements for subdivision in the BMC call for the preservation of natural drainage and the creation of a drainage plan. The natural drainage for the adjoining subdivision has been disturbed and the drainage plan was never made or was woefully inadequate and homeowners are suffering as a result. The proposed design of the new subdivision does cross a natural drainage with a ROW. Additionally, no flood study has been performed in the location and the 1% flood plain needs to be established. Again, with no drainage plan presented within these documents presented to me, a professional review could not be done.

Strategic goal 2, in the Housing Chapter of the BCP, indicates a need to "develop a diverse housing supply with affordable options for all income levels" (BCP Final Plan, p16). No indication has been made in regards to the development of affordable housing to our department or within the application being reviewed.

This goal can be used to help justify the need for development, if it can be demonstrated that the development is going to serve an under-served portion of population. Although it is more difficult to address strategic goal 3, "Locate new housing with good access to community facilities and services such as water, sewer, the hospital, schools, teen center, senior center, and business district" (BCP Final Plan, p16). A statement addressing these concerns is warranted.

1. Another concern of both BCP and BMC is the creation of open and recreation spaces. A deficiency of the existing subdivision adjoining the proposed subdivision is lack of beneficial open and recreational space. Strategic goal 1 in the BCP chapter titled, "Open Space, Recreation, and Areas of Community Importance" gives salient direction, "Protect open spaces, natural drainage patterns, and subsistence use areas, and the corridors that provide access to these areas. The applicants design does not address these concerns.

2. Establish a system of neighborhood parks that are safe, attractive, and accessible to each subdivision. Specifically include a network of permanent trail corridors, open space buffers, and natural drainage ways. Protect the traditional network of recreational trails for biking, walking, dog mushing, snowmachining, and skiing" (BCP Final Plan, p.29). Children in this area of the city are in desperate need of a neighborhood playground. The BMC does require that all subdivisions include 10% open space, of which, 80% needs to be usable and not part of a drainage or waterway. Several general concerns will also need to be addressed including: dedication of land for dumpster placement, laying out ROW with open connections in all directions in order to meet connectivity goals and the development of utility easements. Of course, the submittal requirement listed in BMC 17.12 will also need to be met.

I do not believe that the policies of the comprehensive plan or the Bethel Municipal Code are anti-growth, rather that provisions have been established attempting to frame good subdivision standards and planned growth. Bethel has several unique challenges in regards to prohibitive costs and restricted lands. The policies established for this area of town were established with the thoughts of limiting the leap-frog development and poor designs that many found as the examples Larsen and Kasayuli Subdivisions demonstrate.

Should a development such as this proposal get the green flag from the US Army Corp of Engineers of Alaska? At this point, I would not support such a development as

presented in excluded wetland area of General Permit 83-4A. I could be convinced if compelling evidence is put forth that this is really necessary and other options are not available. So far, I do not see the evidence in previous communications or in this application to the US Army Corp of Engineers Alaska District. Overall the current population trend is on the downslide. Bethel in the last two years has lost hundreds of citizens and with the economy decline the trend continues to lose population, according to the State of Alaska Department of Community Commerce and Economic Development. Costs to build here in Bethel are still rising. Will the rest of the citizens of Bethel have to support the added cost of trucking utility services to this private developer location? Will this development make Bethel a better place? Or will it create more costs for the city to provide utilities, fire and police protection and road maintenance as the design indicates?

Therefore, the Bethel Planning Department request application POA-2008-1450 by Lyman Hoffman be denied at this time and until the applicant follows Bethel Municipal Code and the Bethel Comprehensive Plan as directed by the Planning Department.

Sincerely,

Daniel J. Shea

Daniel J. Shea, MRCP
Planning Director

Leykom, Mary F POA

From:
Sent: Friday, April 03, 2009 10:42 PM
To: Leykom, Mary F POA
Subject: Response to Public Notice POA-2008-1450, Brown Slough

Response to Public Notice POA-2008-1450, Brown Slough

We are writing to notify of detrimental impacts anticipated with this proposed action. The slough draining the northeast corner of Larson Subdivision (Brown Slough) is the main feed to H-Marker lake. Spring breakup yields a significant flow rate in this slough; it is class II white water for 5 to 7 days in May, and flows freely into August.

We have real concerns that homes on the northeast side of Larson Subdivision would be flooded if the planned roads are built. Steaming of culverts would be insufficient drainage management for the flow rate, and up water homes would face real risk each Spring. If flood damage did occur as a result of fill in wetlands, that would certainly be a legally actionable event.

There are numerous environmental concerns with the proposal, including wetlands remediation and flood plain values in these head waters. Economic impact to neighboring property is a true concern.

Also, communication to the public would be helpful. Of the twelve families we have spoken to (all neighboring property owners), only one received this public notice in the mail. All others depended on community distribution of this notice, which surely will affect the volume and quality of public input provided to the Corps.

We respectfully request that this wetlands development be denied, as it encroaches active waterways and vital flood plain. Significant economic impact from flooding of neighboring properties is a real risk, in our view.

Please also accept our request for a public hearing to determine the overall public interest of the proposed activity.

Sincerely,

State of Alaska
Dept. of Environmental Conservation
WQM/401 Certification Program
555 Cordova Street
Anchorage, AK 99501-2617

To Whom It May Concern,

My name is _____, and I am writing to comment on the application for State Water Quality Certification by Mr. Lyman Hoffman. The reference number is POA-2008-1450 with the waterway being Brown Slough.

Our home _____ on Sheet 1 of Hoffman's proposal) is in the corner of the current subdivision and is lower in elevation than most of the lots in Larson Subdivision, so is prone to flooding every spring. A large amount of drainage from throughout the subdivision must go through the culverts on our property. Every spring the ice in these culverts must manually be broken up to ensure proper drainage. If these culverts remain blocked by ice, there would be overflow that would flood our lot. We are already concerned about the drainage issues in the front of our property, and feel that Mr. Hoffman's proposal for land development has the possibility of flooding the back of our property as well.

Mr. Hoffman in his proposal (page 2 under mitigation) mentioned he would set aside seven lots to maintain surface drainage and to preserve open space. If you look at where those lots are located (sheet 1 of proposal), it is evident that to "maintain" surface drainage the water from streambeds will be concentrated and funneled to certain lots that already have existing homes on them, and are already struggling with flooding issues. By looking at maps (such as those available on google earth) it is evident that the drainage from these streambeds into each of these lots is significant. We have a pond in our backyard every summer, which is manageable because some of this water is dispersed into small waterways before it reaches our property. If homes are built on the lots proposed by Mr. Hoffman, I am extremely concerned that the funneling effect will flood the back of our lot.

This would mean that not only would we (as well as others with homes in drainage areas in Larson) be dealing with drainage issues with the culverts in the front of our property, but the back of our property as well. The culverts in the front of our property are already a challenge, but I don't see how the culverts that would be placed in the back of our property would be able to handle or transfer the amount of drainage that we experience spring through fall at the back of our lot.

Under the evaluation portion of Mr. Hoffman's proposal, it states "the decision whether to issue a permit will be based on an evaluation of the probable impacts". I encourage you to look at the water and drainage issues throughout our subdivision and in the proposal for new development very carefully, as new development not thought out well has potential to have a negative impact on several of Larson's residents. I would appreciate if you will take into consideration the concerns specified above.

Sincerely,

John and Sarah Dronenburg
PO BOX 3301
Bethel, AK 99559
Telephone: 907-543-1416
Email: jdronenburg@gmail.com and sjdronenburg@gmail.com

April 2, 2009

Mary Leykom
US Army Corps of Engineers Alaska District
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

Re: POA-2008-1450

Dear Ms. Leykom,

My wife and I own and reside at Lot 8, Block 1 of Tsikoyak Subdivision in Bethel Alaska, also referred to as 4014 Sonny's Way. We have several concerns we would like to voice concerning the permitting of Mr. Lyman Hoffman's land.

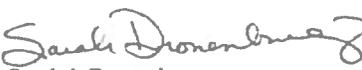
Our primary concern is for drainage, as this ill-conceived proposal poses a direct flood hazard to our property and home. We purchased the property in October of 2005 and every spring melting snow and ice creates a river between our home and our neighbors' in the northeast corner of Tsikoyak Subdivision. We've attached photos from May of 2006 and April of 2007 to illustrate the point. As it stands now we must remain vigilant in the spring to ensure that the water level doesn't spill over our pad and erode the footings of our house. In 2006 heavy equipment was used to dig a trench that allowed the water drain and in both 2007 and 2008 we accomplished the task waist deep in water with shovels in hand. Impeding the drainage of Brown Slough will exacerbate a situation that is barely manageable and will ensure the flooding of our property and subsequent damage to our home. The northeast corner is not the only part of our subdivision with current drainage problems. I've attached another photo titled "SW corner 2007" which shows Lot 6, Block 6 as well as Lots 27 and 28 of Block 1 with the water level rising to the point that it is beginning to overtake the road. Mr. Hoffman's proposal only allows roads with culverts, which would be wholly inadequate. In order to prevent flooding, any road built around our subdivision would have to incorporate a bridge across Brown Slough. The proposed activity is tantamount to building a dam around our community and will result in the residents of our subdivision swimming to their homes.

We are both distressed and disappointed that we have not had any official notice of the application process. Our attention was only drawn to this issue by rumor and speculation. We have received no official notice, have received no copies of the proposal, and I must assume that we are not on that list even though this proposal affects us directly. Therefore, either the list provided to the Corps of Engineers was either ridiculously insufficient or the reason for extending the comment period has not been satisfied. We did receive a copy of the Public Notice of Application for Permit, dated March 4, 2009, but it came from a diligent neighbor and not the Corps of Engineers.

Given the lack of notice to the residents of Tsikoyak subdivision, we request a public hearing to provide the Army Corps of Engineers an additional opportunity to notify the residents of Mr. Hoffman's intentions and to provide the residents the venue to inform the Army Corps of Engineers of the negative impacts those aspirations would have and the hazards they would undoubtedly pose.

Sincerely,


John R. Dronenburg


Sarah J. Dronenburg

USACE
AK REGULATORY

APR 07 2009

RECEIVED



ATTACHMENT1

TSIKOYAK



ATTACHMENT2

MAY 2006



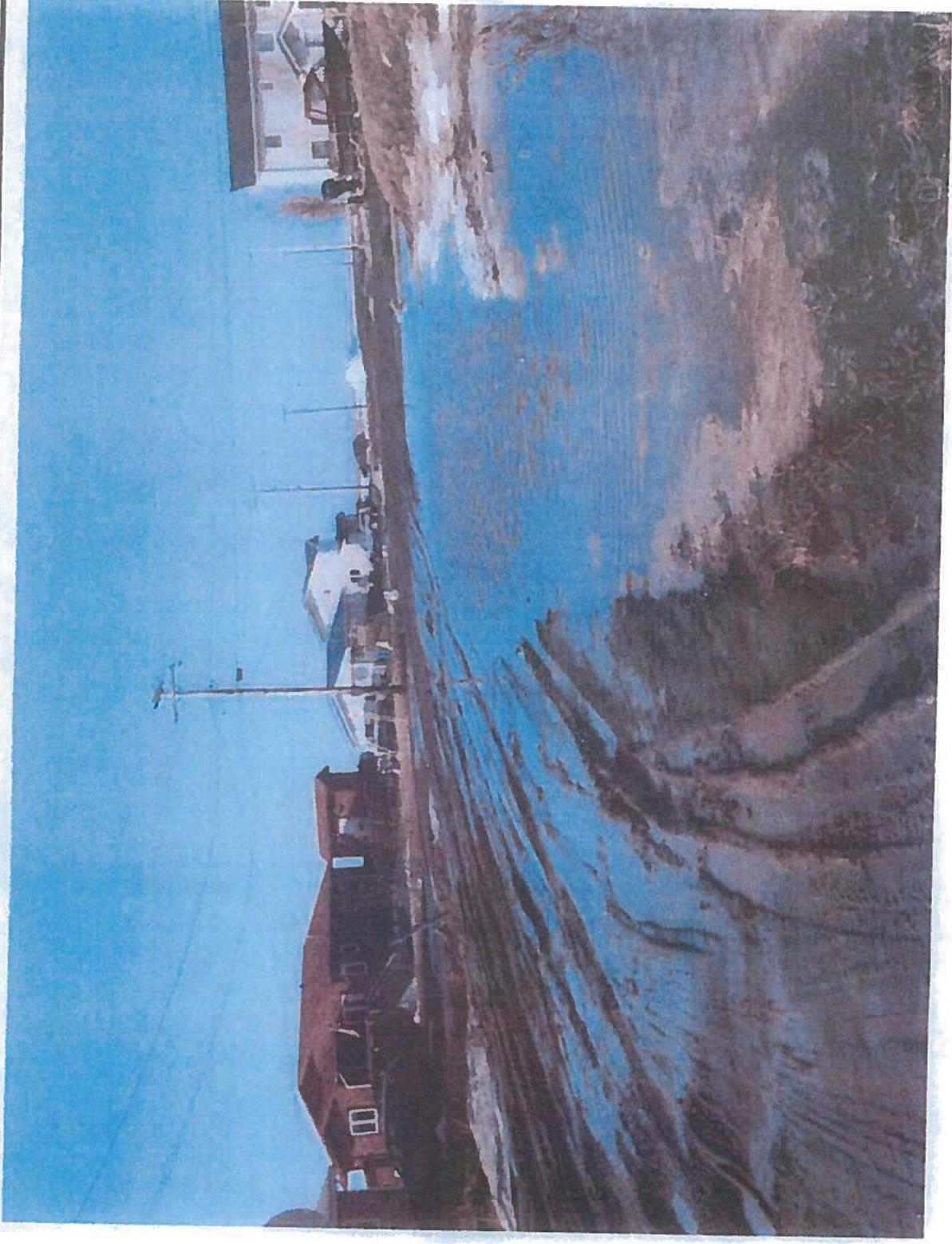
ATTACHMENT3

DRAINAGE



APRIL 2007

ATTACHMENT4



ATTACHMENT5 SW CORNER 2007

