



AGENDA

Planning Commission Worksession

Wednesday, February 1, 2023 at 5:30 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

Zoom Webinar ID: 936 2815 3389 Password: 865591

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

1. CALL TO ORDER

2. AGENDA APPROVAL

3. VISITORS/PRESENTATIONS

3.A. Alaska District Corps of Engineers Regulatory Program Overview

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Jen Martin

Continued from January 18, 2023 Worksession

[Regulatory Overview Presentation - January 2023](#)

4. CONSENT AGENDA

5. PENDING BUSINESS

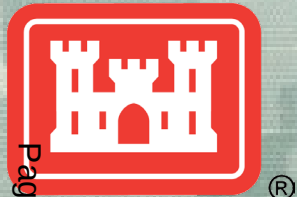
6. NEW BUSINESS

7. COMMENTS OF THE AUDIENCE

8. ADJOURNMENT Next regular meeting is Wednesday, February 15, 2023 at 6:30 p.m., a Worksession is scheduled at 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

Alaska District Regulatory Program Overview

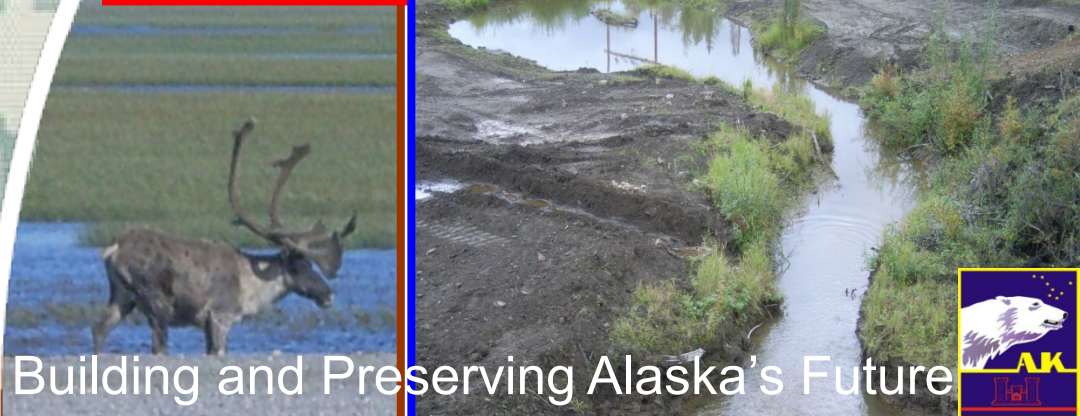
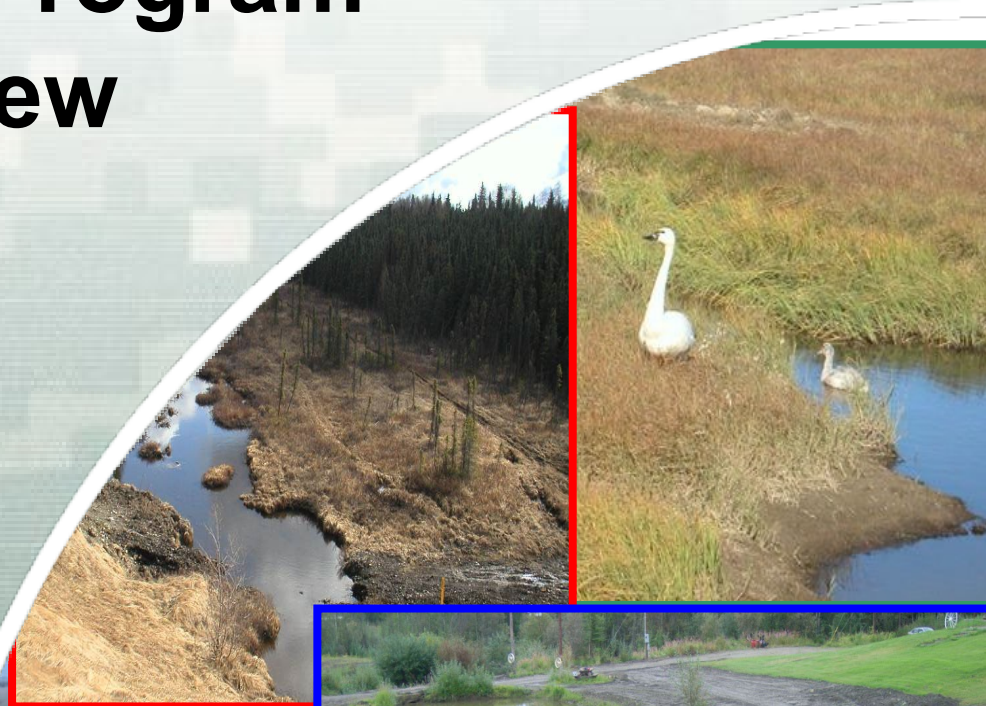
Jen Martin
January 18, 2023



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US Army Corps of Engineers
BUILDING STRONG®

Building and Preserving Alaska's Future



MISSION

Our mission is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands.



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AUTHORITIES

- **Section 404 of the Clean Water Act**
Discharges of dredge or fill material into waters, including wetlands
- **Section 10 of the Rivers and Harbors Act**
Work or structures affecting navigable waters
- **Section 103 of the Marine Protection, Research and Sanctuaries Act**
Transport & disposal of dredged material for Ocean Dumping



Section 10 Rivers & Harbors Act

- Permit for structures or work in or affecting navigable waters
- Primary Goal – maintain navigation.
- Navigable Waters: those waters subject to tidal ebb/flow, and/or are used (or could be used) to transport commerce.



Section 404 Clean Water Act

- Permit required for the discharge of dredge or fill material into waters of the U.S., including wetlands
- Primary Goal – Protect, restore and maintain the physical, chemical, and biological integrity of the Nation's waters
- Waters of the U.S. - navigable waters, rivers, streams, lakes, wetlands, mudflats, etc. (nexus to interstate or foreign commerce)

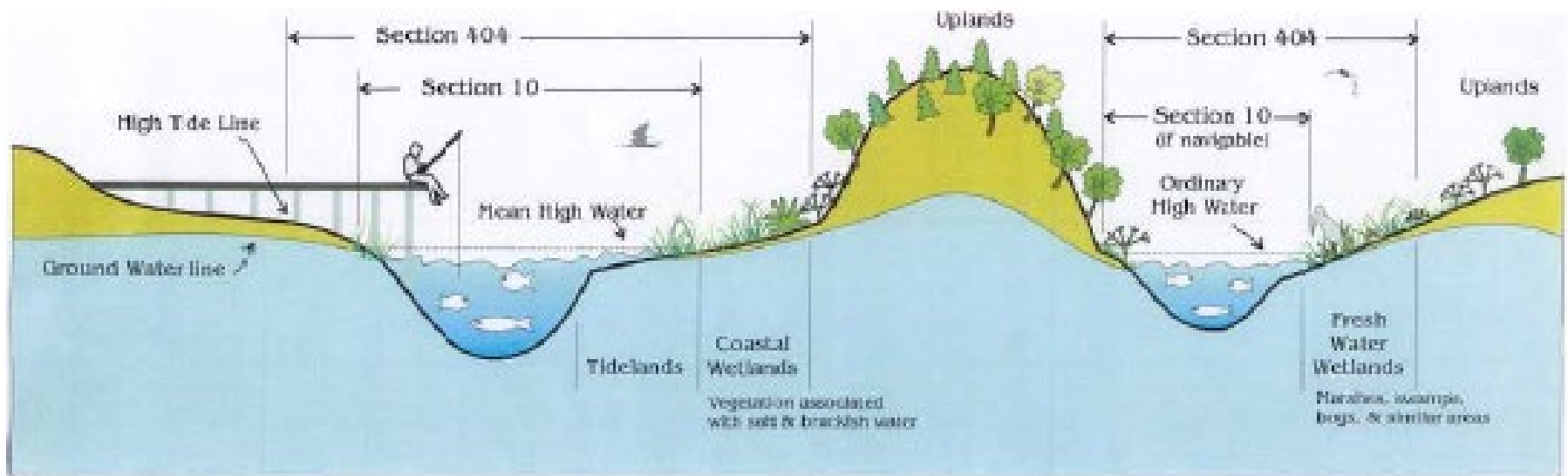


Section 10 & 404 Jurisdiction

CORPS OF ENGINEERS REGULATORY JURISDICTION

Tidal Waters

Fresh Waters



WETLANDS

“Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”



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WETLAND CRITERIA

- Hydrophytic vegetation
- Hydric soils
- Hydrology



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TYPES OF PERMITS

1. Nationwide General Permits
2. Regional General Permits
3. Letters of Permission (LOPs)
4. Standard Individual Permits



- **Nationwide general permits**
 - ▶ Issued by HQUSACE, districts add regional conditions
 - ▶ Shorter processing time than Individual Permits (45-60 days)
- **Regional General Permits**
 - ▶ Established through public notice and comment
 - ▶ Valid for 5 year period
 - ▶ Minimal adverse effects to the aquatic environment
 - ▶ Shorter processing time than Individual Permits (45-60 days)
- **Letter of Permission**
 - ▶ An expedited form of an individual permit: In Alaska, an expedited review (~ 60 days) applicable to certain activities not involving fill in navigable waters (Section 10)
- **Standard Individual Permits**
 - ▶ Public notice on specific project, 90-120+ day processing times
 - ▶ Activities with more than minimal impact



Typical Permitting on the Kenai Peninsula includes:

- Bank stabilization
- Roads/driveways
- Residential development
- Commercial development
- Boat ramps
- Stream/wetland restoration
- Mooring buoys
- Dock installation/maintenance
- Oil & Gas



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MITIGATION SEQUENCING

1. **Avoidance** - avoid impacts to Waters of the U.S., including wetlands, whenever possible
2. **Minimization** - minimize impacts that can't be avoided
3. **Compensation** - compensate for any impacts that remain after avoidance and minimization
[create, restore, rehabilitate, preserve: may be applicant-sponsored or Mitigation Bank/In-lieu Fee]



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COMPENSATORY MITIGATION

- 2008 Mitigation Rule establishes a soft preference for compensatory mitigation:
 - ▶ Mitigation Banks
 - ▶ In-Lieu Fee Programs
 - ▶ Permittee Responsible Mitigation
- 9 Mitigation Banks Approved
- 6 In-Lieu Fee Programs Approved

However, no mitigation banks or ILF currently approved on the Kenai Peninsula



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OTHER LEGAL REQUIREMENTS

- Endangered Species Act



- Fish and Wildlife Coordination Act



- Coastal Zone Management Act



- Essential Fish Habitat



- National Historic Preservation Act

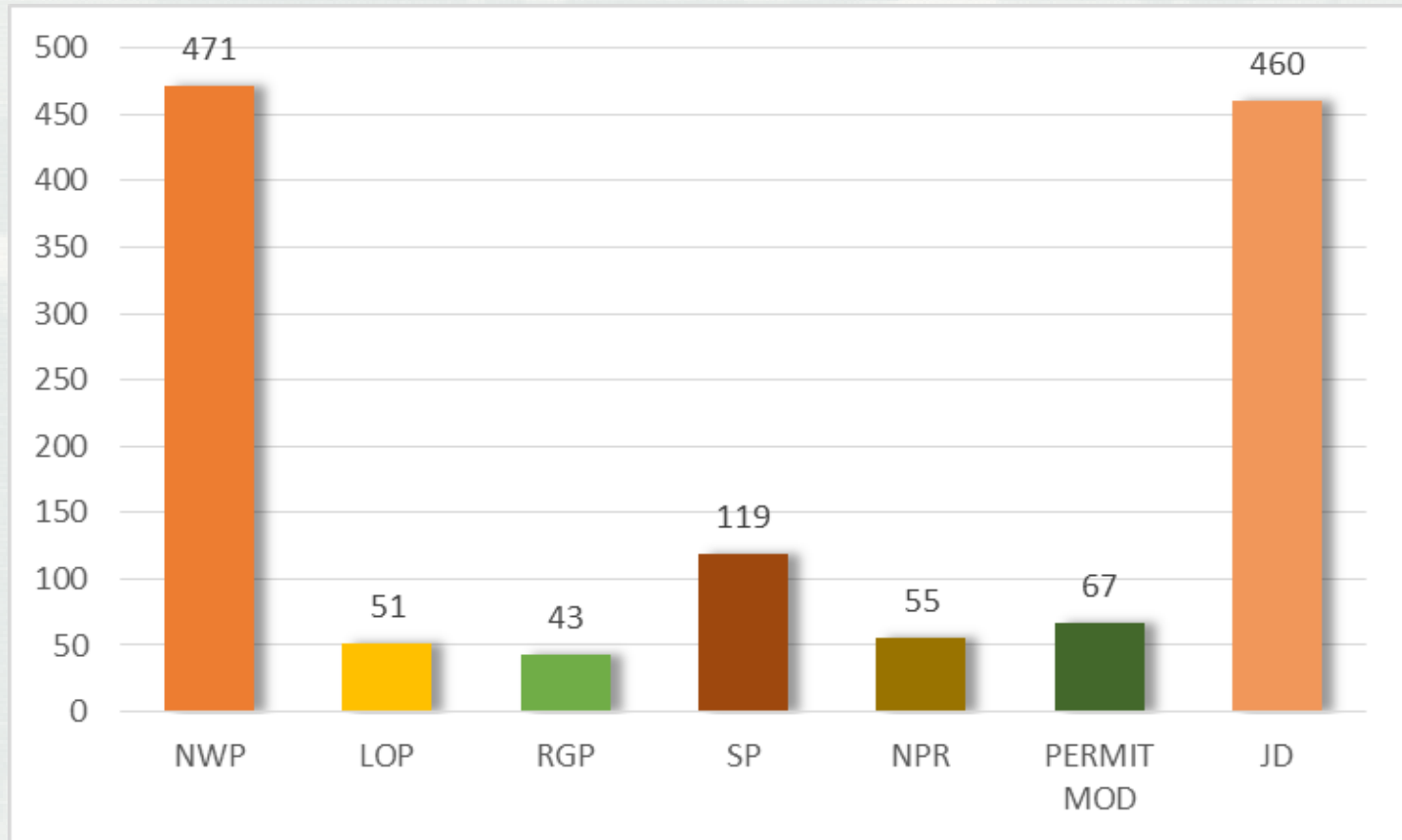


- National Environmental Policy Act



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ACTIONS in FY 18 >1,200*



*Not including enforcement & compliance actions, EIS, pre-app, mitigation banks and ILFs



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CONTACT US

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- Want more information?

<https://www.poa.usace.army.mil/Missions/Regulatory/>



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