



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
1600 A Street, Suite 110
Anchorage, AK 99501-5146

PUBLIC NOTICE DATE:	March 13, 2013
EXPIRATION DATE:	April 12, 2013
REFERENCE NUMBER:	POA-2012-876
WATERWAY:	Tina Lake

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.

Comments on the described work, with the reference number, 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 **Steve Lindamood** at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Steve.D.Lindamood@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Arcticorp Inc., 701 West 58th Avenue, Anchorage, Alaska 99518.

AGENT: Restoration Science and Engineering, LLC., 911 West 8th Avenue, Suite 100, Anchorage, Alaska 99501; Attention Mr. David Nyman at 907-278-1023, extension 103, or at dnyman@restorsci.com.

LOCATION: The project site is located within Section 31, T. 13 N., R. 3 W., Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.1671° N., Longitude 149.8919° W.; State Tax Parcel 009-302-11-000; Fuller Industrial Park, Tract C-3B, Unit 5; near Arctic Boulevard and 58th Avenue; in Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to "construct a new snow disposal site on the applicant's property. The site would also be used for temporary storage of equipment and materials when space is available during the snow-free season. A potential future use of the project site is a public roadway. The footprint of the proposed project overlaps with the footprint of the West Dowling Road Connection Project sponsored by the Alaska Department of Transportation and Public Facilities (ADOTPF). Planning documents indicate the West Dowling Road project would involve filling the north part of Tina Lake and associated wetlands. At this time the ADOTPF does not own or control the planned roadway across Tina Lake or any property within the footprint of the proposed snow disposal site project."

PROPOSED WORK: The applicant proposes to discharge approximately 14,100 cubic yards (cy) of clean fill into 1.27 acres of wetlands and 1.62 acres of Tina Lake to extend the property gravel pad and provide additional snow disposal capacity. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated 01-18-13, 01-22-13, and 01-31-13.

ADDITIONAL INFORMATION: The proposed project would involve discharge of fill in Tina Lake and adjacent wetlands; these are jurisdictional waters of the United States that connect through the storm drain system, Campbell Creek, and eventually into Cook Inlet.

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

a. Avoidance: The applicant stated the proposed project "is unable to avoid the pond and surrounding wetlands because there are no practicable alternatives to the proposed project. The applicant has ownership of the property and it is part of a commercial center under the control of the applicant. The remaining portions of the property are used for year round commercial storage that is an important source of income for the applicant. Loss of the storage space to create temporary space for seasonal snow disposal would not be an economic use of the property and would result in an impact to the applicant's business. The use of an alternative site located off the applicant's property is not practicable. The applicant does not own or control any properties in the local area with sufficient lot size that would comply with the Municipality Snow Dump Site Design Criteria. Acquisition of another property that is suitable for snow disposal, if one were to become available, is not a practicable alternative due to the cost."

b. Minimization: The applicant stated that "An alternative design that reduces wetland impact is not feasible or reasonable because it would reduce the size of the snow disposal area and restrict the space needed for truck turnaround areas. A reduction in the fill area would restrict the economic use of the property and require purchasing of an additional property to provide sufficient space to accommodate a snow disposal site and the existing commercial storage business."

c. Compensatory Mitigation: The applicant is proposing to "purchase credits from either the Great Land Trust (GLT) or the Harmony Ranch Mitigation Bank" to compensate for the proposed project's unavoidable impacts to waters of the U.S.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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.

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 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.

TRIBAL CONSULTATION: The Alaska District 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 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 of Engineers 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2012-876, Tina Lake, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.