



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	March 21, 2023
EXPIRATION DATE:	April 20, 2023
REFERENCE NUMBER:	POA-2023-00117
WATERWAY:	Turnagain Arm

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to regpagemaster@usace.army.mil. 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 Eric White at (907) 753-5693, toll free from within Alaska at (800) 478-2712, or by email at Eric.J.White@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Titan, LLC – Todd Christianson, 251 West 106th Avenue, Anchorage, AK 99515.

AGENT: Stantec Consulting Services – Victor Ross, 962 North Meridian Place, Suite 1B, Wasilla, AK 99567.

LOCATION: The project site is located within Section 18, T. 12 N., R. 3 W., Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.124488° N., Longitude 149.884970° W.; from downtown Anchorage, travel south on AK-1 Seward Highway for 6.7 miles. Take the O'Malley Road exit, continue straight for one mile then take the exit to turn right (north) onto C Street. The site is located on the right-hand side (east), on the corner of C Street and 106th Avenue, in Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to mine the peat and organics currently on site to be repurposed for the landscaping business. The material will be hauled to an upland processing facility. The excavated site will be backfilled with clean fill material leaving a usable building and or construction pad for the property owner.

PROPOSED WORK: The applicant is proposing to excavate 0.95-acre of wetlands and backfill the site with approximately 15,000 cubic yards of fill material to create a usable construction pad. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated March 2023.

ADDITIONAL INFORMATION: The applicant has informed the (Corps) that they are working with the Municipality of Anchorage to obtain a Grading Permit.

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: According to the applicant, the drainage ditches surrounding the project footprint will be avoided except for the placement of two thirty foot long forty-eight-inch diameter culverts installed for access road site entry.

b. Minimization: The applicant is proposing to utilize existing roadways and storage areas in uplands to minimize impacts to Waters of the United States (WOTUS) during excavation and fill. Sediment retention and Stormwater Pollution Prevention Plan (SWPPP) surface controls for material storage will be in uplands minimizing impacts to WOTUS. By utilizing 106th Avenue as the main access route the amount of fill into WOTUS is minimized. No additional access roads are required for equipment. To minimize impacts to downstream receiving waters the drainages ditches will be left in place to provide erosion protection and a water pathway around the proposed fill pad. Existing vegetation in the drainage ditches and wetlands outside property boundary will be left undisturbed. Offsite downstream impacts will be minimized by maintaining hydrologic connectivity around the site. The applicant will adhere to all Alaska Department of Environmental Conservation (ADEC) permit conditions for the project.

Erosion Control Measures: As per the application, backfill into the excavated pit will be clean of debris, containing no contaminants. Turbidity in the ditches will be avoided by leaving vegetated ditch banks and flow paths in place during construction. Ditch rock armoring will be avoided. Clean backfill will be used to bed the two access culverts. Straw waddles will be placed along ditch crossing roads to reduce sediment movement to the ditch. Post-construction stabilization will include removal of all equipment and final contour regrading. Any accidental disturbance of wetland ditch vegetation will be hand raked and reseeded with a native seed.

Spill Control Measures: As per the application, no fueling of equipment or vehicles will take place on the excavation and fill site. Fueling and greasing will take place in uplands. Equipment will be inspected daily for signs of wear or potential sources of fuel, oil, or hydraulic leaks. Spill containment and cleanup kits will be in the nearby upland area. Drip pans will be used for equipment left or parked in the work area overnight or during breaks. Post-construction cleanup will include removal of all debris, sorbent pads, and drip pans for proper disposal.

Mining Method: As per the application, the peat will be extracted and moved offsite in a systematic plan of excavation and backfill, reducing pit size and open areas subject to erosion.

c. Compensatory Mitigation: According to the applicant, the Anchorage Credit Debit Method (ACDM Functional Assessment) for this site concluded that the wetlands within site were classified Rev 3, Class C Wetlands. The waters are Rev 4. The project is adjacent to already filled industrial sites along a developed highway. The ACDM concluded the project requires 0.61 total debits, with 0.17 debits to waterways and 0.44 debits to wetlands. The wetlands are Cowardian Classification PSS1/PEM1, HGM slope wetlands (Cowardin et al. 1979). It is anticipated wetland credits will be purchased from the Great Land Trust 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. The applicant has submitted a Clean Water Act Section 401 prefilming meeting request on January 26, 2023.

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 entire proposed impact area. Consultation of the AHRS constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (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 not within mapped EFH.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Corps fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Corps, Alaska District, on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This public notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership,

and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

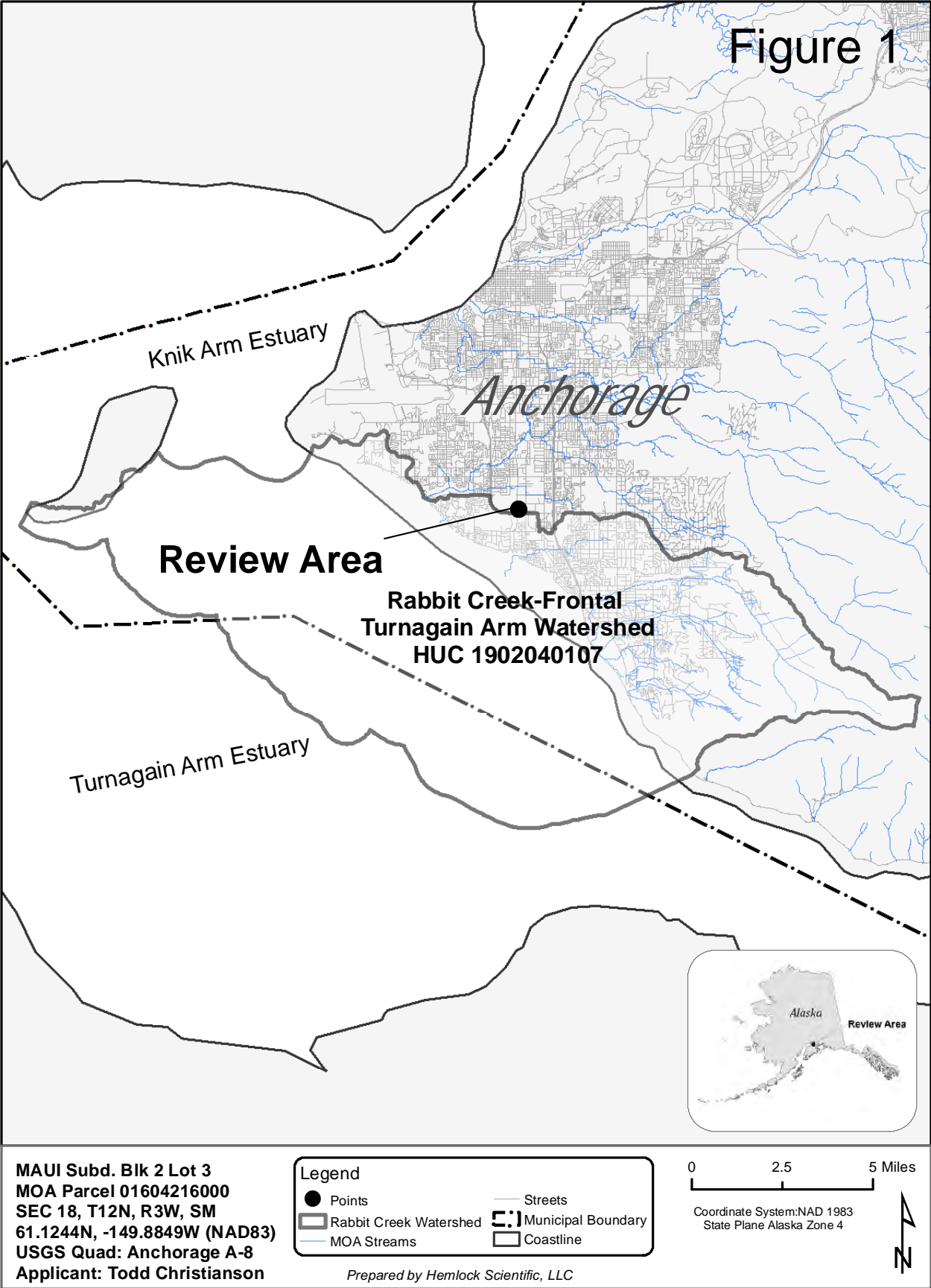
AUTHORITY: This permit will be issued or denied under the following authorities:

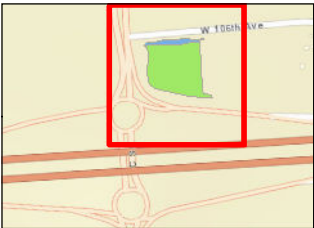
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

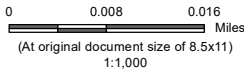
Enclosure





- Notes**
- 1. Coordinate System: NAD 1983 StatePlane Alaska 5 FIPS 5005 Feet
 - 2. Data Sources: BOEM
 - 3. Background: USGS Topo

- Parcels
- Wetlands
- Cowardin
- PEM1/SS1B
- PUBHx

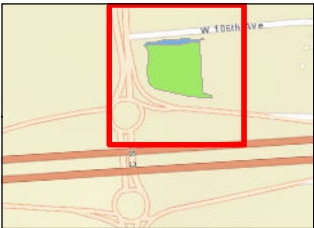
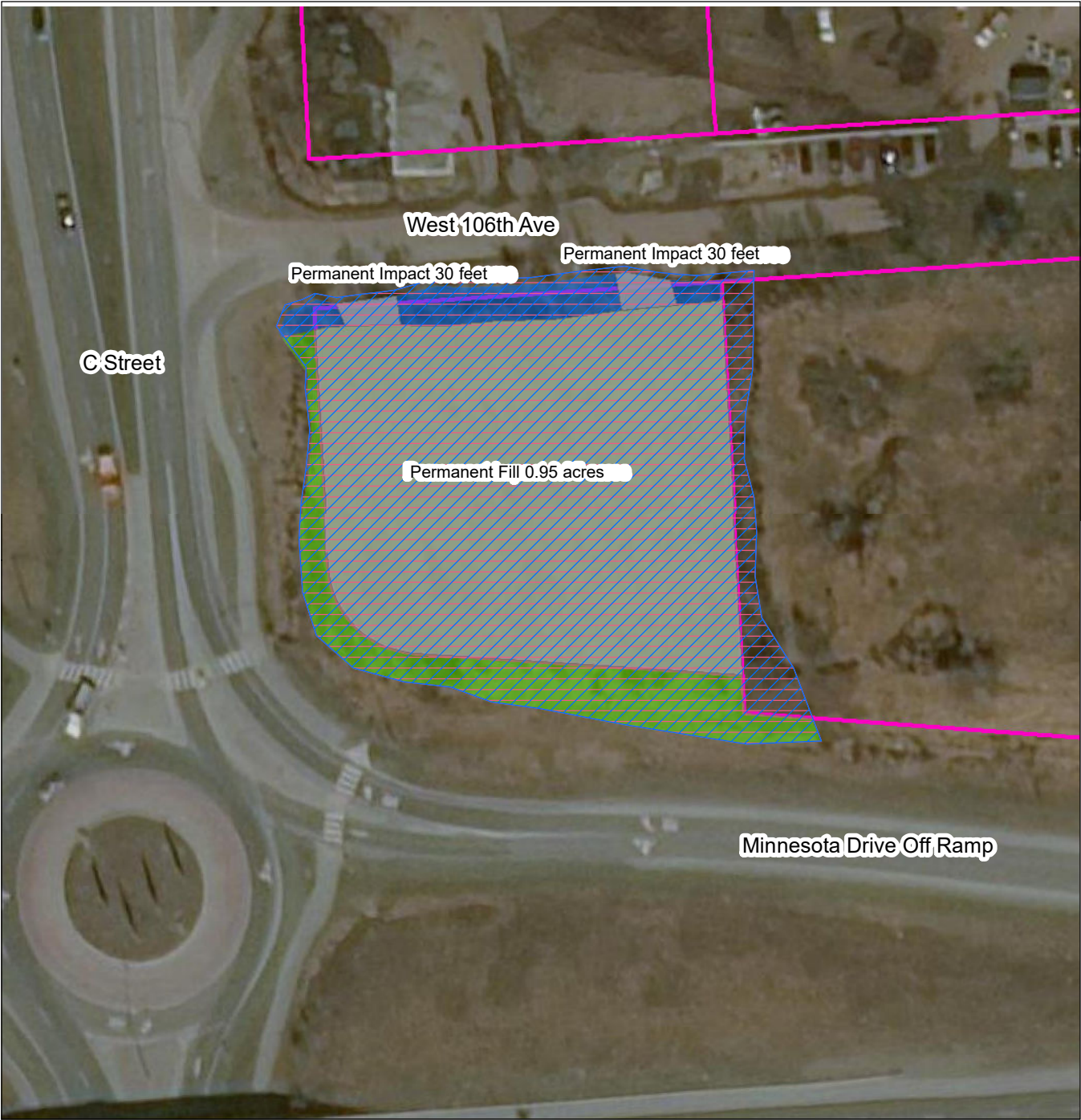


Project Location
C Street and 106th Ave, Anchorage, AK

Client/Project
Client: Titan
Project: MAUI Blk 2 Lot 3
Report: Section 404 Permit

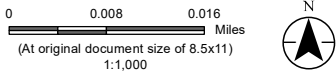
Figure No.
1

Title
Site Map



Notes
1. Coordinate System: NAD 1983 StatePlane Alaska
5 FIPS 5005 Feet
2. Data Sources: BOEM
3. Background: USGS Topo

- Impact**
- Parcels
 - Permanent Impact
 - ACDM: New Indirect Impact Zone
 - ACDM: Existing Indirect Impact Zone
- Wetlands**
- Cowardin**
- PEM1/SS1B
 - PUBHx



Project Location
C Street and 106th Ave, Anchorage, AK

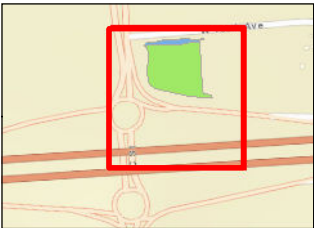
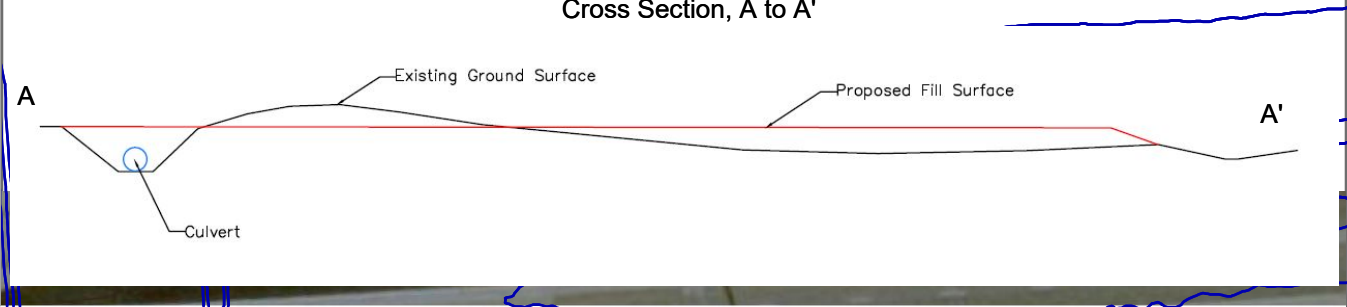
Client/Project
Client: Titan
Project: MAUI Blk 2 Lot 3
Report: Section 404 Permit

Figure No.
2

Title
Project Impacts



Cross Section, A to A'



Notes
1. Coordinate System: NAD 1983 StatePlane Alaska
5 FIPS 5005 Feet
2. Data Sources: BOEM
3. Background: USGS Topo

— 1 Foot Contour

Impact

■ Permanent Impact

Wetlands

Cowardin

■ PEM1/SS1B

■ PUBHx

0 0.008 0.016 Miles
(At original document size of 8.5x11)
1:1,000



Project Location
C Street and 106th Ave, Anchorage, AK

Client/Project
Client: Titan
Project: MAUI Blk 2 Lot 3
Report: Section 404 Permit

Figure No.
3

Title
Project Cross Section