



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: 4 August 2008
EXPIRATION DATE: 3 September 2008
REFERENCE NUMBER: POA-2004-674-M3
WATERWAY: Campbell Creek

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 Mary Lee Plumb-Mentjes at 753-2789, by fax at 753-5567, or by email at Mary.Plumb-Mentjes@usace.army.mil if further information is desired concerning this notice.

APPLICANT: David H. Hartman, 4901 Hartman Circle, Anchorage, Alaska 99507

AGENT: Daniel Young, Terrasat, Inc., 1413 West 31st Avenue, Anchorage, Alaska 99503, tel. 907-344-9370, e-mail think-peace@gci.net

LOCATION: The project site is located within Wetland Unit 59, Map 68 (Anchorage Wetlands Atlas, 2004); King #1, Block 1, Lots 15, 16, 17, 18, 19, 20, and Block 2, Lots 5 and 6; Section 7, T. 12 N., R. 3 W., S.M.; Latitude 61.143 N., Longitude -149.888 W.; on west side of King Street, between Dimond Boulevard and 92nd, Anchorage, Alaska

PURPOSE: The applicant's stated purpose is to construct eleven buildings with adjacent parking on ten lots to accommodate the need for expanding light industrial business in Anchorage Alaska.

PROPOSED WORK: Discharge approximately 50,000 cubic yards in 5.77 acres to establish elevation and to replace peat for creation of pads for construction of eleven buildings, parking lots, utilities, the Lot 20 access road, and a 300-foot segment of A Street. After-the-fact authorization is needed for fill that has already been placed in Lots 15 and 16. Access to these developments would be provided by construction of 91st Avenue (already filled by original permit) and a 300-foot long portion of A Street (12,000 square feet). A foot-high, 250-foot long berm (250 square feet) will be on the northern margin of the preserved area in Lot 20; three culverts will enter the preserved area in Lot 20; each culvert outlet would have a riprap apron, 10'x30', each with 15 cy of riprap over structural fill; thus, the total fill for the three outlets would be 900 cy. The structural fill would be Type 2/Type 2-A non-frost susceptible fill material. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated December 20, 2007.

ADDITIONAL INFORMATION: The wetlands to be filled are designated "C," but are not eligible for use of Anchorage General Permits (SPN 05-5, April 15, 2005, Attachment A, Table 1, Unit 59, 87th to 92nd, C Street to King Street). Approximately 2.82 acres of wetlands in Lots 5, 6, and 15-19 would be filled. Approximately 2.47 acres of wetlands in Lot 20 would be filled for two buildings, a parking lot, and an access road.

The remainder of Lot 20 (2.185 acres) would be preserved. A chain link fence elevated one foot off the ground to allow small animals to pass through would surround Lot 20. The preserved portion of Lot 20 would be delineated on the official plat, and a plat note would be added to the plat stating the restrictions on use. No third party has been located to monitor conditions of a conservation easement.

Storm water would be managed to meet both 10-year/3-hour and 2-year/ 6-hour storm events. Storm water would be detained onsite before leaving the property and entering the Municipality of Anchorage stormwater system located at the northwestern corner of the property on 88th Avenue. The preserved wetlands in Lot 20 would aid in stormwater flow attenuation and further filtering of storm water that had passed through either the grass-lined swales or the sedimentation pond in the middle of Lot 20. Storm water would be directed from building and parking lots via swales (trapezoidal channel: 3 feet wide, 1.5 feet deep), either planted with the native grass, Calamagrostis canadensis, or the original wetland vegetation to filter sediments from stormwater runoff. The swales would run along the north sides of Lots 5 and 6 (a 30-foot wide wetland buffer on the northernmost boundaries of Lots 5 and 6 would be unfilled and left with natural vegetation), the south sides of Lots 15 and 16, the south and west sides of Lot 17, the west side of Lot 18 and the west and north sides of Lot 19. Storm water would then be discharged through three culverts, each with a riprap apron, 10 feet by 30 feet at the culvert outflow, into the preserved area of Lot 20. These riprap aprons would be designed to slow velocities and eliminate erosion potential before storm water enters the preserved wetland area in Lot 20. Storm water from the Lot 20 parking lot and southern building would be directed to the sedimentation pond in the middle of Lot 20 before entering the preserved wetland area in Lot 20. Storm water from the north building

on Lot 20 would flow directly from the rooftop to the preserved area in Lot 20 through roof drains, following the Municipality of Anchorage (MOA) Design Criteria Manual. A foot-high, 250-foot long soil berm with a weir would be installed at the north end of the preserved wetland area in Lot 20. The weir would be placed in the natural outlet channel. The berm and weir would keep peak flows at the pre-development output ranges.

The proposed layout is described as avoiding the ecologically higher value wetlands. A roadway would be constructed off of A Street to access Lot 20. The utility easement would be filled (8,000 cy), but would not be used for a driveway or have any permanent structures. Excavated peat would be stockpiled onsite on nonwetlands until it is moved offsite. Erosion prevention measures would be implemented where necessary and sediment control best management practices would be installed before construction begins to prevent sediment deposition in wetland areas to be preserved.

An earlier Department of the Army permit, POA-2004-674-4, Campbell Creek expired May 31, 2008. It was issued for discharge of approximately 14,000 cubic yards (cy) of fill into 0.87 acre of wetland to construct 91st Avenue between King Street and "A" Street, and 60 feet of "A" Street immediately north of 91st Avenue; approximately 3,000 cy of fill into 0.50 acre of wetland to construct a bioswale and place a sewer line; approximately 4,500 cy of additional fill material and 3,500 cy of after-the-fact fill into 0.97 acre of wetland in Lots 13 and 14, King Subdivision Addition #1, Block 1 to support light industrial development and after-the-fact fill of approximately 5,000 cy into 1.31 acres of wetland in Tract B-1, King Subdivision, for equipment storage." A balance of 1.26 REV 2 debits and 0.80 REV 3 debit [Anchorage Debit/Credit Methodology (2000)] remain to be compensated from this earlier DA permit.

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: Erosion prevention measures would be implemented where necessary and sediment control best management practices would be installed before construction begins to prevent sediment deposition in wetland areas to be preserved. Stormwater runoff would be directed into grass-lined swales or a sedimentation pond before going into a preserved wetland (2.185 acres); these would filter sediments from runoff and attenuate flood flows. The preserved wetland in Lot 20 would be fenced with a foot-wide gap at the base of the fence to allow the area to provide some wildlife habitat value for birds and small mammals. A fee in lieu of mitigation would be paid to the Great Land Trust for remaining debits as calculated using the Anchorage Debit/Credit Methodology (December 2000).

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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).

Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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.

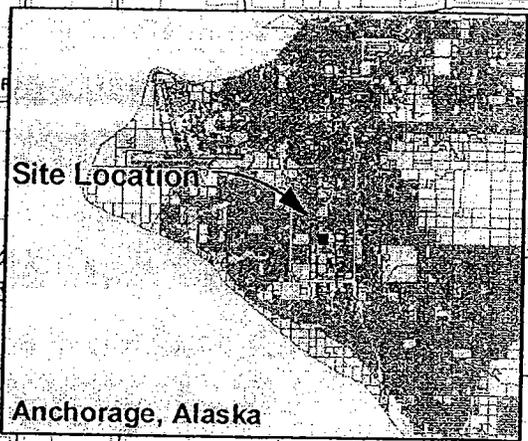
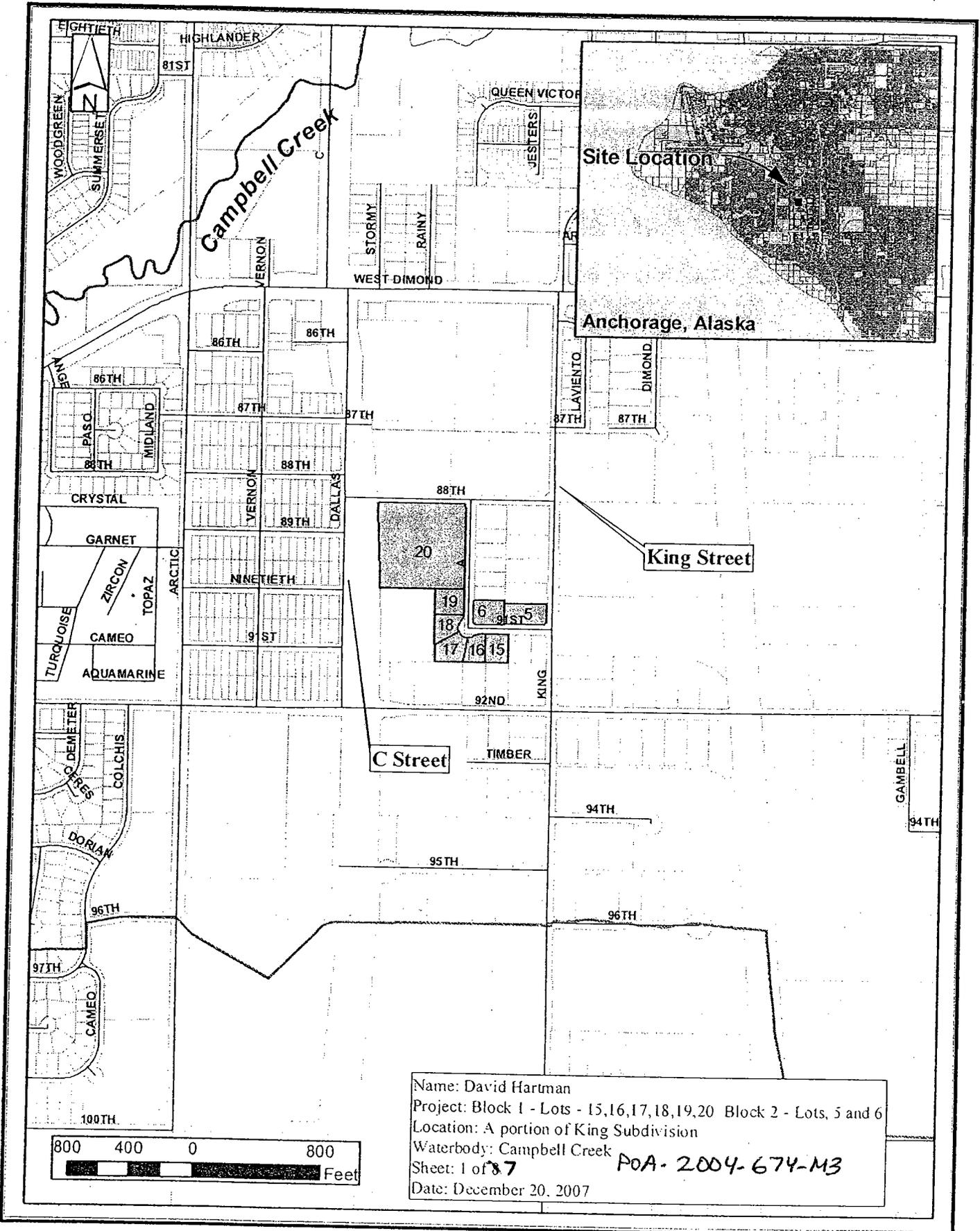
AUTHORITY: This permit will be issued or denied under the following authority:

(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, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



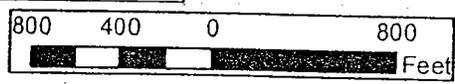
Anchorage, Alaska

King Street

C Street

Name: David Hartman
 Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
 Location: A portion of King Subdivision
 Waterbody: Campbell Creek
 Sheet: 1 of 37
 Date: December 20, 2007

POA-2004-674-M3





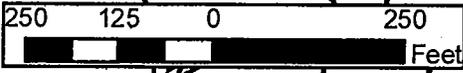
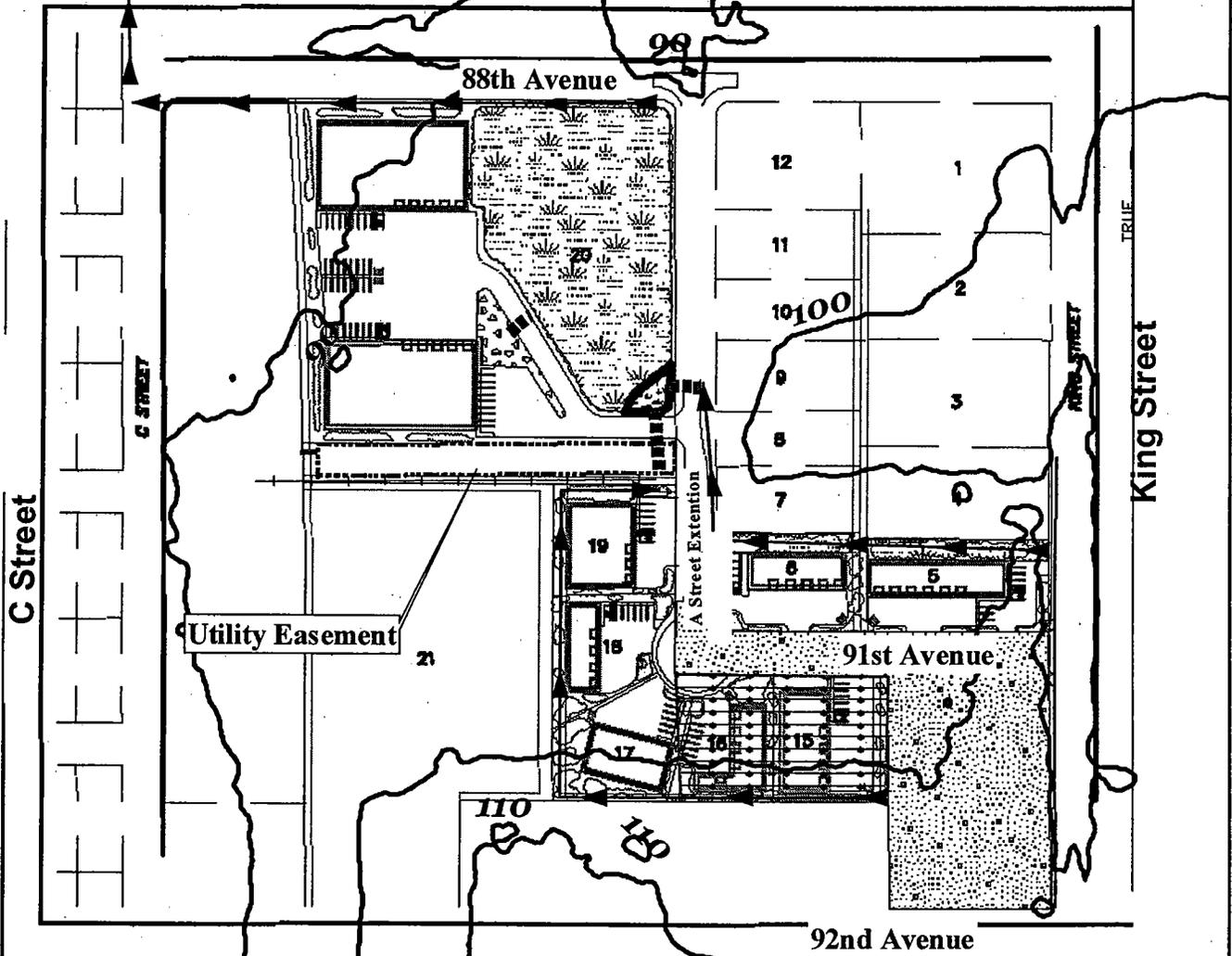
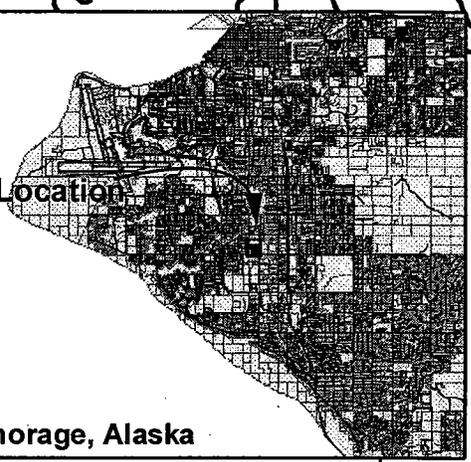
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Legend

- Swales/ Drainage Flow
- Contours
- Culvert
- Disturbed Areas
- Previous Permit Work
- Sedimentation Pond
- Preserved Wetland Areas
- Dissipation Area
- Easement

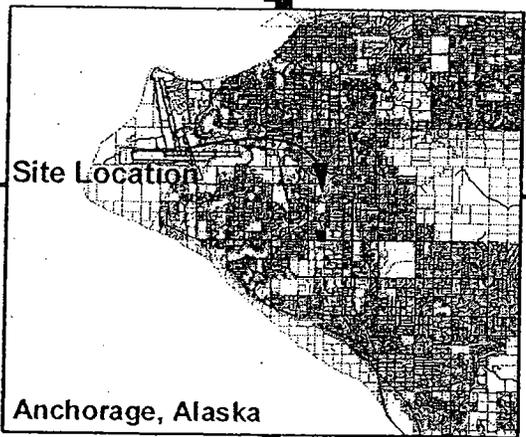
Site Location

Anchorage, Alaska



Name: David Hartman
 Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
 Location: A portion of King Subdivision
 Waterbody: Campbell Creek
 Sheet: 2 of 7
 Date: December 20, 2007

POA-2004-674-M3



Site Location

Anchorage, Alaska

30' x 190' Wetland Buffer

30' x 250' Wide Wetland Buffer

140'

50'

6

50'

200'

5

250'

Parking

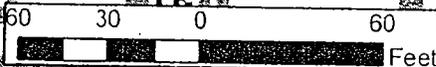
45'

275'

Parking

45'

91st Avenue - 500' x 40'



Name: David Hartman
Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
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Sheet: 3 of 7
Date: December 20, 2007

POA-2004-674-M3



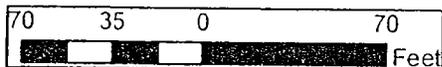
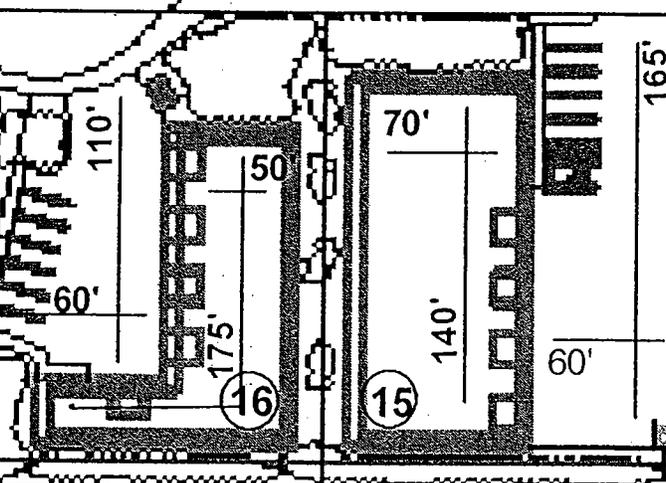
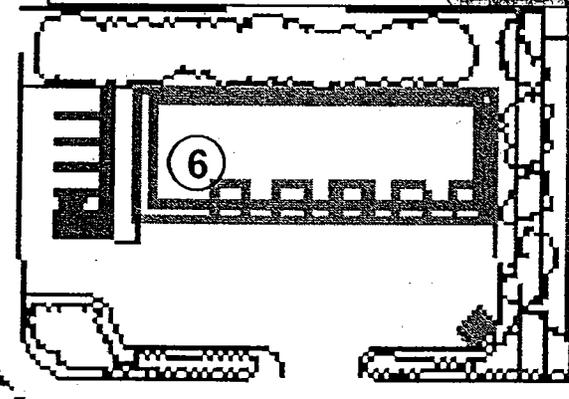
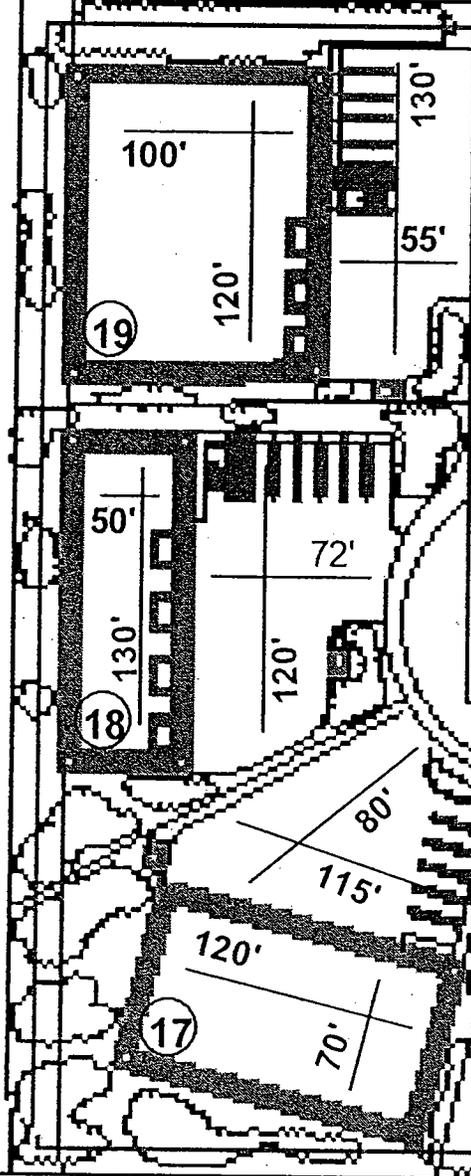
Lot 20 Access

Site Location

Anchorage, Alaska

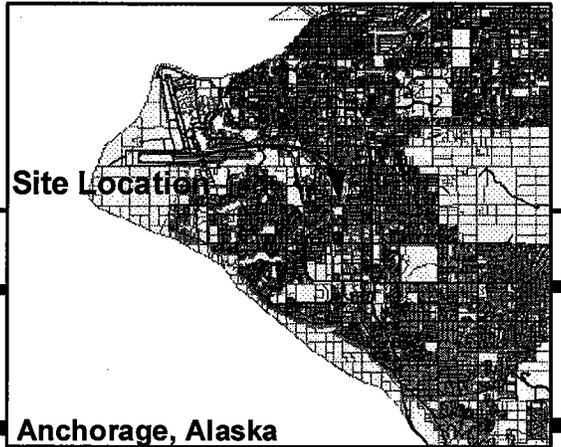
A Street - 300' x 40'

91st Avenue 500' x 40'



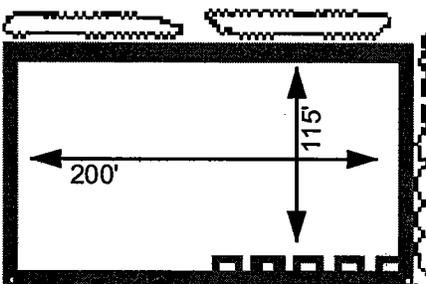
Name: David Hartman
 Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
 Location: A portion of King Subdivision
 Waterbody: Campbell Creek POA-2004-674.M3
 Sheet: 4 of 87
 Date: December 20, 2007

AutoCad Image Courtesy of Triad Engineering

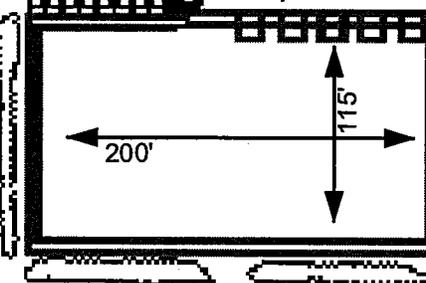
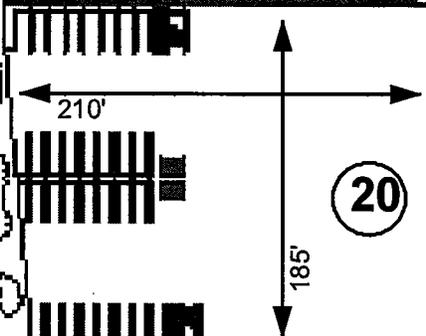


88th Avenue

Anchorage, Alaska

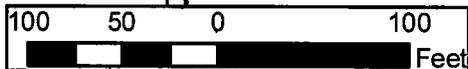


Preserved Area



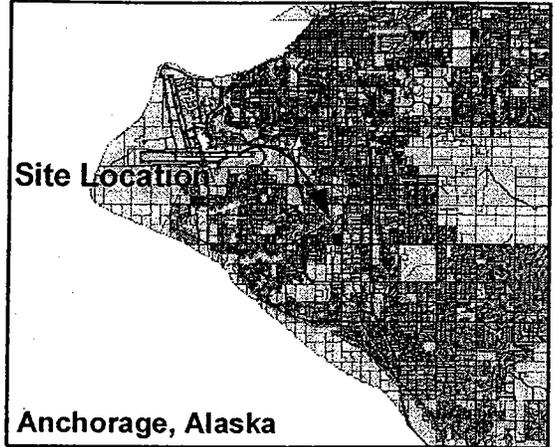
Sed Pond

Utility Easement



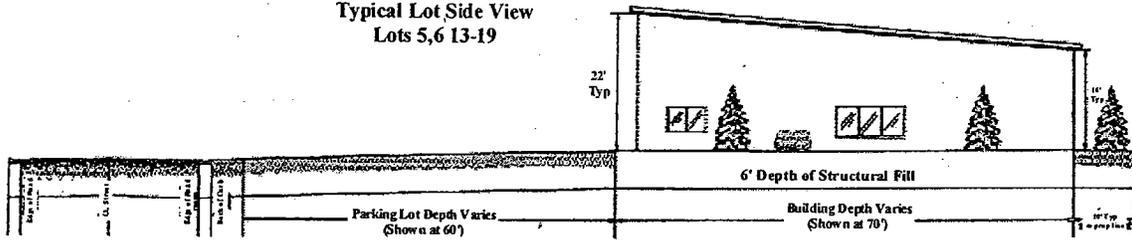
Name: David Hartman
Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
Location: A portion of King Subdivision
Waterbody: Campbell Creek
Sheet: 5 of 8
Date: December 20, 2007

AutoCad Image Courtesy of Triad Engineering

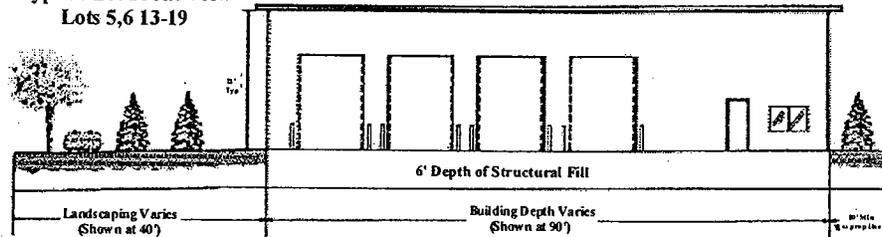


Note: Final grade of structural fill will be at existing grade.

Typical Lot Side View
Lots 5,6 13-19



Typical Lot Front View
Lots 5,6 13-19

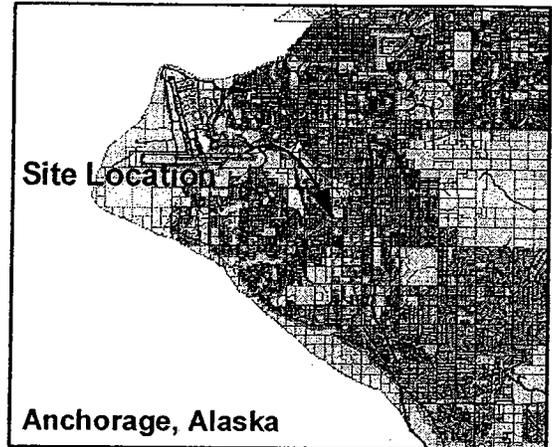


Scale: 1" = 25'

Lots 5 - 19 - Building Elevation View

Name: David Hartman
Project: Block 1 - Lots - 15,16,17,18,19,20 Block 2 - Lots, 5 and 6
Location: A portion of King Subdivision
Waterbody: Campbell Creek
Sheet: 6 of 7
Date: December 20, 2007

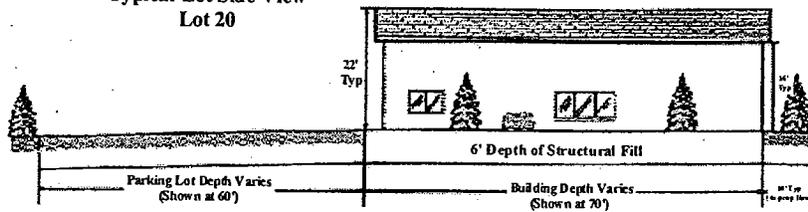
POA-2004-674-M3



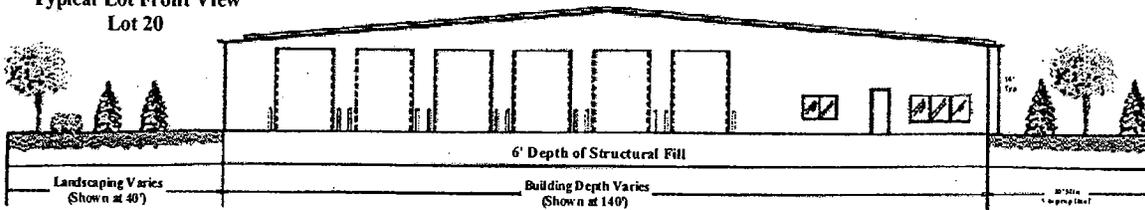
Note: Final grade of structural fill will be 1 foot above existing grade.

Anchorage, Alaska

Typical Lot Side View
Lot 20



Typical Lot Front View
Lot 20



Scale: 1" = 25'

Lot 20 - Building Elevation View

Name: David Hartman
Project: Block 1 - Lots -15,16,17,18,19,20 Block 2 - Lots, 5 and 6
Location: A portion of King Subdivision
Waterbody: Campbell Creek
Sheet: 7 of 7
Date: December 20, 2007

POA-2004-674-13

SARAH PALIN,
GOVERNOR

STATE OF ALASKA

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

ANCHORAGE

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-2004-674, Campbell Creek, 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.

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT

ANCHORAGE

DIVISION OF COASTAL AND OCEAN MANAGEMENT
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2004-674-M3, Campbell Creek, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.