



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: NOVEMBER 10, 2008
EXPIRATION DATE: DECEMBER 9, 2008
REFERENCE NUMBER: POA-2006-2663
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. If further information is desired concerning this notice, please contact Ms. Mary Lee Plumb-Mentjes at (907) 753-2789, by fax at (907) 753-5567, toll free from within Alaska at (800) 478-2712, or by email at Mary.Plumb-Mentjes@usace.army.mil.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT & PF), Post Office Box 196900, Anchorage, Alaska 99519-6900; POC is Mr. Matt Tanaka, at (907) 269-0824.

AGENT: DOWL Engineers, 4041 B Street, Anchorage, Alaska 99503; POC is Ms. Maryellen Tuttell at (907) 562-2000.

LOCATION: The project site is located within Section 34, T. 13 N., R.3 W., S.M.; Latitude 61.1795 N., Longitude -149.792 W.; Municipality of Anchorage Wetland Atlas (2004) Map 46, Wetland Unit 49; on south side of Tudor Road, east and south of Chugach Electric Association's University Substation, Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new State of Alaska Scientific Crime Detection Laboratory to replace the existing out-dated state crime detection laboratory and to construct a lab that will meet all of the state's current and projected future forensic analysis needs.

PROPOSED WORK: Discharge 55,000 cubic yards (cy) of clean sand and gravel fill and 1,800 cy of asphalt and surface material in 4.72 acres of wetlands for proposed State of Alaska Scientific Crime Detection Laboratory facility and associated parking and driveways.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated July 29, 2008.

ADDITIONAL INFORMATION: Approximately 35,000 cubic yards of unsuitable construction/foundation materials and substrate would be excavated from the site. Up to 7 additional acres could be indirectly impacted. The wetlands to be impacted are designated "B" in the Anchorage Wetlands Management Plan (1996).

PURPOSE AND NEED FOR THE PROJECT: The proposed facility would be approximately 85,000 square feet in a 2-story plus penthouse building with associated parking. The existing laboratory was designed to accommodate a staff of seven employees; they now have 42 employees. Advances in criminal forensics have resulted in new technologies and associated laboratory equipment. The existing lab is over-crowded and cannot accommodate any new personnel or equipment. The demand for the lab's services continues to increase; new legislation has passed, which will require additional programs, requiring additional equipment and personnel. The proposed design includes room for a future 50% expansion of the laboratory.

The Alaska Crime Lab is the only accredited forensic science laboratory in the state and serves law enforcement agencies throughout the state. Over 70% of the work is for the Anchorage Police Department (APD). The facility is also used to train law enforcement personnel on crime scene processing, evidence collection and handling, and other related matters. Personnel at the lab are called on to testify in criminal cases in Anchorage and other locations. Thus, the facility needs to be located in an area that allows for easy access to and from the airport, APD, and the Anchorage courts. Background on how the building design supports its functions is available in the official file. Maintenance of the security and integrity of evidential materials at all times is a critical feature in building design. The DNA/bio-screening, trace evidence, scanning electron microscope lab, and the firearms/tool marks units must be designed to provide a very low vibration environment for the equipment to be used in these labs.

ALTERNATIVE ANALYSIS: Factors considered in the siting process were: a site that allowed the existing laboratory services to continue unimpeded during construction; a site that would sufficiently accommodate current and future operation levels; a site that was functionally related to the major activities of the laboratory: receipt of evidence from APD and other law enforcement entities; processing and analysis of evidence; providing expert testimony in court cases; and providing forensics training to APD and other law enforcement personnel; a site that complied with local land use regulations and was compatible with adjacent development.

Alternatives Considered (a full description is available in the official file):

- 1) Expansion of the existing laboratory site, east of Boniface near the Department of Public Safety headquarters.
- 2) Relocation to the Kenai Peninsula or Matanuska-Susitna Boroughs.
- 3) Thirty potential sites within Anchorage were evaluated on the following criteria:
 - *Size (10 acres or greater preferred);
 - *Zoning/Land Use (compatibility with adjacent uses);
 - *Accessibility (easy access to APD, airport, courts);
 - *Vibration Potential (from aircraft or railroad);
 - *Soil/Wetlands (presence and type of wetlands, soil types);
 - *Acquisition/Development Costs (ownership, availability of utilities, etc.)

Three sites were identified as the most favorable sites for the facility and were evaluated in more detail.

- a) One site is located directly south of the existing crime lab facility and south of the existing DOT/PF vehicle maintenance yard; its main drawbacks were the need for substantial buffers from Campbell Creek and its wetlands, the need for buffers or relocation of the existing dog mushing trails on the site, and concerns regarding road and utility access to the site.

- b) One site is located at the southwest corner of Tudor and Elmore Roads, directly across from the APD headquarters. This site currently has parking areas and the Anchorage School District 25-acre bus depot. The requirement to relocate this facility was considered too costly. Also, the Alaska Crime Lab is not designed for high visibility and public access due to its forensic function and security requirements.
- c) The selected site is within the Tudor Municipal Campus south of Tudor Road between Elmore Road and Boniface Parkway. It is approximately two blocks from the existing Department of Public Safety. Its 23 acres are south of Tudor Road; north of 48th Avenue (Dr. Martin Luther King Avenue) extension, which is currently under construction; Tudor Centre Drive to the west. The proposed facility would be compatible with the guidelines in the 3500 Tudor Road Master Plan. Wetland impacts have been minimized by locating the facilities as far to the east as possible to maximize use of the uplands while complying with the required site buffering, requesting parking variance to reduce parking by 35%, co-locating utilities with the fire access road and using wetland areas as stormwater retention areas to allow for natural filtration of storm water to recharge groundwater levels and adjacent wetlands.

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: The proposed project would cause 3.131 Relative Ecological Value (REV) 2 debits and 0.184 REV 3 debits [Anchorage Debit/Credit Methodology (2000)], as proposed. The State is proposing to purchase wetland mitigation credits from the Municipality of Anchorage Heritage Land Bank (HLB) to offset the wetland impacts associated with this project. The HLB is preserving extensive wetlands south of 48th Avenue under a conservation easement. During the master planning efforts for the project area, it was determined that the ecological benefits of preserving large areas of wetlands contiguous to Campbell Creek were greater than preserving smaller isolated wetland areas north and south of 48th Avenue, as recommended in the previous master plan for the area. Therefore, the State is working with HLB to mitigate this project through use of the wetland credits available south of 48th Avenue.

The proposed project design minimizes and mitigates some of the impacts associated with the wetland fill by incorporating the following measures:

- The crime lab site design minimizes the area to be cleared, excavated and filled and retains significant amounts of existing forested vegetation.
- The site design directs storm water through biofiltration swales. Most of the runoff will be drained into the wetlands to the north of the site. Runoff from the west parking lot will be directed into a catch basin in the new Tudor Centre Drive Extension.
- The site design also includes a retention basin to collect and detain surface runoff north of East 48th Avenue and after allowing for treatment, channel it to the wetlands south of the roadway.

In later design phases, the Environmental Protection Agency (EPA) will be contacted to determine if this project falls under the National Pollutant Discharge Elimination System (NPDES) Nationwide Permit for Construction Projects and must comply with all of the permit's requirements. The NPDES Nationwide Permit (Phase I: 1 acre to under 5 acres & Phase II: 5 acres and above) requires incorporation of practices to minimize the project's construction activities from impacting the surrounding ecology. As part of the NPDES compliance, the State of Alaska Department of Environmental Conservation also requires submittal of site design for review and approval for storm water discharge compliance.

Best Management Practices (BMPs) typically used to comply with the NPDES program will be implemented for the construction phase to minimize and control storm water runoff during the project's construction phase. These BMPs will be in place before start of site work. Steps will be taken to prevent erosion during construction through use of temporary seeding, mulching and the use of structures, such as dikes, silt fences, sediment traps and sediment basins as appropriate. All disturbed areas will be landscaped. To prevent erosion and the migration of sediment into the wetlands, silt fences will be placed between the vegetated areas and the wetlands and maintained until the vegetation takes hold.

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: The proposed project is outside of the Coastal Zone.

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 and 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

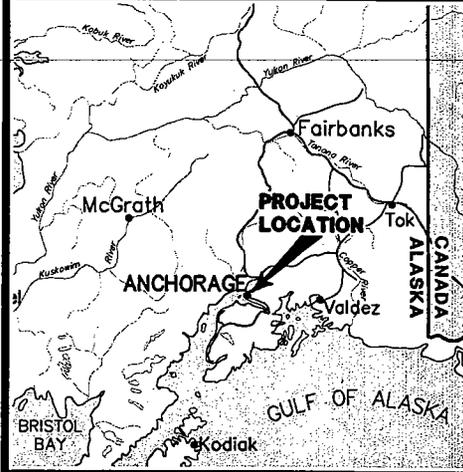
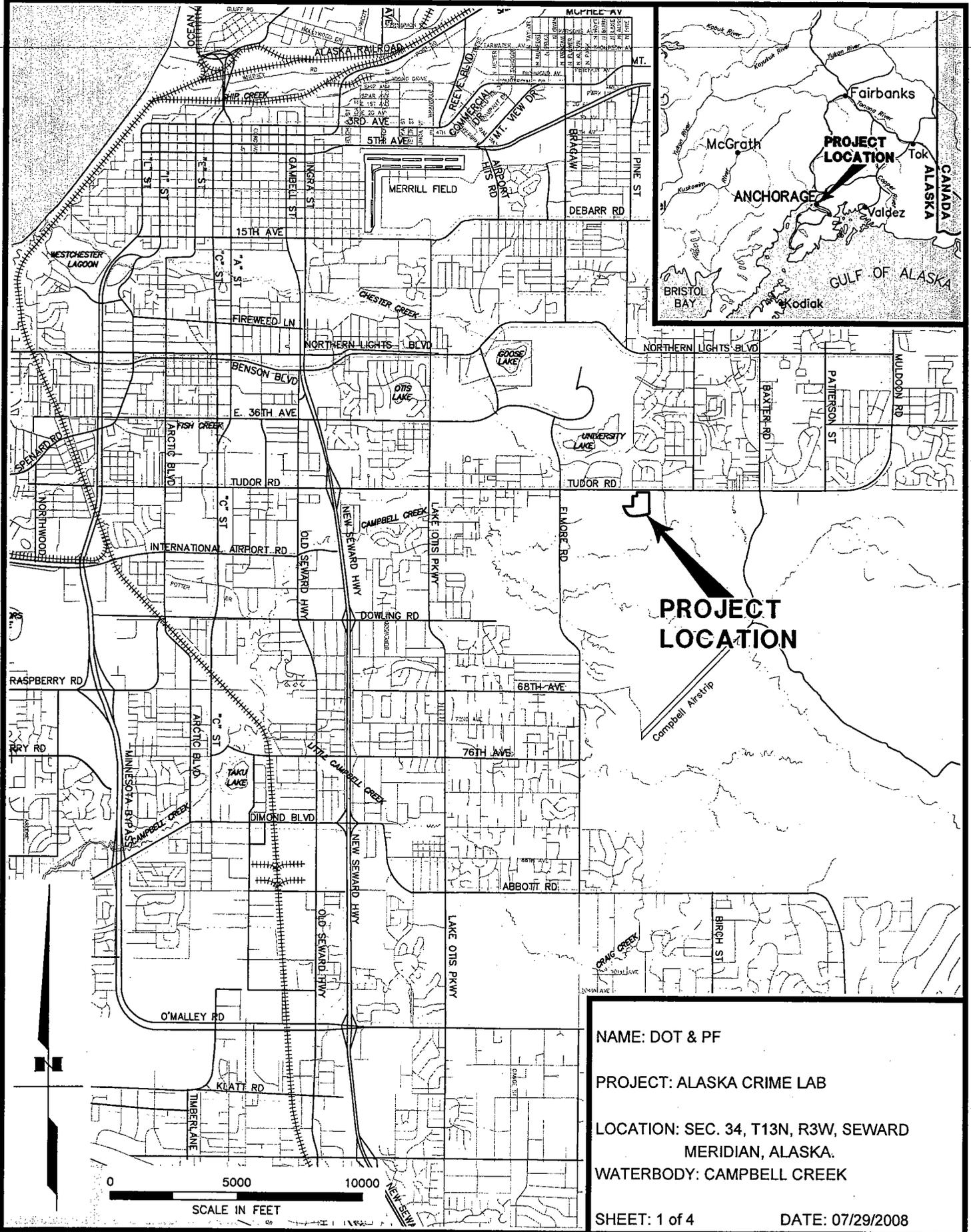
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2006-1663, Campbell Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

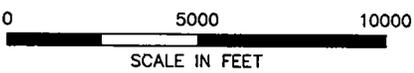
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.



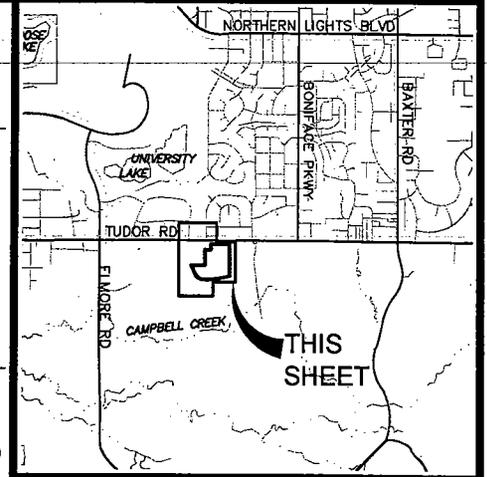
**PROJECT
LOCATION**

NAME: DOT & PF
 PROJECT: ALASKA CRIME LAB
 LOCATION: SEC. 34, T13N, R3W, SEWARD
 MERIDIAN, ALASKA.
 WATERBODY: CAMPBELL CREEK
 SHEET: 1 of 4 DATE: 07/29/2008



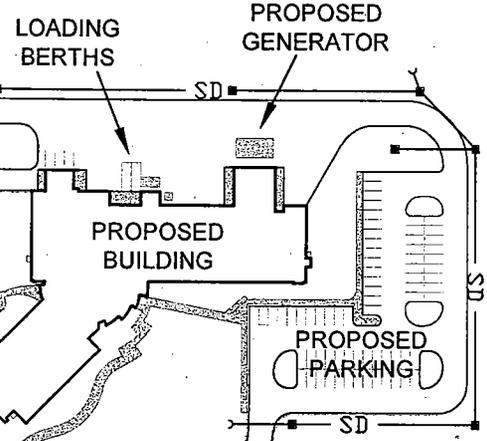
LEGEND

- ADJACENT PROPERTY BOUNDARY
- - - PROPOSED PROJECT PROPERTY BOUNDARY
- PROPOSED EDGE OF PAVEMENT
- PROPOSED LIMIT OF EXCAVATION
- SD— PROPOSED STROM DRAIN
- I — PROPOSED CULVERT (TYP)
- I — PROPOSED BUILDING OUTLINE

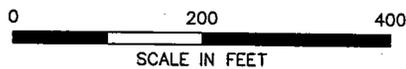


TUDOR ROAD

PROPOSED TUDOR CENTRE
DRIVE EXTENSION



PROPOSED EAST 48TH
STREET EXTENSION



NAME: DOT & PF

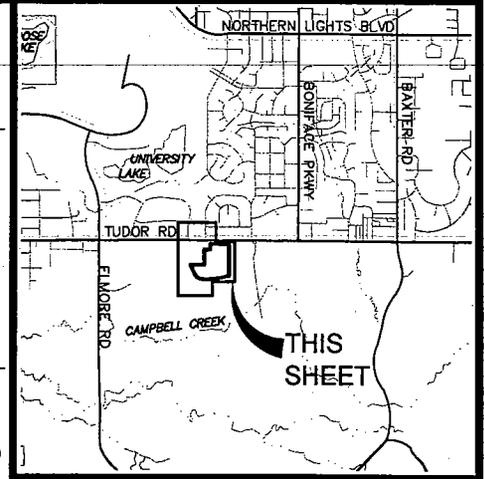
PROJECT: ALASKA CRIME LAB

LOCATION: SEC. 34, T13N, R3W, SEWARD
MERIDIAN, ALASKA.

WATERBODY: CAMPBELL CREEK

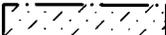
SHEET: 2 of 4

DATE: 07/29/2008



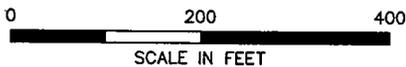
TUDOR ROAD

LEGEND

-  PF04/SS1B - WETLAND IMPACT AREA
-  PSS1/4C - WETLAND IMPACT AREA

PROPOSED TUDOR CENTRE
DRIVE EXTENSION

PROPOSED EAST 48TH
STREET EXTENSION



NAME: DOT & PF

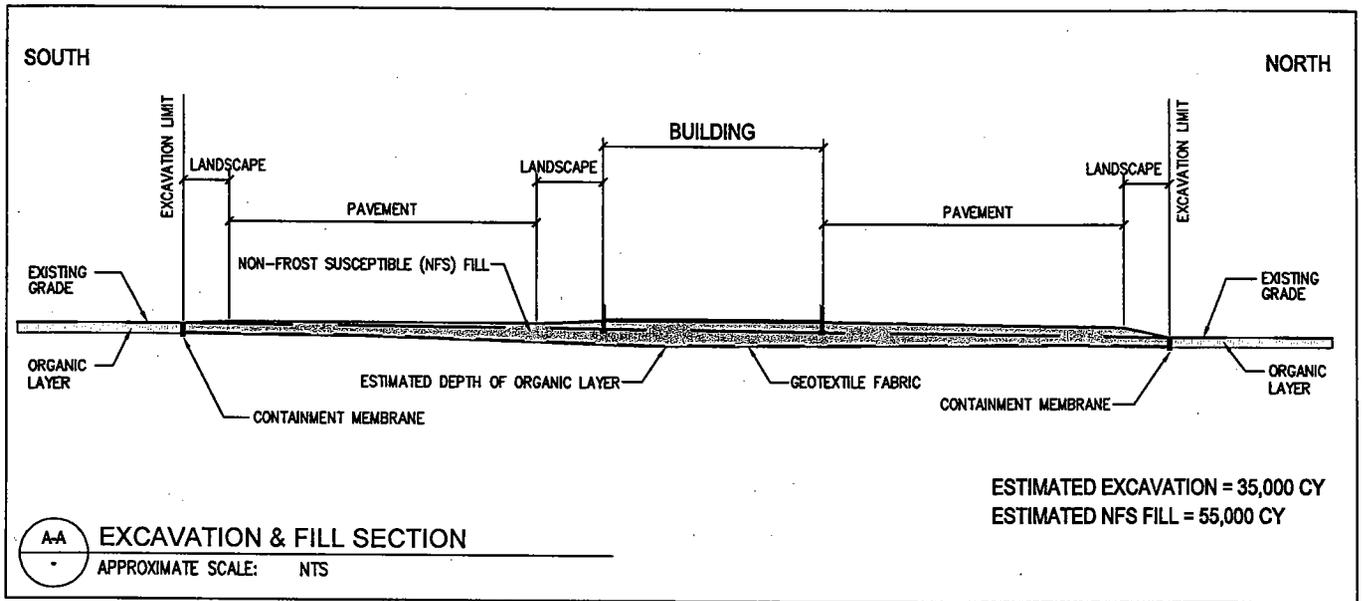
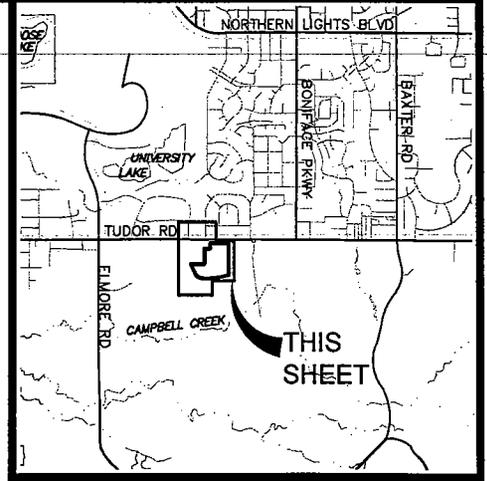
PROJECT: ALASKA CRIME LAB

LOCATION: SEC. 34, T13N, R3W, SEWARD
MERIDIAN, ALASKA.

WATERBODY: CAMPBELL CREEK

SHEET: 3 of 4

DATE: 07/29/2008



NAME: DOT & PF
PROJECT: ALASKA CRIME LAB
LOCATION: SEC. 34, T13N, R3W, SEWARD MERIDIAN, ALASKA.
WATERBODY: CAMPBELL CREEK
SHEET: 4 of 4
DATE: 07/29/2008