



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	February 27, 2018
EXPIRATION DATE:	March 30, 2018
REFERENCE NUMBER:	POA-2017-500
WATERWAY:	Carnegie 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.

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 Jack Hewitt at (907) 753-2708, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at jack.j.hewitt@usace.army.mil if further information is desired concerning this notice.

APPLICANT: KG Enterprises, LLC, 4891 East Stoney Hollow Drive, Wasilla, Alaska 99654.

AGENT: The Boutet Company, Attention: Tyson Johnson, 1075 Check Street, Suite 211, Wasilla, Alaska 99654.

LOCATION: The project site is located within 24, T. 18 N., R. 1 E., Seward Meridian, Latitude 61.6335° N., Longitude 141.1911° W., 4644 N. Trunk Road, near Palmer, Alaska.

PURPOSE: The applicant's stated purpose is to commercially develop the property as a convenience store and refueling facility.

PROPOSED WORK: Discharge 12,938 cubic yards of structural fill material into 2.29 acres of wetlands. Work includes constructing a building pad for the convenience store, parking area, refueling island, utilities, and septic system. Additional work includes adding a deceleration lane to Palmer Fishhook Road (southbound) and an acceleration lane to Trunk Road (westbound). All work would be performed in accordance with the enclosed plan, 7 sheets, dated February 14, 2018.

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 proposed work would be sited in the southeast corner of the property and located as far from Carnegie Creek as possible.

b. Minimization: The initial project design proposed discharging 14,519 cubic yards of fill into 2.8 acres of wetlands. The applicant redesigned the project layout and reduced the volume of fill material to 12,938 cubic yards and compressed the project footprint 2.29 acres.

c. Compensatory Mitigation: The applicant is offering to place 5.08 acres of wetlands, including approximately 500 linear feet of Carnegie Creek, into a conservation easement to protect the aquatic resources from future development.

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. Trunk Road and Palmer Fishhook Road are listed as resources in the AHRS. The permit area has been determined to be the footprint of proposed fill in waters of the U.S. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are not aware of the presence of any other resources. The Corps has made a no adverse effect determination for the proposed project. This application is being coordinated with 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 (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, 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 within the known range of coho salmon (*Oncorhynchus kisutch*) and chinook salmon (*O. tshawytscha*). We have determined the described activity may adversely affect EFH in the project area and this Public Notice initiates EFH consultation. Any comments NMFS or Alaska Department of Fish and Game 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 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

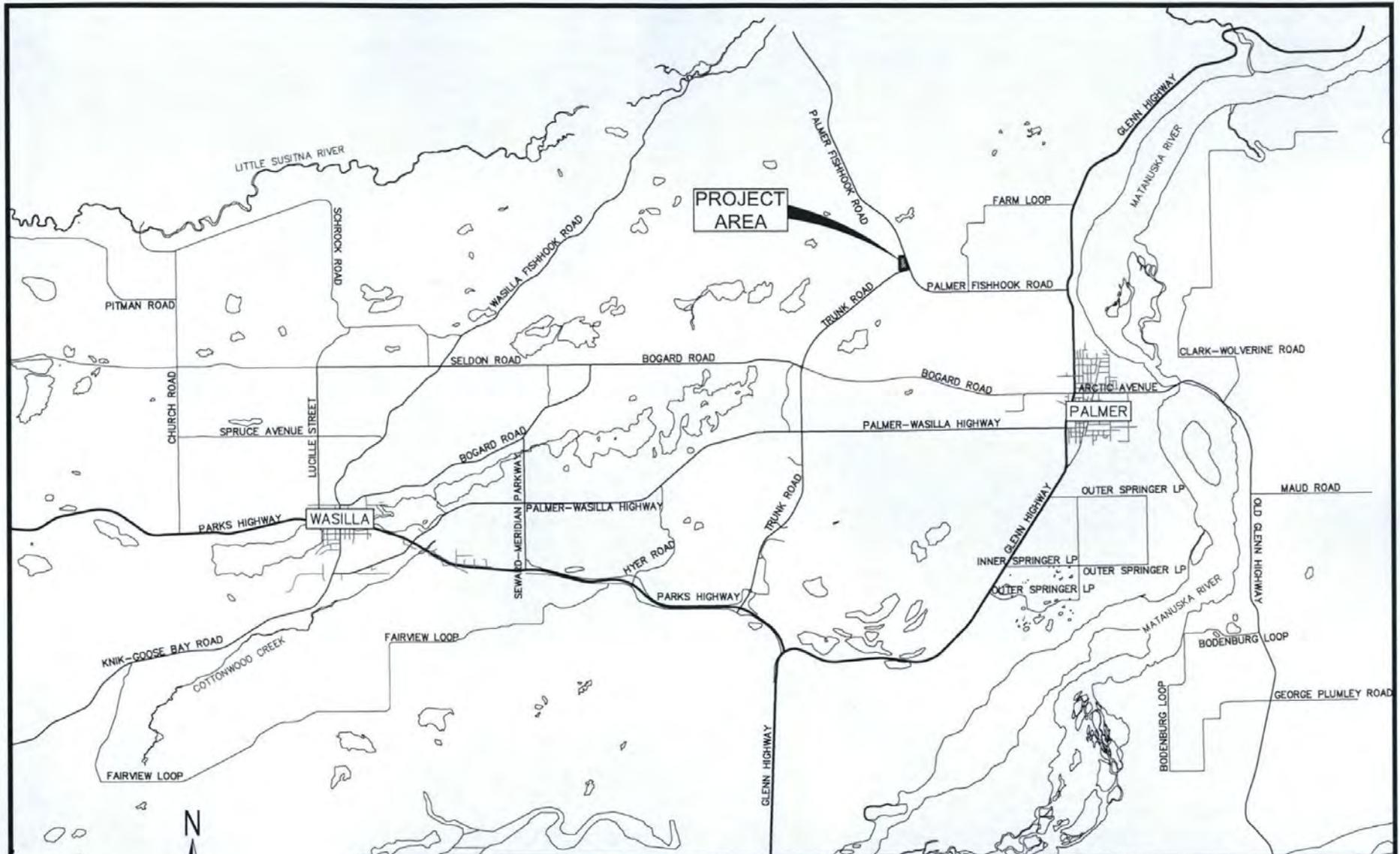
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2017-500, Carnegie Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

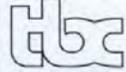
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.



Applicant: KG ENTERPRISES, LLC
 File No.: POA-2017-500
 Wetland: CARNEGIE CREEK
 Proposed Activity: Commercial Development
 Latitude: 61.6344°N
 Longitude: 149.1904°W

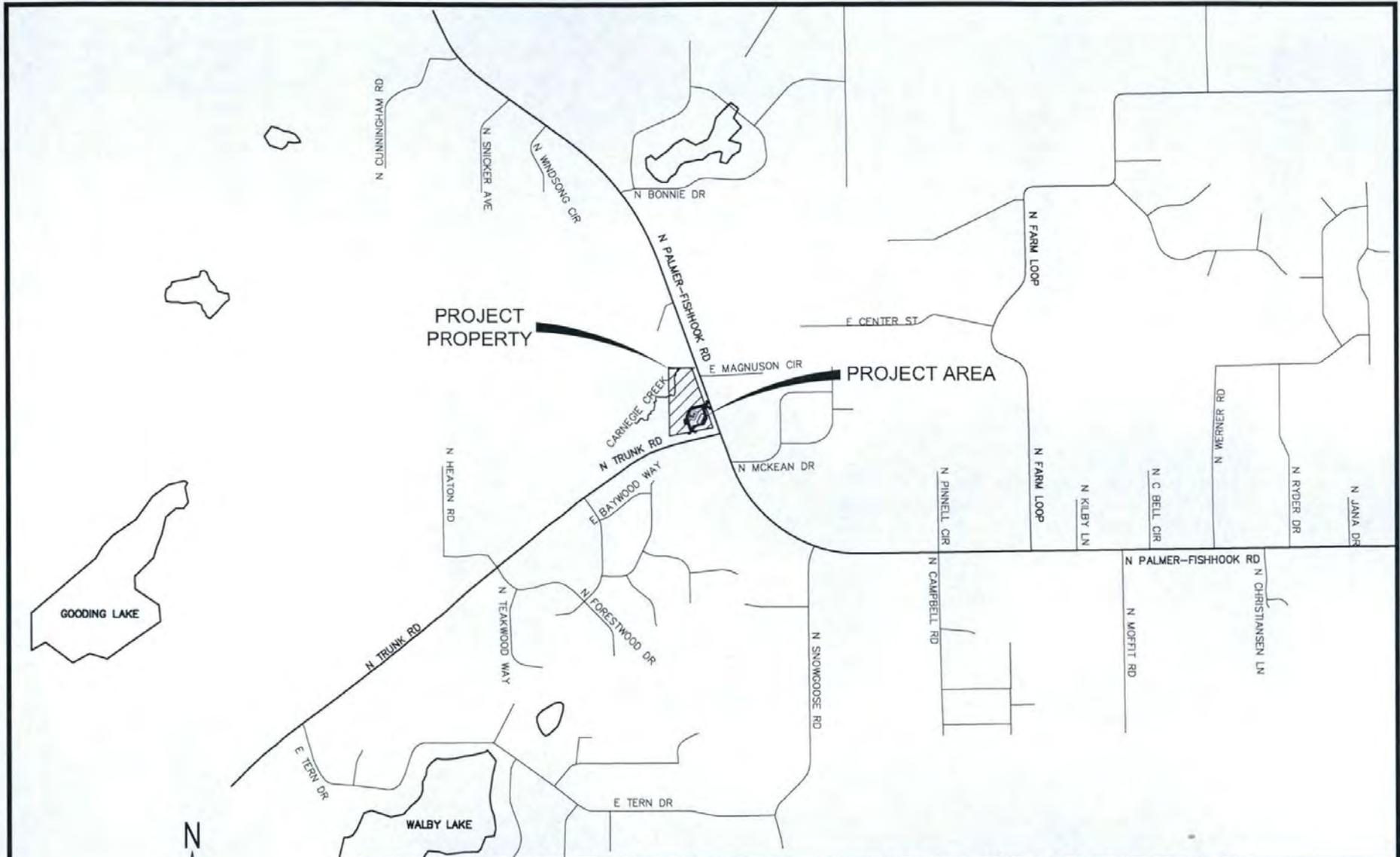
**PORTION OF NW ¼ SE ¼ SECTION 24
 T18N, R1E, S.M. (PALMER, AK.)**


 The Boutet Co.
 601 E 57th Ct, Suite 102
 Anchorage, Alaska 99519
 PHONE: (907) 522-8775
 FAX: (907) 522-6779

VALLEY COUNTRY STORE 3
 MATANUSKA-SUSITNA BOROUGH CORE MAP

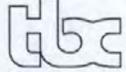
Drawing Date: February 14, 2018

1 of 7
 Sheet Number



Applicant: KG ENTERPRISES, LLC
File No.: POA-2017-500
Wetland: CARNEGIE CREEK
Proposed Activity: Commercial Development
Latitude: 61.6344°N
Longitude: 149.1904°W

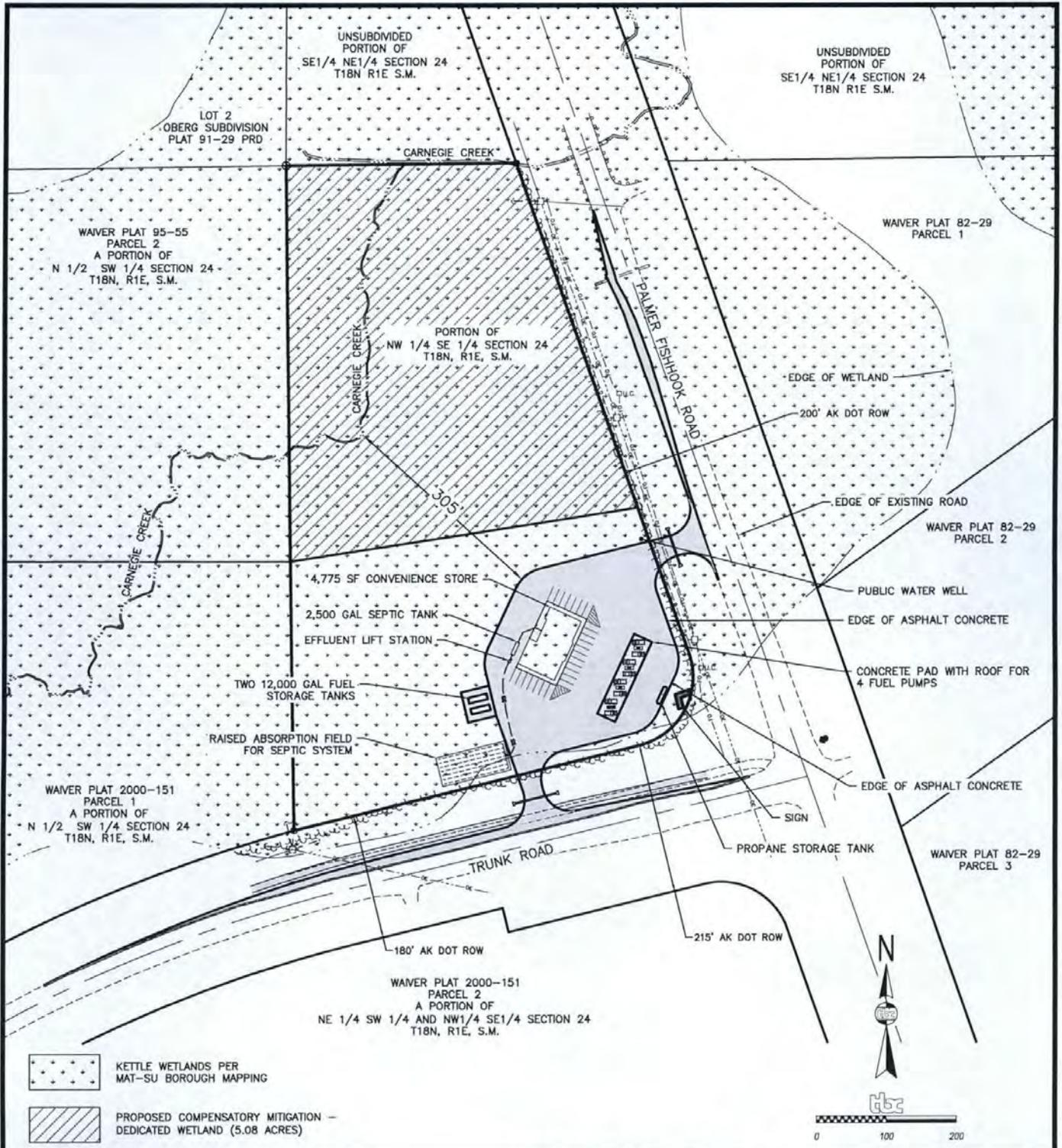
PORTION OF NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 24
T18N, R1E, S.M. (PALMER, AK.)


The Boutel Co.
 601 E 57th Ct, Suite 102
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 FAX: (907) 522-6779

VALLEY COUNTRY STORE 3
 VICINITY MAP

Drawing Date: February 14, 2018

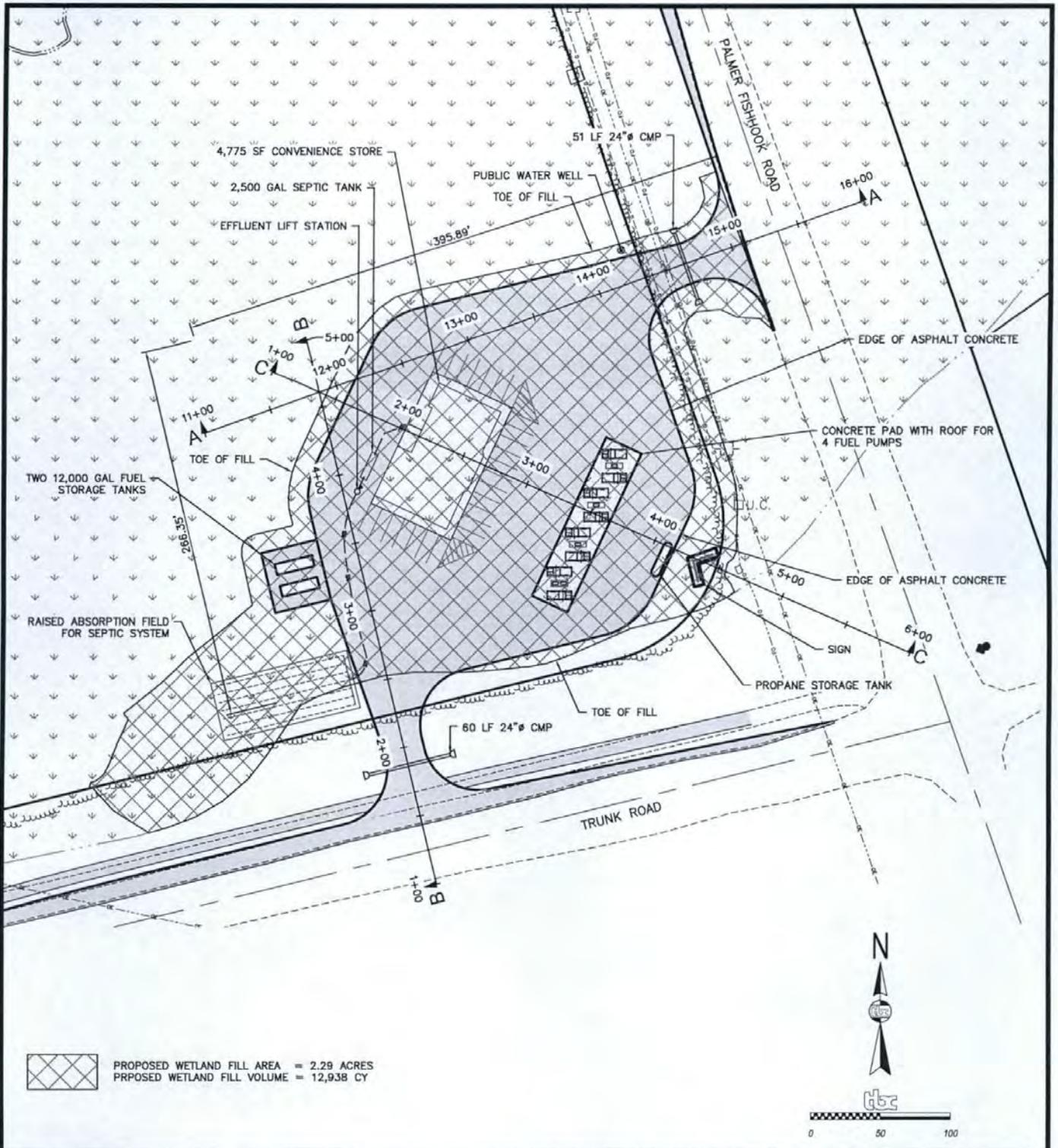
2 of 7
 Sheet Number



Applicant KG ENTERPRISES, LLC
File No.: POA-2017-500
Wetland: CARNEGIE CREEK
Proposed Activity: Commercial Development
Latitude: 61.6344°N
Longitude: 149.1904°W

**PORTION OF NW 1/4 SE 1/4 SECTION 24
 T18N, R1E, S.M. (PALMER, AK.)**

 The Boutet Co. <small>801 E 57th Ct, Suite 102 Anchorage, Alaska 99518 Phone: 907.324-8776 Fax: 907.324-8776</small>	VALLEY COUNTRY STORE 3 LOT IMPROVEMENT LAYOUT	3 of 7 Sheet Number
Drawing Date: February 14, 2018		




 PROPOSED WETLAND FILL AREA = 2.29 ACRES
 PROPOSED WETLAND FILL VOLUME = 12,938 CY



Applicant KG ENTERPRISES, LLC
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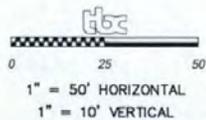
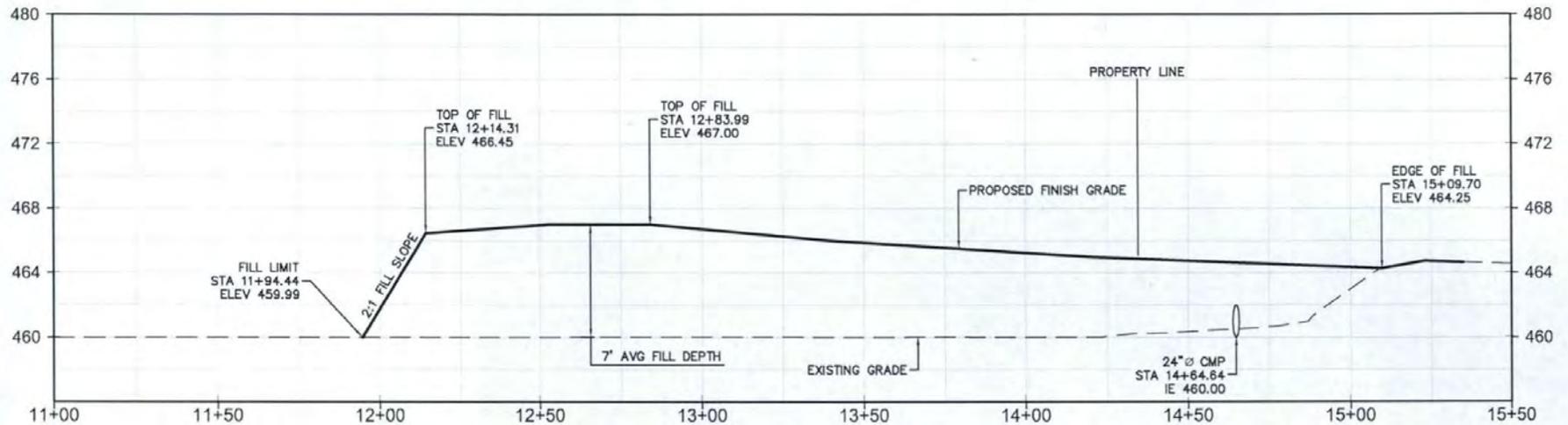

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VALLEY COUNTRY STORE 3
 LOT IMPROVEMENT LAYOUT

Drawing Date: February 14, 2018

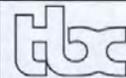
4 of 7
 Sheet Number

COMMERCIAL WETLAND FILL CROSS-SECTION VIEW A-A



PROPOSED: PLACE 12,938 CY OF FILL IN 2.29 ACRES OF WETLAND FOR COMMERCIAL LOT DEVELOPMENT. FILL WILL BE COMPOSED OF 2" ASPHALT CONCRETE ON, 4" OF LEVELING COURSE ON NFS FILL. DISTURBED AREAS OUTSIDE PAVING LIMITS WILL BE STABILIZED WITH 4" TOPSOIL AND SEED AND LANDSCAPING.

Applicant: KG ENTERPRISES, LLC
File No.: POA-2017-500
Wetland: CARNEGIE CREEK
Proposed Activity: Commercial Development
Latitude: 61.6344°N
Longitude: 149.1904°W



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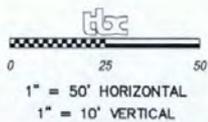
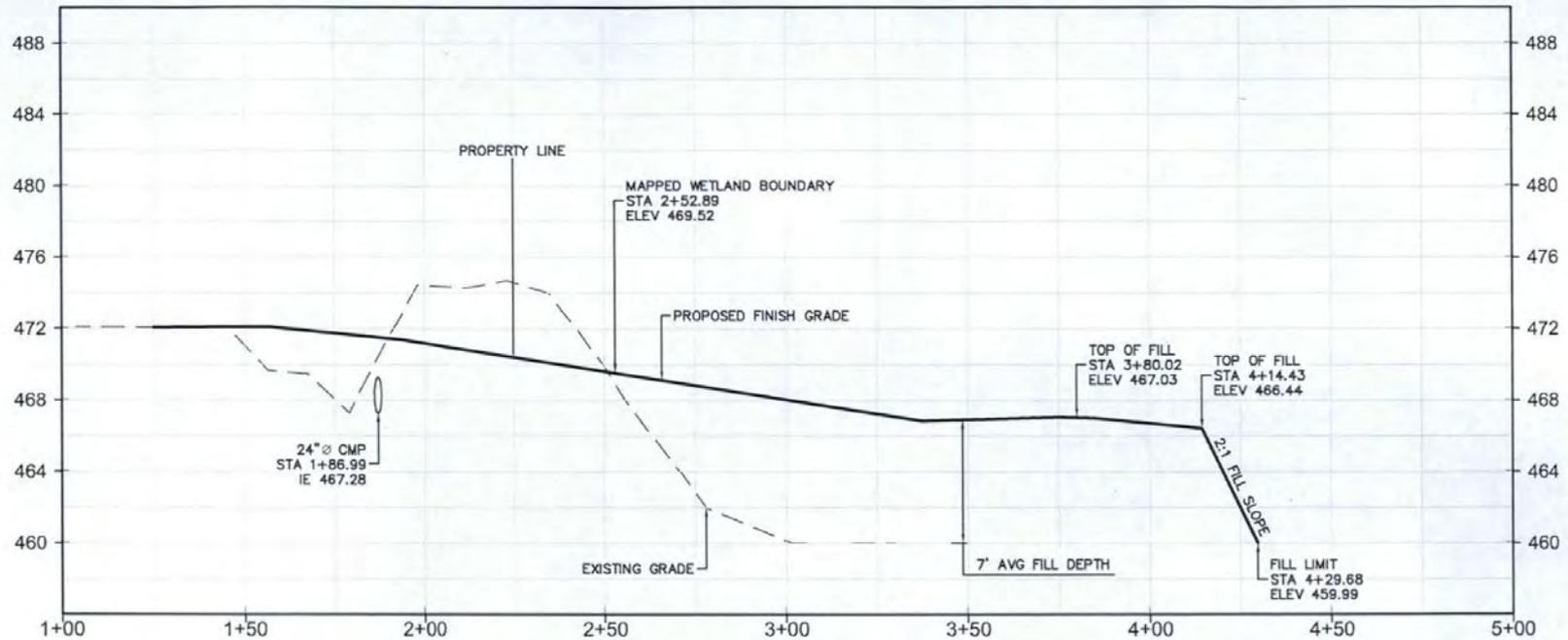
**PORTION OF NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 24
T18N, R1E, S.M. (PALMER, AK.)**

VALLEY COUNTRY STORE 3
CROSS-SECTION A-A

Drawing Date: February 14, 2018

5 of 7
Sheet Number

COMMERCIAL WETLAND FILL CROSS-SECTION VIEW B-B



PROPOSED: PLACE 12,938 CY OF FILL IN 2.29 ACRES OF WETLAND FOR COMMERCIAL LOT DEVELOPMENT. FILL WILL BE COMPOSED OF 2" ASPHALT CONCRETE ON, 4" OF LEVELING COURSE ON NFS FILL. DISTURBED AREAS OUTSIDE PAVING LIMITS WILL BE STABILIZED WITH 4" TOPSOIL AND SEED AND LANDSCAPING.

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File No.: POA-2017-500
Wetland: CARNEGIE CREEK
Proposed Activity: Commercial Development
Latitude: 61.6344°N
Longitude: 149.1904°W

**PORTION OF NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 24
T18N, R1E, S.M. (PALMER, AK.)**

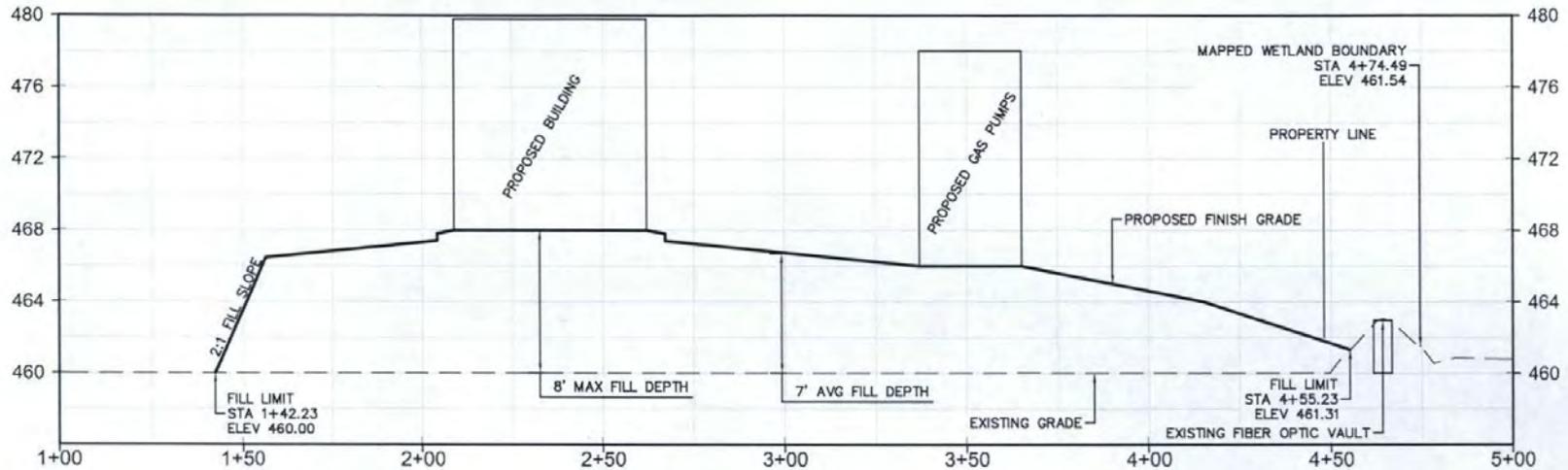


VALLEY COUNTRY STORE 3
CROSS-SECTION B-B

Drawing Date: February 14, 2018

6 of 7
Sheet Number

COMMERCIAL WETLAND FILL CROSS-SECTION VIEW C-C



PROPOSED: PLACE 12,938 CY OF FILL IN 2.29 ACRES OF WETLAND FOR COMMERCIAL LOT DEVELOPMENT. FILL WILL BE COMPOSED OF 2" ASPHALT CONCRETE ON, 4" OF LEVELING COURSE ON NFS FILL. DISTURBED AREAS OUTSIDE PAVING LIMITS WILL BE STABILIZED WITH 4" TOPSOIL AND SEED AND LANDSCAPING.

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Longitude: 149.1904°W

**PORTION OF NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 24
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hbc
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 FAX (907) 522-8779

VALLEY COUNTRY STORE 3
CROSS-SECTION C-C

Drawing Date: February 14, 2018

7 of 7
Sheet Number