



US Army Corps
of Engineers
Alaska District

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1046 Marks Road
Fort Wainwright, Alaska 99703

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	December 28, 2023
EXPIRATION DATE:	January 29, 2024
REFERENCE NUMBER:	POA-2014-00299
WATERWAY:	North Fork Little 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.

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 Greg Mazer at (907) 347-9059, toll free from within Alaska at (800) 478-2712, or by email at Gregory.j.mazer@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Andre Spinelli, Spinell Homes

AGENT: Carrie Connaker, Solstice Alaska Consulting, Inc.

LOCATION: The project site is located within Section 4, T. 12 N., R. 3 W., Seward Meridian; Latitude 61.1562° N., Longitude 149.8182° W.; 7101 Spruce Street, in Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to construct a residential subdivision with 21 single-home lots including a cul-de-sac, driveways, utilities, and single family homes in conformance with Municipality of Anchorage ordinances.

PROPOSED WORK: The proposed activity entails clearing (tree and brush removal), grubbing (stump and surface vegetation removal), excavation of vegetation and soil, and discharge of approximately 18,300 cubic yards of fill into the 4.3-acre property. As a result, the 1.43 acres of wetlands and 0.03 acre (755-foot length) of intermittently flowing stream would be permanently filled. Stream flow would be directed into an 18-inch diameter high-density polypropylene buried pipe that would run along the south and west edges of the property line and discharge into the off-site part of the stream channel, which leads another 350 feet to the North Fork Little Campbell Creek. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated November 30, 2023.

ADDITIONAL INFORMATION: The Alaska District of the U.S. Army Corps of Engineers proffered a permit for a very similar proposal to the same applicant on July 22, 2016. However, the applicant did not sign the permit due to what they determined to be prohibitive cost of compensatory mitigation.

Aside from the Department of the Army permit from the U.S. Army Corps of Engineers, other authorizations that must be acquired for the proposed activity to proceed include the following:

1. Clean Water Action Section 401 Water Quality Certification from the Alaska Department of Environmental Conservation
2. Clean Water Action Section 402 Construction General Permit from the Alaska Department of Environmental Conservation
3. Residential building permits from the Municipality of Anchorage

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: Offsite and onsite alternatives that would avoid impacts to wetlands and waters of the U.S. were considered for this project. However, avoiding all impacts to wetlands and waters of the U.S. is not practicable as it would make construction of the subdivision cost prohibitive. The excavation and discharge of fill into the jurisdictional wetlands and stream at the property is necessary to construct the project due to the lack of available space in uplands for the required lot sizes, access roads, driveways, and parking areas.

b. Minimization: Although the entire site would be subject to mechanized landclearing, the project minimizes impact to aquatic resource function given that somewhat degraded nature of the on-site wetlands and stream. The wetlands that would be filled by the project are Class "C" wetlands, which are defined by the Anchorage Wetlands Management Plan as the lowest value wetland type within the Municipality of Anchorage. The on-site portion of the stream was apparently channelized many years ago and resembles an artificial ditch except at the extreme southeast corner where it enters the property. The stream flows through two on-site driveway culverts and exits the property at the northwest corner where it turns north and enters the Spruce Street ditch that leads to the North Fork Little Campbell Creek.

House pads would be located on uplands as much as possible. Native material obtained on-site from excavation of the road prisms would be used as fill material. A portion of the trees and brush cleared may be chipped and used on-site for landscaping mulch.

During construction, stormwater runoff would be controlled by best management practices (BMPs) including installation of silt fencing along the existing watercourse boundary and installation of sediment traps on the northwest side of the parcel. Stormwater would be prevented from flowing on to the site by installation of silt fencing along the south side and southwest corner of the project.

The project would establish features that would remain post-construction to improve infiltration and prevent suspended sediments and other residential pollutants from entering North Fork Little Campbell Creek. These features would include vegetated buffers, infiltration areas within paved surfaces, and engineered subsurface detention. The project would be designed to meet Municipality of Anchorage storm drainage design criteria as described in the Municipality of Anchorage Drainage Design Criteria Manual. The stormwater detention would provide some treatment of potential dissolved and suspended pollutants including hydrocarbons, metals, and sediment.

c. Compensatory Mitigation: Compensatory mitigation is proposed for unavoidable impacts to waters of the U.S., including wetlands. Credits would be purchased from an authorized wetland mitigation bank or in lieu fee mitigation program to compensate for the loss of 1.43 acres of wetlands and 755 linear feet (0.03 acre) of stream.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be entire 4.3-acre property within which the proposed development would occur. 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.

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.

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. If applicable, this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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.

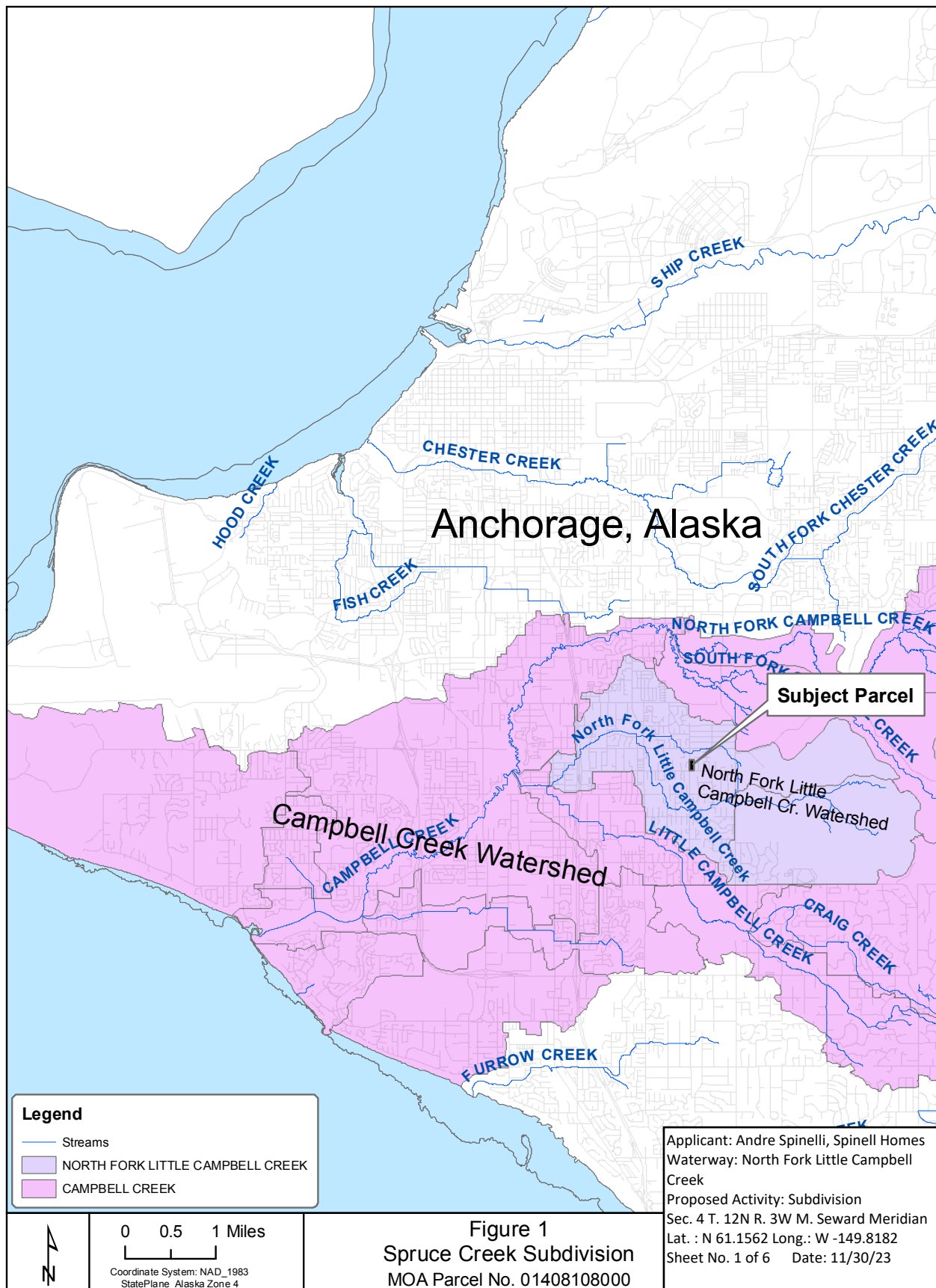
AUTHORITY: This permit will be issued or denied under the following authority:

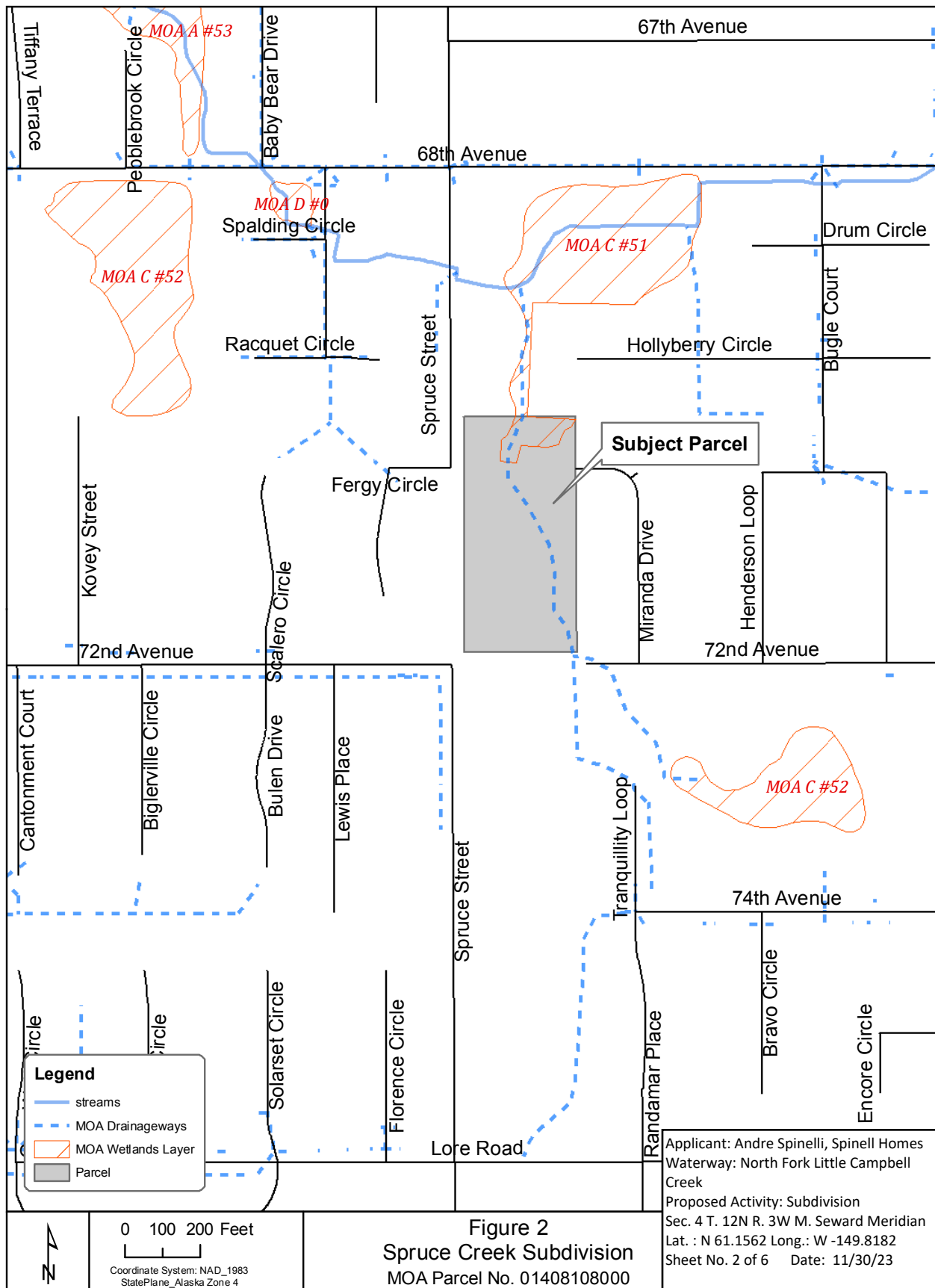
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

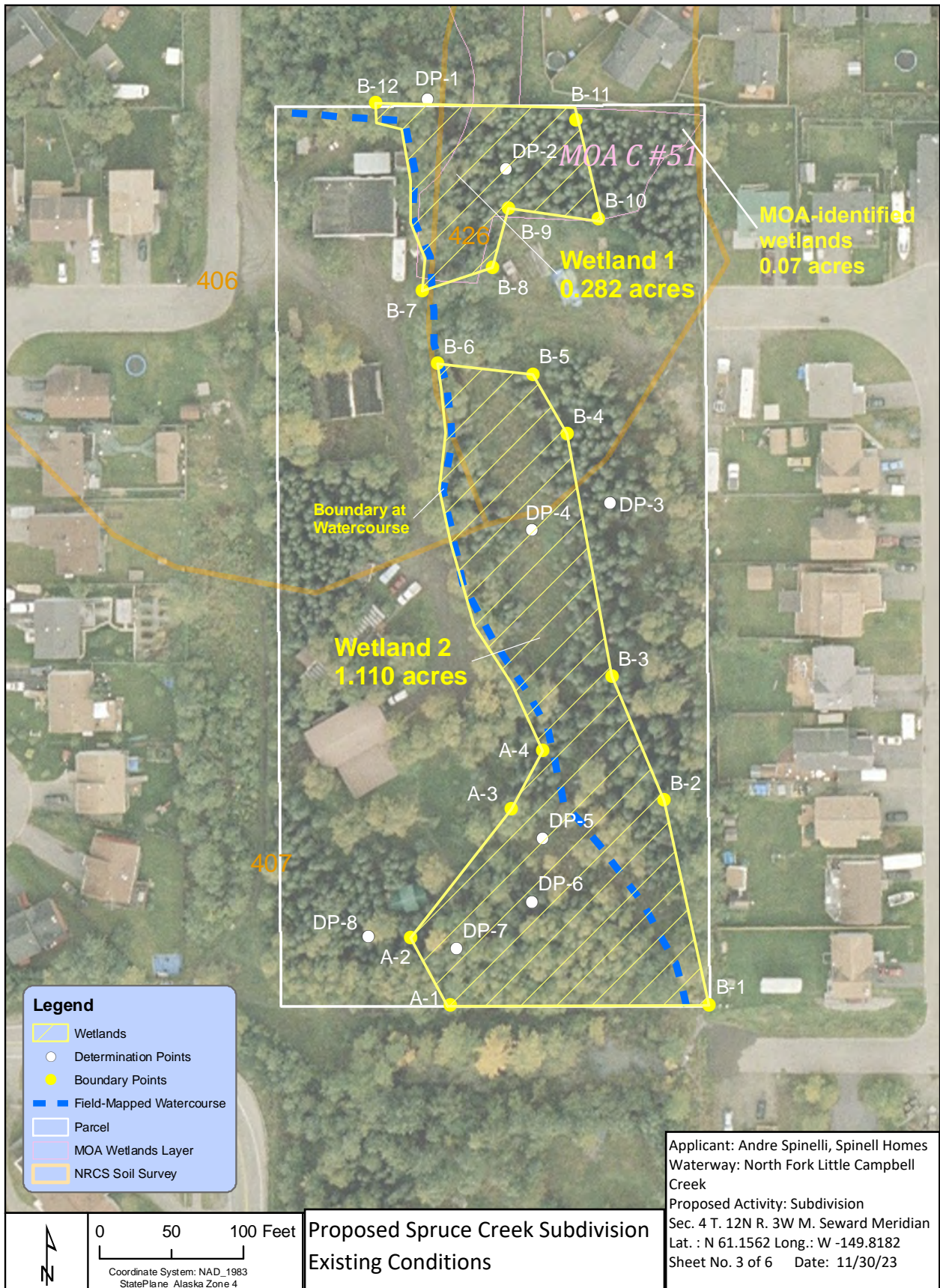
Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosures

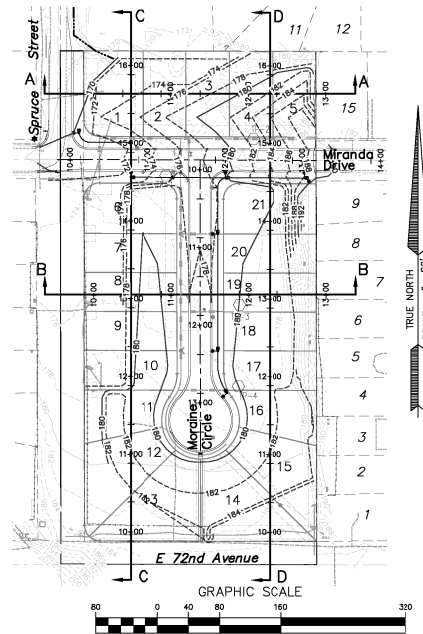
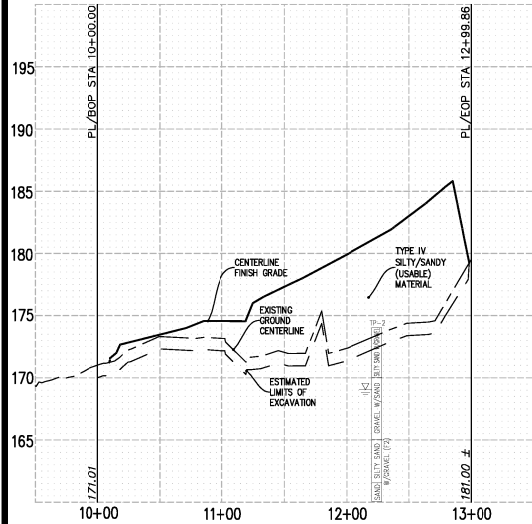






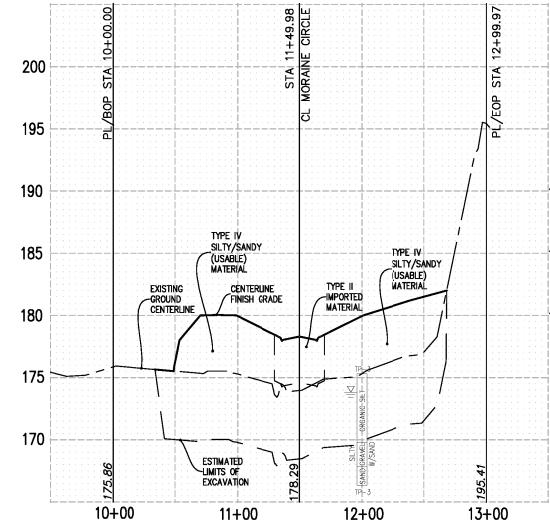
A-A NORTH CROSS SECTION

PROFILE SCALE:
HORZ: 1" = 50'
VERT: 1" = 5'



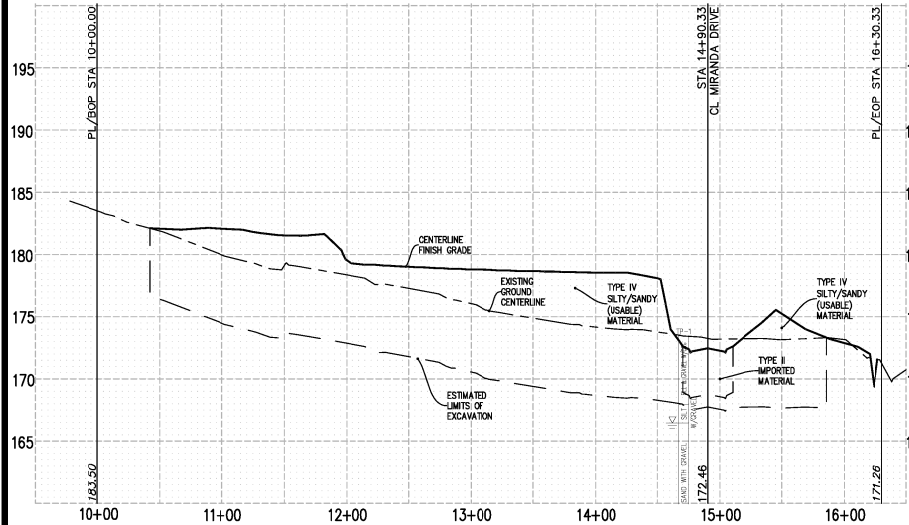
B-B SOUTH CROSS SECTION

PROFILE SCALE:
HORZ: 1" = 50'
VERT: 1" = 5'



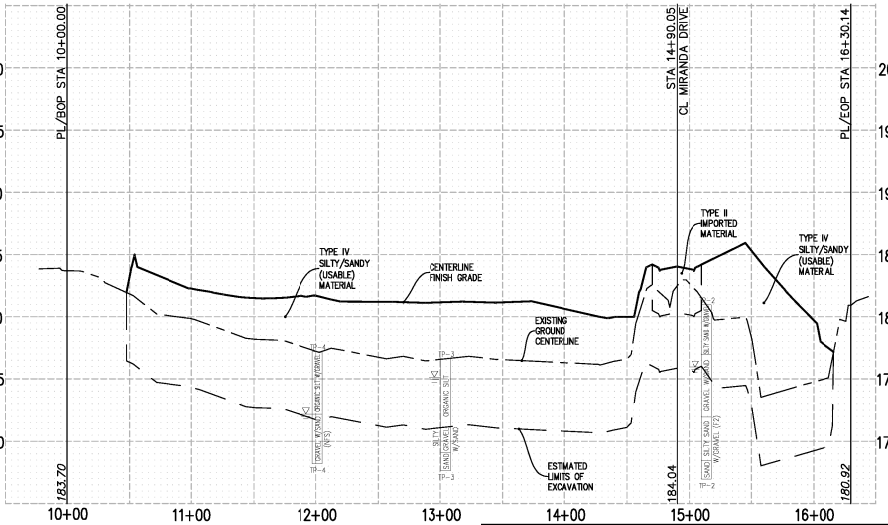
C-C WEST CROSS SECTION

PROFILE SCALE: HORZ: 1" = 50'
VERT: 1" = 5'



D-D EAST CROSS SECTION

PROFILE SCALE: HORZ: 1" = 50'
VERT: 1" = 5'



Applicant: Andre Spinelli, Spinell Homes
Waterway: North Fork Little Campbell Creek
Proposed Activity: Subdivision
Sec. 4 T. 12N R. 3W M. Seward Meridian
Lat. : N 61.1562 Long.: W -149.8182
Sheet No. 5 of 6 Date: 11/30/23



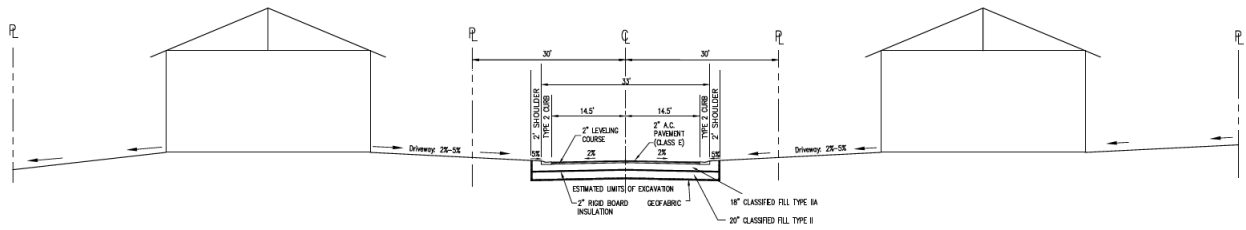
AWMU PLAN SET NO. 10621
ANDREW SPINELLI
ENGINEERING
P.O. Box 110890
Ann Arbor, MI 48111
(313) 861-6537
www.spinelli.com

RECORD DRAWING
1. DATA PROVIDED BY:
This will serve to certify that these Record Drawings are a true and accurate representation of the project as constructed.
CONTRACTOR:
BY: _____ DATE: _____
2. DATA TRANSFERRED BY:
COMPANY:
DATE:
3. DATA TRANSFER CHECKED:
Based on periodic field observations by the Engineer (or an individual under his/her direct supervision), the Contractor-provided data appears to represent the project as constructed.
BY: _____ COMPANY: _____
DATE: _____

Spruce Hollow Subdivision
Lots 1-21
CROSS SECTIONS

REVISIONS	DATE	BY	CHKD	REASON
1	9/10/21	REVISIONS	DATE	BY
2	7/27/21	REVISIONS	DATE	BY
3	7/17/21	REVISIONS	DATE	BY
4	7/17/21	REVISIONS	DATE	BY
5	7/17/21	REVISIONS	DATE	BY

SHEET
C5 OF 14



TYPICAL ROAD SECTION

Spruce Creek Subdivision
Typical Road Section

Applicant: Andre Spinelli, Spinell Homes
Waterway: North Fork Little Campbell Creek
Proposed Activity: Subdivision
Sec. 4 T. 12N R. 3W M. Seward Meridian
Lat. : N 61.1562 Long.: W -149.8182
Sheet No. 6 of 6 Date: 11/30/23