



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

KENAI FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
44669 Sterling Highway, Suite B  
Soldotna, Alaska 99669-7915

<b>PUBLIC NOTICE DATE:</b>	<b>June 2, 2023</b>
<b>EXPIRATION DATE:</b>	<b>July 3, 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2023-00159</b>
<b>WATERWAY:</b>	<b>Kenai River</b>

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Interested parties are hereby notified that a Department of the Army (DA) after-the-fact 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](mailto: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 Connor Gallagher at (907) 753-2722, or by email at [Connor.C.Gallagher@usace.army.mil](mailto:Connor.C.Gallagher@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Three Bears Alaska

**AGENT:** Steiner Design and Construction Services (SCDS); Dan Steiner

**LOCATION:** The project site is located 2149 Sterling Highway, Kenai Peninsula Borough Tax Parcel ID 11912418; Latitude 60.4879° N, Longitude -149.7174° W; Section 25 and 36, T. 5 N., R. 3 W., Seward Meridian; in Cooper Landing, Alaska.

**PURPOSE:** The applicant's stated purpose is to finish a development for Three Bears Alaska company. The site will include fuel pumps, a convenience store, a laundromat, campground, RV park, and rental cabins. It will generate seasonal jobs for local residents.

PROPOSED WORK: This public notice is part of an After-the-Fact DA permit application. Some work has already been completed. Completed work includes the clearing and grubbing of 7.6 acres of jurisdictional wetlands as well as the uplands within the project area. The applicant proposes to install an Alaska Department of Environmental Conservation approved onsite water and septic system. As part of the development the applicant proposes the discharge of 24,000 cubic yards of sandy gravel soil, 500 cubic yards of topsoil, and 400 cubic yards of asphalt into the previously cleared 7.6 acres of wetlands and additional upland areas. Any unusable soils will be buried or removed from the site. The site will be graded to maintain overall drainage patterns. The remaining work would be performed in accordance with the enclosed plan (sheets 1-8), dated May 23, 2023.

ADDITIONAL INFORMATION: A driveway permit for this project is currently pending with Alaska Department of Transportation and the Kenai Peninsula Borough.

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.

The applicant has also agreed to install educational signage with information pertaining to the local ecosystem. The applicant does not propose any additional compensatory mitigation.

a. Avoidance: The entire site, except for access points will be surrounded by a vegetative buffer. A Storm Water Pollution Prevention Plan (SWPPP) will be instated as part of the construction. There is a stream on the northeast side of the property. A 50 foot conservation easement exists there, and none of that area will be disturbed.

b. Minimization: The applicant was previously unaware of wetlands on-site before clearing and grubbing and so minimization was not proposed.

c. Compensatory Mitigation: No compensatory mitigation is currently proposed.

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 cultural resources in the permit area or within the vicinity of the permit area. The Sterling Highway runs adjacent to the proposed project location where clearing has already occurred. The permit area has been determined to be the 11 acre cleared portion of the project where development is proposed. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic

Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties is not required. However, 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.

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 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

Enclosure

# VICINITY MAP

POA-2023-00159, Kenai Lake

May 23, 2023

Page 1 of 8



# SDCS, LLC

STEINER DESIGN & CONSTRUCTION SERVICES, LLC

5900 W. DEWBERRY DR. PH: (907) 357-5609  
WASILLA, AK 99623 FAX: (907) 357-5608

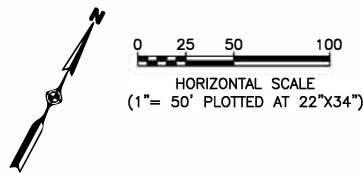
THREE BEARS ALASKA, INC.  
COOPER LANDING DEVELOPMENT

(CONVENIENCE STORE, GAS STATION, LAUNDRY MAT, CAMPGROUND, CABINS)

TRACT B1 - QUARTZ CREEK SUB, OUTFITTER WAY REPLAT  
COOPER LANDING, ALASKA

FIGURE

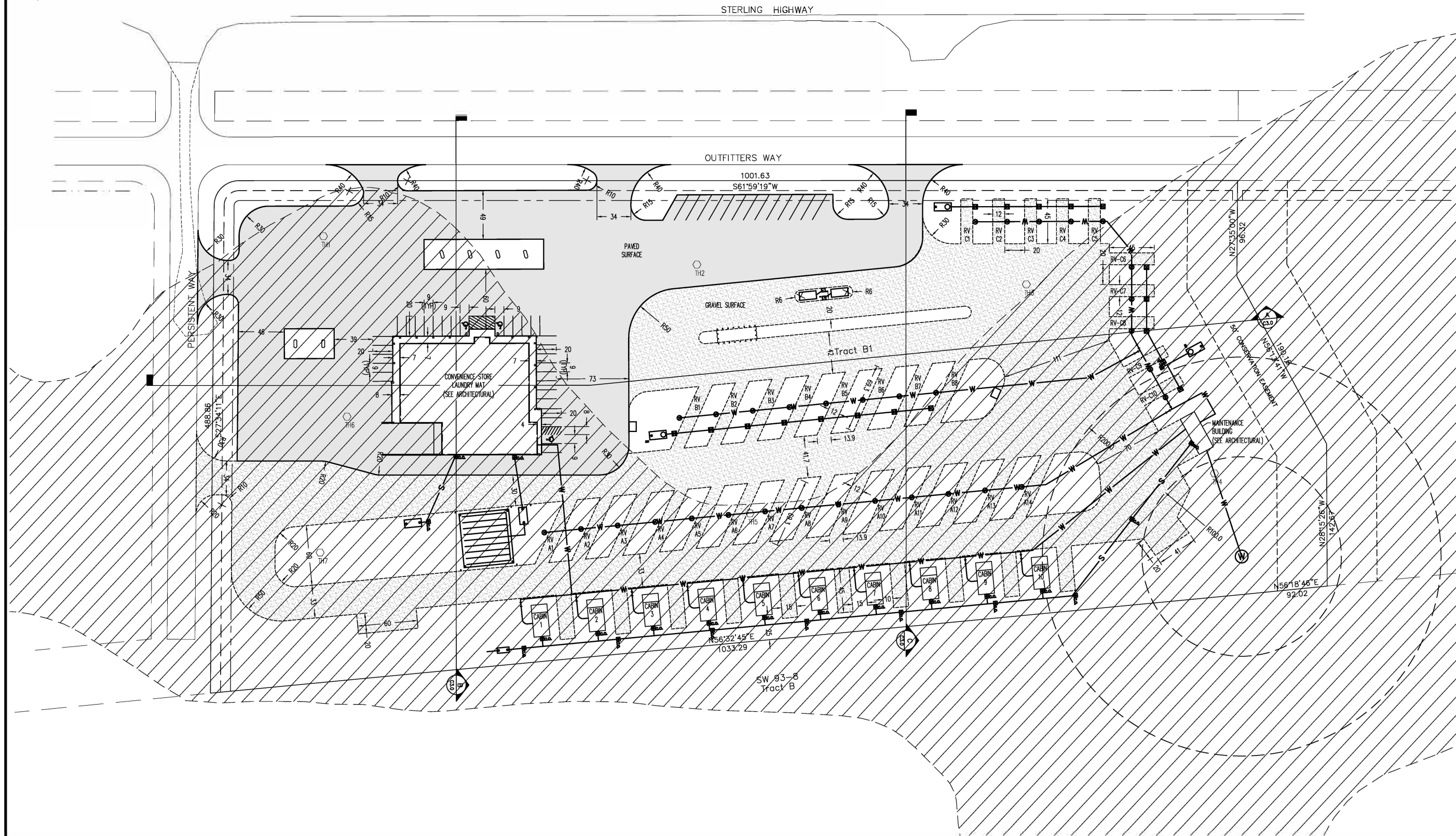
1



# NOTES

1. SEE SHEET C0.1 FOR GENERAL NOTES.

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May 23, 2023  
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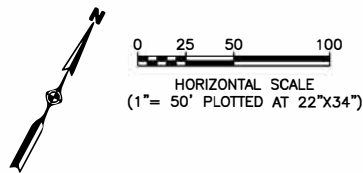
THREE BEARS ALASKA, INC.  
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(CONVENIENCE STORE, GAS STATION, LAUNDRY MAT, CAMPGROUND, CABINS)  
COOPER LANDING, ALASKA

BY	DATE	REVISIONS

JOB NO.: 22-022  
DATE: 2/27/2023  
DRAWN: DES  
REVIEWED: DES

SHEET TITLE  
SITE PLAN  
W/ WETLANDS AREA

SHEET  
C1.1



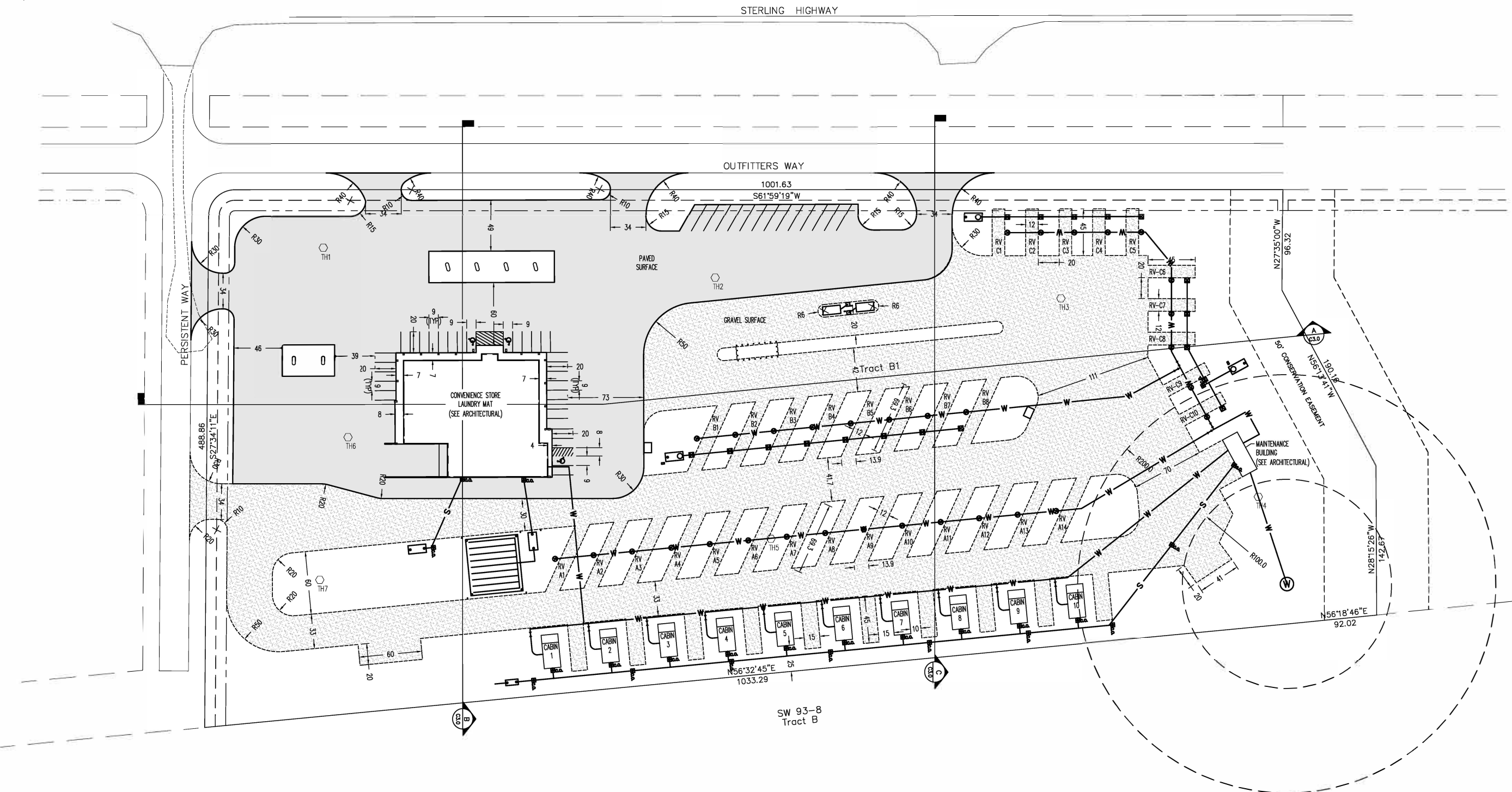
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JOB NO.: 22-022  
DATE: 2/27/2023  
DRAWN: DES  
REVIEWED: DES

SHEET TITLE  
SITE PLAN

SHEET  
C1.0

May 23, 2023

**SDCS, LLC**  
STENER DESIGN & CONSTRUCTION SERVICES, LLC  
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WASILLA, AK 99623 FAX: (907) 357-5608

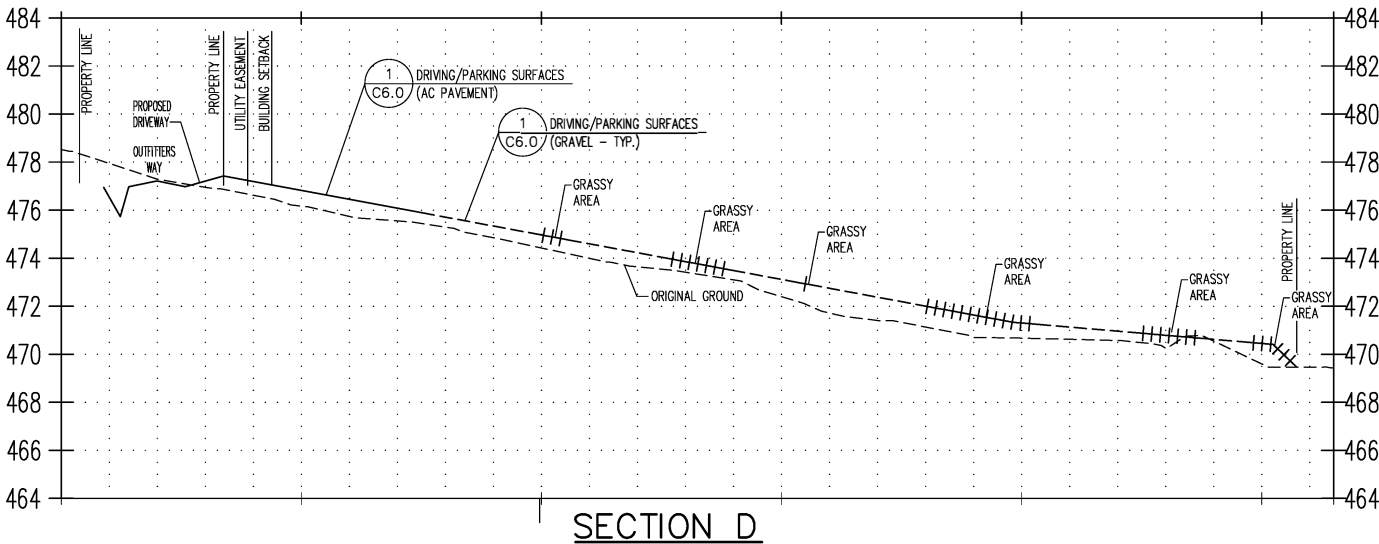
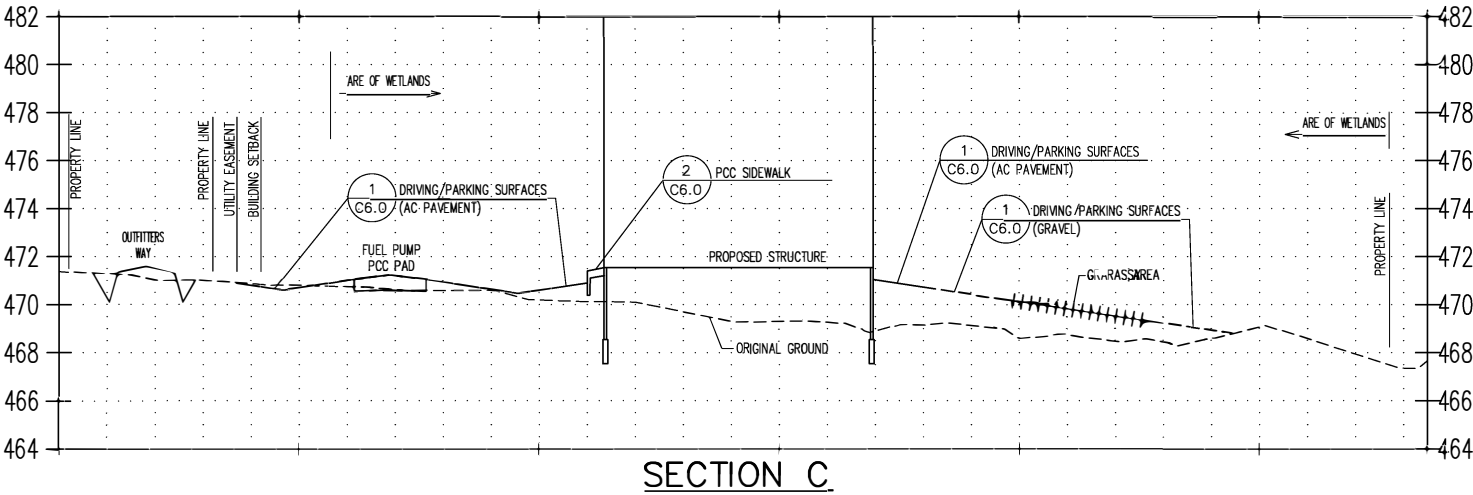
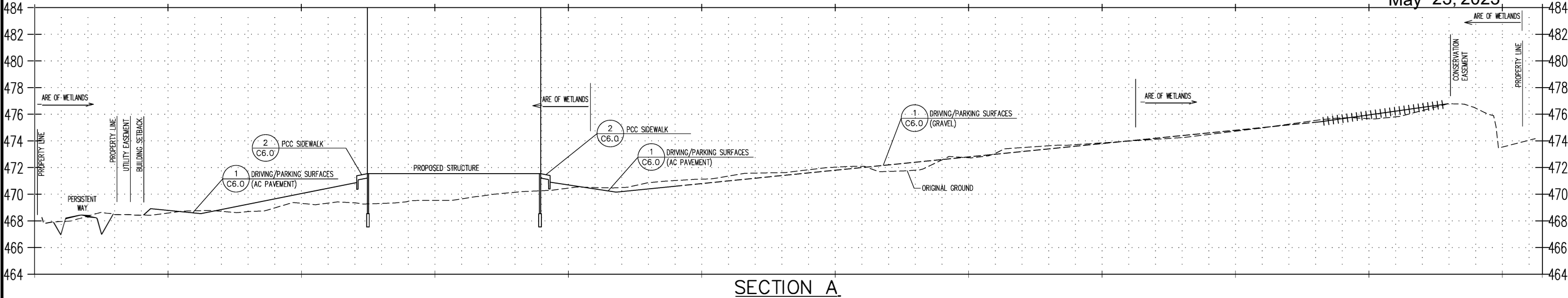
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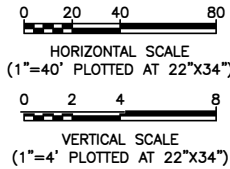
JOB NO.: 22-022  
DATE: 2/27/2023  
DRAWN: DES  
REVIEWED: DES

SHEET TITLE  
SITE SECTIONS

SHEET  
C3.0

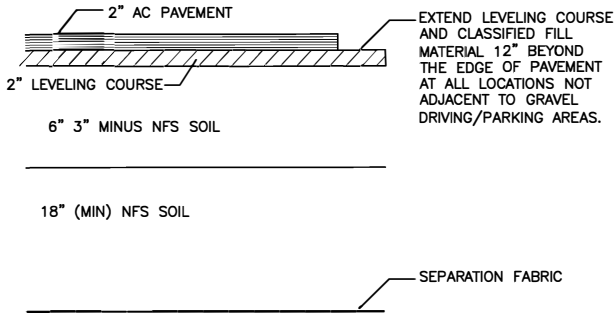


- NOTES**
1. ALL TOPSOIL AND ORGANICS TO BE REMOVED PRIOR TO THE PLACEMENT OF FILL OR BACKFILL.
  2. ALL FILL AND BACKFILL SHALL BE COMPACTED TO 95% MAX. DENSITY AS DETERMINED BY ASTM D-1996.
  3. SECTIONS ARE FOR VISUAL ASSISTANCE OF SITE. SECTIONS DO NOT INCLUDED UTILITIES.



NOTES

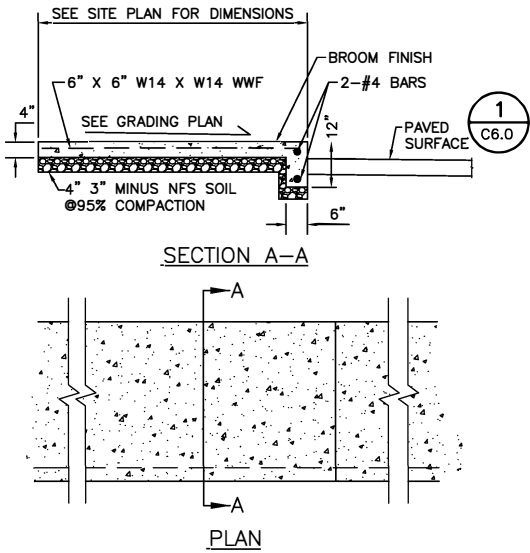
1. REMOVE ALL TOPSOIL AND ORGANICS BENEATH ALL FILL IN PAVEMENT AREAS.
2. COMPACT EXISTING SUBGRADE TO 90% OF MAXIMUM DENSITY AS DETERMINED BY ASTM - D1557 PRIOR TO THE PLACEMENT OF FILL
3. COMPACT ALL FILL TO TO 95% OF MAXIMUM DENSITY AS DETERMINED BY ASTM-D1557.
4. FOR AREAS NOT PAVED, DO NOT INCLUDE PAVEMENT AND LEVELING COURSE. MAKE ELEVATION OF GRAVEL SURFACE MATCH ELEVATION OF ADJACENT PAVEMENT.



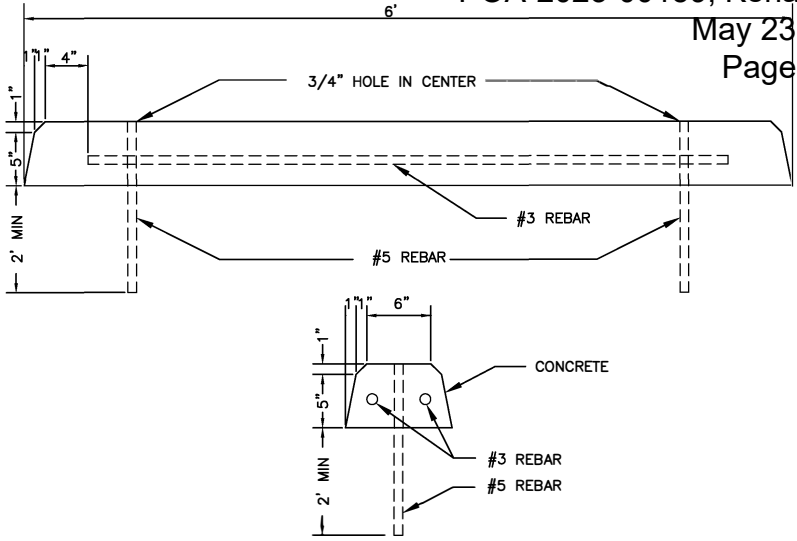
1 DRIVING/PARKING SURFACES  
C6.0 SCALE: NOT TO SCALE

NOTES

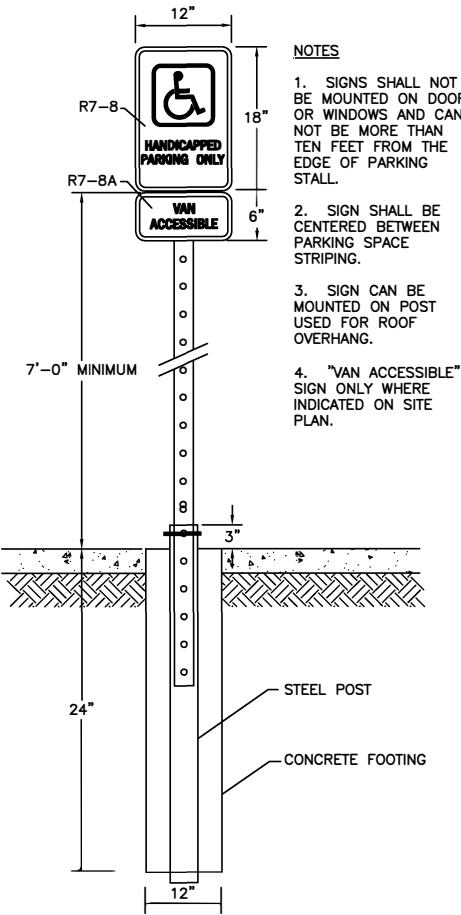
1. CONSTRUCT CONTROL JOINTS AND EXPANSION JOINTS PER SPECIFICATIONS
2. THICKENED CURB SECTION ONLY WHERE ADJACENT TO PARKING AREA.
3. CLASSIFIED FILL BENEATH SIDEWALK SAME AS PAVEMENT.



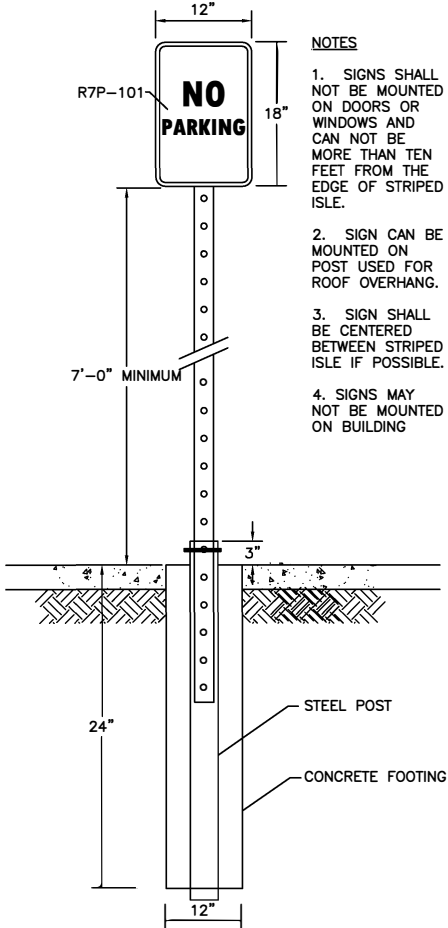
2 PCC SIDEWALK  
C6.0 SCALE: NOT TO SCALE



3 CURB STOP  
C6.0 SCALE: NOT TO SCALE



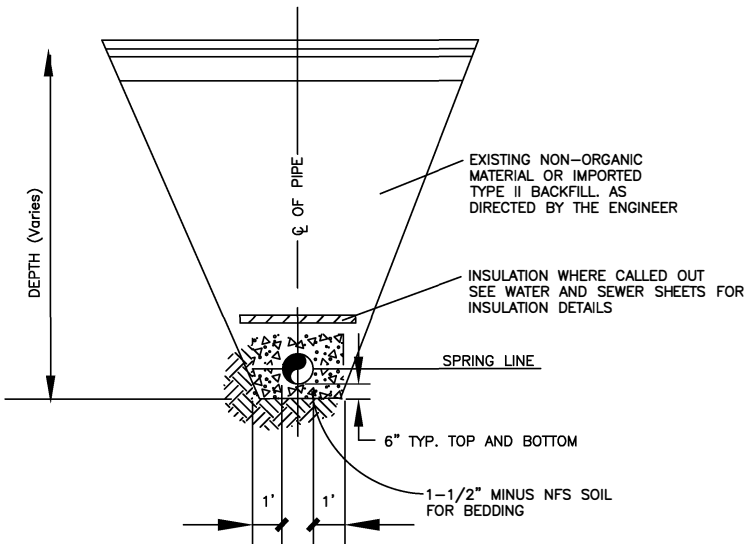
4 HANDICAP PARKING SIGN  
C6.0 SCALE: NOT TO SCALE



5 NO PARKING SIGN  
C6.0 SCALE: NOT TO SCALE

NOTES

1. SLOPE TRENCH WALLS ACCORDING TO THE SOILS CONDITIONS AND SAFETY STANDARDS (O.S.H.A.).
2. ALL BACKFILL SHALL ACHIEVE A MINIMUM OF 95% COMPACTION AS DETERMINED BY ASTM-D1557.
3. REPLACE ANY INSULATION ENCOUNTERED WITHIN THE ROAD SECTION WITH LIKE KIND AND THICKNESS.
4. THE CONTRACTOR SHALL NOTIFY ALL AREA UTILITY COMPANIES PRIOR TO EXCAVATION (LOCATE CALL CENTER OF ALASKA).



6 TYPICAL TRENCH SECTION  
C6.0 SCALE: NOT TO SCALE

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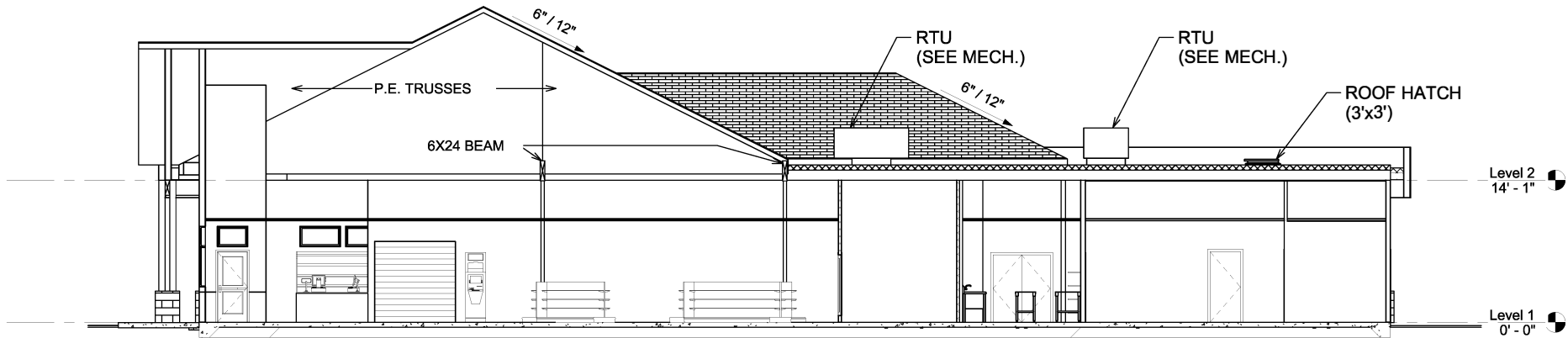
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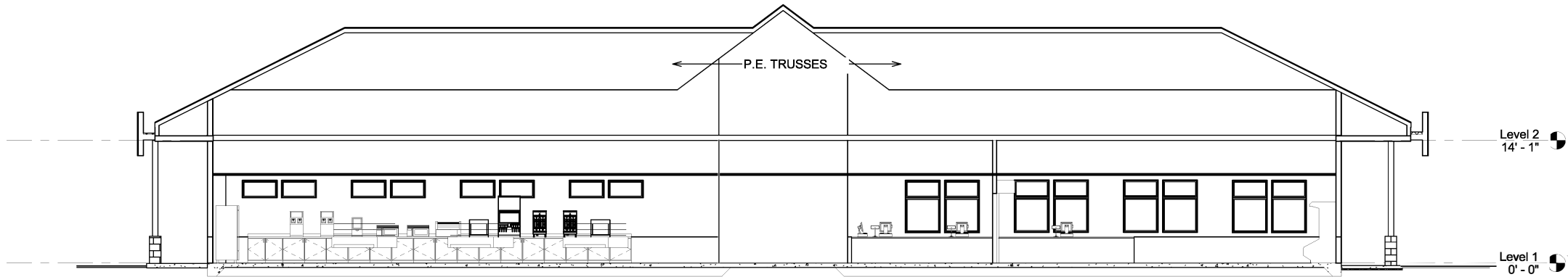
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DRAWN: DES  
REVIEWED: DES

SHEET TITLE  
CIVIL DETAILS

SHEET  
C6.0



1 SECTION 1  
1/8" = 1'-0"



2 SECTION 2  
1/8" = 1'-0"

BUILDING SECTION OF  
CONVENIENCE STORE

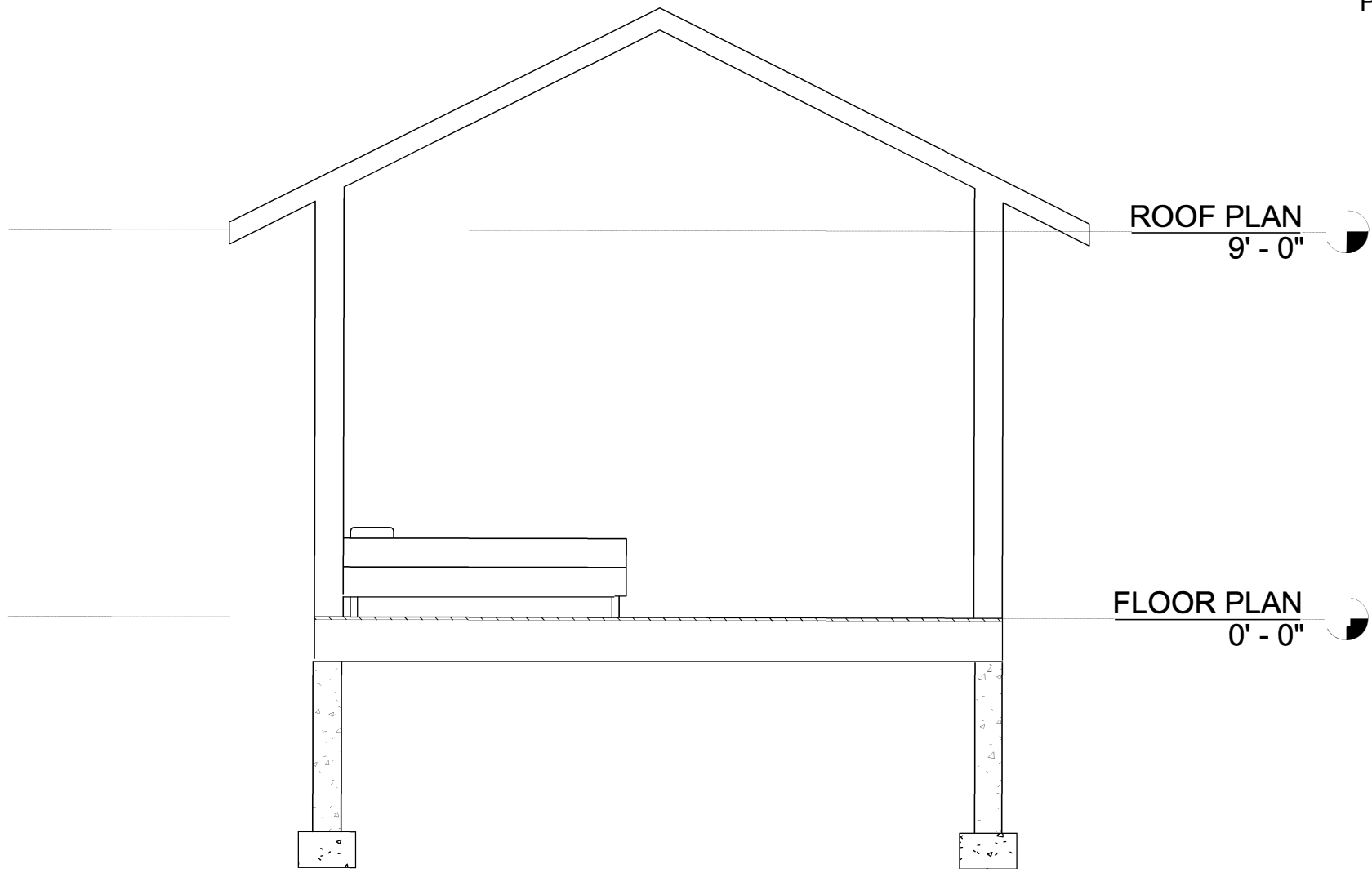
REV NO: DATE

SAJJ ARCHITECTURE, LLC  
SCOTT A. JONES SJONES@SAJJARCHITECTURE.COM ANCHORAGE, AK 99502

THREE BEARS  
COOPER LANDING, AK

DR: KK & CH  
CK: SAJ  
DT: 05/02/2023  
JB: PRISM  
DWG: SECTION

FIGURE 2

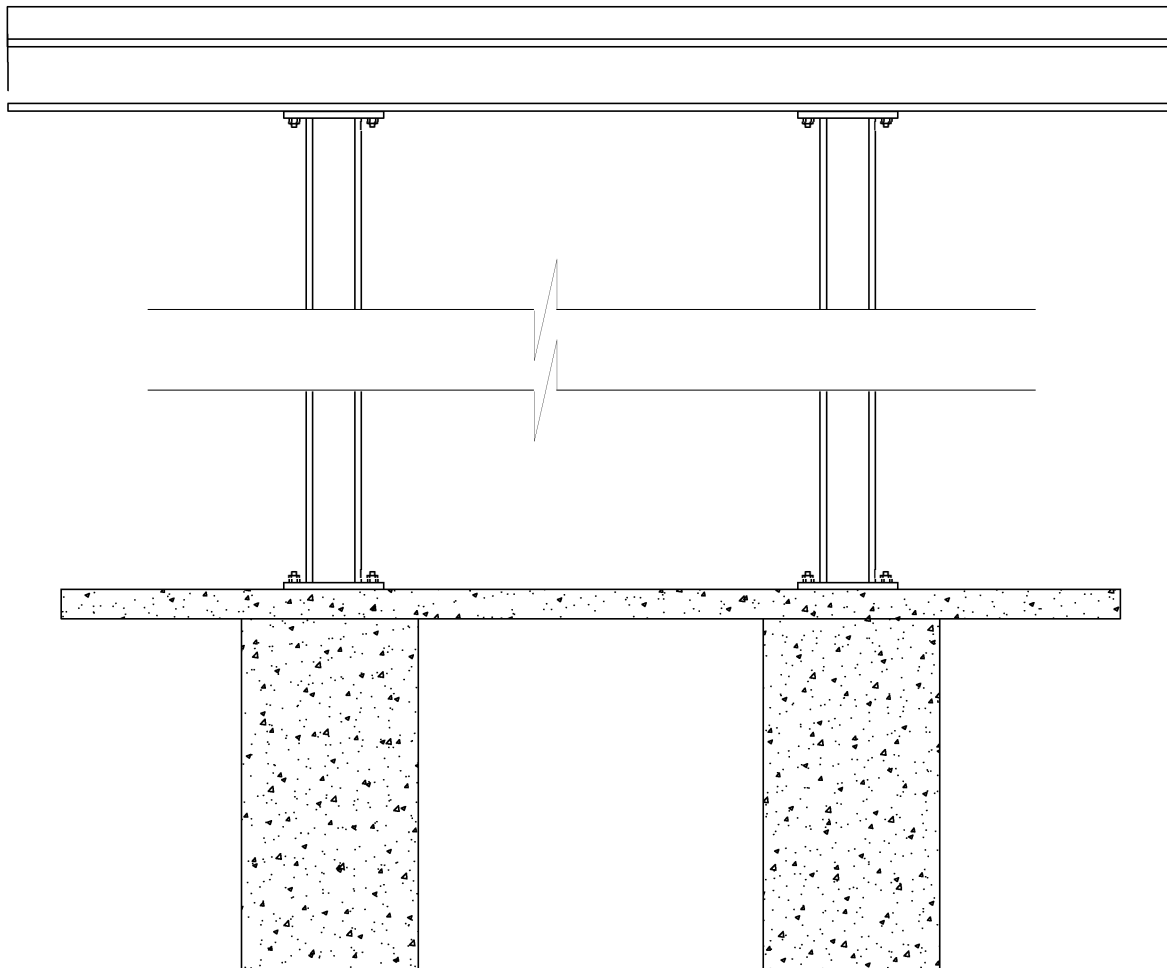
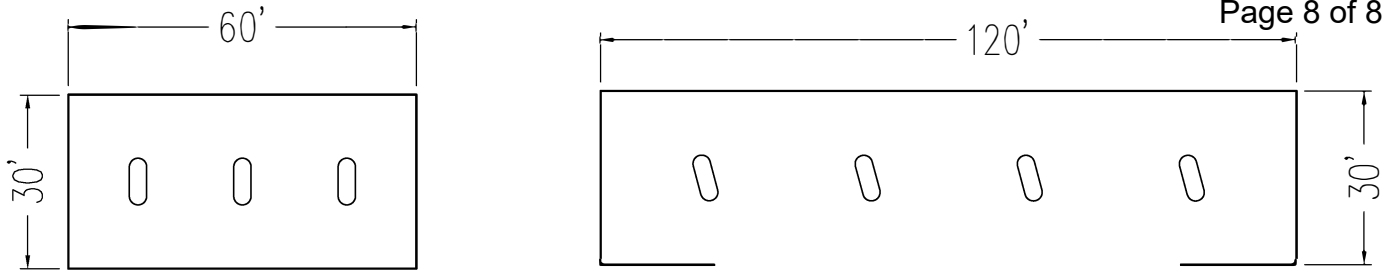


BUILDING SECTION OF CABINS

FIGURE 3

# FUEL AREA DIMENSIONS

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BUILDING SECTION OF FUEL AREAS

FIGURE 4