



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	Jun 24, 2024
EXPIRATION DATE:	Jul 24, 2024
REFERENCE NUMBER:	POA-2017-00395
WATERWAY:	Jacobsen Lake

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 Hayley Farrer at (907) 753-2788, toll free from within Alaska at (800) 478-2712, or by email at Hayley.M.Farrer@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Dave Mock, Rappe Excavating, Inc.; rappeexcavating@gmail.com; (907) 355-7162; 4250 W. Boardwalk Dr. Wasilla, AK 99623

LOCATION: The project site is located at Section 12, T. 17 N., R. 3 W., Seward Meridian; Latitude 61.58063° N., Longitude 149.56124° W.; 4250 W. Boardwalk Dr. in Wasilla, Alaska.

PURPOSE: The existing pad currently houses storage units and stores vehicles and equipment at the back of the lot. The applicant's stated purpose is to expand the existing pad in order to add more parking and storage space for their company to utilize to help the business grow and meet increased storage space demands.

PROPOSED WORK: The applicant proposes to discharge 6,000 cubic yards of dirt, 1,000 cubic yards of brush, and 2,000 cubic yards of stumps into 0.83-acre of palustrine scrub-shrub/forested wetlands. All fill material would be placed into a 215 feet long by 185 feet wide by 8 feet high area in order to make a rectangular lot with existing fill. Material would be sourced from nearby Matanuska-Susitna Borough road projects. The Matanuska-Susitna Borough contractor would haul the road material to the site, as well as haul topsoil and stumps from the contractor's own commercial lot. Work would occur in phases and is anticipated to begin as soon as all necessary permits are received. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated December 21, 2017.

ADDITIONAL INFORMATION: Fill for the existing pad was previously authorized on March 1, 2018, as a Nationwide Permit (NWP) 39 (Commercial Development). The authorization was for the discharge of 1,500 cubic yards each of dirt, brush, and stumps into 0.5-acre of wetlands to expand storage and parking space. The work has since been completed and is in compliance with the terms and conditions of NWP 39.

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 applicant states that avoidance is not possible as the space left on the lot available to develop is within wetlands. The lot not in wetlands has already been developed and the only way to expand the storage capacity would be to discharge fill into the wetlands.

b. Minimization: The applicant states that minimization has been achieved by only filling the necessary amount of wetlands to meet their purpose. Access to discharge the fill would be from the existing fill and would not include impacts to wetlands outside of the proposed fill area, as those areas would be avoided. Silt and sediment filtration fencing would be installed around the perimeter of the proposed fill site to prevent any contamination to wetlands outside of the fill area. The applicant states that fill discharge would cease in the event of rain. Best management practices would be followed.

c. Compensatory Mitigation: The applicant states that they do not propose any compensatory mitigation as the proposed project would not impact any nearby waters or wetlands outside of the impact site. They state that the discharge of fill material would be conducted in a controlled and managed process with use of silt fencing.

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 previously recorded cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the direct footprint where fill material would be discharged. 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.

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. The proposed project would not adversely affect EFH due to the distance between the impact site and the nearest EFH waterbody.

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. This application is being 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 of Engineers

Enclosures