



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:	January 3, 2024
EXPIRATION DATE:	February 2, 2024
REFERENCE NUMBER:	POA-2023-00571
WATERWAY:	Eagle River

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) 753-2778, 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: Andre Spinelli, Spinell Homes Inc.; 1900 W. Northern Lights Boulevard., Suite 200, Anchorage, Alaska 99517

AGENT: Robin Reich, Solstice Alaska Consulting, Inc.; 2607 Fairbanks Street, Suite B, Anchorage, Alaska 99503

LOCATION: The project site is located within Section 17, T. 14 N., R. 1 W., Seward Meridian; Latitude 61.301° N., Longitude 149.487° W.; Eagle Crossing Subdivision, in Eagle River, Alaska.

PURPOSE: The applicant's stated purpose is to develop Eagle Crossing East Subdivision which will expand the existing Eagle Crossing Subdivision with four new blocks of housing lots, including road access, to create approximately 90 new homesites. This development would include extending Driftwood Bay Drive, creating two loops north of Driftwood Drive, and one cul-de-sac extension of Eagle River Lane to the south of Driftwood Bay Drive.

PROPOSED WORK: The applicant proposes to discharge 18,020 cubic yards of fill material into 1.4 acres of wetlands and approximately 415 linear feet of an unnamed stream to develop a subdivision of 90 housing lots. Additionally, 520 cubic yards of fill material would be discharged into approximately 200 linear feet of a secondary unnamed stream to create a road crossing. The road crossing would include a 200-foot long by 36-inch diameter culvert. The fill would be graded to engineered specifications to provide for final drainage, paving, utility installations, and home construction on the site. Work would include 20 of the 90 house pads impacting the wetlands in the area. House pad construction would include 2-foot-thick pads, resulting in 17,100 cubic yards of clean fill material being placed in wetlands. Prior to fill material being placed, mechanized land clearing would occur to clear the site.

During construction, stormwater runoff would be controlled by best management practices (BMPs) including installation of silt fencing along the perimeter of placement of fill near wetlands.

Construction is planned for summer 2024 and could last for a few years. Mechanized land clearing would occur outside of the Southcentral region bird nesting season (May 1 through July 15) in accordance with the United States (U.S.) Fish and Wildlife Service (USFWS) Migratory Bird Treaty Act (USFWS No Date). All work would be performed in accordance with the enclosed plan (sheets 1-7), dated November 2023.

ADDITIONAL INFORMATION: The applicant will apply an Alaska Department of Natural Resources Temporary Water Use permit in Spring 2024, as well as an Alaska Department of Fish and Game (ADF&G) Fish Passage permit in Spring 2024, both as needed. Determination of the need to incorporate fish passage is being addressed through coordination with ADF&G. The culvert and temporary diversion would be designed for fish passage if deemed necessary.

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 by following a wetland delineation, dated October 2020, the project is designed to avoid as much wetlands as possible. They stated complete avoidance of wetlands is not possible in order to meet the purpose and need of this project.

b. Minimization: The applicant states that the following measures would be implemented to minimize impacts to wetlands:

- Construction limits would be staked and clearly demarcated.
- Natural vegetation would be retained wherever possible.
- Permanent erosion control measures (riprap aprons, embankment stabilization) would be installed.
- No stockpiles or staging would occur within wetland areas. Wetlands would be protected during construction through best management practices, including:
 - Temporary and permanent stabilization measures would be initiated as soon as practicable by the contractor, but within at least 14 days on all portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures include slope tracking, seeding and mulch.
 - Sediment prevention measures (i.e., silt fence or other means) would be placed and maintained. These devices would remain in place until fill and other exposed earthwork attributable to the project are stabilized and revegetated.
 - Stabilized construction exits would be provided for vehicles leaving the work area.

c. Compensatory Mitigation: Compensatory mitigation is proposed to mitigate wetland impacts from the proposed project. Spinell Homes would submit to the U.S. Army Corps of Engineers (USACE) a proposed evaluation of the project as assessed under the Anchorage Debit/Credit Methodology (ADCM). To offset the debits resulting from direct impact to wetlands from placement of fill, Spinell Homes proposes to designate the necessary area of remaining wetlands on the property as areas for preservation. The amount of area needed to be set aside for preservation will be determined using the guidance from the ADCM. To facilitate the designation of the conservation area, a notice would be provided to the Municipality of Anchorage specifying that the designated open tracts are prohibited from future development per the Cluster Platting regulations under Title 21. To further ensure the continued preservation of these spaces, a declaration will accompany any transfer of properties subject to these provisions. Signage will be posted next to the tracts to reinforce that the open tracts represent an area of preservation and are not to be diminished in any way.

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 (ADEC). The applicant is applying for the Water Quality Certification concurrently with their USACE application.

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 known 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 of the subdivision development within wetlands and the immediate upland areas to wetlands and streams for construction equipment and staging. 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 unnamed streams are currently not mapped as anadromous waters. Therefore, 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. 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.

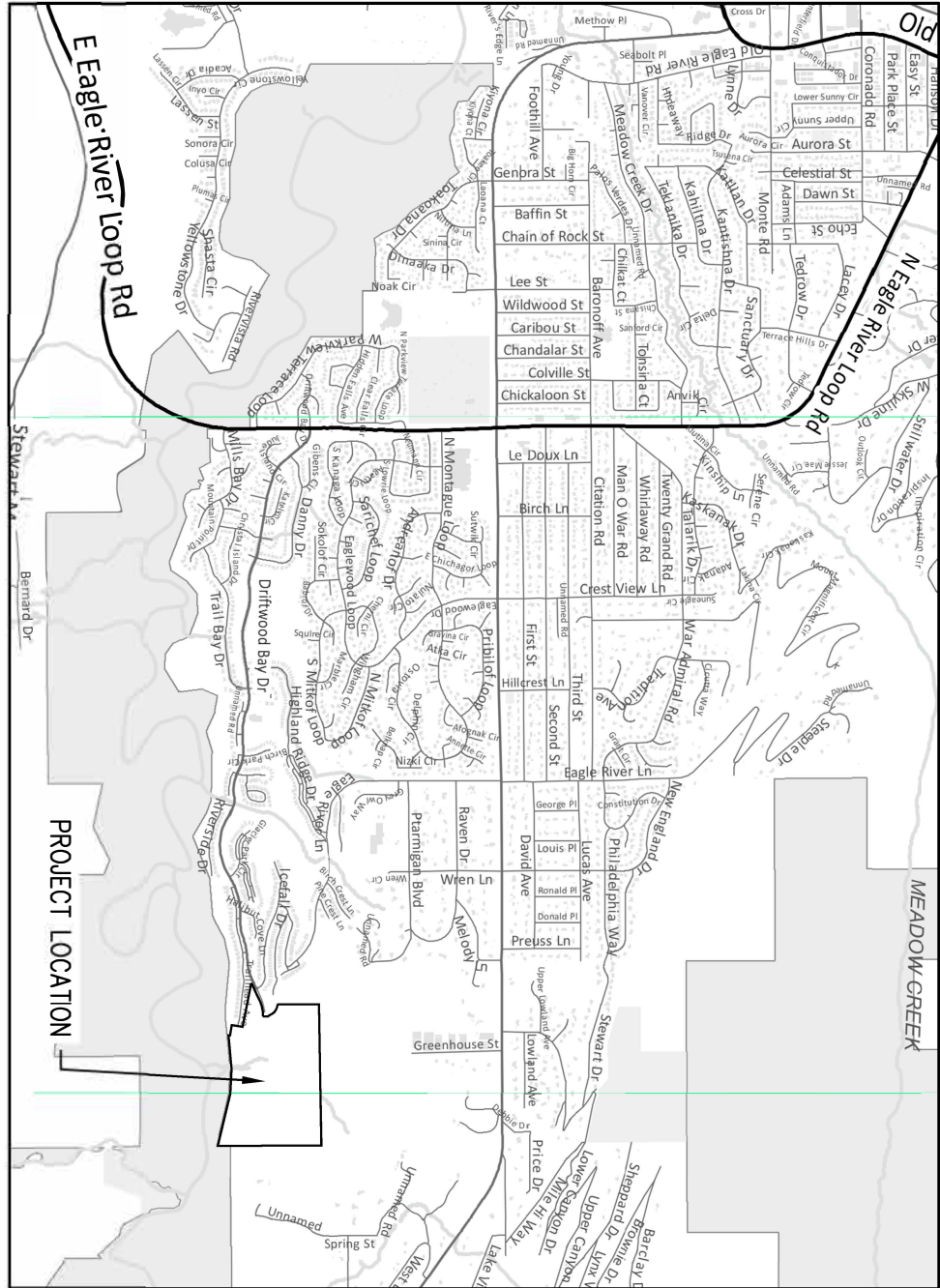
AUTHORITY: This permit will be issued or denied under the following authorities:

(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



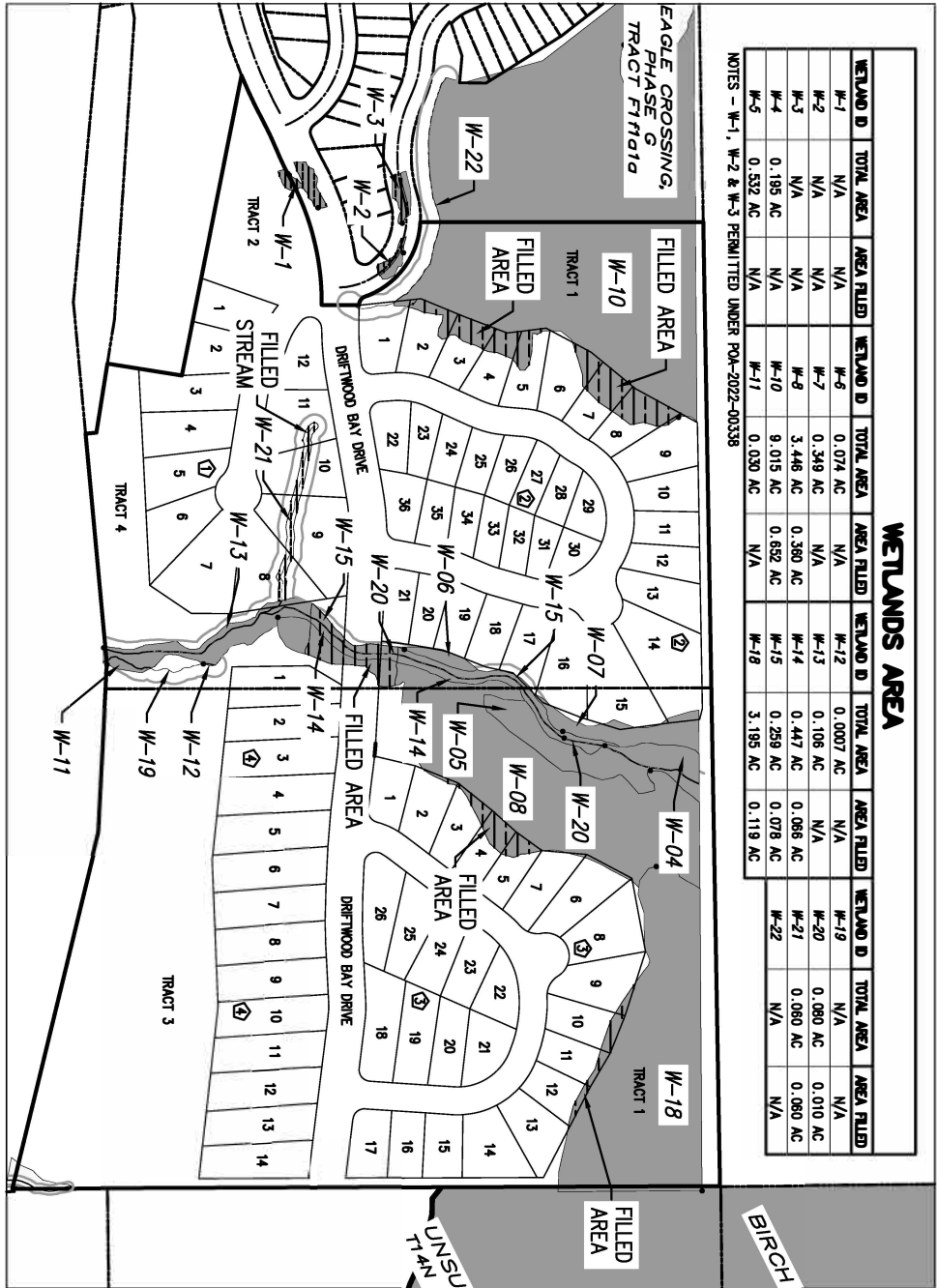
(A) LOCATION MAP
 SCALE: 1" = 32,400'

SHEET W1 OF 7	DESIGNED N/A	DRAWN BJM	CHECKED JAW
	APPLICANT: SPINELL HOMES, INC.		
	FILE NO: POA-2023-571		
	JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
	SCALE: HORIZ. VERT.	N/A	GRID: SW0157

**EAGLE CROSSING EAST
 TRACTS F1g1a & F1h
 LOCATION MAP**



**APPLICANT:
 SPINELL HOMES, INC.
 1900 W. NORTHERN LIGHTS,
 SUITE 200
 ANCHORAGE, AK 99517
 907-344-5678**



WETLANDS AREA					
WETLAND ID	TOTAL AREA	AREA FILLED	WETLAND ID	TOTAL AREA	AREA FILLED
W-1	N/A	N/A	W-6	0.074 AC	N/A
W-2	N/A	N/A	W-7	0.346 AC	N/A
W-3	N/A	N/A	W-8	3.448 AC	0.360 AC
W-4	0.195 AC	N/A	W-10	9.015 AC	0.652 AC
W-5	0.532 AC	N/A	W-11	0.030 AC	N/A
			W-12	0.007 AC	N/A
			W-13	0.106 AC	N/A
			W-14	0.447 AC	0.066 AC
			W-15	0.258 AC	0.078 AC
			W-18	3.195 AC	0.119 AC
			W-19	N/A	N/A
			W-20	0.080 AC	0.010 AC
			W-21	0.080 AC	0.080 AC
			W-22	N/A	N/A

NOTES - W-1, W-2 & W-3 PERMITTED UNDER POA-2022-00338

WETLANDS SUMMARY

SCALE: 1" = 400'

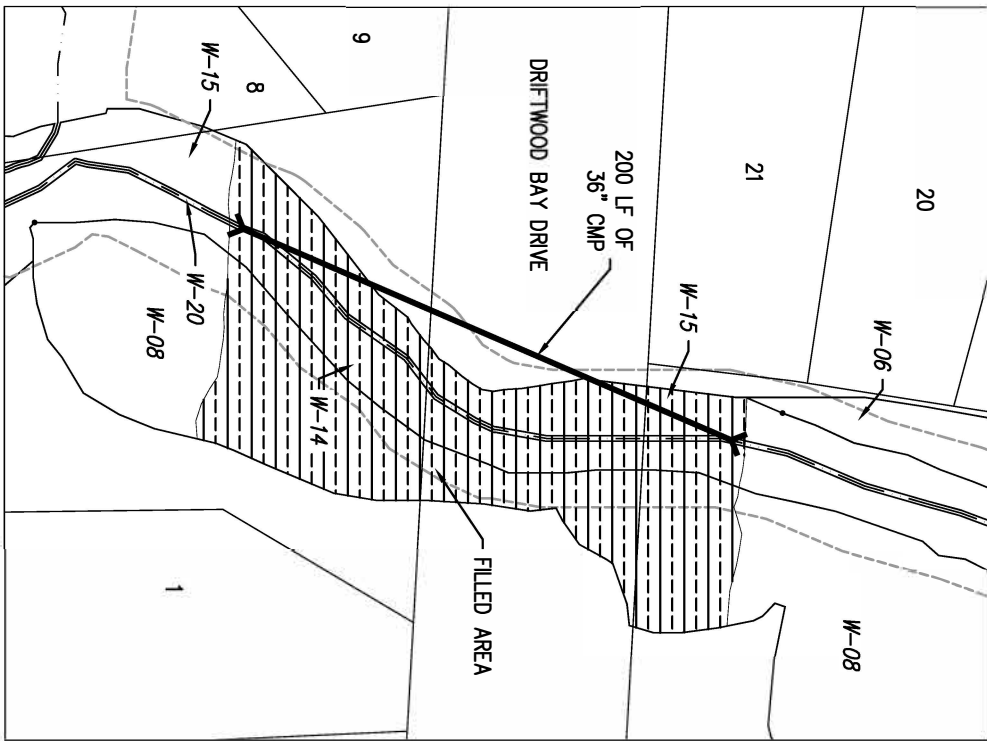
DESIGNED N/A	DRAWN BJM	CHECKED JAW
APPLICANT: SPINELL HOMES, INC.		
FILE NO: POA-XXXX-XXX		
JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: 1"=400'		GRID: SW0157
VERT.		

EAGLE CROSSING EAST
TRACTS F1g1a & F1h
WETLANDS SUMMARY



APPLICANT:
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1900 W. NORTHERN LIGHTS,
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907-344-5678

SHEET
W2
OF
7



STREAM CROSSING

SCALE: 1" = 70'

SHEET W3 OF 7	DESIGNED N/A	DRAWN BJM	CHECKED JAW
	APPLICANT: SPINELL HOMES,		
	INC. FILE NO: POA-2023-571		
	JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: 1" = 70'		GRID: SW0157	

**EAGLE CROSSING EAST
TRACTS F1g1a & F1h

STREAM CROSSING**

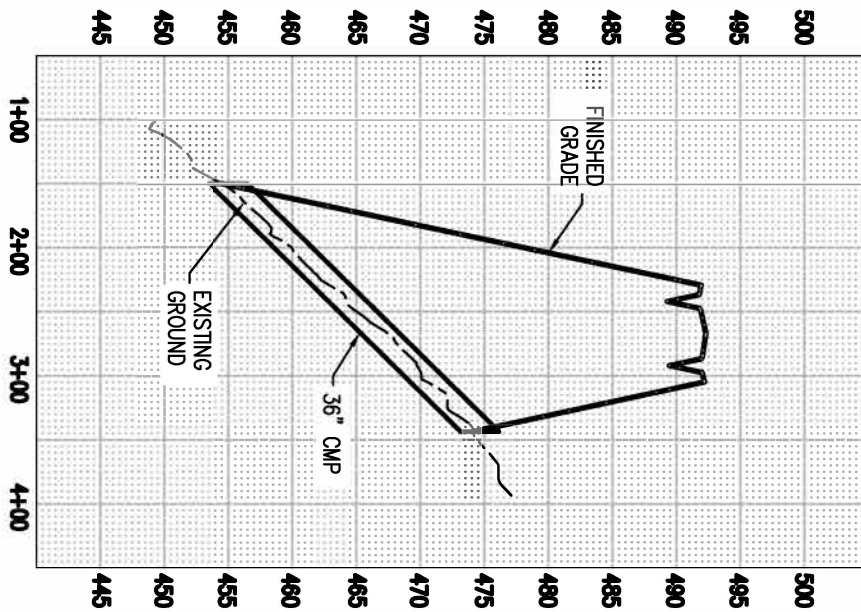


APPLICANT:
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D

STREAM PROFILE

SCALE: 1"=150'



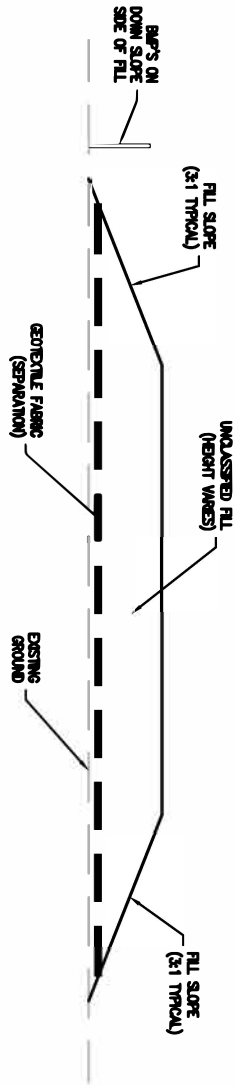
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	APPLICANT: SPINELL HOMES, INC.		
	FILE NO: POA-2023-571		
	JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: 1"=150'		GRID: SW0157	

EAGLE CROSSING EAST TRACTS F1g1a & F1h

STREAM PROFILE



APPLICANT:
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F LOT GRADING FOR LAWNS
SCALE: NTS

SHEET W6 OF 7	DESIGNED N/A	DRAWN BJM	CHECKED JAW
	APPLICANT: SPINELL HOMES, INC.		
	FILE NO: POA-2023-571		
	JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: VERT.	N/A	GRID: SW0157	

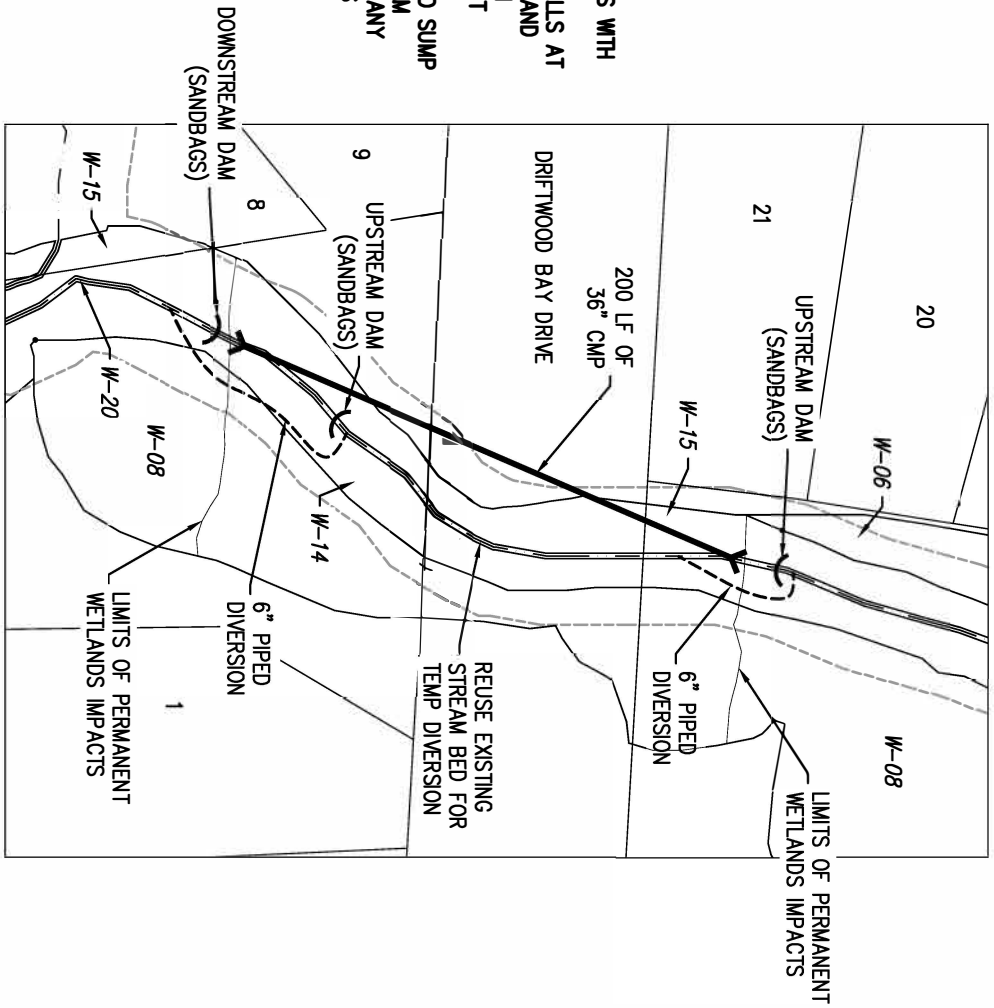
EAGLE CROSSING EAST
TRACTS F1g1a & F1h

LOT FIGURE



APPLICANT:
SPINELL HOMES, INC.
1900 W. NORTHERN LIGHTS,
SUITE 200
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907-344-5678

- DIVERSION NOTES**
1. LINE SANDBAG DAMS WITH PLASTIC LINERS.
 2. PLACE PIPED OUTFALLS AT STABLE LOCATIONS AND LINE OUTFALLS WITH PLASTIC TO PREVENT EROSION
 3. PROVIDE SUMPS AND SUMP PUMPS AT UPSTREAM DAMS TO ADDRESS ANY PASS-BY FLOWS AS NEEDED.



STREAM DIVERSION

SCALE: 1"=70'

DESIGNED N/A	DRAWN BJM	CHECKED JAW
APPLICANT: SPINELL HOMES, INC.		
FILE NO: POA-XXXX-XXX		
JOB NO. 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: 1"=70'		GRID: SW0157
VERT.		

EAGLE CROSSING EAST TRACTS F1g1a & F1h

STREAM DIVERSION



APPLICANT:
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SHEET
W7
OF
7