



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
1600 A Street, Suite 110  
Anchorage, AK 99501-5146

**PUBLIC NOTICE DATE:** 20 July 2012

**EXPIRATION DATE:** 20 August 2012

**REFERENCE NUMBER:** POA-2003-1007

**WATERWAY:** Tina 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.

Comments on the described work, with the reference number, 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 Mary Lee Plumb-Mentjes at (907) 753-2789, by fax at (907) 279-0064, or by email at [Mary.Plumb-Mentjes@usace.army.mil](mailto:Mary.Plumb-Mentjes@usace.army.mil) if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF), ATTN. Holly Sanders, Post Office Box 196900, Anchorage, Alaska 99519.

AGENT: HDR Alaska, Inc., ATTN: Anna Kohl, [anna.kohl@hdrinc.com](mailto:anna.kohl@hdrinc.com).

LOCATION: The project site of West Dowling Road Phase II is located within Wetland Unit 29, Maps 42, 43, 54, and 55, Anchorage Wetlands Atlas; Section 31, T. 13N., R. 3W.; Section 6, T. 12 N., R. 3 W.; Section 1, T. 12 N., R. 4 W.; Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.17°N. and Longitude -149.89° W.; west of C Street across northern end of Tina Lake to Minnesota Drive, Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to continue the extension of Dowling Road from the Phase I terminus west, providing an uninterrupted east-west arterial from Sand Lake Road to Elmore, linking Jewel Lake Road, Minnesota Drive, "C" Street, the Old and New Seward Highways, and Lake Otis Parkway.

PROPOSED WORK: Discharge 59,205 cubic yards (cy) in 2.22 acres of waters of the United States including the northern part of Tina Lake and adjacent wetlands for the extension of West Dowling Road between "C" Street and Minnesota Drive. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated May 1, 2012.

ADDITIONAL INFORMATION: The applicant reports that this extension will improve the area's arterial network by providing an additional east-west connection, segregate residential and truck traffic, reduce congestion at nearby arterials (Dimond Boulevard, Tudor Road, and "C" Street), improve neighborhood accessibility, provide improved connectivity, and mobility for through-area trips, and improve convenience, mobility, and efficiency for freight and emergency providers.

West Dowling Road Phase II is part of a multi-phased project to rehabilitate and reconstruct Dowling Road from the Old Seward Highway west to Minnesota Drive. After a Finding of No Significant Impact (FONSI) was signed by the Federal Highway Administration (FHWA) for the 2007 Environmental Assessment (EA), the project was divided into two phases for design. The project scope for Phase II includes the following:

- a) Extending West Dowling Road between Minnesota Drive and Raspberry Road to include a four-lane arterial with a center median/turn lane and pedestrian facilities;
- b) Providing access between Arctic Boulevard and Electron Drive by establishing Howard Holtan Court;
- c) Providing new signalized intersections at the northbound off-ramp/Interstate Drive and the realigned Raspberry Road (68<sup>th</sup> Avenue) areas;
- d) Construction of a clear-span bridge over Arctic Boulevard and the Alaska Railroad;
- e) Redesigning access to Denali Industrial Park; and
- f) Providing on-street bike lanes and separated pathway and sidewalk on the new road extension.

The proposed project would involve discharge of fill in Tina Lake and adjacent wetlands; these are jurisdictional waters of the United States that connect through the storm drain system, Campbell Creek, and eventually into Cook Inlet. The project would involve excavation (non-jurisdictional activity) of 21,062 cubic yards (cy) from the wetlands and 8,442 cy from Tina Lake. The project would involve discharge of 29,427 cy of fill in wetlands and 29,778 cy in Tina Lake. The project would impact 1.09 acres of scrub/shrub wetlands and 1.13 acres of pond.

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: An alignment that completely avoids the Tina Lake open water by routing the roadway north of its current location was considered, but determined impractical due to multiple factors that would have increased the project cost to an unreasonable level (unacceptable "C" Street intersection geometry, increased business impacts, increased right-of-way cost, and increased bridge length at Arctic Boulevard). Shifting the alignment further north to completely avoid Tina Lake and the associated wetland complex was not feasible due to the physical constraints of the

Alaska Railroad main line, Arctic Boulevard, and a Chugach Electric Association transmission line. The configuration of wetlands surrounding Tina Lake is large enough that completely avoiding the complex would require substantial shifts in design, resulting in additional business relocations and right-of-way and bridge costs that were determined unreasonable. Two project alternatives: the No Build and the Rovenna Dowling (Proposed Action) were considered in the FHWA environmental assessment.

b. Minimization: Design specification for roadway width, centerline elevation, and side slope angles are determined by the DOT&PF Alaska Preconstruction Manual. The current road bed meets design specifications while affecting a minimum footprint. The following measures have been included in the project planning and design to minimize impacts to wetland impacts:

1) The existing broken stand pipe in Tina Lake would be replaced. The new stand pipe would be installed with an inlet elevation that matches the existing stand pipe's inlet elevation before the existing stand pipe was damaged (104.7 feet). Thus, the new stand pipe would restore the lake and wetland water surface elevation to a previous higher condition and stabilize the lake surface elevation, providing a more consistent hydrologic environment for the lake and surrounding wetlands. Replacement of the stand pipe, elimination of the snow dump, and establishment of storm drains, culverts, and infiltration basins associated with the project would improve the water quality in the vicinity of Tina Lake from its current status.

2) The proposed project would transfer land that is currently privately owned between the new roadway and the existing DOT&PF right-of-way to public ownership, reducing the opportunity for industrial site development that could be proposed under private ownership. While DOT&PF might provide access for roadway improvements, management of the right-of-way would not support industrial or commercial development that could occur if the area remained under private ownership. The purchase and maintenance of right-of-way along the project corridor would effectively create an easement along the project, restricting additional commercial or industrial development in the immediate proximity of the road. Maintenance of the project right-of-way would occur for the life of the facility.

3) Storm water would be directed into drainage swales and filtered before entering Tina Lake, which would be an improvement over current conditions.

4) Fill slopes would be steepened in wetland areas to reduce encroachment into wetlands.

5) Best management practices, developed in accordance with the Environmental Protection Agency's "Storm Water Management for Construction Activities: Developing Pollution and Prevention Plans and Best Management Practices," EPA Document 832 R-92-005, would be employed to minimize the introduction of sediment and minimize siltation of Tina Lake during fill placement.

6) A Storm Water Pollution Prevention Plan would be implemented during construction in compliance with an Alaska Pollutant Discharge Elimination System Construction General Permit.

c. Compensatory Mitigation: The Anchorage Debit-Credit Methodology (ADCM) was used to determine the amount of compensation required for unavoidable impacts to water of the U.S., including wetlands. The ADCM was designed by the Corps and EPA to apply a consistent and formatted approach to quantify wetland disturbance and associated compensatory mitigation measures within the Municipality of Anchorage. Using the ADCM, the project was preliminarily determined to incur 2.20 debits. Several alternatives were considered and discarded: a conservation easement covering the project right-of-way, and private property between the right-of-way and the new road; acquisition of the six privately owned lots at the south end of Tina Lake; and creation of wetland adjacent to the western edge of Tina Lake. Payment of a fee in lieu of mitigation was determined to be the most effective method to compensate for the project's unavoidable impacts to Tina Lake and area wetlands. Fee in lieu mitigation supports flexibility for wetland preservation and enhancement in the Anchorage area, since the Great Land Trust is not limited to the property acquisition terms stipulated by the ADOT&PF.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the 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 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).

No EFH species are known to use the project area.

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.

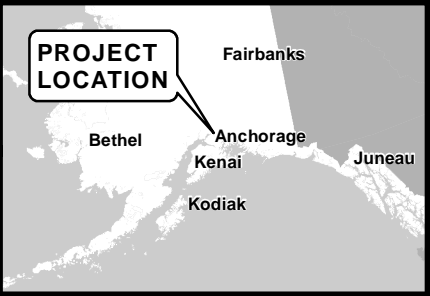
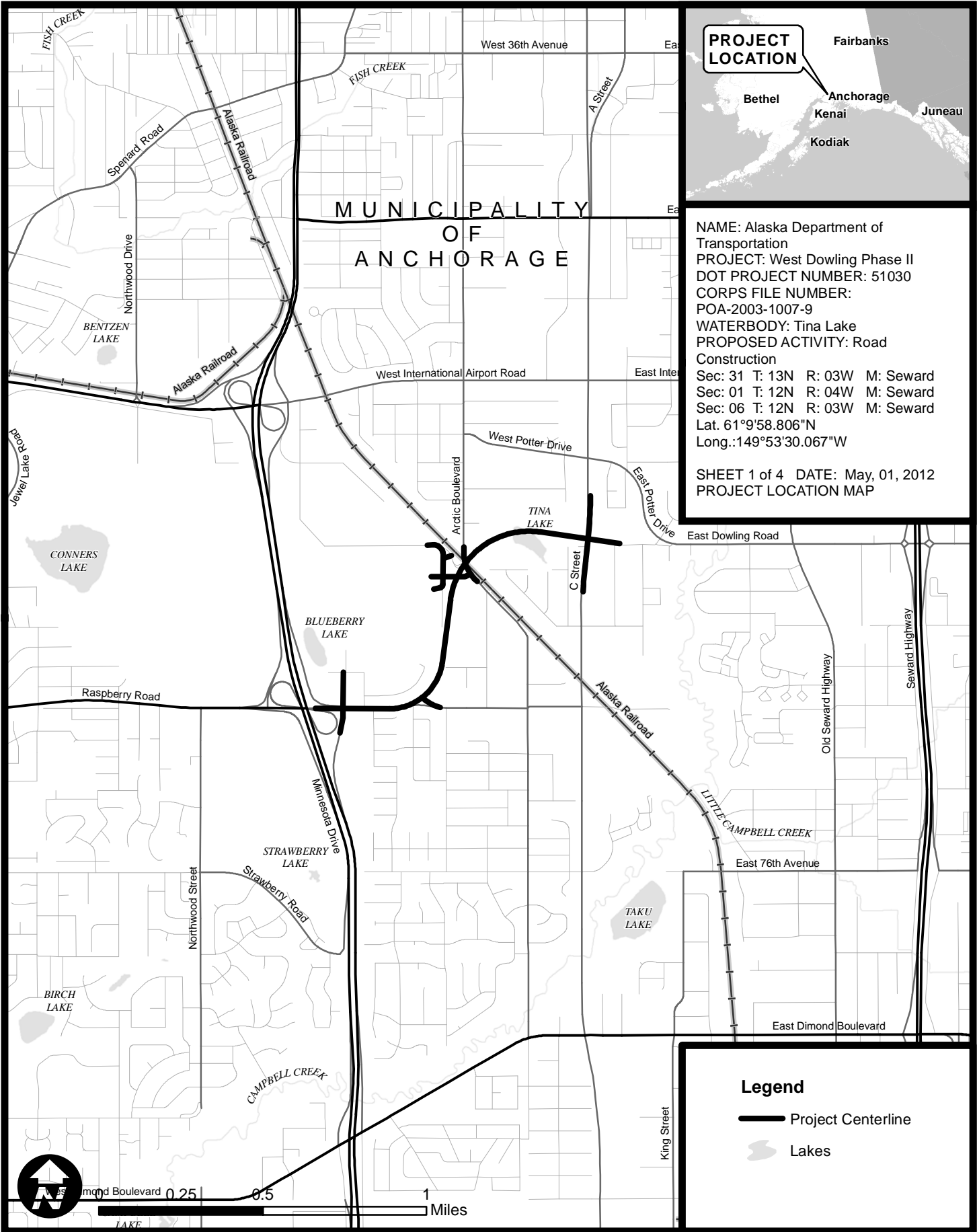
AUTHORITY: This permit will be issued or denied under the following authority:

(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

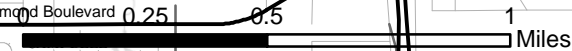


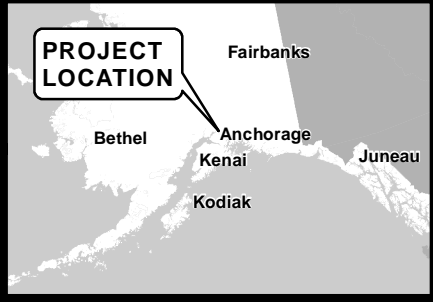
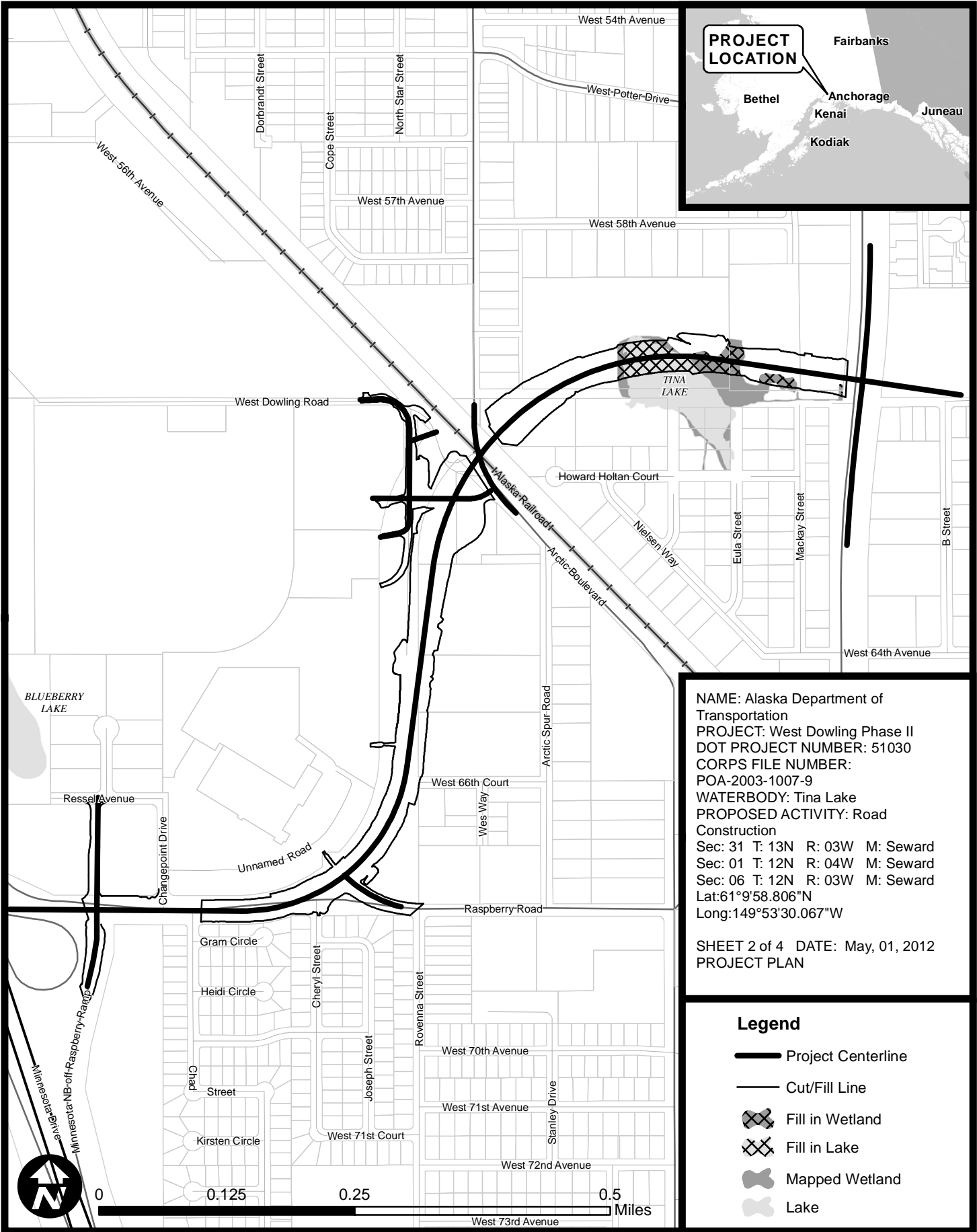
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 PROJECT: West Dowling Phase II  
 DOT PROJECT NUMBER: 51030  
 CORPS FILE NUMBER: POA-2003-1007-9  
 WATERBODY: Tina Lake  
 PROPOSED ACTIVITY: Road Construction  
 Sec: 31 T: 13N R: 03W M: Seward  
 Sec: 01 T: 12N R: 04W M: Seward  
 Sec: 06 T: 12N R: 03W M: Seward  
 Lat. 61°9'58.806"N  
 Long.: 149°53'30.067"W

SHEET 1 of 4 DATE: May, 01, 2012  
 PROJECT LOCATION MAP

**Legend**

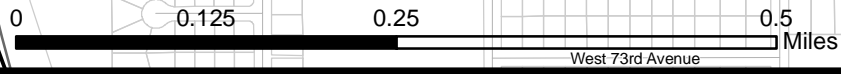
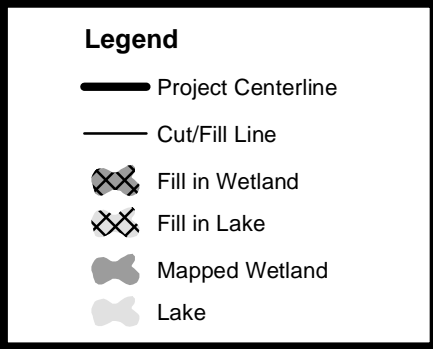
- Project Centerline
- Lakes



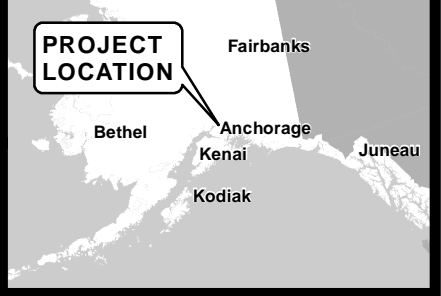


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SHEET 2 of 4 DATE: May, 01, 2012  
 PROJECT PLAN







00930161000  
RAINTREE  
PROPERTIES LLC

00930211000  
S S FULLER  
INC

00930160000  
WEIDNER  
W DEAN

TINA  
LAKE

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SHEET 3 of 4 DATE: May, 01, 2012  
 TINA LAKE WETLANDS

**Legend**

- Project Centerline
- Cut/Fill Line
- Fill in Wetland
- Fill in Lake
- Mapped Wetland
- Lake

Howard Holtan Court

Mike Street

Nielsen Way

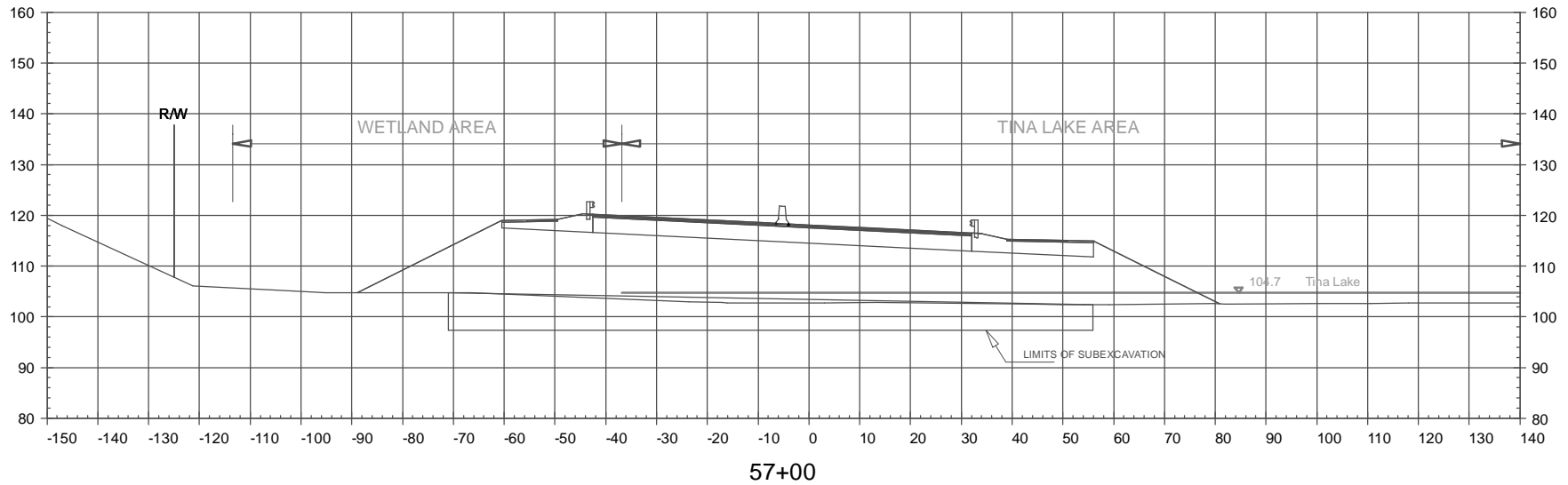
Eula Street

Alaska Railroad

Arctic Boulevard



125 250 500 Feet



## SECTION A-A

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SHEET 4 of 4 DATE: May, 01, 2012  
TINA LAKE CROSS SECTION



SEAN PARNELL, GOVERNOR

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

## ANCHORAGE

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-2003-1007, Campbell 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.