



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:** 29 August 2012  
**EXPIRATION DATE:** 29 September 2012  
**REFERENCE NUMBER:** POA-2012-326  
**WATERWAY:** Wasilla Creek

## AFTER-THE-FACT

Interested parties are hereby notified that a Department of the Army (DA) permit After-The-Fact (ATF) 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 **Steve Lindamood** at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Steve.D.Lindamood@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Mr. Dorwin Smith, OSC Investment, 2970 E. Cottle Loop, Wasilla, Alaska 99654

AGENT: Mr. Bob Farmer, Alaska Rim Engineering, 9131 E. Frontage Rd., Palmer, Alaska 99645; Telephone: (907) 745-0222; Email: bobf@alaskarim.com

LOCATION: The project site is located within Section 35, T. 18 N., R. 1 E., Seward Meridian; USGS Quad Map Anchorage C-6; Latitude 61.604° N., Longitude -149.234° W.; Midtown Estates #2, Tract 5C; near Palmer, Alaska.

PURPOSE: The applicant's stated purpose is to create a building site for use as future commercial parking and building areas. A portion of the above area is being used to temporarily stockpile materials for the Alaska Department of Transportation and Public Facilities (ADOT&PF) during their new Trunk Road Extension Project.

PROPOSED WORK: To place fill materials into a total of 1.26 acres of palustrine wetlands to develop the site for use in a future multi-use commercial parking and building development. Currently, a 0.69-acre portion of the above total was previously filled without DA authorization and is being used to stockpile materials for the ADOT&PF during their new Trunk Road Extension Project. Once the Trunk Road

Extension has been completed, 4-feet of pit run gravel will be left in place for use in the above commercial development. After the completion of the road extension project, an additional 0.57-acre of pit run gravel would be placed into a new unfilled wetland for use in the above commercial development. A total of 8,148 cubic yards of fill materials would be placed into the 1.26 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated July 19 and August 13, 2012.

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 is placing fill materials to the north of the existing fill areas only to the extent necessary to complete the development and has avoided the remaining wetlands in that area.

b. Minimization: The applicant has designed the project to minimize impacts to small wetland pockets on the east side of the project area as well as the areas to the north property line.

c. Compensatory Mitigation: For the additional fill area requested, the applicant has requested to offset the unavoidable impacts from the project by purchasing credits at an appropriate wetland mitigation bank.

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.

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). We have determined the described activity would not adversely affect EFH in 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 authorities:

(X) Discharge 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

# STATE OF ALASKA

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

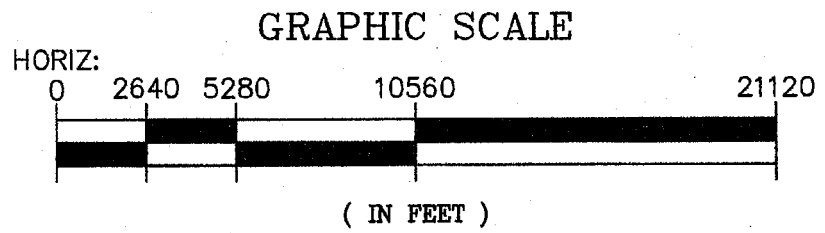
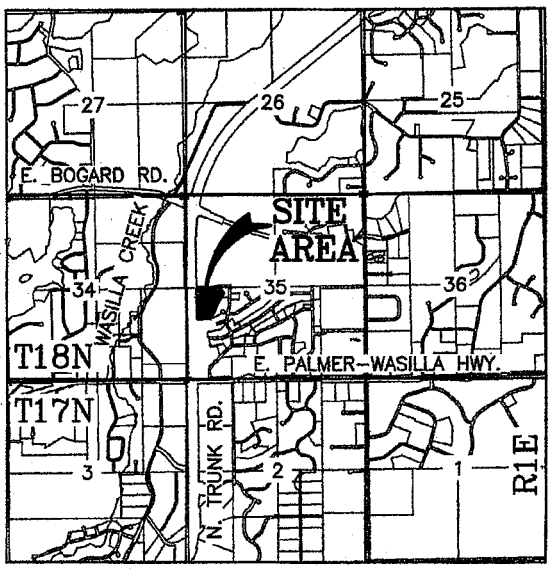
**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

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-2012-326, Wasilla 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.

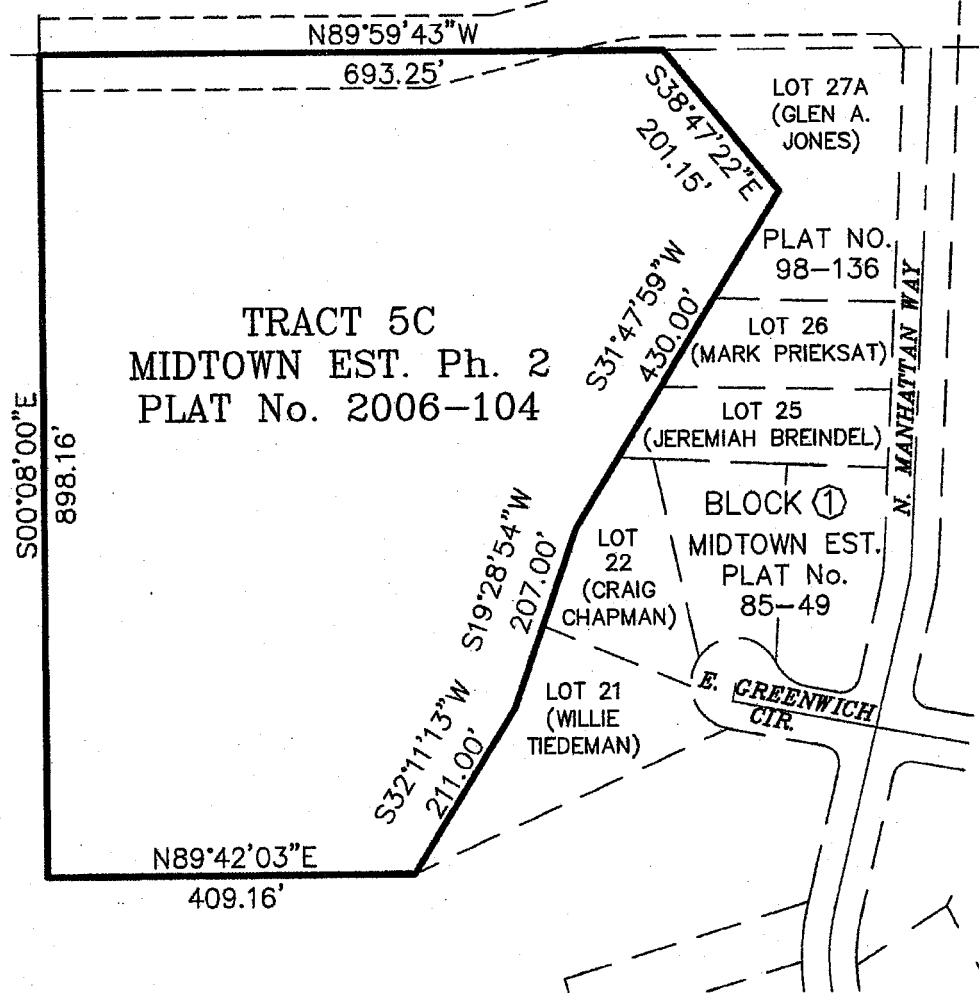
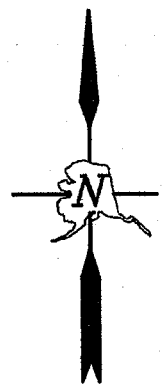
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



APPLICANT: OSC INVESTMENT GROUP  
 FILE No.: POA-2012-326  
 WATERWAY: WASILLA CREEK  
 PROPOSED ACTIVITY: FILL  
 SEC. 35 T. 18 N. R. 1 E. SEWARD MERIDIAN  
 LAT.: 61.604'                      LONG.: -149.234'  
 SHEET 1 OF 3                      DATE 07/19/12

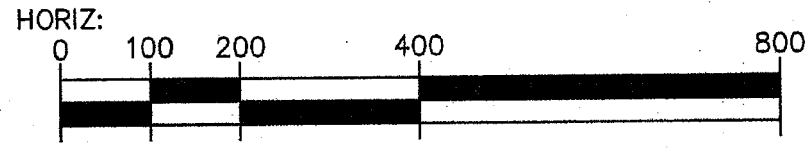
SEC. 35  
SEC. 34

UNSUBDIVIDED  
(RALPH KIRCHNER)



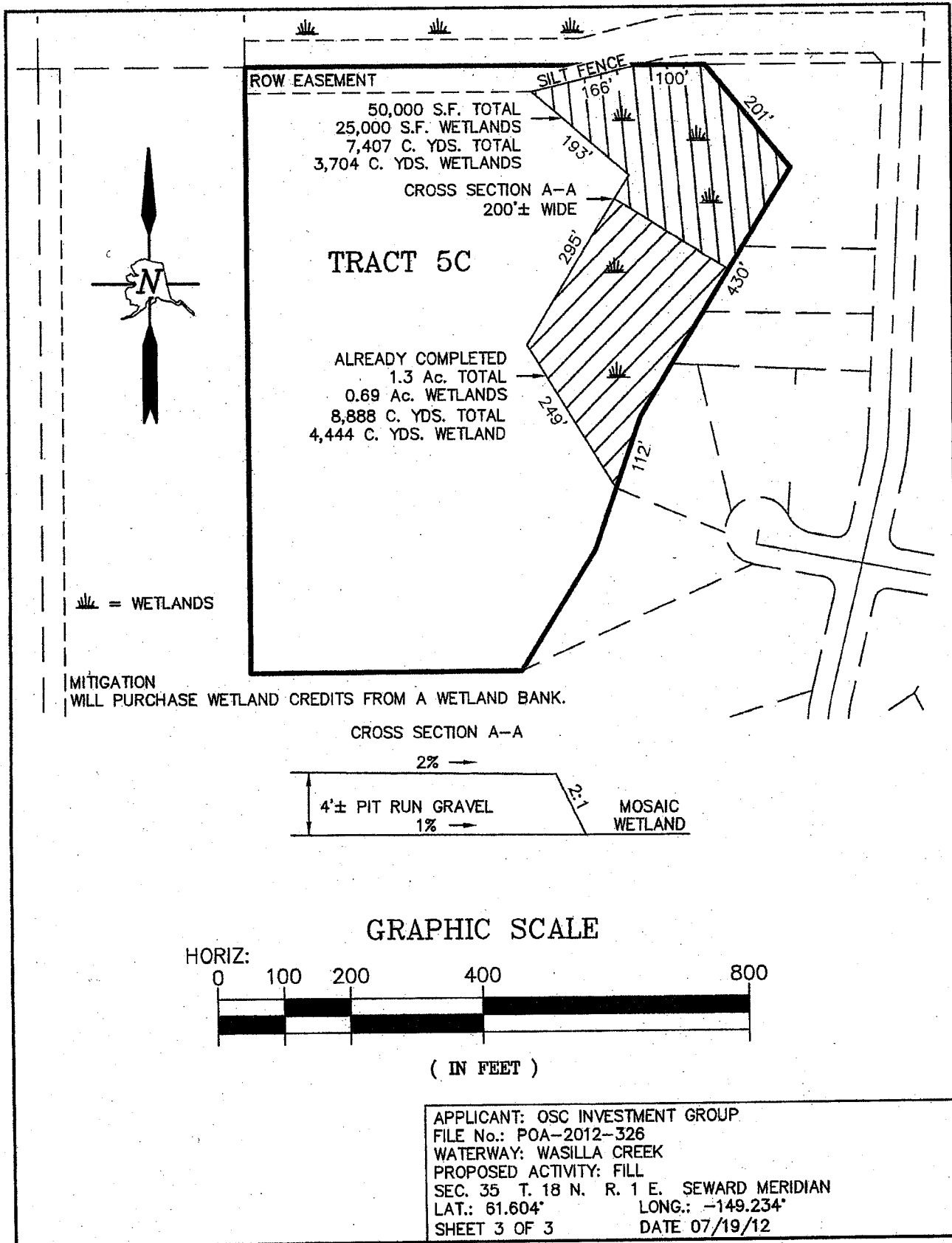
ADOT

### GRAPHIC SCALE

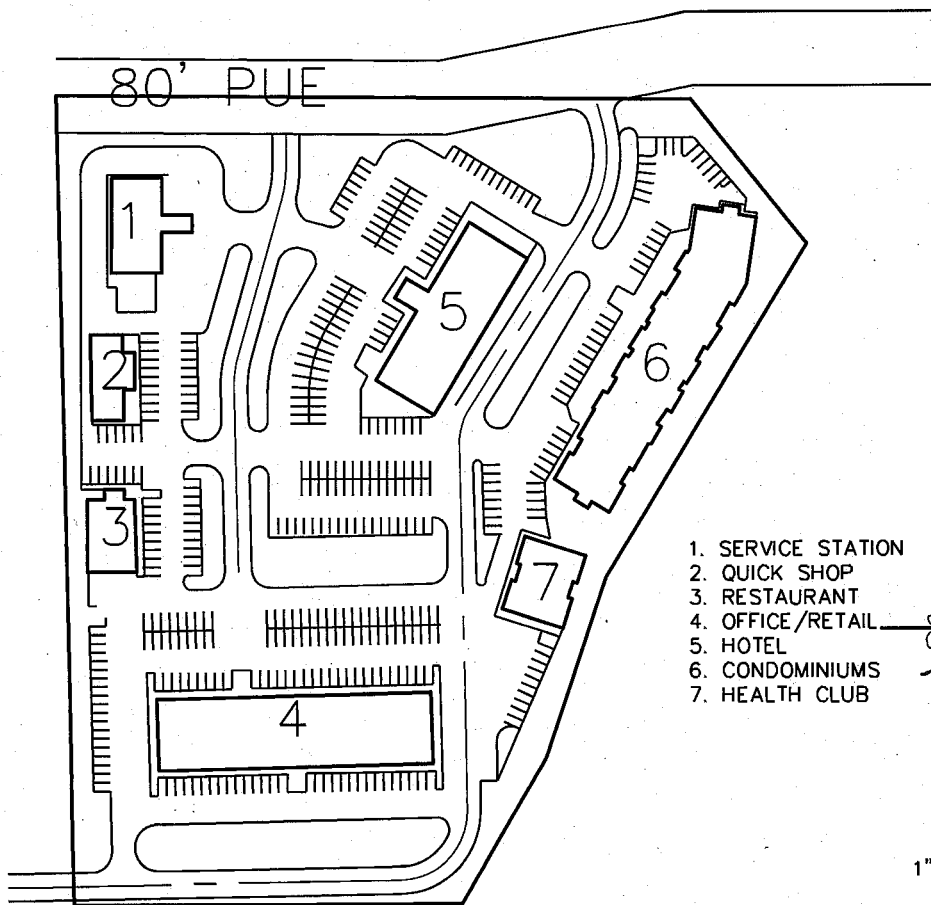


( IN FEET )

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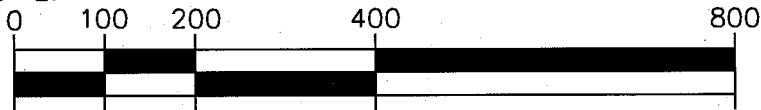
- 1. SERVICE STATION
- 2. QUICK SHOP
- 3. RESTAURANT
- 4. OFFICE/RETAIL
- 5. HOTEL
- 6. CONDOMINIUMS
- 7. HEALTH CLUB



1"=200'

**GRAPHIC SCALE**

HORIZ:



( IN FEET )

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 SHEET 4 OF 4                      DATE 08/13/12