



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	March 7, 2016
EXPIRATION DATE:	April 8, 2016
REFERENCE NUMBER:	POA-2016-16
WATERWAY:	Wasilla Creek

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 Roberta K. Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Arctic DEVCO, Mr. Rex Turner, Post Office Box 4389, Palmer, Alaska 99645

AGENT: Travis/Peterson Environmental Consulting, Incorporated, Mr. Michael Travis, 3305 Arctic Boulevard, Suite 102, Anchorage, Alaska 99503

LOCATION: The project site is located within Section 21, T. 17 N., R. 1 E., Seward Meridian; USGS Quad Map Anchorage C-7; Latitude 61.5508° N., Longitude 149.2919° W.; at the intersection of East Fetlock Drive and East Nelson Road, near Wasilla, Alaska.

PURPOSE: The applicant's stated purpose is to construct a convenience store.

PROPOSED WORK: Discharge up to 12,500 cubic yards of fill material into 0.83-acre of wetlands in order to construct a convenience store. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated February 17, 2016.

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: "Avoidance measures have been considered for this project. Arctic DEVCO owns a number of lots within the vicinity of the proposed development and some may fit the needs for lot size and dimensions. However, the proposed project is uniquely situated at the intersection of two minor arterial roads. These roads are the primary routes taken by traffic coming to and leaving from the surrounding region. This location suites the needs because of the property location. No other lot owned by Arctic DEVCO suites this need. Location determines the suitability of the property for a new convenience store. Residents funnel past this property on their way to Anchorage. Thus, this is a convenient location to stop for coffee and food before beginning their commute. No upland location provides this convenience and thus, would be uneconomical."

b. Minimization: "Minimization measures have been considered for this project. Arctic DEVCO has designed the proposed project to utilize the old access road and existing fills. This reduces the amount of fill needed for this project. The property dimensions were analyzed in an effort to minimize the project footprint while still maintaining an appropriate number of parking spaces to easily access the convenience store. The subject property has no surface water connection to the surrounding Waters of the United States. The property is surrounded by active or inactive roadways that completely isolates the site from the adjacent wetlands. It is unclear why, but the surrounding roadways do not have culverts. The lack of natural drainage reduced the ecological connection to the surrounding wetland system."

c. Compensatory Mitigation: "Arctic DEVCO works closely with the Great Land Trust. In lieu of mitigation, Mr. Turner intends to purchase the appropriate number of wetland credits from the Great Land Trust."

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 (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, 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. 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 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

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

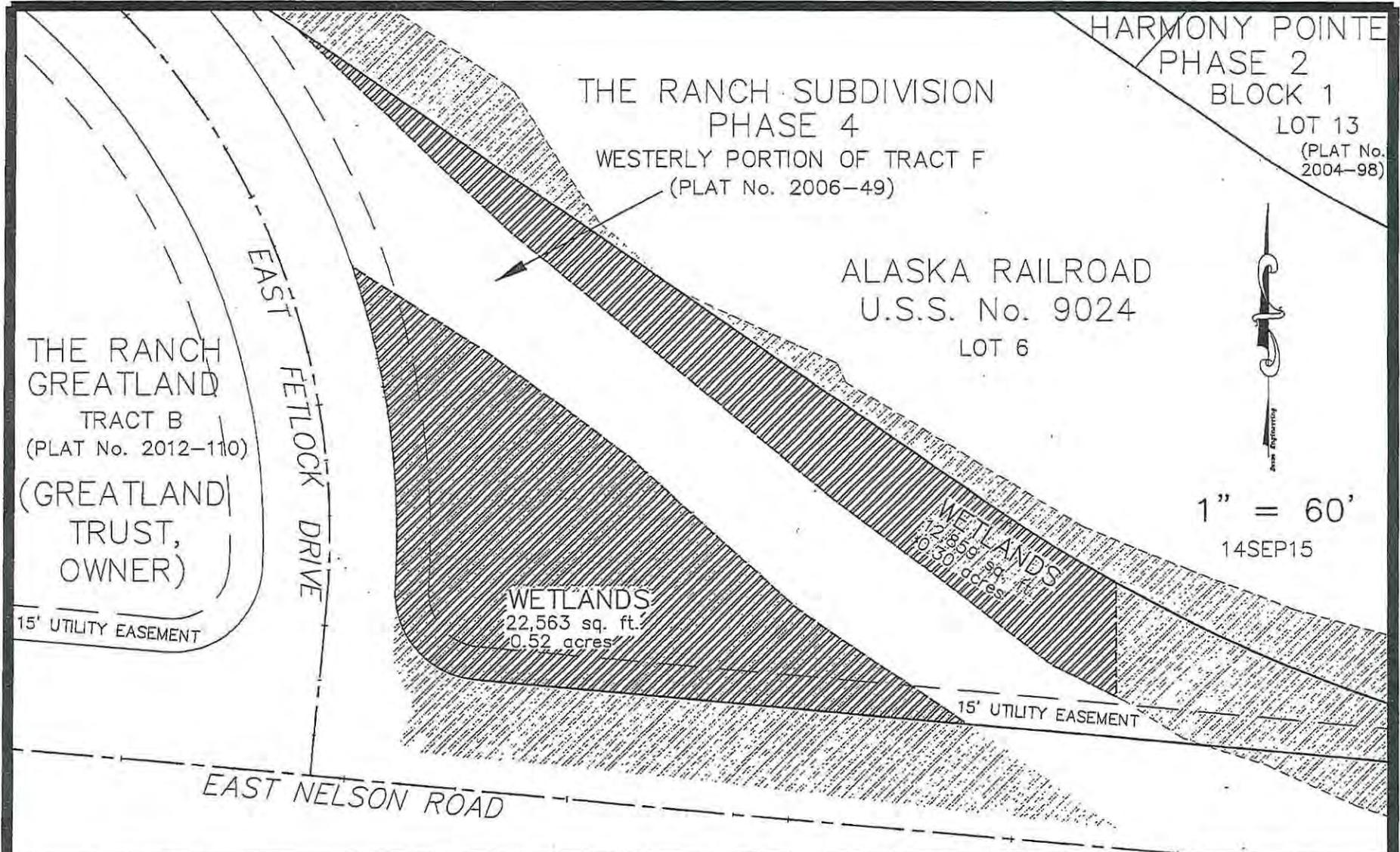
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-2016-16, 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.

Tract F, Figure 2



1890 JAIME MARIE CIR.
WASILLA, ALASKA 99654

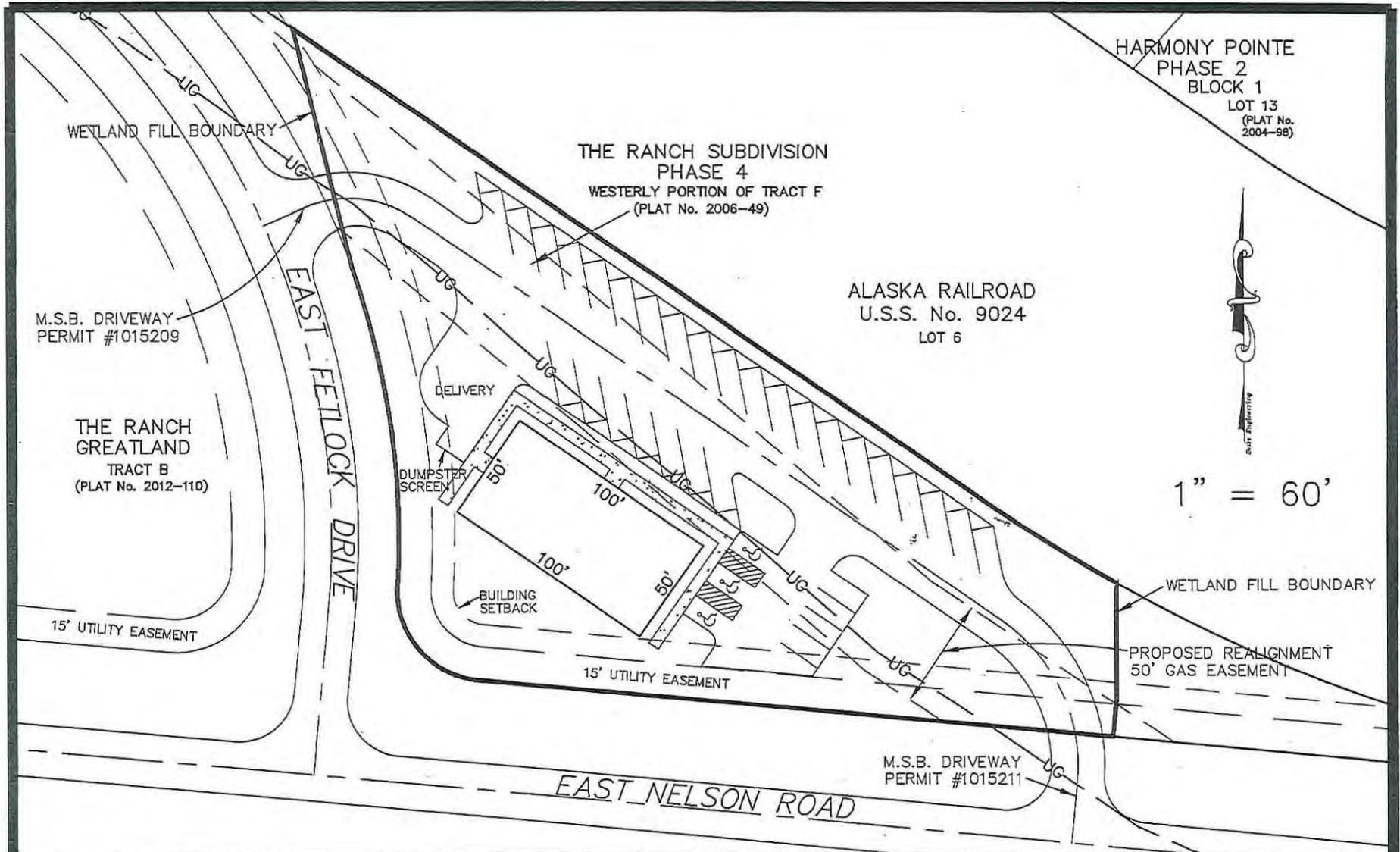
LEGEND

-  DELINEATED WETLANDS
-  AREA TO BE FILLED BY ARCTIC DEVCO

THE WESTERLY PORTION OF TRACT F,
THE RANCH SUBDIVISION; PHASE 4
PLAT 2006-49

LOCATED WITHIN SECTION 21, T17N, R1E, S.M.
PALMER RECORDING DISTRICT, ALASKA.

Figure 3, Tract F



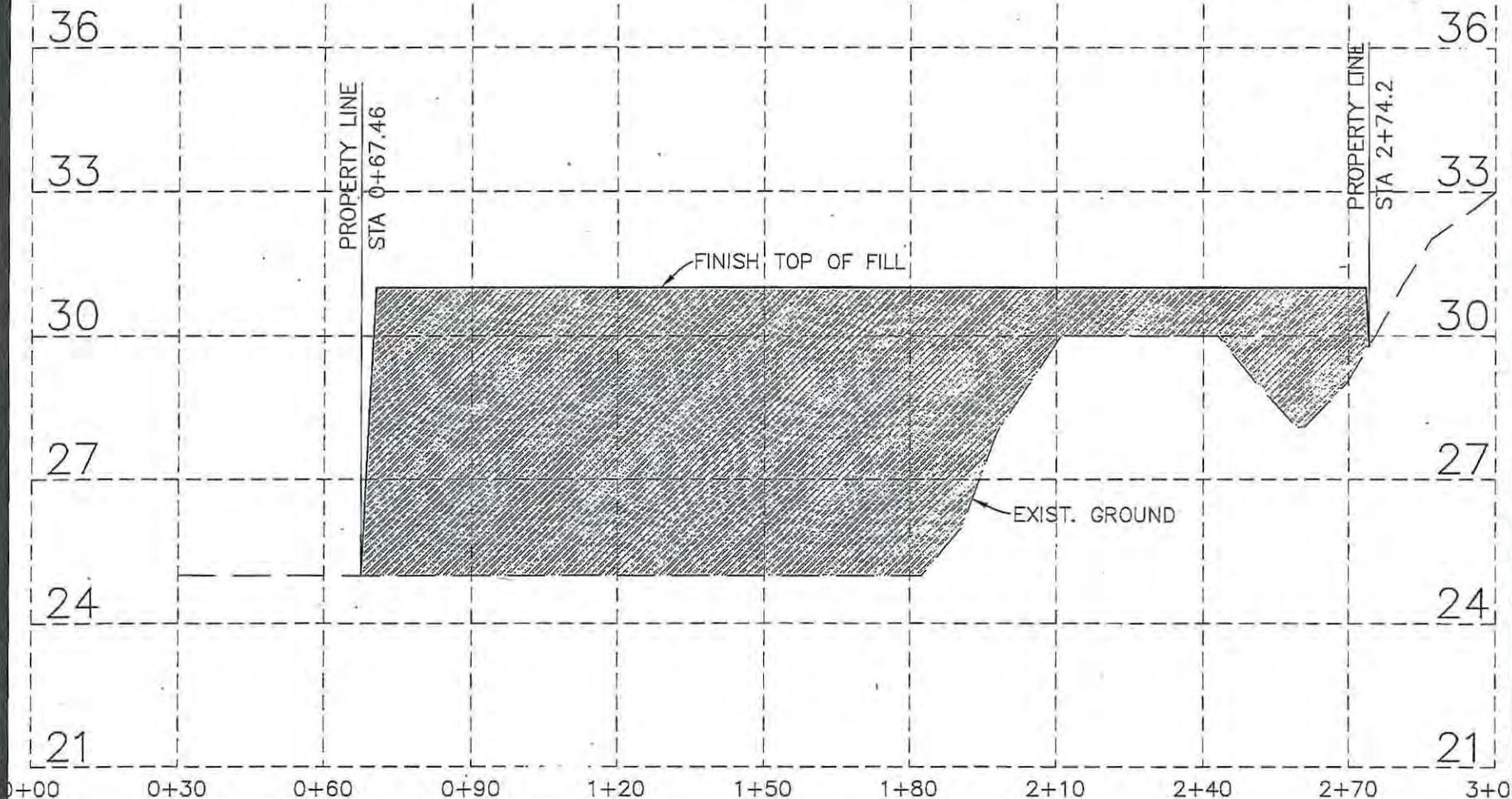
SITE PLAN FOR
CONVENIENCE
STORE

03NOV15

THE WESTERLY PORTION OF TRACT F,
THE RANCH SUBDIVISION, PHASE 4
PLAT 2006-49
LOCATED WITHIN SECTION 21, T17N, R1E, S.M.
PALMER RECORDING DISTRICT, ALASKA.

WETLAND FILL CROSS SECTION

1" 30' (HOR.)
1" 3' (VERT.)



PROFILE LEGEND

 AREA TO BE FILLED BY ARCTIC DEVCO

THE WESTERLY PORTION OF TRACT F,
THE RANCH SUBDIVISION, PHASE 4
PLAT 2006-49

LOCATED WITHIN SECTION 21, T17N, R1E, S.M.
PALMER RECORDING DISTRICT, ALASKA.

22JAN16