



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/§401 Certification
555 Cordova Street, Anchorage AK 99501-2617
Phone: 907-269-6285 | Email: DEC-401Cert@alaska.gov

Notice of Application for State Water Quality Certification

Public Notice (PN) Date: October 21, 2024
PN Expiration Date: November 20, 2024

PN Reference Number: POA-2023-00571 v1.0
Waterway: Eagle River

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into waters of the United States, in accordance with Section 401 of the Clean Water Act (CWA), must also apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the CWA and the Alaska Water Quality Standards (18 AAC 70). The scope of certification is limited to the water quality-related impacts from the activity subject to the Federal license or permit (40 CFR 121.3, 18 AAC 15.180).

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps of Engineers' PN Reference Number indicated above has been received¹ for the discharge of dredged and/or fill materials into waters of the United States (WOTUS), including wetlands, as described below, and shown on the project figures/drawings. The public notice and related project figures/drawings are accessible from the DEC website at <https://dec.alaska.gov/water/wastewater/>.

To comment on the project or request for a public hearing with respect to water quality, submit comments via email to the DEC email address: DEC-401Cert@alaska.gov with the subject line referencing Public Notice Reference Number: **POA-2023-00571 v1.0** or via DEC website <https://dec.alaska.gov/commish/public-notices/> on or before the public notice expiration date listed above.

Applicant: Spinell Homes, Andre Spinelli, 1900 W Northern Lights Boulevard, Anchorage, AK 99517, (907) 344-5678; andre@spinellhomes.com

Project Name: Spinell Eagle Crossing East Subdivision

Dates of the proposed activity is planned to begin and end: 04/01/2025 to 12/31/2030

Location: The proposed activity is located within Section 17, T. 14 N, R. 1 W, Seward Meridian, in Municipality of Anchorage, Alaska. Project Site (Latitude, Longitude): 61.300671, -149.48857.

Purpose: The purpose of this project is to develop Eagle Crossing East which will expand the existing Eagle Crossing subdivision with four new blocks of housing lots, including road access, to create 89 new homesites. This development would include extending Driftwood Bay Drive, creating two loops north of Driftwood Bay Drive, and one cul-de-sac extension of Eagle River Lane to the south of Driftwood Bay Drive.

Description of Proposed Work: This project would include platting 89 home lots to create the Eagle Crossing East subdivision. Construction of the lots would include installation of driveways, house pads, lawns, and individual well and septic systems. Construction of nominal 2-foot-thick development pads would involve placement of approximately 16,620 cubic yards (CY) of clean soil fill into 1.4 acres of wetlands and approximately 415 linear feet of an unnamed stream and wetlands. The fill would be graded to engineered specifications to provide for final drainage, paving, utility installations, and home construction on the site. Prior to fill placement, the footprint of the cul-de-sac, driveways, utility corridor, house pads, and yards would be cleared of trees and shrubs, and grubbed to

¹ Reference submission number: HQ7-D9RR-C4TK1; Received: 10/16/2024 9:16:02 AM

remove stumps, roots, and surface vegetation. A portion of the surficial layer of organic soil material would be removed during the grubbing.

Access to these lots requires development of 5,100 feet of paved residential roads measuring a maximum of 43 feet wide with 14.5-foot-wide lanes, 2-foot-wide shoulders, 5-foot-wide sidewalks, and 2:1 side slopes. The pavement would be underlain with geogrid, Types II and III classified fill, and leveling course. Two loop roads would be constructed to access the housing lots in Block 2 and Block 3 and a dead-end road would be constructed to access housing lots on Block 4. Each loop would also have a small cul-de-sac. The 2,000-foot-long main section of road, an extension of the existing Driftwood Bay Drive, would be around 80 feet wide. The other sections of road (3,100 feet in length) would be narrower, around 60 feet wide.

Water and sewer pipes would be placed within Class C pipe bedding under and within the roads' footprint. Electrical conduit and gas lines would be placed parallel to the road within small trenches (approximately 3 feet wide at the top) backfilled with native material. There would be a below grade drainage system installed under the road with approximately 2 feet of insulation. Storm drains would be installed as needed throughout the project.

To construct the extension to Driftwood Bay Drive, the road would cross the non-fish bearing stream running north to south through the project area and require installation of a culvert. A 200-foot-long, 36-inch-diameter corrugated metal pipe culvert would be installed under the road to facilitate stream flow at all levels (Project Figures, Sheet 3). The culvert would be placed in a location with an existing steep grade and would have a 10-percent grade. The culvert would be supported by Type III and IV (usable excavated) material backfill and Class C bedding (Project Figures, Sheet 4 and 5). The road would maintain a 2:1 side slope in this area.

Installing the culvert would require diverting the stream upstream and downstream of the culvert (Project Figures, Sheet 7). The stream would be dammed using sandbags and super sacks if needed. Due to the steep gradient in this location, a pump is not expected to be required. However, a standard sump pump and sump with a 6-inch polyvinyl chloride pipe or hose would be used to control any flow passing stream diversion if needed. A plastic liner would be placed at the pipe outfall and rip rap would be placed if needed for energy dissipation.

Clearing and excavation work would be performed using heavy equipment such as excavators, dozers, front-end loaders, and dump trucks. A portion of the trees and brush cleared may be chipped and used onsite for landscaping mulch. Clean fill would be hauled to the site from a local source by dump truck and formed into the construction footprint by dozer or front-end loader. During construction, stormwater runoff will be controlled by best management practices (BMPs) including installation of silt fencing along the perimeter of placement of fill near wetlands.

The project will include a stormwater management plan that includes measures to prevent suspended sediments and other residential pollutants from entering the stream and flowing into Eagle River. The design will incorporate constructed infiltration and detention capacity, including vegetated buffers, infiltration areas within paved surfaces, and engineered subsurface detention. The project will be designed to meet MOA storm drainage design criteria as described in the MOA Drainage Design Criteria Manual. The stormwater detention designed into the development will provide some treatment of potential dissolved and suspended pollutants including hydrocarbons, metals, and sediment that may occur.

This phase of expansion has been planned since the original development of the subdivision in the early 2000s. Spinell Homes considered alternative layouts for this location, including a no action alternative, for this project, all of which were ultimately dismissed. The proposed layout optimizes land use while minimizing wetland impacts and development costs.

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: Complete avoidance of wetlands is not possible in order to meet the purpose and need of this project. However, the selected subdivision layout alternative was designed to avoid wetlands as much as possible while still maintaining practicability. Of the 18.0 acres of wetlands in the project area, approximately 1.2 acres of wetlands would be impacted by 13 of the 90 proposed housing lots and the culvert crossing underneath Driftwood Bay Drive.

Spinell considered other subdivision layouts for this location, including a no action alternative, all of which were ultimately dismissed. In the initial stages of design development, the applicant considered a layout generally designed to maximize use of the uplands area, although approximately one-third of the 88 homesites encroached into surveyed wetlands. Another alternative subdivision layout was considered that included no wetlands impacts except for the required road crossing over the stream tributary for access to blocks 3 and 4 on the eastern side of the parcels. There are other existing upland areas within the parcels; however, their steep topography (approximately 28% slope) makes building homesites there impracticable. This alternative was dismissed because it would eliminate or greatly reduce the size of 9 of the 89 lots from the proposed neighborhood, would not meet zoning requirements, or otherwise require building home lots on steep topography that would be impracticable. Spinell also considered other design alternatives for the culverted stream shown crossing under Driftwood Bay Drive such as an arch culvert or bridge, but these were dismissed due to increased cost and the low probability of fish presence in the stream (as determined by Alaska Department of Fish and Game).

These preliminary designs were not progressed to the drawing phase because Spinell worked to generate a less impactful alternative to satisfy both their needs and the Corps' purpose and need to permit the least environmentally damaging practicable alternative (LEDPA). The proposed alternative's layout optimizes land use while minimizing wetland impacts and development costs.

- b. Minimization: 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:
 - o 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.
 - o 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.
 - o Stabilized construction exits would be provided for vehicles leaving the work area.
- c. Mitigation: Compensatory mitigation is proposed to mitigate wetland impacts from the proposed project. To offset direct impacts to wetlands from placement of fill, Spinell Homes proposes to designate the necessary area of remaining wetlands on the property as areas for preservation, to be determined through consultation with USACE. To facilitate the designation of the conservation area, a notice will be provided to the MOA specifying that the designated open tracts are prohibited from future development per the cluster platting regulations under Title 21. The following verbiage is proposed as the accompanying plat notes to support this designation: Open space in Tract 1 contains jurisdictional wetlands of the U.S. and the headwaters of Eagle River. This tract is owned and maintained by the Eagle Crossing East Homeowners Association. The wetlands within these tracts are designated as wetlands and waters of the USACE and are delineated on this plat. These tracts are considered a non-disturbance area and any activity within these tracts must be approved by USACE.

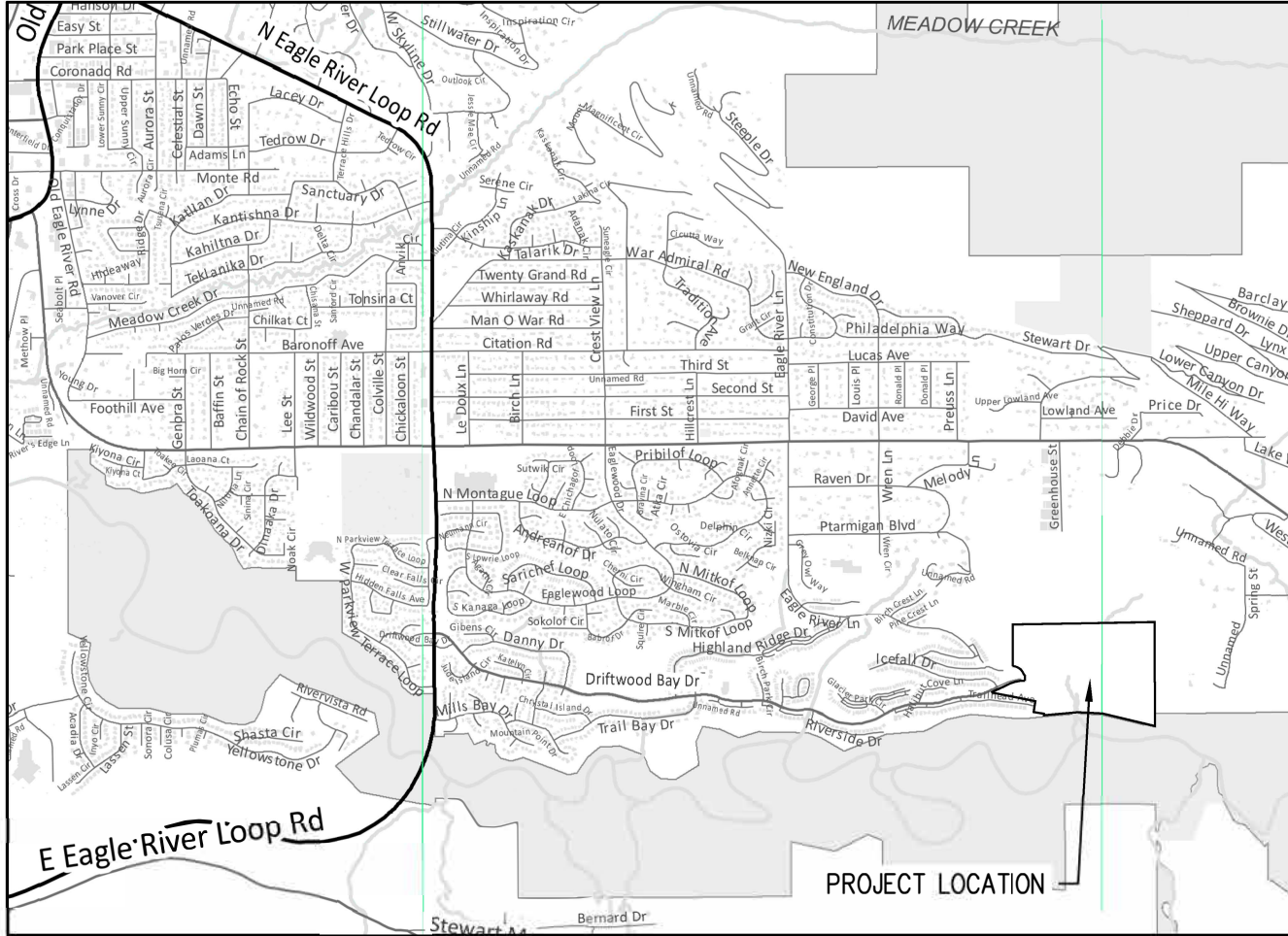
A reserve account would be established and held by the Eagle Crossing East Homeowners Association and will also hold the necessary reserve amount for restoration of the tracts, if necessary, in the future, as determined by USACE. The amount held in reserve will be determined during the debit/credit calculation. To further ensure the continued preservation of these spaces, a declaration and informational pamphlet about the wetland's preservation 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. The proposed signs will read: Conservation Easement Boundary - This open space contains protected wetlands and all disturbance within this area is prohibited.

After reviewing the application, the Department will evaluate whether the activity will comply with applicable water quality requirements (any limitation, standard, or other requirement under sections 301, 302, 306, and 307 of the CWA, any Federal and state laws or regulations implementing those sections, and any other water quality-related requirement of state law). The Department may certify (or certify with conditions) with reasonable assurance the activity and any discharge that might result will comply with water quality requirements. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquiries or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Megan Kohler at 907-269-4198 or TDD Relay Service 1-800-770-8973/TTY or dial 711 prior to the expiration date of this public notice to ensure that any necessary accommodations can be provided.



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

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

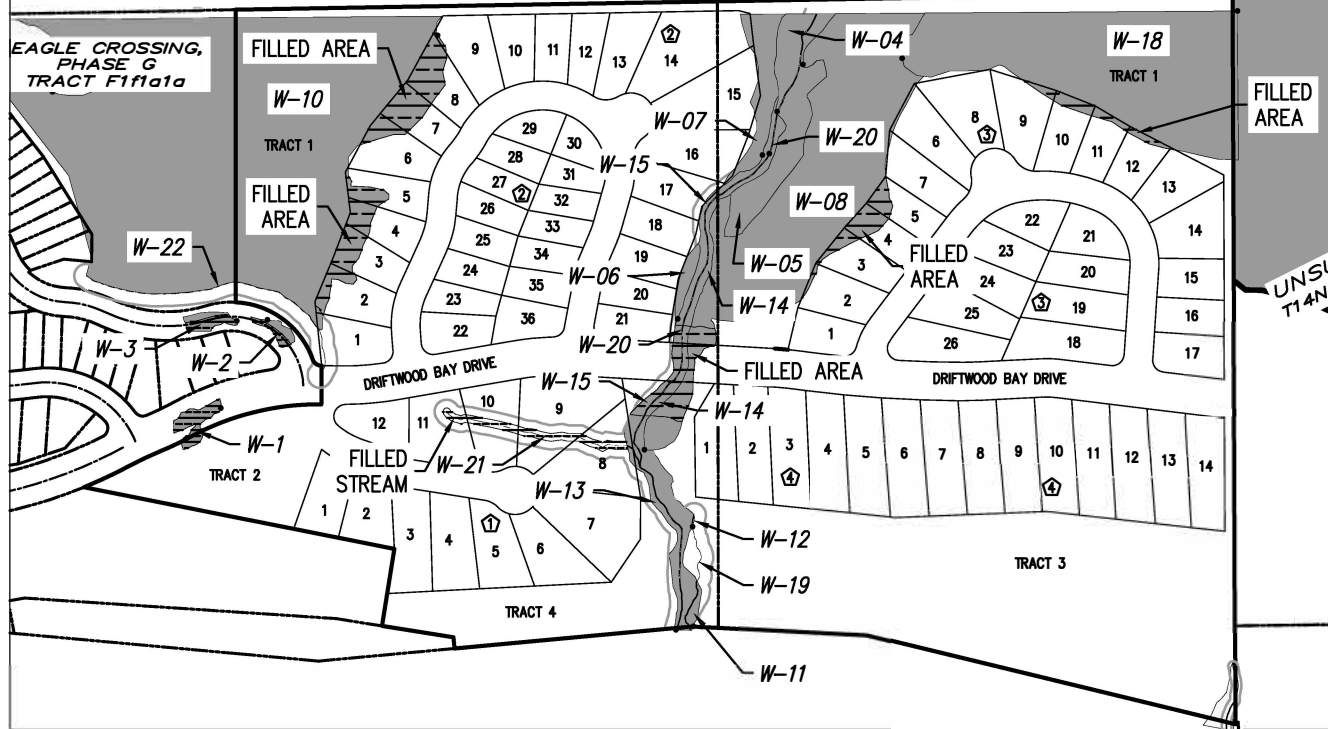


**EAGLE CROSSING EAST
 TRACTS F1g1a & F1h
 LOCATION MAP**

DESIGNED	N/A	DRAWN	BJM	CHECKED	JAW
APPLICANT: SPINELL HOMES, INC.					
FILE NO:	POA-2023-571	DATE:	NOV 2023		
JOB NO.	21-114	CASE:	N/A		
HORIZ. SCALE:	N/A	VERT. SCALE:	N/A	GRID:	SR0157

WETLANDS AREA											
WETLAND ID	TOTAL AREA	AREA FILLED	WETLAND ID	TOTAL AREA	AREA FILLED	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-12	0.0007 AC	N/A	W-19	N/A	N/A
W-2	N/A	N/A	W-7	0.349 AC	N/A	W-13	0.106 AC	N/A	W-20	0.080 AC	0.010 AC
W-3	N/A	N/A	W-8	3.446 AC	0.360 AC	W-14	0.447 AC	0.066 AC	W-21	0.060 AC	0.060 AC
W-4	0.195 AC	N/A	W-10	9.015 AC	0.652 AC	W-15	0.259 AC	0.078 AC	W-22	N/A	N/A
W-5	0.532 AC	N/A	W-11	0.030 AC	N/A	W-18	3.195 AC	0.119 AC			

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



(B) WETLANDS SUMMARY

SCALE: 1" = 400'

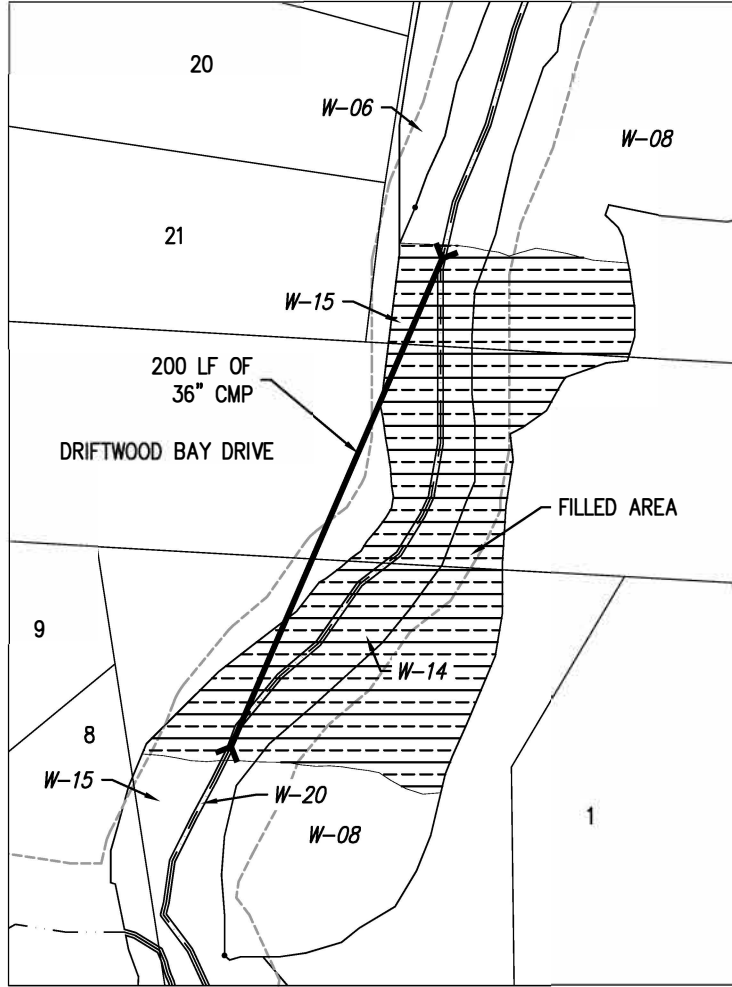
APPLICANT:
SPINELL HOMES, INC.
1900 W. NORTHERN LIGHTS,
SUITE 200
ANCHORAGE, AK 99517
907-344-5678



**EAGLE CROSSING EAST
TRACTS F1g1a & F1h
WETLANDS SUMMARY**

DESIGNED	N/A	DRAWN	BJM	CHECKED	JAW
APPLICANT:	SPINELL HOMES, INC.	FILE NO:	POA-XXXX-XXX	DATE:	NOV 2023
JOB NO.	21-114	CASE:	N/A	GRID:	S80157
SCALE:	HORIZ: 1"=400'	VERT.			

SHEET
W2
OF 7



© STREAM CROSSING

SCALE: 1"=70'

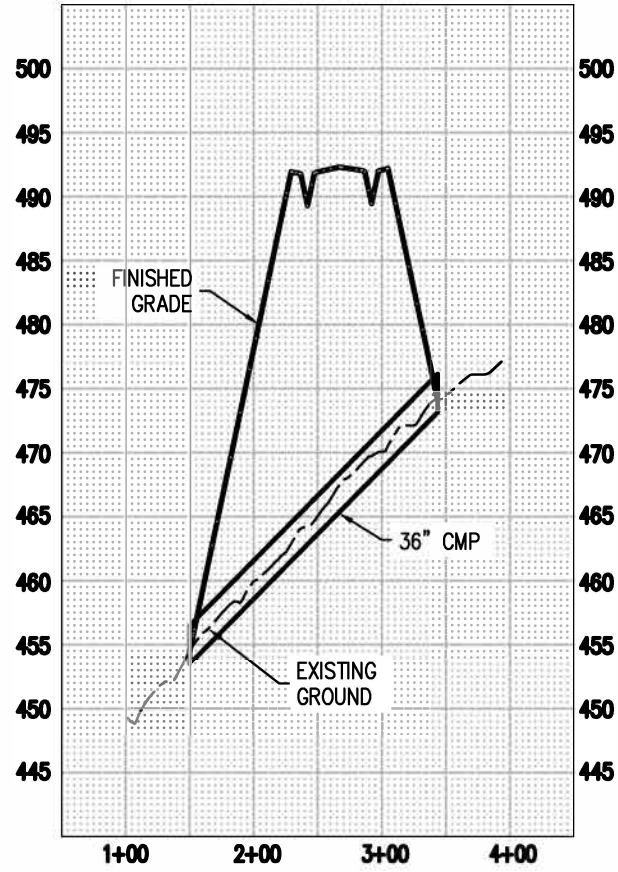
APPLICANT:
 SPINELL HOMES, INC.
 1900 W. NORTHERN LIGHTS,
 SUITE 200
 ANCHORAGE, AK 99517
 907-344-5678



EAGLE CROSSING EAST
TRACTS F1g1a & F1h
STREAM CROSSING

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'	VERT.	GRID:	SNO157	

SHEET
W3 OF **7**



D STREAM PROFILE
SCALE: 1"=150'

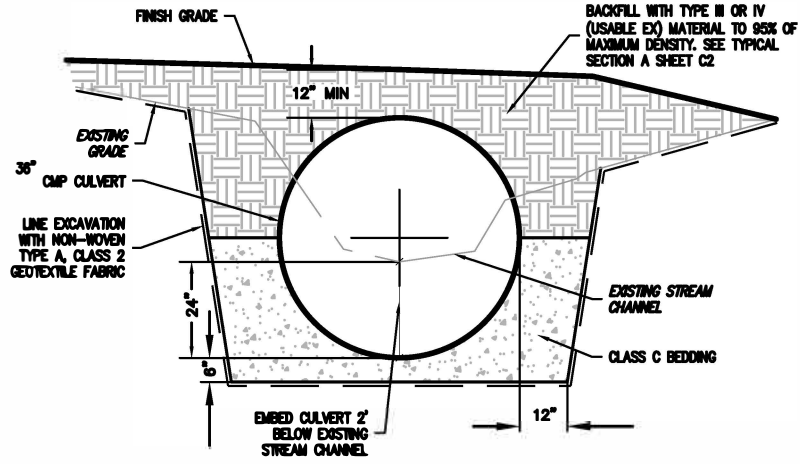
APPLICANT:
SPINELL HOMES, INC.
1900 W. NORTHERN LIGHTS,
SUITE 200
ANCHORAGE, AK 99517
907-344-5678



**EAGLE CROSSING EAST
TRACTS F1g1a & F1h
STREAM PROFILE**

DESIGNED	N/A	DRAWN	BJM	CHECKED	JAW
APPLICANT:	SPINELL HOMES, INC.				
FILE NO:	POA-2023-571	DATE:			
JOB NO.	21-114	CASE:	N/A	DATE:	NOV 2023
SCALE:	HORIZ: 1"=150'	VERT.	S10157		

SHEET
W4
OF 7



(E) CULVERT DETAIL

SCALE: NTS

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

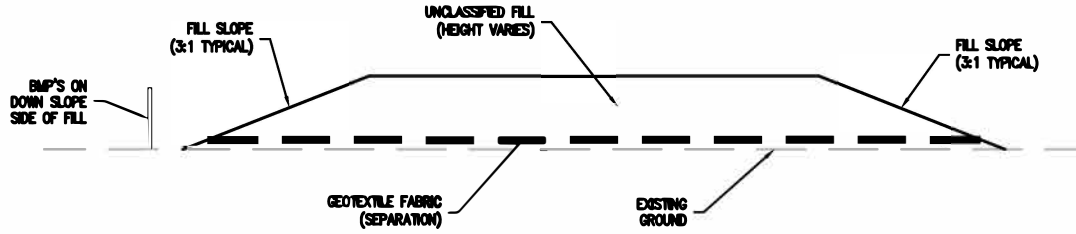


EAGLE CROSSING EAST
 TRACTS F1g1a & F1h

CULVERT DETAIL

DESIGNED N/A	DRAWN BJM	CHECKED JAW
APPLICANT: SPINELL HOMES, INC.		
FILE NO: POA-2023-571	CASE: N/A	DATE: NOV 2023
JOB NO: 21-114	CASE: N/A	DATE: NOV 2023
SCALE: HORIZ: N/A	VERT: N/A	GRID: S10157

SHEET
W5
 OF 7



F LOT GRADING FOR LAWNS
SCALE: NTS

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



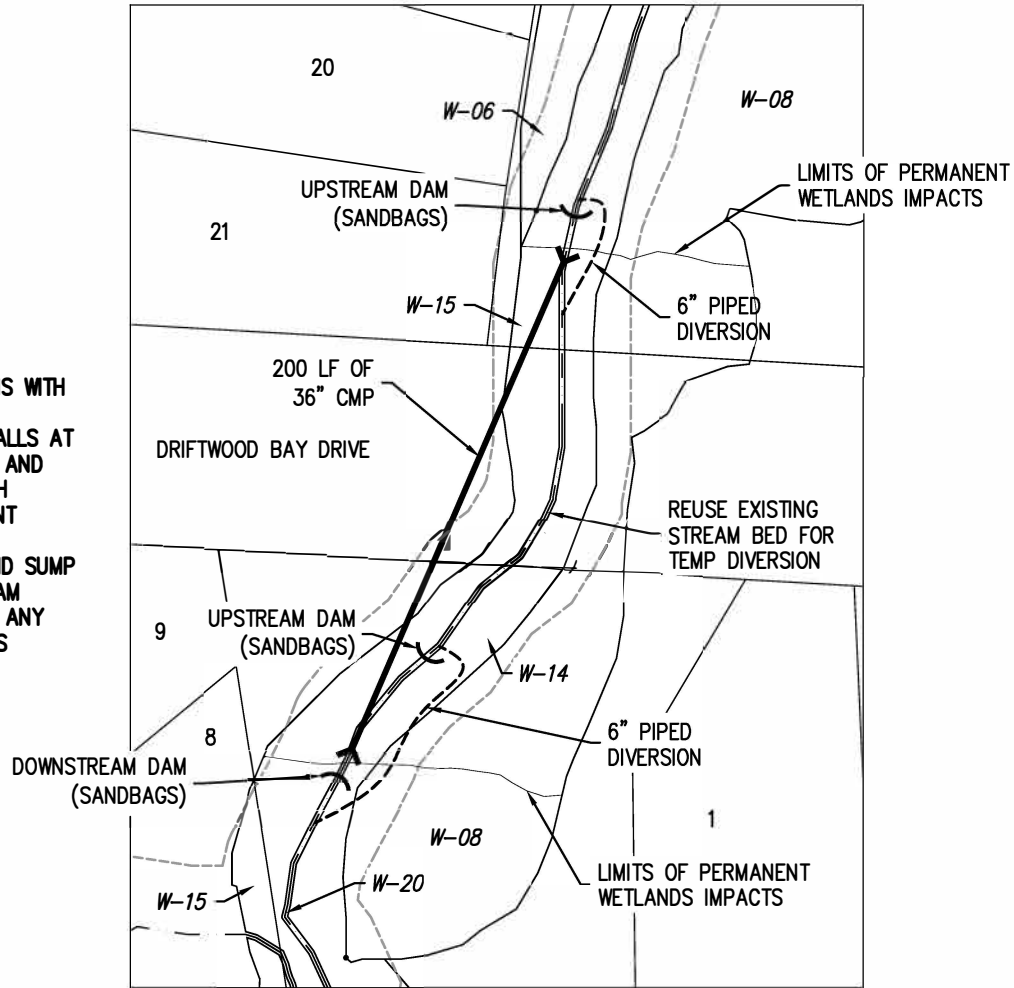
EAGLE CROSSING EAST
TRACTS F1g1a & F1h
LOT FIGURE

DESIGNED	N/A	DRAWN	BJM	CHECKED	JAW
APPLICANT: SPINELL HOMES, INC.		FILE NO: POA-2023-571		DATE: NOV 2023	
JOB NO: 21-114		CASE: N/A		GRID: N/A	
SCALE: HORIZ: N/A		VERT: N/A		GRID: S10157	

SHEET
W6
OF
7

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.



G STREAM DIVERSION
SCALE: 1"=70'

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



**EAGLE CROSSING EAST
TRACTS F1g1a & F1h
STREAM DIVERSION**

DESIGNED N/A	DRAWN BJM	CHECKED JAW
APPLICANT: SPINELL HOMES, INC.		
FILE NO: POA-XXXX-XXX	DATE:	
JOB NO. 21-114	CASE: N/A	NOV 2023
SCALE: 1"=70'		GRID: S10157

**SHEET
W7 OF 7**