



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: August 7, 2024
PN Expiration Date: September 8, 2024

PN Reference Number: POA-2023-00479 v1.0
Waterway: Upper Trail Lake

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-2023-00479 v1.0** on or before the public notice expiration date listed above.

Project Name: Upper Trail Lake Solars Farm Agricultural Facility Development

Dates of the proposed activity is planned to begin and end: 08/01/2024 to 10/01/2026

Location: The proposed activity is located within Section 001, T. 4N, R. 1W, Seward Meridian, in Kenai Peninsula Borough, Alaska. Project Site (Latitude, Longitude): 60.471460, -149.36819.

Applicant: Solars Farm, Tracy Maxwell, 3218 30th Ave W, Seattle, WA 98199, (206) 214-5965;
llexamfamily@outlook.com

Agent: HDL Engineering Consultants, LLC, Owen Means, 3335 Arctic Blvd. Suite 100, Anchorage, AK 99503;
(907) 564-2143; omeans@gmail.com.

Purpose: The applicant's stated purpose is to construct a sustainable organic farm small business and have supplemental income from cabin rental properties from the adjacent upland hillside property. The proposed activity would construct an agricultural facility, including fields for summer crops, pond for water storage, and gravel pads for greenhouses (multi-season crops), equipment storage, and a barn. Agricultural facilities would be constructed within wetlands in the central portion of the property. Associated project activities include construction of cabin rental dwellings within the hilly uplands on the eastern and western portions of the property. A site access driveway would be constructed in uplands in the western-most portion of the property.

Description of Proposed Work: The project would construct agricultural facilities, fields, ponds, gravel pads for greenhouses, storage equipment areas, and a barn with permanent impacts to 1.23 acres of wetlands (19,474 cubic yards of fill using unclassified sub-base & topsoil).

1. Submission Reference #: HQ4-ZMD4-E9W6Z, Received 07/25/2025

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, through agent Owen Means of HDL Engineering Consultants, LLC, held a pre-application meeting with USACE on March 20, 2023. Avoidance and minimization measures discussed during the pre-application meeting included alternative sites in the Moose Pass community that would not impact wetlands, use of upland areas within the subject property to avoid wetlands, minimization of the size of the fill areas and gravel driveways to the minimum size necessary to meet the project needs, and maintenance of existing hydrology to the maximum extent practicable.

The applicant wishes to develop the proposed project in the community of Moose Pass, on a parcel that contains wetlands. There are no other properties in the vicinity of Moose Pass that are currently listed for sale (source: alaskarealestate.com) that would allow the activity to take place entirely in uplands. Moose Pass is constrained by steep mountain slopes to the west and Upper Trail Lake to the east, with a small and relatively flat but hilly area in between that is suitable for development. The available uplands in the area, and on the applicant's property, feature very shallow soils over gravel or bedrock, making unsuitable for agriculture. Levelling the available upland areas would require blasting of the rocky terrain, making the costs unreasonable. The applicant has identified the wetland areas as the only suitable location for conversion to cropland. For these reasons, the applicant believes that complete avoidance of wetland impacts is not practicable.

- b. **Minimization:** The proposed project utilizes the available upland areas to the maximum extent practicable for construction of the access driveway and cabin rental dwelling units. Dwelling units are planned for the hilly upland terrain immediately west of the wetlands and on the east side of the property. The site access drive will be constructed within uplands on the far west side of the property. The remainder of the property is wetland which is located in the central portion of the property. The applicant intends to maximize the crop yield on the property while maintaining a narrow area of wetland for north-south hydrological connection. Overall, the footprint of the wetland impact has been reduced by 30% from the original presented design as part of minimization efforts. The site is designed to retain storm water onsite for irrigation, and therefore is not anticipated to have adverse flooding impacts in downstream locations.
- c. **Mitigation:** The applicant believes the project would have minimal adverse impacts to wetlands and waters in the Trail Lake and Kenai Lake watersheds. The area of impacted wetland compared to remaining wetlands in the watershed that are under limited threat of development is negligible. In addition, land available for providing compensatory mitigation is extremely limited and there are currently no mitigation banks or in-lieu fee sponsors servicing the area. The applicant is not proposing compensatory mitigation.

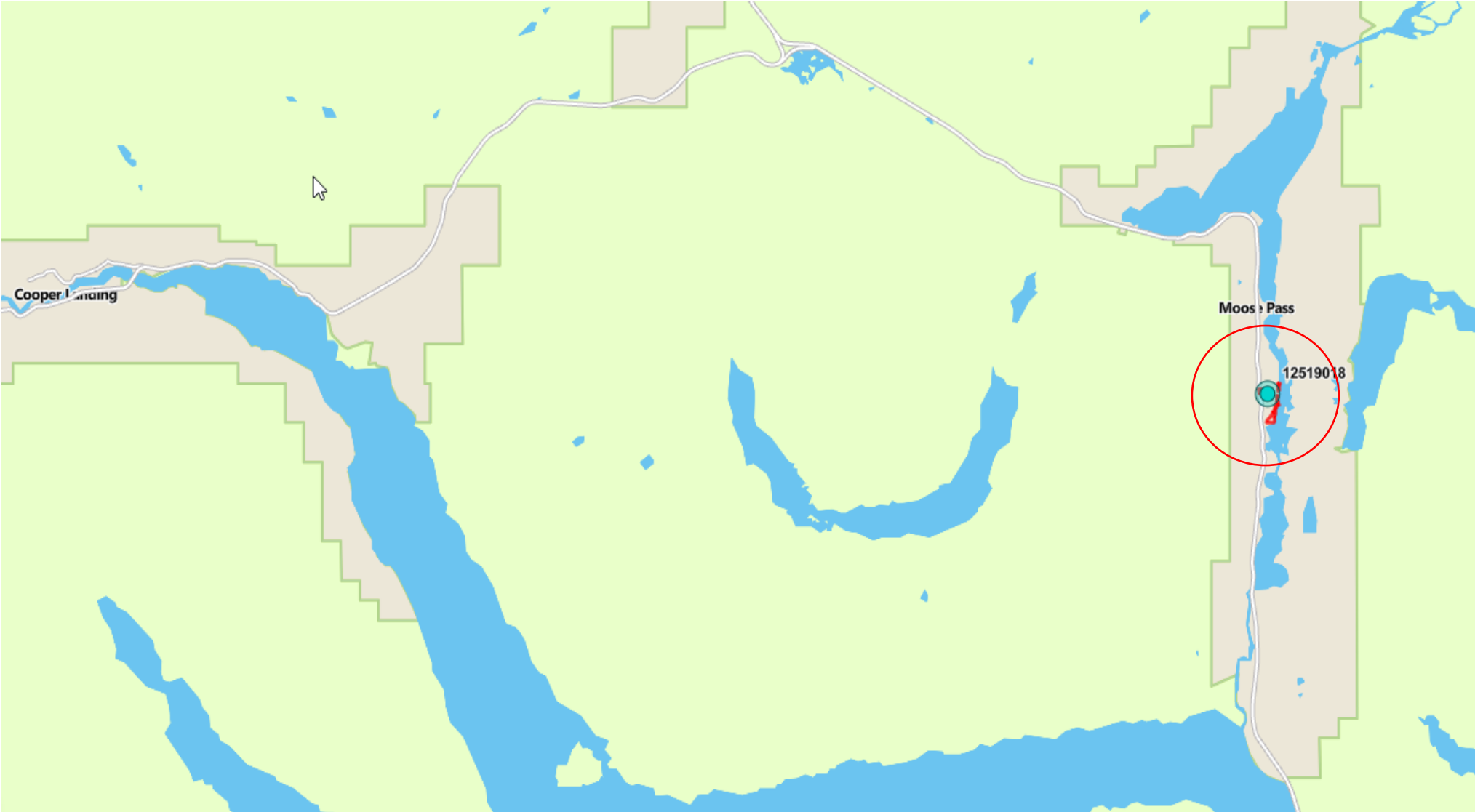
After reviewing the application, the Department will evaluate whether the activity will comply with applicable water quality requirements (any limitation, standard, or other requirement under sections 301, 302, 306, and 307 of the CWA, any Federal and state laws or regulations implementing those sections, 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 inquires 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.

General Location Map



U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

For use of this form, see 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -
OMB No. 0710-0003
Expires: 08-31-2023*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpclcd.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

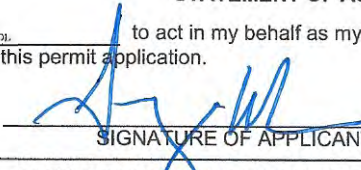
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Tracy Middle - Last - Maxwell Company - E-mail Address - llewxamfamily@outlook.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Owen Middle - Last - Means Company - HDL Engineering Consultants, LLC E-mail Address - omeans@hdlalaska.com
6. APPLICANT'S ADDRESS: Address- 3218 30th Ave W City - Seattle State - WA Zip - 98199 Country -USA	9. AGENT'S ADDRESS: Address- 3335 Arctic Blvd City - Anchorage State - AK Zip - 99517 Country -USA
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence 206-214-5965 b. Business c. Fax	10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business 907-564-2143 c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Owen Means, HDL to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.


SIGNATURE OF APPLICANT
10-18-2023
DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Solars Farm	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Upper Trail Lake	14. PROJECT STREET ADDRESS (if applicable) Address T 4N R 1W SEC 1 SEWARD MERIDIAN SW 0002528 TRAIL LAKE GROUP U S SURVEY 2528 LOT 15 City - Moose Pass State- AK Zip- 99631
15. LOCATION OF PROJECT Latitude: °N 60.47146 Longitude: °W 149.36519	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 12519018 Municipality Kenai Peninsula Borough Section - Township - Range -	

17. DIRECTIONS TO THE SITE

From Soldotna, east on Sterling Highway 56 miles, then south on Seward Highway 9.1 miles. Site is on the east side of the Seward Highway at the lat/long provided above. There is currently no driveway access to the property.

18. Nature of Activity (Description of project, include all features)

The proposed activity would construct an agricultural facility, including fields for summer crops, pond for water storage, and gravel pads for greenhouses (multi-season crops), equipment storage, and a barn. Agricultural facilities would be constructed within wetlands in the central portion of the property.

Associated project activities include construction of cabin rental dwellings within the hilly uplands on the eastern and western portions of the property. A site access driveway would be constructed in uplands in the western-most portion of the property.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the overall site development is create a sustainable organic farm small business and have supplemental income from cabin rental properties from the adjacent upland hillside property.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The purpose of the discharge is to create a level site that is capable of supporting crops and associated agricultural support facilities (barn, greenhouses) and equipment (tractors, trucks).

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
19,474 unclassified, subbase, & topsoil		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 1.23
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See attached.

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See attached.

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
N/A					

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 10-18-2023  10/18/2023
SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

23. Description of Avoidance, Minimization, and Compensation

The applicant, through agent Owen Means of HDL Engineering Consultants, LLC, held a pre-application meeting with USACE on March 20, 2023. Avoidance and minimization measures discussed during the pre-application meeting included alternative sites in the Moose Pass community that would not impact wetlands, use of upland areas within the subject property to avoid wetlands, minimization of the size of the fill areas and gravel driveways to the minimum size necessary to meet the project needs, and maintenance of existing hydrology to the maximum extent practicable.

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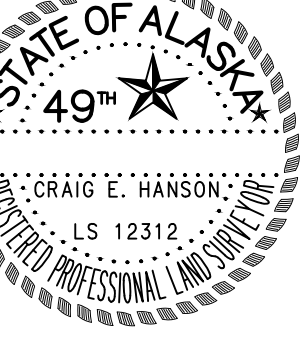
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25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody.

1. Alaska Mental Health Trust Authority, 3745 Community Parks Loop, Ste 200, Anchorage, AK 99508.
2. Base Camp Moose Pass, LLC, 3218 30th Ave W, Seattle, WA, 98199.
3. Crittenden, Lorri J., 3733 W Biddison St, Fort Worth, TX, 76109.
4. Paape, Dvid J, 2551 Loussac Dr, Anchorage, AK, 99517.



HANSON
LAND SOLUTIONS
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907) 746-7738



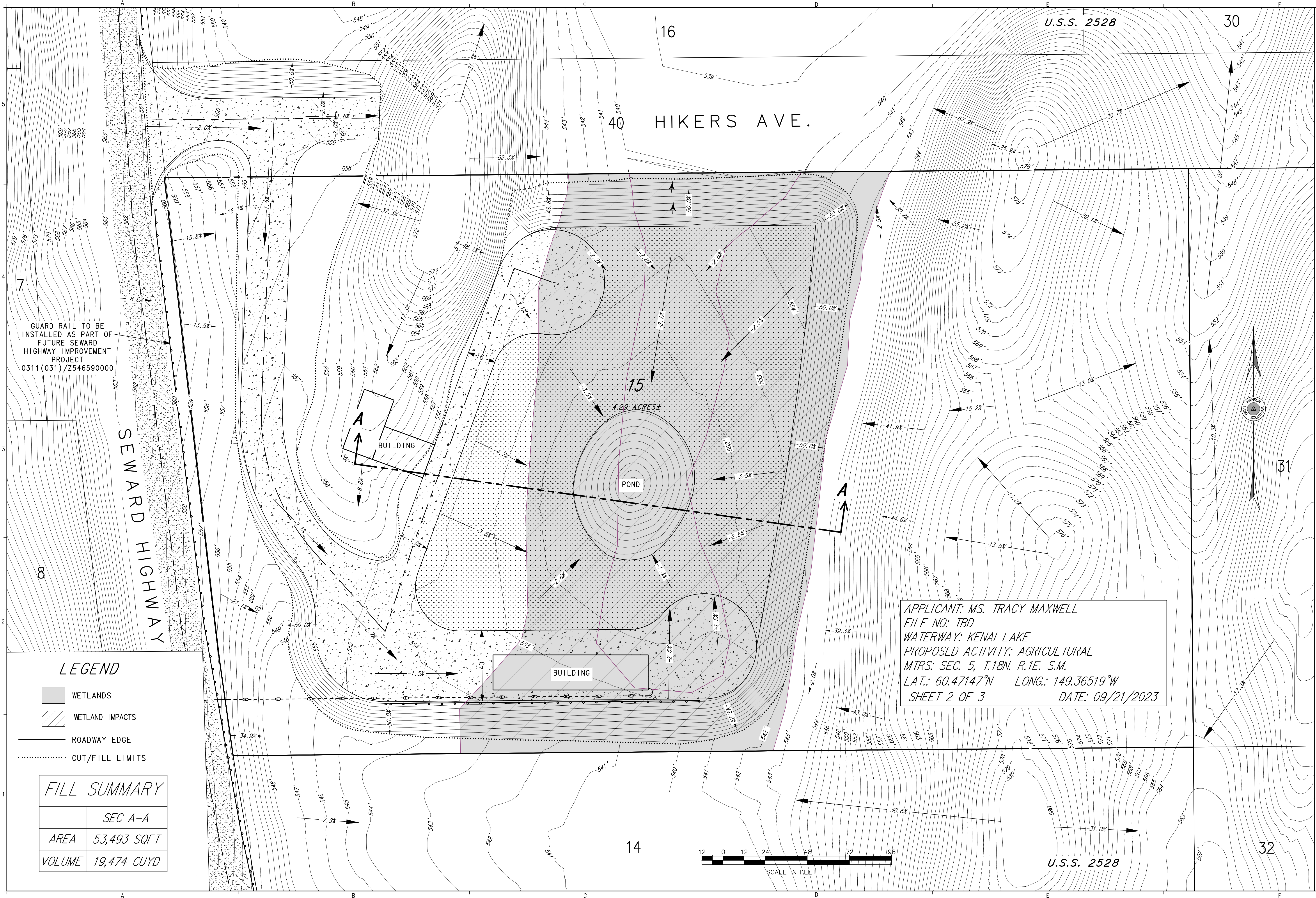
NOTES

1. CONTOURS WITHIN THE PROPOSED BUILDING PAD AREA ARE DISPLAYED AT A 1' INTERVAL AND PRESENT THE DESIGNED TOP OF THE PAD AND THE 2:1 SLOPE TO THE ORIGINAL GROUND.
2. THE 1' BACKGROUND, ORIGINAL GROUND CONTOURS SHOWN HEREON WERE DERIVED FROM A COMBINATION OF PUBLISHED DATA FROM THE KENAI PENINSULA BOROUGH AND SURVEY DATA COLLECTED ON NOVEMBER 1, 2022.

MOOSE PASS, ALASKA
LOT 15, U.S. SURVEY 2528
SITE PLAN - DESIGN

DWG.#: 22-348C
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
SCALE
11x17: 1"=48'
22x34: 1"=24'
REVISION DATE:
10-03-23

REFERENCE
NUMBER:
C-21
SHEET 2 OF 3



16
40 HIKERS AVE.

U.S.S. 2528

30

GUARD RAIL TO BE
INSTALLED AS PART OF
FUTURE SEWARD
HIGHWAY IMPROVEMENT
PROJECT
0311(031)/Z546590000

SEWARD HIGHWAY

A
BUILDING

15
4.29 ACRES

POND

BUILDING

APPLICANT: MS. TRACY MAXWELL
FILE NO: TBD
WATERWAY: KENAI LAKE
PROPOSED ACTIVITY: AGRICULTURAL
MTRS: SEC. 5, T.18N. R.1E. S.M.
LAT.: 60.47147°N LONG.: 149.36519°W
SHEET 2 OF 3 DATE: 09/21/2023

LEGEND

- WETLANDS
- WETLAND IMPACTS
- ROADWAY EDGE
- CUT/FILL LIMITS

FILL SUMMARY

	SEC A-A
AREA	53,493 SQFT
VOLUME	19,474 CUYD



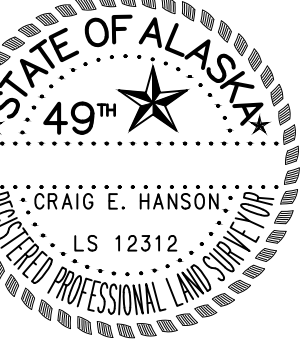
U.S.S. 2528

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LAND SOLUTIONS
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907) 746-7738

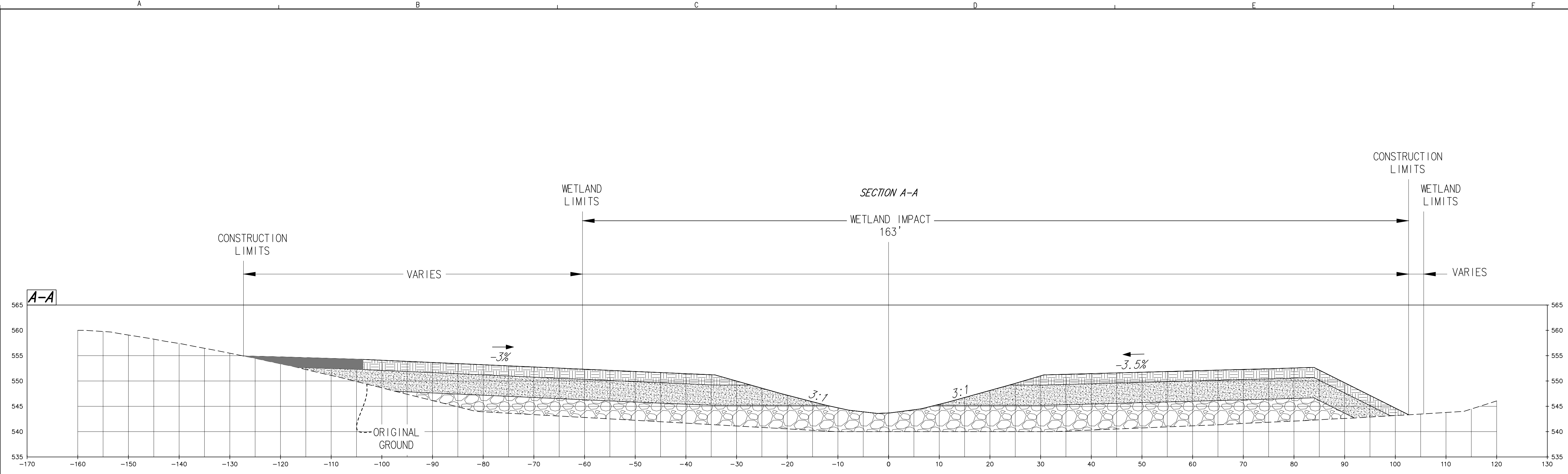


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MOOSE PASS, ALASKA
LOT 15, U.S. SURVEY 2528
SITE PLAN - DESIGN
SECTION VIEW

DWG.#: 22-348C
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
SCALE
11x17: 1"=20'
22x34: 1"=10'
REVISION DATE:
10-03-23

REFERENCE
NUMBER:
C-2.2
SHEET 3 OF 3



SECTION VIEW

LEGEND

- SEEDED TOPSOIL
- FINISH GRADE E-1
- N.F.S. SUBBASE
- UNCLASSIFIED FILL FROM EXCAVATION