



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: July 12, 2024
PN Expiration Date: August 11, 2024

PN Reference Number: POA-2024-00111 v1.0
Waterway: Barr 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-2024-00111 v1.0** on or before the public notice expiration date listed above.

Applicant: Property Owner, Terence Rais, 1007 2nd Street, Kenai, AK 99611, (907) 887-1766; trais@foxak.com

Agent: McLane Consulting, Inc., Gina DeBardelaben, PO Box 468 Soldotna, AK 99669; (907) 283-4218; ginadebar@mclanecg.com.

Project Name: Rais Barr Lake

Dates of the proposed activity is planned to begin and end: 08/01/2024 to 06/30/2027.

Location: The proposed activity is located within Section 04, T. 07N, R. 11W, Seward Meridian, in Kenai Peninsula Borough, Alaska. Project Site (Latitude, Longitude): 60.721885, -151.22287.

Purpose: The applicant's purpose is to create a residential lawn area, as well as create water access for sea planes and boats.

Description of Proposed Work: To discharge 120 cubic yards native soil, 1065 cubic yards gravel, 100 cubic yards vegetative mat into 0.32 acres of wetlands and dredge 3.25 acres of wetlands.

Project will dredge marsh (Wetland A) creating an upland to water connection with Barr Lake. Wetland A is seasonally in undated. Farthest areas from upland will be excavated during frozen conditions to accommodate an excavator and allow spoils to be moved to uplands with minimal impact to surrounding terrain and Barr Lake. Excavated material will be removed from wetlands to an upland location near the adjacent runway. Transition slopes from upland to excavated wetland/lake marge will be maintained at a 2 to 1 slop or less. Slopes will be landscaped and stabilized utilizing the excavated material and vegetated with vegetated mat harvested from the excavation area.

Wetland B will be filled with sandy loam to create an area that is suitable form residential recreation use, such as lawn.

¹ Reference submission number: HQ4-BZHN-QW58V; Received: 07/02/2024

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:** Equipment will only be utilized within the designated work areas and natural vegetation outside these areas will be maintained. Wetland A excavation will be conducted during frozen conditions and limited to the seasonally inundated area. Wetland B fill area will not encroach on the natural bank of Barr Lake.

Avoiding all impacts into wetlands is not practicable as the Applicant is applying to fill 0.22 acres of wetland for residential landscaping and recreational use and an additional 0.10 acres in Wetland A on an as-needed basis for slope stabilization during excavation. The avoidance measures for proposed fill areas include:

- Wetland B fill area boundaries will be clearly delineated in the field to avoid accidental impacts from equipment operation and fill material placement.
- Wetland B clearing will be selective, hand clearing, limited to the work area.
- Clearing will be completed outside the migratory bird nesting window to ensure clearing activities do not accidentally harm migratory birds.
- In WOTUS, the Contractor may not place fill (including clearing debris), remove native material or run equipment outside the designated construction zone.
- Wetland A will be excavated under frozen conditions to avoid impacts to the adjacent wetland/lake bank and confine impacts to the immediate area being worked in each phase.
- Wetland A excavation spoils will immediately be removed from the wetland area, not stockpiled in wetland prior to removal avoiding the potential impact to adjacent wetlands.
- During excavation of Wetland B, the slope from upland toe water will be dressed at a 2:1 slope as excavation is completed.

- b. **Minimization:** Excavation is planned for under frozen conditions. In late fall thru early spring the Barr Lake water elevation drops and the localized wetlands not inundated. Not only will the frozen ground conditions allow safe equipment access to the dredge location but will limit sediment and turbidity during excavation. Project is planned over three seasons to create a manageable sized project and conserve impacts. Minimizing direct impacts to wetland fill areas include:

- Not grubbing wetlands and in uplands not grubbing land outside the project footprint.
- Only clean, non-frost susceptible sandy gravel fill will be utilized in the Wetland B project area. Wetland A slopes will utilize in-situ nutrient rich material and vegetative mat for slope stabilization.
- Project will require Applicant to develop and utilize a Storm Water Pollution Prevention Plan. Preventing storm water runoff from construction activities into WOTUS is a component of this project. Applicant will be required to perform biweekly inspections.
- Prior to entering the work site, all earthmoving equipment will be inspected and cleaned of any extraneous soil and debris at an off-site location to mitigate migration of invasive species.
- Wetland A excavation will be completed during frozen conditions which minimize sedimentation during excavation and the potential for disturbances to immediately adjacent areas.
- All disturbed areas will be stabilized with either vegetative mat or seeding.

- c. **Mitigation:** Site work area will be delineated to prevent impacts outside the proposed area. Excavation/dredging under frozen conditions allows sediment to be visible on a frozen surface. It can then be graded out of the work area with the excavator and the remaining incidental sediment will settle slowly during spring thaw.

A Phased approach to excavation/dredging allows the Owner to evaluate seasonal work and stabilize adjacent banks prior to moving to the next section.

The Applicant proposes the mitigation requirements are fulfilled by the project design, utilizing site scoping and protection of adjacent habitat. No compensation is proposed.

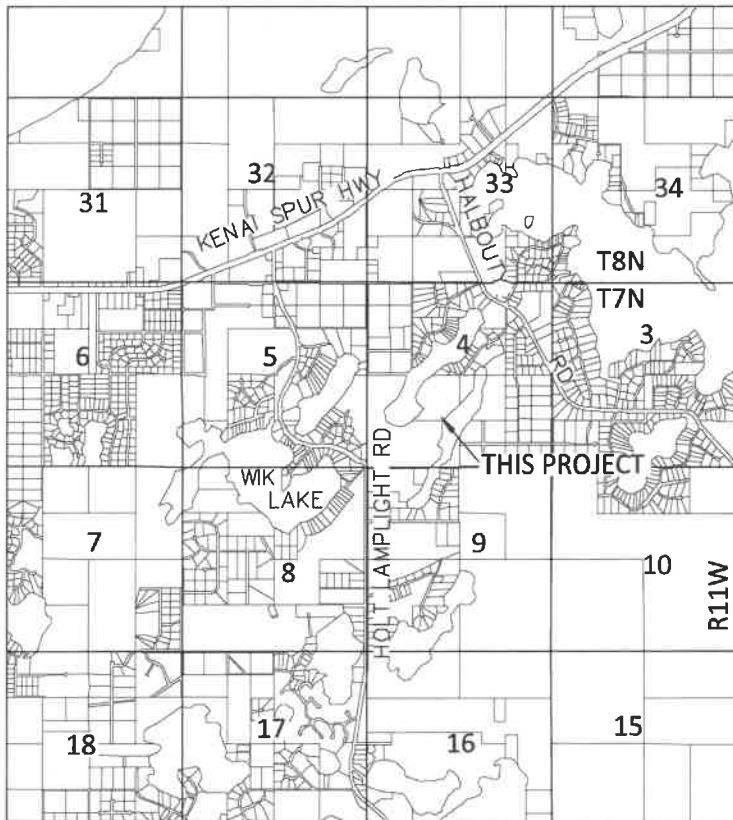
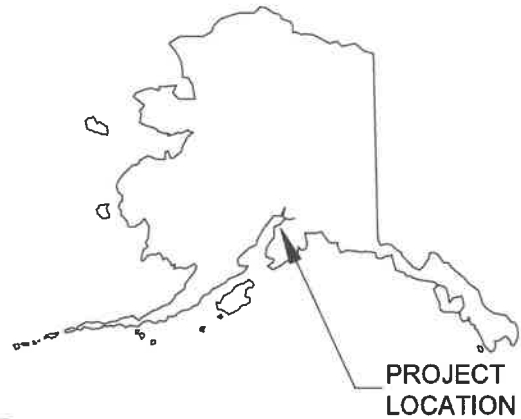
After reviewing the application, the Department will evaluate whether the activity will comply with applicable water quality requirements (any limitation, standard, or other requirement under sections 301, 302, 306, and 307 of the CWA, any Federal and state laws or regulations implementing those sections,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

BARR LAKE RESIDENTIAL SECTION 04 T7N R11W SEWARD MERIDIAN NIKISKI, ALASKA



VICINITY MAP
Scale 1" = 1 MILE

LEGEND	
	WETLAND
	WETLAND LIMIT
	PROPERTY LINE

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	COVER
2	SITE
3 - 4	DETAILS & IMPACTS

WETLAND MAPPING UTILIZED IS FROM
NATIONAL WETLANDS INVENTORY & KENAI
WATERSHED FORUM WETLANDS ASSESSMENT

DESCRIPTION

FILE: POA-2024-00111
WATERBODY: BARR LAKE

LOCATION

T7N, R11W, S04 SEWARD MERIDIAN
LAT/LONG; 60° 43' 21"N, 151° 13' 21" W

APPLICANTS

TERENCE RIAS
1007 2ND STREET, KENAI, AK 99611

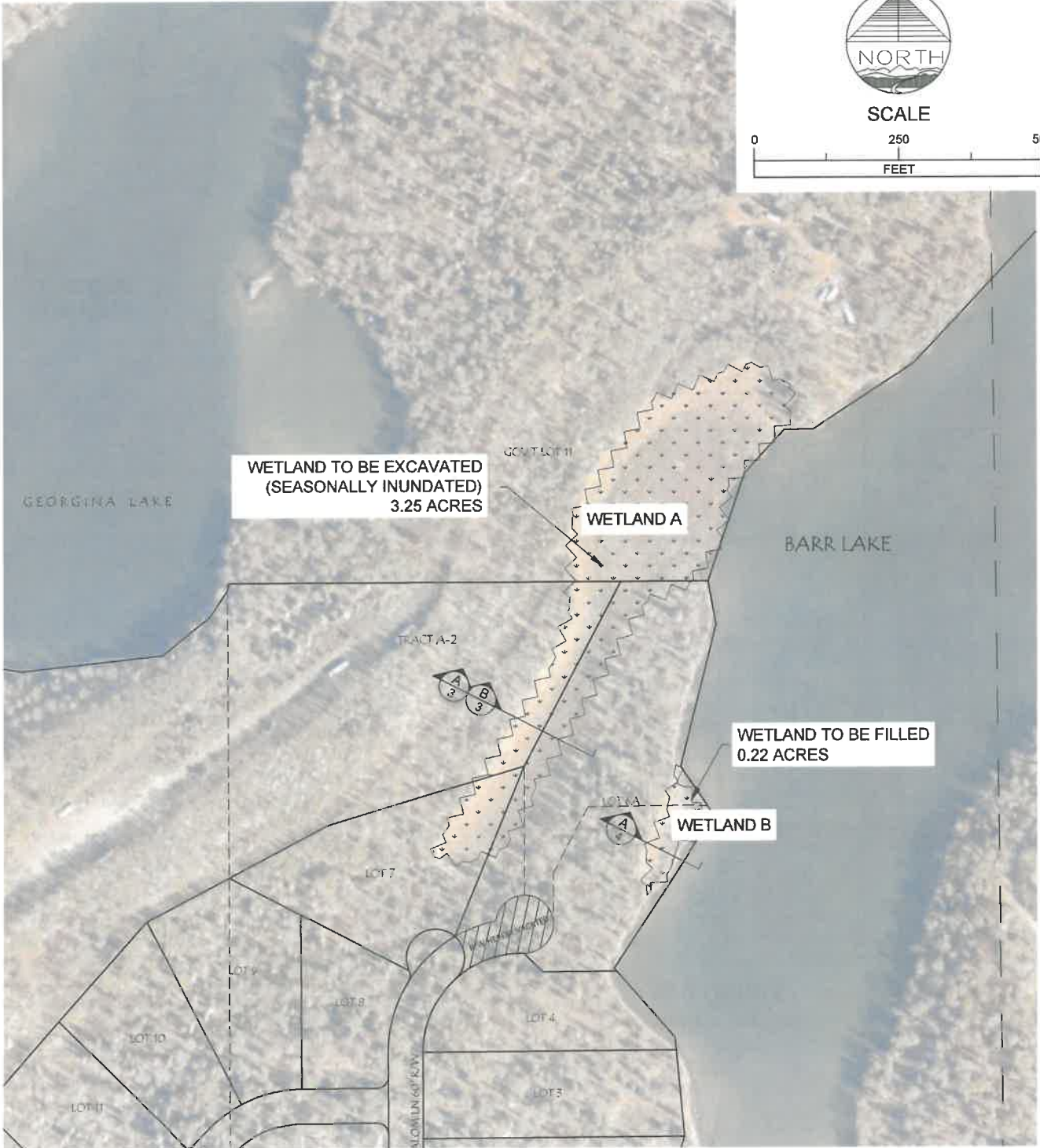
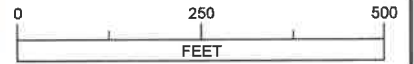


MCLANE
CONSULTING INC.

REVISION: 1
DATE: 4/4/2024
DRAWN BY: GMD
SCALE: NTS
PROJECT NO. 244005
SHEET 1 OF 4



SCALE



DESCRIPTION

FILE: POA-2024-00111
WATERBODY: BARR LAKE

LOCATION

T7N, R11W, S04 SEWARD MERIDIAN
LAT/LONG; 60° 43' 21"N, 151° 13' 21" W

APPLICANTS

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1007 2ND STREET; KENAI, AK 99611



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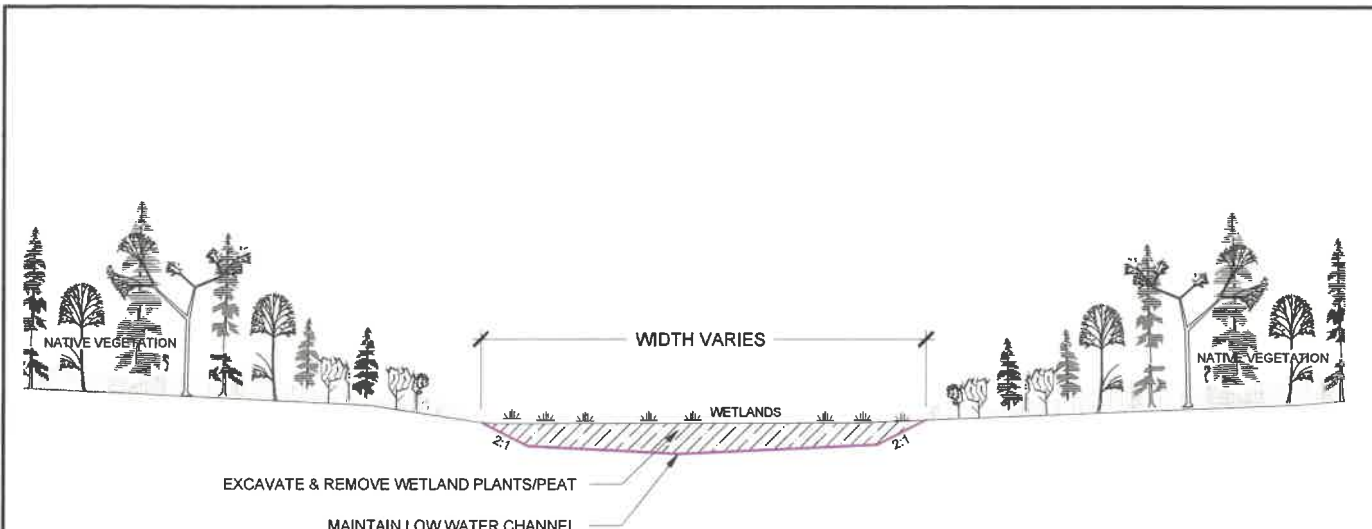
DRAWN BY: GMD

SCALE: 1"=250'

PROJECT NO. 244005

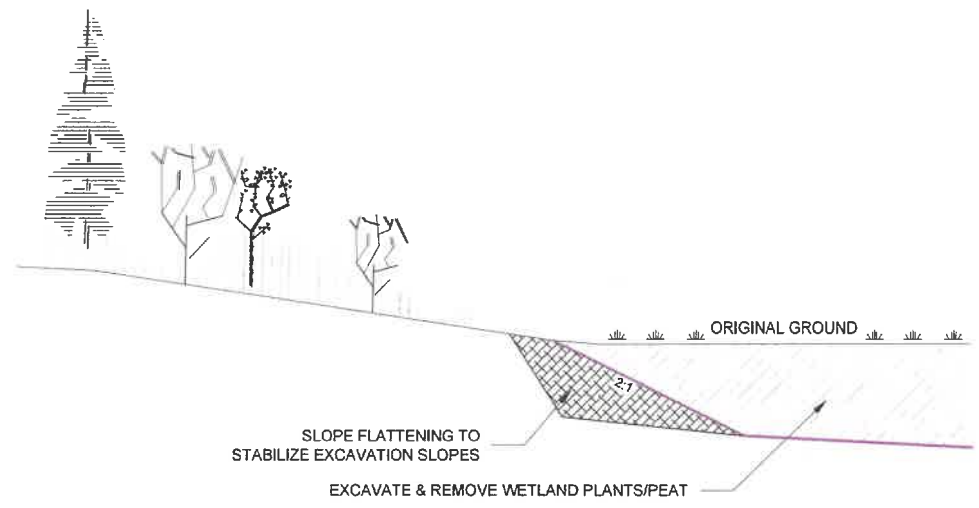
SHEET

2 OF 4



1. DURING WETLAND EXCAVATION, DO NOT STOCKPILE OR PLACE EXCAVATION IN WETLANDS. REMOVE EXCAVATION SPOILS TO UPLAND LOCATION.
2. MAINTAIN A LOW FLOW CHANNEL THAT DRAINS BACK TOWARDS BARR LAKE AS NOT TO IMPOUND WATER AND AQUATIC ORGANISMS.
3. DEPTH OF EXCAVATED AREA NOT TO EXCEED DEPTH OF BARR LAKE.
4. SIDE SLOPES SHALL BE 2 HORIZONTAL TO 1 VERTICAL OR SHALLOWER TO ALLOW FOR STABILIZATION. NATIVE VEGETATIVE MATERIAL MAY BE UTILIZED TO STABILIZE THE SLOPES.
5. DO NOT RUN EQUIPMENT OUTSIDE THE DESIGNATED WORK AREA.

A
3 **WETLAND EXCAVATION**
SCALE: 1" = 40'



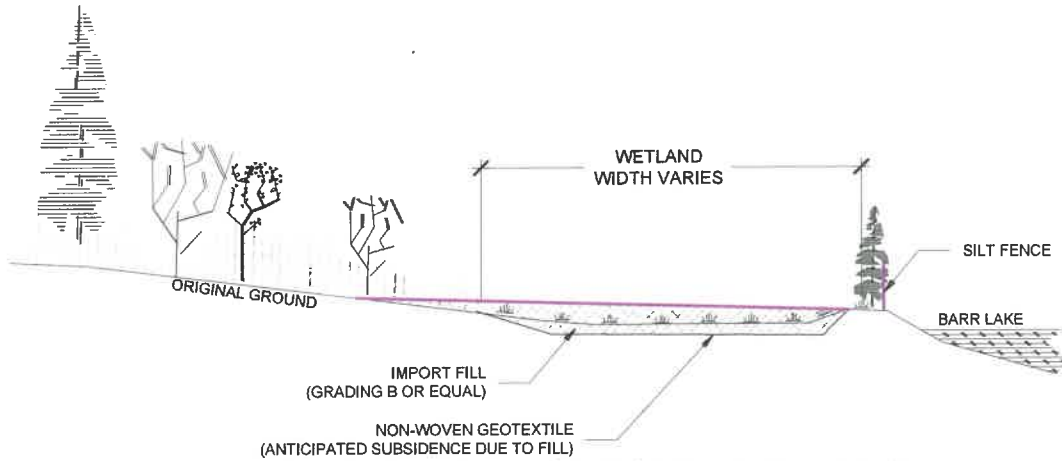
1. SIDE SLOPES SHALL BE 2 HORIZONTAL TO 1 VERTICAL OR SHALLOWER TO ALLOW FOR STABILIZATION.
2. UTILIZE WETLAND EXCAVATION AND NATIVE VEGETATIVE MATERIAL TO ESTABLISH AND STABILIZE THE SLOPES.

B
3 **SLOPE STABILIZATION**
SCALE: 1" = 10'

DESCRIPTION FILE: POA-2024-00111 WATERBODY: BARR LAKE	
LOCATION T7N, R11W, S04 SEWARD MERIDIAN LAT/LONG; 60° 43' 21"N, 151° 13' 21" W	
APPLICANTS TERENCE RIAS 1007 2ND STREET, KENAI, AK 99611	

McLANE
CONSULTING INC.

REVISION: 1
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PROJECT NO. 244005
SHEET 3 OF 4



1. INSTALL SILT FENCE OR OTHER SEDIMENT CONTROL PROTECTION ADJACENT TO BARR LAKE PRIOR TO WORK.
2. DO NOT GRUB WETLAND. HAND BRUSH VEGETATION FLUSH WITH GROUND ON AS-NEEDED BASIS.
3. UTILIZE SEPARATION GRADE NON-WOVEN GEOTEXTILE PRIOR TO IMPORT.
4. PLACE SANDY FILL IN INITIAL 18" LIFT. COMPACT AND DOZER EACH LIFT. SUBSEQUENT LIFTS SHOULD NOT EXCEED 8" DEPTH.
5. DO NOT OPERATE EQUIPMENT OR RELEASE FILL INTO BARR LAKE.

A
4 **WETLAND FILL**
SCALE: 1" = 10'

AREA	IMPACT AREA	EXCAVATION VOLUME	FILL VOLUME
WETLAND A	3.25 AC	13,150 CY	0 CY
WETLAND A	0.10 AC	0 CY	220 CY
WETLAND B	0.22 AC	0 CY	1,065 CY

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SHEET

4 OF **4**