APPENDIX E: WETLANDS

Table of Contents:

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

June 3, 2021

Regulatory Division
POA-2021-00121

Mr. Jason Gamache
MCG Explore Design
421 W. 1st Ave, #300
Anchorage, Alaska 99501

Dear Mr. Gamache:

This is in response to your March 30, 2021, request for an approved jurisdictional determination (AJD) for the proposed Alaska Cargo and Cold Storage, LLC (ACCS) to be located at the Ted Stevens Anchorage International Airport on an parcel of land described as west of North Tug Road and north of De Haviland Avenue. It has been assigned number POA-2021-00121, Knik Arm, which should be referred to in all correspondence with us. The project site is located within Section 28, T. 13 N., R. 4W., Seward Meridian; USGS Quad Map Anchorage A-8NW; Latitude 61.185113°º N., Longitude 149.993360º W.; in Anchorage, Alaska.

Based on our review of the information you furnished and available to us and our May 19, 2021, site visit, we have determined the above property contains waters of the United States (U.S.), including wetlands, under the Corps of Engineers' (Corps) regulatory jurisdiction. There are approximately 20.6 acres of wetlands on the ACCS site. These waters of the U.S. are shown on the enclosed drawing prepared by the Corps and dated May 26, 2021. A copy of the AJD form is available under the above file number at the following address: www.poa.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations/Jurisdictional-Determination-Archive/.

This AJD is valid for five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed is a Notification of Administrative Appeal Options and Process and Request for Appeal form (see section titled "Approved Jurisdictional Determination").

Department of the Army (DA) authorization is required if you propose to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S.

You can find a copy of the DA permit application online at the following address: www.poa.usace.army.mil/Missions/Regulatory/Permits/#expermits. Please see the sample drawings on our website: www.poa.usace.army.mil/Portals/34/docs/regulatory/ChecklistDrawings-PermitApplication.pdf.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at: Bryan.A.Herczeg@usace.army.mil, by mail at the address above, by phone at (907) 753-2772, if you have questions. For more information about the Regulatory Program, please visit our website at: www.poa.usace.army.mil/Missions/Regulatory.

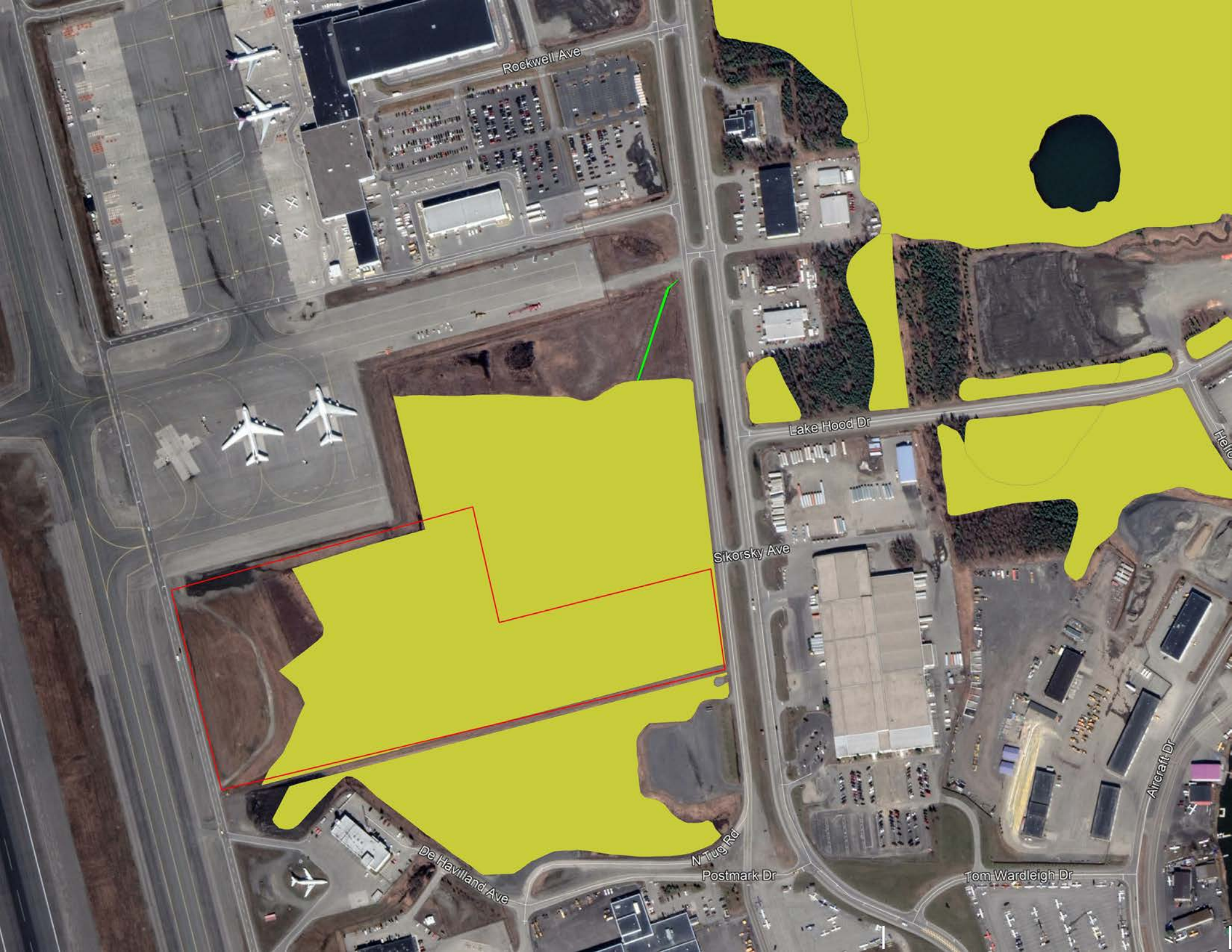
Sincerely,

Bryan A. Herczeg
Project Manager

Enclosures

cc:

Jason Gamache	jgamache@ExploreDesign.com
Robin Reich	robin@solsticeak.com


Rockwell Ave
Lake Hood Dr
Sikorsky Ave
Aircraft Dr
De Havilland Ave
N Tug Rd
Postmark Dr
Tom Wardleigh Dr

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Jason Gamache, MCG Explore Design	File Number: POA-2021-00121	Date: June 8, 2021
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may atttach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Bryan Herczeg
Alaska District Corps of Engineers
CEPOA-RD-S
P.O. Box 6898
JBER, AK 99506-0898
(907) 753-2772

If you only have questions regarding the appeal process you may also contact:

Ms. Kate Bliss
Regulatory Program Manager
U.S. Army Corps of Engineers, Pacific Ocean Division
CEPOD-PDC, Bldg 525
Fort Shafter, HI 96858-5440
(808) 835-4626
kate.m.bliss@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

June 30, 2023

Regulatory Division
POA-2021-00121

Mr. Joe Jacobson
Alaska Cargo and Cold Storage, LLC
3800 Centerpoint Drive, Suite 1100
Anchorage, AK 99503

Mr. Craig Campbell
Ted Stevens Anchorage International Airport
P.O. Box 196960
Anchorage, AK 99519

Dear Mr. Jacobson and Mr. Campbell:

Enclosed is an unsigned copy of Department of the Army permit POA-2021-00121, Knik Arm, which would authorize the construction of a concrete pad within wetlands to support a cargo storage facility and attendant features. The project site is located at Latitude 61.1840º N, Longitude 149.9940º W; Ted Stevens Anchorage International Airport (TSAIA), Anchorage, Alaska.

The Alaska Department of Environmental Conservation has issued a Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act for your project and found it to be in accordance with the Alaska Water Quality Standards. This certification is attached to the Department of the Army permit and will become a part of this permit when it is finalized.

Additionally, we have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this Department of the Army Permit (see section labeled “Initial Proffered Permit”).

If you accept the conditions of the enclosed permit, please sign and date the permit and return it to us, along with your $100.00 permit fee. You can pay this fee online at https://www.pay.gov/public/form/start/996412796. Instructions on how to pay online can be found at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021 coll11/id/5786. If you make an online payment, please include a copy of your receipt when you return your signed permit. You may also pay this fee with a check mailed to the address above. Your check or money order should be made payable to FAO, USACE, Alaska District. The permit will not be valid until we have returned a finalized

copy to you. This is not an authorization to commence construction. No work is to be performed in wetlands until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

Please contact me via email at roberta.k.budnik@usace.army.mil, by mail at the address above, by phone at (907) 753-2785, or toll free from within Alaska at (800) 478-2712, if you have questions or to request a hard copy of this letter and enclosures. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

Roberta K. Budnik

Roberta K. Budnik
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Alaska Cargo and Cold Storage, LLC and Ted Stevens Anchorage International Airport

Permit No.: POA-2021-00121

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Discharge up to 653,022 cubic yards of fill material (concrete, asphalt, base course, MOA Type II, Type III) into a total of 21.6 acres of wetlands to construct a new, 29-acre concrete pad to support a cargo storage facility building, airside and landside loading areas, outdoor storage, vehicle parking, eight (8) hardstands for aircraft parking, and emergency and maintenance vehicle access around the building.

All work will be performed in accordance with the attached plan, sheets **1-7**, dated **June 17, 2022**.

Project Location: Latitude 61.1840º N, Longitude 149.9940º W; Ted Stevens Anchorage International Airport (TSAIA), Anchorage, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **June 30, 2028**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the authorized work area. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion.

2. The permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete blocks with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

3. No stockpiling of fill materials shall occur in wetlands or other waters of the U.S. that do not have DA authorization.

4. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems, and other measures to ensure hydrology is not altered.

5. Prior to commencing the work authorized by this permit, the permittee shall utilize 9.28 Klatt Bog Credits to partially offset the project's calculated 13.73 debits. To offset the remaining 4.45 debits, the permittee shall purchase 14.685 credits of the appropriate type from Harmany Ranch Wetland Mitigation Bank, as proposed by the permittee and approved by the Corps. Such credit utilization and purchase will offset the loss of 21.6 acres of palustrine emergent and scrub-shrub wetlands. You must email the signed credit transaction form to mitigationmanager@usace.army.mil and to Roberta Budnik (roberta.k.budnik@usace.army.mil) upon completion of credit transaction (see form attached). If you are unable to complete this transaction, you are required to obtain a permit modification prior to commencing the work authorized by this permit for approval of an alternate mitigation method.

6. Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (attached) to the Corps (U.S. Army Corps of Engineers, Regulatory Division, by email at regpagemaster@usace.army.mil and Ms. Roberta Budnik, Project Manager at roberta.k.budnik@usace.army.mil). The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

b. Include the Department of the Army permit number on all sheets submitted.

7. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a revaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

_____ _____

(PERMITTEE) AND TITLE (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

_____ _____

FOR (DISTRICT COMMANDER) (DATE)
Colonel Damon A. Delarosa
Roberta K. Budnik, Project Manager
South Branch, Regulatory Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

_____ _____

(TRANSFEREE) (DATE)

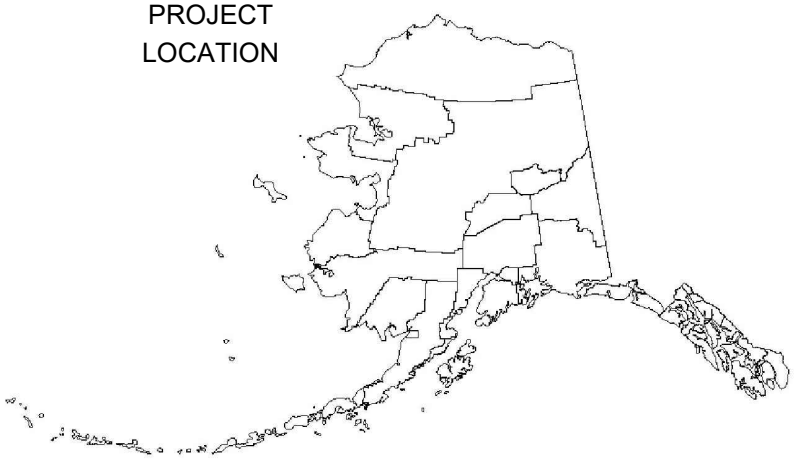
LEGEND

- PROJECT LIMITS
- LEASE LOT PROPERTY LINES
- EDGE OF ASPHALT
- SUBJECT PROPERTY

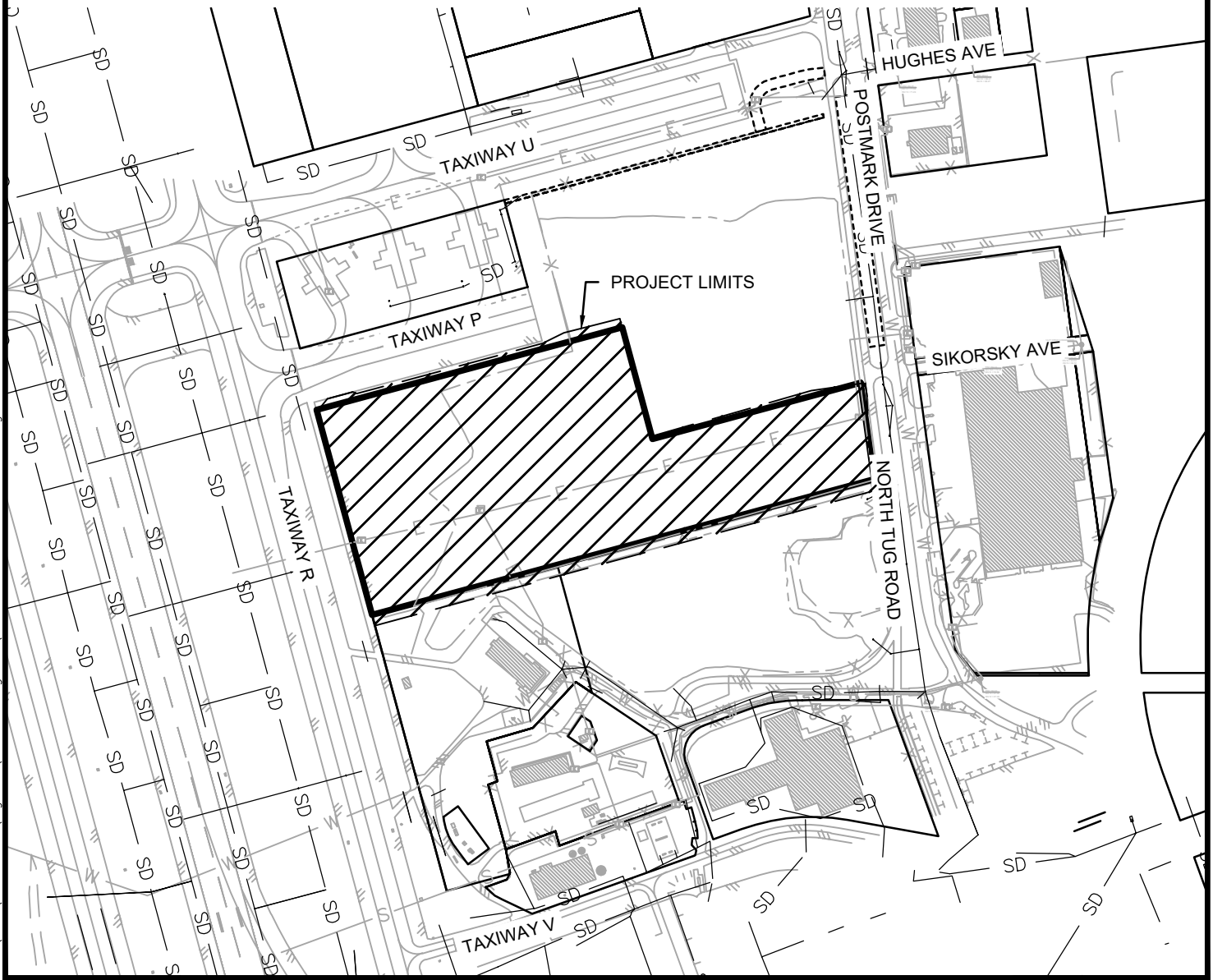
600 0 600

SCALE IN FEET

PROJECT LOCATION



LOCATION MAP

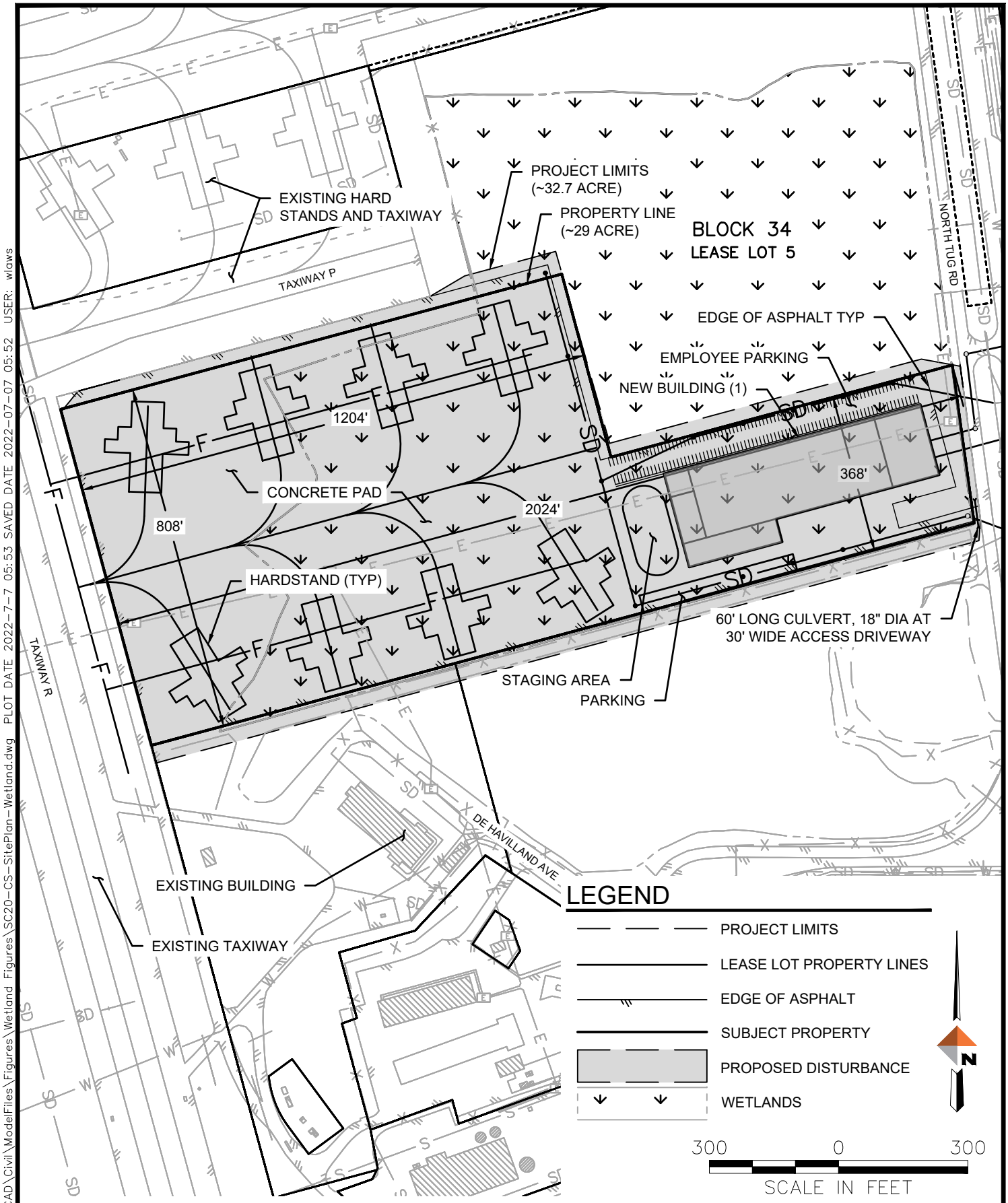


DOWL
AECL848
WWW.DOWL.COM
4041 B Street
Anchorage, Alaska 99503
907-562-2000

ALASKA CARGO & COLD STORAGE WAREHOUSE VICINITY MAP

PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 1 of 7



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DOWL
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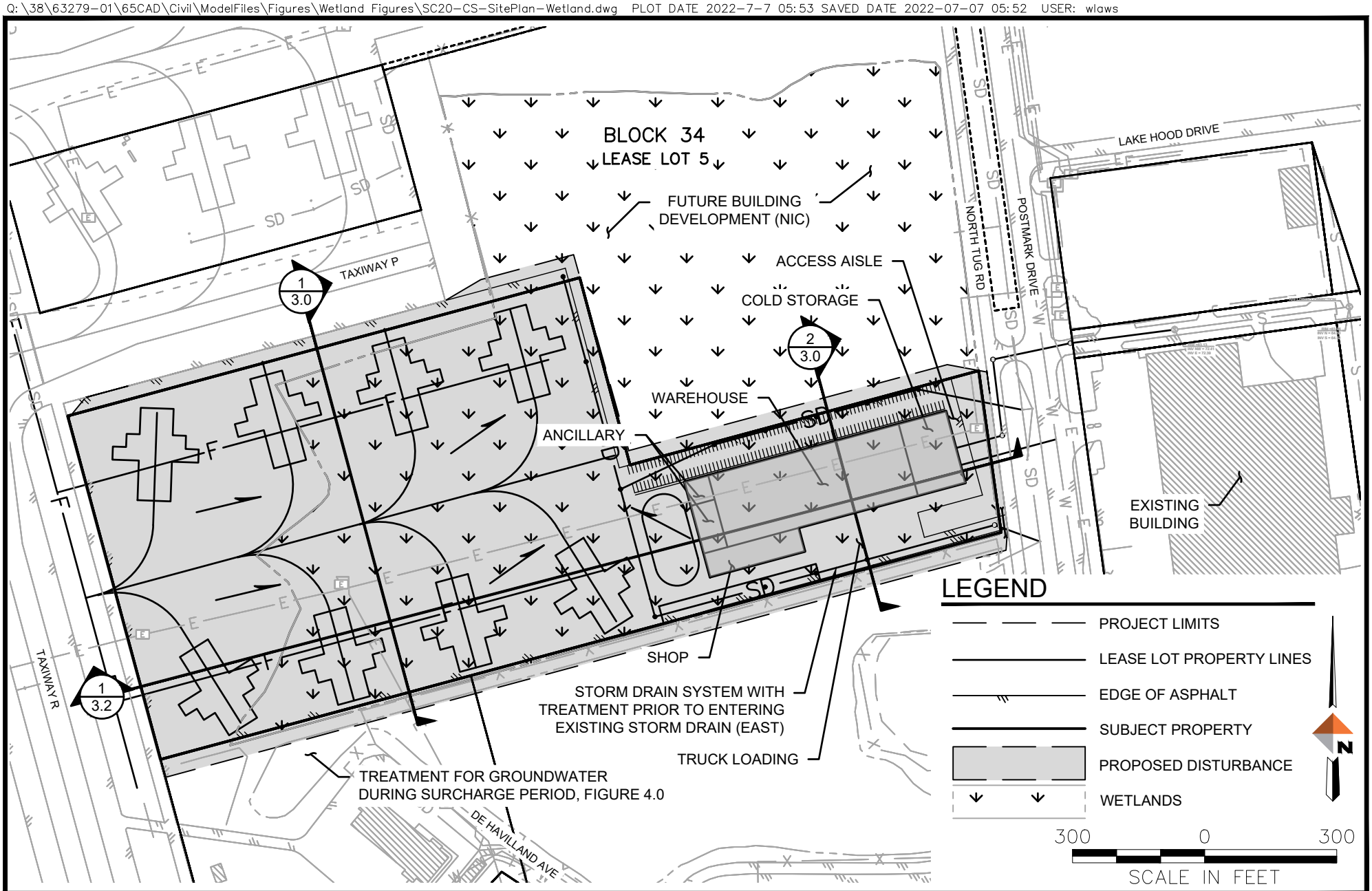
ALASKA CARGO & COLD STORAGE WAREHOUSE SITE PLAN

PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 2 of 7



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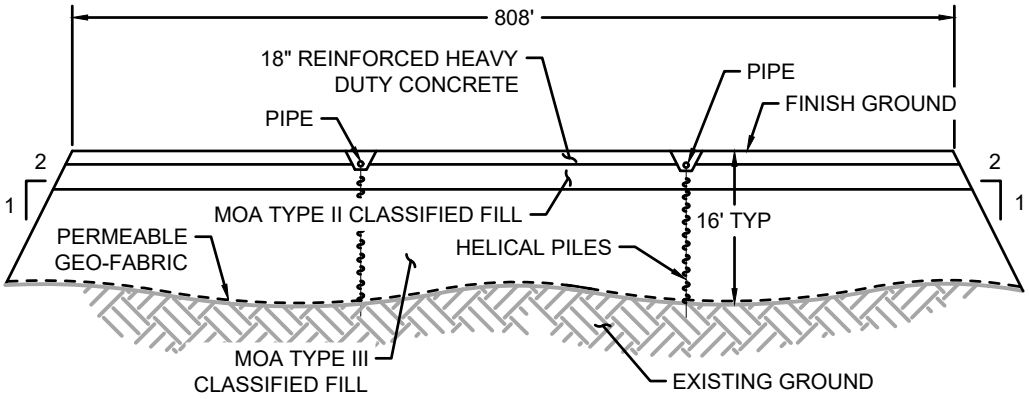
ALASKA CARGO & COLD STORAGE WAREHOUSE SITE PLAN

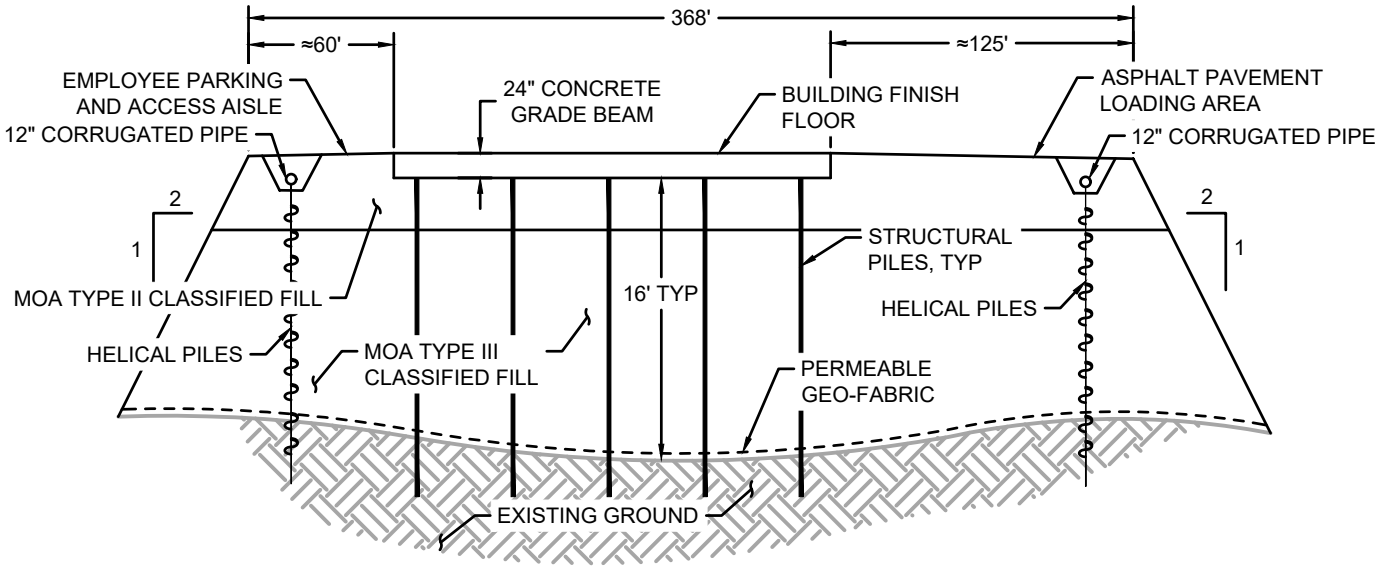
PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 3 of 7



1 / 3.0 TYPICAL SECTION - HARDSTANDS

NTS



2 / 3.0 TYPICAL SECTION - BUILDING

NTS

NOTES:

1. GEOFABRIC MATERIAL PLACED DIRECTLY OVER ORIGINAL GROUND PRIOR TO GRAVEL PLACEMENT.
2. ALL GRAVEL SHALL BE PLACED IN LIFTS NOT TO EXCEED 12".
3. ALL GRAVEL SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY.

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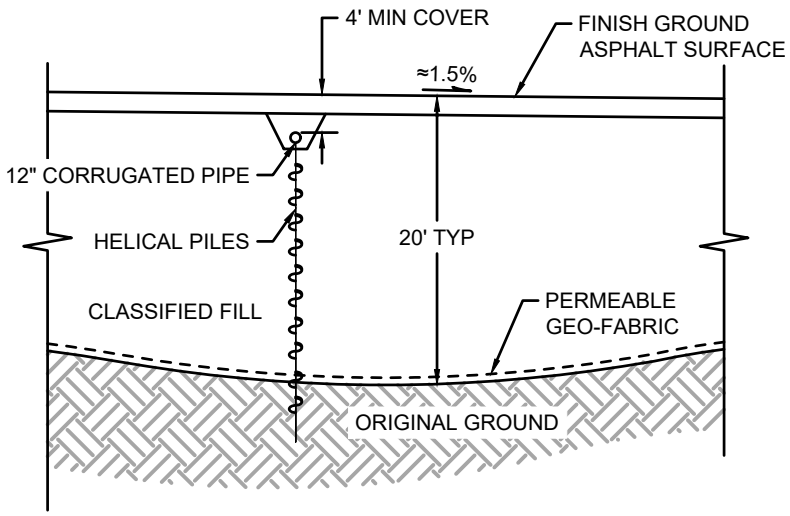
ALASKA CARGO & COLD STORAGE WAREHOUSE TYPICAL SECTION

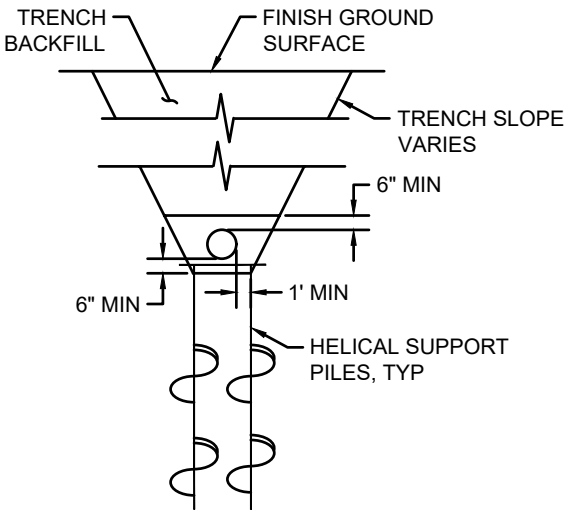
PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 4 of 7



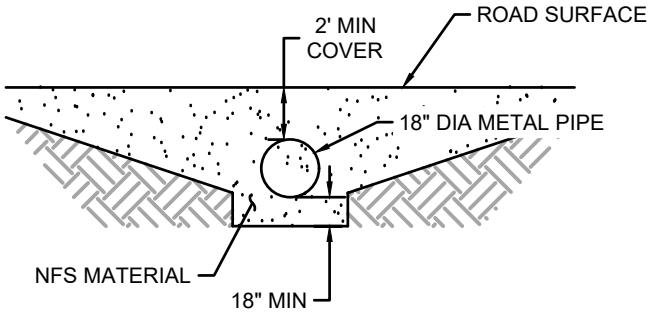
DETAIL - TYPICAL PAVED ACCESS ROAD

NTS



DETAIL - TRENCH CONSTRUCTION FOR UTILITIES

NTS



NOTES:

1. 18" DIAMETER LINES STEEL OR CORRUGATED METAL PIPE MAY BE USED.
2. FLARES SHALL BE INSTALLED AT THE INLET AND OUTLET OF THE PIPE.
3. ALL FILL MATERIAL SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY.

DETAIL - TYPICAL CULVERT

NTS

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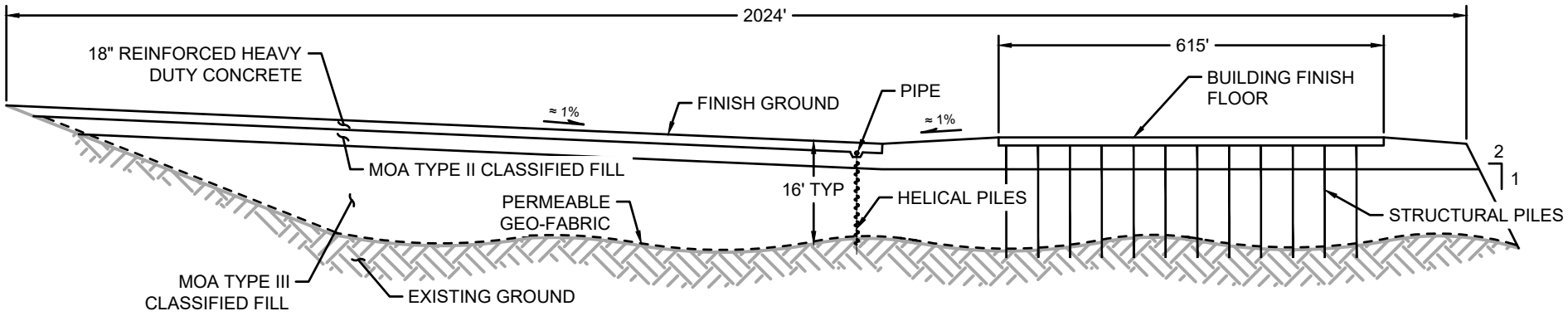
ALASKA CARGO & COLD STORAGE WAREHOUSE
TYPICAL SECTION

PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 5 of 7



1
3.2 TYPICAL SECTION
NTS

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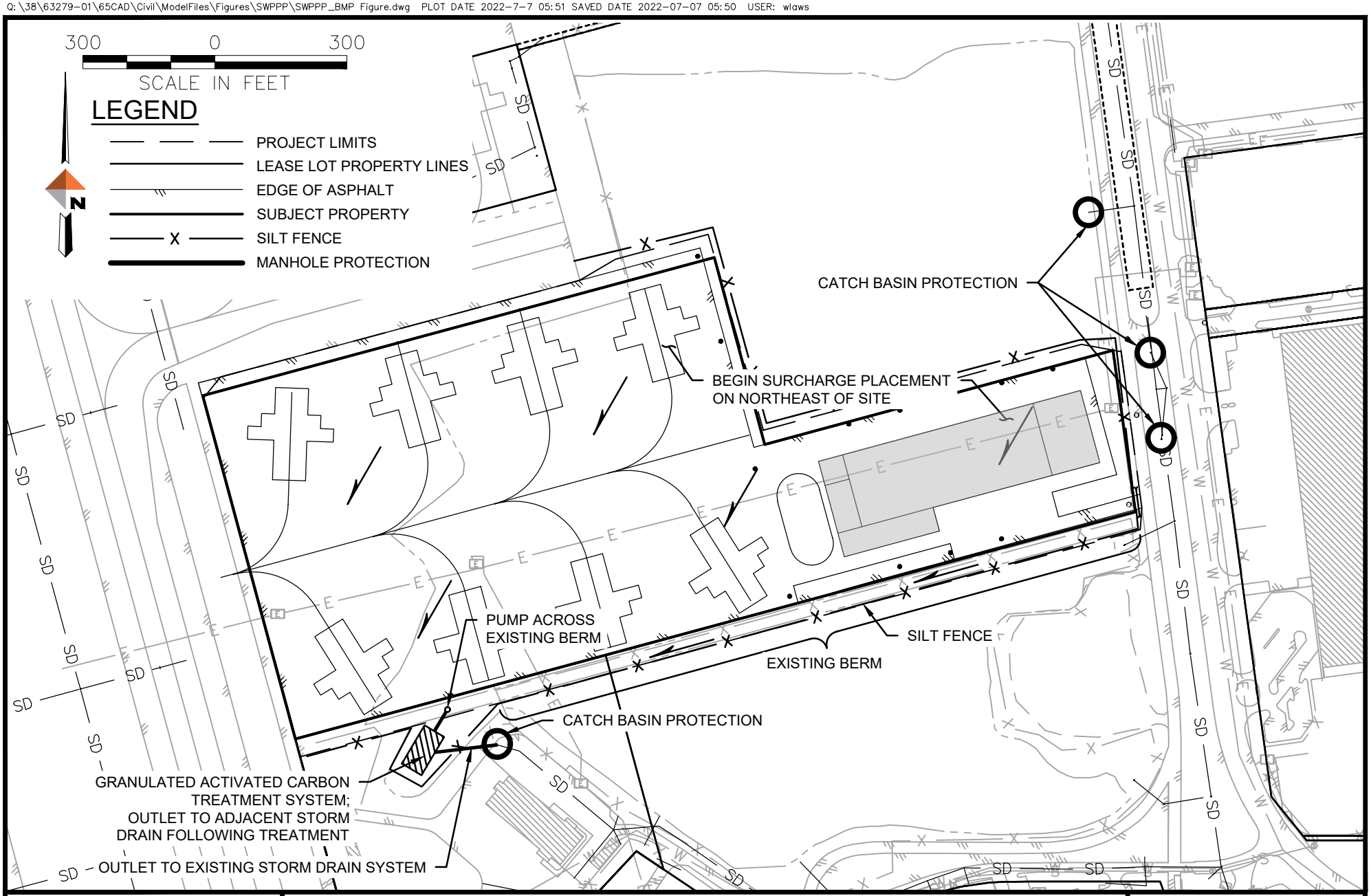
ALASKA CARGO & COLD STORAGE WAREHOUSE TYPICAL SECTION

PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

SHEET 6 of 7



DOWL
AECL848
WWW.DOWL.COM
4041 B Street
Anchorage, Alaska 99503
907-562-2000

ALASKA CARGO & COLD STORAGE
WAREHOUSE
BMP PLAN

PROJECT	POA-2021-00121
	KNIK ARM
DATE	06/17/2022

FIGURE 7 of 7

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation
DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wastewater

June 29, 2023

Alaska Cargo and Cold Storage
Attn: Rob Gilliam
P.O. Box 19696, Anchorage AK 99519

Re: Alaska Cargo and Cold Storage Facility
POA-2021-00121 v1.0, Cook Inlet - Knik Arm

Dear Rob Gilliam,

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed water quality certification that the discharge from the proposed project will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the proposed project: *Alaska Cargo and Cold Storage Facility*.

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See DEC's "Appeal a DEC Decision" web page https://dec.alaska.gov/commish/review-guidance/ for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Water Quality Certificate

cc: (with encl.)
Roberta Budnik, USACE
Agent, Jason Gamache, MCG Explore Design
Craig Campbell, TSAIA
Rob Gilliam, AK Cargo & Cold Storage
Megan Marie, ADF&G;
USFWS Field Office Anchorage;
Matthew LaCroix, EPA AK Operations

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Water Quality Certification

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a water quality certification is issued to the AK Cargo and Cold Storage, Attn: Rob Gilliam, P.O. Box 19696, Anchorage AK 99519 that the discharge from the proposed project *Alaska Cargo and Cold Storage Facility* will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S. including wetlands and streams.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit POA-2021-00121 and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the DEC Public Notice POA-2021-00121 posted from July 14, 2022 to August 15, 2022.

Project Purpose, Description, and Location

Project Purpose: The applicant's stated purpose is to construct an energy-efficient cargo transfer and cold storage facility at Ted Stevens Anchorage International Airport to help improve Alaska's supply chain disruptions, protect Alaska's food security, and build Alaska's economy.

Project Description: The applicant proposes to discharge up to 653,022 cubic yards of fill material (concrete, asphalt, base course, MOA Type II, Type III) into a total of 21.6 acres of wetlands to construct a new, 29-acre concrete pad to support a cargo storage facility building, airside and landside loading areas, outdoor storage, vehicle parking, eight (8) hardstands for aircraft parking, and emergency and maintenance vehicle access around the building.

Location: Located on approximately 29 acres of land within Section 28, Township 13N, Range 4W, Seward Meridian; U.S. Geological Survey (USGS) Quad Anchorage A-8 NW. Latitude, Longitude: 61.185298, -149.993582.

Pursuant to the Department's Antidegradation Policy and Implementation Methods at 18 AAC 70.015 and 18 AAC 70.016, DEC finds that the project would comply with the requirements for Tiers 1 and 2 regarding water quality impacts to receiving water immediately surrounding the dredge or fill material pursuant to the Corps evaluation and findings of no significant degradation under 33 U.S.C. 1344 and under 40 CFR 230. The use of appropriate best management practices and erosion and sediment control measures would adequately protect the existing water uses and the level of water quality necessary to protect existing uses. Any potential water quality degradation is expected to be temporary and limited and necessary to accommodate important social and/or economic development in the area.

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70 provided that the following additional measures are adhered to.

Pursuant to 18 AAC 70.020(a) and the Toxics and Other Deleterious Organic and Inorganic Substances in 18 AAC 70.020(b), the following conditions are designed to reduce pollutants from construction activity to ensure compliance with the applicable water quality standards.

Pollutants/Toxics

1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska 907-465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high-water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected daily for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
4. Fill material (including dredge material) must be clean soil, sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
5. The applicant shall prepare and obtain approval from DEC (Sam Kito, 907-269-7542, sam.kito@alaska.gov) of an Environmental Management Plan (EMP) for handling potentially contaminated soil, groundwater, and surface water that may be encountered during construction of the proposed facility.

Turbidity, Erosion and Sediment Control

6. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (CGP, AKR100000, 18 AAC 83). The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC prior to construction along with the Notice of Intent (NOI). For more information see DEC's website for the CGP at http://dec.alaska.gov/water/wastewater/stormwater/construction, or call 907-269-6285.
7. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include gullying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
8. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
    a. Divert storm water from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
    b. Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
    c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

9. The permittee must stabilize any dredged material (temporarily or permanently) stored on upland property to prevent erosion and subsequent sedimentation into jurisdictional waters of the United States. The material must be contained with siltation control measures to preclude reentry into any waters of the U.S., including wetlands.

Vegetation Protection and Restoration

10. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.
11. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
12. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.

General

13. DEC coordinates with several regulatory programs to review the impacts of proposed projects. A Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all state water statutes and rules through construction, installation, and operation of the project or mitigation, including, but not limited to the APDES permitting program 18 AAC 83 and 18 AAC 72.
14. USACE has stated that projects shall be reviewed under the federal rules in place at the time the application is received. This project and its mitigation were reviewed under the federal and state statutes and laws in place at the time the application was received. If the USACE determines any part or condition of this Certification is not lawful or is waived and unenforceable, the determination shall apply only to the part or condition so determined. The determination shall not apply to nor invalidate any remaining parts or conditions of this Certification. If the USACE makes such a determination, the applicant remains responsible for meeting state water quality statutes and rules, and if a violation occurs, may be subject to state enforcement (18 AAC 70.010).
15. This Certification does not release the applicant from any liability, penalty, or duty imposed by Alaska or federal statutes, regulations, rules or local ordinances, and it does not convey a property right or an exclusive privilege.
16. If your project is not completed by the time limit specified under USACE Permit and will continue, or for a modification of the USACE permit, you must submit an application for renewal of this certification at least 60 days before the expiration date or any deadline established by USACE for certification action on the modification, or 60 days before the proposed effective date of the modification, whichever is sooner. (18 AAC 15.120(b), 18 AAC 15.130, 18 AAC 15.180).

Date: June 29, 2023

James Rypkema, Program Manager
Storm Water and Wetlands

US Army Corps of Engineers ®
Alaska District

CREDIT PURCHASE RECEIPT	
Compensatory Mitigation Type: Mitigation Bank (n/a) In-Lieu-Fee Program (n/a)	
Credit Provider: TSAIA	
Service Area or Name of Mitigation Site: Klatt Bog Wetland Mitigation Credits	
Permit Number: POA-2021-00121	**USACE Project Manager: Roberta Budnik**
Project: AK Cargo & Cold Storage Facility at TSAIA	**Waterway: Knik Arm**
Impact Site Location: 61.1840, -149.9940	
MITIGATION REQUIREMENT	
Marine/Estuarine	0.00
Palustrine	9.28
Riverine/Stream	0.00
Lacustrine	0.00
TOTAL MITIGATION REQUIREMENT	**9.28**
CREDITS PURCHASED	
Credit Type	**Number of Credits**
Marine/Estuarine	
Palustrine	
Riverine/Stream	
Lacustrine	
TOTAL CREDITS PURCHASED	

Alaska Cargo & Colds Storage
Ted Stevens Anchorage International Airport

Date

(Name)
TSAIA - Klatt Bog Wetland Mitigation Credits
Representative

Date

US Army Corps of Engineers ®
Alaska District

CREDIT PURCHASE RECEIPT	
Compensatory Mitigation Type: Mitigation Bank (X) In-Lieu-Fee Program ( )	
Credit Provider: Harmany Ranch Wetland Mitigation Bank	
Service Area or Name of Mitigation Site:	
Permit Number: POA-2021-00121	**USACE Project Manager: Roberta Budnik**
Project: AK Cargo & Cold Storage Facility at TSAIA	**Waterway: Knik Arm**
Impact Site Location: 61.1840, -149.9940	
MITIGATION REQUIREMENT	
Marine/Estuarine	0.00
Palustrine	14.685
Riverine/Stream	0.00
Lacustrine	0.00
TOTAL MITIGATION REQUIREMENT	**14.685**
CREDITS PURCHASED	
Credit Type	**Number of Credits**
Marine/Estuarine	
Palustrine	
Riverine/Stream	
Lacustrine	
TOTAL CREDITS PURCHASED	

Alaska Cargo & Cold Storage
Ted Stevens Anchorage International Airport

Date

(Name)
Harmany Ranch Wetland Mitigation Bank
Representative

Date

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, at regpagemaster@usace.army.mil and roberta.k.budnik@usace.army.mil. If you have questions regarding this requirement, please contact the U.S. Army Corps of Engineers at 907-753-2712.

1. Department of the Army Permit Number: POA-2021-00121

2. Permittee Information:

Name: Alaska Cargo & Cold Storage
Ted Stevens Anchorage International Airport

Address: _____

_____

3. Project Site Identification (physical location/address):

_____

_____

_____

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted on the next page. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

_____ _____
Signature of Engineer Name (*Please type*)

_____ _____
Reg. Number Company Name

_____ _____ _____
City State ZIP

(Affix Seal)

_____ _____
Date Telephone Number

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Alaska Cargo & Cold Storage, LLC Ted Stevens Anchorage International Airport	File Number: POA-2021-00121	Date: 6/30/2023
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Roberta K. Budnik Alaska District Corps of Engineers CEPOA-RD-S P.O. Box 6898 JBER, AK 99506-0898 (907) 753-2785	Ms. Kate Bliss Regulatory Program Manager U.S. Army Corps of Engineers, Pacific Ocean Division CEPOD-PDC, Bldg 525 Fort Shafter, HI 96858-5440 (808) 835-4626 kate.m.bliss@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application

This document constitutes the Environmental Assessment, Section 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of Findings for the subject application.

1.0 Introduction and Overview

Information about the proposal subject to one or more of the United States Army Corps of Engineers' (Corps') regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 11 and findings are documented in Section 12 of this memorandum. Further, summary information about the activity including administrative history of actions taken during project evaluation is attached (ORM2 Summary) and incorporated in this memorandum.

1.1 Applicant name

Ted Stevens Anchorage International Airport (TSAIA) and Alaska Cargo and Cold Storage, LLC

1.2 Activity location

Latitude 61.1840º N., Longitude 149.9940º W.; Ted Stevens Anchorage International Airport (TSAIA), Anchorage, Alaska.

1.3 Description of activity requiring permit

Discharge up to 653,022 cubic yards of fill material (concrete, asphalt, base course, MOA Type II, Type III) into a total of 21.6 acres of wetlands to construct a new, 29-acre concrete pad to support a cargo storage facility building, airside and landside loading areas, outdoor storage, vehicle parking, eight (8) hardstands for aircraft parking, and emergency and maintenance vehicle access around the building.

1.3.1 Proposed avoidance and minimization measures

Avoidance: Complete avoidance of impacts to wetlands is not possible to meet the proposed project's purpose and need as much of the parcel consists of wetlands. Minimization: The size of the facility is necessary to help meet the demand for various storage types (cold, heated, and general) as well as equipment and aircraft staging and storage. The footprint of the pad has been minimized by decreasing the pad and driveway side slopes. Typical construction Best Management Procedures (BMPs) would be implemented, and a Contaminated Material Management Plan (CMMP) approved by the Alaska Department of Environmental Conservation (ADEC) would be implemented.

1.3.2 Proposed compensatory mitigation

Under the Anchorage Debit/Credit Methodology (ADCM), about 9.9 debits are expected to result from the proposed project. TSAIA holds 17.84 compensatory mitigation credits that remain from their Klatt Bog wetland mitigation and the applicants propose using 9.28 of the available credits as mitigation for the proposed project. The remainder of the Klatt Bog mitigation credits would be utilized by TSAIA to offset impacts resulting from a separate project (POA-2021-00209). See section 8.0 for more information regarding proposed and required compensatory mitigation.

1.4 Existing conditions and any applicable project history

The proposed project area is known to have per- and polyfluoroalkyl substances (PFAS) contamination. PFAS are a group of man-made chemicals used in many industries since the 1940s. They are found in certain types of firefighting foams, which are used to extinguish fuel and chemical fires. PFAS were used throughout TSAIA during fire-fighting drills before it was known that they cause significant adverse health and environmental impacts. PFAS can accumulate and stay in environments for long periods of time and have significant human health effects. According to a 2019 site investigation that included soil sampling at the proposed project site, PFAS-type chemicals, Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS), exceed ADEC cleanup levels at the site. Additionally, petroleum hydrocarbon levels exceed ADEC cleanup levels at the site (ADEC file number: 2100.38.028.39).

During a 2019 site investigation, Gasoline Range Organics (GRO), Diesel Range Organics (DRO), Residual Range Organics (RRO), and Toluene were detected in soil samples. While GRO and Toluene were either non-detectable or below ADEC Method 2 Migration to Groundwater (MTG) cleanup levels, RRO exceeded ADEC Method 2 MTG cleanup levels, and DRO exceeded the ADEC Method 2 Maximum Allowable Concentration. To avoid handling and disposing of contaminated soils, the project does not propose to excavate and remove material from the site. Minor quantities of material that would be removed from utility tie-ins or other small areas would be replaced in the trench or as close to the source as possible.

Because the site is completely surrounded by fill, PFAS, GRO, and RRO-contaminated water created following the placement of surcharge (fill) material would be captured and treated before exiting the site via the existing storm drain system pending permitting by ADEC and/or Anchorage Water Wastewater Utility (AWWU). Surcharge material placement would begin on the northeast corner of the project area. Flow offsite to the northeast would be blocked by this material. Water would be blocked from flowing to the south by an existing berm that runs east-west across the entire project area. Water will be directed southwest toward the existing berm. Water would be collected in the southwest corner and pumped across the existing berm to be treated in an existing containment area surrounded by existing fill. Contaminated water would be treated via Granular Activated Carbon (GAC) prior to discharge to the storm drain system. A silt fence would be installed around the entire surcharged area.

1.4.1 Jurisdictional Determination

Is this project supported by a jurisdictional determination? Yes, an Approved Jurisdictional Determination (AJD) was completed on May 25, 2021. At this time, the Navigable Waters Protection Rule (NWPR) was in effect and the wetlands were found to be jurisdictional adjacent wetlands. The wetlands in the review area were found to have a direct hydrologic surface connection through emergent wetlands which convey flow through a culvert and drainpipe that discharges directly into Knik Arm, a traditional navigable water. The NWPR has since been remanded and the pre-2015 definition of waters of the U.S. (WOTUS) is currently in effect. A new AJD was not requested by the applicant after the rule change.

1.5 Permit authority

Table 1 – Permit Authority	
Section 10 of the Rivers and Harbors Act (33 USC 403)	
Section 404 of the Clean Water Act (33 USC 1344)	X
Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413)	

2.0 Scope of review for National Environmental Policy Act (i.e., scope of analysis), Section 7 of the Endangered Species Act (i.e., action area), and Section 106 of the National Historic Preservation Act (i.e., permit area)

2.1 Determination of scope of analysis for National Environmental Policy Act (NEPA)

The scope of analysis always includes the specific activity requiring a Department of the Army permit that is located within the Corps' geographic jurisdiction. In addition, we have applied the four factors test found in 33 CFR Part 325, Appendix B to determine if there are portions of the larger project beyond the limits of the Corps' geographic jurisdiction where the federal involvement is sufficient to turn these portions of an essentially private action into a federal action.

Based on our application of the guidance in Appendix B, we have determined that the scope of analysis for this review includes the Corps geographic jurisdiction and upland portions beyond the Corps geographic jurisdiction.

These upland components include the portion of the proposed fill pad which spans the existing uplands adjacent to the wetlands which are proposed to be impacted. These components have been determined to be within our scope of analysis as the extent of federal involvement is sufficient to turn these portions of an essentially private action into a federal action with the resulting environmental consequences of the larger project essentially being products of the Corps' permit action.

Final description of scope of analysis: The scope of analysis under NEPA has been determined to include the entire project, including the upland portions. The proposed project would create one large pad over a 32.7-acre area, of which 21.6 acres are

wetlands proposed to be filled. That leaves a remaining 11.1 acres of uplands which would also be disturbed by the proposed project. The proposed project would not be complete without the upland portion and vice versa. As a majority of the proposed project requires a federal action, there is sufficient federal control and responsibility to expand the NEPA scope of analysis over those portions which are outside of the Corps' jurisdiction.

2.2 Determination of the Corps' action area for Section 7 of the Endangered Species Act (ESA)

The action area for Section 7 of the ESA includes all areas in which direct and indirect impacts caused by the proposed project could be perceived by a listed species.

2.3 Determination of Corps' permit area for Section 106 of the National Historic Preservation Act (NHPA)

The permit area includes those areas comprising waters of the United States that will be directly affected by the proposed work or structures, as well as activities outside of waters of the U.S. because all three tests identified in 33 CFR 325, Appendix C(g)(1) have been met.

Final description of the permit area: The permit area for Section 106 of the NHPA includes both the upland and wetland areas of the proposed project. The upland portion of the proposed project (1) would not occur but for authorization of impacts to the wetlands, (2) is integrally related to the wetland portion of the proposed project, and (3) is directly associated with the wetland portion of the proposed project.

3.0 Purpose and Need

3.1 Project purpose and need

Project purpose and need for the project as provided by the applicant and reviewed by the Corps:

The applicant's stated purpose is to construct an energy-efficient cargo transfer and cold storage facility at TSAIA to help improve Alaska's supply chain disruptions, to protect Alaska's food security, and build Alaska's economy. The project would provide a facility for goods from outside Alaska to be stored prior to moving to Alaskan communities. The project would grow Alaska's economy by providing a much-needed climate-controlled facility for goods being transferred at and exported from the state. The project would be the first leasable facility in Alaska available to major air cargo carriers, which do not have the individual capacity to support the development of a facility of this size.

3.2 Basic project purpose

Basic project purpose, as determined by the Corps: To construct a storage and transfer facility.

3.3 Water dependency determination

The proposed project does not require access to, proximity to, or siting within a special aquatic site to fulfil the basic project purpose, and therefore is not water dependent (40 CFR 230.10(a)(3)).

3.4 Overall project purpose

Overall project purpose, as determined by the Corps:

The overall project purpose is to construct a storage and transfer facility for use by major air cargo carriers and capable of supporting Alaska's supply chain of food and other goods.

4.0 Coordination

4.1 Public Notice Results

The results of coordinating the proposal on public notice are identified below, including a summary of issues raised, any applicant response and the Corps' evaluation of concerns.

Were comments received in response to the public notice? Yes.

Were comments forwarded to the applicant for response? Yes, comments were forwarded to the applicant in a letter transmitted via email on August 24, 2022.

Was a public meeting and/or hearing requested, and if so, was one conducted?

No, no public hearing or meeting was requested.

Comments received in response to public notice:

Comment 1: The National Marine Fisheries Service (NMFS) submitted comments in a letter dated August 2, 2022. NMFS offered the following comments:

- "Endangered fin whales, endangered Western North Pacific Distinct Population Segment (DPS) humpback whales, threatened Mexico DPS humpback whales, endangered Cook Inlet beluga whales, and endangered Western DPS Steller sea lions occur in Cook Inlet. In particular, the Cook Inlet beluga whale frequently occurs in the shallow coastal waters of the upper inlet including Knik Arm, where critical habitat has been designated…One of the principal sources of anthropogenic toxicants in the marine environment is discharges and runoff from urban areas. Discharges of pollutants into Cook Inlet may impair water quality and adversely affect beluga whales. Perfluoronated compounds have been identified as emerging substances of concern for the Cook Inlet beluga

> population and could potentially cause endocrine disruption, reproductive disorders, and other adverse effects. These compounds are persistent and known to bioaccumulate in marine mammals.
>
> "Beluga prey species could also be impacted by contaminants released into Cook Inlet…potential reduction in quantity and quality of prey species could result in decreased rates of beluga reproduction and of survivorship by reducing individual condition or fitness, or habitat displacement from loss of prey availability. Possible contamination of food sources would likely be localized to the discharge areas; however, tissue contamination levels increase with multiple exposures to contaminated prey.
>
> "To minimize potential direct and indirect adverse effects to Cook Inlet beluga whales and their critical habitat…a rigorous clean-up and water quality testing plan must be implemented."

Applicant's Response: In response, the applicant has stated that they have engaged the resources of "Regenesis" which is a firm that specializes in Airport Remediation projects and will be developing a plan for water treatment complementary to the adjacent project (POA-2021-00209, FedEx). Treatment/remediation would occur in coordination with the neighbor.

Corps' Evaluation: The applicant has sufficiently addressed the NMFS's comments. The proposed project would be required to have a Clean Water Act Section 401 Water Quality Certification (WQC), as well as an approved CMMP from ADEC. The proposed project would not be permittable by the Corps without a plan to ensure the water surcharged from the impacted wetlands is remediated and contaminants removed/captured. Currently, untreated water flows directly from the wetlands in the proposed project area through a pipe under North Tug Road, and discharges directly into Knik Arm. The Corps is unaware of any efforts to remediate the water without the proposed development. Therefore, it would be expected that as a result of the proposed project, water from the wetland discharging directly into Knik Arm would have less or be free from contaminants.

Comment 2: Ms. Cathy Gleason, an individual, submitted comments in a letter dated August 10, 2022, via email. Ms. Gleason offered the following comments (note italicized text is italicized in the original comments):

- Ms. Gleason attached comments from the Turnagain Community Council (TCC) provided to the Airport Leasing Program Manager about the applicant's lease application.

- "It is critical that the Corps require mitigation commiserate [sic] to *cumulative* impacts resulting from filling 21.6 acres of Postmark Bog for this project – in addition to the adjacent Postmark Bog wetlands that will be filled, if the proposed FedEx expansion development is permitted." Ms. Gleason noted that Postmark

Bog is classified as a "Class A" wetland by the Anchorage Wetland Management Plan (AWMP), and that the authorization of these two projects would fill the "…last remaining acreage of Postmark Bog."

- In addition to the use of TSAIA's Klatt Bog credits, "…preservation of a portion of Turnagain Bog wetlands located within TSAIA should be included in the mitigation requirement for this project…" Ms. Gleason noted that the location and acreage of such should be determined with TSAIA and TCC collaboration.

- "…the *destruction of the remaining portions of Postmark Bog* – as well as increasing *cumulative* impacts in the Turnagain neighborhood – merits serious consideration of onsite mitigation protection of Class A wetlands in Turnagain Bog." Ms. Gleason noted that this would help to address long-standing concerns by TCC regarding water quality and hydrology of the waterbodies located within TSAIA and the Turnagain neighborhood. She stated that the presence of PFAS and other hazardous pollutants threatens the health and safety of Turnagain residents and that the Turnagain Bog wetlands play a critical role in the continued long-term protection of their neighborhood.

- "Exposure…of jet fumes generated by large cargo operations…is another continuing and *cumulative* impact that will only increase with the proposed…" project. "Turnagain Bog wetlands and associated wooded uplands…provide important buffering and absorption of this highly-toxic impact." She stated that preservation of Turnagain Bog wetlands/uplands as compensatory mitigation for this and other cargo-related development projects is "…essential to ensure these important functions will be in place long-term…"

- "To help mitigate existing, substantial ground noise…TCC has requested that TSAIA…integrate the placement of a large evergreen-landscaped noise berm running along the eastern boundaries of both proposed developments [the proposed project and FedEx proposed project]." Ms. Gleason requested the Corps take into consideration this request as "…part of proposed facility development mitigation at Postmark Bog."

- The proposed project would generate "…large, heavy truck traffic traveling on West Northern Lights Blvd. through the residential area of Turnagain to access this area." Ms. Gleason listed the following impacts from such traffic, including air pollution from exhaust, constant truck noise, vibration of homes from truck traffic, deterioration of West Northern Lights Blvd., and safety risks to pedestrians using the sidewalk and multi-use running trail and crosswalk. Ms. Gleason stated that the Corps needs to take into consideration, "…the dangerous and highly inappropriate use of WNL [West Northern Lights Blvd.] – as a result of increasing wetland fill/development/operations in North Airpark by cargo-generated truck traffic."

Applicant Response: In response to Ms. Gleason's comments regarding cumulative impacts to Postmark Bog, the applicant rebuts that the location of the wetlands to be impacted is surrounded on all sides by manmade impervious surfaces, that water from the wetlands flows north to "outfall D," and that the proposed project would not impact existing wetlands to the east of Postmark Drive. The applicant also states that the intent to preserve wetlands is to preserve bird habitat, but that bird habitat adjacent to aircraft operations is a public life safety issue and is actively managed by TSAIA to keep birds away from the airport. The applicant also pointed out that due to the water contamination, birds would be poisoned if they used the wetlands.

In response to Ms. Gleason's comments regarding her assertion that a portion of Turnagain Bog located within TSAIA should be included in the mitigation requirement in addition to the use of TSAIA's Klatt Bog credits, the applicant restated that the proposed project would not impact the wetlands to the east of Postmark Drive.

In response to Ms. Gleason's comments regarding water quality/pollution and hydrology, the applicant stated that they would be implementing a remediation plan to treat the existing contamination on site.

In response to Ms. Gleason's comments regarding air quality/jet fume exposure and noise impacts, the applicant stated that they would take air quality into consideration during site design, as well as ways to reduce ground noise. The applicant stated they may design buildings to absorb sound, as well as the installation of ground power to reduce the need for generators and aircraft engine idling. The applicant stated that they will also consider the use of electric vehicles.

In response to Ms. Gleason's comment regarding heavy truck traffic on West Northern Lights Blvd., the applicant stated that the proposed project's intent is to service air to air cargo transfer, which would eliminate the need for road transport. The proposed project would not produce delivery truck traffic. However, if trucks are required to come to and from the site, they would be routed to International Airport Road.

Corps Evaluation: The applicant has sufficiently addressed Ms. Gleason's comments. Cumulative impacts for the proposed project are evaluated in section 9.0 of this document. Compensatory mitigation requirements are evaluated in section 8.0. The Corps can only require that adequate and appropriate compensatory mitigation be completed but cannot direct the any applicant to provide any specific compensatory mitigation. The applicant must provide a compensatory mitigation proposal to the Corps, and the Corps must evaluate the proposal for sufficiency. Therefore, the Corps cannot require that the applicant preserve a portion of the Turnagain Bog wetlands as a part of their compensatory mitigation requirements. If the applicant were to propose that as a part of their compensatory mitigation plan, the Corps would evaluate that proposal for sufficiency in offsetting the proposed project's unavoidable impacts to waters of the U.S., including wetlands. Impacts to water quality is discussed in sections 6.0 and 7.0 of this document, and information regarding the state's WQC and approved remediation plan is within section 10.5. Clean Air Act compliance is discussed in section 7.5 of this document. Aesthetics, including noise, is discussed in section 6.0 and 7.0 of this

document.

Additional discussion of submitted comments, applicant response and/or Corps' evaluation: N/A

4.2 Additional issues raised by the Corps

N/A

4.3 Comments regarding activities and/or effects outside of the Corps' scope of review

Ms. Gleason commented on the potential for heavy trucks to use West Northern Lights Blvd., however the Corps has no authority to regulate traffic routes which may result from the proposed project's completion.

5.0 Alternatives Analysis

(33 CFR Part 325 Appendix B, 40 CFR 230.5(c), 40 CFR 1501, and RGL 88-13). An evaluation of alternatives is required under NEPA for all jurisdictional activities. NEPA requires discussion of a reasonable range of alternatives, including the no action alternative, and the effects of those alternatives. An evaluation of alternatives is required under the Section 404(b)(1) Guidelines for projects that include the discharge of dredged or fill material to waters of the United States. Under the Section 404(b)(1) Guidelines, practicability of alternatives is taken into consideration and no alternative may be permitted if there is a less environmentally damaging practicable alternative.

5.1 Site selection/screening criteria

In order to be practicable, an alternative must be available, achieve the overall project purpose (as defined by the Corps) and be feasible when considering cost, logistics and existing technology.

Criteria for evaluating alternatives as evaluated and determined by the Corps:

Alternatives have been evaluated for their ability to meet the overall project purpose, practicability, and reasonableness. For ease of reference, the overall project purpose is restated here: to construct a storage and transfer facility for use by major air cargo carriers and capable of supporting Alaska's supply chain of food and other goods.

The Federal Aviation Administration (FAA) manages airport lands and is completing an environmental assessment (EA) for the proposed project. Alternatives information for the proposed project as described in their draft EA was provided by agents for the proposed project on behalf of the FAA. This alternatives information is summarized below.

Additional screening criteria include: (1) the allowance for efficient movement between aircraft and the cargo facility; (2) the site being within the Foreign Trade Zone in order to

take advantage of air cargo transfer rights granted by the U.S. Department of Transportation, and (3) the site being near aircraft hardstands which are located near existing taxiways. Only sites within the TSAIA were considered, due to these additional screening criteria. No sites removed from the airport were considered.

5.2 Description of alternatives

5.2.1 No action alternative

The “no action alternative” is defined either as a permit denial or an alternative that does not require a Corps permit (33 CFR 325, Appendix B, part (7)(a)). Under this alternative, there would be no development of the property. The upland area present is not sufficient in size for the proposed project and would not meet the overall project purpose. Denial of the proposed project would also not allow for the overall project purpose to be met.

5.2.2 Off-site alternatives

Off-site alternative 1: South Airpark – Siting the proposed project in the South Airpark area was dismissed as the land within is already developed or leased, and additionally does not have taxiway infrastructure to support movement of aircrafts, and therefore doesn’t meet additional screening criteria number 3.

Off-site alternative 2: West Airpark – The West Airpark area is largely undeveloped but is planned to be developed by TSAIA with an additional north/south runway, additional taxiways, and roads. Even with the planned development of West Airpark, there would still be sufficient area to site cargo facilities. However, the site is not near existing hardstands, which would limit the practicality of air cargo transfer, and the road perimeter would need to be relocated. This alternative does not meet additional screening criteria number 3.

Off-site alternative 3: North Airpark – The proposed project is sited within North Airpark, but additional undeveloped/unleased lands were considered for the project. A location adjacent to Point Woronzoff Drive was considered, however, due to its size and shape, it would have operational challenges for maneuvering aircraft onsite. Another area east of Postmark Drive was considered but consists of wetlands considered to be of higher quality than those proposed to be impacted. Additionally, this location would require tremendous infrastructure changes to connect the location to the existing taxiways and runways. Other locations in North Airpark also did not meet additional screening criteria numbers 1 and 3.

5.2.3 On-site alternatives

On-site alternative 1 (applicant’s preferred alternative): On-site alternative one (1) is the applicant’s preferred alternative and is described in section 1.3 of this document. This alternative meets the overall project purpose and screening criteria.

5.3 Alternatives evaluation under the Section 404(b)(1) Guidelines and NEPA

Only On-site Alternative 1 offers a practicable alternative under the Section 404(b)(1) Guidelines, as it would meet the overall project purpose, and is available to the applicants and would be capable of being done after taking into consideration cost, existing technology, and logistics. Additionally, this alternative would be the only alternative reasonable under NEPA as it would meet the purpose and need and goals of the applicant and are technically and economically feasible (40 CFR 1508.1(2)). Other alternatives are not practicable or reasonable either due to unavailability and/or logistical issues.

5.4 Least environmentally damaging practicable alternative under the Section 404(b)(1) Guidelines

The proposed project, the applicant's preferred alternative, is the least environmentally damaging practicable alternative (LEDPA) under the Section 404(b)(1) Guidelines as it is practicable and would result in the least amount of impacts to waters of the U.S., including wetlands while meeting the overall project purpose and screening criteria.

6.0 Evaluation for Compliance with the Section 404(b)(1) Guidelines

The following sequence of evaluation is consistent with 40 CFR 230.5

6.1 Practicable alternatives

Practicable alternatives to the proposed discharge consistent with 40 CFR 230.5(c) are evaluated in Section 5.

The statements below summarize the analysis of alternatives:

In summary, based on the analysis in Section 5 above, the no-action alternative, which would not involve discharge into waters of the United States, is not practicable.

For those projects that would discharge into a special aquatic site and are not water dependent, the applicant has demonstrated there are no practicable alternatives that do not involve special aquatic sites.

It has been determined that there are no alternatives to the proposed discharge that would be less environmentally damaging (Subpart B, 40 CFR 230.10(a)).

The proposed discharge in this evaluation is the practicable alternative with the least adverse impact on the aquatic ecosystem, and it does not have other significant environmental consequences.

6.2 Candidate disposal site delineation (Subpart B, 40 CFR 230.11(f))

Each disposal site shall be specified through the application of these Section 404(b)(1) Guidelines:

The disposal site is the proposed project area and includes the wetland area west of North Tug Road at the TSAIA. There are no naturally occurring areas of open water which would be filled as a result of the proposed project, but there are open water ditches which provide for a slow-moving flow of water into stormwater pipes which drain directly into Knik Arm. The discharge of fill into these open water areas would be highly controlled, as the project area site is contaminated with PFAS and PFOS. No water would be allowed to travel offsite as a result of the discharge of fill material until it has been properly treated in accordance with a CMMP approved by ADEC.

6.3 Potential impacts on physical and chemical characteristics of the aquatic ecosystem (Subpart C 40 CFR 230.20-40 CFR 230.25)

The following has been considered in evaluating the potential impacts on physical and chemical characteristics (see Table 2):

Table 2 – Potential Impacts on Physical and Chemical Characteristics

Physical and Chemical Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Substrate					X	
Suspended particulates/ turbidity		X				
Water						X
Current patterns and water circulation	X					
Normal water fluctuations	X					
Salinity gradients	X					

Discussion: Substrate: The existing substrates would be compacted under the discharged fill. The discharge of new substrates would be permanent. Impacts to the substrates would include loss or depletion of any functions they provide, such as their ability to hold water or the impede water movement.
Suspended particulates/turbidity: As the site is contaminated, a thorough draft CMMP has been developed and a final draft would be approved by ADEC before implementation. The CMMP's purpose is to ensure a plan to treat contaminated water before it is allowed to move offsite. Because of this, it is anticipated that discharge activities would be slow and carefully monitored as treatment of the water occurs. It would be expected that due to this slow, methodical treatment there would be little to no increase in suspended particulates and turbidity in open waters on site or within Knik Arm, where water from the site directly discharges.
Water: The proposed project will result in a beneficial impact to water quality. In order to develop the subject wetland area, water on site must be treated for contaminants

before it is allowed to move offsite and discharge into Knik Arm. It is anticipated that due to this treatment water quality would be improved.

6.4 Potential impacts on the living communities or human uses (Subparts D, E and F)

6.4.1 Potential impacts on the biological characteristics of the aquatic ecosystem (Subpart D 40 CFR 230.30)

The following has been considered in evaluating the potential impacts on biological characteristics (see Table 3):

Table 3 – Potential Impacts on Biological Characteristics

Biological Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Threatened and endangered species		X				
Fish, crustaceans, mollusks, and other aquatic organisms					X	
Other wildlife					X	

Discussion:
Fish crustaceans, mollusks, and other aquatic organisms and Other wildlife: The proposed project would remove 21.6 acres of wetlands. Generally, wetlands provide many functions for aquatic species and other wildlife, such as habitat and water filtration. However, the subject wetlands are actively managed as a public safety measure to prevent certain types of wildlife, such as birds, from utilizing the wetlands. Additionally, these wetlands are contaminated with PFAS, PFOS, and other chemicals (see section 1.4), which are toxins that are difficult to remove from the environment and living organisms. Although there would be a large, permanent loss of wetlands, the wetlands are contaminated and do not function at a high capacity for aquatic organisms and other wildlife. In order to develop the subject wetland, the applicant will be required by ADEC to treat the water and remove/capture contaminants before the water can be discharged into the storm water system. It is anticipated that the treatment of water before it can be discharged into Knik Arm would have a beneficial, long term impact on aquatic organisms and other wildlife.

Threatened and endangered species: See section 10.1.

6.4.2 Potential impacts on special aquatic sites (Subpart E 40 CFR 230.40)

The following has been considered in evaluating the potential impacts on special aquatic sites (see Table 4):

Table 4 – Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	**N/A**	**No Effect**	**Negligible Effect**	**Minor Effect (Short Term)**	**Minor Effect (Long Term)**	**Major Effect**
Sanctuaries and refuges	X					
Wetlands					X	
Mud flats	X					
Vegetated shallows	X					
Coral reefs	X					
Riffle pool complexes	X					

Discussion: The proposed project would not take place within any sanctuary, refuge, mud flat, vegetated shallows, coral reef, or riffle and pool complex.

Wetlands: The proposed project would result in the permanent loss of 21.6 acres of wetlands. The permanent loss of wetlands would result in a permanent reduction in the functions the wetlands perform. However, due to the advanced degradation of the wetlands and the active management of the wetlands, the subject wetland does not provide many functions. The subject wetland likely functions highest in its ability to store storm water runoff from the surrounding upland development, and it may provide transient habitat to larger mammals, such as moose. However, due to the contamination present, water which runs off into the wetland, becomes contaminated if it was not already contaminated. Additionally transient wildlife which may be utilizing the wetland for food or water are ingesting PFAS, etc. The development of these wetlands would result in improved water quality and would remove an attractant of wildlife to a highly toxic area. The wetland likely also functions to perform carbon sequestration, which may be a function that is not highly impacted by contamination as it is the vegetation, litter, and peat which act to sequester carbon. However, the level of carbon sequestration by the subject wetland is unknown and has not been estimated.

6.4.3 Potential impacts on human use characteristics (Subpart F 40 CFR 230.50)

The following has been considered in evaluating the potential impacts on human use characteristics (see Table 5):

Table 5 – Potential Effects on Human Use Characteristics						
Human Use Characteristics	**N/A**	**No Effect**	**Negligible Effect**	**Minor Effect (Short Term)**	**Minor Effect (Long Term)**	**Major Effect**
Municipal and private water supplies	X					
Recreational and commercial fisheries	X					

Table 5 – Potential Effects on Human Use Characteristics						
Human Use Characteristics	**N/A**	**No Effect**	**Negligible Effect**	**Minor Effect (Short Term)**	**Minor Effect (Long Term)**	**Major Effect**
Water-related recreation	X					
Aesthetics		X				
Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves	X					

Discussion: The proposed project is not within the vicinity of any known municipal or private water supplies, recreational and/or commercial fisheries, areas of water-related recreation, or park, national and historical monuments, national seashore, wilderness areas, research sites, and any other similar preserve.

Aesthetics: The proposed project would be anticipated to have a negligible impact to aesthetics. It is located on TSAIA property and would be similar in appearance to the surrounding facilities at TSAIA. It would not be anticipated to add to the soundscape of the area at any perceptible level.

6.5 Pre-testing evaluation (Subpart G, 40 CFR 230.60)

The following has been considered in evaluating the biological availability of possible contaminants in dredged or fill material (see Table 6):

Table 6 – Possible Contaminants in Dredged/Fill Material	
Physical substrate characteristics	
Hydrography in relation to known or anticipated sources of contaminants	
Results from previous testing of the material or similar material in the vicinity of the project	X
Known, significant sources of persistent pesticides from land runoff or percolation	X
Spill records for petroleum products or designated hazardous substances (Section 311 of the Clean Water Act)	
Other public records or significant introduction of contaminants from industries, municipalities, or other sources	
Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities	

Discussion: The subject wetland is known to be contaminated with PFAS, etc., and has been tested to determine contamination levels. The applicant is working with ADEC to

address the contamination and would implement a CMMP to treat water on site for contamination. If permitted, the applicant would only be authorized to discharge clean fill and would be prohibited from increasing any contamination levels of the site, or from allowing contamination from the site to move offsite.

It has been determined that additional testing is not required because of the availability of constraints to reduce contamination to acceptable levels within the disposal site and to prevent contaminants from being transported beyond the boundaries of the disposal site.

6.6 Evaluation and testing (Subpart G, 40 CFR 230.61)

Discussion: Due to the known contamination, the applicant has already tested the wetlands and has developed a draft CMMP to treat the contamination during project construction. This testing and the draft CMMP have been coordinated with ADEC, and a final CMMP would need to be approved by ADEC before project construction could begin.

6.7 Actions to minimize adverse impacts (Subpart H)

The following actions, as appropriate, have been taken through application of 40 CFR 230.70-230.77 to ensure no more than minimal adverse effects of the proposed discharge (see Table 7):

Table 7 – Actions to Minimize Adverse Effects	
Actions concerning the location of the discharge (40 CFR 230.70)	X
Actions concerning the material to be discharged (40 CFR 230.71)	X
Actions controlling the material after discharge (40 CFR 230.72)	X
Actions affecting the method of dispersion (40 CFR 230.73)	X
Actions related to technology (40 CFR 230.74)	X
Actions affecting plant and animal populations (40 CFR 230.75)	
Actions affecting human use (40 CFR 230.76)	
Other actions (40 CFR 230.77)	

Discussion: During construction of the proposed project, an approved CMMP would be implemented. This CMMP would prescribe how construction would occur in order to minimize adverse impacts. The draft CMMP states that placement of fill material would occur from one direction to encourage contaminated groundwater brought to the surface to seep out in a uniform and predictable manner (40 CFR 230.70 and 230.73). Fill material for the proposed project would be amended with a site-specific blend of activated carbon (40 CFR 230.71 and 230.74). Typical BMPs would be implemented during construction to minimize adverse impacts which may result from the discharge of fill material, such as erosion (40 CFR 230.72).

6.8 Factual Determinations (Subpart B, 40 CFR 230.11)

The following determinations are made based on the applicable information above,

including actions to minimize effects and consideration for contaminants (see Table 8):

Table 8 – Factual Determinations of Potential Effects						
Site	**N/A**	**No Effect**	**Negligible Effect**	**Minor Effect (Short Term)**	**Minor Effect (Long Term)**	**Major Effect**
Physical substrate					X	
Water circulation, fluctuation and salinity	X					
Suspended particulates/turbidity		X				
Contaminants					X	
Aquatic ecosystem and organisms					X	
Proposed disposal site					X	
Cumulative effects on the aquatic ecosystem					X	
Secondary effects on the aquatic ecosystem					X	

Discussion: See section 6.3 for discussions regarding impacts to physical substrates, water circulation, fluctuation and salinity, suspended particulates/turbidity. See section 6.5 for a discussion on potential contaminants impacts. See section 6.4.1 for a discussion of impacts to aquatic ecosystem and organisms. See section 6.2 for a discussion about the impacts to the proposed disposal site. See section 9 for a discussion of cumulative impacts.

Secondary effects on the aquatic ecosystem: Secondary effects on the aquatic ecosystem would be expected to be minor due to the careful nature in which the proposed project would be constructed in order to prevent further spread of contamination. Any secondary effects resulting from construction activities would likely be temporary, lasting only as long as construction. As the development would introduce vehicles and aircraft into an area they previously did not transit, there could be secondary impacts associated with leaking fluids from such vehicles and aircraft. This would be anticipated to be minor, however, as it is anticipated that vehicles and aircraft are inspected regularly for leaks, etc.

6.9 Findings of compliance or non-compliance with the restrictions on discharges (40 CFR 230.10(a-d) and 230.12)

Based on the information above, including the factual determinations, the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur (see Table 9):

Table 9 – Compliance with Restrictions on Discharge		
Subject	**Yes**	**No**
1. Is there a practicable alternative to the proposed discharge that would be less damaging to the environment (any alternative with less aquatic resource effects, or an alternative with more aquatic resource effects that avoids other significant adverse environmental consequences?)		X
2. Will the discharge cause or contribute to violations of any applicable water quality standards?		X
3. Will the discharge violate any toxic effluent standards (under Section 307 of the Clean Water Act)?		X
4. Will the discharge jeopardize the continued existence of endangered or threatened species or their critical habitat?		X
5. Will the discharge violate standards set by the Department of Commerce to protect marine sanctuaries?		X
6. Will the discharge cause or contribute to significant degradation of waters of the United States?		X
7. Have all appropriate and practicable steps (Subpart H, 40 CFR 230.70) been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?	X	

Discussion: See sections 6.1, 10.1, and 10.5 for discussions pertinent to these questions.

7.0 General Public Interest Review (33 CFR 320.4 and Regulatory Guidance Letter 84-09)

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 as stated at 33 CFR 320.4(a). To the extent appropriate, the public interest review below also includes consideration of additional policies as described in 33 CFR 320.4(b) through (r). The benefits which reasonably may be expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

7.1 Public interest factors review

All public interest factors have been reviewed and those that are relevant to the proposal are considered and discussed in additional detail (see Table 10):

Table 10 – Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
1. Conservation: The proposed project would result in the loss of 21.6 acres of wetlands. However, the subject wetland is highly degraded, contaminated, and because it is a part of TSAIA, does not provide high value of habitat to wildlife, such as migratory birds. Water displaced by the proposed project's construction would be treated before it would be allowed to move offsite. Additionally, compensatory mitigation would be required for the wetland loss.			X			
2. Economics: The proposed project would be anticipated to have a beneficial impact to at least the local economy. The project would likely hire local contractors to perform the work, and after completion the project would allow the applicant to handle the growing demand for air cargo storage needs.					X	
3. Aesthetics: The proposed project location is at TSAIA and would be similar to the surrounding development. It would be anticipated that only negligible impacts to aesthetics would occur.				X		
4. General Environmental Concerns: Although the proposed project would result in the loss of 21.6 acres of wetland area, the loss would be minimal as the subject wetland is not high functioning. The wetland is severely degraded by surrounding development and contamination and does not provide quality habitat for wildlife. The loss would require compensatory mitigation, and the applicant would be required to treat water displaced from the wetland before it is allowed to travel offsite, which would be anticipated to bring a beneficial impact to water quality in the immediate area, including at the water's discharge point into Cook Inlet.			X			
5. Wetlands: See section 6.4.2 for a discussion of impacts to wetlands, and section 8.2 for a discussion of compensatory mitigation requirements for the unavoidable impacts to waters of the U.S., including wetlands.			X			
6. Historic Properties: See section 10.3 for a discussion of impacts to historic properties.	X					

Table 10 – Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
7. Fish and Wildlife Values: The proposed project would impact contaminated wetlands located at TSAIA. The TSAIA does not allow migratory birds to utilize wetlands on TSAIA property, as a safety precaution. This subject wetland may provide minimal habitat value to transient wildlife, such as moose. However, the value is assumed to be low due to the contamination of the site. Any wildlife utilizing this wetland area is exposed to extremely harmful toxins. The development of this wetland area would prevent wildlife from being exposed to these toxins, and the water displaced by construction would be required to be treated before it is allowed to move offsite. Currently untreated water containing hazardous chemicals moves slowly offsite and directly into Cook Inlet. It is unknown how successful treatment of the water would be (i.e., whether all contaminants are able to be removed/captured), but it would be anticipated that much of the contaminants would be removed/captured and an increase to the quality of water being discharged directly into Cook Inlet would be realized. This, in turn, would be beneficial to fish and wildlife within Cook Inlet.			X			
8. Flood Hazards: The proposed project would convert 21.6 acres of wetland into uplands. A decrease in wetland area increases the risk for localized flooding. However, the proposed project would be required to maintain hydrology, and would not allow for localized flooding. Additionally, there is a storm water system inlet nearby where water would flow to and then directly into Cook Inlet.	X					
9. Floodplain Values: The proposed project is not located within a floodplain.						X
10. Land Use: The proposed project is located on TSAIA property, and is in line with TSAIA's land use plan.					X	
11. Navigation: The proposed project is not located within a navigable water.						X
12. Shoreline Erosion and Accretion:The proposed project is not located along any shoreline.						X

Table 10 – Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
13. Recreation: The proposed project would be anticipated to have no impact to recreation as the subject wetland area does not facilitate any recreation currently.	X					
14. Water Supply and Conservation: The proposed project would not impact water supply or water conservation. The constructed facilities would be expected to be connected to municipal water supply.	X					
15. Water Quality: See sections 6.3 and 10.5 for discussions regarding water quality. The proposed project would be anticipated to result in a net benefit to water quality being directly discharged into Cook Inlet.					X	
16. Energy Needs: The proposed project is not one which would have an impact on energy needs.	X					
17. Safety: The proposed project would not be anticipated to have any impact to safety.	X					
18. Food and Fiber Production: The proposed project is not one involving food and/or fiber production.						X
19. Mineral Needs: The proposed project is not one that involves mineral needs.						X
20. Consideration of Property Ownership: The subject land is owned by TSAIA and would be leased to Alaska Cargo and Cold Storage.					X	
21. Needs and Welfare of the People: The proposed project would help to clean up a contaminated site, and serve to increase air cargo storage capacity for residents and businesses of Alaska. However, it would result in the loss of wetlands, which nearby residents have expressed concerns with.			X			

7.2 Public and private need

The relative extent of the public and private need for the proposed structure or work:

There is mostly a private need for the proposed project, as it would allow Alaska Cargo and Cold Storage to expand their operational capacity. It would also serve the public in allowing for greater capacity and efficiencies in shipments of goods.

7.3 Resource use unresolved conflicts

If there are unresolved conflicts as to resource use, explain how the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work was considered.

There were no unresolved conflicts identified as to resource use.

7.4 Beneficial and/or detrimental effects on the public and private use

The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private use to which the area is suited is described below:

Detrimental effects are expected to be minimal and permanent.

Beneficial effects are expected to be minimal and permanent.

The proposed project would convert 21.6 acres of wetlands permanently to uplands, the detrimental impacts from doing so would likely be permanent. Additionally, due to the permanence of the proposed project, the beneficial effects (i.e., the treatment of contaminated water flowing from the site) would also be expected to be permanent.

7.5 Climate Change

The proposed activities within the Corps' federal control and responsibility likely will result in a negligible release of greenhouse gases into the atmosphere when compared to global greenhouse gas emissions. Greenhouse gas emissions have been shown to contribute to climate change. Aquatic resources can be sources and/or sinks of greenhouse gases. For instance, some aquatic resources sequester carbon dioxide whereas others release methane; therefore, authorized impacts to aquatic resources can result in either an increase or decrease in atmospheric greenhouse gas. These impacts are considered de minimis. Greenhouse gas emissions associated with the Corps' federal action may also occur from the combustion of fossil fuels associated with the operation of construction equipment, increases in traffic, etc. The Corps has no authority to regulate emissions that result from the combustion of fossil fuels. These are subject to federal regulations under the Clean Air Act and/or the Corporate Average Fuel Economy (CAFE) Program. Greenhouse gas emissions from the Corps' action have been weighed against national goals of energy independence, national security, and economic development and determined not contrary to the public interest.

8.0 Mitigation

(33 CFR 320.4(r), 33 CFR Part 332, 40 CFR 230.70-77, and 40 CFR 1508)

8.1 Avoidance and minimization

Avoidance and Minimization: When evaluating a proposal including regulated activities in waters of the United States, consideration must be given to avoiding and minimizing effects to those waters. Avoidance and minimization are described in Section 1.3.1 above.

Describe other mitigative actions including project modifications implemented to minimize adverse project impacts? (See 33 CFR 320.4(r)(1)(i))

No other mitigative actions would be implemented than as described in section 1.3.1 of this document.

8.2 Compensatory mitigation requirement

Is compensatory mitigation required to offset environmental losses resulting from proposed unavoidable impacts to waters of the United States? Yes.

Provide rationale: The proposed project would permanently convert 21.6 acres of wetlands to uplands. Although these wetlands are highly degraded and contaminated, and therefore do not provide high value functions, they do still function in a degraded capacity. The subject wetlands store water, provide minimal wildlife habitat, and sequester carbon.

8.3 Type and location of compensatory mitigation

8.3.1 Mitigation bank service area

Is the impact in the service area of an approved mitigation bank? Yes.

Does the mitigation bank have the appropriate number and resource type of credits available? Yes, the following is a list of approved mitigation banks and their number of appropriate and available credits.

Harmany Ranch Wetland Mitigation Bank: 3.32 flat wetland credits and 12.76 riverine wetland credits
Diamond Willow Mitigation Bank: 72 palustrine credits
Portage Reserve Mitigation Bank: 96.86 palustrine mixed credits

8.3.2 In-lieu fee program service area

Is the impact in the service area of an approved in-lieu fee program? Yes.

Does the in-lieu fee program have the appropriate number and resource type of credits available? Yes, the following is a list of in-lieu fee programs and their number of appropriate and available credits.

Great Land Trust, Mink Creek Site: 39.26 palustrine credits

Great Land Trust, REV Municipality of Anchorage: 438.93 credits

8.3.3 Compensatory mitigation

Selected compensatory mitigation type/location(s) (see Table 11):

Table 11 – Mitigation Type and Location	
Mitigation bank credits	X
In-lieu fee program credits	
Permittee-responsible mitigation under a watershed approach	
Permittee-responsible mitigation, on-site and in-kind	
Permittee-responsible mitigation, off-site and/or out-of-kind	

8.3.4 Mitigation hierarchy

Does the selected compensatory mitigation option deviate from the order of the options presented in 33 CFR 332.3(b)(2)-(6)? No, the applicant has proposed to purchase credits from Harmany Ranch Wetland Mitigation Bank.

8.3.5 Watershed approach

Does the selected compensatory mitigation option follow a watershed approach? N/A

8.4 Amount of compensatory mitigation

The amount of required compensatory mitigation was determined using the Anchorage Credit/Debit Methodology (ADCM). Calculations were completed by an agent on behalf of the applicant. The Corps reviewed and approved the calculations for accuracy. Applying the ADCM, the loss of 21.6 acres of wetlands results in 13.73 debits. Subtracting the 9.28 Klatt Bog credits allotted by TSAIA for the proposed project, leaves 4.45 debits. Klatt Bog wetland mitigation credits were calculated using the first version of the ADCM. The ADCM methodology has since been modified, therefore no multiplier was applied to the proposed project's debits before subtracting the Klatt Bog wetland mitigation credits. Since the ADCM's methodology was modified, it has been found that the ADCM alone does not result in debits which result in adequate preservation-only compensatory mitigation (i.e., it results in preservation-only ratios that are less than 1:1), and in order to comply with 33 CFR 332.3(f)(2) and (h)(2), a multiplier of 3.3 is applied to the remaining debits. This results in a total of 14.685 credits required to offset the remaining 4.45 debits.

9.0 Consideration of Cumulative Effects

(40 CFR 1508 & RGL 84-9) Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor direct and indirect but collectively significant actions taking place over a period of time. A cumulative effects assessment should consider how the direct and

indirect environmental effects caused by the proposed activity requiring DA authorization (i.e., the incremental impact of the action) contribute to the aggregate effects of past, present, and reasonably foreseeable future actions, and whether that incremental contribution is significant or not.

9.1 Identify/describe the direct and indirect effects which are caused by the proposed activity:

The proposed project would result in the direct loss of 21.6 acres of wetlands. The functions and values of this wetland area as discussed in sections 6.0 and 7.0, would be permanently lost.

9.2 The geographic scope for the cumulative effects assessment is:

The geographic scope for the cumulative effects assessment is within the City of Anchorage, specifically the area immediately surrounding the proposed project, to include the TSAIA and the Turnagain Arm residential neighborhoods, commercial, and institutional developments to the west of TSAIA which are encompassed by a portion the Knik Arm-Frontal Cook Inlet Watershed (HUC 190204010808). The geographic scope was not chosen to be the entire Knik Arm-Frontal Cook Inlet Watershed, as that watershed is over 200,000 acres in size and includes all of Cook Inlet and lands across Cook Inlet. Assessing cumulative impacts at such a large scope would serve to dilute the proposed project's cumulative impacts

9.3 The temporal scope of this assessment covers:

The temporal scope of this assessment covers the history of the watershed for which data is available through the life of the proposed fill and structures. The proposed project is intended to be permanent.

9.4 Describe the affected environment:

The affected environment includes the City of Anchorage at the TSAIA and the residential neighborhoods, as well as the commercial and institutional areas to the west of the TSAIA which are encompassed by a portion of the Knik Arm-Frontal Cook Inlet Watershed. These areas all drain to the same area of Cook Inlet. Being a part of the largest city in the state, this area has seen heavy urban development, and continues to see such urban development. Between 1950 and 1990, the Anchorage area lost approximately 52% (9,958 acres of 18,903 acres) of its wetlands to development (Anchorage Wetland Trends Study; USFWS, 1993). Comments included in the 2014 Anchorage Wetlands Management Plan claim that there were around 4,000 acres of wetlands remaining in the Municipality of Anchorage (MOA, 2014). Assuming this was an accurate estimate, the MOA would have lost an additional 4,945 acres between 1990 and 2014 (78.8% of the 1950 estimated acreage of wetlands).

In addition to the proposed project, there is currently a permit application (POA-2021-00209) for the proposed filling of 14.42 acres of the same subject wetland, immediately adjacent to this proposed project. Cumulatively, if both projects receive a favorable

permit decision, 36.02 acres of the subject wetland would be completely filled. That acreage constitutes a majority of the subject wetland.

9.5 Determine the environmental consequences:

The proposed project would add cumulatively to the area of developed land and impervious surface within the city of Anchorage. Increases in impervious surface would directly increase urban runoff pollutant contribution, and without the wetland's ability to store runoff, such runoff could potentially reach Cook Inlet faster.

The proposed project would not be expected to trigger additional development within the area, as the directly surrounding area has almost been maximally developed, as shown by aerial imagery.

9.6 Conclusions regarding cumulative impacts:

When considering the direct and indirect impacts that will result from the proposed activity, in relation to the overall direct and indirect impacts from past, present, and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the area described in section 9.2, are not significant. Compensatory mitigation will be required to offset the impacts of the proposed activity to eliminate or minimize its incremental contribution to cumulative effects within the geographic area described in Section 9.2. Mitigation required for the proposed activity is discussed in Section 8.0.

10.0 Compliance with Other Laws, Policies and Requirements

10.1 Section 7(a)(2) of the Endangered Species Act (ESA)

Refer to Section 2.2 for description of the Corps' action area for Section 7 of the ESA.

10.1.1 Lead federal agency for Section 7 of the ESA

Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed? No.

10.1.2 Listed/proposed species and/or designated/proposed critical habitat

Are there listed or proposed species and/or designated critical habitat or proposed critical habitat that may be present or in the vicinity of the Corps' action area? No. The Corps has determined that it has fulfilled its responsibilities under Section 7(a)(2) of the ESA

Effect determination(s), including no effect, for all known species/habitat, and basis for determination(s): As there are no ESA listed species or designated critical habitat within the action area of the proposed project, the proposed project would have no

effect on any such species or habitat. The NMFS did comment on the proposed project (see section 4.1) stating that a rigorous clean-up and water quality testing plan must be implemented. Such a plan is being developed with the ADEC and would be required to be implemented by the ADEC. It is anticipated that although the action area does not extend to Cook Inlet, the treatment of water displaced by proposed project construction would increase the water quality of water being discharged into Cook Inlet.

10.2 Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Essential Fish Habitat (EFH)

10.2.1 Lead federal agency for EFH provisions of the Magnuson-Stevens Act

Has another federal agency been identified as the lead agency for complying with the EFH provisions of the Magnuson-Stevens Act with the Corps designated as a cooperating agency and has that consultation been completed? No.

10.2.2 Magnuson-Stevens Act

Did the proposed project require review under the Magnuson-Stevens Act? Yes.

10.2.3 EFH species or complexes

Were EFH species or complexes considered? No, the proposed project would not take place within any EFH.

Effect determination and basis for that determination: As the proposed project would not take place within any EFH, there would be no adverse effect to EFH or any EFH species. It is anticipated that although the proposed project would not take place within Cook Inlet, the treatment of water displaced by the proposed project construction would increase the water quality of water being discharged into Cook Inlet.

10.3 Section 106 of the NHPA

Refer to Section 2.3 for permit area determination.

10.3.1 Lead federal agency for Section 106 of the NHPA

Has another federal agency been identified as the lead federal agency for complying with Section 106 of the NHPA with the Corps designated as a cooperating agency and has that consultation been completed? No.

10.3.2 Historic properties

Known historic properties present? No, there are no known historic properties present within or within the vicinity of the permit area.

Effect determination and basis for that determination: As there are no known historic properties within or within the vicinity of the permit area, the Corps determined there would be No Historic Properties Affect as a result of the proposed project's completion.

This determination was published in the Corps' July 11, 2022, public notice. Concurrence was received from the SHPO on July 29, 2022.

10.3.3 Consultation with the appropriate agencies, tribes and/or other parties for effect determinations

Consultation was initiated and completed with the appropriate agencies, tribes and/or other parties for any determinations other than "no potential to cause effects."

10.4 Tribal Trust Responsibilities

10.4.1 Tribal government-to-government consultation

Was government-to-government consultation conducted with federally-recognized tribe(s)? No, no requests for government-to-government consultation were received.

10.4.2 Other Tribal consultation

Other Tribal consultation including any discussion of Tribal Treaty rights.

N/A

10.5 Section 401 of the Clean Water Act – Water Quality Certification (WQC)

10.5.1 Section 401 WQC requirement

Is an individual Section 401 WQC required, and if so, has the certification been issued or waived?

A 401 WQC has not yet been issued, denied, or waived from the ADEC as of the date of this decision. If the project is found to have no significant impact (section 12.3), to comply with the Section 404(b)(1) Guidelines (section 12.4), and not to be contrary to the public interest (section 12.5), a provisional permit would be proffered. A final permit would only be issued after a 401 WQC has been issued or waived by ADEC and after the Environmental Protection Agency (EPA) has made a determination that the discharge would not affect water quality in a neighboring jurisdiction.

10.5.2 401(a)(2) Process

If the certifying authority granted an individual WQC, did the United States Environmental Protection Agency make a determination that the discharge 'may affect' water quality in a neighboring jurisdiction? N/A

Provide an explanation of the determination of the effect on neighboring jurisdiction.

See section 10.2.1 above. A 401 WQC has not been issued, denied, or waived by the ADEC as of the date of this decision. If the ADEC issues a WQC it will be coordinated with the EPA to determine potential affects on neighboring jurisdictions.

10.6 Coastal Zone Management Act (CZMA)

10.6.1 Coastal Zone Management Consistency under Section 307c of the CZMA: By operation of Alaska State law, the federally approved Alaska Coastal Management Program expired on July 1, 2011, resulting in a withdrawal from participation in the Coastal Zone Management Act's (CZMA) National Coastal Management Program. The CZMA Federal consistency provision, section 307, no longer applies in Alaska. Federal Register Notice published July 7, 2011, Volume 76 N. 130, page 39857.

10.7 Wild and Scenic Rivers Act

10.7.1 National Wild and Scenic River System

Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system? No.

10.8 Effects on Corps Civil Works Projects (33 USC 408)

10.8.1 Permission requirements under Section 14 of the Rivers and Harbors Act (33 USC 408)

Does the applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project?

No, there are no federal projects in or near the vicinity of the proposal.

10.9 Corps Wetland Policy (33 CFR 320.4(b))

10.9.1 Wetland Impacts

Does the project propose to impact wetlands? Yes.

10.9.2 Wetland impact public interest review

Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.

10.10 Other (as needed)

N/A

10.11 Compliance Statement

The Corps has determined that it has fulfilled its responsibilities under the following laws, regulations, policies, and guidance:

Table 13 – Compliance with Federal Laws and Responsibilities		
Laws, Regulations, Policies, and Guidance	**Yes**	**N/A**
Section 7(a)(2) of the ESA	X	
EFH provisions of the Magnuson-Stevens Act	X	
Section 106 of the NHPA	X	
Tribal Trust	X	
Section 401 of the Clean Water Act	See section 10.5	
CZMA		X
Wild and Scenic Rivers Act		X
Section 408 - 33 USC 408		X
Corps Wetland Policy (33 CFR 320.4(b))	X	
Other: N/A		X

11.0 Special Conditions

11.1 Special condition(s) requirement(s)

Are special conditions required to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the activity with any of the laws above? Yes.

11.2 Required special condition(s)

Special Condition 1: The permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the authorized work area. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion.

Rationale: This condition is required to ensure that areas outside of the permitted area are protected from sediment caused by erosion, slumping, or lateral displacement of surrounding bottom deposits until the site is permanently stabilized (33 CFR 320.4(b), 40 CFR 230.20(b), 40 CFR 230.21, and 40 CFR 230.72(a)).

Special Condition 2: The permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete blocks with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

Rationale: This condition is required to prevent adverse impacts to wetlands and other waters of the U.S. outside of the permitted project area (33 CFR 320.4(b) and (d), 40 CFR 230.11(c) and (d), and 40 CFR 230.60)).

Special Condition 3: No stockpiling of fill materials shall occur in wetlands or other waters of the U.S. that do not have DA authorization.

Rationale: This condition is required to avoid adverse impacts to adjacent wetlands as a result of the permitted project (33 CFR 320.4(b)(1), 33 CFR 320.4(r)(1), and 40 CFR 230.41).

Special Condition 4: Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems, and other measures to ensure hydrology is not altered.

Rationale: This condition is required to minimize impacts to adjacent wetlands and other waters of the U.S. as a result of the permitted project (33 CFR 320.4(b) and (l) and 40 CFR 230.41).

Special Condition 5: Prior to commencing the work authorized by this permit, the permittee shall utilize 9.28 Klatt Bog Credits to partially offset the project's calculated 13.73 debits. To offset the remaining 4.45 debits, the permittee shall purchase 14.685 credits of the appropriate type from Harmany Ranch Wetland Mitigation Bank, as proposed by the permittee and approved by the Corps. Such credit utilization and purchase will offset the loss of 21.6 acres of palustrine emergent and scrub-shrub wetlands. You must email the signed credit transaction form to mitigationmanager@usace.army.mil and to Roberta Budnik (roberta.k.budnik@usace.army.mil) upon completion of credit transaction (see form attached). If you are unable to complete this transaction, you are required to obtain a permit modification prior to commencing the work authorized by this permit for approval of an alternate mitigation method.

Rationale: This condition is required to compensate for resource losses important to the human and aquatic environment (33 CFR 320.4(r)(1), 33 CFR 332.1, 33 CFR 332.3(a)(1) and (b)(3), and 40 CFR 230.41).

Special Condition 6: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (attached) to the Corps (U.S. Army Corps of Engineers, Regulatory Division, by email at regpagemaster@usace.army.mil and Ms. Roberta Budnik, Project Manager at roberta.k.budnik@usace.army.mil). The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations

on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

b. Include the Department of the Army permit number on all sheets submitted.

Rationale: *This special condition is required to ensure compliance with the permit and in order to efficiently plan compliance inspections.*

Special Condition 7: All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

Rationale: This special condition is required to ensure compliance with the permit, and to minimize impacts to adjacent wetlands and other waters of the U.S. as a result of the permitted project (33 CFR 320.4(b) and 40 CFR 230.41).

12.0 Findings and Determinations

12.1 Section 176(c) of the Clean Air Act General Conformity Rule Review:

The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

12.2 Presidential Executive Orders (EO)

12.2.1 EO 11988, Floodplain Management

This action is not located in a floodplain.

12.2.2 EO 12898 and EO 14008, Environmental Justice

12.2.2.1 Provide details regarding screening and mapping tools and available information utilized during the review.

The Corps utilized the EPA's "EJ Screen" (Environmental Justice Screening and Mapping Tool Version 2.1) to complete this review. The EPA's EJScreen utilizes the 2016-2020 American Community Survey data from the U.S. Census. The Corps also used current U.S. Census data and estimates.

The Corps understands that it is preferred to use the Council on Environmental Quality's (CEQ) EJ tool, however, this tool lacks information about Alaska. The EPA's EJ screen contains information sufficient to complete this review.

12.2.2.2 Have disadvantaged communities been identified within the vicinity of the proposed project? No.

Using the EPA's EJScreen, the Corps generated a standard report of the affected environment. It was determined that the most appropriately defined affected environment includes a two-and-a-half-mile radius from the approximate center of the subject wetlands. This radius was determined to be most appropriate because it includes the nearby residential neighborhoods whose residents are most likely to notice changes occurring at the airport or impacts due to the changes at the airport (such as increased traffic of delivery trucks). The two-and-a-half-mile radius captures a population of approximately 19,256 individuals within 19.63 square miles.

"Disadvantaged communities" is a term used interchangeably with "low income" and "minority" populations. To determine if any disadvantaged communities exist within the affected environment, the "Fifty Percent," "Meaningfully Greater," and "Low-Income Threshold Criteria" analyses as described in "Promising Practices for EJ Methodologies in NEPA Reviews" (Federal Interagency Working Group on Environmental Justice & NEPA Committee; March 2016) were conducted for the reported percentages of People of Color (POC; i.e., minority) and Low Income individuals/households within the affected environment. The Municipality of Anchorage (MOA) was used as a reference community to perform the "Meaningfully Greater" analysis and compare Low Income percentages.

	People of Color (%)	Low Income (%)
Municipality of Anchorage (Ref. Community)	39.7*	9.2 – 22.7**
Affected Environment***	37	19

* U.S. Census Bureau Quick Facts, population estimates July 1, 2021
**American Community Survey (U.S. Census Bureau) 5-year estimates
***EJScreen Standard Report

The EPA's EJScreen's "Low Income" index is defined as the percent of a population where the household income is less than or equal to twice the federal "poverty level." The federal poverty level is set by the Department of Health and Human Services, and in Alaska for 2021 ranged from $16,090 for a household of one to $55,850 for a household of eight (https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines). Per the EJScreen's definition, "low income" is considered to be $32,180 for a household of one to $111,700 for a household of eight. According to the American Community Survey's (U.S. Census Bureau) 5-year estimates subject tables for income in the past 12 months in 2021 inflation-adjusted dollars, in the reference community (MOA), 9.2% of "nonfamily" households (a householder living alone or shares a home exclusively with others they are not related to) had an income of between $15,000 to $24,999, and 22.7% of "families" (household maintained by householder who is in a family and also includes unrelated people residing in the same home) had an income between $100,000 to $149,999. It should be noted that the Corps was unable to find data that listed income data specific to the number of people per household. As such,

the federal poverty level for a household of eight was used in the determination of the range of percentages of Low Income households.

As there is a population of POC less than 50% in the affected environment, and not meaningfully greater than the reference area, no disadvantaged communities based on minorities exists within the vicinity of the proposed project. Additionally, as the percentage of Low Income individuals is within the range of the reference community, no disadvantage community exists based on income.

12.2.2.3 What meaningful involvement efforts did the Corps take for potentially affected disadvantaged communities and other interested individuals, communities, and organizations?

The Corps published a Public Notice for the proposed project, which directly notified adjacent neighbors, the MOA, congressional representatives, nearby federally recognized Tribes, media outlets, Native corporations, as well as an administratively maintained distribution list of individuals who sought to receive all Corps public notices.

12.2.2.4 Describe if resource impacts are high and adverse.

Resource impacts have been evaluated throughout sections 6.0 and 7.0 of this document and have been determined not to be high and adverse with the inclusion of compensatory mitigation to offset unavoidable impacts.

Do the impacts fall disproportionately on disadvantaged communities? No.

12.2.2.5 Based upon the discussion and analysis in the preceding sections, the Corps has determined that portions of the proposed project within our federal control and responsibility would not have a disproportionately high and adverse human health or environmental effect on disadvantaged communities.

12.2.3 EO 13112, Invasive Species, as amended by EO 13751

There are no invasive species issues involved in this proposed project.

12.2.4 EO 13212 and EO 13302, Energy Supply and Availability

The proposal is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

12.3 Findings of No Significant Impact

Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.

12.4 Compliance with the Section 404(b)(1) Guidelines

The proposed discharge complies with the Guidelines.

12.5 Public interest determination

Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest. The permit will be issued with appropriate conditions included to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the activity with any of the authorities identified in Section 10.

PREPARED BY:

Roberta K. Budnik

Date: June 28, 2023

Roberta K. Budnik
Project Manager

REVIEWED BY:

Emily Vullo

Date: June 29, 2023

Emily Vullo
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