CWA 401 Water Quality Certification - Modification

version 2.11

(Submission #: HQG-HRPD-MZXB5, version 1)

Details

Site: Solars Farm

Submission ID HQG-HRPD-MZXB5

Form Input

Form Instructions

Form Instructions

Instructions for filling out the 401 Water Quality Certification Request - Modification Form are located on the Alaska DEC website at the link below.
401 Prefiling Meeting Request Form Instructions

Agents: For Delegation of Authority to act on behalf of the applicant in processing the application, use the following form, have signed, and upload with application.

- Delegation of Authority - 401 Application

Modification Reason

Permit Number
POA-2023-00479

Are you modifying any of the following things for this permit?
NONE PROVIDED

Modification Description or Section Changes

- If you have a quick description that explains your modification you can add it below.
- Please check any section boxes below if you've made any additional changes in those sections as well.

If changing contact details for anyone associated with the permit or application, please add a note in the Modification Description box below.

Modification Description
Modification due to revised USACE public notice, revised site plan, revised fill in wetlands, and revised project dates.

Modified Sections
Attachments
Discharge Information

Instructions for filling out the 401 Certification Form are located on the Alaska DEC website at the link below.
401 Certification Form Instructions

Permit Information

Federal Permit License Number
POA-2023-00479

Contact Information (1 of 2)

Required Contacts

The following **Contact Roles are *REQUIRED***. Please select the appropriate role(s) for each contact and complete the contact details. Multiple role(s) may be assigned to each unique individual.

- **Applicant** (Responsible Party)
- **Billing Contact**

Edit the contact roles and details as needed. If the contact is no longer active, please remove all roles for the assigned person and indicate the contact is In-Active, and add a new contact with the appropriate roles versus writing over the previous one.

Contact Role(s)
Agent
Consultant
Application Preparer

Is this contact In-Active?
No

Contact

Prefix
Mr.

First Name	Last Name
Owen	Means

Title
Sr. Environmental Specialist

Organization Name
HDL Engineering Consultants, LLC

Phone Type	Number	Extension
Business	9075642143	
Mobile	9074417142	

Email
omeans@gmail.com

Mailing Address

3335 Arctic Blvd

Suite 100

Anchorage, AK 99503

[NO COUNTRY SPECIFIED]

Contact Information (2 of 2)

Required Contacts

The following **Contact Roles are *REQUIRED***. Please select the appropriate role(s) for each contact and complete the contact details. Multiple role(s) may be assigned to each unique individual.

- **Applicant** (Responsible Party)
- **Billing Contact**

Edit the contact roles and details as needed. If the contact is no longer active, please remove all roles for the assigned person and indicate the contact is In-Active, and add a new contact with the appropriate roles versus writing over the previous one.

Contact Role(s)
Applicant
Onsite Contact
Billing Contact
Operator
Owner

Is this contact In-Active?
No

Contact

Prefix
NONE PROVIDED

First Name	Last Name
Tracy	Maxwell

Title
Owner

Organization Name
Solars Farm

Phone Type	Number	Extension
Business	2062145965	

Email
llewxamfamily@outlook.com

Mailing Address

3218 30th Ave W

Seattle, WA 98199

[NO COUNTRY SPECIFIED]

Project / Facility Site Info

Identify the applicable federal license or permit

A copy of the federal permit or license application is required to be submitted with the request for the water quality certification. (18 AAC 15.130, 18 AAC 15.180)

Federal Agency
Army Corps of Engineers (USACE)

Permit License Number (ex. USACE: POA-XXXX-XXXX; FERC: FERC-xxxx-xxxx; EPA: AK#######)
POA-2023-00479

Project Name or Title
Solars Farm

Primary Receiving Waterbody Name
Upper Trail Lake

Estimated Project Dates (+/- 30 days)

Project Estimated Start Date	Project Estimated End/Completion Date
10/22/2025	10/22/2030

Approximate date(s) when any Discharge(s) may commence (+/- 30 days)

Description	Discharge Estimated Start Date	Discharge Estimated End Date
Wetland Fill	10/22/2025	10/22/2030
Wetland Fill	10/22/2025	10/22/2030
Wetland Fill	10/22/2025	10/22/2030

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

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

Project Purpose (Describe the reason(s) for discharge)
The purpose of the overall site development is create a sustainable organic farm small business and have supplemental income from cabin rental properties from the adjacent upland hillside property.

Is any portion of the work already complete?
No

Description of current activity site conditions
The site of wetland fill discharge is an undeveloped/undisturbed palustrine wetland, abutting spruce/birch/cottonwood uplands.

Relevant Site Data, Photographs that Represent Current Site Conditions, or other Relevant Documentation
NONE PROVIDED
Comment
NONE PROVIDED

Is this a linear project? (i.e., utility line, road, etc.)
No

Project Address
MP 27.8 Seward Hwy
Moose Pass, AK 99631

Visit the link below to help with conversion between DMS and Latitude/Longitude
DSM - Lat/Long converter

Project Location
60.471460,-149.368190

Visit the following link if you need to convert the lat/long to get the **PLSS information**

Converter for Section, Township, and Range

PLSS Location (Public Land Survey System)

State Tax Parcel ID	Borough/Municipality	Meridian	Section	Township	Range
NONE PROVIDED	Kenai Peninsula Borough	Seward	001	4N	1W

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

Federal Agency Contact (1 of 1)

Have you been working with anyone in the Federal Agency?
Yes

Federal Contact Role
USACE

Federal Agency Contact

First Name	Last Name
Nicholas	Baggett

Title
Project Manager

Organization Name
Regulatory Division, USACE

Phone Type	Number	Extension
Business	9077532670	

Email
nicholas.s.baggett@usace.army.mil

Dredge Material to be Discharged

Is dredging involved?
No

Tier Analysis

A tier analysis is comprised of a layered approach to determine the need for testing the dredge material to aid in generating physical, chemical, toxicity and bioaccumulation information, but not more information than is necessary to make factual determinations. The tier analysis is a series of tiers (I – IV) or levels of intensity (and cost) of investigation. It is necessary to proceed through the tiers only until information is sufficient to make factual determinations, no further testing is required.

- **Tier I - Site Evaluation and History**. The initial tier (Tier I) uses readily available, existing information (including all previous testing). For certain dredge materials with readily apparent potential for environmental impact (or lack thereof), information collected in Tier I may be sufficient for making factual determinations.
- **Tier II - Chemical Testing** is concerned solely with sediment and water chemistry.
- **Tier III - Biological Testing (bioassay and/or bioaccumulation testing)** is concerned with well-defined, nationally accepte toxicity and bioaccumulation testing procedures.
- **Tier IV - Special Studies** allows for case-specific laboratory and field testing, and is intended to for use in unusual circumstances.

For more information regarding a Tier analysis, see below references

- EPA Inland Testing Manual
- USACE Seattle District Civil Works DMMP User Manual

Fill Material to be Discharged

Will Fill Material be Discharged?
Yes

For fill material, identify the material source
Commercial sites in Eastern Kenai Peninsula vicinity

Types of material being discharged and the amount of each type (cubic yards)

Type	Cubic Yards
Unclassified borrow and topsoil	20.693

Surface area in (acres or linear feet) of wetlands or other waters filled

Surface Area	Units
1.43	Acres

Discharge Location Information (1 of 1)

Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters

Discharge Location ID (001, 002, 003, - increment by one)
001

NOTE: if you have a receiving water that is Wetlands, just enter the generic term "Wetlands". Do not enter "Wetlands of Tanana River", for example.

Please select 'Other' if your waterbody is not in the list below.
You can start typing the name of the waterbody to filter the list.

Receiving Waterbody / Wetlands Name
Upper Trail Lake

Discharge Location
60.471460,-149.368190

Other Pollutant Sources

Contaminated Site Information

Determine if your project is **within 1,500 feet** of a known Alaska DEC Contaminated Site. See the *Alaska DEC Contaminated Web Map* below. This will help you to identify if any potential pollutants/parameters of concern may be present on your project site., see DEC's website:

- Contaminated Sites Web Map
- Contaminated Sites Database Search website

Is the project within 1,500 feet of a known contaminated site?
No

Parameters of Concern that may be present in discharge

Parameter(s) of Concern

Identify the parameters of concern that may be present in your discharge from the dredge and/or fill material.

Note, **TURBIDITY** and **SEDIMENT** are routine parameters associated with dredge and/or fill activities.

Consider if other parameters may be present from past activities in the area such as contamianted site data, impaired waters or other relevant water quality data, or other parameters of concern identified during the application process.

Parameter(s)
Sediment

If known, describe respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water
Unknown.

Impaired Waters

An ***impaired waterbody*** are those listed as a **Category 4 [304(b)] or Category 5 [303(d)]** in the current EPA approved *Alaska's Integrated Water Quality Monitoring and Assessment Report.*

For the most recently *Approved Integrated Water Quality Monitoring And Assessment Report (Integrated Report)*, see DEC's website:

- **Integrated Water Quality Monitoring And Assessment Report** https://dec.alaska.gov/water/water-quality/integrated-report

Does a discharge of any parameter identified above occur to an impaired waterbody?
No

If determined necessary and requested by the Department, submit sufficient and credible baseline water quality information for the receiving water which meets the requirements of 18 AAC 70.016(a)(6)(A-C).

Avoidance & Minimization BMPs and Mitigation Measures

Describe how impacts are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize environmental impacts, and any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge.

Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge
The project will prepare and implement a Storm Water Pollution Prevention Plan, including best management practices such as silt fence, fiber rolls, and seeding, to minimize discharge of untreated construction storm water off site.

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

The applicant wishes to develop the proposed project in the community of Moose Pass, on a parcel that contains wetlands. There are no other properties in the vicinity of Moose Pass that are currently listed for sale (source: alaskarealestate.com) that would allow the activity to take place entirely in uplands.

Moose Pass is constrained by steep mountain slopes to the west and Upper Trail Lake to the east, with a small and relatively flat but hilly area in between that is suitable for development. The available uplands in the area, and on the applicant's property, feature very shallow soils over gravel or bedrock, making unsuitable for agriculture. Levelling the available upland areas would require blasting of the rocky terrain, making the costs unreasonable. The applicant has identified the wetland areas as the only suitable location for conversion to cropland. For these reasons, the applicant believes that complete avoidance of wetland impacts is not practicable.

Minimization Measures
The proposed project utilizes the available upland areas to the maximum extent practicable for construction of the access driveway and cabin rental dwelling units. Dwelling units are planned for the hilly upland terrain immediately west of the wetlands and on the east side of the property. The site access drive will be constructed within uplands on the far west side of the property. The remainder of the property is wetland which is located in the central portion of the property. The applicant intends to maximize the crop yield on the property while maintaining a narrow area of wetland for north-south hydrological connection. Overall, the footprint of the wetland impact has been reduced by 30% from the original presented design as part of minimization efforts. The site is designed to retain storm water onsite for irrigation, and therefore is not anticipated to have adverse flooding impacts in downstream locations.

Mitigation Measures
The applicant believes the project would have minimal adverse impacts to wetlands and waters in the Trail Lake and Kenai Lake watersheds. The area of impacted wetland compared to remaining wetlands in the watershed that are under limited threat of development is negligible. In addition, land available for providing compensatory mitigation is extremely limited and there are currently no mitigation banks or in-lieu fee sponsors servicing the area. The applicant is not proposing compensatory mitigation.

Social / Economic Importance

Social or Economic Importance

(18 AAC 70.016(c)(5): Provide information that demonstrates the accommodation of important social or economic development. The applicant shall complete either a social OR economic importance analysis (or both) for each affected community in the area where the receiving water for the proposed discharge is located.

Social Importance Analysis
NONE PROVIDED

Economic Importance Analysis
Employment, job availability, and salary impacts
Tax base impacts
Commercial activities

Describe Social and/or Economic Importance of the project
The project would support a small business in a small community with limited opportunities for employment. Sustainable agricultural production would allow for less reliance on fresh produce purchased outside the community.

Description of Social or Economic Importance, if needed
NONE PROVIDED
Comment
NONE PROVIDED

List of Other Permits or Certificates

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

Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received.

Agency	Type of Approval*	Identification Number	Date Applied	Date Approved	Date Denied
USACE	Individual Permit	POA-2023-00479	10/19/2023	*NONE PROVIDED*	*NONE PROVIDED*

Other Agency or Local Contacts (1 of 1)

Contact Role
OTHER_REG_CNTCT

Other Agency and or Local Contacts

First Name	Last Name
Amanda	Locken

Title
Regulatory Specialist

Organization Name
Regulatory Division, USACE

Phone Type	Number	Extension
Business	907-347-6148	

Email
amanda.n.locken@usace.army.mil

Attachments

Copy of Federal Application (USACE, EPA, or FERC, etc.)
POA-2023-00479_UpperTrailLakePN.pdf - 10/22/2025 04:01 PM
Comment
NONE PROVIDED

Figures and/or Drawings/Plan Sets. To include a map or diagram of the proposed activity site, including the proposed activity boundaries in relation to local streets, roads, and highways.
POA-2023-00479 - Permit Drawings Revised Sep2025.pdf - 10/22/2025 04:02 PM
Comment
NONE PROVIDED

Document Attachments
NONE PROVIDED
Comment
NONE PROVIDED

Delegation of Authority for Submission of Application
NONE PROVIDED
Comment
NONE PROVIDED

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:
1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
2) in the case of a partnership, by a general partner;
3) in the case of a sole proprietorship, by the proprietor; and
4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Agreements and Signature(s)

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:
1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
2) in the case of a partnership, by a general partner;
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4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Signed By llewxamfamily@outlook.com llewxamfamily@outlook.com on 10/23/2025 at 1:42 PM