



PUBLIC NOTICE

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

Notice of Application for State Water Quality Certification

Public Notice (PN) Date: October 29, 2025
PN Expiration Date: November 13, 2025

PN Reference Number: POA-2023-00479 v2.0
Waterway: Upper Trail Lake

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

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

To comment on the project or request a public hearing with respect to water quality, submit comments via (*preferred method*) DEC website <https://dec.alaska.gov/commish/public-notices/> or email to the DEC email address: DEC-401Cert@alaska.gov with the subject line referencing Public Notice Reference Number: **POA-2023-00479 v2.0** or on or before the public notice expiration date listed above.

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

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

Project Name: Upper Trail Lake Solars Farm Agricultural Facility

Dates of the proposed activity are planned to begin and end: 10/22/2025 to 10/22/2030

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

Purpose: The applicant's stated purpose is to construct a sustainable organic farm, small business, and have supplemental income from cabin rental properties on the adjacent upland hillside property.

Description of Proposed Work: The project would construct agricultural facilities, fields, ponds, gravel pads for greenhouses, storage equipment areas, and a barn with permanent impacts to 1.43 acres of wetlands (20,693 cubic yards of fill using unclassified sub-base & topsoil).

The proposed activity would construct an agricultural facility, including fields for summer crops, a 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 the

¹ Reference submission number: HQG-HRPD-MZXB5; Received: 10/23/2025 1:43:33 PM

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 the uplands in the western-most portion of the property

ADDITIONAL INFORMATION: A public notice was issued for the initial proposal on June 13, 2024. As a result of public comment, a hydrologic study was completed, and public comments were addressed. Changes to the embankment slopes have been flattened from 50% to 25% in response to public comments from the public. The wetland impact resulting from slope flattening is 0.2 acres, and the total wetland impact has increased from 1.23 acres to 1.43 acres

Applicant Proposed Mitigation: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

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

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

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

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

activity and any discharge that might result will comply with water quality requirements. The Department also may deny or waive certification.

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

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation, complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Kristin Mabry, kristin.mabry@alaska.gov, 1-907-334-0884; or TDD Relay Service 1-800-770-8973/TTY or dial 711 at least 3 days prior to the expiration/closure date of this public notice to ensure that any necessary accommodations can be provided.