

July 13, 2023

US Army Corps of Engineers, Alaska District  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

Via email: Andrew Gregory at [Andrew.W.Gregory@usace.army.mil](mailto:Andrew.W.Gregory@usace.army.mil)

Via email: [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil)

Alaska Operations Office  
222 West 7th Ave. #19  
Anchorage, AK 99513-7588

Alaska Department of Environmental Conservation  
Clean Water Act Section 401 Certification Section  
PO Box 111800  
Juneau, Alaska 99811

Submitted electronically to: <https://water.alaskadec.commentinput.com?id=cPBj97Hdt>

Submitted via email to: [DEC-4-1CERT@alaska.gov](mailto:DEC-4-1CERT@alaska.gov)

**Reference: POA-2021-00278 and POA 2023-00206 and DEC "Notice of Application for State Water Quality Certification PN Reference Numbers POA-2021-00278 v1.0 and POA-2023-00278**

Dear Mr. Gregory and Department of Environmental Conservation:

Please accept my initial feedback on the two Public Notices of Application for Permit, reference numbers **POA-2021-00278** and **POA 2023-00206** and for the related Department of Environmental Conservation public notices for State Water Quality Certification of the two projects, **PN Reference Numbers POA-2021-00278 v1.0** and **POA 2023-00206 v1.0**. Please place a copy of my comments in files for both projects as many of my comments apply to both and their relationship. I intend to provide additional, more detailed comments prior to the close of the comment periods (or extended comment periods). Further my letter requests a public hearing and an extension to the comment periods.

First and foremost, I request the Corps issue an immediate stop work order to the project applicant for both projects, since he has begun unpermitted work in wetlands. Any further disturbance of wetlands should not occur (nor should work be allowed to continue in the unpermitted wetlands areas already disrupted) until the complete project is fully and properly permitted.

I am not opposed to development in Girdwood on uplands, nor on fully permitted wetlands in compliance with the permits. There is a severe shortage of affordable housing in the community and I welcome the development of multi-family dwellings along with business development. However, I am unable to provide detailed information regarding the public interest of the project (exchange of wetlands highly valued by the community for the proposed developments) without additional information. As such, I request the items listed below. The pages of the Corps' and DEC Public Notices are not all numbered, so I provide page references based on the order they are provided in the notices.

1. **POA-2021-00278** Please provide a copy of the original, 2021 public notice for POA-2021-00278, applicant supplied information supporting that public notice, and any permit issued pursuant to that public notice.
2. **POA-2021-00278** Note that the applicant's narrative and drawings do not match, in several respects and should not have gone to public notice with such errors. As just one **POA-2021-00278**, on page 2 under "PROPOSED WORK:" identifies 5 buildings and under "APPLICANT PROPOSED MITIGATION: Avoidance example:" states that they have reduced "from seven to four" buildings, and the drawing on Page 7 (identified as "Page 3 of 7") shows 6 buildings.
3. **POA-2021-00278** Page 2 references 5 building pads (and four, see above), yet the drawing on page 7 (identified at "Page 3 of 7") shows 6 pads, all of which, with their road appurtenances, affect wetlands. Further, the drawing shows a straight line through the proposed road from the northeast pad to the proposed Kami Circle. It is unlikely that such a straight line accurately depicts the actual wetlands. I request a copy of the complete wetlands delineation (and Corps approval of the delineation) for this permit application (**POA-2021-00278**), **POA-2023-00206**, and, if one was done, for the original application for **POA-2021-00278** public noticed in 2021.
4. **POA-2021-00278** How many individual dwelling units are proposed for each of the 6 buildings? This information is necessary for the public interest review.
5. **POA-2021-00278** Please provide a full size, legible copy of the drawings on page 10 of the Public Notice (identified as "Alpine View Estates, Phase 4 WATER IMPROVEMENTS"). It is unclear what part of the proposed project area the drawings on the page apply to and may have been developed for a previous permit application by the same number, **POA-2021-00278** public noticed in 2021. If these drawings apply to the L-shaped fill in the southwest corner of the drawing on page 11 (identified as "Page 7 of 7"), I note (observed) that those wetlands have already been dredged/filled without a permit.
6. **POA- 2021-00278** The drawing on Page 11 (identified as "Page 7 of 7") identifies what appears to be future "UPLAND DEVELOPMENT." It is not clear whether the wetlands impacted as part of the project are to be permitted under **POA-2021-00278** or a future permit as it appears that at least a portion of the proposed northwest building in the "FUTURE MULTI-FAMILY" project encroaches on wetlands. I note that significant wetlands destruction has already occurred in this area and appears to be unpermitted. The Public Notice should be revised to clarify which specific wetlands are proposed for fill, specifically whether any of the "FUTURE MULTI-FAMILY" buildings affect any delineated wetlands. Simply labeling this area as "UPLAND DEVELOPMENT" does not make it so unless the Corps-approved wetlands delineation is available for comparison to the proposed footprint.
7. The Clean Water Act, under the 404(b)(1) guidelines and associated regulations do not allow phased permitting in a manner that prevents public review of the full planned project. Understanding the full project is necessary to evaluate cumulative effects and support a complete public interest review. There appear to be 3 phases, **POA-2021-00278**, **POA-2023-00206**, and an as-yet unpermitted "UPLANDS DEVELOPMENT" for four "FUTURE MULTI-FAMILY" units (that may also impact wetlands), or at a minimum, require wetlands fill for access. I request that the Corps require the applicant to re-submit a single application for the full project

(along with required compensatory mitigation for the full projects) so a fair and complete review can be conducted. The Corps could then (if appropriate) issue a permit for the full project for all phases. The applicant can request and extension to the permit term, if all 3 phases cannot be completed within 5 years.

For example, if the project as a whole is considered, the proposed L-shaped road providing access to the "**UPLANDS DEVELOPMENT**" for four "**FUTURE MULTI-FAMILY**" could be provided to the north to the project under **POA-2023-00278** with reduced wetlands impacts (assuming the Corps requires restoration of the unpermitted L-shaped area that has already been impacted). Further, routing traffic from the "**UPLANDS DEVELOPMENT**" for four "**FUTURE MULTI-FAMILY**" will provide significant additional traffic to Timberline which is already heavily used by a major portion of the Girdwood Valley. This type of analysis cannot be done when permitting is piecemeal.

8. The DEC public notice for **POA-2021-00278** includes the drawing for **POA-2023-00206** (a different permit application and different phase of the project – the hotel and hardware store) which does NOT show the proposed L-shaped fill of wetlands that have already been destroyed. I request that DEC public notice a corrected version so as not to confuse reviewers. Alternatively, if the Corps requires a single permit for the entire area to be developed, the DEC public notices should be revised accordingly into a single public notice for the entire area.
9. **POA-2021-00278, POA-2023-00206**, and an as-yet unpermitted "**UPLANDS DEVELOPMENT**" for four "**FUTURE MULTI-FAMILY**" Please provide details of the applicant's proposed compensatory mitigation - the July 26, 2005 land swap. The public needs to know the specific wetlands acreage associated with each of the parcels swapped and the type/value of the wetlands. Has that land swap been considered as compensatory mitigation for any other 404-permitted projects? Did it exceed the necessary compensatory mitigation for that project so that some of it was "banked" for future projects? We also need to know whether the wetlands provided to the Heritage Land Bank were protected in perpetuity by a deed restriction (or some other mechanism) to prevent their future development. These wetlands cannot otherwise be considered as compensatory mitigation for either **POA-2021-00278, POA-2023-00206**, or the "**UPLANDS DEVELOPMENT**" for four "**FUTURE MULTI-FAMILY**" (if any of those "UPLANDS" units impact wetlands).

I respectfully request that the public comment period be extended for 30 days from the date from receipt of the requested information and corrected public notices for both projects.

I further request that a public hearing – combined for both permits (or a revised, single public notice for the entire project) - be held in Girdwood approximately halfway through the extended public comment period so that Girdwood residents and federal, state and local government agencies have the complete picture to consider and comment. This hearing request is based, in part, on the fact that there are cumulative impacts from multiple projects and wetlands are as important to Girdwood as providing new, affordable housing. These wetlands provide flood control; water quality benefits to the immediately adjacent Glacier Creek (where many of us fish for human consumption); a wildlife corridor for bears and moose; and "commuting" and recreational use – there has been a trail through this property for at least 18 years that provides easy access to the grocery store, post office and other amenities. These areas are unique and provide important attributes to the Girdwood community and we deserve to have accurate and timely information to evaluate the trade-offs to providing much-needed housing and business development in the valley. Only with this information and input to the Corps, can the Corps make an

informed decision regarding the public interest. Again, I am fully supportive of housing and business development under approved permits, but to date, the public has been misled by inaccurate public notices, partial information, and the perception that the project must have already been permitted since wetlands are being disrupted today without a permit.

Thank you for considering my input and requests.

Sincerely,

A handwritten signature in blue ink that reads "Chris Kent". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chris Kent  
Box 1032  
Girdwood, AK 99587

cc: Girdwood Board of Supervisors