



Public Notice

US Army Corps
of Engineers
Alaska District

Regulatory Branch (1145)
Post Office Box 6898
Anchorage, Alaska 99506-0898

Date:
26 July 2006
Identification No
SPN 2006-214-Reauthorization
In reply refer to above Identification Number
Expiration Date: 26 July 2011

**SPECIAL PUBLIC NOTICE 2006-214
RE-ISSUANCE, EXPANSION AND RENAME OF GENERAL PERMIT (GP) 2006-214
(PREVIOUSLY IDENTIFIED AS GP 90-1N)**

Discharge of Fill Material in Wetlands of Nome, Alaska.

The District Engineer (DE), Alaska District, United States Corps of Engineers (Corps), has re-issued General Permit (GP) 2006-214 (formerly GP 90-1N) for certain activities under authority of Section 404 of the Clean Water Act (Public Act 95-217, 33 U.S.C. 1344 et seq.), to authorize the placement of dredged and/or fill material and structures into wetlands, for activities associated with residential, public and commercial development projects in Nome, Alaska. A map showing areas covered by this GP is attached.

In response to the previous Special Public Notice (SPN) 2006-214, dated May 4, 2006, GP 2006-214 is hereby re-issued, geographically expanded and renamed to reflect both the needs of the local community as well as administrative changes within the Corps. Based on review of all pertinent information, including a prepared Environmental Assessment, I have concluded that re-issuance of this permit, with proposed modifications, will have no more than minimal adverse impacts on the aquatic environment and is not contrary to the public interest.

The GP authorizes the placement of dredged and/or fill material and structures into wetlands, for activities associated with residential, public and commercial development projects in Nome, Alaska. GP 2006-214 has been re-issued for a period of five (5) years, effective the date of the signature shown on the last page of the attached permit. The DE may at any time during this five-year period, alter, modify, suspend or revoke this permit, if he deems such action to be in the public interest.

The GP describes the terms and conditions which must be met for a project to be authorized pursuant to the GP. A party wishing to perform work under GP 2006-214 must review the terms and conditions of the permit and follow the application procedures as written. No work is authorized without first receiving a positive Opinion of Compliance from the City of Nome. If the proposed work would occur in waters of the U.S. (including wetlands) and does not meet the terms and conditions, the GP does not apply and a nationwide permit or individual permit would be required.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, ATTN: Ms. Shannon Hansen, Regulatory Branch, CEPOA-CO-R-N, Post Office Box 6898, Elmendorf AFB, Alaska 99506-0898, phone (907) 753-2712, toll free in Alaska at (800) 478-2712, or by e-mail at Shannon.r.hansen@poa02.usace.army.mil.

District Engineer
U.S. Army Corps of Engineers

GENERAL PERMIT (GP) 2006-214

CITY OF NOME

INTRODUCTION

This GP authorizes the placement of dredged and/or fill material and structures into waters of the U.S., for activities associated with residential, public and commercial development projects in specified areas of Nome, Alaska, as shown on the attached maps.

All activities shall be performed in accordance with the terms and conditions of the GP. Failure to comply with the terms and conditions of the GP may result in suspension, modification or revocation of the permit and/or imposition of penalties as provided by law.

The placement of fill material in waters of the U.S. which does not fall within the scope of this GP, or which fails to meet the GP terms and conditions, are not authorized by this GP and a Department of the Army nationwide permit or individual permit would be required.

Residential development is defined as the construction of a dwelling; a place of residence; or a person's fixed, permanent, and principal home for legal purposes. Residential development also includes work performed in association with site preparation such as fill pads, the installation of underground utilities, or on-site septic/sewer systems, and driveway construction.

Public development is defined as the construction of facilities relating to community interests as opposed to private interests. Public development allowed will include the discharge of fill material in wetlands for public roads, parking lots, buildings such as city halls, public safety buildings, National Guard Armory, churches, post offices, and fire stations.

Commercial development is defined as the construction of private facilities for the exchange or buying and selling commodities. Commercial development includes a range of uses such as movie theaters, pool halls, arcades, videotape rentals, bingo halls, hotels, restaurants, hair and tanning salons, fabric/dress shops, laundry facilities, daycare facilities, and lumber and hardware stores. Other similar projects will need to be approved by the District Engineer.

APPLICATION PROCEDURES

A party wishing to perform work under GP 2006-214 must review the terms and conditions of the permit and follow the application procedures as written. In order for a proposed project to be considered for authorization under this GP, an application form (see attached example) must be completed and submitted to the City Engineer, City of Nome, on the corner of Front and Hunter Streets, Post Office Box 281, Nome, Alaska 99762, telephone (907) 443-5242, FAX (907) 443-5349. Application forms and copies of the GP are available at the City Engineer's office. If the proposed project complies with the terms and conditions of the GP, the City of Nome will notify the applicant by providing him/her with a completed "Opinion of Compliance" form, which is part of the application. No work is authorized without first receiving a positive Opinion of

Compliance from the City of Nome. If the project does not comply with the terms and conditions of the GP, the City of Nome will inform the applicant of the reasons for non-compliance with the same form. The applicant should contact the Corps of Engineers to determine if application for a nationwide permit or individual permit would be necessary. Anyone may request written confirmation of whether their proposed work requires authorization.

The City of Nome shall submit copies of all GP application forms and Opinion of Compliance forms to the Alaska District, Corps of Engineers, Regulatory Branch, North Section, on a quarterly basis with the City's Coastal Management Program quarterly report summary sheets.

All work in marine waters requires an individual Department of Army Section 10 Permit or nationwide permit authorization.

CONSISTENCY DETERMINATION

Discharges authorized by the GP may affect the State of Alaska coastal zone. However, the GP specifically requires compliance with Alaska water quality standards, all other federal, state, or local environmental regulations, as well as any requirements which the Alaska Department of Environmental Conservation provides as a result of the Clean Water Act Section 401 certification process. In addition, the Alaska Department of Natural Resources, Office of Project Management and Permitting found this GP consistent with the Alaska Coastal Management Program (ACMP), and a copy of this Consistency Determination is attached to this GP.

LIMITATIONS

This GP does not apply if Essential Fish Habitat is adversely affected.

This GP does not apply to marine or estuarine waters under any circumstances.

This GP does not apply to State designated Critical Habitat Areas or Game Refuges and Sanctuaries, unless the activity is specifically authorized by the agency with jurisdiction over these lands.

This GP does not apply to construction activities within any unit of the National Wildlife Refuge System, National Park System, or component of the National Wild and Scenic River System (existing or nominated).

The lead role that Federal and State land management agencies have in identifying evaluating and pursuing consultation on cultural resources is recognized. This consultation has a basis under Section 106 of the National Historic Preservation Act and any agency's cultural resources conservation implementing regulations. This GP does not authorize construction activities that would adversely affect archaeological, cultural or historic properties which the National Park Service has listed on, or has determined eligible for listing on, the National Register of Historic Places unless coordination with the State Historic Preservation officer (SHPO), and if necessary, the Advisory Council on Historic Preservation is completed as per Section 106 of the National Historic Preservation Act.

Authorization granted under this GP applies only to work subject to the regulatory authority of the U.S. Army Corps of Engineers. GP authorization does not obviate or affect in any manner the requirements or the need to meet any other required Federal, State or local governmental

authorizations (e.g., local land use codes or regulations). If the proposed work authorized under this GP is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the authorization to perform activities under this GP may need to be obtained from the Corps.

CONDITIONS OF THE GENERAL PERMIT

The goals of these conditions are: to ensure work results in only minimal adverse environmental impact when performed separately and have only minor cumulative impacts; to be consistent with other regulatory authorities; and, to retain normal aquatic ecosystem functions representative of the area in which construction takes place. All activities identified and authorized by this GP shall be consistent with the following conditions:

1. Fill material shall not be discharged within 50 feet of the ordinary high water mark of any non-tidal open water body, including streams, sloughs, rivers, ponds, lakes; within 50 feet of permanently flooded wetlands; or within 50 feet of the high tide line of any tidal waters. The only exception is the reduction of the setback to 10 feet to allow development within 50 feet of an established drainage along near East N Street and 6th Avenue. The drainage would be preserved during development and adjacent disturbed areas would be re-seeded to reduce erosion.
2. The boundaries of the fill area in wetlands shall be staked and/or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.
3. This GP does not apply to any activity involving the use or storage of hazardous wastes or hazardous substances as part of their principal purpose. These materials are defined in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Contact the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency for information about hazardous substances.
4. Sufficient gravel thickness and/or insulation shall be utilized in all fills to prevent thermal degradation of underlying permafrost (if present).
5. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems and other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.
6. All conditions of the Alaska Department of Natural Resources, Office of Project Management and Permitting (OPMP), Coastal Zone Management Consistency Determination are fully enforceable conditions of this GP. A copy of the OPMP final consistency determination is attached to this permit.
7. No discharge of fill material shall be authorized under this GP if it consists of unsuitable material, e.g., trash, debris, tree stumps, car bodies, etc., and all material discharged shall be free of toxic pollutants in toxic amounts, as defined by the Toxic Pollutant List referred to as Table 1 in Section 307 of the Clean Water Act and by Alaska State Law, i.e., 18 AAC 70 Alaska Water Quality Standards, 18 AAC Oil and Hazardous Substance Pollution Control, and 18 AAC 78 Underground Storage

Tanks. A soil remediation plan shall be approved by the Alaska Department of Environmental Conservation (ADEC) prior to commencing any work on a site containing contaminated soil. If contaminated soils are discovered during the activity, all work shall cease in the area of the contamination; ADEC shall be contacted, and work shall commence only upon receiving ADEC approval.

8. All exposed fills (including side slopes) and disturbed areas shall be stabilized to prevent erosion. Increased water turbidity and sediment in drainage ditches, streams, sloughs, and/or adjacent wetlands shall be evidence of insufficient stabilization.

9. The permittee shall allow the District Engineer or his authorized representative(s) to inspect authorized work at any time deemed necessary to assure that on-going and completed work is in compliance with the terms and conditions of this GP.

10. If the permittee, during performance of the work authorized herein, encounters a previously undiscovered archeological, paleontological, or historic resource, he/she shall immediately notify the District Engineer at (800) 478-2712 and the State Historic Preservation Officer, Division of Parks, Department of Natural Resources, 550 West 7th Avenue, Suite 1310, Anchorage, Alaska 99501-3565.

11. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (ACT), nor jeopardize the continued existence of any proposed species under the Act. The U.S. Fish and Wildlife Service has concluded that residential, public, and commercial development within the subdivision boundaries described in this GP will not adversely affect listed species. However, if a listed species is identified within the boundaries of a proposed project covered under this GP, work at the site shall cease and the Service consulted immediately (within 24 hours) at (907) 456-0297 or (907) 456-0203.

12. All activities identified and authorized herein shall be undertaken in a manner that is consistent with the terms and conditions of the GP, and any activities undertaken by the permittee that are not specifically identified and authorized herein shall constitute noncompliance with the terms and conditions of the GP, and consequently, a violation of the Clean Water Act, which may result in the modification, suspension, or revocation of any authorization by the Corps in whole or in part, and in the institution of such legal, administrative, or judicial proceedings as the United States Government may consider appropriate, whether or not these permits have been previously modified, suspended, or revoked in whole or in part. In instances where the City of Nome is party to violations of the Clean Water Act, the District Engineer may, at his discretion, modify the GP to have the Alaska District Regulatory Branch require verification by the Corps of projects, where appropriate, until such time as the District Engineer determines that the situation has been resolved.

13. Any activity being performed under this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that there is noncompliance with any of the terms or conditions of this GP, or that there is noncompliance with a related nationwide or individual permit, or that there is a violation of Federal law associated with the activity, or that the immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate: (1) the extent of the suspension; (2) the reasons for such

action; and (3) any corrective or preventive measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of such notice. Within 10 days following receipt of a notice of suspension, the permittee may request a public hearing in order to present information relevant to a decision as to whether the authorization should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee, if no hearing is requested, the authorization will either be reinstated, modified, or revoked.

MONITORING

Soon after the beginning of each year this office shall conduct an annual review of all projects authorized during the previous year. Pertinent information from these cases shall be compiled into a report and entered in the official GP file. Copies of this report shall be made available to the interested public, and to local, state, and federal agencies for their information upon request.

In addition, periodic field inspections shall be undertaken by this office of projects authorized under the GP. Reports shall be prepared for all field inspections and entered into the official GP file. The North Section of the Regulatory Branch shall maintain a file of GP-related documents and monitoring efforts.

Information contained in the GP file shall provide the basis for the decision whether or not to revise or renew the GP. If it is determined that projects authorized by this GP result in greater than minimal adverse environmental impacts, then the GP shall be modified, suspended, or revoked to prevent further impacts.

LIMITS OF THIS AUTHORIZATION

1. This GP does not grant any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or infringement of Federal, State, or local laws or regulations.
2. This GP does not authorize the interference with any existing or proposed federal projects.
3. This authorization does not obviate the need for other Federal, State, and local permits, licenses, or approvals that may be required for the proposed work.

LIMITS OF FEDERAL LIABILITY

In issuing this GP, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. 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 which are not contrary to the public interest.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by an activity authorized by this GP.
4. Design or construction deficiencies associated with the permitted work.

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

PENALTIES FOR NONCOMPLIANCE/VIOLATIONS

Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of fill material or other structure, restoration of areas subject to Corps jurisdiction, and/or impositions of penalties as provided by law. The discharge of fill material not in accordance with the terms and conditions of this GP constitutes a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act, by a fine of not less than \$2,500, nor more than \$ 25,000, per day of violation, or imprisonment of not more than one year, or both. That individual is also subject to a civil penalty not to exceed \$25,000 per day of the violation.

TERM

This GP is effective for 5 years from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed within 12 months after the expiration date of this GP.

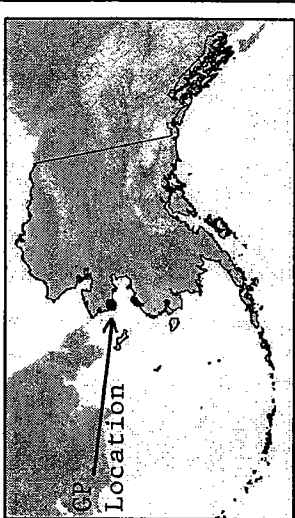
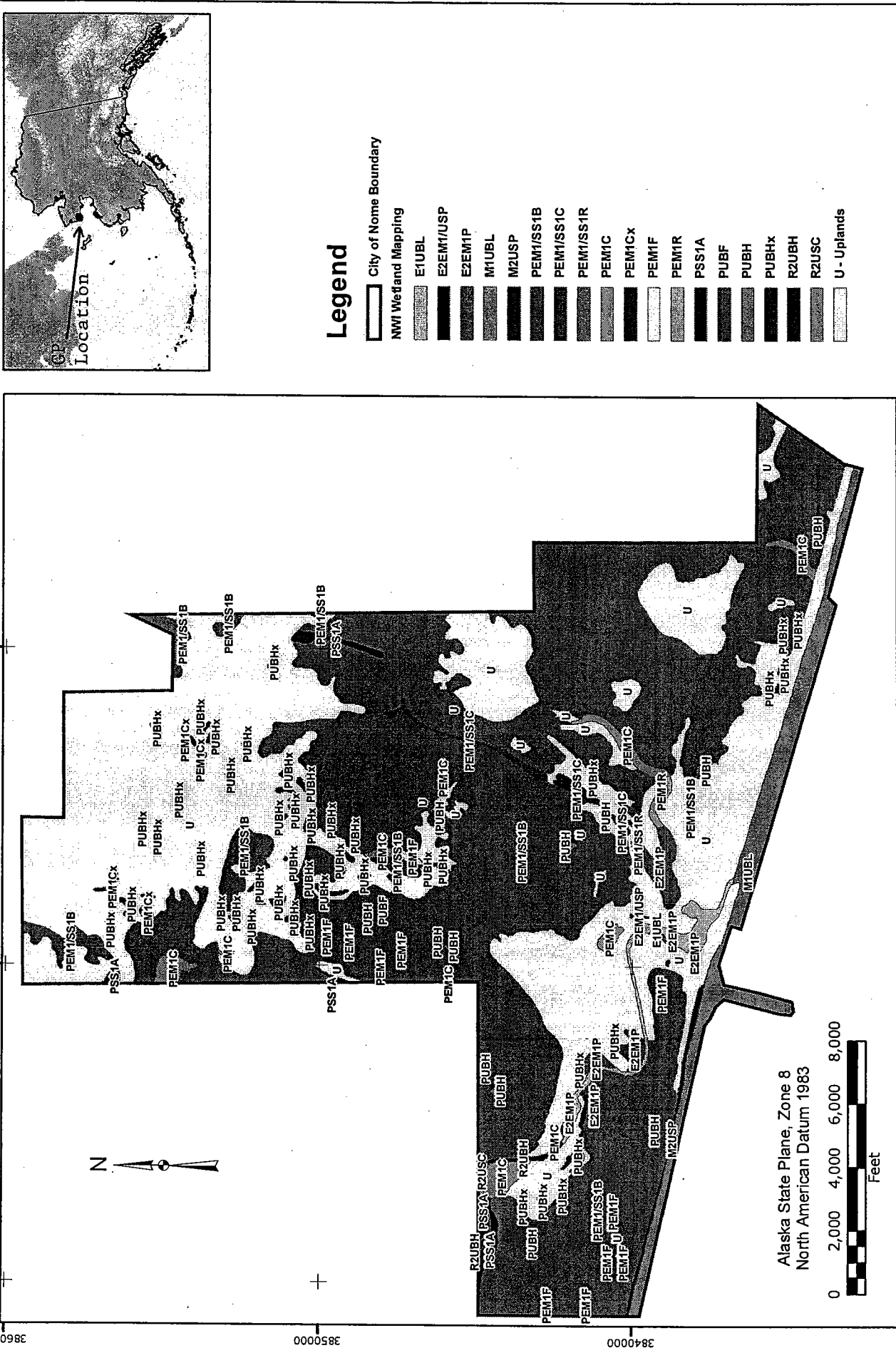
FOR THE DISTRICT ENGINEER:



Steve Meyers
Chief, North Section
Regulatory Branch
Alaska District, Corps of Engineers

Date 7/26/06

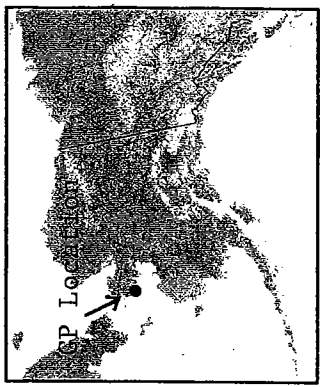
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- ### Legend
- City of Nome Boundary
 - NWI Wetland Mapping
 - E1UBL
 - EZEM1/USP
 - EZEM1P
 - M1UBL
 - M2USP
 - PEM1/SS1B
 - PEM1/SS1C
 - PEM1/SS1R
 - PEM1C
 - PEM1CX
 - PEM1F
 - PEM1R
 - PSS1A
 - PUBF
 - PUBH
 - PUBHx
 - R2UBH
 - R2USC
 - U - Uplands

NOME GENERAL PERMIT REAUTHORIZATION FIGURE 1 - CITY OF NOME NWI WETLAND MAPPING

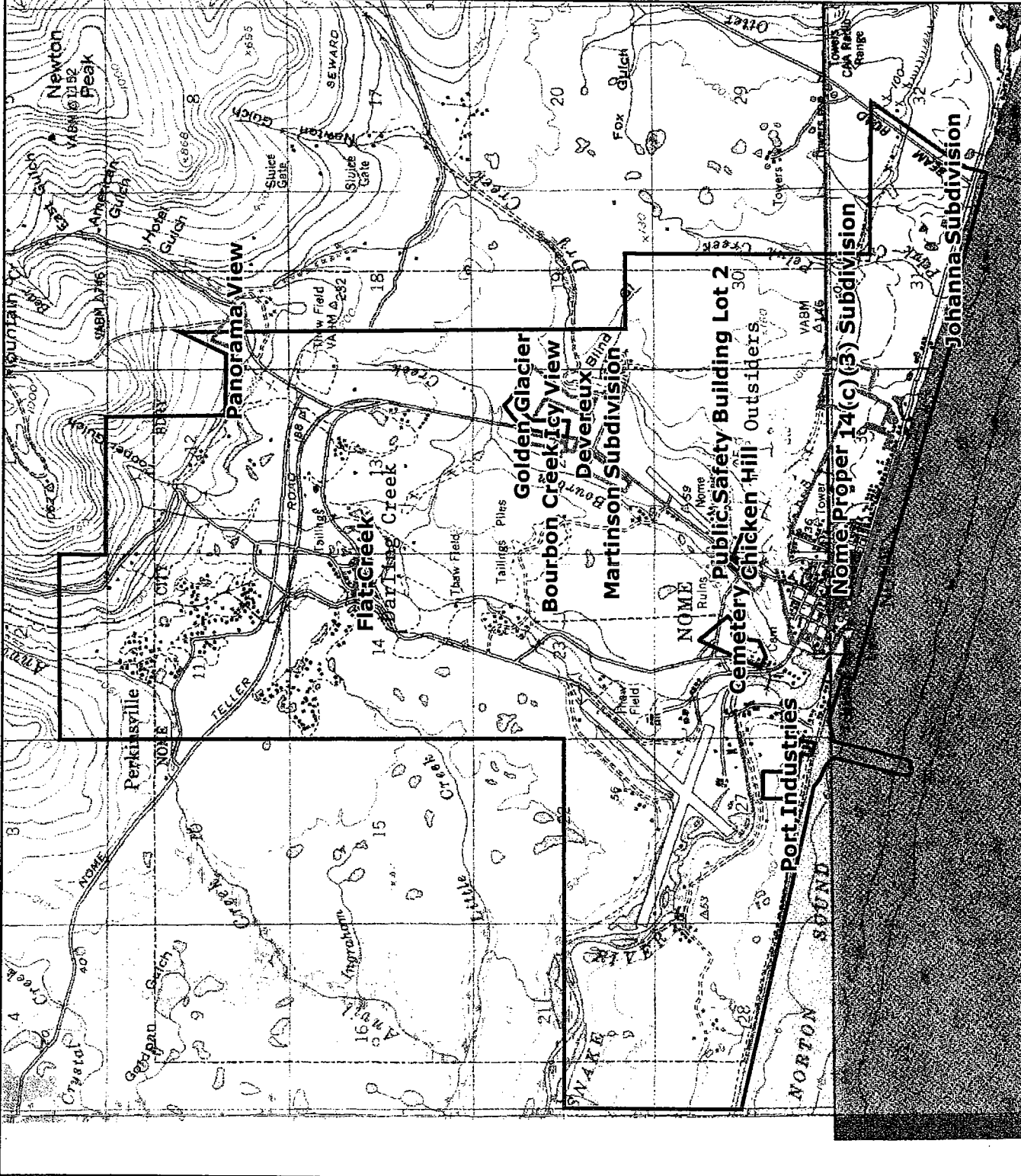
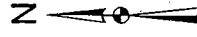




Legend

General_Permit_Areas

Type	Existing	Proposed
City of Nome Boundaries		

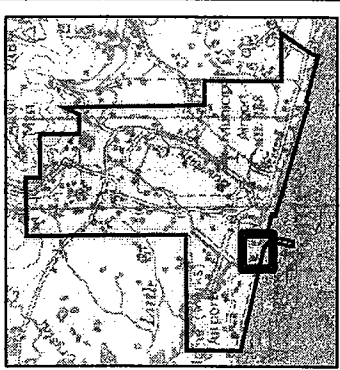


SPN 2006-214
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NOME GENERAL PERMIT AREA OVERVIEW
FIGURE 1A

Alaska State Plane, Zone 8
North American Datum 1983

File:Wetland_GP_Vicinity Date: Mar. 14, 2006
Version: 1
Author: BEESC-ME



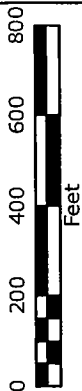
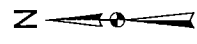
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General Permit Areas

- Type
- - - Existing
 - - - Proposed

NWI Wetland Mapping

- E1UBL
- E2EM1P
- M1UBL (no fill zone)
- M2USP (no fill w/in 50 ft of HTL)
- PEM1/SS1B
- PEM1Cx
- PEM1F
- U



Alaska State Plane, Zone 8
North American Datum 1983

File: Wetland_GP_1.mxd Date: Apr. 25, 2006
Version: 2 Author: BEESC-ME

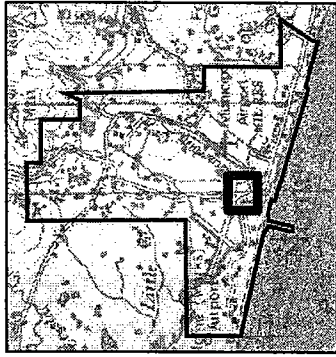


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3841000

3840000

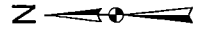
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Legend

General Permit Areas

- Type
- Existing
 - Proposed
- NWI Wetland Mapping
- E1UBL
 - E2EM1/USP
 - E2EM1P
 - PEM1/SS1B
 - PEM1/SS1R
 - PEM1C
 - U

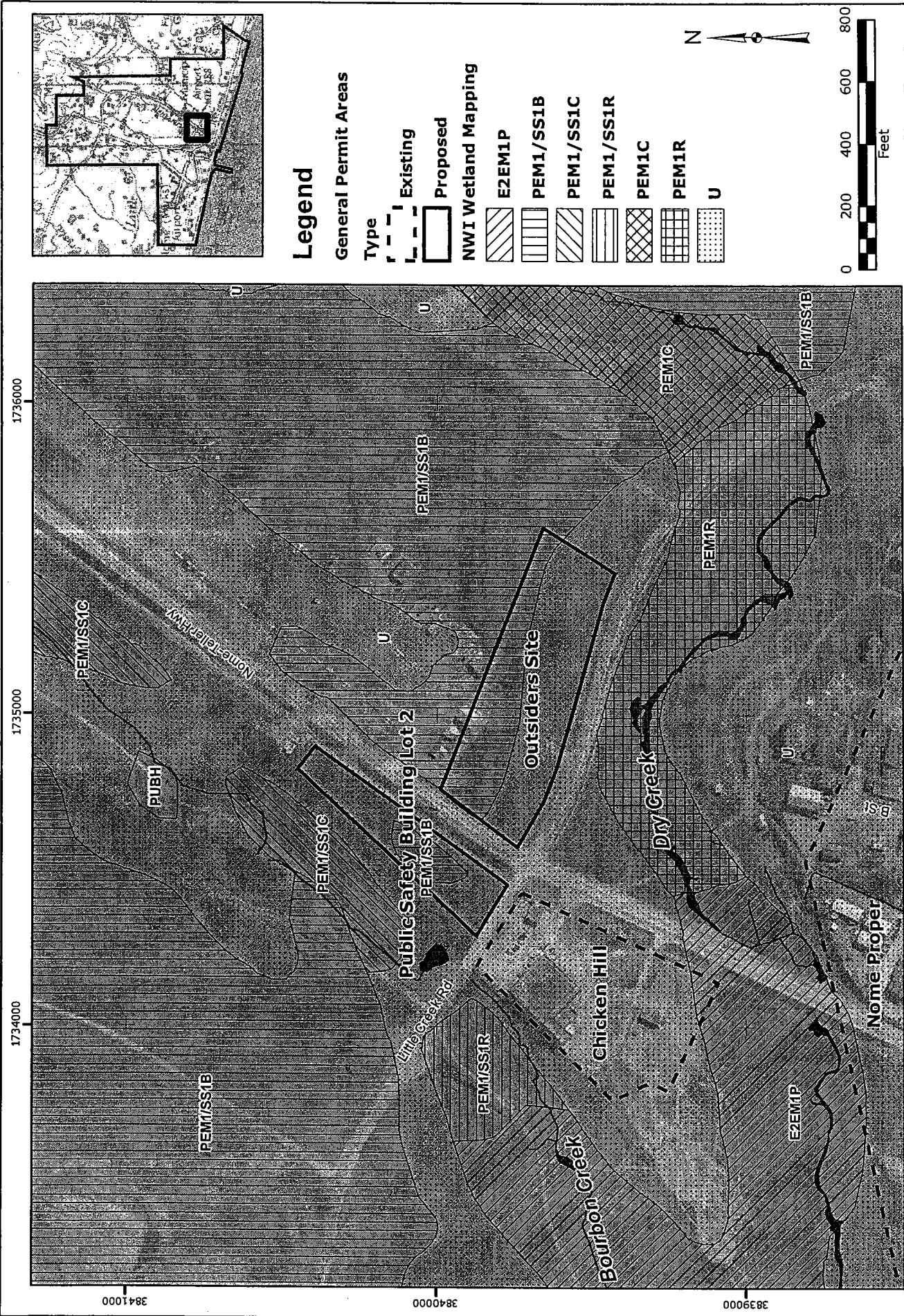


Alaska State Plane, Zone 8
North American Datum 1983

File: Wetland_GP_2.mxd Date: Apr. 26, 2006
Version: 2 Author: BEESC-ME

NOME GENERAL PERMIT REAUTHORIZATION FIGURE 4 - CEMETERY SITE

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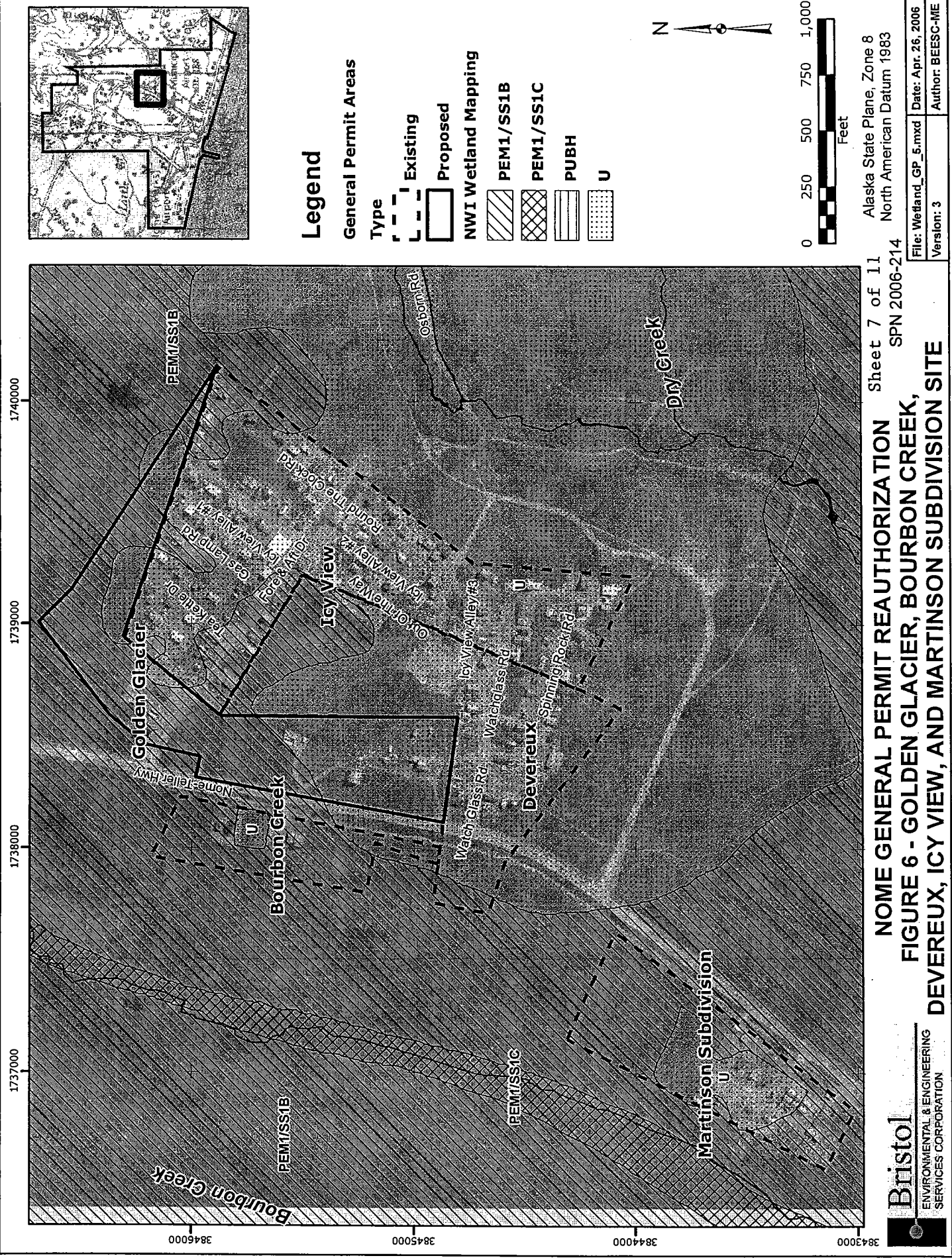
Alaska State Plane, Zone 8
 North American Datum 1983

File: Wetland_GP_3.mxd Date: Apr. 26, 2006
 Version: 2 Author: BEESC-ME

NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 5 - OUTSIDERS, PUBLIC SAFETY
BUILDING LOT 2, AND CHICKEN HILL SITE

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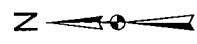




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General Permit Areas

- | | | |
|---------------------|-----------|-----------|
| Type | Existing | Proposed |
| NWI Wetland Mapping | PEM1/SS1B | PEM1/SS1C |
| | PUBH | U |

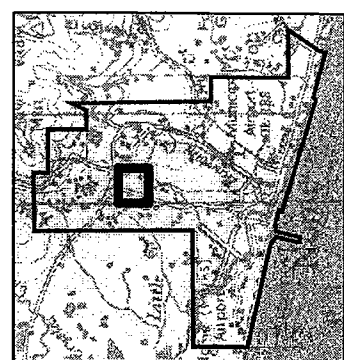


Alaska State Plane, Zone 8
 North American Datum 1983
 File: Wetland_GP_5.mxd Date: Apr. 26, 2006
 Version: 3 Author: BEESC-ME

Sheet 7 of 11
 SPN 2006-214
NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 6 - GOLDEN GLACIER, BOURBON CREEK,
DEVEREUX, ICY VIEW, AND MARTINSON SUBDIVISION SITE

Bristol
 ENVIRONMENTAL & ENGINEERING
 SERVICES CORPORATION

1733000 1734000 1735000



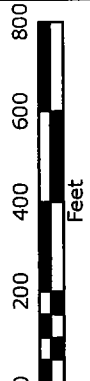
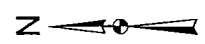
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General Permit Areas

- Type
- Existing
 - Proposed

NWI Wetland Mapping

- PEM1/SS1B
- PUBHX
- U



Alaska State Plane, Zone 8
North American Datum 1983

File: Wetland_GP_6.mxd Date: Apr. 26, 2006
Author: BEESC-ME
Version: 2

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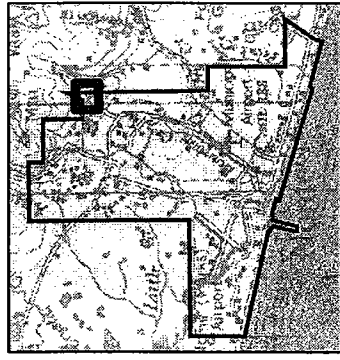
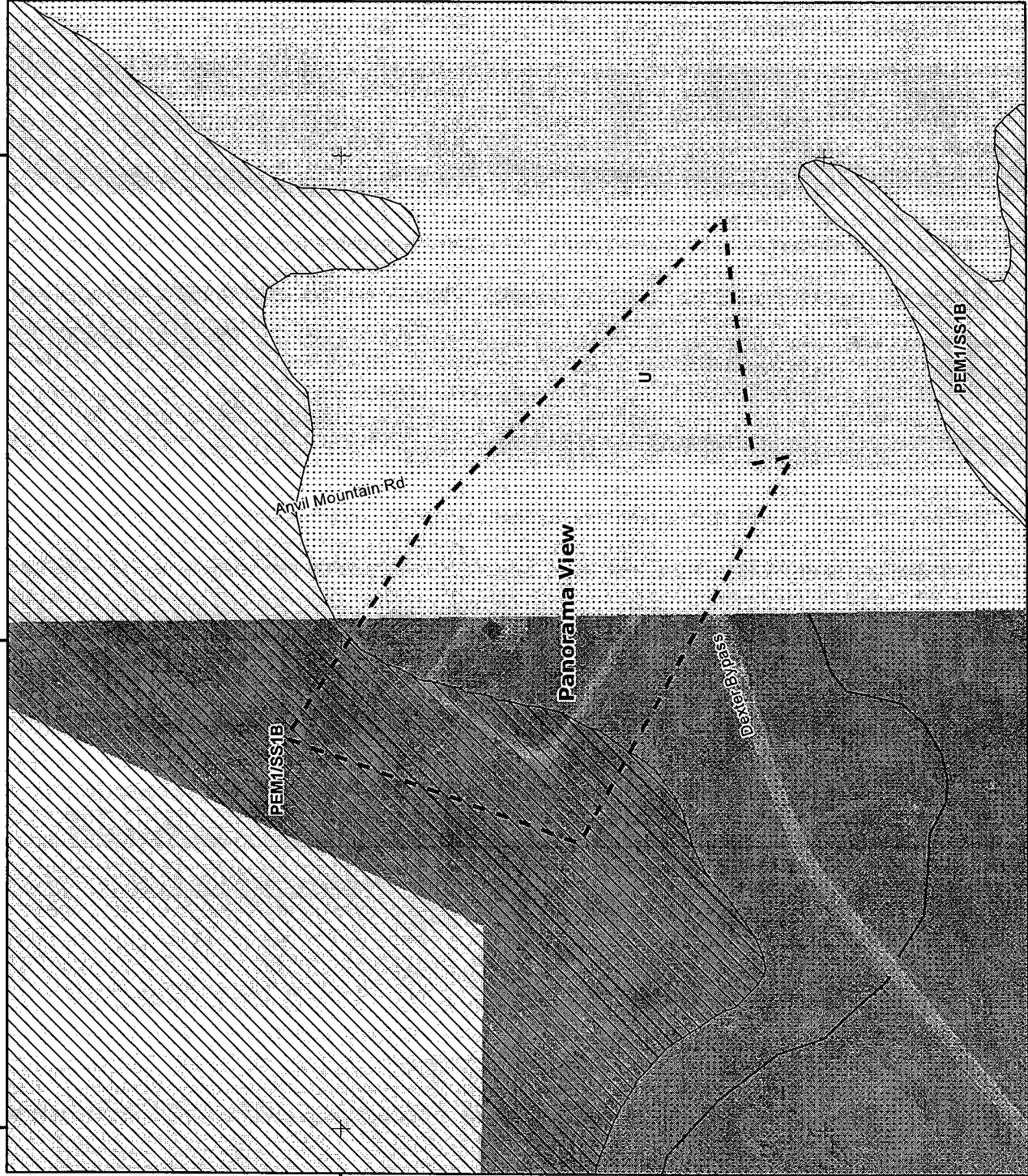
NOME GENERAL PERMIT REAUTHORIZATION FIGURE 7 - DARLING CREEK AND FLAT CREEK SITE



SPN 2006-214

1740000 1741000 1742000

3855000 3854000



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General Permit Areas

Type

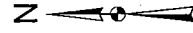
Existing

Proposed

NWI Wetland Mapping

PEM1/SS1B

U



Alaska State Plane, Zone 8
North American Datum 1983

File: Wetland_GP_7.mxd Date: Apr. 26, 2006
Author: BEESC-MIE

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SPN 2006-214
Version: 2

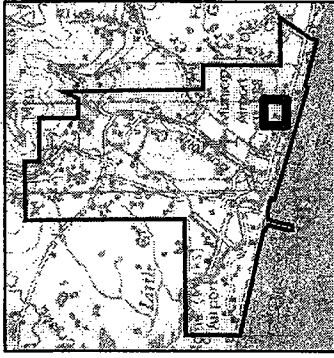
NOME GENERAL PERMIT REAUTHORIZATION FIGURE 8 - PANORAMA VIEW SITE

1739000

1740000

3837000

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Legend

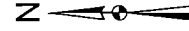
General Permit Areas

Type

- Existing
- Proposed

NWI Wetland Mapping

- PEM1/SS1B
- U



Alaska State Plane, Zone 8
North American Datum 1983

NOME GENERAL PERMIT REAUTHORIZATION Sheet 10 of 11
FIGURE 9 - 14(c)(3) SUBDIVISION SITE

File: Wetland_GP_8.mxd | Date: Apr. 26, 2006
 Version: 2 | Author: BEESC-ME



SPN 2006-214

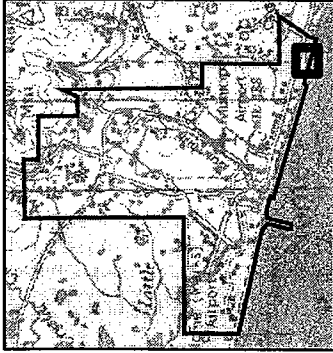
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1745000

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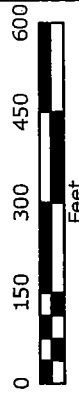
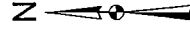
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Legend

General Permit Areas

- Type
- Existing
 - Proposed
- NWI Wetland Mapping
- M1UBL
 - PEM1/SS1B
 - PEM1C
 - PUBH
 - U



Alaska State Plane, Zone 8
North American Datum 1983

File: Wetland_GP_9.mxd Date: Apr. 26, 2006
Version: 2 Author: BEESC-WIE

MAP LEGEND GUIDE

Wetlands and Deepwater Habitats Classification

E1UBL	Estuarine subtidal, unconsolidated bottom, subtidal
E2EM1P	Estuarine intertidal, emergent persistent, irregularly flooded
MIUBL	Marine subtidal, unconsolidated bottom, subtidal
M2USP	Marine intertidal, unconsolidated shore, irregularly flooded
PEM1/SS1B	Palustrine emergent persistent / scrub-shrub broadleaf deciduous, saturated
PEM1C	Palustrine emergent persistent, seasonally flooded
PEM1Cx	Palustrine emergent persistent, seasonally flooded, excavated
PEMIF	Palustrine emergent persistent, semi-permanently flooded
PEM1/SS1R	Palustrine emergent persistent / scrub-shrub broadleaf deciduous/seasonally tidal
PEM1/SS1C	Palustrine emergent persistent / scrub-shrub broadleaf deciduous, seasonally flooded
PUBH	Palustrine emergent, unconsolidated bottom permanently flooded
PUBHx	Palustrine emergent, unconsolidated bottom permanently flooded excavated
U	Uplands

APPLICATION FOR DEPARTMENT OF THE ARMY GENERAL PERMIT 2006-214
CITY OF NOME, ALASKA

This form must be completed and submitted to the City Engineer, City of Nome, Post Office Box 281, 102 Division Street, Nome, Alaska 99762, telephone (907) 443-6603, fax: (907) 443-5345 prior to any discharge of dredged and/or fill material into wetlands covered under General Permit (GP) 2006-214. A map showing the specific areas covered under the GP can be viewed at the City Engineer's office. Proposed discharges outside of the GP area, or discharges that do not comply with the terms and conditions of the GP must either comply with one of the Nationwide Permits (33 CFR Part 330) or must receive an individual Department of the Army permit prior to construction. Additional information can be obtained from the Alaska District, Corps of Engineers, Regulatory Branch, Post Office Box 6898, Elmendorf Air Force Base, Alaska 99506-0898, telephone (800) 478-2712 toll free in Alaska, or direct at (907) 753-2712, fax (907) 753-5567, or visit our web site at: www.poa.usace.army.mil/reg.

1. Applicant Information

- a. Applicant's name: _____
Address: _____
Telephone number: _____
- b. Agent's name: _____
Address: _____
Telephone number: _____

2. Project Description

- a. Project type: ___ Residential/___ Public Facility/___ Commercial/___ Other(specify below)
- b. Brief description of proposed work: _____

- c. Location: Subdivision _____, Lot _____, Block _____, Street address _____
- d. Purpose of fill (e.g. road, driveway, house pad, etc.): _____
- e. Dimensions of fill(in feet): length _____, width _____, depth _____, area(sq feet) _____

3. Site Plans

Provide drawings that show the following in the appropriate spaces on page 2 of this form (attached):

- a. Vicinity map showing the location of the project in Nome.
- b. Overview and cross section drawings of existing and proposed fill area with dimensions in feet.
- c. Proposed structures that would be built on fill area with dimensions in feet. Show existing structures for reference.
- d. Lot lines.
- e. Natural features such as lakes, streams, and drainages.
- f. Existing roads and/or driveways leading to the project site.
- e. Drawings should be to scale if possible.

4. Signature of Applicant/Agent: I certify that, to the best of my knowledge, the information contained in this application is true, complete, and accurate.

- a. Applicant's signature: _____ date _____
- b. Agent's signature (if applicable): _____ date _____

APPLICATION FOR DEPARTMENT OF THE ARMY
GENERAL PERMIT 2006-214, City of Nome, Alaska

Vicinity Map

Cross Section

Overview

Drawing by: _____
Date: _____
Scale (if applicable): _____

SKH

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

■ **SOUTHCENTRAL REGIONAL OFFICE**
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

□ **CENTRAL OFFICE**
P.O. BOX 110030
JUNEAU, ALASKA 99801-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

□ **PIPELINE COORDINATOR'S OFFICE**
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

www.alaskacoast.state.ak.us

7/21/06

Shannon Hansen
U.S. Army Corps of Engineers
Alaska District
P.O. Box 6898
Elmendorf AFB, Alaska 99506-0898

RECEIVED
JUL 25 2006
REGULATORY BRANCH
ALASKA DISTRICT
U.S. ARMY CORPS
OF ENGINEERS

Subject: Reauthorization of Nome GP
State I.D. No. AK0606-04AA
Final Consistency Response

Dear Ms. Hansen:

The Office of Project Management & Permitting (OPMP) has completed coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). OPMP has developed the attached final consistency response based on reviewers' comments. This final consistency response, developed under 11 AAC 110, applies to the federal consistency determination required for the activity per 15 CFR 930, Subpart C.

Based on an evaluation of your project by the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the affected coastal resource district, OPMP *concurs* with your determination that the project is consistent with the ACMP and affected coastal district's enforceable policies to the maximum extent practicable.

This is the *final consistency decision* for your project.

This consistency response is only for the project as described. If you propose any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary.

By copy of this letter I am informing the U.S. Army Corps of Engineers of OPMP's final finding.

If you have any questions regarding this process, please contact me at 907-269-7475 or email nicole_allison@dnr.state.ak.us.

Sincerely,



Nicole Allison
Project Review Coordinator

Enclosures

cc:

Mel Langdon, William Ashton, DEC/ Anchorage
Chuck Degnan, BSCRSA, Unalakleet
Irene Anderson, Bering Straits Native Corporation, Nome
Jim Dory, City Manager, Nome
Roselynn Smith, DNR/DOL, Fairbanks
Patricia Jones, Fairbanks
Robert McLean, DNR/OHMP, Fairbanks,
Margie Goatley, DNR/SHPO, Anchorage
Chuck Howe, DOT/PF, Fairbanks
Mark Fink, DFG, Anchorage
Ellen Simpson, DFG, Anchorage

Enclosure: PIS (Backup Material on Request)

Council IRA Council, Nome
Denise Barengo, Executive Director, Nome Eskimo Community I.R.A. Council, Nome
Loretta Bullard, Kawerak, Nome
Native Village of King Island, King Island IRA Council, Nome
Nome Common Council, Nome
Robert Fagerstrom, Sitasuak Native Corporation, Nome
Solomon IRA Council, Nome
Solomon Native Corporation, Nome
White Mountain IRA, White Mountain
Shannon Hansen, Regulatory Branch
Andrew McCarthy, National Park Service
Jackie Brock, DNR/OPMP, Juneau

**ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY RESPONSE
CONCURRENCE**

DATE ISSUED: 7/17/06

PROJECT TITLE: REAUTHORIZATION OF NOME GENERAL PERMIT

STATE ID. NO.: AK 0606-04AA

PROJECT DESCRIPTION AND SCOPE OF THE PROJECT SUBJECT TO CONSISTENCY REVIEW:

Except for the water quality issues addressed through the DEC 401 Certification process, the activity subject to this review is the Reauthorization and Expansion of the Nome General Permit (GP) 2006-214, formerly GP 90-1N. The GP currently authorizes the discharge of fill material into waters of the U.S. including wetlands within specified locations of the Nome area for residential, public and commercial development. If reissued, this GP will be in effect for five more years. The activities intended for authorization under this GP are essentially the same, with the inclusion of additional areas.

- The City of Nome proposes to add 6 new sites to the GP coverage area (Outsiders, Port Industries, Cemetery, Public Safety Building Lot 2, Golden Glacier, and Darling Creek), which would add an additional 53.9 acres of wetlands area under the GP.
- The City of Nome proposed to define residential, public and commercial development as follows (changes from previous wording are shown in bolded italics and cross-hatched where words have been deleted):
 - Residential development is defined as the construction of a dwelling; a place of residence; or a person's fixed, permanent, and principal home for legal purposes. Residential development also includes work performed in association with site preparation ***such as fill pads***, the installation of ***underground utilities, or on-site a dwelling's*** septic/sewer systems, and driveway construction.
 - Public development is defined as the construction of facilities relating to community interests as opposed to private interests, Public development allowed will include the discharge of fill material in wetlands for public roads, parking lots, buildings such as city halls, ***public safety buildings, National Guard Armory***, churches, post offices, and fire stations.
 - Commercial development is defined as the construction of private facilities for the exchange or buying and selling commodities. Commercial development includes ***a range of uses such as*** movie theaters, pool halls, arcades, videotape rentals, bingo halls, hotels, restaurants, hair and tanning salons, fabric/ dress shops, laundry facilities, daycare facilities, and lumber and hardware stores. Other similar projects will need to be approved by the District Engineer.

The location is Kateel Meridian, Township 11S, Range 34W, Sections 2,7,11,12,13,14,18,19,21,22,23,24,25,26,27,28,30,31,32,35, and 36.

AFFECTED COASTAL RESOURCE DISTRICT(S): CITY OF NOME

CONSISTENCY STATEMENT: OPMP concurs with the consistency certification submitted by Ms. Hansen on behalf of the US Army COE.

AUTHORIZATIONS: State agencies shall issue the following authorizations within five days after OPMP issues the final consistency determination that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

Alaska Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260) is more or less restrictive than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without Department of Natural Resources (DNR) authorization.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this response is issued.

Final Consistency Response Prepared By:
Nicole Allison, Project Review Coordinator
550 W. 7th Avenue, Suite 1660
Anchorage, AK 99501
(907) 269-7475



Nicole Allison

7/21/06

ACMP CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

STATEWIDE ENFORCEABLE POLICIES
11 AAC 112.200. Coastal development
a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.
(b) Districts and state agencies shall give, in the following order, priority to <ol style="list-style-type: none">(1) water-dependent uses and activities;(2) water-related uses and activities; and(3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity
Evaluation:
b) No comments were received in regard to this standard. This General Permit (GP) is associated with the placement of fill in wetland areas by the City of Nome. The coastal locations associated with this GP have already been reviewed by this office and found to be consistent. The amendments to this GP do not include any areas adjacent to the coast.
c) OPMP defers to the United States COE to interpret compliance with the referenced standards.
11 AAC 112.210. Natural hazard areas
Evaluation: No comments were received regarding this standard.
11 AAC 112.220. Coastal access
Evaluation: N/A
11 AAC 112.230. Energy facilities
Evaluation: N/A
11 AAC 112.240. Utility routes and facilities
Evaluation: N/A
11 AAC 112.250. Timber harvest and processing
Evaluation: N/A
11 AAC 112.260. Sand and gravel extraction
Evaluation: N/A

11 AAC 112.270. Subsistence
Evaluation: No comments were received regarding this standard.
11 AAC 112.280. Transportation routes and facilities
Evaluation: N/A
11 AAC 112.300. Habitats
The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;
Evaluation: No comments were received in regard to this standard. Any activities authorized by this GP would be conditioned to prohibit discharges of any fill material within 50 ft of any streams, sloughs, rivers, ponds, lakes, permanently flooded wetlands or tidal waters. Mitigation for any disruption in natural water flow will be determined on a case by case basis.
11 AAC 112.310. Air, land, and water quality.
Evaluation: Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes. (Eff. 7/1/2004, Register 170)
11 AAC 112.320. Historic, prehistoric, and archeological resources.
Evaluation: No comments were received in regard to this standard. The COE has conditioned the GP to protect cultural resources. Any comments the State Historic Preservation Office has concerning presently unknown archaeological or historic data that may be lost or destroyed by work under the requested permit will be considered in the COE's final assessment of the described work.
AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES
City of Nome Coastal District
20.080 Dredge And Fill
The placement of structures and the discharge of dredged or fill material into coastal waters, surface waters, and wetlands must comply with federal dredge and fill regulations. Shoreline fills or cuts shall be designed and located so that significant damage to natural resources or alteration of local currents and sediment and sand drift will not unduly endanger adjacent life, property or critical natural resource systems.
20.220 Stream Protection
Any development or permitted use that may affect Dry Creek, Bourbon Creek or Snake River will be designed so that it does not adversely affect stream habitat, particularly for anadromous fish. Review of such developments by the City will be coordinated with permits required by the Alaska Department of Fish and Game for projects in or near anadromous fish streams.
Evaluation: No comments were received in regard to this standard. Any activities authorized by this GP would be conditioned to prohibit discharges of any fill material within 50 ft of any streams, sloughs, rivers, ponds, lakes, permanently flooded wetlands or tidal waters. Mitigation for any disruption in natural water flow will be determined on a case by case basis.

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Non-Point Source Pollution Water Control Program

555 Cordova Street
Anchorage, AK 99501-2617

Phone: (907) 269-7564

Fax: (907) 334-2415

TTY: (907) 269-7511

<http://www.state.ak.us/dec/>

July 25, 2006

Certified Mail 7006-0810-0000-8658-9004

Ms. Shannon Hansen
U.S. Army Corps of Engineers
Alaska District Regulatory Branch
PO Box 6898
Anchorage, AK 99506-0898

Subject: Nome General Permit
Reference No. SPN 2006-214
State ID No. AK0606-04AA

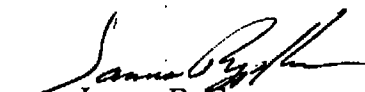
Dear Ms. Hansen:

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 is issuing the enclosed Certificate of Reasonable Assurance for the issuance of General Permit (GP) 2006-214 for Nome, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,


James Rypkema
Program Manager

Enclosure
cc: (with encl.)
Nicole Allison, DNR/OPMP
Mac McLean, DNR/OHMP
F&WS

EPA, AK Operations
William Ashton, ADEC Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the U.S. Army Corps of Engineers, PO Box 6898, Anchorage, AK 99506-0898 for the discharge of dredged or fill material into limited wetland areas of Nome, Alaska. The primary wetland type that would be affected consists of moist tundra. Although the General Permit would authorize filling for a range of purposes, the fill pads would be vastly similar in nature, consisting of similar material in a similar wetland type. The individual and cumulative environmental impacts that would result from activities authorized by the General Permit are expected to be minimal.

The proposed activity is located within the city limits of Nome, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

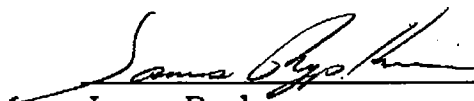
Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number GP-2006-214, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation 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 Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. Conditions 1 through 11 described in the draft permit

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date 7/25/2006



James Rypkema
Program Manager