



US Army Corps
of Engineers
Alaska District

Public Notice for General Permit

Regulatory Branch (1145)
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: August 10, 2006
EXPIRATION DATE: September 11, 2006
REFERENCE NUMBER: POA-2006-215
GENERAL PERMIT NUMBER: GP 1998-01-N

General Permit 98-01-N, Wrangell Industrial Park Subdivision

The District Engineer (DE), Alaska District, U.S. Army Corps of Engineers has re-issued General Permit (GP) 98-01-N under the authority of Section 404 of the Clean Water Act (Public Law 95-217, U.S.C. 1344 et. Seq.). GP 98-01-N authorizes the placement of fill material into waters of the United States, including wetlands, within the Wrangell Industrial Park Subdivision in Wrangell, Alaska.

GP 98-01-M (the previous version) expired January 22, 2006. Public Notice number POA-2006-215, dated February 17, 2006, announced the intent of the Corps of Engineers to re-issue the Wrangell Industrial Park Subdivision GP for five more years. Two comment letters were received in response to the Public Notice.

Based upon all pertinent information, including a prepared Environmental Assessment Addendum, I have concluded that issuance of this permit will not have more than minimal adverse impact on the environment and is not contrary to the public interest.

This GP authorizes the discharge of fill material into wetlands on certain lots within the Wrangell Industrial Park Subdivision for the construction of commercial or industrial improvements. Actions authorized by the GP include mechanical land clearing and fill placement for the construction of foundation pads, driveways, parking areas, and utility installations.

The terms and conditions of GP 98-01-N are explained in the attached Wrangell Industrial Park Subdivision General Permit. If the proposed work does not meet the requirements, terms, and conditions of the GP, the applicant must apply for DA authorization under a different permit. All authorized activities must be in accordance with the conditions of the GP. Persons proposing to conduct activities authorized under GP 98-01-N must contact the

Corps of Engineers in advance, submit the required information, and receive a verification letter prior to beginning any mechanized clearing or fill placement. Failure to comply with the terms and conditions of the GP could result in suspension, modification, or revocation of the GP authorization and/or imposition of penalties as provided by law.

GP 98-01-N has been issued for a period of five years effective the date of the signature shown on the last page of the permit. At the end of the five year period a determination will be made whether to renew the permit. The DE, or his authorized representative may at any time during the five year period, modify, suspend or change this GP if he deems it to be in the public interest. Questions and additional information may be obtained by writing to: Alaska District Corps of Engineers, ATTN: Mary Leykom, CEPOA-CO-R-E, P.O. Box 6898, Elmendorf AFB, Alaska 99506-0898; by calling (800) 478-2712 or by going to the Regulatory Branch web site at www.poa.usace.army.mil/reg/.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' **General Permit 98-01-N, Wrangell Industrial Park Subdivision**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

General Permit 98-01-N, Wrangell Industrial Park Subdivision

INTRODUCTION

This General Permit (GP) authorizes the placement of dredged and/or fill material, and structures, into wetlands associated with industrial development in the Wrangell Industrial Park Subdivision. Authorized activities include foundation pads, associated driveways, parking areas, and lot utilities. The General Permit area includes the following lots within the Wrangell Industrial Park Subdivision: Block 59B Lots 1, 2, 9, 10; Block 60 Lots 9A, 10A; Block 61 Lots 1A, 2A, 7A, 8A, 9, 10; Block 63A Lots 3-5; Block 63B Lots 3-8; Block 64 Lots 3-5, 6A, 7A, 8A; Block 65 Lots 3-8; Block 66 Lots 3-13. A map of the project area is attached.

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

REQUIREMENTS FOR USE OF THE GP

The attached Special and General Conditions describe the criteria which must be met for work to be accomplished under this GP. An individual wishing to perform work under the GP must review these conditions carefully. If the proposed work does not meet the requirements or the conditions, the GP will not apply and an individual Department of the Army permit application must be submitted.

PROCEDURES

Individuals wishing to perform work under this GP shall submit, in writing, to the District Engineer, the following information:

1. The Block and Lot number of the Wrangell Industrial Park Subdivision of the proposed activity;
2. A description of the work including the size of fill pads, driveways and any other features or structures requiring fill;
3. Plan drawings, including a plan view and a cross-section view of the project, showing the layout of the driveway, pads and structures in relation to other features. The drawing must include stream locations, drainage patterns and topography. Plans must show location and size of culverts or other water body/drainage crossing structures.
4. The type and source of material to be used and the disposal site for any excavated material must also be included;
5. Other information including photographs that would verify that the proposed work meets the terms and conditions of the GP.

The information provided will be reviewed by this office for compliance with the terms and conditions of the GP. Normally, within 30 days of receiving the required information, a letter will be sent from this office to the applicant stating whether or not the proposed project is authorized by the GP. Copies of the provided information will be furnished to Alaska Department of Natural Resources, Office of Project Management and Permitting and other interested parties. No fill placing activity can begin until the applicant has received written verification from the Corps of Engineers that the project is authorized.

Modification of the work authorized by the GP, including changes in the size or location of the footprint of the project, or the amount or type of fill material, requires submittal of revised plans for review and approval prior to doing any work.

TIME PERIOD TO COMPLETE PROJECTS AND PROJECT TIME EXTENSIONS:

The permittee has two years from the date of his/her verification letter from the District Engineer to construct the project. If the verification letter is dated within the last two years the GP is in effect (May 31, 2009 – May 31, 2011), the project must be completed by May 31, 2011 when the GP expires. If any permittee, whose work is already underway, requires additional time to complete a project, a request may be made to the District Engineer (DE) and the DE will grant up to 12 months of additional time to complete the project. The permittee's time extension request must be received by April 30, 2011.

PROJECT MODIFICATIONS:

If changes to the verified project are necessary for any reason, revised plans should be submitted to the DE promptly. Federal law requires approval before construction is begun; if the modification is unobjectionable, approval will be issued without delay.

GENERAL CONDITIONS

1. You must maintain the work authorized by this GP in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. Should you cease to maintain the authorized activity or 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.
2. If you discover any previously unknown historic or archaeological remains while accomplishing the work authorized by this GP, you must immediately phone this office of what you have found at 1-800-478-2712. 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.
3. If you sell the property associated with this GP, you must contact the Alaska District Corps of Engineers to validate the transfer of this authorization.
4. You must allow representatives from this office to inspect the authorized work at any time deemed necessary to ensure that it is in compliance with the terms and conditions of the GP.

SPECIAL CONDITIONS

1. Prior to beginning construction, the limits of the proposed excavation and fill areas must be staked and/or flagged to prevent the inadvertent encroachment of fill material into adjacent wetlands.
2. Prior to construction, erosion control measures, such as silt fencing, sediment traps, or water diversion structures, must be properly deployed and installed. During construction, silt and sediment from the site work must be prevented from entering wetlands or water bodies outside the authorized project limits.
3. Site preparation, excavation, and fill placement must be conducted in a manner to prevent adverse hydrologic effects. Natural drainage patterns must 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 will indicate non-compliance with this condition.
4. During excavation and fill placement, heavy equipment must not be operated in wetlands outside the authorized excavation and fill area.
5. Dredged or fill material must not consist of unsuitable material (e.g. trash, metal debris, overburden material, wood waste, etc.) and must be free from petroleum products. All material discharged must be free of toxic pollutants in toxic amounts as defined by Alaska State Law and Toxic Pollutants List in Section 307 of the Clean Water Act.

6. Temporary storage of excavated and/or excess material on-site must be managed to prevent sediment from being carried into adjacent wetlands and waters, and to prevent leachate from causing odor problems or degradation of water quality.
7. Excavated areas must be filled within the shortest reasonable time, so that ground is not left exposed for extended periods. Excavation of overburden must take place on successive units sufficiently limited in size so that placement of fill can occur expeditiously.
8. Disturbed areas not covered with rock fill must be stabilized and re-vegetated with native species in a timely manner to minimize erosion and sedimentation.
9. Unusable or excess material must be disposed of at an approved disposal site.
10. The proposed activity must not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended (ESA), or endanger the critical habitat of such species. In addition, the proposed activity must not jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat.
11. All conditions on the State of 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.

LIMITS OF THIS AUTHORIZATION

1. This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
2. This permit does not grant any property rights or exclusive privileges.
3. This permit does not authorize any injury to the property or rights of others.
4. This permit does not authorize interference with any existing or proposed Federal Project.

LIMITS OF FEDERAL LIABILITY

In issuing this permit, 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 in the public interest.
3. Damages to persons, property, or to the permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.
5. Damage claims associated with any future modification, suspension, or revocation of this permit.

RE-EVALUATION OF PERMIT DECISION

The Corps may re-evaluate its decision to issue a GP verification to any person or agency at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to the following:

1. The permittee fails to comply with the terms and conditions of the permit;
2. The information provided by the permittee in support of the application proves to have been false, incomplete or inaccurate;
3. Significant new information surfaces, which this office did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination 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, accomplish the corrective measures by contract, or otherwise bill you for the cost.

PENALTIES FOR VIOLATIONS

Failure to comply with the terms and conditions of the GP may result in suspension of the work, revocation of the permit, removal of the dredged and/or fill material or other structures, directed restoration of waters and/or wetlands, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is 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 09 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation; or by 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.

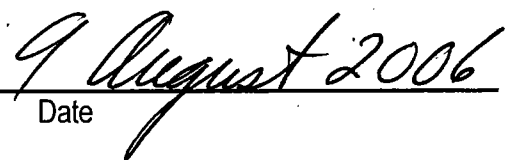
TERM, EXTENSION, AND REVOCATION OF THE GENERAL PERMIT

GP 98-01-N may be revoked by issuance of a Public Notice at any time the District Engineer (DE) determines that the individual or cumulative effects of the activities authorized therein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE will decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.

The time limit for authorizing work under this GP ends five years from the date of issuance. Any activity verified by this GP before the expiration date must also be completed by that date, unless activities are underway or will be completed within twelve months of the expiration date, and the permittee notifies the Corps of his/her intent to continue work on the project. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6. 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 expiration date.

FOR THE DISTRICT ENGINEER


Glen Justis, Chief
East Section Regulatory Branch


Date

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) 465-5321
Fax: (907) 465-5274
TTY: (907) 269-7511
<http://www.state.ak.us/dec/>

July 6, 2006

Certified Mail 7006-0810-0000-8656-8816

Ms. Mary Leykom
U.S. Army Corps of Engineers
Regulatory Branch
Anchorage, AK 99506

Subject: Re-Issue General Permit 98-01
Wrangell Industrial Park Subdivision
Reference Number: SPN-2006-215
State ID No. AK005-09JJ

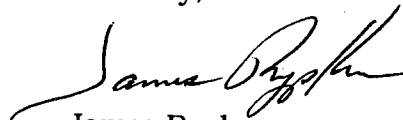
Dear Ms. Leykom:

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 proposed re-issuance of General Permit 98-01 for certain dredge and fill activities associated with construction of foundation fill pads such as driveways, parking areas, and utility installation within the Wrangell Industrial Park Subdivision, for five more years.

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 Street, 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 99801, 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

RECEIVED
JUL 10 2006
REGULATORY BRANCH
ALASKA DISTRICT
U.S. ARMY CORPS
OF ENGINEERS

cc: (with encl.)
Joe Donohue, OPMP, Juneau
Jim Cariello, DNR/OHMP, Petersburg

Jim Powell, ADEC
Mark Fink, ADFG, 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 US Army Corps of Engineers Alaska District, Regulatory Functions Branch, PO Box 898, Anchorage Alaska 99801, for the proposed following general permit PG, covering wetland activities within the Wrangell Industrial Park Subdivision, Wrangell Alaska.

General Permit 98-01 is for certain dredge and fill activities of the City of Wrangell for construction of foundation fill pads, associated driveways, parking areas, and utility installations in the following lots in the Wrangell Industrial Park Subdivision: Block 59B lots 1, 2, 9, 10; Block 60 lots 9A, 10A; Block 61 lots 1A, 2A, 7A, 8A, 9, 10; Block 63A lots 3-5; Block 63B lots 3-8; Block 64 lots 3-5, 6A, 7A, 8A; Block 65 lots 3-8; and Block 66 lots 3-13.

The proposed activity is located in section 24, T. 62 S., R. 83 E., Copper River Meridian, in Wrangell Alaska.

The department supports the use of General Permits by local governments. Therefore the department supports continued use of the GPs that have been useful and have been demonstrated to streamline the permitting process.

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 SPN-2006-215, 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) The boundaries of the excavation and fill areas in wetlands must be staked or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.

- 2) If excavation takes place, temporary storage of excavated materials on-site and disposal of excavated materials off-site, must be managed to prevent sediment from being carried into adjacent wetlands and water, and to prevent leachate from causing odor problems or degradation of water quality.
- 3) During excavation, fill placement and building construction, to the extent practicable, heavy equipment may not operate on the ground outside the excavation and fill footprint.
- 4) Silt and sediment from site excavation and fill materials may not enter wetlands or water bodies outside the necessary working area. Site preparation, excavation, fill placement, and construction activities must be conducted to prevent, minimize and contain the generation of silt and sediment that could be carried off site by surface runoff. If silt and sediment are evident in standing or flowing water outside the excavation and fill area, appropriate control and containment measures shall be applied. These measures may include revegetation, filter fabric fences, straw bales, other effective filters or barriers, fiber matting, settling ponds, and avoiding work during heavy precipitation.
5. Disturbed ground and exposed soil not covered with fill, structures, or appurtenances must be stabilized and revegetated with endemic species, grasses, or other suitable vegetation in an appropriate and timely manner to minimize erosion and sedimentation, so that a durable vegetative cover is established and maintained.
- 6) Natural drainage patterns must be maintained, to the extent practicable, without introducing ponding or drying. Control of drainage must be provided by appropriate ditching, culverts, storm drain systems, or other measures.
- 7) Permanent control of drainage must be provided within the entire industrial park, including roadways and each individual lot, with appropriate landscape design and construction, stormwater control, ditching, culverting, restoration, revegetation, and other measures. Drainage control must maintain natural drainage patterns above and below disturbed areas and must avoid adverse impacts to hydrology and water quality. The roadways and drainage structure must be maintained in a condition that will prevent sedimentation caused by erosion and surface transport from reaching waters through the life of the project.
- 8) Runoff discharged to surface water from a construction site disturbing 1 or more acres must be covered under EPA's NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires that a Storm Water Pollution

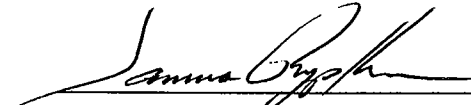
Prevention Plan (SWPPP), describing construction runoff and erosion control, be prepared and implemented.

- Provide a copy of this SWPPP to ADEC (William Ashton, 907-269-7564) at least 7 days prior to starting earth disturbing activities.
- For projects that disturb greater than 5 acres, this SWPPP must also be submitted to ADEC (Greg Drzewiecki) prior to construction.
- Please contact EPA directly concerning the NPDES storm water permit.

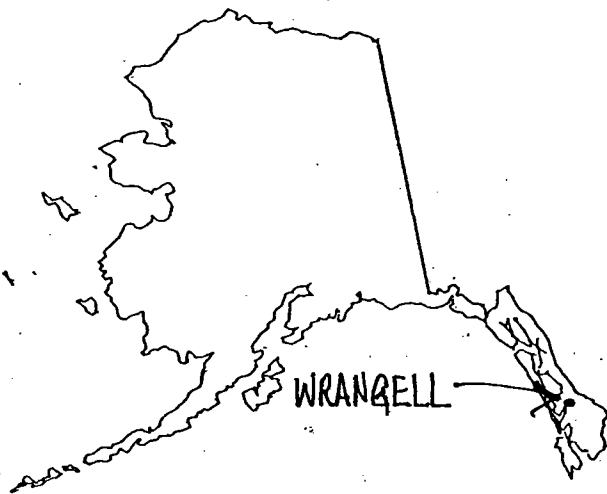
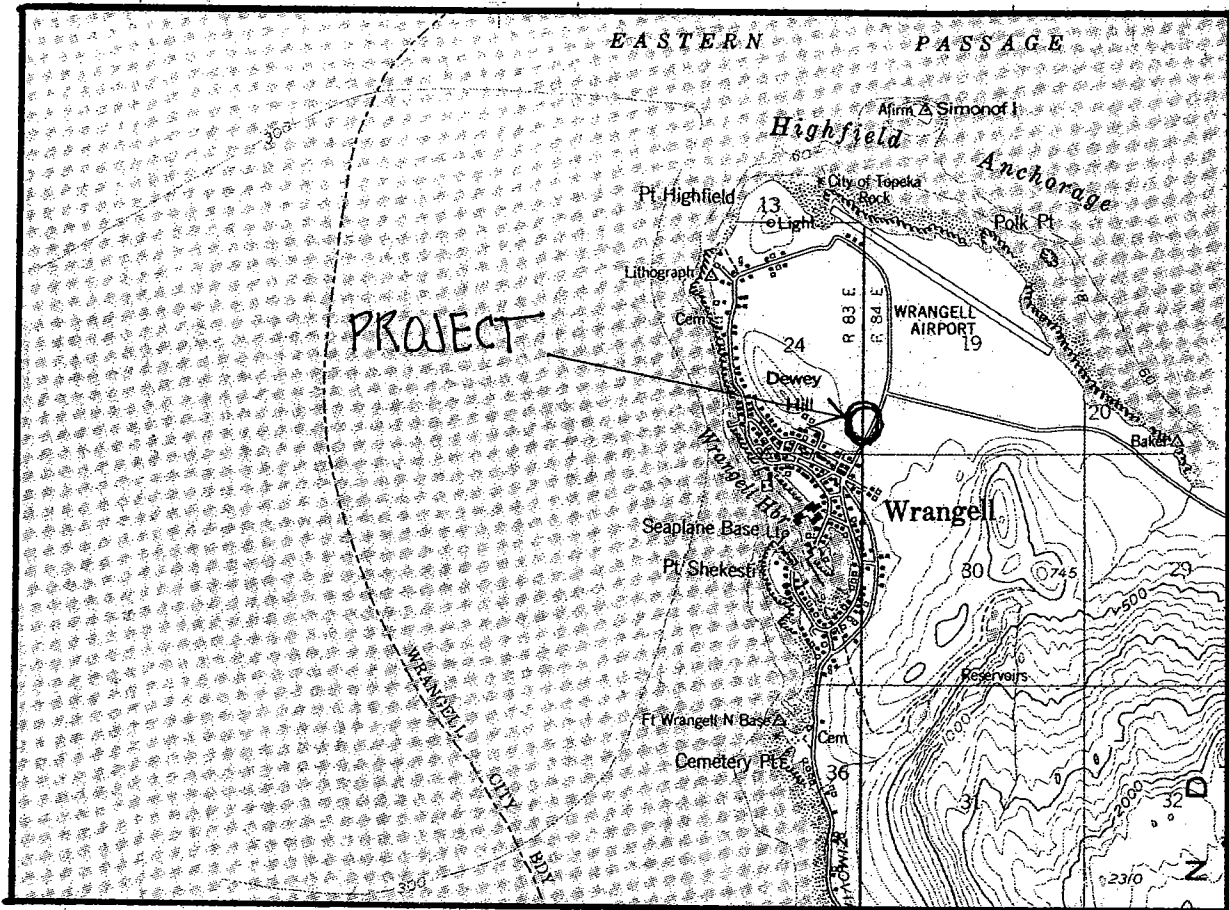
The certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC 15.100).

Date

July 6, 2006

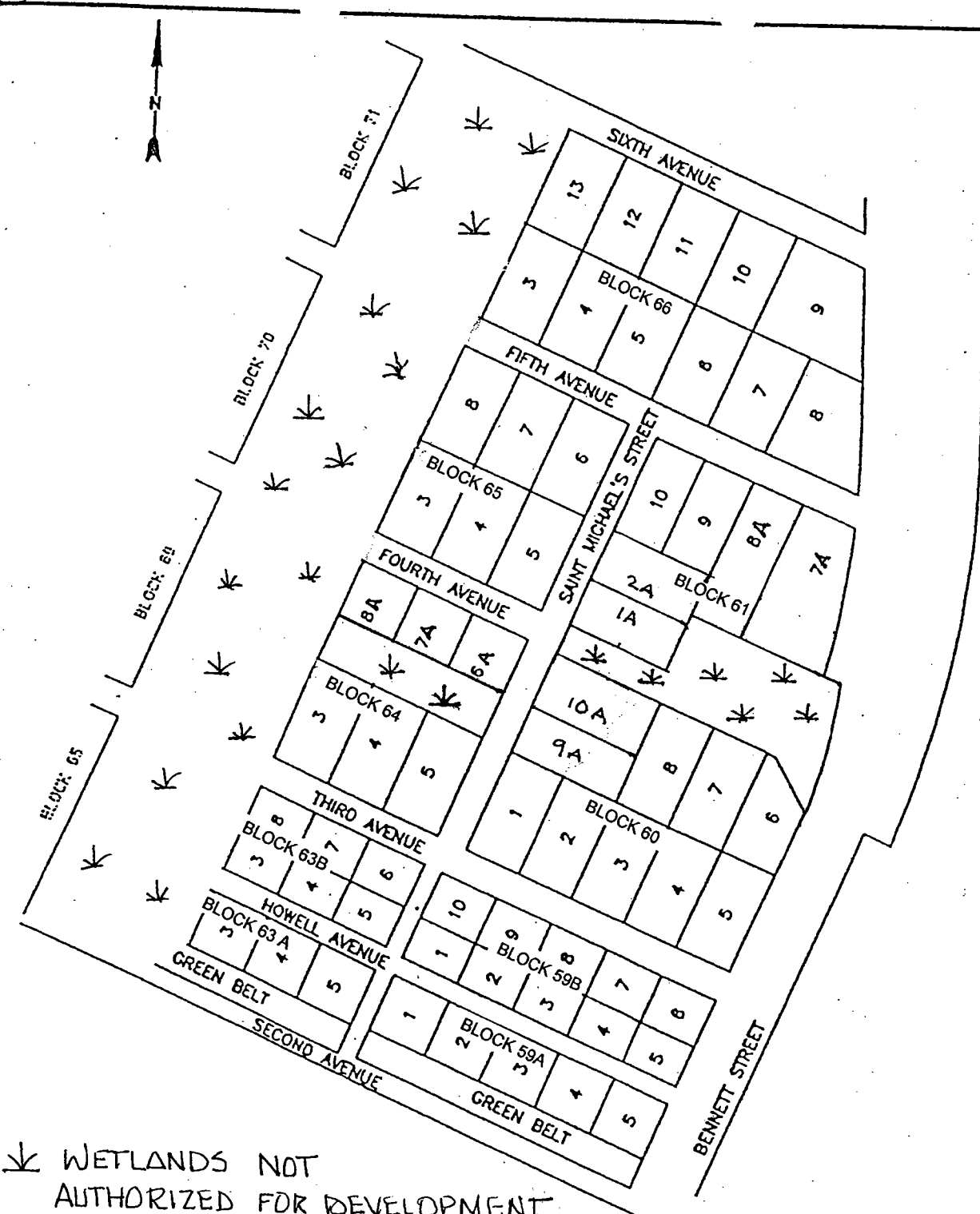


James Rypkema
Program Manager

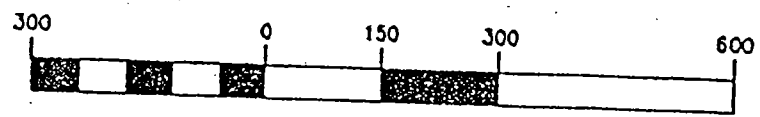


GENERAL PERMIT 98-01-N
 (POA-2006-216 Stikine Strait)
 Wrangell Industrial Park Subdivision
 Re-issue for five years
 Location Map
 February 2006

Sheet 1 of 2



✱ WETLANDS NOT AUTHORIZED FOR DEVELOPMENT



SCALE IN FEET

GENERAL PERMIT 98-01-N
(POA-2006-216 Stikine Strait)
Wrangell Industrial Park Subdivision
Re-issue for five years
Subdivision Map
February 2006