



# Public Notice

US Army Corps  
Of Engineers  
Alaska District

Date: July 18, 2005

Regulatory Branch (1145b)  
Juneau Field Office  
8800 Glacier Highway  
Juneau, Alaska 99801

Identification No. SPN-2005-11

In reply refer to above Identification Number

## SPECIAL PUBLIC NOTICE

PROPOSED RENEWAL of GENERAL PERMITS 2000-01, 2000-02, 2000-03 2000-04  
for the City and Borough of Juneau, Alaska

Notice is hereby given that the U.S. Army Corps of Engineers (Corps), under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. seq.), proposes to renew four General Permits (GPs) 2000-01, 2000-02, 2000-03, and 2000-04, for the mechanized landclearing and for the discharge of fill material into waters, including wetlands, of the United States, within the City and Borough of Juneau, Alaska.

**INTRODUCTION:** On June 30, 1995, the Corps, Alaska District, issued GP 92-1, which was effective for five years. This GP authorized the discharge of fill material into wetlands within the City and Borough of Juneau (CBJ), which have been designated 'C', 'D', 'EP', or as Road Corridors, in the Juneau Wetlands Management Plan (JWMP), dated February 1991, adopted in revised form by the Coastal Policy Council on October 31, 1991, and as approved for incorporation into the Federally approved Alaska Coastal Management Plan (ACMP). The JWMP was revised in February 1997, and incorporated all of the changes required by the GP and updated maps. GP 92-1 expired on June 30, 2000. During the 5-year period, there were 8 projects approved under the above-referenced authorization, authorizing the placement of up to approximately 56,000 cubic yards of material into approximately 11 acres of wetlands. The Corps replaced GP92-1 with four new GPs, 2000-01, 2000-02, 2000-03 and 2000-04 on July 24, 2000, which were subsequently effective for five years, and will expire on July 24, 2005. During that time period, only 1 project was approved under GP-2000-02 authorizing the placement of 1500 cubic yards of material into approximately 0.14 acres of wetlands.

A GP is considered appropriate for activities which are substantially similar in nature, which cause only minimal adverse environmental impact when performed separately, which would have only minor cumulative effect on water quality, and which would provide a more effective administration of the Clean Water Act without creating an undue burden on the public. GP 2000-01 is for residential fill pads, site preparation, and driveways; GP 2000-02 is for commercial, community, and institutional development; GP 2000-03 is for wetland functional enhancement; and GP 2000-04 is for roads and other linear development. The renewal of these GPs would continue to authorize the discharge activities that were covered in GP 92-1, if after consultation with Federal and State regulatory and resource agencies, and public input, the District Engineer (DE) determines that the proposed renewal activity would be minor, and would not have more than minimal individual or cumulative impacts on the human environment.

**PROPOSED ACTION:** The Corps proposes to renew these four GPs, each for 5 more years. These GPs are based on the revised JWMP, dated February 1997, and incorporates the changes resulting from and in GP-2000-01, GP-2000-02, GP-2000-03 and GP-2000-04.. The renewed GPs would authorize mechanized landclearing and the placement of fill into certain wetlands in the City and Borough of Juneau, for the purposes of residential fill pads, site preparation, and driveways (2000-01), commercial and community and institutional development (2000-02), the enhancement of wetlands and their respective functions (2000-03), and linear developments (2000-04).

**PURPOSE:** To authorize the discharge of fill material to include activities having a demonstrated need as verified by the City and Borough of Juneau. The objective of

the GPs authorization was and still is: (1) To allow planned, systematic development of private and commercial lots and selected government managed areas in wetlands in CBJ, while maintaining important wetland functions; and (2) To expedite the permitting process for land development within the above boundaries.

**WATER QUALITY CERTIFICATION:** The renewed GPs would not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation (ADEC). The ADEC issued a certification for GP 92-1, which was described in Special Public Notice 92-6, on June 16, 1992, and issued a certification for GPs 2000-01, 2000-02, 2000-03, and 2000-04 on July 18, 2000.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(30), requires certification that the described proposal affecting land or water uses in a Coastal Zone complies with the Alaska Coastal Management Program (ACMP) and the CBJ Coastal Management Program. The Alaska Division of Governmental Coordination issued Conclusive Consistency Findings for the original GP 92-1, which were described in Special Public Notice 92-6, on August 21, 1992. The Office of Management and Budget, Division of Governmental Coordination issued Final Consistency Determination for GPs 2000-01, 2000-02, 2000-03 and 2000-04 on June 28, 2000. The renewed GPs will not be issued until a certification or waiver of certification is issued by the Alaska Department of Natural Resources, Office of Project Management and Permitting, ACMP.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey has been consulted for the presence or absence of new historic properties, not previously listed, including those listed in or eligible for inclusion in the National Register of Historic Places. There are a number of unevaluated properties, and registered and eligible properties in the GP area. The original GP, and the four subsequent GPs were coordinated with the State Historic Preservation Officer, resulting in the inclusion of Special Condition 9, Protecting Historic Properties. The proposed renewal of these GPs will also be coordinated with the State Historic Preservation Officer.

**ENDANGERED SPECIES:** Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife, or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed renewal of GPs 2000-01, 2000-02, 2000-03, and 2000-04 is being evaluated for possible effects to Essential Fish Habitat (EFH), pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. *et seq* and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH areas as identified by NMFS, in CBJ.

The JWMP included consideration of fish [salmonid] habitat in determining wetland values and respective category placement. See Functions and Values and Map Appendix, [prepared by Adamus Resource Assessment, Incorporated (September 1987)].

**Low And Very Low Values For Salmonid Habitat:** We have determined that the described activity within CBU will not adversely affect EFH, including anadromous fish and Federally managed fishery resources, for approximately 242.12 acres.

<u>VALUE</u>	<u>CLASS</u>	<u>ACREAGE</u>	
Low	C	5	Acres
Very Low	C	232.12	"
Low	D	4	"
Very Low	D	1	"

**Moderately High and High Values for Salmonid Habitat:** However, we have also determined that the described activity may adversely affect EFH for other selected waters (below). The proposed work may affect approximately 7.5 acres of waters of the United States with EFH for juvenile and/or adult salmon [Portions of M4, M7, MW3 and UM1, all of which are a combination of Category A, B and C Wetlands]. Note: Wetlands M49, M51 and M53 were changed from Category C to Category A wetlands designation during re-issuance of these GPs in 2000.

<u>VALUE</u>	<u>CLASS</u>	<u>ACREAGE</u>	
Moderately High	C	0.	Acres
High	C	7.5	"
Moderately High	D	0	"
High	D	0	"

**Potentially High Habitat Values with Enhancement:** We have further determined that the described activity may beneficially affect EFH. The proposed work may affect approximately 28 acres (plus 7 ponds) of water of the United States with EFH for juvenile salmon. [Wetlands D2, D3, D4, D5, D6 & M2]

<u>VALUE</u>	<u>CLASS</u>	<u>ACREAGE</u>	<u>PONDS</u>
Moderately High	EP	0 Acres	7
High	EP	0 "	0
Low	EP	28 "	0
Very Low	EP	0 "	0

This Public Notice initiates further consultation requirements with the National Marine Fisheries Service under the Magnuson Stevens Fishery Conservation and Management Act of 1996. We have insufficient information at this time to fully assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for Federally managed fish will also be considered in our final assessment of the described work. This proposed project might also adversely affect associated species such as major prey or predator species, which are not covered by Fishery Management Plans.

**SPECIAL AREA DESIGNATION:** CBU is surrounded by the Tongass National Forest. The area of coverage of these GPs, however, does not include Federal forest lands.

**EVALUATION:** The decision whether to renew the general permits will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to renew the four GPs, and if so, the conditions under which they will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of

important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

A provisional determination has been prepared indicating that the renewal of the proposed GPs, for the placement of fill material into waters of the United States, including wetlands, in CBJ, Alaska, complies with the requirements for issuance under GP authority. This document is available for viewing at the U.S. Army Corps of Engineers, Alaska District, Regulatory Branch, Juneau Field Office, 8800 Glacier Highway, Suite 106B, Juneau, Alaska.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to renew these GPs. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than August 18, 2005, to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by FAX at (907) 790-4499, if further information is desired concerning this notice.

**AUTHORITY:** These general permits will be renewed or denied under the following authority: Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A copy of the proposed GPs, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

## GENERAL PERMITS 2000-01, 2000-02, 2000-03, 2000-04

Four General Permits (GPs) 2000-01, 2000-02, 2000-03, and 2000-04, previously issued on July 24, 2000, and cooperatively issued as GP 92-1 on June 30, 1995, have been renewed by the Alaska District, Corps of Engineers (Corps), in accordance with Title 33 CFR 325.2 (e)(2), as published in the Federal Register, Volume 51, Number 219, pursuant to Section 404 of the Clean Water Act (PL 95-217, 33 U.S.C. 1344), authorizing the mechanical land clearing of wetlands, and the placement of fill material into wetlands within the City and Borough of Juneau which have been designated 'C', 'D', 'EP', or as Road Corridors in the Juneau Wetlands Management Plan (JWMP), dated February 1991, and adopted in revised form by the Coastal Policy Council on October 31, 1991, and as approved for incorporation into the Federally approved Alaska Coastal Management Plan (ACMP) pursuant to 15 C.F.R. 923.84, effective November 23, 1993. All previous changes and revisions have been incorporated into the revised JWMP, dated February 1997.

**ACTIVITY:** These GPs authorize the placement of fill into certain wetlands and waters of the United States (U.S.) in the City and Borough of Juneau (CBJ).

GP 2000-01 is for residential fill pads, site preparation, and driveways. Residential development is defined as the construction of single, attached and multi-family dwellings, a subdivision; a place used exclusively for human habitation; a person's fixed, permanent, and principal home for legal purposes. Residential development also includes work performed in association with the installation of driveways and of a dwelling's septic/sewer system. See CBJ Land Use Code, Title 49.

GP 2000-02 is for commercial, community and institutional development. Commercial development is defined as the construction of private facilities for the exchange or buying and selling of commodities. Commercial development structures include movie theaters, pool halls/arcades, video tape rentals, bingo halls, hotels/restaurants, hair salons, tanning salons, fabric/dress shops, daycare/baby-sitting facilities, lumber and hardware stores, etc. Public, or institutional, development is defined as the construction of facilities relating to business or community interests as opposed to private interests. Public development includes city halls, church buildings, post offices, fire stations, and similar projects. See CBJ Land Use Code, Title 49.

GP 2000-03 is for wetland functional enhancement projects. See CBJ Land Use Code, Title 49.

GP 2000-04 is for roads and other linear developments. New roads authorized by this GP include residential streets, alleys and collector streets, not arterials. Roads authorized by this GP shall be the minimum width necessary but no more than 75 feet in width, including the right-of-way clearing. The only other linear developments authorized by this GP shall be utility lines, including water, gas, electricity, and cable. See CBJ Land Use Code, Title 49.

In addition to the restrictions described in the revised JWMP adopted by the Coastal Policy Council on October 31, 1991, and as approved for incorporation into the Federally approved Alaska Coastal Management Plan (ACMP) pursuant to 15 C.F.R. 923.84, effective November 23, 1993, no authorization for fill is granted by these GPs for the following activities: heavy industry, dry cleaning operations, battery transfer yards, commercial auto repair garages, fuel storage sites, hazardous waste management facilities, service stations, landfills, petro-chemical plants, or other projects involving the manufacture, storage, or disposal of waste/toxic substances. All activities built under these GPs shall conform to the CBJ Land Use Code. The impacts of fill pads for other uses are similar regardless of surface use; further review and decisions concerning surface uses in the areas covered by these GPs are appropriate to State and local government. These GPs do not apply to estuaries or anadromous riverine wetlands, protective greenbelts, or any other wetland or corridor not designated C, D, or EP, or as a Road Corridor. Mitigation activities, involving either land clearing and/or the discharge of dredged or fill material into waters, including wetlands, of the U.S., not administered by these GPs, will require a separate Department of the Army (DA) authorization. These GPs are based on the JWMP, dated February 1991, with the inclusion of revisions approved by the Coastal Policy Council on October 31, 1991, the revised list of wetland unit classifications with special conditions in the attachment to these GPs, the maps in the Juneau Wetlands, Functions and Values, Map Appendix, dated September 1987, and

the revised list of wetland unit classifications with special conditions and maps provided in the February 1997 revision of the JWMP. These GPs will not be altered by any change in the CBJ's Plan unless the District Engineer (DE) determines that an alteration is not contrary to the public interest following a public interest review of the proposed change or alteration, and the GPs are subsequently modified to incorporate these revisions.

**PROCEDURE:** All applicants desiring to mechanically clear, or discharge dredged and fill material under terms of these GPs will submit an application to the CBJ Department of Community Development. The application will require descriptions of the location, proposed activity, purpose and need. The description will include quantities of fill, acreage of disturbed surface area, steps that the applicant proposes to take to comply with the mitigation policies of the JWMP, source of fill, and offsite disposal locations, supported by applicable drawings and narrative.

The CBJ will determine if the proposed mechanical land clearing, or discharge of dredged and fill material meets local permit requirements and is consistent with the criteria of the applicable GP. In all cases the CBJ will proceed with its review as soon as it receives an application.

For projects that would involve mechanically clearing, or filling between five and ten acres of wetlands, the CBJ will provide the Corps with a copy of the application; the Corps shall determine which GP applies and whether any additional special conditions shall be added to protect the Federal interest. The Corps shall have 15 days in which to make this determination. In reviewing an activity under the notification procedure, the DE will determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or will be contrary to the public interest. The Corps shall notify the CBJ of its determination.

For projects that would involve mechanically clearing, or filling more than ten acres of wetlands, the CBJ will provide the application to the Corps, who shall determine within 30 days of receipt of a complete application whether one or more of the GPs apply, or if the proposed project requires an individual DA permit. The Corps shall notify the CBJ of its determination. If the proposed action meets one of the GPs qualifications, the application would be returned to the CBJ.

For projects that would involve mechanically clearing, or filling five or less acres of wetlands, the CBJ will determine whether the proposed activity is located in areas designated as road corridors or classified as a C, D, or EP wetland and meets the criteria of one of the GPs. Issuance of the necessary CBJ Wetland Permit and other CBJ Title 49 Planning and Zoning permits will constitute authorization to proceed under one or more of these GPs. As is currently the case, the CBJ will require that all necessary municipal authorizations be obtained before the requested mechanical land clearing, or discharge of dredged and fill material can proceed.

Authorization to proceed will require fulfillment of the general conditions specified here and of the special conditions applicable to particular sites as noted in the attachment to this notice, as well as fulfillment of any additional special conditions included in the CBJ Wetland Permit, as determined by the CBJ Wetlands Review Board. At the time of the issuance of the authorization, the CBJ will give a copy of the conditions for these GPs to the individual.

The CBJ authorization of the CBJ Wetland Permit would expire in eighteen months, if no other required CBJ permits have been issued, or no substantial construction progress has been made pursuant to these local permits, unless otherwise specified in the CBJ Wetland Permit. For any partially completed work, the permittee shall restore the site to pre-project conditions or apply for an extension or reauthorization under the relevant GP from the CBJ.

**INDIVIDUAL AUTHORIZATIONS:** Any project which has any local authorization denied, is denied without prejudice, and an application for an individual DA permit will not be accepted by the Corps. The Corps retains the final review and authority to determine compliance of a given activity with the GPs. The CBJ is expected to confer with the Corps in questionable or borderline proposals before the requisite local authorization to proceed under a GP is issued.

**REPORTING:** The CBJ shall compile information on authorizations issued under these GPs and provide the Corps on a quarterly basis, copies of all applications and authorizations made under each GP for each quarter. Reports shall be submitted to the DE by the following dates: April 10 (for January 1- March 31), July 10 (for April 1-June 30), October 10 (for July 1- September 30), and January 10 (for October 1- December 31).

The CBJ will submit to the DE once a year the following information: total acreage permitted for mechanical land clearing, or discharge of dredged and fill material, number of permits granted for each GP, average permit processing time, and enforcement activities. In addition, if the CBJ adopts and implements a mitigation banking plan, a copy of the appropriate wetland mitigation bank annual report will be submitted to the DE.

**IMPLEMENTATION:** Implementation will be in accordance with the JWMP of February 1991, as amended by the Coastal Policy Council on October 31, 1991, and the site-specific changes described in the attachment to this GP, and in the revised JWMP, dated February 1997, and the CBJ implementing ordinance.

**DURATION:** These GPs are in effect for a period of 5 years. At the end of the 5-year period, an evaluation of the program will be made and at that time it will be decided whether one or more of these permits should be renewed.

**MAPS AND JURISDICTIONAL BOUNDARIES:** These GPs are based on the revised JWMP, dated February 1997, with the inclusion of revisions approved by the Coastal Policy Council on October 31, 1991, the revised list of wetland site classifications with special conditions attached to the original GP, and the maps in the Juneau Wetlands, Functions and Values, Map Appendix, dated September 1987. The procedure for situations where the wetland designation or classification is in question and needs a more definitive jurisdictional determination consists of requesting field verification from the District Engineer. The wetland units covered by these GPs have been mapped on the CBJ Street Atlas. This Atlas is available for review from the CBJ Department of Community Development, 155 South Seward Street, Juneau, Alaska, 99801-1397; telephone (907) 586-5235.

**VERIFICATION:** These GPs do not require notification to the District Engineer prior to commencement of the authorized activity, nor do they require confirmation from the District Engineer that a proposed activity is in full compliance with all terms and conditions of this GP as authorized.

Nevertheless, a General Permittee may choose to request in writing, a verification that his proposed activity is authorized by a specific GP, by writing to the Alaska District, Corps of Engineers, Regulatory Branch, Juneau Field Office, Suite 106, 8800 Glacier Highway, Juneau, Alaska 99801-8079. Any written inquiry must include the following information:

1. Name, address and telephone number of the applicant.
2. Location of the proposed work.
3. Brief description of the proposed work listed in the earlier Procedures Section of the specific GP.
4. Identification of the GP or permits which apply to the proposed work.
5. Any other information that the applicant believes is appropriate.

If the General Permittee's written request for verification is complete, accurate and made in good faith, and the Corps does not respond to such inquiry within 20 days



after the Corps receives such inquiry, the General Permittee may proceed with the activity, provided all necessary CBJ permits are obtained. The General Permittee's authorization can only be suspended, modified or revoked in accordance with the procedure set forth in 33 CFR 325.7. If the Corps later determines that the General Permittee's written request for verification was inaccurate, incomplete or made in bad faith, and that the activity was not in fact authorized by the GP, the Federal Government may bring an appropriate enforcement action under 33 CFR Part 326.

GENERAL CONDITIONS: All authorizations issued under these GPs are subject to the following conditions:

1. The amount of fill authorized by these GPs shall not exceed the amount authorized by the CBJ in its wetland permit.

2. Activities authorized under these GPs shall not adversely impact adjacent estuarine, riverine, and A or B wetlands by causing ponding, drainage, siltation or inadvertent fill. The use of culverts or other methods may be required to ensure compliance with this condition. Shoreline corridors shall be designated measuring 100 feet landward (inclusive) of the ordinary high water mark of anadromous fish streams and lakes, as provided in Policy 8 of the JWMP. This corridor will be classified as Category A Wetlands (see Shoreline Corridor Rule).

3. All fill material authorized under these GPs shall be free from toxic pollutants in toxic amounts, as defined by Alaska State law.

4. Upon completion of earthwork operations, all exposed slopes, fills and disturbed areas shall be properly stabilized, by appropriate means such as landscaping, or planting and maintaining vegetative cover to prevent subsequent erosion. All disturbed soil areas (exposed soils) shall be revegetated within the next growing season. Natural revegetation is acceptable if the site will be revegetated itself within the next growing season. If natural revegetation is not successful, additional measures shall be taken to ensure compliance with this condition, such as interim protective cover until natural regrowth occurs.

5. No borrow material may be obtained within 330 feet of an eagle nest. This does not absolve the applicant from responsibilities to protect bald eagles under provisions of the Bald Eagle Protection Act.

6. No borrow material may be obtained from an estuarine, riverine, A or B Wetland for activities covered under these GPs.

7. These GPs do not apply for activities currently covered by a Nationwide Permit. No additional authorization is required for Nationwide-Permitted activities.

8. The permittee must maintain the structure or work authorized by these GPs in good condition and in conformance with the terms and conditions of the specific GP. The permittee is not relieved of this requirement if the permittee abandons the permitted activity, although the permittee may make a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized activity or should the permittee desire to abandon it without a good faith transfer, the permittee must obtain a modification of this permit from this office, which may require restoration of the area.

9. All activities conducted under these GPs (including the use of new borrow sites) shall not take place in or adversely affect any existing historical properties listed or eligible for listing in the National Register of Historic Places or any historical properties found to be listed or eligible for listing on the National Register of Historic Places subsequent to the issuance of these GPs. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps regarding the find. The Corps 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.

10. The permittee must comply with any conditions specified as part of the State water quality certification, which is part of these GPs.

11. Methods shall be implemented to filter or settle out suspended sediments from all construction-related wastewater prior to its direct or indirect discharge into any natural body of water.

12. Design plans for any stormwater collection system to be placed into or associated with the authorized fill must be approved by the Alaska Department of Environmental Conservation prior to system construction or fill placement.

13. Measures shall be implemented to attenuate flows, remove oil, grease, and other petroleum products from the project's stormwater collection system, if one is required by the Alaska Department of Environmental Conservation.

14. Design plans for any on-site sewage disposal system associated with the proposed fill must be approved by the Alaska Department of Environmental Conservation prior to construction.

15. The permittee must allow the District Engineer, or his designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of these GPs.

16. These GPs shall not apply to any activity or uses which would involve the storage or use of hazardous materials or substances as part of their principal purpose. These materials are defined in the Resource Conservation and Recovery Act and the Comprehensive Environmental Response and Liability Act.

17. All activities authorized under these GPs must meet a clearly demonstrated need. The CBJ review and building permit shall be instrumental in this respect to help prevent speculative projects and/or those contrary to the general public interest.

18. The applicant must design his proposed project so as to minimize the area of wetlands needed to be filled.

19. Equipment Operation and Marking of Footprint: Prior to initiation of construction, the permitted project footprint and any applicable waterbody setbacks, wetland buffers, and/or other avoidance areas shall be clearly delineated, using stakes, flags, fencing, or other similar measures. No equipment used for activities permitted under these GPs shall be operated, stored, or serviced in wetlands, and no mechanized land clearing or discharge of fill material may occur, even temporarily, in wetlands or other waters beyond the project footprint or within avoidance areas.

20. All activities identified and authorized herein shall be consistent with the terms and conditions of the appropriate GP, and activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of that GP which result in the modification, suspension or revocation of any authorization in whole or in part, and in the institution of such legal proceedings as the United States Government may consider appropriate.

21. All activities authorized herein shall be conducted in a manner that is consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (PL 95-217 33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532: 86 Stat. 1052) and pursuant to applicable State and local law.

22. The activity shall not jeopardize the continued existence of a threatened or endangered species, as identified under the Endangered Species Act, or endanger the critical habitat of such species.

23. The permittee shall implement the construction or operation of the work authorized herein in a manner so as to minimize adverse impact on fish, wildlife and natural environmental values. The project shall include all measures imposed by the CBJ Wetland Review Board to mitigate the adverse impacts of the work consistent with the enforceable policies of Chapter 3 of the JWMP, dated February 1991, as revised by the Coastal Policy Council on October 31, 1991.

24. These GPs shall not apply to mitigation activities involving either land clearing and/or the discharge of fill into estuaries or anadromous riverine wetlands, protective greenbelts, or any other wetland or corridor not designated C, D, or EP, or as a Road Corridor. For these situations, a Department of the Army permit application must be submitted to the Corps.

SPECIAL CONDITIONS: (pertaining to specific wetland unit designations in the JWMP).

1. UMI: Portions of the Category C area shall be retained undisturbed through a site plan review process that shall consider: (a) siting residences to the extent practicable to maximize use of the non-wetland areas or lower value wetland areas that occur within the unit; (b) restricting fill associated with the residences,

driveways and roads to the minimum amount necessary to achieve project purposes; (c) use of site plan techniques to consolidate development. The area shall be retained in a low-density residential zoning (D1, D3, or D5). Construction mitigation techniques shall be used to avoid impacts to portions of the wetlands that shall not be developed. The CBJ staff shall consult with the agency working group on these issues during the site plan review process and when preparing a recommendation to the Wetlands Review Board.

2. M7, M10, and M13: If development is proposed in wetland units M7, M10, or M13, the applicant shall be required to conduct mitigation to support and enhance the functioning of Jordan Creek in the area owned by the CBJ in Wetland Unit M7. The "Juneau Creeks Greenbelt Study", prepared by the CBJ with the assistance of the Alaska Department of Fish and Game in January 1984, lists possible mitigation projects for this section of Jordan Creek. These projects could be pursued as mitigation.

3. M9: Development of Wetland Unit M9 shall involve a site plan that shall consider: (a) restricting fill to the minimum amount necessary to achieve stated project purposes; (b) consolidating development; and (c) if development of the wetland is to occur in phases, the lower value areas shall be developed first to the extent practicable.

Construction mitigation techniques shall be used to avoid impacts to the portion of the wetland that is not developed. This should include maintaining the hydrologic connection to the undisturbed portion of the wetland through Wetland Unit M10. The CBJ staff shall consult with the agency working group on these issues during the site plan review process and when preparing a recommendation to the Wetlands Review Board.

4. M52: This wetland unit is classified as C, subject to the special conditions stated below. The CBJ Airport proposes to relocate the lower end of Duck Creek on airport property to gain approximately eight acres for new facilities under the GP, subject to approval from the CBJ Wetlands Review Board. Benefits to Duck Creek would be the improvement of fish habitat by moving it further from airport facilities; improving water quality by controlling the introduction of non-point source runoff from the airfield into the creek; providing an undisturbed greenbelt on both sides of the creek; providing shading of the creek; installing bottomless, arched culverts for

the roadway and/or replacing perched culverts, and designing and constructing a channel which has characteristics that are more favorable to anadromous fish use. The following special conditions shall apply to the Duck Creek relocation project. The Wetlands Review Board may apply additional conditions to the project when it reviews the Airport's application. (Wetland Units M49, M51 and M53 were re-classified from C to A Wetlands during the re-issuance of these GPs in 2000.

a. The Airport shall provide a greenbelt along the relocated stream. The greenbelt shall be a rectangular, protected corridor that is equal to the width of the stream (between ordinary high water marks) plus 100 feet, within which the stream may be designed to meander.

b. The Airport shall control non-point source runoff from the airfield and pass the water through an oil/water separator, as necessary, before such runoff enters the new Duck Creek channel.

c. The relocated Duck Creek channel shall be constructed to ensure that the new stream provides habitat that is beneficial to anadromous fish, while not encouraging waterfowl attraction. Engineering and design features shall address all environmental conditions at the new site to ensure that the new stream provides good anadromous fish habitat and functions properly.

d. The Airport shall consult with the Special Mitigation Committee (composed of State and Federal resource agencies, including the Alaska Department of Fish and Game, the Corps of Engineers, the Environmental Protection Agency, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service) during the environmental analysis, engineering, design and construction of the project to develop project design features.

Advisory: Under Title 16, the Alaska Department of Fish and Game must be contacted to approve the design and construction of the new stream channel and ensure that good anadromous fish habitat is created before any work can begin.

5. MW5: Fill shall be restricted to the minimum amount necessary to achieve project purposes and measures shall be taken to avoid impacts to portions of the wetland not developed. Applicants shall conduct mitigation that is appropriate to enhance the wetland values in the immediate area. For example, the applicant could be required to enhance waterfowl use of the area through development of waterfowl staging ponds on the CBJ-owned property (MW4) to enhance the regional ecological diversity of the area. The CBJ staff and Wetland Review Board shall be consulted to determine the appropriate mitigation strategy for any proposed project.

#### LIMITS OF THIS AUTHORIZATION:

1. These GPs or authorizations obtained under these GPs do not obviate the need to obtain other Federal, State, or local authorizations required by law nor does it apply to activities denied by any Federal or State agency, or the CBJ.

2. These GPs do not convey property rights, either in real estate or material, or exclusive privileges; and do not authorize injury to property, or invasion of rights or any infringement of Federal, State, or local laws or regulations; nor do these GPs obviate the requirement to obtain State or local assent as required by law for the activity authorized herein.

3. These GPs or authorizations obtained under these GPs do not authorize interference with any existing or proposed Federal project.

4. In issuing these GPs or authorizations obtained under these GPs, the Federal Government does not assume any liability for the following:

a. Damages to an authorized project or uses thereof as a result of the permitted or non-permitted activities or from natural causes.

b. Damages to an authorized 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.

c. Damages to persons, property, or to other permitted or non-permitted activities or structures caused by the activity authorized by this GP.

d. Design or construction deficiencies associated with the authorized work.

e. Damage claims associated with any future modification, suspension, or revocation of one or more of these GPs or authorizations obtained under these GPs.

5. This office may re-evaluate its decision on the GPs or any authorizations made under these GPs by either this office or the CBJ at any time the circumstances warrant. Circumstances that would require a reevaluation include, but are not limited to, the following:

a. The permittee or the CBJ fails to comply with the terms and conditions of a specific GP.

b. The information provided by the permittee in support of an application for authorization under these GPs proves to have been false, incomplete, or inaccurate.

c. Significant new information surfaces which was not considered in reaching the original public interest decision.

d. The CBJ itself is found to be party to violations of the Clean Water Act. If the District Engineer determines that this has occurred, the administration of this GP may revert to the Alaska District, Corps of Engineers, until such time as the issue is resolved to the District Engineer's satisfaction.

Such a re-evaluation may result in a determination that it is appropriate 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 the permittee to comply with the terms and conditions of these GPs and for the initiation of legal action where appropriate.

The permittee shall be required to pay for any corrective measures ordered by this office, and if the permittee fails to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise, and bill the permittee for the cost.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Colonel, Corps of Engineers  
District Engineer

Attachments

ATTACHMENT to GENERAL PERMITS 2000-01, 2000-02, 2000-03 and 2000-04

Note: These GPs are based on mapping by the Alaska District, Corps of Engineers, Regulatory Branch, as shown in the Juneau Wetlands, Functions and Values, Map Appendix, September 1987. The many small wetlands not shown are protected by law, but are not included in these GPs.

Note: Shoreline Corridor Rule. Riverine and lacustrine shoreline corridors take priority over all other management categories and designations. All catalogued anadromous fish streams shall have a 100-foot shoreline corridor on each side of the stream, measured from the ordinary high water mark in the main channel up to the point shown in "An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes" indicating the presence of anadromous fish. The 100-foot shoreline corridor shall be designated and managed as Wetland Category A. There shall be a 100-foot shoreline corridor around lakes, measured from the ordinary high water mark of the shoreline; the lacustrine shoreline corridor shall only apply to bodies of water more than 20 acres in area with water depths in the deepest part of the basin exceeding 6.6 feet at low water. If the lacustrine wetland or adjacent palustrine wetland is Category A, then the 100-foot lakeshore corridor shall be Category A. In all other cases the lakeshore corridor shall be Category B. This rule applies only to wetlands; no uplands shall be included within the 100 foot A or B wetland corridors. The Shoreline Corridor Rule shall take precedence over the Residential Road Corridor Designation Rule, described below.

Note: The Residential Road Corridor Designation Rule is described on page 30 of the JWMP, February 1991, with further amendments by the Coastal Policy Council on October 31, 1991: The definition of "residential road corridor" is also discussed on page 5 of the revised JWMP, February 1997. It applies only to residential development on parcels where public water is already provided, the parcel is already affected by development and is subdivided into small lots. This rule allows residential development to be reviewed under Category C guidelines in cases where: (1) the residential parcel is in a development corridor served by public water and existing local access roads; (2) the property owner has no practicable upland alternative to wetland development; and (3) the proposal shall consist of only residential building pads and direct access to them. The Residential Road Corridor Rule is quoted in part here: "Undeveloped palustrine wetland residential parcels with no practicable upland development alternatives shall have a temporary 100-foot Category C designation corridor measured from the road frontage right-of-way,.... Developed palustrine residential parcels shall have a Category C designated envelope that is 30 percent larger than their existing fill footprint.... Undeveloped residential parcels with an upland practicable development alternative on the parcel shall retain their original designated management category."

M7, M9, M10, and M13: If development is proposed in wetland units M7, M9, M10, or M13, the applicant would be required to conduct mitigation to support and enhance the functioning of Jordan Creek in the area owned by the CBJ in Wetland Unit M7. The "Juneau Creeks Greenbelt Study", prepared by the CBJ with the assistance of the Alaska Department of Fish and Game in January 1984, lists possible mitigation projects for this section of Jordan Creek. These projects could be pursued as mitigation; however, the appropriate Federal, State and local Borough/City resource agencies will be consulted during the site plan review process to determine if this is the most appropriate mitigation for the proposed project.

M9: Development of wetland Unit M9 will involve a site plan review process that will consider: (1) restricting fill to the minimum amount necessary to achieve stated project purposes; (2) consolidating development; and (3) if development of the wetland is to occur in phases, developing to the extent practicable the lower value areas first. Measures shall be taken to avoid impacts to the portion of the wetland that is not developed. This would include maintaining the hydrologic connection to the undisturbed portion of the wetland through wetland Unit M10. CBJ staff will consult with the appropriate Federal, State and local Borough/City resource agencies on these issues during the site plan review process and when preparing a recommendation to the Wetlands Review Board.

M49, M51, and M53: These wetland units are re-classified as Category A wetlands. An individual Department of the Army permit will be required prior to the discharge of

material into these wetlands, which were previously categorized as 'C' wetlands in GP 92-01 and in the JWMP.

#### WEST VALLEY

MW5: Fill will be restricted to the minimum amount necessary to achieve project purposes and measures shall be taken to avoid impacts to portions of the wetland that will not be developed. CBJ staff will consult with the appropriate Federal, State and local Borough/City resource agencies on these issues during the site plan review process and when preparing a recommendation to the Wetlands Review Board. Applicants will be required to conduct mitigation that is appropriate to enhance the wetland values in the immediate area. For example: the applicant could be required to enhance waterfowl use of the area through development of waterfowl staging ponds on the CBJ-owned property (MW4) to enhance the regional ecological diversity of the area. The appropriate Federal, State and local Borough/City resource agencies will be consulted to determine if this is the most appropriate mitigation strategy for the proposed project.

Road Corridor in MW11 along Engineer's Cutoff Road applies only to lots that are already developed; Road Corridor would allow 30% expansion of the existing fill sites subject to restrictions associated with road corridors and stream corridors.

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Special Public Notice No. 2005-09, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.



# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

336 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' Special Public Notice No. 2005-09, 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

Attachment 2