



Special Public Notice

US Army Corps
of Engineers
Alaska District

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

DATE: August 17, 2011
IDENTIFICATION NO.: SPN-2011-124
(In reply, respond to above number)
EXPIRATION DATE: August 31, 2016

**RE-ISSUANCE OF GENERAL PERMIT POA-2011-124
DISCHARGE OF DREDGED AND/OR FILL MATERIAL INTO WETLANDS
AT BETHEL, ALASKA**

The Alaska District, United States (U.S.) Army Corps of Engineers, in accordance with its regulations and pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 *et. Seq.*) has issued General Permit POA-2011-124, which permits the placement of dredged and/or fill material into waters of the United States (U.S.), including wetlands, within specific areas of Bethel, Alaska. The GP boundary is limited to an area within the city limits of Bethel, less excluded areas.

This GP authorizes the discharge of fill material into waters of the U. S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development. The GP authorizes excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. The GP also authorizes those activities when the placement of piling would have the effect of a discharge of fill material.

Maps showing the areas subject to authorization under this GP, and areas specifically excluded, are available for public use at the City of Bethel, Planning Department Office, and at the Regulatory Division, Alaska District, Corps of Engineers. A map showing the boundaries of areas covered or excluded under this GP is attached for guidance (Enclosure I). The area excluded from GP coverage would be subject to an individual permit review.

GP POA-2001-124 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. At the end of this five (5) year period, an evaluation of the GP will be made, and at that time it will be decided whether or not this GP should be renewed. The District Commander may at any time during this five (5) year period alter, modify, suspend, or revoke this permit, if he deems such action is in the public interest.

The attached GP POA-2011-124 outlines criteria that would have to be met in order for work to be authorized under this GP. All authorized activities must be in accordance with the conditions of the GP. Failure to comply with the terms and conditions of the permit could result in suspension, modification,

or revocation of the permit, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material authorized under this GP may be undertaken and completed without prior notification to the Corps of Engineers, provided that the applicant comply with the terms and conditions of the GP.

As stated in Condition 1 of the GP a "Site Plan Review" must be approved by the City of Bethel Planning Department prior to beginning work under this permit. A "Site Plan Approval" form and drawing guidance are attached (Enclosures 2a-c). If the proposed work does not meet the requirement of the terms and conditions of the GP the applicant would be required to apply for an individual permit or different form of authorization.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, Attention: Mr. Robert Jobson, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, phone (907) 753-2716 or toll free in Alaska at (800) 478-2712.

District Engineer
U.S. Army, Corps of Engineers

Enclosure

RE-ISSUANCE GENERAL PERMIT POA-2011-124

**Discharge of Dredged and/or Fill Material into Wetlands
In Bethel, Alaska**

INTRODUCTION

Under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et.seq.), the Secretary of the Army authorizes the placement of dredged and fill material into waters of the U.S., including wetlands, within specific areas of Bethel, Alaska. A maximum of 7,696 acres of waters of the U.S. are included within the area subject to this General Permit (GP) and would potentially be authorized for development. The GP boundary is limited to an area within the city limits of Bethel, less excluded areas (Enclosure 1).

AUTHORIZED ACTIVITIES

This GP authorizes the placement of fill material into waters of the U.S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development. The GP authorizes excavation activities, including mechanized land clearing, ditching, and other excavation activities that can result in the re-deposition of material. The GP authorizes activities where the placement of pilings and/or boardwalks would have the effect of a discharge of fill material.

General Permit POA-2011-124 is valid for five (5) years from the date of issuance. The District Engineer may, at any time during this period, alter, modify, or revoke the permit if he deems such action to be in the public interest.

PROCEDURES

All authorizations are contingent upon receiving approval from the City of Bethel. As stated in condition number 1 below, a "Site Plan Review" must be approved by the City of Bethel Planning Department prior to beginning work under this permit. A "Site Plan Review" application form is attached for guidance (Enclosure 2a and 2b). An example of a project drawing is also attached (Enclosure 2c). If the City of Bethel reviews the project and does not approve the site plan or the proposed work would not meet the requirements of the terms and conditions of GP POA-2011-124, the GP would not apply and the applicant would be required to apply for a Department of the Army individual permit or a different form of authorization from the Corps of Engineers.

Information required for evaluating the "Site Plan Review" includes:

1. Name, address, and phone number of responsible party.
2. Scaled drawings on paper no smaller than 8.5" by 11" in size, to include the location and a plan and cross section view of the proposed fill. The drawings shall also show lot size and the placement of structures to be located on the wetland fills.
3. State the purpose of the fill (e.g., building foundation, road, etc.).

4. The type of fill material.

GENERAL CONDITIONS:

All activities identified and authorized by this GP must be consistent with the following conditions:

1. That each applicant/permittee inform the City of Bethel of the proposed project no less than 10 days before beginning work under this permit. The applicant/permittee will complete and receive approval of a "City of Bethel, Site Plan Review" from the City Planning Department before starting work. If the City of Bethel, Planning Department determines that a proposed project would not be authorized by this GP, then the applicant would need to apply for an individual Department of the Army (DA) permit from the Corps of Engineers.
2. That discharges are not authorized within certain excluded areas as shown on the 1:500 Scale "General Permit Area" map available for viewing at the City of Bethel, Planning Department, Public Works Building, 1155 Ridgecrest Drive, Bethel, Alaska 99559; telephone(907) 543-5301.
3. No discharged dredged or fill material shall consist of unsuitable fill material. This includes but is not limited to trash, metal debris, car bodies, over burden material, wood waste, asphalt, and petroleum products. All material used for construction or discharged must also be free from toxic pollutants in toxic amounts as defined by Alaska State law and the Toxic Pollutants List in Section 307 of the Clean Water Act.
4. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems, and other measures, to the extent practicable, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate noncompliance with this condition.
5. Appropriate and effective erosion controls shall be implemented and maintained before, during, and after construction, until such time as all disturbed areas have been permanently stabilized.
6. Slopes of fills shall be no greater than 2:1 (horizontal to vertical), and all side slopes shall be stabilized by re-vegetating with native grasses, mulch, sandbagging and/or other reasonable material after fill placement. This stabilization would minimize erosion, turbidity, siltation, and prevent inadvertent sloughing of fill into adjacent wetlands or waters.
7. The proposed activity shall not adversely affect a threatened or endangered species as identified in 50 CFR 17.11 and 17.12, August 23, 1973, "Endangered and Threatened Wildlife and Plants" and subsequent updates, or endanger the critical habitat of such species. The subsequent discovery of the presence of a threatened or endangered species which may be affected by a permitted action or related activities shall result in immediate suspension of the GP for the specific project until Section 7 consultation required by the Endangered Species Act of 1973, as amended, is complete.

8. The permittee must maintain the lands and facilities subject to this GP in good condition and in conformance with the terms and conditions of this GP.

Permittee is not relieved of this requirement even if the activity is abandoned. The permittee may transfer the permit to a third party in compliance with condition number nine below. Should the permittee cease to maintain the authorized activity or should they desire to abandon the project without a transferee, then the permittee must obtain approval from this office, which may require restoration of the area.

9. If the permittee sells the property rights or transfers a lease associated with an activity authorized by this GP, they must obtain the signature of the new property owner or new lessee, along with appropriate documentation to record the transaction, and submit them to this office to validate the transfer of the authorized activity.

10. No activity, which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the Corps has completed Section 106 review, as per the National Historic Preservation Act. In addition, if any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this GP, you must immediately notify this office and the State Historic Preservation Office of what you have found. The DE 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. If the activity occurs on Federal land, the land manager is responsible for coordination.

11. A water quality certification has been issued for this GP by the Alaska Department of Environmental Conservation as required under Section 401 of the Clean Water Act (Public Law 95-217). For your convenience, a copy of the certification is attached. The permittee must comply with the conditions specified in the certification as general conditions to this permit.

12. Permittee must allow the City of Bethel, the DE, or their designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this GP.

13. If permafrost is present, sufficient fill (or other methods of insulation) shall be placed on the ground to provide thermal stability. Signs of thermokarsting or standing water indicate non-compliance with this condition.

14. No fill or construction materials shall be stockpiled in waters of the U.S. including wetlands, outside of the project boundary which shall be staked, or otherwise delineated, prior to any mechanized land clearing or fill placement.

15. The activities authorized under this GP shall not adversely affect Essential Fish Habitat (EFH). Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 60 provide the requirements

for EFH consultation. The District Engineer shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment {per 50 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH.

REPORTING AND MONITORING:

The City of Bethel shall submit a summary report of all approved "Site Plan Review" authorizations under this GP, on a quarterly basis, to the Alaska District, Corps of Engineers, Regulatory Division, North Branch. The summary report shall include the name and address of responsible party, project location, fill quantity, dimensions of fill, and purpose of the authorized fill. If questions as to the applicability of the GP arise, or if there is any uncertainty whether a project is authorized by the GP, then the City of Bethel shall contact the Alaska District, Corps of Engineers, Regulatory Division, North Branch for assistance prior to approving the specific "Site Plan Review". These quarterly reports are due by the last day of March, June, September, and December for the previous 3 calendar months, for the entire term of the permit. In addition, the City of Bethel shall provide a map annually showing the permitted activities for the previous year by January 10.

LIMITS OF THIS AUTHORIZATION:

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

LIMITS OF FEDERAL LIABILITY:

In issuing this permit, the Federal Government would 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 other 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.

REVALUATION OF PERMIT DECISION:

The Corps may reevaluate its decision to issue a GP authorization to any person or agency at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:

- (1) The permittee or the City of Bethel fails to comply with the terms and conditions of this permit.
- (2) The information provided by the permittee in support of an application under the GP 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.
- (4) The City of Bethel (itself) is found to be party to violations of the Clean Water Act. If the DE determines that this has occurred, this GP may be modified by the Corps, such that the Alaska District Regulatory Branch would assume the verification role until such time as the issue is resolved to the District Engineer's satisfaction. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 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 terms and conditions of the GP and for the initiation of legal action where appropriate. The permittee will 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 (as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

INSPECTION:

The DE, or his designated representative, may inspect sites of authorized work to determine that the work is being, or has been, performed in conformance with the terms and conditions of this GP. In the event that work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation, including a requirement to obtain an individual permit.

PENALTIES FOR VIOLATION:

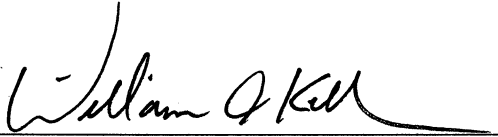
Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of dredged and/or fill material or other structures, restoration of waters and/or wetlands, and/or imposition of penalties as provided by law. The discharge of dredged and/or 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 309 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.

EXTENSION, MODIFICATION, AND REVOCATION OF GENERAL PERMIT:

This GP may be revoked by issuance of Public Notice at any time the DE determines that the individual or cumulative effects of the activities authorized herein 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 would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified. This GP and its associated State Water Quality Certification will be in effect for a period of five years. During that time, it may be modified by the DE if the determines that the singular or cumulative impacts of the activities authorized by this GP have an unacceptable adverse effect upon the public interest. During its fifth year, this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued. The time limit for authorizing work under this GP ends five years from the date of issuance. Any activity authorized by this GP before the expiration date must also be completed by that date, unless the activities are underway, will be completed within twelve months of the expiration date, and the permittee notifies the Corps of their 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 the applicant finds that they need more time to complete the authorized activity, they may submit their request for a time extension to this office for consideration at least one month before the expiration date.

FOR THE DISTRICT ENGINEER:

Aug 16, 2011
Date


William A. Keller, Chief, North Branch
Regulatory Division
Alaska District, Army Corps of Engineers

CITY OF BETHEL

P.O. BOX 1388-BETHEL-ALASKA-99559
907-543-5301
FAX# 907-543-2046

SITE PLAN APPLICATION

Title 18 of the Bethel Municipal Code requires the review of a Site Plan prior to the erection of any improvement on real property within the City limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. Upon approval of the application, a permit will be issued and is required to be displayed on the property to be improved. By submitting this application you are authorizing public access to the displayed Site Plan Permit area. Approval of plans does not presume to give approval to oversights by the City of Bethel Planning Office not grant authority to violate or cancel the provisions of any other federal, state or local laws regulating the use of development of this land.

Name of Applicant		Legal Description of Property	
		Lot #:	Block #:
Mailing Address	Phone Number	Plat Number	
City	State	Zip	USS Survey Number
Name of Property Owner		Date	
Authorization of Property Owner (Signature)		R./T./Sec.	
Mail Approval/Permit to:		Physical Address	

Please Do Not Write Below This Line. To be filled out by Planning Dept. Staff

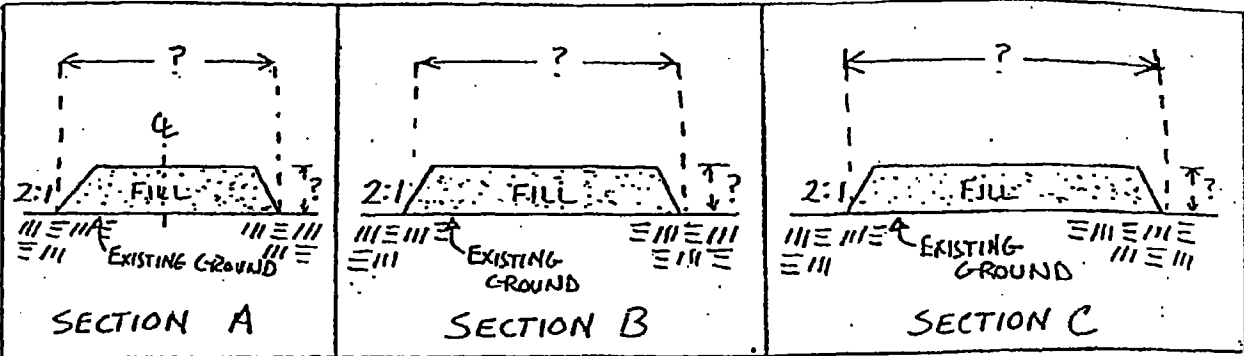
Fire Marshall Approval:	Flood Hazard Zone:
Authorized & Mandatory Improvements:	
City of Bethel Reviewed:	City of Bethel Approved:
Date:	Date:

Enclosure 2a

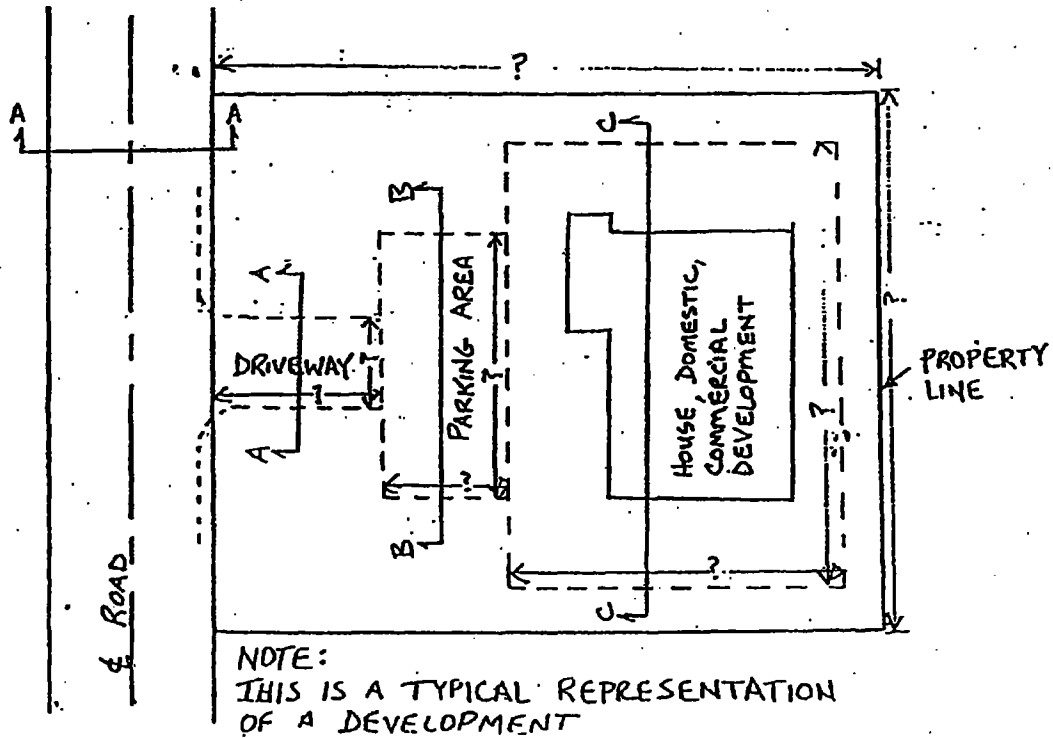
Draw to scale and show the following:

1. The location and dimension of the boundary lines, easements, and required setbacks.
2. The location and use of existing and proposed buildings on the site. The approximate location of existing structures on abutting property (within 50 ft.).
3. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, service and utility areas, fencing, signs, and lighting. Proposed improvements to building must be clearly labeled.
4. The location of watercourses and drainage features.
5. Illustration of existing and proposed changes to topography. A cross section drawing showing the length, height, width, and type of fill material.

Intended improvements: Describe improvements or site activity.	
Intended use: Residential, or Commercial.	
Lot Size:	Sq. ft. Proposed total number of Residential and/or Commercial building on lot. #
If placing fill indicate: (If no fill is needed, indicate: 0).	
(Required) Max. Height of fill:	Method of stabilizing sand pad slope
(Required) Length of fill:	Seeding <input type="checkbox"/> Sandbagging <input type="checkbox"/>
(Required) Width of fill:	
If improvements include construction, renovation or relocation of a residence, or an addition to a residence, indicate the following:	
# of bedrooms:	Water tank size: Sewer tank size:
	Gals. Gals.
I attest that all information and measurements presented are correct.	
Signature of applicant:	



This is an example drawing. The drawing provided must include a plan and section view, location, dimensions, lot size, structures, purpose of the fill, and type of fill material.



PLAN VIEW

SCALE: NONE

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

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/>

DIVISION OF WATER

Wastewater Discharge Authorization Program

May 4, 2011

Certified Mail 7003 1680 0004 2882 3468

Robert Jobson
Regulatory Division, Alaska District
Corps of Engineers
CEPOA-RD, PO Box 6898
JBER, Alaska 99506-0898



Subject: General Permit for Bethel, Alaska POA-2011-124

Dear Mr. Jobson:

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 issuance of a general permit for the discharge of dredge and/or fill material into wetlands at Bethel, Alaska

Department of Environmental Conservation (DEC) regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request 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 U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Morgan".

Sharon Morgan, Manager

Wastewater Discharge Authorization Program

Enclosure

cc: (with encl.)

Michael Daigneault, ADF&G/Habitat, Anch.

Matt LaCroix, EPA, AK Operations

Sean Palmer, ADEC, Anchorage

Ann Rappoport, USF&WS, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance (CRA), in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to the Regulatory Division, Corps of Engineers, CEPOA-RD, PO Box 6898, JBER, Alaska 99506-0898, for the general permit (GP) that authorizes the placement of dredged and/or fill material into waters of the U.S., including wetlands, for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development within specific areas of Bethel. The GP would authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. The GP would also authorize activities when the placement of piling would have the effect of a discharge of fill material. The proposed GP POA-2011-124 outlines criteria that would have to be met in order for work to be authorized under the GP. All authorized activities must be in accordance with the procedures and general conditions of the GP.

The proposed activity is located in Bethel, Alaska.

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

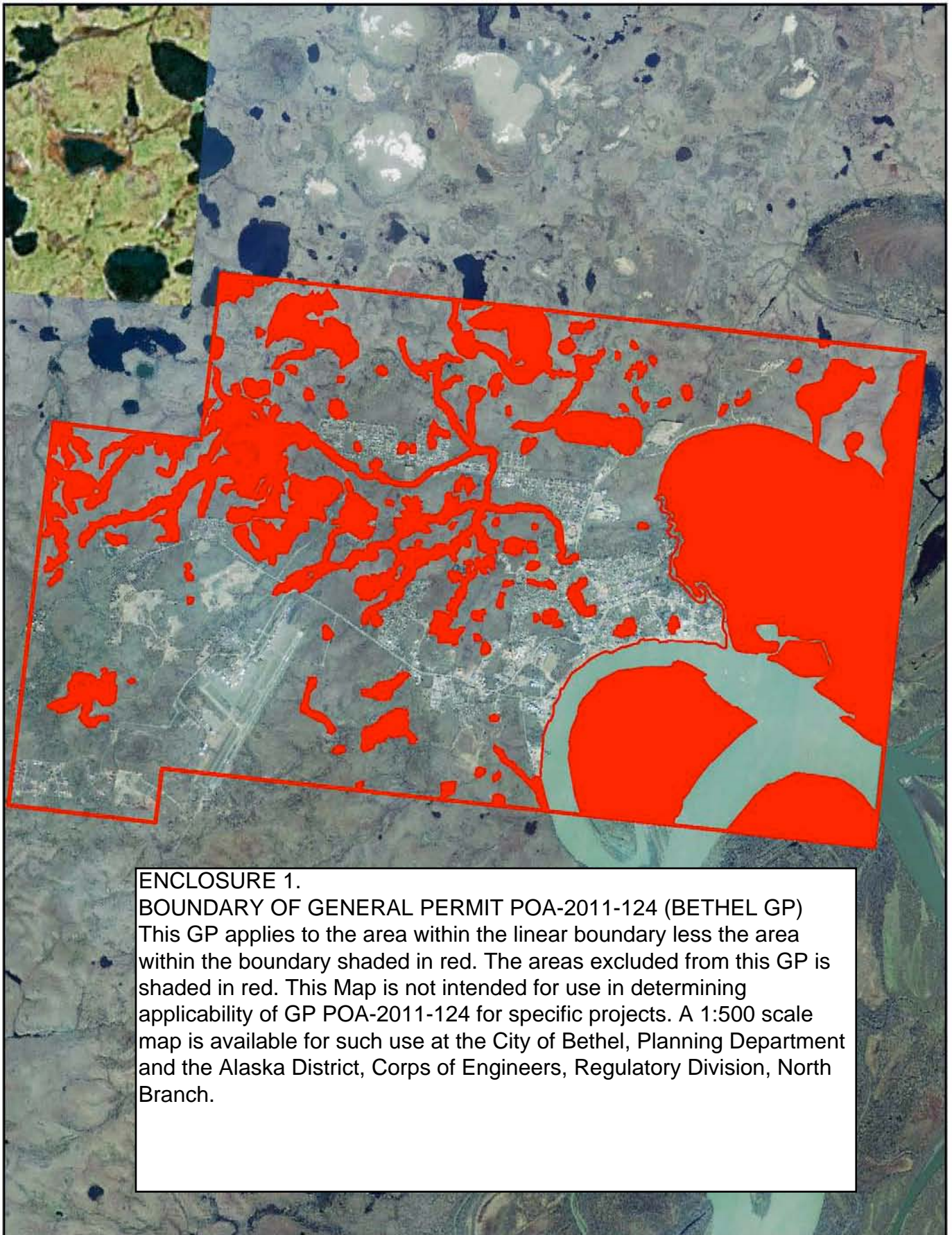
A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2011-124, and a discharge may result from the proposed activity.

The DEC reviewed the application and 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.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army 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 (18 AAC 15.100).

Date May 4, 2011

Sharon Morgan
Sharon Morgan, Manager
Wastewater Discharge Authorization Program



ENCLOSURE 1.

BOUNDARY OF GENERAL PERMIT POA-2011-124 (BETHEL GP)

This GP applies to the area within the linear boundary less the area within the boundary shaded in red. The areas excluded from this GP is shaded in red. This Map is not intended for use in determining applicability of GP POA-2011-124 for specific projects. A 1:500 scale map is available for such use at the City of Bethel, Planning Department and the Alaska District, Corps of Engineers, Regulatory Division, North Branch.