



# Public Notice

## Public Notice

US Army Corps  
of Engineers  
Alaska District  
Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

Date: 27 April 2005  
Expiration Date: 27 April 2010  
Identification No: SPN 2005-07  
In reply refer to above Identification Number

### GENERAL PERMIT 83-4Q

SPECIAL PUBLIC NOTICE 05-07

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

The District Engineer (DE), Alaska District, U.S. Army Corps of Engineers has re-issued a General Permit (GP) 83-4Q under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. seq.), to authorize 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.

In response to Special Public Notice 05-04, dated February 18, 2005, proposed GP 83-4Q was revised to reflect comments submitted by local, State, and Federal agencies, and the interested public. Based on a review of all pertinent information, including a prepared Environmental Assessment, 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 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 Alaska District, Corps of Engineers, Regulatory Branch. A map showing the approximate 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.

The attached GP 83-4Q outlines the criteria which must be met in order for work to be accomplished. 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.

GP 83-4Q 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 this five-year period, an evaluation of the general permit will be made, and at that time it will be decided whether or not this general permit should be renewed. The DE, or his authorized representative, may at any time during this five-year period, alter, modify, suspend, or revoke this permit if he deems such action to be in the public interest.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, ATTN: Ms. Marcia Heer, Regulatory Branch, Post Office Box 6898, Elmendorf AFB, Alaska 99506-0898, phone (907) 753-2716 or toll free in Alaska at (800) 478-2712.

District Engineer  
U.S. Army, Corps of Engineers

Attachment(s)

## GENERAL PERMIT 83-4Q

### **Discharge of Dredged and/or Fill Material into Wetlands at 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 approximately 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 those activities when the placement of pilings and/or boardwalks would have the effect of a discharge of fill material.

General Permit 83-4Q is valid until April 27, 2010. 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 does not meet the requirements of the terms and conditions of GP 83-4Q, the GP does 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. Drawings on 8-1/2 by 11-inch paper, to include a plan and cross section view of the proposed fill, including location, dimensions, and depth. The drawings shall also show lot size and the placement of structures to be located on the wetland fills.
3. The purpose of the fill (eg., foundation for building, 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, overburden material, woodwaste, 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 non-compliance 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 revegetating 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 suspense 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 Branch,

North Section. 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 Branch, North Section 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 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 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:

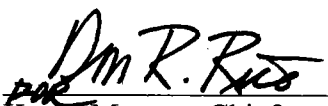
This GP may be revoked by issuance of Public Notice at any time the DE determines that the individual or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under individual 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 he 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.

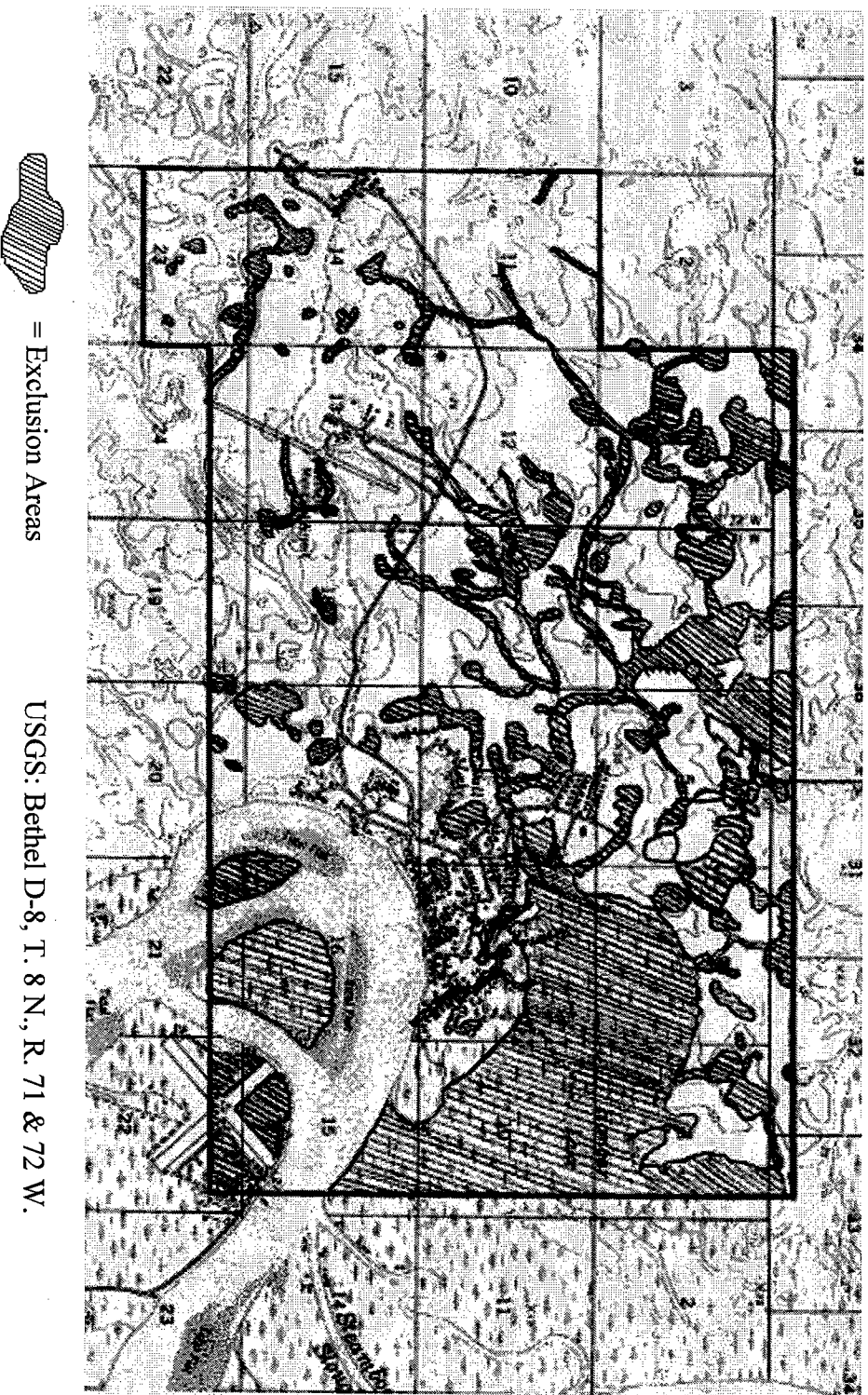
FOR THE DISTRICT ENGINEER

  
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Kevin Morgan, Chief  
North Section, Regulatory Branch  
Alaska District, Army Corps of Engineers

DATE 4/27/05



# GENERAL PERMIT 83-4Q AREA BOUNDARIES



This "General Permit Area" maps shows the approximate general permit area and wetlands excluded from authorization under General Permit 83-4Q, for the discharge of dredged and/or fill materials into wetlands at Bethel, Alaska. Note: This map is not intended for use in determining applicability of the General Permit for specific projects. A 1:500 map is available for such use at the City of Bethel, Planning Department and the Alaska District, Corps of Engineers, Regulatory Office, North Section.

# 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.

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

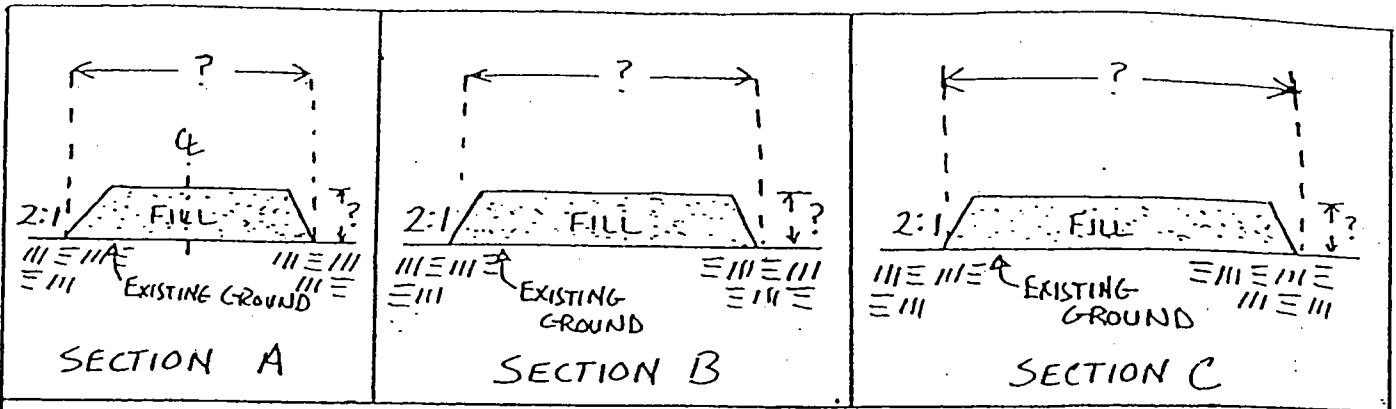
**Please Do Not Write Below This Line. To be filled out by Planning Dept. Staff**

Fire Marshall Approval:	Flood Hazard Zone:
<b>Authorized &amp; Mandatory Improvements:</b>	
<b>City of Bethel Reviewed:</b>	<b>City of Bethel Approved:</b>
<b>Date:</b>	<b>Date:</b>

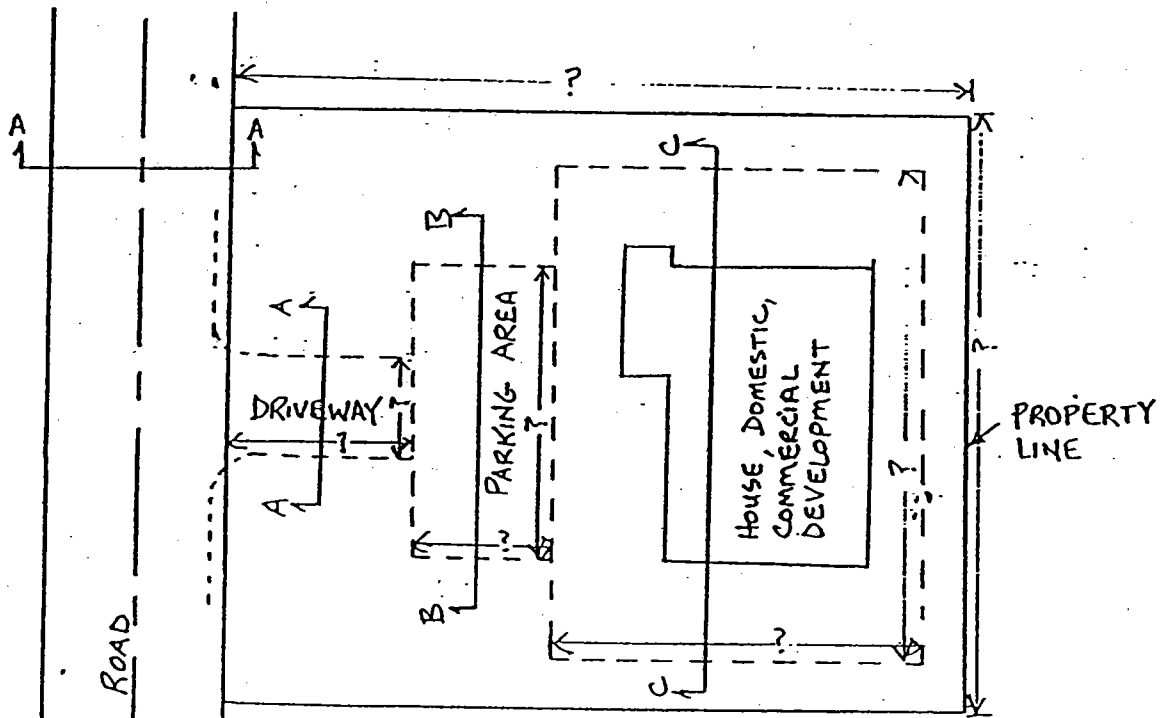
**Draw to scale and show the following:**

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.

<b>Intended improvements: Describe improvements or site activity.</b>	
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.
<b>I attest that all information and measurements presented are correct.</b>	
<b>Signature of applicant:</b>	



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.



NOTE:  
THIS IS A TYPICAL REPRESENTATION  
OF A DEVELOPMENT

PLAN VIEW

SCALE: NONE

SPN-2005-07

**APPLICANT:** U.S. Army Corps of Engineers

**AGENT:** N/A

**ADJACENT PROPERTY OWNERS:** N/A

**MUNICIPAL OFFICIALS:** City of Bethel

City Manager, P.O. Box 388, Bethel, Alaska 99559-0388

Planning and Zoning Commission, City of Bethel, P.O. Box 388, Bethel, Alaska  
99559-0388

Public Works Director, City of Bethel, P.O. Box 388, Bethel, Alaska  
99559-0388

Postmaster, Bethel, Alaska 99559-9998

Orutsararmuit Native Council, Post Office Box 927, Bethel, Alaska 99559-0927

**MAILING LISTS USED**

List Used	Date of list used	# on list
Master list	(Dated 4 August 2003)	24
South Central list	(Dated 4 August 2003)	09

Heer MLH 4/26/05  
Rice M 4/27/05  
~~Morgan~~ PK  
Counsel  
Heer/ckh/64718 4-27  
26 April 2005  
SPN 2005-07, Bethel  
G:co-r-n/mlh/public notice