



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898**

Regulatory Division
POA-2006-1546

NOV 24 2008

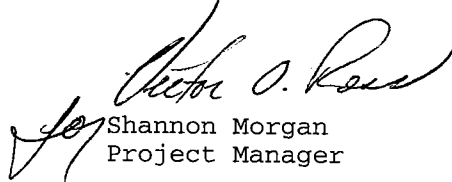
City of Petersburg
Attn: Mr. Leo Luczak
Post Office Box 329
Petersburg, Alaska 99833

Dear Mr. Luczak:

This is in response to your August 7, 2008, request for re-issuance of the Tlingit/Haida Subdivision General Permit (GP) in Petersburg, Alaska, previously identified as GP 2001-01. The Corps has re-issued the GP, which has been re-named GP 2006-1546 for administrative purposes. A copy of the GP and its associated public notice is attached for your information and records.

You may contact me via email at Shannon.R.Morgan@usace.army.mil, by mail at the address above, by phone at (907) 317-2140, or toll free from within Alaska at (800) 478-2712, if you have questions.

Sincerely,


Shannon Morgan
Project Manager

Enclosures



Public Notice

US Army Corps
of Engineers
Alaska District
Regulatory Division (1145)
Post Office Box 6898
Anchorage, Alaska 99506-0898
(907) 753-2712
(800) 478-2712 (AK Toll Free)

Date:
November 19, 2008
Identification No:
POA-2006-1546
In reply refer to above Identification Number
Expiration Date: November 30, 2013

**GENERAL PERMIT 2006-1546
Tlingit/Haida Subdivision
Petersburg, Alaska**

The District Commander, Alaska District, U.S. Army Corps of Engineers (Corps), has issued General Permit (GP) 2006-1546 pursuant to Section 404 of the Clean Water Act (Public Act 95-217, 33 U.S.C. 1344 et seq.). The GP authorizes the placement of clean fill material in wetlands for the development of 24 housing driveways and house pads, for use as single-family homes, within the Tlingit/Haida Subdivision, Petersburg, Alaska.

No substantive comments were submitted in response to Public Notice reference number GP 2006-1546, issued September 15, 2008. Based on a review of all pertinent information including a prepared environmental assessment, I have concluded that issuance of this GP will not have more than minimal impacts on the environment, and is not contrary to the public interest.

The attached GP 2006-1546 describes the terms and conditions which must be met in order for work to be authorized by the GP. An individual wishing to perform work under this GP must review these conditions carefully and follow the application procedures. If the proposed work does not meet the requirements of the terms and conditions, the GP will not apply and an individual Department of the Army permit application must be submitted to us at the letterhead address. Failure to comply with the terms and conditions of the GP could result in suspension, modification, or revocation of the permit, and/or imposition of penalties as provided by law.

This GP has been issued for a period of five (5) years, expiring on the date shown above. At the end of this five-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-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, Regulatory Division, CEPOA-RD, Post Office Box 6898, Elmendorf AFB, Alaska 99506-0898, phone (907) 753-2712, toll free in Alaska at (800) 478-2712, or by e-mail at Regpagemaster@poa02.usace.army.mil.

District Commander
U.S. Army Corps of Engineers

**GENERAL PERMIT (GP) 2006-1546
PREVIOUSLY IDENTIFIED AS GP 2001-01
TLINGIT/HAIDA SUBDIVISION**

INTRODUCTION

Pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), the District Commander, Alaska District, U.S. Army Corps of Engineers (Corps) proposes to reissue General Permit 2001-01 to authorize Federal, State, local, or Native/tribal governmental organizations to place fill material into waters of the United States, including wetlands, for activities associated with the construction of approximate 20 foot wide by 30 foot long driveways (utilities within this corridor) and house pads/yards within as much as 35% of each lot, within 24 City-owned lots. The project area includes the area within the boundaries of the following lots: Block 302, lots 3, 6, 10, 11, 13, 15, 17, 19, and 20; Block 303, lots 1A, 3, 5, 7, 9, 11, 12, 15, 17, and 19; Block 304, lots 12, 14, 16, 18, and 20A. The subdivision utilities and road infrastructure were permitted under an individual permit and subsequent modification (4-1996-0031, and M-1996-0031, Wrangell Narrows 478), and are already in place. A map of the project area, and plan view drawings of the existing infrastructure and proposed development are attached.

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

REQUIREMENTS FOR GP USE

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

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

- 1) The project location (section, township, range, block and lot number).
- 2) A description of the work including the structures, the size of fill pad, and driveway.
- 3) A map and plans, including plan and cross-section view of the project, showing the layout of the driveway, pad and structures in relation to other features. Maps should show topography and drainage patterns. Plans must show location and size of culverts.
- 4) The type and source of material used. The disposal site for any excavated material must be included.
- 5) Photographs or any other information that would verify that the proposed work meets the conditions of the GP.

The plans will be reviewed by this office for compliance with the terms and conditions of the GP. Normally within 30 days of receiving a complete request, a letter shall be sent from this office to the applicant stating whether or not the proposed project is authorized by the GP. Copies of the letter will be furnished to the Alaska Department of Natural Resources, Division of Coastal and Ocean Management, and other interested parties. No filling activity shall commence until the applicant has received written verification from the Corps of Engineers that the project is authorized.

Modification of authorized work, including changes in the size or location of the footprint of the project, or the amount or type of fill material, shall require submittal of revised plans for review and approval prior to construction.

PERMIT CONDITIONS

1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If you sell the property associated with this permit, you must contact the Alaska District Corps of Engineers to validate the transfer of this authorization.
4. You must allow a representative from this office 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 your permit.
5. The boundaries of the excavation and fill area in wetlands must be staked and/or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.
6. During excavation and fill placement heavy equipment shall not be operated on wetlands outside the authorized excavation and fill area.
7. Silt and sediment from site excavation and fill materials shall be prevented from entering wetlands or water bodies outside the project site. Erosion control measures, such as silt fencing, sediment traps, or water diversion structures, shall be properly installed prior to commencing construction.
8. Temporary storage of excavated materials on-site must be managed to prevent sediment from being carried into adjacent wetlands and waters, and to prevent degradation of water quality.
9. Excess material shall be disposed at an approved disposal site.
10. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, metal debris, overburden material, woodwaste, etc.) and must be free from petroleum products. All material discharged shall be free of toxic pollutants in toxic amounts as defined by Alaska State Law and Toxic Pollutants List in Section 307 of the Clean Water Act.
11. That all disturbed areas shall be filled within the shortest reasonable time, so that ground is not left exposed for extended periods. Excavation of overburden must take place on successive units sufficiently limited in size so that placement of fill can occur expeditiously.
12. Site preparation, excavation, and fill placement shall be conducted in a manner to prevent adverse hydrologic effects. Natural drainage patterns must be maintained using appropriate ditching, culverts, storm drain systems and other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.

13. Disturbed areas not covered with rock fill must be stabilized and re-vegetated with native species in a timely manner to minimize erosion and sedimentation.
14. The proposed activity shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended (ESA), or endanger the critical habitat of such species. In addition, the proposed activity shall not jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat.
15. The proposed activity shall not be located within one-quarter mile of an eagle nest site unless the U.S. Fish and Wildlife Service determine that the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d).

LIMITATIONS

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.

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

Such a reevaluation 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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations accomplish the corrective measures by contract or otherwise and bill you for the cost.

PENALTIES FOR VIOLATIONS

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

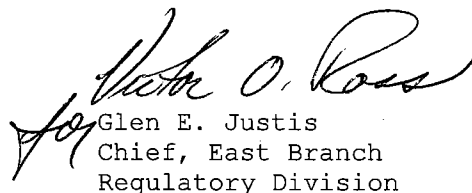
The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine 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.

TERM, EXTENSION, AND REVOCATION OF THE GP

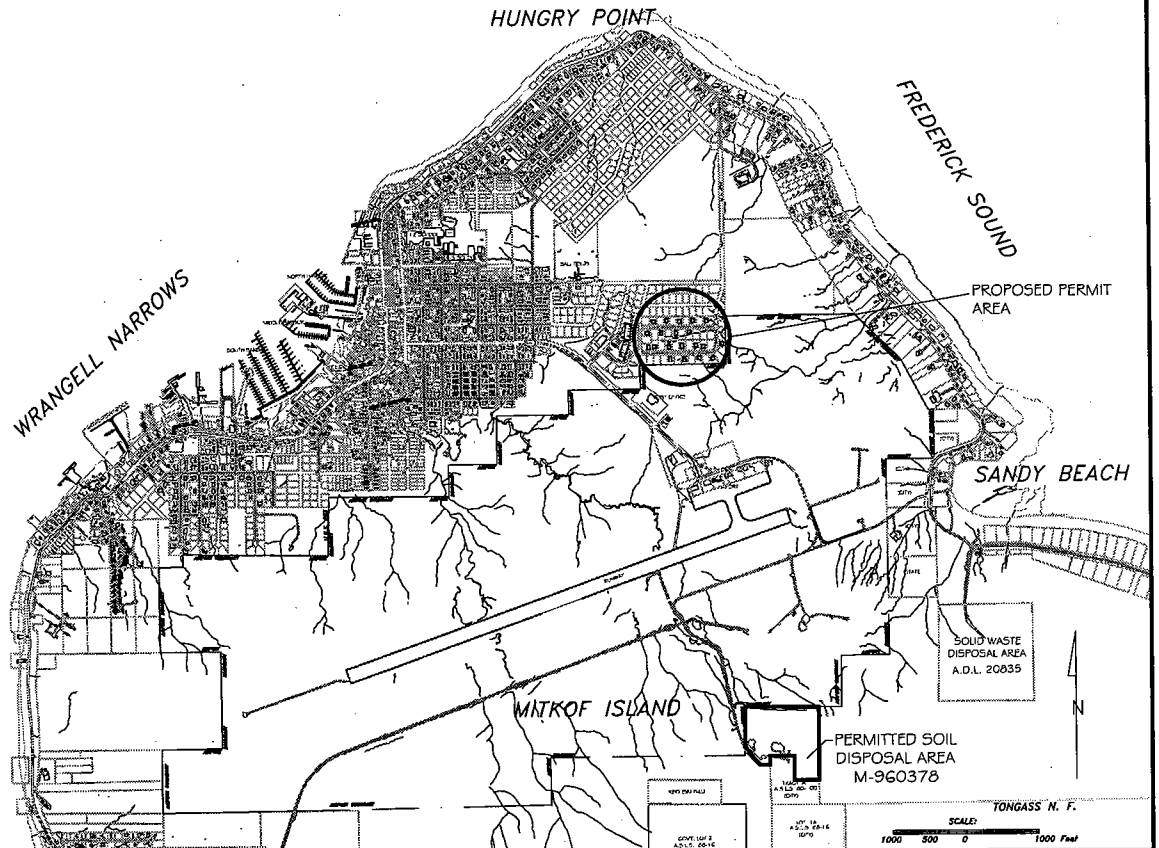
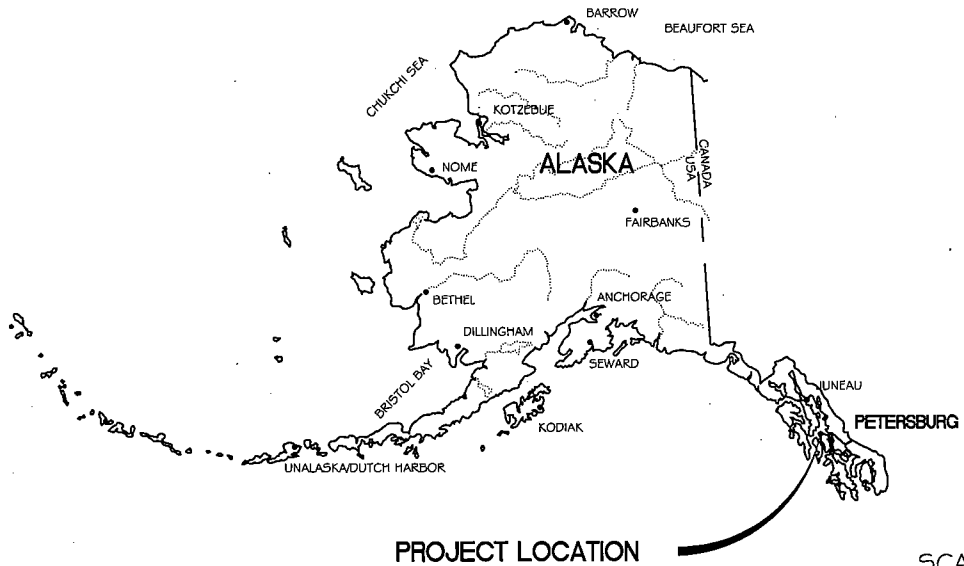
This GP may be revoked by issuance of a Public Notice at any time the District Commander determines that the individual or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be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

The time limit for authorizing work under this GP ends five years from the date of issuance. Any activity 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 his intent to continue work on the project. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the expiration date.

FOR THE DISTRICT COMMANDER:


Glen E. Justis
Chief, East Branch
Regulatory Division

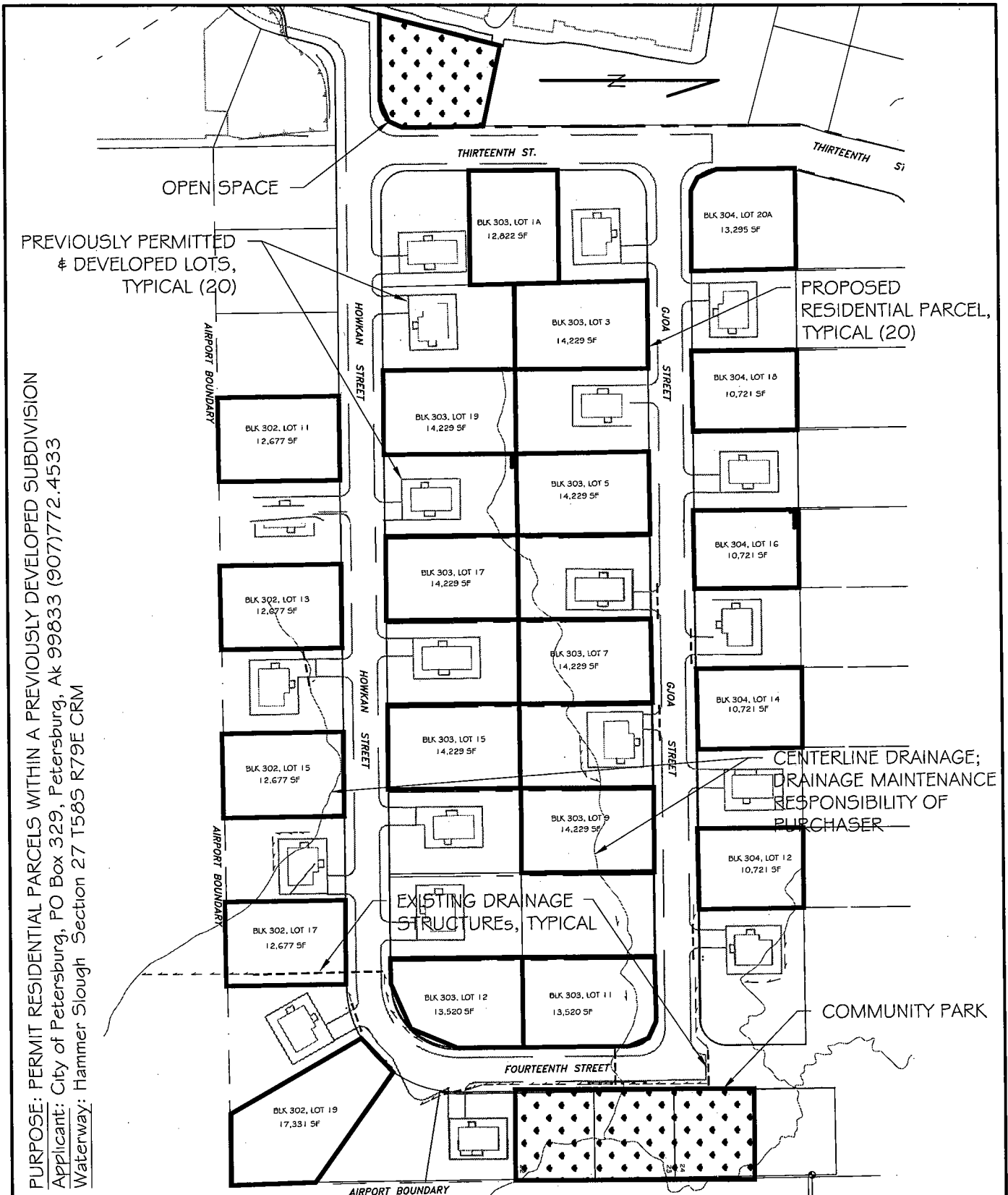
PURPOSE: PERMIT RESIDENTIAL PARCELS WITHIN A PREVIOUSLY DEVELOPED SUBDIVISION
 Applicant: City of Petersburg, PO Box 329, Petersburg, Ak 99833 (907)772.4533
 Waterway: Hammer Slough Section 27 T58S R79E CRM



VICINITY MAP: AIRPORT ADDITION SUBDIVISION, PETERSBURG, ALASKA
 SCALE: AS NOTED

DRAWN by: SJC
 07/2008
 SH. 1 of 3

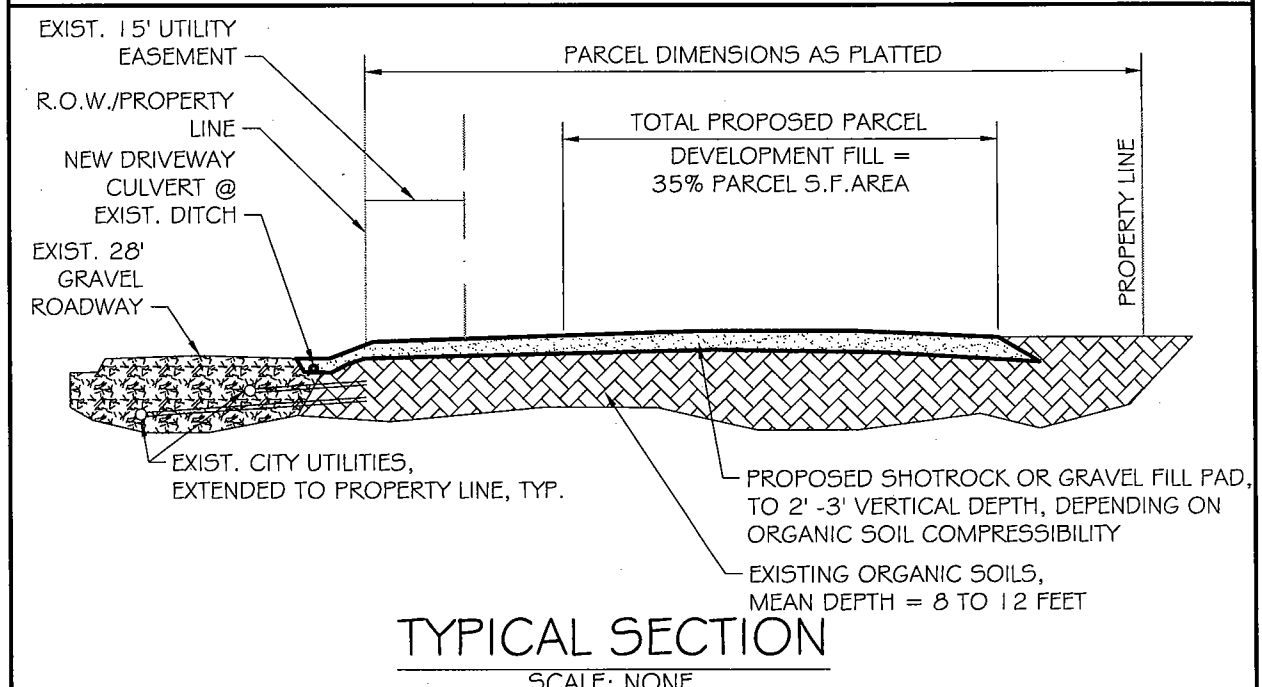
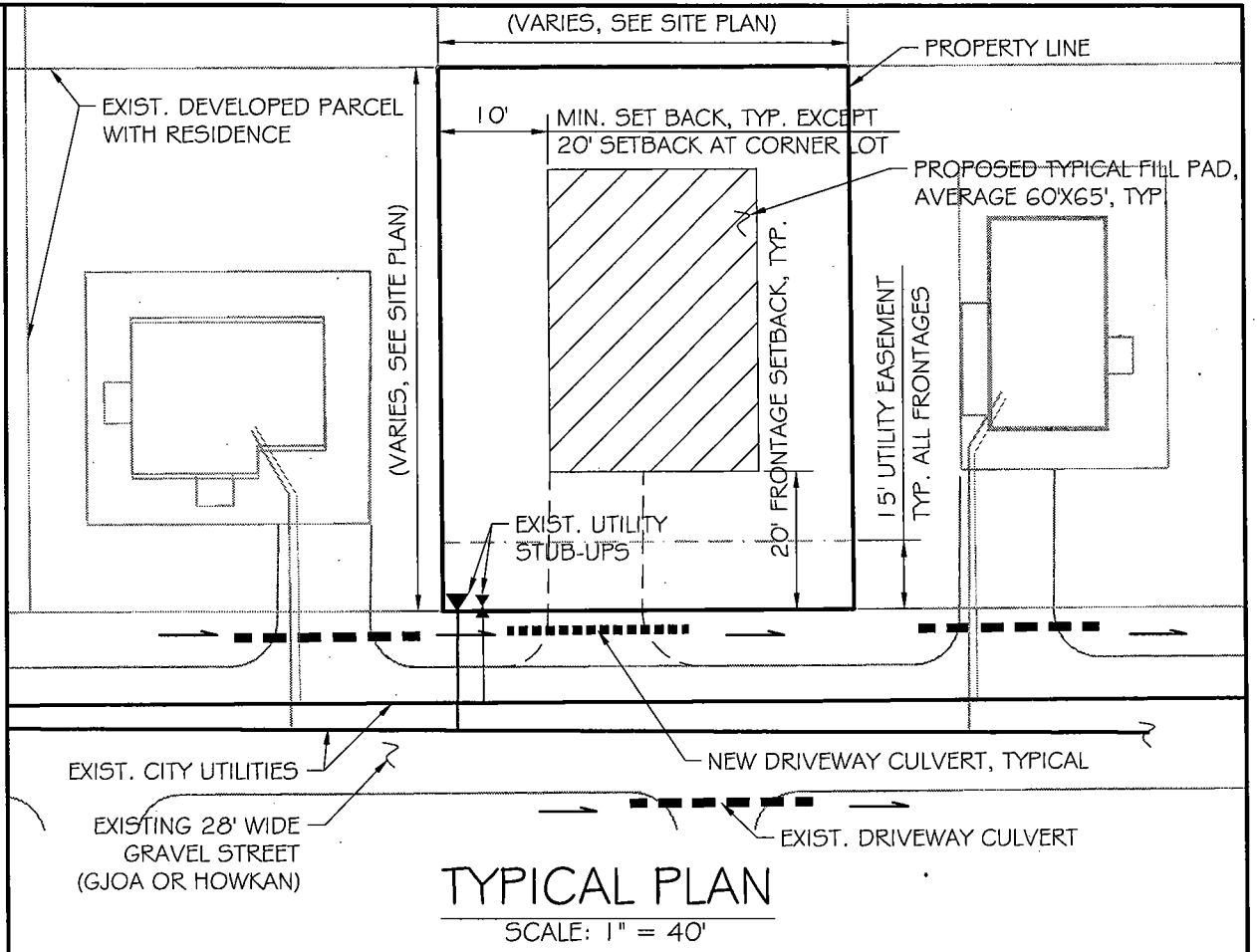
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 Waterway: Hammer Slough Section 27 T58S R79E CRM



SITE PLAN: AIRPORT ADDITION SUBDIVISION, PETERSBURG, ALASKA
 SCALE: 1" = 150'

DRAWN by: SJC
 07/2008
 SH. 2 of 3

PURPOSE: PERMIT RESIDENTIAL PARCELS WITHIN A PREVIOUSLY DEVELOPED SUBDIVISION
 Applicant: City of Petersburg, PO Box 329, Petersburg, Ak 99833 (907)772.4533
 Waterway: Hammer Slough Section 27 T58S R79E CRM



STATE OF ALASKA

OFFICE OF THE GOVERNOR

TONY KNOWLES, GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

SOUTH CENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-3980/FAX: (907) 269-3981

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-0690

July 18, 2001

Mr. Steve Meyers, U.S. Army Corps of Engineers
Alaska Region, Regulatory Branch
P.O. Box 898
Anchorage, AK 99506

RECEIVED

JUL 24 2001

REGULATORY BRANCH
Alaska District, Corps of Engineer

Dear Mr. Meyers:

SUBJECT: WRANGELL NARROWS 478 General Permit
STATE ID. NO. AK 0105-09JJ
FINAL CONSISTENCY FINDING

The Division of Governmental Coordination (DGC) has coordinated the State's review of the Corp of Engineers proposed general permit for consistency with the Alaska Coastal Management Program (ACMP) and has developed this final consistency finding based on reviewers' comments.

Scope of Project Reviewed

The proposed activity is the issuance of General Permit 2001-01, for the placement of clean fill material within as much as 3.1 acres of muskeg wetlands. The GP would authorize fill placement within 24 City-owned lots for the construction of approximately 30-foot long by 20-foot wide driveways (utilities will be placed within the beds), as well as fill placement within as much as 35% of each lot associated with house pads and yards. The location is within the "Airport Addition Subdivision" in Petersburg, Alaska, T. 58 S., R. 79 E., Section 27, C.R.M.

History

The COE issued an individual permit to Tlingit/Haida Regional Housing Authority on July 15, 1996. The Tlingit/Haida project underwent a review for consistency with the ACMP (State ID No. AK 9603-02JJ), and was found consistent. This project was to excavate and fill approximately 4.5 acres of wetlands to construct house pads for 20 houses, and attendant roads, driveways, and utilities. These houses were constructed, and the subdivision infrastructure put in place. The City of Petersburg owns a number of lots within this subdivision, however the permit issued to Tlingit/Haida Regional Housing Authority only authorized the development of their own 20 house pads. As such, the lots owned by the City of Petersburg were never authorized for development, and no work has occurred at these locations aside from having road access and

July 18, 2001

utilities at the edge of each lot. This General Permit would authorize the City of Petersburg's fill for driveways, house pads, and yards.

This final consistency finding, developed under 6 AAC 50, applies to the federal consistency determination required for the activity per 15 CFR 930 Subpart C.

The Department of Environmental Conservation has informed us that the 401 Certification required for this project will be waived.

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the Petersburg coastal resource district have reviewed your proposed activity. Based on that review, the State concurs with your determination that this proposed project is consistent with the ACMP to the maximum extent practicable.

Advisories.

Please be advised that although the State agrees the project is consistent with the ACMP based on your project description, the COE is still required to meet all applicable State and federal laws and regulations. Your consistency finding may include reference to specific laws and regulations, but this in no way precludes the COE's responsibility to comply with all other applicable State and federal laws and regulations.

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

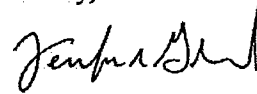
If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) so that consultation per section 106 of the National Historic Preservation Act may proceed.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

If you have any questions regarding this process, please contact me at 907-465-3177 or email Jennifer_Garland@gov.state.ak.us.

July 18, 2001

Sincerely,



Jennifer R. Garland
Project Review Coordinator

CC:

** Jim Powell, DEC, Juneau
** Tim Rumpfelt, DEC, Anchorage
** Alan Wien, DEC, Anchorage
** Jim Cariello, DFG, Petersburg
** Bill Hanson, DFG, Juneau
** Joan Gilbertson, DNR, Juneau
Doug Sanvik, DNR, Juneau
Stefanie Ludwig, DNR/SHPO, Anchorage
Leo Luczak, Petersburg Coastal District
** Mark Jen, EPA, Anchorage
** Steve Brockmann, FWS, Juneau
** Mike Payne, NMFS, Juneau
**=email