



# 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,

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.).



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

- (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.



# CITY OF BETHEL

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

## SITE PLAN APPLICATION

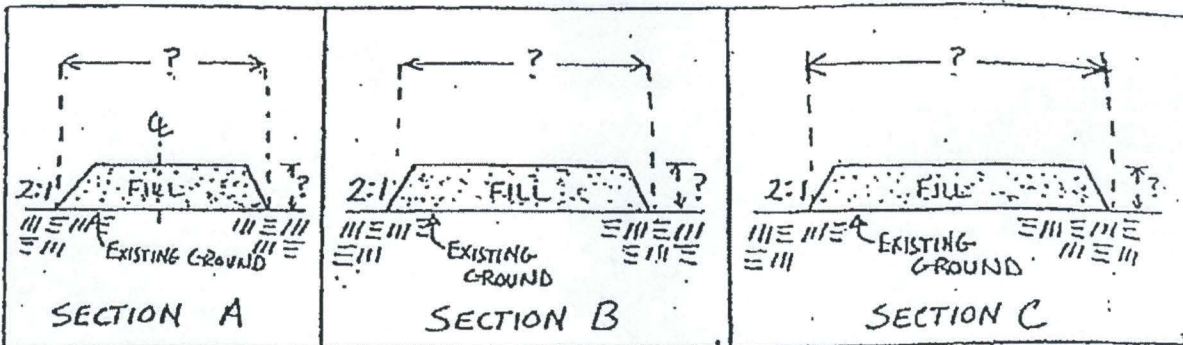
Title 18 of the Bethel Municipal Code requires the review of a Site Plan prior to the erection of any improvement on real property within the City limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. Upon approval of the application, a permit will be 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>	
Mailing Address                      Phone Number		<b>Lot #:</b>	<b>Block #:</b>
City                      State      Zip		<b>Plat Number</b>	
Name of Property Owner                      Date		<b>USS Survey Number</b>	
Authorization of Property Owner (Signature)		<b>R./T./Sec.</b>	
Mail Approval/Permit to:		<b>Subdivision</b>	
		<b>Physical Address</b>	

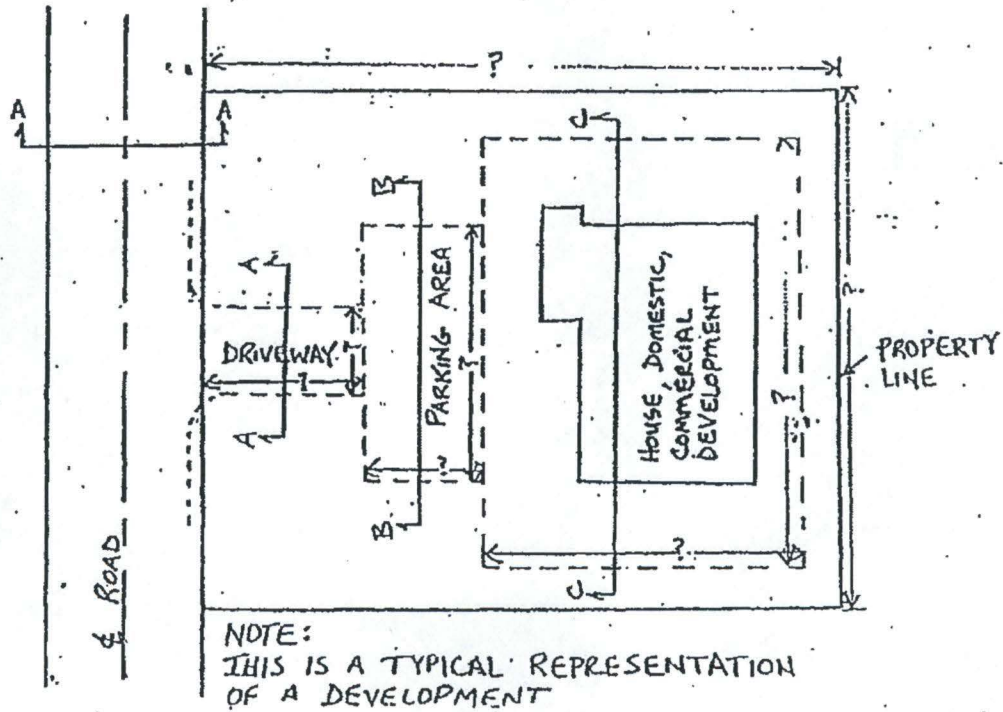
**Please Do Not Write Below This Line. To be filled out by Planning Dept. Staff**

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

Enclosure 2a



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

Enclosure 2c