



US Army Corps
of Engineers
Alaska District

Special Public Notice

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

ISSUANCE DATE: September 28, 2022

EXPIRATION DATE: September 28, 2027

REFERENCE NUMBER: POA-2016-00476-M1

**RE-ISSUANCE OF REGIONAL GENERAL PERMIT
(RGP)-10 POA-2016-00476
DISCHARGE OF DREDGED AND/OR FILL MATERIAL INTO WETLANDS
IN BETHEL, ALASKA**

PURPOSE: The purpose of this public notice is to notify the public of the re-issuance of Regional General Permit (RGP)-10 POA-2016-00476.

The Alaska District, U.S. Army Corps of Engineers (Corps), in accordance with regulations pursuant to Section 404 of the Clean Water Act, is reissuing RGP-10 POA-2016-00476, which would authorize the placement of dredged and/or fill material into waters of the U.S., including wetlands, within specific areas of Bethel, Alaska. The RGP-10 boundary is limited to an area within the city limits of Bethel, minus excluded areas.

Maps showing the areas subject to authorization under RGP-10, and areas specifically excluded, are available for public use at the City of Bethel, Planning Department Office and at the Regulatory Division, Alaska District, U.S. Army Corps of Engineers. A map showing the boundaries of areas covered or excluded under RGP-10 is attached for guidance (Enclosure 1). The area excluded from RGP-10 coverage would be subject to an individual permit review.

The RGP-10 authorizes the discharge of fill material into waters of the U.S., including wetlands, for the purpose of constructing and/or expanding building foundation pads, utilities, roads, driveways, and parking areas for residential, commercial, and public works developments. The RGP-10 also authorizes excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. Discharges of dredged and/or fill material in waters of the U.S. authorized by RGP-10 for single and complete projects may not exceed 1.0 acre.

Applicants are required to submit a Pre-Construction Notification Form (Enclosure 2) and obtain RGP-10 verification in writing from the Corps prior to commencing construction. Attached for your reference is a copy of the RGP-10 (Enclosure 3) and the Alaska Department of Environmental Conservation 401 Water Quality Certificate (Enclosure 4).

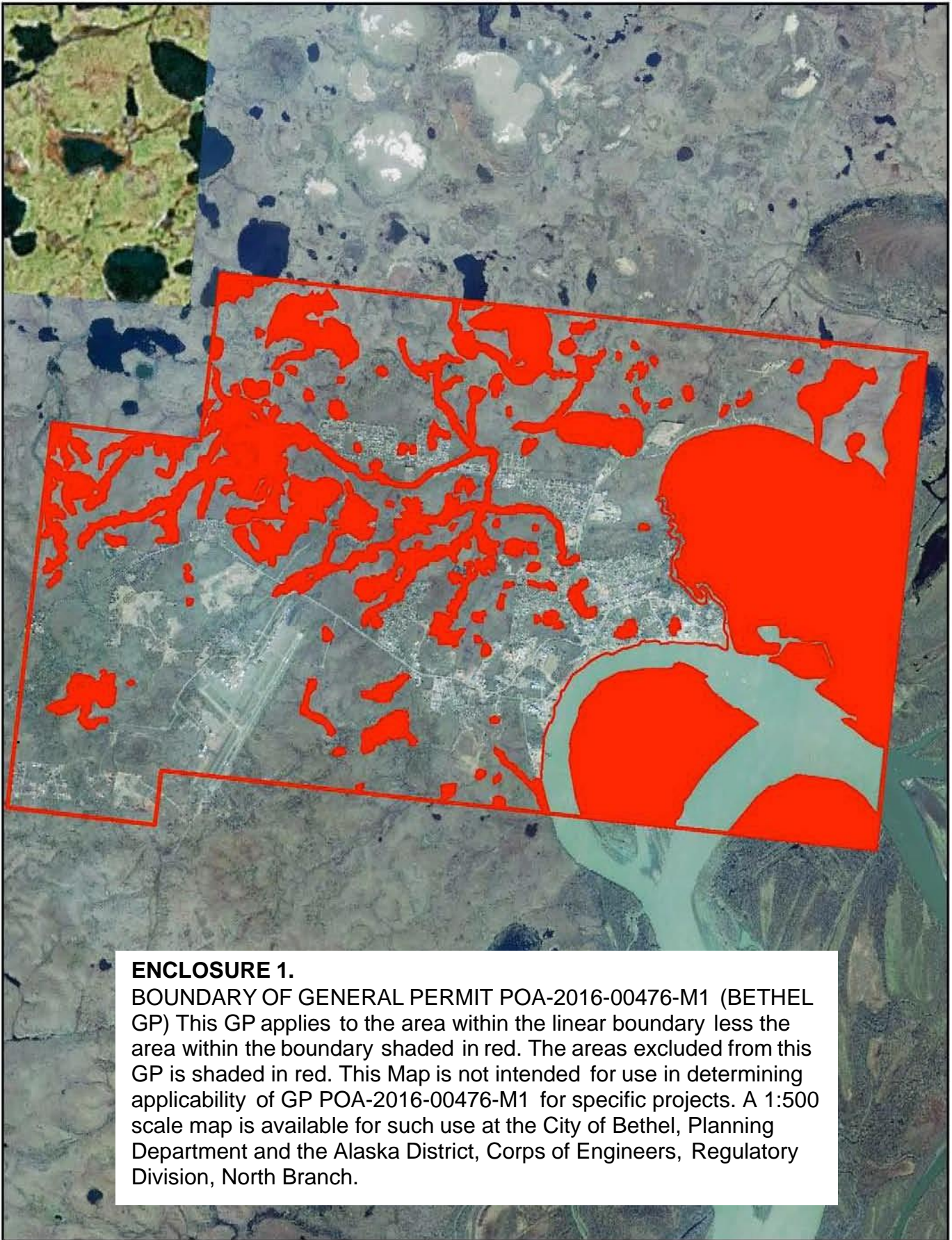
The RGP-10 POA-2016-00476 is re-issued for a period of five (5) years. At the end of this five (5) year period, an evaluation of RGP-10 will be made, and at that time it will be decided whether RGP-10 should be renewed. The District Commander may at any time during this five (5) year period alter, modify, suspend, or revoke this permit, if he deems such action is in the public interest.

The attached RGP-10 POA-2016-00476-M1 outlines criteria that would have to be met for work to be authorized under RGP-10. All authorized activities must be in accordance with the conditions of the RGP-10. 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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Comments or requests for additional information should be directed to: Alaska District, U.S. Army Corps of Engineers, Attention: Janet Post, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, via email at janet.l.post@usace.army.mil, by phone at (907) 753-2831, or toll free in Alaska at (800) 478-2712.

District Commander
U.S. Army, Corps of Engineers

Enclosures



ENCLOSURE 1.

BOUNDARY OF GENERAL PERMIT POA-2016-00476-M1 (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-2016-00476-M1 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.

ENCLOSURE 2.

**U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM
for Project Verification under Bethel Regional General Permit (RGP-10)**

May be used instead of Form ENG 4345 to request verification under the Bethel Regional General Permit (RGP-10). To ensure your project meets the requirements for the RGP, read all of the terms and conditions of the RGP, which may be found on our website at <http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Regional-General-Permits/>, under the Bethel Regional General Permit (RGP-10) section.

Applicant:	Phone:
Address:	Fax:
City, State, Zip:	Cell/Direct Line:
Point of Contact:	e-mail:

Agent:	Phone:
Address:	Fax:
City, State, Zip:	Cell/Direct Line:
Point of Contact:	e-mail:

Location of the Proposed Project Site:

Project Address:
Section, Township, Range, and Meridian:
Latitude and Longitude (Decimal Degrees, NAD-83):
Driving Directions to Site:
Other:

Description of the proposed project and all associated actions(i.e., what construction activities are proposed for the overall project. You must specifically include the area (i.e., acreage or square feet) and type (rock, dirt, concrete, etc.) of all proposed discharges of fill material.

Project purpose:

Project Description:

Does the proposed activity involve an expansion to or work on or adjacent to an existing fill?

YES or NO

Will any or all components of the overall single and complete project result in a loss greater than 1 acre of wetlands or be located in an area(s) excluded from GP coverage?

YES or NO

*Attach drawings of the site and project plans(For more information on acceptable drawings and plans, please visit our website at [http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Permit-Application-Drawings/.](http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Permit-Application-Drawings/))

*Attach completed Site Plan from City of Bethel (if available).

Application is hereby made for a permit or permits to authorize the work described in this preconstruction notification form. I certify the information in this preconstruction notification form is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

ENCLOSURE 3.

**POA-2016-00476-M1 (RGP-10)
A Regional General Permit for
Bethel**

Permittee: All applicable entities

Permit No. RGP-10, Bethel (POA-2016-00476)

Issuing Office: U.S. Army Corps Engineers, Alaska District

Issuance Date: September 27, 2022

Expiration Date: September 27, 2027

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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/or fill material into waters of the United States (U.S.), including wetlands, within specific areas of Bethel, Alaska. A maximum of 7,696 acres of waters of the United States are included within the area subject to this RGP and would potentially be authorized for development. The RGP boundary is limited to an area within the city limits of Bethel less restricted areas (Enclosure 1).

Authorized Activities

This RGP authorizes the discharge of fill material into waters of the U.S., including wetlands, for the purpose of construction, expansion or maintenance of building foundation pads, utilities, roads, driveways, and parking areas for residential, commercial, and public works developments. The RGP also authorizes excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material.

Maximum Acreage Limitations

Discharges of dredged and/or fill material in waters of the U.S. authorized by this RGP for a single and complete project may not exceed 1.0 acre.

Excluded areas and activities

1. A map showing the boundaries of areas covered and excluded under this RGP is for planning purposes (Enclosure 1). Maps showing the areas subject to authorization under this RGP, 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 Division (Corps). Excluded areas are depicted in red and would require authorization from the Corps through permitting mechanisms other than the RGP (e.g., Individual or Nationwide Permits).

2. Activities that are denied any required local, State or Federal authorization are not authorized by the RGP.

3. Activities that the Corps determines may result in more than minimal adverse impacts on aquatic resources or other public interest factors. The District would notify the applicant that the project does not qualify for the RGP and instruct the applicant on the procedures to seek authorization under a nationwide or standard individual Department of the Army (DA) permit.

Application Procedures

Individuals wishing to perform work under this RGP shall submit in writing, directly to the Corps or to the Corps through the City of Bethel Planning Department, a Pre-Construction Notification (PCN) Form containing the following information at minimum:

1. Name, address, and phone number of the applicant.
2. Location of the proposed work to include Section, Township, Range and latitude and longitude.
3. A detailed description of the project, its purpose, the dimensions including the size of the structure or the fill area, fill quantity and type of fill being used.
4. Plan drawings, including a plan view and a cross-section view of the project, showing the layout of the driveway, pads and structures in relation to other features. Drawings do not have to be prepared by a professional but should be clear and easily understood.
5. A completed City of Bethel site plan permit application.
6. The application and drawings should be sent to: U.S. Army Corps of Engineers, Regulatory Division, North Section Chief (CEPOA-RD-N), Post Office Box 6898, JBER, Alaska 99506-0898 or by email to regpagemaster@usace.army.mil.

Corps Verification Process

The information provided will be reviewed by the Corps for compliance with the terms and conditions of the RGP-10. The City of Bethel Planning Department may choose to provide an opinion of compliance with the terms and conditions of the RGP-10 if forwarding an application from a citizen. The Corps will email the verification to you and the City of Bethel Planning Department at: Planning@CityofBethel.net.

Reevaluation of the RGP

The Corps may initiate suspension, revocation and modification procedures, pursuant to 33 CFR 325.7, if the public interest so warrants, regardless of whether the project is in compliance with the RGP. Instances that may warrant such action include but are not limited to discovery that applicant provided incomplete, inaccurate or false information; changes in applicable State water quality standards; and/or, the discovery of previously unevaluated archaeological, flooding or environmental impacts.

Requirements

The work authorized by this RGP would be subject to the following general conditions and limits, in addition to special conditions determined necessary to reduce impacts to the minimum level.

General Conditions

1. Permit Expiration. The time limit for completing the work authorized ends 5 years from the date of the RGP issuance. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the RGP will remain authorized provided the activity is completed within twelve months of the date of the RGP's expiration, modification, or revocation, unless the District Engineer's discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.
2. Verification. No work shall be constructed under this RGP without first obtaining a RGP Verification in writing from the Alaska District Corps of Engineers (Corps). The City of Bethel Planning Department may provide an Opinion of Compliance and submit the required Pre-Construction Notification form (attached) to the Corps if forwarding the PCN from a citizen. However, written verification from the Corps must be received prior to commencing construction.

3. Avoidance and Minimization. The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site.

4. Impacts to Adjacent Waters of U.S. To comply with this RGP, activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation, or inadvertent fill. Culverting, buffer zones, or other methods may be required to ensure compliance with this condition.

5. Fill Material. No activity may use unsuitable material (e.g., trash, debris, tires, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

6. Permafrost. 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 noncompliance with this condition.

7. Water Quality Certification. You must comply with all conditions specified as part of the Alaska Department of Environmental Conservation Water Quality Certification, which is part of this RGP.

8. Endangered Species. The activity must not jeopardize the continued existence of a threatened or endangered species, as identified under the Endangered Species Act, nor endanger the critical habitat of such species.

9. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. To avoid an inadvertent violation of these laws, the permittee should contact the Fairbanks Office of the U.S. Fish and Wildlife Service (907-456-0203) to determine if such "take" permits are required for RGP authorized activities occurring between the dates of May 5 to July 25.

10. Essential Fish Habitat. The activity must not adversely affect Essential Fish Habitat (EFH).

11. Historic and Archaeological Sites. This RGP does not authorize activities, including the use of material borrow sites, in or that adversely affect known historic properties listed or potentially eligible for the National Register of Historic Places, nor any such sites listed or found to be potentially eligible in the future. The permittee must stop work when cultural resources are inadvertently discovered during work and notify the Corps. The Corps would enter consultation with the Alaska State Historic Preservation Office to determine if historic properties would be affected by the permitted work. Work shall resume after cultural resources have been evaluated pursuant to Section 106 of the National Historic Preservation Act.

12. Maintenance. You must maintain the authorized activity in good state, and in conformance with the terms and conditions of this RGP. If maintenance activities require expansion of the fill footprint you must contact this office for verification under the RGP.

13. Inspections. You must permit the District Engineer, or his designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that it is being accomplished or has been accomplished in accordance with the terms and conditions of this RGP.

14. Modification by Other Authorizations. If the work proposed under this RGP is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the RGP including verification by the Corps to perform activities under this RGP may need to be obtained.

Compliance

Compliance with the RGP requires strict adherence to the terms and conditions specified both herein and any special conditions within the verification. Corps representatives may inspect sites to determine whether the work is being, or has been, performed in conformance with the terms and conditions of this RGP.

Should the Corps determine that an activity is not in compliance with the RGP, the permittee may be required at their expense to implement corrective measures, remove fill and/or restore any areas affected by the noncompliance, in accordance with 33 CFR Part 326 and Section 309 of the Clean Water Act. Noncompliance could also result in suspension, revocation, or modification of the RGP authorization (pursuant to 33 CFR 325.7), initiation of legal action by the Federal Government, issuance of a monetary penalty ranging from \$2,500 to \$25,000 per day of violation, and/or imprisonment for up to one year.

Further Information:

1. Congressional Authorities: Authorization to undertake the activities described above is pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Work that also requires authorization under Section 10 of the Rivers and Harbors Act must be authorized separately through nationwide or individual permits.

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. 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.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this general permit.

4. Reliance on Applicant's Data: The determination of this office that verification of this regional general permit is not contrary to the public interest was made in reliance on the information provided by applicants.

5. Reevaluation of Decision. This office may reevaluate its decision on this regional general permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The permittee fails to comply with the terms and conditions of this general permit.

b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

6. Reevaluation of this General Permit. This office may also reevaluate its decision to issue RGP POA-2016-476 at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: 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

FOR THE DISTRICT COMMANDER:



Ryan H. Winn
Section Chief, North Branch
Regulatory Division
Alaska District Corps of Engineers

27 SEP 2022

Date



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Environmental
Conservation**
DIVISION OF WATER

Wastewater Discharge Authorization
Program

August 2, 2022

Alaska District, US Army Corps of Engineers (Corps)
Regulatory Division, CEPOA-RD, Attn: Colonel Damon A. Delarosa
Post Office Box 6898
JBER, Alaska 99506-0898

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

Re: POA-2016-00476, Regional General Permit (RGP) - 10, Discharge of Dredged and/or Fill
Material into Wetlands at Bethel, Alaska

Dear Colonel Delarosa:

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 (DEC) is issuing the enclosed water quality certification that the discharge from the proposed project will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with POA-2016-00476, Regional General Permit (RGP) - 10, Discharge of Dredged and/or Fill Material into Wetlands at Bethel, Alaska.

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See DEC's "Appeal a DEC Decision" web page <https://dec.alaska.gov/commish/review-guidance/> for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200.

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,

Handwritten signature of James Rypkema in black ink.

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Water Quality Certificate

cc: (with encl.)
Janet Post, USACE, Anchorage

Audra Brase, ADF&G
USFWS Field Office Fairbanks
Matthew LaCroix, EPA, AK Operations

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Water Quality Certification

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a water quality certification is issued to Regulatory Division, Corps of Engineers, CEPOA-RD, at P.O. Box 6898, JBER, Alaska, 99506 that the discharge from the proposed projects issued under the Regional General Permit (RGP) - 10, *Discharge of Dredged and/or Fill Material into Wetlands at Bethel, Alaska* will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S. including wetlands and streams.

A state issued water quality certification is required under Section 401 because the proposed activities will be authorized by a U.S. Army Corps of Engineers permit (POA-2016-00476, RGP-10) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the joint Special Public Notice POA-2016-00476 posted from June 13, 2022 to July 8, 2022.

Project Location and Description

The RGP-10 boundary is limited to an area within the city limits of Bethel, excluding certain restricted areas.

The RGP-10 would authorize the discharge of fill material into waters of the U.S., including wetlands, for the purpose of constructing and/or expanding building foundation pads, utilities, roads, driveways, and parking areas for residential, commercial and public works developments. The RGP-10 would also authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. Discharges of dredged and/or fill material in waters of the U.S. authorized by RGP-10 for single and complete projects may not exceed 1.0 acre. Applicants are required to submit a Pre-Construction Notification Form and obtain RGP-10 verification in writing from the Corps prior to commencing construction

Antidegradation Analysis Finding

Pursuant to the Department's Antidegradation Policy and Implementation Methods at 18 AAC 70.015 and 18 AAC 70.016, DEC finds that the project would comply with the requirements for Tiers 1 and 2 regarding water quality impacts to receiving water immediately surrounding the dredge or fill material pursuant to the Corps evaluation and findings of no significant degradation under 33 U.S.C. 1344 and under 40 CFR 230. The use of appropriate best management practices and erosion and sediment control measures would adequately protect the existing water uses and the level of water quality necessary to protect existing uses. Any potential water quality degradation is expected to be temporary and limited and necessary to accommodate important social and/or economic development in the area.

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The Department of Environmental Conservation (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 CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

Pursuant to 18 AAC 70.020(a) and the Toxics and Other Deleterious Organic and Inorganic Substances in 18 AAC 70.020(b), the following conditions are designed to reduce pollutants from construction activity to ensure compliance with the applicable water quality standards.

Pollutants/Toxics

1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Northern Alaska at 907-451-2121 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high-water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected daily for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
4. Fill material (including dredge material) must be clean soil, sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.

Turbidity, Erosion and Sediment Control

5. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (CGP, AKR100000, 18 AAC 83). The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC prior to construction along with the Notice of Intent (NOI). For more information see DEC's website for the CGP at <http://dec.alaska.gov/water/wastewater/stormwater/construction>, or call 907-269-6285.
6. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include gullyng, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
7. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
 - a. Divert storm water from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
 - b. Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
 - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.


Vegetation Protection and Restoration

8. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.
9. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
10. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.

General

11. DEC coordinates with several regulatory programs to review the impacts of proposed projects. A Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all state water statutes and rules through construction, installation, and operation of the project or mitigation, including, but not limited to the APDES permitting program 18 AAC 83 and 18 AAC 72.
12. USACE has stated that projects shall be reviewed under the federal rules in place at the time the application is received. This project and its mitigation were reviewed under the federal and state statutes and laws in place at the time the application was received. If the USACE determines any part or condition of this Certification is not lawful or is waived and unenforceable, the determination shall apply only to the part or condition so determined. The determination shall not apply to nor invalidate any remaining parts or conditions of this Certification. If the USACE makes such a determination, the applicant remains responsible for meeting state water quality statutes and rules, and if a violation occurs, may be subject to state enforcement (18 AAC 70.010).
13. This Certification does not release the applicant from any liability, penalty, or duty imposed by Alaska or federal statutes, regulations, rules or local ordinances, and it does not convey a property right or an exclusive privilege.

Date: August 2, 2022



James Rypkema, Program Manager
Storm Water and Wetlands