

DEPARTMENT OF THE ARMY GENERAL PERMIT

Permittee: The General Public
Permit No. RGP-10, Bethel (POA-2016-476)
Issuing Office: U.S. Army Engineer District, Alaska
Issuance Date: February 7, 2017
Expiration Date: February 7, 2022

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 Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

GENERAL PERMIT AUTHORIZATIONS

The general public in the City of Bethel, Alaska, is authorized to perform work in accordance with the terms and conditions of the general permit specified below, after satisfying all applicable permit terms and conditions.

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 General Permit (GP) and would potentially be authorized for development. The GP boundary is limited to an area within the city limits of Bethel, excluding certain restricted areas (Enclosure 1).

AUTHORIZED ACTIVITIES

This GP 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 GP 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 GP for single and complete projects may not exceed 1.0 acre.

Excluded areas and activities

1. A map showing the boundaries of areas covered and excluded under this GP is attached for planning purposes (Enclosure 1). 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 Division (Corps). Excluded areas are depicted in red and would require authorization from the Corps through permitting mechanisms other than the GP (e.g., Individual and Nationwide Permits).
2. Activities that are denied any required local, State or Federal authorization are not authorized by the GP.

Excluded areas and activities – continued

3. Activities that the Corps determines may result in more than minimal adverse impacts on aquatic resources or other public interest factors. The District will notify the applicant that the project does not qualify for the GP and instruct the applicant on the procedures to seek authorization under a nationwide or standard individual DA permit. The District may also, on a case-by-case basis, require an Individual Department of the Army (DA) permit for unauthorized activities, regardless of acreage.

APPLICATION PROCEDURES

Individuals wishing to perform work under this GP 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 (Enclosure 2) 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. An approved Site Plan from the City of Bethel.
6. The application and drawings should be sent to: U.S. Army Corps of Engineers, Regulatory Division, North Branch 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 GP. The City of Bethel Planning Department may choose to provide an opinion of compliance with the terms and conditions of the GP if forwarding an application from a citizen. Normally, within 15 days of receiving the required information, a letter will be sent from this office to the applicant verifying whether or not the proposed project meets the terms and conditions of the GP.

RESTRICTIONS

The work authorized by this GP would also be subject to the following general conditions and any special conditions necessary to reduce impacts to the minimum level.

Special Conditions: Any verification issued may include required special conditions. The District Engineer will add special conditions to verification letters, where necessary, to ensure that adverse environmental impacts are minimal.

General Conditions:

1. Permit Expiration. The RGP-10 expires on February 7, 2022. Unless activities authorized under the RGP-10 have commenced construction or are under contract to commence construction by February 7, 2022, the time limit for completing work ends upon the expiration date of RGP-10. Activities authorized under RGP-10 which have commenced construction or are under contract to commence construction by February 7, 2022, will have until February 7, 2023, to be completed under the terms and conditions of RGP-10, unless the District Engineer's discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

- 2. Verification.** No work shall be constructed under this GP without first obtaining a GP Verification in writing from the Corps. The City of Bethel Planning Department may provide an Opinion of Compliance and submit the required Pre Construction Notification form (enclosure 2) to the Corps if forwarding the form 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 (i.e., on site).
- 4. Impacts to Adjacent Waters of U.S.** In order to comply with this GP, 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. Suitable Fill Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, 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 non-compliance 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 GP.
- 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 GP 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 GP 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 shall stop work when cultural resources are inadvertently discovered during the course of work and notify the Corps. The Corps would enter into 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 GP.
- 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, or has been accomplished in accordance with the terms and conditions of this GP.
- 14. Modification by Other Authorizations.** If the work proposed under this GP is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the GP including verification by the Corps to perform activities under this GP may need to be obtained.

15. Use of Multiple General Permits, including Nationwide Permits. The use of more than one GP or Nationwide Permit (NWP) for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the GP and/or NWPs does not exceed the acreage limit of the GP/NWP with the highest specified acreage limit.

Compliance

Compliance with the GP 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 GP.

Should the Corps determine that an activity is not in compliance with the GP, 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 GP 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 permit.

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

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

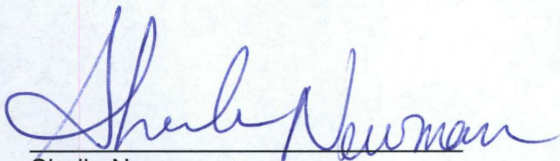
- a. The permittee fails to comply with the terms and conditions of this permit.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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 the permittee to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

6. Reevaluation this GP. This office may also reevaluate its decision to issue GP 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 325.7.

This General Permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE DISTRICT COMMANDER:



Sheila Newman
Chief, Special Actions Branch
Regulatory Division
Alaska District Corps of Engineers

2-7-2017
Date



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF WATER
Wastewater Discharge Authorization Program

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

January 5, 2017

Alaska District, United States Army Corps of Engineer (Corps)
Regulatory Division, CEPOA-RD, Attention: Tim Kennedy
P.O. Box 6898
JBER, Alaska 99506

Re: Alaska District, Corps, General Permit (GP) Bethel, Alaska
GP POA-2016-476, Wetlands in City of Bethel

Dear Mr. Kennedy:

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 Certificate of Reasonable Assurance for a general permit issuance for placement of dredged and/or fill material in waters of the U.S., including wetlands, in Bethel, Alaska.

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

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

Handwritten signature of James Rypkema in cursive.

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Megan Marie, ADF&G
USFWS Field Office Anchorage

Matthew LaCroix, EPA Operations, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is issued to Regulatory Division, Corps of Engineers, CEPOA-RD, at P.O. Box 6898, JBER, Alaska, 99506, for placement of dredged and/or fill material in waters of the U.S. including wetlands for the purpose of creating foundation pads for structures, utilities, associated roads, driveways, parking areas, and other domestic, governmental, and commercial development within specific areas of Bethel. The General Permit (GP) boundary is limited to an area within the city limits of Bethel.

The GP 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 this GP for single and complete projects may not exceed 1.0 acre. The proposed GP would also authorize activities where the placement of pilings and/or boardwalks would have the effect of a discharge of fill material. Applicants are required to submit a Pre-Construction Notification Form (PCN) and obtain GP verification in writing from the Alaska District Corps of Engineers prior to commencing construction.

The GP would authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. The GP would also authorize activities when the placement of piling would have the effect of a discharge of fill material. POA-2016-476 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 procedures and general conditions of the GP.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2016-476) 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 Corps Public Notice POA-2016-476 posted September 26, 2016 to October 31, 2016.

The proposed activity is located Bethel, Alaska.

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.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. 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 Central Alaska at (907) 269-3063 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. 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 (AKR100000).
4. During 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 and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
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: gullying, 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.
8. No discharged dredged or fill material shall consist of unsuitable fill material. This includes but is not limited to trash, metal debris, car bodies, over burden material, wood waste, asphalt, and petroleum products. All material used for construction or discharged must all 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.
9. 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.

This certification expires five years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: January 5, 2017

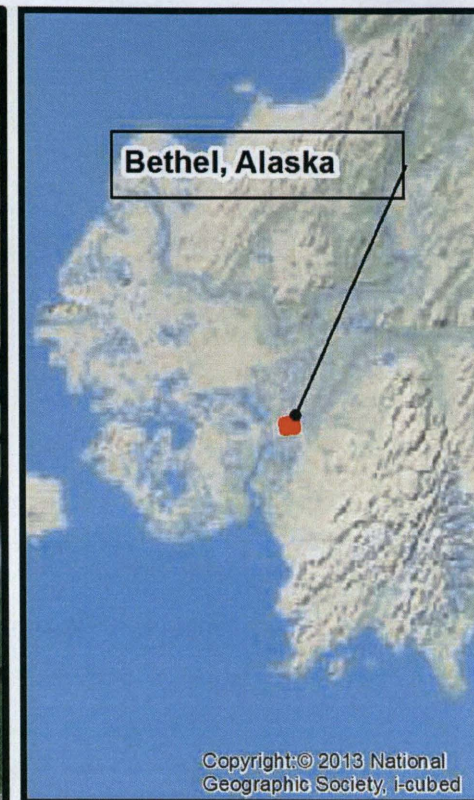
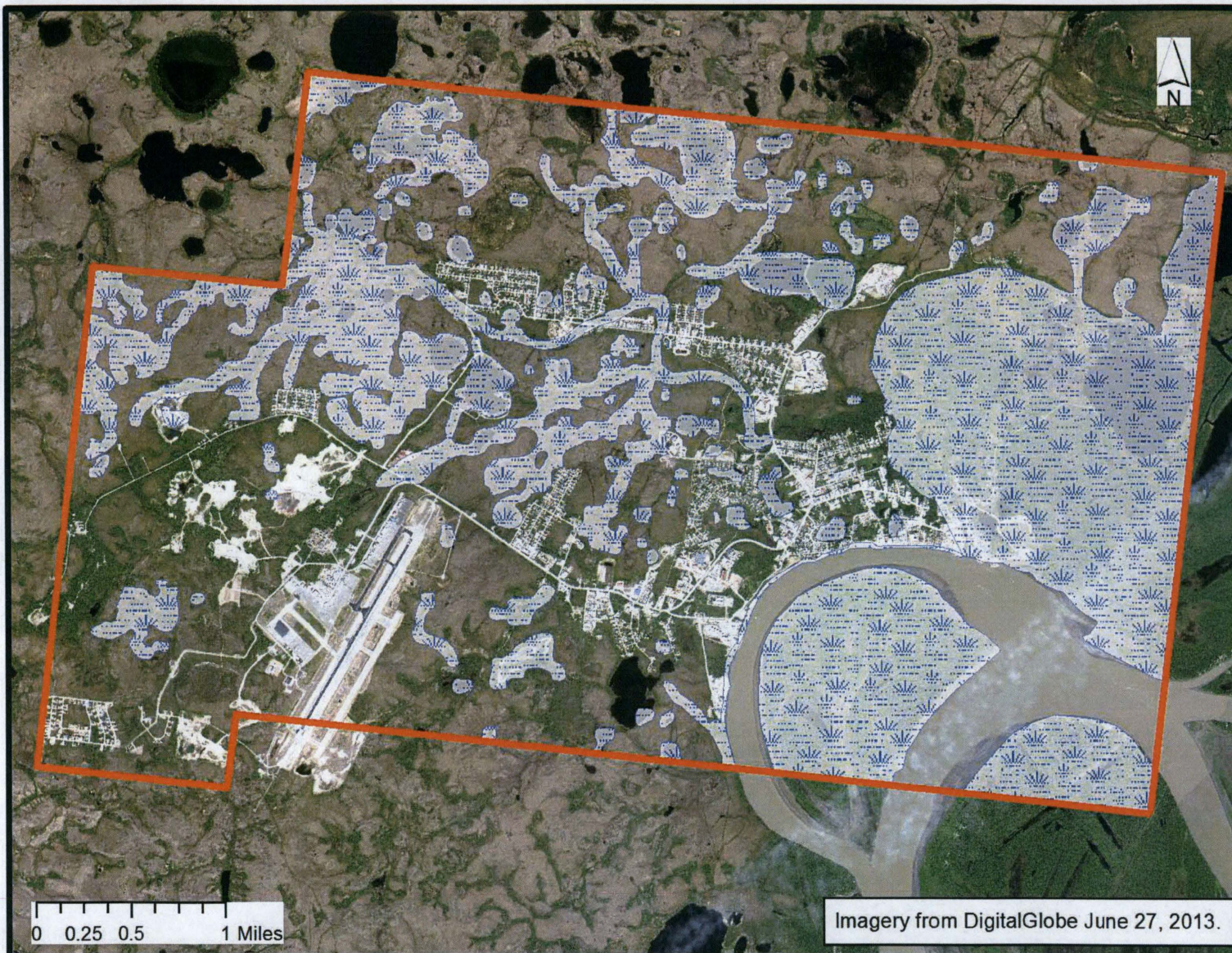


James Rypkema, Program Manager
Storm Water and Wetlands





US Army Corps of Engineers

RGP-10, Bethel (POA-2016-476) Wetland Exclusion Area



Legend

-  Permit Boundary
-  Excluded Areas Wetlands

Date: January 19, 2017

Enclosure 1

Bethel Regional General Permit (RGP-10)

Notes: This map depicts the areas excluded from the Bethel General Permit. This map is not intended for use in determining applicability of GP POA-2016-476 for specific projects. A map is available for such use at the City of Bethel Planning Department, and the Alaska District, Corps of Engineers, Regulatory Division. Main view coordinate system is NAD_1983_2011_Alaska_Albers. For planning purposes only.

U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM

May be used instead of Form ENG 4345 to request verification under Bethel Regional General Permit (RGP)
POA-2016-476

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:

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

Project Description:

To ensure your project meets the requirements for the Bethel RGP, read all of the terms and conditions of the RGP, which may be found on our website at:
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 areas (i.e., acreages or square feet) and type (rock, dirt, concrete, etc.) of all proposed discharges of fill material.
Project purpose:

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/reg/permitapp.htm> and click on "Guide to Drawings")

*Sign and date and attach Preliminary Jurisdictional Determination Form.

*Attach approved Site Plan from City of Bethel

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

DRAFT