



**US Army Corps
of Engineers**

Alaska District
Regulatory Division (1145)
Post Office Box 6898
Identification Number
Anchorage, Alaska 99506-0898

Public Notice

Date:

September 24, 2009

Identification No

POA-2006-1035

In reply refer to above

Expiration Date: September 30, 2014

GENERAL PERMIT 2006-1035

**Re-issuance of former General Permit (91-7) for
Aquatic Farm Structures Within the State of Alaska**

General Permit (GP) 2006-1035 has been issued pursuant to Section 404 of the Clean Water Act (Public Act 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

In response to Public Notices under reference number GP 2006-1035, the proposed GP was revised to reflect comments and address concerns submitted by the interested public and other resource agencies in extending the GP for Statewide use. 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.

This modification also includes: research and/or experimental projects related to commercial aquatic farming; experimental aquatic plant and/or shellfish farming; and expanded the definition of structures, including the use of Geoduck tubes. The remaining General and Special Conditions are essentially the same, though editing was done for updating contact information. A copy of the modification of the GP is attached. Use of the GP requires that a form be sent to the U.S. Army Corps of Engineers.

The attached GP 2006-1035 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 a standard Department of the Army permit application must be submitted to us at the letterhead address.

Other non-structural activities such as seeding and harvesting for aquaculture/mariculture purposes under Nationwide 4, Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities and work on existing farms under Nationwide 48, Existing Commercial Shellfish Aquaculture Activities are now superseded by the use of this GP.

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.

GP 2006-1035 has been 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-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.

Coastal Zone Management Act Consistency Determination: Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone has concurred with the applicant's certification.

The Department of Army's authorization by this General Permit will not be issued until the Alaska Department of Natural Resources, Division of Coastal and Oceanic Management, complies with the Alaska Coastal Management Program (11 AAC 110 / 11 AAC 112 standards).

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