

# DEPARTMENT OF THE ARMY GENERAL PERMIT

Permittee: The General Public  
Permit No. RGP-01, Nome (POA-2006-214-M2)  
Issuing Office: U.S. Army Engineer District, Alaska  
Issuance Date: August 23, 2017  
Expiration Date: August 23, 2022

NOTE: The term "wetlands", as used in this permit, refers to jurisdictional wetlands, a category of waters of the United States (WOUS). 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 Alaska District 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 Nome, Alaska, is authorized to perform work in accordance with the terms and conditions of the regional general permit (RGP) 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 discharge of dredged and/or fill material into wetlands within specific areas of Nome, Alaska, as shown on the attached figures.

## **AUTHORIZED ACTIVITIES**

The RGP-01, Nome, authorizes the discharge of dredged and/or fill material into 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 also authorizes excavation activities including mechanized land clearing and other activities that will result in a re-deposition of dredged material.

## **Maximum Acreage Limitations**

RGP-01 authorized discharges of dredged and/or fill material into wetlands for single and complete projects may not exceed 5 (five) acres.

## **Excluded Areas and Activities**

1. Under this RGP, dredged and/or fill material may not be discharged into:
  - a. any non-tidal open waterbody (i.e. streams, rivers, ponds, lakes);
  - b. permanently flooded wetlands;
  - c. any tidal waters; or
  - d. any wetlands within 50 feet of any WOUS listed in a-c above.

The only exception is the reduction of the setback established in d above, reducing the setback from 50 feet to 10 feet to allow development near an established drainage along East N Street and 6th Avenue. The drainage shall be preserved during development and adjacent disturbed areas must be re-seeded to reduce erosion. This exclusionary setback does not apply to surface waters constructed as part of a mining operation.

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 will notify the applicant that the project does not qualify for the RGP and instruct the applicant on the procedures to seek authorization under a standard Department of the Army (DA) permit. The District may also, on a case-by-case basis, require a standard DA permit for unauthorized activities.

### **APPLICATION PROCEDURES**

Individuals wishing to perform work under this RGP should submit a Pre-Construction Notification (PCN) Form (Enclosure 1) to the City of Nome Clerk's Office located at 102 Division Street, P.O. Box 281, Nome, Alaska, 99762 (phone: (907) 443-6663). If the proposed project complies with the terms and conditions of the RGP, the City of Nome will electronically transmit the PCN and an "Opinion of Compliance" form to the Corps. If the project does not comply with terms and conditions of the RGP, the City of Nome will inform the applicant of the reasons for non-compliance with the same form and advise the applicant to contact the Corps to determine if application for a nationwide permit or individual permit would be necessary. Alternatively, the applicant may submit the PCN directly to the Corps at: 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. However, a PCN submitted directly to the Corps will be considered incomplete without an Opinion of Compliance (see 5) from the City of Nome.

The PCN (enclosure 1) must contain 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/longitude; and a locality map.
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 Opinion of Compliance from the City of Nome Engineer's Office.
6. A mitigation statement consisting of Part B of the PCN (enclosure 1).

### **Corps Verification Process**

The information provided will be reviewed by the Corps for compliance with the terms and conditions of the RGP. If the PCN is determined to be incomplete, the Corps will contact the prospective permittee to request the additional information necessary to make the PCN complete. If the applicant does not provide all of the requested information, then the Corps will notify the applicant that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the Corps. The City of Nome Engineer's Office will provide an opinion of compliance with the terms and conditions of the RGP if forwarding a PCN to the Corps on behalf of an applicant. Normally, within 15 days of receiving a complete PCN, a letter will be sent from the Corps to the applicant verifying whether or not the proposed project may proceed under terms and conditions of the RGP. However, the applicant may not commence construction until written verification is obtained from the Corps.

### **RESTRICTIONS**

The work authorized by this RGP is also 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 special conditions that the district determines are necessary to ensure compliance with the terms and conditions of the RGP and to ensure that the activity will not result in more than minimal individual or cumulative adverse effects to the aquatic environment or other public interest factors.

**General Conditions:**

- 1. Permit Expiration.** The RGP-01 expires on August 23, 2022. Unless activities authorized under the RGP-01 have commenced construction or are under contract to commence construction by August 23, 2022, the time limit for completing work ends upon the expiration date of RGP-01. Activities authorized under RGP-01 which have commenced construction or are under contract to commence construction by August 23, 2022, will have until August 23, 2023, to be completed under the terms and conditions of RGP-1, unless the District Engineer's discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.
- 2. Notification.** The prospective permittee may submit the required PCN form (enclosure 1) to the Corps through the City of Nome Engineer's Office, or directly to the Corps. Written verification that the project may proceed under RGP-01 must be received from the Corps prior to commencing construction.
- 3. Excluded Areas.** Fill material shall not be discharged within 50 feet of the ordinary high water mark of any non-tidal open water body (i.e. streams, sloughs, rivers, ponds, or lakes); within 50 feet of permanently flooded wetlands; or within 50 feet of the high tide line of any tidal waters. The only exception is the reduction of the setback to 10 feet to allow development within 50 feet of an established drainage along East N Street and 6th Avenue. In this exception, the drainage would be preserved during development and adjacent disturbed areas would be re-seeded to reduce erosion. This exclusion does not apply to waters constructed as part of a mining operation.
- 4. Avoidance and Minimization.** To the maximum extent practicable, the activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to wetlands on the project site (i.e., on site).
- 5. Maintenance of Hydrology Patterns.** Site preparation, excavation, and fill placement shall be conducted in a manner that prevents adverse hydrologic effects. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems and other measures to prevent ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition. "Excessive" is defined as a measurable change in site hydrology or drainage from the pre-project condition.
- 6. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date. Increased water turbidity and sediment in drainage ditches, streams, sloughs, and/or adjacent wetlands shall be evidence of insufficient stabilization.
- 7. Flagging.** The boundaries of the fill area in wetlands shall be staked and/or flagged prior to construction to prevent inadvertent encroachment into additional wetland areas beyond the authorized area of fill placement.
- 8. Permafrost.** If permafrost is present, sufficient fill (or other methods of insulation) shall be placed on the ground to provide thermal stability and prevent thermal degradation of underlying permafrost. Signs of thermokarsting or standing water indicate non-compliance with this condition.
- 9. Water Quality Certification.** You must comply with all conditions specified as part of the Alaska Department of Environmental (ADEC) Conservation Water Quality Certification, which is part of this RGP.
- 10. 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).

**11. Contaminated Sites.** A soil remediation plan shall be approved by the ADEC prior to commencing any work on a site containing contaminated soil as defined by the Toxic Pollutant List referred to as Table 1 in Section 307 of the Clean Water Act and by Alaska State Law, i.e. 18 AAC 70 Alaska Water Quality Standards, 18 AAC Oil and Hazardous Substance Pollution Control, and 18 AAC 78 Underground Storage Tanks. If contaminated soils are discovered during the activity, all work shall cease in the area of the contamination; ADEC shall be contacted, and work shall commence only upon receiving ADEC approval.

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

**13. Migratory Birds and Bald/Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, therefore the permittee is responsible for contacting the Fairbanks Office (907-456-0203) of the U.S. Fish and Wildlife Service (USFWS) to determine applicable measures to reduce impacts to migratory birds or eagles. In order to avoid and minimize impacts to migratory birds, the USFWS recommends avoidance of ground disturbance and/or vegetative clearing during the general migratory bird nesting season on the Seward Peninsula (May 20 - July 20), although USFWS considers adherence to these dates discretionary.

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

**15. Cultural Resources.** This RGP does not authorize activities, including the use of material borrow sites, in cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

**16. Inadvertent Discoveries.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

**17. Maintenance.** You must maintain the authorized activity in good state, and in conformance with the terms and conditions of this RGP.

**18. 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 RGP.

**19. 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.

**20. Use of Multiple General Permits, including Nationwide Permits.** The use of more than one RGP 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 RGP and/or NWPs does not exceed the acreage limit of the RGP/NWP with the highest specified acreage limit.

## **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 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 RGP.** This office may also reevaluate its decision to issue the RGP-01 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

23 AUG 17  
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](http://www.dec.alaska.gov/water/wwdp)

May 26, 2017

U.S. Army Corps of Engineers, Anchorage Regulatory Division (1145)  
CEPOA-RD  
Attention: Col. Michael Brooks  
P.O. Box 6898  
JBER, AK 99506-0898

Re: U.S. Army Corps of Engineers, Nome General Permit Reissuance  
POA-2006-214-M2, Norton Sound

Dear Col. Brooks:

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 reissuing the enclosed Certificate of Reasonable Assurance for the Nome Regional General Permit (RGP) Reissuance, SPN-2006-214-M2.

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,

A handwritten signature in cursive script that reads "James Rypkema".

James Rypkema

Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)  
Jason Berkner, USACE, Anchorage  
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 reissued to US Army Corps of Engineers (USACE), Regulatory Division (1145); CEPOA-RD, P.O. Box 6898; JBER, Alaska 99506-0898 to the Nome General Permit Reissuance, SPN-2006-214-M2. USACE contact: Col Michael Brooks.

The RGP-01 (POA-2006-214-M2) would authorize the discharge of dredged and/or fill material into 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-01 would also authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of dredged material.

The Corps is proposing changes from the current version of the RGP. The most notable is a change to the RGP verification process. Applicants would be required to submit a pre-construction notification (PCN) form and obtain RGP verification in writing from the Alaska District Corps prior to commencing construction. The City of Nome would no longer need to submit quarterly monitoring reports to the Corps. The other notable change to the proposed reissuance of the RGP is the addition of a general permit area; Center Creek Road & Lester Bench Area 20, as shown on the attached figures. This 121-acre subdivision would be delineated for wetlands prior to Corps' verification of RGP-01 authorized activities on the site.

The RGP-01 would be re-issued for a period of five (5) years. At the end of this five (5) year period, an evaluation of this GP will be made, and at that time it will be decided whether or not this GP should be renewed. The District Engineer 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.

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-2006-214-M2) 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-2006-214-M2 posted from March 1, 2017 to March 31, 2017.

The proposed activity is located in Nome, 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 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. 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.
4. 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.
5. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
6. Culvert installation for streams that cross trails and roads shall not occur within the flowing waters of the stream. Culvert installation techniques such as stream diversion, dam and pump, or stream fluming shall be incorporated into the installation activity to insure that silt laden water is not carried into sensitive fish habitat. If the stream is intermittent, culvert installation shall occur when the stream bed is dry.
7. 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.
8. Fill material (including dredge material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
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 (5) 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: May 26, 2017

  
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James Rypkema, Program Manager  
Storm Water and Wetlands



**U.S. Army Corps  
of Engineers  
Alaska District**

**Department of the Army**

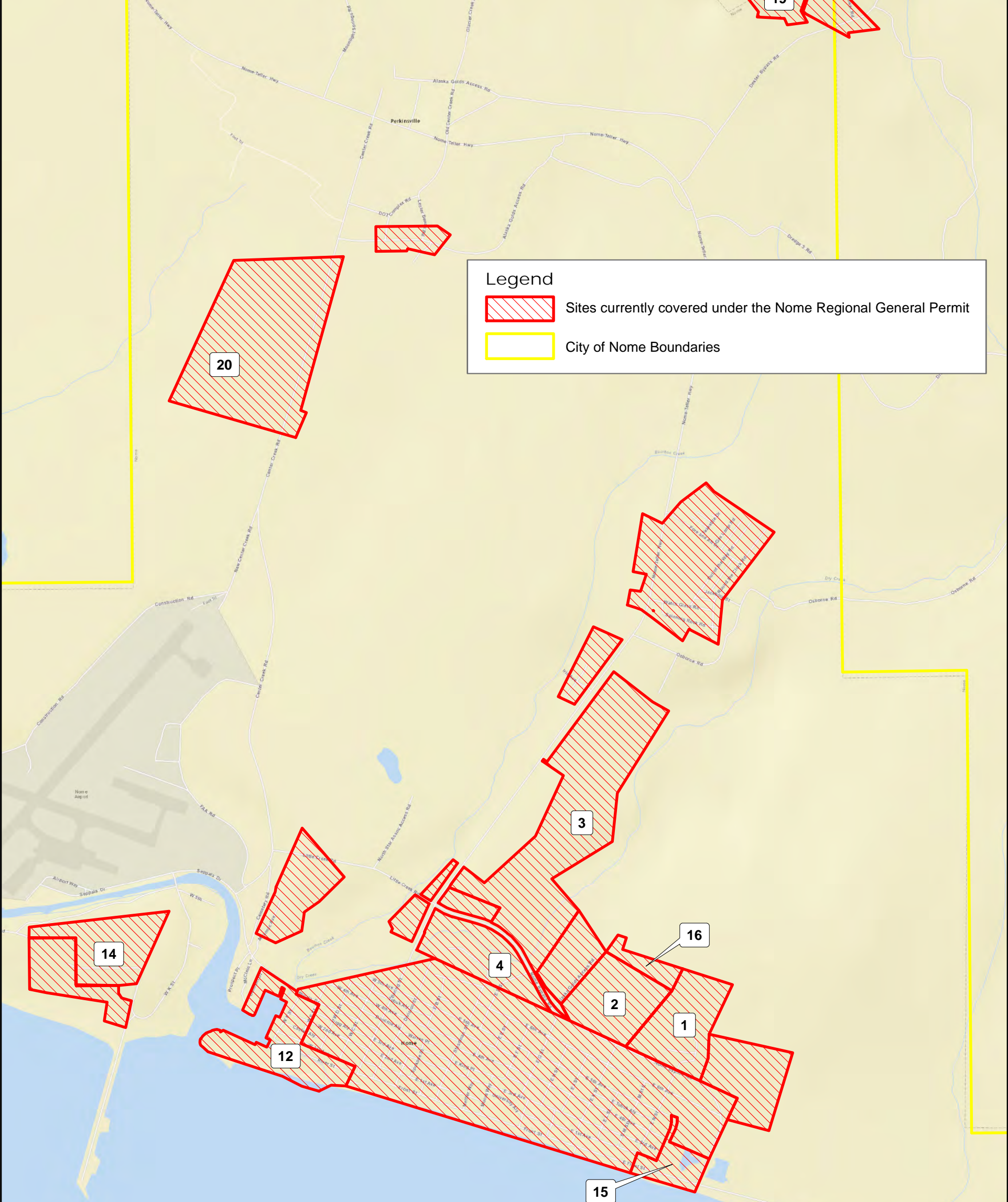
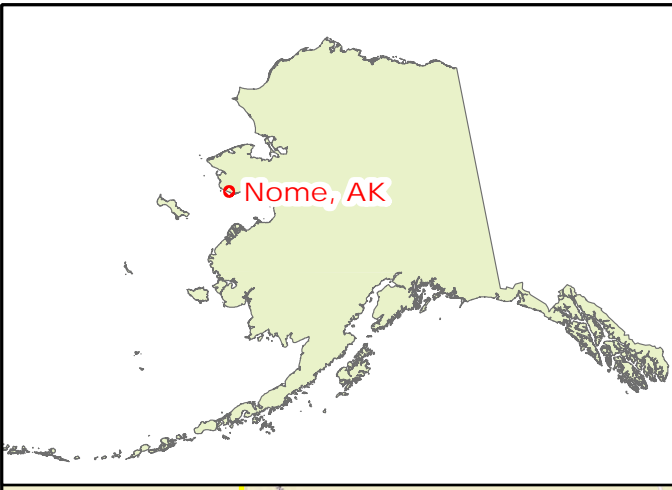
**404(B)(1) Compliance Determination**

for  
**RGP-01, Nome (POA-2006-214-M2)**



This document presents the results of the Corps of Engineers (Corps) general permit compliance determination, as required in 40 CFR 230.7, based on the Corps combined decision document evaluation for the above named regional general permit.

1. There is no practicable alternative that is less damaging to the aquatic ecosystem, unless that alternative has other significant adverse environmental consequences.	True
2. The applicant has overcome the presumption that a practicable, less environmentally damaging alternative site, outside special aquatic sites, exists.	True
3. The discharge will not violate state water quality standards.	True
4. The discharge will not violate Clean Water Act Section 307 toxic effluent standards or bans.	True
5. The discharge will not jeopardize the continued existence of endangered or threatened species or their critical habitat.	True
6. The discharge will not violate standards set by the Department of Commerce to protect marine sanctuaries.	True
7. The discharge will not cause or contribute to significant degradation of waters of the US through adverse impacts to human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife and special aquatic sites.	True
8. The discharge will not cause or contribute to significant degradation of waters of the US through adverse impacts to life stages of aquatic life and other wildlife.	True
9. The discharge will not cause or contribute to significant degradation of waters of the US through adverse impacts to diversity, productivity and stability of the aquatic ecosystem, such as the loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water or reduce wave energy.	True
10. The discharge will not cause or contribute to significant degradation of waters of the US through adverse impacts to recreational, aesthetic and economic values.	True
11. All appropriate and practicable steps (40 CFR 23.70-77) will be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem.	True
12. The category of activities to be regulated under the general permit are similar in nature and similar in their impact upon water quality and the aquatic environment.	True
13. The category of activities to be regulated under the general permit will have only minimal adverse effects when performed separately.	True
14. The category of activities to be regulated under the general permit will have only minimal cumulative adverse effects on water quality and the aquatic environment.	True




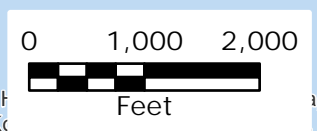


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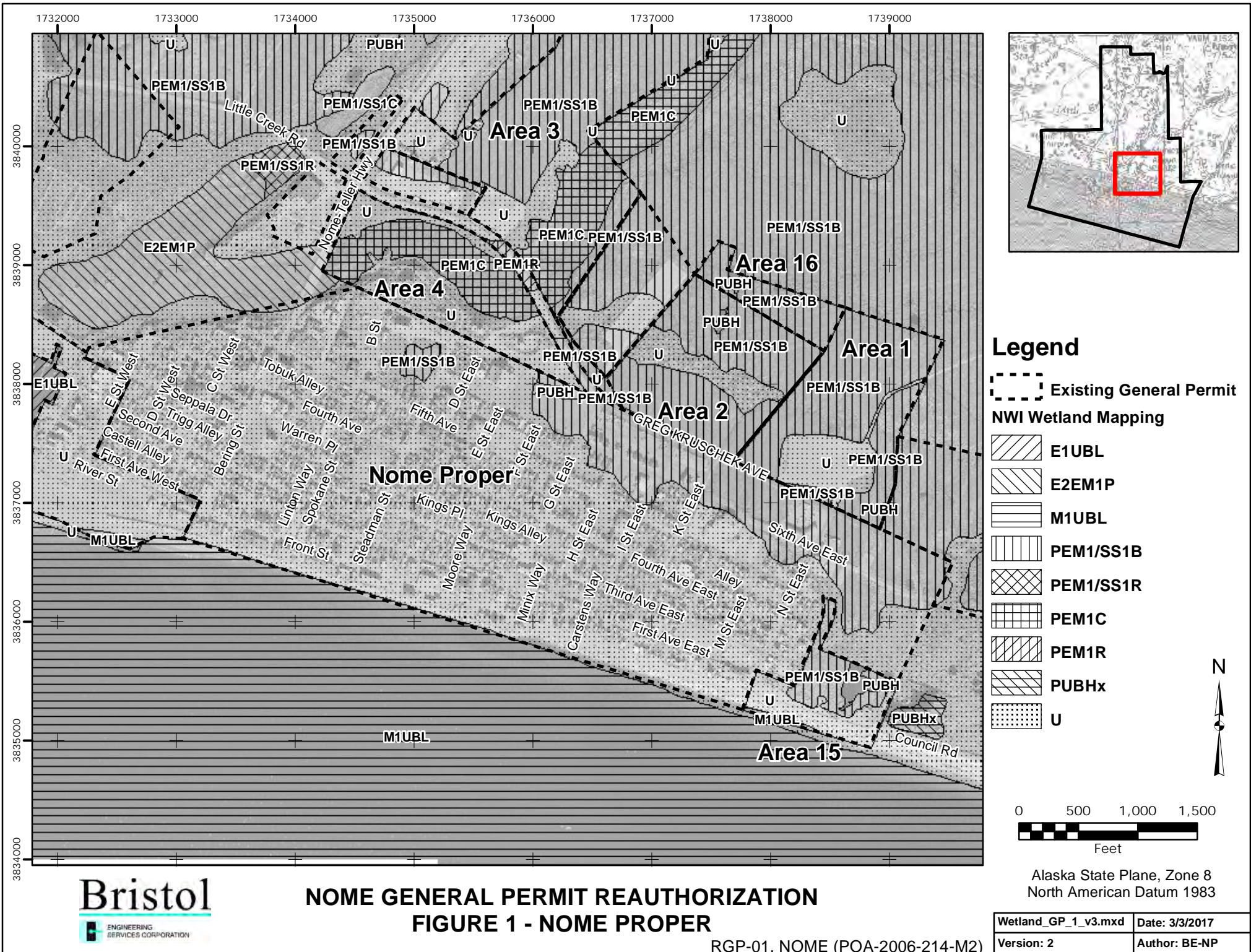
-  Sites currently covered under the Nome Regional General Permit
-  City of Nome Boundaries

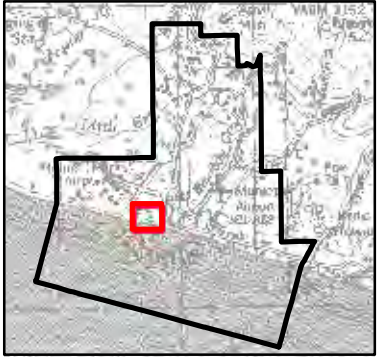
City of Nome  
US Corps of Engineers  
Wetlands General Permit  
RGP-01, NOME (POA-2006-214-M2)

 <p>ENGINEERING SERVICES CORPORATION Phone (907)563-0013 Fax (907)563-6713 Project No. 32114001</p>	DATUM: NAD83	DATE 8/21/2017	SHEET 1
	PROJECTION: State Plane (feet) Alaska Zone 8 FIPS 5008	DWN. BI-ME	of 6
		SCALE 1:20,000	
		APPRVD. BECS-SL	












Esri, Inc., Autodesk, Bentley, and MicroStation, and the GIS User Community





**Legend**

-  Existing General Permit
- NWI Wetland Mapping
-  E1UBL
-  E2EM1P
-  M1UBL
-  M2USP
-  PEM1/SS1B
-  PEM1Ccx
-  PEM1F
-  U



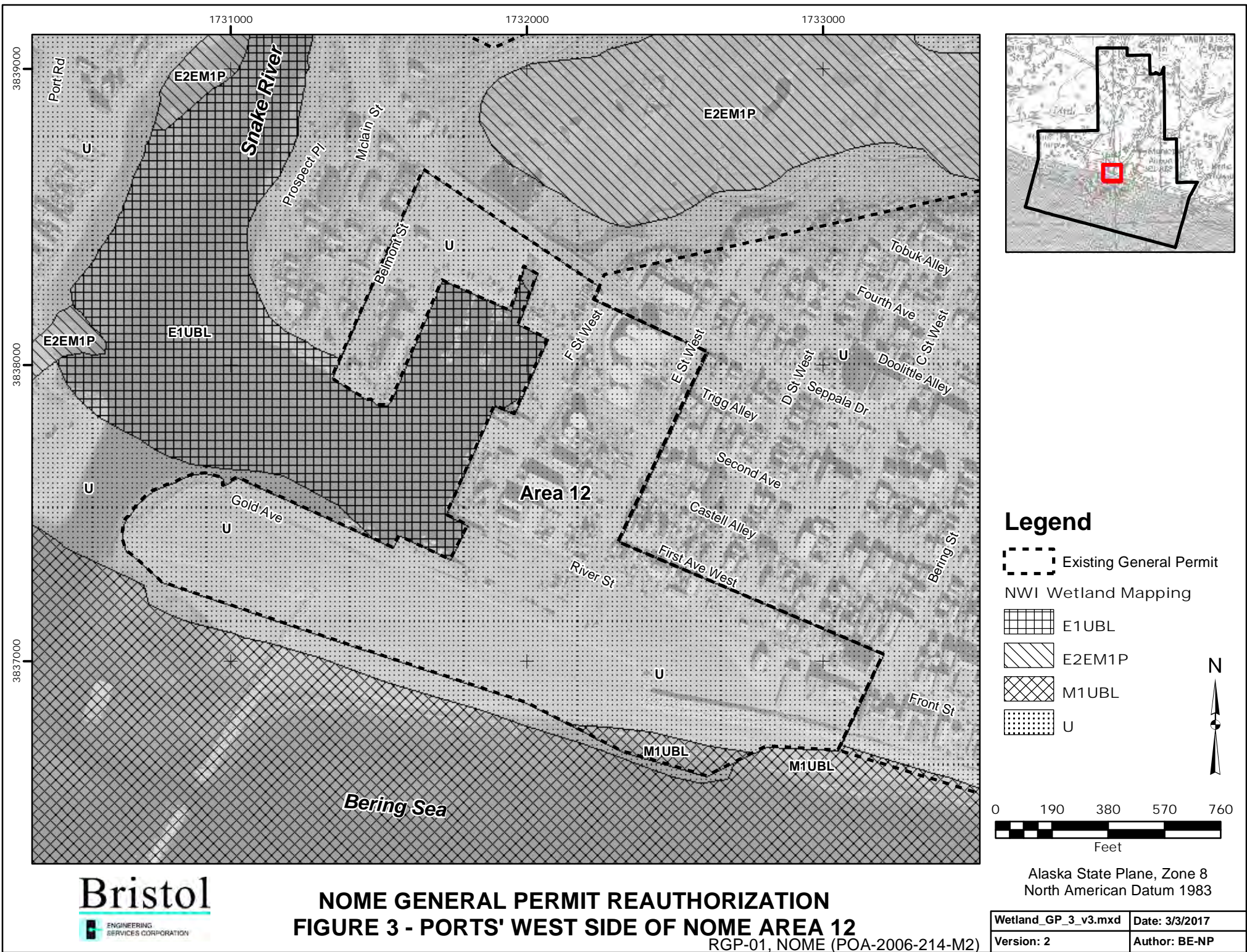
Alaska State Plane, Zone 8  
North American Datum 1983

Wetland_GP_2_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP



**NOME GENERAL PERMIT REAUTHORIZATION  
FIGURE 2 - PORT INDUSTRIES SITE AREA 14**

RGP-01, NOME (POA-2006-214-M2)



**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 3 - PORTS' WEST SIDE OF NOM AREA 12**

RGP-01, NOME (POA-2006-214-M2)

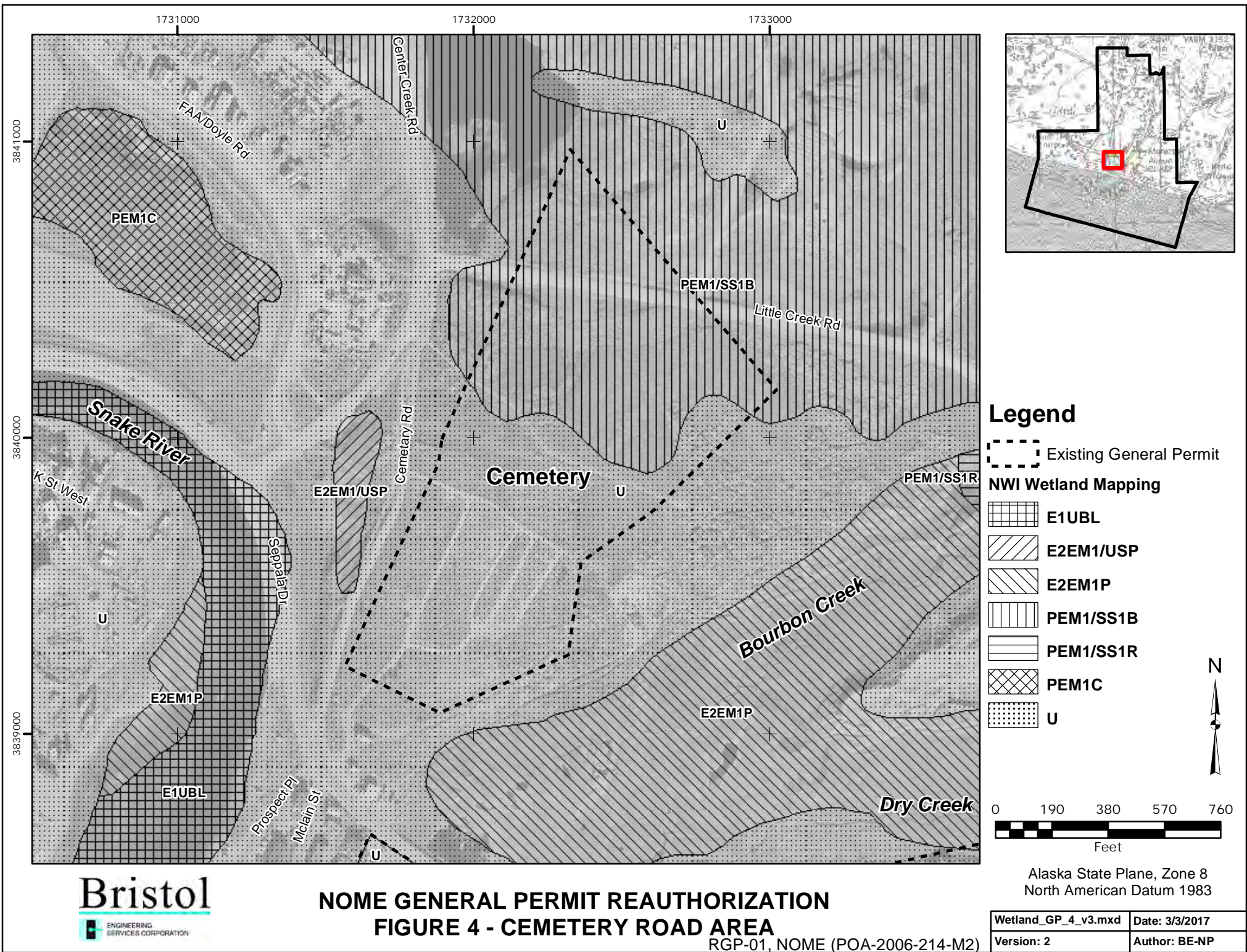
**Legend**

- Existing General Permit
- NWI Wetland Mapping
- E1UBL
- E2EM1P
- M1UBL
- U

0 190 380 570 760  
 Feet

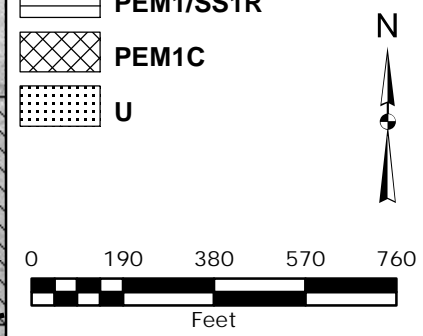
Alaska State Plane, Zone 8  
 North American Datum 1983

Wetland_GP_3_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP



**Legend**

- Existing General Permit
- NWI Wetland Mapping**
- E1UBL
- E2EM1/USP
- E2EM1P
- PEM1/SS1B
- PEM1/SS1R
- PEM1C
- U



Alaska State Plane, Zone 8  
North American Datum 1983

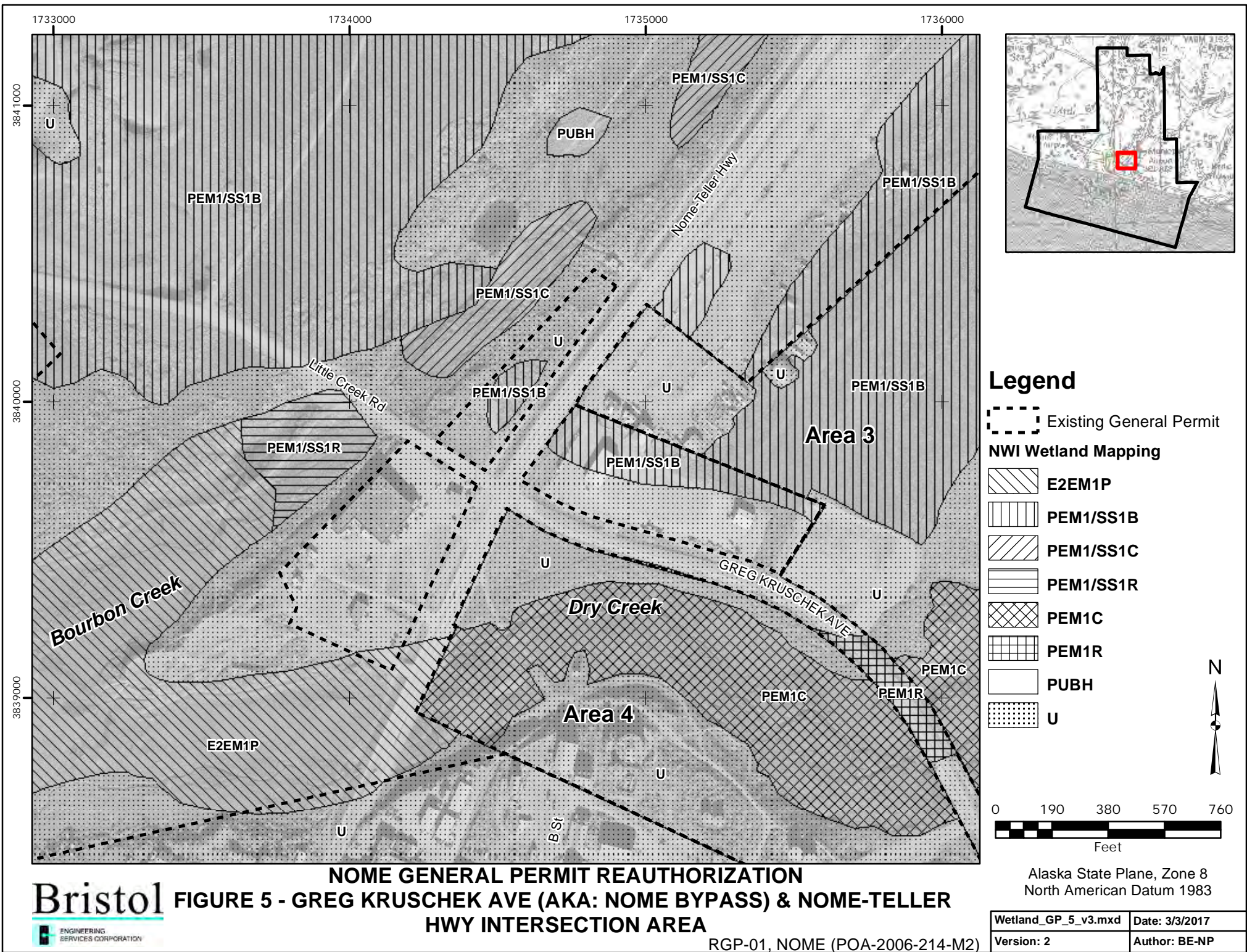
Wetland_GP_4_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP



**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 4 - CEMETERY ROAD AREA**

RGP-01, NOME (POA-2006-214-M2)



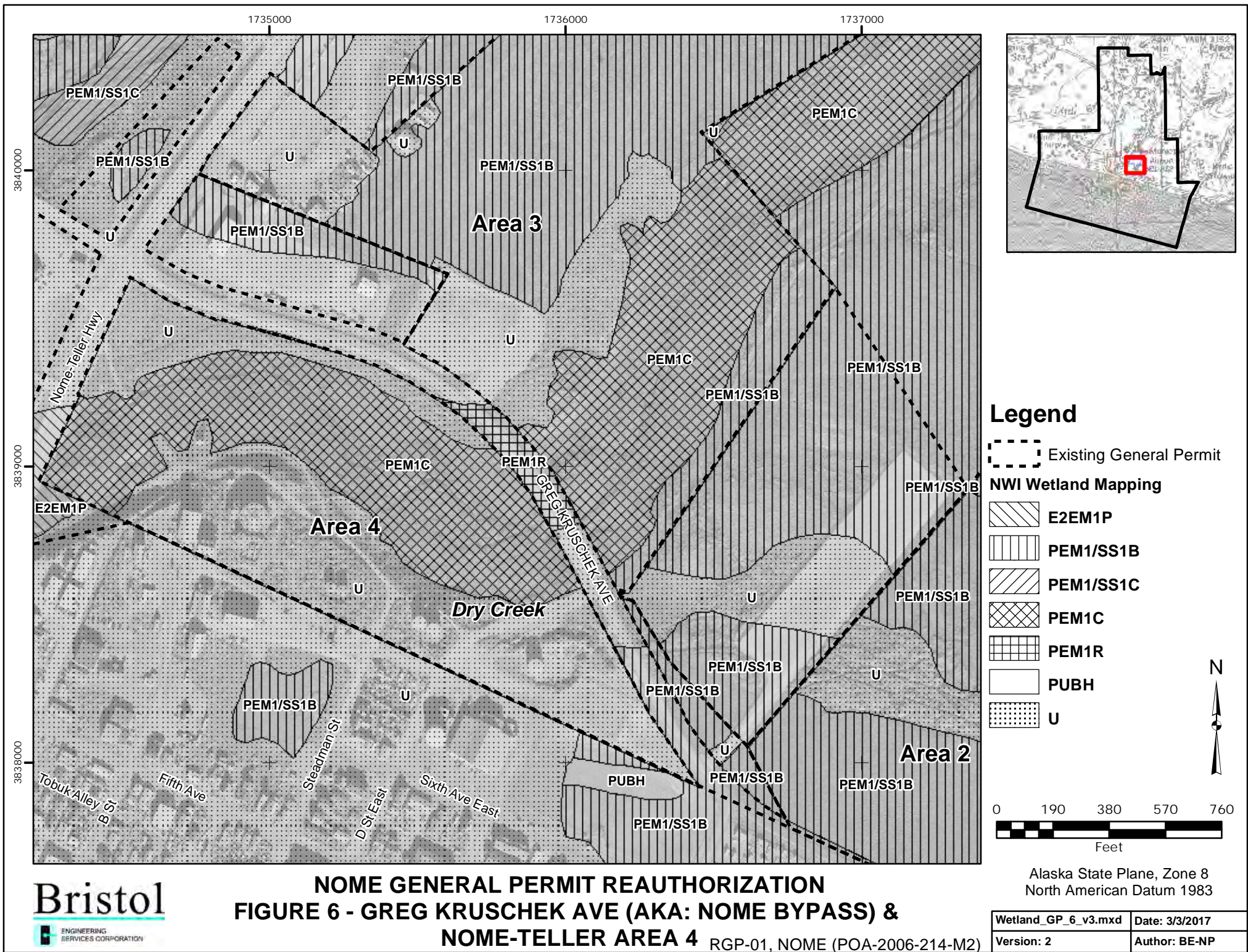


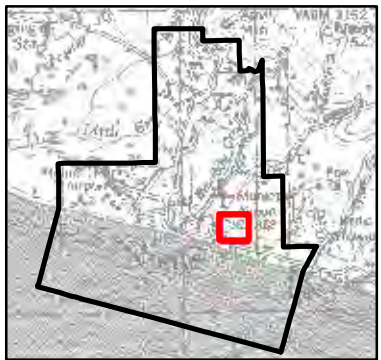
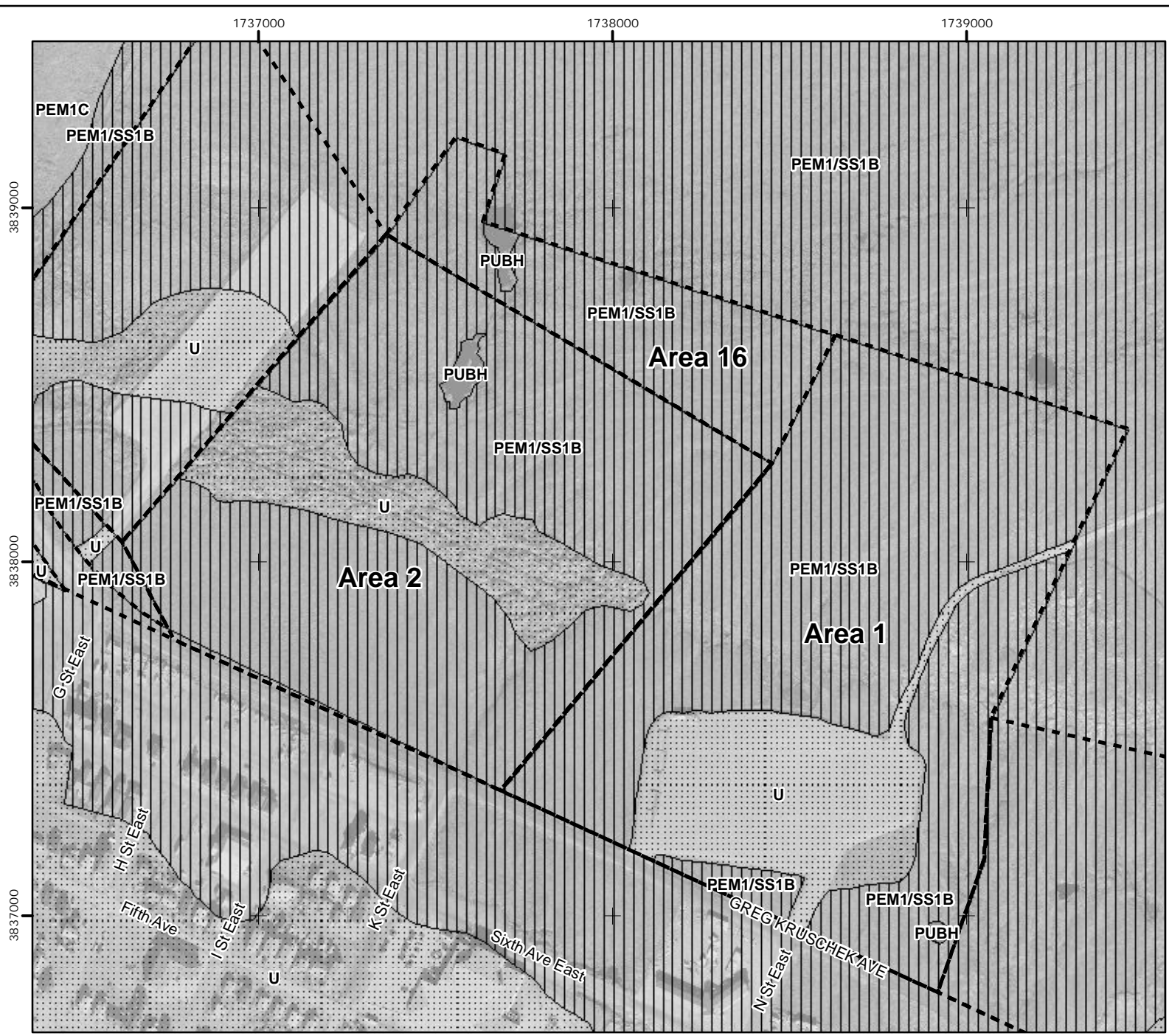
**Bristol**

ENGINEERING SERVICES CORPORATION

**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 5 - GREG KRUSCHEK AVE (AKA: NOME BYPASS) & NOME-TELLER HWY INTERSECTION AREA**

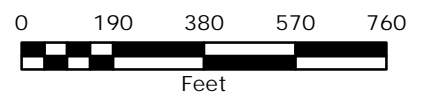
RGP-01, NOME (POA-2006-214-M2)





**Legend**

- Existing General Permit
- NWI Wetland Mapping**
- PEM1/SS1B
- PUBH
- U



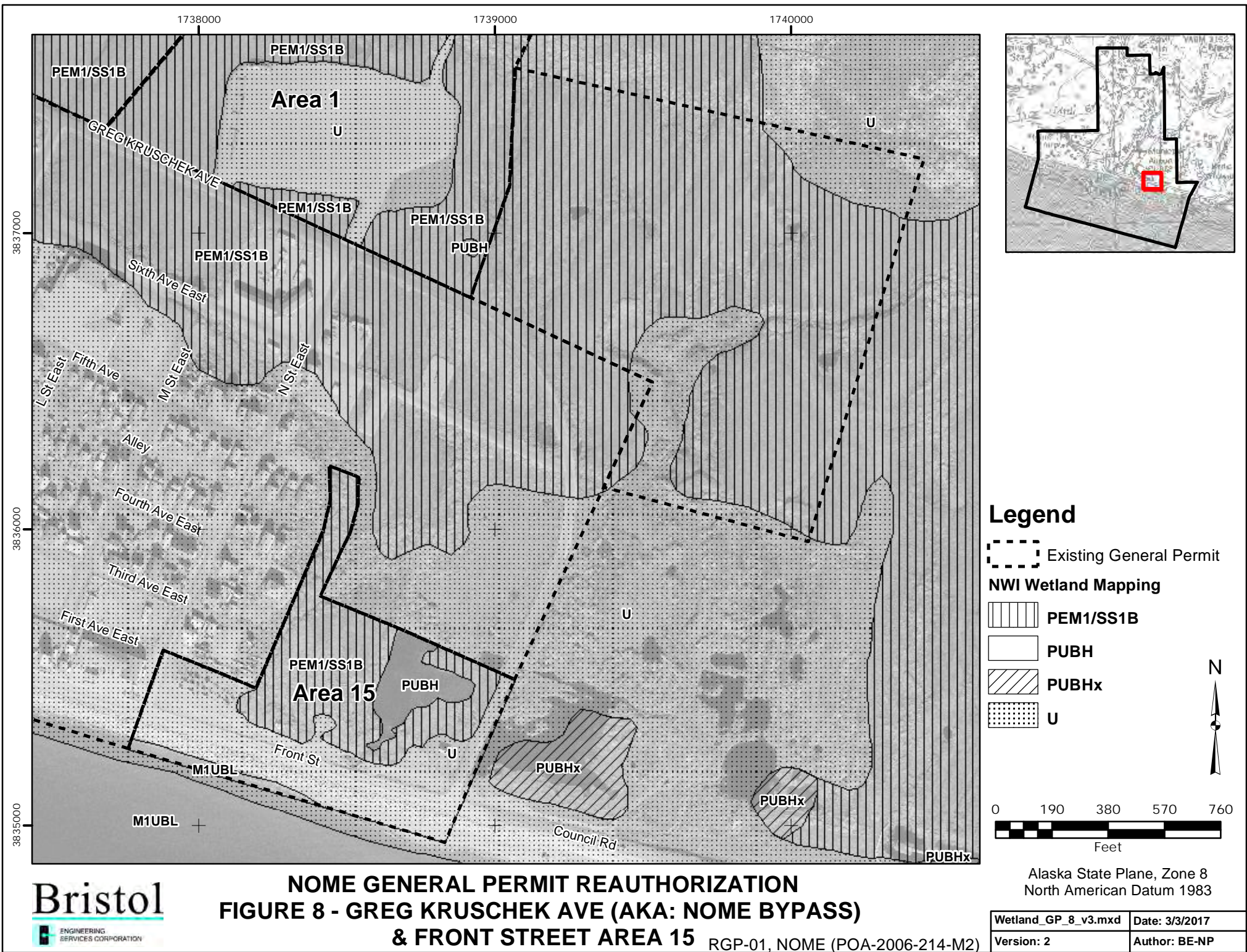
Alaska State Plane, Zone 8  
North American Datum 1983

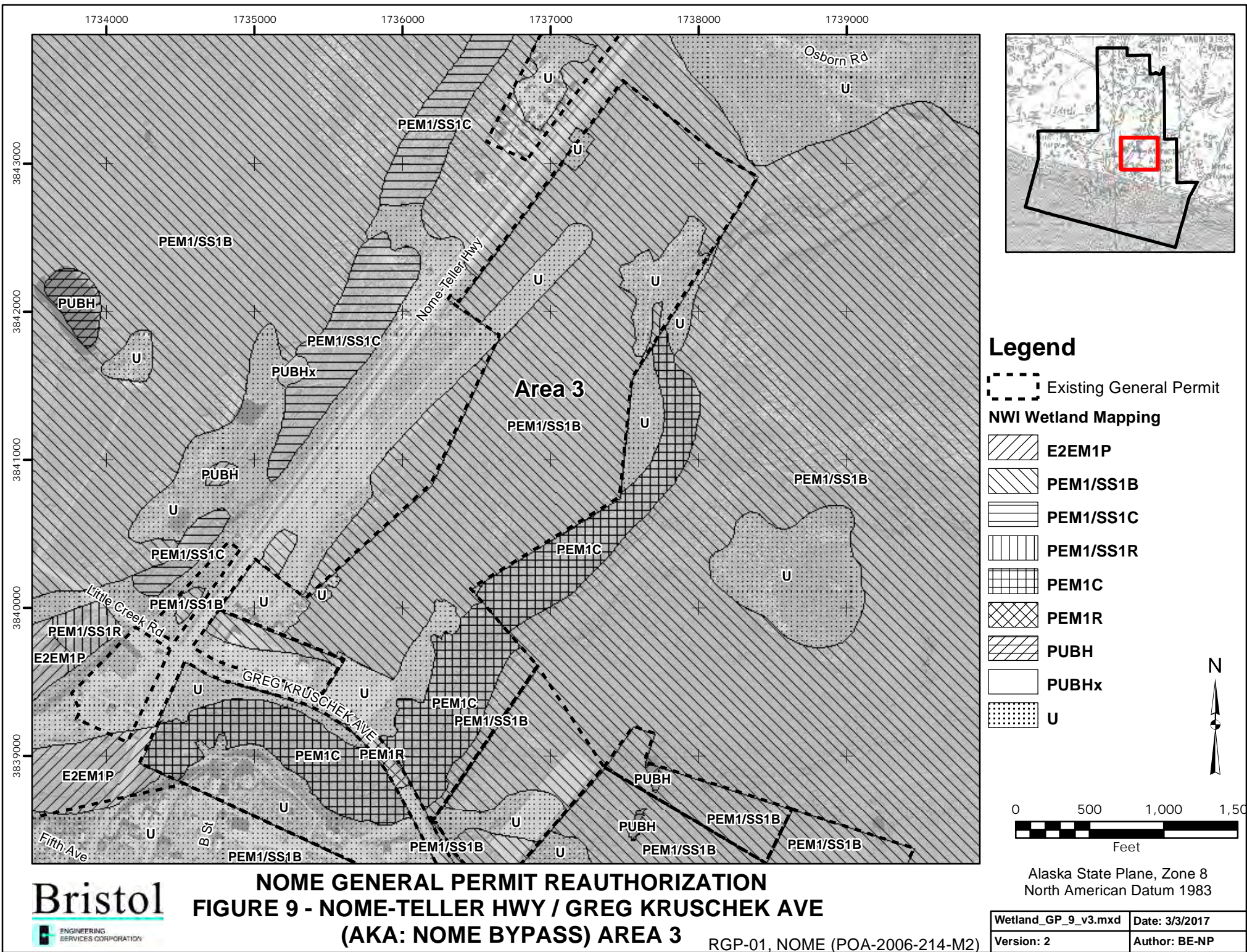


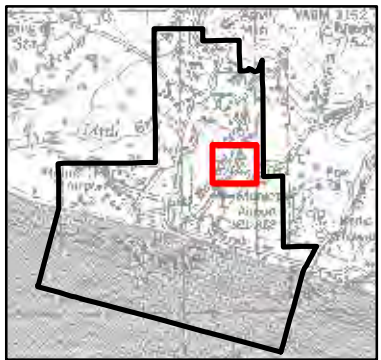
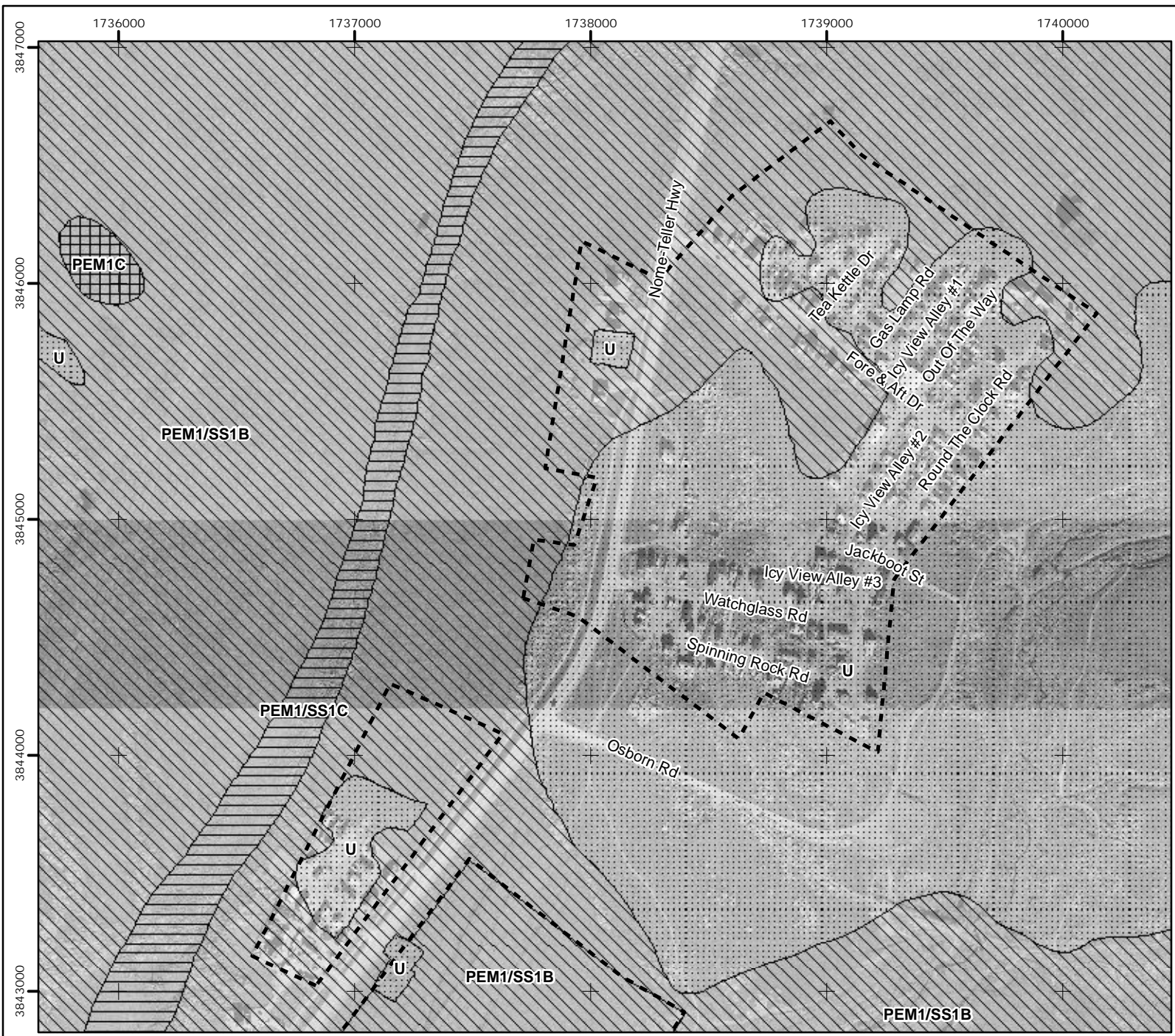
**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 7 - GREG KRUSCHEK AVE (AKA: NOME BYPASS)**  
**AREA 1, 2, & 16**

RGP-01, NOME (POA-2006-214-M2)






Wetland_GP_7_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP

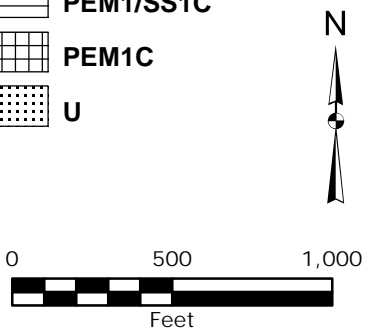






**Legend**

-  Existing General Permit
- NWI Wetland Mapping**
-  PEM1/SS1B
-  PEM1/SS1C
-  PEM1C
-  U



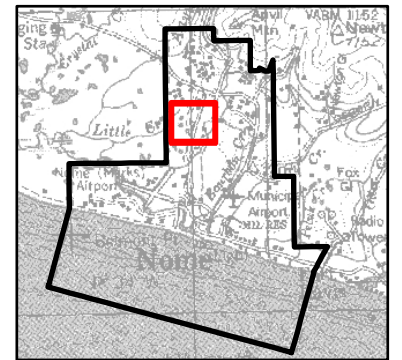
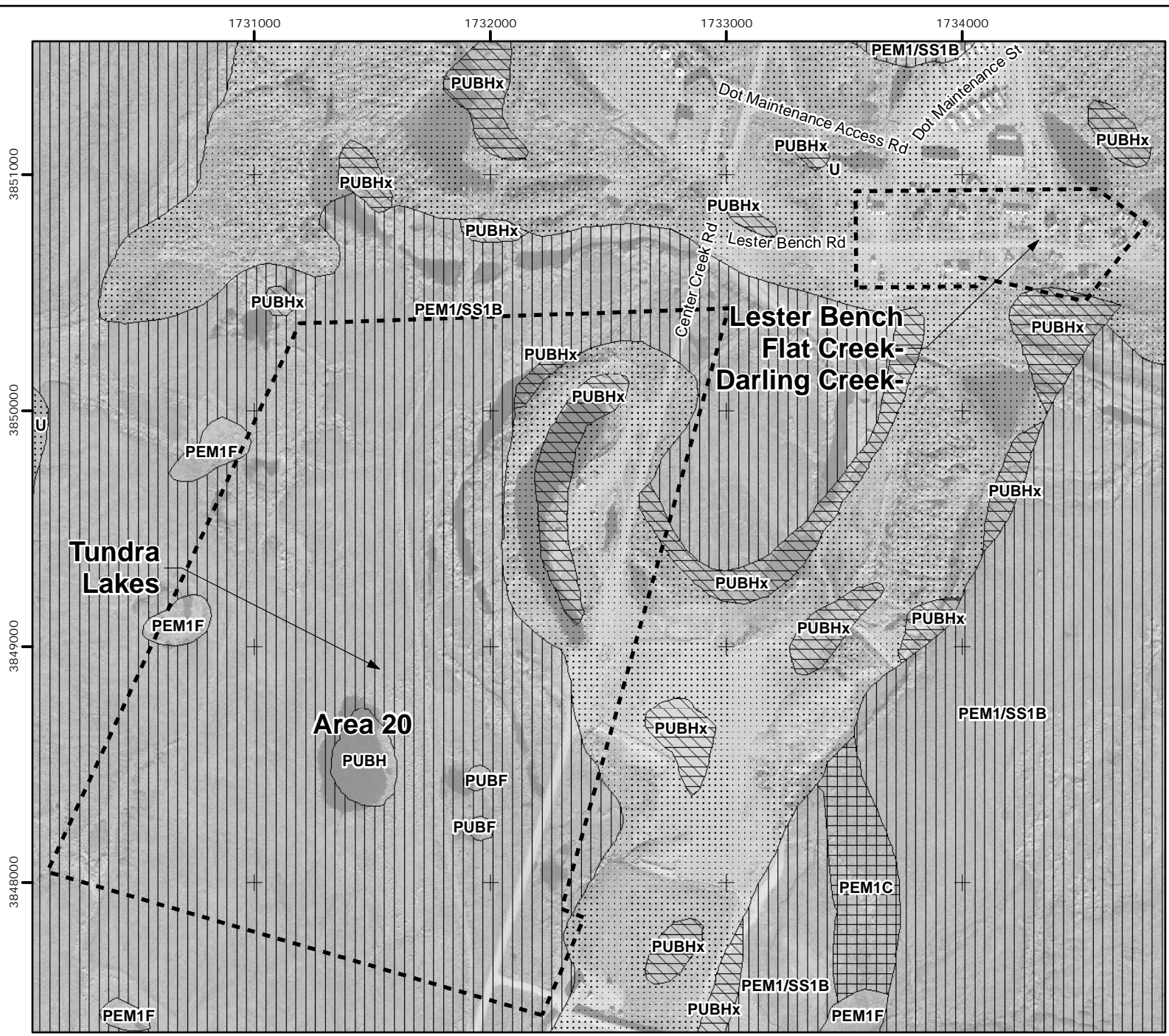
Alaska State Plane, Zone 8  
North American Datum 1983



**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 10 - NOME-TELLER HWY -**  
**ICY VIEW & MARTINSON**

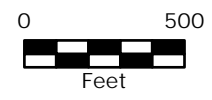
RGP-01, NOME (POA-2006-214-M2)

Wetland_GP_10_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP



**Legend**

- Existing General Permit
- E1UBL
- E2EM1P
- M1UBL
- PEM1/SS1B
- PEM1/SS1R
- PEM1C
- PEM1R
- PUBHx
- U



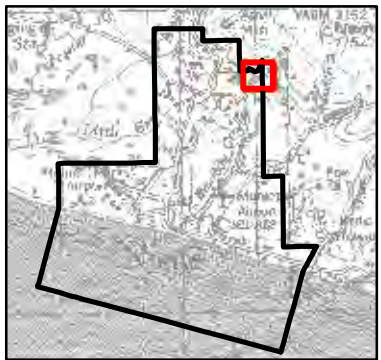
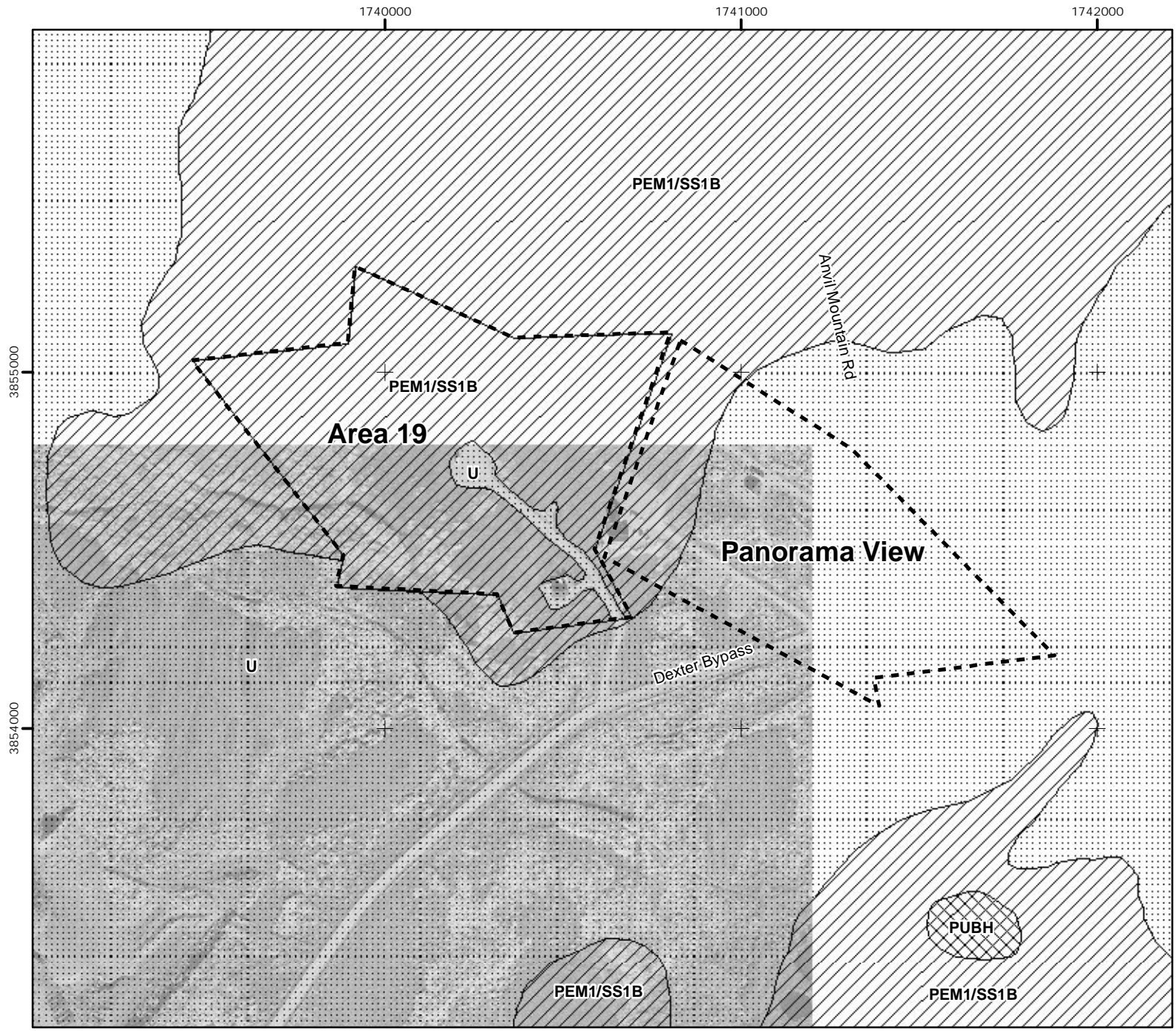
Alaska State Plane, Zone 8  
North American Datum 1983



**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 11 - CENTER CREEK RD & LESTER BENCH AREA 20**

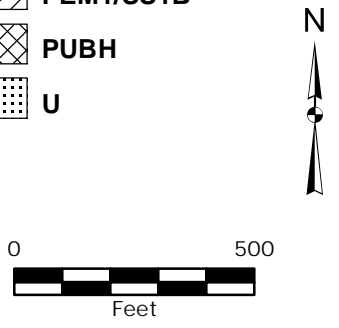
RGP-01, NOME (POA-2006-214-M2)

Wetland_GP_11_v3.mxd	Date: 8/21/2017
Version: 2	Author: BE-NP



**Legend**

- Existing General Permit
- NWI Wetland Mapping**
- PEM1/SS1B
- PUBH
- U



Alaska State Plane, Zone 8  
North American Datum 1983



**NOME GENERAL PERMIT REAUTHORIZATION**  
**FIGURE 12 - DEXTER BYPASS - PANORAMA VIEW & AREA 19**

RGP-01, NOME (POA-2006-214-M2)

Wetland_GP_12_v3.mxd	Date: 3/3/2017
Version: 2	Author: BE-NP



## MAP LEGEND GUIDE

### Wetlands and Deepwater Habitats Classification

<b>E1UBL</b>	Estuarine subtidal, unconsolidated bottom, subtidal
<b>E2EM1P</b>	Estuarine intertidal, emergent persistent, irregularly flooded
<b>MIUBL</b>	Marine subtidal, unconsolidated bottom, subtidal
<b>M2USP</b>	Marine intertidal, unconsolidated shore, irregularly flooded
<b>PEM1/SS1B</b>	Palustrine emergent persistent / scrub-shrub broadleaf deciduous, saturated
<b>PEM1C</b>	Palustrine emergent persistent, seasonally flooded
<b>PEM1Cx</b>	Palustrine emergent persistent, seasonally flooded, excavated
<b>PEMIF</b>	Palustrine emergent persistent, semi-permanently flooded
<b>PEM1/SS1R</b>	Palustrine emergent persistent / scrub-shrub broadleaf deciduous/seasonally tidal
<b>PEM1/SS1C</b>	Palustrine emergent persistent / scrub-shrub broadleaf deciduous, seasonally flooded
<b>PUBH</b>	Palustrine emergent, unconsolidated bottom permanently flooded
<b>PUBHx</b>	Palustrine emergent, unconsolidated bottom permanently flooded excavated
<b>U</b>	Uplands

**U.S. Army Corps of Engineers, Alaska District  
PRECONSTRUCTION NOTIFICATION FORM  
for RGP-01, Nome**

May be used instead of Form ENG 4345 to request verification under the Nome Regional General Permit (RGP-01, Nome). 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 Nome Regional General Permit (RGP-01) section.

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

<b>Agent:</b>	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 (if known):
Latitude and Longitude (Decimal Degrees, NAD-83):
Driving Directions to Site:

**Description of the Proposed Project:**

<p><b>Description of the proposed project, including the area (square feet or acres) of proposed wetland impacts and the volume (cubic yards), type, and source of fill material proposed to be used. Use additional sheets if necessary.</b></p>
<b>Project Purpose:</b>

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 be located in an area(s) excluded from GP coverage?

YES or NO

Have any permits been issued for this site or project in the past (if known)?

YES or NO

Will your proposed project result in a wetland loss of greater than 1/10 acre?

YES or NO

If YES, describe how you will satisfy the mitigation requirement by completing the attached Mitigation Statement (i.e. Part B).

The PCN must include:

- An approved Site Plan from the City of Nome.
- 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/> and click on “Guide to Drawings”)
- Complete of Part B of the PCN if a wetland loss greater than 1/10 acre would occur.

**Jurisdictional Determination**

The Corps has received new guidance (Regulatory Guidance Letter 16-01) which states that the Corps will only complete a jurisdictional determination (JD) form if the applicant requests it. In other words, if the applicant does not request a JD, we can proceed straight into our permit evaluation, without completing a JD form.

If you wish to obtain a JD there are two types you may request:

An Approved Jurisdictional Determination (AJD) is completed when we can state definitively that we do or do not have authority over the aquatic resource in question. Approved JDs often require a site visit during the growing season. An AJD is appealable and expires after five years.

A preliminary jurisdictional determination (PJD) is when the Corps determines that we may have authority over the aquatic resources in the project area. A PJD often doesn't require a site visit and is expedited. It is not appealable and does not expire. Applicants who want a JD may request a PJD because it is often more expedient than an AJD.

Please indicate which you prefer:

NO JD REQUESTED or AJD or PJD

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

# Applicant Proposed Mitigation Statements

## Background:

The U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency issued regulations that govern national compensatory mitigation policy for activities in waters of the U.S., including wetlands, authorized by Corps permits. The final mitigation rule was published in the federal register on April 10, 2008, and became effective on June 9, 2008. The final rule establishes standards and criteria for the use of appropriate and practicable compensatory mitigation for unavoidable functional losses of aquatic resources authorized by Corps permits (33 CFR Part 332). Additionally, the rule requires new information to be included in Corps permit applications and public notices to enable meaningful comments on applicant proposed mitigation. In accordance with 33 CFR Part 325.1(d)(7), "For activities involving discharges of dredged or fill material into waters of the U.S., the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts." For additional information, the final mitigation rule can be viewed at: [http://www.usace.army.mil/cw/cecwo/reg/news/final\\_mitig\\_rule.pdf](http://www.usace.army.mil/cw/cecwo/reg/news/final_mitig_rule.pdf)

Mitigation is a sequential process of avoidance, minimization, and compensation. Compensatory mitigation is not considered until after all appropriate and practicable steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem. Please provide your proposed avoidance, minimization, and compensatory mitigation below:

## Applicant's Proposed Mitigation (attach additional sheets as necessary):

### 1. Avoidance of impacts to waters of the U.S., including wetlands:

*Please describe how, in your project planning process, you avoided impacts to waters of the U.S., including wetlands, to the maximum extent practicable. Examples of avoidance measures include site selection, routes, design configurations, etc...*

## **Applicant Proposed Mitigation Statements**

2. **Minimization of unavoidable impacts to waters of the U.S., including wetlands:**

*Please describe how your project design incorporates measures that minimize the unavoidable impacts to waters of the U.S., including wetlands, by limiting fill discharges to the minimum amount/size necessary to achieve the project purpose.*

3. **Compensation for unavoidable impacts to waters of the U.S., including wetlands:**

*Please describe your proposed compensatory mitigation to offset unavoidable impacts to waters of the U.S., or, alternatively, why compensatory mitigation is not appropriate or practicable for your project. Compensatory mitigation involves actions taken to offset unavoidable adverse impacts to waters of the U.S., including wetlands, streams and other aquatic resources (aquatic sites) authorized by Corps permits. Compensatory mitigation may involve the restoration, enhancement, establishment (creation), and/or the preservation of aquatic sites. The three mechanisms for providing compensatory mitigation are mitigation banks, in-lieu fee of mitigation, and permittee-responsible mitigation. Please see the attached definitions for additional information.*

# **Applicant Proposed Mitigation Statements**

## **Definitions:**

**Enhancement:** the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment (creation):** the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area and functions.

**In-lieu fee program:** a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor. However, the rules governing the operation and use of in-lieu fee programs are somewhat different from the rules governing operation and use of mitigation banks. The operation and use of an in-lieu fee program are governed by an in-lieu fee program instrument.

**Mitigation bank:** a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation banking instrument.

**Permittee-responsible mitigation:** an aquatic resource restoration, establishment, enhancement, and/or preservation activity undertaken by the permittee (or an authorized agent or contractor) to provide compensatory mitigation for which the permittee retains full responsibility.

**Practicable:** available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Preservation:** the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Restoration:** the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.