



Public Notice

US Army Corps
of Engineers

Alaska District
Regulatory Branch (1145b)
Post Office Box 898
Anchorage, Alaska 99506-0898

Date: 12 December 2001

Identification No SPN 2001-14

In reply refer to above Identification Number

SPECIAL PUBLIC NOTICE 2001-14

GENERAL PERMIT 89-03N Residential and Community Projects within the State of Alaska

A General Permit (GP) has been reissued pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and in accordance with the Department of Army Regulations (33 CFR Part 320-330). The GP authorizes the discharge of fill material into waters of the U.S. for Department of Housing and Urban Development (HUD) assisted housing construction including driveways, yards, and road projects in rural Alaska. In addition, a Federal, State, local, or Native/tribal governmental organization such as the Bureau of Indian Affairs, State of Alaska, local housing authority, a City, or a Native Village, may apply for authorization under this GP for non-commercial residential construction. The placement of fill material associated with residential construction activities which does not fall within the scope of this General Permit (GP), or which fails to meet the terms and conditions, are not authorized by this GP.

In response to Special Public Notice 2001-07 dated August 23, 2001 the proposed GP was revised to reflect comments and address concerns submitted by the interested public and other resource agencies. The State of Alaska Division of Governmental Coordination (ADGC) found the project consistent with Alaska Coastal Management Program. The Corps has added the ADGC recommended condition to the GP. Based on a review of all pertinent information including a prepared environmental assessment, I have concluded that the reissuance of this GP will not have more than minimal impacts on the environment, and is not contrary to the public interest.

The attached GP-89-3N outlines the criteria, which must be met in order for work to be accomplished. An individual wishing to perform work under this general permit must review these conditions carefully. If the proposed work does not meet the requirements of the conditions, the general permit will not apply and an individual Department of the Army permit application must be submitted.

All activities must be in accordance with the conditions of the modified general permit, a copy of which is attached. Failure to comply with the terms and conditions of the general permit could result in suspension, modification or revocation of the permit, and/or imposition of penalties as provided by law.

This general permit has been issued for a period of five years, effective the date of the signature shown on the last page of the permit. At the end of this five-year period, an evaluation of the general permit will be made, and at that time it will be decided whether or not this general permit should be renewed. The District Engineer, or his authorized representative, 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.

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

Attachment

GENERAL PERMIT 89-03N

Placement of Fill Material into Wetlands for Residential and Other Community Projects

The Alaska District, Corps of Engineers, in accordance with its regulations and pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) is modifying and reissuing this general permit to authorize Federal, State, local, or Native/tribal governmental organizations to place fill material into waters of the United States, including wetlands, for the purposes of residential construction on rural lands within the State of Alaska, contingent on meeting the terms and conditions listed below. Placement of dredged or fill material into waters of the United States, including wetlands, for activities which do not fall within the scope of this General Permit (GP), or which fail to meet the terms and conditions, are not authorized by this GP, and a Department of the Army individual permit is required.

This GP authorizes the discharge of fill material into, waters of the U.S. for Department of Housing and Urban Development (HUD) assisted housing construction including driveways, yards, and road projects in rural Alaska. In addition, a Federal, State, local, or Native/tribal governmental organization such as the Bureau of Indian Affairs, State of Alaska, local housing authority, a City, or a Native Village, may apply for authorization under this GP for non-commercial residential construction. Excluded areas (non-rural) are within the city limits and municipal boundary limits that include contiguous or adjacent suburbs of Anchorage, Eagle River, Palmer, Wasilla, Fairbanks, North Pole, Juneau, Douglas, Ketchikan, Wrangell, Petersburg, Sitka, Haines, Skagway, Homer, Seward, Kenai, Soldotna, Kodiak, Valdez, Cordova, Nome, Unalaska, and Kotzebue. The North Slope Borough (GP 83-80), Bethel (GP 83-4N), Nome (GP 90-1M), and Homer (GP 88-6N) are covered by other GPs for residential fill that have precedence over this GP, thus this GP does not apply in the areas covered by those GPs. Residential construction is defined as housing, community buildings (e.g., schools, day care centers, utility buildings, health clinics, community centers), and their associated driveways and access roads. Only non-commercial residential development is authorized under this GP. Specifically excluded from this GP are power generation facilities, fuel storage and/or sewage treatment facilities. Commercial developments which involve the discharge of fill material into waters of the U.S., including wetlands, must first receive an individual Department of the Army (DA) permit, or must comply with one of the existing nationwide permits (33 CFR 330.5, Appendix A, Part B) or other general permits before construction. Applicants must follow the conditions and application procedure identified below for authorization under this residential housing GP.

This GP does not authorize fill material borrow sites. A separate individual DA permit may be necessary if a borrow site is proposed in wetlands or other waters of the United States. This GP does not authorize work in fish-bearing waters, including placement of culverts or bridges.

This GP does not supersede local wetland management plans, coastal management plans, or other general permits. This general permit may be applied only where it does not conflict with an existing policy.

APPLICATION PROCEDURES

A local housing authority, HUD, a city or village, or another governmental organization may apply for authorization by submitting an application or letter to the Corps of Engineers with the following information:

- 1) The project location, number of structures, and size of fill pads, roads, and any other features of the project that require fill placement.
- 2) A map and plans, including plan view and cross-section view of the project, showing the layout of roads, pads, and residences in relation to other features of the town (see attached sample plans). Maps should show lake and stream locations, drainage patterns, and topography. Plans must show location and size of culverts or other water-crossing structures.
- 3) A description of soil conditions and building foundation type proposed.
- 4) The source of material to be used as fill for the project.
- 5) Photographs or any other information that would verify that the proposed work meets the conditions of the GP.

The plans will be reviewed by this office for compliance with the terms and conditions of the GP. Normally within 30 days of receiving a complete request, a letter shall be sent from this office to the applicant stating whether or not the proposed project is authorized by the GP. Copies of the letter will be furnished to HUD or other interested parties for their records.

Modification of authorized work, including changes in the size or location of the footprint of the project, or the amount or type of fill material, shall require submittal of revised plans for review and approval prior to construction.

PRE-CONSTRUCTION NOTIFICATION PROCEDURE (PCN)

The Corps will complete a "Pre-Construction Notification" for the proposed project when the access road for the project crosses a wetland for more than 2,000 linear feet. The PCN review will proceed as follows:

- (1) Applicant submits a request for a permit by providing the application information and plans as described above.
- (2) The Corps project manager reviews the application and determines that the GP is applicable, pending PCN procedures.
- (3) The Corps project manager faxes the plans to interested agencies and parties.
- (4) The agencies and parties have 15 working days to contact the Corps, in writing, by FAX, e-mail, or by telephone, with comments on the project.
- (5) The applicant will be issued a GP, or notified that the GP will not apply to the project and an individual permit is required.

CONDITIONS OF THE GENERAL PERMIT

The Corps can add Special Conditions to a GP authorization. All activities identified and authorized by this GP shall be consistent with the following conditions:

Project limitations are

a) individual house fill pads and driveways not exceeding a footprint size of 12,500 square feet and access road fill in wetlands not exceeding 2,000' long by 30' wide;

or b) an average of 10,000 square feet per housing unit, including roads, driveways, and other fill structures associated with the project;

and, c) individual community buildings (school, community center, health clinic, etc.) fill pad and driveways not exceeding a footprint size of 22,000 square feet and access road fill in wetlands not exceeding 2,000' long by 30' wide.

2. Driveways will be limited to maximum footprint dimensions of 100 feet long by 30 feet wide and defined as a connecting link of fill between an access road and

an individual house pad. Residential access roads shall be defined as any road constructed primarily to access two or more residential lots.

3. Fill material shall not be placed into or within 100 feet horizontally, of the ordinary high water mark or high tide line of any open water body, including streams, sloughs, rivers, ponds, lakes estuaries, marine waters, or permanently flooded emergent wetlands, nor within seasonal drainages.

4. Within the Matanuska-Susitna Coastal District boundary, all habitable structures, petroleum storage, and sanitary facilities must be a minimum of 75 feet from the ordinary high water line of rivers, streams, and lakes.

5. The fill area should be minimized by consolidating activities and uses of the fill. Utility lines (water, electrical, telephone, sewer, etc.) should be located within the road or driveway fill.

6. Sufficient fill thickness and/or insulation shall be utilized in all fills to prevent detrimental thermal degradation of underlying permafrost.

7. Natural drainage patterns shall be maintained in the project area by installation of culverts of adequate number and size to prevent flooding or excessive drainage of adjacent wetlands. Excessive ponding and/or dewatering of areas adjacent to fills indicate non-compliance with this condition.

8. All fill material discharged under this GP shall be free of toxic substances as defined by 18 ACC 70.110(44) in amounts that meet or exceed the state water quality criteria as required by 18 AAC 70.020.

9. All cuts, fills, and disturbed areas resulting from project construction shall be stabilized to minimize erosion and subsequent sedimentation of streams and wetlands. Fill material shall consist of material appropriate for the structure. If seeding is done to promote revegetation, local, native species shall be used. Active sloughing or erosion scars of the cut banks, fill subsidence, sedimentation, and erosion scars in ditches and around culverts are indicators that stabilization or fill type is not adequate.

10. All equipment operation shall be confined to the project footprint to prevent unnecessary damage to adjacent vegetation, except work that is done during winter with adequate snow depth to prevent damage to underlying vegetation. Excessive ponding resulting from permafrost degradation or substrate compaction indicates non-compliance with this condition.

11. The proposed activity shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (Act), as amended, or endanger the critical habitat of such species. In addition, the proposed activity shall not jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat. **The District Engineer shall conduct a determination of effect by contacting the U.S. Fish and Wildlife Service for each application received as a GP request.** The presence, or subsequent discovery, of a threatened, endangered or proposed species or critical habitat which may be affected by a permitted action or related activities may result in a delay of permit issuance for the specific operation in order to include Section 7 consultation and/or conference, as required by the Act. This may include a requirement for a survey for endangered species prior to construction.

12. The proposed activity shall not be located within one-quarter mile of an eagle nest site unless the Fish and Wildlife Service determines that the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Eagle Protection Act (16 USC 668-668c revised 11/08/78).

13. Federal applicants must provide evidence that they have initiated consultation with the State Historic Preservation Officer (SHPO) and, if necessary, the Advisory Council on Historic Preservation as per Section 106 of the National Historic Preservation Act. Should an adverse effect to historic properties be identified, the DA will become an interested party to the consultation. When the applicant is a non-federal entity, the DA will assume lead agency role in Section 106 consultation. State or housing authority applicants must consult with the DA and SHPO to accomplish this purpose.

14. If you discover any previously unknown archeological or historic remains while accomplishing the activity authorized by this GP, you must immediately inform this office, the State Historic Preservation Office and the coastal district (if within a coastal district), of what you have found. In the case of a Federal applicant, the applicant and the SHPO shall determine if the remains are eligible for inclusion in the National Register of Historic Places, and determine, in consultation with the Advisory Council for Historic Properties, any appropriate mitigation. The DA shall function as an interested party. In the case of a non-federal applicant, the DA shall take the lead agency role in consultation.

15. Dredged and/or fill material shall not be discharged within the boundaries of any State Game Refuge, Game Sanctuary, or Critical Habitat Area, regardless of land ownership, nor shall any action relative to the development or access by owners, their agents, or contractors encroach upon any Conservation Unit without written approval of such action from the managing agency.

16. Dredged and/or fill material shall not be discharged within any component of the National Wild and Scenic River system, or within established National Parks, Monuments, Natural landmarks, Historic Sites, or Wildlife Ranges or Refuges.

17. You must maintain the facilities authorized by this GP in good condition and in conformance with the terms and conditions of this GP. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party by contacting the Corps district office (Regulatory Branch, Post Office Box 898, Anchorage, Alaska 99506-0898). Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from the Corps, which may require restoration of the area.

18. Prior to fill placement and installation of any on-site wastewater treatment system (including mounded systems or package plants) within the fill site or contiguous wetlands, on site sewage system design plan approval shall be obtained from the Alaska Department of Environmental Conservation. For sites that have marine outfalls, design plans for the outfalls shall be approved by the Alaska Department of Environmental Conservation prior to fill placement.

LIMITS OF THIS AUTHORIZATION

- (1) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by laws.
- (2) This permit does not grant any property rights or exclusive privileges.
- (3) This permit does not authorize any injury to the property or rights of others.
- (4) This permit does not authorize interference with any existing or proposed Federal Project.

LIMITS OF FEDERAL LIABILITY

In issuing this permit the Federal Government does not assume any liability for the following:

- (1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- (2) Damages to the permitted project or uses thereof as a result of the current or future activities undertaken by or on behalf of the United States in the public interest.
- (3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- (4) Design or construction deficiencies associated with the permitted work.
- (5) Damage claims associated with any future modifications, suspension, or revocation of this permit.

INSPECTION

You must allow the District Engineer (DE), or his designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this GP. In the event that work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation. This may include a requirement to obtain an individual permit, even though others in the same area are not required to do so. Refusing access to and inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.

REPORTING AND MONITORING

The permittee shall submit an annual report to the DE for review. The report, to be submitted by February 1st of each year, shall describe work performed during the previous year, including the location and size of areas filled, and as-built drawings of completed projects. Once a project is complete and the information has been provided in an annual report, it is no longer necessary to report on its status.

The reports shall be sent to: Regulatory Branch, Alaska District, Corps of Engineers, Post Office Box 898, Anchorage, Alaska 99506-0898.

REEVALUATION OF PERMIT DECISION

The Corps of Engineers may reevaluate its decision to issue a GP authorization to any person or agency at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

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

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 terms and condition of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply

with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

PENALTIES FOR VIOLATIONS

Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of dredged and/or fill material or other structures, directed restoration of waters and/or wetlands, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or by imprisonment of not more than one year, or both. That individual is also subject to a civil penalty not to exceed \$25,000 per day of the violation.

TERM, EXTENSION, AND REVOCATION OF GENERAL PERMIT

This GP may be revoked by issuance of a Public Notice at any time the DE determines that the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new application will be processed under individual permit application review procedures and the DE would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.

The time limit for authorizing work under this GP ends five years from the date of issuance. Any activity authorized by this GP before the expiration date must also be completed by that date, unless the activities are underway, will be completed within twelve months of the expiration date, and the permittee notifies the Corps of his intent to continue work on the project. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the expiration date.

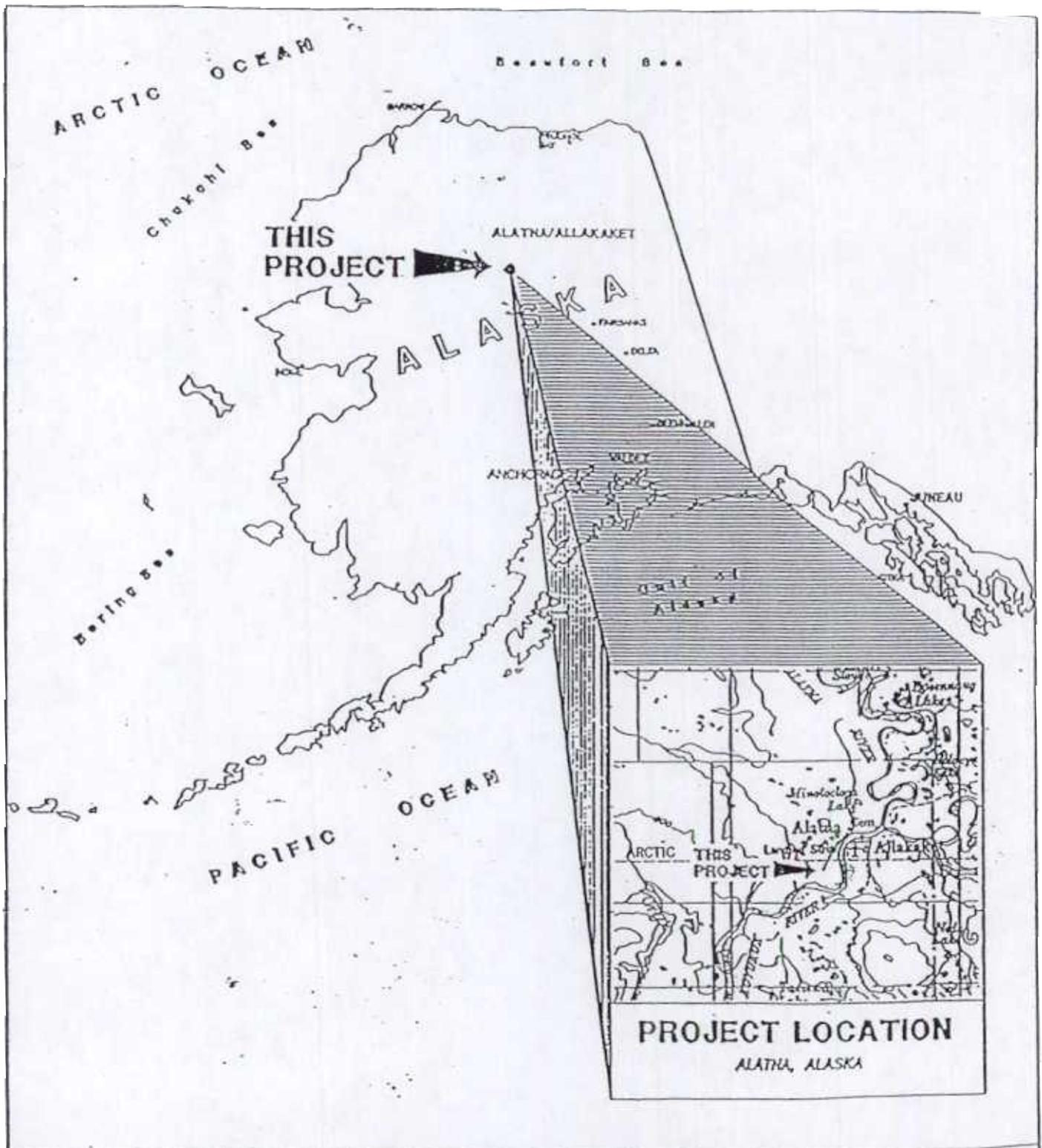
FOR THE DISTRICT ENGINEER



Michiel E. Holley
Chief, North Section
Regulatory Branch
Alaska District, Corps of Engineers

12/6/01

Date

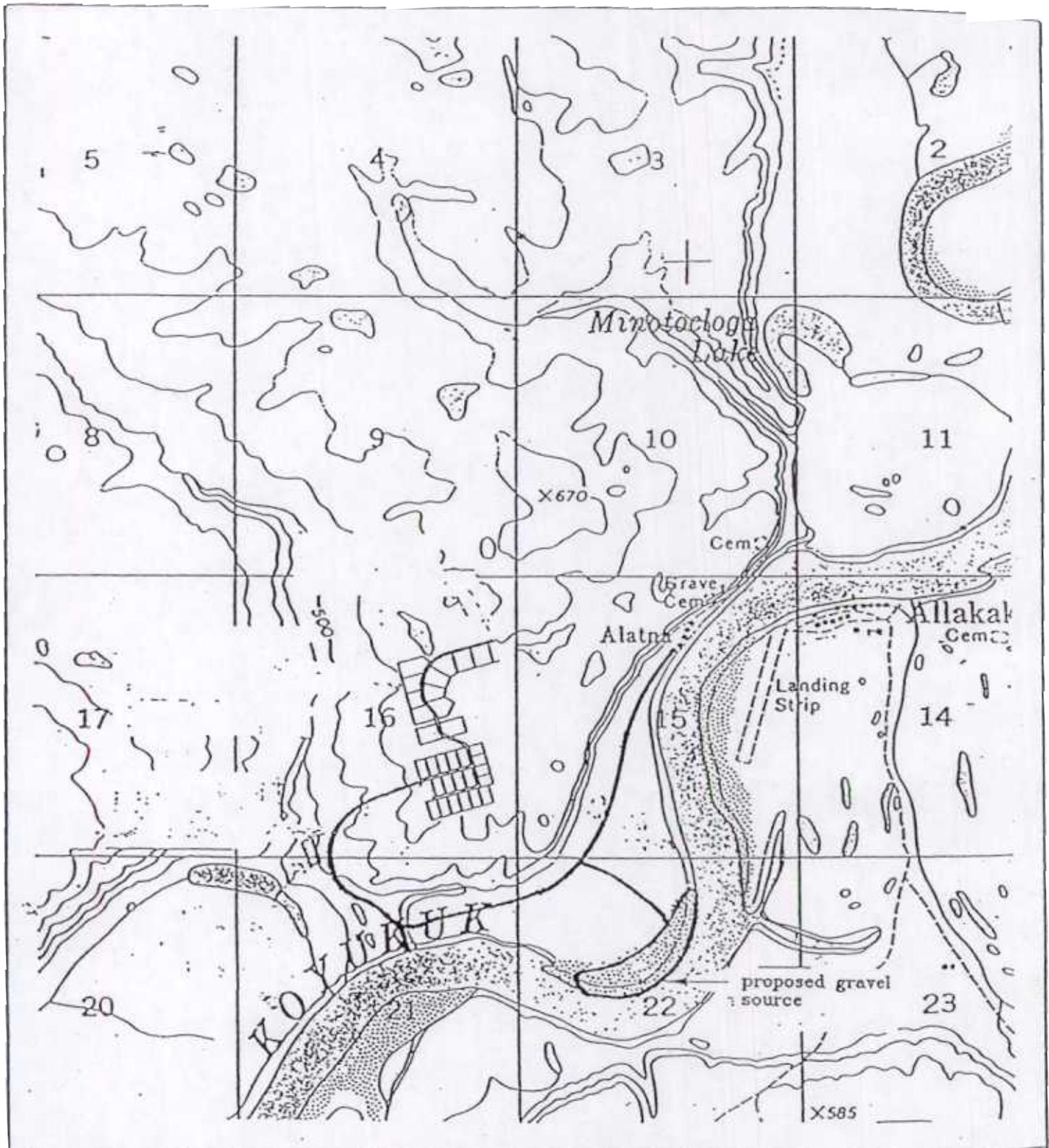


LOCATION MAP

APPLICANT:

WITHIN T 20 N, R-24 W,
SECTIONS 9,10,16,18,21,22
FAIRBANKS MERIDIAN

11/18/04



PLAN VIEW

APPLICANT:

WITHIN T 20 N, R 24 W,
 SECTIONS 9,10,15,16,21,22
 FAIRBANKS MERIDIAN

01/13/05 |

Test Boring 2

Rampart, Alaska

Client: Interior Regional Housing Authority

Location: NW Corner, Lot 7, Block 1

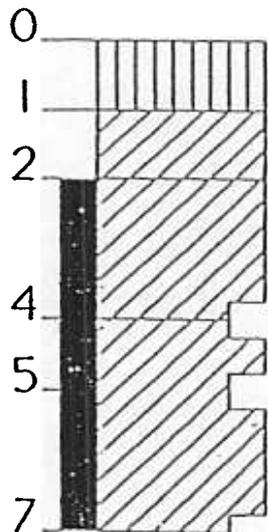
Date: 11-17-93

Engr/Geol: PLB

Drilling Method: SSA

Weather: Sunny, -10 deg.

Terrain and Vegetation: Flat; Willows and Alders



0 ft. Organics/PEAT

1 ft. Gray SILT

2 ft. Frozen Brown SILT with Massive Organics

4 ft. Sample #1 Moisture 53.9%/Frozen Gray SILT With Visible ICE

5 ft. Sample #2 Moisture 86.6%

7 ft. Sample #3 Moisture 83.9%/Bottom of Hole

1 inch PVC Pipe Installed for Thermistor String

ANNUAL REPORT FOR CORPS OF ENGINEERS GENERAL PERMIT 89-03M

APPLICANT: _____

PROJECT LOCATIONS:

FILE NO:

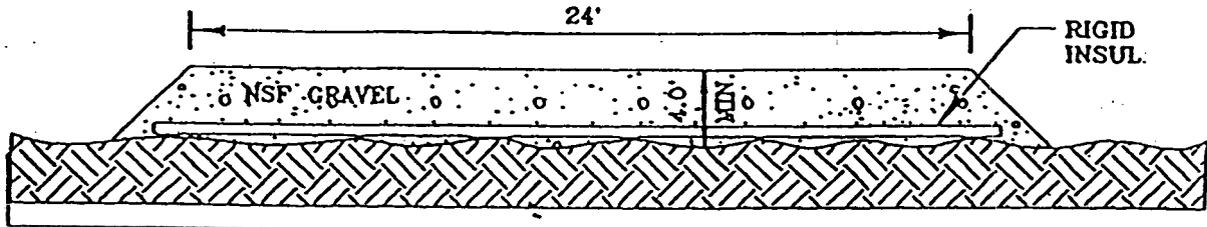
Description of projects, including type of project, location, footprint size in wetlands and uplands, length of roads and driveways, status of construction, completion date. Please attach an as-built drawing for completed projects. Use additional pages as needed.

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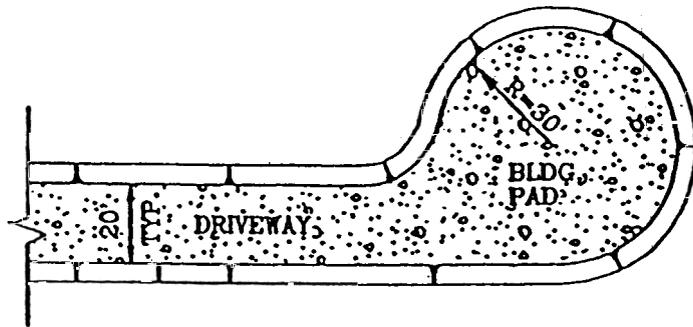
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GRAVEL DEPTH & AMOUNT
OF RIGID INSUL. TO BE
DETERMINED AFTER GEOTECHNICAL
INVESTIGATION



TYPICAL ROADWAY ON ICE-RICH PERMAFROST

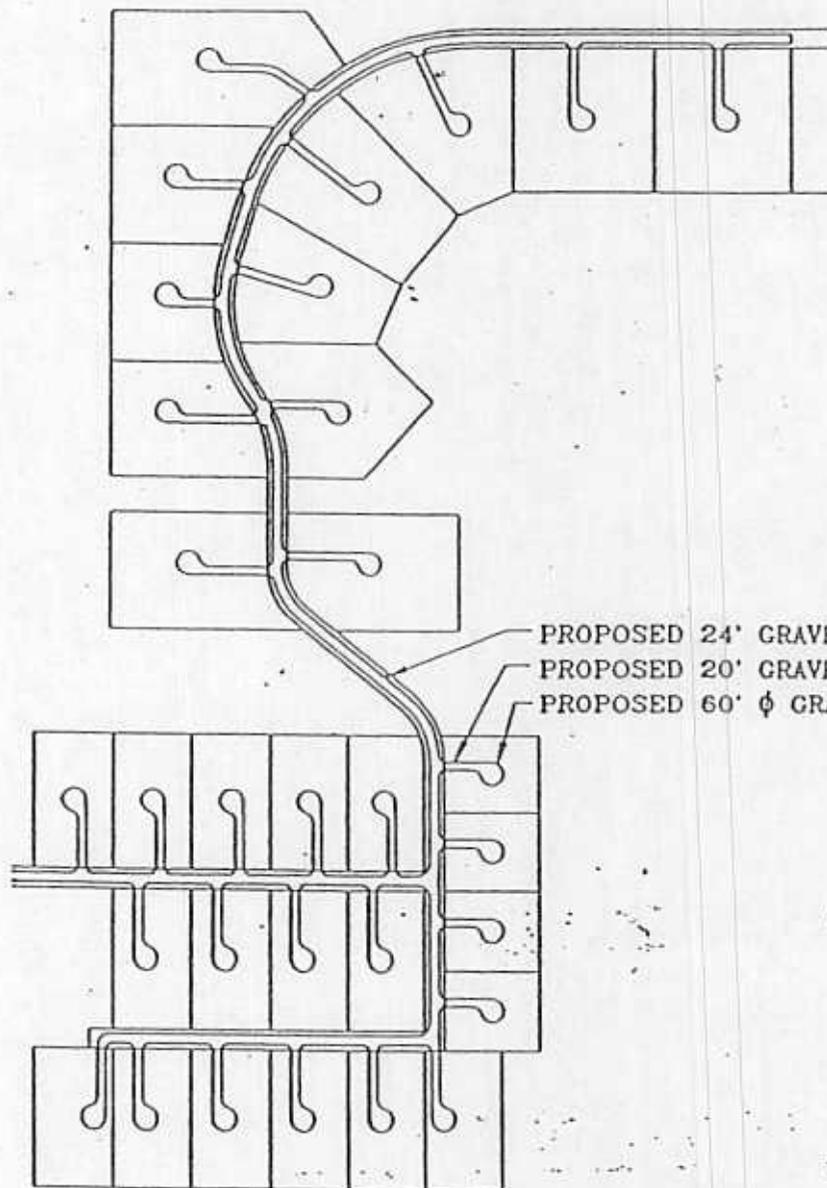


TYPICAL DRIVEWAY & BLDG. PAD PLAN

SECTIONS

APPLICANT:

WITHIN T 20 N, R 24 W,
SECTIONS 9,10,15,16,21,22
FAIRBANKS MERIDIAN



PROPOSED 24' GRAVEL ROADS
 PROPOSED 20' GRAVEL DRIVEWAYS
 PROPOSED 60' ϕ GRAVEL BUILDING PAD

TYPICAL VILLAGE ROAD/PAD LAYOUT

SCALE: 1" = 500'

PLAN VIEW 2

APPLICANT:

WITHIN T 20 N, R 24 W,
 SECTIONS 9, 10, 15, 16, 21, 22
 FAIRBANKS MERIDIAN

03/19/05

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470/FAX: (907) 269-3981

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-3829

November 14, 2001

Ms. Faye DePalmer
U.S. Army Corps of Engineers, Alaska District
P.O. Box 898
Anchorage, AK 99506-0898

RECEIVED

NOV 16 2001

REGULATORY BRANCH
Alaska District, Corps of Engineer

Dear Ms. DePalmer:

SUBJECT GP 89-03M, RENEWAL
STATE I.D. NO. AK 0108-12AA
FINAL CONSISTENCY FINDING

The Division of Governmental Coordination (DGC) is coordinating the State's review of the U.S. Army Corps of Engineers (COE) proposed project for consistency with the Alaska Coastal Management Program (ACMP) and has developed this final consistency finding based on reviewers' comments.

Scope of Project Reviewed

The U.S. Army Corps of Engineers (COE) General Permit (GP) would authorize placing fill material into wetlands for non-commercial residential housing and community buildings and associated driveways and access roads in rural Alaska. Applicants for the GP would include U.S. Department of Housing and Urban Development, and federal, State, local, or Native/tribal governmental organizations such as the Bureau of Indian Affairs, State of Alaska, local housing authority, City, or Native village. Non-rural areas that are excluded include Anchorage, Eagle River, Palmer, Wasilla, Fairbanks, North Pole, Juneau, Douglas, Ketchikan, Wrangell, Petersburg, Sitka, Haines, Skagway, Homer, Seward, Kenai, Soldotna, Kodiak, Valdez, Cordova, Nome, Unalaska, and Kotzebue. Continuous areas or adjacent suburbs of these areas also are excluded. The GP does not authorize fill material borrow sites and does not supersede local wetland management plans, coastal management plans, or other general permits.

The revised GP includes the modifications the State of Alaska required during the previous review to ensure the GP was consistent to the maximum extent practicable with the enforceable policies of the ACMP. In addition, the GP does not apply if Essential Fish Habitat is affected adversely. Nor does it apply to marine or estuarine waters or State designated Critical Habitat Areas or Game Refuges and Sanctuaries unless the activity is specifically authorized by the

agency with jurisdiction over these lands

This consistency finding, developed under 6 AAC 50, applies to the federal consistency determination required for the activity per 15 CFR 930 Subpart C. The activity requires the following State permit:

Alaska Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

Most State agencies should issue permits within five days after DGC issues a final consistency finding. Applicants may not use any State land without DNR authorization. This consistency finding does not obligate any State agency to issue an authorization under its own statutory authority, nor does it supersede state agency statutory obligations. Authorities outside the ACMP may result in additional permit/lease conditions not contained in the consistency finding.

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and all coastal resource districts have reviewed your proposed activity. Based on that review, the State concurs with your determination that this proposed project is consistent with the ACMP to the maximum extent practicable because you have adopted the following alternative measure into your project proposal. This measure will appear as a stipulation on the state permit noted:

Prior to fill placement and installation of any on-site wastewater treatment system (including mounded systems or package plants) within the fill site or contiguous wetlands, on-site sewage system design plan approval shall be obtained from the Alaska Department of Environmental Conservation. For sites that have marine outfalls, design plans for the outfalls shall be approved by the Alaska Department of Environmental Conservation prior to fill placement.

This condition was necessary to insure consistency with the ACMP statewide standard for Air, Land, and Water Quality (6 ACC 80.140), for the protection of land and water quality.

I previously enclosed a copy of relevant ACMP standard

Advisories.

Please be advised that although the State agrees the project is consistent with the ACMP, based on your project description and any alternative measures contained herein, you are still required to meet all applicable State and federal laws and regulations. Your consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

This consistency finding is ONLY for the activity as described. If you propose changes to the approved activity, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary. Changes may require amendments to the State approvals listed in this consistency finding.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

If you have any questions about this review, please contact me at (907) 269-7473 or email maureen_mccrea@gov.state.ak.us.

Sincerely,



Maureen McCrea
Project Review Supervisor

Enclosure

cc:

All Coastal Districts
Lorraine Marshall, DGC
Janet Schempf, DFG
Stefanie Ludwig, DNR/SHPO, Anchorage

Janet Burleson-Baxter, DNR
Fran Roche, DEC

STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF AIR AND WATER QUALITY
NON-POINT SOURCE WATER POLLUTION CONTROL**

TONY KNOWLES, GOVERNOR

555 Cordova Street
Anchorage, AK 99501-2617
PHONE: (907) 269-7564
FAX: (907) 269-7508
<http://www.state.ak.us/dec/>

Certified Return Receipt
7099 3400 0016 8434 4305

December 6, 2001

Faye DePalmer
U.S. Army Corps of Engineers
Regulatory Branch
PO Box 898
Anchorage, AK 99506

RECEIVED

DEC 07 2001

REGULATORY BRANCH
Alaska District, Corps of Engineers

RE: Amendment to Certificate of Reasonable Assurance
GP 89-03M, Placement of Fill into Wetlands for Residential and other
Community Projects on Rural Lands within Alaska
State ID. No. AK 0108-12AA

Dear Ms. DePalmer:

This letter amends the referenced certification issued to the US Army Corps of Engineers, Regulatory Branch, PO Box 898, Anchorage, Alaska 99506, in accordance with Section 401 of the Federal Clean Water Act and provisions of the Alaska Water Quality Standards. The subject certification is reissued with the following condition. This stipulation was adopted pursuant to 6 AAC 50 (Project Consistency with the Alaska Coastal Management Program) and are necessary to ensure that your project is consistent with the ACMP:

- 1 Prior to fill placement and installation of any on-site wastewater treatment system (including mounded systems or package plants) within the fill site or contiguous wetlands, on-site sewage system design plan approval shall be obtained from the Alaska Department of Environmental Conservation. For sites that have marine outfalls, design plans for the outfalls shall be approved by the Alaska Department of Environmental Conservation prior to fill placement.

By the copy of this letter, we are advising the Division of Governmental Coordination of this action. Please contact me if you have any questions concerning this amendment.

Sincerely,



Tim Rumpfelt
Environmental Specialist

cc: Maureen McCrea, DGC

Wayne Dolezal, ADFG

Clean Air, Clean Water