



# Public Notice

**US Army Corps  
of Engineers**

Alaska District

Regulatory Branch (1145b)

Post Office Box 898

Anchorage, Alaska 99506-0898

Date

26 JANUARY 2001

Identification No

SPN 01-01

In reply refer to above Identification Number

SPN 01-01  
General Permit 98-01M  
Wrangell Industrial Park Subdivision

The District Engineer (DE), Alaska District, United States Corps of Engineers (Corps), has issued General Permit (GP) 98-01M (formerly 98-01) for certain activities under authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), to authorize the placement of dredged and/or fill material and structures into wetlands, for activities associated with the construction of foundation pads for industrial development; associated driveways; parking areas; and lot utilities within the City of Wrangell Industrial Park Subdivision located in section 24, T. 62 S., R. 83 E., Copper River Meridian. A map showing areas covered by this GP is attached.

In response to Special Public Notice (SPN) 00-06, dated September 13, 2000, GP 98-01 was modified to reflect comments submitted by local, State, and Federal agencies and interested public. Based on review of all pertinent information, including a prepared Environmental Assessment, I have concluded that reissuance of this permit, with proposed modifications, will have no more than minimal adverse impacts on the aquatic environment and is not contrary to the public interest.

The GP will accommodate projects for the placement of dredged and / or fill material and structures into wetlands, for activities associated with the construction of foundation pads; associated driveways; parking spaces; and lot utilities. GP 98-01M 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. The District Engineer 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.

This GP list General and Special Conditions and other requirement, which must be met for a project to be authorized pursuant to the GP. A party wishing to perform work under GP 98-01M must review the terms and conditions of the permit and submit the necessary information to the Corps to receive confirmation that their work would be covered under this permit. No work can proceed without that confirmation. If the proposed work does not meet the terms and conditions, the GP does not apply and an individual permit would be required.

Any questions or request for additional information should be directed to: Alaska District, Corps of Engineers, ATTN: Janice Stuart, Regulatory Branch, Post Office Box 898, Anchorage, Alaska 99506-0898, phone (907) 753-2720, toll free in Alaska at (800) 478-2712, or by e-mail at [jan.f.stuart@poa02.usuace.army.mil](mailto:jan.f.stuart@poa02.usuace.army.mil).

District Engineer  
U.S. Army Corps of Engineers

## GENERAL PERMIT 98-01M

### WRANGELL INDUSTRIAL PARK SUBDIVISION

#### INTRODUCTION

This GP authorizes the placement of dredged and / or fill material and structures into wetlands, for activities associated with the constructions of foundation pads for industrial development; associated driveways; parking areas and lot utilities. The project area includes the area within the boundaries of the following lots: Block 59B, lots 1, 2, 9, 10; Block 60, lot 10; Block 61, lots 1, 2, 7-10 and part of lots 3 & 4; Block 63A, lots 3-5; Block 63B, lots 3-8; Block 64, lots 3-5, one-half of lots 6-8; Block 65, lots 3-8; Block 66, lots 3-13. A map of the project area is attached.

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

#### REQUIREMENTS FOR GP USE

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

Individuals wishing to perform work under this GP shall report, in writing, to the District Engineer including the following information:

- 1) The project location (section, township, range, block and lot number)
- 2) A description of the work including the number of structures, the size of fill pads, driveways and any other features of the project that require fill placement;
- 3) A map and plans, including plan and cross-section views of the project, showing the layout of the driveway, pads and structures in relation to other features. Maps should show stream locations, drainage patterns and topography. Plans must show location and size of culverts or other waterbody-crossing structures.
- 4) The type and source of material to be used. The disposal site for any excavated material must also be included.
- 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 Alaska Department of Governmental Coordination and other interested parties. No filling activity shall commence until the applicant has received written verification from the Corps of Engineers that the project is authorized.

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.

#### GENERAL CONDITIONS

1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. 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 this office, which may require restoration of the area.

2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If you sell the property associated with this permit, you must contact the Alaska District Corps of Engineers to validate the transfer of this authorization.
4. You must allow representatives from this office 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 your permit.

**SPECIAL CONDITIONS:**

1. The boundaries of the excavation and fill area in wetlands must be staked and/or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.
2. During excavation and fill placement heavy equipment shall not be operated on wetlands outside the authorized excavation and fill area.
3. Silt and sediment from site excavation and fill materials shall be prevented from entering wetlands or water bodies outside the project site. Erosion control measures, such as silt fencing, sediment traps, or water diversion structures, shall be properly installed prior to commencing construction.
4. Temporary storage of excavated materials on-site must be managed to prevent sediment from being carried into adjacent wetlands and waters, and to prevent leachate from causing odor problems or degradation of water quality.
5. Excess material shall be disposed at an approved disposal site.
6. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, metal debris, overburden material, woodwaste, etc.) and must be free from petroleum products. All material discharged shall be free of toxic pollutants in toxic amounts as defined by Alaska State Law and Toxic Pollutants List in Section 307 of the Clean Water Act.
7. The all disturbed areas shall be filled within the shortest reasonable time, so that ground is not left exposed for extended periods. Excavation of overburden must take place on successive units sufficiently limited in size so that placement of fill can occur expeditiously.
8. Site preparation, excavation, and fill placement shall be conducted in a manner to prevent adverse hydrologic effects. Natural drainage patterns must be maintained using appropriate ditching, culverts, storm drain systems and other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.
9. Disturbed areas not covered with rock fill must be stabilized and revegetated with native species in a timely manner to minimize erosion and sedimentation.
10. The proposed activity shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended (ESA), 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.
11. All conditions on the State of Alaska Division of Governmental Coordination (ADGC) Coastal Zone Management Consistency determination are fully enforceable conditions of this GP. A copy of the ADGC final consistency determination is attached to this permit.

### LIMITS OF THIS AUTHORIZATION

This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law

This permit does not grant any property rights or exclusive privileges.

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 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.

Damage claims associated with any future modification, suspension, or revocation of this permit.

### REVALUATION OF PERMIT DECISION

The Corps 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:

The permittee fails to comply with the terms and conditions of the 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 the issuance of an administrative order requiring you to comply with the terms and conditions 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 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 the GP may result in suspension of the work, revocation of the permit, removal of the dredged and/or fill material or other structures, directed restoration of waters and/or wetlands, and /or imposition of penalties as provided by law.

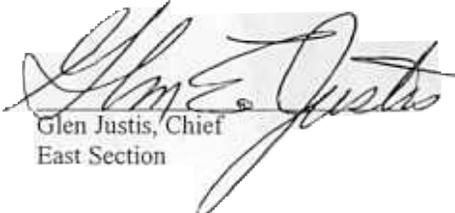
The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S. C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S. C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or by imprisonment of not more than on 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 THE GENERAL PERMIT:**

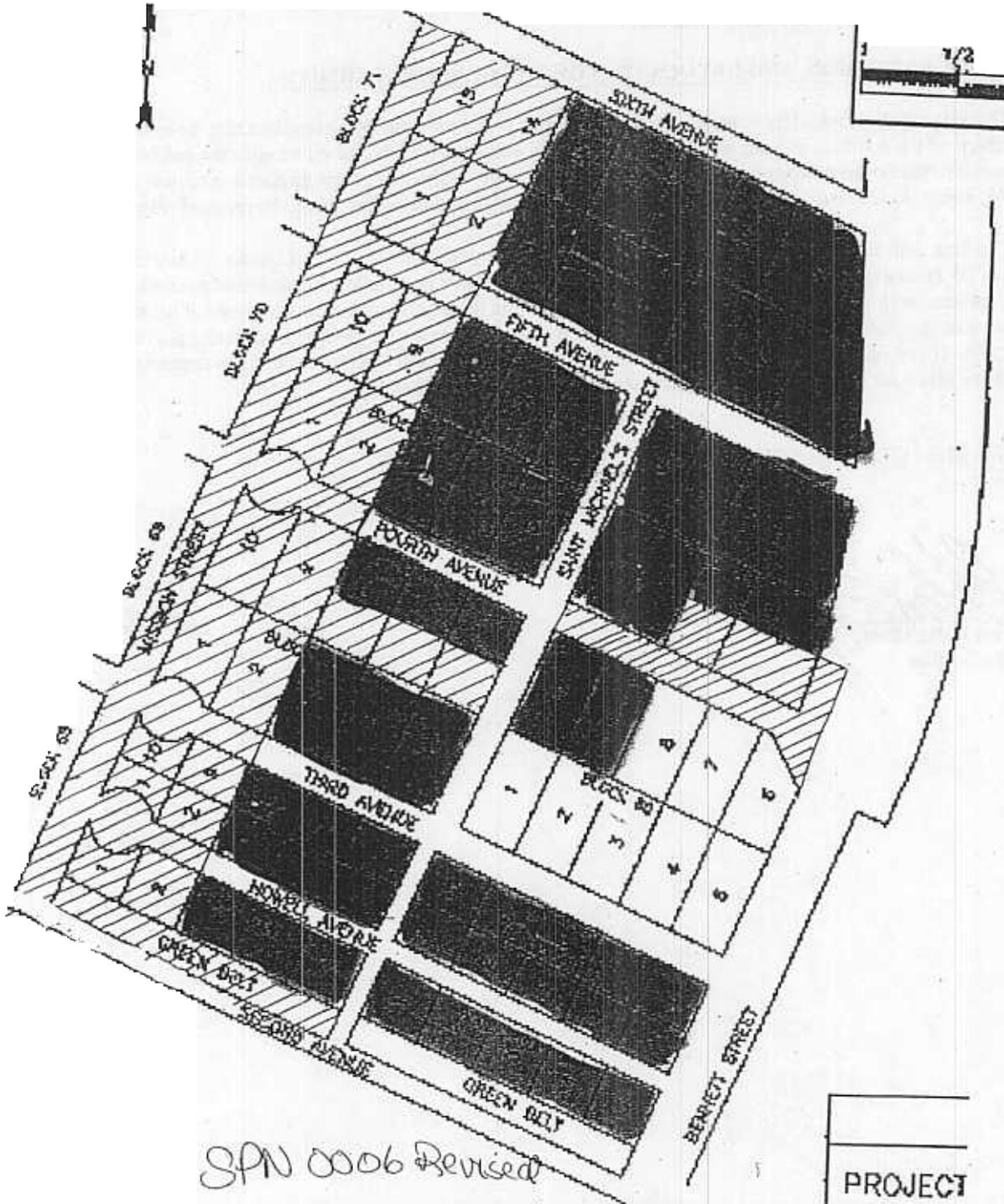
This GP may be revoked by issuance of a Public Notice at any time the DE determines that the individual or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under 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 you request for a time extension to this office for consideration at least one month before the expiration date.

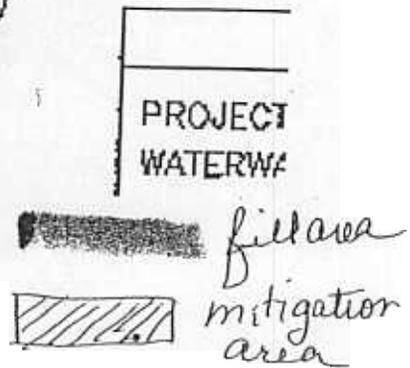
FOR THE DISTRICT ENGINEER

  
Glen Justis, Chief  
East Section

  
DATE



SPN 0006 Revised  
 GP 98-01 Mod.  
 Revised Project Area



9 1-00



TONY KNOWLES, GOVERNOR

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

555 Cordova Street  
Anchorage, AK 99501-2617  
Phone: (907) 269-7564  
Fax: (907) 269-7508  
TTY: (907) 269-7511  
<http://www.state.ak.us/dec/>

August 2, 2000

Certified Mail Receipt Z526 022 656

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

**RE:** Amendment to Certificate of Reasonable Assurance  
Wrangell Industrial Park Subdivision, GP 98-01  
State ID. No. AK0005-09JJ

Dear Dr. Stuart

This letter amends the referenced certification issued to the U.S. Army Corps of Engineers on August 5, 1998, in accordance with Section 401 of the Federal Clean Water Act and provisions of the Alaska Water Quality Standards. The subject certification is amended as follows:

The GP will be modified by removing Blk 63A, lot 1; Blk 63B, lots 1, 8, 9, 10; Blk 64, lots 1-3 and 8-10; Blk 65, lots 1-3; and by adding Blk 65, lots 6-9; Blk 66, lots 2-5; Blk 61, lots 1 & 10. In addition, two areas will be set aside as green space. Block 63A Lot 2; Block 63B Lot 2; portions of Block 64 Lots 6 and 7; Block 65, Lot 9; and Block 66, Lot 2 will be removed from the GP parcel. The purpose of the modification is to reconfigure the allowable fill area and provide for a vegetative green space buffer along Mission Street. This amendment is conditioned as follows:

- 1 The boundaries of the excavation and fill areas in wetlands must be staked or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.
2. If excavation takes place, temporary storage of excavated materials on-site and disposal of excavated materials off-site, must be managed to prevent sediment from being carried into adjacent wetlands and water, and to prevent leachate from causing odor problems or degradation of water quality.

15

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August 2, 2000

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U.S. Army Corps of Engineers  
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"Clean Air. Clean Water"

# 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  
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PH: (907) 269-7470/FAX: (907) 269-3981

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

January 17, 2001

Dr. Janice Stuart, Project Manager  
U.S. Army Corps of Engineers  
Regulatory Branch, Alaska Section  
P.O. Box 898  
Anchorage, AK 99506-0898

**RECEIVED**

JAN 18 2001

REGULATORY BRANCH  
Alaska District, Corps of Engineer

Dear Dr. Stuart:

SUBJECT WRANGELL INDUSTRIAL PARK General Permit Modification #2  
STATE I.D. NO. AK 0008-12JJ  
FINAL CONSISTENCY FINDING

The Division of Governmental Coordination (DGC) has completed coordinating the State's review of the proposed general permit modification 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 proposed activity is a modification of the existing GP project area for the Wrangell Industrial Park to include Block 59B, lots 1, 2, 9, 10; Block 60, lot 10; Block 61; lots 1, 2, 7-10, and part of lots 3&4; Block 63A, lots 3-5; Block 63B, lots 3-8; Block 64; lots 3-5, one half of lots 6-8; Block 65, lots 3-8; Block 66, lots 3-13. The infrastructure will be permitted under an individual permit (Stikine Strait 9 - currently in review to determine ACMP consistency). As mitigation, the City of Wrangell will preserve the following areas: Block 60, approximately 300 feet by 100 feet in lots 3 and 4 and Fourth Avenue right-of-way; Block 64, an area 65 feet wide through lots 6, 7, and 8, an area 485 feet by 50 feet north of Second Avenue, Mission Street right-of-way, an area approximately 200 feet wide from Second Avenue to Sixth Avenue including Howell, Fourth and Fifth Avenues right-of-way. The location is Wrangell, Alaska, T. 62 S., R. 83 E., Section 24, C.R.M.

### Project History

Originally, 23 lots were after-the-fact authorized via COE individual permit 4-970702 (Stikine Strait 9), and found consistent with stipulations under state ID number AK 9802-23JJ. This individual permit was changed to a General Permit (GP) request in order for permit transfer in

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

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### Project History

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the event of the conveyance of any of the 23 newly authorized lots in the expanded area of the industrial park, and included additional after-the-fact authorization for eight industrial parcels filled by private individuals on approximately 2.5 acres. The proposed Wrangell Industrial Park GP was originally reviewed per the ACMP under State ID number AK 9806-11JJ. DGC issued a public notice on June 16, 1998, and a public notice was issued by the Corps of Engineers on December 10, 1998. Issuance of a general permit for this project was found consistent with the ACMP on July 27, 1998. The project was modified under the State review number AK 0005-09JJ, and a final consistency finding for this modification was issued on August 2, 2000.

This final consistency finding, developed under 6 AAC 50, applies to the federal consistency determination required for the activity per 15 CFR 930 Subpart C. You will also need the following State authorization for the activity:

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. 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.

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the Wrangell coastal resource district 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, provided you adopt the following alternative measures. These measures will appear as stipulations on the DEC 401 Certification.

The boundaries of the excavation and fill areas in wetlands must be staked or flagged prior to construction to prevent inadvertent encroachment of adjacent wetlands.

2. If excavation takes place, temporary storage of excavated materials on-site and disposal of excavated materials off-site, must be managed to prevent sediment from being carried into adjacent wetlands and water, and to prevent leachate from causing odor problems or degradation of water quality.
3. During excavation, fill placement and building construction, to the extent practicable, heavy equipment may not operate on the ground outside the excavation and fill footprint
4. Silt and sediment from site excavation and fill materials may not enter wetlands or waterbodies outside the necessary working area. Site preparation, excavation, fill placement, and construction activities must be conducted to prevent, minimized and contain the generation of silt and sediment that could be carried off site by surface runoff. If silt and sediment are evident in standing or flowing water outside the excavation and fill area,

appropriate control and containment measures shall be applied. These measures may include revegetation, filter fabric fences, straw bales, other effective filters or barriers, fiber matting, settling ponds, and avoiding work during heavy precipitation.

- 5 Disturbed ground and exposed soil not covered with fill, structures, or appurtenances must be stabilized and revegetated with endemic species, grasses, or other suitable vegetation in an appropriate and timely manner to minimize erosion and sedimentation, so that a durable vegetative cover is established and maintained.
6. Natural drainage patterns must be maintained, to the extent practicable, without introducing ponding or drying. Control of drainage must be provided by appropriate ditching, culverts, storm drain systems, and other measures.
- 7 Permanent control of drainage must be provided within the entire industrial park, including roadways and each individual lot, with appropriate landscape design and construction, stormwater control, ditching, culverting, restoration, revegetation, and other measures. Drainage control must maintain natural drainage patterns above and below disturbed areas and must avoid adverse impacts to hydrology and water quality. The roadways and drainage structures must be maintained in a condition that will prevent sedimentation caused by erosion and surface transport from reaching waters through the life of the project.

Rationale: Alternative measures 1-7 are necessary to protect water quality and habitat by minimizing introduction of suspended sediment, petroleum products, and toxic substances into wetlands and water, in accordance with 6 AAC 80.130 (Habitats), 6 AAC 80.140 (Air, Land and Water Quality), and 18 AAC 70 (Alaska Water Quality Standards).

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 final consistency finding may include reference to specific laws and regulations but this in no way precludes your responsibility to comply with all other applicable State and federal laws and regulations.

This final 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 approval listed in this final consistency finding.

January 17, 2001

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) so that consultation per section 106 of the National Historic Preservation Act may proceed.

This final consistency finding 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 finding.

If you have any questions regarding this process, please contact me at 907-465-3177 or email Jennifer\_Garland@gov.state.ak.us.

Sincerely,



Jennifer R. Garland  
Project Review Coordinator

cc:

- \*\* Jim Powell, DEC, Juneau
- \*\* Jim Cariello, DFG, Petersburg
- \*\* Bill Hanson, DFG, Juneau
- \*\* Chris Landis, DNR, Juneau
- Judith Bittner, DNR/SHPO, Anchorage
- \*\* Mark Jen, EPA, Anchorage
- \*\* Teresa Woods, FWS, Juneau
- \*\* Mike Payne, NMFS, Juneau
- Carol Rushmore, Wrangell Coastal District
- \*\* Arnold and Katherine Sandness, Wrangell

\*\*=email transmission