



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

ANCHORAGE  
Regulatory Division (1145) CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

**ISSUANCE DATE: AUGUST 23, 2017**

**EXPIRATION DATE: AUGUST 23, 2022**

**SUBJECT: ISSUANCE of RGP-01, NOME**

---

NOTE: The term "wetlands", as used in this Special Public Notice, refers to jurisdictional wetlands, a category of waters of the United States.

## **PURPOSE OF THIS NOTICE**

This special public notice has been issued to inform the public that the Alaska District Corps of Engineers Regulatory Division (Corps) has renamed and reissued POA-2006-214-M1, as RGP-01, Nome (POA-2006-214-M2). The last iteration (POA-2006-214-M1) of this regional general permit (RGP), expired on May 31, 2017, is hereby superseded by RGP-01, Nome.

## **FINAL ACTION**

Under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. Seq.), the Secretary of the Army authorizes the placement of dredged and/or fill material into wetlands within specific areas of Nome, Alaska, in accordance with the provisions of the RGP-01, Nome.

The RGP-01 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-01 also authorizes excavation activities including mechanized land clearing and other activities that will result in a re-deposition of dredged material. Discharges of dredged and/or fill material in wetlands are authorized by this RGP for single and complete projects may not exceed 5 (five) acre.

The RGP-01 is an enclosure of this notice. It outlines criteria that must be met in order for work to be authorized under this RGP, and includes figures depicting the specific pre-identified areas of Nome where the RGP-01 applies. All authorized activities must be constructed and maintained in accordance with the conditions of the RGP. Failure to comply with the terms and conditions of the permit could result in suspension, modification, or revocation of the permit, and/or imposition of penalties as provided by law.

The decision regarding this action is based on information available at the district office which reveals the Corps' provisional determination that the proposed activities comply with the requirements for issuance of general permits.

## **BACKGROUND**

On March 1, 2017, the Corps issued a special public notice soliciting public and interagency comment on a draft version of the RGP-01, Nome. The comment period ended on March 31, 2017. The Corps received no responses to the public notice.

The final version of the RGP-01 contains two substantial changes from the draft version that were implemented after further evaluation by the Corps.

The first major change is an addition of a maximum wetland impact acre threshold. To ensure the individual and cumulative adverse effects on the aquatic environment resulting from RGP-01 authorized activities would be minimal, the maximum wetland impact acreage limit was changed from unlimited, to a maximum of 5 acres of wetland impact for single and complete projects.

The second notable change pertains to the procedures under which applicants submit the preconstruction notification form (PCN). According to the procedures initially proposed in the March 1, 2017, special public notice, applicants would be required to submit PCNs directly to the Corps. After further coordination and discussion with the City of Nome, the verification procedures were changed to allow applicants the option to submit PCN forms to the City of

Nome for an "opinion of compliance" with the terms and conditions of RGP-01 prior to transmittal (by the City) of the PCN to the Corps. This change would maintain local-federal regulatory collaboration and ensure Corps authorized projects comply with local ordinance. The applicant may not commence construction until written verification is obtained from the Corps.

### **QUESTIONS AND ADDITIONAL INFORMATION**

Questions regarding this final action should be directed to: Alaska District, Corps of Engineers, Attention: Jason Berkner, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, email Jason.R.Berkner@usace.army.mil, phone (907) 753-5778, or toll free in Alaska at (800) 478-2712.

The final version of RGP-01 is available on the Alaska District website at:  
<http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Regional-General-Permits/>

FOR THE DISTRICT COMMANDER:

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