

Proposed 2017 Regional Conditions

REGIONAL CONDITION A - Additional Pre-Construction Notification (PCN) Requirements¹

1. NWP 13, Bank Stabilization: In addition to the PCN requirements specified by NWP 13, a PCN is required for proposed bank stabilization projects in fresh water when the proposed methods and techniques are not included in Streambank Revegetation and Protection: A Guide for Alaska Revised 2005 (Walter, Hughes and Moore, April 2005) (Guide) or its future revisions.

The Guide is available at <http://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>

Applicants proposing bank stabilization projects in fresh water using methods and techniques not contained in the Guide must include an alternatives analysis in the PCN. The alternatives analysis must identify the bioengineered methods and techniques that were considered and provide a rationale as to why those methods or techniques were not included in the applicant's preferred alternative. Applicants who must submit a PCN due to their proposed use of a design that does not include methods or techniques from the Guide are encouraged to include measures that minimize impacts to the aquatic environment including methods that improve fish habitat such as vegetated riprap.

2. Proposed projects that qualify for NWPs 12, 13, 14 and 18 within the Municipality of Anchorage require a PCN

¹ Where required by the terms of the NWP or Regional Condition A, a prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. See General Condition 32 of the NWPs for the contents of the PCN or visit www.poa.usace.army.mil/reg/NWPs.

REGIONAL CONDITION B - General Permit Agency Coordination

The Corps shall coordinate with applicable federal and state agencies, local governments, and federally recognized tribal governments when proposed projects are located within high value wetlands (as determined by a local government mapping effort), within an anadromous stream or lake, or within 500 feet of an anadromous stream or lake. When coordination is required under another federal act, the Corps will coordinate solely with the state or federal agency responsible for the act. The Agency will have 10 days to provide comment, and may request an extension to this time of up to 15 days (for a total of 25 days).

REGIONAL CONDITION C - Activities Involving Trenching

Trenches may not be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). Ditch plugs or other methods shall be used to prevent this situation.

Except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess materials shall be removed to a non-wetland location. The backfilled trench shall achieve the pre-construction elevation, within a year of disturbance unless climatic conditions warrant additional time. The additional time must be approved by the Corps.

Excavated material temporarily sidecast into wetlands shall be underlain with geotextile, ice pads, or similar material, to allow for removal of the temporary material to the maximum extent practicable.

Revegetation of the trench should follow the process outlined in Regional Condition D.

REGIONAL CONDITION D - Site Restoration for Projects with Ground Disturbing Activities

To prevent erosion, disturbed areas shall be stabilized immediately after construction. Revegetation of the site shall begin as soon as site conditions allow and in the same growing season as the disturbance unless climatic conditions warrant additional time. Additional time must be approved by the Corps. Native vegetation and topsoils removed for project construction shall be stockpiled separately and used for site rehabilitation. Except in areas of top soil excavation, excavated soils shall be sorted into mineral subsoils and topsoil, and stored separately. Topsoil is defined as the upper, outermost layer of soil, usually the top two (2) to eight (8) inches. The depth of topsoil can be measured as the depth from the surface to the first densely packed layer of soil. When backfilling, topsoil shall be placed as the uppermost layer to provide a seed bed for native species. If topsoil and/or organic materials are not available from the project site for rehabilitation, other locally-obtained native materials may be used. Topsoil or organic materials (including seed) other than those that are from the project site or locally-obtained may be used only if those materials were identified in the PCN and approved in the NWP verification. Species to be used for seeding and planting shall follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state.

REGIONAL CONDITION E - Delineation of Project Footprint

Prior to commencement of construction activities within waters of the U.S., the permittee shall clearly identify the permitted limits of disturbance at the project site with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.). The permittee shall properly maintain such identification until construction is complete and the soils have been stabilized. The permittee is prohibited from conducting any unauthorized Corps-regulated activity outside of the permitted limits of disturbance (as shown on the permit drawings).

REGIONAL CONDITION F - Maintenance of Hydrology Patterns

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.

REGIONAL CONDITION G - Relocation of Stream Beds

Relocated stream channels shall approximate the length, meander pattern, gradient, channel cross-section, substrate and flow velocity of the original stream channel. Relocated stream channels shall be designed and constructed to avoid excessive loss of flow through the bed or dewatering of the stream channel. The relocation of stream channels shall include establishment of an associated floodplain. The floodplain should be of similar dimension and form as the original.

REGIONAL CONDITIONS H and I APPLY TO SPECIFIC NWP's

REGIONAL CONDITION H - NWP 40 Agricultural Activities

The following activities are not authorized by NWP 40: a. Installation, placement, or construction of drain tiles, ditches, or levees; and b. Mechanized land clearing or land leveling in wetlands within 500 feet of an anadromous lake or an anadromous stream.

REGIONAL CONDITION I - NWP 44 Mining Activities

Placer mining activities are excluded from coverage by NWP 44 (Mining Activities). Placer mining may be authorized by Regional General Permit 2014-55. In Alaska, NWP 44 may only authorize the following activities:

1. Hard rock mining, not including trenching, drilling, or access road construction. Applicable to Section 404 only.
2. Temporary stockpiling of sand and gravel in waters of the U.S., limited to seasonally dewatered unvegetated sand/gravel bars. Stockpiles shall be completely removed and the area restored to pre-project contours within one year, in advance of seasonal ordinary high water events, or prior to equipment being removed from site, whichever occurs first.