

US ARMY CORPS OF ENGINEERS  
ALASKA DISTRICT  
CEPOA-RD-N

June 5, 2024

MEMORANDUM FOR RECORD

SUBJECT: No Permit Required for POA-2024-00245, Bering Sea

1. Having reviewed the information provided by the applicant along with information available to this office I have determined that no permit is required for the following reasons.

In relation to regulated waterbodies:

- The activity would not occur within the jurisdictional limits of a Water of the U.S. as defined by Section 404 of the Clean Water Act; and/or,
- The activity would not occur within the jurisdictional limits of a Navigable Water of the U.S. as defined by Section 10 of the Rivers and Harbors Act of 1899.

In relation to regulated activities:

- The proposed activity does not constitute the discharge of dredged or fill material into Waters of the U.S. as defined by Section 404 of the Clean Water Act; and/or,
- The proposed activity does not affect the course, capacity, condition, or location of a Navigable Water of the U.S. as defined by Section 10 of the Rivers and Harbors Act of 1899.
- The proposed activity qualifies for a Section 404 exemption under Section 323.4 – Discharges not requiring permits.
- Section 10 Bridges – USCG. The authority to regulate work associated with bridges and causeways over navigable waters of the United States resides with the Secretary of Transportation, pursuant to Section 9 of the Rivers and Harbors Act of 1899 under the Department of Transportation Act of October 15, 1966 (49 U.S.C. 1155(g)(6)(A)).

2. Rationale: The proposed activity consists of installing new electrical lines and sewer and water pipes. Ground disturbance includes trenching in gravel parking areas and other previously disturbed areas. After consulting the NWI and looking at aerial imagery, I have determined that the ground in the review area (Figure 1)

does not appear to be wetlands or waters of the U.S. The project area is directly adjacent to tidal waters of the Bering Sea, but no work will be done below the High Tide Line (HTL). After reviewing the information provided by the applicant, I have determined that an AJD is not necessary. I have determined that a “no permit required” letter will suffice, because the proposed project does not require authorization from the Corps due to the nature of the proposed work.

*Heidi Zimmer*

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Heidi Zimmer  
Regulatory Specialist  
North Section



## Figure 1. Review Area

St. Paul Island Small Boat Harbor Utility Expansion Project  
St. Paul, AK

POA-2024-00245