



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

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

<b>ISSUANCE DATE:</b>	<b>December 10, 2018</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2006-00215-M3</b>
<b>EXPIRATION DATE:</b>	<b>June 10, 2019</b>

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## **TIME EXTENSION FOR GENERAL PERMIT (GP) 2006-00215 DISCHARGE OF FILL MATERIAL IN WETLANDS FOR WRANGELL INDUSTRIAL PARK SUBDIVISION**

The Alaska District, United States (U.S.) Army Corps of Engineers (Corps), in accordance with regulations pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), is extending the time limit for the use of Regional General Permit (RGP) POA-2006-00215-M3 to June 10, 2019.

The Corps is soliciting and accepting comments for the next 30 days on our intent to modify and re-issue this GP. Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Michael R. Gala at 907-753-2821, toll-free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: michael.r.gala@usace.army.mil if further information is desired concerning this notice.

General Permits (GP's) are considered appropriate for the activities which are substantially similar in nature, cause only minimal adverse environmental impacts when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of the Rivers and Harbors Act without creating an undue burden on the public.

This GP authorizes the placement of dredged and/or fill material, and structures, into a total of 7.55 acres of wetlands associated with industrial development in the Wrangell Industrial Park Subdivision. Authorized activities include foundation pads, associated driveways, parking areas, and lot utilities. The acreage of these mitigation areas includes 7.13 acres where no development would be allowed and 9.99 acres of mitigation land that would allow underground utilities to be installed with the intent of only temporary construction impacts, resulting in no permanent wetland functional losses.

The initial expiration date of RGP POA-2006-00215-M3 was February 18, 2018. This is the second extension of this RGP to allow the continued work on the Wrangell Industrial Park. This six-month time extension for the use of the RGP is being issued to maintain continuity of authorization for persons operating under the RGP, while the Corps completes the environmental and procedural evaluation process for its potential re-issuance.

The Corps anticipates making a decision as to the RGP re-issuance no later than June 10, 2018. Prior to that date, the Corps may issue a special public notice to solicit public and agency comment on the proposed re-issuance. Should it be re-issued, the current version of the RGP would be superseded by the revised RGP on the date it is re-issued.

District Commander  
U.S. Army, Corps of Engineers

**General Permit POA-2006-215-M3**  
**Discharge of Fill Material in Wetlands for**  
**Wrangell Industrial Park Subdivision**

INTRODUCTION

Under the authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) the District Commander (DC), Alaska District, U.S. Army Corps of Engineers (Corps) reauthorizes General Permit (GP) POA-2006-215.

This GP authorizes the placement of dredged and/or fill material, and structures, into a total of 7.55 acres of wetlands associated with industrial development in the Wrangell Industrial Park Subdivision. Authorized activities include foundation pads, associated driveways, parking areas, and lot utilities.

The GP area includes the following lots within the Wrangell Industrial Park Subdivision (location maps of the GP area are attached in sheets 1-2):

<b>Block:</b>	61	63B	64	65	66
<b>Lot:</b>	5A, 6A, 7	8A	3A, 8AA, 4	3A, 4, 7, 8	7-13

REQUIREMENTS FOR USE OF THE GP

All activities are contingent upon meeting the terms and conditions listed herein. Failure to comply with the terms and conditions of this GP could result in suspension, modification, or revocation of the permit and/or imposition of penalties as provided by law. The placement of fill material in wetlands which does not fall within the scope of this GP, or which fails to meet this GP terms and conditions, would not be authorized by this GP and a Department of the Army nationwide or individual permit would be required. This GP may be applied only where it does not conflict with existing policy.

APPLICATION PROCEDURES

Individuals wishing to perform work under this GP shall submit in writing, to the DC, the following information:

1. The Block and Lot number of the Wrangell Industrial Park Subdivision of the proposed activity;
2. A description of the work including purpose of fill, size of fill pads, driveways and any other features or structures requiring fill;
3. Plan drawings, including a plan view and a cross-section view of the project, showing the layout of the driveway, pads and structures in relation to other features. The plan view drawing must include wetlands, stream locations, drainage patterns, topography, and any existing development. Plans must show location and size of culverts or other water body/drainage crossing structures. Drawings do not have to be prepared by a professional, but should be clear and easily understood (see plan and cross section view examples in sheets 3-4);
4. The amount (in cubic yards), type, and source of material to be used and the disposal site for any excavated material must also be included;
5. Photographs (if available) or any other information that would verify that the proposed work is in wetlands and meets the conditions of this GP. The project footprint overlaid on an aerial photo is especially helpful.



6. The application and drawings should be sent to: U.S. Army Corps of Engineers, Regulatory Division, CEPOA-RD, Post Office Box 6898, JBER, Alaska 99506-0898

#### CORPS AUTHORIZATION PROCESS

The information provided will be reviewed by this office for compliance with the terms and conditions of the GP. Normally, within 15 days of receiving the required information, a letter will be sent from this office to the applicant stating whether or not the proposed project is authorized by the GP. Copies of the provided information may be furnished to other interested parties. No fill placement activities can begin until the applicant has received written verification from the Corps that the project is authorized.

#### TIME PERIOD TO COMPLETE PROJECTS AND PROJECT TIME EXTENSIONS

The permittee has five years from the date of the verification letter from the DC to construct the project. If any permittee, whose work is already underway, requires additional time to complete a project, a request may be made to the Corps. The Corps will grant up to 12 months of additional time to complete the project. The permittee's time extension request must be received 30 days prior to the GP expiration date.

#### PROJECT MODIFICATIONS

Modification of the work authorized by the GP, including changes in the size or location of the footprint of the project, or the amount or type of fill material, requires submittal of revised plans to the Corps for review and approval prior to doing any work. If the modification is unobjectionable, approval will be issued without delay.

#### CONDITIONS

- 1) No work shall be done under this GP without first obtaining a GP verification from the Alaska District Corps.
- 2) The fill area shall be minimized by consolidating activities and uses of the fill. For example utility lines (water, electrical, telephone, sewer, etc.) shall be located within the road or driveway fill when practicable.
- 3) Natural drainage patterns shall be maintained in the project area using appropriate ditching, culverts, storm drain systems, and/or other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fills indicate non-compliance with this condition.
- 4) During excavation and fill placement, heavy equipment must not be operated in wetlands outside the authorized excavation and fill area.
- 5) No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
- 6) No fill or construction materials shall be stockpiled in wetlands, outside of the project boundary which shall be staked, or otherwise delineated, prior to any mechanized land clearing or fill placement.
- 7) Temporary storage of excavated and/or excess material 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. Unusable or excess material must be disposed of at an approved disposal site.



8) Prior to construction, erosion control measures, such as silt fencing, sediment traps, or water diversion structures, must be properly deployed and installed. During construction, silt and sediment from the site work must be prevented from entering wetlands or water bodies outside the authorized project limits. Methods shall be implemented to filter or settle out suspended sediments from all construction-related wastewater prior to its direct or indirect discharge into any natural body of water.

9) All disturbed areas not covered with rock shall be stabilized immediately after construction to prevent erosion. Re-vegetation of the disturbed areas shall begin as soon as site conditions allow. Species to be used for seeding and planting shall follow this order of preference: a) Species native to the site, b) Species native to the area, c) Species native to the state. Active sloughing, increased water turbidity and sediment in drainage ditches, streams, sloughs, and/or adjacent wetlands shall be evidence of insufficient stabilization.

10) No cultural resources shall be adversely affected by activities authorized by this GP. If the permittee discovers any previously undiscovered archeological, paleontological, or historic resource, while conducting activities authorized by this GP, the DC must be immediately notified by calling (800) 478-2712. The Corps will notify the SHPO, and the coastal district (if within a coastal district), of what has been found. The Corps or the appropriate federal land manager 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.

11) Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance. The permittee must maintain the lands and facilities subject to this GP in good condition and in conformance with the terms and conditions of this GP. The permittee is not relieved of this requirement even if the activity is abandoned. The permittee may transfer the permit to a third party in compliance with condition number 16 below. Should the permittee cease to maintain the authorized activity or should they desire to abandon the project without a transferee, then the permittee must obtain approval from this office, which may require restoration of the area.

12) Any activity being performed under this permit may be summarily suspended, in whole or in part, upon a finding by the DC that there is noncompliance with any of the terms or conditions of this GP, or that there is noncompliance with a related nationwide or individual permit, or that there is a violation of Federal law associated with the activity, or that the immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate: (1) the extent of the suspension; (2) the reasons for such action; and (3) any corrective or preventive measures to be taken by the permittee which are deemed necessary by the DC to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of such notice. Within 10 days following receipt of a notice of suspension, the permittee may request a public hearing in order to present information relevant to a decision as to whether the authorization should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee, if no hearing is requested, the authorization will either be reinstated, modified, or revoked.

13) The permittee shall allow the DC or their authorized representative(s) to inspect authorized work at any time deemed necessary to assure that on-going and completed work is in compliance with the terms and conditions of this GP.



14) Measures should be implemented to prevent the introduction and spread of invasive plant and animal species, such as washing equipment to remove dirt and debris that might harbor invasive seeds before entering the jobsite, using weed-free fill, disposing of spoil and vegetation contaminated with invasive species appropriately, and revegetating with local native plant species.

15) All activities identified and authorized herein shall be undertaken in a manner that is consistent with the terms and conditions of this GP, and any activities undertaken by the permittee that are not specifically identified and authorized herein shall constitute noncompliance with the terms and conditions of this GP, and consequently, a violation of the Clean Water Act, which may result in the modification, suspension, or revocation of any authorization by the Corps in whole or in part, and in the institution of such legal, administrative, or judicial proceedings as the United States Government may consider appropriate, whether or not these permits have been previously modified, suspended, or revoked in whole or in part.

16) If the permittee sells the property associated with a GP verification, the permittee may transfer this GP verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of this GP verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this GP are still in existence at the time the property is transferred, the terms and conditions of this GP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this GP and the associated liabilities associated with compliance with its terms and conditions, the signature of the transferee and date appear below."

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(Transferee signature)

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(Date)

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(Printed name)

#### MITIGATION

This GP includes conditions requiring best management practices to minimize impacts to wetlands. For the unavoidable impacts to aquatic resources, the following compensatory mitigation was required in the previous GP authorizations for the Wrangell Industrial Park Subdivision:

Compensatory mitigation for the initial unauthorized development included preserving a 485-foot by 50-foot greenbelt south of Howell Avenue. Issuance of the original GP 1998-01 included preservation of a 300-foot by 100-foot wetland near Fourth Avenue. Modification of the GP in January 2001, included putting 18 additional lots and portions of 3 other lots and the area designated at Mission Street into a "Restrictive Covenant" with the intent of preserving these wetlands in perpetuity. (See attached map and restrictive covenant) that identifies and describes wetland preservation areas within the Wrangell Industrial Park Subdivision). The acreage of these mitigation areas includes 7.13 acres where no development would be allowed and 9.99 acres of mitigation land that would allow underground utilities to be installed with the intent of only temporary construction impacts, resulting in no permanent wetland functional losses.



#### LIMITS OF THIS AUTHORIZATION

1. This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
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 current or future activities undertaken by or on behalf of the United States in the public interest.
3. Damages to persons, property, or to the 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 modification, suspension, or revocation of this permit.

#### RE-EVALUATION OF PERMIT DECISION

The Corps may re-evaluate its decision to issue a GP verification to any person or agency at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to the following:

1. 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 re-evaluation may result in a determination 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 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 09 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 AND REVOCATION OF THE GP

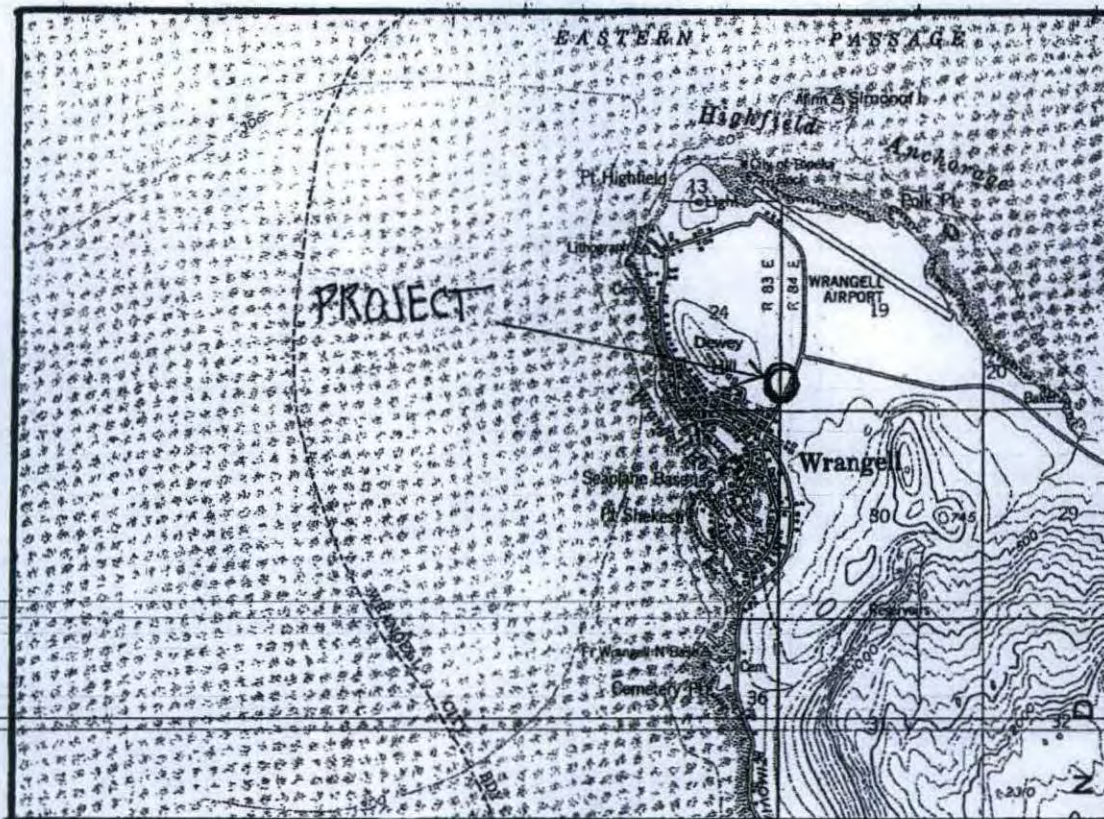
GP 98-01-M3 may be revoked by issuance of a Public Notice at any time the DC determines that the individual or cumulative effects of the activities authorized therein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE will 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 signature date.

FOR THE DISTRICT COMMANDER:

  
Terri Stinnet-Herczeg  
Acting South Branch Chief  
Regulatory Division  
Alaska District, Corps of Engineers

19 Feb 2013  
Date





GENERAL PERMIT 98-01-M3

SPN-2011-1029

Wrangell Industrial Park Subdivision

Re-issue for five years

Location Map

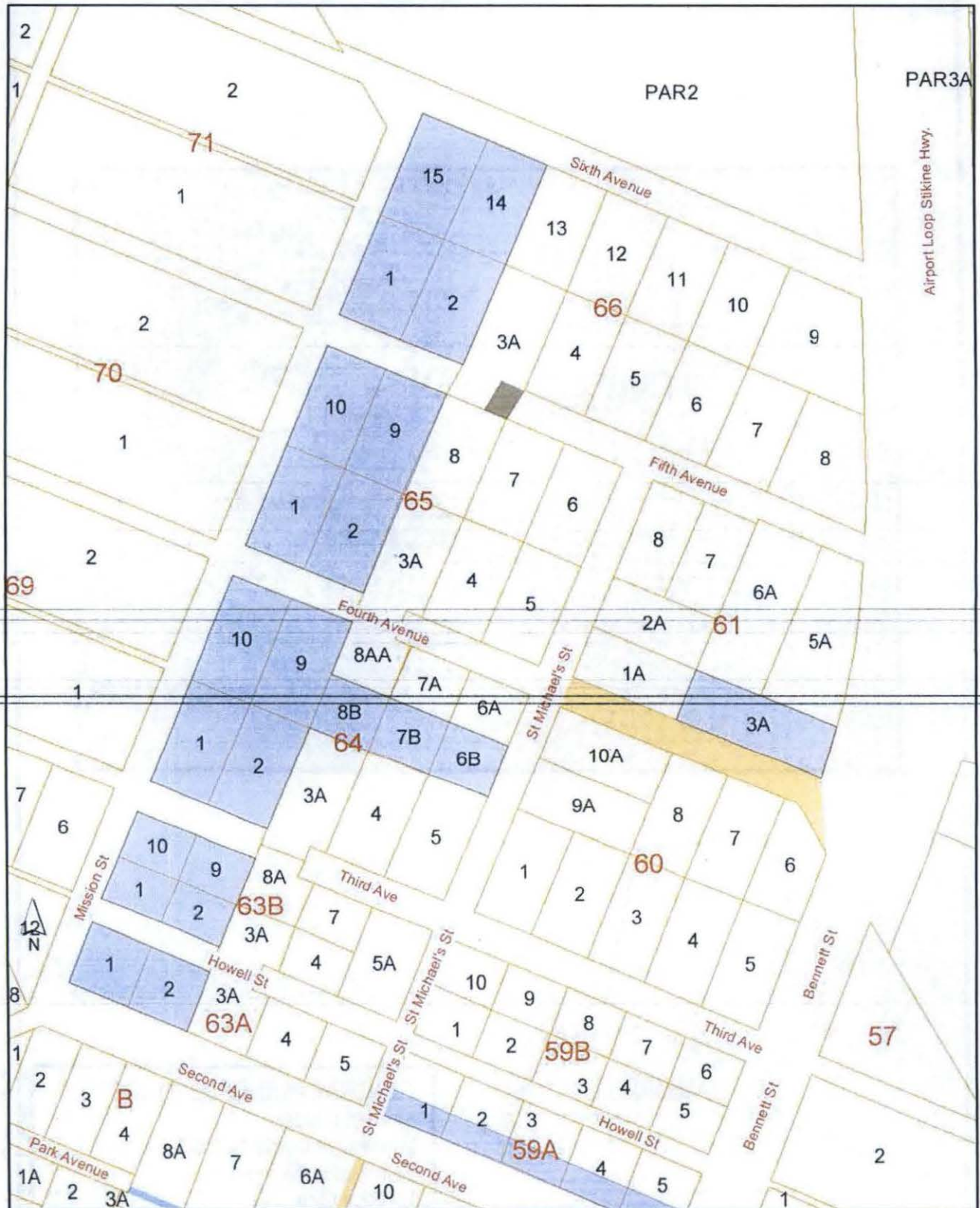
September 2011

Sheet 1 of 2



# CITY AND BOROUGH OF WRANGELL, ALASKA

WRANGELL INDUSTRIAL PARK AS OF FEBRUARY 2013  
(LOTS, BLOCKS, MITIGATION)

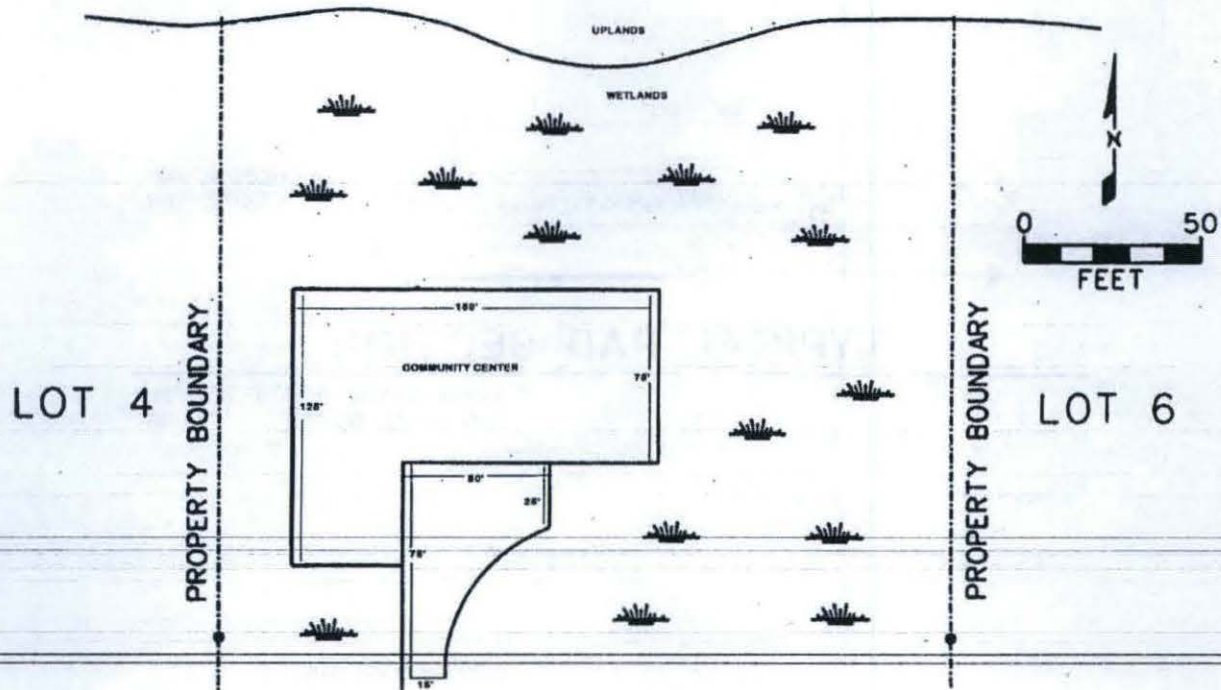


DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.  
1 inch = 208.333333 feet PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2011





## Plan View Example

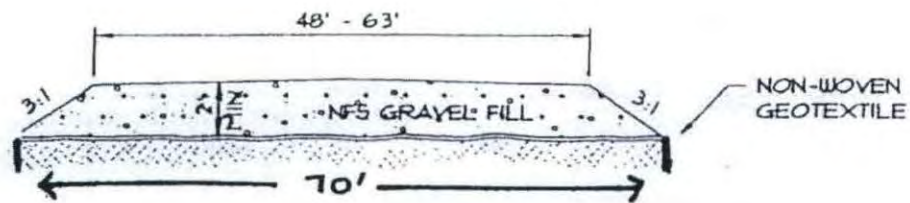


- Plan view shows the proposed activity as if you were looking down on it.
- Show project size and layout of proposed work such as buildings, driveways, and roads in relation to other features such as wetlands and creeks.
- Include existing and proposed structures such as culverts and utilities.

Figure 2

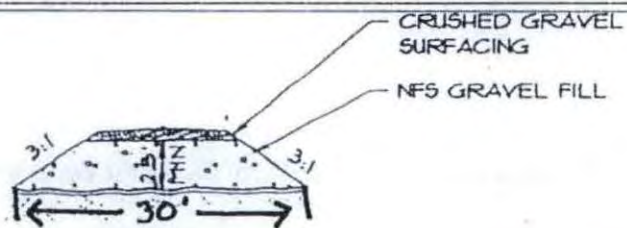


## CROSS SECTION EXAMPLE



**TYPICAL PAD SECTION**

HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 10'



**TYPICAL ROADWAY/DRIVEWAY SECTION**

FIGURE 4



# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Pollution Water Control Program

FRANK H. MURKOWSKI, GOVERNOR

555 Cordova Street  
Anchorage, AK 99501-2617  
Phone: (907) 465-5321

Fax: (907) 465-5274  
TTY: (907) 269-7511  
<http://www.state.ak.us/dec/>

July 6, 2006

Certified Mail 7006-0810-0000-8656-8816

Ms. Mary Leykom  
U.S. Army Corps of Engineers  
Regulatory Branch  
Anchorage, AK 99506

Subject: Re-Issue General Permit 98-01  
Wrangell Industrial Park Subdivision  
Reference Number: SPN-2006-215  
State ID No. AK005-09JJ

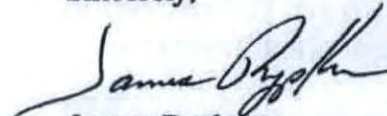
Dear Ms. Leykom:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the proposed re-issuance of General Permit 98-01 for certain dredge and fill activities associated with construction of foundation fill pads such as driveways, parking areas, and utility installation within the Wrangell Industrial Park Subdivision, for five more years.

~~Department of Environmental Conservation regulations provide that any person who~~ disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK, 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,

  
James Rypkema  
Program Manager

RECEIVED  
JUL 10 2006  
REGULATORY BRANCH  
U.S. ARMY CORPS  
OF ENGINEERS

cc: (with encl.)  
Joe Donohue, OPMP, Juneau  
Jim Cariello, DNR/OHMP, Petersburg

Jim Powell, ADEC  
Mark Fink, ADFG, Anchorage



**STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the US Army Corps of Engineers Alaska District, Regulatory Functions Branch, PO Box 898, Anchorage Alaska 99801, for the proposed following general permit PG, covering wetland activities within the Wrangell Industrial Park Subdivision, Wrangell Alaska.

General Permit 98-01 is for certain dredge and fill activities of the City of Wrangell for construction of foundation fill pads, associated driveways, parking areas, and utility installations in the following lots in the Wrangell Industrial Park Subdivision: Block 59B lots 1, 2, 9, 10; Block 60 lots 9A, 10A; Block 61 lots 1A, 2A, 7A, 8A, 9, 10; Block 63A lots 3-5; Block 63B lots 3-8; Block 64 lots 3-5, 6A, 7A, 8A; Block 65 lots 3-8; and Block 66 lots 3-13.

The proposed activity is located in section 24, T. 62 S., R. 83 E., Copper River Meridian, in Wrangell Alaska.

The department supports the use of General Permits by local governments. Therefore the department supports continued use of the GPs that have been useful and have been demonstrated to streamline the permitting process.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number SPN-2006-215, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

- 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.

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 water bodies outside the necessary working area. Site preparation, excavation, fill placement, and construction activities must be conducted to prevent, minimize 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, or 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 structure 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.

8) Runoff discharged to surface water from a construction site disturbing 1 or more acres must be covered under EPA's NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires that a Storm Water Pollution



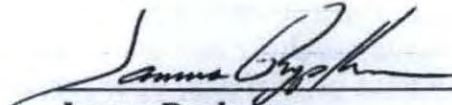
Prevention Plan (SWPPP), describing construction runoff and erosion control, be prepared and implemented.

- Provide a copy of this SWPPP to ADEC (William Ashton, 907-269-7564) at least 7 days prior to starting earth disturbing activities.
- For projects that disturb greater than 5 acres, this SWPPP must also be submitted to ADEC (Greg Drzewiecki) prior to construction.
- Please contact EPA directly concerning the NPDES storm water permit.

The certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC 15.100).

Date

July 6, 2006



James Rypkema  
Program Manager



## WRANGELL INDUSTRIAL PARK RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT IS MADE THIS 14<sup>th</sup> DAY OF November, 2000 by the City of Wrangell, P.O. Box 531, Wrangell, AK 99929.

WHEREAS, the following real property is a portion of the Wrangell Industrial Park. More specifically, to include the Mission Street right-of-way between Second Avenue and Sixth Avenue; the platted green belt along Second Avenue between Mission Street and St. Michael's street; Lots 1 and 2, Block 63A; Lots 1,2,9,10, Block 63B; Lots 1,2,9,10 Block 64; Lots 1,2,9,10 Block 65; Lots 1,2, 14,15, Block 66; a portion of Howell Avenue, Third Avenue, Fourth Avenue and Fifth Avenue just east of Mission Street adjacent to the preceding lots described above; Lots 6B, 7B, 8B, Block 64; Lot 3A, Block 61; Fourth Avenue right-of-way between St. Michael's Street and Bennett Street right-of-ways, all as platted and recorded in the Wrangell Recording District, Plat No. 2000-9 dated December 15, 2000.

WHEREAS, the City of Wrangell has been issued a Department of the Army Revised Permit, No. M-97-00702, Stikine Strait, which authorizes placement of fill in wetlands of the United States for the construction of roads and installation of utilities, and

WHEREAS, the Corps of Engineers issued a Department of the Army Modified General Permit, No. 98.01 Stikine Strait, which authorizes placement of fill on wetlands of the United States, and

WHEREAS, Special Condition 2 of the Permit requires the City of Wrangell to place restrictive covenants on a portion of the City's Industrial property prior to the placement of fill material pursuant to this permit or GP 98-01, and

WHEREAS, the City of Wrangell, as owner of the Property, agrees that these Covenants shall be placed upon the identified portions of the Property for the purpose of satisfying the City of Wrangell's obligation under Special Condition 2 of the Permit.

NOW, in consideration of the above and the mutual restrictive covenants, the City of Wrangell hereby imposes, places and restricts the use of the Property in accordance with the conditions set forth below.

1. Purpose. It is the purpose of these covenants to assure the portion of this Industrial Property, subject to existing conditions, will be retained in its natural, wetland condition and for the City of Wrangell to take reasonable efforts to prevent use of the property that will significantly impair the ecological functions and values of the set aside areas, including discouraging use of motorized vehicles.



2. Prohibited Activities. Any construction activity on this restricted area is prohibited, except in the right-of-way pursuant to the permit. It will stay in its undisturbed, natural state as wetlands, except in the right-of-ways, if necessary to extend utilities to lands outside the boundary area. The City will return any land disturbed from the utility extensions to its natural state.
3. Reserved Rights. The City of Wrangell reserves to itself as well as successors all rights accruing from its ownership of the Property. The following rights are expressly reserved.
  - (a) Normal and acceptable silvicultural practices necessary for emergency response to forest fires;
  - (b) The right to continued use of foot access for ingress and egress, and historic public use of the area for food gathering;
  - (c) All water rights within the Property;
  - (d) The right to survey the site;
  - (e) Continued existing ingress and egress to Lot 12, Block A, Dewey Heights Subdivision.
4. Acts Beyond the City of Wrangell's Control. Nothing contained in these Covenants shall be construed as a violation of these Covenants for any injury to or change in the Property resulting from causes beyond the City of Wrangell's control, including, without limitation, unforeseeable and unauthorized actions of third parties, fire, flood, storm and earth movement, or from any prudent action taken by the City of Wrangell under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.
5. Transfer of Ownership. The City of Wrangell reserves unto itself and under the terms of the Permits the right to sell the restricted area to a third party.
6. Recording and Signing. The City of Wrangell shall record this instrument in timely fashion in the official records of the Wrangell Recording District (Ketchikan), First Judicial District, State of Alaska.
7. General Provisions.
  - (a) Nothing contained herein will result in a forfeiture or reversion of the City of Wrangell's title in any respect.
  - (b) The parties approve that the terms and conditions set forth in these Covenants shall not act as a precedent nor be binding upon either party in regards to any future dealings between the parties.



CITY OF WRANGELL

By: *Robert B. Prunella*  
Robert B. Prunella, City Manager

NOTARY:

Before me, the undersigned Notary Public, personally appeared Robert B. Prunella, City Manager and acknowledged to me that she/he executed the above instrument on behalf of the City of Wrangell as her/his free and voluntary act and with knowledge of its contents for the purposes expressed.

My hand and official seal this 19th day of December, 2000.

*Christie L. Danison*  
Notary Public for the State of Alaska

My commission expires: 7-2-2002



Please return to:  
City Clerk  
City of Wrangell  
P.O. Box 531  
Wrangell, AK 99929

WRANGELL  
RECORDING DISTRICT

000542  
21/20

2000 DEC 21 P 2:21  
REQUESTED BY  
*City of Wrangell*

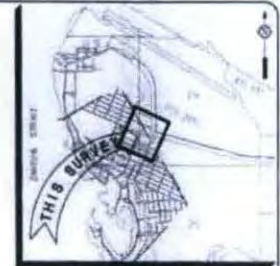


# LEGEND

- BRAUN 4"x4" WOOD POST RECOVERED
- ⊗ BRAUN HUB AND ALUMINUM CAP RECOVERED
- ✱ SHADLER HUB AND ALUMINUM CAP RECOVERED
- IN 2019/07/23 (348) DATA OF RECORD
- IN 2019/07/23 (348) DATA MEASURED OR COMPUTED
- UTILITY EASEMENTS WITHIN THE INDICATED SET-ASIDE AREAS
- MITIGATED SET-ASIDE PROPERTIES (NO DEVELOPMENT ALLOWED)
- UTILITY EASEMENT CREATED THIS PLAT

## PLAT NOTES

1. REFERENCE PLAT #2001-17, AMENDED INDUSTRIAL PARK SUBDIVISION II, WRANGELL RECORDING DISTRICT
2. REFERENCE PLAT #2000-18, INDUSTRIAL PARK SUBDIVISION II, WRANGELL RECORDING DISTRICT
3. REFERENCE PLAT #95-8, WRANGELL INDUSTRIAL EXPANSION SUBDIVISION, WRANGELL RECORDING DISTRICT
4. REFERENCE PLAT #85-8, AMENDED INDUSTRIAL PARK SUBDIVISION I, WRANGELL RECORDING DISTRICT



VICINITY MAP  
NOT TO SCALE



CLIENT: CITY AND BOROUGH OF WRANGELL  
BOX 531  
WRANGELL, ALASKA 99929

DRAWN BY: JH  
CHECKED BY: JH  
DATE PLATTED: 10/2/2012  
DATE SURVEYED: 10/2/2012  
SCALE: 1"=30'  
SURVEYOR: GREGORY S. SCHITT  
PROJ. NO.: 122724

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT MY LICENSE NO. IS 10272. A SURVEY OF THE HEREIN DESCRIBED LAND WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT, ACCORDING TO SAID FIELD NOTES.

GREGORY S. SCHITT  
GREGORY S. SCHITT 13-5750

### WRANGELL RECORDING DISTRICT

Phone (907) 225-7171  
Fax (907) 225-7171  
P.O. BOX 1201  
Wrangell, AK 99929



PROJECT:  
AMENDED INDUSTRIAL PARK SUBD. III REPLAT  
THE REPLAT OF LOT 3, BLK 62A, LOTS 3 & 8, BLK 63B,  
LOTS 3 & 8A, BLK 64 AND LOT 3 BLOCK 65,  
AMENDED INDUSTRIAL PARK II SUBDIVISION,  
CREATING LOT 3A, BLK 63A, LOTS 3A & 8A, BLK 63B,  
LOTS 3A & 8AA, BLK 64 AND LOT 3A BLOCK 65,  
AMENDED INDUSTRIAL PARK III SUBDIVISION REPLAT

Wrangell Recording District Plat 2012-10

SHEET 1 OF 2

Page 142



Page 2 of 2

PROJECT: AMENDED INDUSTRIAL PARK SUBD. III REPLAT  
THE REPLAT OF LOT 3, BLK 63A, LOTS 3 & 6, BLK 63B  
LOTS 3 & 6A, BLK 64 AND LOT 3 SUBDIVISION  
AMENDED INDUSTRIAL PARK III SUBDIVISION  
CREATING LOT 3A, BLK 63A, LOTS 3A & 6A, BLK 63B,  
LOTS 3A & 6A, BLK 64 AND LOT 3A, BLK 65,  
AMENDED INDUSTRIAL PARK III SUBDIVISION REPLAT  
SHEET 2 OF