



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: June 13, 2022

EXPIRATION DATE: July, 8, 2022

REFERENCE NUMBER: POA-2016-00476

**RE-ISSUANCE OF REGIONAL GENERAL PERMIT
POA-2016-00476
DISCHARGE OF DREDGED AND/OR FILL MATERIAL INTO WETLANDS
AT BETHEL, ALASKA**

PURPOSE: The purpose of this public notice is to distribute and solicit comments on the re-issuance of Regional General Permit (RGP)-10 POA-2016-00476.

The Alaska District, U.S. Army Corps of Engineers (Corps), in accordance with regulations pursuant to Section 404 of the Clean Water Act is proposing to modify and re-issue RGP-10 POA-2016-00476, which would authorize the placement of dredged and/or fill material into waters of the U.S., including wetlands, within specific areas of Bethel, Alaska. The RGP-10 boundary is limited to an area within the city limits of Bethel, minus excluded areas.

Maps showing the areas subject to authorization under RGP-10, and areas specifically excluded, are available for public use at the City of Bethel, Planning Department Office and at the Regulatory Division, Alaska District, U.S. Army Corps of Engineers. A map showing the boundaries of areas covered or excluded under RGP-10 is attached for guidance (Enclosure 1). The area excluded from RGP-10 coverage would be subject to an individual permit review.

The RGP-10 would authorize the discharge of fill material into waters of the U.S., including 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-10 would also authorize excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material. Discharges of dredged and/or fill material in waters of the U.S. authorized by RGP-10 for single and complete projects may not exceed 1.0 acre.

Applicants are required to submit a Pre-Construction Notification Form (Enclosure 2) and obtain RGP-10 verification in writing from the Corps prior to commencing construction. The City of Bethel would not be required to submit quarterly monitoring reports to the Corps. A copy of the proposed RGP-10 is attached for reference (Enclosure 3).

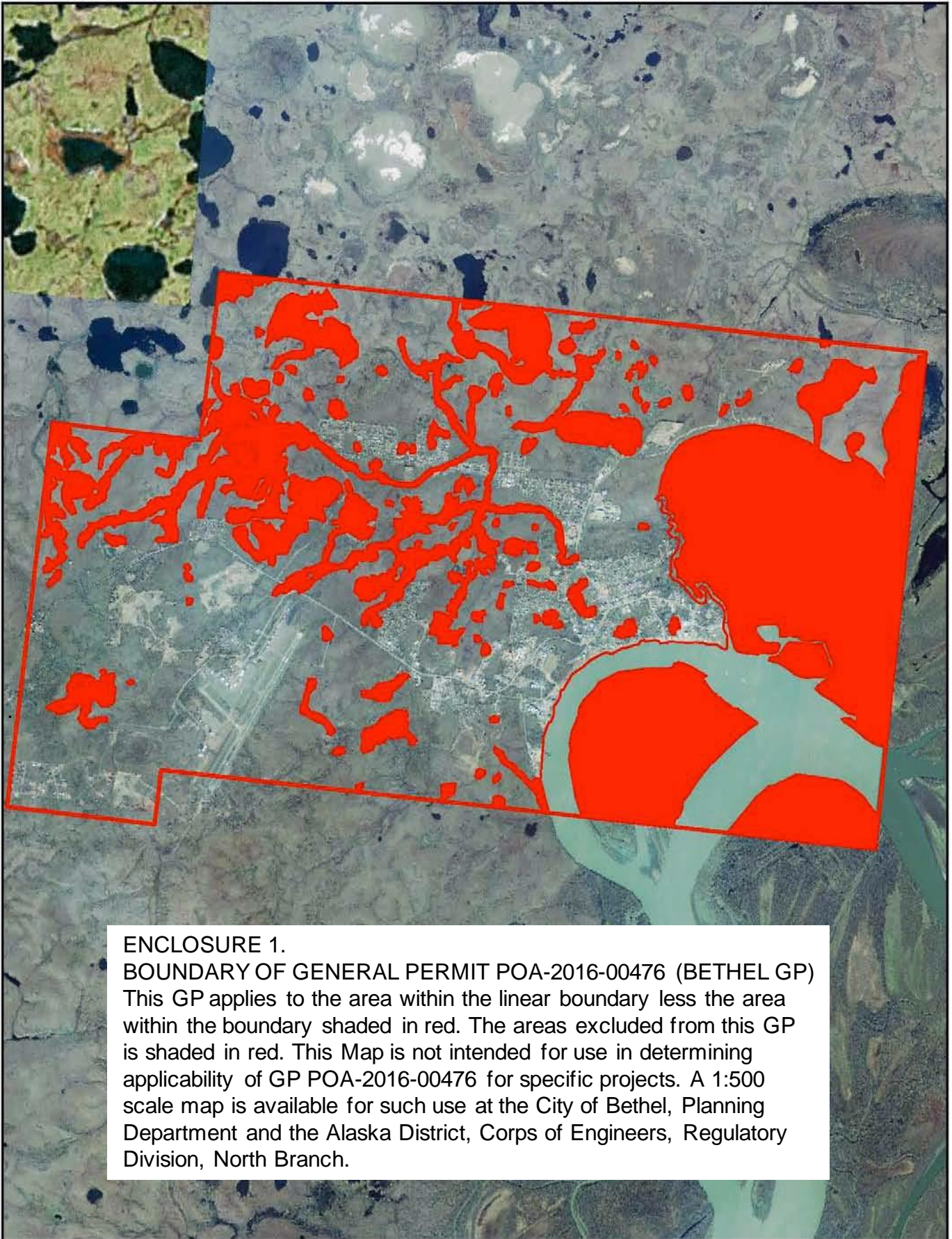
The RGP-10 POA-2016-00476 would be re-issued for a period of five (5) years. At the end of this five (5) year period, an evaluation of RGP-10 will be made, and at that time it will be decided whether RGP-10 should be renewed. The District Commander may at any time during this five (5) year period alter, modify, suspend, or revoke this permit, if he deems such action is in the public interest.

The attached RGP-10 POA-2016-00476 outlines criteria that would have to be met for work to be authorized under RGP-10. All authorized activities must be in accordance with the conditions of the RGP-10. 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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Comments or requests for additional information should be directed to: Alaska District, U.S. Army Corps of Engineers, Attention: Janet Post, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, via email at janet.l.post@usace.army.mil, by phone at (907) 753-2831, or toll free in Alaska at (800) 478-2712.

District Commander
U.S. Army, Corps of Engineers

Enclosures



ENCLOSURE 1.

BOUNDARY OF GENERAL PERMIT POA-2016-00476 (BETHEL GP)

This GP applies to the area within the linear boundary less the area within the boundary shaded in red. The areas excluded from this GP is shaded in red. This Map is not intended for use in determining applicability of GP POA-2016-00476 for specific projects. A 1:500 scale map is available for such use at the City of Bethel, Planning Department and the Alaska District, Corps of Engineers, Regulatory Division, North Branch.

ENCLOSURE 2.

**U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM
for Project Verification under Bethel Regional General Permit (RGP-10)**

May be used instead of Form ENG 4345 to request verification under the Bethel Regional General Permit (RGP-10). To ensure your project meets the requirements for the RGP, read all of the terms and conditions of the RGP, which may be found on our website at <http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Regional-General-Permits/>, under the Bethel Regional General Permit (RGP-10) section.

Applicant:	Phone:
Address:	Fax:
City, State, Zip:	Cell/Direct Line:
Point of Contact:	e-mail:

Agent:	Phone:
Address:	Fax:
City, State, Zip:	Cell/Direct Line:
Point of Contact:	e-mail:

Location of the Proposed Project Site:

Project Address:
Section, Township, Range, and Meridian:
Latitude and Longitude (Decimal Degrees, NAD-83):
Driving Directions to Site:
Other:

Description of the proposed project and all associated actions (i.e., what construction activities are proposed for the overall project. You must specifically include the area (i.e., acreage or square feet) and type (rock, dirt, concrete, etc.) of all proposed discharges of fill material.

Project purpose:

Project Description:

Does the proposed activity involve an expansion to or work on or adjacent to an existing fill?

YES or NO

Will any or all components of the overall single and complete project result in a loss greater than 1 acre of wetlands or be located in an area(s) excluded from GP coverage?

YES or NO

*Attach drawings of the site and project plans (For more information on acceptable drawings and plans, please visit our web site at [http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Permit-Application-Drawings/.](http://www.poa.usace.army.mil/Missions/Regulatory/Permits/Permit-Application-Drawings/))

*Attach approved Site Plan from City of Bethel (if available).

Application is hereby made for a permit or permits to authorize the work described in this preconstruction notification form. I certify the information in this preconstruction notification form is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT**

Permittee: The General Public

Permit No. RGP-10, Bethel (POA-2016-00476)

Issuing Office: U.S. Army Corps Engineers, Alaska District

Issuance Date:

Expiration Date: 5 Years from Issuance Date

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

GENERAL PERMIT AUTHORIZATIONS

The general public in the City of Bethel, Alaska, is authorized to perform work in accordance with the terms and conditions of the general permit specified below, after satisfying all applicable permit terms and conditions.

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 waters of the United States (U.S.), including wetlands, within specific areas of Bethel, Alaska. A maximum of 7,696 acres of waters of the United States are included within the area subject to this Regional General Permit (RGP) and would potentially be authorized for development. The RGP-10 boundary is limited to an area within the city limits of Bethel, excluding certain restricted areas (Enclosure 1).

AUTHORIZED ACTIVITIES

The RGP-10 authorizes the discharge of fill material into waters of the U.S., including 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-10 also authorizes excavation activities including mechanized land clearing and other activities that could result in a re-deposition of fill material.

Maximum Acreage Limitations

Discharges of dredged and/or fill material in waters of the U.S. authorized by RGP-10 for single and complete projects may not exceed 1.0 acre.

Excluded areas and activities

1. A map showing the boundaries of areas covered and excluded under the RGP-10 is attached for planning purposes (Enclosure 1). Maps showing the areas subject to authorization under RGP-10, and areas specifically excluded, are available for public use at the City of Bethel, Planning Department Office, and at the Alaska District, Corps of Engineers Regulatory Division. Excluded areas are depicted in red and would require authorization from the Corps through permitting mechanisms other than the RGP-10 (e.g., Individual and Nationwide Permits).
2. Activities that are denied any local, State or Federal authorizations are not authorized by the RGP-10.
3. Activities that the Corps determines may result in more than minimal adverse impacts on aquatic resources or other public interest factors. The Corps will notify the applicant that the project does not qualify for the RGP-10 and instruct the applicant on the procedures to seek authorization under a nationwide or standard individual Department of the Army (DA) permit. The Corps may also, on a case-by-case basis, require an individual DA permit for unauthorized activities, regardless of acreage.

APPLICATION PROCEDURES

Individuals wishing to perform work under the RGP-10 shall submit in writing, directly to the Corps or to the Corps through the City of Bethel Planning Department, a Pre-Construction Notification (PCN) Form (Enclosure 2) containing the following information at minimum:

1. Name, address, and phone number of the applicant.
2. Location of the proposed work to include Section, Township, Range and latitude and longitude.
3. A detailed description of the project, its purpose, the dimensions including the size of the structure or the fill area, fill quantity and type of fill being used.
4. Plan drawings, including a plan view and a cross-section view of the project, showing the layout of the proposed fill, for example driveway, pad, and structures, in relation to other features. Drawings do not have to be prepared by a professional but should be clear and easily understood.
5. An approved Site Plan from the City of Bethel.

6. The application and drawings should be sent to: U.S. Army Corps of Engineers, Regulatory Division, North Branch Chief (CEPOA-RD-N), Post Office Box 6898, JBER, Alaska 99506-0898 or by email to regpagemaster@usace.army.mil.

Corps Verification Process:

The information provided will be reviewed by the Corps for compliance with the terms and conditions of the RGP-10. The City of Bethel Planning Department may choose to provide an opinion of compliance with the terms and conditions of the RGP-10 if forwarding an application from a citizen.

RESTRICTIONS

The work authorized by this RGP-10 would also be subject to the following general conditions and any special conditions necessary to reduce impacts to the minimum level.

Special Conditions: Any verification issued may include required special conditions. The District Engineer will add special conditions to verification letters, where necessary, to ensure that adverse environmental impacts are minimal.

General Conditions:

1. **Permit Expiration.** The RGP-10 expires on 5 years from the issuance. Unless activities authorized under the RGP-10 have commenced construction or are under contract to commence construction by expiration date, the time limit for completing work ends upon the expiration date of RGP-10. Activities authorized under RGP-10 which have commenced construction or are under contract to commence construction by expiration date, will have until an additional year, to be completed under the terms and conditions of RGP-10, unless the District Engineer's discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.
2. **Verification.** No work shall be constructed under the RGP-10 without first obtaining a RGP-10 Verification in writing from the Corps. The City of Bethel Planning Department may provide an Opinion of Compliance and submit the required Pre-Construction Notification form (enclosure 2) to the Corps if forwarding the form from a citizen. However, written verification from the Corps must be received prior to commencing construction.
3. **Avoidance and Minimization.** The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

- 4. Impacts to Adjacent Waters of U.S.** To comply with the RGP-10, activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill. Culverting, buffer zones, or other methods may be required to ensure compliance with this condition.
- 5. Suitable Fill Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, tires, 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. Permafrost.** If permafrost is present, sufficient fill (or other methods of insulation) shall be placed on the ground to provide thermal stability. Signs of thermokarsting or standing water indicate non-compliance with this condition.
- 7. Water Quality Certification.** You must comply with all conditions specified as part of the Alaska Department of Environmental Conservation Water Quality Certification, which is part of this RGP-10.
- 8. Endangered Species.** The activity must not jeopardize the continued existence of a threatened or endangered species, as identified under the Endangered Species Act, nor endanger the critical habitat of such species.
- 9. Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act and/or the Bald and Golden Eagle Protection Act. To avoid an inadvertent violation of these laws, the permittee should contact the Fairbanks Office of the U.S. Fish and Wildlife Service (907-456-0203) to determine if such "take" permits are required for RGP-10 authorized activities occurring between the dates of May 5 to July 25.
- 10. Essential Fish Habitat.** The activity must not adversely affect Essential Fish Habitat (EFH).
- 11. Historic and Archaeological Sites.** The RGP-10 does not authorize activities, including the use of material borrow sites, in or that adversely affect known historic properties listed or potentially eligible for the National Register of Historic Places, nor any such sites listed or found to be potentially eligible in the future. The permittee shall stop work when cultural resources are inadvertently discovered during work and notify the Corps. The Corps would consult with the Alaska State Historic Preservation Office to determine if historic properties would be affected by the permitted work. Work shall resume after cultural resources have been evaluated pursuant to Section 106 of the National Historic Preservation Act.
- 12. Maintenance.** You must maintain the authorized activity in good state, and in conformance with the terms and conditions of the RGP-10.

13. Inspections. You must permit the District Engineer, or his designated representatives, 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 the RGP-10.

14. Modification by Other Authorizations. If the work proposed under the RGP-10 is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the RGP-10 including verification by the Corps to perform activities under the RGP-10 may need to be obtained.

15. Use of Multiple General Permits, including Nationwide Permits. The use of more than one RGP or Nationwide Permit (NWP) for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the RGP and/or NWPs does not exceed the acreage limit of the RGP and/or NWP with the highest specified acreage limit.

Compliance

Compliance with the RGP-10 requires strict adherence to the terms and conditions specified both herein and any special conditions within the verification. The Corps' representatives may inspect sites to determine whether the work is being, or has been, performed in conformance with the terms and conditions of the RGP-10.

Should the Corps determine that an activity is not in compliance with the RGP-10, the permittee may be required at their expense to implement corrective measures, remove fill and/or restore any areas affected by the noncompliance, in accordance with 33 CFR Part 326 and Section 309 of the Clean Water Act. Noncompliance could also result in suspension, revocation, or modification of the RGP-10 authorization (pursuant to 33 CFR 325.7), initiation of legal action by the Federal Government, issuance of a monetary penalty ranging from \$2,500 to \$25,000 per day of violation, and/or imprisonment for up to one year.

Further Information:

- 1. Congressional Authorities:** Authorization to undertake the activities described above is pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Work that also requires authorization under Section 10 of the Rivers and Harbors Act must be authorized separately through nationwide or individual permits.
- 2. Limits of this authorization.**
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.

- 3. Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. 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.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information provided by the applicant.
- 5. Reevaluation of Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. The permittee fails to comply with the terms and conditions of this permit.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. 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 the permittee to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

- 6. Reevaluation this RGP.** This office may also reevaluate its decision to issue RGP-10 POA-2016-00476 at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: 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.

This General Permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE DISTRICT COMMANDER

DRAFT

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, this application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2016-00476**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.