



# Special Public Notice

US Army Corps  
of Engineers  
Alaska District

DATE: October 25, 2011

IDENTIFICATION NO.: APP 93-1 Reissuance  
(In reply refer to above identification number)

**ANCHORAGE**

Regulatory Division (1145)  
CEPOA-RD

EXPIRATION DATE: November 25, 2011

Post Office Box 6898

JBER, Alaska 99506-0898

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**ALTERNATIVE PERMIT PROCESSING PROCEDURE 93-1  
DISCHARGE OF DREDGED AND/OR FILL MATERIAL  
FOR WATER, WASTEWATER, AND SANITATION FACILITIES  
IN ALASKAN VILLAGES**

The District Engineer, Alaska District, Corps of Engineers (Corps), is considering re-issuing the Alternative Permitting Procedure (APP) 93-1 for five more years. APP 93-1 was developed to expedite the processing of certain water and sanitation projects in rural Alaska sponsored or funded by Federal or state agencies or Federally-Recognized Tribes. The goal of the APP is to make permit decisions more quickly because of the limited scope of authorized activities and pool of applicants, and the minimal adverse impact generated by the projects, which typically further the goals of the Clean Water Act.

Our permitting authority is granted pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) for the placement of dredged and/or fill material and structures into waters of the United States (U.S.), including wetlands.

Revisions have been made to APP 93-1 to simplify and clarify the procedures and conditions. Some activities have been dropped from coverage because they rarely occurred or required excessive coordination, making a standard permit review more appropriate. Please review the attached APP 93-1 and provide comment by the Public Notice expiration date.

APP 93-1 was originally issued in 1994, and has been re-authorized two times since; the most recent in 2006. During the last five year authorization period, the APP was used an average of 3 times annually.

For the purposes of this permit procedure, a sanitation facility is defined as a facility which provides clean water or removes domestic waste from the local environment. Examples of such projects are: community sewer, septic, and water systems; and individual wells and septic systems. Excluded from coverage are: solid waste disposal sites (landfills), soil remediation facilities, and industrial or commercial water and wastewater treatment facilities.

Based on a review of all pertinent information, I have concluded that issuance of this procedure will have no more than minimal adverse impact on the environment and is not contrary to the public interest.

Please contact **Mary Leykom** at (907) 753-2712, toll free in Alaska at (800) 478-2712, email at **regpagemaster@usace.army.mil**, or by mail at the above address, if you have questions.

District Engineer  
Alaska District  
U.S. Army Corps of Engineers

Attachments

**ALTERNATIVE PERMIT PROCESSING PROCEDURE 93-1  
FOR WATER, WASTEWATER, and SANITATION FACILITIES IN ALASKA, 2011**

**INTRODUCTION**

The Alternative Permit Processing Procedure 93-1 (APP) is intended to expedite the processing of water and sanitation projects in rural Alaska for which all substantive issues have been, or can be, resolved in an abbreviated time frame. Please read through all the information below to determine whether your project fits the criteria and meets the conditions for processing under the APP. If these conditions and procedures are not met, standard Department of the Army processing procedures, including a Public Notice, shall be used (per 33 CFR 325.2). The goal of the APP is to make permit decisions more quickly based upon the minimal impact, benefits to health and environment, and coordination undertaken by the applicants.

**APPLICABLE PROJECTS**

APP 93-1 is intended for projects requiring individual Department of the Army (DA) permits for the placement of dredged and/or fill material and structures into waters of the United States (U.S.), including wetlands. Permitting authority is granted under Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Project purpose must be for constructing or upgrading sanitation, water and wastewater facilities, including some support facilities (access roads, washeterias, and water tanks) in Alaska. The APP was developed for projects constructed and/or funded by U.S. Indian Health Service (IHS), Federally Recognized Alaskan Tribes carrying out IHS programs under PL 93-638, the Alaska Village Safe Water Program (VSWP), or other local, state, or Federal agencies. Projects must impact no more than five acres of wetlands or waters of the U.S. to be eligible.

**EXCLUDED PROJECTS AND AREAS**

Solid waste disposal sites (landfills), soil remediation facilities, and industrial or commercial waste and wastewater disposal and treatment facilities are excluded. The APP is not intended for projects in cities and towns such as: Anchorage, Fairbanks, Juneau, Sitka, Ketchikan, Kenai, Homer, Seward, Petersburg, Wasilla, Palmer, Unalaska/Dutch Harbor, Naknek, Bethel, King Salmon, Soldotna, Dillingham, Kodiak, Valdez, Cordova.

**HOW TO APPLY FOR THE APP: REQUIRED INFORMATION**

1. The permit applicant must submit the following information to the U.S. Army Corps of Engineers CEPOA-RD, Post Office Box 6898, JBER, Alaska 99506-0898:

- a) A completed DA permit application form (ENG FORM 4345);
- b) A wetland map, delineating wetlands, streams, ponds, or other aquatic features in your project area;
- c) A statement describing the ways you avoided, and/or minimized the impact your project would have on wetlands and other aquatic environments. If wetlands could not be avoided, describe any compensatory mitigation you propose;
- d) Documentation of your initial consultation with:
  - Federal Aviation Administration for wildlife hazards;
  - U.S. Fish and Wildlife Service for Threatened and/or Endangered species and eagle nests;

- Alaska State Historic Preservation Officer for cultural or historical features (if project sponsored by a federal agency);
- National Marine Fisheries Service for Threatened or Endangered species and Essential Fish Habitat;
- Alaska Department of Fish and Game for Fish Habitat Permits.

2. If your project requires any of the following, a written justification must be submitted:

- a) Fill within 100 feet of any open water body, such as stream, slough, river, pond, lake, estuary, marine waters, or permanently flooded emergent wetland;
- b) Storage of fill or overburden materials within 100 feet of any open water as defined above;
- c) Locating a fuel storage facility within 100 feet of any open water body as defined above;
- d) Conversion of a tundra pond into a sewage lagoon.

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**The application is complete when the above information has been submitted**

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APP 93-1 PERMIT CONDITIONS

Read through the conditions to make certain your project can comply.

Special Conditions:

1. Total acreage of the fill placed in waters of the U.S. and wetlands cannot exceed five acres. This includes fill for buildings, sewage lagoons, access roads, driveways, and related features. The combined length of roads in the five-acre calculation must not exceed 5,000 feet; and written justification must be provided, if the proposed road length exceeds 2,000 linear feet.
2. Projects requiring the placement of fill within 100 feet of the ordinary high water mark or high tide line of any open water body must provide written justification and a vegetative buffer must be left in place between the water body and the facility. The vegetative buffer must be indicated on the project plans.
3. No activities shall be conducted in a fish stream without prior coordination with the Alaska Department of Fish and Game (ADFG). Applicants must obtain and comply with ADFG Fish Habitat Permits, if required.
4. If fuel storage tanks must be placed within 200 feet of any open water body, they must hold less than 10,000 gallons, be located within an impermeable dike of 110 percent capacity of the largest independent container, and written justification for this placement along with leak and spill prevention specifications must be provided to the Corps. All fuel storage must meet all local, state and Federal storage and handling requirements.
5. If permafrost is present, gravel thickness or insulation must be sufficient to prevent thermal degradation.
6. Natural drainage patterns must be maintained. Culverts, ditching, storm drain systems and other measures may be incorporated. Ponding and/or drying of areas adjacent to fill areas indicate non-compliance with this condition.

7. Fill must consist of clean, uncontaminated gravel or rock.
8. The limits of fill must be staked or flagged every 100 feet, before construction begins, to prevent accidental wetland impact.
9. Disturbed ground and exposed soil not covered by structures or other features must be stabilized and revegetated with native plant species as soon as possible. The goal is to eliminate erosion and sedimentation and establish a durable vegetative cover.
10. Reasonable precautions and controls must be used during construction to prevent incidental and accidental discharge of petroleum products. Materials such as sorbent pads and booms must be readily available on-site, and must be used to contain and cleanup any petroleum product spilled as a result of construction activity.
11. Storage facilities for toxic or hazardous wastes must meet local, state and Federal requirements for storage and handling or such materials.
12. Federal applicants must consult with the State Historic Preservation Officer (SHPO) and, if necessary, the Advisory Council on Historic Preservation, on the effects of their projects on historic properties, as per Section 106 of the National Historic Preservation Act. Should an adverse effect to historic properties be identified, shall become an interested party to the consultation, and local historic councils shall be notified. State applicants must similarly consult with and SHPO; the Corps shall usually become the lead agency in the Section 106 consultation.
13. If, while undertaking authorized work, previously unknown archeological or historic remains are located, you shall immediately inform this office (753-2712; (800) 478-2712), local historic councils (if present), and SHPO (269-8721) of what has been found. In the case of a Federal applicant, the applicant and SHPO shall determine if the remains are eligible for inclusion in the National Register of Historic Places and determine, in consultation with the Council, any appropriate mitigation. The DA shall function as an interested party. In the case of a State applicant, the DA shall take the lead agency role in consultation.
14. Pursuant to Section 7(a)(2) of the Endangered Species Act of 1973, the proposed activity shall not adversely affect any species listed as threatened or endangered under the Act. Additionally, the proposed activity shall not jeopardize the continued existence of any proposed species under the Act. All applicants must contact the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to determine whether any listed or proposed species may be present at the site of the proposed activity and include all documentation with their application. The Corps shall consult with USFWS and NMFS once the application is complete.
15. The conditions found on the State of Alaska Department of Environmental Conservation, Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act are attached to, and become a part of permits issued using the APP.
16. Issuance of this authorization does not obviate the need for you to coordinate with, or obtain, other Federal, state, and local permits, licenses, or approvals that may be required, and those approvals must be obtained prior to conducting work under this APP.

17. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

18. If located in navigable waters, you must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; (907) 463-2269.

19. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

General Conditions: General Conditions are those listed on the standard Department of the Army (DA) Permit, (ENG Form 1721, Nov 86), a copy of which is attached.

#### PROCEDURES

1. Application and required information is submitted by the applicant.
2. The Corps determines whether the application is complete and meets the terms and conditions of the APP. A pre-application meeting may be scheduled, if needed.
3. The application and supporting information are emailed/faxed to the appropriate agencies and interested parties for a period of 15 calendar days.
4. Commenting agencies and interested parties have the right to verbally comment within the 15 calendar days and can request a 10-calendar day extension to furnish written comments.
5. Procedures under the 404(q) Memorandum of Agreement (MOA) remain valid under the APP procedure and the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and/or the U.S. Environmental Protection Agency (EPA) may maintain that issues have not been resolved, and request additional time to provide comments. Such requests for time extensions will comply the respective 404(q) MOA. Parties other than Federal agencies will also have the opportunity to provide comments within a granted time extension period.
6. Once the decision has been made to authorize the proposed work, standard permit procedures would be followed except the permit form will carry the following sentence: "Standard procedures [33 CFR Part 325.2(a)] were not followed in granting this authorization."

#### OTHER INFORMATION

Failure to comply with these conditions and the terms of the APP can result in suspension of the work, revocation of the permit, removal of the fill, restoration of the wetlands, and/or imposition of penalties as provided by law.

MONITORING

The Regulatory Division will maintain a file of APP-related documents and monitoring efforts.

EXTENSION, MODIFICATION, AND REVOCATION OF APP

This APP would be in effect for a period of 5 years. At the end of the 5-year period, an evaluation of the APP procedure will be made and the decision made whether to renew, revise, or retire the APP.

This APP may be modified or revoked at any time by the District Engineer. A Public Notice would be issued to notify the public.

FOR THE DISTRICT ENGINEER:

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Mary F. Leykom  
Alaska District  
Corps of Engineers

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Date