



Public Notice

US Army Corps
of Engineers

Alaska District
Regulatory Branch
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

Date: 15 April 2005
Identification Number
SPN 2005-05

SPECIAL PUBLIC NOTICE (SPN) 05-05

FINAL MODIFIED GENERAL PERMITS
93-10N, 93-11N, 93-12N, 93-13N and 93-14N

ANCHORAGE WETLANDS MANAGEMENT PLAN REVISION

Interested parties are hereby notified that the Alaska District Corps of Engineers (Alaska District), in accordance with Title 33 CFR 325.2 (e) (2), as published in the Federal Register, Volume 51, Number 219, has renewed with modifications the five General Permits (GPs) (93-10N, 93-11N, 93-12N, 93-13N and 93-14N) pursuant to Section 404 of the Clean Water Act (PL 95-217, 33 U.S.C. 1344) for the placement of fill material into wetlands within the Municipality of Anchorage, which were designated "C" in the Anchorage Wetlands Management Plan (AWMP) Revision, April 1996, and as further revised in the Department of the Army (DA) public notices, dated March 17, 2000, and February 2, 2005. GP 93-10N is for residential fill pads, site preparation, and driveways; GP 93-11N is for roads and other linear developments; GP 93-12N is for commercial, institutional, and community development and parking lots; GP 93-13N is for industrial developments; and GP 93-14N is for wetland, habitat, and water quality enhancement.

The only changes that have been made since SPN 05-01 was published soliciting comments on the new modified GPs are

1. Rewording General Permit Site Restrictions and Design Criteria, Stormwater Functions: The applicant shall demonstrate that the project plans include sufficient measures to effectively replace the site's pre-project stormwater retention and filtration capacity. The measures shall be sufficient to approximate zero net runoff increase for storms with 2-year frequency and no more than two times net runoff increase for storms with a 10-year frequency, including storms from subdrains. Verification that the project's stormwater design meets this criterion must be obtained from the Municipal Wetland Management Section or its designee, and must be included with the GP application package.
2. Addition to the General Permit Site Restrictions and Design Criteria, Surface Water Features: **The applicant shall contact the Office of Habitat Management & Permitting (tel. 269-8690), Alaska Department of Natural Resources, if the proposed project will cross any surface flowing waterway.**

WATER QUALITY CERTIFICATION: Certification as required under Section 401 of the Clean Water Act (Public Law 95-217) has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(1) of the Coastal Zone Management (CZM) Act of 1972, as amended by 16 U.S.C. 1456(c)(3), has certified that the described activity affecting land and water uses in the Coastal Zone complies with the Alaska Coastal Management Program.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. The wetland units covered by the revised GPs do not include a registered or eligible property. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application has been coordinated with the State Historic Preservation Office (SHPO).

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. The described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application has been coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

ESSENTIAL FISH HABITAT: The Alaska District has fulfilled the Essential Fish Habitat (EFH) consultation requirement with the National Marine Fisheries Service (NMFS). The EFH recommendations were adopted as management area prescriptions in 2000, and no changes have been made to them. Thus, no further EFH consultation is required. In the event that any deviation from these recommendations is proposed, an individual EFH consultation will be required.

SPECIAL AREA DESIGNATION: The wetland units are described in the Anchorage Wetlands Management Plan Revision, April 1996, were further revised in the DA public notices, dated March 17, 2000, and February 2, 2005.

EVALUATION: The decision whether to re-issue these GPs is based on an evaluation of the probable impacts including cumulative impacts of the activity and their intended use on the public interest. Evaluation of the probable impacts, which the GPs may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, have been balanced against their reasonably foreseeable detriments. The decision to authorize GPs, and if so, the conditions under which they are allowed to occur, are therefore determined by the outcome of the general balancing process. That decision reflects the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, have been considered including the cumulative effects thereof. Among those considered are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and

conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

An analysis and assessment was performed of the potential individual and cumulative adverse impacts due to the activities authorized under these GPs, and of the similarity in nature and impact of the activities authorized by the GPs. The analysis and assessment is set out in the administrative record for the Corps' decision, and, in particular, in the Corps' General Permit Evaluation and Decision Document, the Addendum thereto, related memos, and other documents in the record. The results of our analysis are that the authorized activities in the wetlands covered by the GPs, and the discharges of fill material authorized by the GPs, will not result in more than minimal adverse impacts upon water quality and the aquatic environment, either individually or cumulatively, and will be similar in nature and impact (See 40 CFR 230.7).

As set forth in more detail in the documents mentioned above, and the text of the permit, our analysis and assessment included the adoption of various approaches which ensure that any impacts due to activities under the GPs will not be more than minimal and will be similar in nature and impact. They include, but are not limited to: confining application of the GPs to previously altered, fragmented or compromised wetlands or wetlands that otherwise have low values and functions; confining application of the GPs to wetlands that are subject to existing pressures that increase their trends to lower values and function; excluding higher value and functioning waters of the U.S., including streams and other water bodies, from the GPs; excluding larger, continuous and unfragmented wetlands with higher values and functions from application of the GPs to ensure that any impacts on any individual or cumulative basis are not more than minimal and do not substantially differ in nature and impact; and ensuring that the activities authorized under the GPs, the fill authorized for discharge, is limited in type.

Contact Dr. Mary Lee Plumb-Mentjes at the address on page 1, by FAX at (907) 753-5567, by calling (907) 753-2712, toll-free in Alaska at (800) 478-2712, or by e-mail at Mary.Plumb-Mentjes@poa02.usace.army.mil concerning this notice, or to see the General Permit Evaluation and Decision Document Addendum and supporting documents. These may be reviewed at the office of the U.S. Army Corps of Engineers, Alaska District, Regulatory Branch, located at 2218 Third Street on Elmendorf Air Force Base, Anchorage, Alaska.

AUTHORITY: These revised GPs are issued under the following authority: discharge of dredged or fill material into waters of the United States - Section 404 of the Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review considered the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Engineer
US Army Corps of Engineers

Attachments

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

FRANK H. MURKOWSKI
GOVERNOR

■ **SOUTHCENTRAL REGIONAL OFFICE**
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

□ **CENTRAL OFFICE**
P.O. BOX 110030
JUNEAU, ALASKA 99801-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

□ **PIPELINE COORDINATOR'S OFFICE**
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

www.alaskacoast.state.ak.us

March 23, 2005

Ms. Mary Lee Plumb-Mentjes
Department of the Army
U.S. Army Engineer District, Alaska
P.O. Box 6898
Elmendorf AFB, Alaska 99506-6898

Subject: Renewal of Modified General Permits 93-10N, 93-11N, 93-13N and 93-14N
State I.D. No. AK 0502-05AA
Final Consistency Determination

Dear Ms. Plumb-Mentjes:

The Office of Project Management & Permitting (OPMP) has completed coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). OPMP has developed the attached final consistency response based on reviewers' comments.

Based on an evaluation of your project by the Alaska Departments of Fish and Game and Natural Resources and the Municipality of Anchorage, OPMP *concurs* with your certification that the project is consistent with the ACMP and affected coastal district's enforceable policies. This concurrence is also based on your modification of the project proposal to achieve consistency with the ACMP enforceable policies.

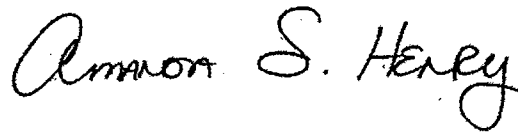
This is the *final consistency decision* for your project.

This consistency response is only for the project as described. If you propose any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary.

If you have any questions regarding this process, please contact me at 907-269-7468 or email

amanda_henry@dnr.state.ak.us.

Sincerely,



Amanda S. Henry
Project Review Coordinator

Enclosures

cc: Email distribution only

Bob Shavelson, Cook Inlet Keeper, Homer
Mel Langdon, DEC, Anchorage
Julius Rockwell, Anchorage Waterways Council, Anchorage
Kara Moore, ACMP Liaison, DNR/DOL, Anchorage
Linda Markham, ADOT/PF, Anchorage
Robin Willis, DFG, Anchorage
Roger Graves, Port of Anchorage, Anchorage
Stefanie Ludwig, DNR/SHPO, Anchorage
Stewart Seaberg, DNR/OHMP Anchorage
Cindy Anderson, DNR/OHMP, Anchorage
Thede Tobish, Municipality of Anchorage
Wayne Dolezal, DFG, Anchorage
Don Shiesl, Mat-Su Borough, DPW, Palmer
Gary Porter, Bald Mountain Exploring, Homer
Heather Dean, EPA, Anchorage
Jeanne Hanson, NMFS, Anchorage
Janet Herr, NMFS, Anchorage
Katie Gage, Lands Department, Cook Inlet Region, Incorporated, Anchorage
Andrew McCarthy, National Park Service
Katharine Heumann, DNR/OPMP, Juneau

**ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY DETERMINATION
CONCURRENCE**

DATE ISSUED: MARCH 23, 2005

RENEWAL OF MODIFIED GENERAL PERMITS 93-10N, 93-11N, 93-13N, AND 93-14N

STATE ID. NO.: AK 0502-05AA

AFFECTED COASTAL RESOURCE DISTRICT(S): MUNICIPALITY OF ANCHORAGE

PROJECT DESCRIPTION AND SCOPE OF THE PROJECT SUBJECT TO REVIEW: Except for the water quality issues addressed through the DEC 401 Certification process, the activity subject to this review is the modification and reissuance of the existing five General Permits (GPs) (93-10N, 93-11N, 93-12N, 93-13N and 93-14N) pursuant to Section 404 of the Clean Water Act for the placement of fill material into "C" designated wetlands within the Municipality of Anchorage. GP 93-10N is for residential fill pads, site preparation, and driveways; GP 93-11N is for roads and other linear developments; GP 93-12N is for commercial, institutional, and community development and parking lots; GP 93-13N is for industrial developments and GP 93-14N is for wetland, habitat, and water quality enhancement.

The ACMP Review focused solely on the modifications to the GPs and did not address existing sections of the GPs that have not been modified. A description of the substantive changes to the GPs as well as maps of previously unmapped wetlands were submitted by Ms. Plumb-Mentjes to the ACMP on February 1, 2005. The Corps Public Notice, dated February 2, 2005 included a draft of the 2005 General Permits with associated attachments. In order to conserve resources, the Corps letter dated, February 1, 2005 and the Corps Public Notice as well as their respective attachments are incorporated into the project description and scope of the ACMP review.

The current GPs were originally issued October 20, 1994 and modified and reissued on March 17, 2000. The current GPs will expire March 17, 2005.

The applicant has modified the project proposal to achieve consistency with the ACMP enforceable policies by adding the following language to the General Permit Site Restrictions and Design Criteria, Surface Water Features section:

The applicant shall contact the Office of Habitat Management & Permitting (tel. 269-8690), Alaska Department of Natural Resources, if the proposed project will cross any surface flowing waterway.

CONSISTENCY STATEMENT: OPMP concurs with the consistency certification submitted by Ms. Plumb-Mentjes and the Corps of Engineers.

AUTHORIZATIONS: State agencies shall issue the following authorizations within five days after OPMP issues the final consistency determination that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

Alaska Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 6 AAC 80.140. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 6 AAC 80.140 for those specific activities.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260) is more or less restrictive than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without Department of Natural Resources (DNR) authorization.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this determination is issued.

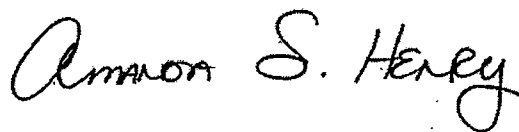
ENFORCEMENT: Pursuant to 11 AAC 110.260(e) and 110.445(e), if after receiving this final consistency response, the applicant fails to implement an adopted alternative measure, or if the applicant undertakes a project modification not incorporated into the final determination and not reviewed under 11 AAC 110.800-11 AAC 110.820, State resource agency may take enforcement action according to the resource agency's statutory and regulatory authorities, priorities, available resources, and preferred methods.

ADVISORIES: Please be advised that although the OPMP concurs with your certification that the project is consistent with the ACMP, you are still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that

would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) so that consultation per section 106 of the National Historic Preservation Act may proceed.

Final Consistency Determination Prepared By:
Amanda S. Henry Project Review Coordinator
550 W. 7th Ave., Suite 1660
Anchorage, AK 99501
(907)269-7468



Amanda S. Henry

March 23, 2005

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-6281
Fax: (907) 269-7508
TTY: (907) 269-7511
<http://www.state.ak.us/dec/>

DIVISION OF WATER

Water Non-Point Source Pollution Control Program

March 29, 2005

Certified Mail 7002 2410 0005 3104 0906

Dr. Mary Lee Plumb-Mentjes
US Army Corps of Engineers Alaska District
Regulatory Branch
PO Box 6898
Anchorage, AK 99506-6898

Subject: Renewal of Modified General Permits 93-10N, 93-11N, 93-12N, 93-13N and 93-14N
Anchorage Wetlands Management Plan Revisions
Reference SPN 2005-01
State ID. No. AK 0502-05AA

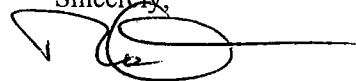
Dear Dr. Plumb-Mentjes:

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 renewal of General Permit's 93-10N, 93-11N, 93-12N, 93-13N and 93-14N for specified activities in wetlands in Anchorage, Alaska.

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, 410 Willoughby Avenue, Juneau 99801, 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, Juneau, Alaska 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 Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,



Ron Klein
Acting Program Manager

Enclosure

CC: (with encl.)

Amanda Henry, DNR/OPMP
Stewart Seaberg, DNR/OHMP
Mel Langdon, DEC

Thede Tobish, Municipality of Anchorage Planning Dept.
EPA Alaska Operations
USF&WS

"Clean Water"

**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 U.S. Army Corps of Engineers, Alaska District, Regulatory Branch, PO Box 898, Anchorage, Alaska 99506, for the proposed renewal of the following modified general permits (GPs) covering certain wetland activities within the Municipality of Anchorage.

GP 93-10N is for residential development; GP 93-11N is for linear infrastructure development; GP 93-12N is for commercial, institutional and community development; GP 93-13N is for industrial development; and GP 93-14N is for wetland restoration and enhancement. The GPs authorize the discharge of fill material into certain wetlands within the Municipality of Anchorage which have been designated "C" in the Anchorage Wetlands Management Plan. The objective of the GPs is to allow planned, systematic development of private and commercial lots and selected government-managed areas and expedite the permitting process in these wetlands, while maintaining important wetland functions.

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 activities will be authorized by a Corps of Engineers permits and a discharge may result.

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.

Date March 29, 2005



Ron Klein
Acting Program Manager

GENERAL PERMITS
93-10N, 93-11N, 93-12N, 93-13N, and 93-14N

DISCHARGES OF DREDGED OR FILL MATERIAL IN
THE MUNICIPALITY OF ANCHORAGE

EFFECTIVE DATE: 13 April 2005 **EXPIRATION DATE:** 13 April 2010

TO WHOM IT MAY CONCERN:

Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), and in accordance with Title 33, CFR 325.2(e)(2), the District Engineer, Alaska District, U.S. Army Corps of Engineers (Corps), hereby modifies and renews Regional General Permits (GPs) for the discharge of dredged or fill material into certain wetlands within the Municipality of Anchorage, Alaska.

AREAS INCLUDED IN THESE GPs

These GPs apply to the wetlands identified in **Attachment A**. These wetlands generally include **most** of those designated as "C" in the Municipality's April 1996 Anchorage Wetlands Management Plan (AWMP), as well as a number of previously unmapped and currently undesignated wetlands. Permit applicants are strongly encouraged to be sure that the wetland unit they intend to develop is covered by these GPs prior to making serious commitments.

Better maps are available in hard copy from the Municipal Planning Department (907-343-7921) or the Corps Regulatory Branch office (907-753-2712). Electronic versions are currently accessible via: <http://munimaps.muni.org/website/GISlayers/application/map.htm> (with the "Wetlands" layer activated). Updated maps will be available in the future through www.muni.org.

The wetland boundaries on all of these maps are approximate. Entities interested in developing property encompassing or adjacent to the depicted wetlands should contact the Corps Regulatory Branch for a precise delineation of wetland boundaries.

AREAS EXCLUDED FROM THESE GPs

These GPs do not apply to marine or estuarine waters, streams, rivers, lakes, or ponds, "A" or "B" wetlands (as designated by the AWMP), nor to unmapped or undesignated wetlands, unless specifically identified in **Table 2 (Attachment A)**. Certain portions of "C" wetlands are also excluded from eligibility for the GPs, as indicated in **Table 1 (Attachment A)**.

AUTHORIZED ACTIVITIES

(Note: These GPs do not supercede the Municipality's authority to determine project compliance with Title 21 Land Use or other Municipal requirements, as applicable.)

GP 93-10N (Residential Development)

Authorizes site preparation and other discharges of dredged or fill material for residential developments, including primary and attendant structures, driveways, garages, sheds, on-site utilities, and yards.

Limitations:

- 1) Building heights may not exceed 50 feet; and,
- 2) Fill and mechanized landclearing for driveways may not exceed 40 feet in width or 200 feet in length; and,
- 3) This GP is intended primarily for use by current or future occupants of individual lots and/or builders or contractors thereon. For development of residential subdivisions, permitting shall follow a tiered approach, under which:

a) the subdivision developer (or his designee) will obtain concept approval of the subdivision, but receive authorization only for development of the infrastructure (e.g., roads, trails, shared utilities) and other communal amenities (e.g., neighborhood parks, water quality facilities). Such authorizations will be under GP 93-11N, and/or 93-12N, described below); and,

b) individual builders, contractors and/or lot owners will obtain authorization (under GP 93-10N) for development of individual lots, including mechanized landclearing and grading.

GP 93-11N (Linear Infrastructure Development)

Authorizes site preparation and other discharges of dredged or fill material for certain roads (as limited below), as well as linear utility installations and associated attendant features.

Limitations:

- 1) The total width of fill and mechanized landclearing for the road corridor—including trails, sidewalks, landscaping, and drainage swales—may not exceed 75 feet; and,
- 2) New arterial roads, as defined in the Anchorage Municipal Code at Title 21.35.020 (or future updates) are not eligible for this GP. Work on arterials is limited to:
 - a) minor widening;
 - b) addition of turn lanes at individual intersections;
 - c) minor modifications to existing on- and off-ramps;

- d) installation or modification of lights and traffic control/warning devices;
- e) construction or modification of bus stops or other similar transit facilities;
- f) landscaping and fencing;
- g) installation of guard rails and other safety measures;
- h) improvements for sight distance; and,
- i) minor, general maintenance, including ditch cleaning and drainage structure repair or replacement.

GP 93-12N (Commercial, Institutional and Community Development)

Authorizes site preparation and other discharges of dredged or fill material for commercial, institutional and community developments, including parking areas.

Limitations:

- 1) Commercial activities are limited to businesses defined in the Anchorage Municipal Code at Title 21.35.020 and 21.40.130 through 21.40.190 (or future updates); and,
- 2) This GP does not authorize projects that include:
 - a) direct discharge of wastewater to waters of the U.S.;
 - b) underground fuel storage tanks;
 - c) new stationary sources of air pollution point source, other than normal heating and power for buildings;
 - d) maintenance activities that may cause releases or spills of hydrocarbons that could run off into waters of the U.S.;
 - e) storage of hazardous materials or wastes, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq.; or
 - f) use of hazardous substances (as defined above) other than de minimis use of common substances for minor, routine cleaning and maintenance incidental to the primary purpose of the permitted activity.

GP 93-13N (Industrial Development)

Authorizes the discharge of dredged or fill material for certain industrial and storage facilities (as limited below) and attendant features, such as offices, salesrooms and parking areas.

Limitations:

1) Products assembled, stored and/or distributed as a primary purpose of the activity are limited to those constructed of inert materials, such as concrete, steel or wood, excluding any treated with preservatives other than paint; and,

2) Outdoor storage and distribution is limited to marshalling yards where commercial or industrial products are stored and/or organized for distribution; and,

3) This GP does not authorize projects that include, as a primary activity:

a) equipment repair or servicing, other than minor, routine operations on equipment that is incidental to the primary industrial activity;

b) commercial automobile repair garages;

c) natural resource product processing;

d) gravel or peat mining;

e) dry cleaning operations;

f) hazardous waste disposal;

g) battery transfer yards; or,

h) fuel storage sites; and,

4) This GP does not apply to projects that include:

a) direct discharge of wastewater to waters of the U.S.;

b) underground fuel storage tanks;

c) new stationary sources of air pollutants, other than normal heating and power for buildings;

d) maintenance activities that may cause releases or spills of hydrocarbons which could run off into waters of the U.S.;

e) storage of hazardous materials or wastes, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq.; or,

f) use of hazardous substances (as defined above) other than de minimis use of common substances for minor, routine cleaning and maintenance incidental to the primary purpose of the permitted activity.

GP 93-14N (Wetland Restoration and Enhancement)

Authorizes site preparation and other discharges of dredged or fill material for wetland, habitat and water quality restoration or enhancement projects.

SITE RESTRICTIONS, DESIGN CRITERIA AND CONDITIONS OF AUTHORIZATION

To ensure that the GP-authorized activities shall have minimal individual and cumulative environmental impacts, they are strictly governed by not only the Terms and Limitations described above, but also the Site Restrictions and Design Criteria applicable to specific sites, as described in **Attachment B**. All individual GP authorizations also will be governed by Project-specific and General Conditions outlined in **Attachment C**, as applicable, and any additional conditions determined, as a result of Corps or Municipal review, to be necessary to ensure minimal impact to aquatic resources.

APPLICATION, REVIEW AND ENFORCEMENT PROCEDURES

Project Proponent:

Application. Except as described below, all project proponents desiring to discharge dredged and fill material in wetlands under the terms of these GPs shall submit an application packet to the Municipal Planning Department. General Permit applications submitted by applicants and/or agents with outstanding 404 wetland violations will not be accepted or reviewed until the outstanding violation and/or enforcement action is resolved and closed. Should the review process initiated by the Municipality result in a determination that the GPs do, in fact, apply to the project, the applicant will receive a conditioned verification signed by the Corps or an Opinion of Compliance (OC) to review. The GP authorization will not take effect and work will not be authorized until the verification or OC is signed by both the applicant and the Corps (for a verification) or Municipal Planning Department staff (for an OC).

Note: These GPs do not require notification directly to, or verification directly from, the Corps. If so desired, however, the project proponent may seek such verification by submitting the application packet directly to the Corps Regulatory Branch, instead of to the Municipal Planning Department.

Compliance. Compliance with the GPs requires strict adherence to the terms and conditions specified both herein and in the verification or OC. Municipal or Corps representatives may inspect sites of GP-authorized work, to determine whether the work is being, or has been, performed in conformance with the terms and conditions of these GPs.

Should the Corps determine that an activity is not in compliance with the GPs, the permittee may be required—at his 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 GP 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.

Reevaluation. The Corps may initiate suspension, revocation and modification procedures, pursuant to 33 CFR 325.7, if the public interest so warrants, regardless of whether the project is in compliance with the GPs. Instances that may warrant such action include, but are not limited to: discovery that applicant provided incomplete, inaccurate or false information; discovery that the Municipality failed to properly implement the Procedures described herein; changes in applicable State water quality standards; and/or, the discovery of previously unevaluated archaeological, flooding or environmental impacts.

Municipality of Anchorage (Planning Department):

Review. Except for those GP permit applications submitted directly to the Corps, the Municipality will review applications to assess completeness and ascertain the applicability of the GPs to the proposed project. If the application is deemed incomplete or the project ineligible, the Municipality will advise the applicant of any additional information or project revisions that are necessary to proceed under the GPs (or local construction and permit requirements). The Municipality will forward all applications for projects that are not eligible for the GPs to the Corps for consideration under either Nationwide or Individual permit processes.

Depending on the type and size of the proposed GP-eligible project, the Municipality will initiate a Pre-Construction Notification (PCN), as part of the review process. Projects requiring PCNs are as follows:

GP#	Type of Project	Extent of Wetlands Involved	PCN Required?
93-10N (residential development)	Development of Individual Lots in Residential Subdivision	Any	If so noted in authorization of the subdivision infrastructure
	Crossing of Unmapped Waterway	Any	Yes
	Other	<16,500 square feet (sf)	No
		>16,500 sf	Yes
93-11N (linear infrastructure development)	Arterial Road	Any	Yes
	Residential Subdivision Infrastructure	Any	Yes
	Crossing of Unmapped Waterway	Any	Yes

	Other	<16,500 sf	No
		>16,500 sf	Yes
93-12N (commercial, institutional & community development)	Crossing of Unmapped Waterway	Any	Yes
	Other	<16,500 sf	No
		>16,500 sf	Yes
93-13N (industrial development)	Any	Any	Yes
93-14N (wetland restoration & enhancement)	Any	Any	Yes

For projects that do not require a PCN, the Municipality will determine what, if any, Special Conditions are necessary, and supply a conditioned OC for the applicant's review and acceptance. The OC takes effect and becomes official once signed by both parties. The OC is not legally binding on the Federal government, but is intended to provide a measure of assurance that the proposed project will comply with the terms and conditions of the GPs. The Municipality will confer with the Corps on questionable or borderline proposals before supplying the OC.

For projects that do require a PCN, the Municipality's initial review and actions to ensure the application is complete will be followed by:

- 1) transmittal of the application packet to the Corps, as well as Federal and State resource agencies (i.e., Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources (Offices of Habitat Management and Permitting, and Project Management and Permitting));
- 2) a five-working-day initial review period, during which time agencies will notify the Corps if they have any concerns about the proposal;
- 3) an additional five-working-day agency comment period, during which time agencies will provide additional information and/or suggested conditions to the Corps; and,
- 4) direction from the Corps to the Municipality regarding how any concerns are to be resolved.

Upon receiving direction from the Corps, the Municipality will proceed with supplying either an opinion of compliance or a Corps-signed conditioned verification to the applicant, as above.

Compliance. The Municipality will inspect sites of GP-authorized work, to determine whether the work is being, or has been, performed in

conformance with the terms and conditions of these GPs. Should an activity appear not to be in compliance with the GPs, the Municipality will expeditiously report the apparent non-compliance to the Corps and/or take measures to resolve the violation, within its independent authority.

Corps of Engineers (Regulatory Branch) :

Review. For proposals that require a PCN, the Corps will receive agency input and determine what, if any, project revisions and/or Special Conditions are necessary to alleviate agency concerns and otherwise ensure that the project would have minimal adverse impacts, both individually and cumulatively. The Corps will then instruct the Municipality as to how to complete either an opinion of compliance or a Corps-signed verification.

Enforcement. As described above, the OC prepared by the Municipality provides a level of assurance regarding GP applicability, but is not legally binding on the Federal government. The final determination remains with the Alaska District Engineer, and the Corps retains its full responsibility and legal authority both to take enforcement action and to suspend use of the GPs at any time it determines that an activity is not in compliance with the GPs, even if the Municipality has completed an OC.

The District Engineer, or his designated representative(s), may inspect sites of GP-authorized work at any time deemed necessary, to determine whether the work is being, or has been, performed in conformance with the terms and conditions of these GPs. Should the Corps determine that an activity is not in compliance with the GPs, appropriate measures will be taken to resolve the violation, in accordance with 33 CFR Part 326 and Section 309 of the Clean Water Act. Such measures could include a requirement to implement corrective measures, remove fill and/or restore any areas affected by the noncompliance, issuance of an administrative penalty, and/or initiation of legal action.

Reevaluation. The Corps may reevaluate any verification or OC at any time that circumstances warrant, including, but not limited to instances in which:

- 1) the permittee fails to comply with the terms and conditions of these GPs;
- 2) the information provided by the project proponent proves to have been incomplete, inaccurate or false;
- 3) the Municipality fails to implement the Procedures described herein properly;
- 4) significant new information surfaces which was not considered in the original decision on the proposal, including changes in applicable State Water Quality Standards.

Such a reevaluation may result in initiation of the suspension, modification and revocation procedures described in 33 CFR 325.7.

GENERAL PERMIT PROGRAM ADMINISTRATION

Municipality of Anchorage (Planning Department):

Inspections. The Municipality shall inspect at least 20% of the activities authorized by the GPs each year, to determine whether the work is being, or has been, performed in conformance with the terms and conditions of these GPs.

Quarterly Reports. On a quarterly basis, the Municipality shall provide the Corps with the following information on GP activities for that quarter:

- 1) copies of all applications and required supporting documentation/analyses;
- 2) total acreage of wetland fill and mechanized landclearing verified, by watershed;
- 3) copies of all verifications and OCs; and,
- 4) a log, by watershed, of the GP sites inspected, including findings and actions taken.

Reports shall be submitted by the 10th of the month following the end of each calendar year quarter.

Annual Reports. By January 15 of each year, the Municipality will provide the Corps with the following information on GP activities for the preceding year:

- 1) total number of verifications and OCs provided, by watershed;
- 2) total acreage of wetland fill mechanized landclearing verified and for each GP, by watershed;
- 3) total cubic yards of wetland fill involved, by watershed;
- 4) average processing time per application; and,
- 5) total number of GP sites inspected, by watershed.

Corps of Engineers (Regulatory Branch):

Biannual Meetings. The Corps will convene at least two interagency meetings each year (e.g., late spring and late fall) to review the Municipality's GP administration and inspect authorized activities. In addition to the Municipality, invitees shall include the Environmental Protection Agency, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources (Offices of Habitat Management and Permitting, and Project Management and Permitting).

Expiration and Reissuance. Upon expiration of these GPs in 5 years, the Corps will evaluate the program and decide whether the GPs should be renewed.

Suspension, Modification or Revocation of these GPs. The Corps may reevaluate its decision to issue these GPs at any time circumstances warrant, including, but not limited to instances in which:

- i) the Municipality revises the 1996 AWMP prior to expiration of these GPs;
- ii) the Municipality is party to violations of the Clean Water Act;
- iii) it appears that the individual or cumulative adverse effects of the authorized activities are more than minimal, or otherwise unacceptably impacting the public interest; or,
- iv) significant new information surfaces which the Corps did not consider in reaching the original public interest decision, including changes in applicable State Water Quality Standards.

In such instances, the Corps will assess whether suspension, modification or revocation of the GPs is in the public's interest, and will initiate the procedures described in 33 CFR 325.7. Modification of the GPs could eliminate the Municipality's role in reviewing applications and providing GP verifications and OCs, thus requiring all applicants to seek authorization directly from the Corps. Direct application to the Corps would also be necessary if the GPs were revoked. In the event of revocation, the District Engineer would decide, on a case-by-case basis, how to address individual activities authorized prior to revocation.

Policy on "A" and "B" Wetlands. These GPs generally apply to most of the wetlands designated as "C" in the 1996 AWMP. Based on this relationship between the GPs and the AWMP, the Corps has also adopted a policy by which it implements its responsibilities under Section 404 of the Clean Water Act, with respect to other wetlands in Anchorage. This policy is in **Attachment D**.

List of Attachments to 2005 General Permits (GPs)

Attachment A, Table 1: Eligible/Ineligible "C"
Wetlands, pages A1-A10

Attachment A, Table 2: Eligible Unmapped Wetlands, page A11

Attachment B: General Permit Project Site Restrictions and Design
Criteria, pages B1-B3

Attachment B, Table 4, Site Restrictions and Design Criteria. This
table shows which sites have certain site restrictions and design
criteria, pages B4-B19.

Attachment B, Table 5: Site Restrictions and Design Criteria, Unmapped
Wetlands, page B20

Attachment C: General Permit Authorization Conditions, pages C1-C4.

Attachment D: Corps of Engineers Anchorage Wetlands Policy, page D1.

Attachment E: Maps provided as a guide to the general location of
wetland units designated "C" in the AWMP Revision, April 1996, pages
E1-E6.

ATTACHMENT A--TABLE 1
Anchorage GPS--Eligible/Ineligible "C" Wetlands

ANCHORAGE BOWL					
Wetland Unit	Map #	Site Description/Location	Eligible for GPS	Not Eligible for GPS	Developed/Under Development
1	1	SE Intersection, Ocean Dock/Terminal Rd. (3 sites)	x		
5	11	NE Intersection, Mountain View Dr./Glenn Hwy.	x		
6	13	SE Intersection, 4th/Boniface	x		x
		SW Intersection, Turpin/Glenn Hwy. (2 sites)			x
7	14	SE Intersection, Turpin/Glenn Hwy.	x		x
		Turpin Park, SE Intersection, Oklahoma/Peck	x		
10	12,23	Russian Jack Park, Both Sides of DeBarr Rd.	x		x
10A	36	NW Intersection, 32nd/Pussywillow	x		x
		NW Intersection, Williwaw/Pussywillow	x		
11	25	NW Intersection, 36th/Pussywillow	x		x
		Chugach Foothills Park, South of Sycamore Loop	x		
12	36	SE Intersection, 20th/Chandalar	x		x
		Susitna Elementary School Pond	x		
13	35	NW Intersection, Muldoon/Ptarmigan	x		x
		SW Intersection, Muldoon/Ptarmigan	x		
14A	24	NW Intersection, Muldoon/Northern Lights: West of Carrs	x		
		Muldoon Park, SW Intersection, Northern Lights/Muldoon	x		
16	35	SW Intersection, Northern Lights/Patterson	x	x	
		SW Intersection, Patterson/Sherwood	x		
17A	23	East of Image Dr, between Keyann and Ridgelake	x		
		North of Northern Lights & West of Pine St. ROW	x		
18	22,23,30	North of Northern Lights, Both Sides of Wesleyan	x		
		South of Northern Lts/Bragaw	partially	Map 22: south 500' of wetlands between trail & Bragaw ROW	
18A	23	South of Northern Lights & West of Pine St. ROW	x		
18B	33	South of Mosquito Lake, Between Bike Trail & Providence Dr.	x		
18D	33	NW Intersection, University/Veco Dr.	x		
19	22	SW Intersection, UAA Dr./Mallard	x		
		NW Intersection, Northern Lights/Bragaw (4 sites)	x		
21B	21	SW Intersection, 15th/Lake Otis	x		
22	20	North of Chester Creek & West of C St.	x		x
		North of Chester Creek, Between C St. & A St.	x		x

ATTACHMENT A--TABLE 1
Anchorage GPs--Eligible/Ineligible "C" Wetlands

ANCHORAGE BOWL (cont'd.)					
Wetland Unit	Map #	Site Description/Location	Eligible for GPs	Not Eligible for GPs	Developed/Under Development
		Along 32nd, West of Wisconsin (multiple sites)	x		x
25	29	Broadmoor Estates Subdiv., SE Intersection, Aero/36th NW Corner, Lake Hood Elementary NW Intersection, 40th/Wisconsin SW Intersection, 40th/Andree SW Intersection, 40th/Beechcraft	x x x x	x	x x x
26	27	West of Postmark Dr. & South of Lockheed Ave.	Lot 2B	east of Lot 2B	
26A	17	South of Northern Lights, outlet of Turnagain Bog (2 sites)	x		
26B	27	NE Intersection, Postmark/Sikorsky	x		
26C	28	Turnagain Bog Proper, Show Dump to Aircraft Dr (5 sites)	x		x
	28	South End, East Turnagain Bog	x		
	16,17	NE Intersection, Northern Lights/Postmark Dr.	x		
	17	East of Earthquake Park	x		
26D	27,39	SW Intersection, DeHavilland/Tug Rd.	x		x
27	26	At Coastal Trail, South of Point Woronzof (2 sites)	x		
29A	52	NW Intersection, Raspberry/Air Guard	x		
	52	NE Intersection, Air Guard and Raspberry Rd.		x	x
30	52	West of DeLong Lake & East of Air Guard Dr.	x		
		SE of DeLong Lake, along Jewel Lake Rd.		x	
31A	41	SW Intersection, International/Northwood		x	
	42	NE Intersection, International/Northwood		x	x
	42	NW Intersection, International/Minnesota Off-ramp	x		x
34A	42	SE Intersection, International/Minnesota Off-ramp	x		
	54	Between Blueberry Lake & Interstate Cir.		x	x
34C	54	NW Intersection, Seafood/Ressel	x		
	54	SE Intersection, Minnesota/Raspberry	x		x
34E	53	SE Intersection, Raspberry/Timothy	x		x
		NW Intersection, Northwood/Timothy		x	
	66	SW Intersection, Northwood/Strawberry			x
		North of Strawberry Rd. & West of Minnesota	x		x
34F	67	SW Intersection, Strawberry/80th	x		x
		SE Intersection, Strawberry/80th	x		x
		South of Strawberry Rd. & West of Berry Patch		x	x
35	53	East of Gladys Wood Elementary: West of Arlene, at 71st	x		
		NE Intersection, Arlene/70th	x		x
36	66	Hathor Subdivision, West of Northwood, at 83rd	partially	lots along north edge	x

