



Special Public Notice

US Army Corps
of Engineers
Alaska District

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

DATE: December 21, 2011
IDENTIFICATION NO.: SPN-2006-214-M1
(In reply, respond to above number)
EXPIRATION DATE: January 20, 2012

**PROPOSED REISSUANCE OF GENERAL PERMIT (GP) 2006-214-M1
PREVIOUSLY IDENTIFIED AS GP 90-1N AND GP 2006-214
DISCHARGE OF FILL MATERIAL IN WETLANDS OF NOME, ALASKA**

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) is proposing to re-issue and expand General Permit (GP) 2006-214, previously issued under authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. Seq). This GP currently authorizes the placement of dredged and/or fill material and structures into wetlands for activities associated with residential, public, and commercial development projects in specified areas of Nome, Alaska.

We are soliciting and accepting comments for the next 30 days on our intent to re-issue and expand 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 **Don Kuhle** at (907) 753-2780, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at don.p.kuhle@usace.army.mil if further information is desired concerning this notice.

GPs are considered appropriate for activities which are substantially similar in nature, cause only minimal adverse environmental impacts when performed separately, would have only minor cumulative effect on water quality, and would provide more effective administration of the Clean Water Act without creating an undue burden on the public.

If re-issued, this GP will be in effect for five more years and will be re-named GP 2006-214-M1. The activities intended for re-authorization under this GP are essentially the same, but would include an additional 232.77 acres of wetlands. A copy of the Draft Proposed GP is attached.

The Corps has completed a Preliminary Determination that the proposed activities are in compliance with the requirements for issuance of a general permit. A copy of this Preliminary Determination is available upon request from the letterhead contact information, or by contacting Mr. Don Kuhle at (907) 753-2780, by fax at (907) 753-5567, or by email at don.p.kuhle@usace.army.mil.

BACKGROUND: The Nome GP was initially authorized on July 6, 1990 as GP 90-1. It has since been reauthorized three times, most recently on July 26, 2006 as GP 2006-214. The most recent reauthorization included 12 areas totaling 551 acres, of which 147.4 acres were wetlands. The City of Nome has requested that 9 additional areas totaling 358 acres and containing 232.77 acres of wetlands be included in the currently proposed reauthorization. If reauthorized, the GP will cover a total of 909 acres of which 380.17 acres are wetlands. All areas are shown on the maps attached to the Draft Proposed GP. The new areas are summarized in the following table.

Area Number	Wetland Acres	Upland Acres	Open Water Acres	Marine acres	Total
1	29.66	8.51	0.06	0	38.23
2	30.37	6.53	0.32	0	37.22
3	106.43	20.99	0	0	127.42
4	15.14	18.92	0	0	34.06
12	0	42.6	0	0.98	43.58
14	19.59	16.78	0	0	36.37
15	6.54	6.78	1.39	0.53	15.24
16	8.2	0	0.22	0	8.42
19	16.84	0.96	0	0	17.80
Total	232.77	122.07	1.99	1.51	358.34

For informational purposes, the above table includes open water and marine acreages as well as wetlands. The GP however, with one exception, would not authorize any fill within 50 feet of the ordinary high water mark of any non-tidal open water body or within 50 feet of the high tide line of any tidal waters.

The following table provides a history and summary of use of the GP.

GP ID No.	Issue Date	Expiration Date	Added GP Wetland Area (Acres)	Total GP Wetland Area (Acres)	Number of Projects Authorized	Wetlands Filled (Acres)	Cumulative Wetlands Filled (Acres)
90-1	6 Jul 90	6 Jul 95	60	60	45	9.5	9.5
90-1M	16 May 96	16 May 01	0	60	26	8.4	17.9
90-1N	13 Aug 01	13 Aug 06	33.5	93.5	21	26.35	44.25
2006-214	26 Jul 06	26 Jul 11	53.9	147.4	11	7.06	51.31
2006-214-M1	Proposed	Not yet issued	232.77 Proposed	380.17 Proposed	N/A	N/A	51.31 to date

PROPOSED ACTIVITY: The Corps of Engineers proposes to reauthorize and expand the existing Nome GP 2006-214. See the attached Draft Proposed GP 2006-214-M1 for additional information. This GP would authorize proposed discharges provided the District Commander (DC), or his designee, determines that the proposed class of activities would be minor, and would not have more than minimal, individual, or cumulative adverse impacts on the human environment, and the DC has conducted consultation with appropriate Federal and State regulatory agencies.

The following specific changes are proposed to the GP: Coverage would be extended to include an additional nine parcels, containing 232.77 acres of wetlands.

GENERAL PERMIT BOUNDARY: The GP boundaries are identified on the figures of the attached draft proposed GP.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of 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. The previous certification (State AK ID Number AK 0606-04AA) was issued on July 25, 2006.

MITIGATION: The GP would be conditioned to prohibit discharges of any fill material within 50 feet of any streams, sloughs, rivers, ponds, lakes, permanently flooded wetlands or tidal waters. The GP includes other conditions requiring best management practices to minimize impacts to waters of the U.S.

ENDANGERED SPECIES: The project area is within the known or historic ranges of the spectacled eider (*Somateria fisheri*), Steller's eider (*Polysticta stelleri*), and

the polar bear (*Ursus maritimus*). The Corps has conditioned the GP to protect threatened and endangered species. Preliminarily, the described activity is not likely to adversely affect endangered or threatened species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to use the project area. The GP would remain conditioned to prohibit discharges of any fill material within 50 feet of the ordinary high water mark of any non-tidal open water body, including streams, sloughs, rivers, ponds, lakes; within 50 feet of permanently flooded wetlands; or within 50 feet of the high tide line of any tidal waters. The only exception would be the reduction of the setback to 10 feet to allow development within 50 feet of an established drainage along East N Street and 6th Avenue. The drainage would be preserved during development and adjacent disturbed areas would be re-seeded to reduce erosion.

Preliminarily, we have determined the described activity would not adversely affect EFH in the project area.

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. There is an unevaluated property in the vicinity of the worksite. It has been designated NOM-00068, King Islander Village Site. Because the property has been determined to lie within the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and

its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources.

All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those 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. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

The Draft Proposed GP 2006-214-M1 is attached to this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

DRAFT PROPOSED GENERAL PERMIT 2006-214-M1

DISCHARGE OF FILL MATERIAL IN WETLANDS OF NOME, ALASKA

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, Alaska District, U.S. Army Corps of Engineers (Corps) proposes to expand and reauthorize General Permit (GP) 2006-214-M1.

This GP would authorize the placement of dredged and/or fill material and structures into waters of the U.S., for activities associated with residential, public and commercial development projects in specified areas of Nome, Alaska, as shown on the attached maps, 12 sheets dated September 15, 2011.

All activities would be contingent upon meeting the terms and conditions listed herein. Failure to comply with the terms and conditions of the 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 waters of the U.S. which does not fall within the scope of this GP, or which fails to meet the GP terms and conditions, would not be authorized by this GP and a Department of the Army nationwide permit or individual permit would be required.

This GP would be valid for a period of five years from the date of issuance. The District Commander (DC) of the Alaska District Corps of Engineers (Corps) could, at any time during this period, alter, modify, or revoke the permit if he deems such action to be in the public interest.

Residential development is defined as the construction of a dwelling; a place of residence; or a person's fixed, permanent, and principal home for legal purposes. Residential development also includes work performed in association with site preparation such as fill pads, the installation of underground utilities, or on-site septic/sewer systems, and driveway construction.

Public development is defined as the construction of facilities relating to community interests as opposed to private interests. Public development allowed would include the discharge of fill material in wetlands for public roads, parking lots, buildings such as city halls, public safety buildings, National Guard Armory, churches, post offices, and fire stations.

Commercial development is defined as the construction of private facilities for the exchange or buying and selling of commodities. Commercial development includes a range of uses such as movie theaters, pool halls, arcades, videotape rentals, bingo halls, hotels, restaurants, hair and tanning salons, fabric/dress shops, laundry facilities, daycare facilities, and lumber and hardware stores. Other similar projects would need to be approved by the District Engineer.

CONDITIONS OF THE GENERAL PERMIT

The goals of these conditions are: to ensure work results in only minimal adverse environmental impact when performed separately and have only minor cumulative impacts; to be consistent with other regulatory authorities; and, to retain normal aquatic ecosystem functions representative of the area in which construction takes place. All activities identified and authorized by this GP shall be consistent with the following conditions:

1. Fill material shall not be discharged within 50 feet of the ordinary high water mark of any non-tidal open water body, including streams, sloughs, rivers, ponds, lakes; within 50 feet of permanently flooded wetlands; or within 50 feet of the high tide line of any tidal waters. The only exception is the reduction of the setback to 10 feet to allow development within 50 feet of an established drainage along East N Street and 6th Avenue. The drainage would be preserved during development and adjacent disturbed areas would be re-seeded to reduce erosion.
2. The boundaries of the fill area in wetlands shall be staked and/or flagged prior to construction to prevent inadvertent encroachment into adjacent wetlands.
3. This GP does not apply to any activity involving the use or storage of hazardous wastes or hazardous substances as part of their principal purpose. These materials are defined in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq., and the Comprehensive Environmental Response,

Compensation, and Liability Act (CERCLA). Contact the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency for information about hazardous substances.

4. Sufficient gravel thickness and/or insulation shall be utilized in all fills to prevent thermal degradation of underlying permafrost (if present).

5. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems and other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.

6. No discharge of fill material shall be authorized under this GP if it consists of unsuitable material, e.g. trash, debris, tree stumps, car bodies, etc., and all material discharged shall be free of toxic pollutants in toxic amounts, as defined by the Toxic Pollutant List referred to as Table 1 in Section 307 of the Clean Water Act and by Alaska State Law, i.e. 18 AAC 70 Alaska Water Quality Standards, 18 AAC Oil and Hazardous Substance Pollution Control, and 18 AAC 78 Underground Storage Tanks. A soil remediation plan shall be approved by the Alaska Department of Environmental Conservation (ADEC) prior to commencing any work on a site containing contaminated soil. If contaminated soils are discovered during the activity, all work shall cease in the area of the contamination; ADEC shall be contacted, and work shall commence only upon receiving ADEC approval.

7. All exposed fills (including side slopes) and disturbed areas shall be stabilized to prevent erosion. Increased water turbidity and sediment in drainage ditches, streams, sloughs, and/or adjacent wetlands shall be evidence of insufficient stabilization.

8. The permittee shall allow the District Engineer or his 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.

9. If the permittee, during performance of the work authorized herein, encounters a previously undiscovered archeological, paleontological, or historic resource, he/she shall immediately notify the District Engineer at (800) 478-2712 and the State Historic Preservation Officer, Division of Parks, Department of Natural Resources, 550 West 7th Avenue, Suite 1310, Anchorage, Alaska 99501-3565.

10. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (ACT), nor jeopardize the continued existence of any proposed species under the Act. The U.S. Fish and Wildlife Service has concluded that residential, public, and commercial development within the subdivision boundaries described in this GP is not likely to adversely affect listed species. However, if a listed species is identified within the boundaries of a proposed project covered under this GP, work at the site shall cease and the Service consulted immediately (within 24 hours) at (907) 456-0297 or (907)456-0203.

11. All activities identified and authorized herein shall be undertaken in a manner that is consistent with the terms and conditions of the 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 the 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. In instances where the City of Nome is party to violations of the Clean Water Act, the District Engineer may, at his discretion, modify the GP to have the Alaska District Regulatory Branch require verification by the Corps of projects, where appropriate, until such time as the District Engineer determines that the situation has been resolved.

12. Any activity being performed under this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer 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 District Engineer 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.

APPLICATION PROCEDURES

A party wishing to perform work under GP 2006-214 M1 must review the terms and conditions of the permit and follow the application procedures as written. In order for a proposed project to be considered for authorization under this GP, an application form (see attached example) must be completed and submitted to the City Engineer, City of Nome, on the corner of Front and Hunter Streets, Post Office Box 281, Nome, Alaska 99762, telephone (907) 443-5242, FAX (907) 443-5349. Application forms and copies of the GP are available at the City Engineer's office.

AUTHORIZATION PROCESS:

If the proposed project complies with the terms and conditions of the GP, the City of Nome will notify the applicant by providing him/her with a completed "Opinion of Compliance" form, which is part of the application. No work is authorized without first receiving a positive Opinion of Compliance from the City of Nome. If the project does not comply with the terms and conditions of the GP, the City of Nome will inform the applicant of the reasons for non-compliance with the same form. The applicant should contact the Corps of Engineers to determine if application for a nationwide permit or individual permit would be necessary. Anyone may request written confirmation of whether their proposed work requires authorization.

The City of Nome shall submit copies of all GP application forms and Opinion of Compliance forms to the Alaska District, Corps of Engineers, Regulatory Branch, North Section, on a quarterly basis.

All work in marine waters requires an individual Department of Army Section 10 Permit or nationwide permit authorization.

LIMITATIONS

This GP applies only to activities authorized under Section 404 of the Clean Water Act.

This GP does not apply if Essential Fish Habitat is adversely affected.

This GP does not apply to marine or estuarine waters under any circumstances.

This GP does not apply to State designated Critical Habitat Areas or Game Refuges and Sanctuaries, unless the activity is specifically authorized by the agency with jurisdiction over these lands.

This GP does not apply to construction activities within any unit of the National Wildlife Refuge System, National Park System, or component of the National Wild and Scenic River System (existing or nominated).

The lead role that Federal and State land management agencies have in identifying, evaluating, and pursuing consultation on cultural resources is recognized. This consultation has a basis under Section 106 of the National Historic Preservation Act and any agency's cultural resources conservation implementing regulations. This GP does not authorize construction activities that would adversely affect archaeological, cultural or historic properties which the National Park Service has listed on, or has determined eligible for listing on, the National Register of Historic Places unless coordination with the State Historic Preservation officer (SHPO), and if necessary, the Advisory Council on Historic Preservation is completed as per Section 106 of the National Historic Preservation Act.

Authorization granted under this GP applies only to work subject to the regulatory authority of the U.S. Army Corps of Engineers. GP authorization does not obviate or affect in any manner the requirements or the need to meet any other required Federal, State or local governmental authorizations (e.g., local land use codes or regulations). If the proposed work authorized under this GP is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the authorization to perform activities under this GP may need to be obtained from the Corps.

INSPECTION:

The DC, or his designated representative, may 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 this GP.

STATE CERTIFICATION

A General Permit for the described work will not be issued until a certification or waiver of 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.

MONITORING

Soon after the beginning of each year this office shall conduct an annual review of all projects authorized during the previous year. Pertinent information from these cases shall be compiled into a report and entered in the official GP file. Copies of this report shall be made available to the interested public, and to local, state and federal agencies for their information upon request.

In addition, periodic field inspections shall be undertaken by this office of projects authorized under the GP. Reports shall be prepared for all field inspections and entered into the official GP file. The Regulatory Division shall maintain a file of GP-related documents and monitoring efforts.

Information contained in the GP file shall provide the basis for the decision whether or not to revise or renew the GP. If it is determined that projects authorized by this GP result in greater than minimal adverse environmental impacts, then the GP shall be modified, suspended, or revoked to prevent further impacts.

LIMITS OF THIS AUTHORIZATION

- 1) This GP does not grant any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or infringement of Federal, State, or local laws or regulations.
- 2) This GP does not authorize the interference with any existing or proposed federal projects.
- 3) This authorization does not obviate the need for other Federal, State, and local permits, licenses, or approvals that may be required for the proposed work.

LIMITS OF FEDERAL LIABILITY

In issuing this GP, 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 non-permitted 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 which are not contrary to the public interest.
- 3) Damages to persons, property, or to other permitted or nonpermitted activities or structures caused by an activity authorized by this GP.
- 4) Design or construction deficiencies associated with the permitted work.
- 5) Damage claims associated with any future modification, suspension, or revocation of this permit.

REEVALUATION OF PERMIT DECISION

The Corps of Engineers may reevaluate its decision to issue a GP authorization to any person or agency at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- 1) The permittee fails to comply with the terms and conditions of this 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 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 CF 326.4 and 326.5. The referenced enforcement procedures provide for 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 (such as those specified in 33 CFR 209.170) accomplish, the corrective measures by contract or otherwise and bill you for the cost.

PENALTIES FOR NONCOMPLIANCE/VIOLATIONS

Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of fill material or other structure, restoration of areas subject to Corps jurisdiction, and/or impositions of penalties as provided by law. The discharge of fill material not in accordance with the terms and conditions of this GP constitutes 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 309 of the Clean Water Act, by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or 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

This GP is effective for 5 years from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed within 12 months after the expiration date of this GP.

FOR THE DISTRICT COMMANDER:

William A. Keller
Chief, North Branch
Regulatory Division
Alaska District, Corps of Engineers

APPLICATION FOR DEPARTMENT OF THE ARMY GENERAL PERMIT 2006-214
CITY OF NOME, ALASKA

This form must be completed and submitted to the City Engineer, City of Nome, Post Office Box 281, 102 Division Street, Nome, Alaska 99762, telephone (907) 443-6603, fax: (907) 443-5345 prior to any discharge of dredged and/or fill material into wetlands covered under General Permit (GP) 2006-214. A map showing the specific areas covered under the GP can be viewed at the City Engineer's office. Proposed discharges outside of the GP area, or discharges that do not comply with the terms and conditions of the GP must either comply with one of the Nationwide Permits (33 CFR Part 330) or must receive an individual Department of the Army permit prior to construction. Additional information can be obtained from the Alaska District, Corps of Engineers, Regulatory Branch, Post Office Box 6898, Elmendorf Air Force Base, Alaska 99506-0898, telephone (800) 478-2712 toll free in Alaska, or direct at (907) 753-2712, fax (907) 753-5567, or visit our web site at: www.poa.usace.army.mil/reg.

1. Applicant Information

- a. Applicant's name: _____
Address: _____
Telephone number: _____
- b. Agent's name: _____
Address: _____
Telephone number: _____

2. Project Description

- a. Project type: ___ Residential/___ Public Facility/___ Commercial/___ Other(specify below)
- b. Brief description of proposed work: _____

- c. Location: Subdivision _____, Lot____, Block____, Street address _____
- d. Purpose of fill (e.g. road, driveway, house pad, etc.): _____
- e. Dimensions of fill(in feet): length____, width____, depth____, area(sq feet)_____

3. Site Plans

Provide drawings that show the following in the appropriate spaces on page 2 of this form (attached):

- a. Vicinity map showing the location of the project in Nome.
- b. Overview and cross section drawings of existing and proposed fill area with dimensions in feet.
- c. Proposed structures that would be built on fill area with dimensions in feet. Show existing structures for reference.
- d. Lot lines.
- e. Natural features such as lakes, streams, and drainages.
- f. Existing roads and/or driveways leading to the project site.
- e. Drawings should be to scale if possible.

4. Signature of Applicant/Agent: I certify that, to the best of my knowledge, the information contained in this application is true, complete, and accurate.

- a. Applicant's signature: _____ date _____
- b. Agent's signature (if applicable): _____ date _____

OPINION OF COMPLIANCE
DEPARTMENT OF THE ARMY GP 2006-214
CITY OF NOME, ALASKA

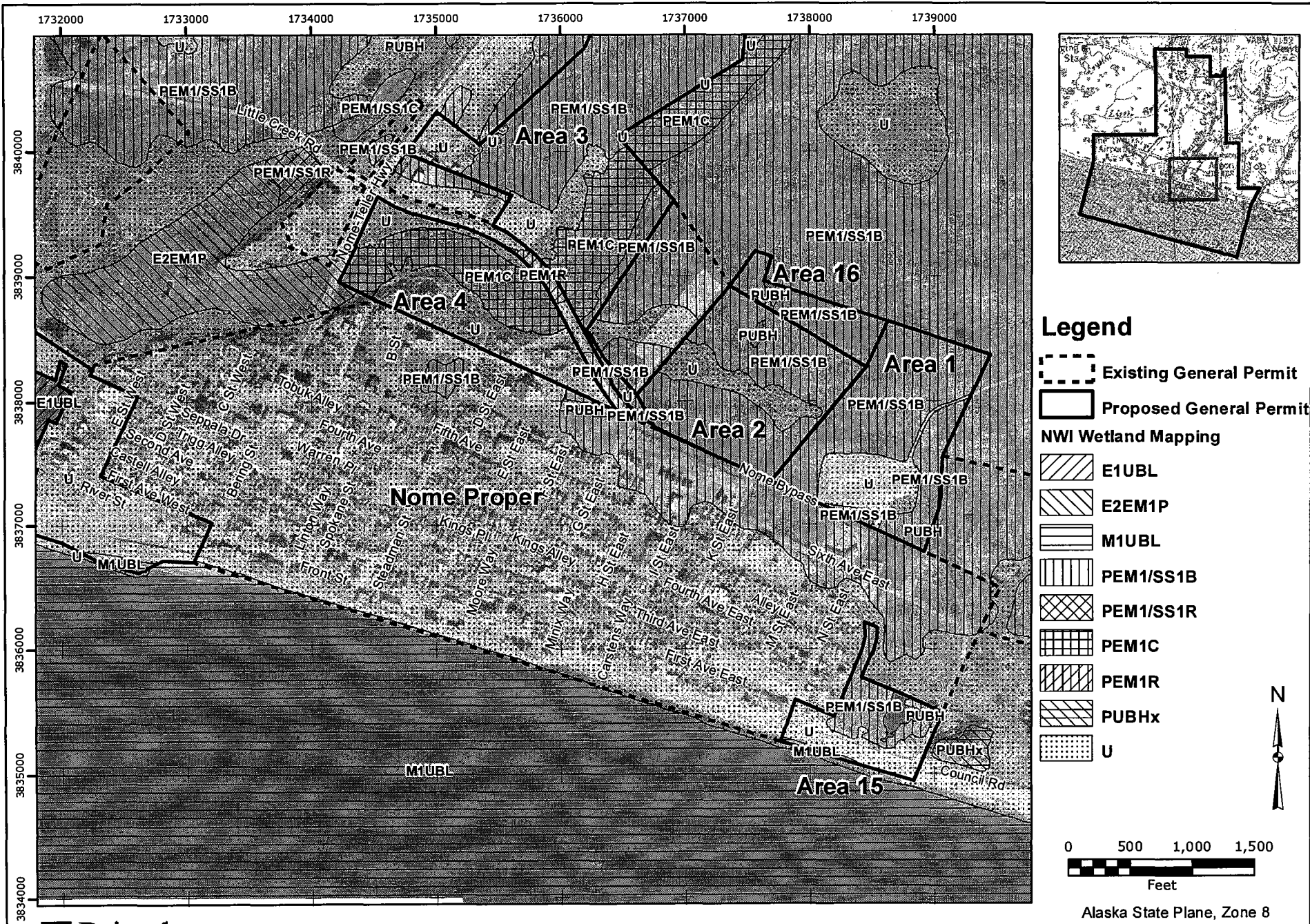
The project described on Sheets 2 and 3 has been evaluated for compliance with the above referenced General Permit (GP). The evaluation results are as follows (circle appropriate number):

1. The project fully complies with the terms and conditions of the GP and work may proceed (copy of GP attached).
2. The project does not comply with the GP for the following reasons (use additional sheet if necessary):
 - a. _____
 - b. _____
 - c. _____

If the project is modified in an attempt to meet the terms and conditions of the GP, a new application must be submitted for review. Applicants that cannot modify a project to meet the terms and conditions of the GP must contact the Alaska District, Corps of Engineers, Regulatory Branch, Post Office Box 6898, Elmendorf AFB, Alaska, 99506-0898, telephone (800) 478-2712 (toll free in Alaska), (907) 753-2712, fax (907) 753-5567. The Corps will inform the Applicant of the proper procedures to follow.

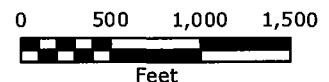
Questions about the GP should be directed to the City Engineer, City of Nome, Post Office Box 281, 102 Division Street, Nome, Alaska 99762, telephone (907) 443-6603, fax: (907) 443-5345, or to the Corps at the above address and telephone numbers.

Evaluation by (signed): _____
City of Nome Official date



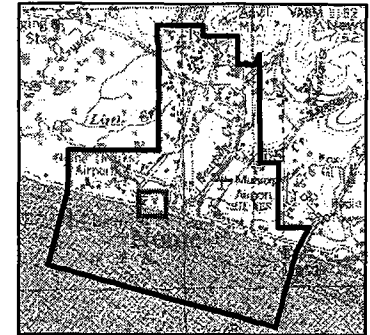
- Legend**
- Existing General Permit
 - Proposed General Permit

- NWI Wetland Mapping**
- E1UBL
 - E2EM1P
 - M1UBL
 - PEM1/SS1B
 - PEM1/SS1R
 - PEM1C
 - PEM1R
 - PUBHx
 - U



Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_1_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP

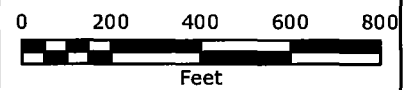


Legend

- Existing General Permit
- Proposed General Permit

NWI Wetland Mapping

- E1UBL
- E2EM1P
- M1UBL
- M2USP
- PEM1/SS1B
- PEM1Cx
- PEM1F
- U



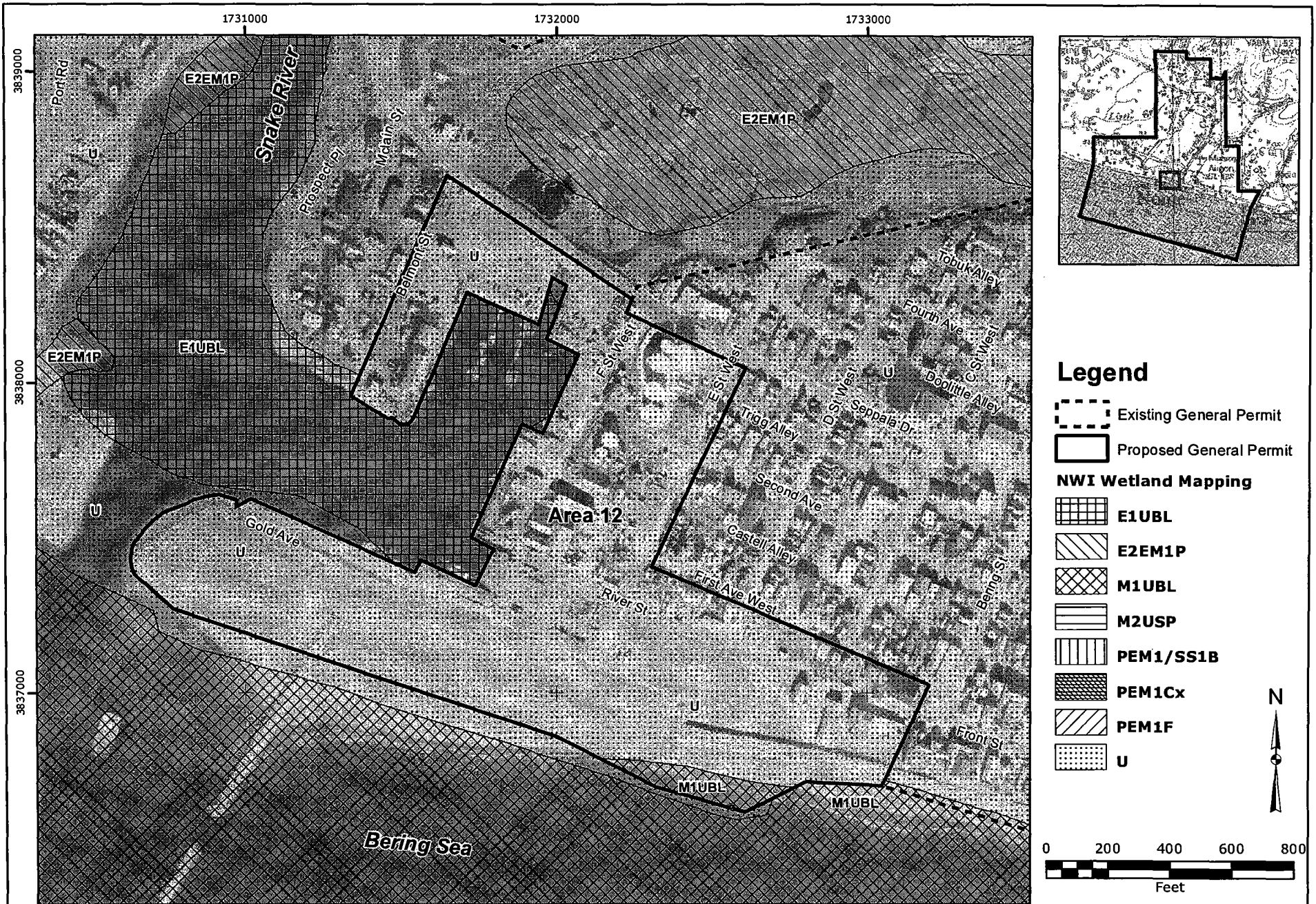
Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_2_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP



**NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 2 - PORT INDUSTRIES SITE AREA 14**

SPN 2011-XXX

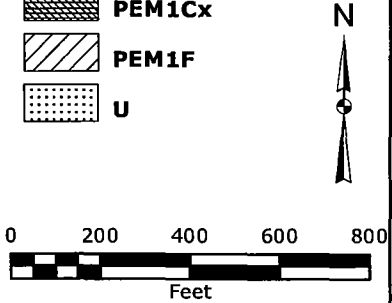


Legend

- Existing General Permit
- Proposed General Permit

NWI Wetland Mapping

- E1UUBL
- E2EM1P
- M1UUBL
- M2USP
- PEM1/SS1B
- PEM1Cx
- PEM1F
- U

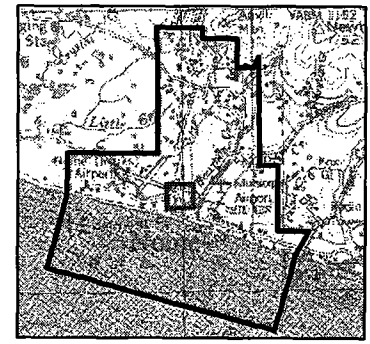
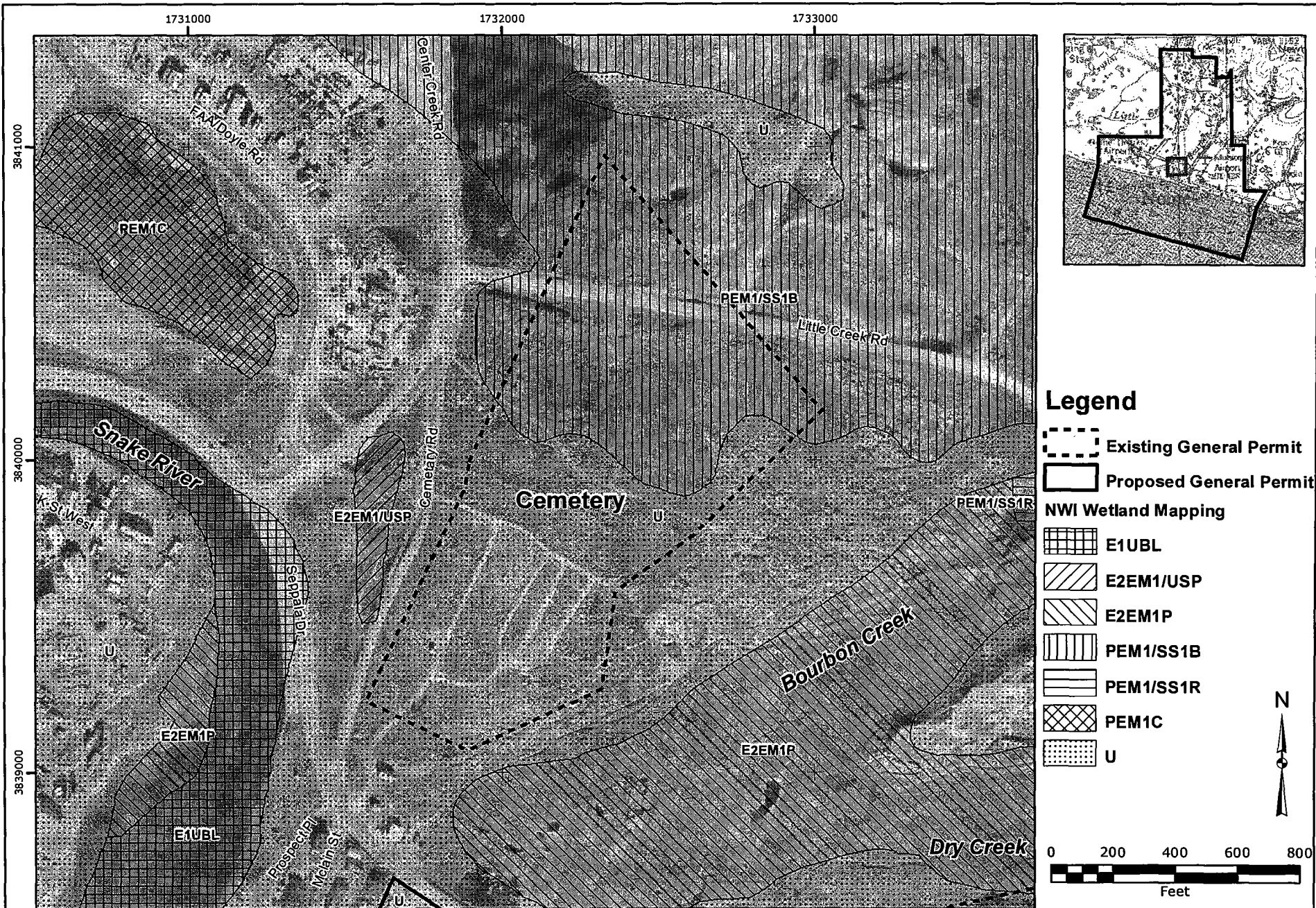


Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_3_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP

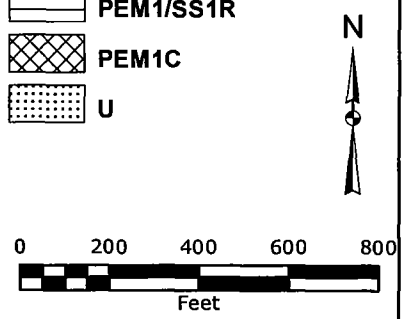


NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 3 - PORTS' WEST SIDE OF NOME AREA 12 SPN 2011-XXX



Legend

- Existing General Permit
- Proposed General Permit
- NWI Wetland Mapping**
- E1UBL
- E2EM1/USP
- E2EM1P
- PEM1/SS1B
- PEM1/SS1R
- PEM1C
- U

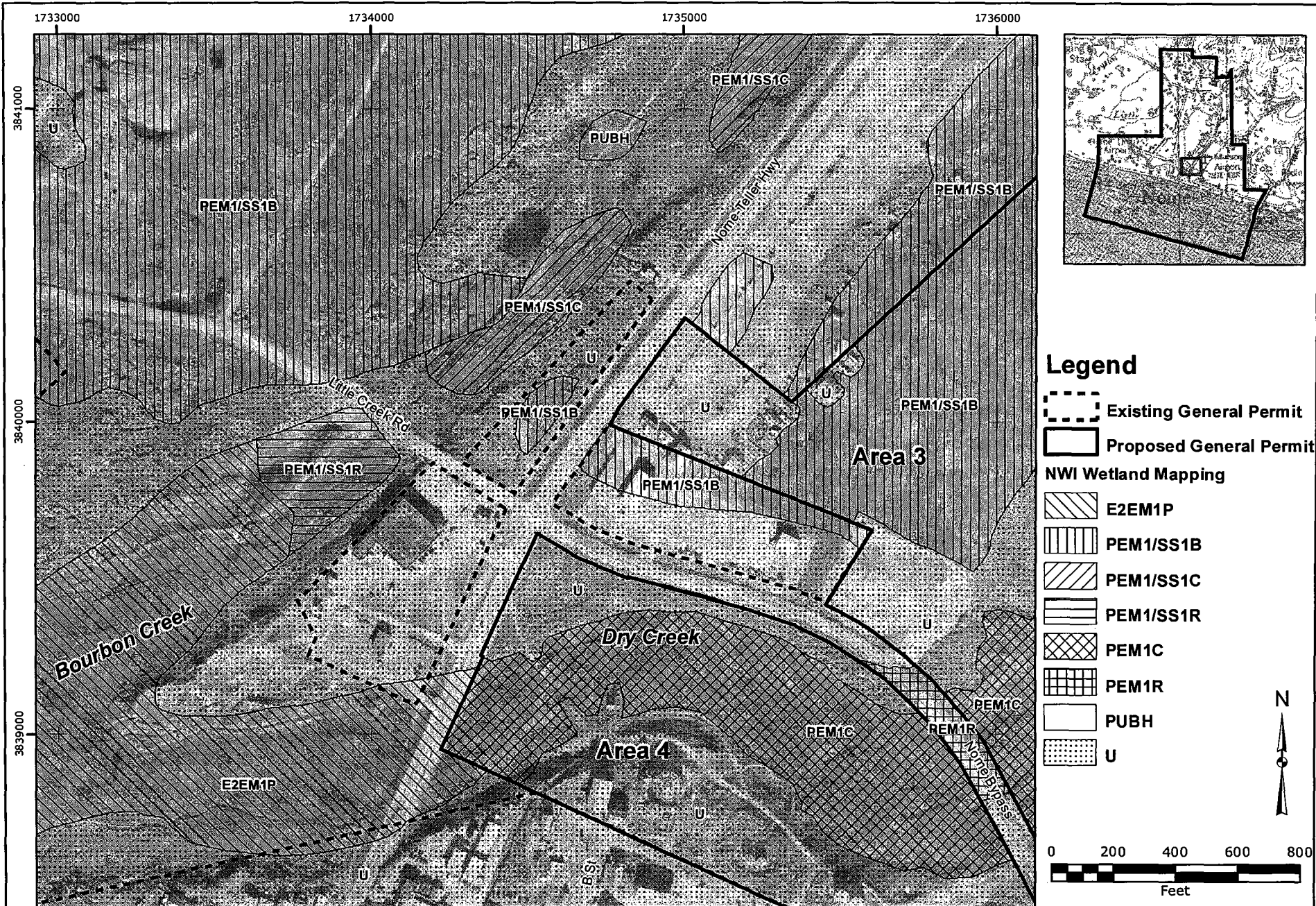


**NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 4 - CEMETERY ROAD AREA**

SPN 2011-XXX

Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_4_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP



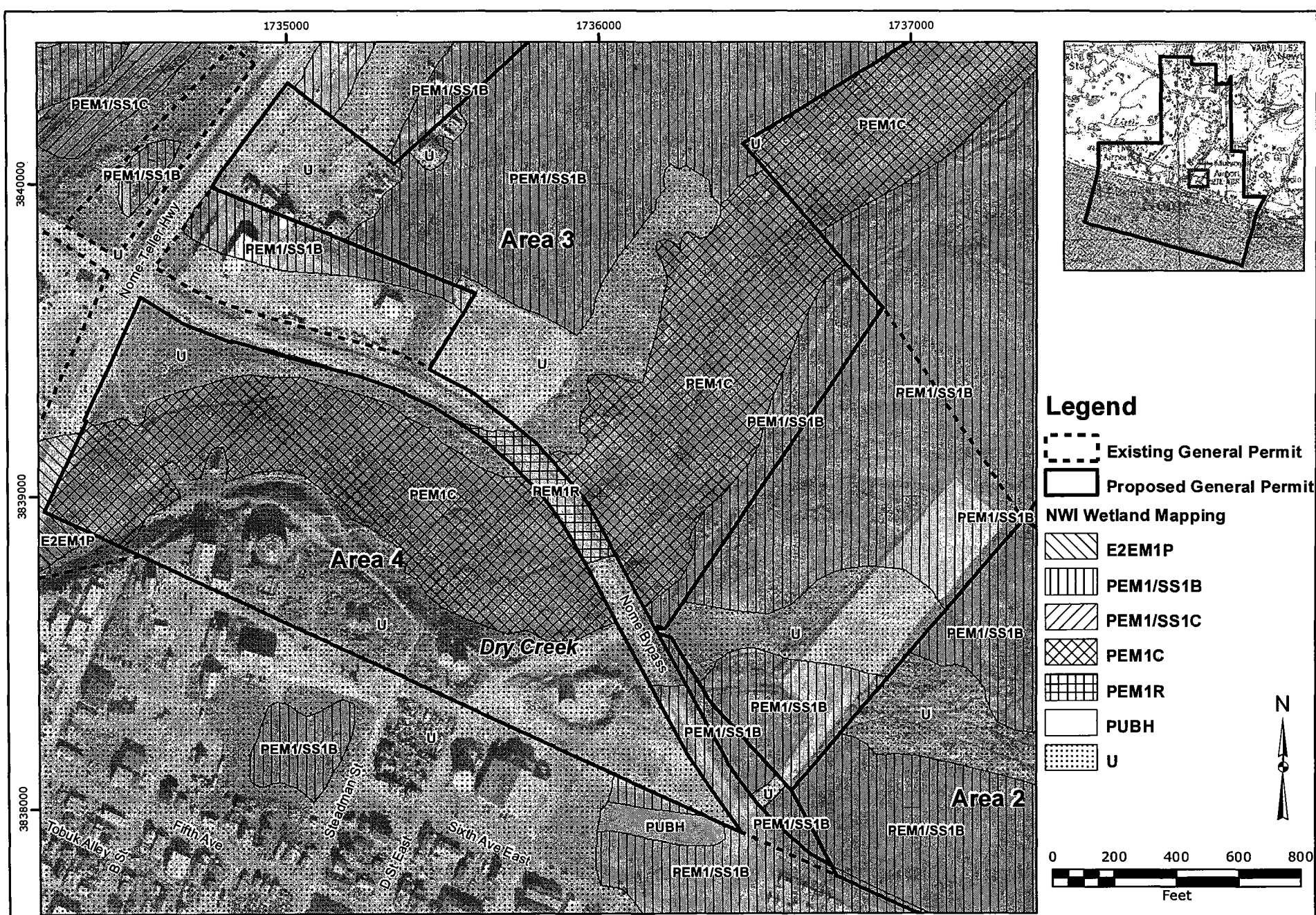
Legend

- Existing General Permit
- Proposed General Permit
- NWI Wetland Mapping**
- E2EM1P
- PEM1/SS1B
- PEM1/SS1C
- PEM1/SS1R
- PEM1C
- PEM1R
- PUBH
- U



Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_5_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP



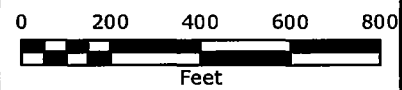
Legend

Existing General Permit (dashed line)

Proposed General Permit (solid line)

NWI Wetland Mapping

- E2EM1P
- PEM1/SS1B
- PEM1/SS1C
- PEM1C
- PEM1R
- PUBH
- U



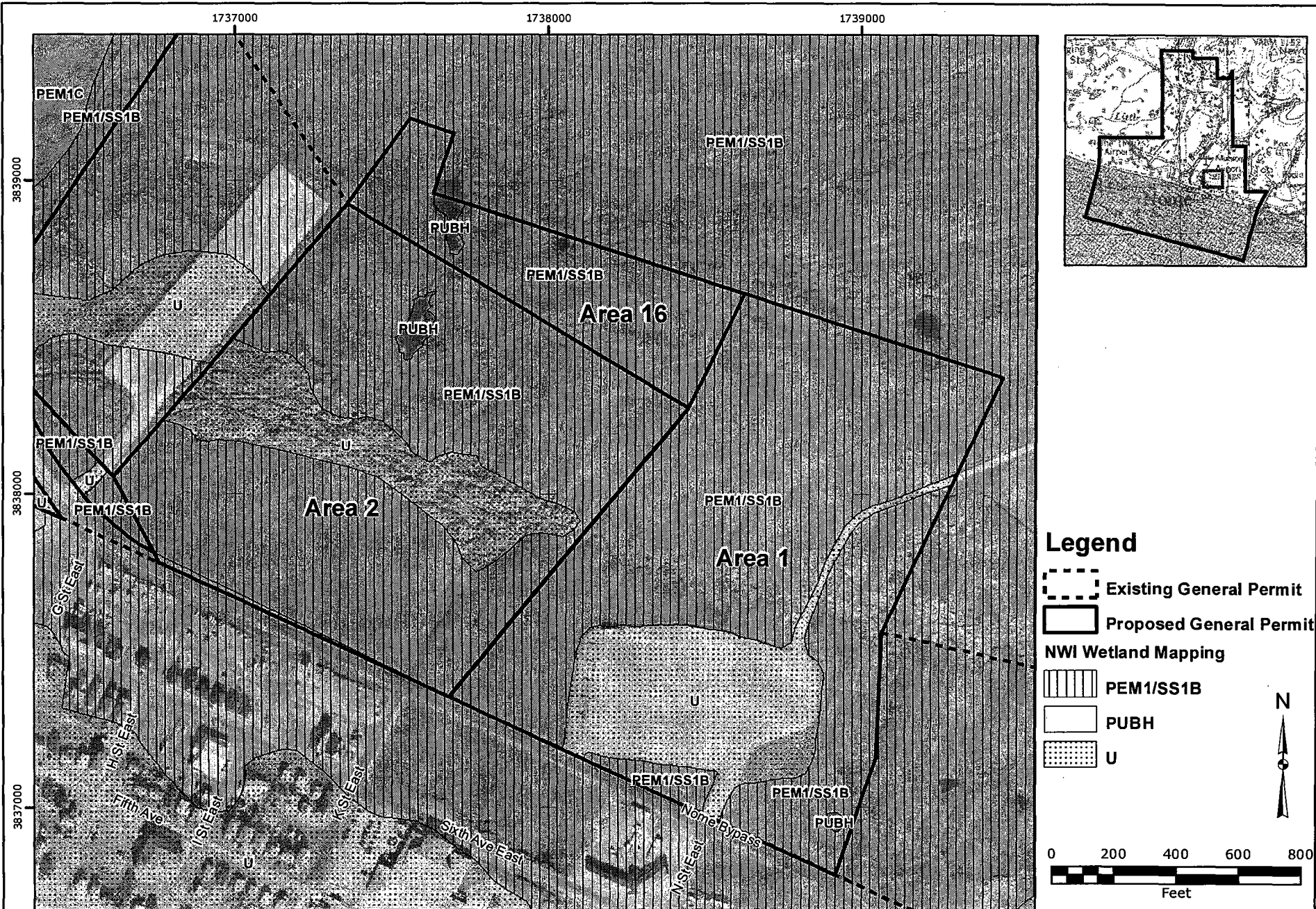
Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_6_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP








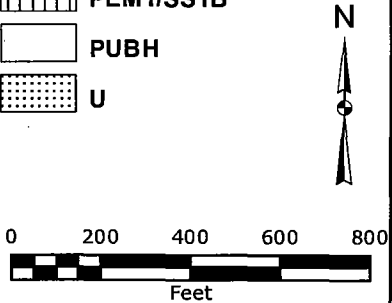
NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 6 - NOME BYPASS / NOME-TELLER HWY AREA 4

SPN 2011-XXX



Legend

-  Existing General Permit
-  Proposed General Permit
- NWI Wetland Mapping**
-  PEM1/SS1B
-  PUBH
-  U



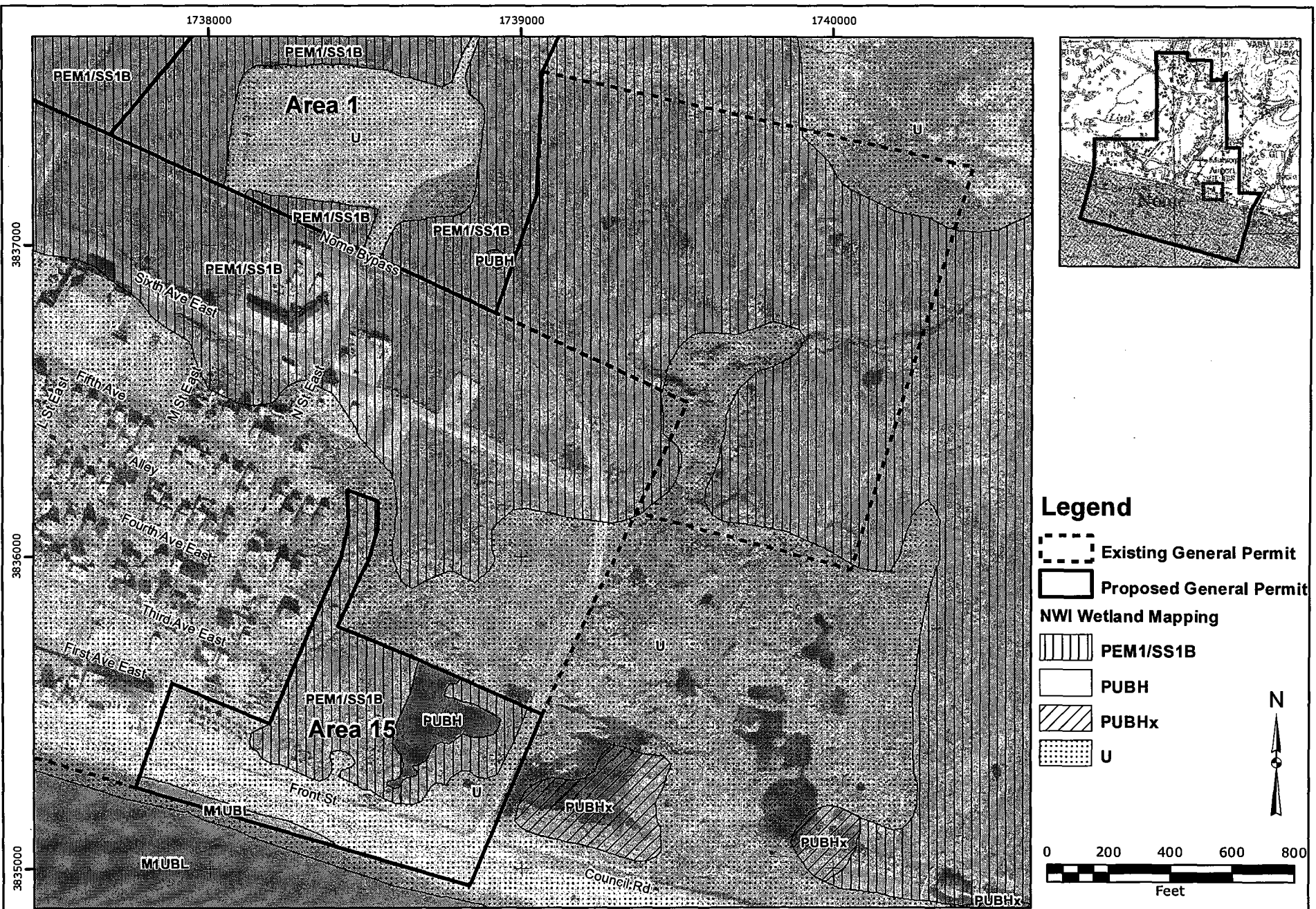
Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_7_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP









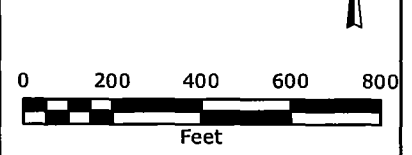
**NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 7 - NOME BYPASS - AREA 1, 2, & 16**

SPN 2011-XXX



Legend

-  Existing General Permit
-  Proposed General Permit
- NWI Wetland Mapping**
-  PEM1/SS1B
-  PUBH
-  PUBHx
-  U

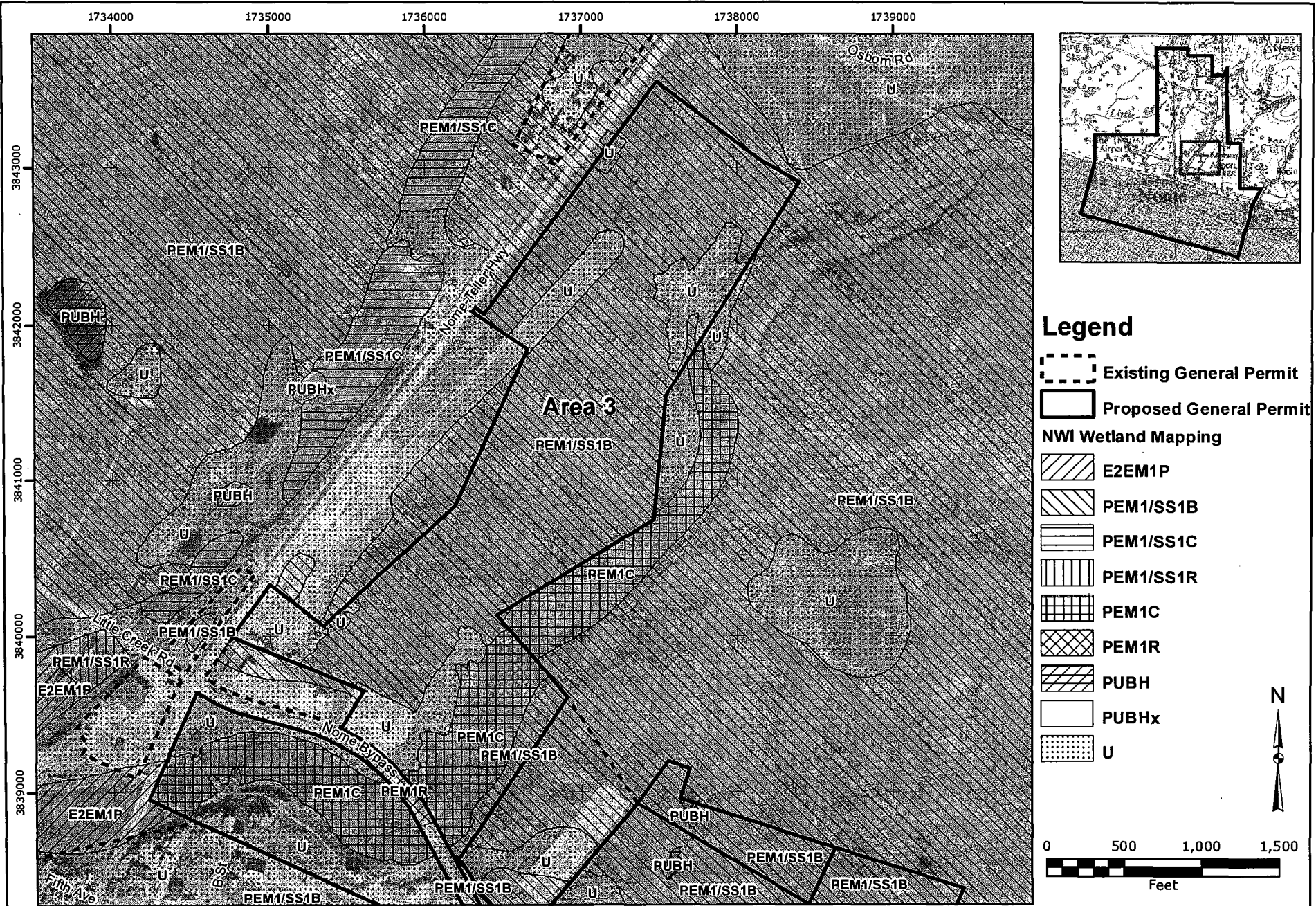


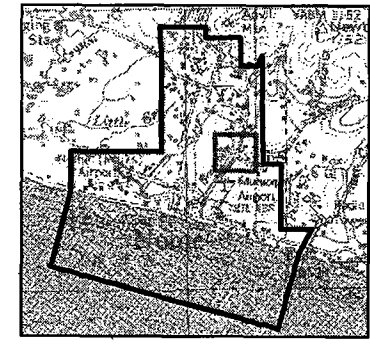
Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_8_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP



NOME GENERAL PERMIT REAUTHORIZATION
FIGURE 8 - NOME BYPASS & FRONT STREET AREA 15
 SPN 2011-XXX





Legend

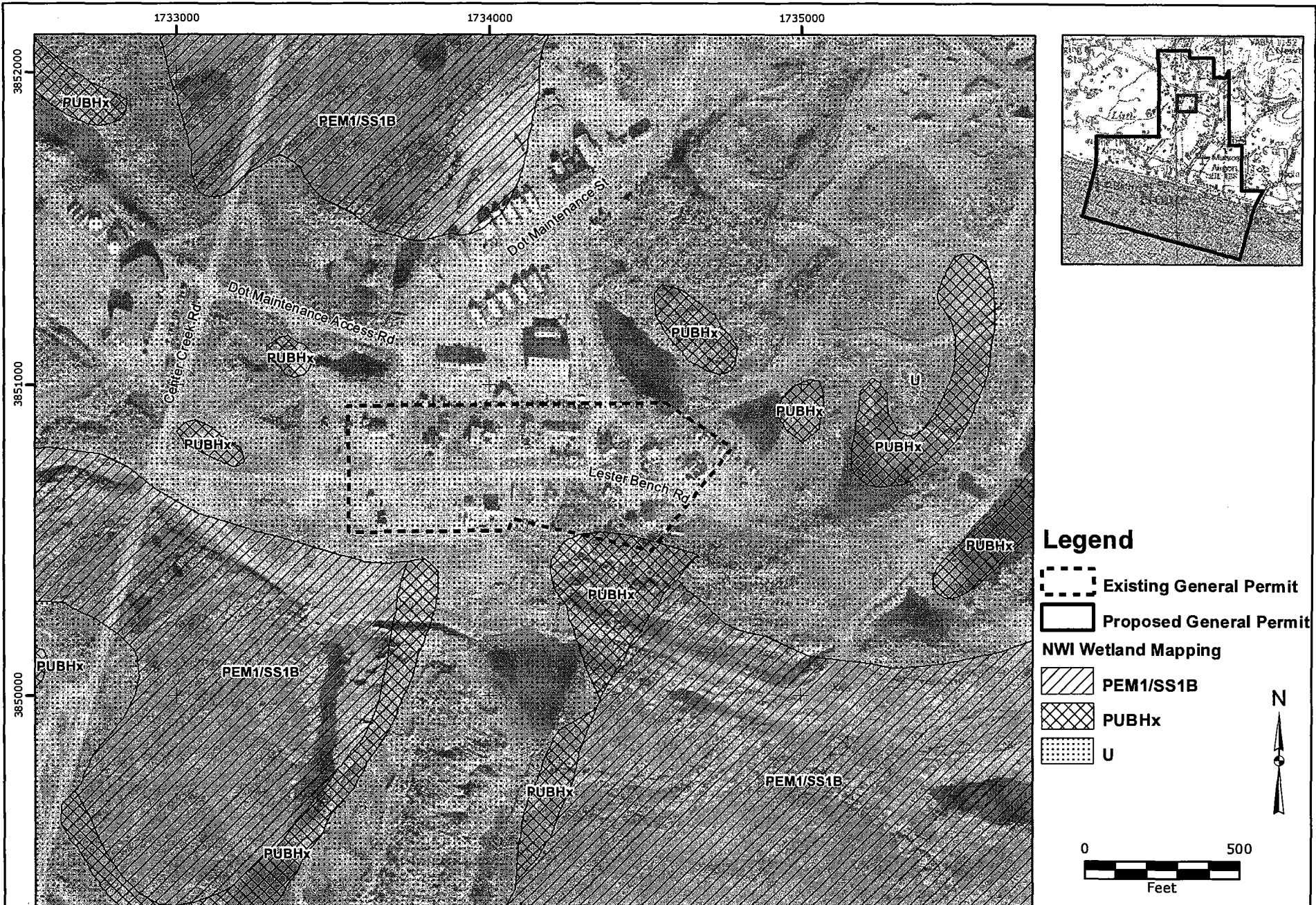
- Existing General Permit
- Proposed General Permit

NWI Wetland Mapping






- PEM1/SS1B
- PEM1/SS1C
- PEM1C
- U

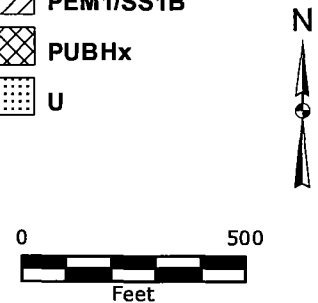
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↑

0 500 1,000
Feet



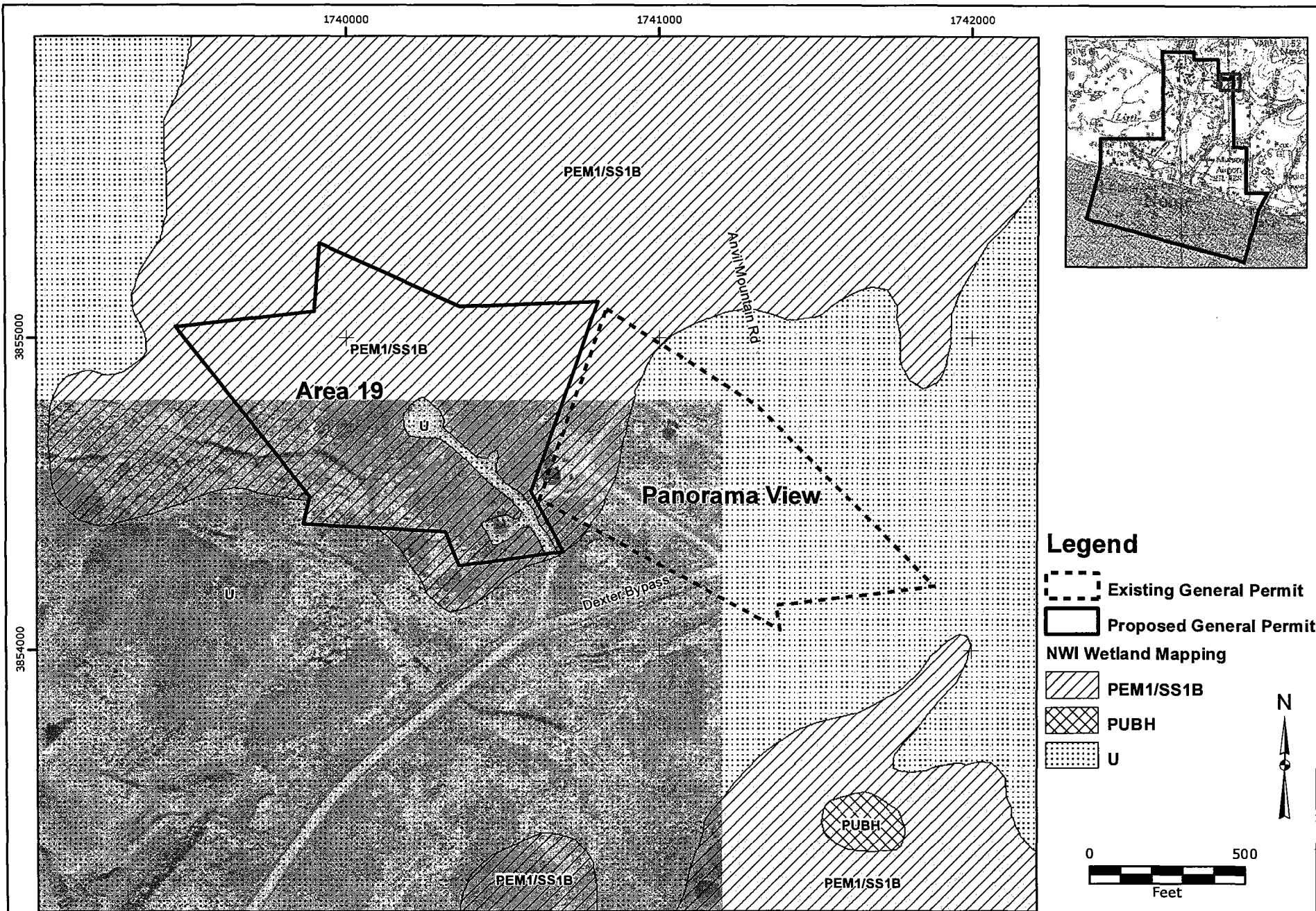
Legend

-  Existing General Permit
-  Proposed General Permit
- NWI Wetland Mapping**
-  PEM1/SS1B
-  PUBHx
-  U



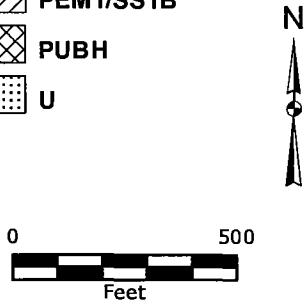
Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_11_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP



Legend

- Existing General Permit
- Proposed General Permit
- NWI Wetland Mapping**
- PEM1/SS1B
- PUBH
- U



Alaska State Plane, Zone 8
North American Datum 1983

Wetland_GP_12_v2.mxd	Date: Sept. 15, 2011
Version: 2	Author: BE-NP