CEPOA-CO-R:



COMPLYING WITH YOUR CORPS PERMIT





ALASKA DISTRICT

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Regulatory Branch, Alaska District
U.S. Army Corps of Engineers



Agenda





- Compliance: Who and Why?
- How to Read a Permit
- Common Sources of Confusion
- Summary



Who is Responsible?





- The Permittee: This Means YOU!
 - -You are there on site.
 - It is <u>your job</u> to make sure permit conditions are followed
 - The Corps can clarify conditions and check for compliance, but <u>you are</u> responsible.



Why is Compliance Important?





 Delays-Noncompliance with permit can lead to stopping the project.

Increased Costs-Restoration or mitigation may be necessary.



How to Read a Corps Permit





- Two Types of Permits
- Both have <u>Plans and Conditions</u>
 - Nationwide Permit (NWP): issued nationally
 - authorizes a specific type of activity with conditions to keep impacts minimal
 - Usually NWP 3 (Maintenance) or
 - NWP 23 (Categorical Exclusion)
 - used only for federally funded projects
 - Individual Permit (IP)
 - Includes modifications



Nationwide Permit Document





ALASKA DISTRICT

- Permit number starts with a D
- Cover Letter: Very Important
 - Often contains Special Conditions specific to project



DEPARTMENT OF THE ARMY U.S. ARMY ENGINEER DISTRICT, ALASKA 3437 Airport Way Suite 206 Washington Plaza FAIRBANKS, ALASKA 99709-4777

April 17, 2001

Regulatory Branch North Section D-2001-0438

Alaska Department of Transportation and Public Facilities Attn. Ms. Christine Storey 2301 Peger Road Fairbanks, Alaska 99709-5399

Dear Ms. Storey:

This is in response to your application for a Department of the Army (DA) permit to place approximately 5500 cubic yards fill material below ordinary high water of the Chena River to repair approximately 550 linear feet of the existing bike path. The stretch of bike path to be repaired is between the Steese Highway and Fort Wainwright. The project is located in Sections 10 and 11, T. 1 S., R. 1 W, Fairbanks Meridian, in Fairbanks, Alaska.

Department of the Army permit authorization is necessary because your project would involve work in waters of the U.S. under our regulatory jurisdiction. Based upon the information and plans you provided, we are hereby verifying that the work described above may be done under the authority of nationwide permit (NWP) #23, Approved Categorical Exclusions, which is described in the attached Enclosure 1. You must comply with all terms and conditions listed on Enclosure 1, as well as to the special conditions listed below:

- 1. All disturbed areas shall be stabilized to prevent erosion both during and after the bridge construction.
- 2. The project shall utilize best management practices as described in the erosion and sediment control plan received March 27, 2001.

Further, please note General Condition 14 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosure 2 is the form for you to complete and return to us.

This NWP verification will be valid until February 11, 2002, unless the NWP authorization is modified, reissued, or revoked. Note that a 12-month grandfather provision applies beyond this expiration date, provided the project proponent has started the work or is under contract to start work before the NWP expires.







- Enclosure 1: as much as 25 pages
 - Text of NWP
 - RegionalConditions:specific to Alaska

Nationwide Permit Number 23 Enclosure 1

Department of the Army nationwide permit (NWP) number 23 was issued pursuant to December 13, 1996, Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (61 FR 65874), which authorizes:

Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Prior to approval for purposes of this NWP of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this NWP (Sections 1) and 404.)

Nationwide Permit Regional Conditions:

REGIONAL CONDITION C

Prospective permittees must notify the District Engineer in accordance with the "notification" requirements described in General Condition 13 for the following NWPs:

- All activities authorized by NWPs 6*, 7, 17, 19, 21, 23, 27, 29, 31, 32, 33, 35, 36, 37, 38, and 44; and,
- Projects which exceed the thresholds or are of the type specified in the NWP language, 3, 5, 12, 13, 14, 18, and 40.

NWPs 1, 2, 4, 8, 9, 10, 11, 15, 16, 20, 22, 24, 25, 28, 30, and 34 do not require a PCN for any activity.

In addition to the Federal agencies and SHPO, the Corps District Office shall send this PCN to ADGC or, if the proposed project is located outside the coastal zone, to the appropriate state agencies, including the Departments of Environmental Conservation, Fish and Game, and Natural Resources. *NWP 6 - no PCN required for simple borings.

REGIONAL CONDITION D

Project limits of authorized sites shall be clearly identified in the field prior to clearing and construction to ensure that impacts to waters of the U.S. (including wetlands) are avoided beyond project footprints (e.g., staking, flagging, sit fencing, use of buoys, existing footprint for maintenance activities, etc.).

This Regional Condition applies to NWPs 3, 7, 12, 14, 15, 18, 19, 23, 27, 29, 33, 36, 40 and 44.

REGIONAL CONDITION E

A plan employing the techniques listed below shall be implemented to avoid or minimize disturbance to wetlands, riparian areas and beach fringes and/or to re-establish vegetation in such areas when disturbance cannot be avoided. Areas disturbed during project construction must be revegetated as soon as possible, preferably in the same growing season as the disturbance. Erosion protection shall be provided and remain in place until the soil is permanently stabilized. Any sedimentation of the above areas or adjacent water bodies caused by a project authorized by a NWP shall be considered a violation of the NWP.

Avoidance and minimization techniques may vary with site conditions and include, but are not limited to, the following:

*Planning construction access and scheduling work to avoid or minimize damage to wetland vegetation.

1







Enclosure 1

- Text of NWP
- Regional Conditions: specific to Alaska
- General Conditions: applicable nationwide

*Operating equipment in bog or emergent wetlands on frozen ground to minimize destruction of the natural vegetative mat.

*Using crane matting or suitable geotextile material to protect vegetation from damage by heavy equipment.

Revegetation techniques may vary with site conditions and include, but are not limited to the following: 'Seeding, planting, replacement of reserved ground cover; and/or fertilizing of re-contoured ground to promote re-establishment of natural plant communities. Species to be used for seeding and planting should follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state; 4) non-native species. Note: If native species are not available, only nonnative species which are known to not reproduce in the general project area, may be used for revegetation. The following species are known to be highly invasive and may not be used under any circumstances for revegetation under these NWPs: Alopecurus arundinacea (meadow foxtail), A. pratensis (creeping foxtail), Lythrum salicaria (purple loosestrife), Meliolious abla (white sweet clover), M. officinalis (yellow sweet clover), Phalaris arundinacea (reed canary grass), Phleum pratense (timothy), and Polygonum cuspidatum (known by the common names: Japanese knotweed, crimson beauty, Mexican bamboo, and Japanese fleece flower) Lysimachia terristris (swamp loosestrife) elevely low loosestrife) Phragmites australis (common reed).

"In peat wetlands, systematically removing the natural vegetative mat (with root masses intact) prior to construction, storing it in a manner to retain viability (usually frozen or hydrated), then replacing it after re-contouring the ground following construction, with final contours within one foot of adjacent undisturbed soil surfaces after one growing season and one freeze/thaw cycle. For minor utility projects where no imported bedding or backfill material is used (e.g., "plowed in" cables or small utility lines installed with ditch-witches), simple restoration to pre-work contours and appropriate revegetation (see above) shall suffice.

*Restoration and revegetation of streambank and shoreline habitat should utilize the most up-to-date bioengineering techniques and use of biodegradable materials when feasible and practicable.

Techniques may include, but are not limited to, brush layering, brush mattressing, live sittation, and use of jute matting and coir logs to stabilize soil and re-establish native vegetation.

This Regional Condition applies to NWPs 3, 6, 7, 12, 14, 19, 23, 27, 33, 35, 40, 44. The referenced plan needs to be submitted to the Corps of Engineers only for those NWPs requiring a PCN (NWPs 6, 7, 15, 17, 19, 23, 27, 33, 35, and 44 for all activities. NWPs 3, 5, 12, 14, and 40 for those projects which except

Nationwide Permit General Conditions:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.

- 2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- 3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
- 4. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
- **5. Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
- 6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions

2







- Plans: Check for accuracy
 - Correct Errors Early!
- Vicinity map
- Plan view

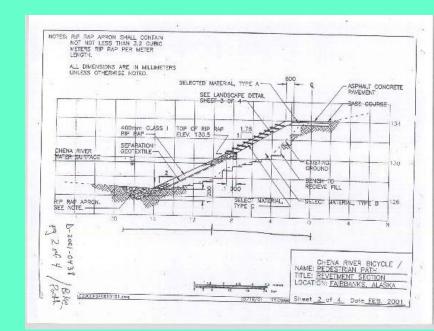








- Vicinity map
- Plan view
- Cross sections









- Permit number starts
 with a 4 or a 2
- Cover letter not important
- First page of permit
 - Description of project and wetland impacts
 - Location of project
 - General conditions-Includes expiration date

DEPARTMENT OF THE ARMY PERMIT

Permittee Alaska Department of Transportation and Public Facilities
Permit No. 2-951023, Chatanika River 7

ssuing Office U.S. Army Engineer District, Alaska

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

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

SEE PAGE 1A

Tolect Location: Steese Highway beginning at Milepost 22, in section 26, T. 3 N., R. 1 E., and ending at Milepost 44, in section 34, T. 5 N., R. 3 E., Fairbanks Meridian, USGS Quadrangle Livengood A-1.

Permit Conditions:

General Conditions:

- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination-required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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EDITION OF SEP 82 IS OBSOLETE

(33 CFR 325 (Appendix A))

1







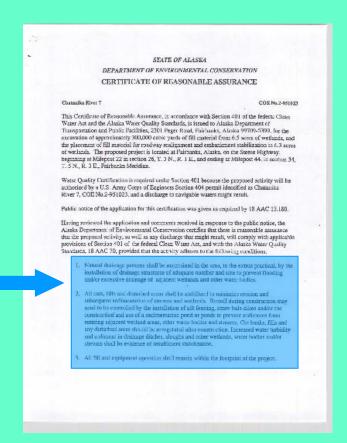
- Second page of permit
 - General Conditions continued
 - Special Conditions: may be continued on another page
- 4. If you sell the property associated with this permit, you cause obtain the algunear of the new owner in the space provided and forward a copy of the permit to this office to solide to transfer of this suthic instance. 6. If a conditioned waste quality conditions has been usued for your project, you wast comply with the concilions specified is the cardinactor so special conditions to time parell. For your convenience, a copy of the cardination is interest of it con-4. You must allow representative from this office to impect the authorized activity at any time deemed according to sense 1. Matural drainings patterns shall be materialized in the area by the installation of culverts of adequate number and size to prevent flooding or excessive draftage of 2. All disturbed and fill areas shall be stabilized to prevent ecosion. Incresesd water turbidity and dedicate in drainage ditches, stought the other wetlands shall be exidence of insufficient stabilization. To provide fich and wildlife heblic., the encavated pond shall be constructed with on immorphism shoreline having a minimum 20 Cook wide litteral zone lenn than I' deep a normal water level. Forther Information 1. Congressional Authorities. You have been such reject to undertake the activity distribed above pursues to: (g) Section 10 of the Seven and Declare Act of 1999 (38 U.S.C. 402) (3) Section 404 of the Close Water Act (53 U.S.C. 1844). () Section 100 of the Marine Protection, Research and Sectioning Act of 1972 (28 U.S.C. 1414), 2. Limits of this exthactors in 4. This pertill does not obviets the need to obtain other Friend, state, or local authorizations required by law. 3. This permit does not great may property rights or exclusive printinges. c. This permit does not suther day any injury to the property or rights of others. 4. This pecrate core not enthodize interference with any estates; or proposed Federal project. 2. Limits of Federal Liability. In leading this permit, the Federal Government does not source any Subility for the following: Damague to the pre-sitted project or uses discreaf as a result of other permitted or unpermitted activities or from natural is. Damages to the permitted project or use thoseof at a result of current or laters activities undertaken by or on behalf of the United States in the public interest c. Darrages to persons, property, or to other parallely or unpensitied activities or unveloces cannot by the authors d. Design or construction deficients assumited with the permetted work







- Water Quality
 Certification (401)
 - Issued by Alaska
 Department of
 Environmental
 Conservation (ADEC)
 - May also include Special Conditions
 - Enforced as part of Corps permit



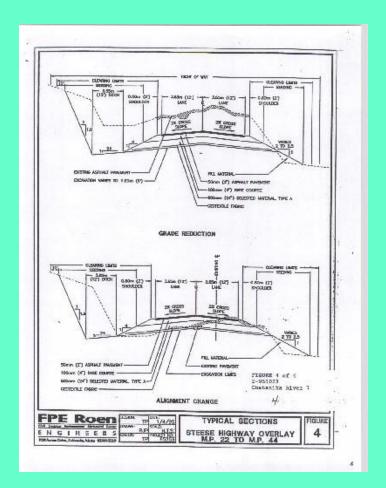






Plans

- Sometimes include information not found in special conditions.
- BOTH PLANS
 AND
 CONDITIONS
 ARE PART OF
 THE PERMIT!





Permit Modification Document





- Changes to Individual Permits
- Permit number
 starts with letters M Z (new letter for
 each modification)
- All modifications should be attached to original permit



DEPARTMENT OF THE ARMY U.S. ARMY ENGINEER DISTRICT, ALASKA 1937 Argan, Way Solfe BE Washington Place FARRANIS, ALASKA 20102-4777

Regulatory Dranch (1145t) South Section

PERCEITE: Simple Department of Transportation and Robbie Fabilities

DEERCTIVE CATE: April 20, 2001

BEFESEBLE NO.: 0-951023, Charanika Elver 7

DEPARTMENT OF THE ASHE

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The original persit was indiffed on Emember 4, 1996, Middle medication number 8 981925, To motherize a trian year extension in the time allower to complete the project, until December 31, 2001.

Fernit sufficienties B 951023 was facued on May 17, 200. to authorize the discharge of approximately 9,750 makes of full natural into 0.8 acres of estlands to enlarge an extering previously enthorized turnout, responsibly stockpile excavated exhaulting 18 a 180% a 180% mass, and retain approximately 8,000 cuting wards of exhaulting the temporary stockpile area to construct a public enthology area of E. 7, 3 and 22, 7 4 3 8, 8, 2 2 . Elliabetes Namidiate.

The permit is hereby medified wa inthoes:

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Permit Modification Document





- All Original Permit Conditions Apply PLUS
- Any new special conditions and changes to plans



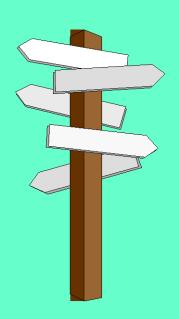
- I. Material Site MS NIG-UT-7 shall be developed and recisived in Ssome increases (colis). A reclaration plan for soch construction
 project, including descings seesing 31 planed shift night development,
 placks and of organic and overturedom stackplass and any variations from
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 socialists descine is the ethached plane), shall be reducted to the
 copps of Projector, Alacke Distance, for approval at least 36 cays
 before any new sinding sets why is attributed. The plan shall include
 the fallowing seminary specifications:
 - a. The surface property layer of onch cult shall be stockpiled separately first the mineral soil overhorden (white).
 - in After noterial exercation to completely, as undersecer shoralize of elejeo as biceper than IGH IV AGT Let constructed for a distance of 31 feet flow above to encourage cutabilistment of palestrine own quant regestation and antions habitat. Respector's builts will be resided 35 feet from shore. Singua further than 31 feet from shore shall be no greater than 1.58139.
 - c. Dreamic everturies will be deposited on the shallow absorbing areas bulso the seteritor to help establish accepts plants, basaining everturies all be graded amonth to match currenting landscape concerns and seeded.
 - Militation of each ne'l stall be completed within one year initiating completion of the constitution project, but not more than 5 years following the minima of that cell.
 - An island will be grasted by heritag around the junction of four continuous calls, as shows on the European Encawarten and Relumition delegang in the attached plants. He island will be so loss than 4,200 equate feat in size, with is the attached size for creating nousing dood hobitat, and will be lossed so closer than 20 feet free shore to minimize remailing production.
- 2. Each 5-some cell stell by fully villized before minima operations are moved to a tes cell. The has used should be one that who included in the approved realsameten plan for the correct project. Mechanized Landsharing of the new cell shall be allowed no more than 1 days prior to the rose, when there is also residence that the correctly wined cell is shall be included in the correctly wined cell is shall be included in the correctly wined cell in shall be included in the case of the correctly wined cell in the reasons prior to the move. This notification may be weather, at the Corps repeat, the Permittee will mean with the Corps or mine within 1-2 working days and further explain the reasons for the
- A 100 foot regetative buffer will be smintained became the material site and the Stoom Highway.
- A 500 feet buffer will be maintained between the satetial bule into the Chetoriae Paver. We clearing as other disturbance well take place within 500 feet of the Chetomian Histor.







- Special Conditions and Plans
- Project Footprint
- Project Scope
- Changes during Construction









- Special Conditions And Plans
 - Make Sure <u>Everyone</u> on the Project READS AND UNDERSTANDS the Project Conditions and Plans
 - Includes contractor, subcontractors and equipment operators.
 - Resolve any Confusion at Preconstruction Meeting
 - Invite Corps to help explain- Some permits require this.

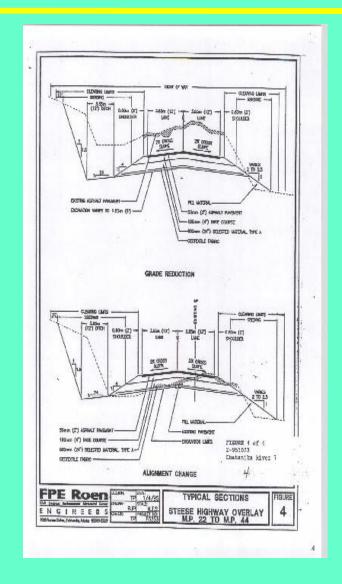








- ProjectFootprint
 - Area ofMechanizedLandclearingand/or Fill inWetlands
 - Fill is measured from toe to toe









ALASKA DISTRICT

Project Scope

- Scope of Corps Permit May Not Match
 Scope of Project
 - Material Site- Permit Probably Does Not Cover Entire Site
- Conditions May Apply to Uplands
 - Vegetated buffer along streams or sloughs
 - Riprap above Ordinary High Waterline on streambank stabilization
 - Stabilization of stockpiles, even in uplands







- Monitor Throughout Construction
 - Much easier to Prevent than to Fix
 - Corps can Clarify but Permittee is Responsible



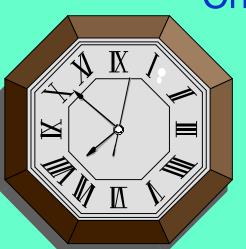




ALASKA DISTRICT

Changes During Construction

- Most Projects Change
- If You Have Any Question Whether a Change Requires a Modification



- » CALL the Environmental Staff as soon as you can
- » Permit Modifications can take time-Start Early



If Noncompliance Does Occur







- STOP all activities associated with the noncompliance
- CALL your Environmental Staff and the Corps
 - Rapid reporting helps keep impacts to wetlands down
 - Minimizes project delays and cost increases



Take Home Message





 THE KEY TO COMPLYING WITH YOUR PERMIT IS READING AND **UNDERSTANDING** THE PERMIT, **AND MAKING SURE EVERYONE AFFECTED BY THE REQUIREMENTS ALSO KNOWS THE PERMIT** REQUIREMENTS.



To Contact Us





(907) 474-2166 for Fairbanks

(907) 753-2712 for Anchorage (or Toll Free in AK (800) 478-2712)



Learn More at Our Web Site





http://www.poa.usace.army.mil/Reg