

Appendix G-Permits and Permit Applications

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This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers
TOKSOOK RIVER

A permit to: DISCHARGE 155,000 CUBIC YARDS OF FILL MATERIAL INTO
18.99 ACRES OF WETLANDS IN SUPPORT OF AIRPORT UPGRADES

at: LATITUDE 60.4769° N. AND LONGITUDE 164.7214° W., IN NIGHTMUTE,
ALASKA

has been issued to: ADOT & PF on APR 07 2006

Address of Permittee: 2301 PEGER ROAD, FAIRBANKS, AK 99709-5316

Permit Number:

POA-2000-384-M

FOR: 
District Commander
LEAH T. DUROCHER
REGULATORY SPECIALIST
NORTH SECTION

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

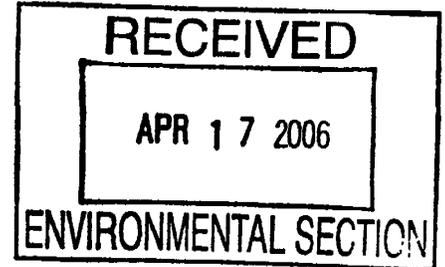
(Proponent: CECW-O)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

APR - 7 2006



Regulatory Branch
POA-2000-384-M

Ms. Abigail Ogbe
Alaska Department of Transportation and Public Facilities
2301 Peger Road
Fairbanks, Alaska 99709-5316

Dear Ms. Ogbe:

Enclosed is the signed Department of the Army permit, file number POA-2000-384-M, which would authorize the discharge of fill material into 18.99 acres of wetlands to construct the Nightmute Airport upgrades. The project is located within section 34, T. 5 N., R. 88 W., Seward Meridian; Latitude 60.4769° N., Longitude 164.7214° W.; in Nightmute, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Please take a moment to complete and return the enclosed questionnaire. Our interest is to see how we can continue to improve our service to you, our customer, and how best to achieve these improvements. Upon your request, you may also provide additional comments by telephone or a meeting. We appreciate your efforts and interest in evaluating the Regulatory Program.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me at (907) 753-2712, toll free from within Alaska at (800) 478-2712, by email at leah.t.durocher@poa02.usace.army.mil, or by mail at the letterhead address, ATTN: CEPOA-CO-R-N, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Leah T. Durocher
Regulatory Specialist

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Alaska Department of Transportation and Public Facilities

Permit No.: POA-2000-384-M, Toksook River

Issuing 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 transferee. 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:

To upgrade the Nightmute airport by constructing a new 3700' long x 25-45' wide (toe-to-toe) haul road to connect an existing material site to the airport, construct a 100' x 100' gravel pad for a snow removal equipment building, and modify the following previously authorized activities: increase the runway safety area length by 10', taxiway length by 30', width of taxiway safety area by 9', and apron size from 100' x 300' feet to 150' x 255'. Approximately 155,000 cubic yards (cy) of fill material is now authorized to be discharged into 18.99 acres of wetlands (an additional 4.85 acres from the original November 7, 2002 Department of the Army permit authorization).

All work will be performed in accordance with the attached plan, sheets [1-8], dated [01/23/06].

Project Location:

The Nightmute airport is located within section 34, T. 5 N., R. 88 W., Seward Meridian; Latitude 60.4769° N., Longitude 164.7214° W.; in Nightmute, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on March 30, 2009. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit 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.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Applicant shall avoid clearing vegetation between May 5th-July 25th to minimize impacts on threatened migratory birds.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the 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.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Chuck Howe
(PERMITTEE) AND TITLE *Northwest Region
Environmental Coordinator*

3/25/06
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

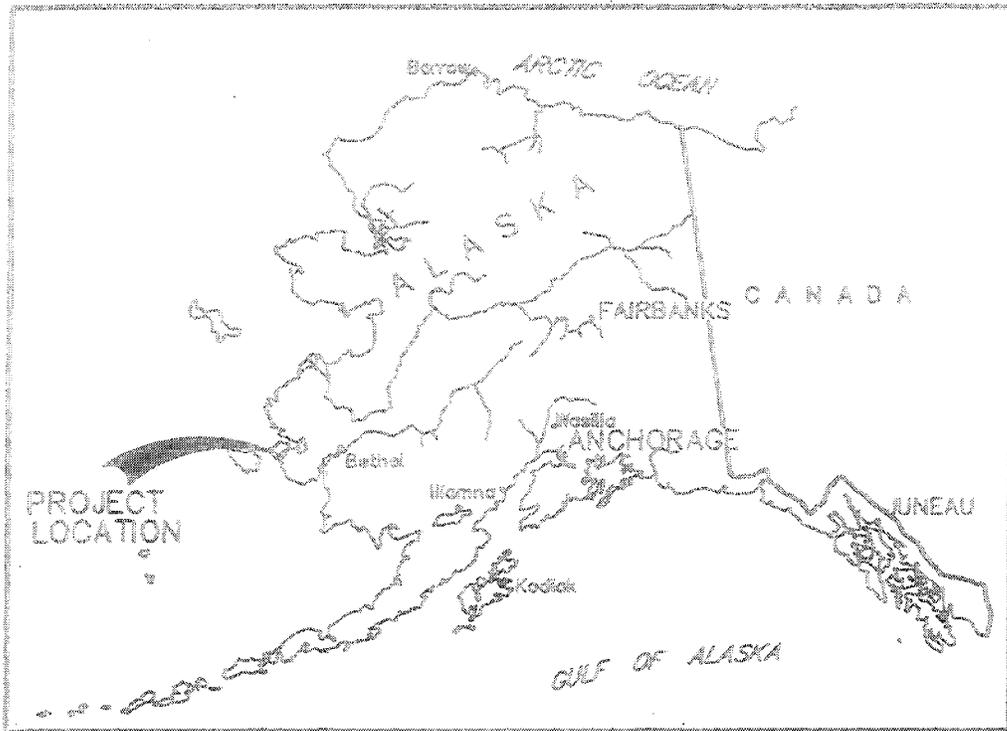
Leah T. Durocher
(DISTRICT ENGINEER)
Leah T. Durocher, Regulatory Specialist
Regulatory Branch, North Section

4/5/06
(DATE)

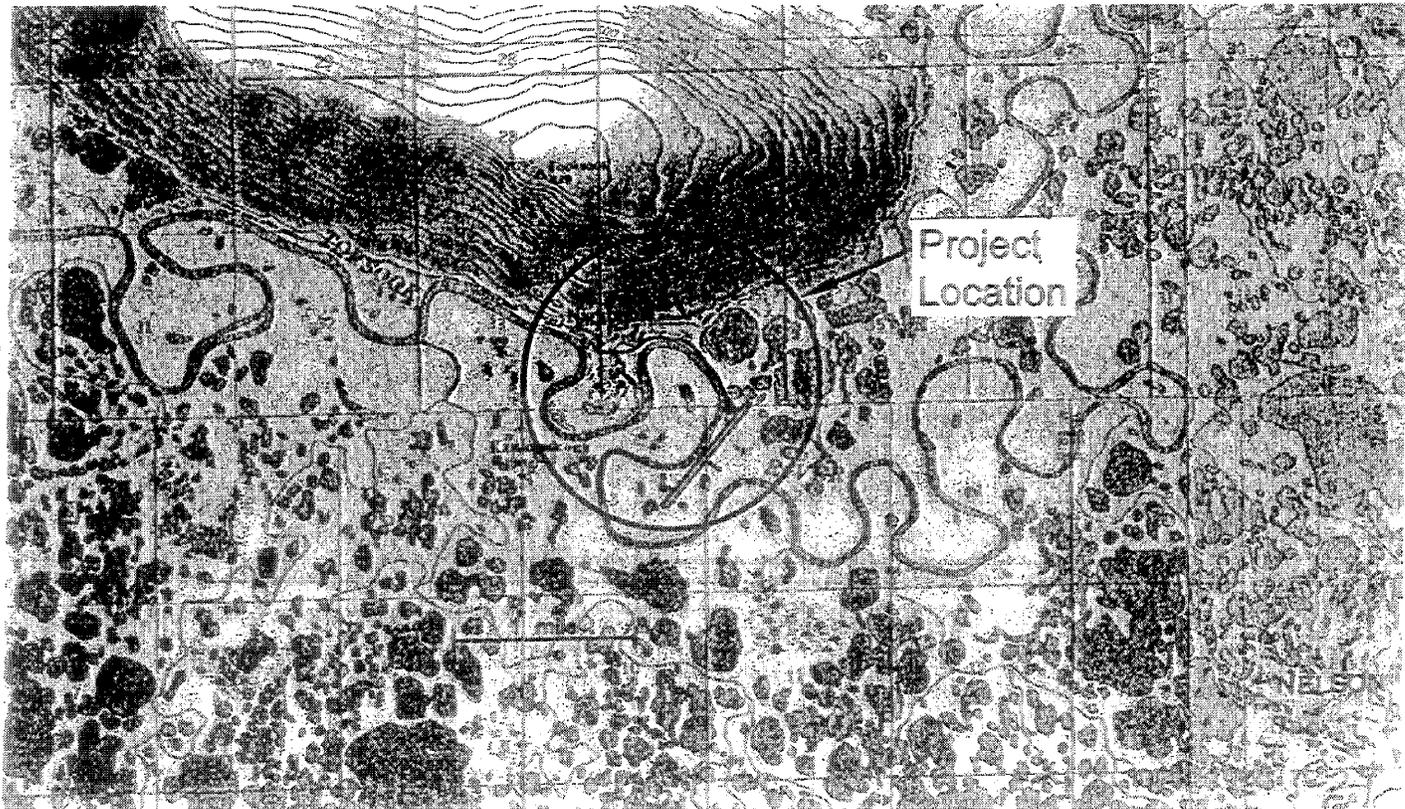
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFEREE)

(DATE)



T 9 N, R 90 W, SEC 24 & 25
 T 4 N, R 85 W, SEC 2 & 3
 BEAVER MOUNTAIN
 U.S.G.S. MAPS BULLETIN 6-73-60-72-C ALASKA

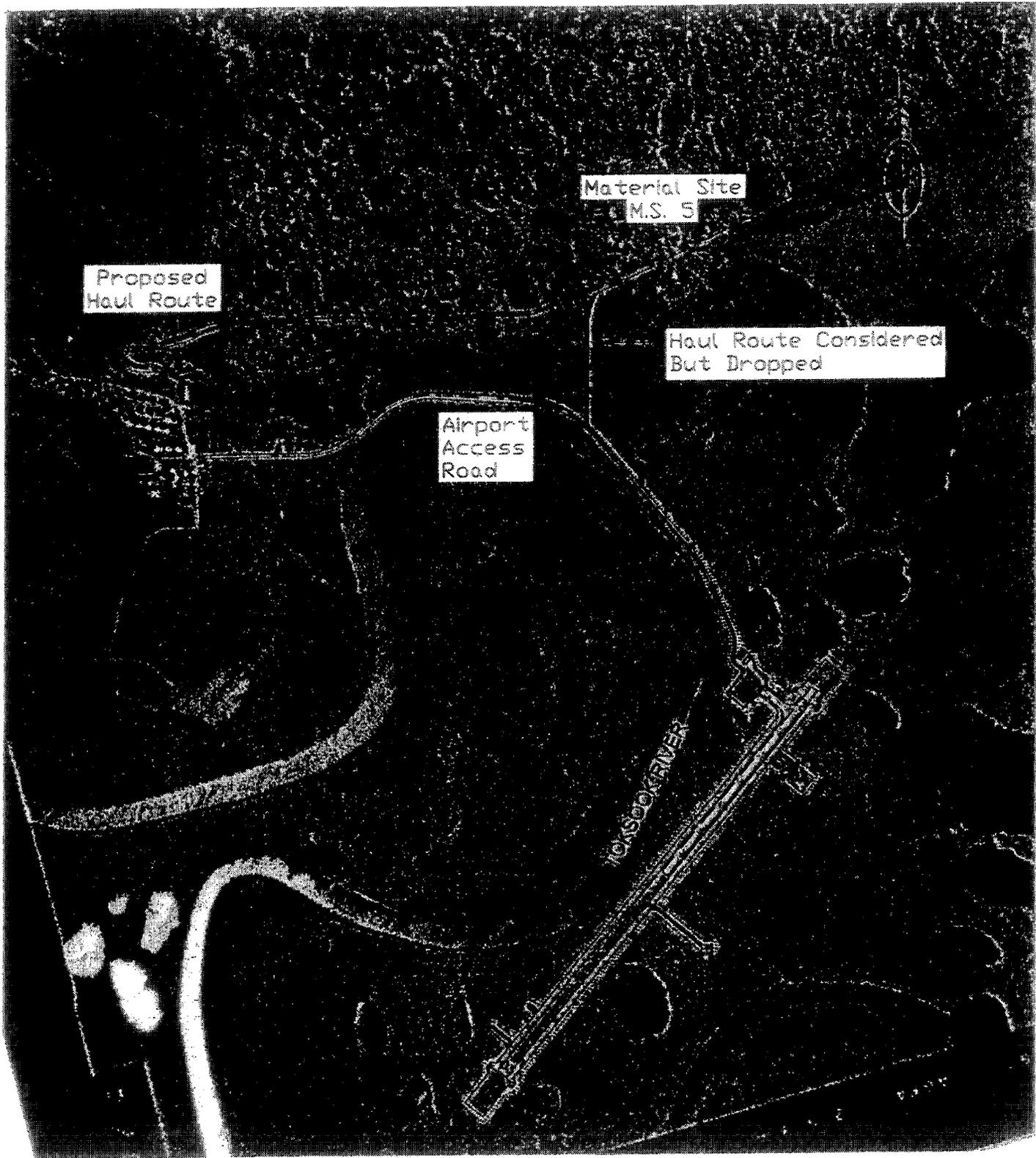


STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 CENTRAL REGION-DESIGN AND CONSTRUCTION-AVIATION

DESIGN _____ CHECKED _____ DATE _____

POA-2000-384-M
 Toksook River
 ADOT&PF
 01/23/06
 Sheet 1 of 8

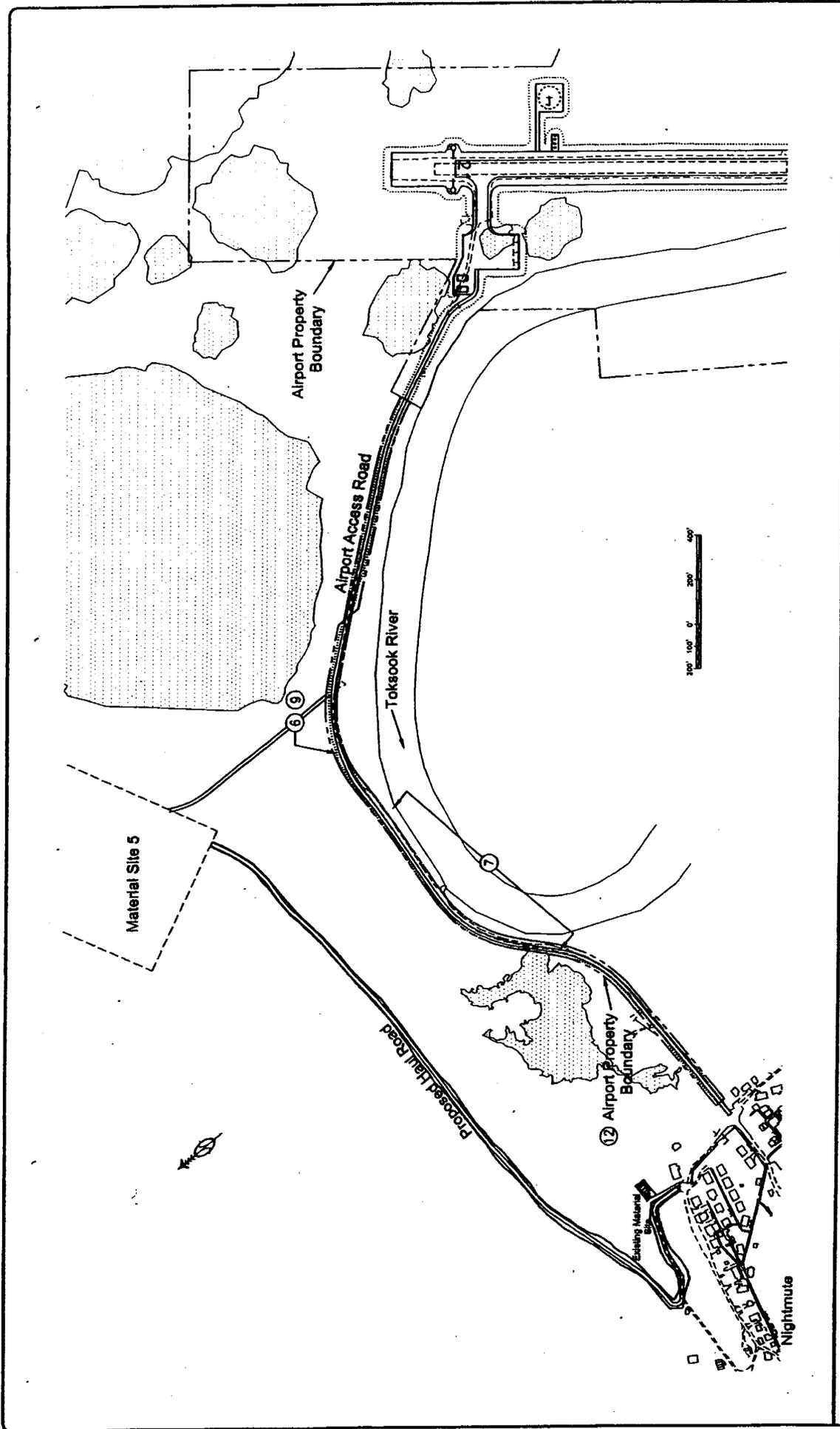
Carla



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 CENTRAL REGION—DESIGN AND CONSTRUCTION—AVIATION

POA-2000-384-M
 Toksook River
 ADOT&PF
 01/23/06
 Sheet 2 of 8

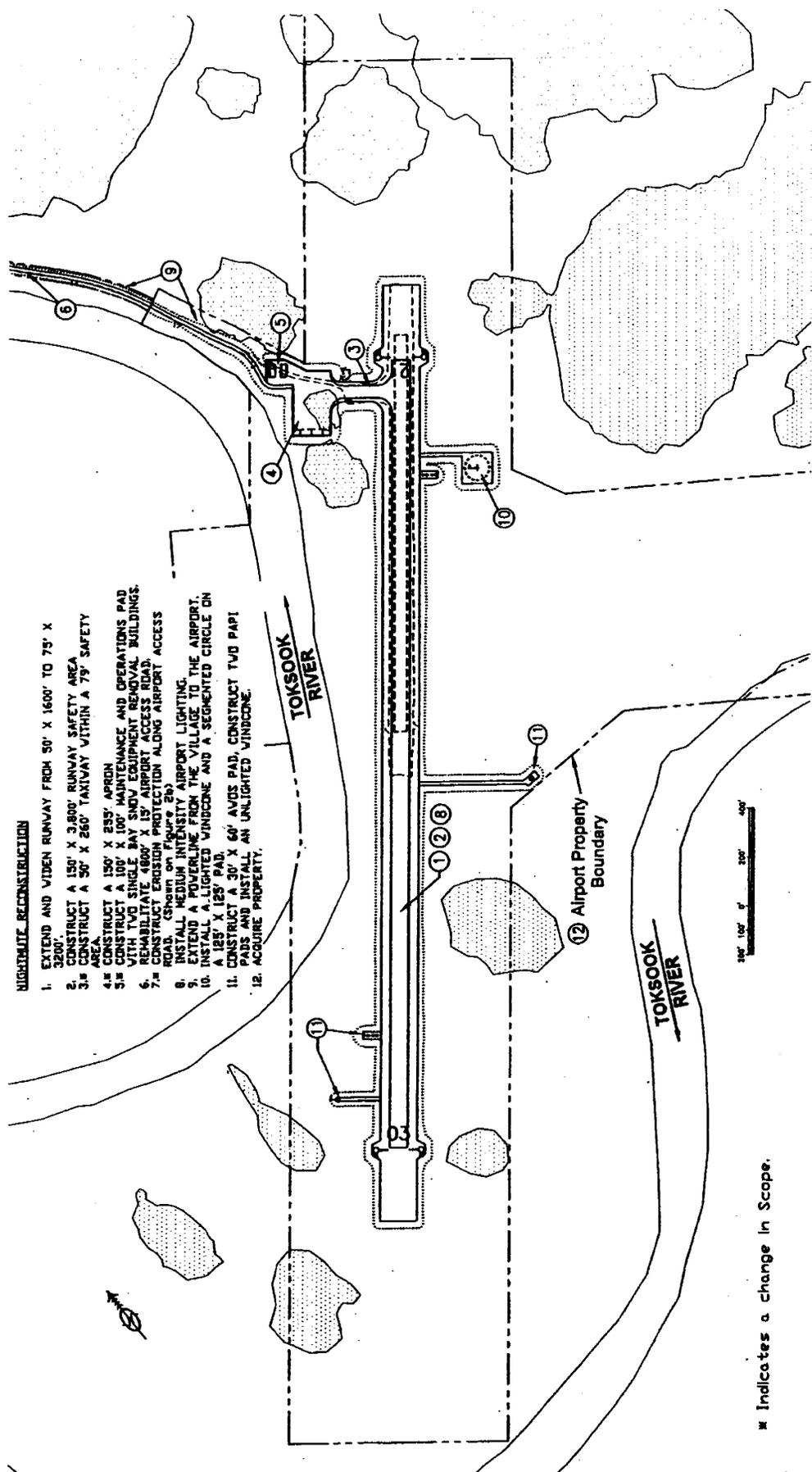
DESIGN _____ CHECKED _____ DATE _____



POA-2000-384-M
 Toksook River
 ADOT&PF
 01/23/06
 Sheet 3 of 8

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 CENTRAL REGION-DESIGN AND CONSTRUCTION

DESIGN _____ CHECKED _____ DATE _____



HIGHWAY RECONSTRUCTION

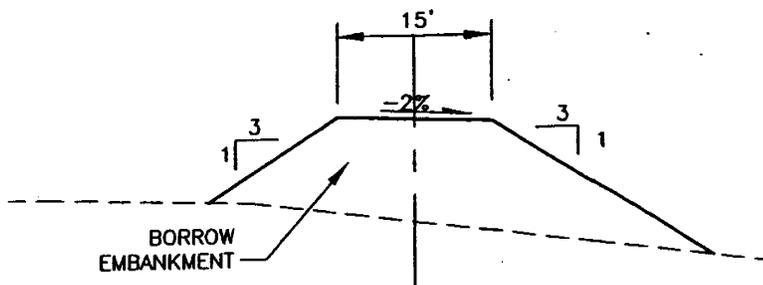
1. EXTEND AND WIDEN RUNWAY FROM 50' X 1600' TO 75' X 3200'.
2. CONSTRUCT A 150' X 3,800' RUNWAY SAFETY AREA.
3. CONSTRUCT A 50' X 260' TAXIWAY WITHIN A 75' SAFETY AREA.
4. CONSTRUCT A 150' X 255' APRON.
5. CONSTRUCT A 100' X 100' MAINTENANCE AND OPERATIONS PAD WITH TWO SINGLE BAY SHED EQUIPMENT REMOVAL BUILDINGS.
6. REMEDIATE 4800' X 15' AIRPORT ACCESS ROAD.
7. CONSTRUCT EROSION PROTECTION ALONG AIRPORT ACCESS ROAD. (Shown on Figure 2b)
8. INSTALL MEDIUM INTENSITY AIRPORT LIGHTING.
9. EXTEND A POWERLINE FROM THE VILLAGE TO THE AIRPORT.
10. INSTALL A LIGHTED WINDCONE AND A SEGMENTED CIRCLE ON A 125' X 125' PAD.
11. CONSTRUCT A 30' X 60' AVIS PAD, CONSTRUCT TWO PAPI PADS AND INSTALL AN UNLIGHTED WINDCONE.
12. ACQUIRE PROPERTY.

* Indicates a change in Scope.

POA-2000-384-M
 Toksook River
 ADOT&PF
 01/23/06
 Sheet 4 of 8

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 CENTRAL REGION-DESIGN AND CONSTRUCTION

DESIGN _____ CHECKED _____ DATE _____



HAUL ROUTE

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 CENTRAL REGION

AIRPORT NAME:

NIGHTMUTE AIRPORT

AIRPORT IMPROVEMENTS
 A.I.P. No. 3-02-0195-001-2007
 PROJECT No. 51809

FILE/DATE:

POA-2000-384-M

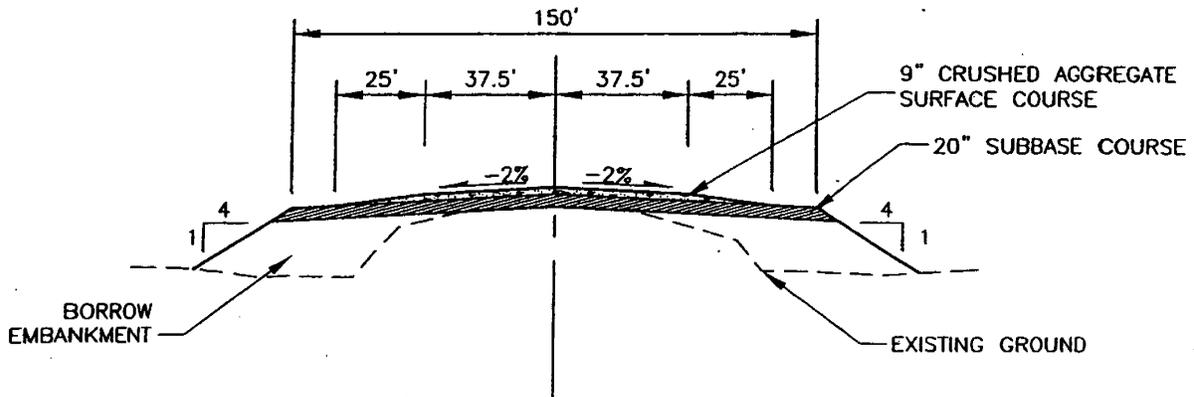
Toksook River

ADOT&PF

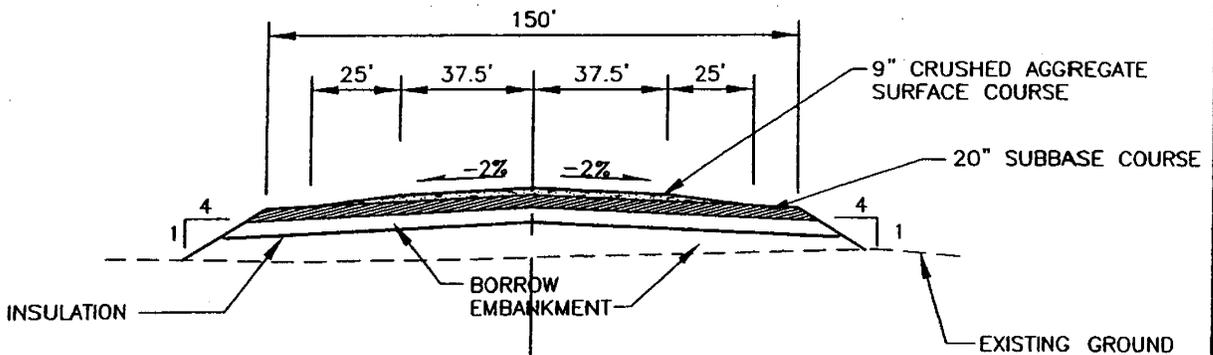
01/23/06

Sheet 5 of 8

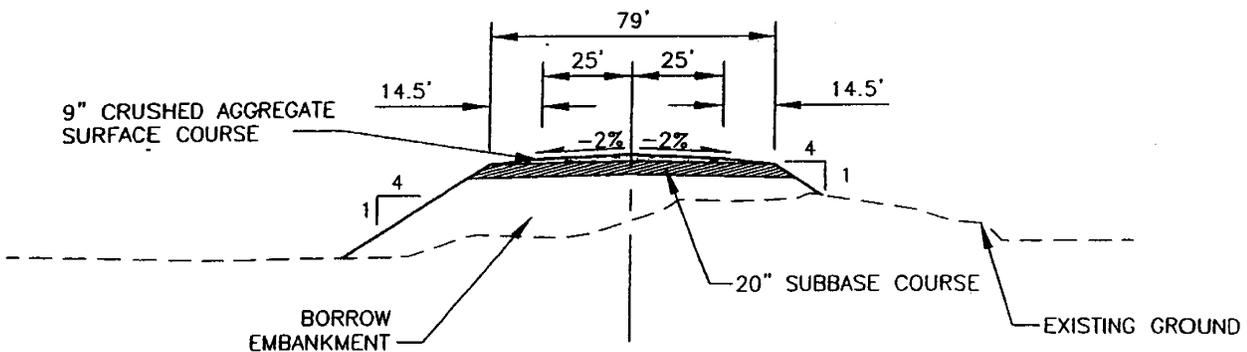
6-10



RUNWAY WIDENING



RUNWAY EXTENSION

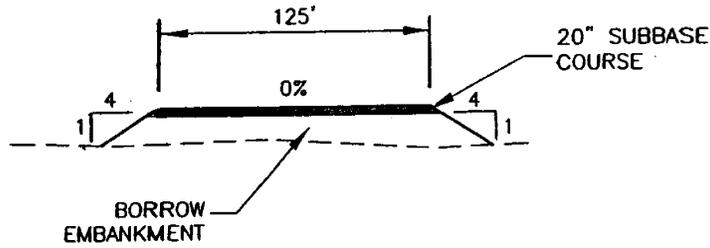


TAXIWAY

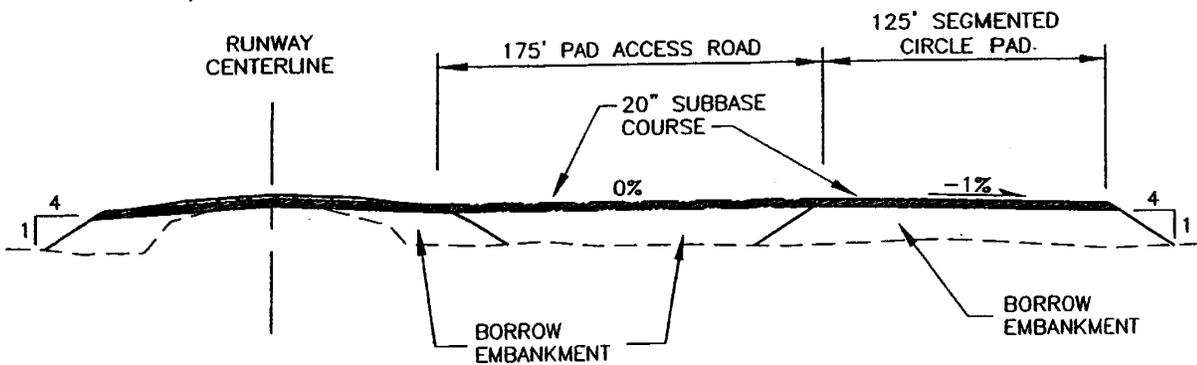
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 CENTRAL REGI

AIRPORT NAME:	NIGHTMUTE AIRPORT
	AIRPORT IMPROVEMENTS A.I.P. No. 3-02-0195-001-2007 PROJECT No. 51809
FILE/DATE:	

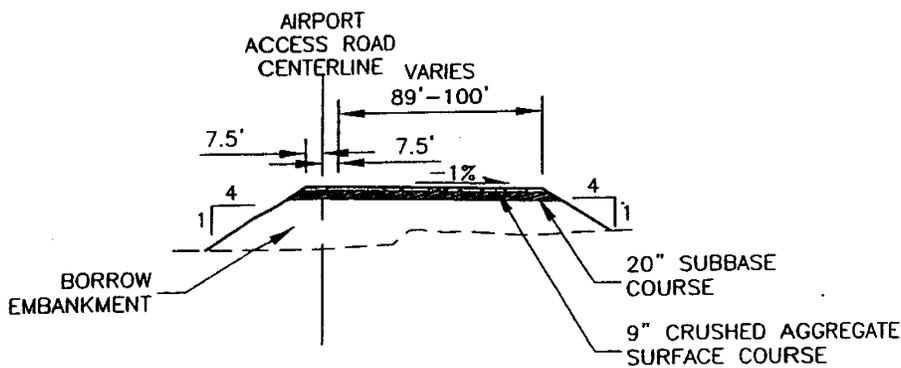
POA-2000-384-M
Toksook River
ADOT&PF
01/23/06
Sheet 6 of 8



SEGMENTED CIRCLE PAD PARALLEL TO RUNWAY



SEGMENTED CIRCLE PAD PERPENDICULAR TO RUNWAY



SRE BUILDING PAD

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 CENTRAL REGION

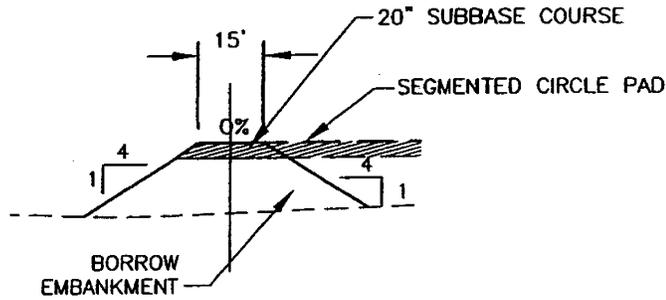
AIRPORT NAME:

NIGHTMUTE AIRPORT

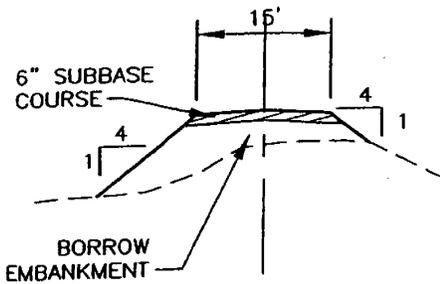
AIRPORT IMPROVEMENTS
 A.I.P. No. 3-02-0195-001-2007
 PROJECT No. 51809

POA-2000-384-M
Toksook River
ADOT&PF
01/23/06
Sheet 7 of 8

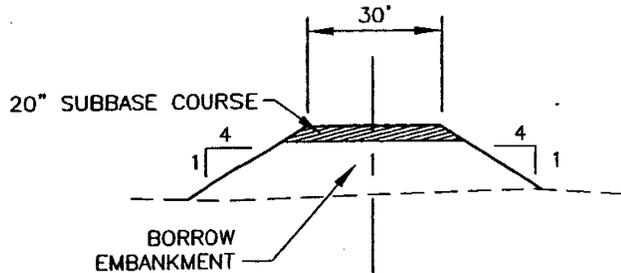
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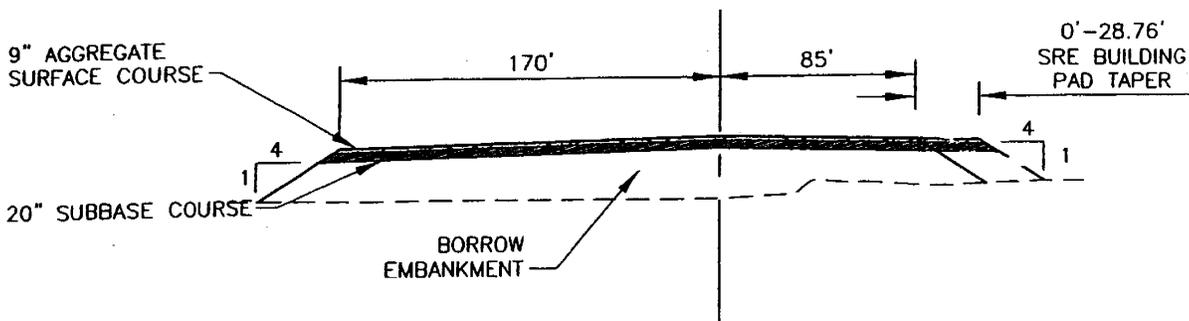
**SEGMENTED CIRCLE PAD
ACCESS ROAD**



AIRPORT ROAD REHABILITATION



PAPI PAD



APRON

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
 CENTRAL REGI

AIRPORT NAME:

NIGHTMUTE AIRPORT

AIRPORT IMPROVEMENTS
 A.I.P. No. 3-02-0195-001-2007
 PROJECT No. 51809

POA-2000-384-M
Toksook River
ADOT&PF
01/23/06
Sheet 8 of 8

FILE/DATE:

G-13

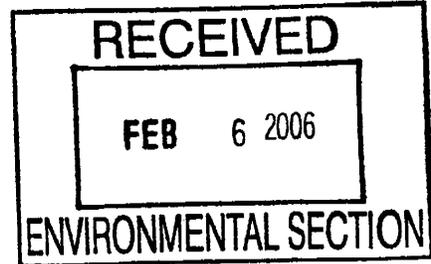


REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

FEBRUARY 02 2006

Regulatory Branch
POA-2000-384-M



Ms. Abigail Ogbe
Alaska Department of Transportation
and Public Facilities
2301 Peger Road
Fairbanks, Alaska 99709-5316

Dear Ms. Ogbe:

We have received your January 17, 2006, Department of the Army (DA) permit modification request to construct a material access road and other airport improvements in Nightmute, Alaska. The proposed project is located in Nightmute, Alaska, section 34, T. 5 N., R. 88 W., Seward Meridian; Latitude 60.4769° N., Longitude 164.7214° W.

Based on our review of the information you furnished and available to us, we have determined that your proposed project would involve work in and placement of dredged and fill material into waters of the United States (U.S.) under our regulatory jurisdiction (see enclosure titled, Jurisdictional Determination).

This approved jurisdictional determination is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date. Also, enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this approved jurisdictional determination.

We will soon begin evaluating your application and soliciting comments on your proposed work. Periodically, letters from reviewing agencies or interested parties may be forwarded to you for your information or appropriate action.

Your proposed project lies within the Alaska Coastal Management Plan (ACMP) area. We have received your signed Certification of Consistency with the ACMP and will forward a copy of this correspondence to the Office of Project Management and Permitting, ADNRP, 550 West 7th Avenue, Suite 1660, Anchorage, Alaska 99501-3510.

Section 401(a)(1) of the Clean Water Act requires that you obtain a Certificate of Reasonable Assurance or waiver of certification. This is the responsibility of the Alaska Department of Environmental Conservation (ADEC). We will forward a copy of your application to the ADEC, which they will accept as an application for a Certificate of Reasonable Assurance. A fee is charged by the ADEC for the 401 certificate. Fee information can be found online at www.state.ak.us/dec/water/wwdp/online_permitting/individual_permit_fees.htm or by contacting the ADEC at WQM/401 Certification, 555 Cordova Street, Anchorage, Alaska 99501-2617, or by telephone at (907) 269-7564.

You may contact me at (907) 753-5646, by email at marcia.l.heer@poa02.usace.army.mil, or by mail at the letterhead address, ATTN: Marcia L. Heer, CEPOA-CO-R-N, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Marcia L. Heer

Marcia L. Heer
Regulatory Specialist

Enclosures

Copies Furnished: WITHOUT enclosures
Anchorage Agencies

Ms. Mel Langdon
Alaska Department of Environmental
Conservation
555 Cordova Street
Anchorage, Alaska 99501-2617

Office of Habitat Management & Permitting
Alaska Department of Natural Resources
555 W 7th Avenue, Suite 1430
Anchorage, AK 99501-3513

Project Coordinator
Department of Natural Resources
Office of Project Management
and Permitting
Alaska Coastal Zone Management
550 West 7th Avenue, Suite 1660
Anchorage, Alaska 99501-3568

Ms. Ann Rappoport
Field Supervisor
U.S. Fish and Wildlife Service
Ecological Service Anchorage
605 West 4th Avenue, Room 62
Anchorage, Alaska 99501-2249

Supervisor
Western Alaska Ecological
National Marine Fisheries Service
222 West Seventh Avenue, # 43
Anchorage, Alaska 99513-7577

Ms. Judith Bittner
Department of Natural Resources
State Historic Preservation Office
550 W. 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565

Mr. Richard B. Thompson
State of Alaska
Department of Natural Resources
Division of Land
550 W. 7th Avenue, Suite 900C
Anchorage, Alaska 99501-3577

Mr. Gary Prokosch
State of Alaska
Department of Natural Resources
Division of Water
550 W. 7th Avenue, Suite 900A
Anchorage, Alaska 99501-3577

Ms. Robin Willis
Statewide Services
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518-1599

Alaska Operations Office
Environmental Protection Agency
222 West Seventh Avenue, # 19
Anchorage, Alaska 99513-7588

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

DISTRICT: Alaska
FILE NUMBER: POA-2000-384-M

PROJECT LOCATION INFORMATION:

State: Alaska
Borough:
Center coordinates of site (lat/long in degree decimal format): Lat. 60.4769° N., Long. 164.7214° W.; Sec.34, T.5N., R.88W, SM
Approximate size of area (parcel) reviewed, including uplands: 5.86 acres.
Name of nearest waterway: Toksook River

JURISDICTIONAL DETERMINATION

Method: Office determination
Onsite determination

Date Form Completed: 01/23/06

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.
Approximate size of jurisdictional area:
- There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area.
Approximate size of jurisdictional area: 5.86.
- There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The proposed project is located in wetlands adjacent to and connected to Toksook River, a water of the U.S. Toksook River is connected to Etoin Straight a navigable water of the U.S. (tidal)

DISTRICT: Alaska
FILE NUMBER: POA-2000-384-M

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- Ordinary High Water Mark indicated by:
- clear, natural line impressed on the bank
 - the presence of litter and debris
 - changes in the character of soil
 - destruction of terrestrial vegetation
 - shelving
 - other:
- High Tide Line indicated by:
- oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gages
 - other:
- Mean High Water Mark indicated by:
- survey to available datum; physical markings; vegetation lines/changes in vegetation types.
- To the limit of the wetland boundaries

Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - Isolated, intrastate wetland with no nexus to interstate commerce.
 - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated Oct. 2005, prepared by (company): ADOT&PF
- This office does not concur with the delineation report, dated _____, prepared by (company): _____
- Data sheets prepared by the Corps
- Wetland boundary map prepared by the Corps
- Alaska District's Approved List of Navigable Waters
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Baird Inlet B-8
- U.S. Geological Survey 15 Minute Topographic maps:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: _____ (NGVD)
- Aerial Photographs (Name & Date): Provided by applicant
- Other photographs (Date): Provided by applicant
- Advanced Identification Wetland maps:
- Site visit [Date(s)]:
- Previous determination(s) [File number and date of response letter]:
- Applicable/supporting case law:
- Other information (please specify):

Marcia J. Heer 1-23-06

Signature

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Applicant: ADOT&PF		File Number: POA-2000-384-M	FEBRUARY 02 2006
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or, (c) not modify the permit, having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION (JD): You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the Preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

Marcia L. Heer, RS
Alaska District Corps of Engineers
CEPOA-CO-R-N
P.O. Box 6898
Elmendorf AFB, AK 99506-0898
(907) 753-2712
(800) 478-2712 (toll free in AK)

If you only have questions regarding the appeal process you may also contact:

Commander
ATTN: ET-C/Michael Lee
USAED, Pacific Ocean
Building 230
Fort Shafter, HI 96858-5440

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Mail to:

Commander
ATTN: ET-C/Michael Lee
USAED, Pacific Ocean
Building 230
Fort Shafter, HI 96858-5440

United States Department of the Interior



in reply refer to
AFWFO

FISH AND WILDLIFE SERVICE

Anchorage Fish & Wildlife Field Office
605 West 4th Avenue, Room G-61
Anchorage, Alaska 99501-2249

October 31, 2003

Mary Leykom
US Army Corps of Engineers, Alaska District
Regulatory Branch
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Nightmute Material Haul Road (consultation number 2004029)

Dear Ms. Leykom,

This letter is in response to our telephone conversation today, in which you requested concurrence with your determination that the Nightmute material haul road construction project is not likely to adversely affect threatened or endangered species or critical habitat. This project is an amendment to the Nightmute airport project (consultation number 20020146), which proposed the reconstruction and extension of the runway, safety area, the new construction of a taxiway, apron, segmented circle, lighted wind cone, building pad, snow removal equipment building, overhead power line and electrical equipment enclosure, the installation medium-intensity lighting on the runway and taxiway, and the rehabilitation of 1.1 miles of airport access road. The amended project will construct a new material haul road to connect the existing material site with the road to the airport. The proposed road will have a 20-foot wide surface and extend 3,200 feet. Approximately 4.5 acres of wetland will be impacted.

The Service has raised concerns over the wetlands impacts of the proposed haul road, which is within spectacled eider and possibly Steller's eiders breeding habitat. Although no nests were observed in the vicinity of the airstrip, on a June 14, 2000 site visit by Gary Wheeler of the Service, the ACOE has agreed to include a stipulation in the permit to ADOT&PF specifying that initiation of road construction will occur prior to 1 June, to avoid the destruction of spectacled or Steller's eiders nests. The stipulation will require that the footprint of the proposed road will be covered by 1 June.

Because the ACOE will insure that spectacled and Steller's eider nests will not be destroyed as a result of this road construction project, the Service concurs with the assessment that this project is not likely to adversely affect listed species (as per our telephone communication today). Preparation of a biological assessment or further consultation under section 7 of the Act regarding this project is not necessary at this time. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated.

RECEIVED
NOV 3 2003
REGULATORY BRANCH
ALASKA DISTRICT
U.S. ARMY CORPS OF ENGINEERS

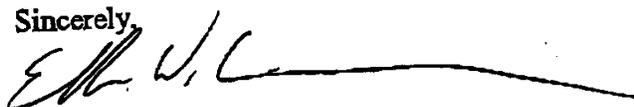
RECEIVED

12-7

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, Migratory Bird Treaty Act, or Bald and Golden Eagle Protection Act.

This concludes section 7 consultation on the proposed material haul road construction in Nightmute, Alaska. If you have any questions, please contact me at (907) 271-1467. In future correspondences regarding this project please refer to consultation number 2004029.

Sincerely,



Ellen W. Lance
Endangered Species Biologist

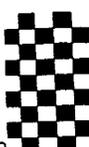
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Alaska District

**U.S. Army Engineer District, Alaska
Regulatory Branch
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898**

From:	Office Symbol COR-N	Office (907) 753-5646 FAX (907) 753-5567
Marcia Heer		
To: Abigail Ogbe, Fax# (907) 451-5103		
From: Marcia Heer (753-5646)		
Fax: 8 pages + cover		
Subject: Copy of Nightmute Airport permit and 2003 T & E species letter from FWS.		



DEPARTMENT OF THE ARMY PERMIT

Permittee: Alaska Department of Transportation and Public Facilities

Permit No.: 4-2000-0384 , Toksook River 4

Issuing 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 transferee. 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: To discharge approximately 194,000 cubic yards of fill material into 14.14 acres of wetlands for reconstruction and extension of the runway from 75' by 3,200', enlarge the safety area to 150' by 3,790', construct a 50' by 230' taxiway on a 70' wide safety area, construct an apron, install medium-intensity lighting on the runway and taxiway, construct a segmented circle and lighted wind cone on a pad, construct PAPI and AWOS pads, construct an overhead power line from the village to the airport and rehabilitate the 1.1-mile airport access road.

All work will be performed in accordance with the attached plan, sheets 1-4, dated April 12, 2002.

Project Location: Latitude 60° 28'13, Longitude 164°41'08, Sections 2 and 3, T. 4 N., R. 89 W. and Section 34, T. 5 N., R. 88 W., Seward Meridian, Nightmute Airport, Nelson Island, beside the Toksook River, approximately 1.1 miles south of the village.

Permit Conditions:

1. Prior to fill placement, a silt fence or similar structure shall be installed on a line parallel to and within 5' of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25' of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner. Silt fences will not have to be installed if the construction activity is occurring during the time that the water is in a frozen state.
2. Fill placed during winter construction within construction wetlands that during the summer contain surface water that is connected to natural bodies of water, must be stabilized or contained in the spring prior to breakup, to insure that silts are not carried from the fill to the natural bodies of water in the summer.

Special Information: Any condition incorporated by reference into this permit by Special Condition or by General Condition 5, remains a condition of this permit unless expressly modified or deleted, in writing, by the District Engineer.

General Conditions:

1. The time limit for completing the work authorized ends on **October 31, 2005**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit 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.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the 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.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Patricia L. Wightman
(PERMITTEE) AND TITLE
for Patricia L. Wightman

November 1st 2002
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Allan G. Skinner
FOR (DISTRICT ENGINEER) COL Steven T. Perrenot
Allan G. Skinner, Regulatory Specialist
North Section, Regulatory Branch

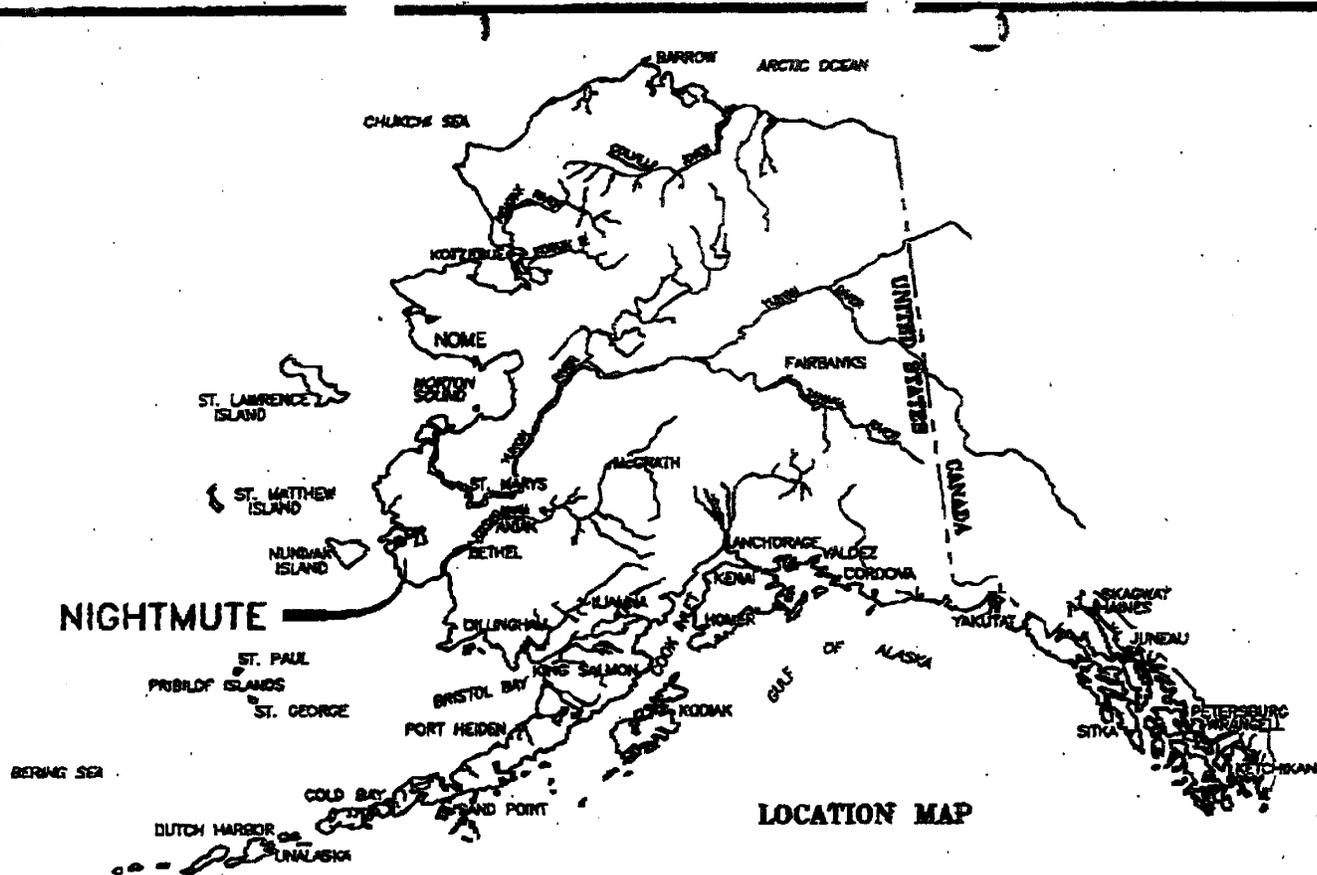
November 7, 2002
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

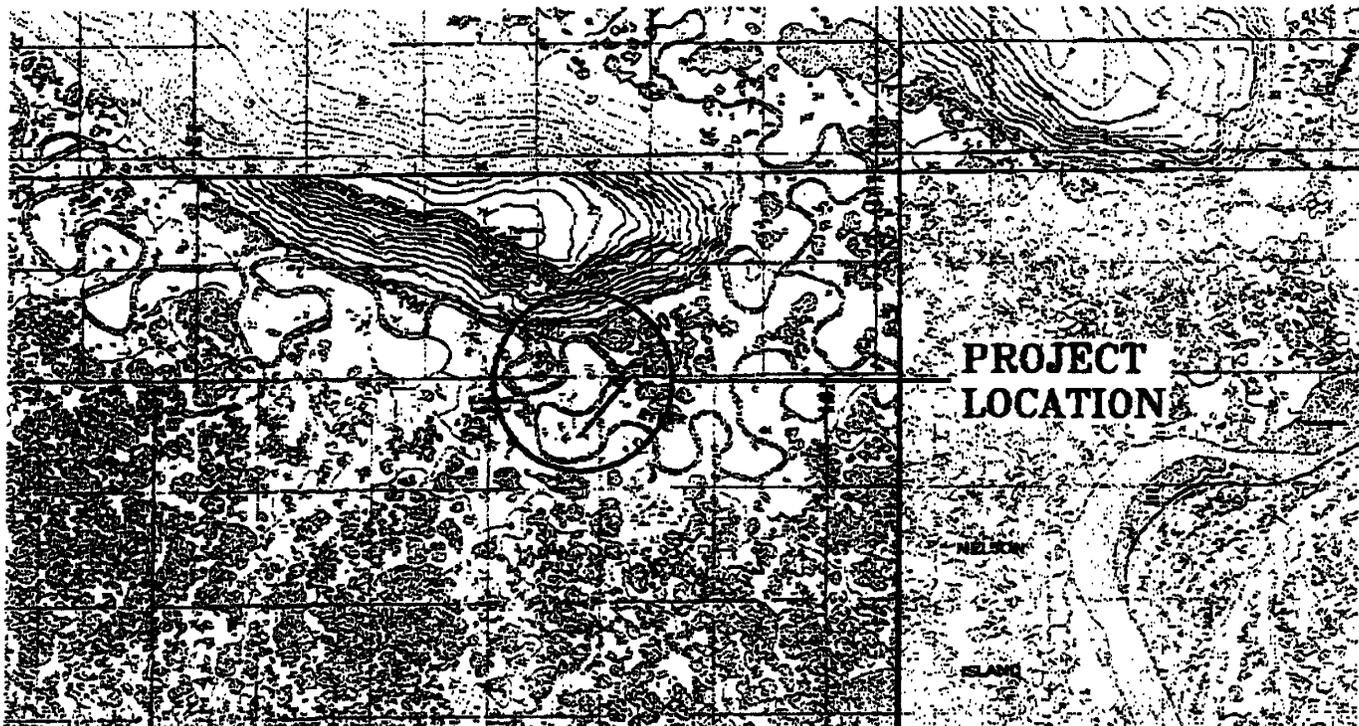
(TRANSFEREE)

(DATE)

NIGHTMUTE



LOCATION MAP

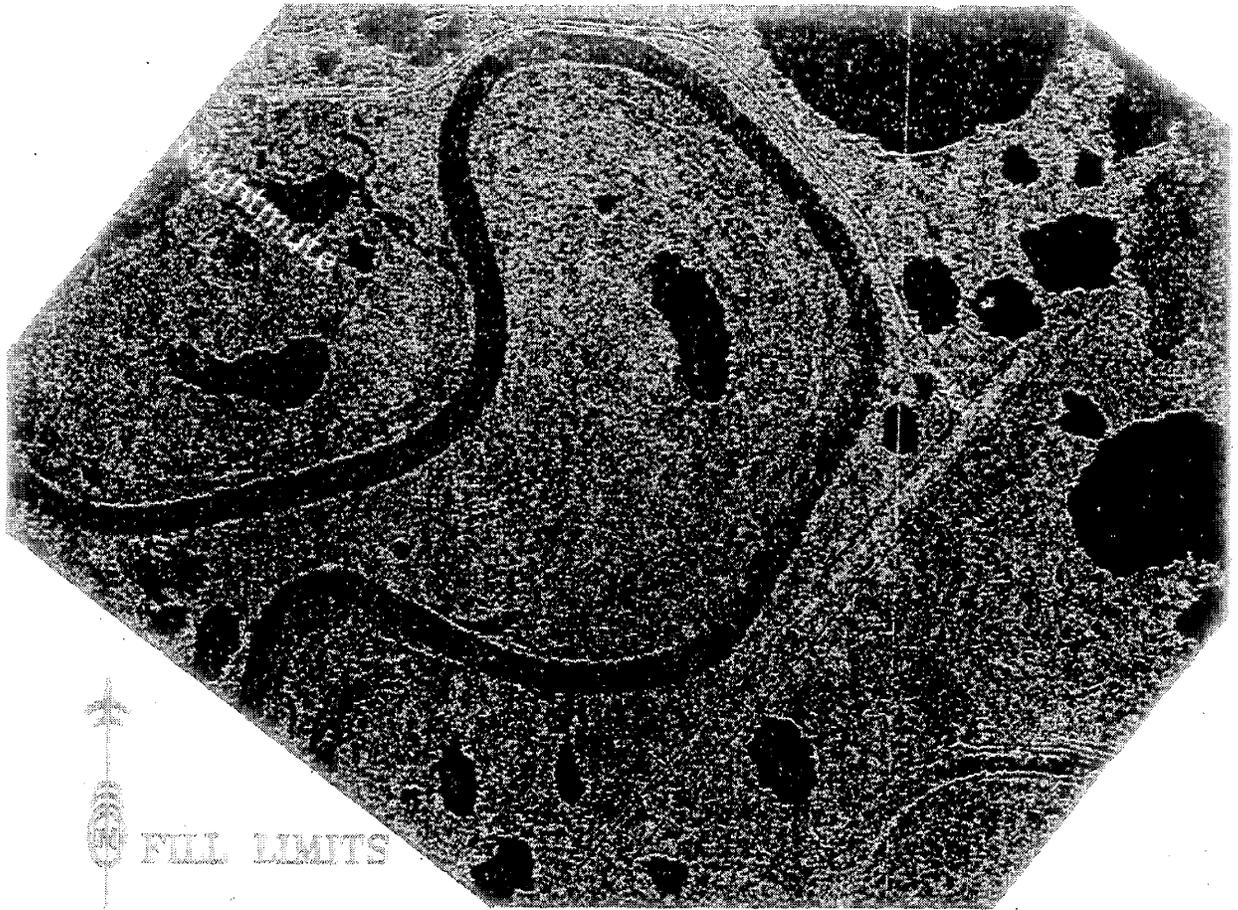


VICINITY MAP

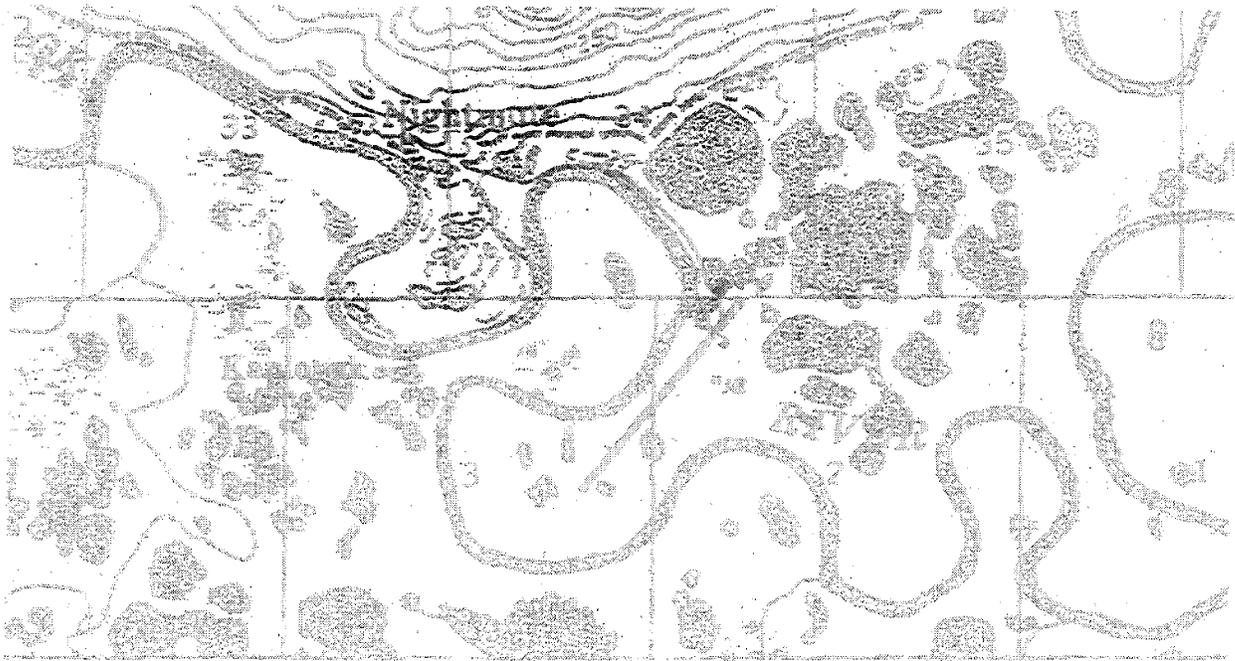
NIGHTMUTE AIRPORT IMPROVEMENTS
AIP 3-02-0295-01
PROJECT No. 60232

STATE OF ALASKA - DOT/PF
12 APRIL 2002
PAGE 1 of 4

G-21



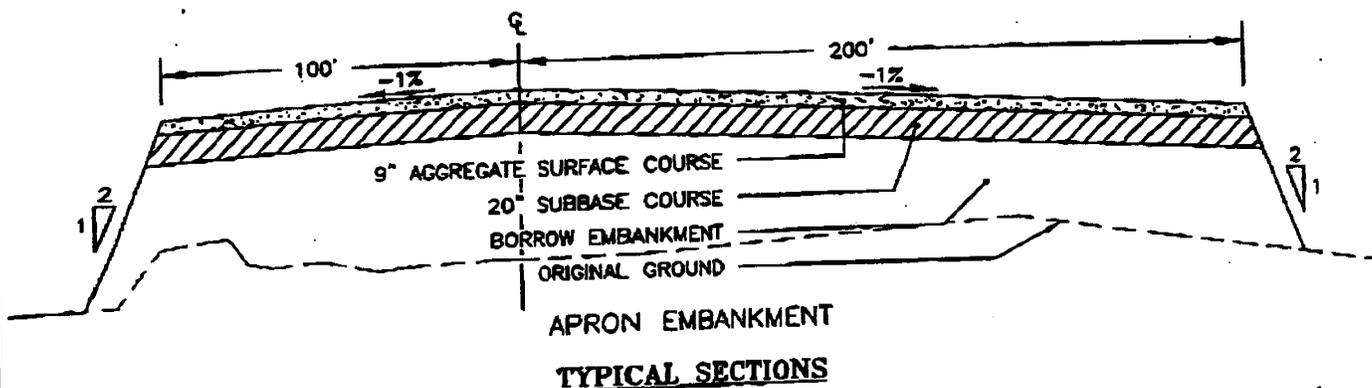
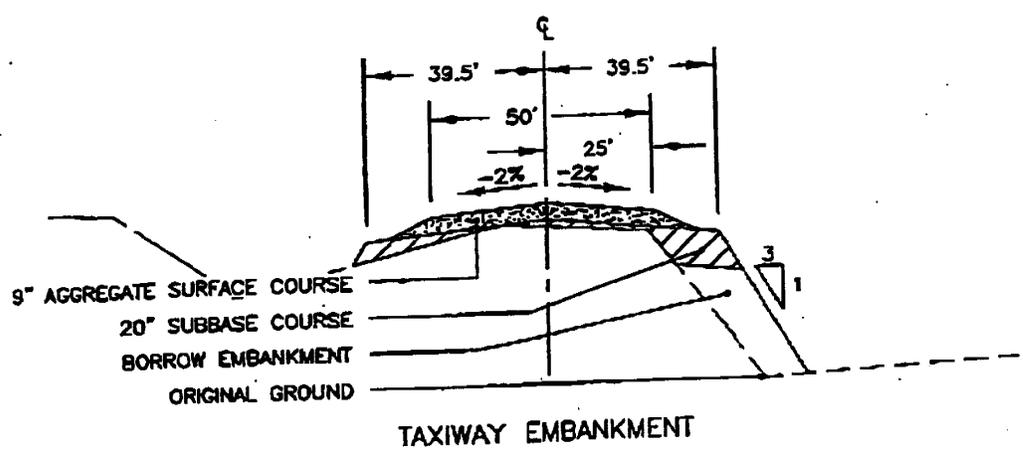
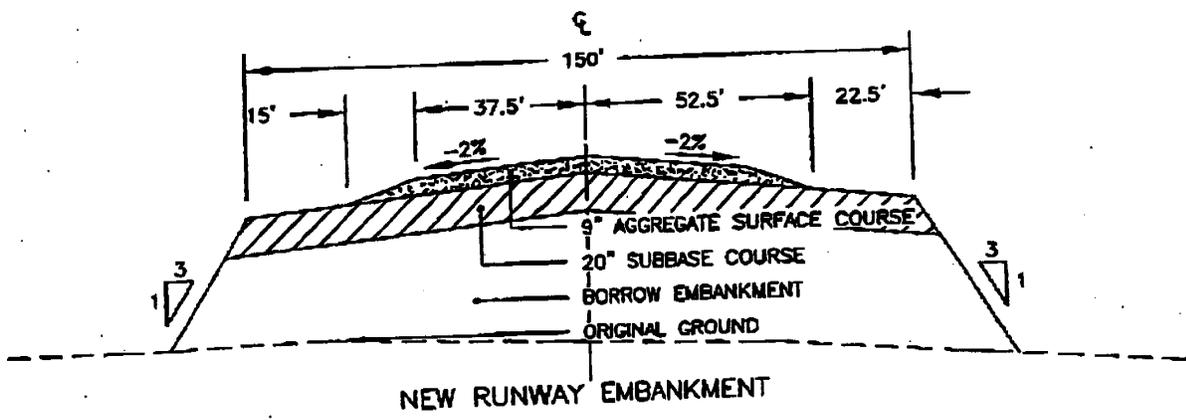
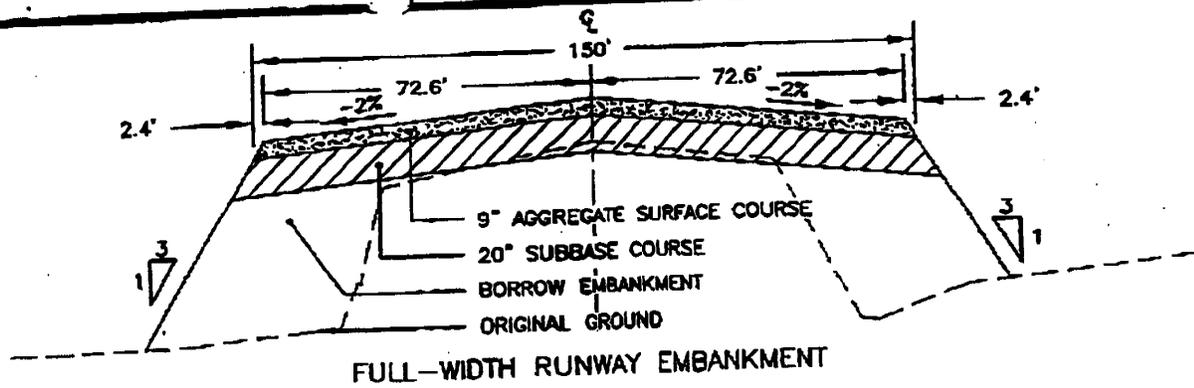
FILL LIMITS



PROJECT DEVELOPMENT

NIGHTMARE AIRPORT IMPROVEMENTS
 AIP 5-02-0206-01
 PROJECT No. 00242

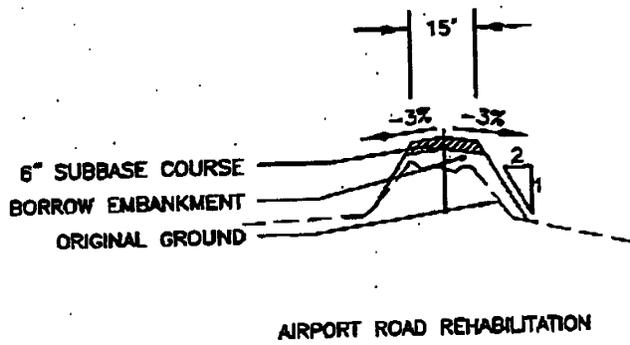
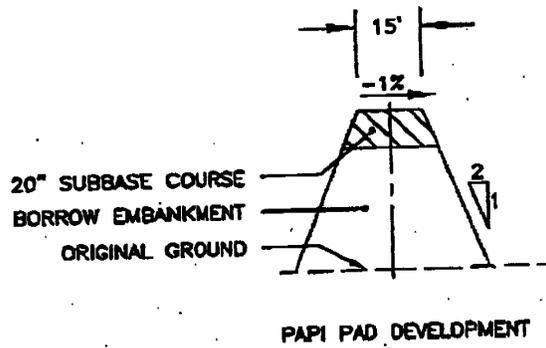
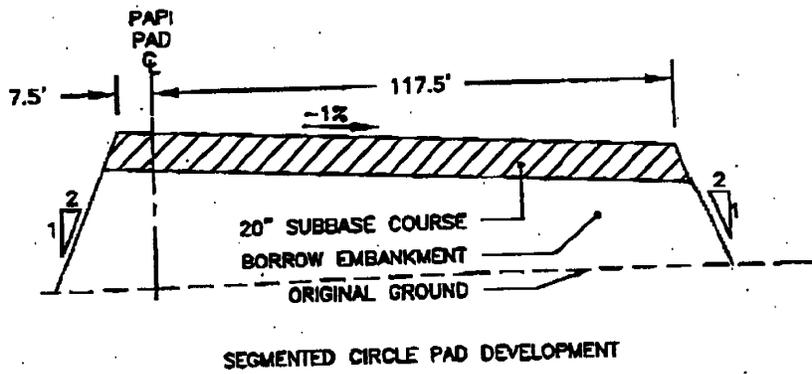
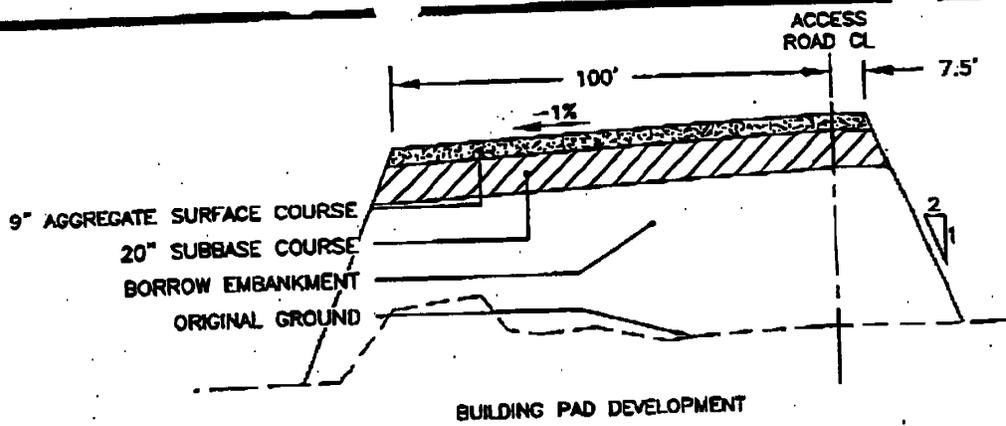
STATE OF ALASKA - DOT/PF
 12 APRIL 2008
 PAGE 2 of 4



TYPICAL SECTIONS

NIGHTMUTE AIRPORT IMPROVEMENTS
 AIP 3-02-0295-01
 PROJECT No. 60232

STATE OF ALASKA - DOT/PF
 12 APRIL 2002
 PAGE 3 of 4



TYPICAL SECTIONS

NIGHTMUTE AIRPORT IMPROVEMENTS
AIP 3-02-0295-01
PROJECT No. 60232

STATE OF ALASKA - DOT/PF
12 APRIL 2002
PAGE 4 of 4

G-29

Subject: ACMP No Review, AK0205-09AA, Modifications of Nightmute Airport
From: Nicole R Allison <nicole_allison@dnr.state.ak.us>
Date: Fri, 03 Mar 2006 11:42:53 -0900
To: Abigail Ogbe <abigail_ogbe@dot.state.ak.us>
CC: Mark J Fink <mark_fink@fishgame.state.ak.us>, Margie goatley <margie_goatley@dnr.state.ak.us>, Christina B Nahorney <christina_nahorney@dnr.state.ak.us>, Robert F Mclean <mac_mclean@dnr.state.ak.us>, William S Ashton <william_ashton@dec.state.ak.us>, John Oscar <cenaliulriit2@starband.net>

Please be advised that no review will be required for the proposed modifications to AK0205-09AA, Modifications of Nightmute Airport. The proposed modifications will not require any alterations to the original permits for this project.

If you have any questions regarding this determination, please contact me.

Thank you,
Nicole Allison

Nicole Allison

Project Review Coordinator
Alaska Coastal Management Program
Office of Project Management & Permitting
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1660
Anchorage, AK 99501-1000
P: (907) 269-7475; F: (907) 269-3981
Email: Nicole.Allison@dnr.state.ak.us

NRA_NRR_MOD_AA0205_09_DOT.pdf

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STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

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

■ *SOUTHCENTRAL REGIONAL OFFICE*
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PFI: (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

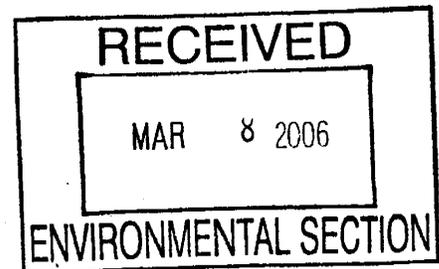
□ *PIPELINE COORDINATOR'S OFFICE*
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

www.alaskacoast.state.ak.us

3/3/06

Abigail Ogbe
2301 Pagar Rd.
Fairbanks, AK 99709-5399

SUBJECT: ACMP Review Not Required
Nightmute Airport Improvements
AK 0205-09AA POA-4-2000-0384



Dear Ms. Ogbe:

The Office of Project Management & Permitting (OPMP) has reviewed the Coastal Project Questionnaire (CPQ) and other pertinent information regarding the above referenced project. This project is a modification of a previously permitted project that was found to be consistent with the ACMP in October of 2002 (AK 0205-09AA). The additions and modifications to the original project will result in impacts to an additional 4.85 acres of wetlands.

Project modification description:

This project involves the discharge of approximately 155,000 cubic yards (cy) of fill material into 18.99 acres of wetlands to construct Nightmute Airport Upgrades. This total discharge will be comprised of the construction of a new 3700' long x 25-45' wide (toe-to-toe) haul road to connect an existing material site to the airport; the construction of a 100' x 100' gravel pad for a snow removal equipment building; the increase of the runway safety area length by 10', taxiway length by 30', width of taxiway area by 9', and apron size from 100' x 300' to 150' x 255'.

I have circulated the US Army Corps of Engineers (COE) modification letter to the Alaska Departments of Fish and Game and Natural Resources, and the Cenaliulriit coastal resources service area. Based upon the information you supplied, we have determined that the proposed project modification does not require further review for consistency with the Alaska Coastal Management Program (ACMP). However, please note that any stipulations and advisories included in this project's original consistency determination still apply.

G-31

You are not relieved from obtaining required permits and approvals from state federal or local agencies, before you begin the proposed work. Nothing in this letter excuses you from compliance with other statutes, ordinances, or regulations that may affect any proposed work.

This decision is ONLY for the proposed project as described. If there are any other changes to the proposed project, including its intended use, prior to or during its siting, construction, or operation, contact this office immediately to determine if further review and approval of the revised project is necessary.

Thank you for your cooperation with the ACMP.

Sincerely,



Nicole Allison
Project Review Coordinator

enc: COE Mod Letter

cc: John Oscar, Cenaliulriit CRSA
William Ashton, DEC
Robert McLean, DNR/OHMP
Robin Willis, DFG, Anchorage
Wayne Dolezal, DFG, Anchorage
Kerry Walsh, DNR/DMLW
Margie Goatley, DNR/SHPO
COE, Regulatory Branch

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Non-Point Source Pollution Water Control Program

555 Cordova Street
Anchorage, AK 99501-2617

Phone: (907) 269-6281

Fax: (907) 269-7508

TTY: (907) 269-7511

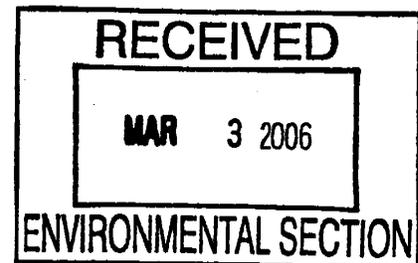
<http://www.state.ak.us/dec/>

February 28, 2006

Certified Mail 7003-2260--1288

Ms. Abigale Ogbe
Alaska Dept. of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99709-5316

Subject: Tooksok River Nightmute Airport
Reference No. POA-2000-384-M



Dear Ms. Ogbe:

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 construction of the airport improvements in Nightmute, 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, 555 Cordova St., Anchorage, AK 99501, 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, P.O. Box 111800, Juneau, Alaska 99811-1800, 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 Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely

A handwritten signature in black ink, appearing to read "Kent Patrick-Riley".

Kent Patrick-Riley
Acting Program Manager

Enclosure

cc: (with encl.)

Marcia Heer, Corps of Engineers, Anchorage
Stewart Seaberg, DNR/OHMP
F&WS

Nicole Allison, DNR/OPMP
EPA, AK Operations
William Ashton, ADEC Anchorage

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 Alaska Department of Transportation and Public Facilities, 2301 Peger Rd., Fairbanks, AK 99709-5316, for the construction of airport improvements. This includes the discharge of approximately 155,000 cubic yards of fill material into 18.99 acres of wetlands to construct the airport upgrades. Construct a new 3,700 foot long by 25-45 foot wide (toe-to-toe) haul road to connect existing material site to the airport, construct a 100' x 100' gravel pad for snow removal equipment building, and modify the following previously authorized activities: increase the runway safety area length by 10', taxiway length by 30', width of taxiway safety area by 9', and apron size from 100' x 300' to 150' x 255'.

The proposed activity is located at Section 34 T. 5N., R 88W., Seward Meridian, in Nightmute, Alaska.

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 activity will be authorized by a Corps of Engineers permit, reference number POA-2000-384-M, and a discharge may result from the proposed activity.

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, provided that the following alternative measures are adhered to.

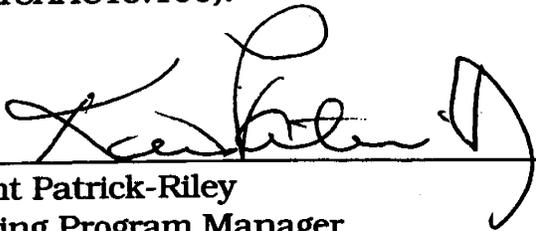
1. Petrochemical and other hazardous substance spill cleanup equipment shall be available on site. Material such as absorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze or other pollutant spills as a result of construction activities.
2. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products. Fuel storage and handling activities for earth moving equipment must be sited and conducted so there is no petroleum contamination of surface runoff and water bodies.

3. A silt fence or similar structure shall be installed prior to fill placement. The silt fence shall be placed on a line parallel to and within 5 feet of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25 feet of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner. Silt fences will not have to be installed if the construction activity is occurring during the time that the water is in a frozen state.
4. Fill placed during winter construction within wetlands that during the summer contain surface water that is connected to natural bodies of water, must be stabilized or contained in the spring prior to breakup, to insure that silts are not carried from the fill to the natural bodies of water in the summer.
5. Runoff discharged to surface water (including wetlands) from a construction site disturbing 1 or more acres must be covered under EPA's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than 5 acres, this SWPPP must also be submitted to ADEC (Greg Drzewiecki, 907-269-7692) prior to construction. Please contact EPA directly concerning the NPDES storm water permit.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date

2-28-06



Kent Patrick-Riley
Acting Program Manager

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION, PRECONSTRUCTION

FRANK H. MURKOWSKI, GOVERNOR

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
TELEPHONE: (907) 451-5106
TDD: (907) 451-2363
FAX: (907) 451-5103
EMAIL: abigail_ogbe@dot.state.ak.us

January 17, 2006

Re: Nightmute Airport Improvements
Project #51809
COE Permit 4-2000-0384/State ID AK0205-09AA
ACMP Consistency Determination

Christine Ballard
State of Alaska
Department of Natural Resources
Office of Project Management and Permitting
550 W. 7th Avenue, Suite 1660
Anchorage, AK 99501

Dear Ms. Ballard:

The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with the Federal Aviation Administration (FAA), is developing a project to improve the Airport in Nightmute, Alaska. A consistency determination for this project was issued on October 11, 2002 (State ID AK0205-09AA), however the project footprint has changed. The project footprint was changed to avoid procurement of a native allotment and to avoid impacts to an archaeological resource.

The purpose of this letter is to request a revised consistency determination to reflect project changes. Enclosed is a new Coastal Project Questionnaire (CPQ). The project description and proposed changes are contained in Attachment 1 of the CPQ.

Coordination with the U.S. Army Corps of Engineer (USACE) may be necessary. Ms. Marcia Heer, USACE Regulatory Specialist, is the USACE project contact for the proposed Nightmute Airport Improvements project. The ADOT&PF requested for a Section 404 permit (#4-200-0384/Toksook River 4) modification from the USACE on November 8, 2005. The initial Section 404 permit was issued on November 7, 2002, for impacts to 14.14 acres of wetlands. The revised wetland impacts for the current project footprint is 20 acres. Table 1 summarizes the wetland impacts and fill quantities for the proposed project.

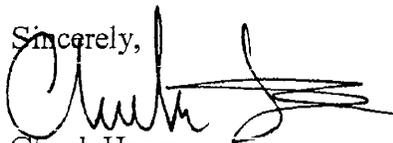
"Providing for the movement of people and goods, and the delivery of State services."

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Table 1: Wetland Impacts and Fill Quantities

Description	Acres of wetland impacted					Total
	Runway	Apron	Access Road	Haul Road	Material Site 5	
Palustrine Emergent Wetlands	16.26	1.54	1.66	0.17	0	19.63
Palustrine Open Water	0	0.37	0	0	0	0.37
Total Wetland Impact	16.26	1.91	1.66	0.17	0	20.00
Amount of fill needed (cubic yard)	109,000	13,000	7,000	2000	0	131,000

If you have any questions or need additional information, please contact Abigail Ogbe, Environmental Impact Analyst, at (907) 451-5106, or by email at abigail_ogbe@dot.state.ak.us.

Sincerely,


Chuck Howe
Northern Region Environmental Coordinator

AO/dt

Enclosures: Coastal Project Questionnaire
CPQ Attachment 1

cc: Marcia Heer, Regulatory Specialist, USACE, Elmendorf AFB, Anchorage
Gary Lincoln, Engineering Manager, ADOT&PF, Anchorage
Patricia Oien, Project Manager, Airports Division, FAA, Anchorage

of all major activities; • a site plan depicting project boundary with all proposed actions; • other supporting documentation to facilitate project review. Note: If the project is a modification, identify existing facilities and proposed changes on the site plan.

PROJECT LOCATION

1. Attach a copy of the topographical and vicinity map clearly indicating the location of the project. Please include a map title and scale.
2. The project is located in which region (see attached map): Northern Southcentral Southeast Southwest within or associated with the Trans-Alaska Pipeline corridor
3. Location of project (Include the name of the nearest land feature or body of water.) Nightmute / Tooksok River
 Township 5N Range 88W Section 33 Meridian Seward Latitude/Longitude 60.47944N / 164.72389 W
 USGS Quad Map Baird Inlet (B-8)
4. Is the project located in a coastal district? Yes No If yes, identify: Cenaliurrit Coastal Resource Service Area (CRSA)
(Coastal districts are a municipality or borough, home rule or first class city, second class with planning, or coastal resource service area.) Note: A coastal district is a participant in the State's consistency review process. It is possible for the State review to be adjusted to accommodate a local permitting public hearing. Early interaction with the district is important; please contact the district representative listed on the attached contact list.
5. Identify the communities closest to your project location: Nightmute
6. The project is on: State land or water* Federal land Private land Municipal land Mental Health Trust land
**State land can be uplands, tidelands, or submerged lands to 3 miles offshore. See Question #1 in DNR section. Contact the applicable landowner(s) to obtain necessary authorizations.*

DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) APPROVALS

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Will a discharge of wastewater from industrial or commercial operations occur? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Will the discharge be connected to an approved sewer system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Will the project include a stormwater collection/discharge system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Do you intend to construct, install, modify, or use any part of a wastewater (sewage or greywater) disposal system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If the answer is yes, will the discharge be 500 gallons per day or greater? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) If constructing a domestic wastewater treatment or disposal system, will the system be located within fill material requiring a COE permit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answered yes to a) or b), answer the following:

- 1) What is the distance from the bottom of the system to the top of the subsurface water table?
 - 2) How far is any part of the wastewater disposal system from the nearest surface water?
 - 3) Is the surrounding area inundated with water at any time of the year?
 - 4) How big is the fill area to be used for the absorption system?
- (Questions 1 & 2 will be used by DEC to determine whether separation distances are being met; Questions 3 & 4 relate to the required size of the fill if wetlands are involved.)*

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 3. Will your project require a mixing zone?
<i>(If your wastewater discharge will exceed Alaska water quality standards, you may apply for a mixing zone. If so, please contact DEC to discuss information required under 18 AAC 70.032.)</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. a) Will your project result in construction, operation, or closure of a facility for solid waste disposal?.....
<i>(Note: Solid waste means drilling wastes, household garbage, refuse, sludge, construction or demolition wastes, industrial solid waste, asbestos, and other discarded, abandoned, or unwanted solid or semi-solid material, whether or not subject to decomposition, originating from any source. Disposal means placement of solid waste on land.)</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Will your project result in treatment of solid waste at the site?
<i>(Examples of treatment methods include, but are not limited to: incineration, open burning, baling, and composting.)</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Will your project result in storage or transfer of solid waste at the site?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Will the project result in storage of more than 50 tons of materials for reuse, recycling, or resource recovery?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Will any sewage solids or biosolids be disposed of or land-applied to the site?
<i>(Sewage solids include wastes that have been removed from a wastewater treatment plant system, such as a septic tank, lagoon dredge, or wastewater treatment sludge that contain no free liquids. Biosolids are the solid, semi-solid, or liquid residues produced during the treatment of domestic septage in a treatment works which are land applied for beneficial use.)</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will your project require application of oil, pesticides, and/or any other broadcast chemicals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. a) Will you have a facility with industrial processes that are designed to process no less than five tons per hour and needs air pollution controls to comply with State emission standards? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Will you have stationary or transportable fuel burning equipment, including flares, with a total fuel consumption capacity no less than 50 million Btu/hour?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Will you have a facility with incinerators having a total charging capacity of no less than 1,000 pounds per hour? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Will you have a facility with equipment or processes that are subject to Federal New Source Performance Standards or National Emission Standards for hazardous air pollutants? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Will you propose exhaust stack injection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Will you have a facility with the potential to emit no less than 100 tons per year of any regulated air contaminant?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Will you have a facility with the potential to emit no less than 10 tons per year of any hazardous air contaminant or 25 tons per year of all hazardous air contaminants?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Will you construct or add stationary or transportable fuel burning equipment of no less than 10 million Btu/hour in the City of Unalaska or the City of St. Paul?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Will you construct or modify in the Port of Anchorage a volatile liquid storage tank with a volume no less than 9,000 barrels, or a volatile liquid loading rack with a design throughput no less than 15 million gallons? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Will you be requesting operational or physical limits designed to reduce emissions from an existing facility in an air quality nonattainment area to offset an emission increase from another new or modified facility?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Do you plan to develop, construct, install, or alter a public water system?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. a) Will your project involve the operation of waterborne tank vessels or oil barges that carry crude or non-crude oil as bulk cargo, or the transfer of oil or other petroleum products to or from such a vessel or a pipeline system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Will your project require or include onshore or offshore oil facilities with an effective aggregate storage capacity of greater than 5,000 barrels of crude oil | | |

or greater than 10,000 barrels of non-crude oil? Yes No

c) Will you operate facilities on land or water for exploration or production of hydrocarbons? Yes No

If you answered "No" to ALL questions in this section, continue to next section.

If you answered "Yes" to ANY of these questions, contact the DEC office nearest you for information and application forms. Please be advised that all new DEC permits and approvals require a 30-day public notice period. DEC Pesticide permits take effect no sooner than 40 days after the permit is issued.

Based on your discussion with DEC, please complete the following:

Types of project approvals or permits needed and name of individual you contacted.	Date application submitted

9. Does your project qualify for a general permit for wastewater or solid waste? Yes No
Note: A general permit is an approval issued by DEC for certain types of routine activities.

If you answered "Yes" to any questions in this section and are not applying for DEC permits, indicate reason:

_____ (DEC contact) told me on _____ that no DEC approvals are required on this project because

Other:

■ DEPARTMENT OF FISH AND GAME (DFG) APPROVALS Yes No

- Is your project located in a designated State Game Refuge, Critical Habitat Area or State Game Sanctuary? Yes No
- Does your project include construction/operation of a salmon hatchery? Yes No
- Does your project affect, or is it related to, a previously permitted salmon hatchery? Yes No
- Does your project include construction of an aquatic farm? Yes No

If you answered "No" to ALL questions in this section, continue to next section.

If you answered "Yes" to ANY questions under 1-4, contact the ADF&G Commercial Fisheries Division headquarters for information and application forms

Based on your discussion with ADF&G, please complete the following:

Types of project approvals or permits needed.	Date application submitted

If you answered "YES" to any questions in this section and are not applying for ADF&G permits, indicate reason:

_____ (ADF&G contact) told me on _____ that no ADF&G approvals are required on this project because

Other:

■ DEPARTMENT OF NATURAL RESOURCES (DNR) APPROVALS

Yes No

1. Is the proposed project on State-owned land or water or will you need to cross State-owned land for access? ("Access" includes temporary access for construction purposes. *Note: In addition to State-owned uplands, the State owns almost all land below the ordinary high water line of navigable streams, rivers and lakes, and below the mean high tide line seaward for three miles.*)
- a) Is this project for a commercial activity?

2. Is the project on Alaska Mental Health Trust land (AMHT) or will you need to cross AMHT land? *Note: Alaska Mental Health Trust land is not considered State land for the purpose of ACMP reviews.*

3. Do you plan to dredge or otherwise excavate/remove materials on State-owned land?
- Location of dredging site if different than the project site:
 Township _____ Range _____ Section _____ Meridian _____ USGS Quad Map _____

4. Do you plan to place fill or dredged material on State-owned land?
- Location of fill disposal site if other than the project site:
 Township _____ Range _____ Section _____ Meridian _____ USGS Quad Map _____
 Source is on: State Land Federal Land Private Land Municipal Land

5. Do you plan to use any of the following State-owned resources:
- Timber:** Will you harvest timber? Amount: _____
- Materials such as rock, sand or gravel, peat, soil, overburden, etc.:**
 Which material? _____ Amount: _____
 Location of source: Project site Other, describe: _____
 Township _____ Range _____ Section _____ Meridian _____ USGS Quad Map _____

6. Do you plan to divert, impound, withdraw, or use any fresh water, except from an existing public water system or roof rain catchment system (regardless of land ownership)?
- Amount (maximum daily, not average, in gallons per day): _____
 Source: _____ Intended Use: _____
 If yes, will your project affect the availability of water to anyone holding water rights to that water?

7. Do you plan to build or alter a dam (regardless of land ownership)?

8. Do you plan to drill a geothermal well (regardless of land ownership)?

9. At any one site (regardless of land ownership), do you plan any of the following?
- Mine five or more acres over a year's time
 Mine 50,000 cubic yards or more of materials (rock, sand or gravel, soil, peat, overburden, etc.) over a year's time
 Have a cumulative unreclaimed mined area of five or more acres
- If yes to any of the above, contact DNR about a reclamation plan.

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- If you plan to mine less than the acreage/amount stated above and have a cumulative unreclaimed mined area of less than five acres, do you intend to file a voluntary reclamation plan for approval? Yes No
10. Do you plan to explore for or extract coal? Yes No
11. a) Will you explore for or produce oil and/or gas? Yes No
 b) Will you conduct surface use activities on an oil and/or gas lease or within an oil and/or gas unit? Yes No
12. Will you investigate, remove, or impact historical or archaeological or paleontological resources (anything over 50 years old) on State-owned land? Yes No
13. Is the proposed project located within a known geophysical hazard area? Yes No
Note: 6 AAC 80.900(9) defines geophysical hazard areas as "those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process." "known geophysical hazard area" means any area identified in a report or map published by a federal, state, or local agency, or by a geological or engineering consulting firm, or generally known by local knowledge, as having known or potential hazards from geologic, seismic, or hydrologic processes.
14. Is the proposed project located in a unit of the Alaska State Park System? Yes No
15. Will you work in, remove water or material from, or place anything in, a stream, river or lake? (This includes work or activities below the ordinary high water mark or on ice, in the active flood plain, on islands, in or on the face of the banks, or, for streams entering or flowing through tidelands, above the level of mean lower low tide.)
Note: If the proposed project is located within a special flood hazard area, a floodplain development permit may be required. Contact the affected city or borough planning department for additional information and a floodplain determination.) Yes No
 Name of waterbody: _____
16. Will you do any of the following: Yes No
Please indicate below:
- | | |
|--|--|
| <input type="checkbox"/> Build a dam, river training structure, other instream impoundment, or weir | <input type="checkbox"/> Build a bridge (including an ice bridge) |
| <input type="checkbox"/> Use water | <input type="checkbox"/> Use a stream, lake or waterbody as a road (even when frozen), or cross a stream with tracked or wheeled vehicles, log-dragging or excavation equipment (backhoes, bulldozers, etc.) |
| <input type="checkbox"/> Pump water into or out of stream or lake (including dry channels) | <input type="checkbox"/> Install a culvert or other drainage structure |
| <input type="checkbox"/> Divert or alter a natural stream channel | <input type="checkbox"/> Construct, place, excavate, dispose or remove any material below the ordinary high water of a waterbody |
| <input type="checkbox"/> Change water flow or the stream channel | <input type="checkbox"/> Construct a storm water discharge or drain into a waterbody |
| <input type="checkbox"/> Introduce silt, gravel, rock, petroleum products, debris, brush, trees, chemicals, or other organic/inorganic material, including waste of any type, into water | <input type="checkbox"/> Place pilings or anchors |
| <input type="checkbox"/> Alter, stabilize or restore banks of a river, stream or lake (provide number of linear feet affected along the bank(s)) | <input type="checkbox"/> Construct a dock |
| <input type="checkbox"/> Mine, dig in, or remove material, including woody debris, from beds or banks of a waterbody | <input type="checkbox"/> Construct a utility line crossing |
| <input type="checkbox"/> Use explosives in or near a waterbody | <input type="checkbox"/> Maintain or repair an existing structure |
| | <input type="checkbox"/> Use an instream in-water structure not mentioned here |

If you answered "No" to ALL questions in this section, continue to next section.

If you answered "Yes" to ANY questions under 1-16, contact the Area DNR, office for information and application forms.

2-4

Based on your discussion with DNR, please complete the following:

Types of project approvals or permits needed.

Date application submitted

If you answered "Yes" to any questions in this section and are not applying for DNR permits, indicate reason:

_____ (DNR contact) told me on _____ that no DNR approvals are required on this project because

FEDERAL APPROVALS

Yes No

U.S. Army Corps of Engineers (COE)

1. Will you dredge or place structures or fills in any of the following:

tidal (ocean) waters? streams? lakes? wetlands*?

If yes, have you applied for a COE permit?

Date of submittal: 11/8/05, Permit Modification (Permit #4-200-0384, Toksook River 4)

Name of COE contact: Ms. Marcia Heer

(Note: Your application for this activity to the COE also serves as application for DEC Water Quality Certification.)

*If you are not certain whether your proposed project is in a wetlands (wetlands include muskegs), contact the COE, Regulatory Branch at 907-753-2712 for a wetlands determination (outside the Anchorage area call toll free 1-800-478-2712)

Bureau of Land Management (BLM)

2. Is the proposed project located on BLM land, or will you need to cross BLM land for access?

If yes, have you applied for a BLM permit or approval?

Date of submittal:

Name of BLM contact:

U.S. Coast Guard (USCG)

3. a) Do you plan to construct a bridge or causeway over tidal (ocean) waters; or navigable rivers, streams or lakes?

b) Does your project involve building an access to an island?

c) Do you plan to site, construct, or operate a deepwater port?

If yes, have you applied for a USCG permit?

Date of submittal:

Name of USCG contact:

U.S. Environmental Protection Agency (EPA)

4. a) Will the proposed project have a discharge to any waters?

b) Will you dispose of sewage sludge (contact EPA at 206-553-1941)?

If you answered yes to a) or b), have you applied for an EPA National Pollution Discharge Elimination System (NPDES) permit?

Date of submittal:

Name of EPA contact:

(Note: For information regarding the need for an NPDES permit, contact EPA at 1-800-424-4372)

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- c) Will construction of your project expose 5 or more acres of soil? *(This applies to the total amount of land disturbed, even if disturbance is distributed over more than one season, and also applies to areas that are part of a larger common plan of development or sale.)* Yes No
- d) Is your project an industrial facility that will have stormwater discharge directly related to manufacturing, processing, or raw materials storage areas at an industrial plant? Yes No
- If you answered yes to c) or d), your project may require an NPDES Stormwater permit. Contact EPA at 206-553-8399.

Federal Aviation Administration (FAA)

5. a) Is your project located within five miles of any public airport? Yes No
- b) Will you have a waste discharge that is likely to decay within 5,000 feet of any public airport? Yes No
- If yes, please contact the Airports Division of the FAA at 907-271-5438.

Federal Energy Regulatory Commission (FERC)

6. a) Does the project include any of the following:
- 1) a non-federal hydroelectric project on any navigable body of water Yes No
 - 2) a location on federal land (including transmission lines) Yes No
 - 3) utilization of surplus water from any federal government dam Yes No
- b) Does the project include construction and operation, or abandonment of natural gas pipeline facilities under sections (b) and (c) of the Federal Power Act (FPA)? Yes No
- c) Does the project include construction for physical interconnection of electric transmission facilities under section 202 (b) of the FPA? Yes No
- If you answered yes to any questions under number 6, did you apply for a permit from FERC? Yes No

Date of submittal:

Name of FERC contact:

(Note: For information, Div. Hydropower-Environment and Engineering contact: Vince Yearek 202-502-6174 or Mike Henry 503-944-6762, 202-502 8700; (for Natural Gas Projects) Division of Pipeline Certificate 202-502-8625; for Alaska projects contact Richard Foley - 202-502-8955)

U.S. Forest Service (USFS)

7. a) Does the proposed project involve construction on USFS land? Yes No
- b) Does the proposed project involve the crossing of USFS land with a water line? Yes No
- If the answer to either question is yes, did you apply for a USFS permit or approval? Yes No

Date of submittal:

Name of USFS contact:

8. Have you applied for any other federal permits or authorizations? Yes No

AGENCY	APPROVAL TYPE	DATE SUBMITTED
COE	Section 404 permit Modification	11/8/05

Please be advised that the CPQ identifies permits subject to a consistency review. You may need additional permits from other agencies or the affected city and/or borough government to proceed with your activity.

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Certification Statement

The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.

Signature of Applicant or Agent

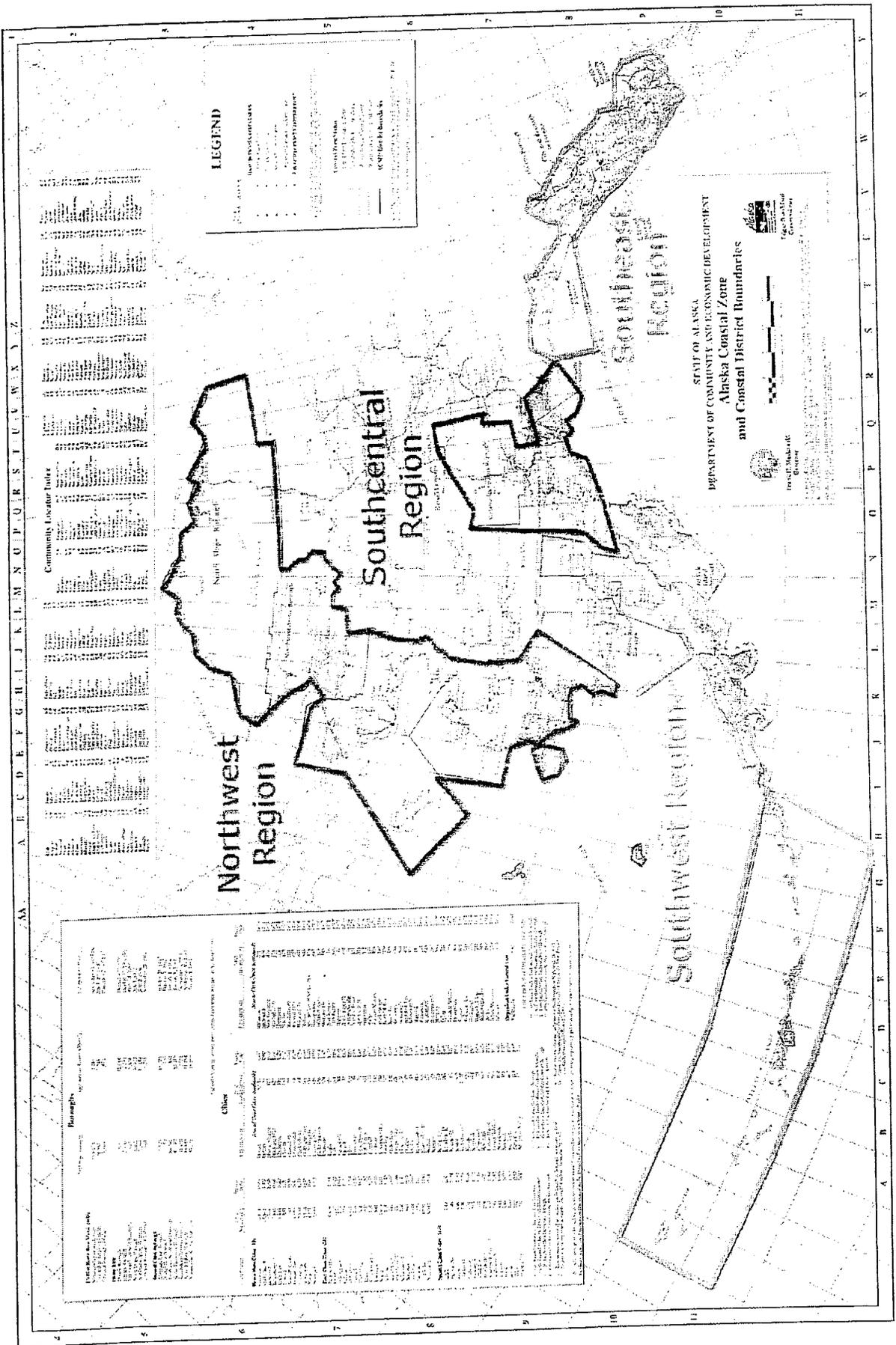
Date

1/13/06

Note: Federal agencies conducting an activity that will affect the coastal zone are required to submit a federal consistency determination, per 15 CFR 930, Subpart C, rather than this certification statement. ACMP has developed a guide to assist federal agencies with this requirement. Contact ACMP to obtain a copy.

This certification statement will not be complete until all required State and federal authorization requests have been submitted to the appropriate agencies.

- To complete your packet, please attach your State permit applications and copies of your federal permit applications to this questionnaire.



CPQ ATTACHMENT 1.

NIGHTMUTE AIRPORT IMPROVEMENTS Project #: 51809

The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with the Federal Aviation Administration (FAA), is developing a project to improve the Nightmute Airport. A Section 404 permit (#4-200-0384, Toksook River 4) was issued on November 7, 2002, by the U.S. Army Corps of Engineer (USACE), for impacts to 14.14 acres of wetlands. A consistency determination was issued by ADNR - Office of Project Management/Permitting (formerly DGC), on October 11, 2002 (State ID AK0205-09AA), however the project footprint has changed.

On November 8, 2005, the ADOT&PF requested for modification of the Section 404 permit for the proposed project footprint with impacts to 20 acres of wetlands.

Detailed information about the proposed project in its current footprint is presented below.

Project Location

Nightmute is located on Nelson Island, in western Alaska. It is 18 miles upriver from Toksook Bay and 100 miles west of Bethel. The community lies within Section 33, Township 5N, Range 88W, Seward Meridian, (approximately at Latitude 60.479440° N, and Longitude 164.72389° W). Nightmute is located in the Bethel Recording District. (See Figure 1, Location and Vicinity Maps).

Project Purpose

The Nightmute Airport, originally constructed in 1976, does not meet the current FAA design criteria. The current airport condition jeopardizes the safety of users of the airport. The following deficiencies are identified:

- The runway length and width do not meet FAA safety design standards.
- The inadequate apron size, lack of taxiway, and proximity of the snow removal equipment building (SREB) to the runway, all fall short of the FAA safety design standards.
- The differential subsidence exhibited by the airport runway and the airport access road is a hazard to users of the airport.
- There is no power to the airport; therefore, no runway lighting. This is a serious safety concern especially during the dark winter days, and subsequently limits the airport operating hours.
- The Toksook River bank erosion threatens the airport access road.
- Crosswinds jeopardize landings on the existing runway as the existing facility provides only 67% wind coverage.

Proposed Improvements

The following describes the planned improvements to the Nightmute Airport:

- Expand the existing 50 ft by 1,600 ft runway to 75 ft by 3,200 ft
- Extend the existing 100 ft by 2,000 ft runway safety area to 150 ft by 3,800 ft
- Provide a 50 ft by 260 ft taxiway on a 79 ft wide safety area.
- Provide a new 150 ft by 255 ft parking apron.
- Provide a 100 ft by 100 ft pad for a two single bay Snow Removal Equipment Building.
- Install a medium intensity lighting system.
- Install a lighted wind cone and segmented circle on a 125 ft by 125 ft pad.
- Provide a 30 ft by 60 ft Automated Weather Observation System (AWOS) Pad, two Precision Approach Path Indicator (PAPI) Pads, and install an unlighted wind cone.
- Extend the power line from the village to the airport.
- Rehabilitate the existing 4800 ft by 15 ft airport access road to repair the extreme differential settlement of the road and also to shift the road further away from the Toksook River, and realign it within the right of way.
- Provide erosion protection along the airport access road.
- Acquire airport property. The current property lease has expired. Property acquisition in fee, as show in Figure 2a, will occur.

Refer to Figures 2a and 2b, for a schematic representation of areas of proposed improvements. Figure 3 shows the existing and proposed airport fill limits.

The project is scheduled for construction during the summer of 2006 and is estimated to be completed in the fall of 2007.

Material Sites

Material site #5 (MS 5), located approximately one mile north west of the existing runway will be used for this project. MS 5 is 700 ft by 1700 ft (approximately 27.3 acres) (Figure 4).

Project Scope Deviation from Previous Scope

Table 2 depicts the existing airport dimensions, previous scope and currently proposed airport dimensions

Table 2 – Existing Condition of Airport Facilities at Nightmute, Previous Project Scope and Current Project Scope

ITEM	EXISTING	PREVIOUS SCOPE	CURRENT SCOPE*
RUNWAY	50' x 1,600'	75' x 3,200'	75' x 3,200'
RUNWAY SAFETY AREA	100' x 2,000'	150' x 3,800'	150' x 3,800'
TAXIWAY	NONE	50' x 230'	50' x 260'
TAXIWAY SAFETY AREA	NONE	70' WIDE	79' WIDE
APRON	70' x 100'	100' x 300'	150' x 255'
BUILDING PAD	35' x 50'	WITHIN APRON	NEW 100' x 100'

*Items in bold indicates change in scope.

Additional changes include:

- Erosion protections within the airport access road.
- Net increase of wetland impact is approximately 5.86 acres, for a total of 20 acres. Previous scope required 14.14 acres of wetlands. The wetlands and uplands identified within the new footprint are represented on Figures 5A & 5B.
- Use of the alternate haul route (currently the proposed haul route), which begins north of the community of Nightmute at an existing material site and traverses east along the lower portion of the slope to material site 5 (MS 5), rather than the shorter previously proposed haul route which runs from the airport road along the western edge of a large thaw pond to MS 5. The previous haul route included 900 linear feet of land originating at MS 5. The revised haul route is 0.7-mile origination at an existing material site north of Nightmute. The focus of this revision is to avoid possible impacts to archaeological resource (XBI-181) and also to avoid acquisition of Native land.
- Native allotment will no longer be acquired, thereby reducing the initially proposed right of way to be acquired.
- Typical sections were modified to meet FAA design standards (Figure 6: Typical Sections. Sheets 1 through 3).

Attachments:

- Figure 1: Location and Vicinity Maps
- Figures 2a & 2b: Project Scope
- Figure 3: Existing and Proposed Airport Fill Limits
- Figure 4: Area of Potential Impact
- Figures 5A & 5B: Wetland Mappings
- Figure 6: Typical Sections (Sheets 1, 2, & 3).

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

DIVISION OF GOVERNMENTAL COORDINATION

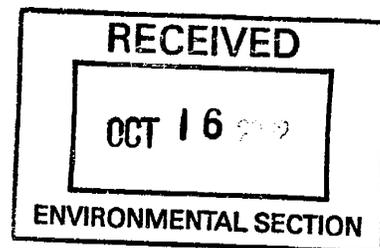
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October 11, 2002

Patricia Wightman, Environmental Coordinator
State of Alaska, Department of Transportation &
Public Facilities
2301 Peger Rd.
Fairbanks, AK 99709-5316



Dear Ms. Wightman:

SUBJECT: TOKSOOK RIVER 4
NIGHTMUTE AIRPORT REHABILITATION
STATE ID NO. AK 0205-09AA
REVISED FINAL CONSISTENCY DETERMINATION

The Division of Governmental Coordination (DGC) is coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP) and has developed this final consistency determination based on reviewers' comments. **Please note a change to the project description identified in bold below.**

Scope of Project Reviewed

The proposed project is the upgrade of aviation facilities at the Nightmute Airport. The following activities are included:

1. Reconstruction and extension of the runway to 75' by 3,200'.
2. Enlarge the safety area to 150 by 3,790 (part of the runway).
3. Construct a 50' by 230 taxiway on a 70' wide safety area.
4. Construct a 100' by 300' apron, upon which a new snow removal equipment building (SREB) and electrical equipment enclosure will be constructed.
5. Install medium-intensity lighting on the runway and taxiway.
6. Construct a segmented circle and lighted windcone on a 125' by 125' pad.
7. Construct PAPI and AWOS pads.
8. Construct an overhead power line from the village to the airport.

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9. Rehabilitate the 1.1-mile airport access road.

Approximately 14.14 acres of wetlands will be disturbed by a discharge of approximately 194,000 cubic yards of fill material. It is assumed that the borrow required for this project will come from excess material within the project slope limits, or from an existing public or private material site. If the contractor decides to develop a new noncommercial private material site, the contractor is required (by DOT contract) to obtain all necessary state, federal and local permits and approvals, including and reclamation plan for the Alaska Department of Natural Resources' approval per "AS 27.19 Reclamation". The location is T4N, R89W, Section 2, Seward Meridian.

This final consistency determination applies to the following federal and State authorizations per 6 AAC 50:

U.S. Army Corps of Engineers
Section 404 Permit No. 4-2000-0384

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

No State or federal agency may issue an authorization before DGC issues a final consistency determination. But, a consistency determination does not obligate any agency to issue authorization under its own statutory authorities, nor does it supersede its statutory obligations. Authorities outside the ACMP may result in additional permit/lease conditions not contained in the consistency determination. Most State agencies should issue permits within five days after DGC issues a final consistency determination.

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the Cenaliulriit coastal resource district have reviewed your proposed project. Based on that review, the State concurs with your certification that the project is consistent with the ACMP because you have adopted the following alternative measures into your project proposal, which will appear as stipulations on the DEC Certificate of Reasonable Assurance.

1. Materials such as sorbent pads and booms shall be available on-site, and shall be used to contain and cleanup any petroleum product spilled as a result of construction activity.
2. Prior to fill placement, a silt fence or similar structure shall be installed on a line parallel to and within 5' of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25' of

such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner. Silt fences will not have to be installed if the construction activity is occurring during the time that the water is in a frozen state.

3. Fill placed during winter construction within wetlands that during the summer contain surface water that is connected to natural bodies of water, must be stabilized or contained in the spring prior to breakup, to insure that silts are not carried from the fill to the natural bodies of water in the summer.

These alternative measures are necessary to protect water quality, as per the Air, Land and Water Quality Standard of the ACMP (6AAC80.140).

This final consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above regarding the conditions necessary to ensure the proposed project is consistent with the ACMP. We are informing the federal agency responsible for approval a federal authorization for your project that your original proposal has been modified subject to the alternative measures in this consistency finding.

I previously enclosed a copy of relevant ACMP standard.

Your consistency determination may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with all other applicable State and federal laws and regulations.

This consistency determination 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. Changes may require amendments to the State approvals listed in this consistency determination or require additional authorizations.

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) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

By copy of this letter I am informing the Corps of Engineers of DGC's final determination.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

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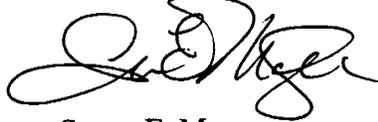
Toksook River 4
AK 0205-09AA

- 4 -

October 11, 2002

If you have any questions regarding this process, please contact me at 907-269-7472 or email Susan_Magee@gov.state.ak.us.

Sincerely,



Susan E. Magee
Project Review Coordinator

Enclosures

cc: Stefanie Ludwig, DNR/SHPO, Anchorage
Karlee Gaskill, ACMP Liaison, DNR/DOL, Anchorage
Wayne Dolezal, DFG, Anchorage
Tim Rumpfelt, DEC, Anchorage
John Oscar, Coastal Management Coordinator, Cenaliulriit CRSA, Mekoryuk
Faye DePalmer, COE Regulatory Br.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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PH: (907) 271-4317 / FAX: (907) 272-3829

July 22, 2002

Patricia Wightman, Environmental Coordinator
State of Alaska, Department of Transportation &
Public Facilities
2301 Peger Rd.
Fairbanks, AK 99709-5316

Dear Ms. Wightman:

SUBJECT: TOKSOOK RIVER 4
NIGHTMUTE AIRPORT REHABILITATION
STATE ID NO. AK 0205-09AA
FINAL CONSISTENCY DETERMINATION

The Division of Governmental Coordination (DGC) is coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP) and has developed this final consistency determination based on reviewers' comments.

Scope of Project Reviewed

The proposed project is the upgrade of aviation facilities at the Nightmute Airport. The following activities are included:

1. Reconstruction and extension of the runway to 75' by 3,200'.
2. Enlarge the safety area to 150 by 3,790 (part of the runway).
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4. Construct a 100' by 300' apron, upon which a new snow removal equipment building (SREB) and electrical equipment enclosure will be constructed.
5. Install medium-intensity lighting on the runway and taxiway.
6. Construct a segmented circle and lighted windcone on a 125' by 125' pad.
7. Construct PAPI and AWOS pads.
8. Construct an overhead power line from the village to the airport.
9. Rehabilitate the 1.1-mile airport access road.

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Approximately 17.028 acres of wetlands will be disturbed by a discharge of approximately 144,500 cubic yards of fill material. It is assumed that the borrow required for this project will come from excess material within the project slope limits, or from an existing public or private material site. If the contractor decides to develop a new noncommercial private material site, the contractor is required (by DOT contract) to obtain all necessary state, federal and local permits and approvals, including and reclamation plan for the Alaska Department of Natural Resources' approval per "AS 27.19 Reclamation". The location is T4N, R89W, Section 2, Seward Meridian.

This final consistency determination applies to the following federal and State authorizations per 6 AAC 50:

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July 22, 2002

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By copy of this letter I am informing the Corps of Engineers of DGC's final determination.

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Toksook River 4
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- 4 -

July 22, 2002

If you have any questions regarding this process, please contact me at 907-269-7472 or email
Susan_Magee@gov.state.ak.us.

Sincerely,



Susan E. Magee
Project Review Coordinator

Enclosures

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Faye DePalmer, COE Regulatory Br.

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