



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

Regulatory Division
POA-2012-272

Alaska Department of Transportation and Public Facilities (ADOT&PF)
Attention: Mr. Brett Nelson
2301 Peger Rd.
Fairbanks, Alaska 99709

Dear Mr. Brett Nelson:

Enclosed are two copies of Department of the Army permit POA-2012-272, Kotzebue Sound, which would authorize the improvement and widening of 1.7 miles of existing road, the creation of 9.9 miles of new road with turnouts, and the creation of a staging area near Cape Blossom. The proposed work would impact approximately 107.5 acres of wetlands and 432 linear feet of streams by discharging approximately 996,253 cubic yards of clean fill material. The project site is located near Kotzebue, Alaska, North Arctic Borough (NAB), starting at approximately Latitude 66.8580° N., Longitude 162.6180° W., and ending at approximately Latitude 66.7299° N., Longitude 162.4314° W., Kotzebue Sound, near Cape Blossom.

The Alaska Department of Environmental Conservation has issued a Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act for your project and found it to be in accordance with the Alaska Water Quality Standards. This certification is attached to the Department of the Army permit and will become a part of this permit when it is finalized.

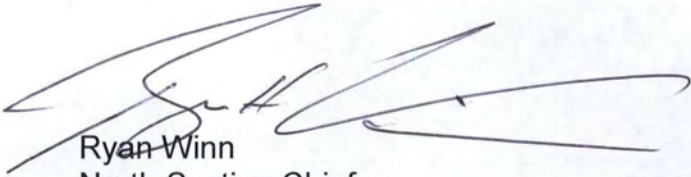
Additionally, we have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this Department of the Army Permit (see section labeled "Initial Proffered Permit").

If you accept the conditions of the enclosed permit, please sign and date both copies and return them to us. The permit will not be valid until we have returned a finalized copy to you. This is not an authorization to commence construction. No work is to be performed in wetlands until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

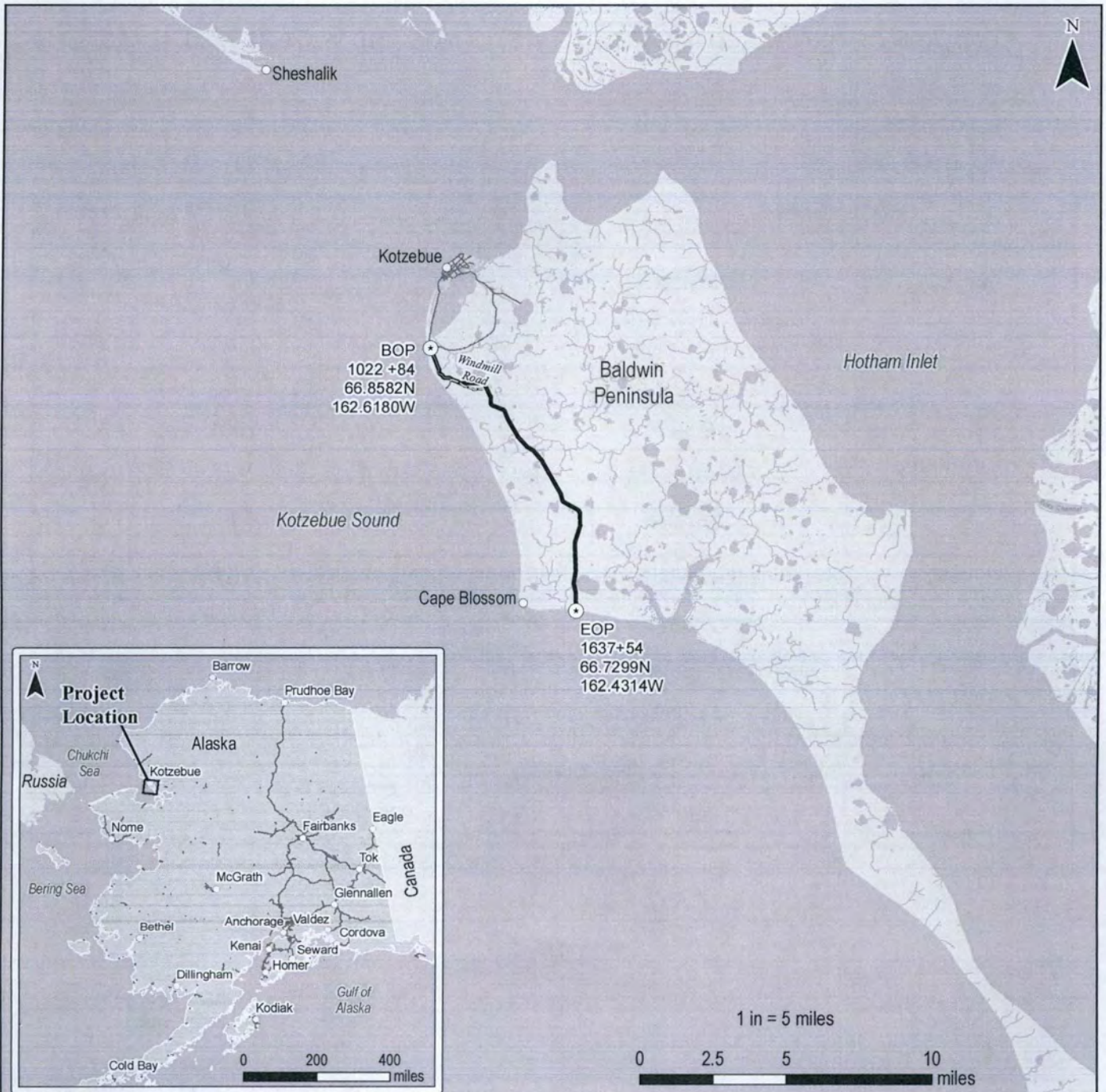
Please contact Jeremy Grauf via email at Jeremy.Grauf@usace.army.mil, by mail at the address above, by phone at (907) 753-2798, or toll free from within Alaska at (800) 478-2712, if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ryan Winn", written over a horizontal line.

Ryan Winn
North Section Chief

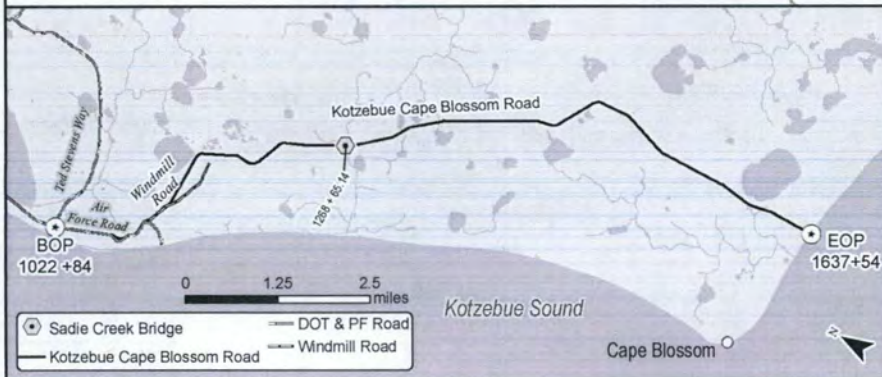
Enclosures



<p>Location:</p> <p>Kateel River Meridian</p> <p>T17N, R18W Section 21, 26, 27, 28, 35, 36 T16N, R18W Section 2, 11, 12, 13 T16N, R17W Section 18, 19, 30, 31 T15N, R17W Section 6</p>	<ul style="list-style-type: none"> ○ Place Name ⊙ Project Location — Kotzebue Cape Blossom Road — DOT & PF Road — Windmill Road ~ Stream River Waterbody 	<p style="text-align: right;">Vicinity</p> <p>Applicant: STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709</p> <p style="text-align: center;">Kotzebue to Cape Blossom Road Construction Project</p> <p>File No.: POA-2012-272</p> <p>Waterway: Kotzebue Sound</p> <p>Proposed Activity: Wetland fill for roadway</p> <p>Date: June 2017</p> <p style="text-align: right;">1 of 7</p>
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SUMMARY OF PROPOSED IMPACTS TO WETLANDS AND WATERS OF THE U.S.

SUMMARY OF PROJECT IMPACTS					
Duration	Disturbance	Wetlands		Below OHW	
		Area (Acres)	Fill (yd ³)	Area (Acres)	Fill (yd ³)
Permanent	Roadway / Embankment	107.06	995,000	0.091	1,000
	Culverts	0.13	447	0.015	27
	Culvert Riprap	0.08	264	0.004	12
	Bridge Riprap	0.14	456	0.017	54
	Bridge Piers	N/A	N/A	0.001	20
	Permanent Impact Total		107.41	996,167	0.128
Temporary	Work Zone	27.77	N/A	0.046	N/A
	Vegetative Buffer	69.65	N/A	0.073	N/A
	Bridge Work Zone	0.29	N/A	0.388	N/A
	Temporary Impact Total	97.71	0	0.507	0
All	TOTAL	205.12	996,167	0.63	1,113



Impact Summary

Applicant:
 STATE OF ALASKA
 Department of Transportation and Public Facilities
 2301 Peger Rd. Fairbanks, AK 99709

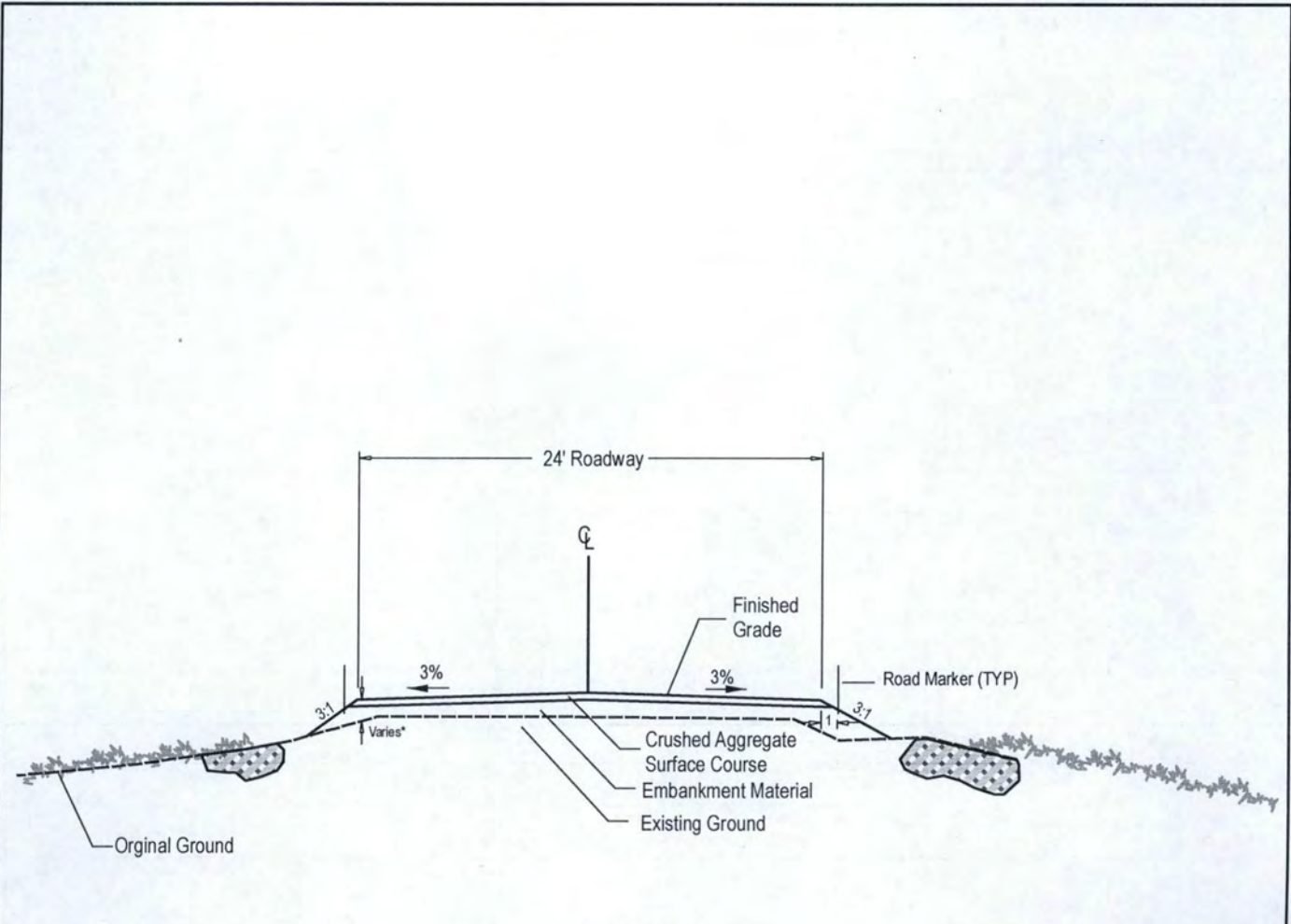
Kotzebue to Cape Blossom
 Road Construction Project

File No.: POA-2012-272

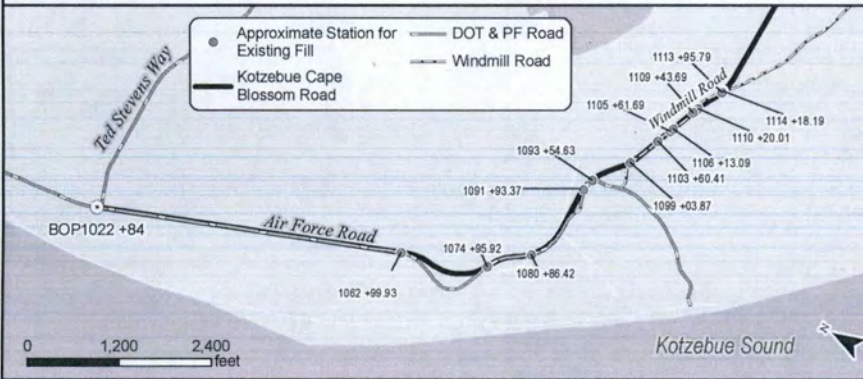
Waterway: Kotzebue Sound

Proposed Activity: Wetland fill for roadway

Date: June 2017



Typical Section
Not to Scale



Road Reconstruction Detail

Applicant: STATE OF ALASKA
Department of Transportation and Public Facilities
2301 Peger Rd. Fairbanks, AK 99709

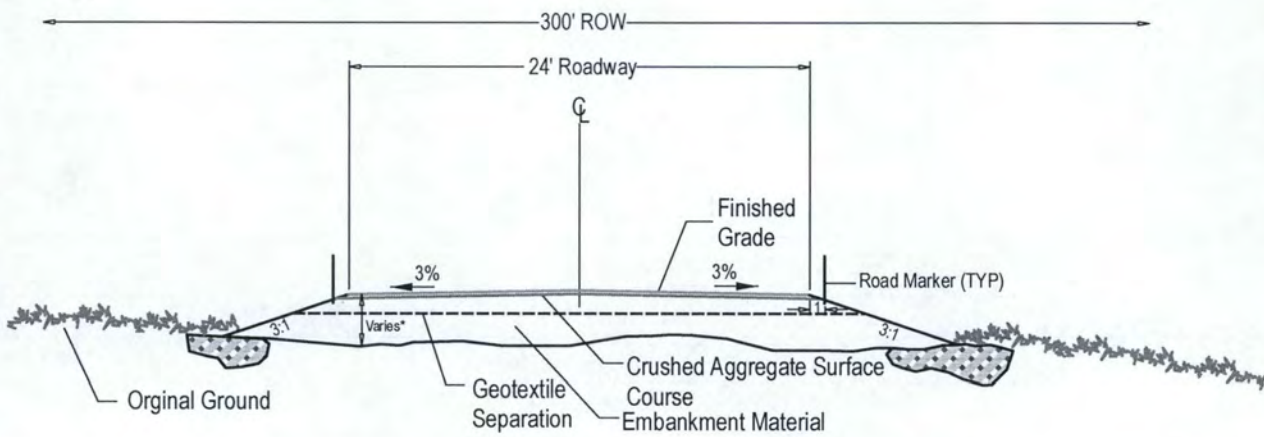
Kotzebue to Cape Blossom
Road Construction Project

File No.: POA-2012-272

Waterway: Kotzebue Sound

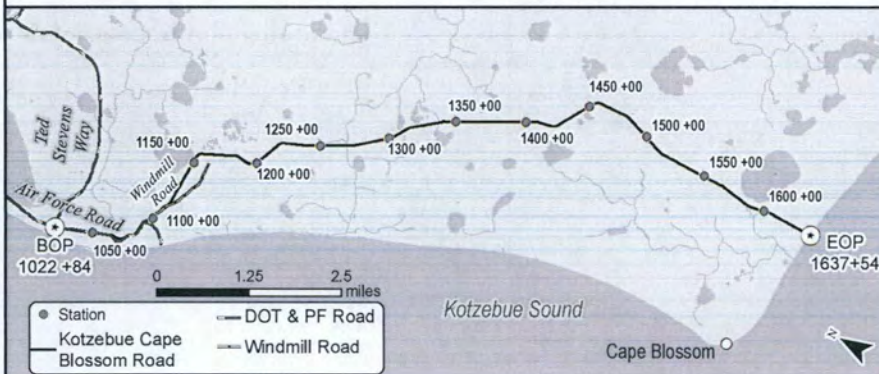
Proposed Activity: Wetland fill for roadway

Date: June 2017



* Embankment height will vary, averaging 8 feet.

Embankment height may vary in areas of potential snow drifting or in areas where there is concern of thawing underlying permafrost.



Road Construction Detail

Applicant:
STATE OF ALASKA
Department of Transportation and Public Facilities
2301 Peger Rd. Fairbanks, AK 99709

Kotzebue to Cape Blossom
Road Construction Project

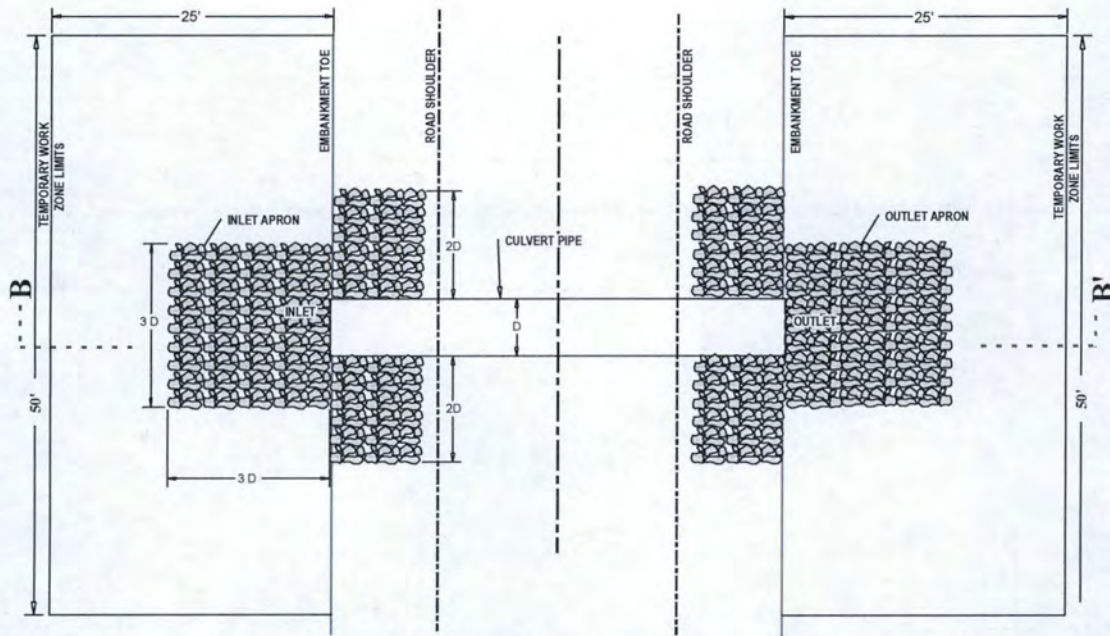
File No.: POA-2012-272

Waterway: Kotzebue Sound

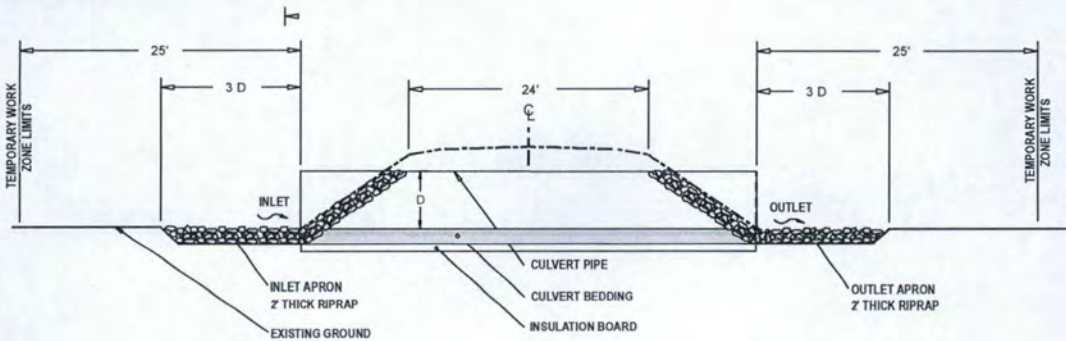
Proposed Activity: Wetland fill for roadway

Date: June 2017

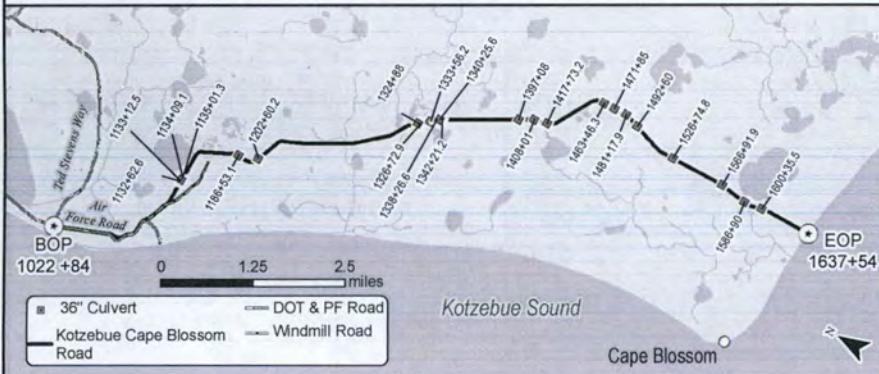
4 of 7



TYPICAL CULVERT APRON DETAIL
NOT TO SCALE



SECTION B-B'
NOT TO SCALE



Culvert Detail

Applicant:
STATE OF ALASKA
Department of Transportation and Public Facilities
2301 Peger Rd. Fairbanks, AK 99709

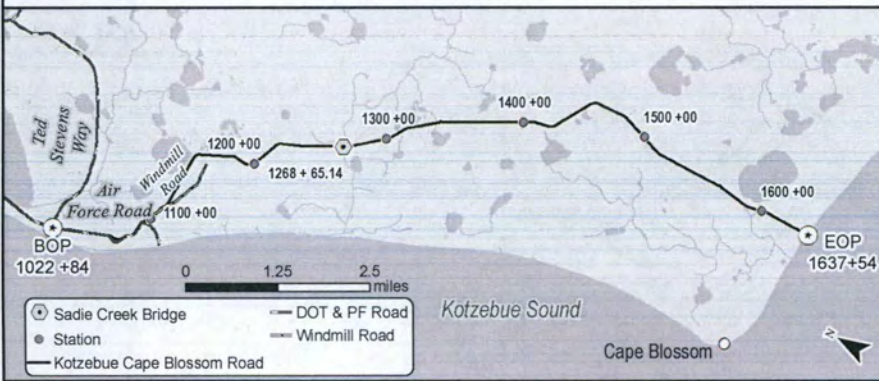
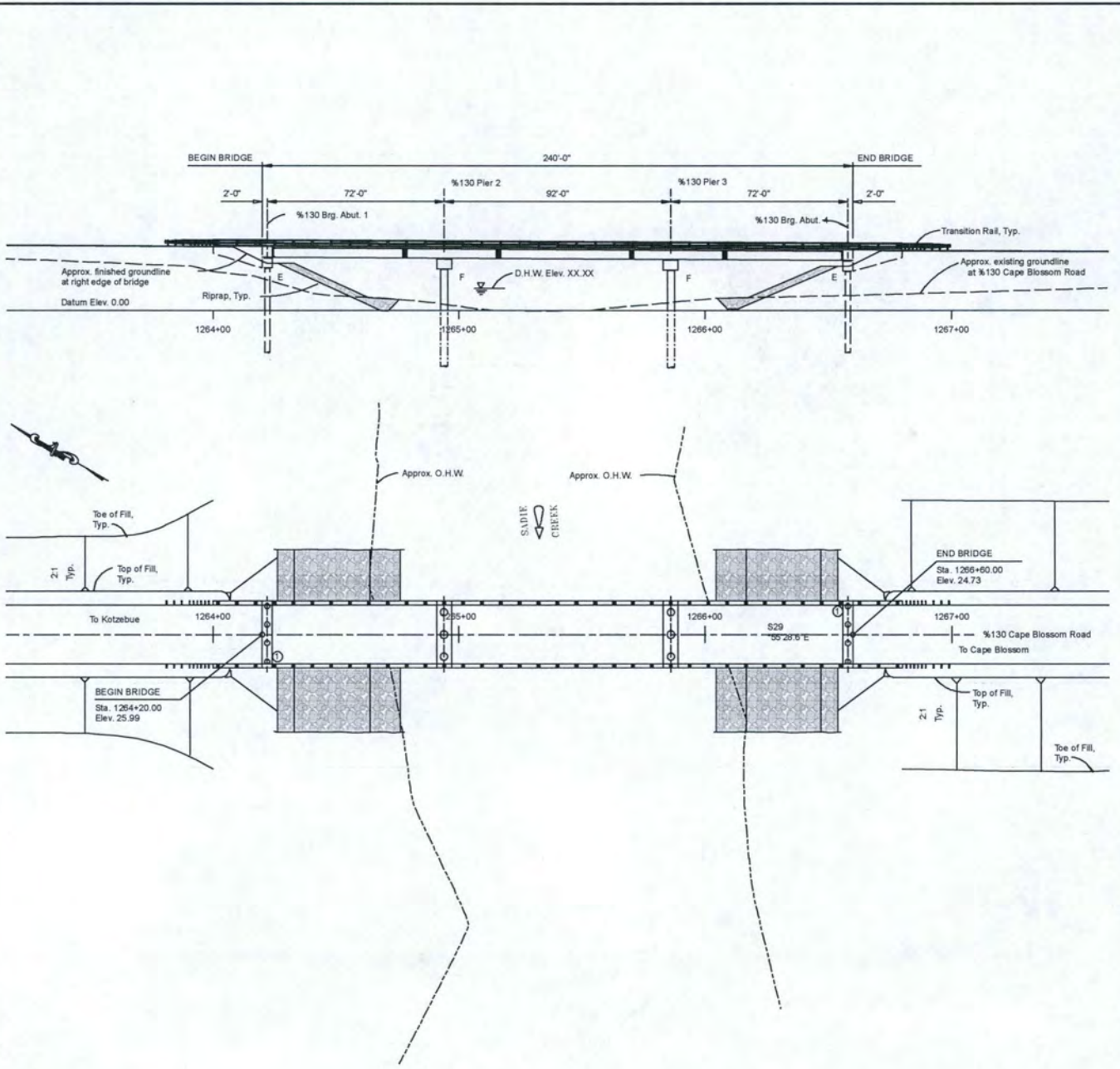
Kotzebue to Cape Blossom
Road Construction Project

File No.: POA-2012-272

Waterway: Kotzebue Sound

Proposed Activity: Wetland fill for roadway

Date: June 2017



Bridge Detail

Applicant:
 STATE OF ALASKA
 Department of Transportation and Public Facilities
 2301 Peger Rd. Fairbanks, AK 99709

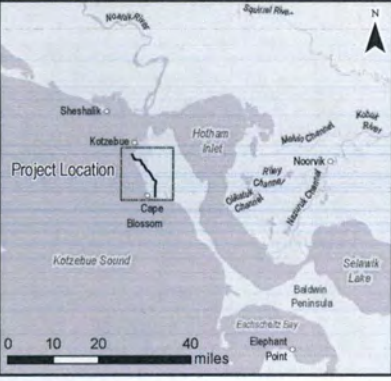
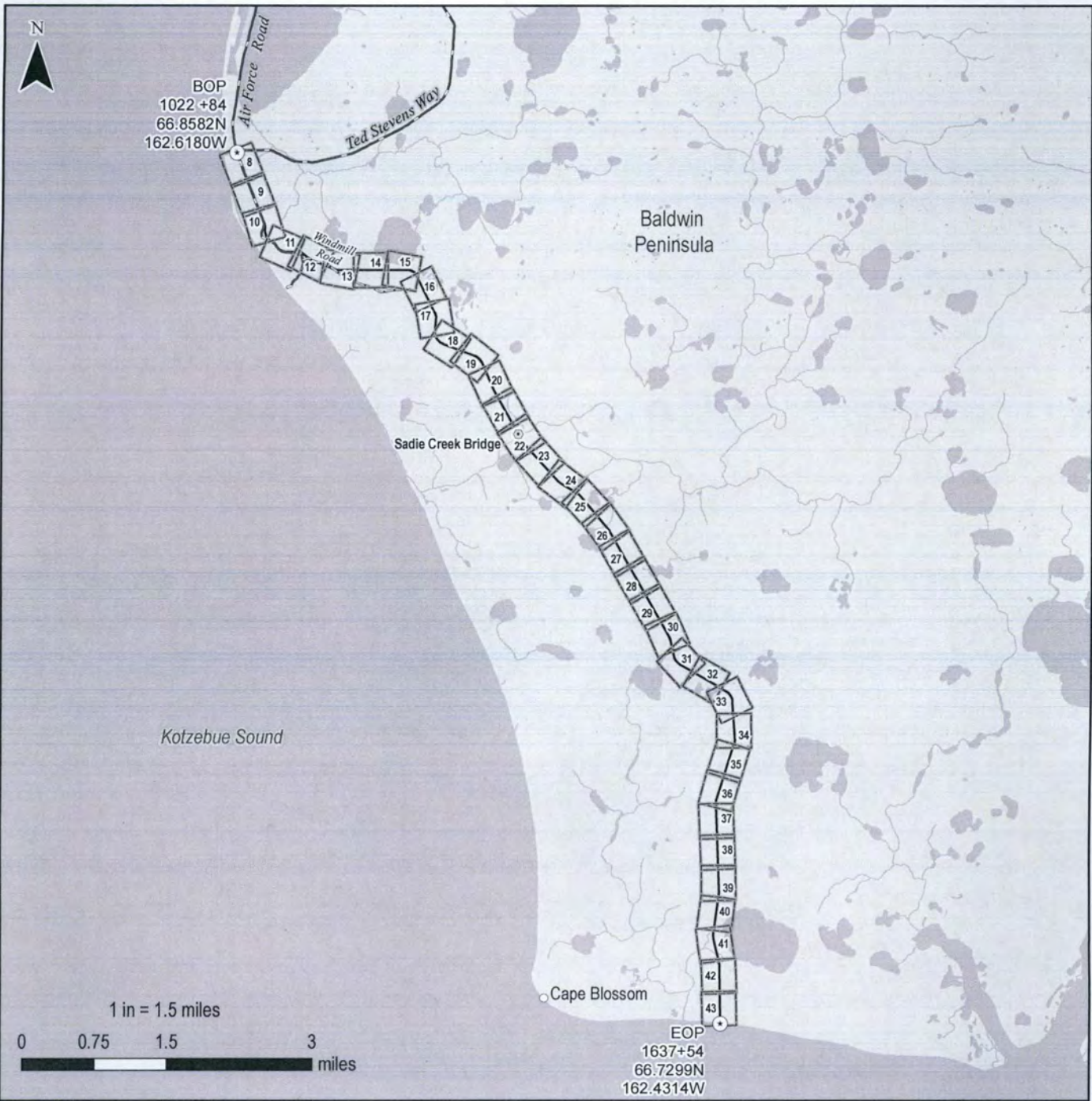
Kotzebue to Cape Blossom
 Road Construction Project

File No.: POA-2012-272

Waterway: Kotzebue Sound

Proposed Activity: Wetland fill for roadway

Date: June 2017



- Place Name
- Project Location
- Page Index
- Waterbody
- DOT & PF Road
- Windmill Road
- Kotzebue Cape Blossom Road
- ~ Stream River

Plan View	
Applicant: STATE OF ALASKA Department of Transportation and Public Facilities 2301 Peger Rd. Fairbanks, AK 99709	
Kotzebue to Cape Blossom Road Construction Project	
File No.: POA-2012-272	
Waterway: Kotzebue Sound	
Proposed Activity: Wetland fill for roadway	
Date: June 2017	7 of 7

DEPARTMENT OF THE ARMY PERMIT

Permittee: Alaska Department of Transportation and Public Facilities

Permit No.: POA-2012-272

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:

The discharge of 996,253 cubic yards of clean fill material within approximately 107.5 acres of wetlands and 432 linear feet of streams. The authorized fill will improve and widen of 1.7 miles of existing road, create of 9.9 miles of new road with turnouts, and create a staging area near Cape Blossom.

All work will be performed in accordance with the attached plan, sheets [1-7], dated [June 2017].

Project Location:

The project site is located near Kotzebue, Alaska, North Arctic Borough (NAB), starting at approximately Latitude 66.8580° N., Longitude 162.6180° W., and ending at approximately Latitude 66.7299° N., Longitude 162.4314° W., Kotzebue Sound, near Cape Blossom.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **January 31, 2023**.

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. Prior to initiation of construction activities within waters of the U.S. The permittee must implement the Corps approved mitigation plan dated November 17, 2017.
2. The permittee must take the actions required to record the Conservation Easement with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. You must provide a copy of the recorded document to the Corps clearly showing a stamp from the appropriate official indicating the book, page and date prior to initiation of construction activities within waters of the U.S.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).
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.

(PERMITTEE) AND TITLE

(DATE)

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

FOR (DISTRICT COMMANDER)
Colonel Michael S. Brooks
Ryan Winn, North Section Chief
North Branch, Regulatory Division

(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)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental
Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

October 5, 2017

State of Alaska Department of Transportation and Public Facilities (ADOT&PF)
Attention: Mr. Brett Nelson
2301 Peger Road
Fairbanks, AK 99709

Re: ADOT&PF, Barge Landing and Access Road
POA-2012-272, Kotzebue Sound

Dear Mr. Nelson:


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 (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the development of an access road and barge landing, near Cape Blossom, Kotzebue, Alaska.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://dec.alaska.gov/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 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 U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,


James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Jeremy Grauf, USACE, Anchorage
Jack Winters, ADF&G

USFWS Field Office Fairbanks
Gayle Martin, EPA Operations, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is issued to ADOT&PF, Attention: Mr. Brett Nelson, at 2301 Peger Road, Fairbanks, Alaska 99709, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the development of an access road and barge landing, near Cape Blossom, Kotzebue, Alaska.

ADOT&PF's stated purpose is to provide improved transportation efficiency and reduce the cost of shipping freight via marine cargo barges to the remote communities of the Northwest Arctic Borough (NAB). The project would construct a road from Kotzebue, Alaska to the Kotzebue Sound near Cape Blossom, an all-season transportation facility and freight staging area, and provide access to a deeper barge landing site. The existing deep draft marine freight vessels serving Kotzebue currently set anchor in 300 feet of water approximately 15 miles from shore, and freight is then lightered by smaller vessels. The proposed project would provide access to a deep water barge landing with no dynamic shoaling.

The proposed project would improve and widen 1.7 miles of existing road, create 9.9 miles of new road with turnouts, and create a staging area near Cape Blossom. The proposed work would impact approximately 107.5 acres of wetlands and 432 linear feet of streams by placing approximately 996,253 cubic yards of clean fill material.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2012-272) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-2012-272 posted from July 27, 2017 to August 28, 2017.

The proposed activity is located within Township 17 N, Range 18 W., Sections 21, 26, 27, 28, 35, 36; Township 16 N., Range 18 W., Sections 2, 11, 12, 13; Township 16 N., Range 17 W. Sections 18, 19, 30, 31; Township 15 N., Range 17 W., Section 6, Kateel River Meridian; starting Latitude 66.8580° N., Longitude -162.6180° W.; ending at Latitude 66.7299° N., Longitude -162.4314° W.; near Kotzebue Alaska.

The Department of Environmental Conservation (DEC) reviewed the application and 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 CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

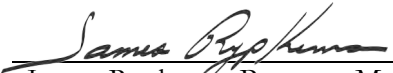
1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.

2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Northern Alaska at (907) 451-2121 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska'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 five acres, this SWPPP must also be submitted to DEC (William Ashton, 907-269-6283) prior to construction.
4. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
6. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
7. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
8. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
 - a. Divert storm water from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
 - b. Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
 - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
9. Fill material must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.

10. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army 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 (18 AAC 15.100).

Date: October 5, 2017



James Rypkema, Program Manager
Storm Water and Wetlands