

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-7564
Fax: (907) 334-2415
TTY: (907) 269-7511
<http://www.state.ak.us/dec/>

May 18, 2011

Certified Mail 7008-1830-0003-5208-0775

Mr. Rueben Yost
Special Projects Manager
Alaska Department of Transportation and Public Facilities
6860 Glacier Highway
Juneau, AK 99801-7999



Subject: Lynn Canal DOT&PF Juneau Access
Reference No. POA-2006-597-2
State I.D. No AK 0603-07
Reissue of ADEC 401 Certificate of Reasonable Assurance

Dear Mr. Yost:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the purposed Juneau Access road project. The project is located north and west of Juneau, Alaska.

Department of Environmental Conservation (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://www.dec.state.ak.us/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 and Division of Coastal and Oceans Management of our actions and enclosing a copy of the certification for their use.

Sincerely,

Sharon Morgan, Manager
Wastewater Discharge Authorization Program

Enclosure

cc: (with encl.)
Heidi Firstencel, USACE, Juneau
Tracy DeGering, EPA, AK Operations
Jill Taylor, ADNDR/DCOM, Juneau

William Ashton, ADEC, Anchorage
Johnny Zutz, ADF&G/Habitat, Juneau
USF&WS, Juneau Field Office

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance (CRA), 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 (DOT&PF), 6860 Glacier Highway, Juneau Alaska 99801-7999 for the proposed Juneau Access Project. The proposed project consists of constructing 50.8 miles of road from Cascade Point Road north to the proposed ferry terminal located approximately two miles north of the Katzehin River. The project consists of discharging 2,942,900 cubic yards of fill and dredged fill materials into approximately 253.18 acres of waters, including forested wetlands, stream channels, deep-water habitat, vegetated shallows, and in navigable waters of the U.S. Approximately 14.7 acres of wetlands, outside of the road fill footprint, would be excavated to provide for slope stabilization and proper drainage of the construction area. Land clearing would not extend beyond the width of the road fill or the excavated area. All excavated material would be placed on an upland area or used within the requested fill area. Approximately 1.4 million cubic yards of blasted rock would be disposed of in deep water in two areas. The project includes installation of 443 new culverts and extension of 19 culverts in waters of the U.S. Approximately 130,400 cubic yards of fill material is proposed to be placed below High Tide Line for construction of the new ferry terminal.

This is a reissue of the original CRA which will expire on June 22, 2011. The Corps permit was not issued until June 2008 and does not expire until June 2013. Litigation was filed against the project in the US District Court in August 2006, and in 2009, the District Court enjoined the project pending completion of a new EIS. The State appealed the decision to the 9th Circuit Court; oral arguments were held in July 2010. No changes to the project design or the Corps permit have been made since the original 401 Cert was issued in 2006. The applicant is now requesting to renew the CRA to keep all their approvals and authorizations current until such time as there is change to the project. Applicant proposed work is not continuing but rather is delayed by court action.

The proposed activity starts at the north end of the existing Glacier Highway in SW ¼ NE ¼ of Section 18 T. 37 S., R. 64 W. Copper River Meridian, continuing north and west 50.8 miles and ending at the proposed ferry terminal located at NW ¼ SW ¼ of Section 33, T. 30 S., R. 60 E. Copper River Meridian, north of Juneau, Alaska.

Public notice of the application for the original certification was given as required by 18 AAC 15.180.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2006-597-2, and a discharge may result from the proposed activity.

The 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 Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative 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, surface runoff or water bodies.
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). Most importantly, the applicant must contact by telephone the DEC Area Response Team for Southeast Alaska at (907) 465-5340 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. Report all spills.
3. This project shall apply for coverage under DEC's APDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR10-0000). This permit requires that a Storm Water Pollution Prevention Plan (SWPPP) describing construction runoff and erosion control be prepared and implemented. The SWPPP must also be submitted to DEC (Greg Drzewiecki 907-269-7692) prior to construction. Please refer to DEC's website for information concerning the APDES storm water permit.
4. The boundaries of site preparation, excavation, and fill areas (described in POA-2006-597-2) must be staked or flagged prior to construction to prevent inadvertent encroachment outside the necessary work area.
5. 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 and shall be removed when permanent site stabilization has been achieved.

6. Sediment and erosion control measures shall be actively employed during and after construction to prevent sediment-laden runoff caused by construction activity on this project from entering natural surface waters. Erosion control measure may include the following:
 - a. Installation of erosion-resistant channels along drainage paths and ditches and diversion channels, using liners or riprap.
 - b. During construction, installation of check dams in all drainage channels, with frequent inspection for sediment buildup, followed by removal of sediments to restore check dam function. Removal of construction check dams shall occur after the project is completed.
 - c. Installation of engineered sediment containment ponds. Pond location and size should consider potential runoff flow rates and sediment suspension times. Ponds should be located in the ditched areas adjacent to the road. Use of non-toxic flocculants and other filtration systems may also be used to improve settlement of suspendable solids. Any disturbance in the stream banks or streambeds areas shall be immediately stabilized to prevent erosion and resultant sedimentation of the water body during and after operations. Any disturbed areas shall be re-contoured and re-vegetation as soon as practicable.
7. All soil-disturbing construction operations that would increase turbidity of surface waters to levels that would violate Alaska Water Quality Standards will be temporarily suspended if on-site monitoring demonstrates said violations. The designated Stormwater Prevention Plan Manager shall inspect the earth work at sites adjacent to flowing water on a daily basis. When rainfall events exceed 0.5 inches, water quality monitoring for turbidity shall occur at the outfalls from stormwater drainage or treatment structures and on all affected natural waterbodies to determine if they are being adversely impacted by construction activities. If turbidity exceeds water quality standards, DEC, will be contacted to help determine what mitigation measures shall be employed by DOT&PF. Suspended construction activities will not be resumed until erosion control measures are demonstrated to be effective.
8. For culverts which carry waters that are or discharge into fish bearing fresh waters or marine waters, installation shall not occur within the flowing waters of the stream/drainage. Culvert installation techniques, such as stream diversion, dam and pump, or stream fluming, shall be incorporated into the

installation activity to insure that silt laden water is not carried into sensitive fish habitat. If the stream is intermittent, culvert installation shall occur when the stream bed is dry. DNR Habitat permits shall address the anadromous fish bearing streams.

9. The side slopes on all road cuts and fills and the bottoms of road side ditches that drain to the natural waterbody shall be stabilized against erosion.
10. All organic material shall be removed from the blasting area prior to blasting. No blasting shall occur in waterbodies.
11. If the breakwater is constructed prior to dredging or if dredging activities do not exceed water quality standards, than no silt curtain is required. If dredging occurs prior to the breakwater installation, than a silt curtain capable of containing the silt plume is required. In either case, if a silt plume develops from construction activity dredging shall cease until the dredge operation has been enclosed within a silt curtain which is capable of containing the silt plume.

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 May 18, 2011

Sharon Morgan
Sharon Morgan, Manager
Wastewater Discharge Authorization Program