Appendix C: Permits and Approvals

The U.S. Army Corps of Engineers, Alaska District, provided the following environmental checklist. It is a guide to the potential permit requirements for Alaska Department of Transportation and Public Facilities coastal harbor projects. Its purpose is to inform you about the most common state and federal permits and approvals that may apply, including U.S. Army Corps of Engineers Nationwide Permits and the Coastal Zone Management Program. However, you should contact an agency directly if you have questions about whether a specific permit or approval is required for their project. A list of agency contacts starts on page 9.

This checklist is a tool to help planners identify regulatory pathways and the timing required for compliance. Regulations affecting navigation improvements are constantly changing, as are the interpretation and implementation of those regulations. We urge you to make make early contact with the Corps’ Regulatory Branch and the Division of Governmental Coordination and to carry that coordination through the planning process. This will help avoid the time and monetary costs a change in regulations can cause and will help you avoid interpretation errors.

Environmental Permits and Approvals for Harbor Projects

<table>
<thead>
<tr>
<th>TASK</th>
<th>YES</th>
<th>NO</th>
<th>PERMIT/APPROVAL</th>
<th>AGENCY</th>
<th>REASON FOR PERMIT/APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavating or placing fill in the waters of the United States,</td>
<td>☐</td>
<td>☐</td>
<td>Section 404 Permit</td>
<td>U.S. Army Corps of Engineers</td>
<td>Under the Clean Water Act of 1972, a Section 404 permit is required for construction or placement or discharging dredged or fill materials into waters of the United States, including wetlands. Some activities are covered by Nationwide Permits. See page 9.</td>
</tr>
<tr>
<td>including wetlands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dredging, placing structures, or other work in or affecting</td>
<td>☐</td>
<td>☐</td>
<td>Section 10 Permit</td>
<td>U.S. Army Corps of Engineers</td>
<td>Under the River and Harbor Act of 1899, a Section 10 permit is required for construction or placement of structures (e.g. breakwaters, mooring buoys, floats, etc.), dredging or other work in or affecting navigable waters of the United States.</td>
</tr>
<tr>
<td>navigable waters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transporting dredged material for disposal in ocean waters</td>
<td>☐</td>
<td>☐</td>
<td>Section 103</td>
<td>U.S. Army Corps of Engineers</td>
<td>This permit is required under the Marine Protection, Research, and Sanctuary Act of 1972 for the transportation of dredged material for disposal in ocean waters.</td>
</tr>
<tr>
<td>TASK</td>
<td>YES</td>
<td>NO</td>
<td>PERMIT/APPROVAL</td>
<td>AGENCY</td>
<td>REASON FOR PERMIT/APPROVAL</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>----------------------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Placing structures or fill on state tidelands</td>
<td>☐</td>
<td>☐</td>
<td>Tidelands Lease</td>
<td>AK Dept. of Natural Resources</td>
<td>A tidelands lease may be required to conduct operations on state tidelands (measured from the mean high tide line seaward for three miles) if the structures are or will remain permanent.</td>
</tr>
<tr>
<td>Temporary use of state tidelands</td>
<td>☐</td>
<td>☐</td>
<td>Tidelands Permit</td>
<td>AK Dept. of Natural Resources</td>
<td>A tidelands permit may be required for certain activities on state tidelands. Tideland permits are subject to revocation without cause and are issued for one to five years.</td>
</tr>
<tr>
<td>Placement of discharge/outfall/intake lines on state tide and submerged lands</td>
<td>☐</td>
<td>☐</td>
<td>Right-of-Way Permit</td>
<td>AK Dept. of Natural Resources</td>
<td>This permit is required for the placement of discharge, outfall, or intake lines on state tide and submerged lands.</td>
</tr>
<tr>
<td>Constructing projects on state-owned lands or crossing state-owned lands for access</td>
<td>☐</td>
<td>☐</td>
<td>Land Use Permit</td>
<td>AK Dept. of Natural Resources</td>
<td>A land use permit may be required for certain activities and equipment on state-owned land. Because the state owns most land below the ordinary high water line of navigable streams and lakes, this permit is required for most activities in waters of larger streams.</td>
</tr>
<tr>
<td>Appropriating freshwater from any subsurface or surface source, on a temporary basis, on all lands regardless of ownership</td>
<td>☐</td>
<td>☐</td>
<td>Temporary Water Use Permit</td>
<td>AK Dept. of Natural Resources</td>
<td>This permit may be required when taking freshwater for uses such as dust abatement and material compaction during construction, domestic uses at construction camps, and hydro-seeding after construction.</td>
</tr>
<tr>
<td>TASK</td>
<td>YES</td>
<td>NO</td>
<td>PERMIT/APPROVAL</td>
<td>AGENCY</td>
<td>REASON FOR PERMIT/APPROVAL</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----------------------------------------------------</td>
<td>---------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Appropriating freshwater from any subsurface or surface source, on a permanent basis, on all lands regardless of ownership</td>
<td>☐</td>
<td>☐</td>
<td>Water Right Permit/Certificate</td>
<td>AK Dept. of Natural Resources</td>
<td>A water right permit/certificate may be required for any permanent withdrawal, diversion, or impoundment of freshwater, regardless of the use.</td>
</tr>
<tr>
<td>Construction or other activities in specified anadromous streams or that block fish passage in streams with resident fish</td>
<td>☐</td>
<td>☐</td>
<td>Fish Habitat Permit (Title 16, Parts 840 and 870)</td>
<td>AK Dept. of Fish and Game</td>
<td>A fish habitat permit may be required for any activity that either (1) involves a dam or obstruction in water bodies containing resident fish, or (2) equipment use or construction activities that would disturb the natural flow of a specified anadromous stream, river, or lake. This includes crossing of anadromous streams by vehicles. Title 16 generally does not apply to activities in a marine environment. However, if a project will affect the mouth of a stream, defined by a line drawn between the seaward extremities of the exposed tideland banks at MLLW, a fish habitat permit is required.</td>
</tr>
<tr>
<td>Construction, continuing use, or other activity in state game refuges, critical habitat areas, or sanctuaries</td>
<td>☐</td>
<td>☐</td>
<td>Special Area Permit</td>
<td>AK Dept. of Fish and Game</td>
<td>Required for uses and activities conducted in legislatively-designated state game refuges, critical habitat areas, or game sanctuaries.</td>
</tr>
<tr>
<td>Point-source discharge of wastewater or storm water into waters of the United States</td>
<td>☐</td>
<td>☐</td>
<td>National Pollution Discharge Elimination System Permit (NPDES)</td>
<td>U.S. Environmental Protection Agency</td>
<td>Under Section 402 of the 1972 Clean Water Act, this permit may be required for point source discharges of wastewater or storm water from construction, industrial, or commercial operations.</td>
</tr>
<tr>
<td>TASK</td>
<td>YES</td>
<td>NO</td>
<td>PERMIT/APPROVAL</td>
<td>AGENCY</td>
<td>REASON FOR PERMIT/APPROVAL</td>
</tr>
<tr>
<td>------</td>
<td>-----</td>
<td>----</td>
<td>----------------</td>
<td>--------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Disposing wastewater into or upon waters or lands of the state</td>
<td>☐</td>
<td>☐</td>
<td>Wastewater Disposal Permit</td>
<td>AK Dept. of Environmental Conservation</td>
<td>Operations resulting in the disposal of wastewater into or upon waters or lands of the state require this permit (may include boat grids and fish cleaning facilities).</td>
</tr>
<tr>
<td>Activities requiring a permit under the Clean Water Act</td>
<td>☐</td>
<td>☐</td>
<td>401 Certificate of Reasonable Assurance</td>
<td>AK. Dept of Environmental Conservation</td>
<td>ADEC issues a 401 Certificate to accompany any federal permit pursuant to the Clean Water Act (e.g. Corps of Engineers Section 404 and U.S. Coast Guard Section 9 permits) and EPA NPDES permit. Certification is issued after state review of the permit. A request for certification is published with the permit application.</td>
</tr>
<tr>
<td>Construction of sewer and drinking water facilities</td>
<td>☐</td>
<td>☐</td>
<td>Design Plan Approval</td>
<td>AK Dept. of Environmental Conservation</td>
<td>Sewer and water facilities must receive design plan approval before construction. Water systems must receive a certificate to construct before well installation. This includes extension of municipal lines.</td>
</tr>
<tr>
<td>TASK</td>
<td>YES</td>
<td>NO</td>
<td>PERMIT/APPROVAL</td>
<td>AGENCY</td>
<td>REASON FOR PERMIT/APPROVAL</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>----------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Activities in or outside of the coastal zone that affect a land or water use or natural resource of the State of Alaska coastal zone, as defined in the volume Coastal Zone Boundaries of Alaska, dated 1988, updated in 1991</td>
<td>☐</td>
<td>☐</td>
<td>Coastal Consistency Determination</td>
<td>AK Div. Of Gov. Coordination</td>
<td>Each applicant must complete a Coastal Project Questionnaire and submit it to the DGC. Each state agency with permit-review authority and any affected coastal district must find that proposed activities within the coastal zone of Alaska are consistent with applicable standards of the coastal management program. All permits must comply with all state agency statutes and regulations. The DGC will coordinate all agency determinations and permit applications.</td>
</tr>
<tr>
<td>Activities that may affect cultural or historic resources</td>
<td>☐</td>
<td>☐</td>
<td>Section 106 Review</td>
<td>AK Dept. of Natural Resources, State Historic Preservation Office</td>
<td>A Section 106 review under the National Historic Preservation Act of 1966, as amended, is required for all federal projects and projects requiring federal permits. The state historic preservation officer makes a determination regarding project impacts on known cultural resources. The SHPO may require a cultural resources survey. The SHPO ensures cultural and historic resources will not be adversely affected and ensures agency compliance with Section 106.</td>
</tr>
<tr>
<td>Activities that may affect threatened or endangered species</td>
<td>☐</td>
<td>☐</td>
<td>Endangered Species Act of 1973, Section 7 Consultation</td>
<td>U.S. Fish and Wildlife Service or National Marine Fisheries Service</td>
<td>Section 7 consultation is required with USFWS and/or NMFS for the protection of endangered or threatened species (e.g. peregrine falcons, Aleutian Canada geese, and certain marine mammals).</td>
</tr>
<tr>
<td>TASK</td>
<td>YES</td>
<td>NO</td>
<td>PERMIT/APPROVAL</td>
<td>AGENCY</td>
<td>REASON FOR PERMIT/APPROVAL</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----------------------------------------------------------</td>
<td>------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Activities that may affect marine mammals</td>
<td>☐</td>
<td>☐</td>
<td>Marine Mammal Protection Act Consultation</td>
<td>National Marine Fisheries Service</td>
<td>Under Section 101 (a)(5) of the Marine Mammal Protection Act, consultation is required for any action that might affect marine mammals.</td>
</tr>
<tr>
<td>Construction of bridges over navigable waters</td>
<td>☐</td>
<td>☐</td>
<td>Section 9 Permit for Bridges Over Navigable Waters</td>
<td>U.S. Coast Guard</td>
<td>Under Section 9 of the River and Harbor Act of 1899, as amended, and the General Bridge Act of 1946, as amended, the plans and location for construction or alteration of bridges and causeways across navigable waters of the United States must be approved by the U.S. Coast Guard before the start of construction. This applies to any overhead crossing except for electrical transmission lines. Crossings requiring permits include highways, temporary or permanent access roads, foot bridges and pipelines for water, sewer, oil, natural gas, or other material.</td>
</tr>
<tr>
<td>Installation of private aids to navigation</td>
<td>☐</td>
<td>☐</td>
<td>Applications for Private Aids to Navigation under Title 33, Parts 62.25, 64, 66, and 67</td>
<td>U.S. Coast Guard</td>
<td>Private aids to navigation and permits for their use on man-made structures in or over navigable waters if the U.S. Coast Guard determines the facilities to be obstructions to navigation.</td>
</tr>
</tbody>
</table>
Nationwide Permits and General Conditions

The Army Corps of Engineers issues Nationwide Permits (NWP) to regulate, with little delay or paperwork, certain in-water activities having minimal impacts. The NWP authorizes these activities on a nationwide basis unless specifically limited. An activity is authorized under an NWP only if that activity and the project proponent satisfy all terms and conditions. Activities that do not qualify for authorization under an NWP still may be authorized by an individual permit or regional general permit.

Authorization means that specific activities that qualify for an NWP may proceed. After determining an activity complies with all applicable terms and conditions, the project proponent may assume an authorization of an NWP. This assumption is subject to the Corps’ authority to determine if an activity complies with the NWP’s terms and conditions. Many NWPs require the Corps to be notified before the activity is started. This condition is noted in the description of the applicable NWPs. Regional conditions for the State of Alaska are available on the Corps’ regulatory Web site.

The Corps may suspend, modify, or revoke authorizations under an NWP for cases where there is concern for the aquatic environment under the Clean Water Act Section 404 (b)(1) Guidelines, or if it is in the public’s interest. If the Corps finds the proposed activity would have more than minimal individual or cumulative net adverse effects on the environment or otherwise may be contrary to the public interest, the project proponent will be required to apply for a regional general permit or an individual permit.

Nationwide permits only authorize activities under Corps regulatory authorities. Other federal, state, and local permits, approvals, or authorizations also may be required. State 401 Water Quality Certification pursuant to section 401 of the Clean Water Act, or a waiver thereof, is required before an NWP is issued for activities that may result in a discharge into waters of the United States.

A Coastal Consistency Determination is also required for activities within or affecting the State's coastal zone. The current NWPs, which will expire March 18, 2007, unless previously modified, revoked or reissued, have all received Section 401 Water Quality Certification and a Coastal Zone Consistency Determination.

Classification of State Agency Permits

Some projects that will have no significant impact on coastal resources, or that are routine activities, may be exempt from individual consistency review requirements. These projects are called “categorical permits” or “general concurrence determinations,” respectively. The state maintains a list identifying permits and projects that qualify for these categories of expedited review. This list is referred to as the “Classification of State Agency Permits” (ABC List). Applicants must complete a coastal project questionnaire so the state can determine whether a proposed project qualifies for an expedited review. Contact the Division of Governmental Coordination for more information.
## Southcentral Agency Contacts

### Federal
- **U.S. Army Corps of Engineers, Alaska**
  - ATTN: CENPA-CO-R
  - P.O. Box 898
  - Anchorage, AK 99506-0898
  - Phone: (907) 753-2712
  - Toll Free: (800) 478-2712
- **Environmental Protection Agency**
  - Alaska Operations
  - 222 West Seventh Ave.
  - Anchorage, AK 99513
  - Phone: (907) 271-5083
- **National Marine Fisheries Service**
  - Regional Office
  - P.O. Box 21668
  - Juneau, AK 99802-1668
  - Phone: (907) 586-7645
- **U.S. Fish and Wildlife Service**
  - Western Alaska Ecological Services
  - 605 West Fourth Ave., Room 62
  - Anchorage, AK 99501
  - Phone: (907) 271-2888
- **U.S. Coast Guard**
  - Commander (oan)
  - Seventeenth Coast Guard District
  - P.O. Box 25117
  - Juneau, AK 99802-5517
  - Phone: (907) 563-6529
  - Phone: Bridges - (907) 463-2248
  - Aids to Navigation - (907) 463-2254

### State
- **Dept. of Natural Resources**
  - State Historic Preservation Office
  - P.O. Box 107001
  - Anchorage, AK 99510-7001
  - Phone: (907) 762-2626
- **Dept. of Natural Resources/Water**
  - 3601 C Street, Suite 822
  - Anchorage, AK 99503
  - Phone: (907) 762-2568
- **Dept. of Natural Resources/Land**
  - Southcentral District Office
  - P.O. Box 107005
  - Anchorage, AK 99510-7005
  - Phone: (907) 762-2249
- **Dept. of Fish and Game**
  - Habitat Division
  - 333 Raspberry Road
  - Anchorage, AK 99518-1599
  - Phone: (907) 267-2284
- **Alaska Dept. of Env. Conservation**
  - Southcentral Office
  - 3601 C Street, Suite 1334
  - Anchorage, AK 99503
  - Phone: (907) 563-6529
- **Division of Governmental Coordination**
  - 3601 C Street, Suite 370
  - Anchorage, AK 99503-5309
  - Phone: (907) 561-6131
Northern Agency Contacts

Federal
U.S. Army Corps of Engineers, Alaska
ATTN: CENPA-CO-R
P.O. Box 898
Anchorage, AK 99506-0898
Phone: (907)753-2712
Toll Free: (800) 478-2712

Environmental Protection Agency
Alaska Operations
222 West Seventh Ave.
Anchorage, AK 99513
Phone: (907) 271-5083

National Marine Fisheries Service
Regional Office
P.O. Box 21668
Juneau, AK 99802-1668
Phone: (907) 586-7645

U.S. Fish and Wildlife Service
Northern Alaska Ecological Services
1412 Airport Way
Anchorage, AK 99701
Phone: (907)456-0239

U.S. Coast Guard
Commander (oan)
Seventeenth Coast Guard District
P.O. Box 25117
Juneau, AK 99802-5517
Phone: (907) 563-6529
Phone: Bridges (907) 463-2248
Aids to Navigation (907) 463-2254

State
Dept. of Natural Resources
State Historic Preservation Office
P.O. Box 107001
Anchorage, AK 99510-7001
Phone: (907) 762-2626

Dept. of Natural Resources/Water
3700 Airport Way
Fairbanks, AK 99709-2703
Phone: (907) 451-2073

Dept. of Natural Resources/Land
Northern Regional Office
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2700

Dept. of Fish and Game
Habitat Division
1300 College Road
Fairbanks, AK 99709
Phone: (907) 451-6192

Alaska Dept. of Env. Conservation
Northern Regional Office
610 University Ave.
Fairbanks, AK 99701
Phone: (907) 451-2141

Division of Governmental Coordination
3601 C Street, Suite 370
Anchorage, AK 99503-5309
Phone: (907) 561-6131
### Southeast Agency Contacts

#### Federal
- **U.S. Army Corps of Engineers, Alaska**
  - ATTN: CENPA-CO-R
  - P.O. Box 898
  - Anchorage, AK 99506-0898
  - Phone: (907)753-2712
  - Toll Free: (800) 478-2712

- **Environmental Protection Agency**
  - Alaska Operations
  - 222 West Seventh Ave.
  - Anchorage, AK 99513
  - Phone: (907) 271-5083

- **National Marine Fisheries Service**
  - Regional Office
  - P.O. Box 21668
  - Juneau, AK 99802-1668
  - Phone: (907) 586-7645

- **U.S. Fish and Wildlife Service**
  - Southeast Alaska Ecological Services
  - P.O. Box 021287
  - Juneau, AK 99802-1287
  - Phone: (907) 586-7240

- **U.S. Coast Guard**
  - Commander (oan)
  - Seventeenth Coast Guard District
  - P.O. Box 25117
  - Juneau, AK 99802-5517
  - Phone: (907) 563-6529
  - Phone: Bridges (907) 463-2248
  - Aids to Navigation (907) 463-2254

#### State
- **Alaska Dept. of Env. Conservation**
  - Southeast Regional Office
  - 410 Willoughby Ave., Suite 105
  - Juneau, AK 99801
  - Phone: (907) 465-5350

- **Dept. of Natural Resources**
  - State Historic Preservation Office
  - P.O. Box 107001
  - Anchorage, AK 99510-7001
  - Phone: (907) 762-2626

- **Dept. of Natural Resources/Water**
  - 400 Willoughby Ave.
  - Juneau, AK 99801-1796
  - Phone: (907) 465-3400

- **Dept. of Natural Resources/Land**
  - Southeast Regional Office
  - 400 Willoughby Ave.
  - Juneau, AK 99801-1796
  - Phone: (907) 465-3400

- **Dept. of Fish and Game**
  - Habitat Division (Area Offices)
  - P.O. Box 20
  - Douglas, AK 99824-0200
  - Phone: (907) 465-4290/4291

  - P.O. Box 667
  - Petersburg, AK 99833
  - Phone: (907) 772-3801

  - 2030 Sealevel Drive, Room 205
  - Ketchikan, AK 99901
  - Phone: (907) 225-2027

  - 304 Lake Street, Room 103
  - Sitka, AK 99835
  - Phone: (907) 747-5838

- **Division of Governmental Coordination**
  - P.O. Box 110030
  - 240 Main Street, Suite 500
  - Juneau, AK 99811-0030
  - Phone: (907) 465-3562