

MEMORANDUM

State of Alaska

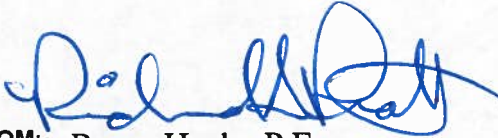
Department of Transportation & Public Facilities
Statewide Design & Engineering Services Division

TO: Distribution

DATE: April 18, 2012

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FROM: Roger Healy, P.E.
for Chief Engineer

SUBJECT: CE Directive: CGP
dredge/fill final guidance

This directive replaces the Nov. 3, 2011 guidance on dredge/fill activities at construction projects requiring the Department of Environmental Conservation (DEC) Alaska Construction General Permit (CGP) coverage and that include areas within the Department project limits authorized by the Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act.

Effective immediately:

For active projects that have not filed an NOI because the entire project is in Section 404 area

Submit a Notice of Intent (NOI) for the CGP, including all project zone acreage, whether or not it is also authorized under a Section 404 permit, if that revised acreage is equal to or more than one acre. *Submit the NOI to DEC within five business days of this directive.*

If the Contractor did not file an NOI and one is now required due to this guidance, write a directive *within five business days of this directive*, requiring them to submit their NOI to DEC within three business days.

For projects with an active status NOI for the CGP

If the calculated acreage of the project zone for the NOI subtracted the areas authorized under a Section 404 permit, then follow CGP Part 2.7 to add the Section 404 acreage back. *Do this within 10 business days of this directive, in the following way:*

- (1) If the acreage is small, submit an NOI modification to DEC adding the Section 404 acreage pursuant to the CGP Part 2.7.1.
- (2) File a Notice of Termination (NOT) for the active NOI and a new NOI for the revised acreage, pursuant to CGP Part 2.7.2. if the acreage increase results in:

- (a) a project zone which previously disturbed less than five acres but now disturbs five or more acres with the addition of the Section 404 acreage, or;
- (b) an increase in acreage of more than 50 percent.

If the contractor's NOI acreage previously excluded Section 404 areas, they must modify their NOI or submit an NOT and new NOI, pursuant to CGP Part 2.7. *This must be done within seven business days of your directive.*

For projects that have not yet filed an NOI for the CGP

To calculate the project zone acreage, include any acreage that is authorized under a Section 404 USACE permit.

This directive is based on revised guidance from DEC, which clarified in Answer #19 that areas permitted by Section 404 also need separate authorization under the CGP and must comply with CGP requirements.

Attachment:

DEC Frequently Asked Questions, April 2012

Distribution:

Joel St. Aubin, P.E., Director, Statewide Facilities MS 2530
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