



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, ALASKA 99802-2270

June 12, 2015

Regulatory Division
POA-2013-695

Mr. Greg Chaney
City and Borough of Juneau
Lands and Resources
155 South Seward Street
Juneau, Alaska 99801

Dear Mr. Greg Chaney:

Enclosed is the signed Department of the Army permit, file number POA2013-695, Switzer Creek, which authorizes the construction of a 6 lot subdivision. The project site is located within Section 33, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3627° N., Longitude -134.5117° W.; in Juneau, 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.

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

Please contact me via email at Matthew.T.Brody@usace.army.mil, by mail at the address above, or by phone at (907) 790-4493, if you have questions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

Matthew Brody
Regulatory Specialist

Enclosures



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

**United States Army Corps of Engineers
Switzer Creek**

A permit to: Construct a 6 lot subdivision consisting of an access road and multi-family housing units on 6 lots. The work includes the placement of fill material into 0.63 acres of wetlands and the installation of a 24" culvert.

at: Section 33, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3627° N., Longitude -134.5117° W.; in Juneau, Alaska.

has been issued to: Greg Chaney – City and Borough of Juneau

on: June 11, 2015 **and expires on:** June 30, 2020

Address of Permittee: 155 South Seward Street, Juneau, Alaska 99801

Permit Number:

POA-2013-695

FOR: District Commander
Matthew Brody
Regulatory Specialist
REGULATORY DIVISION

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

(Proponent: CECW-O)

DEPARTMENT OF THE ARMY PERMIT

Permittee: Greg Chaney – City and Borough of Juneau

Permit No.: POA-2013-695

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 construction of a 6 lot subdivision consisting of an access road and multi-family housing units on the 6 lots. A single access road measuring 56 feet in width from the toe of slope and 600 feet long resulting in the placement of fill into 0.09 acres of wetlands. The construction of the 6 proposed lots resulting in the placement of 2600 cubic yards of clean shot rock, 2" minus, and sand & gravel into 0.54 acres of wetlands to construct the building pads. The construction of a driveway resulting in the installation of a 24" culvert into a tributary to Wimpy Tributary that would include the placement of 30 cubic yards of fill into 0.006 acres of stream below the ordinary high water mark on Lot 3A. The project would result in the permanent placement of fill into a total of 0.63 acres of wetlands and 0.006 acres of streambed.

All work will be performed in accordance with the attached plan, sheets 1-4, dated 6/16/2014.

Project Location: The project site is located within Section 33, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3627° N., Longitude -134.5117° W.; in Juneau, Alaska

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on June 30, 2020. 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. Excess fill material shall not be disposed within wetlands or other waters of the United States.
2. The permittee shall ensure that all synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.
3. The permittee shall stabilize and revegetate all disturbed areas immediately upon completion of the final grading using vegetation and organic material salvaged from the impact area. Any seed mixes used shall consist only of species native to Southeast Alaska or a sterile annual species such as Annual Ryegrass (*Lolium multiflorum*). The use of non-native or invasive plant species for seeding is prohibited.
4. Project boundaries shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to site clearing and construction to ensure avoidance of impacts to waters of the United States, including wetlands, beyond the authorized project footprint.
5. This permit does not authorize any impacts to waters of the United States, temporary or otherwise, other than that described in the work description and on the attached drawings. If it is determined necessary by the permittee or any contractor that additional impacts to waters may be necessary to accomplish the activity, either within the project site, or for any activities related to the construction of the residential complex, then the permittee shall apply to the Corps of Engineers for any necessary authorization

Special Information:

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

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.

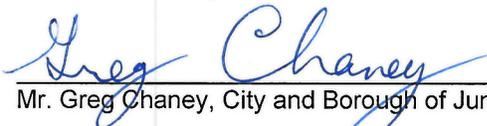
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

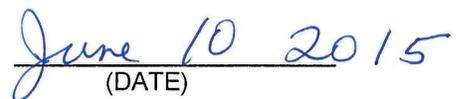
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.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

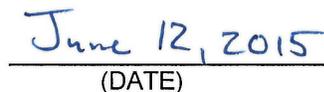
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


 Mr. Greg Chaney, City and Borough of Juneau


 (DATE)

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

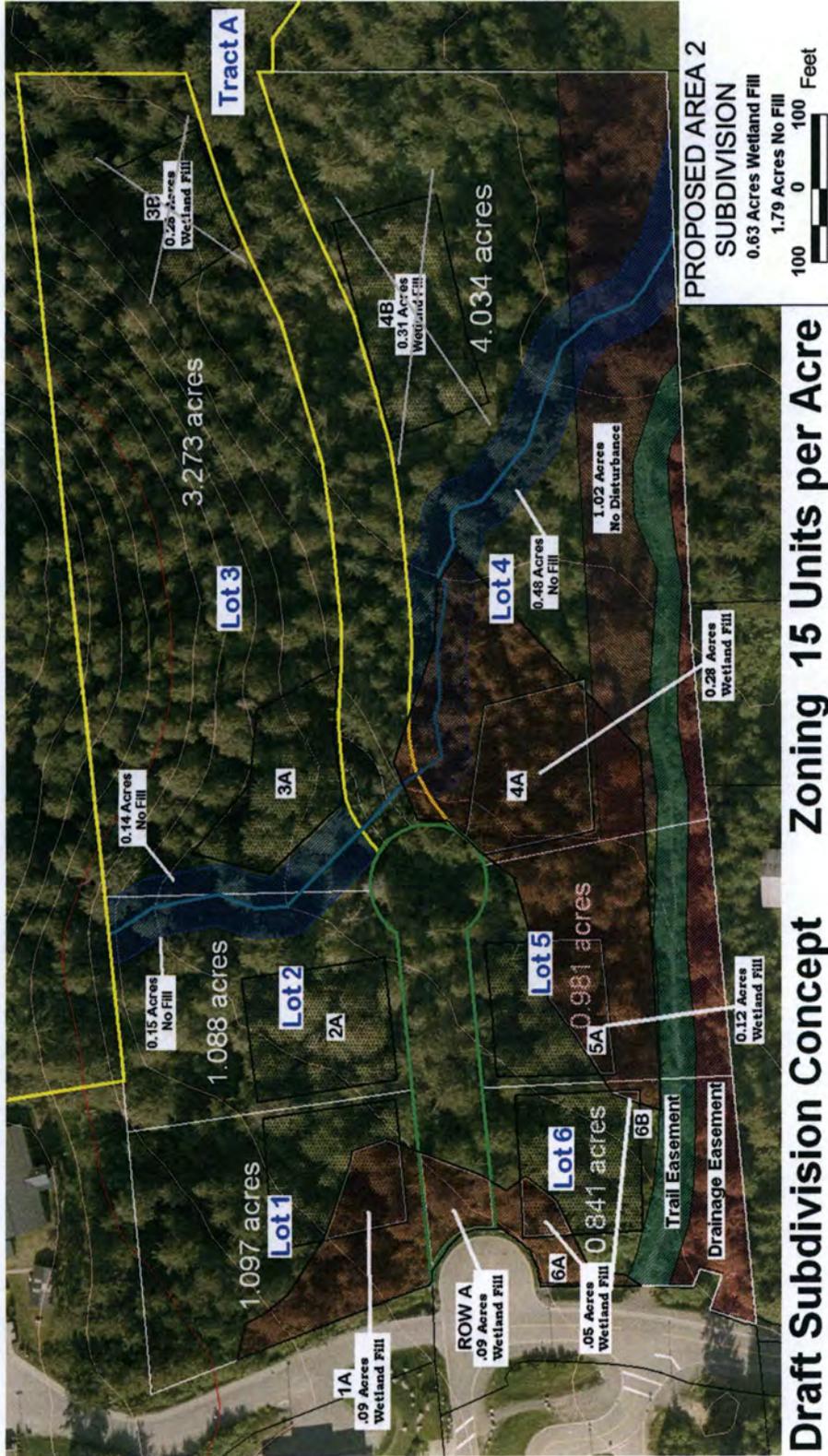

 FOR (DISTRICT COMMANDER)
 Colonel Christopher D. Lestochi
 Matthew Brody
 Southeast Branch, Regulatory Division


 (DATE)

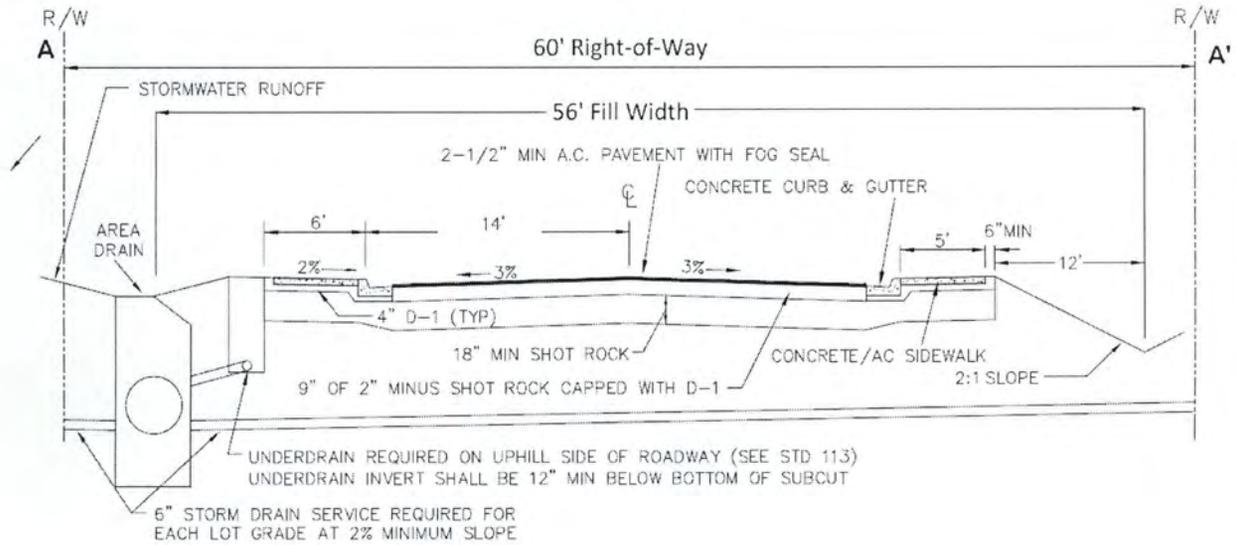
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

(TRANSFEEE)

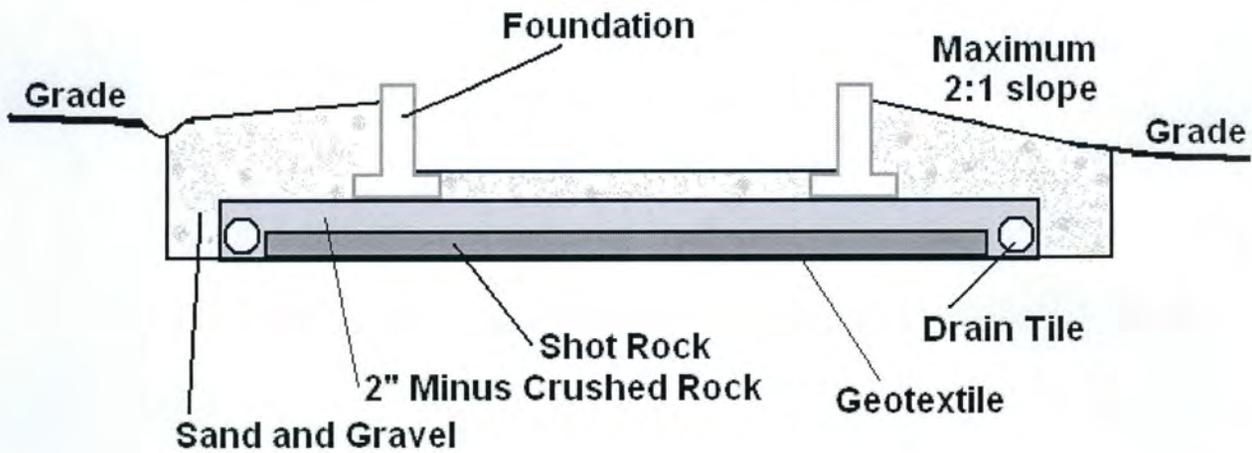
(DATE)



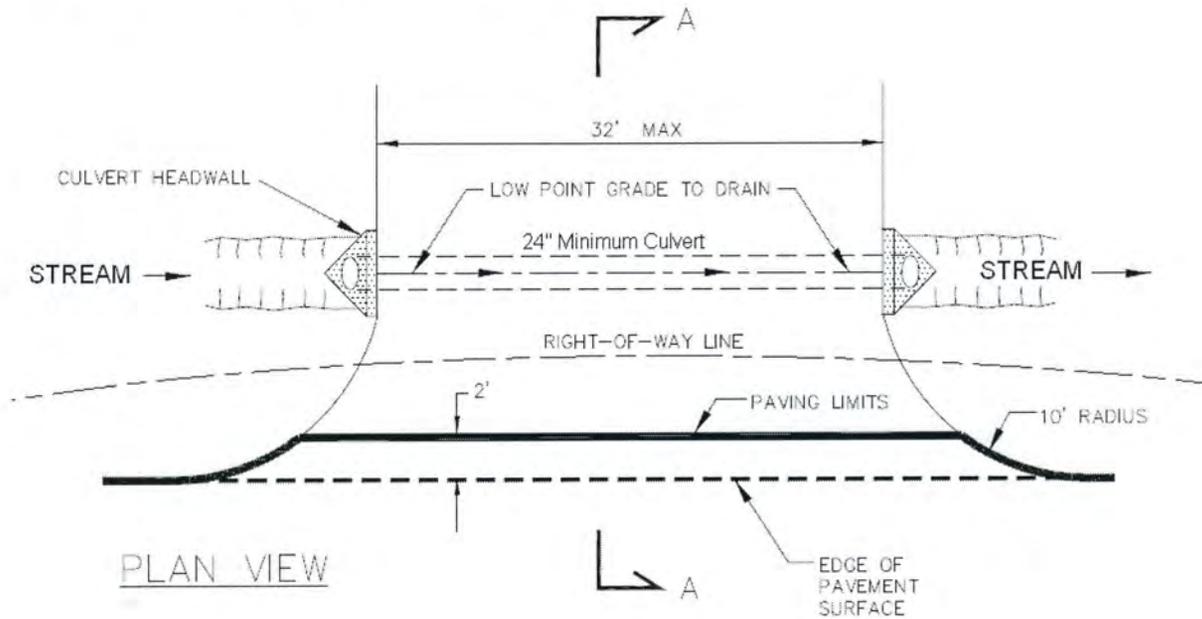
- Typical section of the road profile (including buried utility lines),



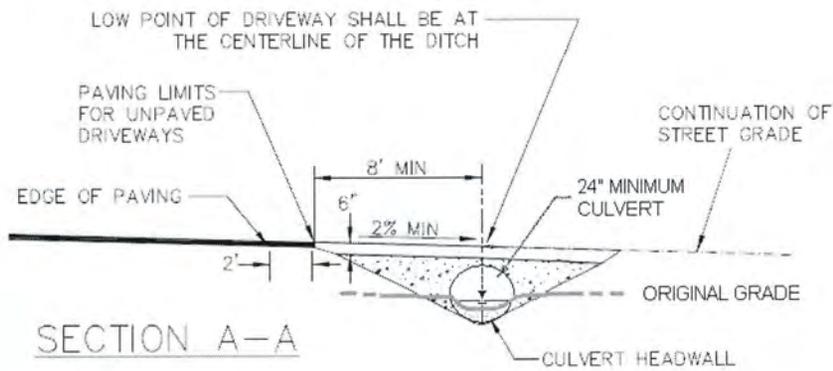
Typical cross-section showing maximum fill for a foundation on wetlands



Stream Crossing Detail
24" Minimum Partially Buried Culvert



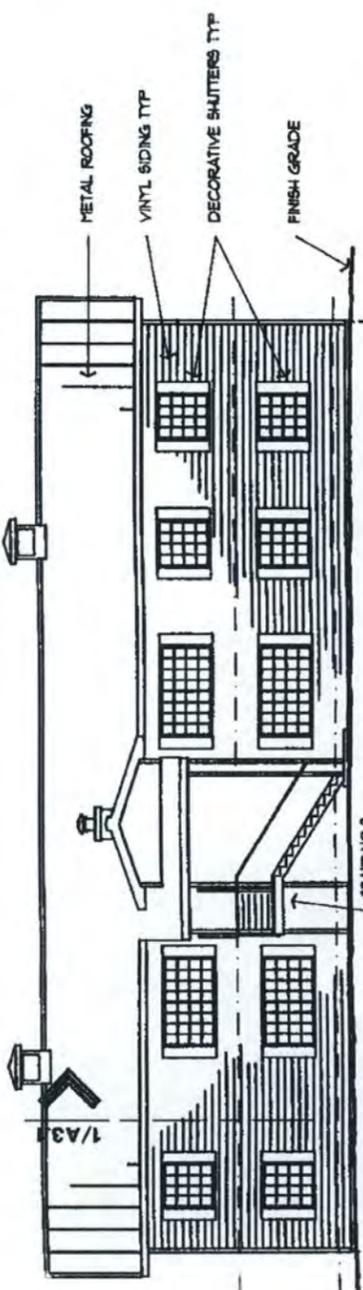
PLAN VIEW



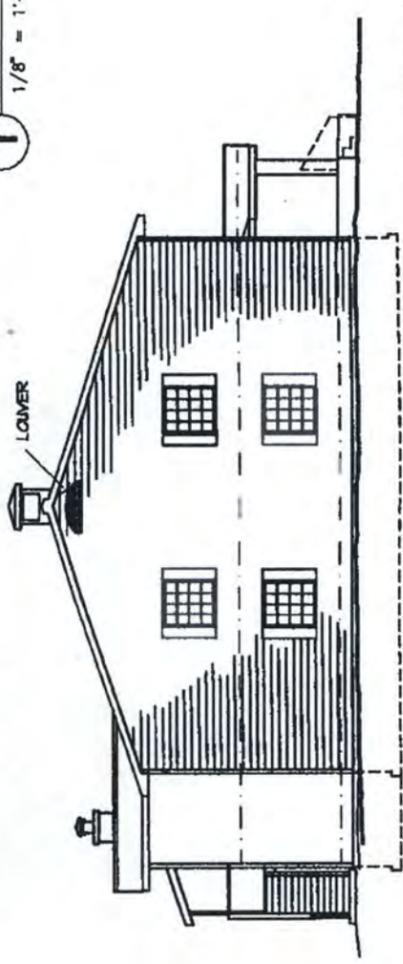
SECTION A-A



EMDS/consulting engineers
 419 checkmate drive
 Anchorage, Alaska 99508
 (907) 337-1881

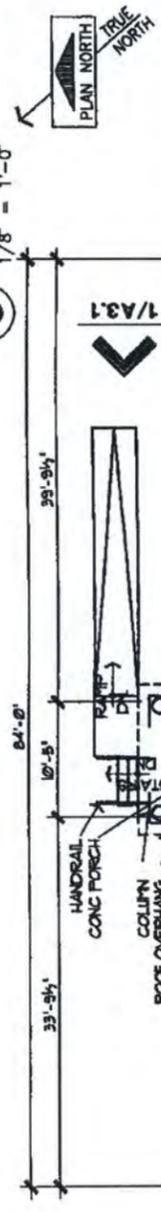


1 South Elevation
 1/8" = 1'-0"

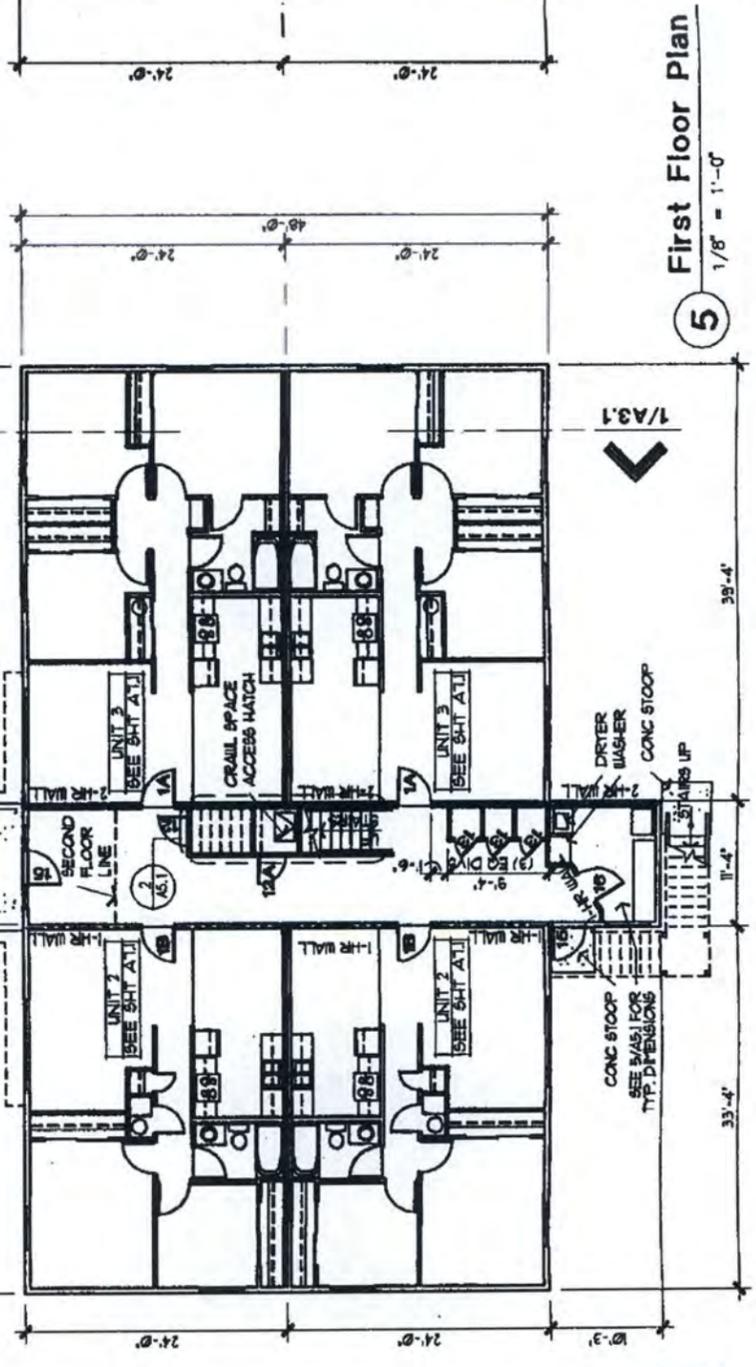
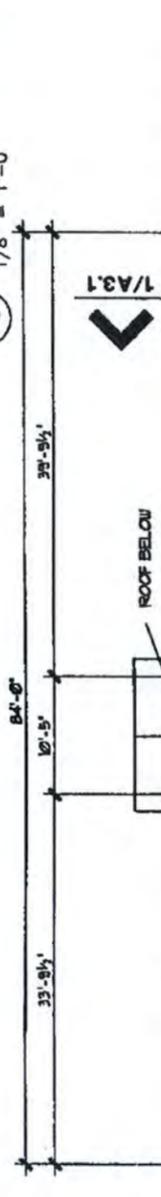


2 West Elevation
 1/8" = 1'-0"

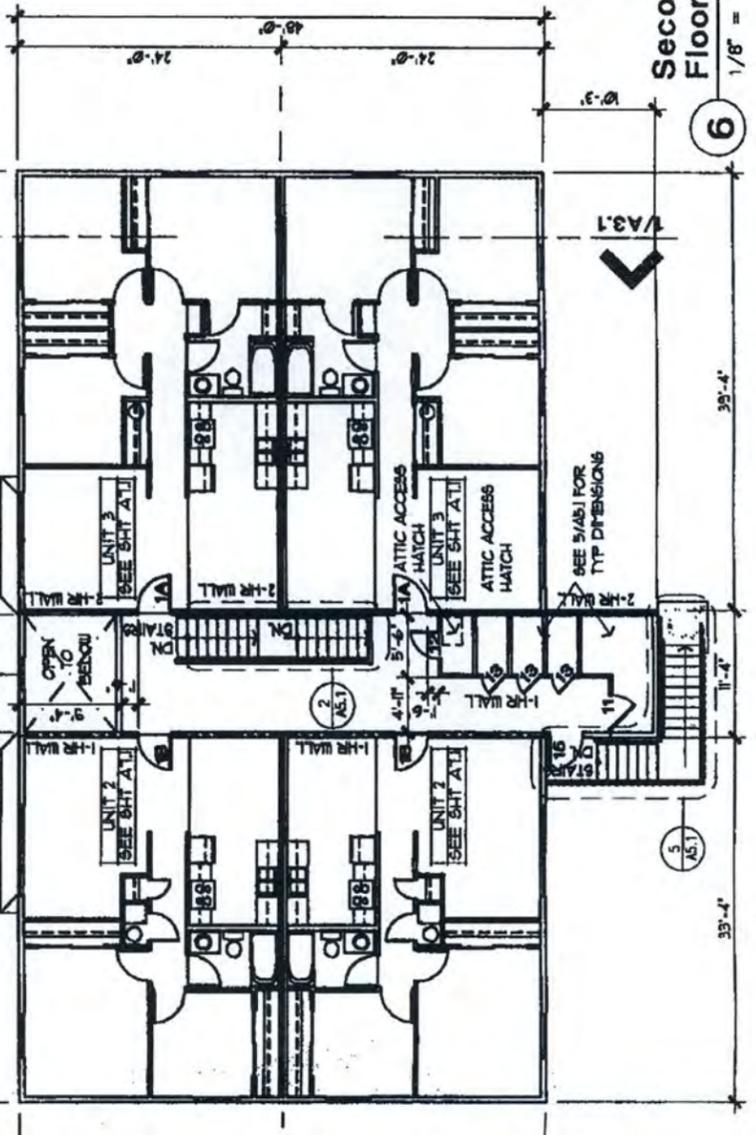
3 East Elevation
 1/8" = 1'-0"



4 North Elevation
 1/8" = 1'-0"



5 First Floor Plan
 1/8" = 1'-0"



6 Second Floor Plan
 1/8" = 1'-0"

DRAWINGS ARE 1/2
 SCALE INDICATED

GUENING PARK APARTMENTS
 FLOOR PLANS, ELEVATIONS
 BUILDING C
 SUNDANCE CONSTRUCTION, INC.
 JUNEAU, ALASKA HOUSING FINACE CORPORATION, INC.

07/19/94
A2.1

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | | |
|---|--|---------------------------|---------------------|
| Applicant: Mr. Greg Chaney – City and Borough of Juneau | | File Number: POA-2013-695 | Date: June 12, 2015 |
| Attached is: | | | See Section below |
| | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A | |
| X | PROFFERED PERMIT (Standard Permit or Letter of permission) | B | |
| | PERMIT DENIAL | C | |
| | APPROVED JURISDICTIONAL DETERMINATION | D | |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E | |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

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: 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.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

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

Matthew Brody, RS
Alaska District Corps of Engineers
Juneau Regulatory Field Office (CEPOA-E-J)
P.O. Box 22270
Juneau, Alaska 99802
(907) 790-4493

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

Commander
USAED, Pacific Ocean Division
ATTN: CEPOD-PDC/Cindy Barger
Building 525
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:



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

August 29, 2014

Certified Mail: 7012-3460-0002-9326-6544

Mr. Greg Chaney
City/Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Re: Switzer Creek, CBJ, Switzer Creek Subdivision
Reference No. POA-2013-695

Dear Mr. Chaney:

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 fill material in waters of the U.S. in association with the development of six multi-family housing lots.

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 of our actions and enclosing a copy of the certification for their use.

Sincerely,

Handwritten signature of James Rypkema in cursive.

James Rypkema
Section Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Matthew Brody, USACE, Juneau

Jackie Timothy, ADF&G
USFWS Field Office Juneau
Mark Jen, EPA Operations, 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 City/Borough of Juneau and 155 South Seward Street for placement of fill material in waters of the U.S. in association with the development of six multi-family housing units. The applicant is proposing to construct a 6 lot subdivision consisting of an access road, and the construction of multi-family housing units on 6 lots. A single access road measuring 56 feet in width from the toe of slope and 600 feet long would be constructed and would result in the placement of fill into 0.09 acres of wetlands. The construction of the 6 proposed lots would include the placement of 2600 cubic yards of clean shot rock, 2" minus, and sand & gravel into 0.54 acres of wetlands to facilitate the building pad construction. Lot 3A would require a driveway construction resulting in the installation of a 24" culvert into a tributary to Wimpy Tributary that would include the placement of 30 cubic yards of fill into 0.006 acres of stream below the ordinary high water mark.

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-2013-695, 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-2013-695 posted from June 17, 2014 to July 17, 2014.

The proposed activity is located within Section 33, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.3627° N., Longitude -134.5117° W.; in Juneau, 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 Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

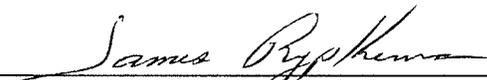
1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff or 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). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (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.
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. During the work on culverts, 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 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. Fill material must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
8. 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: gulying, head cutting, caving, block slippage, material sloughing, etc.
9. 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. This action is to ensure that silts are not carried from the fill to the natural bodies of water in the spring and summer.
10. Prior to fill placement in the spring or summer, a silt fence or similar structure shall be installed on a line parallel to and within five 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.
11. 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: August 29, 2014



James Rypkema, Section Manager
Storm Water and Wetlands