



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/401 Certification
555 Cordova Street, Anchorage AK 99501-2617
Phone: 907-269-6285 | Email: DEC-401Cert@alaska.gov

Notice of Application for State Water Quality Certification

Public Notice (PN) Date: **October 21, 2020**
PN Expiration Date: **November 6, 2020**

PN Reference Number: **PN-2020-0001**
Waterway: **Statewide Waters**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act (CWA) of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Nationwide Permit Reissuance has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described below and shown on the enclosed project figures/drawings.

Applicant: U.S. Army Corps of Engineers, Alaska District; P.O. Box 6898, JBER, Alaska 99506-0898; Contact: Shannon Morgan, North Branch Chief, (907) 753-5552, Shannon.r.morgan@usace.army.mil

Project Name: 2020 Nationwide Permit Reissuance and Alaska District Regional Conditions

Location: Statewide Waters

Purpose: On September 15, 2020, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the existing nationwide permits (NWP). The purpose is to reissue the 52 existing NWPs, issue five new NWPs, and issue eight Alaska District Regional Conditions.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively.

Project Description:

There are currently 52 NWPs. These NWPs were published in the January 6, 2017, issue of the Federal Register (82 FR 1860) and are currently scheduled to expire on March 18, 2022.

The U.S. Army Corps of Engineers is proposing to reissue its existing NWPs and associated general conditions and definitions, with some modifications, and to issue five new NWPs. They are also proposing to issue eight Alaska District Regional Conditions (Regional Conditions A-H). Before the Alaska District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

Two of the proposed new NWP's would authorize certain categories of mariculture activities (i.e., seaweed and finfish mariculture) that are not authorized by NWP 48. They are proposing to divide the current NWP that authorizes utility line activities (NWP 12) into three separate NWP's that address the differences in how different linear projects are constructed, the substances they convey, and the different standards and best management practices that help ensure those NWP's authorize only those activities that have no more than minimal adverse environmental effects. Specifically, they are proposing to modify the current utility line NWP 12 to authorize only oil and natural gas pipeline activities.

Two proposed new NWP's would authorize activities associated with the construction, maintenance, repair, and removal of electric utility lines/telecommunication lines and utility lines that convey water, sewage, and other substances. The fifth proposed new NWP would authorize discharges of dredged or fill material into jurisdictional waters for the construction, expansion, and maintenance of water reuse and reclamation facilities.

Draft decision documents for each of the proposed NWP's, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under the Corps' general permit authority.

These proposed NWP and Alaska Regional Conditions are accessible from the DEC website at <http://dec.alaska.gov/water/wastewater> under the public notices section; as well as the proposed NWP's, are available for viewing at: <http://www.regulations.gov>, docket number COE-2020-0002 and the Alaska District Proposed Regional Conditions for the Proposed 2020 NWP's at <http://www.poa.usace.army.mil/Missions/Regulatory/Public-Notices/Article/2354777/nationwide-permit-reissuance/>.

After reviewing the NWP's and Alaska District Regional Conditions, the Department may certify there is reasonable assurance the activities, and any discharges that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the above proposed NWP and Alaska Regional Conditions with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the Public Notice November 6, 2020. All comments should include the PN reference number listed above in the subject heading of the email. Mailed comments must be postmarked on or before the expiration date of the public notice.

The permit application and associated documents are available for review. For inquiries or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact the DEC Human Resources Office at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.