



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-6898
MAR 17 2005

Regulatory Branch
South Section
POA-2005-396-8

Ms. Barbara C. Hotchkin, Permits and NEPA Specialist
Alaska Railroad Corporation
Post Office Box 107500
Anchorage, Alaska 99510-7500

Dear Ms. Hotchkin:

This is in response to your March 8, 2005, letter requesting a Department of the Army (DA) jurisdictional determination concerning the railcars left along the Matanuska River located within section 28, T. 18 N., R.2 E., Seward Meridian, near Palmer, Alaska. Several outmoded railcars were left on the banks of the Matanuska River, in the early 1960's, to function as bank stabilization.

Based on our review of the information you furnished and available to our office, we have determined that your proposed project would not involve work in or placement of dredged and/or fill material into waters of the United States (U.S.) under our regulatory jurisdiction because under section 10 of the Rivers and Harbors Act of 1899, the Corps considers those projects in place before December of 1968 to have grandfathered status under this act. Therefore no permit is required.

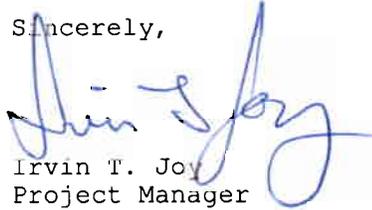
Your proposed project was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the U.S., prior to conducting the work (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344).

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect this work. For informational purposes, a copy of this letter is being sent to the agencies and individuals on the enclosed list.

Please take a moment to complete and return the enclosed questionnaire. Our interest is to see how we can continue to improve our service to you, our customer, and how best to achieve these improvements. Upon your request, you may also provide additional comments by telephone or a meeting. We appreciate your efforts and interest in evaluating the Regulatory Program.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number POA-2005-396-8, Matanuska River, in future correspondence or if you have any questions concerning this determination. You may contact me at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by mail at the letterhead address, ATTN: CEPOA-CO-R-S.

Sincerely,

A handwritten signature in blue ink, appearing to read "Irvin Joy", is written over the typed name and title.

Irvin T. Joy
Project Manager

Enclosures

Copies Furnished:

Ms. Mel Langdon
Alaska Department of Environmental
Conservation
555 Cordova Street
Anchorage, Alaska 99501-2617

Project Coordinator
Department of Natural Resources
Office of Project Management
and Permitting
Alaska Coastal Zone Management
550 West 7th Avenue, Suite 1660
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Ms. Ann Rappoport
Field Supervisor
U.S. Fish and Wildlife Service
Ecological Service Anchorage
605 West 4th Avenue, Room 62
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Supervisor
Western Alaska Ecological
National Marine Fisheries Service
222 West Seventh Avenue, # 43
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Ms. Judith Bittner
Department of Natural Resources
State Historic Preservation Office
550 W. 7th Avenue, Suite 1310
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Mr. Richard B. Thompson
State of Alaska
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Division of Land
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Mr. Gary Prokosch
State of Alaska
Department of Natural Resources
Division of Water
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Ms. Robin Willis
Statewide Services
Alaska Department of Fish and Game
333 Raspberry Road
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Alaska Operations Office
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222 West Seventh Avenue, # 19
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Office of Habitat Management & Permitting
Alaska Department of Natural Resources
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