



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
JUNEAU REGULATORY FIELD OFFICE  
8800 GLACIER HIGHWAY, SUITE 106  
JUNEAU, ALASKA 99801-8079

May 13, 2009

Regulatory Division  
POA-1981-320-M22

Mr. Tom Carson  
Carson Dorn, Inc.  
712 West 12<sup>th</sup> Street  
Juneau, Alaska 99801-1574

Dear Mr. Carson:

Enclosed is the signed Department of the Army permit, file number POA-1981-320-M22, Gastineau Channel, which authorizes work in and the placement of fill material into waters of the United States. The project site is located within Section 36, T. 40 S., R. 65 E.; and Sections 31 and 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.354° N., Longitude 134.584° W.; 1873 Shell Simmons Drive, 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.

You may contact me via email at [randal.p.vigil@usace.army.mil](mailto:randal.p.vigil@usace.army.mil), by mail at the address above, by phone at (907) 790-4490, if you have questions. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", written over a circular stamp or seal.

Randal P. Vigil  
Project Manager

Enclosures

CF:

EAST BRANCH - JUNEAU FIELD OFFICE

ADEC: William.Ashton@alaska.gov  
ADF&G-DH: jackie.timothy@alaska.gov  
ADNR-DCOM, Juneau: dnr.dcomprajnu@alaska.gov  
ADNR-DCOM, Juneau: erin.allee@alaska.gov  
ADNR-DMLW: daniel.bussard@alaska.gov  
SHPO-ADNR Office of History and Archaeology: oha\_revcomp@dnr.state.ak.us  
EPA, Juneau: Meade.Chris@epa.gov  
NMFS, Juneau: Mary.Goode@noaa.gov  
USFWS, Juneau: juneau@fws.gov  
City of Juneau: teri\_camery@ci.juneau.ak.us

Hard Copy:

Mr. Dave Palmer  
Juneau International Airport  
JNU Airport Managers Office  
1873 Shell Simmons Dr., Suite 200  
Juneau, Alaska 99801

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Juneau International Airport

Permit No.: POA-1981-320-M-22 (Gastineau Channel)

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:

Discharge approximately 550,000 cubic yards of fill material into 55.7 acres of waters of the United States (U.S.), including special aquatic sites. Install structures below the plane of mean high water (approximate elevation +15.4 feet above the 0.0-foot contour). Dredge approximately 900,000 cubic yards of material from below mean high water in 94.4 acres. The authorized work is for the purpose of constructing a runway safety area with navigational lighting, new airport operation and maintenance facilities, and the implementation of a Wildlife Hazard Management Plan. The East End Slough connection work including dredging, filling, and additional disturbance is not authorized.

All work will be performed in accordance with the attached plan, sheets **1-51**, dated **July 15, 2008**, except for the East End Slough construction detail.

## Project Location:

Section 36, T. 40 S., R. 65 E.; Sections 31 and 32, T. 40 S., R. 66 E.; and Section 1, T. 41 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.355° N., Longitude 134.585° W.; 1873 Shell Simmons Drive, in Juneau, Alaska.

## Permit Conditions:

### General Conditions:

1. The time limit for completing the work authorized ends on **May 31, 2014**. If you find that you need more time to complete the authorized activity, submit your request 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. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (dpw), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.
3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. To provide compensatory mitigation for the unavoidable impacts of 86.09 acres of waters of the U.S., including wetlands, the permittee shall pay an In-Lieu-Fee (ILF), to the Southeast Alaska Land Trust, (telephone: 907-586-3100), and submit proof of ILF payment to the Corps of Engineers, Juneau Regulatory Field Office, Attn: Randal P. Vigil, 8800 Glacier HWY, STE 106, Juneau, AK 99081. Proof of payment to Southeast Alaska Land Trust shall be supplied to the Corps of Engineers prior to construction under this permit. The amount of compensatory mitigation is as follows:
  - a. The permanent filling of 55.76 acres of medium to high functionally-rated waters and special aquatic sites shall be mitigated for at a 3:1 ratio.
  - b. The conversion of 30.33 acres of medium to high functionally-rated special aquatic sites to low functioning deepwater habitat by means of dredging shall be mitigated for at a 2:1 ratio.
5. The East End Slough connection work including dredging, filling, and additional disturbance is not authorized by this permit.
6. All in-water work below the plane of the high tide line (approximate elevation +20.8 feet above the 0.0 foot contour) shall only be performed during low tidal stages (a six hour period beginning three hours before low tide and ending three hours past low tide). All in-water work below the plane of the ordinary high water mark of Jordan and/or Duck Creek shall be performed during periods of low flow or while the site is de-watered.
7. All necessary erosion control features shall be implemented, maintained and monitored daily during and after construction to prevent sedimentation into waters of the United States, including wetlands. Filter fabric, straw bale dams, or other effective methods (floating silt curtain in tidal waters) shall be immediately employed in all areas where wetland soil is disturbed or fill is discharged, including mechanical landclearing, during construction, and shall remain in place until the disturbed wetland soil and fill is permanently stabilized. Disturbed wetland soil and exposed fill shall be stabilized by vegetation treatment (seeding or planting) at the earliest practicable date, preferably in the same growing season. Any disturbance to wetlands as a result of the authorized activity including operation of heavy equipment, beyond the authorized project footprint shall be restored to preconstruction contours.
8. All vegetation treatment (seeding and planting) shall be performed using species under the following order of preference to prevent establishment of invasive species: 1. species native to the project site; 2.

species native to the project area; 3. species native to the State of Alaska 4. non-native species. If native species are not available, only non-native species that are known to not reproduce in the general project area shall be used for revegetation. Monitoring and remedial vegetation treatment shall be performed until 95% vegetation cover is achieved.

9. All fill material for the authorized work shall be clean, free from toxic pollutants in toxic amounts. Material used for construction or discharge shall not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).

10. All excavated materials not used as fill material for components of the Juneau International Airport Improvement Project, including stockpiling, and material dredged from waters below the plane of mean high water (approximate elevation +15.4 feet above the 0.0 foot contour) not used as fill material for components of the project shall be disposed of at an upland location or approved disposal site.

11. Prior to initiation of construction, the permitted project footprint and any applicable waterbody setbacks, wetland buffers, and/or other avoidance areas shall be clearly delineated, using stakes, flags, fencing, or other similar measures. No equipment used for activities permitted under this permit shall be operated, stored, or serviced in wetlands, and no mechanized land clearing or discharge of fill material may occur, even temporarily, in wetlands or other waters beyond the project footprint or within avoidance areas.

12. Measures shall be implemented to attenuate flows, remove oil, grease, and other petroleum products from the project's stormwater collection system, if one is required by the Alaska Department of Environmental Conservation.

13. Natural drainage patterns shall be maintained in the project area using appropriate ditching, culverts, storm drain systems, and/or other measures, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fills indicate non-compliance with this condition.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(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.

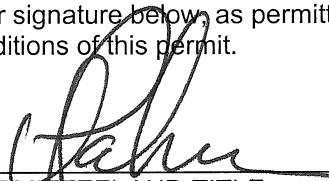
c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- 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.

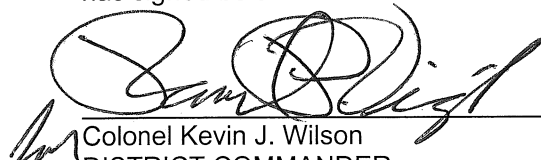
6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable 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.

  
 \_\_\_\_\_  
 (PERMITEE) AND TITLE

5/13/2009  
 (DATE)

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

  
 \_\_\_\_\_  
 Colonel Kevin J. Wilson  
 DISTRICT COMMANDER

5/13/2009  
 (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.

\_\_\_\_\_  
 (TRANSFEREE)

\_\_\_\_\_  
 (DATE)