

Appendices

Appendix A - Permits

Appendix B - Geotechnical Report

Appendix A – Permits



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
P.O. BOX 6898, CEPOA-RD
JBER, ALASKA 99506-0898

NOV 03 2011

Regulatory Division
POA-2010-423

City of Kotzebue
Attention: Mr. Derek Martin
Post Office Box 46
Kotzebue, Alaska 99752

Dear Mr. Martin:

Enclosed are two copies of Department of the Army permit POA-2010-423, Swan Lake, which would authorize dredging Swan Lake and discharge dredged materials to create a small boat harbor facility that also provides parking, storage and other amenities. The project site is located within Section 3, T. 17 N., R. 18 W., Kateel River Meridian; USGS Quad Map Kotzebue D-2; Latitude 66.8964° N., Longitude 162.5793° W.; Swan Lake and adjacent properties, at Kotzebue, Alaska.

The Alaska Department of Environmental Conservation has waived the Water Quality Certification pursuant to Section 401 of the Clean Water Act for your project. This certification is attached to the Department of the Army permit and will become a part of this permit when it is finalized.

Additionally, we have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this Department of the Army Permit (see section labeled "Initial Proffered Permit").

If you accept the conditions of the enclosed permit, please sign and date both original copies including the drawings and return them to us. DO NOT SIGN THE EMAILED COPIES. The permit will not be valid until we have returned a finalized copy to you. This is not an authorization to commence construction. No work is to be performed in Swan Lake **and** adjacent wetlands until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

Please contact me via email at john.r.klutz@usace.army.mil, by mail at the address above, by phone at (907) 753-5553, or toll free from within Alaska at (800) 478-2712, if you have questions.

Sincerely,

A handwritten signature in black ink that reads "John Klutz".

John Klutz
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Kotzebue

Permit No.: POA-2010-423, Swan Lake

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:

METHOD OF DREDGING: Drain the lake and rip the frozen materials from the basin and/or use a hydraulic suction dredge and deposit materials in designated areas.

DREDGING REQUESTED TO OCCUR DURING A FIVE YEAR PERIOD: Dredge 98,000 cubic yards (CY) of debris and muck/silt/sand/gravel materials from an area of 6.6-acres of open water (Area A) to a depth of minus 8-feet Mean Low Low Water [(MLLW), datum elevation 0.0-feet].

USE OF DREDGED MATERIALS: Discharge 20,000 CY to fill a deep area (Area B) of Swan Lake up to the minus 8-foot elevation MLLW. The purpose of filling in the deeper 1.7-acre area of the lake is to support the installation of an anchoring system for the proposed mooring floats.

Discharge 15,000 CY of dredged material below the High Tide Line (HTL) elevation or onto adjacent wetlands to create a 2.8-acres area (Area B) to support parking and other harbor amenities. [Other materials, including grading gravels and asphalt that are placed waterward of the Mean High Water (MHW) are considered to be placed in Section 10, jurisdictional waters.]

Disposal of 25,000 CY of dredged materials (Area C) shall occur under DA Permit POA-2009-86, Swan Lake authorization for establishing recreational facilities in adjacent wetlands.

Excess dredged materials could be placed in areas above the HTL or MHW jurisdictional areas but shall not be placed in waters of the U.S., including wetlands without prior authorization.

SHEET PILING: Install 100 linear feet of steel sheet piling for the heavy loading area for harbor vessel uses.

SMALL HARBOR FLOATS: Place five 322-foot long by 8-foot wide sections of removable timber floats and associated anchoring systems that shall be utilized to moor up to 130 recreational and commercial boats.

BOAT LAUNCH: The existing boat launch shall be removed. The new launch to be installed is 100-foot long and 12-foot wide, with a removable timber center float 100-foot long and 8-foot wide.

MAINTENANCE DREDGING: The permittee shall maintain a navigational minus 8-foot depth below MLLW. The area is identified on Sheet 10 of 10, is available for maintenance dredging for a period of five years. The total volume of material requested to be removed is up to 200,000 cubic yards.

All work will be performed in accordance with the attached plan, sheets [1-10], dated August 3, 5 and 12 2011.

Project Location: The project site is located within Section 3, T. 17 N., R. 18 W., Kateel River Meridian; USGS Quad Map Kotzebue D-2; Latitude 66.8964° N., Longitude 162.5793° W.; Swan Lake and adjacent properties, at Kotzebue, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **November 30, 2016**. 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. If treated wood must be used, any wood that comes in contact with marine or aquatic environments shall be treated with waterborne preservatives approved for use in aquatic and/or marine environments. Creosote may be used; however, must be applied by pressure injection using a method that prevents leaching (such as those approved by the Western Wood Preserves Institute).
2. Fill material shall consist of clean fill, free of unsuitable material (e.g., trash, debris, tire and tire materials, car bodies, asphalt, etc.), and free of toxic pollutants. The permittee shall remove unsuitable materials and properly dispose of such materials without further impacts to waters of the U.S.
3. Two months prior to beginning any dredging, the permittee shall provide specific information as to how dredging shall occur and provide detailed sediment/effluent containment plans to the Corp's office below. Sediment and water quality control measures like silt fences shall be properly installed and maintained at the toe of all fill and stockpile areas adjacent to wetlands or other waters to prevent the introduction of sediments into adjacent waters of the U.S. These measures shall remain in place until the new fill slopes are revegetated and/or permanently stabilized against erosion and shall be in place prior to placement of any fill or stockpiles. No work can begin until the Corps of Engineers approves the plans and if necessary modifies this permit accordingly.

4. The permittee shall not use dredged materials at known historical sites unless they contact and coordinate with the Office of History and Archeology in advance of the discharge. Copies of the communications shall be provided to the Corps office below.
5. To use dredged materials at fill sites outside jurisdictional areas the permittee shall notify the USFWS in the event the sites need to be evaluated for impacts under that agency's authorities. Copies of the communications shall be provided to the Corps office below.
6. As compensatory mitigation for the unavoidable loss of 2.8-acres of palustrine wetlands, the City of Kotzebue shall provide the monetary requirements of an in-lieu fee to "The Conservation Fund" to compensate for the loss of the 2.8-acres at a 1.5:1 ratio or the City of Kotzebue shall provide compensatory mitigation in the form of a Permittee-Responsible Mitigation (PRM) or provide "Only Preservation". The permittee shall provide the method of chosen mitigation and complete all the requirements prior to commencement of any work authorized by this permit.

Corps of Engineers, Regulatory Division
CEPOA-RD-N (Attn: John Klutz)
P.O. Box 6898
JBER, AK 99506-0898

7. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
8. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802, (907) 463-2272.
9. The permittee understands and agrees that, if future operations by the U.S. 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 U.S. No claim shall be made against the U.S. on account of any such removal of alteration.
10. You must advise this office in writing, at least two weeks before you start maintenance dredging activities under the authority of this permit.
11. The National Ocean Service (NOS) has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notifications to NOS shall be sent to the following address: National Oceanic and Atmospheric Administration, Office of Coast Survey, Marine Chart Division, Nautical Data Branch, NCS-26, 1315 East West Highway, Silver Springs, Maryland 20910-3282

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.

(PERMITTEE) AND TITLE

(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 Reinhard W. Koenig
John Klutz /Project Manager
North Branch, Regulatory Division

(DATE)

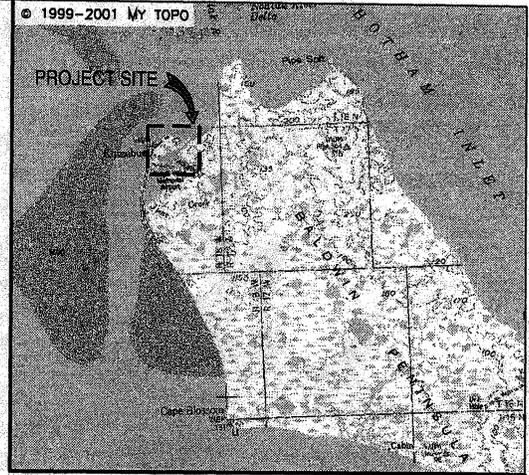
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

(TRANSFEREE)

(DATE)



LOCATION MAP
SCALE: N.T.S.



VICINITY MAP
SCALE: N.T.S.



SWAN LAKE
SCALE: N.T.S.

TIDAL DATA - KOTZEBUE, ALASKA

HIGHEST OBSERVED WATER LEVEL	7.41'
HIGH TIDE LEVEL (HTL)	1.05'
MEAN HIGH WATER (MHW)	0.79'
MEAN TIDE LEVEL (MTL)	0.46'
MEAN LOW WATER (MLW)	0.12'
MEAN LOWER LOW WATER (MLLW)	0.00'
LOWEST OBSERVED WATER LEVEL	-5.80'

TIDAL DATUMS AT RED DOG DOCK

PURPOSE:
SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
POA-2010-423 (DREDGING)
POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
CITY OF KOTZEBUE

LOCATION & VICINITY MAPS
SWAN LAKE

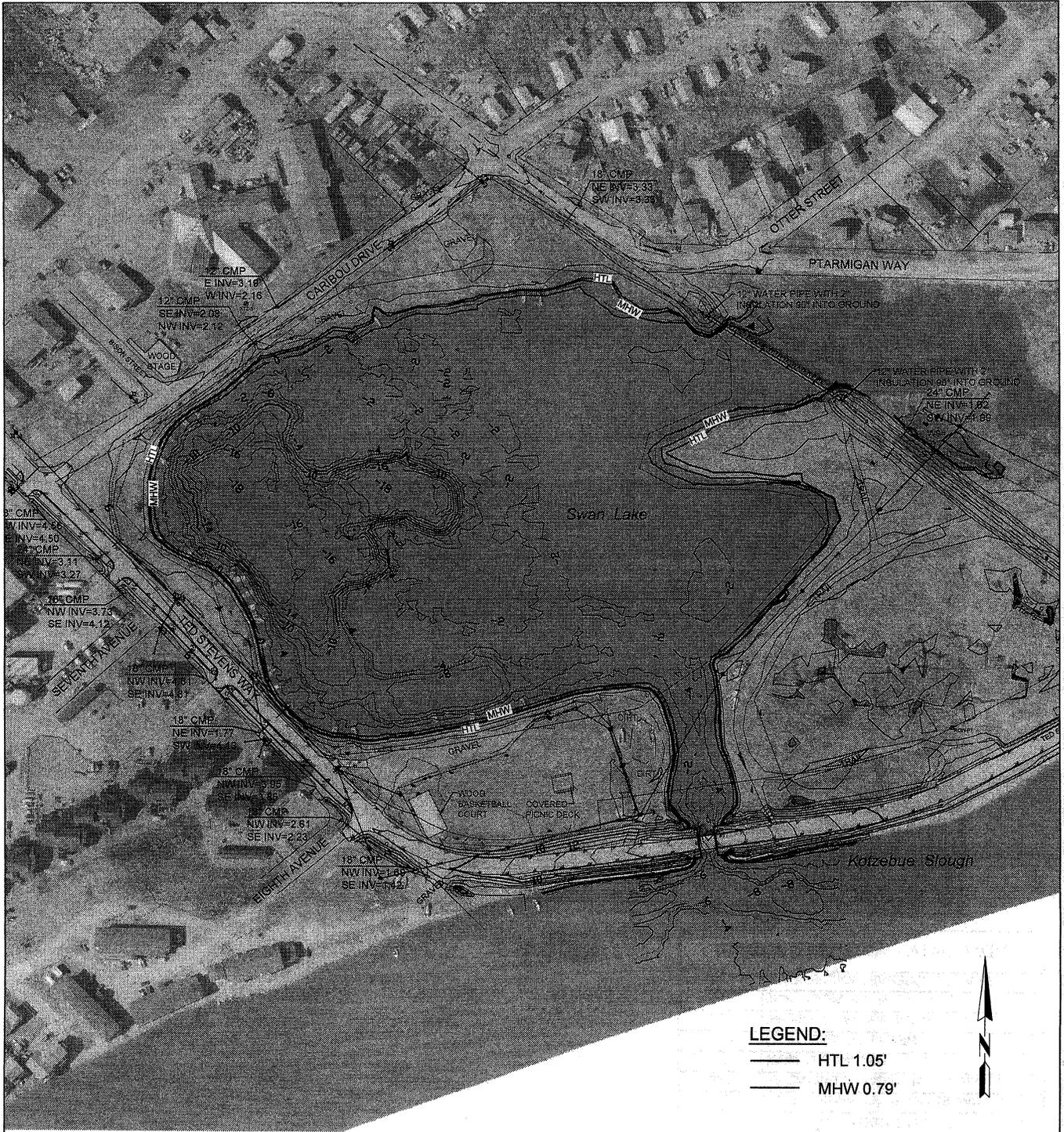
NOT TO SCALE

CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
POA-2010-423, SWAN LAKE

IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:
CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SHEET: 1 OF 10 DATE: 08/05/11



PURPOSE:
SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
POA-2010-423 (DREDGING)
POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
CITY OF KOTZEBUE

**EXISTING SITE
SWAN LAKE**

250 0 250

SCALE: 1" = 250'

CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
POA-2010-423, SWAN LAKE

IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:
CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SHEET: 2 OF 10 DATE: 08/03/11



PURPOSE:
SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
POA-2010-423 (DREDGING)
POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
CITY OF KOTZEBUE

NEW FLOAT LAYOUT

250 0 250

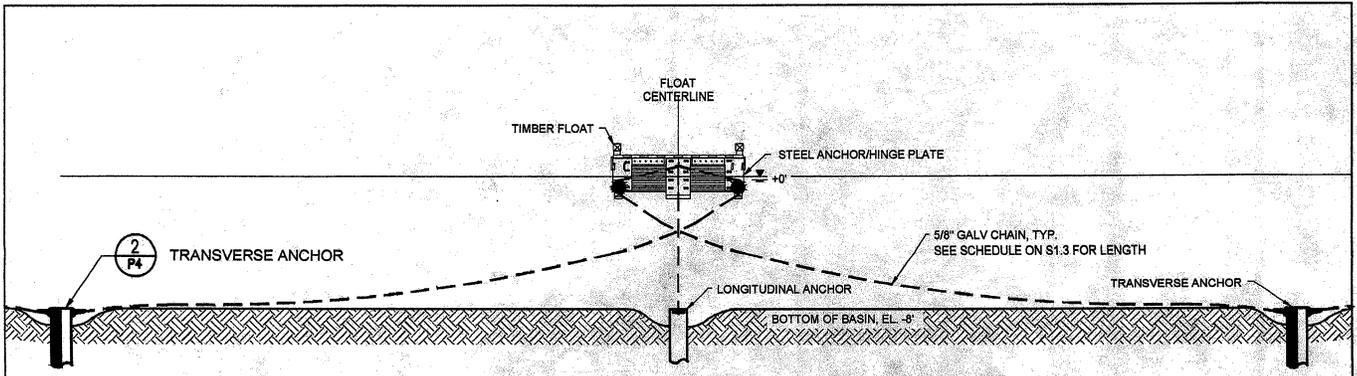
SCALE: 1" = 250'

CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

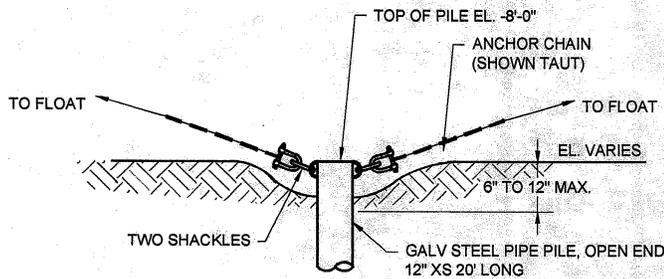
SWAN LAKE SMALL BOAT HARBOR
POA-2010-423, SWAN LAKE

IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:
CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SHEET: 3 OF 10 **DATE: 08/03/11**



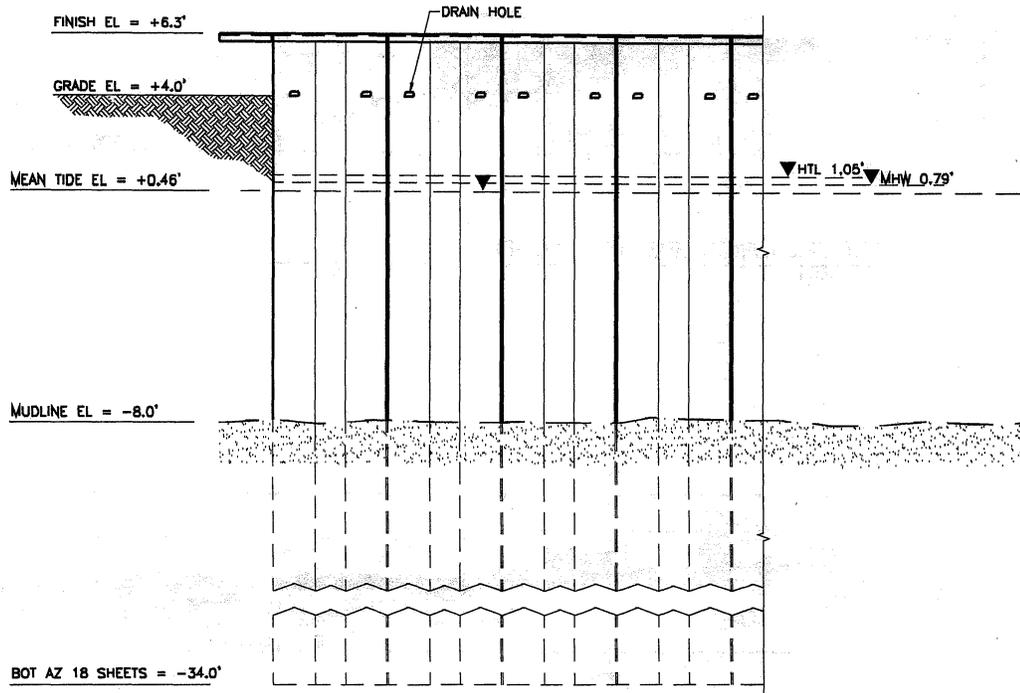
1 TYPICAL TRANSVERSE ANCHOR DETAIL
P4 SCALE: N.T.S.



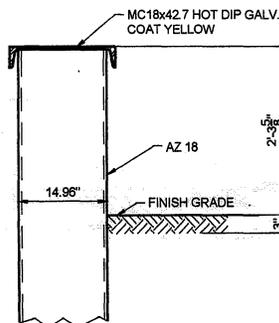
ANCHOR SIZE SCHEDULE			
LOCATION	OD	THICKNESS	LENGTH
TRANSVERSE	12.75"	0.5"	20'
LONGITUDINAL	12.75"	0.5"	20'

2 DRIVEN PILE ANCHOR
P4 SCALE: N.T.S.

<p>PURPOSE: SWAN LAKE FACILITY IMPROVEMENT</p> <p>EXISTING PERMIT: POA-2010-423 (DREDGING) POA-2009-86 (FILL AREA)</p> <p>DATUM: M.L.L.W. = 0.0'</p> <p>PROPERTY OWNERS: CITY OF KOTZEBUE</p>	<p>FLOAT ANCHOR DETAILS</p> <p>NOT TO SCALE</p> <p>CITY OF KOTZEBUE POST OFFICE 46 KOTZEBUE, ALASKA 99752</p>	<p>SWAN LAKE SMALL BOAT HARBOR POA-2010-423, SWAN LAKE IN: KOTZEBUE AT: SWAN LAKE APPLICATION BY: CITY OF KOTZEBUE POST OFFICE 46 KOTZEBUE, ALASKA 99752 SHEET: 4 OF 10 DATE: 08/05/11</p>
---	---	--



1 SHEET PILE WALL SECTION
P5 SCALE: 1.5"=10'-0"



2 SHEET PILE CAP SECTION
P5 SCALE: 1"=2'-6"

PURPOSE:
SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
POA-2010-423 (DREDGING)
POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
CITY OF KOTZEBUE

SHEET PILE WALL AND SECTION

NOT TO SCALE

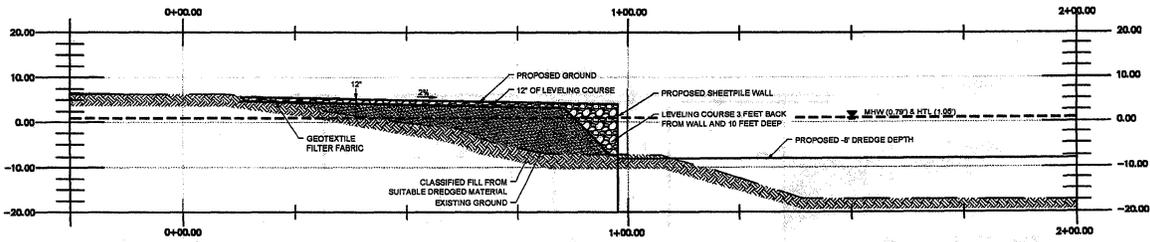
CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
POA-2010-423, SWAN LAKE

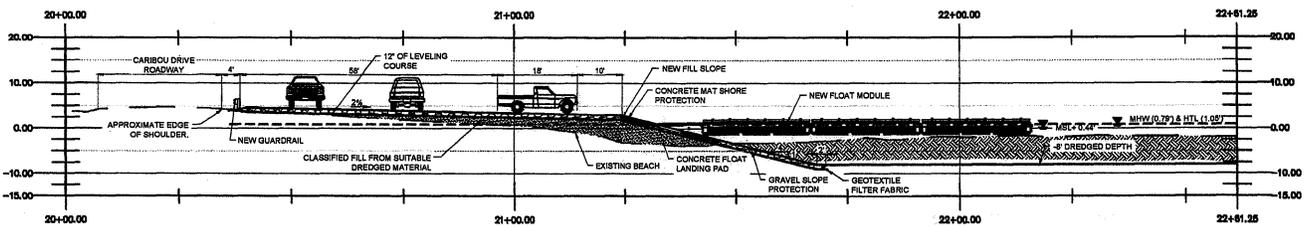
IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:

CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

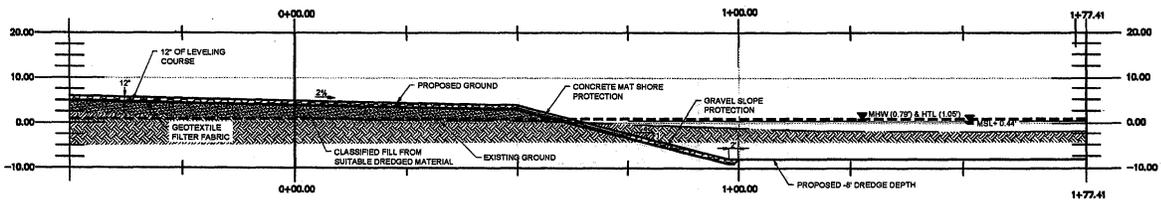
SHEET: 5 OF 10 DATE: 08/03/11



A PROFILE OF UPLANDS HEAVY LOADING AREA
 P6 SCALE: 1"=40'-0"



B PREFERRED ALTERNATIVE PROFILE OF UPLANDS AND FLOAT
 P6 SCALE: 1"=40'-0"



C PROFILE OF TYPICAL SLOPE FROM UPLANDS INTO HARBOR
 P6 SCALE: 1"=40'-0"

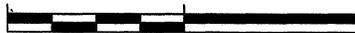
PURPOSE:
 SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
 POA-2010-423 (DREDGING)
 POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
 CITY OF KOTZEBUE

**PROFILE
 UPLANDS AND FLOAT**



SCALE: 1" = 40'

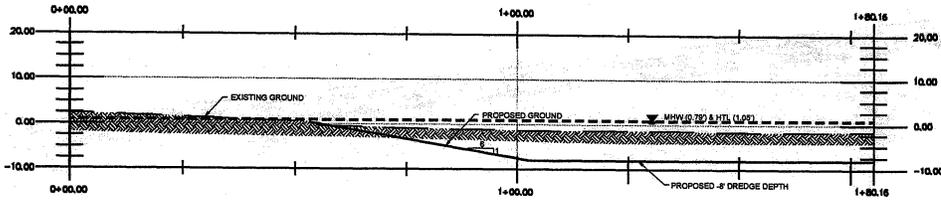
CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
 POA-2010-423, SWAN LAKE

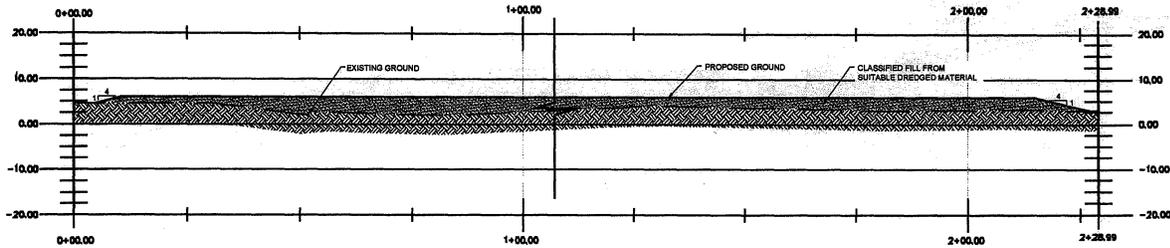
IN: KOTZEBUE
 AT: SWAN LAKE
 APPLICATION BY:

CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

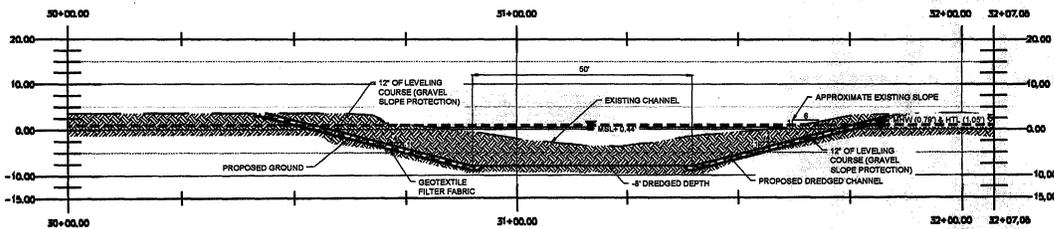
SHEET: 6 OF 10 DATE: 08/03/11



D PROFILE OF TYPICAL BEACH SLOPE
 P7 SCALE: 1"=40'-0"



E PROFILE OF UPLANDS BALLFIELD AREA
 P7 SCALE: 1"=40'-0"



F PROFILE OF ENTRANCE CHANNEL
 P7 SCALE: 1"=40'-0"

PURPOSE:
 SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
 POA-2010-423 (DREDGING)
 POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
 CITY OF KOTZEBUE

**PROFILE
 UPLANDS, BEACH & CHANNEL**



SCALE: 1" = 40'

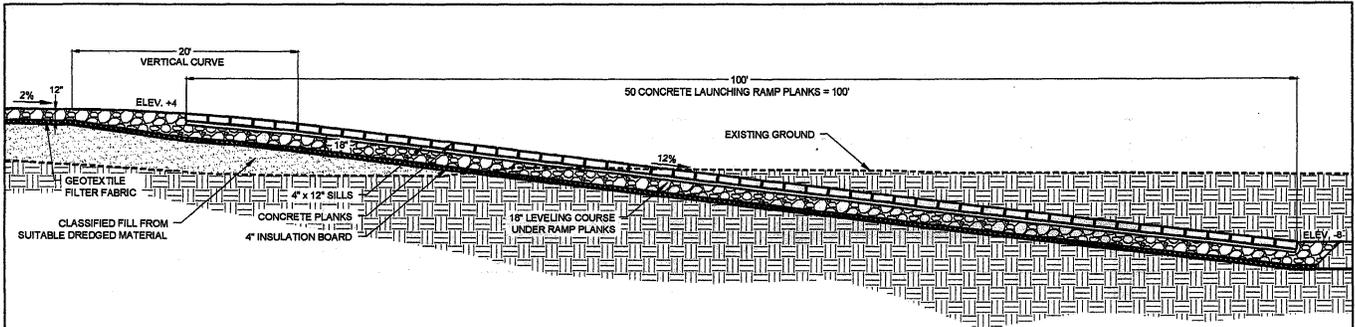
CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
 POA-2010-423, SWAN LAKE

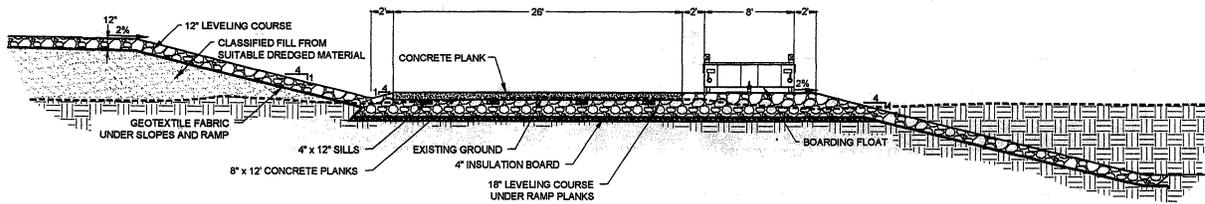
IN: KOTZEBUE
 AT: SWAN LAKE
 APPLICATION BY:

CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

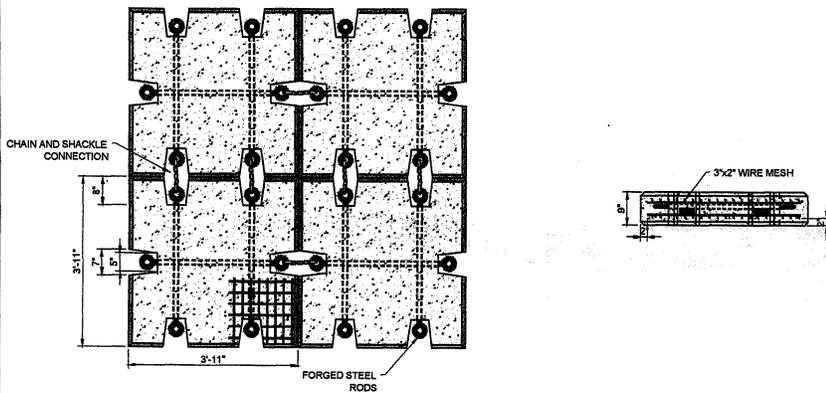
SHEET: 7 OF 10 DATE: 08/03/11



G RAMP PROFILE
P8 SCALE: NOT TO SCALE



H RAMP SECTION
P8 SCALE: NOT TO SCALE



I CONCRETE MAT SHORE PROTECTION
P8 SCALE: NOT TO SCALE

PURPOSE:
 SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
 POA-2010-423 (DREDGING)
 POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'
 PROPERTY OWNERS:
 CITY OF KOTZEBUE

BOAT LAUNCH RAMP



SCALE: N.T.S.

CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR

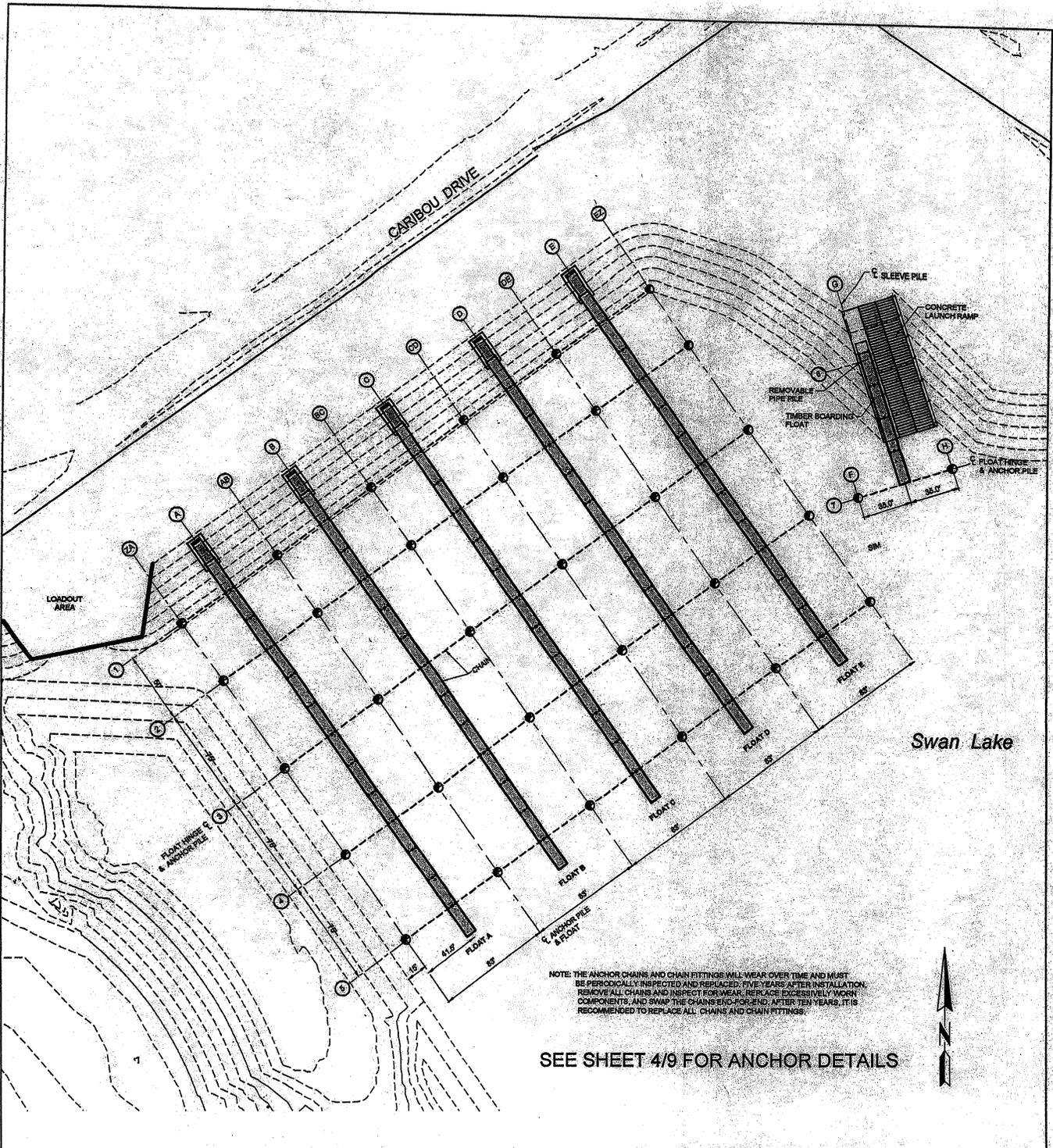
POA-2010-423, SWAN LAKE

IN: KOTZEBUE
 AT: SWAN LAKE

APPLICATION BY:
 CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SHEET: 8 OF 10 DATE: 08/05/11

JOB NO.: 26220918 REV.: 1



PURPOSE:
SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
POA-2010-423 (DREDGING)
POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
CITY OF KOTZEBUE

FLOAT ANCHOR LAYOUT

100 0 100
SCALE: 1" = 100'

CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
POA-2010-423, SWAN LAKE

IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:
CITY OF KOTZEBUE
POST OFFICE 46
KOTZEBUE, ALASKA 99752

SHEET: 9 OF 9/10 DATE: 08/03/11



PURPOSE:
 SWAN LAKE FACILITY IMPROVEMENT

EXISTING PERMIT:
 POA-2010-423 (DREDGING)
 POA-2009-86 (FILL AREA)

DATUM: M.L.L.W. = 0.0'

PROPERTY OWNERS:
 CITY OF KOTZEBUE

MAINTENANCE DREDGE LIMITS



SCALE: 1" = 250'

CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SWAN LAKE SMALL BOAT HARBOR
 POA-2010-423, SWAN LAKE

IN: KOTZEBUE
AT: SWAN LAKE
APPLICATION BY:

CITY OF KOTZEBUE
 POST OFFICE 46
 KOTZEBUE, ALASKA 99752

SHEET: 10 OF 10 **DATE:** 08/12/11

Applicant: City of Kotzebue		File Number:POA-2010-423	Date: November 9, 2011
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

THIS REQUEST FOR APPEAL FORM MUST BE RECEIVED BY: JANUARY 9, 2012

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 (JD): 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.

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.

In order for a Request For Appeal to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the Notice of Appeal Process. It is not necessary to submit a Request For Appeal form to the Division office if you do not object to the decision.

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

John Klutz PM
Alaska District Corps of Engineers
CEPOA-RD-N
P.O. Box 6898
JBER, AK 99506-0898
(907) 753-5553
(800) 478-2712 (toll free in AK)

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

Commander
USAED, Pacific Ocean Division
ATTN: CEPOD-PDC/Thom Litche
Building 525
Fort Shafter, HI 96858-5440

To submit this form, mail to the address above

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: