

City of Kodiak
Pier II Anode Replacements PN 21-13/8534
Addendum No. 1
August 16, 2022

The following change(s) and/or clarification(s) are made to the Plan and Specification Documents of Invitation to Bid for the Pier II Anode Replacements PN 21-13/8534:

1. **Invitation to Bid** – change the following:

- a) Sealed Bids for the Pier II Anode Replacements PN 21-13/8534 will be received by the City of Kodiak at the office of the City Manager, 710 Mill Bay Road, Room 114, Kodiak, Alaska 99615 until 2:00 p.m. AKDT on **Tuesday August 23, 2022** and then publicly opened and read aloud in the City's Conference Room.

2. **Instruction to Bidders** – 3.A, change the following:

To be Opened: 2:00 p.m. AKDT on Tuesday August 23, 2022

3. **Bid Form** – Page 2 of 2, change the following:

To be Opened: 2:00 p.m. AKDT on Tuesday August 23, 2022

4. **Supplementary Conditions** - add the following:

- a) Reference post-installation inspection email from Derrick Honrud dated 8/2/22 with two (2) attachments
- b) The City will make available approximately 300 SF of contractor staging at west end of Pier II.
- c) USACE permit POA-1988-0052 and supporting documents attached

5. **Drawings** – Add the following: Replace sheet 5 of 7 with attached 5 of 7 REV1 dated 8/22/22 (1 page)

6. **Answers to the following Questions:**

- a) Question: Can you confirm that the UW welds DO NOT need to be inspected by an AWS inspector? Only Topside welds?

Answer: [The underwater welds are not required to be inspected by a CWI, only the above-water welds.](#)

- b) Question: A Post Inspection is being asked for in Plans PAGE 3 OF 7, GENERAL NOTES 3.8. Language in this section indicates that a swim-by visual inspection of the dock is required, with CP and UT readings at locations provided by the engineer. Can you quantify this inspection criteria, the number of data points of each type required and location?

Answer: [See email referenced in #4 Supplementary Conditions, Item A. for further clarification and UT/CP inspection schedules.](#)

- c) Question: The contract states that work must keep impact to operation of the dock to a minimum, what is the level of traffic at the facility and are there regular ship/vessel days during the week in which the dock is full and not accessible?

Answer: There are no historical regards of levels of traffic. However, the following guidance is the Harbormaster Office. Avoid late spring because we get a lot of folks changing out bait sheds, pots, seines, etc. on pier 2, but aside from that there aren't any days of the week that are substantially busier than others.

- d) Question: Due to the volatility of the aluminum market, anode suppliers are not holding pricing for more than 24 hrs. In order to provide the best price to the City and not overinflate material pricing, will the City consider a change order for increased material prices after NTP is given?

- a. If not a change order, is a limited NTP to secure anode pricing a potential, after notice of award, but before final city council approval and Final NTP? N/A

Answer: Yes. However, the City will not allow the Cost of the Work for any Change Order based on such a claim to include a fee for overhead and profit under Paragraphs 12.01(B)(3) or 12.01(C). Changes in contract price are addressed in Article 12 of the City of Kodiak Standard General Conditions of the Construction Contract in the Standard Construction Specifications and Standard Details 2012 Edition available on the City of Kodiak website at <https://www.city.kodiak.ak.us/engineering>.

- e) Question: Are UT readings required as stated in section 3.8 of the plan document?

Answer: Yes, UT readings shall be conducted at the locations indicated on the attached forms.

- f) Question: Is the post installation inspection (section 3.8) required after each anode is installed or upon completion of all welding operations?

Answer: These can be done all at once at the end of the project or just after installation at the contractor's preference.

End of Addendum No. 1

From: Derrick Honrud <DHonrud@pndengineers.com>
Sent: Tuesday, August 2, 2022 11:33 AM
To: Holmstrom, Matthew <mholmstrom@city.kodiak.ak.us>
Cc: Bryan Hudson <BHudson@pndengineers.com>; Doug Kenley <DKenley@pndengineers.com>
Subject: Pier II Anode Replacement Post-Install Inspection

EXTERNAL EMAIL: ***** If sender is unknown or email is unexpected, do not click on attachments/links.*****

Matt,

Attached are UT thickness and CP testing schedules that clarify the scope for the post-installation inspection. The attached schedules can be used by the Contractor for recording of data, or they can produce their own forms. Also attached is a revised Sheet 5 of 7 that includes grid designations for the catwalk support piles, approach dock, and breasting dolphins off the west end of the Pier II Expansion structure. Further clarification is provided below.

UT Thickness Measurements:

- Measurements shall be taken at the pile locations indicated on the UT Schedule.
- Measurements shall be taken at four (4) quadrant locations around each pile.
- Measurements shall be taken near the top of the pile, splash zone, intertidal zone, submerged zone, and near the mudline (up to five zones depending on mudline elevation).

CP Readings:

- Readings shall be taken at the pile locations indicated on the CP Schedule.
- Readings shall be taken on all piles where anodes are installed, including dock support piles, fender piles/sleeves, mooring bollard piles, catwalk support piles, approach dock piles, and breasting dolphin piles. In addition, measurements shall be taken (for information only) on all piles in Grid Row B.
- Readings shall be taken just below the waterline and at 5-ft increments to the mudline.

General Visual Inspection:

- General visual inspection shall be conducted on all piles where anodes are installed, similar to those for the CP Readings, including Grid Row B.

Let us know if you have any questions or comments, or need anything further on this.

Best regards,

Derrick D. Honrud, P.E., S.E. | Senior Engineer
P|N|D Engineers, Inc.
1506 W. 36th Ave. • Anchorage, AK 99503
p. 907.561.10 • f. 907.563.4220 • c. 907.301.0747
dhonrud@pndengineers.com | www.pndengineers.com

If you are not the intended recipient, please notify the sender immediately and delete this e-mail from your system.

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
1B												
1C												
1D												
2B												
2C												
2D												
3B												
3C												
3D												
4B												
4C												
4D												
5B												
5C												
5D												
6B												
6C												
6D												
7B												
7C												
7D												
8B												

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
DESIGNATION	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
8C												
8D												
9B												
9C												
9D												
10B												
10C												
10D												
11B												
11C												
11D												
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12C												
12D												
13B												
13C												
13D												
14B												
14C												
14D												
15B												
15C												

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
15D												
16B												
16C												
16D												
17B												
17C												
17D												
18B												
18C												
18D												
19B												
19C												
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20B												
20C												
20D												
21B												
21C												
21D												
22B												
22C												
22D												

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
23B												
23C												
23D												
24B												
24C												
24D												
25B												
25C												
25D												
26B												
26C												
26D												
27B												
27C												
27D												
1.5-W (FP)												
1.5-E (FP)												
2.5 (MBP)												
3.5-W (FP)												
3.5-E (FP)												
4.5 (MBP)												
6.0-W (FP)												

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
6.0-E (FP)												
7.0 (MBP)												
8.5-W (FP)												
8.5-E (FP)												
9.5 (MBP)												
10.5-W (FP)												
10.5-E (FP)												
11.5 (MBP)												
13.0-W (FP)												
13.0-E (FP)												
14.0 (MBP)												
15.5-W (FP)												
15.5-E (FP)												
16.5 (MBP)												
17.5-W (FP)												
17.5-E (FP)												
18.5 (MBP)												
20.0-W (FP)												
20.0-E (FP)												
21.0 (MBP)												
22.0-W (FP)												
22.0-E (FP)												

PIER II - RECONSTRUCTION (EAST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
23.5 (MBP)												
24.5-W (FP)												
24.5-E (FP)												
25.5 (MBP)												
27.0-W (FP)												
27.0-E (FP)												
27.5 (MBP)												
27.5 (MBP)												

INSPECTION DATE(S): _____

NOTES/COMMENTS: FP = Fender Pile; MBP = Mooring Bollard Pile.

PIER II - EXPANSION (WEST)												
PILE LOCATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
DESIGNATION	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
1B												
1C												
1D												
2B												
2C												
2D												
3B												
3C												
3D												
4B												
4C												
4D												
5B												
5C												
5D												
6B												
6C												
6D												
7B												
7C												
7D												
8B												

PIER II - EXPANSION (WEST)												
PILE LOCATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
DESIGNATION	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
8C												
8D												
9B												
9C												
9D												
10B												
10C												
10D												
11B												
11C												
11D												
12B												
12C												
12D												
13B												
13C												
13D												
14B												
14C												
14D												
15B												
15C												

PIER II - EXPANSION (WEST)												
PILE LOCATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
DESIGNATION	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
15D												
16B												
16C												
16D												
17B												
17C												
17D												
18B												
18C												
18D												
19B												
19C												
19D												
20B												
20C												
20D												
21B												
21C												
21D												
1.5-W (FP)												
1.5-E (FP)												
3.0-W (FP)												

PIER II - EXPANSION (WEST)												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
3.0-E (FP)												
5.0-W (FP)												
5.0-E (FP)												
7.0-W (FP)												
7.0-E (FP)												
9.0-W (FP)												
9.0-E (FP)												
11.0-W (FP)												
11.0-E (FP)												
13.0-W (FP)												
13.0-E (FP)												
15.0-W (FP)												
15.0-E (FP)												
17.0-W (FP)												
17.0-E (FP)												
19.0-W (FP)												
19.0-E (FP)												

INSPECTION DATE(S): _____

NOTES/COMMENTS: FP = Fender Pile.

PIER II - APPROACH DOCK, CATWALKS, & DOLPHINS												
PILE LOCATION DESIGNATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
22C (CS)												
24C (CS)												
23B-W (AD)												
23B-E (AD)												
23C-W (AD)												
23C-E (AD)												
23D-W (AD)												
23D-E (AD)												
22D-V (BD)												
22D-B-W (BD)												
22D-B-E (BD)												
23D-V (BD)												
23D-B-W (BD)												
23D-B-E (BD)												
24D-V (BD)												
24D-B-W (BD)												
24D-B-E (BD)												
22-W (FP)												
22-E (FP)												
23-W (FP)												
23-E (FP)												

PIER II - APPROACH DOCK, CATWALKS, & DOLPHINS												
PILE LOCATION	CATHODIC POTENTIAL READINGS (mV Ag/AgCl)											
DESIGNATION	WL	WL -5'	WL -10'	WL -15'	WL -20'	WL -25'	WL -30'	ML				
24-W (FP)												
24-E (FP)												

INSPECTION DATE(S): _____

NOTES/COMMENTS: CS = Catwalk Support; AD = Approach Dock; BD = Breasting Dolphin; FP = Fender Pile.

PIER II - RECONSTRUCTION (EAST)																			
PILE LOCATION	UT MEASUREMENT (INCHES)																		
	TOP				SPLASH ZONE				INTERTIDAL ZONE				SUBMERGED ZONE				MUDLINE		
1B																			
1C																			
1D																			
6B																			
6C																			
6D																			
10B																			
10C																			
10D																			
15B																			
15C																			
15D																			
21B																			
21C																			
21D																			
27B																			
27C																			
27D																			

INSPECTION DATE(S): _____

NOTES/COMMENTS: _____

PIER II - EXPANSION (WEST)																				
PILE LOCATION	UT MEASUREMENT (INCHES)																			
	TOP				SPLASH ZONE				INTERTIDAL ZONE				SUBMERGED ZONE				MUDLINE			
1B																				
1C																				
1D																				
5B																				
5C																				
5D																				
10B																				
10C																				
10D																				
15B																				
15C																				
15D																				
20B																				
20C																				
20D																				

INSPECTION DATE(S): _____

NOTES/COMMENTS: _____

PIER II - APPROACH DOCK, CATWALKS, & DOLPHINS																				
PILE LOCATION	UT MEASUREMENT (INCHES)																			
	TOP				SPLASH ZONE				INTERTIDAL ZONE				SUBMERGED ZONE				MUDLINE			
22C (CS)																				
24C (CS)																				
23B-W (AD)																				
23B-E (AD)																				
23C-W (AD)																				
23C-E (AD)																				
23D-W (AD)																				
23D-E (AD)																				
22D-V (BD)																				
22D-B-W (BD)																				
22D-B-E (BD)																				
24D-V (BD)																				
24D-B-W (BD)																				
24D-B-E (BD)																				

INSPECTION DATE(S): _____

NOTES/COMMENTS: CS = Catwalk Support; AD = Approach Dock; BD = Breasting Dolphin.



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
44669 STERLING HIGHWAY, SUITE B
SOLDOTNA, AK 99669-7915

October 20, 2021

Regulatory Division
POA-1988-00521

City of Kodiak
Attention: Mr. Matt Holmstrom
2410 Mill Bay Road
Kodiak, Alaska 99615

Dear Mr. Holmstrom:

This is in response to your August 24, 2021, application for a Department of the Army (DA) permit, submitted on your behalf by PND Engineers, Inc., to replace/install up to 310 aluminum-alloy, weld-on anodes for steel support piles over, and below, the mean high water mark (7.9 foot above the 0.0-foot contour) of St. Paul Harbor, a navigable water of the United States (U.S.), at Kodiak Pier II – Fisherman's Terminal. Work will be performed by certified divers. No discharge of fill material will occur. It has been assigned file number POA-1988-00521, St. Paul Harbor, which should be referred to in all future correspondence with this office. The project site is located within Section 6, T. 28 S., R. 19 W., Seward Meridian; USGS Quad Map Kodiak C-2; Latitude 57.7837° N., Longitude 152.4271° W.; Kodiak Island Borough; 727 Shelikof Street, in Kodiak, Alaska.

DA authorization is necessary because your project will involve work in and placement of structures into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated October 8, 2021, is authorized by Nationwide Permit (NWP) No. 3, Maintenance. Enclosed is a copy of the NWP No. 3, as well as the Regional and General Conditions. These documents are also available on our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits. Regional Condition E applies to your project. You must comply with all terms and conditions associated with NWP No. 3.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to our office.

Unless this NWP is modified or revoked, it expires on March 18, 2022. If you commence or are under contract to commence this activity before the date that the 2017 NWPs are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWPs to complete the activity under the present terms and conditions of these nationwide permits. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at: Jen.L.Martin@usace.army.mil, by mail at the address above or by phone at (907) 753-2730, if you have questions. For more information about the Regulatory Program, please visit our website at: www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



Jen Martin
Project Manager

Enclosures

cc:

ADEC
ADEC
AK DF&G-DH
AK DF&G-DH
AK DF&G
AK DNR-DMLW
AK DNR-SHPO
EPA
NMFS
USFWS, Anchorage
U.S. Coast Guard
Agent
Applicant

james.rypkema@alaska.gov
Teri.buck@alaska.gov
megan.marie@alaska.gov
ronald.benkert@alaska.gov
dfg.dcf.aquaticfarming@alaska.gov
Clifford.larson@alaska.gov
oha.revcomp@alaska.gov
LaCroix.Matthew@epa.gov
nmfs.akr.habitat@noaa.gov
FW7_POANotices@fws.gov
Anchorage.Waterways@uscg.mil
bhughes@pndengineers.com
mholmstrom@city.kodiak.ak.us

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-1988-00521

Name of Permittee: City of Kodiak

Date of Issuance: October 20, 2021

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Jen Martin at: Jen.L.Martin@usace.army.mil, or the following address:

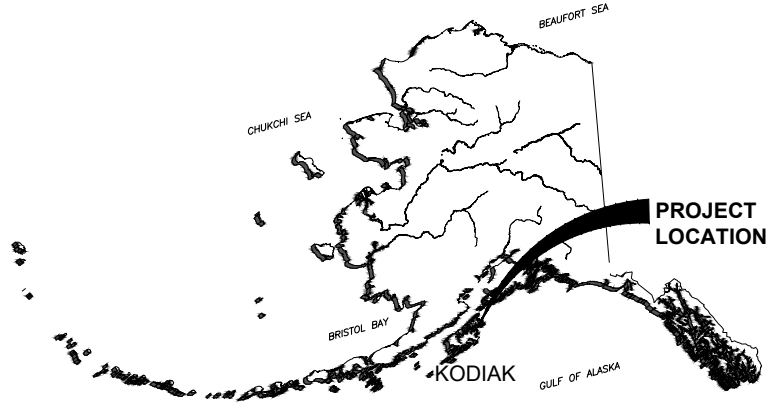
U.S. Army Corps of Engineers
Alaska District
Regulatory Division
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



STATE OF ALASKA



PROJECT VICINITY

SCOPE OF WORK:
 INSTALL UP TO (380) ALUMINUM ANODES
 ON (173) INDIVIDUAL PILES BELOW MLLW.

TIDAL DATUMS:
 HTL EL +11.5'
 MHW EL + 7.9'
 MLLW EL 0.0'

PURPOSE:
 REPLACE/INSTALL ANODES
 ON STEEL SUPPORT PILES.

VERT DATUM: MLLW = 0.0'
 GRID: S6 T28S R19W SM
 COORD: 57.7837°N, -152.4271°W

LOCATION PLAN

APPLICANT:
 CITY OF KODIAK
 2410 MILL BAY RD
 KODIAK, AK 99615

**KODIAK PIER II
 ANODE REPLACEMENT**

FILE No: POA- 1988-00521

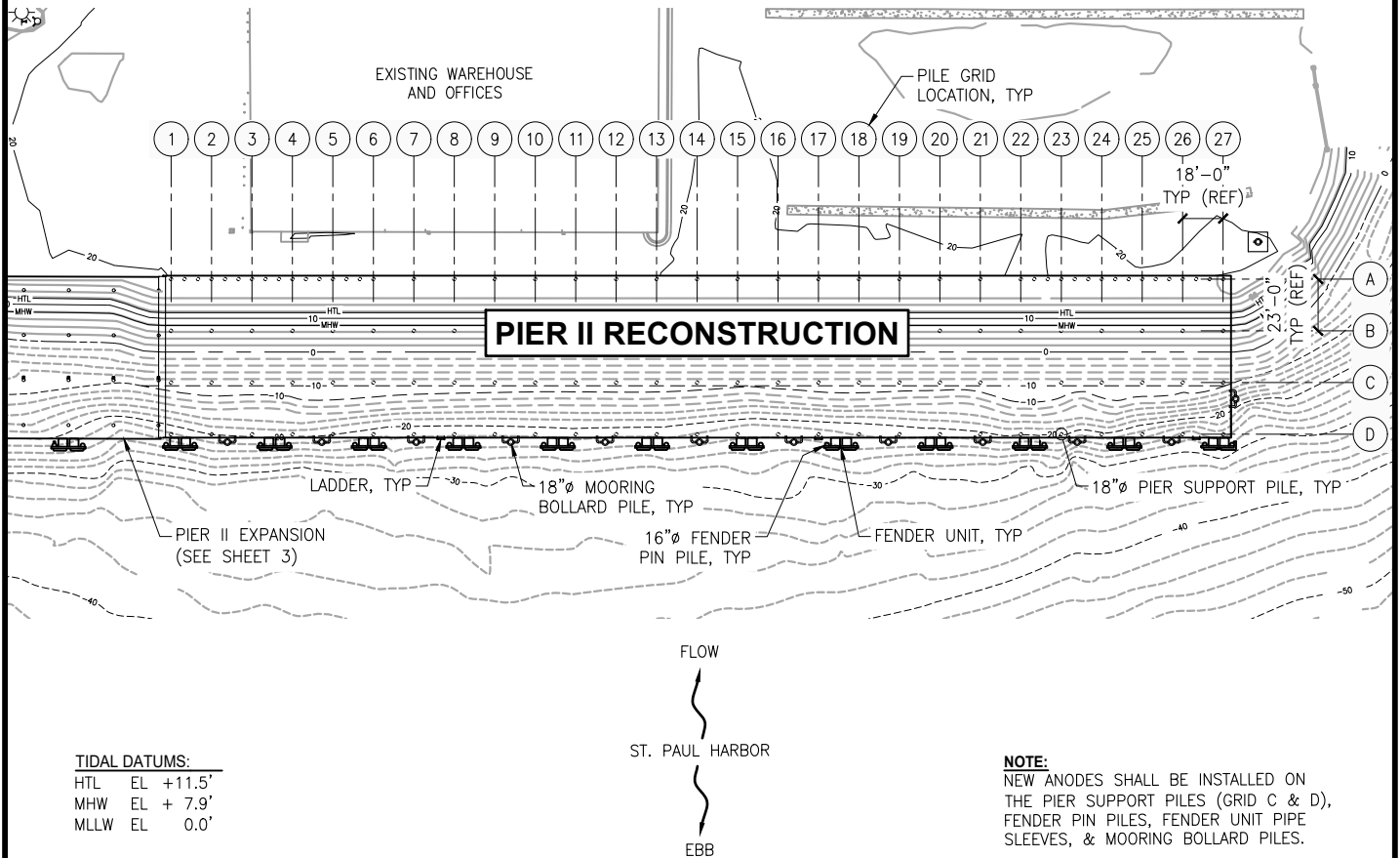
AT: KODIAK, AK
 IN: ST PAUL HARBOR

10/08/2021 SHEET **1** of **4**



0 250 500 1000 1500 FT

NOTE:
PIER II RECONSTRUCTION STRUCTURE
WAS CONSTRUCTED IN 2005.



TIDAL DATUMS:

HTL EL +11.5'
MHW EL + 7.9'
MLLW EL 0.0'

NOTE:

NEW ANODES SHALL BE INSTALLED ON THE PIER SUPPORT PILES (GRID C & D), FENDER PIN PILES, FENDER UNIT PIPE SLEEVES, & MOORING BOLLARD PILES.

PURPOSE:

REPLACE/INSTALL ANODES
ON STEEL SUPPORT PILES.

SITE PLAN EAST

APPLICANT:

CITY OF KODIAK
2410 MILL BAY RD
KODIAK, AK 99615

**KODIAK PIER II
ANODE REPLACEMENT**

FILE No: POA-1988-00521

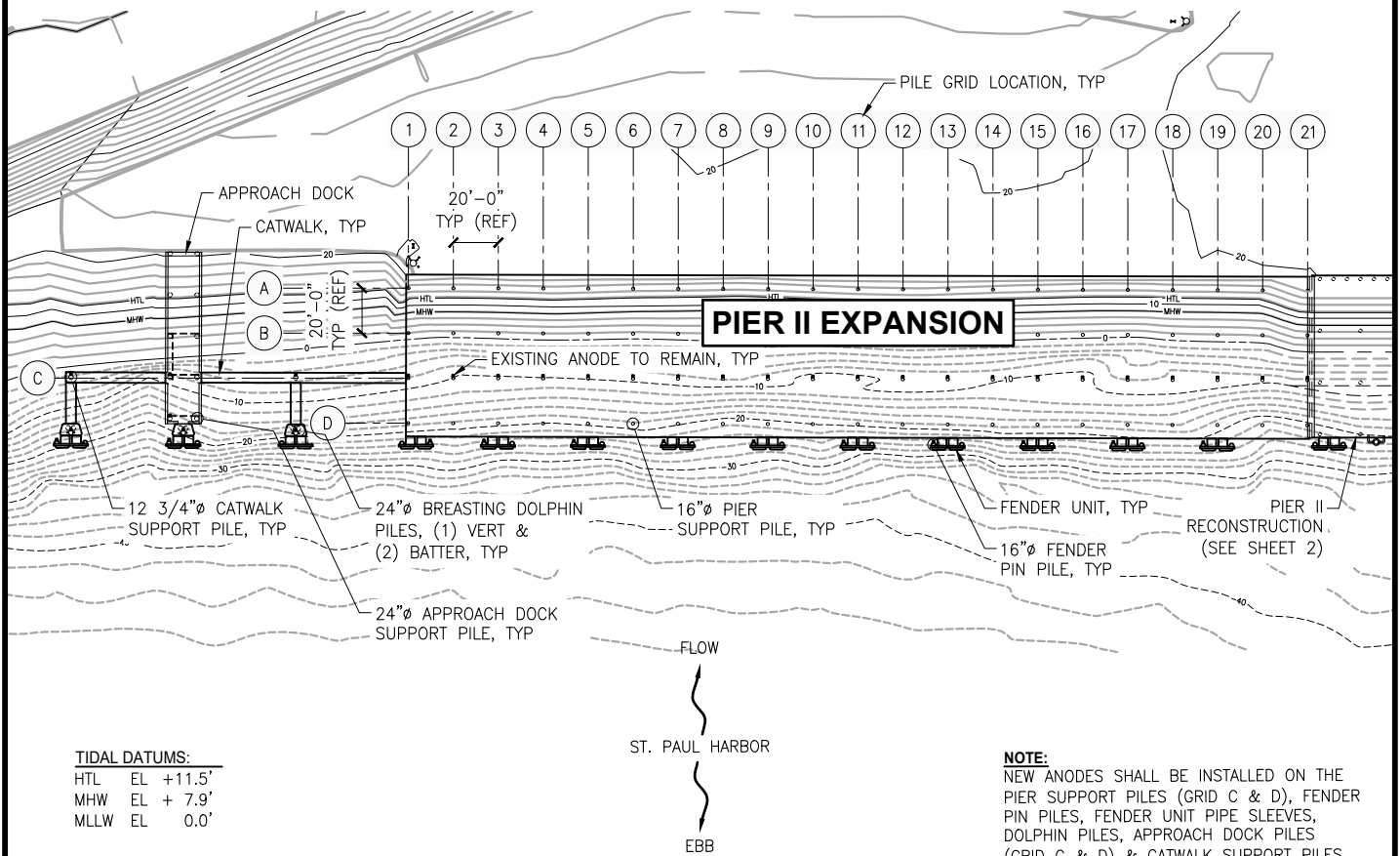
AT: KODIAK, AK
IN: ST PAUL HARBOR

10/08/2021 SHEET **2** of **4**



0 250 500 1000 1500 FT

NOTE:
PIER II EXPANSION STRUCTURE (INCLUDING
APPROACH DOCK, DOLPHINS, & CATWALKS)
WAS CONSTRUCTED IN 1988.



PURPOSE:
REPLACE/INSTALL ANODES
ON STEEL SUPPORT PILES.

VERT DATUM: MLLW = 0.0'
GRID: S6 T28S R19W SM
COORD: 57.7837°N, -152.4271°W

SITE PLAN WEST

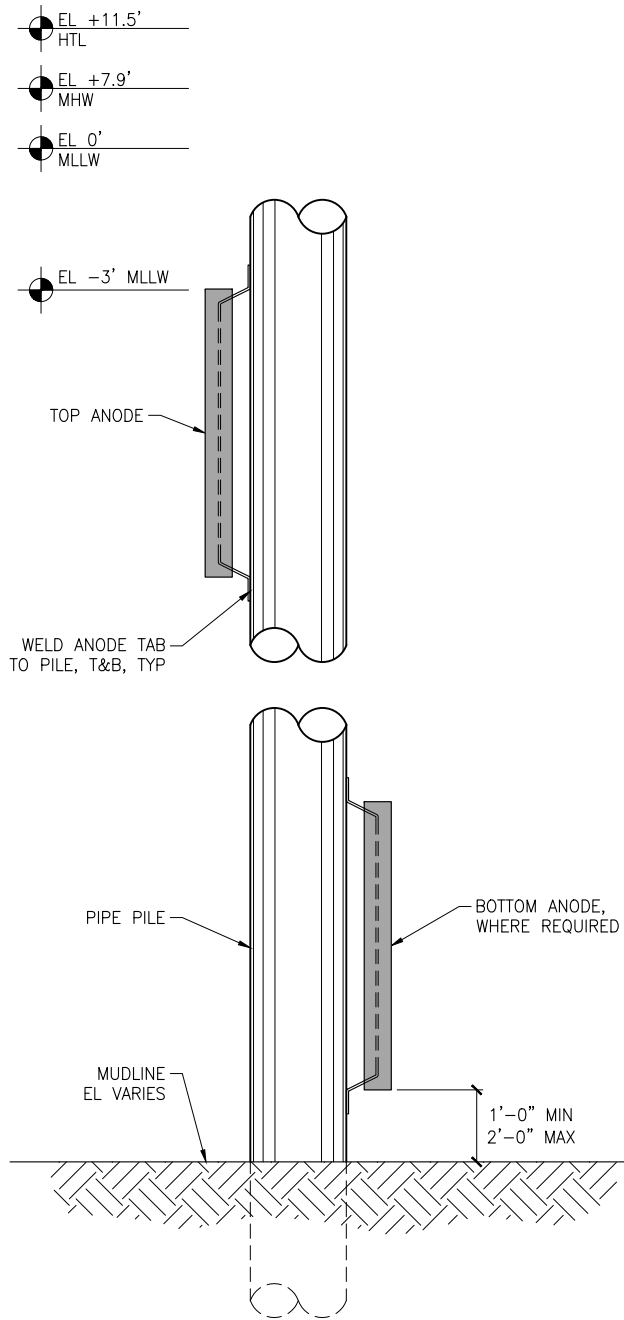
APPLICANT:
CITY OF KODIAK
2410 MILL BAY RD
KODIAK, AK 99615

KODIAK PIER II ANODE REPLACEMENT

FILE No: POA-1988-00521

AT: KODIAK, AK
IN: ST PAUL HARBOR

10/08/2021 SHEET **3** of **4**



PURPOSE:
 REPLACE/INSTALL ANODES
 ON STEEL SUPPORT PILES.

VERT DATUM: MLLW = 0.0'
 GRID: S6 T28S R19W SM
 COORD: 57.7837°N, -152.4271°W

ANODE DETAIL

APPLICANT:
 CITY OF KODIAK
 2410 MILL BAY RD
 KODIAK, AK 99615

**KODIAK PIER II
 ANODE REPLACEMENT**

FILE No: POA- 1988-00521

AT: KODIAK, AK
 IN: ST PAUL HARBOR

10/08/2021 SHEET **4** of **4**

Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional Case-By-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has

been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation

- a) No activity may cause more than a minimal adverse effect on navigation.
- b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- c) 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.

2. Aquatic Life Movements

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas

Activities in waters of the United States that serve as breeding areas for

migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers

- a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
- b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction

notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

- c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights

No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species

- a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.
- b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre- construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

- c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
- d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species- specific permit conditions to the NWP.
- e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
- f) If the non-federal permittee has a valid ESA section 10(a) (1) (B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a) (1) (B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA

section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a) (1) (B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a) (1) (B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

- g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> or [http:// www.fws.gov/ipac](http://www.fws.gov/ipac) and [http:// www.nmfs.noaa.gov/pr/species/esa/](http://www.nmfs.noaa.gov/pr/species/esa/) respectively.

19. Migratory Birds and Bald and Golden Eagles

The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties

- a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
- b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.
- c) The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The

respective federal agency is responsible for fulfilling its obligation to comply with section 106.

- d) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.
- e) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until

section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

- f) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

- a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43,

44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

- b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

- a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
- b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
- c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
- d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e) (3)).
- e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or

enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

- f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
- 1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b) (2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.
 - 2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).
 - 3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.
 - 4) If permittee-responsible mitigation is the proposed option, the

prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

- 5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
- 6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).
- g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of $\frac{1}{2}$ -acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than $\frac{1}{2}$ - acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.
- h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee- responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.
- i) Where certain functions and services of waters of the United States are

permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the

NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee

secured the appropriate number and resource type of credits; and

- c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States

If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b) (10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification

- a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:
 - 1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
 - 2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general

condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWP 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- 1) Name, address and telephone numbers of the prospective permittee;
- 2) Location of the proposed activity;
- 3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- 4) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district

engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

- 5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- 6) If the proposed activity will result in the loss of greater than $\frac{1}{10}$ -acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- 7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- 8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined

to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

- 9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and
 - 10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.
- c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b) (1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.
- d) Agency Coordination:
- 1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.
 - 2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2 - acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed;

(iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

- 3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre- construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.
- 4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.
- 5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre- construction notifications to expedite agency coordination.

3. Maintenance

- a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.
- b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.
- c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.
- d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre- construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.

REGIONAL CONDITION A - Additional Pre-Construction Notification (PCN) Requirements¹

1. NWP 13, Bank Stabilization: In addition to the PCN requirements specified by NWP 13, a PCN is required for proposed bank stabilization projects in fresh water when the proposed methods and techniques are not included in Streambank Revegetation and Protection: A Guide for Alaska Revised 2005 (Walter, Hughes and Moore, April 2005) (Guide) or its future revisions.

The Guide is available at

<http://www.adfa.alaska.gov/index.cfm?adfg=streambankprotection.main>

Applicants proposing bank stabilization projects in fresh water using methods and techniques not contained in the Guide must include an alternatives analysis in the PCN. The alternatives analysis must identify the bioengineered methods and techniques that were considered and provide a rationale as to why those methods or techniques were not included in the applicant's preferred alternative. Applicants who must submit a PCN due to their proposed use of a design that does not include methods or techniques from the Guide are encouraged to include measures that minimize impacts to the aquatic environment including methods that improve fish habitat such as vegetated riprap.

2. Proposed projects that qualify for NWPs 12, 13, 14 and 18 within the Municipality of Anchorage require a PCN

¹ Where required by the terms of the NWP or Regional Condition A, a prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. See General Condition 32 of the NWPs for the contents of the PCN or visit www.poa.usace.army.mil/reg/NWPs.

REGIONAL CONDITION B - General Permit Agency Coordination

The Corps shall coordinate with applicable federal and state agencies, local governments, and federally recognized tribal governments when proposed projects are located within high value wetlands (as determined by a local government mapping effort), within an anadromous stream or lake, or within 500 feet of an anadromous stream or lake. When coordination is required under another federal act, the Corps will coordinate solely with the state or federal agency responsible for the act. The Agency will have 10 days to provide comment, and may request an extension to this time of up to 15 days (for a total of 25 days).

REGIONAL CONDITION C - Activities Involving Trenching

Trenches may not be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). Ditch plugs or other methods shall be used to prevent this situation.

Except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess materials shall be removed to a non-wetland location. The backfilled trench shall achieve the pre-construction elevation, within a year of disturbance unless climatic conditions warrant additional time. The additional time must be approved by the Corps.

Excavated material temporarily sidecast into wetlands shall be underlain with geotextile, ice pads, or similar material, to allow for removal of the temporary material to the maximum extent practicable.

Revegetation of the trench should follow the process outlined in Regional Condition D.

REGIONAL CONDITION D - Site Restoration for Projects with Ground Disturbing Activities

To prevent erosion, disturbed areas shall be stabilized immediately after construction. Revegetation of the site shall begin as soon as site conditions allow and in the same growing season as the disturbance unless climatic conditions warrant additional time. Additional time must be approved by the Corps. Native vegetation and topsoils removed for project construction shall be stockpiled separately and used for site rehabilitation. Except in areas of top soil excavation, excavated soils shall be sorted into mineral subsoils and topsoil, and stored separately. Topsoil is defined as the upper, outermost layer of soil, usually the top two (2) to eight (8) inches. The depth of topsoil can be measured as the depth from the surface to the first densely packed layer of soil. When backfilling, topsoil shall be placed as the uppermost layer to provide a seed bed for native species. If topsoil and/or organic materials are not available from the project site for rehabilitation, other locally-obtained native materials may be used. Topsoil or organic materials (including seed) other than those that are from the project site or locally-obtained may be used only if those materials were identified in the PCN and approved in the NWP verification. Species to be used for seeding and planting shall follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state.

REGIONAL CONDITION E - Delineation of Project Footprint

Prior to commencement of construction activities within waters of the U.S., the permittee shall clearly identify the permitted limits of disturbance at the project site with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.). The permittee shall properly maintain such identification until construction is complete and the soils have been stabilized. The permittee is prohibited from conducting any unauthorized Corps-regulated activity outside of the permitted limits of disturbance (as shown on the permit drawings).

REGIONAL CONDITION F - Maintenance of Hydrology Patterns

Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems and other measures to prevent ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.

REGIONAL CONDITION G - Relocation of Stream Beds

Relocated stream channels shall approximate the length, meander pattern, gradient, channel cross-section, substrate and flow velocity of the original stream channel. Relocated stream channels shall be designed and constructed to avoid excessive loss of flow through the bed or dewatering of the stream channel. The relocation of stream channels shall include establishment of an associated floodplain. The floodplain should be of similar dimension and form as the original.

REGIONAL CONDITIONS H and I APPLY TO SPECIFIC NWPs

REGIONAL CONDITION H - NWP 40 Agricultural Activities

The following activities are not authorized by NWP 40: a. Installation, placement, or construction of drain tiles, ditches, or levees; and b. Mechanized land clearing or land leveling in wetlands within 500 feet of an anadromous lake or an anadromous stream.

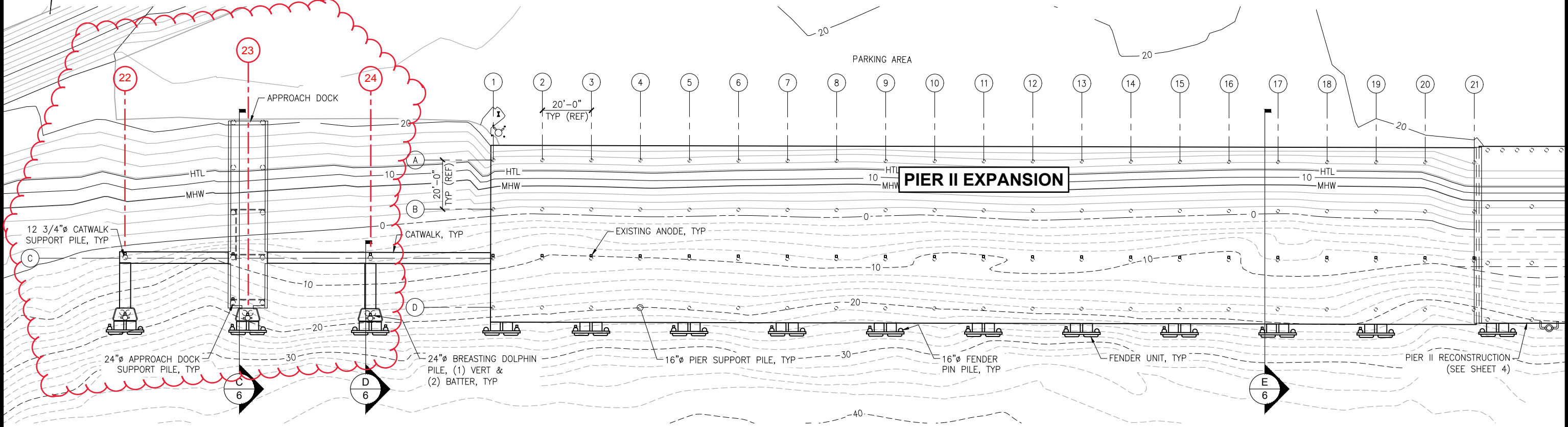
REGIONAL CONDITION I - NWP 44 Mining Activities

Placer mining activities are excluded from coverage by NWP 44 (Mining Activities). Placer mining may be authorized by Regional General Permit 2014-55. In Alaska, NWP 44 may only authorize the following activities:

1. Hard rock mining, not including trenching, drilling, or access road construction. Applicable to Section 404 only.
2. Temporary stockpiling of sand and gravel in waters of the U.S., limited to seasonally dewatered unvegetated sand/gravel bars. Stockpiles shall be completely removed and the area restored to pre-project contours within one year, in advance of seasonal ordinary high water events, or prior to equipment being removed from site, whichever occurs first.



REV. 1 - 8/2/22



ANODE SCHEDULE
PIER II EXPANSION (WEST)

LOCATION	PILE SIZE	ANODE SIZE	ANODES REQ'D PER PILE	QUANTITY
PIER SUPPORT PILES - GRID D	16" DIA	125 LBS	2	42
PIER SUPPORT PILES - GRID C	16" DIA	125 LBS	1	21
FENDER PIN PILES	16" DIA	125 LBS	2	52
FENDER PIPE SLEEVES	18" DIA	125 LBS	2	52
DOLPHIN PILES (VERT & BATTER)	24" DIA	125 LBS	2	18
APPROACH DOCK PILES - GRID D	24" DIA	125 LBS	2	4
APPROACH DOCK PILES - GRID C	24" DIA	125 LBS	1	2
CATWALK SUPPORT PILES	12.75" DIA	125 LBS	1	2
SPARE ANODES	-	125 LBS	-	5
TOTAL		125 LBS		198

SITE PLAN



NOTE:
ELEVATION CONTOURS (2-FT INTERVALS) SHOWN ARE FROM 2003 SURVEY & 2005 DESIGN FOR PIER II RECONSTRUCTION PROJECT. EXISTING CONTOURS MAY DIFFER.



CITY OF KODIAK
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ISSUED FOR BID
NOVEMBER 2021

PND Engineers, Inc. is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: _____

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CITY OF KODIAK
PIER II ANODE REPLACEMENT
SITE PLAN
PIER II EXPANSION (WEST)

DESIGNED BY: DDH DATE: 11/01/2021
CHECKED BY: BH PROJECT NO: 211091

SHEET NO: **5** OF 7