

HARZA-EBASCO
Susitna Joint Venture
Document Number

1363

Please Return To
DOCUMENT CONTROL

Record Copy

SUSITNA HYDROELECTRIC PROJECT

TASK 10

TASK 10.2
DESIGN TRANSMITTAL
INITIAL VERSION
PRELIMINARY LICENSING DOCUMENTATION
APRIL 1980

Prepared by:



ALASKA POWER AUTHORITY

ALASKA POWER AUTHORITY
SIJSITNA HYDROELECTRIC PROJECT

TASK 10.2
DESIGN TRANSMITTAL
INITIAL VERSION
PRELIMINARY LICENSING DOCUMENTATION

APRIL 1980

PREPARED BY Philip Korum (ACRES)

REVIEWED BY Peter H. Tuck (ACRES)

Charles A. Debelius (ACRES)

APPROVED BY J. J. Jaramore (ACRES)

ALASKA POWER AUTHORITY
SUSITNA HYDROELECTRIC PROJECT

TASK 10.2
DESIGN TRANSMITTAL
INITIAL VERSION
PRELIMINARY LICENSING DOCUMENTATION

APRIL 1980

PREPARED BY Philip Korum (ACRES)

REVIEWED BY Pete H. Tuck (ACRES)

Charles A. Debelius (ACRES)

APPROVED BY J. J. Hamrick (ACRES)

TABLE OF CONTENTS

List of Tables
List of Figures

	<u>Page</u>
1 - INTRODUCTION.....	1
2 - REGULATORY REQUIREMENTS.....	5
2.1 - General Requirements.....	5
2.1.1 - Federal.....	5
2.1.2 - State.....	6
2.1.3 - Local.....	6
2.2 - Water Power - FERC License.....	7
2.2.1 - FERC Process.....	10
2.2.2 - Application Content.....	11
2.2.3 - Coordination Requirements.....	11
2.2.4 - Public Meetings.....	32
2.2.5 - State Requirements.....	32
2.3 - Alaska Master Application.....	32
2.4 - Water Use Permits.....	37
2.4.1 - Corps of Engineers Permits.....	37
2.4.2 - Coastal Zone Management Program.....	39
2.4.3 - Water Rights.....	42
2.5 - Water Quality Permits.....	44
2.6 - Land Use.....	45
2.6.1 - Federal Lands.....	46
2.6.2 - State Lands.....	47
2.6.3 - Local Permitting.....	47
2.7 - Fish and Wildlife Permits.....	48
2.8 - Air Quality Permits.....	49
2.8.1 - Environmental Protection Agency.....	49
2.8.2 - State Permit to Operate.....	49
2.9 - Building Permits.....	50
2.9.1 - Dam Safety.....	50
2.9.2 - Building Check.....	51
2.9.3 - Transmission Line Towers.....	51
2.10- Other Permits.....	52
2.10.1 - Federal Permits.....	52
2.10.2 - State Permits.....	52
3 - IMPLEMENTATION PLAN.....	54

Appendix A
Appendix B
Appendix C

LIST OF TABLES

		<u>Page</u>
<u>Table</u>	<u>Title</u>	
1.1	Licenses, Permits and Certification Needed.....	3
2.1	FERC Application Contents.....	13
2.2	Required Permits - State of Alaska.....	36
2.3	Corps of Engineers Permits - Application Requirements.....	41

LIST OF FIGURES

<u>Figure</u>	<u>Title</u>	
2.1	FERC Licensing.....	12
2.2	State of Alaska - Master Permit Application Process.....	35
2.3	Corps of Engineers - Water Related Permits.....	40
3.1	Licensing Schedule.....	56
3.2	Prelicensing Activity Schedule.....	57

SECTION 1 - INTRODUCTION

Satisfying governmental regulatory requirements is a critical aspect of the development of any major project. Should a decision be made to implement the Susitna Hydroelectric Project (the "Project"), the licensing/permitting process will occupy the critical path towards project implementation for the first two to three years.

This design transmittal has been prepared under Subtask 10.02 of the Susitna Plan of Study. The objectives of the work which this document address are as follows:

- Identify all regulatory requirements for project implementation
- Identify data needs for the various applications requested
- Establish criteria for presentation of data, where applicable
- Identify responsibilities of study participants (tasks/subtasks) for preparation of application
- Document the post-application process
- Outline a plan for the licensing/permitting process

The purpose of this document is to serve as a management tool to ensure that the preparation and processing of applications will proceed in an orderly and efficient manner. Since the point at which the decision will be made to proceed with the project and initial submittal of license application will be made is more than two years away, the process may be substantially modified due to changes in regulatory procedure. Further changes may be necessary as features of the project become better identified. Thus, to maintain its usefulness, this document will also be updated periodically to reflect new laws, regulations and project developments.

At this time, many of the regulatory requirements for the project, particularly at the State level, are uncertain. As project alternatives, transmission corridors, and construction methods are selected, the particular need for and details of each permit will be more clearly established. However, it is already clear that there is a need for several critical permits including the Federal Energy Regulatory Commission (FERC) license, the U. S. Army Corps of Engineers permit, the State of Alaska Water Quality Certification, the Coastal Zone Consistency Certification, and an Anadromous Fish Protection Permit.

The licensing and permitting process may, to some degree, be divided into permitting to implement the project and permitting for the construction process. Obviously, there is overlap in many cases.

The FERC license, the local borough special use permit, and several state permits deal with the existence of the project. Other state permits and the remaining federal permits deal with the methods used to construct the project or the design criteria for specific structures. These generally require compliance with certain codes and standards, rather than a governmental decision regarding the desirability for and impacts of a project. The permits that require overall project approval have been addressed in greater detail in this report, since they are predictable at this stage of the project design study and require the greatest lead time for customized data development. A list of these licenses, permits, and certificates as predicted at this stage is shown on Table 1.1.

It is expected that there will be three major phases of submittals of application during implementation of the project. Initially, several permit applications will be submitted at the end of this study at the time of submittal of the FERC license application. Near the end of the FERC processing and decision period, a second group of State and Local permits will be submitted which will allow the actual construction activities to proceed. As the project nears completion, it is likely that submission of operating permit applications will also be necessary. In addition, during the construction process, it is foreseeable that many individual applications may be needed for construction personnel and processes. The latter type of permits will be acquired by the individual contractor as a normal aspect of their business. The anticipated requirements for licenses permits, and certifications based upon current regulations are listed in Table 1.1.

This report is organized so that similar types of regulatory requirements are grouped, such as those concerning air, water and building. Licenses and processes which encompass several interests such as the FERC license and the State Master Application process are discussed separately. This method of presentation was selected over that of grouping permits by level of government because it allows for an easier description of the interaction that may occur between the processes.

Section 3 of the report presents a tentative plan for license submittal and a schedule on which critical milestones are identified. Projected processing timeframes are predicted to establish the overall preconstruction licensing schedule.

There are three appendices to this transmittal. Appendix A includes a statement of FERC policy, regulations and criteria relevant to project development. Appendix B includes regulatory summaries and a copy of standard forms, where available, for key licenses. Appendix C is a list of the acronyms and abbreviations used in this text that refer to governmental agencies, processes, laws and regulations. It is intended as a reader's aid.

The report does not present requirements for filing fees associated with the various permits since the APA, as a state organization, will have no state filing fees. It is not expected that federal fees will exceed on the order of \$1,000.

Based upon the material contained within this transmittal, criteria will be provided to each of the task coordinators to ensure that materials prepared under their supervision are consistent with regulatory requirements. This latter activity will be performed as a portion of Subtask 10.04 -- Coordinate Exhibit Preparation within Major Task Categories.

Table 1.1

LIST OF PROJECT LICENSES, PERMITS AND CERTIFICATES

Federal

Federal Energy Regulatory License - Major Hydroelectric Project
Corps of Engineers Permits
Bureau of Land Management - Land Use
National Pollution Discharge Elimination System
Notice of Airspace Obstruction

State

Coastal Management Certificate of Consistency
Water Rights
Water Quality Certificate
Right-of-Way Easements (and other Land Use permits as identified)
Highway Encroachments
Anadromous Fish Protection
Dam Safety
Fire and Safety Plans Check
Burning Permits
Water and Sewer Plan Review

Local

Talkeetna Mountain Special Use District

SECTION 2 - REGULATORY REQUIREMENTS

2.1 - General Requirements

2.1.1 - Federal

The Susitna Hydroelectric Project will come under the direct regulatory interests of at least two Federal government agencies: the Department of Energy, through the Federal Energy Regulatory Commission (FERC) and the U.S. Army Corps of Engineers (Corps). In addition, certain aspects of the project may come under permitting actions administered by the Environmental Protection Agency (EPA), the Department of Transportation (DOT), Federal Railroad Administration (FRA), Federal Aviation Administration (FAA) and the Department of Interior, Bureau of Land Management (BLM). The projects will also come under the purview of other Federal agencies indirectly through coordination efforts and in the review of the FERC license and Corps permit applications.

The Corps requires permits for discharge of dredged or fill materials, or construction of structures or work in navigable waters of the United States. The Susitna River activities will fall under this jurisdiction.

The most significant regulatory requirement for development of the Susitna project will be the FERC license. The FERC is an independent commission which is administratively part of the Department of Energy. Its jurisdiction extends to the Project since it is a hydropower project involving Federal Lands. Commission jurisdiction may also apply where navigable waters and interstate commerce are involved, (which are, however, not well defined characteristics of the project). Undoubtedly, FERC will assume the role of the lead federal agency in the development of the Environmental Impact Statement (EIS). An EIS will be required due to the provisions of the National Environmental Policy Act (NEPA). The lead agency is responsible for preparation, coordination and filing of the federal EIS in accordance with NEPA requirements.

The EPA administers water quality permits under the National Pollution Discharge Elimination System (NPDES). This program has provisions for EPA to delegate authority to approved state permit programs. However, the State of Alaska has not petitioned to take over the EPA program. Any facilities which will create a discharge will come under EPA jurisdiction. EPA will evaluate the discharge for conformance with standards regarding stream water quality and level of treatment. At this time, it appears that the only facilities subject to NPDES will be the water treatment facilities associated with housing, public use or operating facilities of the project. However, there is court action pending which could declare dams or reservoirs point sources of pollution and subject to NPDES. Should the action prove successful, the dam projects themselves must be permitted.

In addition to the NPDES program, the EPA administers the new "stationary source" and the "prevention of significant deterioration" (PSD) air quality programs. Individual states may be delegated the responsibility for administration of these permits, as in the NPDES program, although EPA currently maintains responsibility. It is expected that permits under these programs will be necessary, since construction camp facilities will require a temporary diesel generator and the project may include auxiliary power generating facilities other than hydroelectric units. Acquisition of these permits should be relatively simple due to the fact that they apply to relatively small sources in an existing attainment area.

The transmission and access road portions of the Project may be subject to several federal permitting actions, depending on route selection.

The Alaska Railroad, a branch of the Federal Railroad Administration, U. S. Department of Transportation, will require an application for approval of any project transmission-line route plans which intend joint usage with their right-of-way. The Federal Aviation Administration has a notification procedure for any structures greater than 200 feet in height. Also, three agencies of the Department of Interior: the Fish and Wildlife Service, (FWS), Bureau of Indian Affairs (BIA) and Bureau of Land Management (BLM) will require land use permits for any affected federal lands under their jurisdiction.

2.1.2 - State

The State of Alaska has an extensive permitting program which will deal with virtually all aspects of the project. In the implementation of the project, up to 30 state permits may be required from the State, which may apply some degree of regulation to the Project, the construction process or to the participating companies and individuals. This report deals only with project oriented permits.

In 1977 the legislature of the State of Alaska passed the Environmental Procedures Coordination Act. The purposes of the Act include establishment of simplified permitting procedures, assistance to potential applicants, a greater degree of certainty on permit requirements and an increase in coordination between permitting agencies. The procedure established by the Act is relatively simple and clear, transforming a multiple permitting transaction into a single, two stage process for the applicant. The Department of Environmental Conservation (DEC) administers the program. Although the Alaska permits are described individually in following sections, all are coordinated by DEC under this authority.

2.1.3 - Local

The local government entity with authority over the Susitna project area is the Matanuska-Susitna Borough. At present, the only permit program is under the Talkeetna Mountain Special Use District Ordinance. Under this ordinance, new developments including water resource

and recreation uses must be permitted by the Planning Commission. At this time, there is no prescribed application form for permitting. The borough does not have a building permit program.

Potentially, local permits may be required from the Fairbanks-North Star Borough and the Anchorage Borough, depending on transmission line corridors selected.

2.2 - Water Power - FERC License

The Federal Energy Regulatory Commission (FERC) is authorized under the Federal Power Act, as amended, to regulate hydroelectric power development within the United States. As such, the Susitna Hydroelectric Project will come under the licensing authority of the FERC.

The Federal Power Act was originally enacted as the Federal Water Power Act in 1920. The act established the Federal Power Commission and established the authority of this independent commission to license water power projects on navigable waterways. Amendments to the act subsequently gave the Commission regulatory authority over interstate sales of electric power and natural gas. The Department of Energy Organization Act of 1977 abolished the Federal Power Commission and transferred most of its authority, including the hydropower licensing function to the newly created FERC.

The jurisdiction by the FERC extends to hydroelectric projects involving U.S. Government land and/or facilities, projects on navigable waterways and projects connected to interstate market grids. FERC jurisdiction is expected to apply to Susitna in the first two areas mentioned. The Susitna River may be considered to be a navigable waterway, and lands of the U.S. Government will be needed to develop the project.

Licensing regulations relevant to the Susitna project are found in Title 18, Chapter 1, Subchapter B - Regulations of the Federal Power Act.

Specific parts of interest are:

- Part 1 Rules of Practice and Procedure
- Part 2 General Policy and Interpretations
- Part 4 License, Permits and Determination of Project Costs
- Part 24 Declaration of Intention

There are three categories of action before the FERC relative to hydroelectric projects: Declaration of Intention, Preliminary Permit, and License.

The regulations of Part 24 define the submittal of a Declaration of Intention which must identify the application and the site, describe the project facilities and present hydrologic and system load data. The FERC will use the data to make a determination of the applicable basis of law for exerting jurisdiction over the project.

The Corps of Engineers, in response to its recommendation for development in the Susitna Hydroelectric Feasibility Study, received authorization for

Phase I studies for the project. The regulations implementing the Federal Power Act (Section 4.30(c)(1)), prohibit the FERC from licensing any project "authorized by law for federal development." As the Corps' authorization is apparently only for study purposes and not for construction, the FERC have licensing jurisdiction. This opinion has been supported by FERC staff members verbally, and generally in correspondence between APA and Commission staff.

Jurisdiction is basically determined on the project's interaction with interstate commerce, navigable waterways or federal lands. The Susitna project is clearly under FERC jurisdiction due to federally held project lands.

A preliminary permit is for the sole purpose of securing priority of application for a license for a water power project under Part I of the Federal Power Act, while the permittee obtains the data and performs the acts required to determine the feasibility of the project and support an application for a license. Preliminary permit application procedures are described by Section 4.30-4.34, and 4.80-4.83 of Part 4 Title 18 of the Code of Federal Regulations. The term of the preliminary permit may not exceed three years.

Information for the submittal of an application for a preliminary permit is not extensive. It consists of an initial statement and four numbered exhibits, as follows:

1. Description of the proposed project
2. Description of studies to be conducted
3. Statement of cost and financing
4. Maps delineating the project and lands affected.

If desired, a preliminary permit application could be submitted at this time, based on information developed in previous studies and the project plan of study.

There would be several advantages and some disadvantages to obtaining a preliminary permit for this project. The apparent advantages are:

- Identification of potential intervenors and some of the issues of concern
- Establishment of a formal relationship with the FERC
- Establishment of licensing priority for the APA.

Having knowledge of the potential intervenors into the licensing process and their issues of concern is a valuable source of information for the early phases of study. It allows for modification at an early stage affording savings of time and money in providing further evaluation of these points at a later date. The preliminary permit public comment process could identify these concerns. However, the public participation and coordination programs which are part of the study process should provide an equivalent forum for airing of issues, diminishing the importance of this advantage.

Establishing a licensing priority for APA at the site is also of minor significance. The only conceivable competing developer would be a large industry acting in conjunction with a municipality in the area. Considering

the fact that such a developer would have to work through the state to copy out the study and obtain the permits, the possibility of a "competing developer" is so remote as to be beyond the realm of reasonable probability. Nuisance applications by those attempting to delay the project are not expected to be a factor, as they would be dismissed by the FERC as incomplete.

Establishing a formal relationship with FERC is also a minor point, since FERC staff is aware of the current study through meetings and correspondence, and will advise the project team on issues as appropriate.

Even with these few benefits, the small amount of effort necessary for the preliminary permit would possibly be justified. However, there is one major reason for not pursuing a preliminary permit. There is currently a case in litigation where a project opponent is attempting to force the FERC to perform a full EIS on the impacts of performing the hydropower feasibility study. The case concerns a large pumped storage plant. Currently, the FERC regulations call for an environmental assessment only. It is conceivable that the same type of court action could occur in connection with the Susitna study. Such an action would effectively be a delaying tactic resulting in additional study costs and prolonging the project implementation. In conclusion, it appears that obtaining a preliminary permit for this project, although a minor effort, is inadvisable when benefits and risks are weighed.

The present requirements pertaining to the "Application for License for Proposed Major Project" are found in Part 4, Sections 4.40-4.41 of the Regulations. The existing requirements include a license document and a detailed exhibit presentation. At this time, the FERC is in the process of revising license application requirements in the interest of improving processing time for all such applications. The final stage of this process, begun in 1978, will be to establish new rules for all major projects which include construction of dams and reservoirs, a category which covers the Susitna project. It now appears that proposed rules for this category will be published in the second or third quarter of calendar year 1980. If the proposed rules and changes are similar to those previously drafted under this program, changes will be primarily in the method of license document organization. Data needs will be clearly specified and duplication of data between exhibits will be eliminated. (The rules will initially be issued as proposed rules with a period for public comment. Then the proposed rules will be revised as appropriate and issued as final rules.) When those rules are issued, this portion of this design transmittal will be revised.

Although the FERC acts under the authority bestowed by the Federal Power Act, as amended, there are many additional laws and corresponding regulations with which any FERC action must comply. These acts include:

- National Environmental Policy Act
- Fish and Wildlife Coordination Act
- Endangered Species Act
- Historical Preservation Act
- Federal Water Pollution Control Act Amendment of 1972
- Wilderness Act
- Wild and Scenic Rivers Act
- Coastal Zone Management Act
- Anadromous Fish Act
- Federal Land Policy and Management Act

None of these acts, in themselves, require that a permit action be taken. However, the FERC application, and specifically the exhibits to that application, have requirements that document proof of compliance with these acts. During the preparation of the application document, it is required that coordination be maintained with certain interested government agencies. For example, the Fish and Wildlife Coordination Act requires that study of the impact of the proposed project on fish and wildlife be conducted after consultation with and in cooperation with the U.S. Fish and Wildlife Service, Department of Interior and appropriate state and local agencies, in this case the Alaska Department of Fish and Game. Evidence of this coordination and any cooperative agreements must be provided in the exhibits. The impacts of these acts is discussed in detail under the application content section.

2.2.1 - FERC Process

The following paragraphs discuss the post-application FERC process. Figure 2.1 is a diagram of the process described.

After the application is filed, the FERC issues a filing number and begins a review of the documents for completeness. If the application is incomplete, the FERC issues a deficiency letter to the applicant. When the application is deemed complete, the public notice is issued and the public comment and interagency review process begins. Also at this time, the environmental impact statement is initiated and FERC staff analysis of the project application begins. At the end of the public comment and review period, potential intervenors must submit materials. The Commission will grant intervenor status as appropriate.

If no intervenors submit petitions or none of the petitions is allowed, the process proceed to Commission consideration at the end of staff review. If there are intervenors, the hearing process is initiated. Although there have been some joint hearings between the FERC and State agencies, such an arrangement should not be anticipated for Susitna. At the time of completion of the hearing process, an order is drafted and the licensing issue is scheduled to go before the commission for action. At that time, FERC can issue the license with standard and special conditions as warranted. The applicant then has 30 days to accept the conditions or file for rehearing. The license provides authority to the licensee to operate and maintain the project for the licensing period of up to 50 years, under specified conditions and gives the licensee the right to exercise power of eminent domain in acquiring project land and water rights.

For a major license action, the FERC licensing time is targeted to take from 18 to 24 months. The addition of the hearing process would add about one year to the processing time. Since a hearing can be expected on a project of the magnitude of Susitna, the expected time for licensing would be 30 to 36 months.

Experience with the licensing process has shown that processing can frequently be delayed for extended periods due to inadequate exhibit preparation or interventions. However, the FERC recently has been maintaining close control on "fast-tracking" the processing applications. There are indications that lead-time requirements should be more stable in the future.

2.2.2 - Application Content

The contents of the Susitna FERC application will be governed by Section 4.40 of the regulations as currently applicable. The document will consist of a main application, which is essentially a summary document, and 21 exhibits. The FERC will be revising these regulations in the near future, changing the Exhibit preparation plan of this study. It is expected that the contents of the application will not be materially changed, however, so the designation of responsibility and task inputs will remain relatively constant.

Table 2.1 lists the components of the application and exhibits, identifies the responsible task or subtask and identifies any applicable criteria.

2.2.3 - Coordination Requirements

There are requirements in the acts listed in Section 2.2 that federal actions must be coordinated with resource agencies at all levels of government. In developing the regulations for implementing their programs, the FERC has included requirements and evidence of coordination in several of the exhibits (for more information concerning the exhibit contents, see Table 2.1). The requirements follow:

- (a) Exhibit H - A statement is required on the extent of consultation and cooperation with federal, state and local agencies having responsibilities for water quality control in regard to the effect, if any, the project would have on water quality.
- (b) Exhibit R - The nature and extent of consultation and cooperation with the Heritage Conservation and Recreation Service of the Department of the Interior (DOI), federal agencies having supervision over lands and appropriate state and local agencies in developing the recreation plan.
- (c) Exhibit S - The fish and wildlife report shall be prepared on the basis of studies made after consultation and in cooperation with the U.S. Fish and Wildlife Service (DOI), the National Marine Fisheries Service of NOAA/DOC and appropriate state and local agencies.
- (d) Exhibit V - The exhibit shall be prepared on the basis of studies made after consultation with federal, state and local agencies, organizations and individuals having an interest in natural, historical and scenic values of the project area.

Figure 2.1
FERC LICENSING

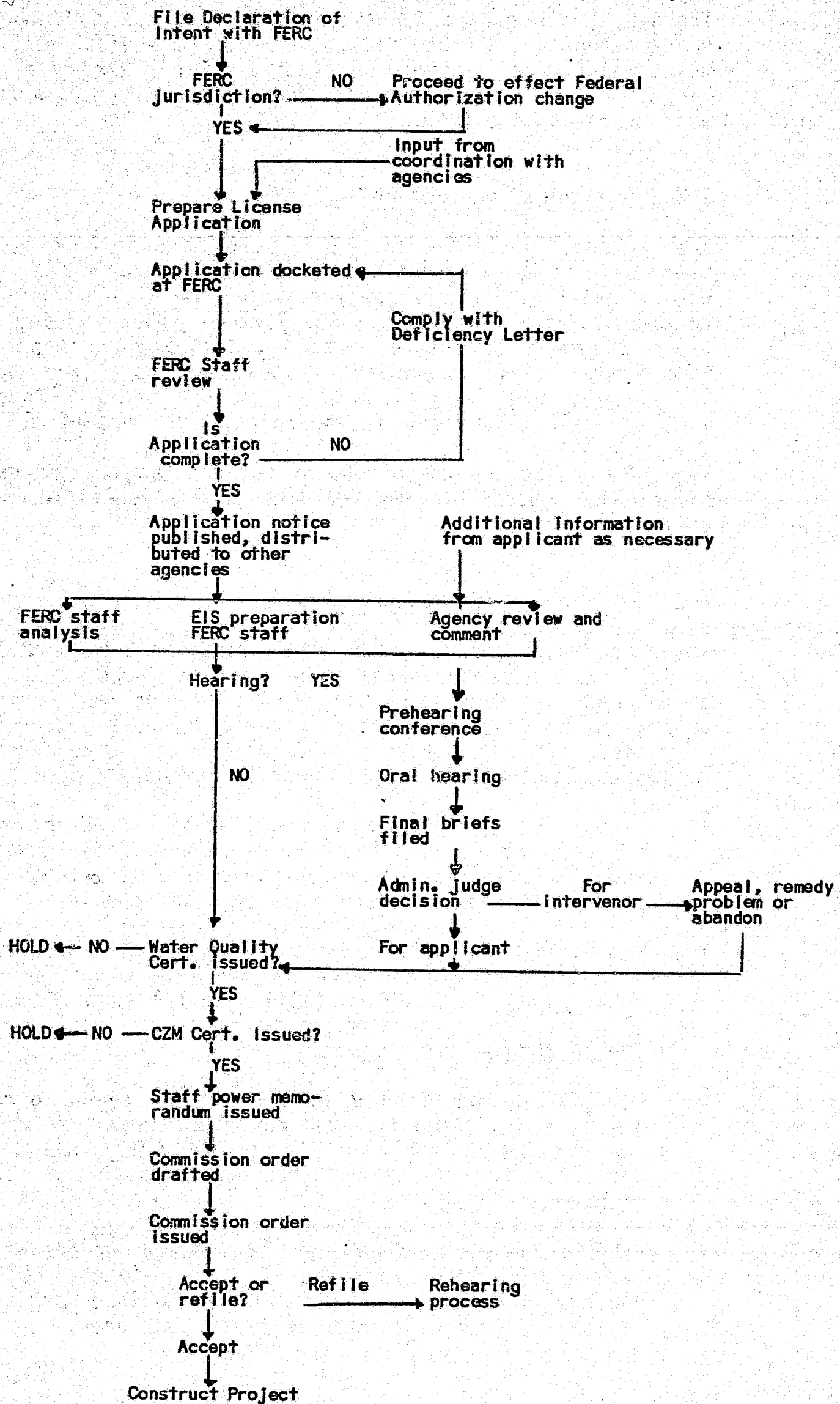


TABLE 2.1
FERC APPLICATION CONTENTS
MAIN APPLICATION

<u>Contents</u>	<u>Responsible</u> <u>Task/Subtask</u>		<u>Completion</u> <u>Week</u>		<u>Criteria/Comment</u>
	<u>Exhibit</u>	<u>Input</u>	<u>Exhibit</u>	<u>Input</u>	
<u>MAIN</u>			126		
(a) Exact name and address of APA, addresses of other correspondents	10.08			16	Other agents to be designated as applicable
(b) State laws of organization - identify, pertinent facts		10.03		16	As 44.56.010.240
(c) Measure of control of other organization by APA or over APA		10.03		16	
(d) The name of each state in which APA operates, proposes to operate		10.03	-	-	Alaska
(e) Concise general description of project works, including dams, reservoirs, water conduits, power houses, substations, switchyards, and transmission lines		10.08		115	Detail as applicable
(f) Location of the project, region as designated by cities and towns		10.08		115	
(g) Lands and reservations of the U.S. affected		10.04		115	

TABLE 2.1

FERC APPLICATION CONTENTS

MAIN APPLICATION

Contents	Responsible		Completion		Criteria/Comment
	Task/Subtask	Exhibit	Week	Input	
<u>MAIN</u>					
(h) Description of proposed initial and ultimate schemes, installed capacities		10.08		120	
(i) Proposed use, market for the power, whether APA is utility regulated by PUC		10.08			
(j) Location and capacity of all power plants and electric facilities owned by APA, relationship to market		10.08			
(k) Description of historical archeological places listed in National Register which are or may be affected		10.04			
(l) Detailed statement of environmental factors		7.15			
(m) Other data as APA considers pertinent					

TABLE 2.1

FERC APPLICATION CONTENTS

EXHIBITS A, B, C, D

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
<u>EXHIBIT A</u> One copy of charter or other organization papers certified by Secretary of State and other necessary copies; copies of or reference to, the state laws authorizing operations	10.03		124	16	Copy of AS 44.56.010.240 Authorizing legislation for Susitna Project APA is municipality under Federal Power Act definition: "municipality" means a city, country,... or other political sub-division or agency of a state competent under the laws...
<u>EXHIBIT B</u> Copy of resolution properly attested and authorization of application	10.03		124	-	Resolution by APA members; state legislature action
<u>EXHIBIT C</u> Copies of or reference to special hydroelectric, water power, or irrigation laws of the state	10.03		124	16	None known at this time
<u>EXHIBIT D</u> Evidence that APA has complied with requirements of Alaskan law, with respect to water rights, the right to engage in developing, transmitting and distributing power; franchise rights; statement of process to acquire rights	10.05		124	116	APA does not need franchise from Alaska PUC, water rights detail

TABLE 2.1

FERC APPLICATION CONTENTS

EXHIBITS E, F, G

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
<u>EXHIBIT E</u> Nature Extent and ownership of water rights; evidence that applicant has proceeded towards perfecting rights	10.05	10.02	116	24	Permit required by state, issued by DNR; application to be made at the time of license submittal and master application submittal
16 <u>EXHIBIT F</u> Statement as to ownership of lands to be used in the project; plans for acquiring title or the right to occupy; statements of existing rights to occupy and use lands other than APA's or U.S.	2.05	2.04 6.05		15 73	If existing land right required by easement, lease, franchise or otherwise the statement should show: From whom acquired, date acquired, nature and extent of rights acquired, perpetual or limited term, if limited, period of term for each parcel acquired, the area inside and outside project boundary
<u>EXHIBIT G</u> Statement of the financial ability of the APA to carry out the project. Statement or explanation of proposed method of financing.	11	11.09	120		

TABLE 2.1

EXHIBIT H

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT H - State of Project Operations	3		120		
a. Operation during times of low, normal and flood flows		3.04		120	
b. State of reservoir elevations		3.04		120	
c. Minimum flow to be released during recreation season and low water		7.04		-	Coordination must be maintained between Task 3 and Task 7 to identify downstream needs early in project formulation.
d. Use of the project for other water resource development purposes in the public interest: navigation, irrigation, reclamation, flood control recreation, fish, wildlife, water supply		6.03			
e. Statement of the effect on water quality in the reservoir and downstream		3.06/.10		120	
f. Plans for maintaining water quality		3.06/07/.10		120	
g. Extent of coordination and cooperation with federal, state, and local agencies with water quality authority		3.06		120	Coordinate with EPA, Region X and Alaska DNR
h. A statement as to whether the proposed project makes fullest use of land and water relative to other existing and proposed projects		3.04		120	
i. Operating rule for reservoirs, draw down useable storage		3.04		120	
j. Criteria for spilling design capacity		3.05		120	
k. To the extent that water quality aspects are related to fish and recreation, include specific references to Exhibit R and S		10.04		126	

TABLE 2.1

EXHIBIT I

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT I - Estimate of dependable capacity and average annual energy output, generated by the project	3		120		
a. Capacity and energy		6.03 3.04		120	Equal to the amount of capacity from an alternative source which would be required to meet the load during critical flow periods for the system
18 b. Define the period of critical stream flow		3.04		120	
c. Describe the load of the market system		1.02		26	
d. Flow duration curve indicating period of record and gaging stations		3.04		120	
e. Tailwater rating curve		3.04		120	
f. Curve showing estimated plant capability versus head		3.04		120	
g. Outline of plans for future development on the stream		6.02/06		60	
h. Include where pertinent, all assumptions needed for evaporation, leakage, head losses		3.04		120	

TABLE 2.1

EXHIBIT J

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT J - GENERAL MAP	6.29/ 6.30		120		If all features cannot be shown on one map, as preferred, two general maps may be furnished, one for the power plant and appurtenant works and one for the trans. system
Including:					
a. Principal structures and other features including roads, railways and bridges which are part of the project to be licensed		2.10		100	Must be in conformance with Regulations Sec. 4.32 "Specification maps and drawings attached in Appendix A.
b. Transmission lines substations, switchyards, telephone lines which will be part of the licensed project, including a general layout of interconnected transmission system		8.03		100	b. The transmission system which is part of the licensed project should be clearly delineated
c. Political boundaries, state and county lines, U.S. reservations, towns, streams, gaging stations		2.08		39	
d. Reference to the detailed maps in Exhibit K indicating by outline the portion shown on each sheet		6.29/30		120	

TABLE 2.1

EXHIBIT K

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT K - Detail map of the project area	6.29	6.30			Maps shall be prepared in accordance with guidelines in Section 4.32
Maps to include:					
a. Project area and boundary		6.26		115	Criteria for showing boundary are found in the attached excerpt from Section 4.41 in Appendix A.
		6.27		115	
b. Dam		6.25		115	
c. Reservoirs: flowlines for max. and min. water levels and spillway crest and curves		3.04		100	
d. Water conduits centerline, grade and elevation at each change of gradient		6.26		115	
		6.27		115	
e. Powerhouse, switchyard, substations		6.26		115	
		6.27		115	
f. Transmission lines and appurtenances telephone lines, roads, railways trails, tramways and bridges		8.03			
		2.10		100	
g. Contour lines at not more than 10' intervals		2.08		39	Subtask 2.08 will develop base maps

TABLE 2.1

EXHIBIT L

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT L - General design drawing of project works	6.31	4	120		Drawings to show plans, elevations and sections of project features. The intent is to enable commission staff to have a full understanding of the project and to check safety, adequacy, desirability in development, and suitability of design.
a. Character of foundations and exploration thereof		5.08		54	
b. Dams and appurtenances such as spillways, fishways, outlet works		6.26/27		115	Include materials and types of construction, important elevations, gradation of filter and riprap material, design and ultimate strengths for concrete and steel, stress and stability analysis for important structures, spillway rating curves, water levels
c. Conduits including forebays, intake works surge tanks other pressure relief devices		6.26/.27		115	
d. Powerhouse and substations		6.26/.27		115	

TABLE 2.1

EXHIBITS M AND N

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT M - General description of mech/elec. equipment & transmission lines	6.28		120		Purpose is to enable FERC staff to have full understanding of the pro- ject to determine safety and adequacy.
Turbines,		6.26		115	
Generators,		6.27		115	
Transformers,		8.06			Include name plate ratings of the turbines and generators,
Transmission lines (no maps) and appurtenant devices		8.04/.05		115	general specifications on major equipment.
EXHIBIT N - Cost Estimate	9.03		120		
Costs of developing the project including:					Should be developed by accounts in general accordance with Form 6, Sche- dule Number 6 System of Accounts.
Intangible Plant: Acct 301-303					
Production Plant (Hydraulic):					
Acct 330-336					A summary table should be accompanied by a detailed estimate including costs for direct and indirect construc- tion and overhead expenses such as allowances for funds during construc- tion, engineering, administrative, gene- ral expenses and contingency item.
Transmission Plant: Acct 350-359					
General Plant: Acct 389-399					The commission may also require rate of return, local, state and federal taxes, depreciation, insurance, operation, maintenance and general expense plus power alternative data however, these will be included in Exhibit W (2.14-Res. clearing)

TABLE 2.1

EXHIBITS O AND R

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT O - Detailed statement of the time desired for beginning and completing construction of project works	9.04		120		Project schedule/bar chart with major engineering and construction activities as a line item is appropriate
EXHIBIT R - Recreation plan for public use	10.06		120		All maps are to be prepared in conformity with FERC specifications for drawings.
23 a. Map or maps on appropriate scale with:					
(1) Project lands designated for initial and ultimate development	10.06			90	a(2) Include access roads and trails, facilities for camping, picknicking, boating, boat launching, fishing, hunting and similar recreational activity; sanitation facilities
(2) Location type and number of the various recreational facilities in existence and those planned for immediate development	7.08				
(3) Future development as in (2)	7.08			100	
(4) Project boundary at all areas designated for recreational use and development	7.08			100	a(4) These should show that all project lands as referenced in Exhibit K are included in the project
b. Identification of facilities provided by the applicant at his cost consistent with project economics and regional opportunities	10.06			90	
c. Estimated present, initial and ultimate recreation use in daytime or overnight visits	7.08			100	
d. Schedule of initial and future recreational development and cost contracts of any existing, initial and future development	10.06			90	

TABLE 2.1

EXHIBITS O AND R (continued)

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
e. Evidence of consultation and cooperation with the Heritage Conservation and Recreation Service, Department of the Interior, other federal agencies if their land is affected and with appropriate state and local agencies		10.06		100	Coordination requirement
f. Cooperative agreements with agencies		10.06		100	

TABLE 2.1

EXHIBIT S

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT S - Fish and Wildlife Report A report on the effect of the project on fish and wildlife resources in the project area including:	7.15		120		Exhibit must be prepared in consultation with DOI - Fish and Wildlife Service and appropriate state and local agencies (DF&G). Thus a coordination requirement is to have these agencies review study plans, results, conclusions and all mitigation plans developed
a. Functional design drawings of fish ladders		7.10		120	
b. Other related facilities as necessary for the protection, mitigation, conservation or improvement of losses of fish and wildlife		7.15		120	Fish and Wildlife Coordination Act regulations are included in Appendix A.
c. Cost estimates of facilities in a. and b.		9.03		110	
d. Statement of consultation and cooperation with Fish and Wildlife Service, DF&G, NMFS		7.15		120	

TABLE 2.1

EXHIBITS T AND U

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT T - Non-federal development and operation justification statement	10.07		70		Explanation of why comprehensive development is best by non-federal interests under Section 10(a) of the Federal Power Act
EXHIBIT U - Power Utilization Statement A detailed statement showing the manner in which any power or energy to be developed by the project will be utilized as part of the South Central Railbelt system. To be included are:	11.11			120	
a. Any agreements or undertakings of APA to interconnect and coordinate the facilities		11.08		120	
b. Nature and extent of consultation with area electric systems and power planning groups					
1. in planning		1.02		26	
2. power sales		11.08		120	
c. Nature and extent of APA facilities in correlating the generation and transmission capability of the project with needs and resources of the system		1.06		48	
d. Summer and winter load curves showing contribution of the project to dependable capacity on the system		1.06		48	

TABLE 2.1

EXHIBIT V

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT V - Plans to protect and enhance natural, historic, scenic and recreational values and resources	7.06				
The exhibit shall include text, maps, etc. to the extent necessary to demonstrate:					
a. Architectural design, landscaping and treatment as related to the project works to preserve and enhance natural historic and scenic values and resources of the project area		7.06		117	This exhibit must be prepared in compliance with the FERC publication "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities". Additionally, studies shall be made after consultation with or the consideration of comments submitted by Federal, State and local agencies or organizations having an interest in the subject values. The exhibit shall demonstrate this coordination
b. Measures to be taken during construction and operation		7.06		117	
c. Rights-of-way available to the project, those selected for use and the rejected alternatives		2.10 8.03		100 100	
d. Places affected by the project which are listed in the National Register of Historic Places or are officially designated by duly constituted public authorities as parks, scenic, natural or recreational areas		7.06		117	
e. Mitigative measures to protect those places identified in d.		7.06		117	b. This shall include temporary facilities such as roads, borrow and fill areas and clearing of the reservoir area

TABLE 2.1

EXHIBIT W

FERC APPLICATION CONTENTS

Contents	Responsible Task/Subtask		Completion Week		Criteria/Comment
	Exhibit	Input	Exhibit	Input	
EXHIBIT W - Environmental Report A self-contained documentation of the environmental consequences of the project	7.15		124		Since the licensing action and subsequent implementation of the project would have significant environmental impacts, Exhibit W must be prepared in accordance with Sections 2.80 and 2.81 18CFR Chapter 1. These sections are attached in Appendix A. The contents are abbreviated to identify major work portions and and responsibility. The detailed outline is in Appendix A to Part 2, 18CFR Chapter 1.
1. Description of proposed action		6.03		100	
2. Description of the existing environment		7.15		124	
3. Environmental impact of the proposed action		7.15		124	
28 4. Measures to enhance the environment or to avoid or mitigate adverse environmental effects		7.15		124	
5. Unavoidable adverse environmental effects		7.15		124	
6. Relationships between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity		7.15		124	
7. Irreversible and irretrievable commitments of resources		7.15		124	
8. Alternatives to the proposed action		1.06		48	
9. Permits and compliance with other regulations and codes		10.02		16	
10. Sources of information:					
Public hearings, workshops		12.02/.03		122	
Other meetings and studies		7.15		124	
Consultants, bibliography		7.15		124	

- (e) Exhibit W - Applicants are expected to consult with the appropriate federal, regional, state and local entities during project planning stages to assure that all environmental factors are identified.

Exhibit H is the description of project operations. Agencies with interest in hydrology and water quality control on the Susitna basin include:

U. S. Army Corps of Engineers
Anchorage District
P.O. Box 7002
Anchorage, Alaska 99510
Phone (907)279-4123

U. S. Environmental Protection
Agency
701 C Street
Box 13
Anchorage, Alaska 99513
Phone (907)271-5083

State of Alaska
Department of Environmental Conservation
338 Denali Street
MacKay Bldg., Room 1206
Anchorage, Alaska 99501
Phone (907)274-5527

Permitting action will be required from these agencies during the licensing process. An appropriate level of coordination with these agencies would include discussion of study plans to determine the project's impact on water quality prior to initiating the studies and periodic informational meeting to discuss study outputs. It should be noted that those agencies with interests in fish and wildlife will also be interested in water quality studies. These should be coordinated as part of Exhibit S and W.

The recreation plan, Exhibit R, should be coordinated extensively with the Heritage Conservation and Recreation Service (formerly the Bureau of Outdoor Recreation). The Service would be contacted through its regional office in Anchorage, at the following address:

Regional Director
Alaska Area
Heritage Conservation and Recreation
540 West Fifth Avenue, Room 201
Anchorage, Alaska 99501

The state agency with an interest in this aspect of the study would be the Division of Parks of the Department of Natural Resources. In addition, the Borough of Matanuska-Susitna Department of Planning will have local review for any recreational developments at the project. These federal and state agencies will have no direct regulatory authority over recreation development. However, their input should be extremely beneficial to recreation planning, particularly in terms of projection of needs and potential use and statistics regarding current recreational use patterns.

The requirement for coordination of fish and wildlife studies is (Exhibit S) mandated by the Fish and Wildlife Coordination Act (FWCA). The key agencies for coordination are:

State of Alaska
Department of Fish and Game (DF&G)
Seaport Building
Juneau, Alaska 99801

Area Director
U.S. Fish and Wildlife
Service
1011 E. Tudor Road
Anchorage, Alaska 99503

and

and

Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99502

Regional Director
Region 1
U.S. Fish and Wildlife
Service
Lloyd Building, Suite 1692
500 N.E. Multnomah Street
Portland, Oregon 97232

Director, Alaska Region
National Marine Fisheries
Services, NOAA
P.O. Box 1668
Juneau, Alaska 99802

The FWS and National Marine Fisheries Services (NMFS) published "Uniform Procedures for Compliance", dated May 18, 1979, in draft form which standardized procedures and interagency relationships. These proposed rules, when final, will become Part 410 of the 50CFR. These procedures should be used as a guide to the program of coordination. The involvement of FWS and DF&G in the development of the Plan of Study and implementing subsequent study programs is a good start towards satisfying the requirements of the Act. It is expected that NMFS also will have an interest in the project due to the potential impacts on anadromous fish species.

Subpart B of this section of the CFR is reproduced in Appendix A. The essence of compliance is equal consideration of wildlife resource values with other objectives in project planning. Compliance with the mandate requires the following:

- (1) Consultation between applicants and wildlife agencies on measures necessary to conserve wildlife in project planning, construction and operation
- (2) Reporting by wildlife agencies on the effects of the project and its alternatives upon wildlife resources and on measures to conserve wildlife resources in connection with the project and its alternatives
- (3) Full consideration by the applicant of measures recommended to conserve wildlife resources
- (4) Incorporation of justifiable conservation measures.

Potential applicants for FERC licenses must include in Exhibit S written evidence that the FWCA compliance process has been initiated with the Regional Director (Alaska Area Director) and the head of the State Wildlife agency (DF&G). At the time of initiation, project (or study) information should be provided to the wildlife agencies to allow them to identify potential conservation measures. The wildlife agencies will provide the applicant a brief analysis of potential wildlife resources, suggested modifications or alternatives and an indication of project features which may be viewed as unacceptable at the time of license review.

The wildlife agencies will remain involved in the Project after submittal of the FERC application, by reviewing the application. The wildlife agencies will at that time prepare FWCA reports including project related effects upon wildlife resources and will identify alternative means and measures to conserve wildlife resources. If the study has been properly coordinated with the agencies, this report should contain no new issues which have not been addressed.

Exhibit V will include considerations of the natural, historic and scenic values of the project area and measures taken to prepare and enhance these values. Agencies for direct coordination with cultural resource aspects of the study include:

Regional Director
Alaska Area
Heritage Conservation and
Recreation Service
540 West Fifth Avenue
Anchorage, Alaska 99501

Chief of History and Archeology
Division of Parks
Department of Natural Resources
619 Warehouse Avenue, Suite 210
Anchorage, Alaska 99501

The POS designates Subtask 7.06 as the primary cultural resources investigation. The University of Alaska Museum will direct and perform much of the study. All scoping activities and proposed agreements for performing the studies should be coordinated with the above offices to gain concurrence on the extent of work to be done as part of the feasibility study. This point is particularly important since some of the work will not be completed prior to submittal of the license document.

Although no requirement is in the regulations for coordinating the study with the Office of Coastal Management (OCM)¹, such would seem to be a necessary effort. Since the FERC requires a certificate of compliance with the Coastal Management Plan (CMP) of the state, and the project could be located within or effect the defined coastal zone (Section 2.4.2) early inputs into the decision process by the CMP administrators would be valuable. The OCM would be most likely interested in the conceptual plans, alternatives and alternative selections of the early planning process. Thus they should be given early opportunity to comment formally on these study developments as decisions are made. This coordination could avoid CMP compliance problems at a later point in the licensing process.

The Environmental Report, Exhibit W, includes subject coverage of all the special topics of Exhibits H, R, S and V with the addition of other environmental aspects of the project including land use, geology and socioeconomic considerations. Land use and socioeconomic interests are within the scope of the Office of Coastal Management, the U.S. and Alaska Departments of Commerce and the Matanuska-Susitna Borough and other effected boroughs. Geological impacts would generally include geological hazards and mineral resources with fall within the purview of Alaska Department of Natural Resources, the U.S. Geological Survey and the Corps of Engineers.

2.2.4 - Public Meetings

There is no requirement by the FERC for public meetings during license preparation. However, public meetings which are held are considered to be important sources of information and should be documented in Section 10.1 of Exhibit W (Environmental Report). The documentation should include a summary of the general nature of public comments, public records resulting from the hearing, the manner in which the meeting was advertised and efforts made to seek constructive inputs.

Although the general public participation system of Subtask 12.02 is a potential forum for required coordination as previously described, the coordination efforts described in Section 2.2.3 should be conducted independent of the public meeting process. Subtask 12.03 includes provisions for conducting agency coordination and public participation workshops. This will provide scheduled opportunities for contact and discussion. However, key study team persons should not rely solely on this part of the study to initiate and maintain coordination.

2.2.5 - State Requirements

Although the FERC is concerned that license applicants obtain all required permits and licenses, there are two which are essential to obtaining the license: water quality certification and coastal zone management certification. Additionally, the applicant must document that it is in the process of perfecting necessary water rights. The certifications and rights will be obtained during the post submission period. These actions are discussed in detail in Sections 2.3 and 2.4.

2.2.6 - Criteria

The format and content of the FERC license are described in Table 2.1. Certain criteria for the exhibits, which go beyond listing the comments deserve additional mention. The FERC has a specific set of specifications for maps and drawings which are detailed in Section 4.32 of Title 18 of the Code of Federal Regulations. This section of the regulations is reproduced in Appendix A.

18 CFR Part 4.31 describes the criteria for including project boundaries, datums and projects works for Exhibit K, the detailed maps of the project area. These criteria are also reproduced in Appendix A.

The FERC has a stated policy regarding the development of public recreation facilities at licensed projects. In general, the Commission has stated that it will evaluate the recreational resources of projects and seek, within its authority, the ultimate developmental potential of those resources consistent with public needs and the purposes of the project. This policy, 18 CFR 2.7 is included in Appendix A.

The Commission has also issued in the CFR a "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969. Sections 2.80 and 2.81 of 18 CFR discuss the requirements for a detailed environmental statement, and compliance with NEPA under the Federal Power Act. An appendix to this section contains detailed guidelines for the preparation of applicants environmental reports under the licensing process. These guidelines provide the basis for the preparation of Exhibit W. The guidelines consist primarily of the outline for the report to follow and a discussion of each section's contents and level of study detail. The policy and guidelines are printed in total in Appendix A of this report.

The Commission has also issued "Guidelines for the Protection of Natural, Historic, Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities." Although these guidelines are not part of the Code of Federal Regulations, they are cited as a condition of conformity for Exhibit V.

2.3 - Alaska Master Application

The master application process was established by AS 46.35, the Environmental Procedure Coordination Act. Under the Act, a 'one stop' permitting process was established in order to clarify and simplify the state permitting program.

Under this program, if the decision is made to proceed with the Project, or any portions thereof, a master application form is filed with the DEC, who administers the program. The master application serves as a notice of intent to the state to develop a proposed project. Upon receipt, the DEC Permit Information and Referral Center sends copies of the project description for the master application to all state departments and any municipality where the project is located.

Agencies which claim jurisdiction over the project must respond to the permit center within 15 days specifying the permit required, a copy of the application form and a statement whether a hearing is required. The collection of responses from all agencies is returned to the applicant for completion. At this time the Permit Center will arrange a preapplication

conference where the applicant may meet with the agencies who have jurisdiction. Completed applications and fees are returned to the Permit Center where they are disbursed to the proper agencies. The Permit Center also arranges for a public meeting, if one is required. Within 30 days after receipt of the last application, the Permit Center will have a notice published once a week in an appropriate periodical for three weeks. The public hearing will be held within 20 to 30 days after the last public notice.

Public hearings are conducted for the purpose of obtaining information for the assistance of state agencies and not as a trial or adversary proceeding. The hearing will be electronically recorded with transcribed copies made available to agencies upon request. Upon completion of the hearing, a date will be established by which all state agencies will forward final decisions on applications within their jurisdiction. The date will be within 90 days of completion of the hearing.

Provisions are included in the act for an appeals process for a person aggrieved by a final decision. A notice of appeal must be filed within 30 days of transmittal of the decision. If a reasonable issue of fact or law is found, a hearing officer will be provided for an adjudicatory hearing. Appeals shall be heard jointly by the commissioners of each agency. The commissioner of each agency shall decide on the portion of the appeal which involves his agency. A person aggrieved by the appeals decision may appeal to the superior court.

Prior to submission of the completed master application, the local government (in this case Matanuska-Susitna Borough) must provide a certification that the project is in compliance with the local government statutes and regulations regarding the project.

The maximum time from the submittal of the completed applications to the permit issuance is about six months, as established by law. Including one month for completing application forms, the total time from filing the Master Application to permit issuance is eight months. A diagram of the process is shown in Figure 2.2. A list of the state permits which are foreseen for project implementation is provided in Table 2.2. This list does not include those permits required for construction which the contractor would be expected to obtain, such as a "Explosive Handlers Certificate" or "Prevention of Accident or Health Hazard Certificate."

Figure 2.2

STATE OF ALASKA
MASTER PERMIT APPLICATION PROCESS

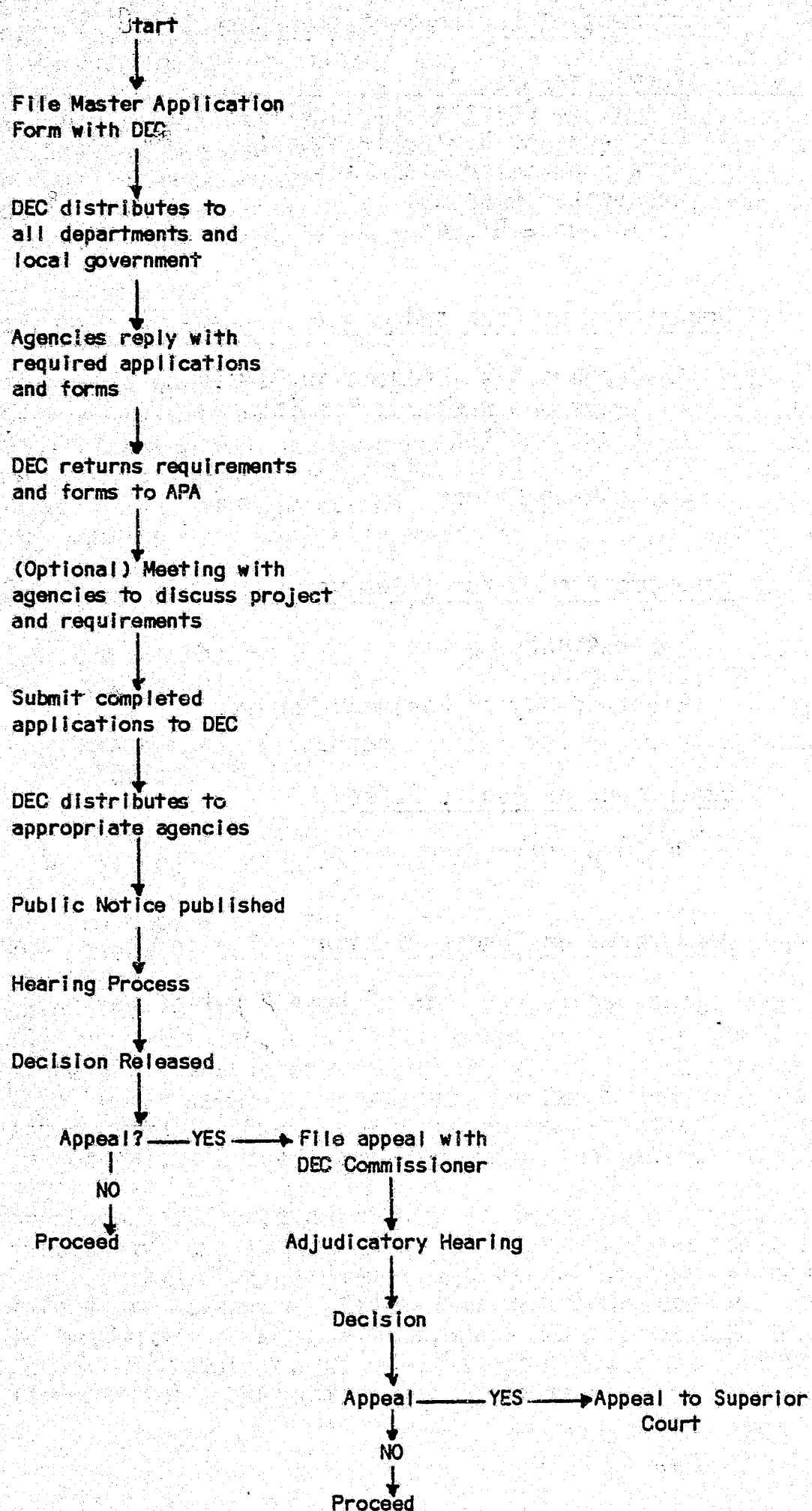


TABLE 2.2

REQUIRED PERMITS
STATE OF ALASKA

Department of Environmental Conservation

Permit to Open Burn
Permit to Operate (Air Quality)
Discharge to Navigable Waters
Water and Sewer Plan Review
Wastewater Disposal
Solid Waste Disposal

Department of Fish and Game

Anadromous Fish Protection Permit
Fishways Obstructions Permit
Critical Habitat
State Game Sanctuary
State Game Refuge

Department of Natural Resources

Water Rights Permit
Burning Permit
Right-of-Way or Easement Permit

Department of Public Safety

Building Plan Check

Department of Transportation

Encroachment within Highway Right-of-Way

2.4 - Water Use Permits

The issues surrounding water use, appropriation, supply and quality are subject to regulation at both state and federal levels. Although for all practical purposes, water quality issues cannot be separated from quantity and appropriation issues, those permits dealing strictly with quality are covered in the following subsection. The three actions discussed in this section will be critical to project implementation, since, as in the FERC process, the project will be considered in its entirety rather than from the point of view of one particular aspect. The Coastal Zone Management Program and the Water Rights Permit are administered by the State. A permit for dams, dikes and discharges into navigable waters of the United States is administered by the Corps of Engineers.

2.4.1 - Corps of Engineers Permits

The Corps permitting program is authorized by Sections 9 and 10 of the Rivers and Harbors Acts of 1899 and Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). Regulations covering the Corps permitting program are found in Title 33 of the Code of Federal Regulations, Part 320 through 329. Activities requiring permits fall typically under three categories:

- (1) Dams and dikes in navigable waters of the United States
- (2) Structures or work in or affecting navigable waters of the United States
- (3) Discharges of dredged or fill materials into waters of the United States

The Project will come under more than one of these areas of jurisdiction, but only one permit action is required.

All projects within the State of Alaska lie within the jurisdiction of the Alaska District Engineer. Acting under the authority delegated by the Secretary of the Army, he may issue a permit authorizing the work unless it is found to have an adverse impact on the public interest. The public interest is determined by a proposal's consistency with state plans and interests, by its effect on navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, impacts on the ecosystem and, in general, the needs and welfare of the people.

The Corps jurisdiction within the permitting program is defined as the "waters of the United States" which includes isolated wetlands and lakes, intermittent streams and other U.S. waters which could affect interstate commerce. Generally, the Corps does not regulate activity in headwater streams with average flow less than 5 cfs. Thus, the actual navigability of the Susitna River at potential impoundment sites is not a jurisdictional issue since flow is greater than 5 cfs.

At this time, the Corps is in the process of rule-making to establish nationwide permits which could potentially exempt the Susitna project from the permit since it would be regulated by other federal permitting actions such as the FERC license. If this nationwide permit is established, the Corps will carry out its review when the FERC circulates the license application for public comment. The timing and eventual promulgation of this proposed rule are unknown at this time.

The process for obtaining a permit is represented in Figure 2.3. It is suggested that prior to submission of an application, a meeting be held with the Corps to discuss its specific contents whereupon a complete application would be submitted to the Corps District office. Upon receipt of the application, the District assigns a number and review for completeness. When all information is received and the application is considered complete, a public notice is issued. All comments relating to matters of special expertise of another agency, will be referred to that agency by the District. The applicant will be given the opportunity to rebut all adverse comments.

After the public comment period, the District Engineer will determine the need for an Environmental Impact Statement, based on an environmental assessment. The Corps will prepare an EIS only if it considers itself the lead federal agency (highly unlikely for this project since FERC would probably assume the lead). It is expected that the Corps will withhold permit approval until the federal EIS is final. The District Engineer also will determine the need for a public hearing on the application. If a hearing is needed, it possibly could be held simultaneously with the joint hearing of the state agencies. Scheduling of the state and Corps actions makes this unlikely.

When all actions are completed, the District Engineer prepares the Finding of Fact and makes the final decision as whether to grant or deny the permit. The draft permit is sent to the applicant for acceptance, signature and submission of fees. Prior to permit issuance, the District Engineer requires evidence of State Water Quality Certification and the Coastal Zone Management Certificate of Consistency.

The application for the Corps permit consists of a two-page application (attached in Appendix 1) and a set of detailed drawings (8" x 10 1/2" reproducible) describing the project. Information to be furnished by the applicant includes the following:

- detailed description of the proposed activities, including the purpose, use, type of structures, facilities for handling waste and the type, composition and quantity of dredged or fill material
- names and addresses of all adjoining property owners who have a direct interest or could be affected by the project
- location of the facility
- a list and status of all approvals and certificates required by other federal, state, and local government agencies.

Under provisions of the Dam Safety Act, for construction of an impoundment, the applicant is also required to submit detailed dam design drawings and specifications. These drawings will be reviewed by the Corps District personnel for safety and adequacy of the structure. The safety approval will be issued as part of the permit. It is expected that the Corps will review plans identical to those submitted as Exhibit L of the FERC application. It is possible that the Corps will reserve the right to review final plans and specification drawings after detailed design is completed.

2.4.2 - Coastal Zone Management Program (CMP)

The Coastal Zone Management Act was signed into law on October 27, 1972. The Act, which was substantially amended in 1976, stated a national interest in protection and development of the Coastal Zone of U.S. by providing assistance and encouragement to coastal states to develop and implement programs for managing their coastal areas. In response to these laws and the Alaska Coastal Management Act of 1977, the State of Alaska Coastal Management Program (CMP) was developed. The program document was published jointly with the final environmental impact statement (FEIS) published on the action on May 30, 1979.

In order to receive federal licenses and permits, a project must be reviewed for consistency with CMP guidelines. This applies to both the FERC and Corps permits. When an application is filed with the FERC, a certification of compliance with the Alaska CMP must be included. At the same time, a copy of the certification with necessary data on the development should be filed with the state. The State will review the activity and initiate a public notice and hearing as necessary. Within six months from the receipt of consistency certification and required information, the state will notify the federal agency and applicant whether the state concurs or objects to a consistency certification.

The CMP is administered in Alaska by the Office of Coastal Management, Division of Policy and Development and Planning (DPDP), Office of the Governor. The CPM certification procedure is not included within the Alaska Master application program. Federal regulations covering the program are 15 CFR 930, "Federal consistency with Approved Coastal Management Programs." State regulations pertaining to the potential Susitna project are 6AAC 80.070 Energy Facilities and 6AAC 80.130 Habitats.

The proposed Devil Canyon dam would be within the Coastal Zone boundaries even though it is about 100 miles upstream of the mouth of the Susitna River on Cook Inlet. Thus, the Project will be subject to consistency with the CMP.

Guidelines for the energy facilities planning process are discussed in Appendix 7 of the previously referenced FEIS. The process discussed includes designations of sites suitable for major energy facilities by organized districts and the state. At this time, a formal energy

00136

Figure 2.3

CORPS OF ENGINEERS - WATER RELATED PERMITS

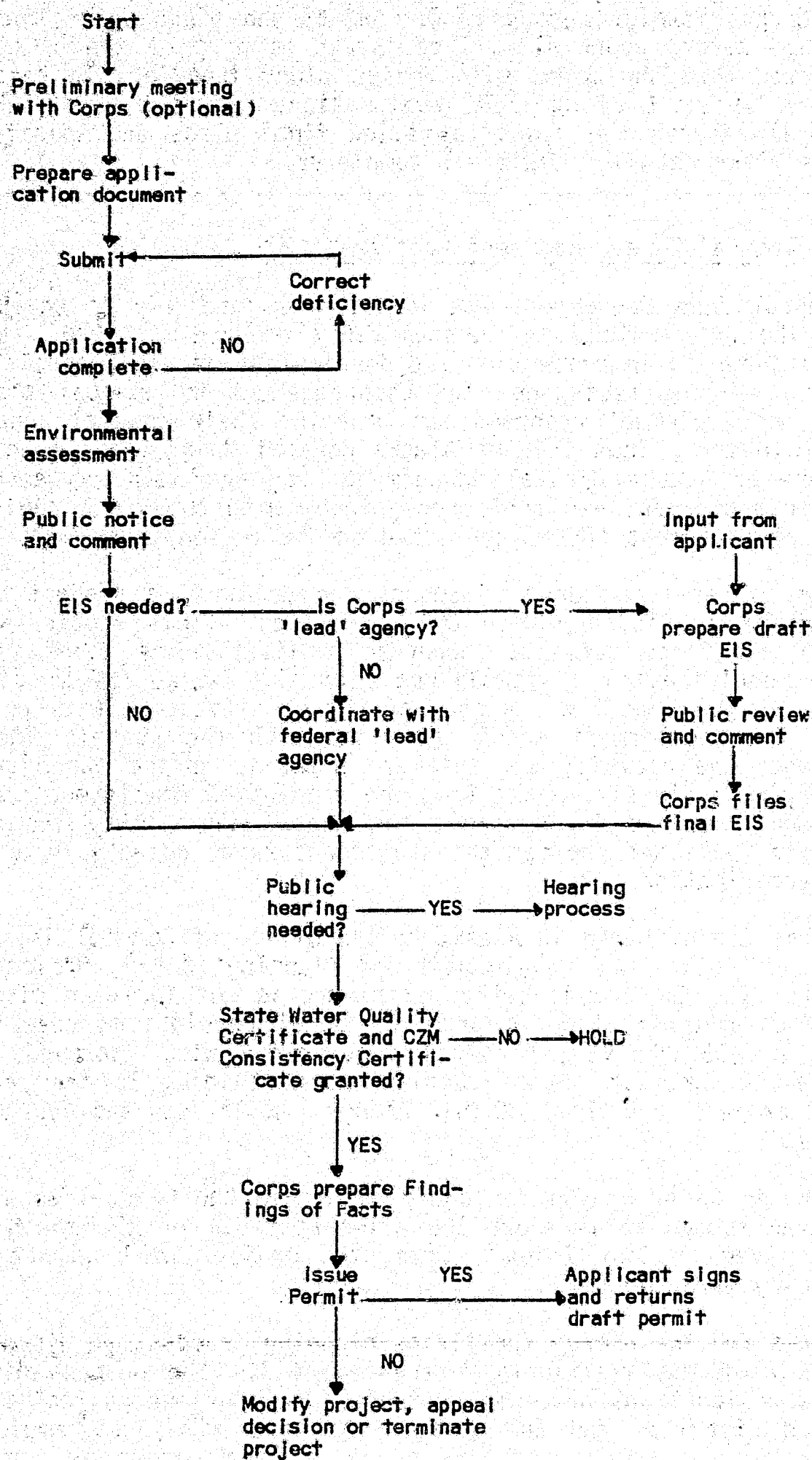


TABLE 2.3
CORPS OF ENGINEERS PERMIT
APPLICATION REQUIREMENTS

<u>Contents</u>	<u>Responsible Task/ Subtask Within Susitna P.O.S.</u>	<u>Comment/Criteria</u>
Application	10	
(a) Location and name of waterway, project description	10	
(b) Activity dates, construction	9	
(c) List of other regulatory concerns	10.02	
Supporting Information		
8 1/2" x 10" drawings of project	6	Several additional drawings needed to show the project plan and profile, major features
Dams and Impoundments		
Plans, specifications, drawings	6.31	These would be the same drawings required for Exhibit L.

00136

facility siting program does not exist but is under consideration by the Office of the Governor. At the present, major projects are evaluated by specially designated task forces coordinated by the DPDP.

There are five general energy facility planning guidelines which have been approved by the Alaska Coastal Policy Council and the Legislature (6AAC.80.070):

- (1) Optimum Location - site facilities to minimize adverse environmental and social effects while satisfying industrial requirements
- (2) Compatibility - site facilities to be compatible with existing and subsequent adjacent uses and projected community needs
- (3) Consolidation - consolidate facilities
- (4) Concurrent Use - consider the concurrent use of facilities for social or economic reasons
- (5) Cooperation - seek to cooperate with land owners, developers, and federal agencies in the development of facilities.

In addition, there are eleven general planning siting criteria which are listed in the CMP summary in Appendix B. Several of the criteria are relevant to projects along the coastline which could affect navigation. It appears that the planning process for the Susitna project as described in the POS is compatible with the CMP process.

Also Appendix B lists the information required with the submittal of proposals for consistency evaluation. The Exhibit W prepared for the FERC application should adequately cover the required information and be in a format usable by the CMP evaluators. Thus, copies of that document rather than a separate document, should be submitted to satisfy the data requirement.

2.4.3 - Water Rights

Securing the water rights for the Susitna project will be one of the key regulatory milestones. Unlike several of the other milestones, there is little additional preparatory work to be done in project planning to secure those rights, other than to establish the preliminary project design.

Although confirmatory research under Task 10 of the study will be done, it appears at this time that the rights to the Susitna River water are unsecured. Thus, pursuit of water rights would be a two-stage process.

At the time of submittal of the completed applications identified in the master application process, an Application for Water Rights will

6
3
1
0
0
1
3
be included. Since one requirement of the water rights is that a dam construction permit be included, the application may not be submitted prior to completion of information for the permit. The dam permit is discussed in Section 2.9, Building Permits.

After submission of the application to the DNR, Division of Forest, Land and Water Management, a public notice and review process will follow. A hearing is not required but may be held if public objections are received. If the rights are to be allowed, a permit will be issued authorizing the holder to construct the necessary works for appropriating the water and to commence appropriation. This permit does not secure water rights. Only when the appropriation process has commenced will the DNR, upon notification, issue a Certificate of Appropriation. The certificate secures the holders rights.

The permit will be issued for a period of time adequate to complete construction and begin use the water. The period may be extended for due cause.

There are two key requirements for the permit application. One is the proof of land entitlements to construct the project. Thus, land agreements to the project should be made for the dam and reservoir areas prior to the application submittal. The exception is for federal lands, which will be made available by the FERC license.

The other requirement is the approval of the dam(s) structure. Since the permit to construct a dam must be obtained along with water rights, the application cannot be submitted until the dam preliminary plans are ready for submission. These will be completed at a time nearer to the end of the feasibility study during preparation of the FERC application Exhibit L.

The DNR, according to statute, uses the following four criteria for determining whether to issue a permit.

- (1) Rights of a prior appropriator
- (2) Adequacy of the proposed means of diversion
- (3) Benefits of proposed use of water
- (4) Public interest.

In determining the public interest, many aspects of the project and the effects of the appropriation are considered. The statute lists the following eight points of public interest:

- (1) Benefit to the applicant
- (2) Effect on economic activity
- (3) Effect on fish and game and public recreation
- (4) Public health

- (5) Loss of alternative uses of water
- (6) Harm to other persons
- (7) Ability of applicant to complete the appropriation
- (8) Effect on public and navigable waters.

These effects will all be included in various Exhibits of the FERC licenses, primarily Exhibit H.

2.5 - Water Quality Permits

Regulations concerning water quality impacts of development of a hydroelectric project on the Susitna River can best be understood by separating the permitting actions into those required for the dam, reservoir and powerhouse facilities and those required for construction, operation and maintenance of the project.

At this time, only one water quality permitting action is anticipated for the dam and hydroelectric portion of the project. That action is the water quality certification. It is a requirement of both the Corps of Engineers and the FERC that the state certification be issued prior to granting of the federal permits. The certification requirement was established by Section 401 of Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972. Regulations governing the certification process are referenced 18AAC 15.130-180.

Application is made for the certificate by submitting to the DEC a letter requesting certification which should be accompanied by a copy of the permit application to the federal agency, in this case, the FERC license application. This submission will take place along with the other state submissions in the Master Application process.

The certification is valid for a period of five years, thus, it may need renewal prior to operation of the dam when the NPDES permit is concluded. This recertification will be dependent on timing. Renewal should not be a major problem. However, certifications obtained relative to construction of a facility are valid for additional federal permits and licenses required for operation of the facility within the time limitation.

A second set of permit actions will be required if discharges are planned in conjunction with wastewater handling systems. These systems would be associated with wastewater from construction camps, recreation and operating facilities at the project. Should non-discharge wastewater treatment systems be designed (such as a septic system), these permits may not be needed.

On the federal level, a permit may be required under the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). The purpose of this system is to prevent water pollution by

monitoring and controlling the discharge of waste. The owner and/or operator of any activity or wastewater system which discharges from one or more "point sources" into a waterway must obtain a permit. The definition of "point source" includes a wastewater treatment facility for facilities used by operation personnel and those making use of recreational opportunities. A NPDES permit could be required for the project as well as the treatment facilities. Currently, there is litigation regarding the classification of dams as "point sources." Two cases are pending regarding the Corps' R. B. Russell Dam in South Carolina and dams in general. The cases should be decided later this year (1980). At this time, the EPA posture is that until these court cases are settled, a NPDES permit will not be required for dam construction.

Dredged or fill material discharges do not require a NPDES permit. If construction/operation activities warrant the need for a NPDES permit, the short Form A application applies. The application must be filed 180 days prior to commencing the discharge. There is a 30-day review by the state for certification. A public hearing may be held if it is in the public interest.

Three additional permits relating to appurtenant project service facilities may be required by the State: the "Plan Review for Water and Sewer"; "Wastewater Disposal and Solid Waste Disposal." These three permit processes would be followed under the master application process.

The purpose of the "Plan Review for Water and Sewer" is to provide minimum standards for wastewater treatment facilities and to assure compliance with Alaska water quality and drinking water standards. In order to initiate the Plan Review, a detailed report including the design plans certified by a registered professional Alaskan engineer must be submitted to the DEC. The plans are reviewed and approved, if appropriate, within 30 days. There are four references cited as appropriate for design criteria by the DEC; these are listed in the permit summary of Appendix B.

The Wastewater Disposal permit is similar to the EPA-NPDES permit. Where the NPDES permit is required for project service facilities, the DEC will adopt it as the required state permit. The process for reviewing the application is similar to that for NPDES.

The Solid Waste Disposal permit is to control or eliminate the detrimental health, environmental and nuisance efforts of improper solid waste disposal practices. This permit will likely be required for project construction and service facilities. The application includes detailed plans and specifications for the facility, certification of compliance with local ordinances, and a report on the characteristics of the waste to be processed.

2.6 - Land Use

The subject of regulatory procedures for land use is very complex since it involves lands which are at this time somewhat in regard to need and ownership which has been in a state of flux for many years. Subtask 2.0 of the

study will deal with land rights identification in detail. The outputs of that study will determine many of the permitting actions needed.

2.6.1 - Federal Lands

The lands needed for Devil Canyon and Watana dams are, at this time, either federal lands which have been classified as power sites, lands under the jurisdiction and administration of the Bureau of Land Management (BLM) or owned by Cook Inlet Region, Inc. (CIRI). The FERC license constitutes the authority to use the Federal lands and establishes the amount of annual payment appropriate for use of public lands. The license also grants the right of eminent domain for acquisition of non-Federal lands, although this right presumably is duplicative of the APA's statutory authority. The lack of private lands will probably not require the exercise of the eminent domain judicial process.

The lands needed for the transmission corridor are of a different nature. It can be expected that right-of-way permits will be needed from the BLM and the Alaska DNR. Federal lands needed as part of the transmission facilities included in the FERC license application will need no further permit. Other transmission line right-of-ways require application. The regulations covering power transmission right-of-ways are found in 43CFR Part 2850. These rules are subject to change due to the Federal Land Policy Management Act. There is no standard application form for this action; thus, applicants are encouraged to coordinate with BLM in preparation of the application.

Several additional permits could be required, depending upon the selected transmission corridor. One possible route could parallel or share right-of-way with existing bequests of the Alaska Railroad. The railroad is administered by an agency of the same name, part of the U. S. Department of Transportation. There is no standard form for application or hearing process but there are several specifications and standards for compliance. Should Alaska Railroad right-of-way be needed as part of the project licensed by FERC, there would be a question whether the FERC license constitutes allowance for usage of the land or a separate permit action is needed.

Other potential land use permits which are not currently expected to be required are the U. S. Fish and Wildlife Service (DOI) permit for use of the Natural Wildlife Refuge Lands and the Bureau of Indian Affairs (BIA) permit for Indian Land Lease Authorization.

Applications for power lines must contain a description of generating plants connected to the line, the number of customers to be served by the capacity, a power flow diagram, an agreement to wheeling stipulations, and a detailed description of the environmental impact of the project.

2.6.2 - State Lands

Construction access roads and transmission lines will undoubtedly at some point encroach on existing highways. This action will require a Utility Permit for Encroachment Within Highway Right-of-Way. The purpose of this permit is to allow the Alaska Department of Transportation and Public Facilities (DOTPF) to maintain an accurate record of all facilities located in highway right-of-way.

A standard application form must be submitted accompanied by plans, specifications, descriptions of work, methods to be employed and other pertinent data to allow DOTPF to review the design and location of proposed facilities. The DOTPF coordinates this review with that at other agencies of the Alaska State Government. This permit may be obtained as part of the master application process as discussed in Section 2.3

A Right-of-Way or Easement Permit may also be required from the DNR. The permit is required for the construction of routed projects such as roads, pipelines, telephone and transmission lines. Since some of the lands potentially crossed by transmission lines are part of the state land withdrawals, this permit may be needed. The permitting process is a two-step function. The applicant submits the completed Form 10-112 to the DNR, Division of Forest, Land and Water Management. The form must include a preliminary plan. If the proposed construction is approved, a letter of entry is issued authorizing the construction. The Right-of-Way permit is not issued until construction has been completed and the as-built plans are approved by the department. The initial phase of application submission would take place under the Master Application process.

The DNR has three other land use permit within its jurisdiction which may be needed, depending upon lands involved. These are Special, Conditional, and Miscellaneous Land Use Permits. These permits are typically for short-term land uses or for use of specially designated lands. The need of for these permits for the project is unknown at this time. Construction activities are likely to need these permits.

The ADF&G has two permitting actions regarding use of designated Game Refuge and Game Sanctuary Lands. The use of any of these lands for the project is not expected at this time.

2.6.3 - Local Permitting

The only local permitting action required is a special land use permit required by the Matanuska-Susitna Borough (MSB). The permit was established by the Borough Assembly in Ordinance 79-35 which created the Talkeetna Mountains Special Use District. The purpose of the ordinance is to conserve the unspoiled beauty of region, to be consistent with its use as a mining district as well as a water resource district, and to aid wildlife habitat while permitting resource development, recreation, grazing and related activities where appropriate.

The Talkeetna Mountains Special Use District includes approximately 10,633 square miles of land area.

The permit is administered by the Planning Department of the Borough. As the project will include roads, water resource development, timber harvest (clearing), and possibly recreational features, all of which are regulated by the permit, the Borough will be interested in all aspects of the project.

At this time, there is no set requirement for a formal permit application. It is anticipated that the environmental exhibit prepared for the FERC application will satisfy application requirements of the Borough.

2.7 - Fish and Wildlife Permits

As discussed in the section on FERC licensing, an extensive amount of coordination is required with the federal and state fish and wildlife agencies. In addition, several permits will be required by the Alaska Department of Fish and Game (DF&G). These permits are for the purpose of protecting critical fish and wildlife habitats.

An Anadromous Fish Protection Permit under the administration of the DF&G will be required, since the Susitna project would affect the natural flow of a river that contains anadromous fish. Previous studies have determined that anadromous fish travel up the Susitna River at least as far as the Portage Creek downstream of Devil Canyon Dam. Whether the fish migrate past the site proposed for the dam will be determined by studies in Subtask 7.10.

The application for this permit includes a completed "Waterway/Waterbody Use Request" and additional items as follows:

- (a) Full plans and specifications for the proper protection of fish and game in connection with the proposed project
- (b) The project schedule
- (c) An outline of materials, methods and equipment
- (d) A map and description of the project site.

The DF&G also regulates fishways which would be included in the project if necessary. The permit application requirements are similar to those for an Anadromous Fish Protection permit.

A third permit which may be necessary is the Critical Habitat Area permit. Should work be performed within such designated areas, a permit would be required. The purpose of the permit is to ensure compatibility with perpetuation of fish and wildlife resources. The Critical Habitat Area permit application requirements are similar to those previously discussed. The permit is temporary for one year. It is anticipated that the permit would be needed for related construction activities only, which may affect designated areas.

2.8 - Air Quality Permits

Since the operation of the Susitna project will not have a direct effect on the air quality parameters as regulated by existing programs, air quality permits will be a relatively small consideration in the overall licensing of the project. Nonetheless, permits will be necessary for the construction process and minor aspects of the project. It can be expected that small diesel or gas turbine units will be included in the Susitna project for the purposes of emergency 'house' power. Additionally, dust created by the construction process and temporary generators at the construction camp and site will create emissions. These emissions will be regulated at the state, rather than federal level.

2.8.1 - Environmental Protection Agency

The EPA regulates construction and operation of air pollution sources by two programs, the New Source Performance Standards (NSPS) and the Prevention of Significant Deterioration (PSD) program. These programs are administered in Alaska by the EPA Region X located in Seattle, Washington.

The dam, reservoir and powerhouse projects in themselves would not be regulated by these programs. However, the process of construction and the standby house power facilities may be regulated. Any new internal combustion or gas turbine units will be subject to NSPS regulations. Compliance with the standards will be a responsibility of the equipment supplier, as specified in a purchasing contract.

The PSD program regulates new sources which emit more than 250 tons per year of pollutants. The program sets certain standards for areas which must be met. The net effect of the program is to assure minimum ambient air quality and limit additional degradation of air quality in areas where some pollution exists.

At this time, it is not known whether the construction process at each dam site would produce 250 tons of emissions. The total pollutants must be summed and compared to the 250 ton/year total. Should the construction process be subject to the PSD regulations, a period of air quality (perhaps as much as one year) monitoring and modeling could be required. For this reason, the applicability of the PSD standards should be identified at the earliest possible time in the study. At that time, coordination should begin with the Region X office to determine monitoring and modeling requirements, if any.

2.8.2 - State Permit to Operate

The State Air Quality Control Permit to Operate will be required for the construction of the project and stationary electric generating units. The regulations governing the permit are in 18AAC 50, Air Quality Control. No air contamination emissions are allowed in the

State without this permit as granted by the DEC. The permit is required for all the fuel burning electric generating equipment of greater than 250 kW capacity.

Application requirements include the following:

- (a) project layout and construction
- (b) maps and aerial photographs indicating land use and zoning local to the facility
- (c) an engineering report on the process causing the emission including estimated types and quantities of contaminants emitted
- (d) description of air quality control devices
- (e) effects on surrounding ambient air quality
- (f) plans for emission reduction during an air episode (not applicable).

This permit may be obtained under the Master Application process. The permit duration is specified case by case, not to exceed five years.

A permit to open burn also may be required from the DEC during the construction process. As this permit has a short lead time (about five days) it will not be a critical consideration to project development.

2.9 - Building Permits

Unlike projects in localities in the lower 48 states, the Susitna project will not be subject to a large number of local building permits and codes. At present, there are two building permit reviews at the state level and one at the federal level.

2.9.1 - Dam Safety

The most significant review of the project will take place under the permit to construct a dam issued by the DNR. The permit is required by the DNR in conjunction with the water rights permit. The purpose of the permit is to provide for a state review of the proposed structure to assure that its construction plan and design are adequate. There are apparently no public hearings associated with the permit.

The permit application (included in Appendix B) requires general information about the dam and the site. Also to be included are plans in sufficient detail and of sufficient scale to allow for a complete review and analysis of the project. The plans must include the following information:

- plans for a gage to monitor flow released from the reservoir
- detailed maps of the dam site including location, spillway, outlet works borings, test pits and material pits
- profile of the dam axis
- maximum cross section of the dam.

There are additional requirements for large dams which are included in the regulatory summary of Appendix B. Most of these additional requirements are pertinent to engineering analysis of the dam and foundations and design criteria used.

The plans will include provisions for supervision by a registered professional engineer during the period of construction. Additionally, the DNR will determine an inspection program of the project to take place throughout the construction process.

The data requirements for this state review appear to be more detailed than those for Exhibit L (General Design) of the FERC application. Thus, the information included in the Power Development Report of Subtask 6.28 will be the most appropriate source for inclusion of all of this information.

Since the dam construction permit is a key requirement to securing the water rights for the project, preliminary discussions should be held with the DNR staff to determine the level of detail needed in the dam design data for review. These discussions should begin after alternatives for development are selected. Should the feasibility level design (adequate for FERC) be considered insufficient to issue a construction permit, the water rights permit would also be held up until sufficiently detailed design was completed and approved. This could cause a construction delay. Coordination with DNR may resolve the problem by assuring that the feasibility level of design includes adequate detail. Subsequent review of advanced project designs may be expected as a permit condition.

2.9.2 - Building Check

The Department of Public Safety (DPS) will perform a review of the buildings (other than single family residences) associated with the project to insure compliance with state fire safety regulations. There are no building permits issued by DPS; rather, the plans are approved or disapproved for occupancy or use.

To initiate review, plans and specification must be taken or mailed to the regional office of the DPS Division/Fire Protection. There is no specified application form.

2.9.3 - Transmission Line Towers

At the federal level, the Federal Aviation Administration (FAA) has an interest in reviewing tall structures. The FAA must review any structures 200 feet in height or located within 20,000 feet of a runway to

determine interference with local aircraft traffic patterns. Notice is to be filed with the FAA on appropriate forms at least 30 days before construction. Additionally, within 5 days after the structure reaches maximum height, a second notice must be filed if requested by the FAA. The FAA will decide whether marking and lighting are necessary and whether supplemental notice of construction is needed. It is likely that transmission line facilities may require this type of notification.

2.10 - Other Permits

The purpose of this section is to document briefly those permits which at this time are not expected to be a requirement for development of the project, or are of minor impact and which would be expected to be procured by specific contractors performing a job.

2.10.1 - Federal Permits

The Fuel Use Act enacted a set of prohibitions on the use of oil and gas as primary fuel sources in new electric power plants. Although the hydroelectric generators at the project would not be powered by these fuels, small construction and standby units, probably diesel engines combustion turbines, will. The limitation on unit size for applicability of the prohibitions is a fuel-burning capacity of 250 million Btu per hour. This would equate roughly to a plant in the 20-30 MW range, larger than would be expected for the project. Assuming this to be the case, the prohibitions would not be applicable to the project.

2.10.2 - State Permits

The following list of permits and regulations comprise those which may appear to be applicable but, in fact, will either not be required or would be procured by a contractor with responsibility for the job.

- Public Utilities Certificate of Public Convenience and Need (Alaska Public Utilities Commission): According to AS Chapter 56, Section 44.56.090(b) the APA is not subject to the jurisdiction of the PUC.
- Permit to Drill or Deepen (DNR): Although there will be exploratory drilling for foundation exploration at the site, this permit is intended to regulate those exploring for oil and gas.
- Burning Permit (DNR): This differs from similar DEC permits in that its purpose is to regulate the fire hazard rather than the air quality. The application would be made by a contractor doing the burning.

- Conditional Use Permits and Variances (DNR): The purpose of this permit is to allow activities that may be incompatible with State zoning requirements. Since the project lands are within an incorporated borough, this permit will not be needed.
- Disturbance of Natural Material Permit (DNR): This permit is to protect the scenic and natural resources of state park land. Since park land is not anticipated to be affected, the permit is not applicable.
- State Game Sanctuary Permit (DF&G): The purpose of this permit is to ensure the protection of wildlife resources within designated State Game sanctuaries. No sanctuaries as designated at this time will be affected by the project.
- Permit for Oversize/Overweight Vehicles (DPS): The purpose is to regulate the movement of these vehicles to ensure the safety of the public and the integrity of the highway system. This would be the responsibility of the contractor moving the equipment.
- Fired and Unfired Pressure Vessels, Inspection Certificate (DOL): Inspections are made to ensure compliance with applicable standards. This would be the responsibility of an individual supplier/contractor.
- Prevention of Accident and Health Hazards (Inspections-DOL): The purpose of these Division of Occupational Safety and Health inspections are to ensure compliance with standards. All individual employers are compelled to comply with the standards. There are no permit requirements unless an exception from standards is needed.
- Water Well Authorization (DNR): The purpose is to regulate the use of abandoned oil and gas wells to be used for water supply. This is not applicable to the Susitna project.
- Food Service Permit (DH&SS): This is a regulatory action of all food service operations to assure maintenance standards. It would be the responsibility of the individual camp suppliers to procure the permit.
- Certificate and Permit for Tourist Accommodations (DH&SS): The purpose is to ensure compliance with health and sanitation standards. The need for this will depend on the type of facilities planned.
- Surface Oiling Permit (DEC): The permit would be needed if it was proposed to oil construction roads or similar operations. Its procurement would be the responsibility of the individual contractors.

SECTION 3 - IMPLEMENTATION PLAN

The plan for acquiring the required licenses and permits is shown on Figure 3-1. It is estimated that this process would take approximately 40 months from a positive decision to proceed (and immediate submission of the FERC license) to initiation of construction. To achieve this schedule, action would have to be taken to meet with regulatory agencies and to prepare applications prior to a final decision to proceed. This action would take place in the final six months of the study schedule and would be in addition to the final preparation of the FERC application. Preparation of this schedule was based upon both legally established lead times and advice from staff representatives of the specific agencies.

The critical path of the schedule is the FERC application. New procedures are being implemented by the FERC to hold the processing time for major applications to 18 to 24 months. This timing would not include a hearing process, which can be expected in a major action such as the Susitna project. The hearing process would add approximately one year to the process to give a total of 30-36 months. Due to the magnitude of the project the longer range of time could be expected. An additional four months of final state and federal permitting would extend past the approval of the FERC license to extend the total licensing time to 40 months.

Two separate Master Application submissions are included in the licensing schedule. The initial submission, along with the numerous submissions at month zero, would be for those permits having a direct effect on the ultimate project. These would include:

- Coastal Zone Management Certificate of Consistency
- Water Rights Permit
- Water Quality Certificate
- Right-of-Way Easements (and other Land Use Permits as identified)
- Highway Encroachment Permits
- Anadromous Fish Protection Permits
- Dam Safety Permit

A second submission to the state would take place at a later date, in anticipation of construction initiation. These permits would be held off to await more planning on construction camps and methods, incidental waste plans and other specifics of the detailed design. The additional permits relative to the construction process would include resubmission of several of the foregoing plans, plus the following:

- Fire and Safety Plans Check (buildings)
- Burning Permits
- Water and Sewer Plan Review.

At this later date, the NPDES permit (EPA) would also be pursued, for point sources originating from both construction and the related project features.

It is apparent that the most critical issues concerning the project will be addressed during the FERC licensing process, particularly in light of its

status of 'lead agency' in developing the federal EIS. It should be noted that the Corps of Engineers process is scheduled for a longer period of time than is usually taken, to await development of the EIS by the FERC.

The primary permits which deal with the implementation issues at the state level are the CMP and Water Quality Certificates, the Water Rights permit and the Anadromous Fish Permit. Thus, close coordination should take place with the agencies enforcing those programs. As the DF&G is actively involved in the study, coordination requirements should be met appropriately. However, coordination should be initiated and maintained with the Alaska Office of Coastal Management and DNR, particularly during the alternative studies for power development and the Susitna River development.

FIGURE 3-1
 LICENSING SCHEDULE
 Susitna Hydroelectric Project

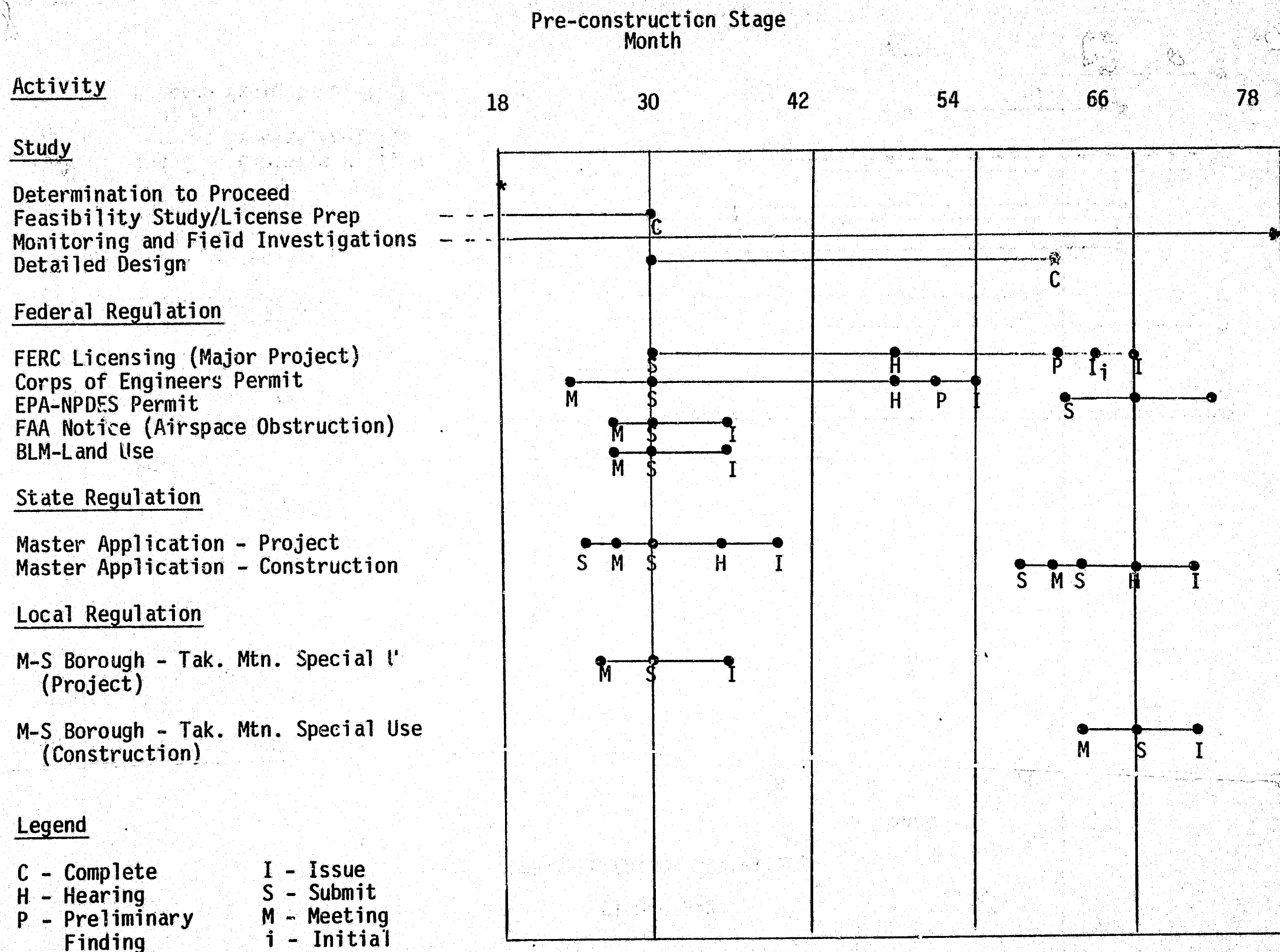


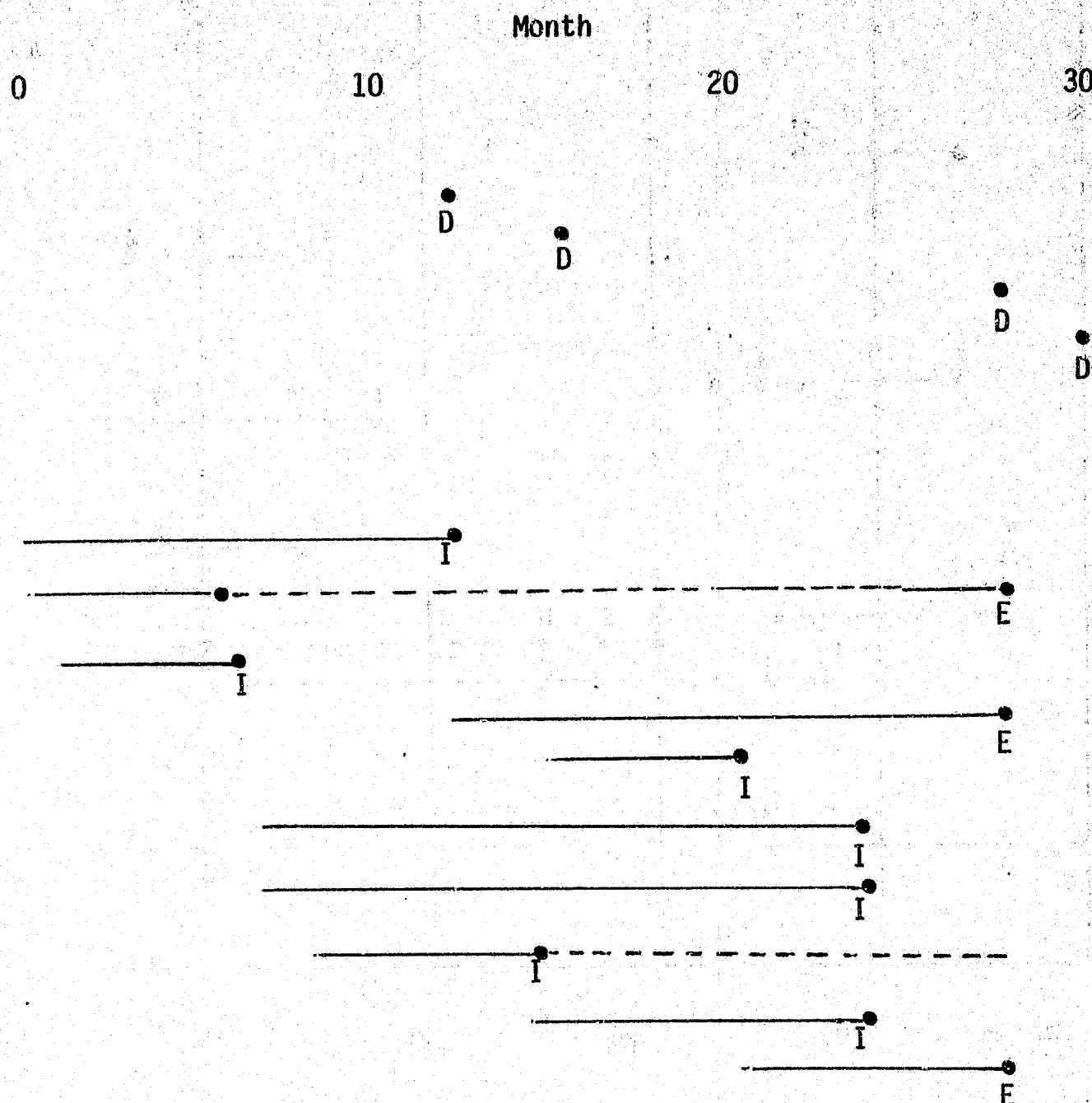
FIGURE 3-2
PRE-APPLICATION ACTIVITIES

STUDY DECISION MILESTONES

Sustina Basin Alternative
Development Selection
Feasibility and License
Submittal
License Submittal

INTERNAL STUDY ACTIVITY

- Task 1: Input to Exhibits
I, U, W Power Study
Report
- Task 2: Prep. Exhibit F
Maps, input to
Exhibits J, K
- Task 3: Prep. Exhibits H,I
Input Exhibit K
- Task 4: Input to Exhibit L
- Task 5: Input to Exhibit L
- Task 6: Input to Exhibits H, I, W
Support Studies Exhibits
J, K, L, M
Prepare Exhibits J, K, L, M



Legend

- | | |
|-----------------------|---------------------------|
| D - Decision | A - Completed Application |
| E - Completed Exhibit | S - Submit |
| I - Completed Input | M - Meeting |

FIGURE 3-2
PRE-APPLICATION ACTIVITIES

INTERNAL STUDY ACTIVITY

Task 7: Exhibit R Input
Support Studies Exhibits
S, V, W
Preparation of Exhibits
V, S, W

Task 8: Input to Exhibits J, K, M
Input to Exhibit V

Task 9: Preparation of Exhibit N, O

Task 10: Preparation of Exhibit A-E
Preparation of Exhibit R
Preparation of Exhibit T
Preparation of Application
Document
State Water Rights, Dam
Safety, Water Quality
Cert. and Coastal Manage-
ment Certification Appli-
cations

Task 11: Preparation of Exhibits G
Preparation of Exhibit V

Task 12: Coordination Mtgs.
Input to Exhibit W

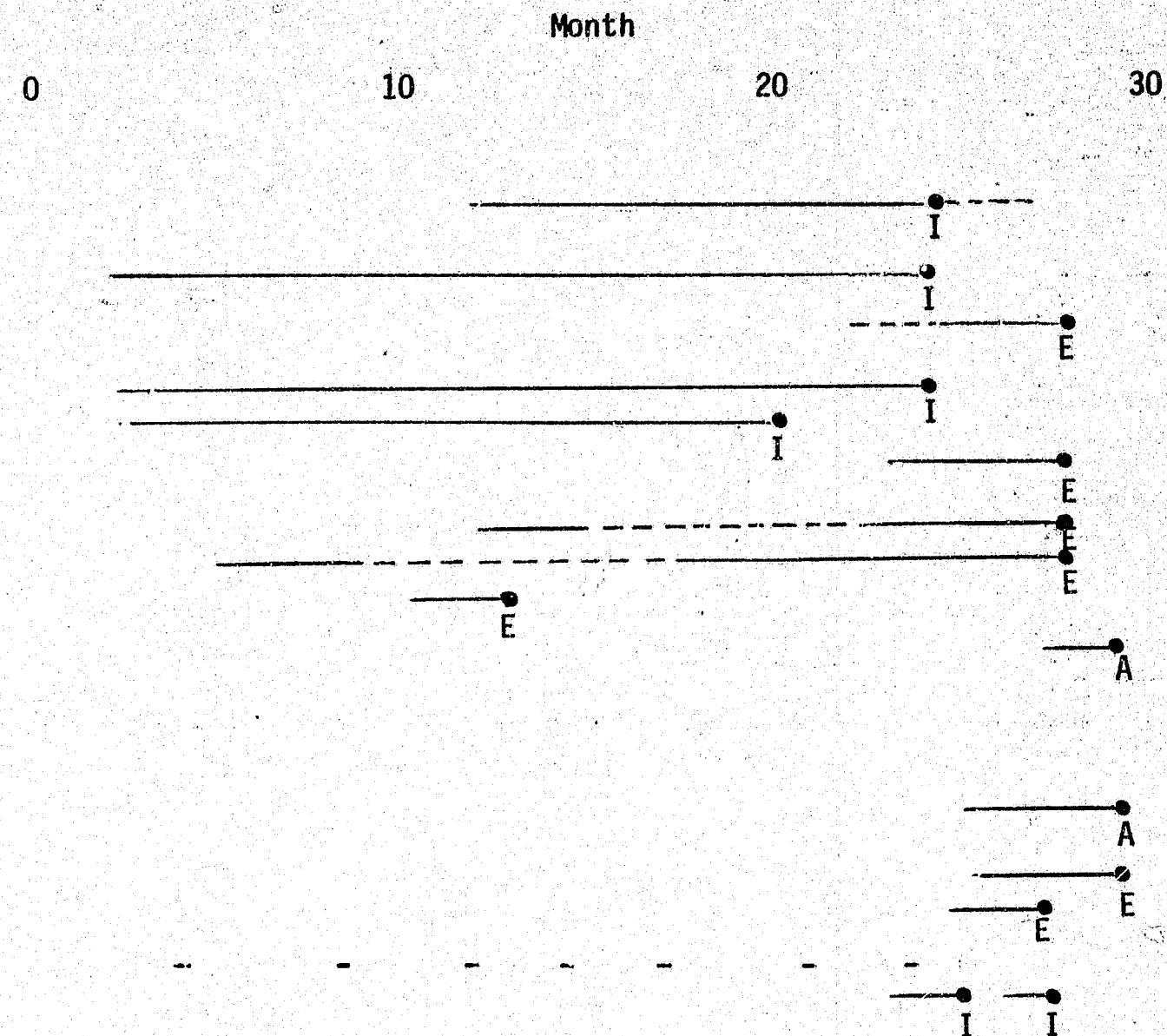
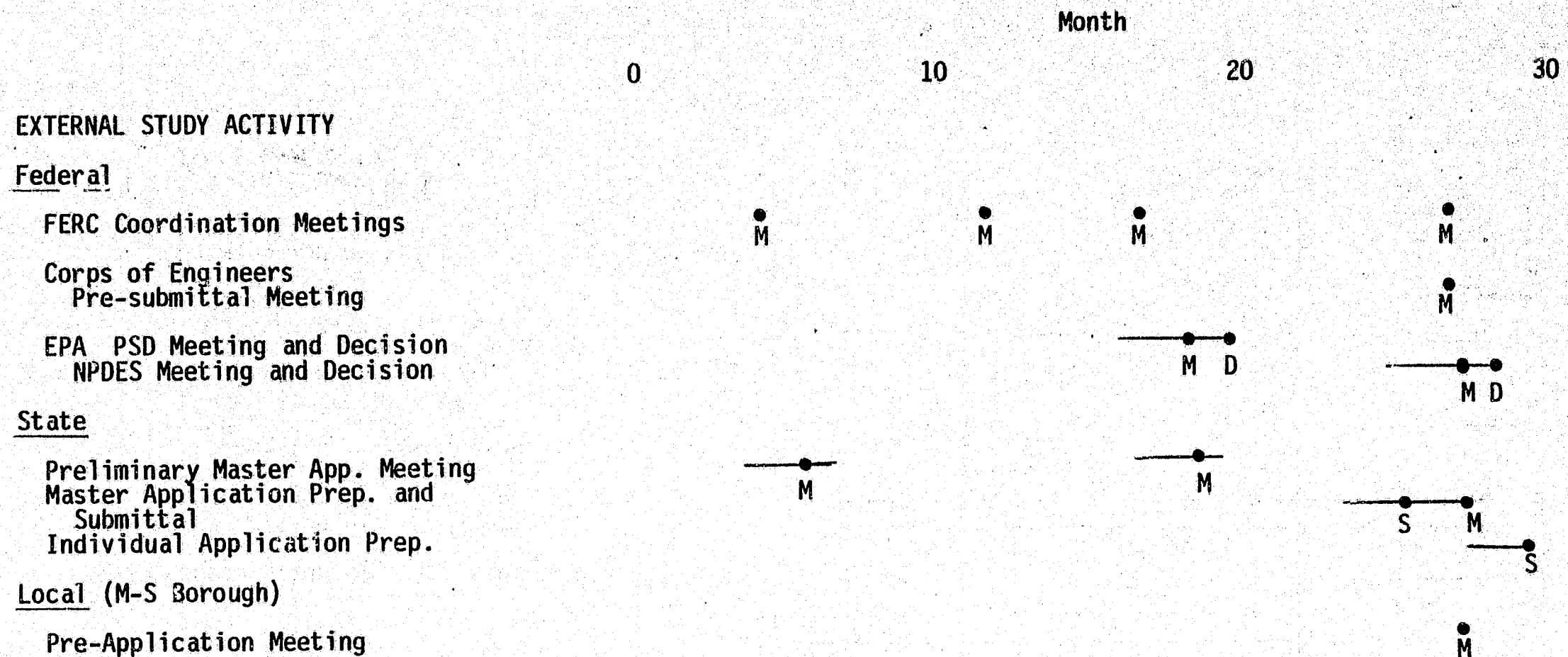


FIGURE 3-2
PRE-APPLICATION ACTIVITIES



APPENDIX A

7
FERC LICENSE: POLICY, GUIDELINES AND CRITERIA

APPENDIX A

FERC LICENSE: POLICY, GUIDELINES AND CRITERIA

CONTENTS

	<u>Page</u>
Specifications for Maps and Drawings (18 CFR 4.32).....	A-1
Directions for Exhibit K (Excerpt 18 CFR 4.31).....	A-5
FERC Policy - Recreational Development at Licenses Projects (Excerpt 18 CFR 2.7).....	A-7
Statement of General Policy to Development Procedures for Compliance with the Natural Environmental Policy Act of 1969 (Excerpt 18 CFR 2.80-2.81).....	A-9
Fish and Wildlife Compliance Procedure (Excerpt 50 CFR Subpart 410.21-24).....	A-20

Specifications for Maps and Drawings (Excerpt 18 CFR 4.32)

Order No. 54
Docket No. RM79-23

§ 4.32 Specifications for maps and drawings.

All required maps and drawings must conform to the following specifications, except as otherwise prescribed in this chapter:

(a) Each original map or drawing must consist of a print on silver or gelatin 35 mm microfilm mounted on Type D (3-1/4" by 7-3/8") aperture cards. Two duplicates must be made of each original. Full-sized prints of maps and drawings must be on sheets no smaller than 24 by 36 inches and no larger than 28 by 40 inches. A space five inches high by seven inches wide must be provided in the lower right corner of each sheet. The upper half of this space must bear the title, numerical and graphical scale, and other pertinent information concerning the map or drawing. The lower half of the space must be left clear. If the drawing size specified in this paragraph limits the scale of drawings described in paragraph (c) of this section, a smaller scale may be used for those drawings.

(b) Each map must have a scale in full-sized prints no smaller than one inch equals 0.5 miles for transmission lines, roads, and similar linear features and no smaller than one inch equals 1,000 feet for other project features. Where maps at these scales do not show sufficient detail, larger scale maps may be required under § 4.31(f). Each map must show:

- (1) true and magnetic meridians;
- (2) state, county, and town lines; and
- (3) boundaries of public lands and reservations of the United States [see 16 U.S.C. § 796(1) and (2)], if any.

If a public land survey is available, the maps must show all lines of that survey crossing the project area and all official subdivisions of sections for the public lands and reservations, including lots and irregular tracts, as designated on the official plats of survey that may be obtained from the Bureau of Land Management, Washington, D. C., or examined in the local land survey office; to the extent that a public land survey is not available for public lands and reservations of the United States, the maps must show the protractions of townships and section lines, which, if possible, must be those recognized by the Federal agency administering those lands.

(c) Drawings depicting details of project structures must have a scale in full-sized prints no smaller than:

- (1) one inch equals 50 feet for plans, elevations, and profiles; and
- (2) one inch equals 10 feet for sections.

(d) Each map or drawing must be drawn and lettered to be legible when it is reduced to a print that is 11 inches on its shorter side. Following notification

Order No. 54

Docket No. RM79-23

to the applicant that the application has been accepted for filing [see § 4.31(c)], prints reduced to that size must be bound in each copy of the application which is required to be submitted to the Commission or provided to any person, agency, or other entity.

Directions for Exhibit K (Excerpt 18 CFR 4.31)

Exhibit K Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, Department of the Army, such local datum shall be used. If more than one sheet is used the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission the detail map to be filed as this exhibit shall conform to the specifications for drawings, 4.32, and the following requirements:

(1) It shall show the project area and the project boundary.

(i) The project boundary for reservoirs may be shown by metes and bounds, or by a contour, or if the project lands are covered by the public land survey by lines along or parallel to lines of the public land survey. Where a flowage easement or right of use involving other than a conveyance in fee for a reservoir applies to a whole tract of land and is not otherwise defined, the project boundary may enclose the entire tract.

(ii) The project boundary for continuous structures, such as transmission lines, telephone and control lines, conduits, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom.

(iii) Except with respect to lands necessary or appropriate for recreation purposes, for which it is recognized that additional project area will generally be required, the project boundary shall be no more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipelines, transmission lines, roads, and other so-called continuous structures exceed 200 feet, unless satisfactory reasons are given to the contrary. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There

shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(iv) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public land survey, there shall be shown the station number on the boundary survey, and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile. The station number of the boundary survey shall be shown at points of entering and leaving lands of the United States or lands in which the United States has an interest.

(v) The project boundary, if described other than by a contour, shall be accurately plotted on the map with courses and distances fully and legibly shown either along the plotted boundary or in tabular form on the map. The project boundary if described by a contour, shall be accurately plotted on the map with such data as completely and accurately fixes its location and permits its recovery in the field.

(vi) If a contour project boundary is located on lands covered by the public land survey, a permanent monument shall be established at each intersection of the boundary with an identified line of the public land survey. The map shall have the location of all such monuments with the bearing distance from each monument to nearest identified corner in each direction if such distance does not exceed one mile.

(vii) Wherever a Federal survey monument will be destroyed or rendered unusable by the proposed development, at least two permanent, marked witness monuments shall be established at accessible points. The map shall show a description of the monument destroyed or rendered unusable and location of the witness monuments with the connecting courses and distances to the original monument. Similarly where Federal bench marks are destroyed or rendered unusable, witness bench marks shall be established at accessible points. The map shall show the location and elevation of the original and witness bench marks with connecting courses and distances.

(viii) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within, or partly within, the project area, designating separately lands owned by the applicant, lands to be acquired by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating sepa-

ately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to Exhibit F for further details.

(ix) Each map shall have thereon a statement by the person who makes or supervises the survey that the survey was accurately made and is correctly shown on the map. Each map shall have thereon a statement that the person who makes or supervises the survey has been employed by the applicant to make the survey.

(2) The location shall be accurately shown of all project works, such as—

(i) Dams.

(ii) Reservoirs. Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(iii) Water conduits. Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch tunnel, pipe, etc.

(iv) Powerhouses, substations, and switchyards.

(v) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways and bridges.

(vi) Navigation structures.

(vii) Channel approaches to navigation structures. Indicate elevation of bottom for distance of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (v), or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines (See specifications for drawings in 4.32.)

4.32

001363

FERC Policy - Recreational Development at Licenses
Projects (Excerpt 18 CFR 2.7)

FERC GENERAL POLICY AND INTERPRETATIONS

§ 2.7 Recreational development at licensed projects.

The Commission will evaluate the recreational resources of all projects under Federal license or applications therefor and seek, within its authority, the ultimate development of these resources, consistent with the needs of the area to the extent that such development is not inconsistent with the primary purpose of the project. Reasonable expenditures by a licensee for public recreational development pursuant to an approved plan, including the purchase of land, will be included as part of the project cost. The Commission will not object to licensees and operators of recreational facilities

within the boundaries of a project charging reasonable fees to users of such facilities in order to help defray the cost of constructing, operating, and maintaining such facilities. The Commission expects the licensee to assume the following responsibilities:

(a) To acquire in fee and include within the project boundary enough land to assure optimum development of the recreational resources afforded by the project. To the extent consistent with the other objectives of the license, such lands to be acquired in fee for recreational purposes shall include the lands adjacent to the exterior margin of any project reservoir plus all other project lands specified in any approved recreational use plan for the project.

(b) To develop suitable public recreational facilities upon project lands and waters and to make provisions for adequate public access to such project facilities and waters and to include therein consideration of the needs of physically handicapped individuals in the design and construction of such project facilities and access.

(c) To encourage and cooperate with appropriate local, State, and Federal agencies and other interested entities in the determination of public recreation needs and to cooperate in the preparation of plans to meet these needs, including those for sport fishing and hunting.

(d) To encourage governmental agencies and private interests, such as operators of user-fee facilities, to assist in carrying out plans for recreation, including operation and adequate maintenance of recreational areas and facilities.

(e) To cooperate with local, State, and Federal Government agencies in planning, providing, operating, and maintaining facilities for recreational use of public lands administered by those agencies adjacent to the project area.

(f) (1) To comply with Federal, State and local regulations for health, sanitation, and public safety, and to cooperate with law enforcement authorities in the development of additional necessary regulations for such purposes.

(2) To provide either by itself or through arrangement with others for facilities to process adequately sewage, litter, and other wastes from recreation facilities including wastes from watercraft, at recreation facilities maintained and operated by the licensee or its concessionaires.

(g) To ensure public access and recreational use of project lands and waters without regard to race, color, sex, religious creed or national origin.

(h) To inform the public of the opportunities for recreation at licensed projects, as well as of rules governing the accessibility and use of recreational facilities.

[Order 313, 30 F.R. 16198, Dec. 29, 1965 as amended by Order 375-B, 35 F.R. 6315, Apr. 18, 1970; Order 508, 39 F.R. 16338, May 8, 1974]

Statement of General Policy to Implement Procedures
for Compliance with the Natural Environmental Policy
Act of 1969 (Excerpt 18 CFR 2.80-2.81)

STATEMENT OF GENERAL POLICY TO IM-
PROVE PROCEDURES FOR COMPLIANCE
WITH THE NATIONAL ENVIRONMENTAL
POLICY ACT OF 1969

AUTHORITY: The provisions of §§ 2.80 to 2.82 issued under secs. 4, 10, 15, 307, 309, 311 and 312 (41 Stat. 1065, 1066, 1068, 1070; 46 Stat. 798, 49 Stat. 839, 840, 841, 842, 843, 844, 858, 857, 858, 859, 860, Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 826, 830, 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717g), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854), unless otherwise noted.

[¶ 10,480]

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA) in its regulations under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, all Federal agencies to include a detailed environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 the Commission staff shall make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have a significant environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context of such considerations as the proposed activity's direct and indirect effect on the air and water environment of the project or natural gas pipeline facility; on the land, air, and water biota; on established park and recreational areas; and on sites of natural, historic, and scenic values and resources of the area. The statement shall discuss the extent of the conformity of the proposed activity with all applicable environmental standards. The statement shall also fully deal with alternative courses of action to the proposal and, to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration. The above factors are listed to merely illustrate the kinds of values that must be considered in that statement. In no respect is this listing to be construed as covering all relevant factors. The five factors which must be specifically discussed in the detailed statement are:

(1) The environmental impact of the proposed action.

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would

¶ 10,481 § 2.81

be involved in the proposed action should it be implemented.

(c) (1) To the maximum extent practicable no final administrative action is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment or 30 days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(2) Upon a finding that it is necessary and appropriate in the public interest, the Commission may dispense with any time period specified in §§ 2.80-2.82.

[Order 415-C, 37 F.R. 28415, Dec. 23, 1972]

[¶ 10,481]

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 hp) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under part I of the Federal Power Act for license or relicense, shall be accompanied by exhibit W, the applicant's detailed report of environmental factors specified in §§ 2.80, 4.41, and appendix A of part 2 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of environmental factors specified in § 2.80 and appendix A. Notice of all such applications shall continue to be made as prescribed by law.

(b) The staff shall make an initial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other appropriate governmental bodies, and to the public, for comment. The statement shall also be served on all parties to the proceeding. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability

00136

of the staff's draft environmental statement. Written comments shall be made within 45 days of the date the notice of availability appears in the **FEDERAL REGISTER**. If any governmental entity, Federal, State, or local, or any member of the public, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity or person has no comment to make. Extensions of time shall be granted only for good cause shown. All entities filing comments with the Commission will submit 10 copies of such comments to the Council on Environmental Quality. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decisionmaking process and shall be made available to the parties to the proceeding, the Council on Environmental Quality, and the public. In the event the proposal is the subject of a hearing the staff's environmental statement will be placed in evidence at that hearing.

(c) Any person may file a petition to intervene on the basis of the staff draft environmental statement. All interveners taking a position on environmental matters shall file timely comments, in accordance with paragraph (b) of this section, on the draft statement with the Commission including, but not limited to, an analysis of their environmental position in the context of the factors enumerated in § 2.80, and specifying any differences with staff's position upon which intervener wishes to be heard. Nothing herein shall preclude an intervener from filing a detailed environmental impact statement.

(d) In the case of each contested application, the applicant, staff, and all interveners taking a position on environmental matters shall offer evidence for the record in support of their environmental position. The applicant and all such interveners shall specify any differences with the staff's position, and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in § 2.80.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff and all interveners taking a position on environmental matters must specifically analyze Federal Energy Regulatory Commission

and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the Initial Decision of the Presiding Administrative Law Judge in such cases, and the final order of the Commission dealing with the application on the merits in all cases, shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. [Order 415-C, 37 FR 28415, Dec. 23, 1972, as amended at 38 FR 15946, June 19, 1973]

(4) Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

(5) Consult with the appropriate Federal, regional, State, and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

(6) Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. These analyses of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

(7) Utilize a sufficiently imaginative, comprehensive, interdisciplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project, including the selection of its site, design, and methods of construction, operation/maintenance, and abandonment; and

(8) Prepare an environmental report for any proposed action that is considered to significantly affect the quality of the human environment. The environmental report should contain information and analyses to the extent appropriate to the proposed action. If the applicant believes that his proposal, if granted, will not involve a major Federal action significantly affecting the quality of the human environment, he may file an abbreviated report sufficient to support his conclusion. However, we point out that the staff may disagree with applicant's view, and may request any additional information it deems necessary to make its own determination of whether a major Federal action is involved. Applicants may confer with staff prior to submission of an application for guidance as to whether or not approval of a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment; it must be realized, however, that such a conference would in no way constitute a bar to a later determination that a major Federal action is involved.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for consideration. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. It is important to recognize that there is some duplication in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information.

APPENDIX A

GUIDELINES FOR THE PREPARATION OF APPLICANTS' ENVIRONMENTAL REPORTS FOR APPLICATIONS UNDER PART I OF THE FEDERAL POWER ACT PURSUANT TO ORDER NO. 415-C

These guidelines:

(1) Identify the kinds of information to be supplied by applicants to assist Federal Power Commission staff in an independent assessment of major Federal actions significantly affecting the quality of the human environment;

(2) Pertain to actions under the Commission's order No. 415-C (issued Dec. 18, 1972) amending §§ 2.80-2.82, title 18, Code of Federal Regulations;

(3) Provide the basis for the preparation of an environmental report (or exhibit W) being prepared pursuant to § 2.81(a) by applicants for hydroelectric and related developments under the jurisdiction of the Commission; and

¶ 10,500 § 2.100

Federal Energy Guidelines

Upon review of the applicant's environmental report, staff may request additional information.

COMPONENTS OF AN ENVIRONMENTAL REPORT

1. Description of proposed action.—Provide, as an introductory paragraph, a brief description of the action under application. Then describe fully its:

1.1 Purpose.—Describe the primary purpose of the proposed action and such secondary purposes as water supply, navigation, flood control, low flow augmentation, recreation, fish, and wildlife. Describe how these purposes, both primary and secondary, fit into existing and future utility systems or aid in meeting system reliability or regional and national needs. List the increases in productivity and values for each purpose described, e.g., power capacity in kW and generation in kWh/year, navigation in tonnage, recreation in visitor days, water use in ft³/s and af.

1.2 Location.—Describe the geographical location of the action as related to other similar programs or developments in the same river basin. Locate the proposed action with respect to State boundaries, counties and major cities and, if necessary, by more specific geographical identification such as township and range; provide a map or maps of the area and such other graphic materials as are needed to locate the action.

1.3 Land requirements.—Locate and indicate the area and use of lands to be utilized by the proposed action and any measures, other than construction procedures, involved in its use, including clearing, borrow and spoil areas, rip-rap, settling ponds or basins, relocation or development of roads, recreation and wildlife management programs, drilling of wells for water supply or aquifer recharge, and reserving project lands for future uses. Describe the length and width of all existing, joint, or new rights-of-way required by the proposed action and any land treatment programs proposed thereon, including activities on "adjacent" lands.

1.4 Proposed facilities.—Provide dimensions where pertinent.

1.4.1 Project works.—Describe and locate on functional drawings the project works proposed for construction, including dams, dikes, reservoirs, spillways, powerhouses, switchyards and transmission facilities, water intakes and outlets and conduits, navigation works, visitor centers and other public use facilities, fish ladders, fish hatcheries, and fish protective facilities. Provide dimensions, elevations, data on geological foundations, and other technical data as necessary to give functional design characteristics for safety and adequacy.

1.4.2 Reservoir.—Describe the reservoir and its outlet works giving dimensions in capacity, elevations, area, depth; thermal stratification if present or anticipated; currents, mixing actions, and flow-through of inflowing waters as related to water densities; and locate any water intake structures

by elevations and in relation to the occurrence of a reservoir thermocline.

1.4.3 Tailwater features.—Using a profile drawing, show elevations of the turbine or pump runners, maximum and minimum tailwaters, and of any tailrace excavations.

1.4.4 Transmission facilities.—Describe any transmission lines, rights-of-way, and substations existing or planned for future development, not included as part of the action under application but considered a necessary adjunct thereto.

1.5 Construction procedures.—Describe procedures to be taken prior to or during construction of project works such as the relocation of homes and commercial and industrial facilities, clearing, preparation of any diversion works, surveying, land acquisition and environmental planning. Provide a schedule of construction of major project works and how this will meet future power needs and avoid such limiting factors as floods, severe climatic conditions, or migrations of fish. Include schedules for needed relocations or development of transportation and other public use facilities and methods of maintaining service during these activities. Indicate the source of the work forces, numbers involved, and their housing needs in the area.

1.6 Operational and maintenance procedures.—Describe the proposed operational modes and the reasons therefor. Show how the water resources of the area are to be utilized (provide usable reservoir storage capacities for respective purposes, area-capacity curves, hydrology data, drawdowns, and flow duration curves applicable to project operation during dry, average, and wet years). Include a discussion of the quantity and quality of water flows as they enter, pass through the project, and are released to maintain the downstream aquatic habitat; and of any diversions of water for other uses including municipal or industrial uses, or fish ladders or hatcheries. For pumped storage projects describe the daily, weekly, and seasonal exchanges of waters between upper and lower reservoirs and the water currents and temperature changes produced by this pseudo-tidal action. Include also a discussion of any pollutants (and their sources) which would be discharged as a result of the proposed action. Describe maintenance of proposed project works under normal conditions; include types of expected maintenance, and how system or area needs will be met during shutdown for maintenance. Describe capacity of project works to withstand both usual and unusual, but possible, natural phenomena and accidents (e.g., earthquakes, floods, hurricanes or tornadoes, slides); describe any related geological or structural problems, and measures to be taken to minimize problems arising from malfunctions and accidents.

1.7 Future plans.—Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

Federal Energy Regulatory Commission

§ 2.100 ¶ 10,500

2. Description of the existing environment.—Provide an overall description of existing conditions for resources which might be affected directly and indirectly by the proposed action; include a discussion of such pertinent topics as:

2.1 Land features and uses.—Identify present uses and describe the characteristics of the land area.

2.1.1 Land uses.—Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and aviation traffic patterns; locate transmission facilities on or near the lands affected by the proposed action and their placement (underground, surface, or overhead).

2.1.2 Topography, physiography, and geology.—Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Includes U.S. Geological Survey Topographic Maps, aerial photographs, and other such graphic material.

2.1.3 Soils.—Describe the physical and chemical characteristics of the soils. Sufficient detail should be given to allow interpretation of the nature of and fertility of the soil and stability of slopes.

2.1.4 Geological hazards.—Indicate the probability of occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 Species and ecosystems.—Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 Species.—List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 Communities and associations.—Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data are not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 Unique and other biotic resources.—Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action. Describe any areas of critical environmental concern, e.g., wetlands and estuaries. Summarize findings of any studies conducted thereon.

2.3 Socioeconomic considerations.—If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future, including

population and industrial growth, of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, farms, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 Air and water environments.—Describe the prevailing climate and the quality of the air (including noise) and water environments of the area. Estimate the quality and availability of surface water resources in the proposed project area.

2.4.1 Climate.—Describe the historic climatic conditions that prevail in the vicinity of the proposed action; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, icing, and destructive storms such as hurricanes and tornadoes.

2.4.2 Hydrology and hydrography.—Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 Air, noise, and water quality monitoring.—Provide data on the existing quality of the air and water, indicate the distance(s) from the proposed action site to monitoring stations and the mean and maximum audible noise and radio interference levels at the site boundaries.

2.5 Unique features.—Describe unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. Environmental impact of the proposed action.—Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impacts caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.¹

¹**Changes in the Environment Throughout the Sphere of Influence of Proposed Action.**—Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the

manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

¶ 10,500 § 2.100

Federal Energy Guidelines

3.1 Construction.

3.1.1 Land features and uses.—Assess the impact on present or future land use, including commercial use, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restriction on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and aviation patterns.

3.1.2 Species and ecosystems.—Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and any potential loss of an endangered species.

3.1.3 Socioeconomic considerations.—Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies, and recreational facilities and uses in the proposed project area, including any changes which will occur in recreational use and potential of the local area or region) due to the proposed action; provisions for public access to and use of project lands and waters, including the impacts these uses will have on the area; project lands reserved for future recreation development and the types of facilities which will be or which may need to be provided thereon and how the incremental uses of these lands will affect the area, including the effects of any increased recreational use on the land and water resources and on the public service facilities which presently exist or which would need to be developed to provide for public needs. Discuss the impact of the proposed action on national and local historic and archeological sites, any existing scenic, and cultural values;

3.1.4 Air and water environment.—Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.1.5 Waste Disposal.—Discuss the impact of disposal of all waste material such as spoils, vegetation, and construction materials.

3.2 Operation and maintenance.

3.2.1 Land features and uses.—Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and aviation patterns, and the possible need of new facilities.

3.2.2 Species and ecosystems.—Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animal species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and describe any ecosystem imbalances that would be caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species. Assess any effects of this action which would be cumulative to those of other similar, existing projects or proposed actions.

3.2.3 Socioeconomic considerations.—Discuss the effect on the local socioeconomic development in relation to labor, housing and population growth trends, relocation, local industry and industrial growth, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing developments, and payrolls). Describe impacts on human elements, including any need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication and recreational facilities). Indicate the extent to which maintenance of the area is dependant upon new sources of energy or the use of such vital resources as water.

3.2.4 Air and water environment.—Assess the impact on present air quality. Assess the impact on present noise levels due to project-related noises. Assess the impact on present water quality, including sedimentation, due to reservoir operations, downstream water releases, power peaking operations, location of outlet works, and sanitary, waste, and process effluents.

3.2.5 Solid wastes.—Describe any impacts from accumulation of solid wastes and by-products that will be produced.

3.2.6 Use of resources.—Quantify the resources necessary for operational uses; e.g., water (human needs and processes), energy requirements, raw products, and specialized needs. Assess the impact of obtaining and using these resources.

3.2.7 Maintenance.—Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way. Discuss the potential impact of major break-

downs and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 Accidents and catastrophes.—Describe any impacts resulting from accidents and natural catastrophes, which might occur, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 Termination and abandonment.—Discuss the impact on land use and aesthetics of the termination and/or abandonment of facilities resulting from the proposed action.

4. Measures to enhance the environment or to avoid or mitigate adverse environmental effects.—Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, environmental tradeoffs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 Preventative measures and monitoring.—Discuss provisions for pre- and post-monitoring of significant environmental impacts of the proposed action. Include programs for monitoring changes in operational phases. Describe proposed measures for detecting and modifying noise levels, monitoring air and water quality, inventorying key species in food chains, and detecting induced changes in the weather. Describe measures, including equipment, training procedures, and vector² control measures, to be taken for protecting the health and welfare of workers and the public at the project during its construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid and liquid waste disposal facilities for workers and the public during construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent significant environmental impacts and plans for implementation of changes whenever necessary to reduce environmental impact.

4.2 Environmental restoration and enhancement.—Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna

and of scenic, historic, archeological, and other natural values, describe measures to facilitate animal migrations and movements to protect their life processes (e.g., spawning and rearing of fish); describe programs for landscaping and horticultural practices; describe selection and use of any chemicals needed during construction, operation, and maintenance so as to prevent their entry into waters in the area; discuss programs to assist displaced families and businesses in their relocation; describe provisions for public access to, and use of, lands and waters in the area of the proposed action; and discuss the preparation of lands prior to and following their use.

5. Unavoidable adverse environmental effects.—Discuss all significant environmental effects which cannot be avoided by measures outlined in section 4 above.

5.1 Human resources impacted.—Indicate those human resources and values which will sustain significant, unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on the displacement of people by the proposed action and its local, economic, and aesthetic implications; on human health and safety; and on aesthetic and cultural values and standards of living which will be sacrificed or endangered. Where possible provide quantitative evaluations of these effects.

5.2 Uses preempted and unavoidable changes.—Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation, and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and manmade facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.3 Loss of environmental quality.—Discuss any significant, unavoidable adverse changes in the air, including dust and emissions to the air, and noise levels; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses.

6. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.—Compare the benefits to be derived from the immediate or short-term use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.³ Actions which diminish

an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

² Carriers (e.g., ticks, mosquitoes, and rodents) of diseases.

³ Duration of impacts—Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity related to

the diversity of beneficial uses of the environment or preclude the options for future uses or needs require detailed analysis, to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 Short-term uses.—Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 Long-term productivity.—Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources and public health and safety.

7. Irreversible and irretrievable commitments of resources.—Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 Land features and uses.—Discuss any permanent changes in land features and/or land use.

7.2 Endangered species and ecosystems.—Assess the possibility of eliminating any endangered species or the loss or alteration of an ecosystem.

7.3 Socioeconomic considerations.—Discuss probable indirect actions (e.g., new highway system or waste water treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would likely be triggered and would irrevocably commit other resources under our free enterprise system. Identify the destruction of any historical, archeological, or scenic areas.

7.4 Resources lost or uses preempted.—Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment. Determine whether, considering presently known technology, the proposed use of resources or any resource extraction method would contaminate other associated resources or foreclose their usage.

7.5 Finite resources.—Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as fossil fuels, and construction materials.

8. Alternatives to the proposed action.—Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs, even if not quantifiable, are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be discussed even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant.

Modification of the proposed action may be among the alternatives. Describe the timeliness and the environmental consequences of each alternative discussed.

8.1 Objective.—Explain the need for any proposed new energy supply.

8.2 Energy alternatives.—Discuss the potential for accomplishing the proposed objectives through energy conservation and the potential for using realistic energy alternatives, such as natural and artificial gas, oil, and coal. Also discuss realistic electric energy alternatives, such as gas, oil, coal, and nuclear-fueled powerplants, and other conventional and pumped storage hydroelectric plants. Provide an analysis of environmental benefits and costs.

8.3 Sites and locations.—Discuss considerations given to alternative sites and locations. Include a description of each site, a summary of environmental factors of each site, the reasons for rejection, and an analysis of environmental benefits and costs.

8.4 Designs, processes, and operations.—Describe alternative facility designs, processes (e.g., handling of waste water and solid wastes), and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of environmental benefits and costs.

8.5 No action.—Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a brief perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and summarize the environmental benefits and costs.

9. Permits and compliance with other regulations and codes.

9.1. Permits.—Identify all necessary Federal, regional, State and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1. Authorities consulted.—List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2. Dates of approval.—Give dates of consultations and of any approvals received.

9.2 Compliance with health and safety regulations and codes.—Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 Procedures to be followed.—Describe any specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 Compliance with other regulations and codes.—Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1 Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2 Procedures to be followed.—Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

10. Source of information.

10.1 Public hearings.—Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings. Include a description of the manner in which the public was informed of the time and place of the hearings. Fully discuss efforts made for seeking constructive inputs from affected people and how their concerns were accommodated.

10.2 Other sources.—Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 Meetings with governmental and other entities.—List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meeting.

10.2.2 Studies conducted.—Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any report thereon.

10.2.3 Consultants.—Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 Bibliography.—Provide a bibliography of the books, other publications, reports, documents, maps, and aerial photographs consulted for background information, including county land use and other planning reports. Indicate by some method, as by asterisks or numbers, those bibliographic references specifically cited in the environmental report.

10.3 Provide copies of supportive reports.—Supply at least a single copy of all technical reports prepared in conjunction

with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

[Order 415-C. 38 FR 15946, June 19, 1973]

10,500 § 2.100

00136

Fish and Wildlife Compliance Procedure (Excerpt 50 CFR Subpart 410.21-24)

Compliance with the equal consideration mandate requires:

(1) *Consultation* between action agencies (or applicants to them) and wildlife agencies on measures necessary to conserve wildlife in project planning, construction, and operation;

(2) *Reporting* by wildlife agencies on the effects of the project and its alternatives upon wildlife resources and on measures recommended to conserve wildlife resources in connection with the project and its alternatives;

(3) *Full consideration* by the action agencies of measures recommended to conserve wildlife resources, both with regard to the project and its alternatives;

(4) *Implementation* of justifiable conservation measures.

§ 410.22 Consultation.

(a) *Initiation.* The FWCA compliance process may be initiated by a potential applicant, an action agency, or a wildlife agency.

(1) *Potential Applicants.* Implementing procedures of action agencies shall provide that applicants for those non-federal project approvals enumerated below contain written evidence that they initiated the FWCA compliance process with both Regional Directors and the head of the state wildlife agency exercising administration over the fish and wildlife resources of the state(s) wherein the project is to be constructed. This pre-application procedure applies to projects which—

(i) Involve drainage, dredging, filling, or other modification of wetlands greater than ten acres, create impoundments greater than fifty acres, involve one half mile of dredging or stream channel modification, or

(ii) Require a water-dependent power project approval from the Federal Energy Regulatory Commission (FERC), the Nuclear Regulatory Commission (NRC), or the Rural Electrification Administration (REA). This paragraph also applies to preliminary permit (FERC) and early site review (NRC) applications. The intent of this paragraph (a)(1) of this section is to assist applicants in designing environmentally sound projects without waste of their planning resources and to minimize the potential for delay in the processing of applications. Action agency implementing procedures shall advise that consultation should be initiated by the applicant at the earliest stages of its project planning, and that its submissions to wildlife agencies shall indicate the general work or activity being considered, its purpose(s), and the general area in which it is contemplated. The information provided to wildlife

agencies will be specific enough to allow them to identify possible effects on wildlife and to identify potential conservation measures (including alternatives), and yet be general and flexible enough to allow the incorporation of justifiable conservation measures prior to submission of a formal application to the action agency. Wildlife agencies will provide to the potential applicant a brief analysis of potential impacts to wildlife resources, suggested modifications or alternatives, and an indication of which project features, if any, would likely be viewed as being unacceptable at the time of permit or license review. The detail of analysis and refinement of recommendations will be related to the level of detail of the proposed plan. The wildlife agencies shall identify any areas of concern or analysis that require further detail or study. The results of this analysis should be integrated in or accompany the action agency's NEPA environmental assessment.

(2) *Action agencies.* Notwithstanding any applicant consultation which may be required by paragraph (a)(1) of this section, action agencies shall initiate (or continue) the FWCA compliance process in the following manner:

(i) *Federal projects.* Action agencies shall notify both Regional Directors and the head of the state wildlife agency (through OMB Circular A-95 procedures, or otherwise) upon initiation of studies or actions which may lead to the authorization of a federal project. This also applies to the initiation of planning for the modification or supplementation of project reports on previously authorized project. See § 410.12(b)(2). Action agencies shall invite wildlife agencies to participate actively throughout the planning process. [For existing Memoranda of Understanding, see App. B and C].

(ii) *Federally-approved projects.* Appropriate written notice of preliminary permit (FERC) and early site review (NRC) applications, as well as NRC and FERC construction license and permit or renewal applications, will be forwarded for comment to both the Secretaries of the Interior and of Commerce and to the head of the wildlife agency for the state(s) wherein the proposed construction may occur. Appropriate written notice of all other applications to federal agencies for approvals, including renewal applications, shall be forwarded promptly after their receipt to both Regional Directors and to the head of the wildlife agency for the state(s) wherein the proposed construction may occur. The evidence which is required

by paragraph (a)(1) of this section shall accompany these notices.

(iii) *Emergencies.* (A) If a major disaster will be declared by the President under authority of the Disaster Relief Act Amendments of 1974, the designated Federal Coordinating Officer (FCO) of the Federal Emergency Management Agency (FEMA), will consult with the Regional Directors and the affected state wildlife agency to determine the need for FWCA compliance during the course of the emergency. When continuing detailed coordination is determined necessary by wildlife agencies, the FCO will provide facilities for a wildlife agency coordinator(s) at the Disaster Field Office (DFO). Field level coordination will occur between the designated wildlife coordinator(s) and the FEMA Public Assistance Officer (PAO) responsible for the DFO. In the event of unresolved conflicts between the wildlife coordinator(s) and the PAO, the matter will be referred to the Federal Coordinating Officer for resolution.

(B) Procedures for FWCA compliance in other action agency programs or actions in emergency situations will be identified during the period for approval of implementing procedures.

(3) *Wildlife agencies.* Where FWCA compliance is not initiated where required, it shall be deemed initiated upon notice by a wildlife agency.

(b) *Coordinated planning.* (1) Particularly in the case of federal projects and NRC, FERC, and REA-approved projects, wildlife and action agencies shall utilize a systematic approach in analyzing wildlife resource needs and problems, establishing planning goals therefor, and developing and evaluating alternative resource management plans.

(2) Wildlife agencies will cooperate with action agencies in the development of analyses, recommendations, and reports to action agencies on means and measures for the conservation of wildlife resources.

(3) Action agencies shall provide wildlife agencies adequate opportunity to prepare FWCA reports and recommendations and transmit them to the action agency for timely consideration with NEPA environmental assessments, and for incorporation into the draft EIS and other decision documents.

(4) In the case of federal projects and FERC, NRC, and REA-approved projects, the action agencies shall convene scoping meetings with the wildlife agencies and (where applicable) applicants upon initiation of the FWCA compliance process. Such meeting need

FISH AND WILDLIFE COORDINATION ACT

Compliance Procedures
50 CFR Part 410
Subpart B

Subpart B—FWCA Compliance Procedures

§ 410.21 Equal consideration.

Equal consideration of wildlife resource values in project planning and approval is the essence of the FWCA compliance process. It requires action agencies to involve wildlife agencies throughout their planning, approval, and implementation process for a project and highlights the need to utilize a systematic approach to analyzing and establishing planning objectives for wildlife resource needs and problems and developing and evaluating alternative plans. Wildlife resources will be conserved in action agency project planning and approval by minimizing adverse effects, compensating for wildlife resource losses, and enhancing wildlife resource values.

not be convened where consultation has occurred in accordance with paragraph (b)(1) of this section. To the fullest extent possible, these meetings should be combined with the NEPA scoping process where the proposal requires preparation of a draft EIS. 40 CFR 1501.7. Such meetings may also be convened in the case of other applications for approvals at the request of a wildlife agency or the action agency. Such meetings will be for the purposes of—

(i) Developing plans of study which ensure full wildlife agency participation throughout each phase of the planning or approval process.

(ii) Determining who, as among the federal and state agencies or the applicant, will undertake and oversee the required studies and investigations.

(iii) Establishing mutually acceptable target dates for the initiation and completion of studies and the submission of FWCA reports and recommendations.

(iv) Coordinating FWCA compliance with other environmental review requirements.

(v) Ensuring that conservation of wildlife resources is given equal consideration with other study or project purposes or goals, and

(vi) Ensuring that action agencies provide wildlife agencies with adequate descriptions of alternative project plans under consideration. A record of the agreements reached and responsibilities assigned in scoping meetings shall be distributed to the participating parties and included in the administrative record of the action agency. All parties share a responsibility for early and timely exchange of information required for completion of assigned studies, investigations, reports, and recommendations.

§ 410.23 Reporting.

(a) *Authority.* Except in the case of NRC and FERC-licensed projects, the authority to transmit FWCA reports and recommendations of the Secretaries of the Interior and Commerce is exercised by the Regional Directors. In the case of FERC and NRC-approved projects, such authority is exercised for the Secretary of Commerce by the Assistant Administrator for Fisheries, NOAA, and for the Secretary of the Interior by the Assistant Secretary for Policy, Budget, and Administration, acting upon the recommendation of the FWS and the Office of Environmental Project Review.

(b) *Timing.* Consistent with NEPA regulations [40 CFR 1501.6 and 1502.25], wildlife agencies shall, to the maximum extent possible, forward their reports

and recommendations to action agencies within an agreed-upon time frame sufficient to permit preliminary action agency decisions on incorporation of those recommendations into project plans, and to permit their inclusion and analysis in the draft decision document and/or the environmental assessment or draft EIS. See § 410.24(a). To the maximum extent possible, preparation and transmittal of FWCA reports will be coordinated and combined with the preparation and transmittal of reports or other reviews required of the Department of the Interior or National Oceanic and Atmospheric Administration (NOAA) by other federal environmental review requirements, including—

- (1) Endangered Species Act of 1973,
- (2) Estuary Protection Act,
- (3) § 6(a) of the Federal Water Project Recreation Act,
- (4) Coastal Zone Management Act,
- (5) §§ 103(b), 401, 402, 404, 303, and 208 of the Clean Water Act of 1977,
- (6) § 5(d) and 7(b) of the Wild and Scenic Rivers Act.

Memoranda of understanding or agreements which may provide time limits for the referral of FWCA reports and recommendations for certain classes of projects appear in Appendices B and C.

(c) *Content.* (1) Wildlife agencies will prepare reports that describe project-related effects upon wildlife resources and identify alternative means and measures necessary to conserve wildlife resources. Evaluation techniques used in describing effects and identifying conservation measures will be directed at quantifying and qualifying potential effects upon wildlife, their habitat and its productivity and related values.

(2) Wildlife agencies shall prepare and submit reports to action agencies that describe—

(i) Wildlife problems and needs and recommended fish and wildlife planning goals,

(ii) The positive and negative effects and impacts of alternative project plans upon wildlife and recommended conservation features,

(iii) The positive and negative effects and impacts of the construction and operation of the selected plan upon wildlife, the conservation measures identified during plan formulation, and specific recommendations for conservation measures that should be included in the selected plan,

(iv) The results and impacts expected from implementing these recommendations, and

(v) The plan, if any, which they prefer from the standpoint of wildlife conservation.

(3) Wildlife agency reports on federal projects shall include an analysis of the extent of wildlife resource productivity lost to, or gained with, the proposed project and of the conservation measures required to replace that loss (if that is possible), measured without reference to values attributed to human use ("user-day") or other monetary computations. This analysis may be provided for non-federal projects and for alternative project plans.

(4) FWCA reports and recommendations will contain a review of the disposition of wildlife agency recommendations previously made.

(5) If features of project design, construction, or operation are not sufficiently developed that their effects can be properly assessed, the report of the wildlife agencies will so state and will list the areas requiring further study to identify necessary conservation measures. Any consultation or coordination necessary in the implementation of conservation measures will be identified.

(6) When analyzing project effects and impacts, wildlife agencies will take into account other water-related project planning and review requirements, such as: Executive Orders 11988 (floodplains) and 11990 (wetlands); § 73 of the Water Resources Development Act of 1974 (non-structural alternatives); Indian trust environmental review requirements; the Marine Protection, Research, and Sanctuaries Act of 1972; § 102(b) of the Clean Water Act; federal water policy; the potential effects of the proposed project upon federal property and public trust interests, including reserved water rights.

(d) *Public participation.* Where significant wildlife resource issues are involved, wildlife agencies will invite public participation in the process of developing FWCA reports and recommendations in accordance with guidelines which they develop.

(e) *Inability to report.* If a wildlife agency is unable to prepare an FWCA report or otherwise participate in the planning or approval process, it shall notify the action agency within 30 days of the receipt of an action agency's request to initiate consultation, detailing the reasons therefor. Such notification does not relieve action agencies of the requirements of the FWCA or §§ 410.21 and 410.24 of this Subpart.

(f) *Follow-through.* Once wildlife agency reports are sent to action agencies, all wildlife agencies should actively pursue such means as will

ensure that necessary studies and recommended measures are undertaken and implemented.

§ 410.24 Consideration.

(a) *Action agency findings.* (1) The reporting officer shall prepare for the administrative record (project plan or planning report, where applicable) written findings on which of the measures recommended by wildlife agencies with respect to the selected project plan and its alternatives are and are not believed to be justified, and why. This documentation will include:

(i) A summation of measures adopted during plan formulation to prevent and compensate for wildlife resource losses;

(ii) In the case of federal projects, a finding whether the selected plan fully compensates for losses to wildlife resource productivity, measured in terms of equivalent wildlife resource productivity;

(iii) The justification for tradeoffs made between wildlife conservation and other project features in arriving at the selected plan;

(iv) An identification of any issues of disagreement remaining between the action agency and the wildlife agencies.

(2) In addition to the matter required for federal projects by § 2(f) of the FWCA (16 U.S.C. 662(f)), the reporting officer on federal projects and projects pending consideration by NRC and FERC, shall analyze and discuss the acquisition, operation, maintenance, replacement, and management costs, and the environmental impacts, of wildlife conservation measures proposed by each wildlife agency for each alternative treated in the draft and final environmental impact statement, in benefit-cost analyses of alternatives, and (where applicable) in the evaluation accounts of the Principles and Standards of the Water Resources Council. The reporting officer shall also treat uncompensated damages to fish and wildlife resources as a cost chargeable to the project. All such costs (monetary and non-monetary) shall be estimated over the life of the project, regardless of whether the U.S. Treasury or non-federal parties will bear them.

(3) In making the findings required by paragraphs (a)(1) and (a)(2) of this section, the reporting officer and each higher action agency decision-making authority shall use the criteria established in paragraph (b) of this section.

(4) Where the findings required by paragraphs (a)(1) and (a)(2) of this section have not been disclosed in a draft EIS, in publicly circulated planning document, or in public or adjudicatory

hearings, the reporting officer shall publish those findings in the Federal Register or other appropriate media and afford the public reasonable opportunity to present its views. In the case of FERC and NRC-approved projects, opportunities for administrative or court review of the findings of action agency initial or final decision-makers will not be considered compliance with this paragraph.

(5) The reporting officer shall transmit the information required by paragraphs (a)(1) through (a)(4) to counterpart officials in the wildlife agency(ies) concerned for an agreed-upon period of time for comment prior to final agency action on the matter. If there are differences at this stage between a wildlife agency and the action agency on the reporting officer's disposition of wildlife agency recommendations, the wildlife agency may request the action agency to hold a public hearing on the matter. Action agency implementing procedures shall require an ensuing reconsideration of the matter and, if such hearings are deemed appropriate by the action agency, full consideration of information generated by such public hearings. Differences not resolved in this manner shall be made a matter of record and, if requested by either the action or wildlife agency, promptly referred to successively higher authority of both agencies for resolution. Where memoranda of understanding or agreement do not already so provide [see App. B and C], implementing procedures shall provide a means of complying with this paragraph.

(6) If, despite best efforts, wildlife agencies cannot identify loss prevention, mitigation, and enhancement measures in detail prior to project authorization or approval, action agencies shall include in their recommendations to higher authorities the requirements necessary to ensure that, once identified and described, these measures will be proposed for authorization or approval and, if authorized and funded or approved, will be implemented. Action agencies should avoid committing resources which foreclose adoption of alternative wildlife conservation measures.

(b) *Decision criteria.* (1) Action agencies are required to make findings on wildlife conservation measures which they deem justified to be included in projects to obtain maximum overall project benefits to the public. Action agencies must regard wildlife conservation as a programmatic and project purpose or goal equal to other project purposes or goals. Certain project benefits may be diminished to

obtain these conservation goals. Findings directed at loss prevention and mitigation measures shall be made using assessment and evaluation techniques based upon wildlife habitat values. Monetary values may be displayed and used in measuring the cost-effectiveness of alternative mitigation plans, but shall not be used for justification purposes. Enhancement measures may be evaluated using other techniques, but should be measured using habitat-based techniques, where possible. Such findings shall be made with the objectives of both preventing and compensating for wildlife resource losses, and of enhancing wildlife resource values. To the extent practicable and justifiable, action agencies shall ameliorate project-related losses to wildlife resources, wherever they occur. With the exception of the enhancement component, wildlife resource conservation measures do not create benefits for the purposes of benefit-cost analysis; they are to be considered as avoiding or abating costs (losses) to existing resources and values.

(2) Action agencies may not reject recommended wildlife conservation measures for federal projects on the grounds that wildlife conservation is not a "purpose" for which a federal project was or can be authorized, or on the grounds that they are not authorized to so condition a non-federal project approval. The FWCA amends the organic authorities of action agencies to provide these authorities. In the case of federal projects undertaken by the Department of the Interior, the Fish and Wildlife Act of 1956, 70 Stat. 1122 (16 U.S.C. 742f(4)-(5) (1976)), supplements such authority.

(3) Action agencies must justify the adoption or rejection of means and measures for wildlife resource conservation using substantive economic, environmental, and social reasons. Measures recommended by wildlife agencies for compensation of wildlife resource losses cannot be considered unjustified because—

(i) That agency or other agencies may not have adopted a habitat-based wildlife impact assessment and evaluation procedure,

(ii) Those measures, either alone or collectively, do not have a favorable monetary benefit-cost ratio,

(iii) Project beneficiaries or other non-federal entities are unwilling to fund the appropriate share of increased federal project costs necessary to compensate for wildlife resource losses,

(iv) There are other proposed uses for land or waters recommended for wildlife compensation purposes, unless

their proposed use is found to be more in the public interest than the proposed mitigation, or

(v) Recommended wildlife resource properties or compensation measures are outside the immediate project boundaries.

(4) If an action agency finds that a measure recommended by wildlife agencies for compensation of wildlife resource losses is not justifiable because it would render the monetary benefit-cost ratio of the project unfavorable or because project beneficiaries or other non-federal entities are unable to fund the appropriate share of increased federal project costs necessary to mitigate/compensate for the wildlife resource losses involved, the action agency shall explain in detail, in terms of obtaining maximum overall project benefits, its reasons for so finding.

(5) Justifiable means and measures for wildlife resource conservation shall be incorporated as conditions or stipulations in action agency approvals where the practical effect of not doing so is that the means and measures will not be adopted.

(c) *Requests for project authorization.* The reports, recommendations, and findings required by §§ 410.23 and 410.24 shall be made an integral part of (1) action agency reports submitted to the Office of Management and Budget and the Congress in connection with a construction authorization proposal, and (2) submission to action agency final decision-maker(s) of recommendations on projects they may approve or authorize.

Subpart C—Project Implementation

§ 410.31 Congressional liaison.

Wildlife agencies will make themselves available to testify in authorization and appropriations committee hearings concerning proposals for Congressional authorization or funding of wildlife conservation measures.

§ 410.32 General plans for management of wildlife resource properties.

A General Plan is a document that designates the lands which are to become transferred for wildlife resource management properties and generally describes the use of such properties for wildlife management purposes. The objective of General Plans is to ensure a realization of the wildlife resource conservation measures which formed a basis for the justification and authorization of the project. The FWCA requires the execution of a General Plan prior to action agency transfer of

administrative or legislative jurisdiction over the area to the agency which will administer the area for wildlife purposes.

(a) *The determination of which agency shall manage the wildlife resource properties.* (1) Properties with migratory bird values. After investigation, the Secretary of the Interior will determine whether wildlife resource properties have value in carrying out the national migratory bird program. When the Secretary concludes that the properties have such value, the Department of the Interior may administer the lands directly, or in accordance with a cooperative agreement with the appropriate state wildlife agency. The Secretary may manage such properties through another public or private agency or organization. The action agency shall make such wildlife resource properties available, without cost, for administration to—

(i) The Secretary of the Interior, when the Department of the Interior will be responsible for administering the property either directly, or through cooperation with a public or private agency or organization, or

(ii) The state wildlife agency, if it is jointly determined by the Secretary of the Interior and such state wildlife agency that state administration of those wildlife resources would be in the public interest.

(2) *Other properties.* When the Secretary concludes that the wildlife resource properties have value other than for migratory bird management, the state wildlife agency shall be afforded the opportunity to assume management of the lands.

(3) *Interim administration.* During the period after the action agency has acquired the wildlife resource properties and before the joint approval of the General Plan, wildlife resource properties shall be made available upon request and without cost to the FWS for interim administration of the property for wildlife resource conservation purposes. The FWS and the state wildlife agency may agree which agency shall assume interim administrative responsibility. If for any reason, the state wildlife agency cannot assume or continue the administration of wildlife resource properties, the FWS shall be afforded the opportunity to assume administration of such property for wildlife resource purposes on an interim basis, or to enter into cooperative arrangements with the action agency whereby that agency shall administer such property for wildlife resource purposes.

(b) *NEPA compliance.* Action agencies are responsible for NEPA compliance respecting General Plans. Where possible, the information referred to in subsection (d) of this section should appear in the project EIS.

(c) *Development and approval of general plans.* (1) After consultation with the state wildlife agency, the Regional Director of NMFS, the action agency and (if different) the agency exercising primary jurisdiction over the area ("primary jurisdiction agency"), the FWS will initiate the development of a preliminary draft of a general plan for the management of the wildlife resources of wildlife resource properties. In cases where the area in question will likely be managed by a State, the FWS will request the state wildlife agency to prepare the draft. The major features of the draft shall be based on the wildlife agencies' reports and recommendations which are required by section 2(b) of the FWCA and these rules. The draft shall be submitted concurrently to the wildlife agencies, the action agency, and (if different) the primary jurisdiction agency, for their review and responsive recommendations.

(2) Any differences between the action and/or primary jurisdiction agency and the FWS on the proposed General Plan that cannot be resolved by staff shall be resolved by—

(i) The Secretary of the Interior, when the said agency is an agency in the Department of the Interior, or

(ii) The Secretary of the Interior, in consultation with the head of any other department or agency of which the action or primary jurisdiction agency may be a part.

(3) Any differences over the content of the proposed General Plan between FWS and state wildlife agency that cannot be resolved by them will be resolved by the Governor of the affected state and the Secretary of the Interior.

(4) General plans shall be approved at the same time as the document which transfers administration of the lands from the primary jurisdiction agency to the agency or organization designated in accordance with paragraph (a) of this section. The General Plan shall be approved or modified jointly by—

(i) The head of the agency exercising primary jurisdiction over the area,

(ii) The Secretary of the Interior, and

(iii) The head of the wildlife agency of the state wherein the proposed project may be or is constructed.

(5) Where the FWS and NMFS agree that wildlife resources of interest to NMFS would be substantially affected by management of the wildlife resource property which is the subject of the

APPENDIX B
REGULATORY ACTION SUMMARIES

APPENDIX B

REGULATORY ACTION SUMMARIES

CONTENTS

	<u>Page</u>
Introduction.....	B-1
Summary-FERC License for Proposed Major Project	
List of Exhibits.....	B-7
State of Alaska - Master Application Information Sheet.....	B-9
Interim Master Application Form.....	B-11
Water Use Permits	
Summary - U.S. Army Corps of Engineers Permits.....	B-19
Application for a Department of the Army Permit (ENG Form 4345)....	B-23
Summary - Alaska Coastal Management Program.....	B-25
Form - Certificate of Compliance.....	B-29
Summary Water Rights.....	B-31
Application for Water Rights.....	B-33
Water Quality Permits	
Summary EPA-NPDES Permit.....	B-37
Summary - Water Quality (Discharge to Navigable Waters).....	B-39
Form DEC 18-106 Water Quality Certificate.....	B-41
Summary - Waste Water Disposal.....	B-47
Summary - Plan Review for Sewerage Systems or Water and Waste Water Treatment Works.....	B-49
Land Use Permits	
Summary - BLM Power Transmission Lines: "Right-of-Way".....	B-51
Summary - Solid Waste Disposal.....	B-53
DEC Form - Application for Waste Disposal-Solid Waste Management Permit.....	B-55
Summary - Special Land Use Permit.....	B-57
DNR Form 10-135 Special Land Use Application and Permit.....	B-59
Summary - Miscellaneous Land Use.....	B-61
DNR Form DL 285, DL 286 Application for Miscellaneous Land Use Permit.....	B-63
Summary - Right-of-Way or Easement.....	B-67
DNR Form 10-112 Application for Right-of-Way Permit.....	B-69
Summary - Utility Permit for Encroachment Within Right-of-Way.....	B-71
DOTPT Form - Application for Utility Permit on Highway R.O.W.	B-75
Fish and Wildlife Permits	
Summary - Anadromous Fish Protection.....	B-77
DF&G Forms: General Inwater Application, Instream Flow Use Application, Material Removal Application.....	B-79
Summary - Critical Habitat Area Permit (DF&G).....	B-85
Summary - Fishways for Obstructions to Fish Passage (DF&G).....	B-87
Air Quality Permits	
Summary - Air Quality Permit to Operate (DEC).....	B-89
DEC Form - Application, Air Quality Control Permit to Operate.....	B-91

APPENDIX B

REGULATORY ACTION SUMMARIES

CONTENTS (Continued)

Page

Building Permits

Summary - Federal Aviation Administration: Notice of Construction/Alteration.....	B-103
Application Form FAA 7460 - Notice of Proposed Construction or Alteration.....	B-105
Summary - Dam Construction.....	B-109
DNR Form - Application for Permit to Construct or Modify a Dam.....	B-111
Summary - Life and Fire Safety Plan Check for the Construction and Occupancy of Buildings.....	B-115

APPENDIX B

INTRODUCTION

The purpose of this appendix is to provide the user with additional information not included in the text of the design transmittal, for use as a reference. The contents are primarily summaries of the appropriate regulatory programs and application forms. In certain cases, the regulations are included where they describe a list or pertinent criteria.

The State of Alaska has compiled a Directory of Permits, summarizing their programs, in a manner useful to this document. Thus, the summary from the directory has been reproduced in total or part, for those permits. Notes have been added to the state summaries in cases where additional information has been found in the statutes, code or from conversations with state staff.

00136

Summary - FERC License for Proposed Major Project

THE FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Title: License for Proposed Major Project*

Enabling Law: Department of Energy Organization Act - Title IV
Federal Power Act, Part 1, Sections 4 and 23

Type: Declaration of Intent and Application for License for Major Project

Jurisdiction: The FERC is authorized and empowered to issue licenses to any person for the purpose of construction, operating and maintaining dams, conduits, reservoirs, powerhouses and transmission lines relative or involving navigation, streams or water bodies over which Congress has jurisdiction in regulating interstate and foreign commerce.

Procedure:

- File a Declaration of Intent according to Part 24 of the regulations.
- Receive Commission jurisdictional decision.
- Prepare an Application for License according to Part 4 of the regulations - with other agency involvement as specified.
- File for Water Quality Certification with State.
- File Application for License.
- FERC issues filing number and notices to agencies and public.
- FERC determination of hearing or joint hearing with state.
- FERC request additional information as necessary.
- FERC issue license with standard and special conditions.
- Applicant accept or file for rehearing within 30 days.

Authority: Licensee may construct, operate and maintain project for a maximum period of 50 years under the specified license conditions.

Licensee may exercise the power of eminent domain in acquiring project land and water rights.

Regulations: Title 18, Chapter 1, Subchapter B - Regulations under the Federal Power Act
Part 4 Licences, Permits and Determination of Project Costs
Part 24 Declaration of Intention

Regulation Summary: The regulations under Part 24 defines submittal of a declaration which must identify the applicant and the site, describe the project facilities and present hydrologic and system load curve data. The submittal is for the purpose

of providing data so the Commission can make a determination of the applicable basis of law for exerting jurisdiction over the Project.

The present regulations pertaining to the Application for License require a detailed exhibit presentation covering the applicants' corporate status, land and water rights, financial sources, proposed project operation, capacity and generation data, location and property maps and structure drawings, facility description, estimate of cost and schedule, recreational use plan, statement of the project's output use and environmental exhibits including applicant's environmental report.

There is additionally a procedure for reserving a specific site during the preliminary engineering activities before license application submittal. The Preliminary permit application requires general data identifying the applicant and project with specific identification of the river reach to be studied.

Regulation
Outline:

Sections 4.30 through 4.41

Subpart D - General Provisions, Sections 4.30-4.34

4.30 Who may file.

4.31 Acceptance for filing or rejection, definition of complete application; original and eleven copies must be filed; after acceptance, request for map and drawing originals, issue of public notice; notice of deficiencies; request for additional information; potential to submit draft application to Division of Licensed Projects for sufficiency of review.

4.32 Specifications for maps and drawings - Originals must consist of print on microfilm mounted on aperture cards; full-sized prints of maps and drawings must be at least 24 x 36 inches and no larger than 28 x 40 inches. A 5 x 7 plate block must be provided with title and scale with lower half left clear; full-sized maps must have a scale no smaller than 0.5 miles for linear features and one inch equals 1000 feet for other features; drawing scales are specified.

4.33 Filing and disposition of conflicting application; priority system for licensing preference is defined.

4.34 Hearings on application - Commission may order upon own motion or motion of any party in interest; issues will be limited by Commission order.

4.40 Application Content - Applicant, agent, type organization, affiliates, operating State, concise project description, location, Federal lands affected, ultimate capacity, power market, other owned generating plants, historic/archeological properties, and verification of application.

4.41 Required Exhibits - See Attachment

ATTACHMENT
FERC LICENSE APPLICATION: EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Charter or certificate and article of incorporation of applicant.
B	Certified copy of resolutions of stockholders and/or directors authorizing application.
C	Copies of State laws pertaining to construction of the project.
D	Evidence of applicant's compliance with requirements of State laws pertaining to use of lands and water for the project.
E	Ownership, extent and nature of water rights applicant will use and evidence of applicant's plans for perfecting its rights to use the water for operation of the works.
F	Statement of land ownership affected by project including purchase and construction easement.
G	Evidence of financial of applicant to undertake for preliminary work and project.
H	Statement of proposed operation of project works during low, normal and flood flows.
I	Estimate of dependable capacity and average annual energy output of the proposed project.
J	General map showing project boundaries, features and general location.
K	Detailed map of project area clearly showing project boundaries, survey data, land ownership and location of project features.
L	General design drawings of all principal structures and appurtenant features and other works of the project.
M	General descriptions of mechanical, electrical and transmission equipment and appurtenances.
N	Detailed estimate of cost of developing the project.
O	Detailed engineering and construction schedules.

6
3
1
0
0
0

ATTACHMENT (CONT)
FERC LICENSE APPLICATION: EXHIBITS

<u>Exhibit</u>	<u>Description</u>
P & Q	Not required.
R	Proposed plan for full public utilization of project waters and adjacent lands for recreational purposes.
S	Report on the effect of the project upon the fish and wildlife resources of the project area.
T	Statement of reasons why development of the project by applicant rather than by the Federal Government would be in the best public interest.
U	Statement showing the manner in which the power and energy produced by the project will be utilized.
V	Map, text, photographs and drawings to describe the architectural and landscaping treatment proposed for the project works.
W	Environmental report.

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MASTER APPLICATION - INFORMATION SHEET
Environmental Procedures Act, AS 46.35

GENERAL INFORMATION

The master application serves as a notice of intent to the State of a proposed project by an applicant. This form was designed to include a broad range of State and local government interests, therefore, many of the questions may not apply to your proposed project. Please read this application before completing it. Answer all questions pertaining to your proposed project. Any missing or misleading answers may delay the processing of your application. Complete a site diagram of the project and submit it with your signed application to one of the Permit Information Centers listed below.

Permit Information & Referral Center
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811
Telephone: (907) 465-2615

Permit Information & Referral Center
Department of Environmental Conservation
MacKay Building, Room 1206
338 Denali Street
Anchorage, Alaska 99501
Telephone: (907) 279-0254

GENERAL PROCEDURES FOR PROCESSING APPLICATIONS UNDER AS 46.35

Upon receipt of the master application in a permit center, the following steps are taken:

Master Application

1. Copies of the master application and the site diagram are sent for review to all State departments and any municipality where the project is located. A statement is requested regarding agency jurisdiction and any permits that may be required for the proposed project.
2. These agencies must respond to the permit center within 15 days. If the agencies have any jurisdiction over the project and require a permit, they will submit their individual applications to the permit center with a statement of whether a hearing is required.

Individual State & Local Permit Applications

1. The permit center will send the individual applications to the applicant for completion. Completed applications and required fees should be returned to the permit center.
2. The returned applications and fees will be sent to the proper agencies. The permit center will make the arrangements for a public hearing on the project, if a hearing is required. Within 30 days receipt of the last applications, the permit center will have a notice published once a week for three consecutive weeks. The applicant will be required to pay for the publication of these notices.
3. The public hearing will be held in or near the municipality where the major part of the proposed project is located. This hearing will be held within 20 to 30 days of the last publication of the notice. Members of the public and the applicant may be present. Any State agency that requires a permit for the project shall be represented at the hearing.
4. At the close of the hearing, the chairman will establish a date (within 90 days from the hearing date) for the final decisions on all applications on the project. The final decisions will be submitted to the Department of Environmental Conservation. They will be incorporated into one document and submitted to the applicant personally or by certified mail.

INTERIM MASTER APPLICATION

Permit Information Center
Alaska Department of Environmental Conservation

MASTER APPLICATION

NO. _____

CERTIFICATION

(to be completed by local government)

I hereby certify the project described herein is in compliance with all zoning ordinances and associated comprehensive plans administered by

(Local Government Official's Signature)

(Title)

(Date)

I hereby certify the property described in Section II is not under the jurisdiction of any zoning ordinance or associated comprehensive plan administered by _____

(Local Government Official's Signature)

(Title)

(Date)

I. Applicant Information

A. Name of Applicant: _____

Address: _____
(Street Number or R.F.D.) (City) (State) (Zip Code)

Phone Number: _____

B. Consultant or Contact Person: _____

Address: _____
(Street Number or R.F.D.) (City) (State) (Zip Code)

Phone Number: _____

II. Activity Location

A. Location of Work (smallest legal subdivision): _____

Within Section _____, **Township** _____, **Range** _____

B. Distance and direction from nearest incorporated town or city:

III. General Activity Description

A. Beginning Construction Date: _____ **Completion Date:** _____

B. Description of Project (describe the project objectives, purpose and need): _____

C. Description of Work (describe the project construction and operation): _____

IV. SPECIFIC ACTIVITY DESCRIPTION

A. The construction or operation of this project involves: (check all appropriate boxes).

- ☐ Commercial development
- ☐ Industrial development
- ☐ Institution
- ☐ Residential development

Above checked development includes:

- ☐ Electrical
- ☐ Plumbing
- ☐ Elevator
- ☐ Mechanical equipment in structures
- ☐ Boiler
- ☐ Pressure vessels
- ☐ Pressure piping
- ☐ Prefabricated structures

Sewage disposal:

- ☐ Septic tank and drainfield installation or alternative disposal system
- ☐ Connection to municipal sewer system
- ☐ Develop or connection to nonmunicipal sewer system
- ☐ Connection to municipal water system
- ☐ Develop or connection to nonmunicipal water system
- ☐ School water supply
- ☐ Surface mining (including rock quarry, material borrow site, sand and gravel, etc.)
- ☐ Underground mining
- ☐ Dredging
- ☐ Oil and gas drilling and exploration
- ☐ Geothermal drilling and exploration
- ☐ Well injection
- ☐ Well construction
- ☐ Fireworks
- ☐ Marine facility (access, dock, float, etc.)
- ☐ Explosives
- ☐ Disposal of surplus mineral resources

Food service facilities:

- ☐ Restaurant
- ☐ Temporary
- ☐ Limited service restaurant
- ☐ Commissary
- ☐ Food vending warehouse
- ☐ Vending machine
- ☐ Mobile unit(s)
- ☐ Shellfish distributors
- ☐ Shucker-packers
- ☐ Harvesters

- ☐ Swimming pool
- ☐ Health facility (hospital, inpatient care, nursing home, etc.)
- ☐ Home for aged
- ☐ Group care home
- ☐ Child care agency
- ☐ Day care facility
- ☐ Post-secondary education facility at a new location
- ☐ Junkyard
- ☐ Alcohol or alcoholic beverages (industrial, manufacture, wholesale, retail)
- ☐ Hydraulic structure
- ☐ Irrigation, drainage
- ☐ Hydroelectric facilities
- ☐ Mobile home park
- ☐ Airfield construction or modification
- ☐ Advertising signs
- ☐ Cultural site development
- ☐ Pneumatic conveyance facilities
- ☐ Liquid petroleum gas
- ☐ Flammable and/or combustible liquids
- ☐ Shore-based handling devices
- ☐ Excavation
- ☐ Land leveling
- ☐ Stream bed alteration, movement of material within banks
- ☐ Flood control project (stream channelization)
- ☐ Agriculture
- ☐ Aquaculture
- ☐ Bulkhead
- ☐ Burning
- ☐ Dam construction
- ☐ Forest management
- ☐ Tree cutting
- ☐ Right-of-way clearing
- ☐ Gravel operation
- ☐ Road construction
- ☐ Solid waste disposal
- ☐ Utilities
- ☐ Port Development
- ☐ Propagation of fish or wildlife
- ☐ Landfill
- ☐ Tourist facilities (hotel, motel, recreational park, organization camp, picnic park, mass gathering)
- ☐ Other _____

00136

Yes No
B. ☐ ☐ All or a portion of the activity will be located within 200 feet of the ordinary high water mark or within the floodplain of _____, a tributary
(name of stream or body of water)

of _____;
(name of stream or body of water)

C. Work will be conducted (include anticipated dates work will take place)

☐ ☐ Over Water _____
(dates)

☐ ☐ In or under water _____
(dates)

D. ☐ ☐ The proposed work will be vented or will release materials into the air. (explain)

E. ☐ ☐ Will the construction or use of the final facility result in the discharge of a pollutant? Into:

- ☐ Ground water
- ☐ Surface water
- ☐ Sewer system

Explain (pollutant): _____

F. ☐ ☐ Will your proposal include facilities for the disposal of sewage?

- ☐ Septic Tank and Drainfield Installation
- ☐ Connection to Municipal sewer system
- ☐ Develop a Nonmunicipal (individual) treatment facility

G. ☐ ☐ Will construction or operations of the final facility involve the use of ground or surface water?

SOURCE

- ☐ Ground water
- ☐ Surface water

USE

- ☐ Domestic Use
- ☐ Commercial/Industrial Use
- ☐ Other _____

Quantity of water use: _____ cfs, or _____ gpm.

if surface water, name of source: _____
(stream or body of water)

a tributary of _____
(name of stream or body of water)

Yes No

H. ☐ ☐ Will your proposal include facilities for public water supply?

- ☐ Connection to Municipal supply system
- ☐ Develop a Nonmunicipal (individual) supply system

I. ☐ ☐ Will your proposal require the construction or modification of a dam for the storage of water?

Height of dam: _____ feet.

Quantity of water to be stored: _____ acre feet.

J. ☐ ☐ Do you plan to dispose of material by burning?

- ☐ Natural material (organic)
- ☐ Man-made material (processed)

K. ☐ ☐ Do you plan to dump any mill waste or forest debris?

L. ☐ ☐ Do you plan to conduct a commercial operation with power driven machinery in dead or down timber?

M. ☐ ☐ Do you propose to remove more than 10,000 tons or disturb more than two acres of land in order to remove gravel, clay, coal, stone, sand, metallic ore, or any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction uses?

N. ☐ ☐ Do you plan to conduct any activity on or directly pertaining to forest land and related to growing, harvesting or processing timber including: road and travel construction; timber harvest; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; right-of-way clearing; or brush control?

O. ☐ ☐ Do you plan to recover stray logs, other than logs owned by you, from waters of the State?

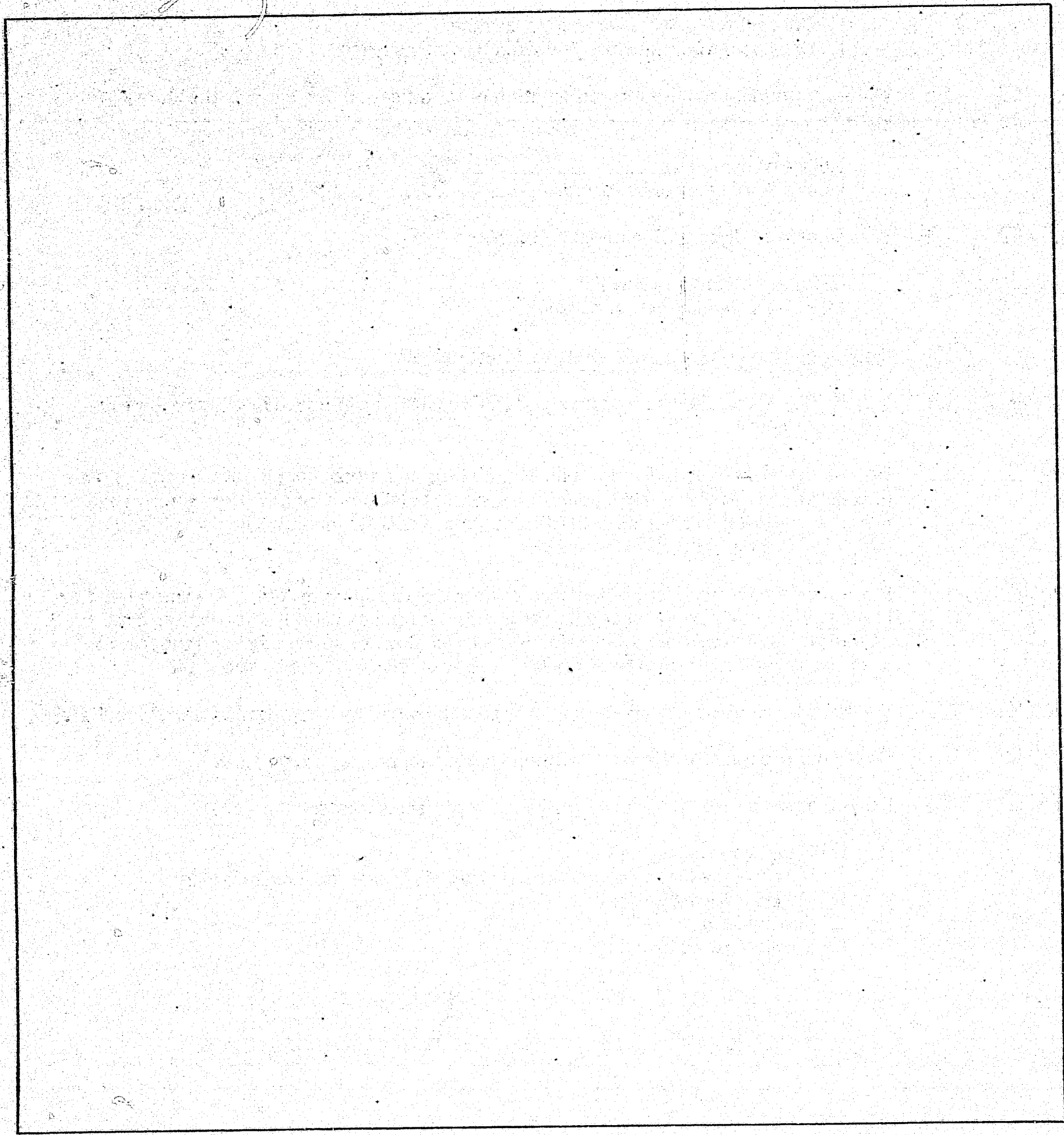
P. ☐ ☐ Does your proposal involve work within, adjacent to, or near a state park?

Q. ☐ ☐ Do you have control of the land on which the project is located? Who does?

- ☐ I own/control the land.
- ☐ I control the land through a license from a private individual/company.
- ☐ The State owns the land.
- ☐ Federal land.
- ☐ Locally owned land.

6
3
1
0
0
0
V. PROJECT DIAGRAM

Show the general area involved by the project. Include the proposed project improvements, existing topography, streams or bodies of water, landmarks, property lines, north arrow, scale, etc. (include additional pages if necessary)



VI. ENVIRONMENTAL IMPACT

Yes No

A. ☐ ☐ Have you been asked to complete an "Assessment of Environmental Impact"? (If completed, please attach a copy.)

B. ☐ ☐ Has an "Environmental Impact Statement" been requested before you begin your project? (If completed, please attach a copy.)

C. Comments: _____

The information given on this application is complete and accurate to the best of my knowledge and belief.

(Applicant's Signature)

(date)

00136

Water Use Permits

U. S. ARMY CORPS OF ENGINEERS

Title: License for Proposed Major Project

Enabling Law: Section 9 (33 USC 401) and Section 10 (33 USC 403) of the River and Harbor Act of 1899 (33 Stat 1151).

Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500, 86 Stat 816, 33 VSC 1344).

Type: Permits For:

- o Dams and Dikes in Navigable Waters of the United States
- o Structures or Work in Affecting Navigable Waters of the United States
- o Discharges of Dredged or Fill Material into Waters of the United States (Section 404 Permit)

Jurisdiction: The Corps jurisdiction as defined by waters of the United States includes isolated wetlands and lakes, intermittent streams and any water of the United States, the degradation of which could affect interstate commerce.

The state legislative may authorize the structure to be built if the location and plans are approved by the Chief of Engineers and the Secretary of the Army.

Authority: Permission to construct dam or perform activity described in application.

Regulation: Code of Federal Regulations Title 33, Parts 320 through 329.

Part 321 - Permits for Dams and Dikes in Navigable Waters of the United States.

Part 322 - Permits for Structures or Work in or Affecting Navigable Waters of the United States.

Part 323 - Permits for Discharge of Dredged or Fill Materials into Waters of the United States.

Part 325 - Processing of Department of the Army Permits.

Procedure: Applications are submitted to the Corps District having jurisdiction over the waterway in which the proposed activity will be located. In this case, the Alaska District, P.O. Box 7002, Anchorage, Alaska 99510, will receive the application. Upon receipt of the application, the District Engineer will assign number and review for completeness. Any additional information needed will be requested from the applicant. When all required information is received, the District will issue a public notice. All comments received will be acknowledged and made a part of the official file. If comments relate to matters of special expertise of another agency, the District will seek the advice of that agency. The applicant will be given the opportunity to rebutt all adverse comments.

US/ACOE (Continued)

An Environmental Assessment will be prepared by the District; if deemed necessary, the draft EIS will serve as the Environmental Assessment. The District Engineer will also evaluate the proposed application to determine the need for a public hearing.

After all actions are completed, the District Engineer will prepare the Finding of Fact and make the final decision whether to grant or deny the permit. Draft permit is sent to the applicant for acceptance, signature and submission of fees.

If the District Engineer determines that water quality certification is necessary under FWCCA, application must produce either the certificate or the application. If the proposed activity is to be undertaken in a State operating under a coastal zone management program approved by the Secretary of Commerce, the District Engineer shall obtain from the applicant a certification that his proposed activity complies with and will be conducted in a manner that is consistent with the approved State coastal zone management program.

The timing of this procedure is as follows:

- Public notice issued within 15 days of complete application.
- Receipt of comments should not extend more than 30 days after notice; this may be extended up to 75 days.
- Notice of denial or draft permit no less than 30 days after closing of comment period with no objection.

If the District Engineer requires that an EIS is required, he will require the applicant to furnish any additional data necessary to allow his preparation. If the District Engineer deems additional information necessary, that the applicant cannot provide, the Corps may charge the applicant for extraordinary expenses incurred. Otherwise, the costs of preparation and distribution of the EIS will be borne by the Government.

If another agency is the lead agency as defined by the CEQ guidelines, the District Engineer will coordinate with that agency.

Application Requirements:

The application for the Corps permit consists of a two-page application (attached as Exhibit 1-Form 4345) and a set of detailed drawings (8"x10-1/2" reproducible) describing the project. Information expected to be furnished by the applicant includes:

- Detailed description of the proposed activity, including the purpose, use, type of structures, facilities for handling wastes and the type, composition and quantity of dredged or fill material;

Application
Requirements
(Continued)

- Names and address of all adjoining property owners who have a direct interest or could be affected by the project;
- Location of the facility;
- Proposed dates of commencement and completion;
- A list and status of all approvals and certificates required by other federal, state, and local government agencies.

Under provisions of the Dam Safety Act, for construction of an impoundment, the applicant is also required to submit detailed drawings at the level of design plans and specifications. These drawings will be reviewed by the Corps District personnel for safety and adequacy of the structure. The safety approval will be issued as part of the 404 permit.

APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

For use of this form, see EP 1145-2-1

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of P. L. 92-500 and Section 103 of P. L. 92-532. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided in ENG Form 4345 will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. Application number (To be assigned by Corps)		2. Date Day Mo. Yr.		3. For Corps use only.	
4. Name and address of applicant. Telephone no. during business hours A/C () _____ A/C () _____		5. Name, address and title of authorized agent. Telephone no. during business hours A/C () _____ A/C () _____			
6. Describe in detail the proposed activity, its purpose and intended use (private, public, commercial or other) including description of the type of structures, if any to be erected on fills, or pile or float-supported platforms, the type, composition and quantity of materials to be discharged or dumped and means of conveyance, and the source of discharge or fill material. If additional space is needed, use Block 14.					
7. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.					
8. Location where proposed activity exists or will occur.					
Address:			Tax Assessors Description: (If known)		
Street, road or other descriptive location			Map No.	Subdiv. No.	Lot No.
In or near city or town			Sec.	Twp.	Rge.
County	State	Zip Code			
9. Name of waterway at location of the activity.					

ENG Form 4345, 1 OCT 77

Edition of 1 Apr 74 is obsolete.

10. Date activity is proposed to commence. _____
Date activity is expected to be completed. _____

11. Is any portion of the activity for which authorization is sought now complete? ☐ YES ☐ NO
If answer is "Yes" give reasons in the remark section. Month and year the activity was completed
Indicate the existing work on the drawings.

12. List all approvals or certifications required by other federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
----------------	---------------	--------------------	---------------------	------------------

13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?

☐ Yes ☐ No (If "Yes" explain in remarks)

14. Remarks (Checklist, Appendix H for additional information required for certain activities).

15. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent

The application must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 5) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

18 U. S. C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

STATE OF ALASKA - OFFICE OF COASTAL MANAGEMENT

Title: Alaska Coastal Management Program (ACMP)

Enabling Law: Coastal Zone Management Act of 1972
Alaska Coastal Management Act of 1977

Type: Consistency Certificate

Jurisdiction: The State shall establish a coastal management program to provide for the management of the coastal zone. The Alaska Coastal Management Program provides the standard by which a project requiring a Federal license or permit is reviewed and determined to be consistent or inconsistent with the program.

Procedure:

- File application for Federal license or permit include a certification that the proposed activity complies with the states approved program and that such activity will be conducted in a manner consistent with the program.
- Furnish to the State a copy of the certification with all necessary information and data.
- At the earliest practicable time, not exceed six (6) months from receipt of consistency certification and required information and data, the State shall notify the Federal agency and the applicant whether the state concurs or objects to a consistency certification.

Authority: No objection to Federal permit issuances.

Regulations: Code of Federal Regulations, Title 15, Part 930 - Federal Consistency with Approved Coastal Management Programs

Alaska Administrative Code Part 6, Chapter 80,
Section .070 - Energy Facilities
Section 130 - Habitats

Regulation Summary: 15 CFR 930 provides the regulations by which the State concurs with or objects to a consistency certification for a project requiring a Federal license or permit. These regulations also include information pertaining to mediation of disputes, guidance and assistance to the applicant, necessary data and information, public notice, and State concurrence and objection.

6AAC 80.070 provides that sites for energy facilities must be identified by districts and the State in cooperation with the districts. Standards on which siting and approval of energy facilities are based are also included in these regulations.

6AAC 80.130 describes the habitats in the coastal area which are subject to the ACMP and provides for their proper management and protection.

Alaska Coastal Management Program Cont'd:

ENERGY FACILITY PLANNING...SITING CRITERIA

- (1) Expansion. select sites with sufficient acreage to allow for reasonable expansion of facilities;
- (2) Infrastructure. site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
- (3) Navigational Safety. select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
- (4) Traffic Control. encourage the use of vessel traffic control and collision avoidance systems;
- (5) Site Preparation. select sites where development will require minimal site clearing, dredging and construction in productive habitats;
- (6) Shipping Routes. site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
- (7) Resource Protection. site facilities so that the construction of facilities and support infrastructure in coastal areas of Alaska are designed to allow for the free passage and movement of fish and wildlife with due consideration for historic migration patterns, and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;
- (8) Water Quality. site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
- (9) Air Quality. site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;
- (10) Compatibility. select sites designated for industrial purposes and where industrial traffic is minimized through population centers;
- (11) Interference. select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment; (6 AAC 80.070(b)(6)-(16))

Alaska Coastal Management Program Cont'd:

(2) Information Needs for Evaluating Proposals

To adequately evaluate proposals for major energy facilities, the state will require at least the following information for prospective developments:

Facility Proposed - e.g., service base, marine terminal, LNG plant.

Location - Of all facilities and activities associated with or expected to be attracted to the proposed development, e.g., helicopter operations, construction camps, motels.

Description of Proposed Facility - e.g., acreage, site plans, technologies to be used, probability and anticipated causes of system failure.

Expansion - Probability of additional demand on the proposed facility in the future; provisions for expansion and sharing of the facility with other companies; plans for unitization of OCS leases and/or shared pipelines to landfill.

Schedule - Proposed construction schedule and anticipated operational timetable over the life of the facility, e.g., type and level of seasonal activities, anticipated years of peak usage.

Land Status and Ownership - Of development site and other land affected by the proposal, e.g., private, public, unpatented, in litigation.

Management - Of the project, e.g., an oil company; a Native corporation, joint management.

Contractors and Subcontractors - For all or portions of the project, if known.

Resource Requirements - Quantities and probable sources of power, water, gravel, and other materials.

Transport - Frequency and routes of boat and aircraft movements and expected level of vehicular traffic in the region resulting from construction or operation of the facility.

Employment - Anticipated number of persons to be employed by job description, tenure (permanent/temporary), and place of employment.

Population - Approximate addition to the population of Alaska by place.

Public Services - Extent of need for the means of providing public services, e.g., road, sewers, water, solid-waste disposal, care, police and fire protection, and other health and social services.

Environmental Implications - Potential environmental benefits, conflicts and mitigative measures, particularly concerning solid-waste management and air and water quality.

Alaska Coastal Management Program Cont'd:

Siting and Design - Features to compensate for natural processes (e.g., floods, earthquakes, storms, erosion and sedimentation); to provide for safe and effective management of sewage and solid waste; and to minimize noise and visual impacts.

Economic Implications - e.g., public cost and revenue resulting from the proposed project; potential conflicts with existing industry; anticipated expenditures in Alaska by place.

Social Implications - e.g., training programs, local hiring policy, housing, health care.

Arrangements for Reducing Social, Economic and Environmental Conflicts - e.g., traffic control systems, oil spill contingency plan, compensation plan, orientation program for imported workers.

Alternative Sites - For the required facilities and operations and reasons for rejecting alternative sites.

Certification of Compliance

Applicant's Responsibility Under The Coastal Zone Management Act of 1972

Section 307 of the federal Coastal Zone Act of 1972 requires that all federal projects and federal licensed, permitted, or funded activities must be consistent with the affected state's approved coastal management program. In order to make certain that all proposed activities in Alaska will be conducted in a manner consistent with the Alaska Coastal Management Program (ACMP), the state will review all proposed activities likely to impact the coastal zone.

Please fill in the appropriate spaces below if the proposed activity described in your application may impact the coastal zone and submit this form with your application. If you have any questions concerning the relationship of your proposal to the ACMP, please contact:

Office of Coastal Management
Pouch AP
Juneau, AK 99811
(907) 465-3540

Relationship to the Alaska Coastal Management Program

(Check block 1a, 1b, or 1c below and either 2 or 3. If the proposal will not be consistent with the ACMP, a separate justification statement should be submitted with this notice).

1. This proposal is located: (a) on Federal lands outside the coastal zone ☐
(b) on excluded Federal lands in the coastal zone ☐
(c) on non-Federal lands in the coastal zone ☐

2. This proposal will not cause significant (a) changes in the manner in which waters, lands, and other coastal resources are used; (b) limitations in the range of uses of coastal zone resources; or (c) changes in the quality of coastal resources. Consequently, it does not directly affect the coastal zone and a consistency determination is not required. ☐

3. This proposal will directly affect the coastal zone and a consistency determination is required. To the best of my knowledge, this proposal is in accord with the goals, guidelines, and objectives of the Alaska Coastal Management Program and to the maximum extent practicable, it will be undertaken in a manner consistent with the program. ☐

Signed _____

Dated _____

WATER RIGHTS PERMIT *

PURPOSE

The Water Rights Permit reserves the waters of Alaska for the people of the State for common use. Water is appropriated for beneficial uses which comply with standards for the protection of public health and safety and preservation of anadromous fish.

DESCRIPTION

Any person who desires to appropriate waters of the State must obtain a Water Rights Permit from the Director of the Division of Forest, Land and Water Management, Department of Natural Resources prior to taking any unappropriated water. This permit authorizes the holder to construct the necessary works for appropriating water and to commence his appropriation; however, it does not secure rights to the water.

When the permit holder has commenced to use the appropriated water, he may then notify the director who will issue a *Certificate of Appropriation*. The Certificate secures the holder's rights to the water. 1

REQUIREMENTS

Applications for the permit must be submitted to the Division of Forest, Land and Water Management on Form 10-102 and must include the following information:

1. Location of the source from which the water is to be appropriated.
2. Description of the proposed means of appropriation.
3. Quantity of water to be appropriated.
4. Location of the place where the water will be used.
5. Explanation of the proposed use of the water.

A nonrefundable \$20.00 filing fee must accompany the application.

An application to appropriate water must include plans and specifications for any dam that 2 may be built. If the proposed dam may endanger the public health and safety or may endanger anadromous fish, the Director may request modifications of the plans and specifications and an independent appraisal of the plans by a qualified engineer.

Public notice of the application for water appropriation must be published once in a local newspaper and must allow for a 15 day comment period. Also, notice of the application and the 15 day comment period must be sent to the following:

1. All prior appropriators.
2. Local governments.
3. Alaska Department of Environmental Conservation.
4. Alaska Department of Fish and Game.

Hearings are not required; however, they may be held if objections to the proposed appropriation are received.

The permit is issued for a period determined by the director. 3

AUTHORITY

AS 16.15.030-185. Appropriation and Use of Water.

~~11 AAC 72. Water Use.~~ (Repealed) 1/2/80

11 AAC 93.040 - 11 AAC 93.140

CONTACT

Director
Division of Forest, Land and Water Management
Department of Natural Resources
323 E. Fourth Avenue
Anchorage, Alaska 99501

Telephone: 279-5577

*Permit Summary excerpted from the Alaska State Directory of Permits.

WATER RIGHTS PERMIT CONT'D:

1. Issuance of Certificate of Appropriation

The commissioner will issue a Certificate of Appropriation after the project has been completed and water use has begun in compliance with permit conditions.

2. Application for Permit to Construct or Modify A Dam must be included with application materials for Water Rights Permit.

3. The permit will be issued for a period of time considered adequate to finish construction and begin using the water. This period may be extended.

To protect the public interest, the permit may be subject to the following conditions:

1. The condition that no certificate will be issued until adequate easements are acquired.
2. Conditions that reserve water for specified purposes such as protection of fish and wildlife, recreational purposes, navigation, water quality, etc.
3. Conditions to ensure that the diversion means are safe and adequate.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FOREST, LAND AND WATER MANAGEMENT

OFFICE USE ONLY

ADL

APPLICATION FOR WATER RIGHT

Instructions: You will need (1) a map showing the location of your source of water and the area of use, (2) a copy of your property ownership document, i.e. deed, patent, lease agreement or an easement agreement if you do not own the property involved, (3) a copy of your driller's well log, if application is for an existing well, (4) Statement of Beneficial Use Of Water (Form 10-1003A) if this is an existing water use, and (5) Application for Permit to Construct or Modify Dam (Form 10-1015) if you will be constructing a dam over 10 feet high or over 50 acre feet of storage. Please type or print in ink.

1. Full legal name of Applicant(s) _____

2. Mailing Address _____

Home Phone _____ Business Phone _____

3. Source of Water Supply:

(a) ☐ Well

☐ Drilled ☐ Hand Driven ☐ Dug ☐ Other _____

If existing well, attach copy of driller's well log.

If existing well, and no log, supply all known information

Total depth _____ Drawdown _____

Intake Depth _____ Screened Yes _____ No _____ Unknown _____

Static level _____

(b) ☐ Surface Water

☐ Stream ☐ River ☐ Lake ☐ Spring

Give geographic name (if unnamed, state so) _____

Water will be taken from surface water source by:

- ☐ Pumping
- ☐ Gravity Flow System
- ☐ Diversion (Altering a watercourse) - Attach sketch and plans giving dimensions and specifications.
- ☐ Damming - Attach sketch and plans giving dimensions and specifications. If dam is over 10 feet high or over 50 acre feet storage, MUST file Application for Permit to Construct or Modify Dam (Form 10-1015).
- ☐ Other _____

4. Location of point of WITHDRAWAL, DIVERSION, or IMPOUNDMENT:

MUST attach copy of map or subdivision plat and indicate location

- (a) Fractional part _____ Section _____
Township _____, Range _____, _____ Meridian.
- (b) If applicable, Lot, Block, Subdivision; U.S. Survey No. _____

- (c) Does applicant own or lease the property at point of water withdrawal and over which water is transported? Yes ☐ No ☐

If "Yes," MUST attach copy of ownership document (i.e. deed, patent)

If "No," MUST obtain an easement or right-of-way and supply copy. Give name, mailing address and phone number(s) of legal owner.

Name _____

Mailing Address _____

_____ Zip _____

Home phone _____ Business Phone _____

5. Location of point of USE: If same as question 4, check and go to question 6. ☐

MUST attach copy of map or subdivision plat and indicate location.

- (a) Fractional part _____ Section _____
Township _____, Range _____, _____ Meridian.
- (b) If applicable, Lot, Block, Subdivision; U.S. Survey No. _____

- (c) Does applicant own or lease the property at point of water use? Yes ☐ No ☐

If "Yes," MUST attach copy of ownership document (i.e. deed, patent)

If "No," MUST obtain an easement or right-of-way and supply copy. Give name, mailing address and phone number(s) of legal owner.

Name _____

Mailing Address _____

_____ Zip _____

Home phone _____ Business Phone _____

6. Type of water use and Quantity of water needed: Please fill in the attached Water Use Chart indicating the quantity of water and months of use for each type of water use. Standard quantities and definitions are provided for your convenience. If water use is for a Commercial/Industrial purpose or Other Use not on the Water Use Chart, refer to question 7.

7. Commercial/Industrial and Other Uses:

Explain in detail the basis for quantity of water requested. Use additional sheet of paper if needed. Indicate type of operation including structures and methods used. Include a sketch or engineering drawings. Enter quantity requested and months of use on attached Water Use Chart.

8. Date when water use began or is expected to begin _____. If water use is existing, fill out Statement of Beneficial Use of Water (Form 10-1003A).

HAVE YOU ATTACHED?

- | | |
|---|---|
| <input type="checkbox"/> Deed, patent, lease, etc. | <input type="checkbox"/> Driller's log (if existing well) |
| <input type="checkbox"/> USGS or Subdivision map | <input type="checkbox"/> Diversion sketch and plans |
| <input type="checkbox"/> \$25 Filing fee (checks payable to State of Alaska) | <input type="checkbox"/> Dam sketch and plans |
| <input type="checkbox"/> Water Use Chart | |
| <input type="checkbox"/> Statement of Beneficial Use of Water (Form 10-1003A) (if existing water use) | |

Statements appearing herein are to the best of my knowledge true and correct.



SIGNED

(Applicant)

DATE

OFFICE USE ONLY	x,y	RMI	Location check	Other

WATER USE CHART

Office Use SIC	Type(s) Of Use	Standard Quantities	Quantity Requested	Months of Use From To (Inclusive)	
8800	(1) Single Family	Per Household			
	(a) Fully plumbed	500 GPD	GPD		
	(b) Partially plumbed	250 GPD	GPD		
	(c) Unplumbed	75 GPD	GPD		
6514	(2) Duplex	Per Duplex 1000 GPD	GPD		
	(3) Multi-Family	Per Unit 250 GPD	GPD		
7011	(4) Motel, Resort	Per Room 100 GPD	GPD		
0241	(5) Livestock	Per Head			
	Dairy Cows	30 GPD	GPD		
	Hosing dairy barn	35 GPD	GPD		
0212	Range Cattle	15 GPD	GPD		
0272	Horses	15 GPD	GPD		
0214	Sheep	2 GPD	GPD		
	Goats and Hogs	3 GPD	GPD		
	Poultry, Rabbits, etc.	1 GPD	GPD		
	Livestock Total		GPD		
	(6) Irrigation (Type of Crop: _____)	Per Acre 0.5 AFY	AFY		
	(7) Commercial/ Industrial				
	(8) Other: _____				

DEFINITIONS:

GPD - gallons per day

AFY - acre feet per year

CFS - cubic feet per second

- (1) **SINGLE FAMILY** - Water use necessary for a single household and the irrigation of up to 10,000 sq. ft. of yard and garden.
- (a) **Fully plumbed** - Water piped into the residence for domestic uses. Hot water heater and water flush toilet included.
- (b) **Partially plumbed** - Water piped into residence for limited domestic uses. Generally no hot water heater and no water flush toilet included.
- (c) **Unplumbed** - No water piped into the residence. Water is hand carried for limited domestic use.
- (2) **DUPLEX** - Water use necessary for two single households and the irrigation of up to 20,000 sq. ft. of yard and garden.
- (3) **MULTI-FAMILY** - Water use necessary for three or more households. Apartment units included.

Water Quality Permits

ENVIRONMENTAL PROTECTION AGENCY

Title: National Pollution Discharge Elimination System

Enabling Law: Section 402 of Federal Water Pollution Control Act
Amendments of 1972, Title 33 VSC.

Type: Discharge Permit (NPDES)

Jurisdiction: Any discharge from a point source must be permitted either by the USEPA or an approved State agency. Since the State of Alaska does not have an approved program, the EPA will administer the permit.

Authority: Issuance of a NPDES permit constitutes permission to construct point source and operate.

Procedure: Persons planning to engage at a future date in activities requiring a NPDES permit shall file a complete application either no less than 180 days in advance of the date on which it is desired to commence the activities or in sufficient time prior to the commencement of activities.

After acceptance of the application, EPA staff shall prepare tentative determinations which will be organized into a draft NPDES Permit available to the public. Prior to permit issuance, EPA shall schedule and post notice on a hearing on the application. The notice will be provided to the Corps of Engineers. The notice shall be published at least once in a daily or weekly newspaper of general circulation in the geographical area of the discharge. The publication shall be at least 30 days prior to the hearing.

Outline of Application: Applications shall be made on the appropriate Discharge Permit forms (EPA short format). In addition, the following information shall be submitted with the completed application:

- Name of any affiliate;
- Permit numbers for any NPDES Permits presently held by the applicant or his affiliate;
- Identification of Administrative Complaints or Orders, if any, against the operation of the applicant or his affiliate; and
- The location of all sites involved in the storage of solid or liquid waste and the ultimate disposal sites of solid or liquid waste from any treatment system.

EPA CONT'D:

Outline of Application Cont'd:

- If the discharge is to be from a new processing facility or new treatment facility, preliminary plans and specifications, sufficiently adequate in scope and form to enable the EPA to evaluate the proposed facility, shall be submitted with the application.
- The EPA may require that an applicant for a Permit provide additional report, specifications, plans or other information on the existing or proposed pollution control program, including a material balance if deemed necessary.
- The application for a State Discharge Permit shall be signed by, in case of a municipal, State or other public facility, by either a principal executive officer, ranking elected official or other duly authorized employee.

Regulations Summary: The EPA shall issue or re-issue a NPDES Permit upon a determination that:

- The discharge or proposed discharge specified in the application is or will be in compliance with all applicable requirements of (1) effluent limitations, (2) receiving water quality standards, (3) groundwater quality standards established by the State, and (4) Federal and State law or regulations; and
- If the proposed discharge specified in the application is a new source, the discharge will be in compliance with the requirements of the (1) standard of performance and (2) receiving water quality standards, and (3) where applicable, groundwater quality standards established by the State; and
- The provisions of existing NPDES permits, as issued, and any outstanding administrative orders affecting the applicant or his affiliate have been or are being complied with by the applicant and his affiliate; and
- Each NPDES Permit, unless inappropriate, shall specify average and maximum daily quantitative limitations for the discharge of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight). As necessary, other limitations, such as minimum, average or maximum concentration limits may be imposed. If a schedule of compliance is included as a condition, quantitative limitations shall be set for the interim period as well as for the period following the final compliance date.
- The term of each NPDES Permit shall be for a period of not more than five (5) years.

DISCHARGE INTO NAVIGABLE WATERS CERTIFICATE *
(WATER QUALITY CERTIFICATE)

PURPOSE

The certificate is required in order to protect the waters of the State from becoming polluted.

DESCRIPTION

Persons requiring federal licenses or permits for proposed activities which may result in a discharge into the navigable waters of Alaska need to obtain a certificate from the State of Alaska Department of Environmental Conservation (DEC) stating that the proposed activity will comply with the requirements of section 401 of the Federal Water Pollution Control Act Amendments of 1972, as modified by the Clean Water Act of 1977. (Certification obtained relative to the construction of a facility is valid for additional federal permits or licenses subsequently required for the operation of the facility.)

REQUIREMENTS

Application for the certificate is made by submitting to DEC a letter requesting the certificate, accompanied by a copy of the permit application being submitted to the federal agency. (Form 18-106, which is provided by DEC, may also be used as the application for the certificate.) There is no application fee. 1

Upon receipt of a proper application, DEC will publish notice of the application in a newspaper in the project area. Public comments will be received until 30 days after the publication of the notice. Public hearings may be held if deemed necessary by DEC. If a public hearing is held, it shall be held no sooner than 30 days after the publication of the public notice.

The completion of the federal permit is pending upon issuance of the certificate.

The certificates may be issued for a period not to exceed five years and are effective upon issuance. Renewals must be applied for as initial applications.

AUTHORITY

Clean Water Act of 1977, Section 401.
18 AAC 15. Administrative Procedures.

CONTACT

Permit Coordinator
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Telephone: 465-2670

Regional Offices:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Pouch OA
Juneau, Alaska 99811

Telephone: 364-2148

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
MacKay Building, 12th Floor
338 Denali Street
Anchorage, Alaska 99501

Telephone: 274-5527

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
P.O. Box 1601
Fairbanks, Alaska 99707

Telephone: 452-1714

Regional Environmental Supervisor
Prince William Sound Regional Office
Department of Environmental Conservation
Pouch E
Valdez, Alaska 99686

Telephone: 835-4698

*Permit Summary excerpted from the Alaska State Directory of Permits.

WATER QUALITY CERTIFICATE CONT'D:

1. Additional requirements for the NPDES Certification Procedure (18 AAC 15,130-180) include the following:

- If the certification request involves a modification to an NPDES permit which does not involve application, the proposed modification must be submitted to the department at least 60 days before any deadline established by EPA for certification action, or 60 days before the proposed effective date.
- Within 30 day after receipt of an application for certification, the department will notify the applicant if additional information is necessary for compliance with Sec's. 301, 302, 303, 306 and 307 of FWPCA. If the information is not supplied within the specified time, certification will be denied.

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC 18-106

APPLICATION FOR WASTE DISPOSAL PERMIT
OR
CERTIFICATION OF REASONABLE ASSURANCE

In accordance with Alaska Statutes, Title 46, "Water, Air and Environmental Conservation", Chapter 03, Section 46.03.100, and rules and regulations promulgate thereunder, or in accordance with 33 U.S.C. 466 et. seq., sec. 401, we:

A. _____
(name of applicant)

B. _____
(address of applicant)

herewith apply for a

C. Waste Discharge Permit [] Certification of Reasonable Assurance []
for the following proposed activity:

D. Dredging [] Construction [] Construction with Discharge [] Discharge Only []

E. TYPE OF INDUSTRY: _____

F. LOCATION OF WASTE DISCHARGING FACILITY: _____
PHONE: _____

G. LOCATION OF WASTE DISCHARGE POINT(S): _____

H. WASTE DISCHARGE VOLUME INDUSTRIAL PROCESSES COOLING WATER

Maximum (gallons/day): _____

Daily Average (gallons/day): _____

I. RAW WATER SUPPLY: Source: _____ Volume _____ gallons/day

J. NAME OF RECEIVING WATER (or sewerage system): _____

K. CHARACTERISTICS OF WASTE FLOW: Describe in detail the chemical and physical properties of the effluent to be discharged to state waters (including but not limited to temperature, pH, dissolved oxygen, color, total dissolved solids, suspended solids, BODS, COD, oils, phenol, heavy metals, chlorinated hydrocarbons, and other biocides, acidity, alkalinity, etc.) Also include a description of sampling and analytic methods used to derive this information. Submit this information with your application as Exhibit 1.

L. RAW MATERIAL AND CHEMICALS USED IN PROCESSES:

Brand Name	Chemical, Scientific or Actual Name	Quantity Used Average	per Day* Maximum
------------	--	--------------------------	---------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DEC 18-106

1. PLANT OPERATION:

Average Days per Year

Number of Employees per Shift
Day Swing Night

2. PRODUCTION:

Item	Quantity Produced per Day*	
	Average	Maximum
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. SANITARY WASTES:

Treatment _____
Discharged to _____

4. Explain any seasonal variation in waste discharge volumes, plant operations, raw materials, and chemicals used in processes, and/or production:---

5. Give a detailed description of the sources of all industrial wastes within your industry. Describe in detail the treatment given each of these wastes. Include in this description the disposal methods used for these wastes and also for any sludge collected by your waste treatment system. Include a schematic flow diagram showing the sources of all wastes and their flow pattern. Submit this information with your application as Exhibit 2.

6. Briefly describe any additional treatment or changes in waste disposal methods you are planning or have under construction. Submit this information as Exhibit 3. Include all information for previous questions, where additional space is necessary as part of Exhibit 3. Also include any additional information or comments you feel are necessary to clarify this application with Exhibit 3.

7. If the activity does not involve a discharge to waters of the state (such as construction of facilities in the waterway, dredging, land fill, etc.), completely describe the proposed activity including: maps showing the location of the facility or activity and the waterway involved, a description of the character of each structure, the quantity and type of dredge or fill material involved, the proposed method of instrumentation which will be used to measure the volume of any solids deposited and to determine its effect upon the waterway, rates and periods of deposition, duration of the activity. Submit this information with your application as Exhibit 4.

Please specify units. For example: Tons per day, pounds per day, barrels per day

The information given on this application is complete and accurate to the best of my knowledge.

Signature

Printed

Title

Date

For further information contact:

[] 338 Denali Street, Room 1206
MacKay Building
Anchorage, Alaska 99501
(907) 274-5527

[] P.O. Box 1207
Soldotna, Alaska 99669
(907) 262-5210

[] P.O. Box 1064
Wasilla, Alaska 99687
(907) 376-5038

[] Pouch E
Valdez, Alaska 99686
(907) 835-4698

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

GENERAL INFORMATION AND INSTRUCTIONS
FOR APPLICANTS FOR A
WASTE DISCHARGE PERMIT OR FOR A
CERTIFICATION OF REASONABLE ASSURANCE

I. GENERAL INFORMATION

The purpose of this application form is to provide the Department of Environmental Conservation with the information necessary to issue a Waste Discharge Permit as required by AS 46.03.100, or to issue a Certification of Reasonable Assurance as required by 33 U.S.C. 466 et. seq. sec. 401, or both. This application form is to be used by all persons who conduct a commercial or industrial operation which results in the disposal of solid or liquid waste material into the waters of the State. Application must also be made for a Waste Disposal Permit to directly discharge commercial or industrial wastes into publicly operated sewerage systems.

II. GENERAL INSTRUCTIONS

1. Please read the entire application form before attempting to complete any part of it.
2. Where a company operates several different plants, a separate application is required for each location.
3. Prepare the application in triplicate. The original and one copy should be returned to the Department of Environmental Conservation at the appropriate regional office. The third copy is to be retained by the applicant.
4. Answer all questions completely. Incomplete applications will be returned to the applicant. If the requested information is unknown, unavailable, or not applicable, indicate so and explain why.
5. The applicant may be required to submit additional information or present unknown information before his application can be processed and a permit issued.
6. Under Item C, check whether a waste discharge permit or a certification is the purpose of the application. If both a permit and certification is being applied for, check both boxes.
7. Under Item D, check the type of activity covered by the application.
8. Under Item E, "Location of Waste Discharge Point," be specific. (River mile, 1/16 section, etc.). For all discharges except those to a municipal sewer include a sketch or map showing their location. (Preferably on 8 1/2 x 11" paper).
9. Under Item Q, include a schematic flow diagram of the flow pattern of the products through your industry showing the source of each waste, its individual flow pattern, and the combined flow pattern of all wastes up to and including their point of discharge.

10. Under Item O, the term "sanitary wastes" refers to those wastes from rest-rooms and shower area. Under "Treatment" indicate type, (septic tank and drainfield, or discharge to municipal sewer system). If treatment and disposal is different from this, indicate so.
11. If the proposed activity does not involve a discharge to the waters of the State, complete only those items of the application which are pertinent such as items A, B, C, D, E, S, and indicate that the remaining items are not applicable.

II. APPLICATION FOR CERTIFICATION - ADDITIONAL PROCEDURES

1. Incomplete applications will be returned and the applicant notified of the specific additional information needed.
2. Applicants will be notified when an application is accepted as complete.
3. If the certification is required for a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System permit (NPDES permit), the department will publish a joint public notice of application for certification with the U.S. EPA public notice of a proposed NPDES permit.
4. If the certification is required for some Federal agency other than the U.S. EPA, the following procedure applies:
 - a. The department will prepare a public notice of each application and will forward the notice to the applicant with instructions to publish at his expense. Notices shall follow the form in Appendix A.
 - b. Publication shall be at least once in a newspaper of general circulation in the borough in which the proposed activity will take place. If the proposed activity will take place in the unorganized borough or if there is no newspaper of general circulation within the borough, then the newspaper shall be one of general circulation within the judicial district wherein the proposed activity would take place.
 - c. Proof of Publication (also called Affidavit of Publication, Publisher's Affidavit, Publisher's Certificate, etc.) of the notice, which may be obtained from the newspaper, shall be submitted to the department after the notice has been published.
 - d. The department will send copies of the notice to other interested parties.
5. If, in the judgment of the department, there is sufficient interest, a public hearing will be required.
6. If a public hearing is to be held, the department will prepare a public hearing notice and will forward the notice to the applicant with instructions to publish at his own expense. Notices shall follow the form in Appendix B.
7. Publication of the public hearing notice shall be in accordance with the same instructions as the public notice (See 4 above).
8. Proof of Publication of the notice furnished by the newspaper shall be submitted to the department.
9. Certification will be granted if there is assurance that the proposed facility will not adversely affect the aquatic environment and will be in compliance with all applicable water quality standards, water quality control plans, and waste discharge requirements.

00136

IV. APPLICATION FOR WASTE DISPOSAL PERMIT - ADDITIONAL PROCEDURES

1. Incomplete applications will be returned and the applicant notified of the specific additional information needed.
2. Applicants will be notified when an application is accepted as complete.
3. The department will prepare and publish a public notice of each application. Notices will follow the form in Appendix C.
4. The public notice will be published in two separate editions of a newspaper of general circulation within the general area in which the disposal of waste material is proposed to be made.
5. Copies of the application will be sent to the Commissioner of Fish and Game, Commissioner of Natural Resources, Commissioner of Economic Development, and Commissioner of Health and Social Services.
6. At anytime at least thirty days after the second publication of the public notice, the department may issue a waste disposal permit including the terms and conditions necessary to avoid pollution of the waters of the state.
7. No permit shall be effective for a period in excess of five years from the date of issuance.

WASTEWATER DISPOSAL PERMIT *

PURPOSE

The Wastewater Disposal Permit is required in order to prevent water pollution in the State due to unsafe wastewater disposal systems and practices.

DESCRIPTION

Any person conducting an operation which results in the disposal of wastewater into or upon the waters or surface of the land of the State of Alaska or into a publically operated sewerage system must procure a permit from the Department of Environmental Conservation (DEC) before the operation begins. This permit is not required for discharging only domestic sewage into a sewerage system.

"Wastewater" means sewage, waterborne industrial waste, laundry liquid effluent, shower or sink water, or other wastes which are waterborne or in a liquid state.

REQUIREMENTS

An applicant is required to submit a completed application, Form 18-106, which is provided by DEC, in duplicate with descriptions of the process of treatment used and the disposal site. Specific information on operations is detailed in the permit application. Any additional data on the environment and the facility may be required if requested by the department. Instructions for filling out the "Wastewater Disposal Permit Application" are also included with the application form. No application fee is required.

Applications are to be submitted 60 days prior to the commencement of operations. Upon receipt of the application DEC will issue a public notice in two consecutive issues of a newspaper in the area of the proposed activities. Public comments are accepted up to 30 days after the final public notice. Public hearings are not necessary but they may be held if demanded by public interest. Notification of the proposed discharge must be given to the Alaska Department of Fish and Game, Department of Health and Social Services, Department of Commerce and Economic Development, and Department of Natural Resources for their review and comment.

DEC may require that industrial liquid wastes or other wastes which are discharged into public sewerage system or treatment works be treated and equalized to prevent overloading of damaging effects upon the public sewerage systems.

The permit may be issued for a period not to exceed five years. Renewal of the permit must be on request by the permittee 30 days prior to the permit expiration. Wastewater Disposal Permit renewal applications must be submitted in the same manner as an initial application.

No person may deposit the sludge from septic tanks, holding tanks, cesspools, privies, sewerage treatment works, water treatment works, industrial or commercial facilities, or sludges from other wastes to the waters or land without a Solid Waste Disposal Permit from DEC. Sludge may otherwise be disposed of to a properly permitted facility designed to handle solid waste.

Since the U.S. Environmental Protection Agency must issue the National Pollutant Discharge Elimination System (NPDES) permit for wastewater discharge to surface waters, in those cases the State waives the procedural requirements for issuing a State permit and adopts the NPDES permit as the required State permit.

WASTEWATER DISPOSAL CONT'D:

AUTHORITY

AS 46.03.100. Waste Disposal Permit.
AS 46.03.090. Plans for Pollution Disposal.
AS 46.03.110 and 720. Waste Disposal Permit Procedure.
18 AAC 15. Administrative Procedures.
18 AAC 70. Water Quality Standards.
18 AAC 72. Wastewater Disposal.

CONTACT

Permit Coordinator
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Telephone: 465-2670

Regional Offices:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Pouch OA
Juneau, Alaska 99811

Telephone: 364-2148

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
MacKay Building, 12th Floor
338 Denali Street
Anchorage, Alaska 99501

Telephone: 274-5527

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
675 Seventh Avenue
Fairbanks, Alaska 99707

Telephone: 452-1714

Regional Environmental Supervisor
Prince William Sound Regional Office
Department of Environmental Conservation
Pouch E
Valdez, Alaska 99686

Telephone: 835-4698

*Permit Summary excerpted from the Alaska State Directory of Permits.

SURFACE WASTE DISPOSAL RESTRICTIONS 18 AAC 72.010

NOTE:

At the discretion of the department, further waste treatment may be required above that specified in 18 AAC 72.023 or, where necessary, prohibit the disposal of wastewater in order to protect sensitive receiving environments.

PLAN REVIEW FOR SEWERAGE SYSTEMS OR WATER AND WASTE WATER TREATMENT WORKS *

PURPOSE

The purpose of the Plan Review is to provide a minimum standard for construction of facilities which collect, treat and dispose of wastewater and obtain, treat and distribute potable water. This is done in order to protect public health and assure compliance with Alaska's Water Quality Standards and Drinking Water Standards.

DESCRIPTION

Plans for collection, treatment and disposal of wastewater and for treatment and distribution of potable water must be approved prior to starting construction. A letter of approval will be issued if plans are satisfactory.

REQUIREMENTS

No person may construct, alter, or modify a sewerage system or treatment works or any part of one until detailed engineering reports, plans, and specifications are submitted to the Department of Environmental Conservation and approved by the department in writing. The engineering reports, plans, and specifications must be certified by a professional engineer registered in the State of Alaska in accordance with AS 08.48.221. There is no specific application form required when submitting Plan Reviews. No fees are charged and public hearings and notices are not required.

The Plan Review requirements do not apply to the construction, alteration, or modification of a sewerage system or treatment works for an individual residential or recreational lot *within a subdivision* approved under 18 AAC 72.065 (Subdivision Plan Review) after February 3, 1977, if the construction, modification, or alteration is in conformity with the terms and conditions of the subdivision approval. The department may, at its discretion, waive this requirement for sewage treatment and disposal on other residential and recreational lots.

The department may, at its discretion, require that the designs for sewerage systems and treatment works in remote areas have a history of successful operation in comparable environmental situations. Sewerage systems or treatment works also must be designed to successfully operate under the conditions of seasonal frost or perennial frost encountered in the areas where the construction is proposed.

If any construction or other activity is intended which might render water of the state inaccessible or uninhabitable for spawning or propagation of salmon, or cause violations of the Water Quality Standards, the required submission of plans must contain the following information:

1. A detailed description of a timetable for the proposed construction or other activity; and
2. Other information the department requires to fully assess the impact of the proposed activity upon the waters.

The department will, within 30 days of receipt of complete plans, approve plans submitted if the applicant demonstrates that the sewerage system or treatment works will meet the requirements of 18 AAC 72.060 (Plan Review) and the Water Quality Standards.

The department may attach terms and conditions to approved plans necessary to insure compliance with the requirements of 18 AAC 72.060 and the Water Quality Standards.

For the purpose of reviewing plans the department will use, where applicable, the design criteria contained in the following:

1. *Sewage Treatment Plant Design*, Manual of Practice No. 8, 1976, and *Design and Construction of Sanitary and Storm Sewers*, Manual of Practice No. 9, 1970; Water Pollution Control Federation, 3900 Wisconsin Avenue, Washington, D.C. 20016;
2. *Glossary—Water and Wastewater Control Engineering*, Joint Editorial Board, American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, 1969; available from Water Pollution Control Federation, 3900 Wisconsin Avenue, Washington, D.C. 20016;

PLAN REVIEW FOR SEWERAGE SYSTEMS CONT'D:

3. *Wastewater Engineering: Collection, Treatment, Disposal*, Metcalf and Eddy, Inc., 1972; McGraw-Hill Book Company, New York, New York;
4. *Recommended Standards for Sewerage Works*, Great Lakes—Upper Mississippi River Board of State Sanitary Engineers, Health Education Service, P.O. Box 7283, Albany, New York 12224.

(Copies of the referenced materials are on file in the Lieutenant Governor's Office, and may be reviewed in any of the regional offices of the department.)

No person may install a package aerobic sewage treatment plant until the plant, or a similar model in a series of plants, has been certified by the National Sanitation Foundation, unless it can be demonstrated to the department's satisfaction that the plant meets or exceeds the National Sanitation Foundation Certification criteria. Approval of package plants will be made only on receipt of acceptable proof of satisfactory operation of similar systems under conditions of proposed use. A list of approved package aerobic sewage treatment plants is available from any of the regional offices of the department.

The National Pollutant Discharge Elimination System (NPDES) Permit (issued by the Environmental Protection Agency) and the Certificate of Reasonable Assurance (issued by the State Department of Environmental Conservation) may be required prior to beginning operation of facilities for wastewater disposal. A person who conducts an operation which results in the disposal of liquid waste material onto the land or into the waters of the State must procure a permit from the department before disposing of the wastewater.

AUTHORITY

AS 16.10.010. Interference with Salmon Spawning Streams and Waters.
AS 46.03.020(10)(A). Powers of the Department.
AS 46.03.050. Authority.
AS 46.03.090. Plan for Pollution Disposal.
AS 46.03.100. Waste Disposal Permit.
AS 46.03.720. Construction and Operation of Certain Facilities Prohibited.
18 AAC 72.060. Plan Review.

CONTACT

Permit Coordinator
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Telephone: 465-2670

Regional Offices:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Pouch OA
Juneau, Alaska 99811

Telephone: 364-2148

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
MacKay Building, 12th Floor
338 Denali Street
Anchorage, Alaska 99501

Telephone: 274-5527

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
P.O. Box 1601
Fairbanks, Alaska 99707

Telephone: 452-1714

Regional Environmental Supervisor
Prince William Sound Regional Office
Department of Environmental Conservation
Pouch E
Valdez, Alaska 99686

Telephone: 835-4698

* Permit Summary excerpted from the Alaska State Directory of Permits.

Land Use Permits

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

- Title: "Power Transmission Lines - Right-of-Way"
- Enabling Law: - Act of February 15, 1901 (31 Stat 790; 43 USC 959) and the Act of March 4, 1911 (36 Stat 1253; 43 USC 961) for non-primary transmission lines
- Federal Power Act of June 10, 1920 (41 Stat 1063) as amended by Act of August 26, 1935 (49 Stat 838) Sections 201 to 213 inclusive for primary hydroelectric power transmission lines.
- Type: For use or easements of (for) rights-of-way over (on) public lands for power transmission lines.
- Jurisdiction: The FERC has jurisdiction over primary hydroelectric power transmission line right-of-ways. Rights-of-way for transmission lines which are not primary lines are across or on BLM (public) lands are under the jurisdiction of the Department of Interior.
- Procedure: - File application with Department of Interior for public lands.
- If lands in national forests, duplicate application to the Department of Agriculture.
- If application is complete and all requirements met (as described in regulations below) it may be approved if the project is determined to be beneficial and the purposes and effects of the project will not be outweighed by the adverse environmental impact.
- If it is determined that the application cannot be approved as proposed, alternatives may be suggested to the application to make the application/design acceptable.
- Authority: Applicant may construct or use right-of-way through, on or across public lands for power transmission lines.
- Regulations: Title 43 Code of Federal Regulations - Public Lands: Interior, Chapter 11 - Bureau of Land Management part 2850 to 2851 inclusive.
- Regulation Summary: Application procedure as described in 43 CFR 2851.2 delineates the contents of the application including the required showings and compliance with environmental criteria.
- Regulation Outlines: Section 2851.2-1 Applications
- (a) Applications filed for acts of February 15, 1901 or acts of March 4, 1911, for permission to use the desired right-of-way through the public lands must be approved.
- (b) Applications for right-of-way on national forest lands must be made through Department of Agriculture.

Regulation
Outlines
(Continued)

(c) Required Showings:

1. Description of generating plant to be connected by the proposed transmission line with sufficient detail to show character, capacity and location.
2. Description of transmission line including: voltage, customers, characteristics, extent and purpose.
3. Width of right-of-way - if greater than 100 feet, see requirement 5.
4. If 66 kV or greater - a one-line diagram and the interconnecting facilities in the immediate area. Also, power flow diagram and typical structure drawings showing construction dimensions and list of materials.
5. If width of right-of-way in excess of 100 feet or for a structure or facility right-of-way over 10,000 square feet, a satisfactory statement of reasons "why" must be made; otherwise, these excesses will not be permitted.
6. A detailed description of the environmental impact of the project must be included with the application. This must reflect compliance with "Environmental Criteria for Electric Transmission Systems" by Secretaries of Agriculture and Interior.

If all other requirements are met, the application may be approved - if not remedial measures may be suggested for compliance and application approval.

SOLID WASTE DISPOSAL PERMIT***PURPOSE**

The purpose of the Solid Waste Disposal permit is to control or eliminate the detrimental health, environmental, and nuisance effects of improper solid waste disposal practices.

DESCRIPTION

No person may establish, modify or operate a solid waste disposal facility in the State of Alaska without a Solid Waste Disposal Permit from the Department of Environmental Conservation (DEC), except for the following:

1. A single-family or duplex residence which generated solid waste and disposes of it on premises.
2. A farm on which solid waste generated from the operation of that farm is disposed.
3. Incinerator facilities having a total rated capacity of less than 200 pounds of solid waste per hour.

Definitions pertaining to this permit include:

1. "Solid Waste Disposal Facility" means an intermediate disposal facility, transfer station, landfill, incinerator, composting plant, recycling or reclamation facility or any site utilized for the reduction, consolidation, conversion, processing or disposal of solid waste.
2. "Solid Waste" means all unwanted or discarded solid or semi-solid material whether putrescible or nonputrescible, originating from any source, including but not limited to garbage, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street sweepings; dewatered sewage sludge, dead animals, offal, junked vehicles and equipment, material and debris resulting from construction or demolition projects; abandoned and decaying structures; hazardous wastes, mine wastes, gravel pit and quarry spoils; and overburden except that originating from the construction on single buildings.

REQUIREMENTS

An applicant is required to submit two completed "Solid Waste Disposal-Solid Waste Management Permit" application forms (no form number available) showing:

1. Detailed plans and specifications for the facility.
2. Certification of compliance with local ordinances and zoning requirements.
3. A report detailing the proposed method of operation, population and area to be served, the characteristics, quantity and source of material to be processed, the use and distribution of processed materials, method of residue disposal, emergency operating procedures, the type and amount of equipment to be provided, and the proposed ultimate land use.

Applications should be submitted at least 60 days prior to the commencement of operations. No application fee is required. Upon the receipt of an application DEC will publish a public notice in two consecutive editions of a newspaper in the area of the proposed activities. Public comments are accepted up to 30 days following the final notice. Public hearings are not mandatory unless dictated by public comment. At the end of the 30-day public notice period, DEC may act on the application. Solid Waste applications are sent to the Alaska Departments of Fish and Game, Health and Social Services, Commerce and Economic Development and Natural Resources for their review and comment.

Permit renewal is only on request by the permittee and must be submitted 30 days prior to the permit's expiration. The application procedures for permit renewal are the same as those required for the initial application, except that public notice is not required.

Solid Waste Permits may be issued for a period not to exceed five years. Permits may not be transferred without written consent of DEC. 1

TWO
SETS
REQ'D

SOLID WASTE DISPOSAL CONT'D:

AUTHORITY

AS 46.03.020. Powers of the Department.
AS 46.03.100. Waste Disposal Permit.
18 AAC 15. Administrative Procedures.
18 AAC 60. Solid Waste Management.

CONTACT

Permit Coordinator
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Telephone: 465-2670

Regional Offices:

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Pouch OA
Juneau, Alaska 99811

Telephone: 364-2148

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
MacKay Building, 12th Floor
338 Denali Street
Anchorage, Alaska 99501

Telephone: 274-5527

Regional Environmental Supervisor
Northern Regional Office
Department of Environmental Conservation
P.O. Box 1601
Fairbanks, Alaska 99707

Telephone: 452-1714

*Permit Summary excerpted from the Alaska State Directory of Permits.

¹(DEC)

The department will issue a permit under this section if applicant demonstrates that:

1. The disposal facility meets the requirements of:

18 AAC 60 Solid Waste Management
18 AAC 50 Air Quality Control
18 AAC 70 Water Quality Standards
18 AAC 72 Wastewater Disposal

2. The establishment or continued operation of the disposal facility will not result in avoidable proliferation of solid waste disposal facilities in the affected area.

Date Received _____
by _____

APPLICATION FOR WASTE DISPOSAL-
SOLID WASTE MANAGEMENT PERMIT

NAME OF ☐ OWNER, ☐ OPERATOR: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

Type of facility:

- | | |
|---|---|
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Resource Recovery |
| <input type="checkbox"/> Transfer Station | <input type="checkbox"/> Refuse Baling |
| <input type="checkbox"/> Drop Box Station | <input type="checkbox"/> Refuse Shredding |
| <input type="checkbox"/> Incinerator | <input type="checkbox"/> Sewage Sludge Disposal |
| <input type="checkbox"/> Hazardous Waste Processing and/or Disposal | <input type="checkbox"/> Other _____ |

Location: _____

Type of application:

- ☐ Permit for new facility
☐ New Permit for existing facility

Existing Permit Number (if applicable) _____

NOTICE TO APPLICANT: Alaska Statutes, sections 40.03.110(a) and (c) require that "application for permit shall be made at least sixty (60) days before commencement of a proposed discharge..", and that the department place the application on public notice in two (2) editions of a locally distributed newspaper with thirty (30) days after last publication date being allowed for written responses.

Additional information may be required to properly evaluate the proposed facility before permit issuance. Notification of additional information requirements will be issued within 15 days of receipt of this application. Please submit two copies of all application material.

Application Requirements:

1. Attach a topographic map or aerial photograph, clearly marking the site boundaries, and pertinent features such as existing and proposed surface contours, buildings, fixed equipment, surface waters, surface runoff diversions, fences, highways, access roads, wells within 1/4 mile of the site, area zoning, and adjacent land ownership. Maps or plans of site should have contour interval of 5 feet or less, and they should show present and proposed conditions, proposed working face or trench locations, and facilities for special wastes such as junked automobiles or sewage sludge.
2. Attach data on groundwater depth and direction of movement relative to populated areas and wells, and a description of the soil profile and characteristics including permafrost and ice-rich permafrost in the site. Include average annual precipitation and prevailing wind information, if available.
3. Attach a narrative report describing site operation information including estimate of area and population served, specific waste types to be disposed of, waste quantities received, steps taken to abate and control nuisances such as blowing paper and other litter, odor, dust, vectors and visual aesthetics, and data for specific facilities as follows:

- a. Transfer station -- hours open for public use, duty schedule of site attendants, equipment listing including that available for emergency use, and facility to which refuse is transported for processing or disposal.
- b. Disposal Facility -- hours open to public, duty schedule of site attendants, equipment used at facility, disposal method including compaction techniques, size of operating face, depth of cells, means and frequency of cover application, winter operation considerations, incineration equipment, etc.
- c. Processing and/or Resource Recovery Facility -- hours open to public, duty schedule of site attendants, engineered plans and equipment specifications, process description, product description materials recovered and estimated quantities, storage facilities for recovered materials or refuse derived fuel, and storage and disposal facilities for all materials not recovered.
- d. Hazardous waste facility -- hours open to public, manpower and equipment available, hazardous wastes to be accepted, methods of waste treatment or neutralization, disposal techniques, and employee safety precautions..

4. Attach a narrative plan with map or drawing to show the proposed form of the completed disposal site including contours, surface restoration, and any other planned facilities.

5. Attach a letter from the local government certifying compliance with local ordinances and zoning requirements. If the permit holder is not the owner, include a statement from the property owner detailing the arrangement by which applicant has control of the facility.

6. If the facility is not in compliance with the State regulations 18 AAC 60 "Solid Waste Management", attach a proposed plan and time schedule for attaining compliance. Include reasons to justify non-compliance operation, and the compliance plan and time schedule.

I, _____, certify under penalty of perjury,
that all of the above information and exhibits are true, correct and complete.

Signature of applicant: _____ Date _____

SPECIAL LAND USE PERMIT *

PURPOSE

The Special Land Use Permit enables the State to give preference to the use of land which will be of the greatest economic benefit to the State and the development of its resources.

DESCRIPTION

Any activity that involves the placing of temporary improvement or equipment on State owned land requires a Special Land Use Permit. The permit is issued by the Director of the Division of Forest, Land and Water Management, Department of Natural Resources.

REQUIREMENTS

Applications are to be filed with the Division of Forest, Land and Water Management on Form 10-135 and must include a \$10.00 nonrefundable filing fee. Public notice and hearings are not required.

The permit may be issued for a period not to exceed five years and may be renewed by re-application. Final action on an application will be taken by the Director.

A fee may be charged for the use of the land. The rate ranges from \$100.00 to \$250.00 annually and is based on the activity.

AUTHORITY

AS 38.05.035. Powers and Duties of the Director. AS 38.05.020
AS 38.05.330. Permits.
11 AAC 58.210. Special Land Use Permits.

CONTACT

Director
Division of Forest, Land and Water Management
Department of Natural Resources
323 E. Fourth Avenue
Anchorage, Alaska 99501

Telephone: 279-5577

District Offices:

Southeastern District Office
Division of Lands
Pouch M
Juneau, Alaska 99811

Telephone: 465-2415

Southcentral District Office
Division of Lands
3327 Fairbanks Street
Anchorage, Alaska 99503

Telephone: 279-7691

Northcentral District Office
Division of Lands
4420 Airport Way
Fairbanks, Alaska 99701

Telephone: 279-2243

*Permit Summary excerpted from the Alaska State Directory of Permits.

Additional Requirement: (11 AAC 58.210)

The director, without prior approval of the commissioner, may issue special land use permits on such terms and conditions as he deems to be in the best interests of Alaska.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

ADL _____

SPECIAL LAND USE APPLICATION AND PERMIT

Date _____, 19____

APPLICANT _____

ADDRESS _____

LAND APPLIED FOR: _____

_____ Acres, Section _____, Township _____, Range _____, _____ Meridian

TERM _____ (Not to Exceed 5 years) From _____, 19____, to _____, 19____.

PROPOSED USE: _____

Are the lands now improved or occupied? _____ If so, give details _____

PROPOSED IMPROVEMENTS: _____

I agree to indemnify the State against and hold it harmless from any and all claims, demands, suits, loss, liability and expense for injury to or death of persons and damage to or loss of property arising out of or connected with the exercise of the privileges covered by this application and permit and I certify that the statements made by me in this application are true and correct.

Applicant's Signature

Permission is hereby granted the above applicant to occupy and use the lands herein described for the purposes stated upon the following conditions:

1. The Permittee shall pay annually in advance the sum of \$_____ as Rental.
2. The Permittee shall keep the premises in a neat, sanitary and orderly condition.
3. The Permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires and to prevent the pollution of waters on or in the vicinity of the lands.
4. The Permittee shall not cut standing timber on the premises without written permission.
5. The Permittee shall not close roads or trails, commonly used by the public, within the premises.
6. Special Conditions: _____

Date _____, 19____

Chief, Lands Section Director
Division of Lands

MISCELLANEOUS LAND USE PERMIT*

PURPOSE

The purpose of the Land Use Permitting system is to protect the natural environment and fish and game habitat of State-owned land which has special resource value.

DESCRIPTION

The Miscellaneous Land Use Permit is required for surface activities (designated in 11 AAC 96.010) and the usage of equipment (unless excluded by 11 AAC 96.020) on special State-owned land. If the land has previously been designated *Special Use Lands* because it has special scenic, historic, archeologic, scientific, biological, recreational or other special resource values, any activity on that land requires a permit. A list of activities for which the permit is *not* required is maintained in each district office of the Alaska Division of Forest, Land and Water Management. 1

REQUIREMENTS

Applications for the permit are to be filed with the Division of Forest, Land and Water Management district office on Forms DL-285 and DL-286. Each application must contain the following information in sufficient detail to allow evaluation of the planned activity's effect on the land:

1. A map showing the general location of all activities and routes of travel for all equipment for which the permit is required.
2. A description of each proposed activity and type of equipment that will be used.

There is no filing fee. Public notices and hearings are not required.

Within 30 days of receipt of a proper application, the Director may give notice to an applicant that a personal or corporate surety bond is required. The value of the bond varies from \$1,000.00 to \$100,000.00 and is based on the type of activity proposed. (A schedule of the amount required for specified activities is available at all offices of the Division of Forest, Land and Water Management. The bond must be filed before the proposed activity commences.

Final action will be taken within 30 days of receipt of the application. A permit may be issued for a period not to exceed one year and may be renewed for any number of consecutive periods. The effective date of the permit is the first day of the month following the date the permit is signed. If final action is not taken by an Division of Forest, Land and Water Management office within the allotted 30 days, an applicant may proceed with his operation.

AUTHORITY

AS 38.05.035. Powers and Duties of the Director.
AS 38.05.330. Permits.
11 AAC 96. Miscellaneous Land Use Regulations.

CONTACT

Director
Division of Forest, Land and Water Management
Department of Natural Resources
323 E. Fourth Avenue
Anchorage, Alaska 99501

Telephone: 279-5577

Director
Division of Minerals and Energy Management
Department of Natural Resources
703 W Northern Lights Boulevard
Anchorage, Alaska 99503

Telephone: 263-2247

District Offices:

Southeastern District Office
Division of Lands
Pouch M
Juneau, Alaska 99811

Telephone: 465-2415

Southcentral District Office
Division of Lands

~~3227 Fairbanks Street~~ 941 Dowling Rd.
Anchorage, Alaska ~~99503~~ 99502

349-4524
Telephone: ~~279-7691~~

MISCELLANEOUS LAND USE CONT'D:

1. Permit is required for the following partial list of activities on State land (as enumerated in 11 AAC 96.010).

- The use of explosives and explosive devices, except firearms
- The use of equipment not specified in 11 AAC 96.020
- The use of hydraulic prospecting or mining equipment and/or methods.

Additional restrictions are enumerated for activities occurring on "Special Use Lands."

2. Definition:

"Land Use Activity" means any use of or entry upon state lands for any purpose, including but not limited to exploration, hunting, recreation, and access.

TERMS OF THE PERMIT

- sec. 1. GENERAL PROVISIONS. Operations under this permit shall be conducted in conformance with applicable Federal, State, and local laws and regulations now, or hereafter, in effect during the life of this permit.
- sec. 2. INSPECTION OF OPERATIONS. All operations under this permit are subject to inspection at any time, by the Director or his authorized representative.
- sec. 3. REPORTS. (a) When requested, permittee shall make a report to the Director, in writing, on all matters relevant to the character, progress, and results of operations under this permit. (b) Upon completion of operations, permittee shall file the report required by sec. 153.60 of the Miscellaneous Land Use Regulations.
- sec. 4. OTHER OPERATIONS. (a) The granting of this permit does not preclude the issuance of other permits or leases on the same lands. Valid existing prior rights acquired on the lands described herein will not be adversely affected by this permit. (b) Where this permit grants the right to enter land owned, leased or otherwise lawfully occupied by another, the permittee shall make provisions before entering the land to pay for all damages sustained by said owner, lessee or lawful occupant by reason of entering upon said land.
- sec. 5. CHANGE OF ADDRESS. Permittee shall immediately notify the Director, in writing, of any change in address.
- sec. 6. BOND. Permittee shall at all times maintain the bond furnished upon the issuance of this permit, which bond is conditioned upon compliance with all the provisions of the permit, and when requested shall increase the amount of the bond, or furnish such other bond as may be required.
- sec. 7. DEFAULT. If permittee should fail to comply with the terms and stipulations contained in this permit, or the provisions of the miscellaneous land use regulations, and after receiving written notice, fails to remedy such default within the time specified in the notice, the Director may cancel this permit.
- sec. 8. SPECIAL STIPULATIONS: _____

INSTRUCTIONS

- 1. This application must be completed in triplicate, either by typewriter or printed in ink, and may be submitted at any Division of Lands office. Offices are located in Fairbanks, Anchorage and Juneau. Additional sheets may be used where space provided on the form is not adequate.
- 2. Each application must be accompanied by a SUPPLEMENTAL INFORMATION SHEET (Division of Lands form DL-286) which has been completed in full. SUPPLEMENTAL INFORMATION SHEET forms are available at any Division of Lands office.
- 3. Item 3: Applicant should give a brief and general description of the area of the proposed activity. (eg: Copper River Basin) Applicant will be required to designate location in greater detail on the SUPPLEMENTAL INFORMATION SHEET.
- 4. Item 4: Initial period applied for should not exceed one year. Subsequent extensions may be applied for pursuant to Sec. 153.30, Miscellaneous Land Use Regulations.
- 5. Applicant or his authorized representative must sign each copy of the application in ink. Where applicant is a corporation, the individual signing the application must submit evidence of his authority to act for the corporation.

SUPPLEMENTAL INFORMATION SHEET
(TO DL-285)

1. Name of applicant _____
2. Location of permit activities (see instructions) _____

3. List of equipment requiring a permit and its proposed use (see instructions) _____

4. Proposed method of disposal for: Solid waste _____
Sewage _____
5. Type operations (see instructions):
geophysical _____ construction _____
exploration _____ transportation _____
other _____

6. Type and amount of bond (check one)
Amount _____ Corporate Surety _____
Secured Savings _____
Statewide _____
Cash _____
7. If applicant desires data contained on this form to be kept confidential, he should so indicate in the space below, and also in item 7 of the APPLICATION FOR LAND USE PERMIT form.
Is this information to be kept CONFIDENTIAL?
(Check one) Yes _____ No _____

(Signature)

(Title)

INSTRUCTIONS

1. Form should be completed in triplicate, either by typewriter or printed in ink, and should be submitted with the APPLICATION FOR LAND USE PERMIT. Additional sheets may be used where space provided on form is not adequate.
2. Item 2: Applicant should attach a USGS topographic map, showing the location of all proposed activities. These include but are not limited to: routes of travel, shot lines, camps, exploratory cuts or hydraulic areas, etc. Applicant should use a map with a scale appropriate to the particular operation. For example, rather than splice several 1/63,360 scale maps together, it would be preferable to use another scale such as 1/250,000.
3. Item 3: Applicant should state, by attached sheet if necessary, all equipment he proposes to use which requires a permit. The list of equipment requiring a permit may be obtained at the State Division of Lands' offices in Fairbanks, Anchorage or Juneau. Applicant should explain the proposed use of all equipment listed. (eg: D-8 Caterpillar - make exploratory cuts)
4. Item 4: Prior to completion of item 4, applicant should consult with Alaska Department of Health and Welfare for sanitary disposal requirements.
5. Item 5: Applicant should check appropriate activity and furnish a brief description of the proposed operation. (eg: Geophysical-seismic work conducted by drilling and shooting on 60' separation with 25 lb. charges of nitramon.)
6. Item 6: Applicant may submit bond with the application according to the bonding schedule, or may wait until notification by the Director of the bond requirement. Bond forms may be obtained at any Division of Lands' office.

RIGHT-OF-WAY OR EASEMENT PERMIT*

PURPOSE

The Right-of-Way or Easement Approval System enables the State to give preference to the use of land which will be of the greatest economic benefit to the State and the development of its resources.

DESCRIPTION

The Right-of-Way Easement Permit is required for the construction of a road, trail, ditch, pipeline, drill site, log storage site, telephone line or similar use or improvement on State land. The permit is issued by the Director of the Division of Forest, Land and Water Management, Department of Natural Resources.

REQUIREMENTS

Applications for the permit must be submitted to the Division of Forest, Land and Water Management on Form 10-112. Each application must be accompanied by a nonrefundable \$10.00 filing fee and a preliminary plat.

Terms, duration and final approval are at the discretion of the director or his appointed representative. If the proposed construction is approved, a letter of entry is issued, authorizing the construction. The Right-of-Way Permit is not issued until construction has been completed and the as-built plans, according to specifications, are approved by the department.

If the proposed construction may impact waters of the State, permits from the Alaska Department of Fish and Game and the U.S. Army, Corps of Engineers may be required also.

AUTHORITY

AS 38.05.035. Powers and Duties of the Director.
AS 38.05.330. Permits.
11 AAC 58.200. Right-of-Way or Easement Permit.

AS 38.05.020

CONTACT

Director
Division of Forest, Land and Water Management
Department of Natural Resources
323 E. Fourth Avenue
Anchorage, Alaska 99501

Telephone: 279-5577

District Offices:

Southeastern District Office
Division of Lands
Pouch M
Juneau, Alaska 99811

Telephone: 465-2415

*Permit Summary excerpted from the Alaska State Directory of Permits.

Additional Description: (11 AAC 58.200)

"In granting of any permit or easement on tidal or submerged lands, the upland owner shall have first preference" to the land.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

ADL _____

APPLICATION FOR RIGHT-OF-WAY PERMIT

Date: _____

The undersigned _____ residing at _____
_____ hereby applies to the Director of
the Division of Lands, Department of Natural Resources, for Right-of-Way _____ feet
in width and _____ feet in length located in Section _____, Township _____
_____, Range _____, _____ Meridian, containing an area of
_____ acres as shown on the plat attached hereto in triplicate copies, for the pur-
pose of constructing and maintaining thereon a _____
for private, public, intermittent, yearlong use (strike inapplicable words).

State briefly the standards of construction of proposed improvements:

Constructed _____ Construction to begin _____
To be completed _____

If this application is approved, I agree to construct and maintain the improvements authorized in a workmanlike manner, to keep the area in a neat and sanitary condition; if said right-of-way is to be constructed across leased lands, I agree to reimburse the lessee for all damages to crops and improvements, to the extent of the fair market value thereof, which may be damaged or destroyed as the result of the construction of said right-of-way, and to comply with all the laws, rules and regulations pertaining thereto; and *provided further that upon termination or relocation of the Right-of-Way for which application is herein made, I agree to remove or relocate the improvements and restore the area without cost to the State and to the satisfaction of the Director.

Signature of Applicant

(Instructions for preparation of plat: Attach triplicate copies of letter-size plat, show centerline and boundaries of right-of-way, show ties from centerline to establish monuments and section corner, show conflicts with other rights-of-way, if any, scale 4" to 8" per mile, type of survey.)

*Not applicable to State Agencies.

UTILITY PERMIT FOR ENCROACHMENT WITHIN HIGHWAY RIGHTS-OF-WAY *

PURPOSE

The purpose of the Utility Permit for Encroachment Within Highway Rights-of-Way is to enable the State to maintain an accurate record of all utility facilities that are located in highway rights-of-way.

DESCRIPTION

Persons, political subdivisions, or cooperatives wishing to construct, place, or maintain utilities under, on, in, or over the highway rights-of-way must contact the Alaska Department of Transportation and Public Facilities to obtain a Utility Permit. Utilities include railroads and all publicly, privately, or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, telecommunications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems, and street lighting systems. A Utility Permit is also necessary to improve, add to, relocate, or change the operating conditions of existing facilities. A single Utility Permit shall authorize only such activities as are reasonably required for the construction and routine maintenance of a separate utility facility upon or within highway rights-of-way.

REQUIREMENTS

Application Form DH 250A, "Application for Utility Permit on Highway Rights-of-Way," and instructions for preparation, including sample applications, plan sheets and permits, may be obtained from the local Highway Maintenance Foreman or the Regional Utilities Engineer in the Department of Transportation and Public Facilities. The application must be accompanied by plans, specifications, description of work, methods to be employed and other pertinent data to provide the Department with all information necessary to evaluate the engineering design, location, and other aspects of the proposed installation. The plans should also show the location of all existing facilities in the immediate vicinity of the applicant's proposed facility. In the case of a conflict with an existing facility, the applicant must obtain a "letter of nonobjection" from the owner of the existing facility and submit it with the permit application.

There are no application fees.

The Department of Transportation and Public Facilities works with other agencies, such as the Federal Aviation Administration and Department of Environmental Conservation when the proposed facility comes under regulations by these agencies. If an applicant wishes to locate a facility upon land obtained by the Department from another government agency, the applicant must obtain a Special Use Permit or a "letter of nonobjection" from the owning government agency and submit it with the permit application.

Since the permit preparation, approval and execution process involves the applicant, the Department, owners of affected utilities and possibly other agencies, the application for a Utility Permit should be submitted well in advance of the anticipated date for beginning work to be covered by the permit to allow adequate time for completion of this approval process.

UTILITY PERMIT FOR ENCROACHMENT WITHIN HIGHWAY RIGHTS-OF-WAY CONT'D:

The completed application should be submitted to the Regional Engineer. Upon approval of the application, the Department will prepare the Utility Permit, including stipulations and special conditions, and send the original and three copies of the permit to the permittee for his signature and return to the Regional Engineer for execution.

The department will execute the Utility Permit and return two copies to the permittee. The permittee or his contractor is required to have one copy of the fully executed Utility Permit at the work site during construction of the facility.

The permittee must give the department advance notice of the proposed date upon which the permittee intends to enter upon the highway right-of-way to commence construction or major maintenance on the facility covered by the Utility Permit.

The department may require the permittee to furnish a bond or assurance to protect the highway and appurtenances. Also, the department may require inspection of the construction of the facility by a representative of the department. The permittee shall agree to reimburse the department for the actual costs of such inspection as stated in the special conditions of the Utility Permit.

The permit is valid for as long as the facility exists. A new or modified permit must be obtained prior to alteration or relocation of the facility.

A utility company must have Articles of Incorporation, obtained through the Corporations Section of the Alaska Department of Commerce and Economic Development, prior to receiving a permit.

AUTHORITY

AS 19.25.010, Use of Rights-of-Way for Utilities
17 AAC 15, Engineering-Utility Permits.

CONTACT

Regional Utilities Engineer
Department of Transportation and Public Facilities
4111 Aviation Avenue, Pouch 6900
Anchorage, Alaska 99502

Telephone: 243-1111

Regional Utilities Engineer
Department of Transportation and Public Facilities
2301 Peger Road
Fairbanks, Alaska 99701

Telephone: 452-1911

Regional Utilities Engineer
Department of Transportation and Public Facilities
P.O. Box 3-1000
Juneau, Alaska 99802

Telephone: 789-0841

Regional Engineer
Department of Transportation and Public Facilities
P.O. Box 220
Nome, Alaska 99762

Telephone: 443-5266

*Permit Summary excerpted from the Alaska State Directory of Permits.

UTILITY PERMIT FOR ENCROACHMENT WITHIN HIGHWAY RIGHTS-OF-WAY CONT'D:

Additional Information:

1. 17 AAC 15.210 Special Use Permits for Highways (under Utility Permit)

Permit is required for use of land obtained by the department from another governmental agency for special use.

The permittee shall obtain a letter of non objection from the owning governmental agency. The letter shall be attached to utility permit.

2. Permits for utility facility installations will be issued in accordance with 17 AAC 15, sections:

- .070 Highway Policy for Accommodation of Utilities
- .080 Bridges
- .090 Joint Use
- .110 Driveway and Road Approaches Conflicts
- .120 Underground Facilities
- .170 Prior Rights
- .180 Relocation
- .250 Department's Interest in R.O.W.
- .280 Authority of Commissioner
- .240 Clear Roadside Policy

- .130 Utility Standards of the Department of Highways

8/77

Page 1 of

Permit No.

APPLICATION FOR UTILITY PERMIT ON HIGHWAY RIGHTS-OF-WAY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

Application is hereby made for permission to place, construct and thereafter maintain a _____
_____ facility in, on, along or across the Rights of Way of the Department of
Highways.

I. The facility is to be located: _____

II. Location and extent of required clearing: _____

III. Joint use with: _____

in accordance with _____ attached as Exhibit _____

IV. Facility to be constructed in accordance with the following:

a. Plans dated _____, consisting of _____

b. Specifications dated _____, consisting of _____ pages.

c. In conformance with (Code) _____

V. Work to commence on or about _____ and to be

completed on or about _____

The applicant in carrying out any or all of the work herein above mentioned or referred to in this application, and in the authorized Utility Permit issued therefore, shall strictly conform to the terms of such Utility Permit; Alaska Statutes 19.25.010 and 19.25.020; regulations as set forth in the Alaska Administrative Code, Title 17—Highways, Chapter 15, Engineering—Utility Permits, and any revisions thereto, and such policy directives as issued by the Commissioner of the Department of Highways.

The applicant shall comply with regulations of all other governmental agencies and the work shall be accomplished in a manner that will not be detrimental to the highway and appurtenances nor in any manner endanger the traveling public.

APPLICANT: _____ DATE: _____

BY: _____ TITLE _____

ELECTRICAL AND COMMUNICATIONS

OVERHEAD FACILITY:

Number of Circuits: _____

Phase: _____

Conductor Type and Size: _____

Structure Type: _____

Minimum Vertical Clearance: _____

Offset from Highway Centerline: _____

Longitudinal Facility Length: _____

Crossing Angle: _____

UNDERGROUND FACILITY:

Conductor Type and Size: _____

Voltage and Phase: _____

Number and Size of Conduits: _____

Size and Type of Encasement: _____

Depth Below Ditch Elevation: _____

Longitudinal Facility Length: _____

Offset from Highway Centerline: _____

Crossing Angle: _____

Method of Crossing: Bore: _____ Jack: _____ Open Cut: _____

CODES APPLICABLE: _____

ADDITIONAL INFORMATION: _____

Fish and Wildlife Permits

ANADROMOUS FISH PROTECTION PERMIT*

PURPOSE

The Anadromous Fish Protection Permit requirements are designed to protect and preserve fish and game of anadromous waters of the State.

DESCRIPTION

If a person or governmental agency desires to construct a hydraulic project or affect the natural flow or bed of a specified anadromous river, lake, or stream, or use equipment in such waters of the State of Alaska, he should notify the Department of Fish and Game (DF & G) before beginning such a project. The pamphlet, "Catalog of Waters Important for the Spawning and Migration of Anadromous Fishes," may be obtained by writing to the Habitat Protection Section, Department of Fish and Game. 1

The term "anadromous" refers to those fish which spend part of their life cycle in fresh water and part in marine water.

REQUIREMENTS

The applicant should notify the DF & G Regional Habitat Supervisor in the area of the proposed project by completing a "Waterway/Waterbody Use Request," "Gravel Removal Request" or "Placer Mining Request" form (no form numbers available) provided by the Department. The applicant shall also submit: 2

1. Full plans and specifications for the proper protection of fish and game in connection with the proposed project.
2. The approximate project schedule.
3. A project outline of materials, methods, and equipment proposed for use.
4. A map of the project site and its description.

Each project is evaluated individually based on specific resource concerns particular to the fisheries system involved. The DF & G will act on the application within 30 days of its receipt.

No application fee is required; public notice and hearings are not necessary.

The permit is issued on an annual basis. Renewals are made by specific request only.

AUTHORITY

AS 16.05.870. Protection of Fish and Game.
5 AAC 95.010. Waters Important to Anadromous Fish.

CONTACT

Permits may be secured by filing a proposal with the DF&G headquarters office in Juneau or, preferably, with the regional office nearest the proposed activity.

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
210 Ferry Way
Juneau, Alaska 99801

Telephone: 586-6630

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99501

Telephone: 344-0541

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
1300 College Road
Fairbanks, Alaska 99701

Telephone: 452-1531

*Permit Summary excerpted from the Alaska State Directory of Permits.

ANADROMOUS FISH PROTECTION CONT'D:

1. The list of waters important to Anadromous Fish, based on compiled biological information, as that list existed after revision on May 22, 1974, is adopted by reference in accordance with the Administrative Procedure Act (AS 44.62).

Waters included on this list are brought within the conservation and protection of AS 16.05.870 - AS 16.05.900.

2. The following forms were identified and supplied by the clerk in the Habitats Section of DF&G:

1. General Inwater Application (Waterway/Water Body Use)
2. Instream Flow Use Application
3. Material Removal Application

GENERAL INWATER APPLICATION-*
ALASKA DEPARTMENT OF FISH AND GAME

A. APPLICANT

1. Name: _____
2. Address: _____
Telephone: _____

B. WATERWAY/WATERBODY to be used or altered:

1. Name: _____
2. Project Location: (Section, Township, Range, Meridian)

3. Map: (Enclose a sketch of the site or mark site on a plat
or USGS map and attach current aerial photograph
if available).

C. TYPE OF PROJECT (e.g., bridge, culvert, utility line placement, erosion control,
impoundment structure, etc.):

1. Does project involve a bridge or culvert work?: Yes or No (circle one). If
answer is "yes" provide information covered in items a through d below.

Bridge Installation Only

- a. Stream width at project
site (total distance
from stream bank vegetation
line to opposite bank vege-
tation line): _____ feet.
b. Proposed bridge length:
_____ feet.
c. Are instream bridge supports
necessary?: Yes or No (circle one)
If above answer is "yes", provide:
number of supports: _____
type of supports: _____
d. Will fill material be deposited
over the bridge?: Yes or No
(circle one)

Culvert Installation Only

- a. Culvert type:
1. Round or Arch (circle one)
2. Culvert length _____
3. Culvert width _____
4. Number of Culverts _____
b. Stream bed gradient at crossing:
_____ percent
c. Type of fill material to be
used and origin: _____
d. Will fill slopes be riprapped
(i.e., stabilized to prevent
erosion)?: Yes or No (circle one)
If above answer is "yes" what
type of riprap will be used: _____

2. If an impoundment structure (dam) is proposed, attach design blueprints,
project statement outlining the necessity for such a structure, materials
to be utilized, proposed method of construction and reservoir capacity.

*(NOTE: This form not applicable for placer mining or gravel removal operations).

3. Will project entail inwater use of tracked and/or wheeled vehicles?: Yes or No (circle one).

If above answer is "yes", explain and list type and size of each vehicle:

4. Will stream diversion, channelization and/or bank alteration work be performed?: Yes or No (circle one)

If above answer is "yes", please explain in detail:

5. Will any material (e.g., gravel, logs, etc.) be removed from or deposited in the floodplain (bed) of the involved river, stream, or lake?: Yes or No (circle one).

If above answer is "yes", please explain in detail (estimate quantity and type of material to be removed or deposited and include sketch depicting limits of activity):

6. Will any blasting work be performed?: Yes or No (circle one). If "yes", attach blasting plan.

D. PROJECT SCHEDULE: _____ TO _____ (dates)

If inwater vehicle work or crossing is necessary, estimate number of hours or days required to complete inwater work: _____ Hours or days (circle one).

E. WILL PROJECT BE CONTRACTED OUT?: Yes or No (circle one)

If above answer is "yes", provide contractor's name, address, and telephone number: _____

I HEREBY CERTIFY THAT ALL INFORMATION MADE ON OR IN CONNECTION WITH THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FG#

OTHER

INSTREAM FLOW USE APPLICATION
ALASKA DEPARTMENT OF FISH AND GAME

A. APPLICANT

1. Name: _____
2. Address: _____
_____ Telephone: _____
3. Project Contractor: _____

B. LOCATION OF WATER REMOVAL

1. Name of River, Stream, or Lake: _____

2. Legal Description: _____
3. Land Ownership: _____
4. Map and Aerial Photograph (see specific instructions, Step B - 4a and 4b)

C. PURPOSE OF WATER REMOVAL

D. TIME FRAME FOR WATER REMOVAL: _____ TO _____ (dates)

E. QUANTITY OF WATER TO BE REMOVED: _____ GALLONS/DAY and _____ GALLONS TOTAL

F. On a Separate Sheet, Define Your Plan for Removing Water and Attach:

G. On a Separate Sheet, Present a Site Rehabilitation/Restoration Plan and Attach:
(see specific instructions)

H. On a Separate Sheet, Present a Hydraulic Analysis of the Effects of Water Removal
and Attach: (see specific instructions)

I HEREBY CERTIFY THAT ALL INFORMATION MADE ON OR IN CONNECTION WITH THIS APPLICATION
IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF APPLICANT

DATE

6
3
1
0
0

INSTREAM FLOW USE APPLICATION - SPECIFIC INSTRUCTIONS

- Step A. Aside from providing your name, address, and telephone number, give the name and mailing address of the contractor who will actually be doing the work.
- Step B.
1. Provide the name of the waterbody from which water will be removed.
 2. The legal description should include Section, Township, Range and Meridian.
 3. Indicate land ownership with respect to the site and access to the site.
 4.
 - a. Map provided should show the following information and have a scale no greater than 1 inch = 400 feet. Map may be a field sketch. As a minimum, the map should include access to the location, accurate location of site, and a cross-sectional view of the water removal site.
 - b. Provide a current aerial photo, if available.
- Step C. Give reasons for water removal, i.e., domestic water source, dust abatement, crop watering, etc.
- Step D. Indicate the time of year the source is to be used. Is it temporary or permanent?
- Step E. Give total gallons to be removed and gallons per day.
- Step F. The plan for water removal should answer the following questions:
1. What bank modifications are proposed?
 2. What stream alterations are proposed, i.e., deepening or widening channel?
 3. Will the project entail any inwater use of tracked and/or wheeled vehicles? If so, identify type, how many and for how long?
 4. What equipment will be used to remove water?
 5. How will equipment be refueled?
 6. What precautions will be taken to ensure that fish and other aquatic organisms are not endangered by the activity?
- Step G. Outline plan for restoring, rehabilitating, and revegetating the site if stream and/or bank alterations occur.
- Step H. Provide a written hydraulic analysis of the effect of water removal only if the quantity of water removed exceeds 25% of the total stream discharge at mean monthly flow. The hydraulic analysis should address potential for alteration of the waer removal activity. If the water removal is long term, continual, a hydraulic analysis is required regardless of the quantity in terms of percent of mean monthly flow.

00136
DEPARTMENT OF FISH AND GAME
TAT PROTECTION SECTION
RABBIT ROAD
KODIAK, ALASKA 99502
PHONE 344-0541

FG# _____

Other _____

MATERIAL REMOVAL APPLICATION
ALASKA DEPARTMENT OF FISH AND GAME

A. APPLICANT

1. Name: _____
2. Address: _____
_____ Telephone: _____
3. Project Contractor: _____

B. LOCATION OF MATERIAL SITE

1. Name of River, Stream or Floodplain to be Mined: _____

2. Legal Description: _____

3. Land Ownership: _____

4. Map and Aerial Photograph (See specific instructions on back, Step B 4a and 4b).

C. QUANTITY AND TYPE OF MATERIAL TO BE MINED: _____ cubic yards. _____ type.

D. TIME FRAME FOR WORKING THE SITE: _____ to _____ (dates).

E. On a Separate Sheet of Paper, Define your Plan for Removing Material and Attach:
(See specific instructions on back, Step E).

F. On a Separate Sheet, Present a Site Rehabilitation/Restoration Plan and Attach:
(See specific instructions on back, Step F).

G. On a Separate Sheet, Present a Hydraulic Analysis of the Effects of the Gravel Removal and Attach:
(See specific instructions on back, Step G).

I HEREBY CERTIFY THAT ALL INFORMATION MADE ON OR IN CONNECTION WITH THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Applicant _____

Date _____

MATERIAL REMOVAL APPLICATION - SPECIFIC INSTRUCTIONS

Step A. Aside from providing your name, address, and telephone number, give the name and mailing address of the contractor who will actually be doing the work.

- Step B.
1. Provide the name of the watercourse or floodplain where gravel will be removed.
 2. The legal description should include Section, Township, Range and Meridian.
 3. Indicate land ownership with respect to the site and the access to the site.
 4.
 - a. The map provided should show the following information and have a scale no greater than 1 in. = 400 ft. (Map may be a field sketch) As a minimum, the map should include the following: 50' contour lines; nearby watercourses and lakes; access route (s); location of facilities (i.e., screening, washing, and crushing plants, and commercial and private buildings); aliquot parts identified in order they are to be mined; site where fuel will be stored; a cross section view of the material site showing current land and water elevations and bank slopes and also, final excavation grades and slopes; and project expansion sites.
 - b. Provide a current aerial photograph, if available.

Step C. Estimate the total amount of material to be removed in cubic yards.

Step D. Indicate the time of year the material site is going to be mined.

Step E. The plan for removing the material should address the following questions:

1. Is stream diversion planned? If so, how and for how long?
2. Is stream channelization planned?
3. What bank modifications are proposed?
4. Will the operation involve screening, crushing, and/or washing plants? If so, explain and indicate how long?
5. Will any material be removed from below the water table? If so, to what depth and is a pumping operation planned?
6. Will the project entail any in-water use of tracked and/or wheeled vehicles? If so, identify type, how many and for how long?
7. Where will debris and overburden be stockpiled?

Step F. Outline your plan for handling debris and overburden and for regrading, restoring, and revegetating the material site following completion.

Step G. Provide a written hydraulic analysis of the effect of the gravel removal only if the total quantity requested exceeds 25,000 cubic yards for the projected use of the site. The hydraulic analysis should, depending on the quantity of gravel requested and site specific conditions, include as a minimum, the following: potential for channel changes; assessment of increased aufeis potential; and an assessment of potential for increased

CRITICAL HABITAT AREA PERMIT*

PURPOSE

The Critical Habitat Area Permit insures that development within the critical habitat areas is compatible with the perpetuation of area fish and wildlife resources.

DESCRIPTION

Persons proposing any work or development within a State Fish and Game Critical Habitat Area must obtain a permit from the Department of Fish and Game (DF&G) before starting such operations.

For the purposes of this permit, "Critical Habitat Areas" are those designated in AS 16.20.230.

REQUIREMENTS

The applicant should submit to DF&G full plans for the anticipated use, plans and specifications of proposed construction work, plans and specifications for the proper protection of fish and game, the approximate time schedule of work and a map with the proposed activity site marked. No application form or fees are required. Public notices and hearings are not necessary. DF&G will act on the application within 30 days of its receipt.

The Critical Habitat Area Permit issued is a temporary permit valid for one year. Renewals are made on specific request only. No fee is required for permit renewals.

AUTHORITY

AS 16.20.220. and .260. Fish and Game Critical Habitat Areas.

CONTACT

Permits may be secured by filing a proposal with the DF&G headquarters office in Juneau or, preferably, with the regional office nearest the proposed activity.

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
210 Ferry Way
Juneau, Alaska 99801

Telephone: 586-6630

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99501

Telephone: 344-0541

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
1300 College Road
Fairbanks, Alaska 99701

Telephone: 452-1531

*Permit Summary excerpted from the Alaska State Directory of Permits.

FISHWAYS FOR OBSTRUCTIONS TO FISH PASSAGE *

PURPOSE

The permit issued under this authority is designed to guarantee efficient passage of fish in the streams of the State.

DESCRIPTION

If the department considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage of fish.

REQUIREMENTS

The applicant should notify the DF & G Regional Habitat Supervisor in the area of the proposed project. The applicant shall submit:

1. Full plans and specifications for the proper passage of fish in connection with the proposed project.
2. The approximate project schedule.
3. A project outline of materials, methods and equipment proposed for use in meeting the fishway requirements.
4. A map of the project site and project description.

Each project is evaluated individually based on specific resource concerns particular to the fisheries system involved. The DF & G will act on the application within 30 days of its receipt.

No application fee is required; public notice and hearings are not necessary.

CONTACT

Permits may be secured by filing a proposal with the DF & G headquarters office in Juneau or, preferably, with the regional office nearest the proposed activity.

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
210 Ferry Way
Juneau, Alaska 99801

Telephone: 586-6630

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99501

Telephone: 344-0541

Regional Habitat Protection Supervisor
Alaska Department of Fish and Game
1300 College Road
Fairbanks, Alaska 99701

Telephone: 452-1531

AUTHORITY

AS 16.05.840. Fishway Required.

*Permit Summary excerpted from the Alaska State Directory of Permits.

Air Quality Permits

AIR QUALITY CONTROL PERMIT TO OPERATE*

PURPOSE

The purpose of the Air Quality Control Permit and its associated regulations is to prevent, abate and control air pollution in the State.

DESCRIPTION

No person may allow any air contaminant emission in the State without a permit from the Department of Environmental Conservation (DEC), as these emissions may be injurious to human health or welfare, property, animal or plant life or may unreasonably interfere with the enjoyment of life or property.

Definitions pertaining to this permit include:

1. "Air contaminant" means dust, fumes, mist, smoke, fly ash and other particulate matter, vapor, gas, odorous substances or any combination thereof.
2. "Emission" means the release of air contaminants into the environment.
3. "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other entity whatsoever.

REQUIREMENTS

An applicant is required to submit one copy of the "Air Quality Control Permit to Operate Application" provided by DEC (no form number available). In addition to the application, the following plans and specifications are to be included:

1. One set of plans and specifications clearly indicating the layout and the construction which will be undertaken.
2. One set of maps or aerial photographs indicating land use and zoning within one mile of the facility.
3. An engineering report outlining the proposed methods of operation, the quantity and source of material to be processed, the proposed use and distribution of the processed material and related process details and a process flow diagram indicating the points of emission including estimated quantities and types of air contaminants to be emitted.
4. A description and specifications of all air quality control devices.
5. An evaluation of the effect on the surrounding ambient air of the emissions from the facility.
6. Plans for emission reduction procedures during an air episode.

A general instruction leaflet for the permit application process is available from DEC. No permit application fee is required.

Applications should be filed 30 days prior to the commencement of operations. Public notices are not required unless a compliance schedule is being considered or if there is a request for a variance from the regulations. Public hearings may be held if DEC determines that public input is necessary. They are held no sooner than 30 days after the public notice.

The department may require an applicant for a permit to operate, install, use and maintain monitoring equipment; to sample emissions in accordance with methods prescribed by DEC, at locations, intervals and by procedures as may be specified; to provide source test reports; to provide emission data and information from analysis of any test samples; and to provide periodic reports on process emissions.

The Air Quality Control Permit to Operate is issued for a period not to exceed five years. The duration of each permit is specified on a case-by-case basis. Renewals are handled the same as initial applications.

Amendments to the regulations governing the Air Quality Permit to Operate should be completed in September 1979. Contact DEC for information on the resulting permit requirement changes.

AIR QUALITY CONTROL PERMIT TO OPERATE*

PURPOSE

The purpose of the Air Quality Control Permit and its associated regulations is to prevent, abate and control air pollution in the State.

DESCRIPTION

No person may allow any air contaminant emission in the State without a permit from the Department of Environmental Conservation (DEC), as these emissions may be injurious to human health or welfare, property, animal or plant life or may unreasonably interfere with the enjoyment of life or property.

Definitions pertaining to this permit include:

1. "Air contaminant" means dust, fumes, mist, smoke, fly ash and other particulate matter, vapor, gas, odorous substances or any combination thereof.
2. "Emission" means the release of air contaminants into the environment.
3. "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other entity whatsoever.

REQUIREMENTS

An applicant is required to submit one copy of the "Air Quality Control Permit to Operate Application" provided by DEC (no form number available). In addition to the application, the following plans and specifications are to be included:

1. One set of plans and specifications clearly indicating the layout and the construction which will be undertaken.
2. One set of maps or aerial photographs indicating land use and zoning within one mile of the facility.
3. An engineering report outlining the proposed methods of operation, the quantity and source of material to be processed, the proposed use and distribution of the processed material and related process details and a process flow diagram indicating the points of emission including estimated quantities and types of air contaminants to be emitted.
4. A description and specifications of all air quality control devices.
5. An evaluation of the effect on the surrounding ambient air of the emissions from the facility.
6. Plans for emission reduction procedures during an air episode.

A general instruction leaflet for the permit application process is available from DEC. No permit application fee is required.

Applications should be filed 30 days prior to the commencement of operations. Public notices are not required unless a compliance schedule is being considered or if there is a request for a variance from the regulations. Public hearings may be held if DEC determines that public input is necessary. They are held no sooner than 30 days after the public notice.

The department may require an applicant for a permit to operate, install, use and maintain monitoring equipment; to sample emissions in accordance with methods prescribed by DEC, at locations, intervals and by procedures as may be specified; to provide source test reports; to provide emission data and information from analysis of any test samples; and to provide periodic reports on process emissions.

The Air Quality Control Permit to Operate is issued for a period not to exceed five years. The duration of each permit is specified on a case-by-case basis. Renewals are handled the same as initial applications.

Amendments to the regulations governing the Air Quality Permit to Operate should be completed in September 1979. Contact DEC for information on the resulting permit requirement changes.

00136

- AS 46.03.010 Derivation of Policy
- AS 46.03.140 Emission Control Requirements.
- AS 46.03.150. Classification and Reporting.
- AS 46.03.160. Additional Contaminant Control Measures.
- AS 46.03.170. Variances.
- 18 AAC 15. Administrative Procedures.
- 18 AAC 50. Air Quality Control.

Permit Coordinator
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Telephone: 465-2670

Regional Environmental Supervisor
Southeast Regional Office
Department of Environmental Conservation
Pouch OA
Juneau, Alaska 99811

Telephone: 364-2148

Regional Environmental Supervisor
Southcentral Regional Office
Department of Environmental Conservation
MacKay Building, 12th Floor
338 Denali Street
Anchorage, Alaska 99501

Telephone: 274-5527

*Permit Summary excerpted from the Alaska State Directory of Permits.

Permit is required for all fuel burning electric generating equipment greater than 250 kW capacity.

Additional regulations are covered under 18 AAC 50, sections:

- .040 Incinerators
- .050 Industrial Process and Fuel Burning Equipment
- .070 Motor Vehicles Emissions
- .110 Air Pollution Prohibited
- .140 Air Episodes
- .150 Source Testing
- .160 Circumvention
- .180 Penalties
- .190 Definitions

Date received _____

Logged by _____

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

APPLICATION

AIR QUALITY CONTROL

PERMIT TO OPERATE

I.

Firm Name _____

Address _____

Telephone No. _____

Legal Owner _____

Address _____

Telephone No. _____

II.

Nature of Business (Include type of product, size and history of facility, and major units having air contaminant emissions):

III.

The information required for the facility as described in the Permit INFORMATION AND INSTRUCTIONS shall be submitted with the Permit Application.

Date

Signature

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

AIR QUALITY CONTROL

PERMIT TO OPERATE

INFORMATION AND INSTRUCTIONS

A PERMIT TO OPERATE IS REQUIRED IF A FACILITY IS CAPABLE OF EMITTING INTO THE AMBIENT AIR, REGARDLESS OF WHETHER AIR QUALITY CONTROL EQUIPMENT IS OPERATING, MORE THAN

- (1) 25 TONS PER YEAR OF SULFUR DIOXIDE OR PARTICULATE MATTER, OR
- (2) 100 TONS PER YEAR OF NITROGEN OXIDE, CARBON MONOXIDE OR HYDROCARBONS.
(Reference 18 AAC 50.120(a))

Also required to obtain a Permit to Operate are:

- (1) mercury retort operations regardless of size (18 AAC 50.120(b)), and
- (2) fuel burning electric generating equipment greater than 250 kilowatts capacity (18 AAC 50.120(c)).

Tables I and II are guides for determining the sizes of typical processes requiring Permit to Operate.

Any person proposing to construct or modify a facility requiring a Permit may not do so until a Permit is obtained from the Department. Operators of facilities requiring a Permit shall apply to the Department on the attached application. The application shall be sent for review and approval to:

Supervisor, Air Quality Control Program
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99801

Any questions relating to the requirements for Departmental approval should be directed to the Air Quality Control Program Supervisor (Telephone 586-6721) or to the Department's regional offices:

Northern Regional Office (NRO)
P.O. Box 1601 (Mailing Address)
604 Barnette Street (Location)
Fairbanks, Alaska 99707
452-1714 & 452-1715

Southcentral Regional Office (SCRO)
338 Denali Street
MacKay Building
Anchorage, Alaska 99501
274-5527

Southeastern Regional Offices (SERO)
Pouch "O" (Mailing Address)
419 6th Street (Location)
Juneau, Alaska 99801
586-6721

INFORMATION TO BE SUBMITTED WITH PERMIT APPLICATION.

The following information is required to be submitted with a Permit application:

1. Two sets of plans and specifications (if new construction) clearly indicating the layout and construction which will be undertaken;
2. Two sets of maps or aerial photographs indicating land use and zoning within one mile of the facility. The map or aerial photograph shall be of adequate scale to show all homes, industrial buildings, water course, roads and other applicable details and shall indicate the general topography. Generally a U. S. Geological Survey map should suffice for supplying this information;
3. An engineering report outlining the methods of operation, the quantity and source of material processed, the proposed use and distribution of the processed materials (if a proposed facility) and a process flow diagram indicating all points of air contaminant emissions (including estimated quantities and types of air contaminants emitted);
4. A description and specifications of all air quality control devices;
5. An evaluation of the effect on the surrounding ambient air of the facility emissions, if required from the Department;
6. Plans for emission reduction procedures during an air episode, if required by the Department;
7. Information indicated on the Permit Application form (see attached form);
8. A compliance schedule, if necessary.

REQUIREMENTS OF PERMIT

The Permit to Operate is to insure compliance with the ambient air quality standards and emission regulations specified in 18 AAC.50. Requirements for a Permit are:

1. A Permit may not be transferred without the written consent of the Department.
2. A Permit may be issued for periods of up to five years, the length of time depending on the facility characteristics. A Permit must be renewed prior to the time of expiration for continued operation.

3. The Department may require that monitoring equipment be installed, used and maintained according to prescribed procedures. This requirement will not be specified where there is reasonable assurance that regulations will be complied with without emission monitoring.
4. The Department may require source tests at intervals and with procedures as may be specified, to provide test ports, and to provide emission data and information from analysis of any test samples.
5. Routine reporting to the Department of air emission information is required a minimum of every six months. Reports may be required, depending on the special circumstances of the facility in question, as often as once every month.
6. A compliance schedule is required as part of a Permit for facilities emitting air contaminants in excess of the requirements of 18 AAC 50. The compliance schedule must include a specific time schedule of action by which the facility will come into compliance with the applicable regulations. A Permit requiring a compliance schedule must be reviewed and renewed every year of its duration. Those facilities in operation prior to July 1, 1972 and requiring a compliance schedule shall be in compliance with the requirements of 18 AAC 50 by July 1, 1975.
7. A Permit Application will be reviewed to insure that water quality and solid waste considerations are in compliance with the applicable regulations.

APPLICATION PROCEDURE FOR PERMIT

It is the responsibility of the operator of a facility requiring a Permit to apply for the Permit from the Department. The application and approval/disapproval procedure will take the following steps:

1. Permit application is made to the Department.
2. The Department will review the application to determine compliance with the applicable regulations under 18 AAC 50. If additional information is required, the Department will request such information in writing from the applicant.
3. Each Permit application will be reviewed and approved, conditionally approved or disapproved after receipt of all requested information. Conditional approval will be given only under special conditions (such as, if source tests are required and cannot be made for a specified time). However, such special conditions will be specified in the conditional approval of the Permit.

- 00136
4. If modifications to the facility appear necessary to comply with requirements of 18 AAC 50, the applicant will be notified in writing and necessary changes will be negotiated.
 5. All Permit Applications will be evaluated to insure compatibility with water quality and solid waste regulations of 18 AAC 70 and 18 AAC 60.
 6. Permit applications will be denied in the following cases:
 - a. the proposed facility cannot be built in the geographical area indicated without degrading the air quality above the ambient air quality standards of 18 AAC 50.020;
 - b. the emission control systems are inadequate to comply with the requirements of 18 AAC 50;
 - c. the air episode plan provisions are inadequate;
 - d. stack sampling equipment, air monitoring equipment or sampling ports are inadequate;
 - e. the submitted information is not adequate or is not in an acceptable format for evaluation.
 7. If a Permit Application is denied, the Department shall notify the person of its determination by certified mail. Included in the notification will be a description of why the Application was denied and what is required in order that the Application may be reconsidered.
 8. If a Permit Application is denied, it may be modified and resubmitted for additional review, or within 30 days of the receipt of the Department's determination the applicant may make written request for a hearing to review the Department's denial. Upon receipt of such request, the Department shall hold a hearing within 20 days, and after such hearing will rescind, modify or affirm the denial.

Table I

DATA SUBMITTAL AND PERMIT TO OPERATE: GUIDELINES FOR PROCESS EQUIPMENT*

PROCESS DESCRIPTION	Data Submittal Required**	Permit Required***
<u>Dry Cleaning</u>		
Petroleum Solvents	30 tons clothes cleaned/yr	600 tons clothes cleaned/yr
Synthetic Solvents	45 " " " "	900 " " " "
<u>Petroleum Storage</u>		
Fixed roof tanks storing gasoline or finished petroleum product	60,000 gal - total storage 9,000,000 gal/yr - throughput	1,000,000 gal - total storage 180,000,000 gal/yr - throughput
Fixed roof tanks storing crude oil	90,000 gal - total storage 10,000,000 gal/yr - throughput	1,800,000 gal - total storage 250,000,000 gal/yr - throughput
Floating roof tanks storing gasoline or finished petroleum product	Any single tank greater than 40 ft diameter	If greater than four (4) 100 ft diameter tanks or equivalent
Floating roof tanks storing crude oil	Any single tank greater than 45 ft diameter	If greater than four (4) 100 ft diameter tanks or equivalent
<u>Gasoline Marketing</u>		
Assumes splash fill system - if submerged or other vapor return systems are used, these will be considered as control measures	4,000,000 gal/yr - throughput	8,000,000 gal/yr - throughput

Table I (Cont.)

PROCESS DESCRIPTION	Data Submittal Required	Permit Required
<u>Asphalt Batching Plants</u>	All Capacities	All Capacities
<u>Concrete Batching</u>	5,000 cu yards concrete/yr	5,000 cu yards concrete/yr
<u>Stone Quarrying and Processing</u>		
Without tertiary crushing	600 tons raw material/yr	3000 tons raw material/yr
With tertiary crushing	500 " " " "	2500 " " " "
<u>Incinerators</u>		
Municipal	100 tons waste/yr	1000 tons waste/yr
Industrial/Commercial	100 tons waste/yr	1000 tons waste/yr
Flue Bed	100 tons waste/yr	1000 tons waste/yr
Pathological	100 tons waste/yr	500 tons waste/yr
Air Curtain	All Capacities	All Capacities

Table 1 (Cont.)

PROCESS DESCRIPTION	Data Submittal Required	Permit Required
<u>Ammonia Production</u>	All Capacities	All Capacities
<u>Nitrate Fertilizers</u>		
With Prilling Tower	700 tons product/yr	3800 tons product/yr
With Granulator	600 tons product/yr	6500 tons product/yr
<u>Copper Smelting</u>	All Capacities	All Capacities
<u>Lead Smelting (Primary)</u>	All Capacities	All Capacities
<u>Zinc Smelting</u>	All Capacities	All Capacities
<u>Secondary Lead Smelting</u>		
Reverberatory Furnace	40 tons processed/yr	360 tons processed/yr
Blast Furnace	30 tons processed/yr	250 tons processed/yr
Rotary Reverberatory Furnace	140 tons processed/yr	700 tons processed/yr
<u>Secondary Magnesium Smelting</u>	2500 tons processed/yr	12,500 tons processed/yr

Table I (Cont.)

PROCESS DESCRIPTION	Data Submittal Required	Permit Required
<u>Petroleum Refining</u>	All Process Rates	All Process Rates
<u>Mercury Retorts</u>		
<u>Wood Pulping</u>		

B-99

*Operators of facilities emitting air contaminants should consult the Department if questions arise regarding requirements for data submittal or permits.

**These process rates present an air contaminant emission, regardless of whether process air quality control equipment is operating, in excess of five tons per year of hydrocarbons, nitrogen oxides, carbon monoxide, sulfur oxides or particulate matter, from the complete facility.

***These process rates represent an air contaminant emission, regardless of whether process air quality control equipment is operating, in excess of 25 tons per year of sulfur oxides, or particulate matter, or 100 tons per year of nitrogen oxides, carbon monoxide, or hydrocarbons, from the complete facility.

GUIDELINES FOR FUEL BURNING EQUIPMENT

FUEL BURNING EQUIPMENT	Data Submittal Required**	Permit Required***
<u>Electric Generators</u>	250 kilowatts rated capacity	250 kilowatts rated capacity
<u>Bituminous Coal Fired Equipment</u>		
Commercial, municipal, industrial and domestic furnaces	150 tons coal/yr	1500 tons coal/yr
Handfired units	100 tons coal/yr	1000 tons coal/yr
<u>Residual/Crude Oil Fired¹ Equipment</u>		
Power Plants	50,000 gallons oil/yr	250,000 gallons oil/yr
Industrial and commercial- Residual oil fired	50,000 gallons oil/yr	250,000 gallons oil/yr
<u>Distillate Oil Fired Equipment¹</u>		
Industrial and Commercial - Distillate Oil Fired	70,000 gallons oil/yr	350,000 gallons oil/yr
Domestic Equipment	70,000 gallons oil/yr	350,000 gallons oil/yr

1. This assumes oil is 1.0% sulfur. For oil of different sulfur content, divide oil usage by its sulfur content (in percent).

Table 11 (Cont.)

FUEL BURNING EQUIPMENT	Data Submittal Required	Permit Required
<u>Natural Gas Fired Equipment</u>		
Power Plants	20 million cu. ft gas/yr	500 million cu. ft gas/yr
Industrial Process Boilers	40 " " " " "	1000 " " " " "
Domestic and Commercial Heating Units	75 " " " " "	2500 " " " " "
Gas Fired Turbines	50 " " " " "	1000 " " " " "
Gas Fired Engines for Oil and Gas Production	10 " " " " "	250 " " " " "
Gas Fired Engines for Gas Plants	2 " " " " "	45 " " " " "
Gas Fired Engines for Refineries	2 " " " " "	45 " " " " "
Gas Fired Engines for Pipelines	1 " " " " "	25 " " " " "

*Operators of facilities emitting air contaminants should consult with the Department if questions arise regarding requirements for data submittal or permits.

**These process rates represent an air contaminant emission, regardless of whether process air quality control equipment is operating, in excess of 5 tons per year of hydrocarbons, nitrogen oxides, carbon monoxide, sulfur oxides or particulate matter.

***These process rates represent an air contaminant emission, regardless of whether process air quality control equipment is operating, in excess of 25 tons per year of sulfur oxides or particulate matter, or 100 tons per year of nitrogen oxides, carbon monoxide, or hydrocarbons.

Building Permits

FEDERAL AVIATION ADMINISTRATION

Title: Notice of Proposed Construction or Alteration ;
Notice of Actual Construction or Alteration .

Enabling Law: Federal Aviation Act of 1958

Type: Determination of effect of structure on air space.

Jurisdiction: The Federal Aviation Administration must review any structure 200 feet or greater in height, within specific vertical relationships to airport runways generally closer than 20,000 feet of the airport or altering any airport features. The review must determine whether such alteration is an obstruction according to regulations.

Authority: Determination of whether structures would obstruct air space.

Regulation: Code of Federal Regulations, Title 14, Subchapter E (Air Space) Part 77 - Objects Affecting Navigable Air Space)

Procedure: Notice is to be filed on FAA Form 7460-1 "Notice of Proposed Construction or Alteration" at least 30 days before construction of any structure falling within the jurisdictional classification. The sponsor is also required to submit a "Notice of Actual Construction or Alteration: FAA Form 7460-2 within 5 days of the structure reaching its greatest height and upon request of the FAA Regional Office may be required to submit notice 48 hours before construction begins.

A finding is made whether the construction would exceed obstruction standards of Part 77, whether marking and lighting are necessary and whether supplemental notice of construction is required. Marking and lighting standards are published in the FAA advisory circular AC 70/7460-1F Obstruction Markings and Lighting. Part 77 also provides under Subpart D and E for aeronautical studies and fact-finding hearings on proposed construction effecting navigable air space.

Application Notice forms FAA 7460-1 and 7460-2 require basic descriptions of applicant, site location and elevation, proposed structure configuration and elevation and proposed obstruction marking and lighting. Supplemental information includes a map showing the relationship of the site to the nearest airport.

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

§77.13 Construction or alteration requiring notice.

(a) Except as provided in §77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in §77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the area involved, if—

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA regional office advises him that submission of the form is required.

§77.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.

§77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under §77.13 (a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Chief, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under §77.13 (a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates—

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of §77.13, or both, shall send an executed copy of FAA Form 7460-2, Notice of Actual Construction or Alteration, to the Chief, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

ADDRESSES OF THE REGIONAL OFFICES AND SAN JUAN AREA OFFICE

AGL—GREAT LAKES REGION

Great Lakes Regional Office
2300 East Devon Avenue
Des Plaines, IL 60018
Tel. 312-694-4500, ext. 456

AWE—WESTERN REGION

Western Regional Office
15000 Aviation Boulevard
Hawthorne, CA 90260
Mail Address:
P.O. Box 92007
Worldway Postal Center
Los Angeles, CA 90009
Tel. 213-536-6186

AEA—EASTERN REGION

Eastern Regional Office
JFK International Airport
Federal Building
Jamaica, NY 11430
Tel. 212-995-3390

ANW—NORTHWEST REGION

Northwest Regional Office
FAA Building, Boeing Field
Seattle, WA 98108
Tel. 206-767-2610

ASO—SOUTHERN REGION

Southern Regional Office
3400 Whipple Street
East Point, GA 30344
Mail Address:
P.O. Box 20636
Atlanta, GA 30320
Tel. 404-763-7646

SAN JUAN AREA

San Juan Area Office
RFD-1, Box 29A
Loiza Street Station
San Juan, PR 00914
Tel. 809-791-1250

ANE—NEW ENGLAND REGION

New England Regional Office
12 New England Executive Park
Burlington, MA 01803
Tel. 617-273-7285

ARM—ROCKY MOUNTAIN REG.

Rocky Mountain Regional Office
10455 East 25th Avenue
Aurora, CO 80010
Tel. 303-837-3937

AAL—ALASKAN REGION

Alaskan Regional Office
701 "C" Street
Anchorage, AK 99513
Mail Address:
P.O. Box 14
Anchorage, AK 99513
Tel. 907-271-5892

ASW—SOUTHWEST REGION

Southwest Regional Office
4400 Blue Mound Road
Fort Worth, TX 76101
Mail Address:
P.O. Box 1689
Fort Worth, TX 76101
Tel. 817-624-4911, ext. 306

ACE—CENTRAL REGION

Central Regional Office
601 East 12th Street
Kansas City, MO 64106
Tel. 816-374-3408

APC—PACIFIC-ASIA REGION

Pacific-Asia Regional Office
300 Ala Moana Boulevard
Honolulu, HI 96850
Mail Address:
P.O. Box 50109
Honolulu, HI 96850
Tel. 808-546-8354

DO NOT REMOVE CARBONS

Form Approved O.M.B. No. 04-R0001

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION				FOR FAA USE ONLY		
NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION				AERONAUTICAL STUDY NO.		
1. NATURE OF STRUCTURE						
A. TYPE <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION		B. CLASS <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY		C. PROPOSED LENGTH OF TIME TO COMPLETE (Months)		
2. NAME AND ADDRESS OF INDIVIDUAL, COMPANY, CORPORATION, ETC. PROPOSING THE CONSTRUCTION OR ALTERATION (Number, Street, City, State and Zip Code)						
TO						
3. COMPLETE DESCRIPTION OF STRUCTURE (Include effective radiated power of proposed or modified AM, FM or TV station and assigned frequency; size and configuration of power transmission line in vicinity of FAA facilities as appropriate).						
REMARKS:						
ISSUING OFFICE:				DATE		
4. LOCATION OF STRUCTURE						
A. COORDINATES (To nearest second)			B. NEAREST CITY OR TOWN, AND STATE			
LATITUDE		LONGITUDE				
			(1) DISTANCE FROM 48	(2) DIRECTION FROM 48		
			MILES			
C. NAME OF NEAREST AIRPORT, HELIPORT, OR SEAPLANE BASE			(1) DISTANCE FROM NEAREST POINT OF NEAREST RUNWAY	(2) DIRECTION FROM AIRPORT		
D. DESCRIPTION OF LOCATION OF SITE WITH RESPECT TO HIGHWAYS, STREETS, AIRPORTS, PROMINENT TERRAIN FEATURES, EXISTING STRUCTURES, ETC. (Attach a highway, street, or any other appropriate map or scaled drawing showing the relationship of construction site to nearest airport(s). If more space is required, continue on a separate sheet of paper and attach to this notice.)						
5. HEIGHT AND ELEVATION (Complete A, B and C to the nearest foot)				6. WORK SCHEDULE DATES		
A. ELEVATION OF SITE ABOVE MEAN SEA LEVEL				A. BEGINNING		
B. HEIGHT OF STRUCTURE INCLUDING APPURTENANCES AND LIGHTING (if any) ABOVE GROUND, OR WATER IF SO SITUATED				B. END		
C. OVERALL HEIGHT ABOVE MEAN SEA LEVEL (A + B)						
7. OBSTRUCTION MARKED AND/OR LIGHTED IN ACCORDANCE WITH CURRENT FAA ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING				A. MARKED	YES	NO
				B. AVIATION RED OBSTRUCTION LIGHTS		
				C. HIGH INTENSITY WHITE OBSTRUCTION LIGHTS		
				D. DUAL LIGHTING SYSTEM		
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge.						
DATE	TEL. NO. (Give area code)	TYPED NAME/TITLE OF PERSON FILING NOTICE			SIGNATURE	
Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willfully violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).						

FAA Form 7460-1 (4-79)

USE PREVIOUS EDITION

DO NOT REMOVE CARBONS

SUBMISSION INSTRUCTIONS: For Advance Notice of Actual Construction or Alteration. Remove Part I and Part IA from form set. Please type or firmly print information requested. Complete Items 1, 2, 3A(1), 3A(2), and 6. If applicable, also complete Items 4 and 5. Detach Part IA and retain for your file. Fold Part I and mail. No postage is required.

AERONAUTICAL STUDY NO.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
NOTICE OF ACTUAL CONSTRUCTION OR ALTERATION

1. CONSTRUCTION

TYPE AND DESCRIPTION OF CONSTRUCTION

2. CONSTRUCTION LOCATION—HEIGHT**A. COORDINATES** (To tenths of seconds, if known)

LATITUDE					LONGITUDE				
°	'	"	'''	°	'	"	'''		

B. LOCATION (City, Town, State)**C. CONSTRUCTION HEIGHT**Above Ground Level
AGL

Ft.

TOTAL HEIGHT
(Construction & Site)
Above Mean Sea Level

AMSL

Ft.

D. DESCRIPTION OF LOCATION (Street Address, if any)**E. SITE ELEVATION DETERMINED BY:**☐Actual
Survey☐Map
Contour☐

Other

F. DISTANCE FROM NEAREST CITY, TOWN, AND STATE**G. REFERENCE DATUM USED FOR SURVEY** (If known)**H. NAME OF NEAREST PUBLIC-USE AIRPORT AND DISTANCE****3. CONSTRUCTION NOTIFICATIONS****A. NOTIFICATION.** (NOTICE IS CRITICAL TO FLIGHT
SAFETY—FAR PART 77 REQUIRED ★)

DATE

B. CONSTRUCTION/PROJECT

DATE

★ (1) CONSTRUCTION WILL START

(1) ABANDONED

(2) ESTIMATED COMPLETION

★ (3) STRUCTURE REACHED GREATEST HEIGHT

(2) DISMANTLED

4. MARKING AND LIGHTING**A. MARKED**☐

Yes

☐

No

☐ Temporary**B. LIGHTED**☐

Strobe

☐

Red

☐

Dual (Strobe and Red)

☐

None

☐

Temporary

5. ANTENNA REQUIRING FCC LICENSE**A. CALL SIGN****B. FREQUENCY****C. DATE APPLIED FOR FCC CONSTRUCTION PERMIT****D. DATE CONSTRUCTION PERMIT ISSUED****6. PREPARER'S CERTIFICATION**SUBMITTED BY. (If submitted by a
proponent's representative, please
also complete Item B.)**A. PROPONENT'S REPRESENTATIVE**

Name :

Address :

Tel. No. :

(Include Area Code)

B. CONSTRUCTION PROPONENT

Name :

Address :

Tel. No. :

(Include Area Code)

I CERTIFY INFORMATION PROVIDED IS TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

TITLE

DATE

NOTICE is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willfully violate the notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(A) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(A)).

PERMIT TO CONSTRUCT OR MODIFY A DAM

REQUIREMENTS:

No person may begin the construction, enlargement, alteration or repair of a dam 10 feet or more in height or storing 50 acre-feet or more of water, without first submitting an application on Form 10-1015, submitting plans as required, paying fees as required by 11 AAC 93.200, and receiving a certificate of approval for the proposed work.

The plans must include, but are not limited to:

1. plans for a water measuring device that is capable of accurately measuring the total flow of the stream below the reservoir or the rate of discharge at the outlet works;
2. a topographic map of the dam site showing the location of the proposed dam by township range, section, and quarter section, and the location of the spillway, outlet works, borings, test pits and material pits.
3. a profile along the dam axis showing the locations, elevations, and depths of borings or test pits, including logs of any boreholes or test pits; and
4. a maximum cross-section of the dam showing elevation and width of crest, slopes of upstream and downstream faces, thickness of erosion control structures, location of cutoff and bonding trenches, and elevations, size, and type of outlet conduit, valves, and operating mechanism.

Additional information will be required, depending on classification (large, medium, or small) of dam to be built. (See attached sheet.)

AUTHORITY: AS 46.15.020
.040
.060
.070 (f)
.080
.135
.180

11 AAC 93.150 - 11 AAC 93.200
Article 3
Dam Safety and Construction

ADDITIONAL REQUIRED INFORMATION*

PERMIT TO CONSTRUCT CONT'D:

11 AAC 93.170. CONSTRUCTION OF LARGE DAMS. (a) This section applies to large dams, which are dams that are twenty feet or more in height or have a storage capacity of 100 acre-feet or more.

(b) The following information must be submitted along with the plans and specifications required under sec. 160 of this chapter:

(1) formulas and assumptions used in the design criteria, test results, and detailed construction specifications;

(2) hydrologic data used in the development of flood forecasting for the drainage area;

(3) a physical analysis and a permeability analysis of the materials used in the embankment and a stability analysis of the structure;

(4) an evaluation of earthquake effects in seismic zones III and IV (see the U.S. Army Corps of Engineers' publication TM 5-809-10/NAVFCA P-335/AFM 88-3, Chapter 13, April 73);

(5) a complete seepage analysis;

(6) the type, location, and sizing of the outlet works;

(7) the type, location, and records of the hydrometeorological gauges appurtenant to the project;

(8) foundation data and information on geological features, including logs of borings, geologic maps, profiles, and cross-sections and reports of foundation stability; and

(9) detailed drawings of the spillway, including a curve showing discharge in cubic feet per second versus gauge height of the reservoir storage pool level, the formulas used in making the curve, detailed plans of the spillway structure, cross-sections of the channel leading to and from the spillway, and the spillway profile.

(c) All specifications submitted must include provisions, acceptable to the commissioner, for adequate supervision by a registered professional engineer during the period of construction. The supervising engineer shall devise a schedule of

incremental inspections and submit his findings in writing to the commissioner within 15 days after each inspection.

(d) In addition to the review of the dam construction plans required under sec. 160 of this chapter and (b) and (c) of this section, the work in progress must be inspected before placing any fill material following clearing and excavation of the foundation, before placing backfill around the outlet conduit following installation of the conduit, before beginning to store water following completion of construction and at such other times as determined necessary by the commissioner. (Eff. 12/29/79, Reg. 72)

Authority: AS 46.15.020

AS 46.15.100

AS 46.15.080

AS 46.15.180

*Excerpted from the Alaska Administrative Code, Title II, Chapter 93, Section 170.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FOREST, LAND AND WATER MANAGEMENT

APPLICATION FOR PERMIT TO CONSTRUCT OR MODIFY A DAM

This application involves in no way the right to appropriate water. To secure the right to appropriate water, application should be made to the Director on another form which will be furnished upon request.

1. Name of Applicant (type or print) _____

Mailing Address _____ Telephone _____

The applicant hereby makes application for approval of the plans and specifications for the

_____ of _____ Dam.
(Construction, reconstruction, alteration) (Name of dam)

2. Name of Owner _____

Mailing Address _____

If the owner is a corporation, give name and address of president and secretary

3. Applicant is acting for the owner in the legal capacity of _____
Agent, Lessee, Trustee, etc.
(Written authorization from the owner is required).

4. Source of water supply _____ which is a tributary of _____.

5. Location of dam is _____ 1/4, Section _____ Township _____ Range _____ Meridian.

6. Reservoir is _____ onstream _____ offstream and will be used for (irrigation,
recreation, power, etc.) _____

7. Description and dimensions of dam (if for alteration work, give data for altered dam)

a. Type of dam (earth, etc.) _____

b. Length of crest _____ ft.

c. Crest width _____ ft.

- 00136
- d. Amount of material in dam _____ cu. yds.
 - e. Height, streambed to crest _____ ft.
 - f. Height, foundation to spillway crest _____ ft.
 - g. Freeboard at maximum design spill _____ ft.
 - h. Crest elevation _____ ft. above Mean Sea Level (if known)

Additional information for earth or rockfill dams

- i. Slope upstream _____
- j. Slope downstream _____
- k. Upstream facing (rock, riprap, concrete, etc) _____

8. Spillway description (type, capacity, etc.) _____

9. Outlet description (type, capacity, etc.) _____

10. Reservoir capacity _____ acre feet. Storage pool area at maximum spillway level
_____ acres.

11. Is dam to be built in permafrost area? Yes _____ No _____ If the answer is yes, please complete the following:

- a. Describe the foundation materials (i.e., silt, gravel, sand, etc.) _____
- b. At what depth does the permafrost occur, if known _____ ft.
- c. What is the depth to bedrock, if known _____ ft.
- d. Do you have plans to prevent the permafrost from thawing, if so, describe briefly

e. What is the expected life of the structure _____ yrs.

12. If the structure is being designed by an engineering firm, please provide:

Engineer's Name _____

Mailing Address _____ Telephone _____

13. If to be built under Federal supervision, which agency has jurisdiction? _____

14. Please attach copies of plans, drawings, specifications and appropriate fee as described in 11 AAC 93.200.

Signed _____

(Applicant)

(Date)

10-1015 9/79

LIFE AND FIRE SAFETY PLAN CHECK FOR THE CONSTRUCTION AND OCCUPANCY OF BUILDINGS *

PURPOSE

Life and Fire Safety Plan Approvals are necessary to insure compliance with State fire safety regulations that help to protect the public from personal injury and property loss.

DESCRIPTION

Before starting construction, plans and specifications in regard to area, height, fire extinguishing systems, fire alarm systems, fire resistive construction, electrical systems, mechanical systems and number, size, type, location and marking of exits for all "buildings" must be submitted to the State Fire Marshal, Department of Public Safety, for examination and approval.

The term "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional or other public building or residential building containing four or more dwelling units.

REQUIREMENTS

For occupancy use approval, buildings must be constructed in conformance with State fire safety regulations. The Department of Public Safety does not issue building permits; it only approves or disapproves plans and/or occupancy use. There are no fees for the plan check, nor are public hearings and notices required.

Plans and specifications may be taken or mailed to the regional office of the Division of Fire Prevention in the region in which the building is to be constructed or the plans may be mailed to the Department of Public Safety, Division of Fire Prevention, State Fire Marshal, in Anchorage. There are no specified application forms to be filed in order to request a Life and Fire Safety Plan Check.

Note: Plan checking within the Municipality of Anchorage and the City of Fairbanks has been deferred by the State Fire Marshal to the local authorities. Plans and specifications for construction within those municipalities should be taken to the Building Official. However, plans and specifications for health care facilities (hospitals, nursing homes, etc.), *regardless of area*, should be taken or sent to the Division of Fire Prevention as a Life and Fire Safety Plan Check may be required by the State Fire Marshal.

Regulations pertaining to Plan Checks for Construction are in the process of being revised. Interested persons should contact the Department of Public Safety, Division of Fire Prevention, prior to requesting a plan check.

AUTHORITY

AS 18.70.080. Regulations. Fire Prevention.
13 AAC 50.020(c). Building Codes.

*Permit Summary excerpted from the Alaska State Directory of Permits.

LIFE AND FIRE SAFETY PLAN CHECK CONT'D:

CONTACT

State Fire Marshal
Department of Public Safety
Division of Fire Prevention
P.O. Box 6188 Annex
5700 Tudor Road
Anchorage, Alaska 99502

Telephone: 264-5693

Regional Offices:

Department of Public Safety
Division of Fire Prevention
Anchorage Regional Office
Southcentral Region
P.O. Box 6188 Annex
5700 Tudor Road
Anchorage, Alaska 99502

Telephone: 264-5692

Department of Public Safety
Division of Fire Prevention
Fairbanks Regional Office
Northwestern Region
1514 Cushman Street, Room 201
Fairbanks, Alaska 99701

Telephone: 456-4002

Department of Public Safety
Division of Fire Prevention
Juneau Regional Office
Southeastern Region
Pouch N
450 Whittier Street
Juneau, Alaska 99811

Telephone: 465-4331

Anchorage Building Official
Pouch 6-650
Anchorage, Alaska 99502

Telephone: 264-6528

Fairbanks Building Official
412 Cushman
Fairbanks, Alaska 99701

Telephone: 452-1881

Additional References:

1. The following codes and standards are adopted to regulate area, height, fire resistive construction, maintenance, and design of all exits.

- U.B.C. Volumes 1-4
- A.I.A. Article II
- NFPA Volume 4

2. Installation, maintenance and operation of electrical wiring, fixtures, and motors shall meet the requirements of

- 1968 National Electric Code
- NFPA Volume 5

APPENDIX C
LIST OF ACRONYMS AND ABBREVIATIONS

APPENDIX C

LIST OF ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management (DOI)
CIRI	Cook Inlet Region, Inc.
CMP	Alaska Coastal Management Plan
Corps	U.S. Army Corps of Engineers
DEC	Alaska Department of Environmental Conservation
DF&G	Alaska Department of Fish and Game
DH&SS	Alaska Department of Health and Social Services
DNR	Alaska Department of Natural Resources
DOC	U.S. Department of Commerce
DOI	U.S. Department of Interior
DOL	U.S. Department of Labor
DOT	U.S. Department of Transportation
DOTPF	Alaska Department of Transportation and Public Facilities
DPDP	Alaska Division of Policy and Development
DPS	Alaska Department of Public Safety
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FAA	U.S. Federal Aviation Administration
FERC	U.S. Federal Energy Regulatory Administration
FWCA	Fish and Wildlife Coordination Act
FWS	U.S. Fish and Wildlife Service (DOI)
HCRS	U.S. Heritage Conservation and Recreation Service (DOI)
NEPA	National Environmental Policy Act of 1969
NMFS	U.S. National Marine Fisheries Service (DOC/NOAA)
NOAA	U.S. National Oceanic and Atmospheric Administration (DOC)
NPDES	National Pollution Discharge Elimination System
PSD	Prevention of Significant Degredation