

May 17, 2006

Nicole Allison, Project Review Coordinator  
Office of Project Management and Permitting  
Alaska Coastal Zone Management Program  
550 West 7<sup>th</sup> Avenue, Suite 1660  
Anchorage, Alaska 99501

Subject: Reauthorization of APP 93-1, AK 0604-08AA

Dear Ms. Allison:

Kenai Peninsula Borough Coastal Management Program staff reviewed the subject project to determine conformance with enforceable policies. This project review is concerned with Alternative Permit Processing (APP) procedures under the authority of the U.S. Army Corps of Engineers.

The APP procedure is intended to expedite the processing of projects for which all substantive issues can be resolved in an abbreviated time frame. This APP review is for the purpose of determining whether changes to the APP should be considered as they pertain to the discharge of dredged and/or fill material into waters of the United States for the primary purpose of constructing or upgrading community sanitation facilities.

The APP procedure is intended for projects constructed and/or funded by the U.S. Indian Health Service (IHS), Federally Recognized Alaskan Tribes carrying out IHS programs, the Alaska Village Safe Water Program and other local, state or federal entities. The APP procedure is not intended to serve major population centers although they may be considered on a case-by-case basis. Solid waste disposal sites, soil remediation facilities and industrial or commercial waste and wastewater disposal and treatment facilities are also excluded.

Under this APP reauthorization the Corps does not propose changes to special conditions or restrictions except those regarding navigation activity in U.S. Waters.

#### Findings

The U.S. Army Corps of Engineers in the implementation of the expedited permit process authorizes activities, particularly those concerning storage of hazardous and toxic materials, that are less restrictive than the Kenai Peninsula Borough Coastal Management Program's policy. Under its Special Conditions, the Corps assumes enforcement responsibilities for all conditions of the permit it issues. When non-federal or federal requirements other than those specifically listed in Special Conditions are required it is not clear that the Corps enforces those requirements saying, with regard to fuel storage, for example, that the activity, "*shall meet all local, state and federal storage and handling requirements*". As an administrative requirement the Corps should

advise applicants who qualify for the APP process that they must have a permit in hand for locally governed activities associated with the APP as a condition of Corps approval. The reason this requirement is important is that when an entity has a Corps permit they often believe they have completed the process and local enforcement is impractical to expect given that local governments in most of Alaska do not have permit management regimes capable of following the Corps APP permit process to insure permittee's have obtained local permits as required.

The Kenai Peninsula Borough Coastal Management Program does not object to the reauthorization of APP 93-1 but wishes the Corps to enforce and/or coordinate with local governments so that projects with local permit conditions may be better enforced.

Thank you for the opportunity to comment.

Sincerely,

Gary Williams  
Coastal District Coordinator