

No. 13-599

IN THE
Supreme Court of the United States

MINGO LOGAN COAL COMPANY,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the District
of Columbia Circuit**

**BRIEF FOR THE RESOURCE DEVELOPMENT
COUNCIL FOR ALASKA, INC., AS AMICUS
CURIAE IN SUPPORT OF PETITIONER**

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December 16, 2013

QUESTION PRESENTED

Congress enacted the Clean Water Act designating the U.S. Army Corps of Engineers as the ultimate regulatory authority under the Act. But the decision by the D.C. Circuit sanctions a sweeping interpretation under Section 404(c) that allows EPA to retroactively revoke any Section 404 permit for any or no reason. Should the petition for certiorari be granted?

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The Resource Development Council for Alaska, Inc., respectfully submits that Mingo Logan Coal Company's petition for a writ of certiorari to the U.S. Court of Appeals for the D.C. Circuit be granted.

INTEREST OF *AMICUS CURIAE*¹

Formed in 1975, the Resource Development Council for Alaska, Inc., is an Alaska-based, not-for-profit, trade organization representing Alaska's primary economic sector, natural resource development. The Council works to promote and support a strong, diversified private sector in Alaska, and to expand the State's economic base through responsible development of Alaska's natural resources. The Resource Development Council has a broad-based membership that includes businesses and individuals from all resource sectors—including oil and gas, mining, fishing, timber, and tourism—as well as organized labor, local governments, industry support firms, and all twelve land-owning regional Alaska Native Corporations. Congress created these Native Corporations to develop resources on Native lands

¹ No counsel for any party authored this brief in whole or in part. No one other than the amicus curiae made a monetary contribution to fund the preparation or submission of this brief. The parties received timely notification of the Resource Development Council's intent to file this brief. Petitioner has filed a blanket consent to amicus briefing; Respondent has specifically consented to the filing of this brief.

and provide for Native shareholders and descendants of shareholders, a group of people who are economically disadvantaged—poverty and unemployment in the rural areas of Alaska are among the worst in the nation.²

The Resource Development Council's primary mission includes promoting responsible resource development in Alaska, linking diverse interests on resource issues, building and sustaining a diverse membership, and educating public policy makers and others about resource issues. In keeping with these goals, the Resource Development Council provides forums for policy discussion and analysis, and it works with federal, state, and local government officials to provide information and analysis on public policy issues of concern to its membership. The Resource Development Council has previously participated as an *amicus curiae* in federal court litigation centering on resource development issues affecting Alaska.

Due to its potentially serious impact on the future development of Alaska's resources, the issues presented in this case are of great importance to the Resource Development Council and its diverse membership. Accordingly, the Resource Development Council has filed this brief in support of the petition for certiorari assist the Court in understanding the practical implications of the D.C. Circuit's decision on the Alaskan

² See ALASKA DEPT. OF LABOR, ALASKA ECONOMIC TRENDS (OCT. 2013), *available at* <http://labor.state.ak.us/trends/oct13.pdf>.

economy, particularly as it will affect Alaskan industries, the state's resources, and the health of its economy.

SUMMARY OF ARGUMENT

Nearly half of Alaska's land base is federally regulated wetlands. The decision of the D.C. Circuit Court of Appeals therefore will directly affect all of the Resource Development Council's members' lives and livelihoods, and the resource-based economy of the State of Alaska. Because of the disproportionately large amount of coastline and wetlands within Alaska's borders, nearly every major sector of Alaska's economy is affected by the federal Clean Water Act and the Clean Water Act's wetland regulations. In fact, 90% of the State's unrestricted income is dependent on resource development.³ Faced with the economic reality of federal oversight, it is vital to the state's economy that the wetland regulations, in particular the Section 404 permitting program, be administered with a high degree of certainty. Where the law requires a permit, it is necessary that the holder of the permit, committing substantial resources to a project on the strength of that permit, be able to rely on the finality of the lead agency's

³ Press Release, State of Alaska, Dept. of Revenue, Department Releases Revenue Sources Book (Dec. 4, 2013), *available at* <http://dor.alaska.gov/Portals/5/Docs/PressReleases/13-008%20Fall%202013%20RSB%20Press%20Release%2012-4-2013%20FINAL.pdf>.

determinations underlying its approval. Any uncertainty about the reliability of a permit could have a devastating ripple effect with far-reaching consequences to participants in the Alaskan economy and development of Alaska's natural resources.

In this case, EPA has introduced a monumental amount of uncertainty and volatility in the reliability of permits granted under the federal Clean Water Act. Under Section 404 of the CWA, 33 U.S.C. § 1344, the United States Army Corps of Engineers has primary authority to issue permits to discharge dredge or fill materials into navigable waters. The statute also grants the EPA some authority in some parts the permitting process, although, the plain language of Section 404 is clear that the Corps is the primary regulator and has the sole authority to revoke a permit. Even then, the Corps can do so only under very limited circumstances, and to do so it must take into account a variety of important factors, including whether revocation would “adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit.”⁴

In this case, the EPA—for the first time in the history of the Clean Water Act—usurped the Corps's authority by effectively revoking a Section 404 permit through a strained interpretation of the statute's language. The EPA has taken the position that it can do so for any reason and that is

⁴ 33 C.F.R. § 325.7.

not required to address the same concerns as are required when the Corps considers revocation of a permit. EPA has thereby bestowed upon itself the unilateral authority to revoke a duly-authorized Section 404 permit for any reason whatsoever—or for no reason at all. Under EPA’s interpretation of this law, the significant private investments that have been made in a permitted project are of no concern. The District Court correctly disagreed with this astonishing interpretation, but the Court of Appeals reversed.

The Resource Development Council strongly supports the appellant’s petition for writ of certiorari. It is vital to the continued integrity of Alaskan natural resource industries that this Court review the District of Columbia Court of Appeals’ decision, and apply the proper standards and interpretation of the Section 404 permitting process.

ARGUMENT

I. DUE TO ALASKA’S VAST WETLANDS, ITS REGULATED INDUSTRIES RELY ON CERTAINTY IN THE SECTION 404 PERMITTING PROCESS

Above all else, certainty in the Clean Water Act Section 404 permitting program is enormously important to members of the Resource Development Council, who constitute not only the employers of a large percentage of working Alaskans, but also the taxpayers of nearly all state tax revenues. Alaska contains 403 million acres of

land and nearly 34,000 miles of coastline, nearly 38% of the coastline of the entire United States.⁵ Additionally, EPA reports reflect that 174 million acres of Alaska are designated as wetlands.⁶ By contrast, the rest of the states combined contain an estimated 103 million acres of wetlands.⁷ In short, nearly half of Alaska's land base is designated as wetlands constituting more than half of all wetlands nationwide.⁸ Accordingly, disposition of this case will disproportionately affect private and local government projects, which directly depend on a Section 404 permit to proceed. In the last 12 months alone, there were 127 Section 404 wetland permits issued that required public notice, with hundreds more that did not require public notice to a broad array of applicants. (See attached spreadsheet.)

⁵ U.S. Fish & Wildlife Services, Alaska Region, *Wetland Conservation in Alaska*, at 2 (published at http://www.fws.gov/alaska/pdf/index_wetland_mont_h.pdf).

⁶ U.S. EPA, et al., *Alaska Wetlands Initiative, Summary Report* (May 13, 1994) (published at http://water.epa.gov/grants_funding/wetlands/facts/upload/alaska.pdf).

⁷ *Id.*

⁸ *See id.*; see also *Rapanos v. United States*, 547 U.S. 715, 722, 126 S. Ct. 2208, 2215 (2006) (discussing EPA's designation of half of Alaska's lands as within its wetlands jurisdiction).

Less than 1% of Alaska is held in conventional private ownership.⁹ The federal government owns approximately 61% of the state's land, while the state government owns approximately 28%.¹⁰ Alaska Native Corporations own approximately 12%.¹¹ Federal laws and regulations thus are applicable to wetlands and waters in Alaska that are owned by the federal government, whereas similar wetlands elsewhere might be construed as intrastate matters outside of federal jurisdiction.¹²

Alaska's unique history surrounding its approval for statehood also establishes the

⁹ Resource Development Council for Alaska, Inc., *Resource Review: Who Owns Alaska?*, at 2 (Special Ed. 2009) (published at <http://www.akrdc.org/newsletters/2009/whoownsalaska.pdf>).

¹⁰ *See id.*

¹¹ Alaska Native Corporations were created by passage of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601, et. seq. They conduct economic activity—including extensive resource development—as part of the Act's intent to provide economic benefit to Alaskan natives. *See, generally*, Stephen Colt, *Alaska Natives and the "New Harpoon": Economic Performance of the ANCSA Regional Corporations*, 25 J. Land Resources & Envtl. Law 155 (2005).

¹² *See, e.g., Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng'rs*, 531 U.S. 159, 171-72, 121 S. Ct. 675, 682-83 (2001) (holding that certain intrastate bodies of water were not "waters of the United States" under the CWA).

important implications of the Circuit Court's decision to Alaska's economy. The issue of allowing Alaska the status of statehood was rife with both political and economic concerns.¹³ Because the territory was almost entirely owned by the federal government at the time, there was considerable skepticism that Alaska could generate enough revenue in taxes to support itself, or to generate enough economic activity to address the issues arising from its massive area and sparse population.¹⁴ The critical part of the resolution of this concern was an amendment to the Mineral Leasing Act to allow the state a larger share of mineral leasing revenues from resource development on federally owned land within the state.¹⁵ Thus, it was envisioned from statehood that Alaska's economy as well as its state government would, by design, depend largely on development of its natural resources to meet its economic need for self-sufficiency.¹⁶

Amicus curiae, the Resource Development Council, is an organization that represents members engaged in a variety of resource-based industries including oil and gas, mining, fishing, forestry, and tourism industries in Alaska. Each of these industries—which together account for the vast majority of Alaska's economy—is affected by the Clean Water Act. Stability and predictability in

¹³ See *Alaska v. United States*, 35 Fed. Cl. 685, 687-94 (1996).

¹⁴ See *id.* at 687-88.

¹⁵ See *id.* at 692.

¹⁶ See *id.* at 697.

the administration of the Section 404 permitting program is vital to the overall well being of Alaska and its industries.

EPA's position in this case—and the Circuit Court's ruling—has thrown the expectations of these industries on consistent federal regulatory oversight into disarray. The EPA's actions in effectively revoking a Section 404 permit several years after it was issued by the Corps—if not reviewed by this Court—would deprive Alaska's regulated industries of any confidence to proceed with a reasonable amount of certainty in reliance on a duly-issued permit. EPA's actions are unprecedented. Not once in the more than 30 years since enactment of the Clean Water Act has the EPA ever taken such broad unilateral and destabilizing action.

Review by this Court of the D.C. Circuit's ruling sanctioning the EPA's claimed authority to act unilaterally and after-the-fact is necessary to restore regulatory certainty in the regulated industries upon which Alaska's economy depends.

II. THE UNCERTAINTY CREATED BY THE CIRCUIT COURT'S DECISION WOULD BE DEVASTATING TO ALASKA'S ECONOMY

The D.C. Circuit's opinion introduces crippling uncertainty into the Section 404 permitting process. Particularly troubling is that the D.C. Circuit's decision not only lacks in-depth analysis, but that such analysis as it contains was in a vacuum. The better approach was that of the

District Court, which gave the statute the correct plain language interpretation, and which also gave broad consideration to additional issues that supported its interpretation.¹⁷ In particular, the District Court gave due consideration to the arguments of amici curiae in the proceedings below concerning the reliance interests embedded in the finality of Section 404 permits and the economic impact of the uncertainty created by the EPA in its new interpretation of its powers.¹⁸

The Circuit Court erred in ignoring these factors, which disproportionately affect Alaska's economy. Review by this Court is necessary to restore the stability of the Section 404 permitting process and the reliability of duly-issued permits on which industries and individuals engaged in these industries rely in making private investments.

¹⁷ That the District Court and the Circuit Court differed in their interpretation of the language of § 404(c) is evidence that the language, at a minimum, might be considered ambiguous, which then allows extraneous considerations to determine congressional intent and the obvious and most prudent application of the statute.

¹⁸ See *Mingo Logan Coal Co., Inc. v. United States E.P.A.*, 80 F. Supp. 2d 133, 152 (D.D.C. 2012).

A. Investment in Alaska's industries relies largely on certainty and finality in Section 404 permits

Alaska's resource development organizations have consistently advocated for certainty in the permitting processes under the Clean Water Act. For example, in *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council*,¹⁹ this Court clarified that Congress intended the Corps to be the primary regulator in the Section 404 permitting process.

EPA is again pressing for an unreasonable interpretation of its powers under Section 404(c) in a way that threatens to destabilize Alaska's resource-based economy. But there can be no doubt that EPA's interpretation is contrary to the policy of finality of permits that is engendered envisioned by the statute. In discussing its own primary permitting authority under Section 402 of the Clean Water Act, 33 U.S.C. § 1342, EPA itself recognized the need for "some measure of certainty to both the permittees and the Agency during the term of the permits."²⁰ Congress's intent that CWA permits be considered final is also envisioned by the statutes' respective "safe harbor" provisions, which provide that compliance with the terms of a permit is deemed compliance with the law in

¹⁹ *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council*, 557 U.S. 261 (2009).

²⁰ *Nat'l Pollutant Discharge Elimination System Permit Regulations*, 49 Fed. Reg. 37,998, 38,045 (Sept. 26, 1984).

general.²¹ This Court has recognized that the safe harbor “serves the purpose of giving permits finality.”²²

In light of the policy of finality in Section 404 permits, industries requiring these permits have come to rely on the fact that only the Corps may revoke a permit and that it can do so only in limited circumstances.²³ From a permittee’s standpoint, the most important check on the Corps’s power to revoke a permit is that it must consider whether revocation “would adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit.”²⁴ This important check on the power of revocation would be rendered meaningless if EPA could bypass such considerations and effectively revoke permits for any reason.

As the District Court correctly held, it is “unreasonable to sow a lack of certainty into a system that was expressly intended to provide finality.”²⁵ The D.C. Circuit’s decision interjects an unwarranted lack of finality into a Section 404 permit with far reaching repercussions that will be directly felt by Alaskan resource-based industries.

²¹ See 33 U.S.C. § 1342(k) (safe harbor for EPA issued permits); 33 U.S.C. § 1344(p) (safe harbor for Corps issued permits).

²² *E.I. du Pont de Nemours & Co. v. Train*, 430 U.S. 112, 138 n.28, 97 S. Ct. 965, 980 n.28 (1977).

²³ See 33 C.F.R. § 325.7.

²⁴ *Id.* at § 325.7(a).

²⁵ *Mingo Logan*, 80 F. Supp. 2d at 152.

Congress could not have intended to provide EPA with such limitless and destabilizing *ex post facto* powers. This Court should grant this petition for a writ of certiorari because the D.C. Circuit failed to address the necessary policy of finality in duly-issued Clean Water Act permits.

B. The D.C. Circuit wholly failed to consider economic impact and the alarming repercussions of its precedent

The Petitioner cites record evidence of the potential economic impact of the D.C. Circuit's decision. The District Court correctly addressed these economic concerns in determining that the EPA's interpretation of its powers was unreasonable.²⁶ The Circuit Court's sweeping interpretation, however, ignored this evidence and the practical economic implications of its precedent. This was error and merits review by this Court.

Professor David L. Sunding opined in a report submitted in the D.C. Circuit, that any possibility that a duly-issued permit could be arbitrarily revoked by the EPA would have a "chilling effect on investment activities requiring a 404 authorization[.]"²⁷ The report underscores the harsh effects the D.C. Circuit's ruling will have on

²⁶ See *Mingo Logan*, 80 F. Supp. 2d at 152.

²⁷ C.A. App. 221. The petition for certiorari used the citation "C.A. App." as a reference to the Joint Appendix filed with the Circuit Court of Appeals. Professor Sunding's report appears at C.A. App. 216-26.

the Alaskan resource-based industries which undergird its economy. In short, where there is increased risk, lenders will be less willing to invest in a project that the EPA could terminate—even after a project has commenced—by simply revoking its consent at any time and for any reason, or no reason at all.²⁸ For publicly funded projects, the increased risk of a project being terminated after the fact would have a large effect on the risk associated with bond repayment which could make such form of public financing much more difficult or even impossible to secure.²⁹

The report further discusses the breadth of economic activity that is affected by Section 404 permits. Sunding estimates that over \$220 billion of investment annually is conditioned on the issuance of Section 404 permits.³⁰ The uncertainty left in the wake of the D.C. Circuit's decision could be devastating to Alaska's economy in particular. Income from development of Alaska's natural petroleum reserves, for instance, accounts for 90% of the State's unrestricted funding.³¹ Half of

²⁸ C.A. App. at 224-25.

²⁹ C.A. App. at 225.

³⁰ C.A. App. at 216.

³¹ Press Release, State of Alaska, Dept. of Revenue, Department Releases Revenue Sources Book (Dec. 4, 2013), *available at* <http://dor.alaska.gov/Portals/5/Docs/PressReleases/13-008%20Fall%202013%20RSB%20Press%20Release%2012-4-2013%20FINAL.pdf>.

Alaska's jobs are dependent the development of these resources.³²

Since Alaska's economy is dependent on compliance with the Clean Water Act more than any other state, the uncertainty created by EPA's newly gained power threatens the state's economic well-being. The District Court was correct in its interpretation of the statute and in its breadth of considerations. This Court should grant review in order to also give consideration to these issues which the D.C. Circuit Court failed to.

³² RESOURCE DEVELOPMENT COUNCIL FOR ALASKA, INC., *Alaska's Oil & Gas Industry, Facts & Economic Impact*, available at <http://www.akrdc.org/issues/oilgas/overview.html#Anchor-Facts-51540>.

CONCLUSION

For all these reasons, the Court should grant the petition for certiorari in this case.

Respectfully submitted,

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**APPENDIX A — ALASKAN SECTION 404
PERMITS ISSUED AFTER PUBLIC NOTICE.**

District	DA Number	Applicant	Project Name	Permit Type	Public Notice Date	Action Taken	Date Issued\Denied
Alaska	POA-2005-01295	John Hellen-Pioneer Natural Resources Alaska, Inc., Julie Lina-Pioneer Natural Resources Alaska, Inc., Pioneer Natural Resources Alaska, Inc.	Pioneer Natural Resources Alaska, Inc., Harrison Bay, Oooguruk Development Project	Standard Permit	19-Sep-11	Issued With Special Conditions	31-Dec-12
Alaska	POA-2012-00236	Mark Wiggin-Brooks Range Petroleum Company	Brooks Range Petroleum Corporation, Miluveach River, Mustang Oil and Gas Development	Standard Permit	10-Aug-12	Issued With Special Conditions	20-Dec-12
Alaska	POA-2012-00555	Alaska Department of Transportation and Public Facilities	ADOT, Chena River, Nordale Road Upgrade	Standard Permit	21-Sep-12	Issued With Special Conditions	19-Dec-12
Alaska	POA-2012-00087	James Wohlers-GBR Equipment Inc	GBR Equipment Inc, Sagavanirktok River, Fill lot for equipment storage	Standard Permit	27-Aug-12	Issued With Special Conditions	19-Dec-12
Alaska	POA-2003-01007	ALASKA DEPARTMENT OF TRANSPORTATION, Alaska Department of Transportation- Anchorage	ADOT&PF	Standard Permit	20-Jul-12	Issued With Special Conditions	17-Dec-12
Alaska	POA-2011-00896	City of Bethel	City of Bethel, Kuskokwim River, Bethel Harbor Bank Stabilization and Dredging	Standard Permit	5-Mar-12	Issued With Special Conditions	14-Dec-12
Alaska	POA-2010-00939	Bruce Campbell-ADOT&PF	ADOT&PF, Birch Creek	Standard Permit	23-Apr-12	Issued With Special Conditions	13-Dec-12
Alaska	POA-2012-00835	Judy Lum-Alaska Department of Fish and Game, Sport Fish Division	ADF&G, Frederick Sound, Salmon net pen	Letter of Permission	N/A	Issued With Special Conditions	10-Dec-12
Alaska	POA-2012-00874	Curtis Sommer-Tanana Tribal Council	Tanana Tribal Council, Yukon River	Letter of Permission	N/A	Issued Without Special Conditions	14-Dec-12
Alaska	POA-2012-00822	Jill Taylor-ADOT/PF	ADOT/PF, Mermaid Cove, Seaplane Haulout	Standard Permit	1-Nov-12	Issued With Special Conditions	18-Jan-13
Alaska	POA-2012-00665	John Mark-Native Village of Kwinhagak	Native Village of Kwinhagak, Kanektok River, Kuskokwim Bay, Evacuation Route Kanektok River Road Phase 1	Standard Permit	10-Oct-12	Issued With Special Conditions	31-Jan-13
Alaska	POA-1996-00634	John Mark-Native Village of Kwinhagak	Native Village of Kwinhagak, Kanektok River, gravel source	Standard Permit	10-Oct-12	Issued With Special Conditions	31-Jan-13

Alaska	POA-1975-00180	CITY OF PETERSBURG	WRANGELL NARROWS-1975-0002	Standard Permit		16-Aug-12	Issued With Special Conditions	8-Jan-13
Alaska	POA-2012-00772	Karl Amylon-City of Ketchikan	City of Ketchikan, Tongass Narrows, Ketchikan Bar Harbor drive down float	Standard Permit		16-Oct-12	Issued With Special Conditions	9-Jan-13
Alaska	POA-2012-00557	David Chaput- Northern Construction & Maintenance, LLC	Northern Construction & Maintenance, LLC, Sagavanirktok River, Gravel Pad Construction on Tract 7 & 8	Standard Permit		17-Aug-12	Issued With Special Conditions	2-Jan-13
Alaska	POA-2005-00598	Alaska Department of Transportation- Fairbanks, Bruce Campbell-Alaska Department of Transportation & Public Facilities, Peter Nagel-Alyeska Pipeline Services Company	ADOT&PF Prospect Creek Airport	Standard Permit		18-Jul-12	Issued With Special Conditions	16-Jan-13
Alaska	POA-1980-00314	COVE MARINA INCORPORATED, Mike Clementz	Cove Marina Inc.	Standard Permit		26-Nov-12	Issued With Special Conditions	29-Jan-13
Alaska	POA-2012-00764	Brent Petrie-Alaska Village Electric Cooperative, Jeff Stanley-CRW Engineering Group, LLC	Alaska Village Electric Cooperative, Andreafsky River, Wind power generation project	Standard Permit		30-Oct-12	Issued With Special Conditions	23-Jan-13
Alaska	POA-2012-00828	Larry Oakes	Oakes, Dora Bay, Construct floating dock	Letter of Permission		N/A	Issued With Special Conditions	22-Jan-13
Alaska	POA-2012-00880	Joseph Higgins	Burns, Cholmondeley Sound, Dock and boat ramp	Letter of Permission		N/A	Issued With Special Conditions	22-Jan-13
Alaska	POA-2012-00908	John Malouf	Malouf, Clover Passage, Moorage and outfall	Letter of Permission		N/A	Issued With Special Conditions	17-Jan-13
Alaska	POA-2012-00838		ADF&G, Netpens, Frederick Sound	Letter of Permission		N/A	Issued With Special Conditions	16-Jan-13
Alaska	POA-2012-00870	Eric Helzer-Colville, Inc.	Colville Inc., Colleen Lake, Construct gravel pad	Standard Permit		3-Dec-12	Issued With Special Conditions	4-Feb-13
Alaska	POA-2012-00311	John Floreske-Southern Energy Inc.	Southern Energy, Walker Lake, Hydroelectric project	Standard Permit		6-Aug-12	Issued With Special Conditions	12-Feb-13
Alaska	POA-2012-00634	John Lawrence-CITY OF TOKSOOK BAY	City of Toksook Bay, Kangirlvar Bay, Cainqinguq Subdivision Water and Sewer Project	Standard Permit		7-Feb-13	Issued With Special Conditions	27-Feb-13

Alaska	POA-2011-01059	Boris Epchook-CITY OF KWETHLUK	City of Kwethluk, Kwethluk River, Sewage collection and water distribution system	Standard Permit	7-Feb-13	Issued With Special Conditions	27-Feb-13
Alaska	POA-1979-00234	B.P. EXPLORATION	BPXA, Beaufort Sea, Prudhoe Unit A Pad	Standard Permit	10-Dec-12	Issued With Special Conditions	27-Feb-13
Alaska	POA-2007-00578	Frederick Reinbold	Frederick Reinbold	Letter of Permission	N/A	Issued With Special Conditions	28-Feb-13
Alaska	POA-2013-00029	Mike McNamara	Mike McNamara; Campbell Lake; Dock	Letter of Permission	N/A	Issued With Special Conditions	28-Feb-13
Alaska	POA-2013-00047	Matthew McKenna	Matthew McKenna; Campbell Lake	Letter of Permission	N/A	Issued With Special Conditions	28-Feb-13
Alaska	POA-2012-00958	City of Borough of Juneau, Docks and Harbors Department	City and Borough of Juneau, Fisheries Terminal Dock Replacement, Gastineau Channel	Letter of Permission	N/A	Issued Without Special Conditions	22-Feb-13
Alaska	POA-2012-00909	Ryan Binkley-Alaska Riverways Inc.	Alaska Riverways, Chena River	Letter of Permission	N/A	Issued With Special Conditions	4-Feb-13
Alaska	POA-2012-00930	Richard Smith-Allen Marine Inc.	Allen Marine, Jamestown Bay, Floating Dock	Letter of Permission	N/A	Issued With Special Conditions	1-Feb-13
Alaska	POA-2010-00180	Anthony Knuteson	Knuteson Property, Residential Fill, Tongass Narrows	Standard Permit	4-Dec-12	Issued With Special Conditions	18-Mar-13
Alaska	POA-2012-00033	U.S. Bureau of Indian Affairs	Bureau of Indian Affairs, Akutan Harbor, Akutan Bay, Construct an access road to the Akutan small boat harbor	Standard Permit	6-Aug-12	Issued With Special Conditions	6-Mar-13
Alaska	POA-1980-00210	HALLIBURTON SERVICES	Halliburton, Beaufort Sea, Expansion of existing pad	Standard Permit	19-Nov-12	Issued With Special Conditions	20-Mar-13
Alaska	POA-2002-00224	Beth Trowbridge-CENTER FOR ALASKAN COASTAL STUDIES, CENTER FOR ALASKA COASTAL STUDIES, TOM STERNBERG	CENTER FOR ALASKAN COASTAL STUDIES	Letter of Permission	N/A	Issued With Special Conditions	22-Mar-13
Alaska	POA-2013-00082		Matt Seidler, Campbell Lake, Dock	Letter of Permission	N/A	Issued With Special Conditions	21-Mar-13

Alaska	POA-2008-00014			Ryan Binkley, Tanana River	Letter of Permission	N/A	Issued With Special Conditions	20-Mar-13
Alaska	POA-2010-00400	Marvin Oliver		Alaska Eagle Arts, Ketchikan Creek/intertidal, commercial building	Letter of Permission	N/A	Issued With Special Conditions	19-Mar-13
Alaska	POA-1978-00100	SC BARTLETT AND COMPANY INCORPORATED, Vincent Goddard-The River Company, LLC		Inlet Fish Dock - KASILOF RIVER-1978- 0007	Letter of Permission	N/A	Issued With Special Conditions	7-Mar-13
Alaska	POA-2012-00196	Tom Arminski-ENSTAR Natural Gas Company		Natural Gas Pipeline from Anchor Point to Homer and Kachemak City	Standard Permit	11-Jan-13	Issued With Special Conditions	25-Apr-13
Alaska	POA-2012-00896	Lee Greif		Greif, Edna Bay, Residential fill pad and driveway	Standard Permit	20-Nov-12	Issued With Special Conditions	22-Apr-13
Alaska	POA-2012-00627	Susan Luetters-Bristol Environmental		Bristol Engineering Services Corp., Cape Douglas, Woolley Lagoon Road Improvements	Standard Permit	5-Feb-13	Issued With Special Conditions	22-Apr-13
Alaska	POA-2005-01245	Alaska Dep't of Transportation and Public Facilities		ADOT&PF, Piledriver Slough	Standard Permit	10-Sep-12	Issued With Special Conditions	19-Apr-13
Alaska	POA-2012-00633	Bob Gilman-Prowest Contractors		Alleged Violator Prowest Contractors, Hastings Creek, Dredging	Standard Permit	13-Feb-13	Issued With Special Conditions	18-Apr-13
Alaska	POA-2010-00772	Jack Oien-United States Forest Service		U.S. Forest Service Highway 43 Road Upgrade-El Capitan Passage	Standard Permit	12-Feb-13	Issued With Special Conditions	18-Apr-13
Alaska	POA-2012-00939	Andy Rike-Buccaneer Alaska Operations		Buccaneer Alaska Operations	Letter of Permission	N/A	Issued With Special Conditions	17-Apr-13
Alaska	POA-2012-00824	Andy Rike-Buccaneer Alaska Operations		Buccaneer Alaska Operations	Letter of Permission	N/A	Issued With Special Conditions	17-Apr-13
Alaska	POA-2007-00488			Alaska Railroad Corporation, Skull Creek, Dredging	Standard Permit	29-Jan-13	Issued With Special Conditions	10-Apr-13
Alaska	POA-1997-00546	UNITED STATES FOREST SERVICE		HAMILTON BAY-1997-0003	Standard Permit	13-Dec-12	Issued With Special Conditions	10-Apr-13

Alaska	POA-2012-00556	Bill Shaishnikoff-Bering Shai Marine, LLC	Bering Shai Marine, LLC, Captains Bay, Bering Shai Marine Terminal	Standard Permit	11-Sep-12	Issued With Special Conditions	2-Apr-13
Alaska	POA-2009-01249	Sam Thomas-Organized Village of Kasaan	Kasaan-Goose Creek Road, Organized Village of Kasaan	Standard Permit	15-Nov-12	Issued With Special Conditions	2-Apr-13
Alaska	POA-2013-00038	William Murdock-Lower Kuskokwim School District	Lower Kuskokwim School District, Kanektok River, Quinhagak school improvements	Standard Permit	15-Feb-13	Issued Without Special Conditions	15-Apr-13
Alaska	POA-2013-00161	Scott Lindstrom	Scott Lindstrom, Big Lake Dock	Letter of Permission	N/A	Issued With Special Conditions	29-May-13
Alaska	POA-2012-00693	Jerry Sadler-Airport Equipment Rentals, Inc.	Airport Equipment Rentals, Sagavanirktok River, Extend fill pad	Standard Permit	11-Dec-12	Issued With Special Conditions	29-May-13
Alaska	POA-1964-00010	ALASKA DEPARTMENT OF TRANSPORTATION, Alaska Department of Transportation- Juneau	TENAKEE INLET-1964-8 see POA-1950-19-0	Letter of Permission	N/A	Issued With Special Conditions	28-May-13
Alaska	POA-2013-00132		Douglas A. Hulen Living Trust, Big Lake, Dock Repair/Construction	Letter of Permission	N/A	Issued With Special Conditions	23-May-13
Alaska	POA-2012-00326		Bob Farmer, ATF Application	Standard Permit	2-Oct-12	Issued With Special Conditions	22-May-13
Alaska	POA-2013-00115	Sterling Shearer-Orion Marine Contractors, Inc.	Orion Marine Contractors, Norton Sound, Unalakleet Coastal Erosion Control Phase II	Standard Permit	19-Mar-13	Issued With Special Conditions	21-May-13
Alaska	POA-2013-00129		Village of Tanana, Curtis Sommer, Yukon River gravel extraction	Letter of Permission	N/A	Issued With Special Conditions	21-May-13
Alaska	POA-2011-00693	Paul Kari-ASRC SKW Eskimos Inc.	ASRC SKW Eskimos Inc., Chukchi Sea, Barrow Hotel	Standard Permit	31-Jan-13	Issued With Special Conditions	21-May-13
Alaska	POA-2012-00046	Robin Worden	Pier and Dock (Auke Bay)	Standard Permit	18-Jan-13	Issued With Special Conditions	15-May-13
Alaska	POA-2012-00927	JR Wilcox-Cook Inlet Energy	Cook Inlet Energy, Cook Inlet, West McArthur Oil and Gas Pad expansion	Standard Permit	16-Jan-13	Issued With Special Conditions	1-May-13

Alaska	POA-2003-01356	MUNICIPALITY OF ANCHORAGE		KLATT BOG-2003-0034	Standard Permit		25-May-11	Issued With Special Conditions	28-Jun-13
Alaska	POA-2007-00504	Peter Nagel-Alyeska Pipeline Service Company		TAPS MP 24.7 Channel Plug	Standard Permit		11-Aug-13	Issued With Special Conditions	26-Jun-13
Alaska	POA-2012-00951	Paul Day-City of Sand Point		City of Sand Point, Humboldt Harbor, Boat harbor renovation	Standard Permit		17-Jan-13	Issued With Special Conditions	24-Jun-13
Alaska	POA-2013-00046	Peter Fama		Fama, Nichols Passage, Single family home site	Standard Permit		25-Feb-13	Issued With Special Conditions	11-Jun-13
Alaska	POA-1986-00095	ALASKA DEPARTMENT OF TRANSPORTATION, Old Harbor Tribal Council, Rick Berns-City of Old Harbor		Old Harbor Airport, Sitkalidak Strait, Old Harbor Tribal Council	Standard Permit		15-Feb-13	Issued With Special Conditions	11-Jun-13
Alaska	POA-2013-00084	William Nash		William Nash, Dock Construction, Auke Bay	Letter of Permission		N/A	Issued With Special Conditions	5-Jun-13
Alaska	POA-2012-00516	Bret Hiatt-R&M Engineering-Ketchikan		R&M Engineering-Ketchikan, Tongass Narrows, Wetland Delineation	Standard Permit		27-Dec-12	Issued With Special Conditions	4-Jun-13
Alaska	POA-2005-01243	Kerr-McGee Oil & Gas Corporation, Larry Burgess-ENI US Operating Co. Inc., Pioneer Natural Resources Alaska, Inc.		Eni US Operating Company Inc. & Pioneer Natural Resources Alaska, Inc., Ugnuravik River, Nuna Project Mine Site E, Cell 4A Development	Standard Permit		18-Apr-13	Issued With Special Conditions	31-Jul-13
Alaska	POA-2012-00197	Lynn Lythgoe-LNT Mining LLC		APMA 2250, LNT Mining LLC, Ironside Creek, Placer Mining	Standard Permit		23-Apr-13	Issued With Special Conditions	24-Jul-13
Alaska	POA-1966-00043	CITY OF PORT LIONS, Kathryn Adkins-City of Port Lions		KIZHUYAK BAY-1966-0001	Standard Permit		15-Feb-13	Issued With Special Conditions	23-Jul-13
Alaska	POA-2011-00757	John Louie-FAA		FAA, Woody Island Channel, Dock replacement	Standard Permit		9-Nov-12	Issued With Special Conditions	23-Jul-13
Alaska	POA-2011-00328	Brett Nelson-ADOT & PF, Richard Stumpf-ADOT & PF		ADOT&PF, Sagavanirktok River, Repairs to Deadhorse Airport	Standard Permit		16-May-13	Issued With Special Conditions	22-Jul-13
Alaska	POA-2013-00207	John Hensley-DigitalGlobe, Inc.		DigitalGlobe, Inc., John Hensley, Sagavanirktok River, Gravel pad expansion	Standard Permit		23-Aug-13	Issued With Special Conditions	22-Jul-13

Alaska	POA-2007-00510	Kristina Walcott-Freegold Recovery Inc., USA.	APMA 9726, Cleary Creek, Freegold Recovery Inc. USA	Standard Permit	29-Oct-12	Issued With Special Conditions	19-Jul-13
Alaska	POA-2013-00200	James Roberts	Roberts, Port St. Nicholas, Lot 131 Dock Project	Letter of Permission	N/A	Issued With Special Conditions	18-Jul-13
Alaska	POA-2012-00275	Jane Gendron-Alaska Department of Transportation- Juneau	Haines Ferry Terminal Improvements	Standard Permit	26-Mar-13	Issued With Special Conditions	17-Jul-13
Alaska	POA-2013-00033	Trevor Sande-Marble Island LLC	Marble Island LLC, Tongass Narrows, Marble Island LLC Development	Standard Permit	25-Feb-13	Issued With Special Conditions	11-Jul-13
Alaska	POA-1991-00354	Kim Ferguson-Ferguson Placer, Inc.	APMA 9124, Ferguson Placer, Inc., Walker Fork	Standard Permit	28-Nov-12	Issued With Special Conditions	1-Jul-13
Alaska	POA-2013-00077	Randy Hahn	Randy Hahn, Big Lake, LOP (Dock Construction)	Letter of Permission	N/A	Denied Without Prejudice	15-Aug-13
Alaska	POA-2009-01228	Robert Warthen-NordAq Energy, Inc.	Nordaq Energy Shadura Natural Gas Development Project	Standard Permit	21-Dec-12	Issued With Special Conditions	29-Aug-13
Alaska	POA-2006-00678	MILTON BEHR	Behr, Milt	Standard Permit	20-Nov-12	Issued With Special Conditions	21-Aug-13
Alaska	POA-2012-00922	Thomas Manson-ConocoPhillips Alaska Inc	ConocoPhillips Alaska Inc., Miluveach River, Drill Site 2S	Standard Permit	15-Feb-13	Issued With Special Conditions	21-Aug-13
Alaska	POA-2012-00875	Bret Bartholomy-Spectrum LNG, LLC	Spectrum Alaska, LLC, Prudhoe Bay, LNG Plant	Standard Permit	15-Mar-13	Issued With Special Conditions	21-Aug-13
Alaska	POA-2013-00389	Jeremy Miller-Carlile Transportation Systems, Inc.	Carlile Transportation System, Inc., Sagavanirktok River, Carlile Lease Lots	Standard Permit	17-Jul-13	Issued With Special Conditions	20-Aug-13
Alaska	POA-1991-00030	CITY OF VALDEZ, Laura Robertson-City of Valdez	MINERAL CREEK-1991-0002	Standard Permit	29-May-13	Issued With Special Conditions	20-Aug-13
Alaska	POA-2013-00097	ALASKA RAILROAD CORPORATION	ARRC, Nenana River	Standard Permit	2-Apr-13	Issued With Special Conditions	16-Aug-13

Alaska	POA-2013-00391	Keven Barry-Silver Bay Seafoods	Silver Bay Seafoods, Naknek River, Silver Bay Seafood Plant Naknek	Letter of Permission	N/A	Issued With Special Conditions	15-Aug-13
Alaska	POA-2013-00155	Kenneth Smith-Bering Pacific Seafoods	Bering Pacific Seafoods, Isanotski Strait, False Pass Harbor steel dock installation	Standard Permit	3-May-13	Issued With Special Conditions	9-Aug-13
Alaska	POA-2009-00366	Michael James-Nyac AU, William Schara-Goldrich Mining Co.	APMAS 9953 & 7348, Nyac AU, Little Squaw Creek	Standard Permit	1-Mar-13	Issued With Special Conditions	8-Aug-13
Alaska	POA-2013-00291	Monty Washington-ORPC Alaska, LLC	ORPC Alaska, LLC	Letter of Permission	N/A	Issued With Special Conditions	7-Aug-13
Alaska	POA-2013-00227	Chris Blanc	Blanc, Port St. Nicholas, Construct dock	Letter of Permission	N/A	Issued With Special Conditions	5-Aug-13
Alaska	POA-1994-00700	B.P. EXPLORATION, Savant Alaska LLC	Savant Alaska, Mikkelsen Bay, Badami Dock Maintenance Dredging	Standard Permit	10-Jun-13	Issued With Special Conditions	1-Aug-13
Alaska	POA-2011-01182	David Sterling-UIC Construction, Ukeagvik Inupiat Corporation	Ukeagvik Inupiat Corporation, Chukchi Sea, Construct housing pad for 60 person camp	Standard Permit	24-Jul-13	Issued With Special Conditions	27-Sep-13
Alaska	POA-2012-00940		Buccaneer Alaska Operations	Letter of Permission	N/A	Issued With Special Conditions	25-Sep-13
Alaska	POA-2012-00941	Andy Rike-Buccaneer Alaska Operations	Buccaneer Alaska Operations	Letter of Permission	N/A	Issued With Special Conditions	25-Sep-13
Alaska	POA-2013-00379	Steve Giesbrecht-City of Petersburg	City of Petersburg, Wrangell Narrows, Petersburg Crane Dock Approach Widening	Letter of Permission	N/A	Issued With Special Conditions	24-Sep-13
Alaska	POA-2013-00399	Mike Brock-BP Exploration	BP Exploration, Ugnuravik River, Pad J	Standard Permit	2-Aug-13	Issued With Special Conditions	23-Sep-13
Alaska	POA-2013-00398	Mike Brock-BP Exploration	BP Exploration, Ugnuravik River, Milne Pad H	Standard Permit	8-Aug-13	Issued With Special Conditions	20-Sep-13
Alaska	POA-2013-00197	Toby Sullivan-Kodiak Maritime Museum	Kodiak Maritime Museum, St. Paul Harbor, Thelma C Exhibit	Standard Permit	28-May-13	Issued With Special Conditions	19-Sep-13

Alaska	POA-2013-00498	John Handeland-Nome Joint Utility System	Nome Joint Utility System - Moonlight Transmission Potable Water Main airport relocation	Standard Permit	23-Aug-13	Issued With Special Conditions	18-Sep-13
Alaska	POA-2005-02047	CITY OF HOONAH, Dennis Gray	HOONAH, CITY OF[Hoonah Harbor]	Standard Permit	27-Jun-13	Issued With Special Conditions	13-Sep-13
Alaska	POA-2005-01322	STEVE REIDSMA, United States Army Garrison, Alaska, Fort Wainwright, Directorate of Public Works	US Army, Yukon Training Area, Manchu	Standard Permit	18-Apr-13	Issued With Special Conditions	12-Sep-13
Alaska	POA-2011-00073	Paul Manuel-Paul & Co.	APMA 9977, Fairbanks Creek, Paul Manuel	Standard Permit	12-Mar-13	Issued With Special Conditions	11-Sep-13
Alaska	POA-1996-00869	Arctic Slope Regional Corporation, NUIQSUT CONTRACTORS	COLVILLE RIVER-1996-0017	Standard Permit	11-Jun-12	Issued With Special Conditions	11-Sep-13
Alaska	POA-1984-00012	COMINCO ALASKA INCORPORATED, Teck Alaska Incorporated, Teck Cominco, Teck Comino	Red Dog Mine, TECK ALASKA INCORPORATED, CHUKCHI SEA 11	Standard Permit	22-Apr-13	Issued With Special Conditions	10-Sep-13
Alaska	POA-2013-00164	Laura Robertson-City of Valdez	City of Valdez, Valdez Glacier Stream, Gravel extraction	Standard Permit	24-Jun-13	Issued With Special Conditions	9-Sep-13
Alaska	POA-2013-00302	Edward Anderson	Anderson, Deep Bay, Wastewater System and Float	Letter of Permission	N/A	Issued With Special Conditions	9-Sep-13
Alaska	POA-2012-00876	Joel Fuller-Articorp	Articorp: Fuller Industrial Park; Tina Lake	Standard Permit	13-Apr-13	Issued With Special Conditions	6-Sep-13
Alaska	POA-2013-00030	Jennifer Saran-Hecia Greens Creek Mining Company	Hecia Greens Creek Mine (Hawk Inlet Barge Loading Facility)	Standard Permit	25-Feb-13	Issued With Special Conditions	24-Oct-13
Alaska	POA-2009-01156	ADOT & PF	ADOT & PF, Snake River, Nome airport runway expansion	Standard Permit	29-Jul-13	Issued With Special Conditions	22-Oct-13
Alaska	POA-2008-01257	John Duhamel-Copper Valley Electric Association, Inc, Richard Wilkinson-Copper Valley Electric Association	Copper Valley Electric Association; Allison Lake; Allison Lake Hydroelectric Project	Standard Permit	24-Jul-13	Issued With Special Conditions	22-Oct-13
Alaska	POA-2013-00443	Jerry Harman	Jerry Harman, Eagle River	Standard Permit	5-Aug-13	Issued With Special Conditions	11-Oct-13

Alaska	POA-2012-00656	Matthew Bell-Kake Tribal Fuel Corp, Robert Mills-Kake Tribal Corporation	Piling Repair, Portage Cove, Kake Tribal Fuel Corp,	Letter of Permission	N/A	Issued With Special Conditions	8-Oct-13
Alaska	POA-2013-00515	Eric Prestegard-Douglas Island Pink and Chum Incorporated	Eric Prestegard, Floating Net Pen, Lena Cove	Letter of Permission	N/A	Issued With Special Conditions	4-Oct-13
Alaska	POA-2013-00453	Ryan Davis	Float House (Hawk Inlet)	Letter of Permission	N/A	Issued With Special Conditions	2-Oct-13
Alaska	POA-2013-00050	Brett Nelson-ADOT&PF	ADOT, Yukon River	Standard Permit	21-Mar-13	Issued With Special Conditions	1-Oct-13
Alaska	POA-2013-00218	William Bolling	Bolling, Dall Bay, Dock development	Letter of Permission	N/A	Issued Without Special Conditions	24-Oct-13
Alaska	POA-2013-00536	Andrew Spokely	Spokely, Clover Passage, Dock, float, ramp and outfall	Letter of Permission	N/A	Issued With Special Conditions	21-Nov-13
Alaska	POA-2004-00493	Carlie Beebe-City of Eek	City of Eek, Eek River, Solid Waste Facility to Close	Standard Permit	22-Aug-13	Issued With Special Conditions	19-Nov-13
Alaska	POA-2011-00545	Carlie Beebe-City of Eek, William Brown-Native Village of Eek	Native Village of Eek, Eek River, Water Distribution and Sewer Collection System	Standard Permit	28-Aug-13	Issued With Special Conditions	19-Nov-13
Alaska	POA-2009-01148	Tracy Nix-Hydaburg Cooperative Association	Sukkwun Strait, Hydaburg Harbor Replacement	Letter of Permission	N/A	Issued With Special Conditions	7-Nov-13
Alaska	POA-2013-00471	Bill Goodale	Bill Goodale, Dora Bay, Float and Ramp	Letter of Permission	N/A	Issued With Special Conditions	5-Nov-13
Alaska	POA-1988-00240	ALASKA GOLD COMPANY, Doug Baker, Nome Gold Alaska	APMA 9444, Nome Gold Alaska, Snake River	Standard Permit	15-Aug-13	Issued With Special Conditions	4-Nov-13