

**NOTIFICATION OF INTENDED ACTIVITY FOR THE PLACEMENT
OF MOORING BUOYS IN THE KASILOF RIVER UNDER THE
CORPS OF ENGINEERS REGIONAL GENERAL PERMIT POA-1987-3-M7**

DRAFT REGIONAL GENERAL PERMIT (RGP) POA-1987-3-M7

Under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) the District Commander (DC), Alaska District, U.S. Army Corps of Engineers (USACE) proposes to reauthorize the Alaska General Permit (GP) 1987-3-M6 for mooring buoys on the Kasilof River with RGP POA-1987-3-M7. The permit allows for mooring buoys to be seasonally placed on the Kasilof River for a period of five years.

This RGP would be valid for a period of five years from the date of issuance. The DC may, at any time during this period, alter, modify, or revoke the permit if such actions are deemed to be in the public interest.

AUTHORIZED ACTIVITIES:

This RGP authorizes the seasonal placement of mooring buoys and associated anchors and chains in the Kasilof River for the purpose of providing moorage for commercial fishing vessels.

ACTIVITIES NOT AUTHORIZED UNDER THE RGP:

1. The placement of any dredged and/or fill material into waters of the U.S., including wetlands.
2. The placement of non-commercial mooring buoys.
3. The placement of commercial mooring buoys not assigned by the USACE.

The activities excluded from RGP coverage would be subject to other established permitting procedures available to the USACE.

INSPECTION:

The DC, or their designated representative, may inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this RGP.

GENERAL CONDITIONS: Each buoy owner (permittee) shall be required to obtain written verification from the USACE prior to use of this RGP. Verifications will be valid for the duration of the RGP or until the verification is transferred to a new permittee, whichever is sooner.

All activities identified and authorized by this permit shall be consistent with the following conditions:

1. The permittee shall notify the USACE of any change of address during the permit period.
2. The mooring buoys and attached vessel(s) shall be placed and kept outside of the navigation channel so as not to impede or obstruct navigation, or otherwise hinder safe access to or use of the waterway by the general public. In addition, mooring buoys shall not be placed in locations that would hinder safe access to or use of existing docks, piers, boat launch ramps, buoys, dolphins, floats, piles, or any other existing structures or facilities within the Kasilof River. The number of vessels moored to each buoy, the size of the anchor and associated chains, and the swinging radius of the buoy and attached vessel(s) shall be considered when determining compliance with this condition.
3. The permittee shall be responsible for ensuring that all vessels attached to authorized mooring buoys are tied directly to the mooring buoy (i.e. the vessel is not tied to another vessel that is tied to the mooring buoy).

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4. All buoy locations and numbers shall be assigned by the USACE and the permittee shall be responsible for placing and maintaining authorized buoys at the assigned location shown on the attached map. Mooring buoys assigned by the USACE shall be located not less than 165 feet apart in the lower river and not less than 135 feet apart in the upper river. The dividing line between the upper and lower river is the upstream side of the old "Waterfall Cannery" located at Kasilof River mile 0.61, Latitude: 60.3817° N., Longitude: 151.2873° W. In addition, no mooring buoy shall be placed within 150 feet of the old ADOT dock, located at river mile 0.1, Latitude: 60.3863° N, Longitude: 151.2978° W.
5. The color of all buoys shall be white or international orange and shall be a minimum of 24 inches in diameter. They shall be clearly marked with the buoy number in black figures with a minimum of 2-inch high lettering, (i.e. mooring buoy number 1 in the Kasilof River shall have the designation KAS 1).
6. Mooring buoys may not be set in the Kasilof River prior to April 1 of each year and shall be removed by November 1 of each year.
7. The permittee agrees that the USACE's decision regarding disputes involving the placement of buoys is final. The permittee agrees to take the action directed by the USACE in resolving such disputes, including relocation or removal of the buoy.
8. The permittee agrees not to use any buoy for which the USACE is involved in the resolution of a violation or disputed location and has so notified the permittee. The permittee further agrees that he or she will make arrangements to moor vessels elsewhere until the conflict is resolved to the satisfaction of the DC.
9. The permittee shall maintain the activity authorized by this RGP in good condition and in conformance with the terms and conditions of the RGP. The permittee is not relieved of this requirement if the permitted activity is abandoned (i.e. permittee moves, etc.). The permittee may make a good faith transfer to a third party in compliance with GC 10 below. The permittee must obtain written approval from the USACE prior to abandonment of a buoy location or cessation of buoy maintenance.¹
10. The permittee may transfer their authorization by written notification to this office. At initial contact, please provide the full name, address, and phone number of the desired transferee. A letter must be received from the permittee requesting and authorizing the transfer. Upon receipt of this letter, the USACE will prepare and provide an affidavit to be signed by the transferee named in the transfer request letter. By signing, the transferee agrees to comply with all terms and conditions of the RGP. Once the affidavit is signed, notarized, and returned to the USACE, the USACE will approve the transfer in writing.
11. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
12. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802, (907) 463-2272.
13. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or

¹ Permits do not automatically transfer upon abandonment of the permit by the permittee. A request for a transfer must be submitted in accordance with GC 10.

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obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. The proposed activity shall not adversely affect any designated critical habitat or species listed as threatened or endangered under the Endangered Species Act of 1973, as amended. In addition, the proposed activity shall not jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat.

15. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this RGP, you must immediately notify this office, and the State Historic Preservation Office of what you have found. The USACE will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

PENALTIES FOR VIOLATIONS:

All work performed shall be in compliance with the terms and conditions of this RGP. Failure to comply with the terms and conditions of this RGP may result in suspension of the work, revocation of the permit, removal of mooring buoys, and/or imposition of penalties as provided by law.

Any work in and/or structures placed in the Kasilof River not in accordance with the terms and conditions of this RGP is a violation of Section 12 of the Rivers and Harbors Act (33 U.S.C 406) providing penalties of not less than \$500, and not more than \$2,500, per day of violation or by imprisonment of up to one year, or both.

LIMITS OF THIS AUTHORIZATION:

1. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. This permit does not grant any property rights or exclusive privileges.
3. This permit does not authorize any injury to the property or rights of others.
4. This permit does not authorize interference with any existing or proposed Federal Project.

LIMITS OF FEDERAL LIABILITY:

In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.
5. Damage claims associated with any future modification, suspension, or revocation of this permit.

AUTHORIZATION PROCEDURE:

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A. Current Permittees:

For individuals that were authorized to place one or more commercial mooring buoys in the Kasilof River under GP 1987-3-M6, authorization of RGP POA-1987-3-M7 will be given without further public review provided the permittee gives written notification of intended activity (NOIA) to the USACE regarding their intended use of the authorized buoy location and their agreement to comply with all terms and conditions of this RGP.²

The notification must include the following information³:

- 1) The current name, address and telephone number of the permittee;
- 2) The Kasilof River mooring buoy number and USACE file number;
- 3) Verification of the location of the proposed mooring buoy; and
- 4) A statement verifying that the permittee has read and agrees to comply with all terms and conditions of the RGP.

Following receipt of the required information, the USACE will evaluate the NOIA and issue a letter of authorization to the permittee, if appropriate.

B. New Permittees

Individuals wishing to be considered for buoy authorization in locations where previous authorizations have expired, been abandoned, or revoked should contact this office in writing. A list will be kept in the order requests are received.

This request must include the following information⁴:

- 1) The current name, address, and telephone number of the project proponent;
- 2) The location and number of the preferred mooring buoy in the Kasilof River; and
- 3) The purpose and need for a mooring buoy in the Kasilof River.

EVALUATION CRITERIA USED FOR PROJECT VERIFICATIONS:

In reviewing all proposed projects for this RGP, the DC will determine whether or not the proposal:

- 1) Is consistent with the terms and conditions of the RGP;
- 2) Will have a negative impact on navigation;
- 3) Will result in more than minimal individual or cumulative adverse environmental effects; and
- 4) Is contrary to the public interest.

After this determination is made, the DC will notify the applicant in writing to verify the proposal either qualifies for the RGP, which may include special conditions necessary to avoid and minimize impacts to the aquatic environment, or it does not qualify for the RGP and a standard individual permit is required.

Should a standard individual permit be required, the DC will publish a public notice in accordance with 33 CFR Part 325.3(d).

REEVALUATION OF PERMIT DECISION:

² Mailing instructions can be obtained by calling the USACE at (907) 753-2689.

³ A sample form that can be returned to this office is attached to the back of this permit.

⁴ Alternatively, an applicant may elect to submit application form, ENG Form 4345, February 2019.

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The USACE may reevaluate its decision to verify a RGP authorization to any permittee at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

1. The permittee fails to comply with the terms and conditions of this permit.
2. The information provided by the permittee in support of the application proves to have been false, incomplete, or inaccurate.
3. Substantial new information surfaces, which this office did not consider in reaching the original public interest determination.

A reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by this office, and if the permittee fails to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

MODIFICATION, REVOCATION AND EXTENSION OF THE GENERAL PERMIT:

Should, at any time, the DC determine that the individual or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest, the DC may modify or revoke this RGP with the issuance of a Public Notice. Should the DC revoke the RGP, all new applications will be evaluated under other available permit application review procedures. The DC will also decide on a case-by-case basis if prior RGP verifications should be revoked, suspended, or modified.

The DC, during the fifth year of the RGP, will review the RGP along with the work verified under it in order to determine if the RGP should be modified, extended, or discontinued.

FOR THE DISTRICT COMMANDER

Benjamin Soiseth
Chief, Southeast Section
Regulatory Division
Alaska District, U.S. Army Corps of Engineers

(DATE)

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1. Contact Information:

| | | | |
|-----------|-------|-----|---------------|
| _____ | | | _____ |
| NAME | | | PHONE-DAY |
| _____ | | | _____ |
| ADDRESS 1 | | | PHONE-EVENING |
| _____ | | | _____ |
| ADDRESS 2 | | | FAX |
| _____ | | | _____ |
| CITY | STATE | ZIP | E-MAIL |

2. USACE File Number _____

3. Mooring Buoy(s) Number _____

4. Do you place your buoy in the location permitted by the USACE? Yes No

5. Additional Comments:

By signing this, I am verifying that I have read and agree to comply with all terms and conditions of RGP 1987-3-M7.

Signature: _____

Date: _____

**KASILOF RIVER MOORING BUOY LIST
GENERAL PERMIT POA-1987-3-M7**

| CURRENT PERMITTEE | FILE NUMBER | MOORING BUOY NUMBER |
|-----------------------------------|--------------------|----------------------------|
| North Pacific Seafoods, Inc. | POA-1984-242 | 1 |
| Pacific Star Seafoods | POA-1981-113 | 2 |
| Pacific Star Seafoods | POA-1986-300 | 3, 4, 5 |
| Pacific Star Seafoods | POA-1986-472 | 6 |
| Icicle Seafoods, Inc. | POA-1986-352 | 7 |
| Icicle Seafoods, Inc. | POA-1986-247 | 8, 9, 10 |
| Pacific Star Seafoods | POA-1986-366 | 11 |
| Pacific Star Seafoods | POA-1982-161 | 12, 13 |
| Dyer Van Devere | POA-1986-480 | 14 |
| Pacific Star Seafoods | POA-1982-655 | 15, 16 |
| Pacific Star Seafoods | POA-1982-104 | 17 |
| North Pacific Seafoods, Inc. | POA-1982-199 | 18, 19, 20, 21, 22, 23, 24 |
| Icicle Seafoods, Inc. | POA-1995-587 | 25 |
| Heath Duncan | POA-1986-461 | 26 |
| North Pacific Seafoods, Inc. | POA-1986-471 | 27 |
| North Pacific Seafoods, Inc. | POA-1986-478 | 28 |
| Pacific Star Seafoods | POA-1982-161 | 29, 30, 31, 32 |
| North Pacific Seafoods, Inc. | POA-1986-460 | 33 |
| North Pacific Seafoods, Inc. | POA-1986-453 | 34 |
| Freddie Blevins | POA-1986-346 | 35 |
| Icicle Seafoods, Inc. | POA-1986-345 | 36 |
| North Pacific Seafoods, Inc., | POA-1986-458 | 37 |
| North Pacific Seafoods, Inc. | POA-1986-477 | 38 |
| Andrew Umlauf | POA-1986-160 | 39 |
| Icicle Seafoods, Inc. | POA-1986-378 | 40 |
| David Martin | POA-1986-427 | 41 |
| North Pacific Seafoods, Inc. | POA-1986-491 | 42, 43 |
| Vikki Garrouette-Simpson | POA-1986-497 | 44 |
| Randal Vasko | POA-1986-479 | 45 |
| North Pacific Seafoods, Inc. | POA-2011-88 | 46 |
| Alaska Growth Capital BIDCO, Inc. | POA-2005-897 | 47 |
| Ronald Russell | POA-2005-900 | 48 |
| North Pacific Seafoods, Inc. | POA-1986-209 | 49, 50 |
| Randal Vasko | POA-1986-148 | 51, 52 |
| North Pacific Seafoods, Inc. | POA-1986-502 | 53 |
| Brent Western | POA-1986-283 | 54 |
| North Pacific Seafoods, Inc.. | POA-1985-257 | 55 |
| Roland Maw | POA-1986-489 | 56 |
| TO REMAIN VACANT* | POA-1985-192 | 57 |
| CRS CAN Operate Inc. | POA-1978-049 | 58,59, 60 |
| CRS CAN Operate Inc. | POA-1986-401 | 61, 62 |
| Paul Warner | POA-1986-282 | 63 |
| Ken Duffus | POA-1994-1109 | 64 |
| Theresa Gabrys | POA-1986-279 | 65 |
| Rion Vanek | POA-1986-464 | 66 |
| John D. McCombs | POA-1986-465 | 67 |

| | | |
|-----------------------------------|--------------|--|
| CRS CAN Operate Inc. | POA-1986-496 | 68 |
| CRS CAN Operate Inc. | POA-1986-491 | 69, 70, 71 |
| Icicle Seafoods, Inc. | POA-1992-229 | 72 |
| CRS CAN Operate Inc. | POA-2005-902 | 73 |
| CRS CAN Operate Inc. | POA-1986-300 | 74 |
| Pacific Star Seafoods | POA-1986-300 | 75 |
| Icicle Seafoods, Inc. | POA-1986-521 | 76 |
| CRS CAN Operate Inc. | POA-1986-536 | 77 |
| Steve Webb | POA-1986-494 | 78 |
| Cosmo Mercurio | POA-1986-404 | 79, 80 |
| North Pacific Seafoods, Inc. | POA-1986-389 | 81, 82 |
| CRS CAN Operate Inc. | POA-1986-416 | 83, 84 |
| CRS CAN Operate Inc. | POA-1965-37 | 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 |
| Icicle Seafoods Inc | POA-1986-538 | 95 |
| CRS CAN Operate Inc. | POA-1986-557 | 96 |
| North Pacific Seafoods, Inc. | POA-1986-559 | 97 |
| North Pacific Seafoods, Inc. | POA-1987-273 | 98, 99, 100, 101, 102, 103 |
| Randal Vasko | POA-1987-659 | 104 |
| Alaska Growth Capital BIDCO, Inc. | POA-1988-215 | 105 |
| Dave Beck | POA-1988-214 | 106 |
| Pacific Star Seafoods | POA-1988-213 | 107 |
| Daniel A. Smith, Jr. | POA-1988-217 | 108 |
| Dyer Van Devere | POA-1988-212 | 109 |
| Icicle Seafoods, Inc. | POA-1988-216 | 110 |
| Icicle Seafoods, Inc. | POA-1988-552 | 111 |
| Icicle Seafoods, Inc. | POA-1988-551 | 112 |
| Alaska Growth Capital BIDCO, Inc. | POA-1988-553 | 113 |
| Icicle Seafoods, Inc. | POA-1988-550 | 114 |
| Icicle Seafoods, Inc. | POA-1988-554 | 115 |
| Alaska Growth Capital BIDCO, Inc. | POA-1988-555 | 116 |
| Alaska Growth Capital BIDCO, Inc. | POA-1989-354 | 117 |
| CRS CAN Operate Inc. | POA-1990-415 | 118 |
| Icicle Seafoods, Inc. | POA-1990-415 | 119 |
| Pacific Star Seafoods | POA-1990-415 | 120 |
| CRS CAN Operate Inc. | POA-1990-416 | 121 |

*Note: this is a living document – please contact the USACE periodically if you need an updated list.