



DEPARTMENT OF THE ARMY U.S. ARMY ENGINEER DISTRICT, ALASKA REGULATORY DIVISION P.O. BOX 6898 JBER, ALASKA 99506-0898

AUG 1 9 2011

Regulatory Division POA-2010-496

Koniag, Incorporated Attention: Mr. Charlie C. Powers 194 Alimaq Drive Kodiak, Alaska 99615

Dear Mr. Powers:

Enclosed is the signed Department of the Army permit, file number POA-2010-496, Shakmanof Cove, which authorizes construction of a sheet pile bulkhead fill dock and temporary barge landing in Shakmanof Cove to service an adjacent 210-acre upland rock quarry. The project site is located within Sections 13 and 24, T. 26 S., R. 21 W., Seward Meridian; USGS Quad Map KODIAK D-2; Latitude 57.9159° N., Longitude -152.6073° W.; located approximately four miles southwest of the community of Ouzinkie, near Kodiak, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by email at Steve.D.Lindamood@usace.army.mil or by mail at the address above, ATTN: CEPOA-RD-S, if you have questions.

Sincerely,

Steve Lindamood Regulatory Specialist

Enclosures

## DEPARTMENT OF THE ARMY PERMIT

#### Permittee: Koniag, Incorporated

#### Permit No.: POA-2010-496, Shakmanof Cove

### Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Construct a sheet pile bulkhead fill dock in Shakmanof Cove to service an adjacent 210-acre upland rock quarry. Development activities for the quarry that impact waters of the U.S., including wetlands, include:

- 1) Construction a temporary barge landing
- 2) Temporary excavation (dredging) to accommodate barge traffic.
- 3) Construction of a temporary beach work pad adjacent to the temporary barge landing.
- 4) Quarry development

	Project Total		Below HTL				In Wetlands	
	Area (acres)	Fill (cy)	Area of fill (acres)	Area of Excavation (acres)	Volume of fill (cy)	Volume of Excavation (cy)	Area (acres)	Area of Excavation (acres)
Temporary Barge Landing, adjacent Beach Work Pad and Dredging	0.7	8,600	0.6	0.04	7,300	400	1.33	
Shoreline Roadway (740' length)	0.53	2,215						
Haulage Roadway (4525' length)	6.54	47,915						
Permanent Fill Dock (500' length)	3.8	68,000	2.0		61,300	25,000	********	
Permanent Quarry Area (31.5 acres) and Quarry Workpad (9.25 acres)	40.75		9049	90000000000000000000000000000000000000			5.91	
TOTAL	52.32	126,730	2.6	0.04	68,600	25,400	7.24	

All work will be performed in accordance with the attached plan, sheets 1-14, dated May 3, 2011.

Project Location: The project is located within Sections 13 and 24, T. 26 S., R. 21 W., Seward Meridian; USGS Quad Map KODIAK D-2; Latitude 57.9159° N., Longitude -152.6073° W.; located approximately four miles southwest of the community of Ouzinkie, near Kodiak, Alaska.

#### Permit Conditions:

#### **General Conditions:**

1. The time limit for completing the work authorized ends on August 31, 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We 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.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to 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 your permit.

#### **Special Conditions:**

1. As compensatory mitigation for unavoidable permanent impacts to aquatic resources, Koniag Incorporated, shall provide compensatory mitigation in the form of an in-lieu-fee to be paid to the Conservation Fund at a ratio of 2:1 for marine and estuarine waters and 1.5:1 for fresh waters and wetlands. Proof of this payment shall be provided to the Corps of Engineers, prior to beginning abt construction activities, at the following address:

Serena Sweet, Project Manager U.S. Army Corps of Engineers (CEPOA-RD) Post Office Box 6898 JBER, AK 99506-0898

2. Project boundaries shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to site clearing and construction to ensure avoidance of impacts to waters of the U.S., including wetlands, beyond the project footprint. In no case may disturbance extend beyond the identified fill footprint without prior approval from the Corps of Engineers.

3. Natural drainage patterns shall be maintained using appropriate ditching, culverts, storm drain systems, and other measures, to the extent practicable, without introducing ponding or drying. Excessive ponding and/or dewatering of areas adjacent to fill areas shall indicate non-compliance with this condition.

4. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments, Creosote may be used; however, must be applied by pressure injection using a method that prevents leaching (such as those approved by the Western Wood Preserves Institute).

5. Effective erosion control structures (i.e., silt fences) shall be installed and maintained before, during, and after construction to prevent erosion and the introduction of sediments and/or contaminants into adjacent waters of the U.S., including wetlands. These structures shall remain in place until all fills (including side slopes) or other disturbed areas subject to potential erosion have been permanently stabilized. Active sloughing, increased water turbidity and sediment in adjacent wetlands or waterways shall be evidence of insufficient stabilization.

6. All in-water work shall be conducted during low tidal stages. Low tidal stage is defined as a six hour period beginning three hours before low tide and ending three hours past low tide.

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3. Fill material shall consist of clean fill, free of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.), and free of toxic pollutants.

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

9. Geotextile fabric shall be placed under temporary fills areas. Once construction is complete, the geotextile fabric and temporary fill areas shall be removed in their entirety and the affected areas returned to pre-construction elevations.

10. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

11. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. 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.

12. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

Any condition incorporated by reference into this permit by General Condition 5, remains a condition of this permit unless expressly modified or deleted, in writing, by the District Engineer or his authorized representative.

#### Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. 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:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a revaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such 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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail 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.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Manie Crean

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

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FOR (DISTRICT COMMANDER) Colonel Reinhard W. Koenig Serena Sweet, Project Manager South Branch, Regulatory Division

8/19/11

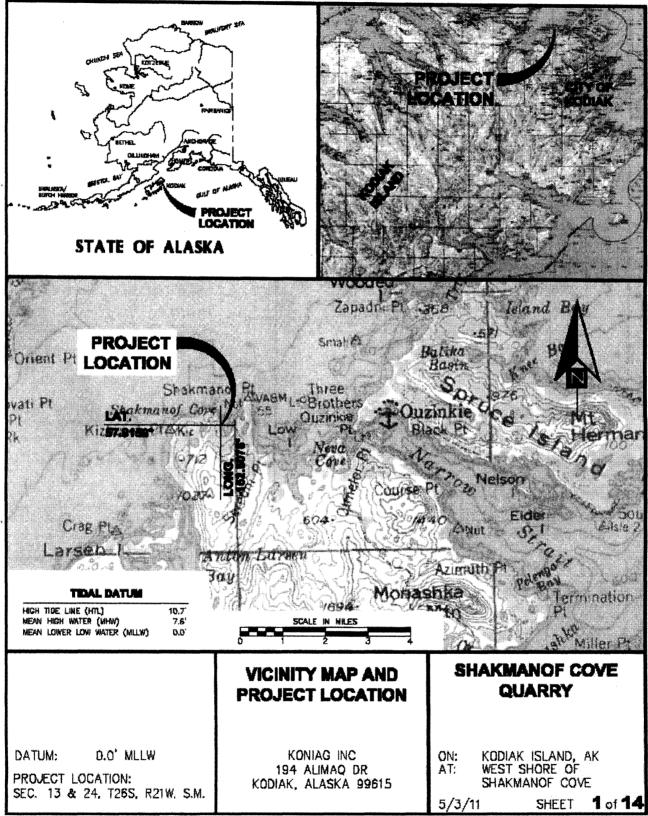
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

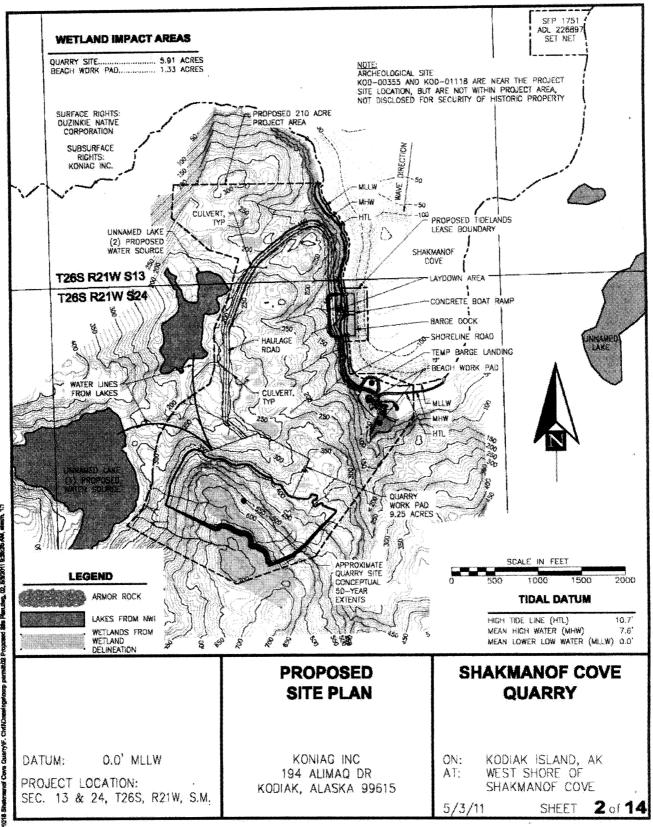
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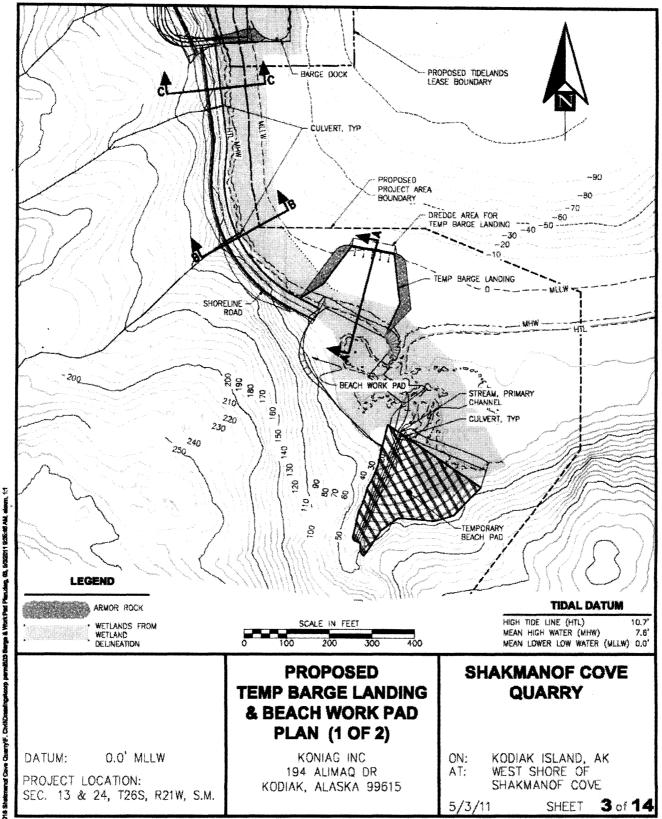
(33 CFR 325 (Appendix A))





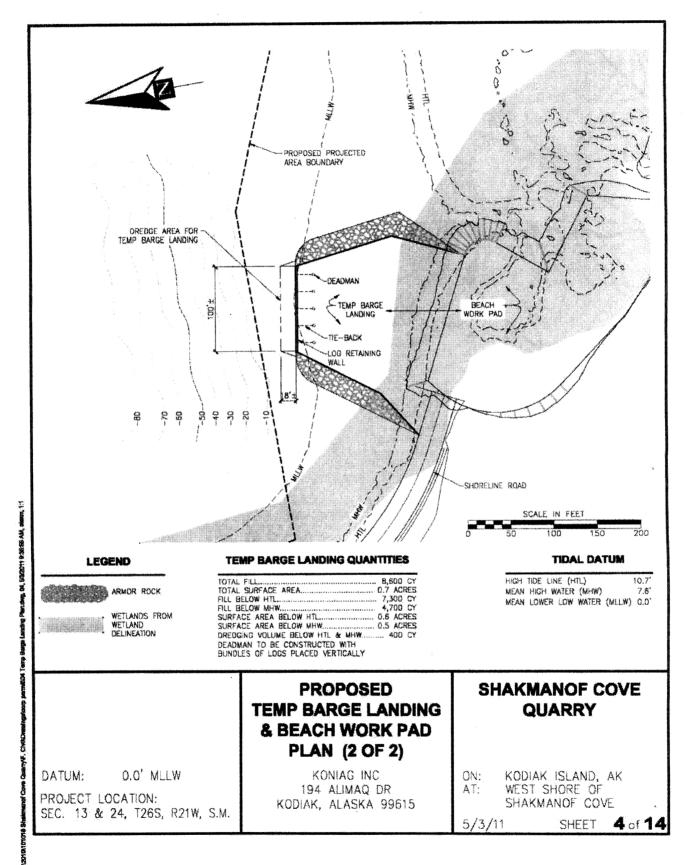
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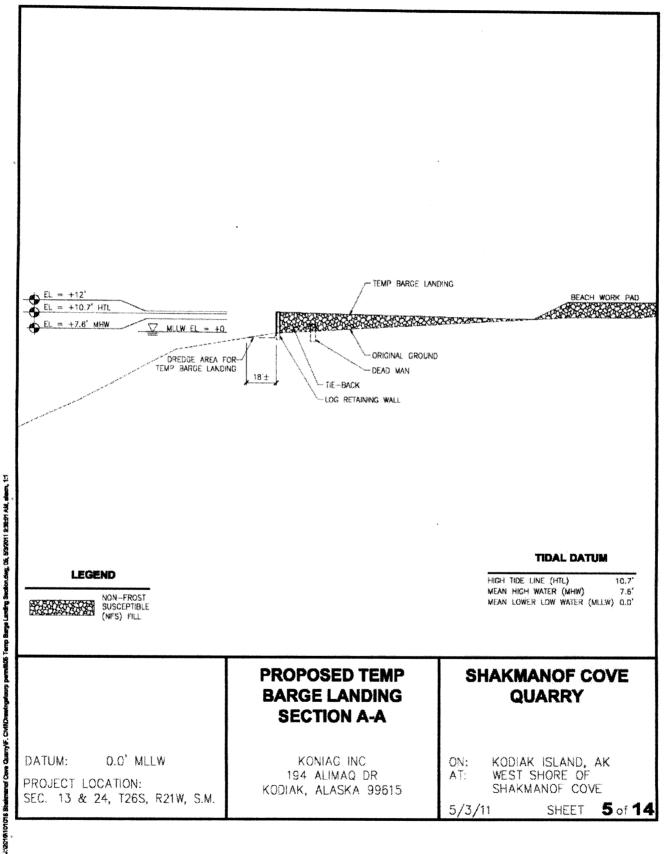
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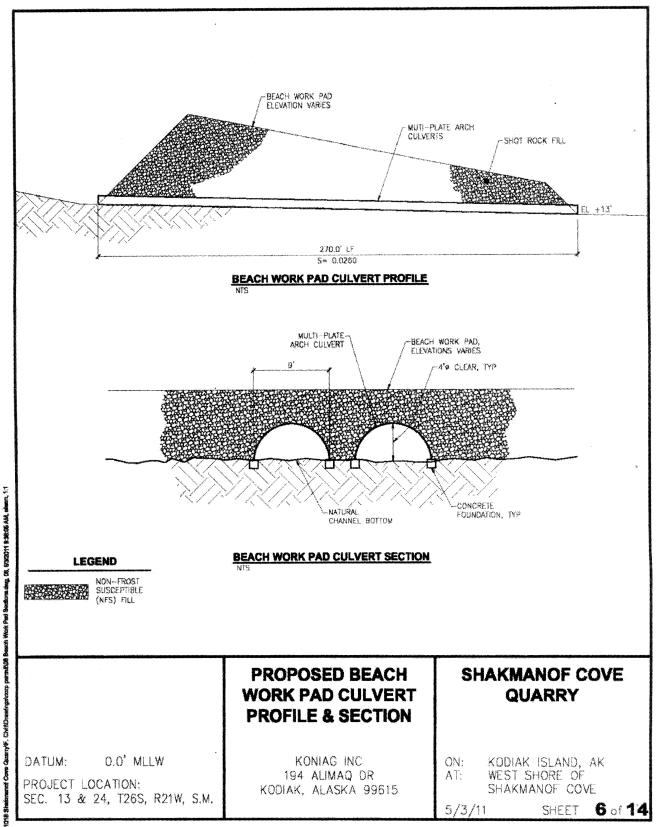


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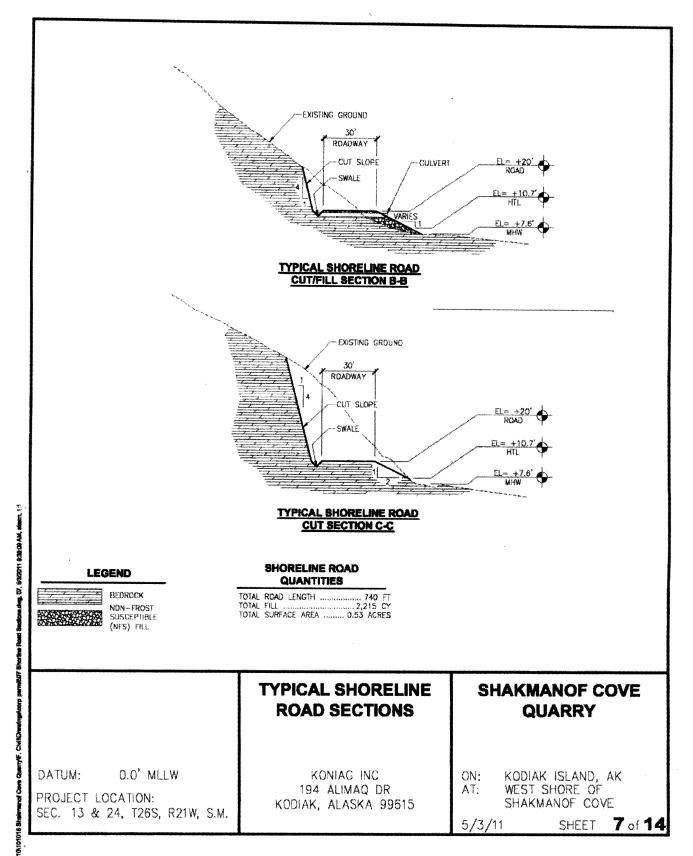
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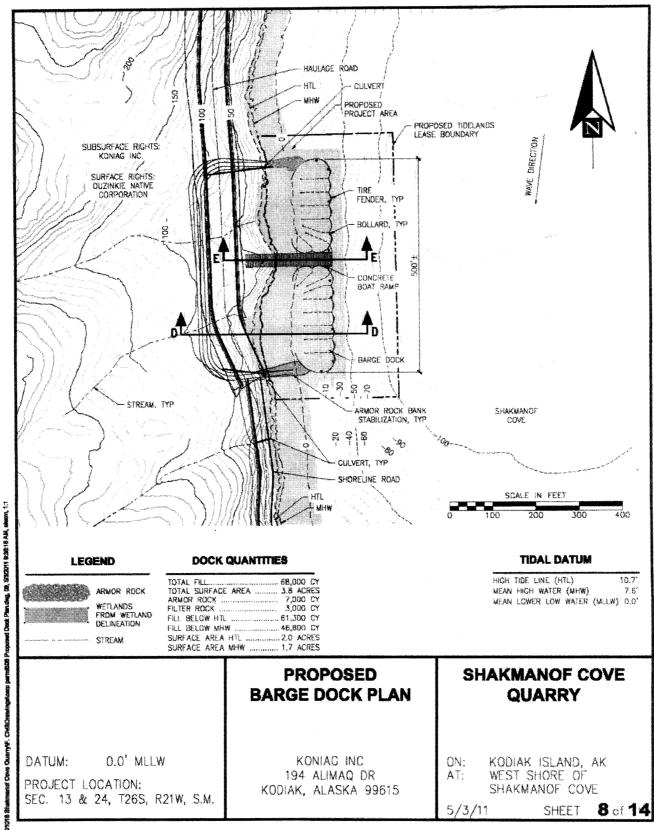




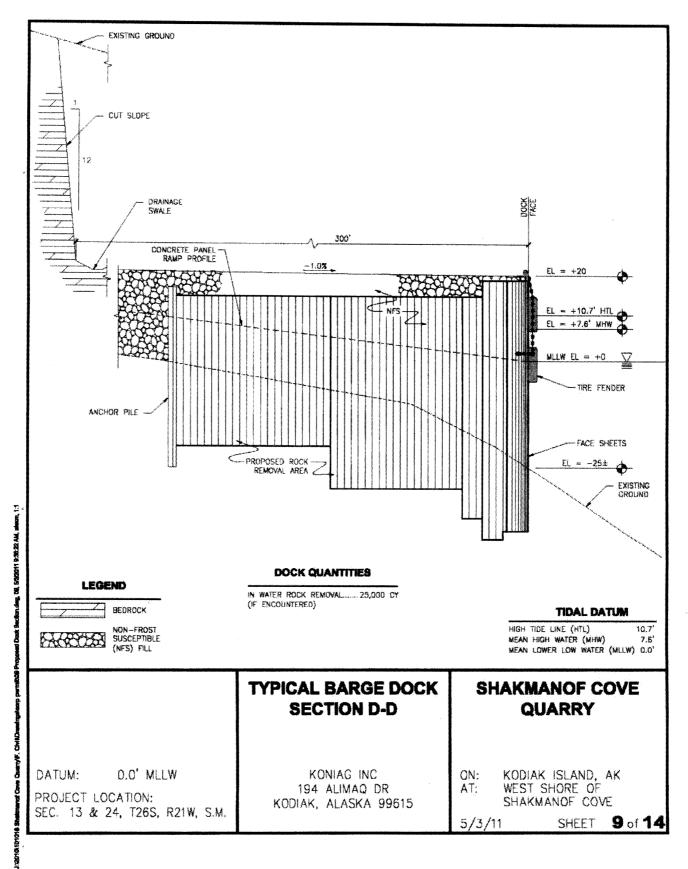


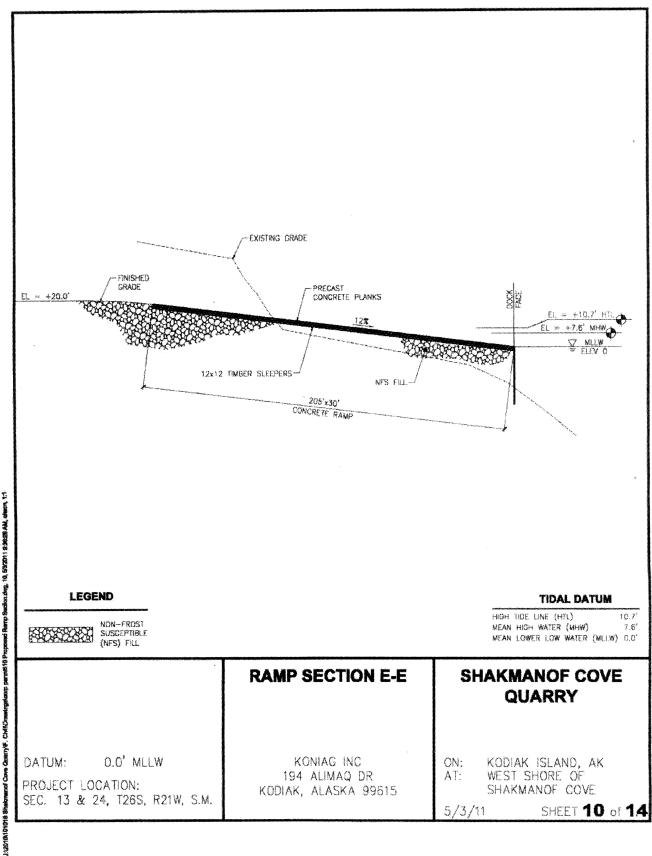
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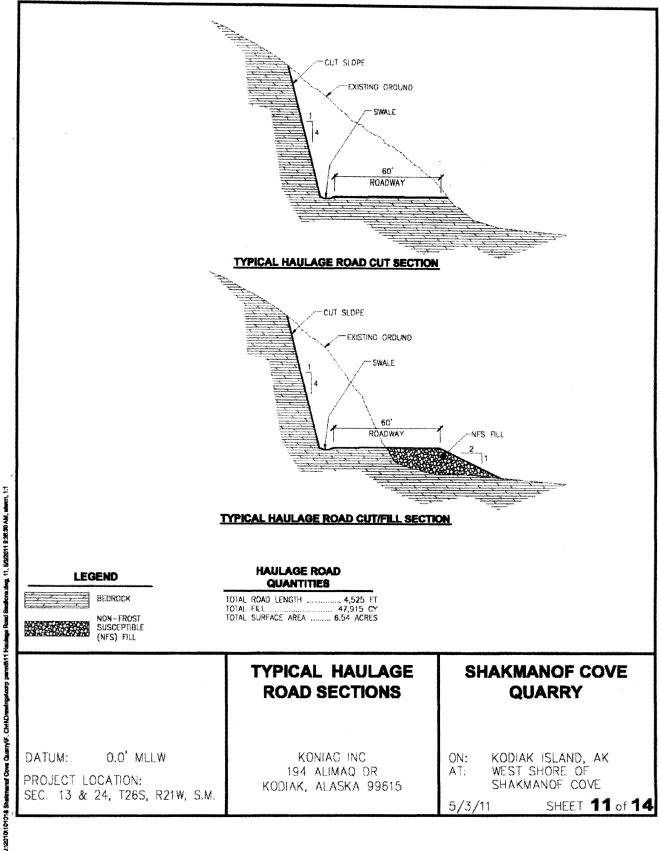


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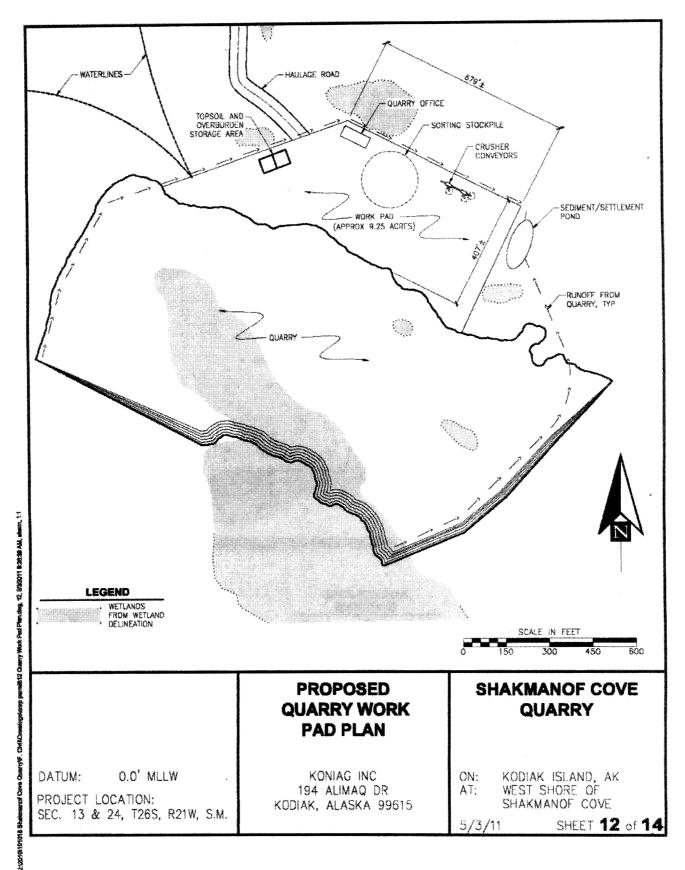


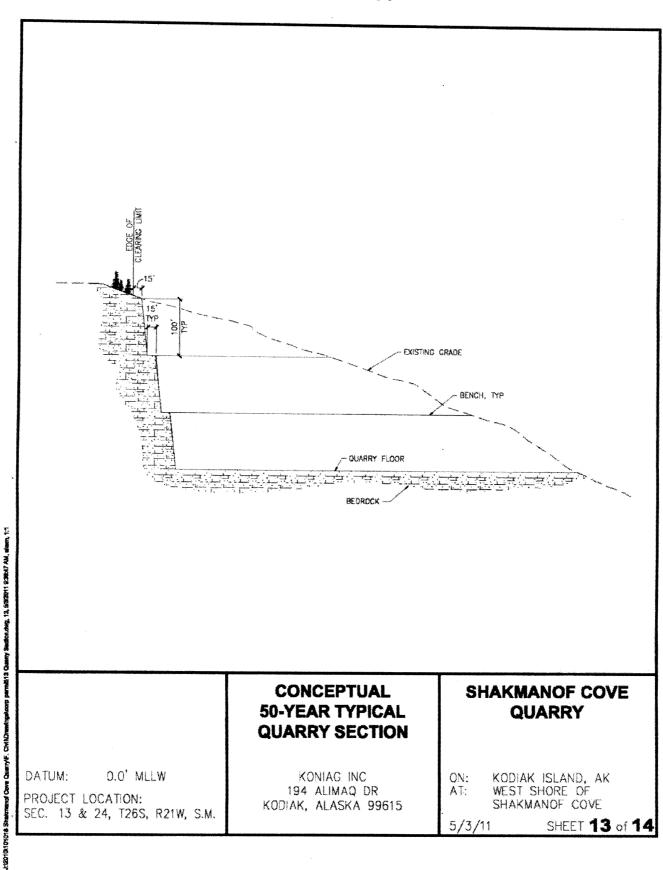


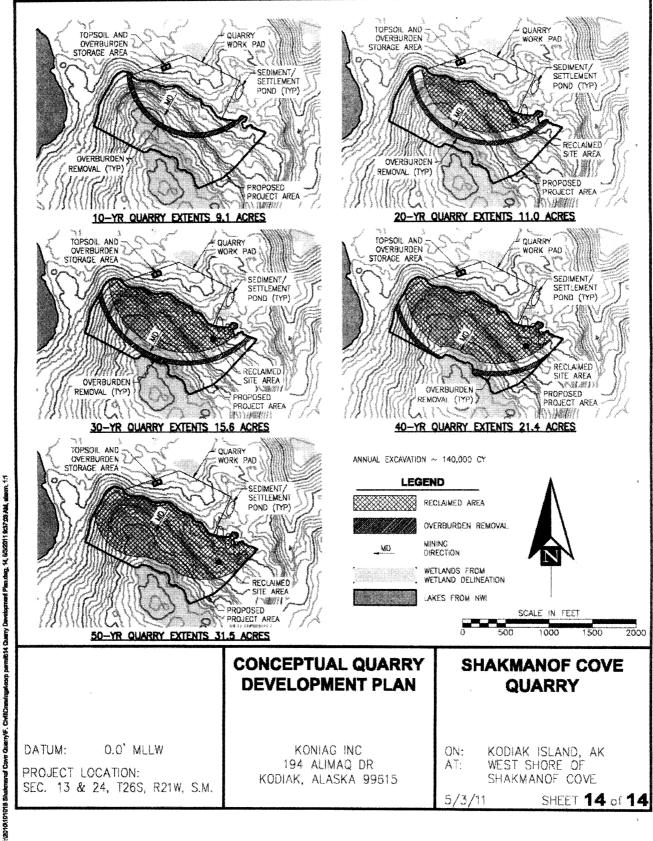
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# TATE OF ALASKA

# DEPT. OF ENVIRONMENTAL CONSERVATION

## **DIVISION OF WATER**

Wastewater Discharge Authorization Program

SEAN PARNELL, GOVERNOR

555 Cordova Street Anchorage, AK 99501-2617 Phone: (907) 269-6383 Fax: (907) 334-2415 TTY: (907) 269-7511 http://www.state.ak.us/dec/

August 8, 2011 Certified Mail 7000 0520 0020 2018 6953

Charlie C. Powers Koniag, Inc. 194 Alimag Drive Kodiak, AK 99615

Subject: Shakmanof Cove Koniag Quarry Reference No. POA-2010-496

Dear Mr. Powers:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance to provide access to a rock quarry southwest of Ouzinkie, Alaska.

Department of Environmental Conservation (DEC) regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit http://www.dec.state.ak.us/commish/ReviewGuidance.htm for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely.

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Program Manager

Enclosure (with encl.) cc: Steve Lindamood, USACE, Anch. Phil North, EPA, AK Operations Aurora Courtney, PND Engineers, Inc.

William Ashton, ADEC, Anch. Michael Daigneault, ADF&G/Habitat, Anch. Ann Rapport, USF&WS, Anch.

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