

DRAFT PROPOSED GENERAL PERMIT 1987-3-M6

Under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) the District Commander, Alaska District, U.S. Army Corps of Engineers (Corps) proposes to reauthorize General Permit (GP) 1987-3-M5. This GP 1987-3-M6 would authorize seasonal placement of mooring buoys on the Kasilof River, for the purpose of mooring fishing vessels during the commercial fishing season.

This GP is valid for a period of five years from the date of issuance. The District Commander (DC) of the Alaska District Corps of Engineers (Corps) may, at any time during this period, alter, modify, or revoke the permit if he deems such action to be in the public interest.

AUTHORIZED ACTIVITIES:

This GP authorizes the seasonal placement of mooring buoys and associated anchors and chains in the Kasilof River for the purpose of conducting commercial fishing operations.

ACTIVITIES NOT AUTHORIZED UNDER THE GP:

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 Corps.

The activities excluded from GP coverage would be subject to other established permit evaluation procedures available to the Corps.

INSPECTION:

The DC, or his 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 GP.

CONDITIONS OF THE GENERAL PERMIT: Each buoy owner (permittee) shall be required to obtain a letter from the Corps verifying their use of this GP. Verifications will be valid for a period of 2 years and may be extended by the permittee upon confirming their use of the permit.

All activities identified and authorized by this GP shall be consistent with the conditions listed below:

1. The permittee shall notify the Corps every two years regarding the use of the permitted buoy and any address changes. Individual verifications shall expire if the permittee does not use the authorized buoy location over two consecutive years, and/or if the permittee does not submit the required information to the Corps on the required date.
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, and 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 as well as 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).

4. All buoy locations and numbers shall be assigned by the Corps 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 Corps 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° 22.90' N, Longitude: 151° 17.24' 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° 23.18' N, Longitude: 151° 17.87' W.
5. The color of all buoys shall be white or international orange and shall be a minimum of 24 inches in diameter, clearly marked with the buoy number in black figures with a minimum of 2" 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. Regarding disputes involving the placement of buoys, the permittee agrees that the Corps' decision is final. The permittee agrees to take the action directed by the Corps in resolving such disputes including relocation or removal of the buoy.
8. The permittee agrees not to use any buoy for which the Corps 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 boats elsewhere until the conflict is resolved to the satisfaction of the DC.
9. The permittee shall maintain the activity authorized by this GP in good condition and in conformance with the terms and conditions of the GP. The permittee is not relieved of this requirement if the permitted activity is abandoned (i.e. permittee moves, etc.), although the permittee may make a good faith transfer to a third party in compliance with GC 10 below. Should the permittee wish to cease to maintain the authorized activity or desire to abandon it without a good faith transfer, approval from this office must be obtained.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 transferee. A letter must be received from the permittee requesting and authorizing the transfer. A second letter must be received from the transferee stating their agreement to comply with all terms and conditions of the GP. This written agreement must be included in the permit file for final authorization.
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) 463-2269.
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 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.

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.

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 GP, you must immediately notify this office, and the State Historic Preservation Office of what you have found. The Corps 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 GP. Failure to comply with the terms and conditions of this GP 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 GP 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 GP does not grant any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or infringement of Federal, State, or local laws or regulations.
2. This GP does not authorize the interference with any existing or proposed federal projects.
3. This authorization does not obviate the need for other Federal, State, and local permits, licenses, or approvals that may be required for the proposed work.

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 non-permitted 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 United States which are not contrary to the public interest.
3. Damages to persons, property, or to other permitted or non-permitted activities or structures caused by an activity authorized by this GP.
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:

A. Current Permittees:

For individuals that were authorized to place one or more mooring buoys in the Kasilof River under GP 1987-3-M5, authorization of GP 1987-3-M6 will be given without further public review provided the

permittee gives written notification of intended activity (NOIA) to the Corps regarding their intended use of the authorized buoy location and their agreement to comply with all terms and conditions of this GP.

The notification must include the following information²:

- 1) The current name, address and telephone number of the permittee;
- 2) The Kasilof River mooring buoy number and Corps file number;
- 3) Was the mooring buoy used during the previous 2 fishing seasons;
- 4) Intended use of the mooring buoy for the following fishing season;
- 5) Verification of the location of the proposed mooring buoy; and;
- 6) A statement verifying that the permittee has read and agrees to comply with all terms and conditions of the GP.

Following receipt of the required information the Corps will issue a letter of authorization to the permittee.

In order for the permittee to retain their authorization under GP 1987-3-M6, a notification of intended activity must be received by March 31 every two years.³

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 information:

- 1) The current name, address and telephone number of the project proponent;
- 2) The location and number of the preferred location for a 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 GP, the DC will determine whether or not the proposal:

- 1) Is consistent with the GP;
- 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 GP, which may include special conditions necessary to avoid and minimize impacts to the aquatic environment, or it does not qualify for the GP 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 A NOIA form is attached to this GP and can be returned to this office.

³ The dates the form must be received by our office are: March 31, 2015, March 31, 2017, and March 31, 2019.

The Corps may reevaluate its decision to issue a GP authorization to any person or agency 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 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 CF 326.4 and 326.5. The referenced enforcement procedures provide for 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.

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 GP with the issuance of a Public Notice. Should the DC revoke the GP 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 GP verifications should be revoked, suspended, or modified.

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

District Commander
U.S. Army, Corps of Engineers

**NOTIFICATION OF INTENDED ACTIVITY FORM FOR THE PLACEMENT
OF MOORING BUOYS IN THE KASILOF RIVER UNDER THE
CORPS OF ENGINEERS GENERAL PERMIT 1987-3-M6**

1. Contact Information:

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

2. Corps File Number _____

3. Mooring Buoy(s) Number _____

4. Was your buoy(s) used in the Kasilof for the previous 2 fishing seasons? Yes No
If no, which year(s) were your buoys not placed? _____

5. Do you intend to place the buoy in the Kasilof during the next fishing season? Yes No

6. Do you place your buoy in the assigned location authorized by the Corps? Yes No

7. Additional Comments:

By signing this, I am verifying that I have read and agree to comply with all terms and conditions of GP 1987-3-M6.

Signature: _____

Date: _____

PERMIT HOLDER	FILE NUMBER	MOORING BUOY NUMBER
Inlet Fish Producers, Inc.	POA-1984-242-B	1
Salamatof Fisheries, LLC	POA-1981-113-B	2
Pacific Star Seafoods	POA-1986-300-B	3, 4, 5
Pacific Star Seafoods	POA-1986-472-B	6
Icicle Seafoods, Inc.	POA-1986-352-B	7
Icicle Seafoods, Inc.	POA-1986-247-B	8, 9, 10
Pacific Star Seafoods	POA-1986-366-B	11
Snug Harbor Seafoods	POA-1982-161-B	12, 13
Dyer Van Devere	POA-1986-480-B	14
Salamatof Fisheries, LLC	POA-1982-655-B	15, 16
Salamatof Fisheries, LLC	POA-1982-104-B	17
The River Company LLC	POA-1982-199-B	18, 19, 20, 21, 22, 23, 24
Ronald Russell, Linda Wright	POA-1995-587-B	25
Heath Duncan	POA-1986-461-B	26
Inlet Fish Producers, Inc.	POA-1986-471-B	27
Inlet Fish Producers, Inc	POA-1986-478-B	28
Snug Harbor Seafoods	POA-1982-161-B	29, 30, 31, 32
Carl Hatten	POA-1986-460-B	33
Kelly Duncan	POA-1986-453-B	34
Freddie Blevins	POA-1986-346-B	35
Icicle Seafoods, Inc.	POA-1986-345-B	36
The River Company, LLC	POA-1986-458-B	37
The River Company, LLC	POA-1986-477-B	38
Frank Mullen	POA-1986-160-B	39
Icicle Seafoods, Inc.	POA-1986-378-B	40
David Martin	POA-1986-427-B	41
Pacific Star Seafoods	POA-1986-491-B	42, 43
Rosalie Garrouette	POA-1986-497-B	44
Kyle Lints	POA-1986-479-B	45
Carl Hatten	POA-2011-88	46
The Auction Block, Co.	POA-2005-897-B	47
Ronald Russell	POA-2005-900-B	48
Mr. Stacy Arbelovsky	POA-1986-209-B	49, 50
Debra Holle Brown	POA-1986-148-B	51, 52
The River Company, LLC	POA-1986-502-B	53
Tony Western	POA-1986-283-B	54
Inlet Fish Producer, Inc.	POA-1985-257-B	55
Roland Maw	POA-1986-489-B	56
TO REMAIN VACANT*	POA-1985-192-B	57
Dorius and Helen Carlson	POA-1978-049-B	58
Snug Harbor Seafoods	POA-1978-049-B	59, 60
Inlet Fish Producers, Inc.	POA-1986-401-B	61, 62
Bruce Gabrys	POA-1986-282-B	63
Ken Duffus	POA-1994-1109-B	64
Bruce Gabrys	POA-1986-279-B	65
Rion Vanek,	POA-1986-464-B	66
John D. McCombs	POA-1986-465-B	67
Inlet Fish Producers	POA-1986-496-B	68
Pacific Star Seafoods	POA-1986-491-B	69, 70, 71

Icicle Seafoods, Inc.	POA-1992-229-B	72
Inlet Fish Producers, Inc.	POA-2005-902-B	73
Pacific Star Seafoods	POA-1986-300-B	74, 75
Icicle Seafoods, Inc.	POA-1986-521-B	76
Jack Hughes	POA-1986-536-B	77
Steve Webb	POA-1986-494-B	78
Cosmo Mercurio	POA-1986-404-B	79, 80
The River Company, LLC	POA-1986-389-B	81, 82
Kasilof Riverside Properties	POA-1986-416-B	83, 84
Kasilof Riverside Properties	POA-1965-37-B	85, 86, 87, 88, 89, 90, 91, 92, 93, 94
Icicle Seafoods Inc	POA-1986-538-B	95
Rick Oldham	POA-1986-557-B	96
The River Company, LLC	POA-1986-559-B	97
Inlet Fish Producers, Inc.	POA-1987-273-B	98, 99, 100, 101, 102, 103
Great Pacific Seafood	POA-1987-659-B	104
The Auction Block, Co.	POA-1988-215-B	105
Dave Beck	POA-1988-214-B	106
Pacific Star Seafoods	POA-1988-213-B	107
Daniel A. Smith, Jr.	POA-1988-217-B	108
Dyer Van Devere	POA-1988-212-B	109
Icicle Seafoods, Inc.	POA-1988-216-B	110
Icicle Seafoods, Inc.	POA-1988-552-B	111
Icicle Seafoods, Inc.	POA-1988-551-B	112
The Auction Block, Co.	POA-1988-553-B	113
Kurt Weichand	POA-1988-550-B	114
Icicle Seafoods, Inc.	POA-1988-554-B	115
The Auction Block, Co.	POA-1988-555-B	116
The Auction Block, Co.	POA-1989-354-B	117
Snug Harbor Seafoods	POA-1990-415-B	118
Icicle Seafoods, Inc.	POA-1990-415-B	119
Pacific Star Seafoods	POA-1990-415-B	120
Snug Harbor Seafoods	POA-1990-416-B	121