

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

MAY - 3 2007

Regulatory Division POA-1990-114-R

Mr. Greg Meissner City of Wrangell Port and Harbors Department Post Office Box 531 Wrangell, Alaska 99929-0531

Dear Mr. Meissner:

Enclosed is the signed Department of the Army permit, file number POA-1990-114-R, Zimovia Strait, which authorizes the placement of 123,923 cubic yards of material in 3.40 acres of intertidal area for expansion of the port staging area. The project site is located within Section 25, T. 62 S., R. 83 E., Copper River Meridian; Latitude 56.4363° N., Longitude 132.5636° W.; in Wrangell, 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.

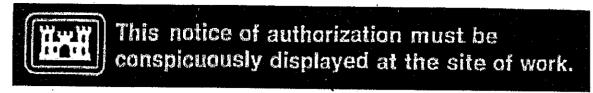
You may contact me via email at nicole.m.hayes@poa02.usace.army.mil, by mail at the address above, by phone at (907) 753-2712, or toll free from within Alaska at (800) 478-2712, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Nicole Hayes

Regulatory Specialist

Enclosures



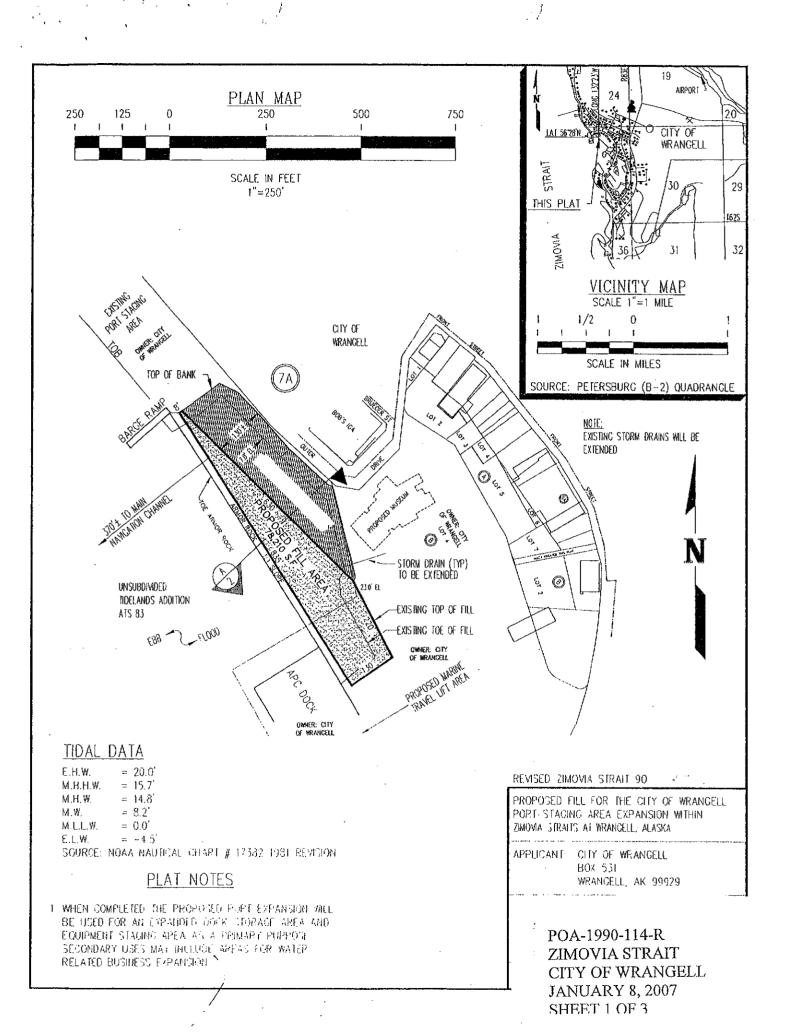
United States Army Corps of Engineers ZIMOVIA STRAIT

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

A permit to: PLACE 123,923 CY OF EXPANSION	MATERIAL IN 3.40 ACRES FOR PORT STAGING AREA
at: LATITUDE 56.4363°N., LONGITUIR. 83 E., C.R.M.	DE 132.5636°W., SECTION 25, T. 62 S.,
has been issued to: CITY OF WRAN	gell on: MAY - 3 2007
Address of Permittee: POST OFFIC	E BOX 531, WRANGELL, AK 99929
Permit Number	nucoletains
POA-1990-114-R	FOR: District Commander NICOLE HAYES

REGULATORY SPECIALIST REGULATORY DIVISION

(Proponent: CECW-O)



# APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)

OMB APPROVAL NO. 0710-0003 Expires December 31, 2004

(Proponent: CECW-OR)

The Public burden for this collection of information is sestimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of Information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

# PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection , Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be ret

	THRU	4 TO BE FILLED BY THE CORPS)		
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETES	
	(ITEMS BELOW	TO BE FILLED BY APPLICANT)		
5. APPLICANT'S NAME		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)		
City of Wrangell		Greg Meissner, Harbormaster		
8. APPLICANT'S ADDRESS		9. AGENT'S ADDRESS		
P.O. Box 531 Wrangell, Alaska 99929		P.O. Box 531 Wrangell, Alaska 99929		
7. APPLICANT'S PHONE NOS. W/AREA CODE		10 AGENT'S PHONE NOS IN	10 ACENTE DUCNE MOD WILDE	
a. Residence office (907)874-3736			10. AGENT'S PHONE NOS. W/AREA CODE	
b. Business cell (907)723-1019		1	a. Residence office (907)874-3736 b. Business cell (907)723-1019	
11			907)723-1019	
hereby authorize, Greq Meis	sner	T OF AUTHORIZATION	in the processing of this application and to	
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2. PROJECT NAME OR TITLE (see in Proposed Fill Withing)  3. NAME OF WATERBODY. IF KNOWN Zimovia Strait  5. LOCATION OF PROJECT Wrangell COUNTY  6. OTHER LOCATION DESCRIPTION Seaward of mill yard,  7. DIRECTIONS TO THE SITE	NAME, LOCATION AND DI Instructions; In Zimovia Strait  DWN III applicable!  Alaska  STATE  PNS, IF KNOWN, Issee instructions; Bob's IGA. Between miles  and the Museum, along	14. PROJECT STREET ADDRES	and behind city dock.	

EDITION OF FEB 94 IS OBSOLETE.

ENG FORM 4345, Jul 97

18. Nature of Activity (Description of project, Include all features)
Applicant proposes to fill 204,335 S.F. of wetlands with clean shot or granular fill.  Applicant proposes to place approximately 191,310 cubic yards by end dump at low tide and t protect the fill with armour rock.
19. Project Purpose (Describe the reason or purpose of the project, see instructions)
To further enhance the City of Wrangell's Port area. This will provide for expansion for the barge companies and the municipal Travelift and Boat Repair Facility and possibly the Inter Island Ferry Facility, all as part of Wrangell's economic plan.
USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED
20. Reason(s) for Discharge To increase the size of the port staging area where the barge companies operate. This fill will also provide the much needed space for the Marine Travelift and Vessel Repair Facility which is part of the Port's economic master plan. The Inter-Island Ferry Authority is also interested in locating their facility in this location: another economic booster to Wrangel
21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards
191,310 cubic yards of clean shot rock or granular fill 4,500 cubic yards of armour rock (riprap)
22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)
204,335 square feet (4.7 acres)
23. Is Any Portion of the Work Already Complete? Yes No X IF YES, DESCRIBE THE COMPLETED WORK  24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here,
please attach a supplemental list).  City of Wrangell  Box 531  Wrangell, Alaska 99929
25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.
AGENCY TYPE APPROVAL* IDENTIFICATION NUMBER DATE APPLIED DATE APPROVED DATE DENIED
A.C.P.Q. Being applied for concurrently with this application
*Would include but is not restricted to zoning, building and flood plain permits
26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.
SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE
The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully faisifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

# DEPARTMENT OF THE ARMY PERMIT

Permittee:	City of Wrangell
Permit No.:	POA-1990-114-R, Zimovia Strait

**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.

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

**Project Description**: To discharge approximately 122,158 cubic yards (CY) of shot rock and 1,765 CY of riprap in 3.40 acres of intertidal area.

All work will be performed in accordance with the attached plan, sheets [1-3], dated January 8, 2007.

**Project Location**: The project site is located within section 25, T. 62 S., R. 83 E., Copper River Meridian; Latitude 56.4363° N., Longitude 132.5636° W.; in Wrangeli, Alaska.

#### Permit Conditions:

# **General Conditions:**

- 1. The time limit for completing the work authorized ends on <u>May 31, 2012</u>. 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.
- 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. No in-water work shall be permitted from March 15 through June 15 of any year to protect out-migrating salmon and spawning herring.

- 2. All demolition concrete shall be washed of fine particles before placement in the fill area, all exposed rebar shall be removed and it shall be capped with a minimum of twelve inches of clean granular, clay, and/or shot rock material. The lead edge of the fill shall be armored with large, angular riprap to prevent erosion.
- 3. Fill shall be placed during low tidal stages to the maximum extent practicable.
- 4. 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.
- 5. 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.
- 6. As compensatory mitigation, the permittee agrees to dedicate 9.38 acres of tidelands (identified on sheet 3, dated January 8, 2007) into a restrictive covenant or conservation easement. The restrictive covenant or conservation easement shall be recorded with the Ketchikan Recording District, including the drawing and legal description. Proof of this recording shall be provided to the Corps of Engineers, prior to construction, at the following address:

U.S. Army Corps of Engineers CEPOA-RD P.O. Box 6898 Elmendorf AFB, AK 99506-0898

7. You must take the actions required to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

**Special Information:** 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,
- 3. 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.
- 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.

(PERMITTEE) AND TITLE (DATE)

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

FOR: (DISTRICT ENGINEER) COL KEVIN J. WILSON
NICOLE HAYES, REGULATORY SPECIALIST
EAST BRANCH, REGULATORY DIVISION

May 3, 2007
(PDATE)

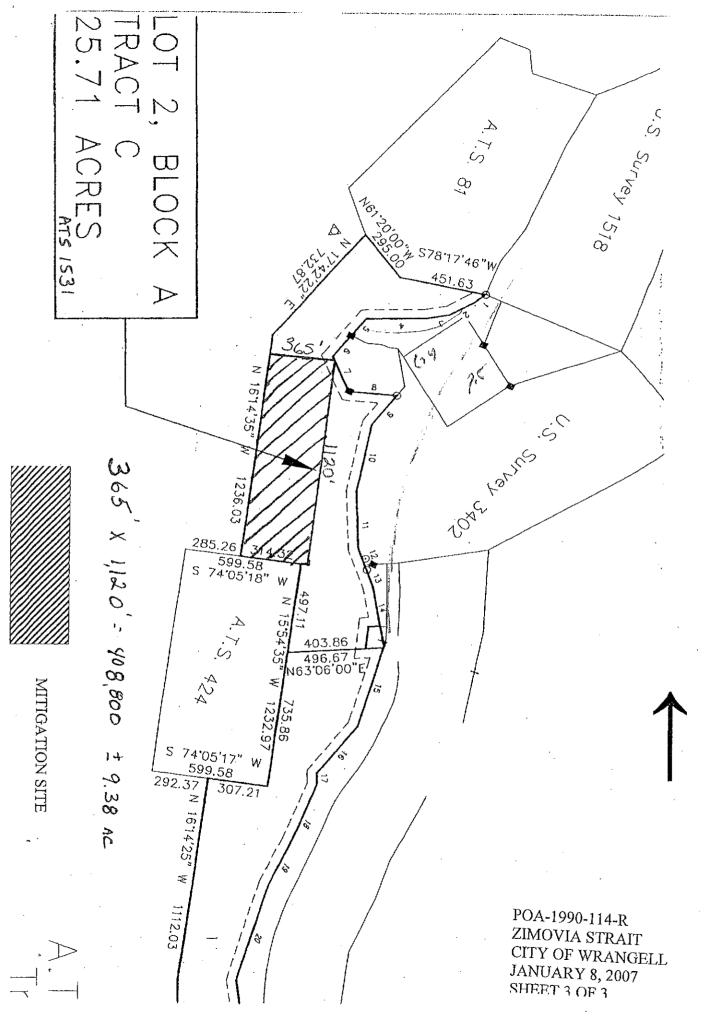
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

(TRANSFEREE) (DATE)

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE

(33 CFR 325 (Appendix A))



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