



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers
SITKALIDAK STRAIT

A permit to: REPLACE DETERIORATED STRUCTURES AND CONSTRUCT IMPROVEMENTS,
INCLUDING A BOAT RAMP AND BOAT GRID, TO THE EXISTING HARBOR

at: SECTION 29, T. 34 S., R. 25 W., SEWARD MERIDIAN; USGS QUAD MAP
KODIAK A-4; LATITUDE 57.2056° N., LONGITUDE -153.3029° W.; AT THE HARBOR
IN OLD HARBOR, ALASKA

has been issued to: CITY OF OLD HARBOR

on: MAY 14, 2009 **and expires on:** MAY 31, 2009

Address of Permittee: POST OFFICE BOX 109, OLD HARBOR, ALASKA 99643

Permit Number:

POA-1972-44-M1

FOR: *John Klutz*
District Commander
JOHN KLUTZ
PROJECT MANAGER
REGULATORY DIVISION

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



REPLY TO
ATTENTION OF:

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

Regulatory Division
POA-1972-44-M1

Mr. Rick Berns
City Mayor
City of Old Harbor
Post Office Box 109
Old Harbor, Alaska 99643-0109

Dear Mr. Berns:

Enclosed is the signed Department of the Army permit, file number POA-1972-44-M1, Sitkalidak Strait, which authorizes the replacement and improvements to the existing harbor. The project site is located within Section 29, T. 34 S., R. 25 W., Seward Meridian; USGS Quad Map Kodiak A-4; Latitude 57.2056° N., Longitude -153.3029° W.; at the harbor in Old Harbor, 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 john.r.klutz@usace.army.mil, by mail at the address above, by phone at (907) 753-5553, 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,


John Klutz
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Old Harbor

Permit No.: POA-1972-44-M1, Sitkalidak Strait

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:

STRUCTURES TO BE REMOVED:

- An existing 12-foot by 450-foot main floating dock and 7 floating finger piers each 8-foot by 85-foot.
- An existing trestled pier, 6-foot wide by 104-foot long with a 6-foot wide by 50-foot-long gangway access.
- All associated pilings would be removed by vibrating them out or cutting them off at the mud line.

STRUCTURES TO BE PLACED:

All floats would be constructed with a combination of Polystyrene and treated timber.

- A 12-foot by 92-foot timber trestled access pier, with a 6-foot by 80-foot aluminum gangway access ramp down to a 20-foot by 20-foot gangway float connected to the base float.
- A U-shaped mooring facility with a base floating dock 10-foot by 185-foot, connected to a 10-foot by 380-foot (northeast side) floating dock and a 10-foot by 370-foot (northwest side) floating dock to accommodate 32 permanent slips plus skiff and transient mooring. The floats would have steel pilings holding them into place.
- On the northwest side of the mooring facility place 7 floating docks, 4-foot wide by 24-foot long with associated pilings.
- On the northeast side of the facility place floating docks of the following sizes: three 5-foot by 40-foot; two 6-foot by 50-foot and three 6-foot by 60-foot.
- For additional access to the northeast side float construct a 12-foot by 24-foot timber supported trestle [above High Tide Line (HTL)], a 6-foot by 60-foot aluminum gangway and a 10-foot by 12-foot gangway float attached to the mooring facility.
- On the northeast side of the harbor, adjacent to the proposed launch ramp, install; an 8-foot by 135-foot boarding floating dock; attached (L shaped) to another 8-foot by 95-foot boarding floating dock; attached to a 20-foot wide by 32-foot long floating fish cleaning station.
- Southwest of an existing dock that is adjacent to the proposed boat launch, construct a timber boat grid structure 22-foot wide by 80-foot long, including a steel pile supported 4-foot by 80-foot catwalk.

DREDGE:

- 180 cubic yards (CY) of earthen materials from below the HTL and Mean High Water

DISCHARGE:

- 180 CY of dredged materials below the HTL by utilizing it to create a smooth surface for the proposed launch ramp.
- Place an additional 100 CY of earthen base material below the HTL to support 42 CY of concrete planks to create a 15-foot by 150-foot launch ramp.

A total of 0.095-acre below the HTL would be filled.

All work will be performed in accordance with the attached plan, sheets [1-10], dated January 13, 2009, or with a revision date of April 16, 2009.

Project Location: The project is located within Section 29, T. 34 S., R. 25 W., Seward Meridian; USGS Quad Map Kodiak A-4; Latitude 57.2056° N., Longitude -153.3029° W.; at the harbor in Old Harbor, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **April 30, 2019**. 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. 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.

2. 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 (dpw), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.

3. 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.

4. To reduce turbidity, dredging and discharges of fill materials shall occur during periods of low tides and wave action.

5. Pile driving will be accomplished with a vibratory hammer to the extent practicable. An impact hammer may be used for proofing.

6. Blasting shall not be used to install piling.

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).

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 reevaluation 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.

Robt Ben MAJOR
(PERMITTEE) AND TITLE

5-6-09
(DATE)

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

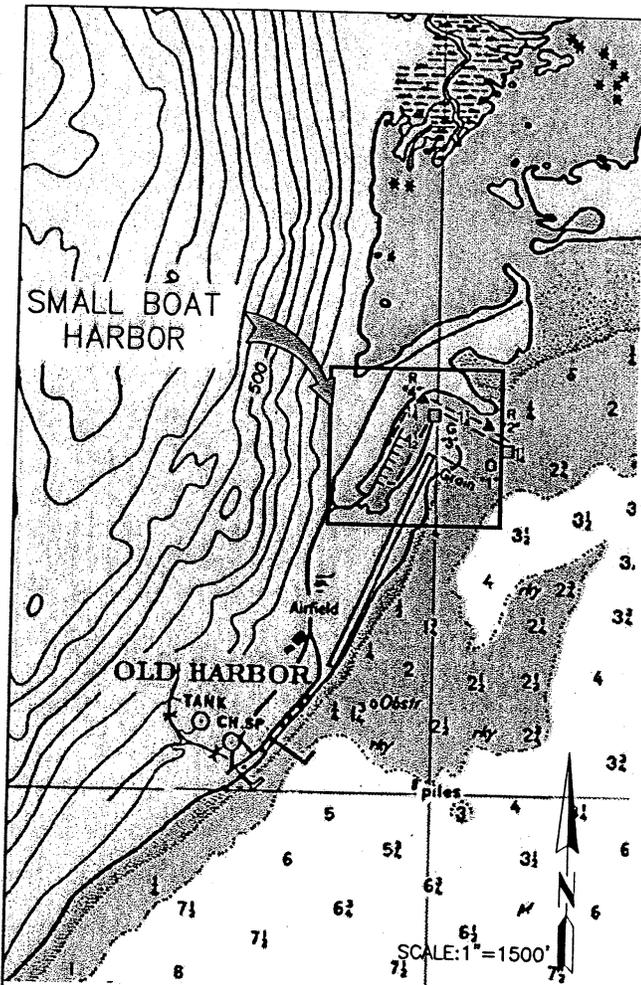
John R Klutz
FOR (DISTRICT COMMANDER)
Colonel Kevin J. Wilson
John R. Klutz, Project Manager
Regulatory Division

5/14/09
(DATE)

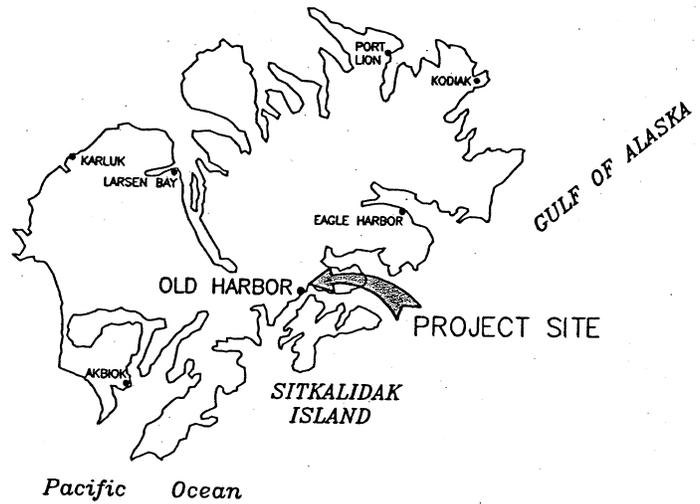
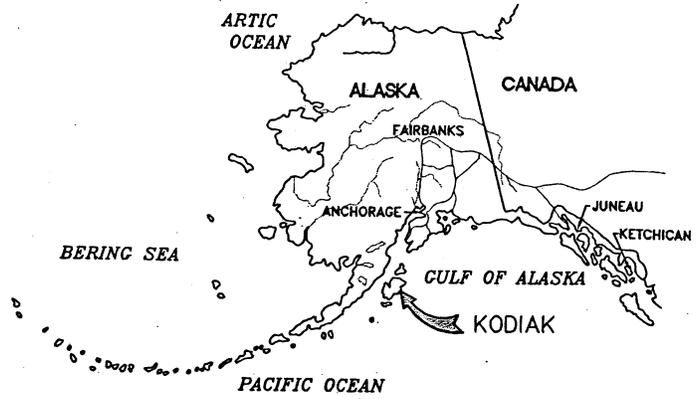
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

(TRANSFEREE)

(DATE)



TAKEN FROM NAUTICAL CHART 16592_2



TIDAL INFORMATION	
BASED ON THREE SAINTS BAY/KODIAK	
ESTIMATED MAX. HIGH WATER	13.09'
HIGH TIDE LEVEL (HTL)	10.7'
MEAN HIGH HIGH WATER (M.H.H.W.)	8.3'
MEAN HIGH WATER (M.H.W.)	7.7'
MEAN LOW WATER (M.L.W.)	1.2'
MEAN LOW LOW WATER (M.L.L.W.)	0.00'
ESTIMATED MAX. LOW WATER	-3.0'

PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

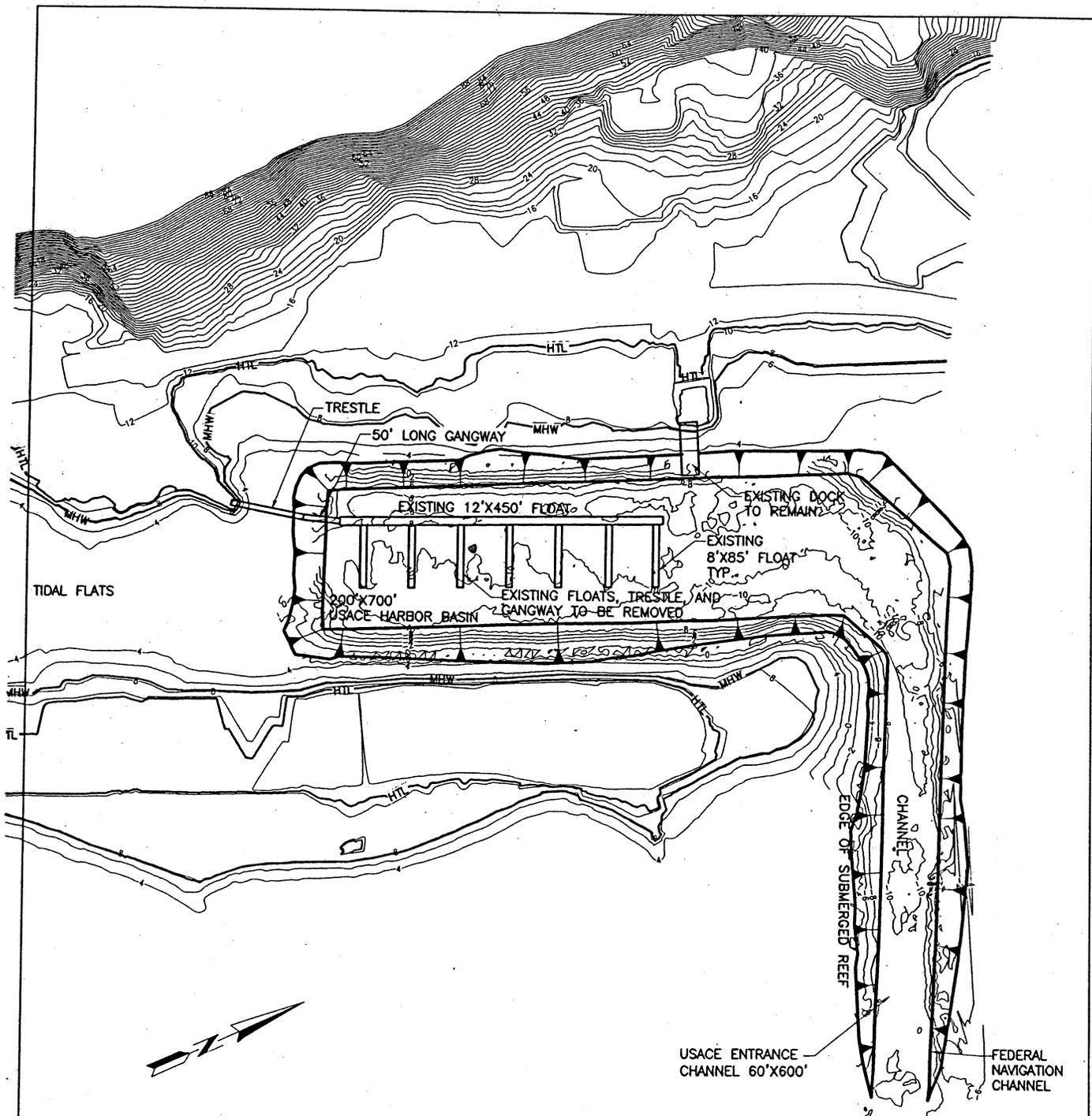
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF OLD HARBOR
OFFSHORE: CITY OF OLD HARBOR

VICINITY MAP

CITY OF OLD HARBOR
P.O. BOX 109
OLD HARBOR, ALASKA

CITY OF OLD HARBOR
POA-1972-44-M
SITKALIDAK STRAIT
JANUARY 13, 2009
SHEET 1 OF 10



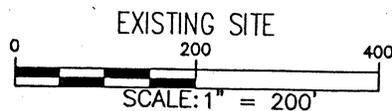
HTL (HIGH TIDE LEVEL) = 10.7'
 MHW (MEAN HIGH WATER) = 7.7'

PURPOSE:
 SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

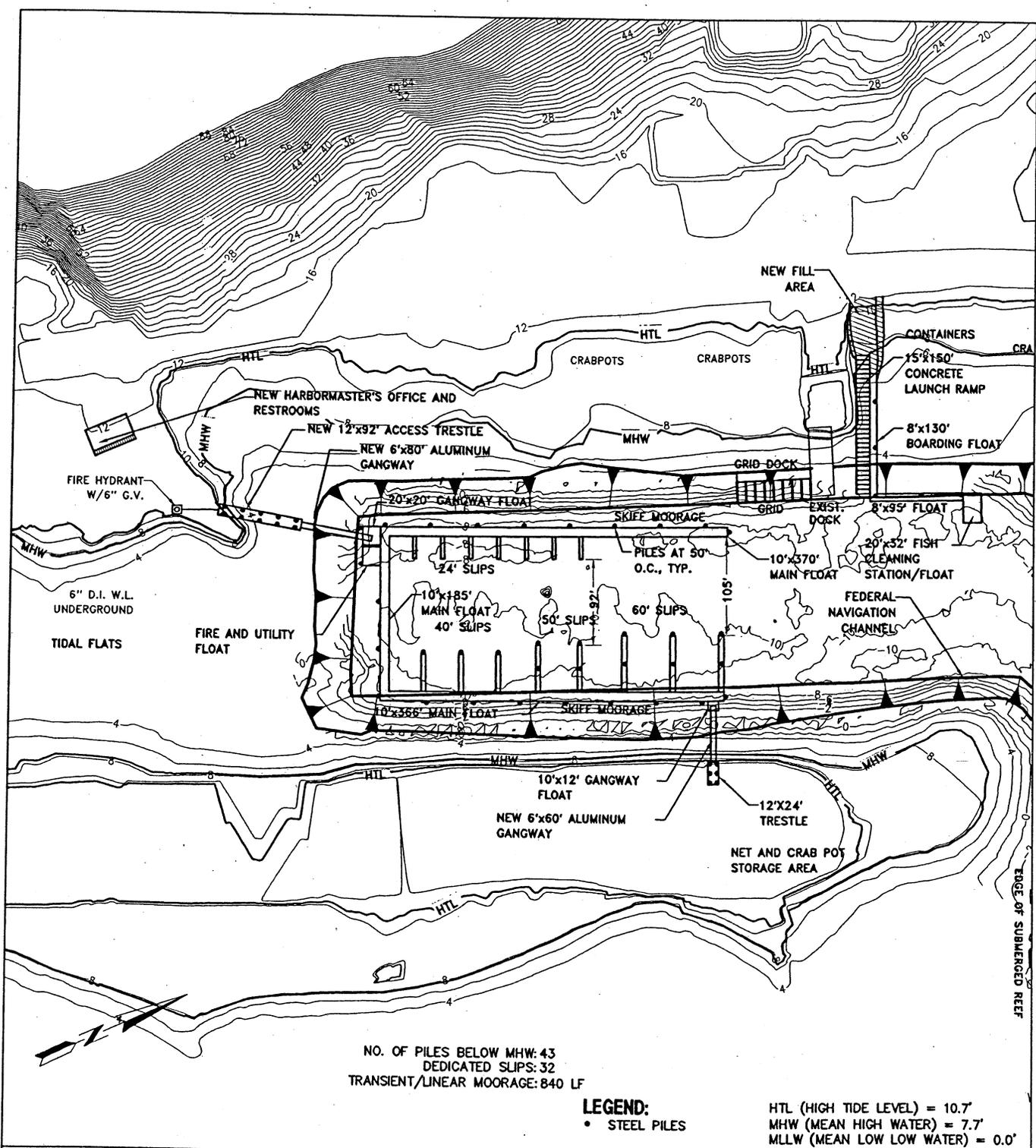
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
 UPLANDS: CITY OF OLD HARBOR
 OFFSHORE: CITY OF OLD HARBOR



CITY OF OLD HARBOR
 P.O. BOX 109
 OLD HARBOR, ALASKA

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NO. OF PILES BELOW MHW: 43
 DEDICATED SLIPS: 32
 TRANSIENT/LINEAR MOORAGE: 840 LF

LEGEND:
 • STEEL PILES

HTL (HIGH TIDE LEVEL) = 10.7'
 MHW (MEAN HIGH WATER) = 7.7'
 MLLW (MEAN LOW LOW WATER) = 0.0'

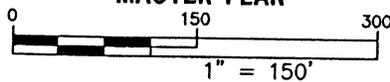
PURPOSE:
 SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

DATUM: M.L.L.W. = 0.0'

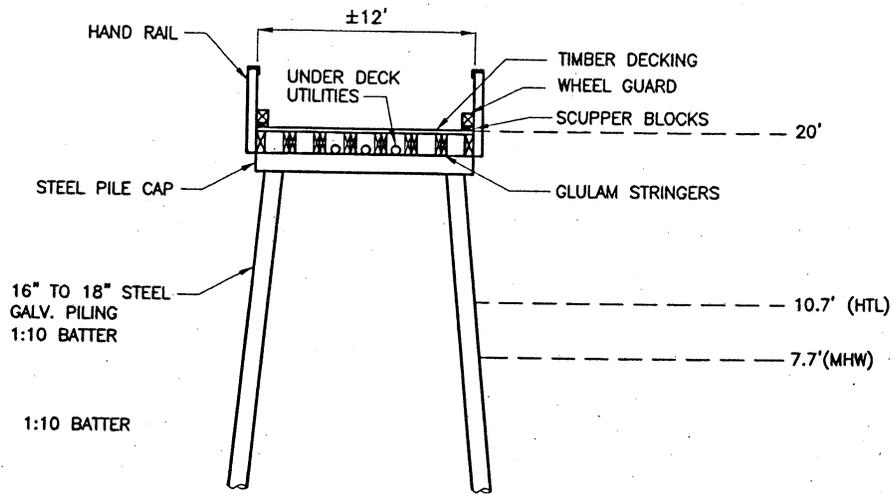
ADJACENT PROPERTY OWNERS:
 UPLANDS: CITY OF OLD HARBOR
 OFFSHORE: CITY OF OLD HARBOR

**SMALL BOAT HARBOR
 MASTER PLAN**

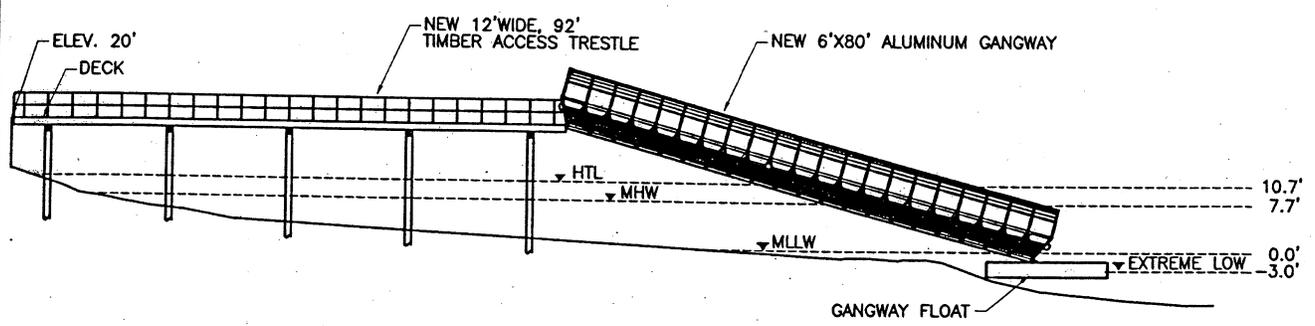
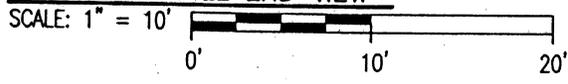


CITY OF OLD HARBOR
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CITY OF OLD HARBOR
 POA-1972-44-M
 SITKALIDAK STRAIT
 JANUARY 13, 2009
 SHEET 3 OF 10

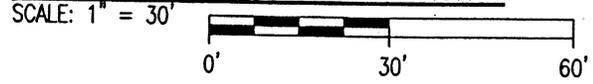


TYPICAL TRESTLE END VIEW



HTL (HIGH TIDE LEVEL) = 10.7'
 MHW (MEAN HIGH WATER) = 7.7'

TRESTLE AND GANGWAY ELEVATION



PURPOSE:
 SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

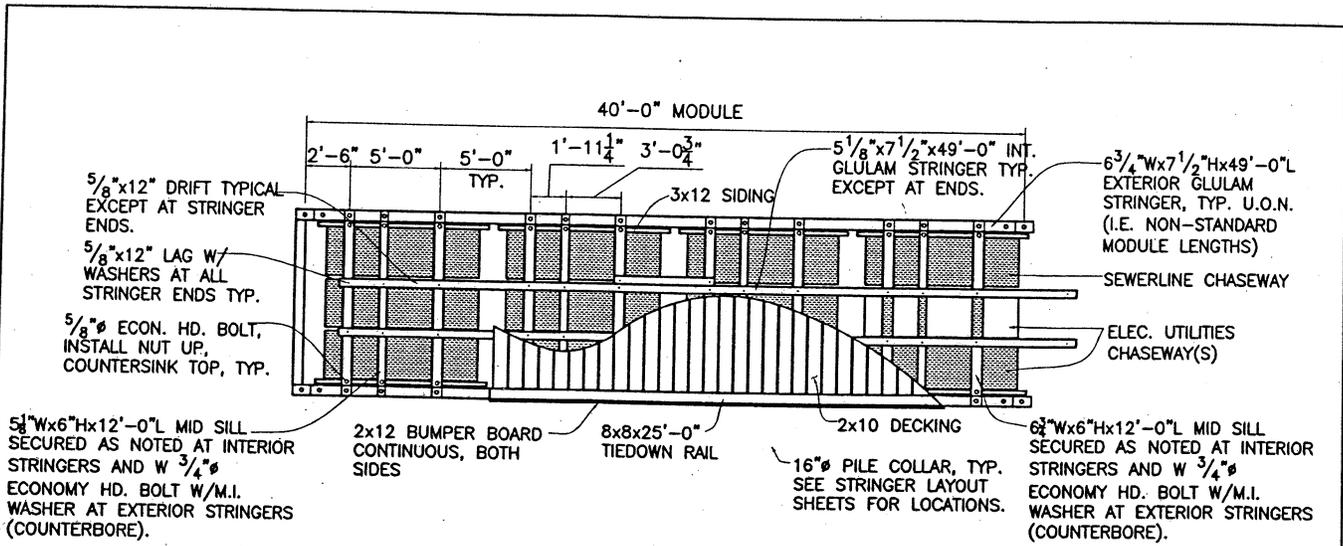
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
 UPLANDS: CITY OF OLD HARBOR
 OFFSHORE: CITY OF OLD HARBOR

HARBOR TRESTLE END VIEW &
 TRESTLE GANGWAY ELEVATION

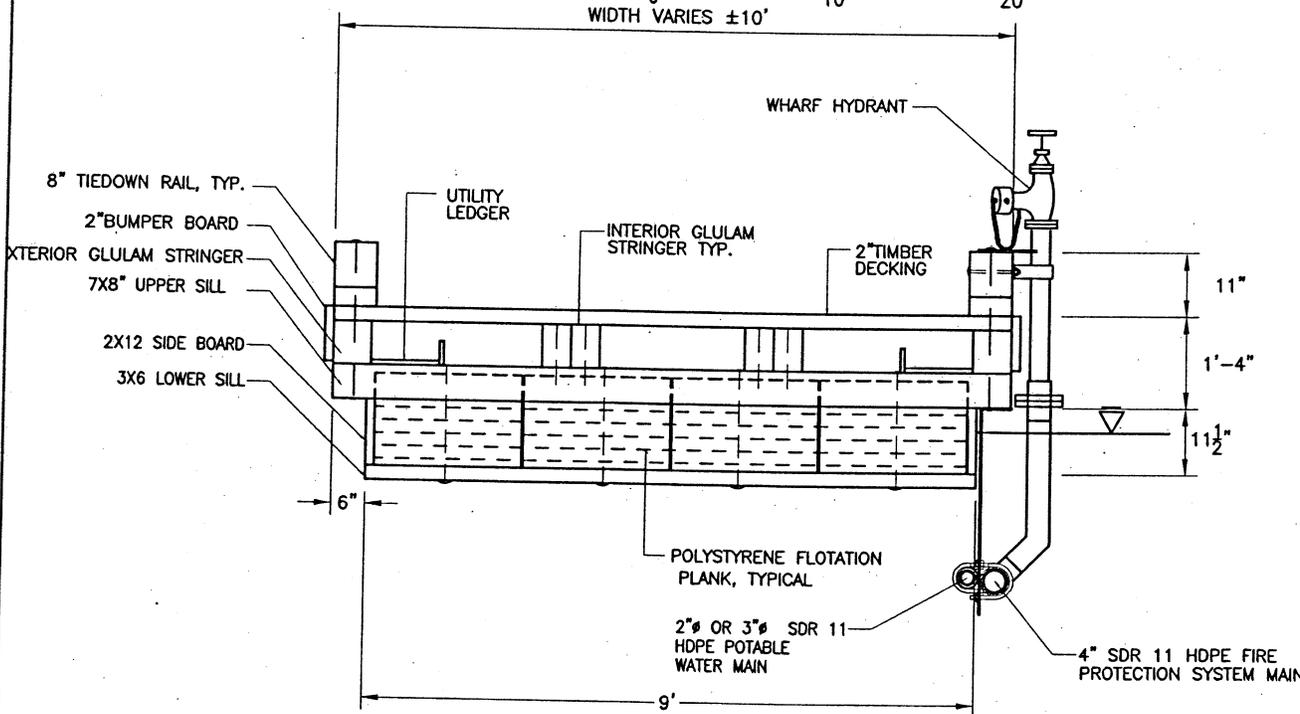
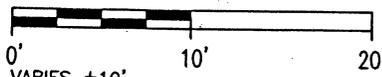
CITY OF OLD HARBOR
 P.O. BOX 109
 OLD HARBOR, ALASKA

CITY OF OLD HARBOR
 POA-1972-44-M
 SITKALIDAK STRAIT
 JANUARY 13, 2009
 SHEET 4 OF 10



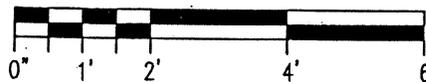
PLAN VIEW

SCALE: 1" = 10'



SECTION VIEW

SCALE: 3/8" = 1'



PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

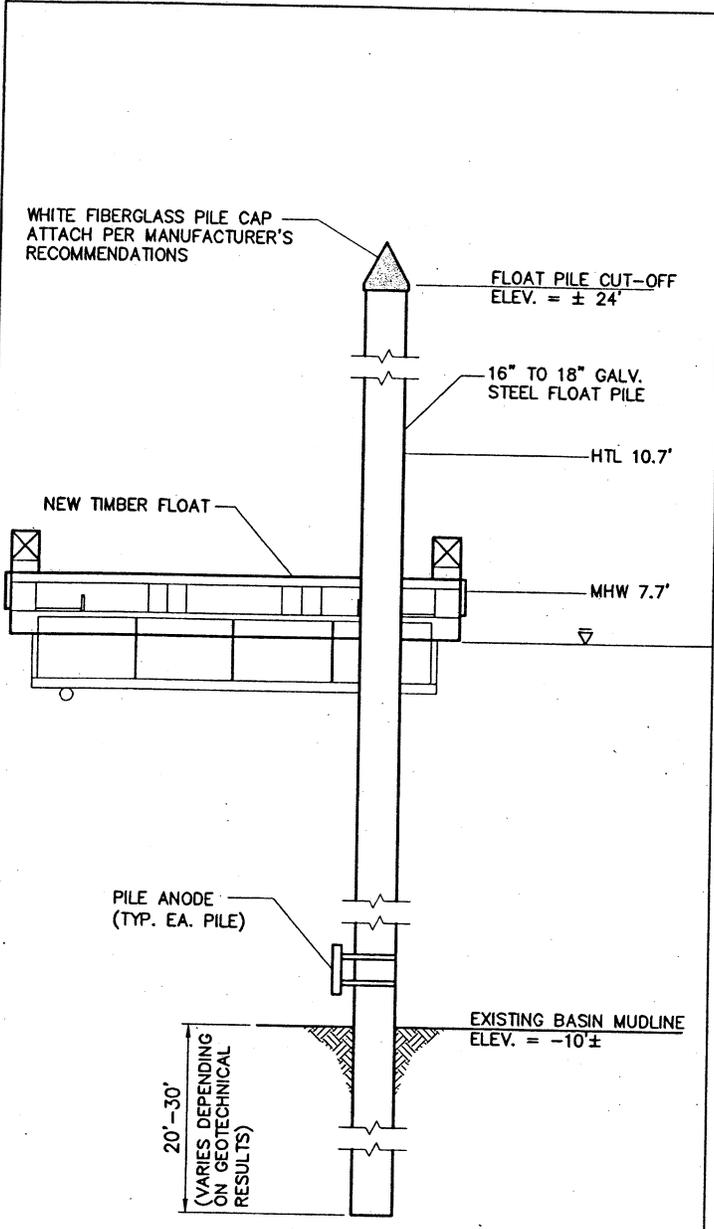
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF OLD HARBOR
OFFSHORE: CITY OF OLD HARBOR

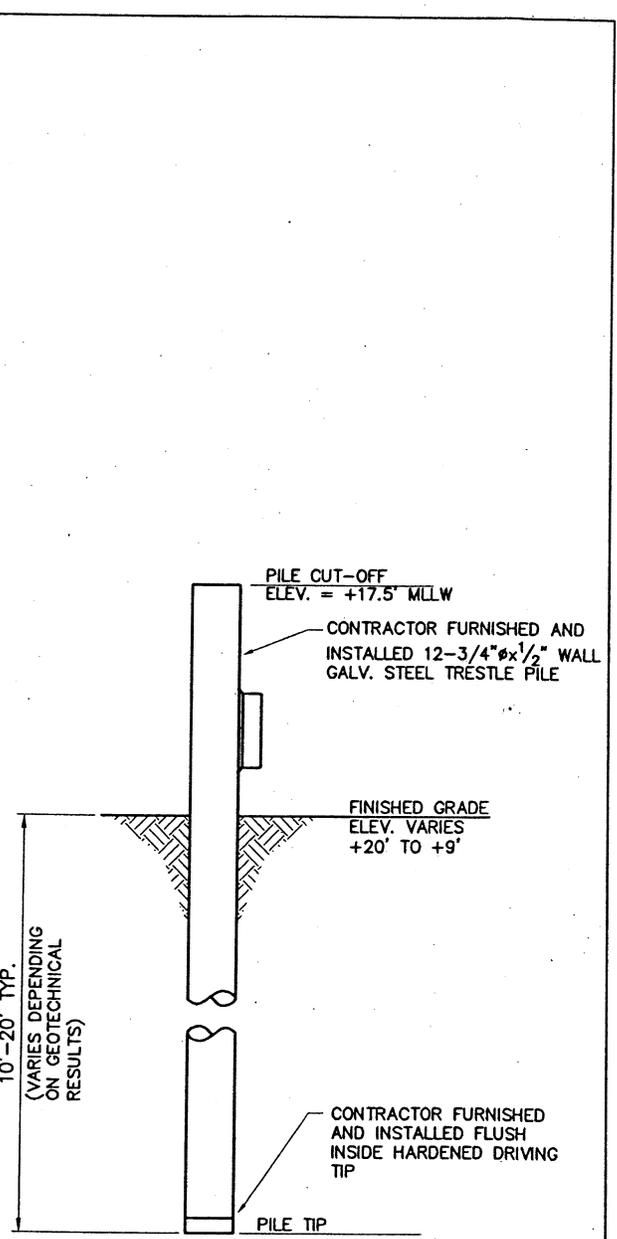
TYPICAL TIMBER FLOAT

CITY OF OLD HARBOR
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FLOAT PILE
SCALE: 1/4" = 1'



TRESTLE PILE
SCALE: 1/4" = 1'



PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E

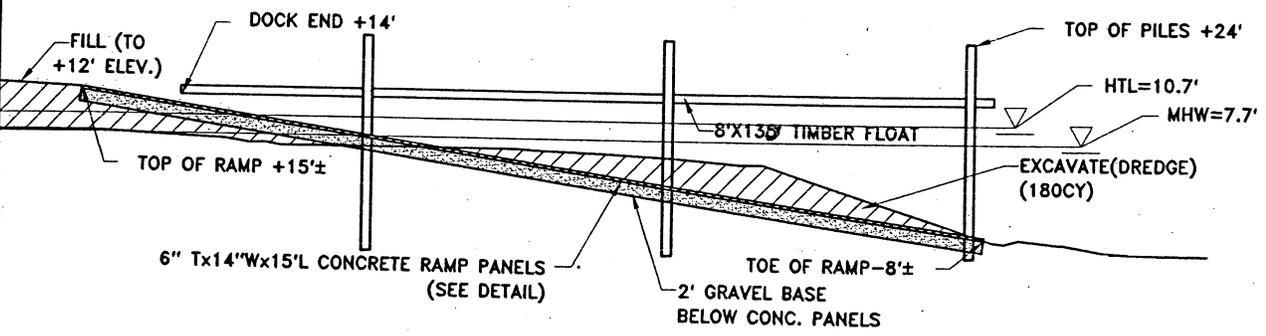
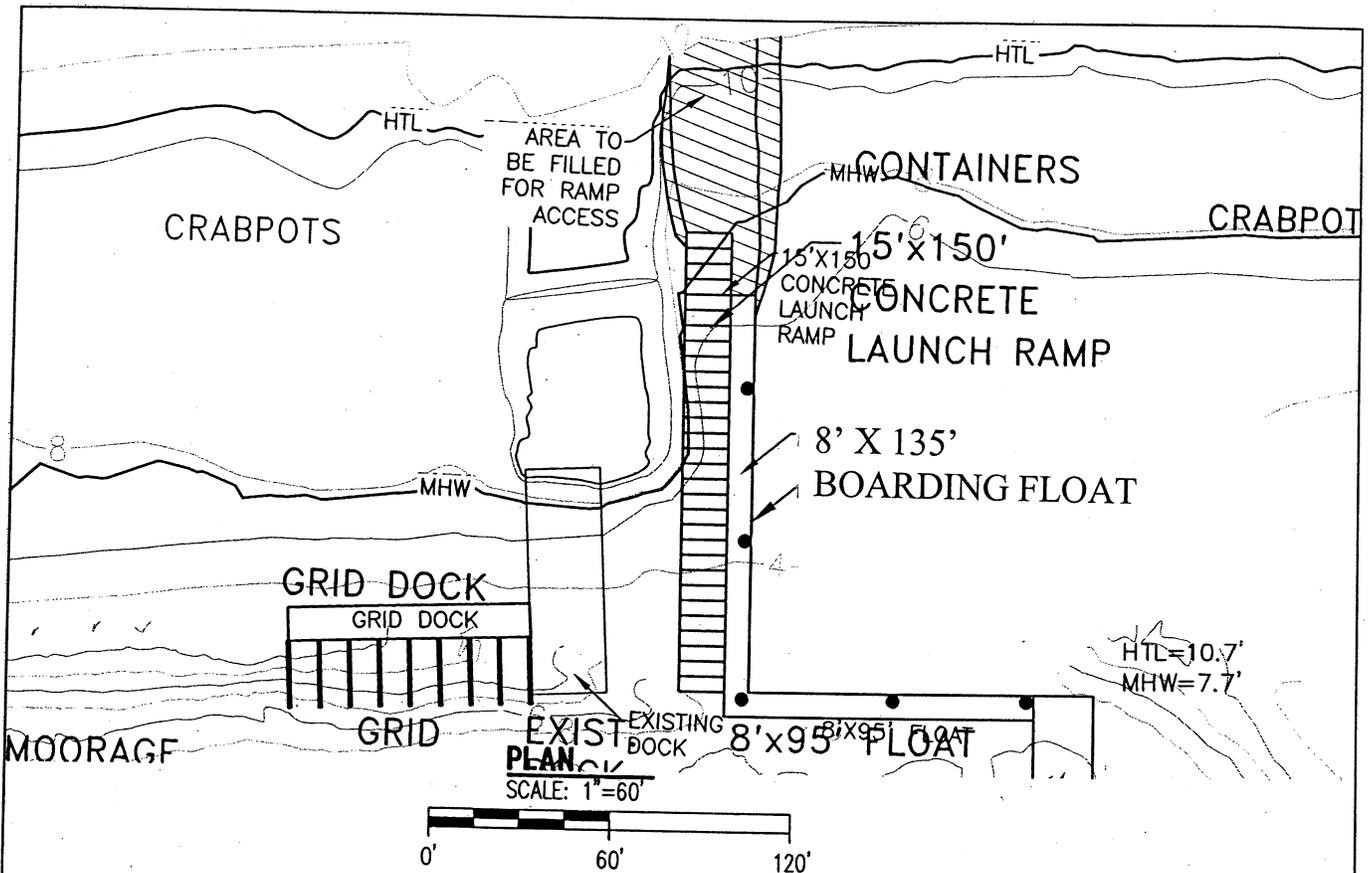
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF OLD HARBOR
OFFSHORE: CITY OF OLD HARBOR

TYPICAL PILE DETAILS

CITY OF OLD HARBOR
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JANUARY 13, 2009
SHEET 6 OF 10



APPROX. QUANTITIES

QTY. CONCRETE BELOW HTL: 33 CY

QTY. CONCRETE BELOW MHW: 28 CY

QTY. DREDGE BELOW HTL: 290 CY.

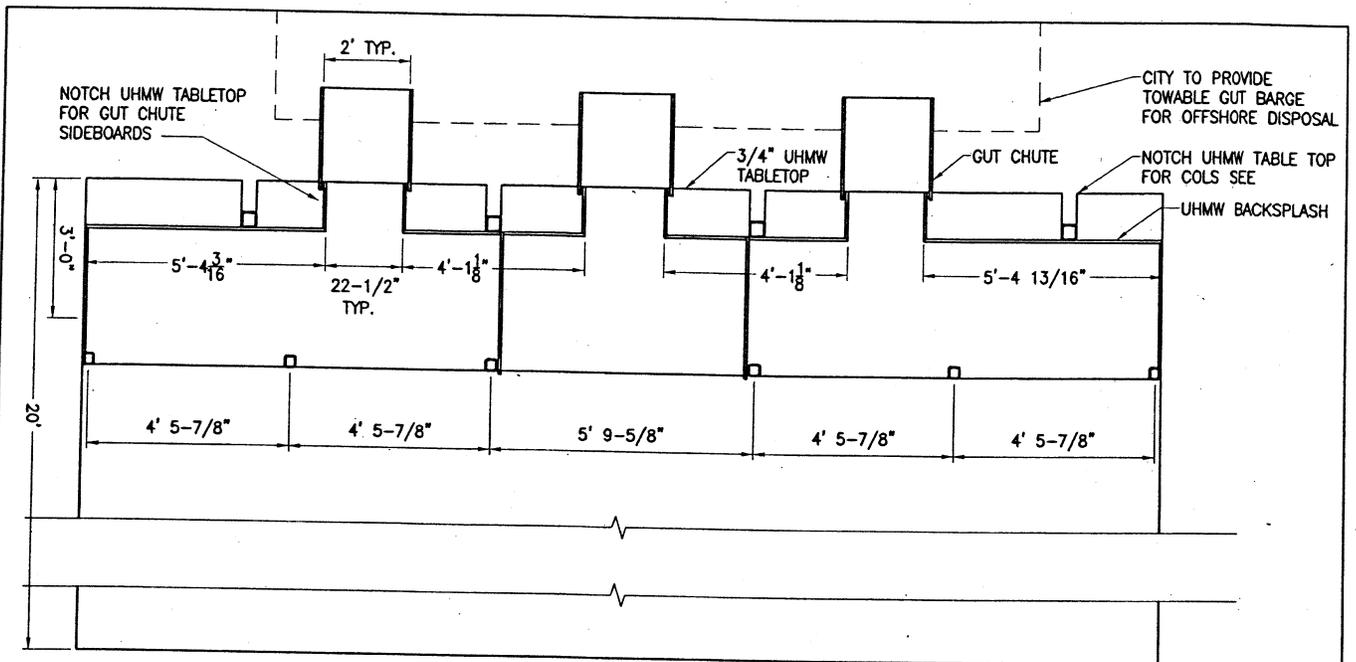
QTY. DREDGE BELOW MHW: 290 CY.

QTY. FILL BELOW HTL: 280 CY.

QTY. FILL BELOW MHW: 140 CY.

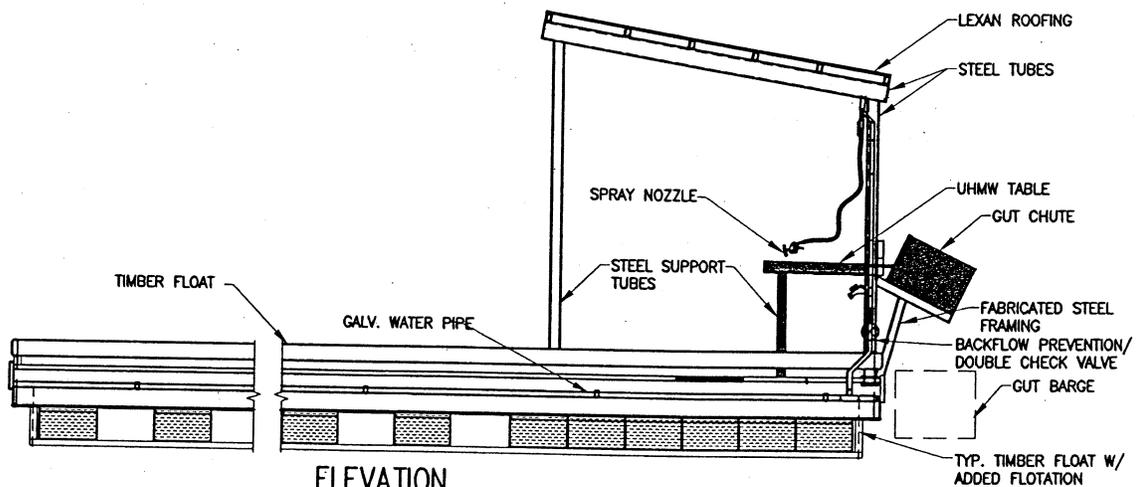
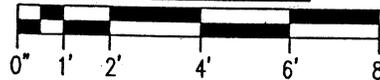
<p>PURPOSE: SMALL BOAT HARBOR REPLACEMENT</p> <p>PERMIT: U.S.A.C.E.</p> <p>DATUM: M.L.L.W. = 0.0'</p> <p>ADJACENT PROPERTY OWNERS: UPLANDS: CITY OF OLD HARBOR OFFSHORE: CITY OF OLD HARBOR</p>	<p>FUTURE BOAT LAUNCH RAMP</p> <p>CITY OF OLD HARBOR P.O. BOX 109 OLD HARBOR, ALASKA</p>
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CITY OF OLD HARBOR
POA-1972-44-M
SITKALIDAK STRAIT
JANUARY 13, 2009
SHEET 7 OF 10



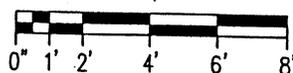
FISH CLEANING TABLE PLAN VIEW

SCALE: 1/4"=1'



ELEVATION

SCALE: 3/16"=1'



PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

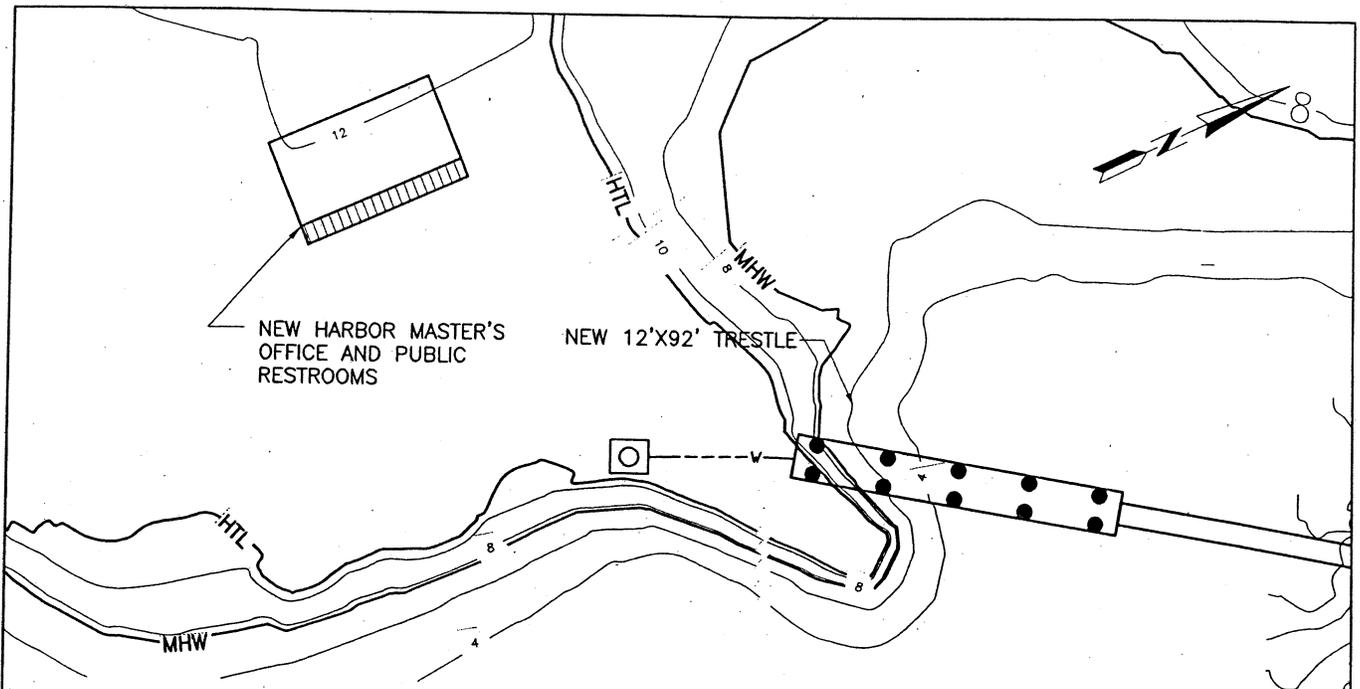
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF OLD HARBOR
OFFSHORE: CITY OF OLD HARBOR

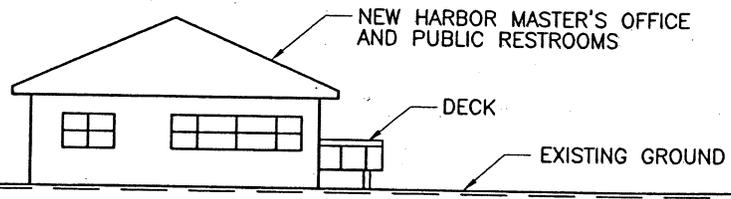
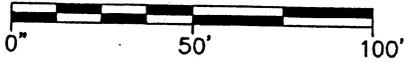
FUTURE
FISH CLEANING STATION

CITY OF OLD HARBOR
P.O. BOX 109
OLD HARBOR, ALASKA

CITY OF OLD HARBOR
POA-1972-44-M
SITKALIDAK STRAIT
JANUARY 13, 2009
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PLAN
SCALE: 1"=50'

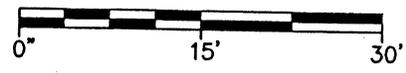


HTL 10.7'

MHW 7.7'

HTL (HIGH TIDE LEVEL) = 10.7'
MHW (MEAN HIGH WATER) = 7.6'

ELEVATION
SCALE: 1"=15'



PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

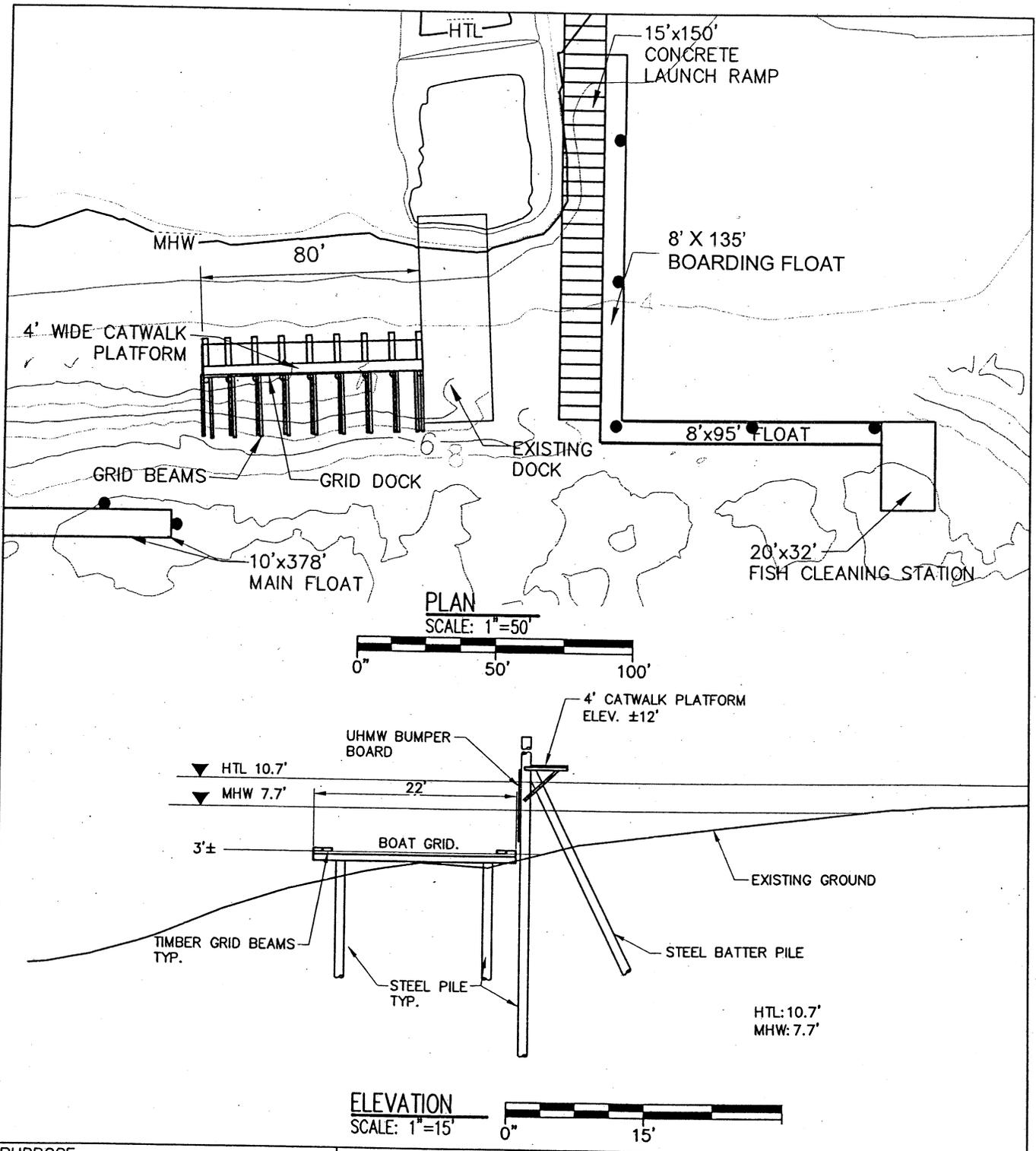
DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
UPLANDS: CITY OF OLD HARBOR
OFFSHORE: CITY OF OLD HARBOR

PROPOSED HARBOR MASTER'S OFFICE & PUBLIC RESTROOMS

CITY OF OLD HARBOR
P.O. BOX 109
OLD HARBOR, ALASKA

CITY OF OLD HARBOR
POA-1972-44-M
SITKALIDAK STRAIT
JANUARY 13, 2009
SHEET 9 OF 10



PURPOSE:
SMALL BOAT HARBOR REPLACEMENT

PERMIT: U.S.A.C.E.

DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS:
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 OFFSHORE: CITY OF OLD HARBOR

**FUTURE
 GRID DOCK ALTERNATIVE**

CITY OF OLD HARBOR
 P.O. BOX 109
 OLD HARBOR, ALASKA

**CITY OF OLD HARBOR
 POA-1972-44-M
 SITKALIDAK STRAIT
 JANUARY 13, 2009
 SHEET 10 OF 10**

**ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY RESPONSE
CONCURRENCE**

DATE ISSUED: MARCH 26, 2009

PROJECT TITLE: CITY OF OLD HARBOR HARBOR REPLACEMENT

STATE ID. No. AK 0902-05AA

AFFECTED COASTAL RESOURCE DISTRICT: KODIAK ISLAND BOROUGH

PROJECT DESCRIPTION: The project subject to this consistency review is the replacement of the existing small boat harbor at the City of Old Harbor. The existing harbor's float system has deteriorated and is undersized for current needs. Boats are currently pulled up onshore and the practice of double berthing within the harbor is common. Currently there is no small boat launch. Debilitated or disabled vessels must travel to Kodiak for repairs. The first phase of the project would begin in March 2009 and end by March 2010. The second phase would be constructed as funds allow.

The existing harbor facilities would be removed, including a trestle and 50' long gangway, 12'x450' float, and seven 8'x85' floats. The existing pilings are timber. They would be cut at the mudline, or the contractor may choose to remove them using a vibratory method. The existing dock would remain. The new harbor facilities would include a new float system with approximately 32 dedicated slips total with lengths of 24', 40' 50' and 60', plus skiff and transient moorage. The new harbor facilities would include the new float system with a total of 921 linear feet of main floats plus 568 feet of finger/stall floats for boat moorage, a new 6'x80' ADA-compliant aluminum gangway and 12' wide pile-supported timber access trestle on the west side for charter boats, a 6'x60' aluminum gangway and 12' wide pile-supported timber access trestle on the east side for commercial boats, a 150' concrete boat launch with an associated 225' long boarding float, a 20'x32' timber float with fish cleaning station, a pile-supported timber tidal grid for emergency boat repairs, upland oil and solid waste collection facilities, and a new harbormaster office with public restrooms. The new in-water structures would be supported by 43 steel piles below mean high water. Piles would be driven primarily by vibratory hammer and an impact hammer would be employed for proofing. Construction of the launch ramp would require excavating approximately 180 cubic yards (CY) of earthen materials from below the high tide line and pushing it upslope to create a smooth surface for the launch ramp access. An additional 100 CY of fill would be placed as base material under approximately 42 cubic yards of concrete planks. This would result in a 0.095-acre area of intertidal fill. In-water earthwork would occur during low tide cycles, and a silt curtain or other means would be employed to prevent transport of suspended sediments.

The project would be conducted in two phases. The first phase of the harbor development would be to construct as much of the harbor float system as possible. The work would include 100' of the 10' wide main float on the west side of the harbor, the 10'x185' connecting float, the full 10'x366' main float on the east side of the harbor, and three 60' long stall floats. In addition, the

existing trestle and gangway would be replaced with a new steel pile supported timber trestle and a new 6'x80' ADA-compliant aluminum gangway and a 20'x20' gangway landing float. Additional stall floats and the second access trestle/gangway may also be added to the project if additional funding is secured prior to the time of construction for this first phase of work.

The future phase would include the remaining portions of the float system, a 15' wide by 150' long concrete launch ramp and associated 8'x130' and 8'x95' boarding floats, a 20'x32' fish cleaning station float, a harbormaster office building with public restrooms, and the pile-supported boat repair grid. The additional float system would include another 270 linear feet of main float on the west side, two 50' long stall floats, three 40' long stall floats, and seven 24' long stall floats, and the second access trestle and gangway and associated 10'x12' gangway landing float.

DNR is in the process of conveying the tidelands to the City of Old Harbor. Tract II of ATS 310, containing approximately 45.7 acres, would be conveyed.

SCOPE OF THE PROJECT SUBJECT TO REVIEW: Except for the water quality issues addressed through the DEC 401 Certification process, the scope of the project to be reviewed is the removal of the old harbor facilities and the construction of the new float system and associated access trestles and gangways, boat grid, boat launch ramp and associated floats, fish cleaning float, and harbormaster office with public restrooms. The project would require approximately 43 pilings below mean high water and 0.095 acre of intertidal fill. The float system would cover approximately 10,330 square feet of water surface; the access trestles, 1,392 square feet; and the gangways, 840 square feet.

The location is at the City of Old Harbor existing harbor site, within Tract II ATS 310, within section 29, T34S R25W, Seward Meridian, within the Kodiak Island Borough Coastal Resource District.

CONSISTENCY STATEMENT: DCOM concurs with the consistency certification submitted by URS Corporation on behalf of the City of Old Harbor.

AUTHORIZATIONS: State agencies shall issue the following authorizations within five days after DCOM issues the final consistency response that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

U.S. Army Corps of Engineers (USACE)
Section 404 and 10 Permit No. POA-1972-44

Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

This project is on state tidelands which DNR is in the process of conveying to the municipality. The conveyance falls under a Categorical Consistent Determination for land disposal.

**Change since review start: DNR, Division of Mining Land and Water will require a tidelands lease for this project. The lease is not covered by this consistency review; the lease will be reviewed in a subsequent consistency review conducted by the Division of Mining, Land and Water.*

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency may deny a permit or authorization even though the ACMP concurs with your consistency certification. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260) is more or less restrictive than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without Department of Natural Resources (DNR) authorization.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this response is issued.

ENFORCEMENT: Pursuant to 11 AAC 110.260(e) and 110.445(e), if after receiving this final consistency response, the applicant fails to implement an adopted alternative measure, or if the applicant undertakes a project modification not incorporated into the final response and not reviewed under 11 AAC 110.800-11 AAC 110.820, the State resource agency may take enforcement action according to the resource agency's statutory and regulatory authorities, priorities, available resources, and preferred methods.

ADVISORIES:

Please be advised that although DCOM concurs with your certification that the project is consistent with the ACMP, you are still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

Final Consistency Response Prepared By:
Ashley Kalli, Project Review Coordinator
Division of Coastal and Ocean Management
550 W. 7th Ave., Suite 705
Anchorage, AK 99501
(907) 269-7475

Ashley Kalli
[signature]

3/26/2009
[date]

ACMP CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>)

STATEWIDE STANDARDS
11 AAC 112.200. Coastal development
<p>a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.</p> <p>b) Districts and state agencies shall give, in the following order, priority to</p> <ul style="list-style-type: none">(1) water-dependent uses and activities;(2) water-related uses and activities; and(3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity
<p>Evaluation:</p> <p>a) The project is economically and physically dependent on a coastal location because the project is for the removal, replacement, and expansion of a boat harbor. Old Harbor is accessible only by boat and plane.</p> <p>b) The project is water-dependent because the project is for the removal, replacement, and expansion of a boat harbor.</p> <p>c) DCOM defers to USACE to interpret compliance with the referenced standards.</p>
11 AAC 112.210. Natural hazard areas
<p>Evaluation:</p> <p>The project is located within designated natural hazard areas for earthquake, erosion, and flood. To mitigate issues associated with extreme high water levels, the facilities are designed to accommodate water levels several feet higher than the extreme highest observed water level. Replacing the harbor facilities would increase public safety and services and environmental protection when compared to existing degraded facilities. The harbor would be designed by registered engineers in accordance with the American Society of Civil Engineers guidelines.</p>
11 AAC 112.220. Coastal access
<p>Evaluation:</p> <p>The project would increase public access to coastal waters by providing a safer and higher capacity floating moorage space, plus a designated small boat launch ramp facility including a boarding float to better conform to current safety codes and design standards. The boat grid would create access for emergency out-of-water repairs and maintenance.</p>
11 AAC 112.230. Energy facilities
<p>Evaluation:</p> <p>N/A. This project does not include an energy facility.</p>
11 AAC 112.240. Utility routes and facilities
<p>Evaluation:</p> <ul style="list-style-type: none">(a) For vessels to have access to utilities, the utilities cannot be sited inland. Utility service to vessels is water dependent. The existing utility routes are located on top of the gangways.(b) Utility routes would avoid alterations in surface and groundwater drainage patterns, disruptions in known or reasonably foreseeable wildlife transit, and blockage of existing or traditional access because they are located on top of the gangways. No new utility routes are planned. The new harbor would use the existing utility services.

11 AAC 112.250. Timber harvest and processing
Evaluation: N/A. This project does not include timber harvest or processing.
11 AAC 112.260. Sand and gravel extraction
Evaluation: N/A. This project does not involve sand or gravel extraction.
11 AAC 112.270. Subsistence
Evaluation: N/A. This project is not located in a designated subsistence use area.
11 AAC 112.280. Transportation routes and facilities
Evaluation: (1) Alterations in surface and groundwater drainage patterns would be minimized by limiting upland fill for the building and grid structures to the area directly around these structures. The applicant changed the proposed location for the harbormaster office to reduce the fill area from 0.27 acre to 0.095 acre. The boat grid design was revised to consist of a pile-supported structure rather than a filled bulkhead type structure. The fill areas would be graded away from the structures and ditches would be provided such that drainage would flow away from the structures and then be directed offsite in a manner that minimizes the potential for erosion and mimics the existing drainage patterns as much as possible. (2) The harbor would avoid disruption to known or reasonably foreseeable wildlife transit because it would be located in an existing harbor area, and by being located in dead-end bay. (3) The harbor would avoid blockage of existing or traditional access because it would be located in an existing harbor area. The harbor area is strictly used for moorage of boats at this time. Both commercial fishing and recreational boats use the harbor facilities and the upland area adjacent to the harbor (i.e. for crab pot storage). The use would be the same after construction of the new and expanded facilities.
11 AAC 112.300. Habitats
The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use. Tidelands must be managed to avoid, minimize or mitigate significant adverse impacts to (a) water flow and natural drainage patterns, and (b) competing uses such as commercial, recreational or subsistence uses, to the extent that those uses are determined to be in competition with the proposed use. Wetlands must be managed to avoid, minimize or mitigate significant adverse impacts to water flow and natural drainage patterns. Evaluation: The harbor would avoid significant adverse impacts to competing uses because it is located within the existing harbor basin. Offshore areas to be utilized by the new harbor facilities are intended primarily for providing services for commercial and recreational vessels which currently use the existing degraded facilities for these purposes. URS Corporation would coordinate with the City of Old Harbor and ADFG to minimize any impact that construction would have on planned events and organized recreational activities in Sitkadalik Strait. Pile driving would be conducted during the appropriate fish window. Impact hammers would only be used when necessary in hard soils to minimize disturbances. Vibratory pile driving techniques would be used as much as practicable. Significant adverse impacts to water flow and natural drainage patterns would be minimized by limiting upland fill for the building and grid structures to the area directly around these structures. The applicant changed the proposed location for the harbormaster office to reduce the fill area from 0.27 acre to 0.095 acre. The boat grid design was revised to consist of a pile-supported structure rather than a filled

bulkhead type structure. The fill areas would be graded away from the structures and ditches would be provided such that drainage would flow away from the structures and then be directed offsite in a manner that minimizes the potential for erosion and mimics the existing drainage patterns as much as possible.

11 AAC 112.310. Air, land, and water quality.

Evaluation: Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes. (Eff. 7/1/2004, Register 170)

11 AAC 112.320. Historic, prehistoric, and archeological resources.

Evaluation: Comments from the district and the State did not identify the proposed project location as an area which is important to the study, understanding, or illustration of national, state, or local history or prehistory. The applicant has been advised to contact DNR/SHPO and the U.S. Army Corps of Engineers and the Alaska State Troopers should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

The coastal resource district concurs with the applicant's consistency determination.

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the City of Old Harbor, P.O. Box 109, Old Harbor, Alaska 99643 for the construction of a concrete boat launch ramp. Approximately 180 cubic yards of existing earthen materials would be excavated from below the High Tide Line (HTL) and Mean High Water (MHW) and pushed upslope to create a smooth surface for the launch ramp access. An additional 280 cubic yards of gravel fill would be placed as base material under approximately 42 cubic yards of concrete planks. This will result in a 0.095-acre area of intertidal fill.

The proposed activity is located at Section 29, T. 34 S., R 25 W., Seward Meridian, in Old Harbor, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number POA-1972-44 and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

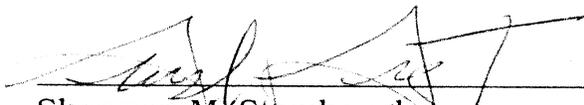
1. Petrochemical and other hazardous substance spill cleanup equipment shall be available on site. Material such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze or other pollutant spills as a result of construction activities.
2. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products. Fuel storage and handling activities for earth moving equipment must be sited and conducted so there is no petroleum contamination of surface runoff and water bodies. Fueling of vehicles must occur at least 100 feet from a water body.
3. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Operation of tracked or wheeled equipment in the water shall be

kept to a minimum. Equipment shall be inspected on a daily basis for leaks. If leaks are found the equipment shall not be used and pulled from service until the leak is repaired.

4. Fill material must be free from petroleum products and toxic contaminants in toxic amounts. If fill material or riprap is placed on excavated ground, the applicant shall place the material in the shortest reasonable time, so that ground is not left exposed for extended periods.
5. The timber floats or any structures made from wood shall not be treated with a preservative containing pentacholophenol. If preservatives are used, only pressure treated applications shall be employed and at a rate that will not allow leaching to occur at a level to cause sheen to form on the water. Preservatives shall not be painted on, sprayed, or other wise applied by surface application.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date 3/23/09



Sharmon M. Stambaugh
Environmental Program Manager