



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

RECEIVED  
JAN 18 1979

12 January 1979

Division of Harbor Design  
& Construction

Mr. Don Statter, Director  
Division of Harbors  
Department of Transportation  
& Public Facilities  
Pouch Z  
Juneau, Alaska 99811

Reference: 071-OYD-1-780286  
AK Dept. of Transportation  
& Public Facilities

Dear Mr. Statter:

Your application dated 30 November 1978 for a Department of the Army permit to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay off Behm Canal 30 miles northwest of Ketchikan, Alaska has been received in this office.

Reference No. 071-OYD-1-780286 has been assigned to your application, and this designation will follow the application through its processing. If the application results in a valid permit, it will bear this same designation. All future correspondence pertaining to this application should reflect the assigned designation.

Processing of your application has begun, however, a Department of the Army permit cannot be issued for this work until you have obtained a Certificate of Reasonable Assurance or waiver of certification as required by Section 401 (a) (1) of the Federal Water Pollution Control Act Amendments of 1972. The certification or waiver thereof is issued by the Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska (telephone 907 465-2670). You should contact them for further details and how to make application.

If you have any questions about your application, please contact the Regulatory Functions Branch, 279-4123, and ask for Mr. Will Vannice.

Sincerely yours,

1 Incl  
Public Notice

*for* Donald R. Farguehan  
PAUL CHATARI  
Chief, Regulatory Functions Branch



## DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REGULATORY FUNCTIONS BRANCH

(907) 279-4123

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

12 January 1979

# PUBLIC NOTICE

NPACO No. 071-OYD-1-780286

Application has been received in this office from the Alaska Department of Transportation & Public Facilities, Division of Harbor Design and Construction, Pouch Z, Juneau, Alaska 99811, telephone (907) 586-2195, for approval of a revised Department of the Army permit plan under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to replace an existing 12'x65' timber float with a new 10'x100' timber float in Helm Bay off Behm Canal 30 miles northwest of Ketchikan, Alaska, as shown on the plan attached to this notice.

The applicant proposes to remove an existing 12'x65' anchored float. The proposed 10'x100' timber float replacement with gas resistant polystyrene foam floatation will be secured by 4 treated timber piles. The float is used by recreational fishing vessels and charter boats, and serves as a refuge during inclement weather.

The applicant proposes to commence and complete the work in the spring of 1979.

The existing float is authorized by a Department of the Army permit issued 18 June 1974.

A Certificate of Reasonable Assurance or waiver of certification is required for this activity under Section 401 of the Federal Water Pollution Control Act Amendments of 1972. This certification, or waiver thereof, is issued by the Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska, telephone (907) 465-2670.

Preliminary determinations indicate the issuance of this permit is a major Federal action not significantly affecting the human environment, and an environmental impact statement is not required.

The National Register of Historic Places and the latest published version of the Federal Register have been consulted in regard to the proposed activity. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

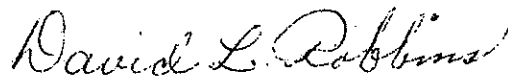
Preliminary determinations indicate that the proposed activity will not affect an endangered species or their critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of Interior is not required for this proposed activity.

Interested parties are requested to submit in writing any comments or objections that they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

Replies to this notice should be mailed to reach the Alaska District, Corps of Engineers, ATTN: Regulatory Functions Branch, P.O. Box 7002, Anchorage, Alaska 99510, not later than 11 February 1979 to insure consideration.

FOR THE DISTRICT ENGINEER:

1 Incl  
Plan

  
DAVID L. ROBBINS  
Chief, Construction/Operations Division

## APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

One set of original drawings and two copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist).

1. Application number (To be assigned by Corps).	2. Date. <div style="text-align: center; margin-top: 5px;"> <span style="margin-right: 20px;">30</span> <span style="margin-right: 20px;">11</span> <span>78</span> </div> <div style="text-align: center; margin-top: 5px; font-size: small;"> <span style="margin-right: 20px;">Day</span> <span style="margin-right: 20px;">Mo.</span> <span>Yr.</span> </div>	3. For official use only.
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4. Name and address of applicant.

Department of Transportation and Public Facilities  
 Division of Harbor Design and Construction  
 Pouch Z  
 Juneau, Alaska 99811

Telephone number 586-2195 Social Security No. \_\_\_\_\_

5. Name, address, and title of applicant's authorized agent for permit application coordination.

Don Statter, Director  
 Divisio of Harbors  
 DOT/PF  
 Pouch Z  
 Juneau, Alaska 99811

Telephone Number 586-2195

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Proposed project consists of removing an existing anchored float and constructing and installing a Timber Float on Behm Canal at Helm Bay. All wood material will be treated against rot and decay, flotation will be provided by gas resistant polystyrene foam. The float will be secured by 4 timber piles. The existing float and anchor gear will be removed from the site.

7. Proposed use.

Private  Public  Commercial  Other  (Explain in remarks)

8. Name and addresses of adjoining property owners whose property also adjoins the waterway.

1. Alaska Division of Forest, Land and Water Management  
 323 East 4th Ave.  
 Anchorage, Alaska 99501
2. U.S. Forest Service  
 Box 1049  
 Juneau, Alaska 99801

9. Location where proposed activity exists or will occur.

Sec. 18 Twp 72 S Rge 88 E (Where applicable)

Alaska County \_\_\_\_\_ In - City or Town \_\_\_\_\_ Near - City or Town Ketchikan

State County In - City or Town Near - City or Town

10. Name of waterway at location of the activity. \_\_\_\_\_

11. Date activity is proposed to commence. March 1979

Date activity is expected to be completed. March 1980

12. Is any portion of the activity for which authorization is sought now complete? Yes  No   
If answer is "Yes" give reasons in the remarks section. Month and year the activity was completed \_\_\_\_\_ . Indicate the existing work on the drawings.

13. List all approvals or certifications required by other Federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
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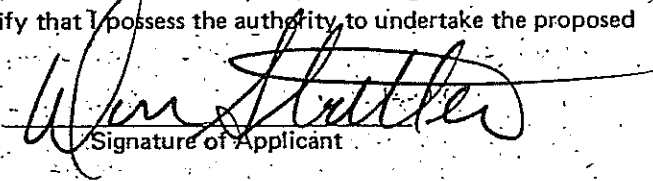
Not Applicable

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes  No  (If "Yes" explain in remarks)

15. Remarks (see paragraph 3 of Permits Pamphlet for additional information required for certain activities).

Vessel types to use this facility will be recreational fishing and perhaps commercial charter boats. This float is considered a refuge during inclement weather and is a convenience to the boating public.

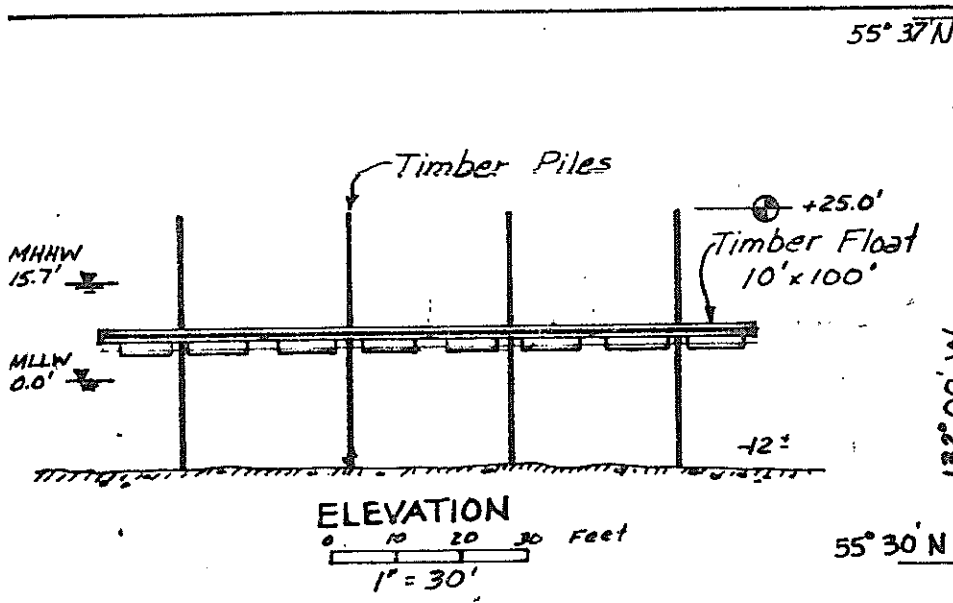
16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Signature of Applicant

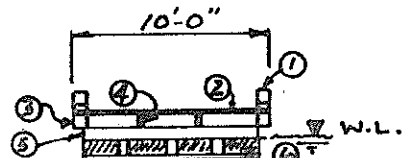
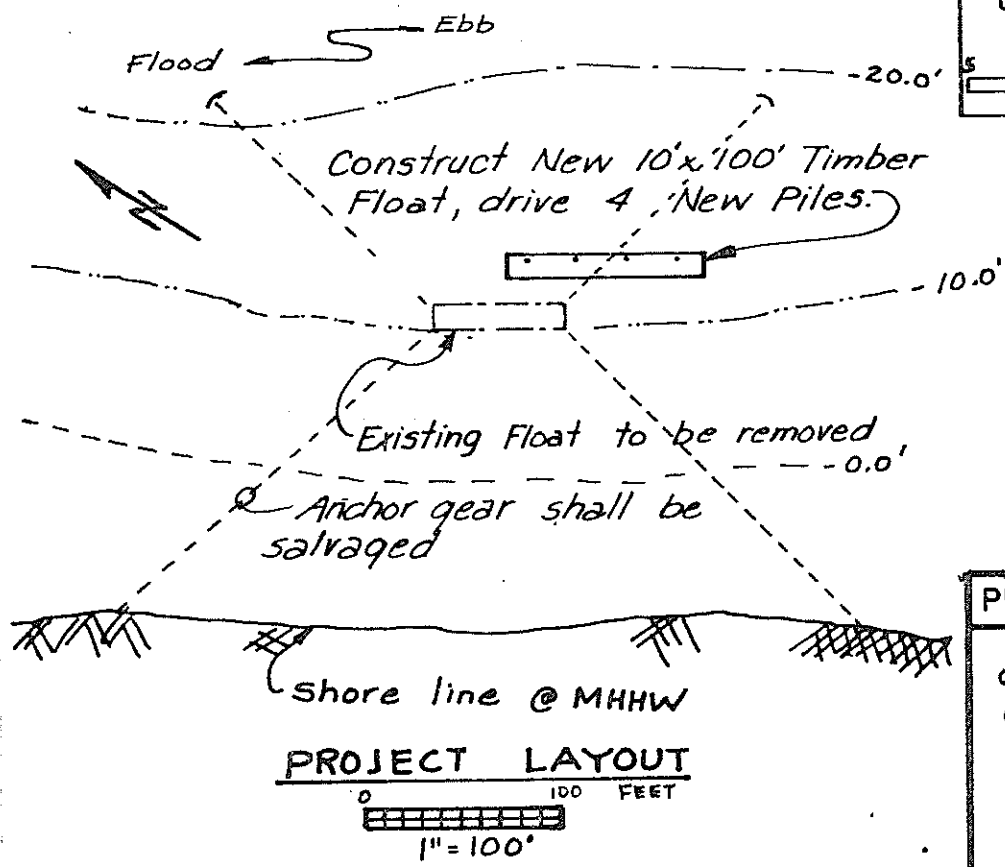
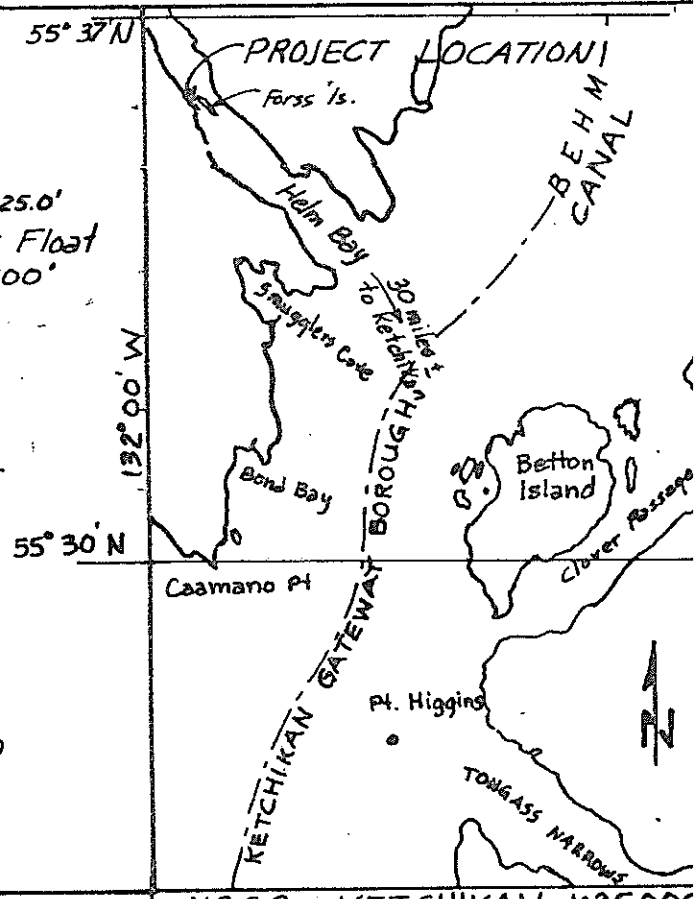
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

The application must be signed by the person who desires to undertake the proposed activity; however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

If the activity includes the discharge of dredged or fill material in navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the application must be accompanied by a fee of \$100 for quantities exceeding 2500 cubic yards and \$10 for quantities of 2500 cubic yards or less. Federal, State and local governments are excluded from this requirement.



- General Notes:
1. Pile cut off elev. +25.0
  2. Pile penetration 10'-15'
  3. This will be a public use float.
  4. Datum based on MLLW=0.0



- ① 8x8 Tiedown Rail
- ② 2x10 Deck
- ③ 6x8 Ext. Stringers
- ④ 4x6 Int Stringers
- ⑤ 6x6 Sills
- ⑥ Polystyrene Flotation

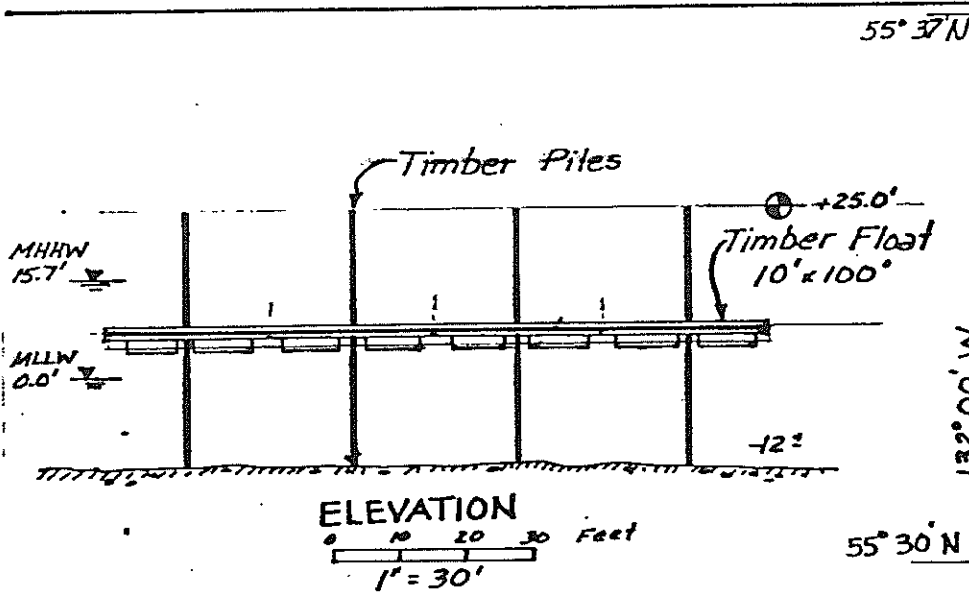
**BEHM CANAL 10**

**PROPOSED FLOAT REPLACEMENT**

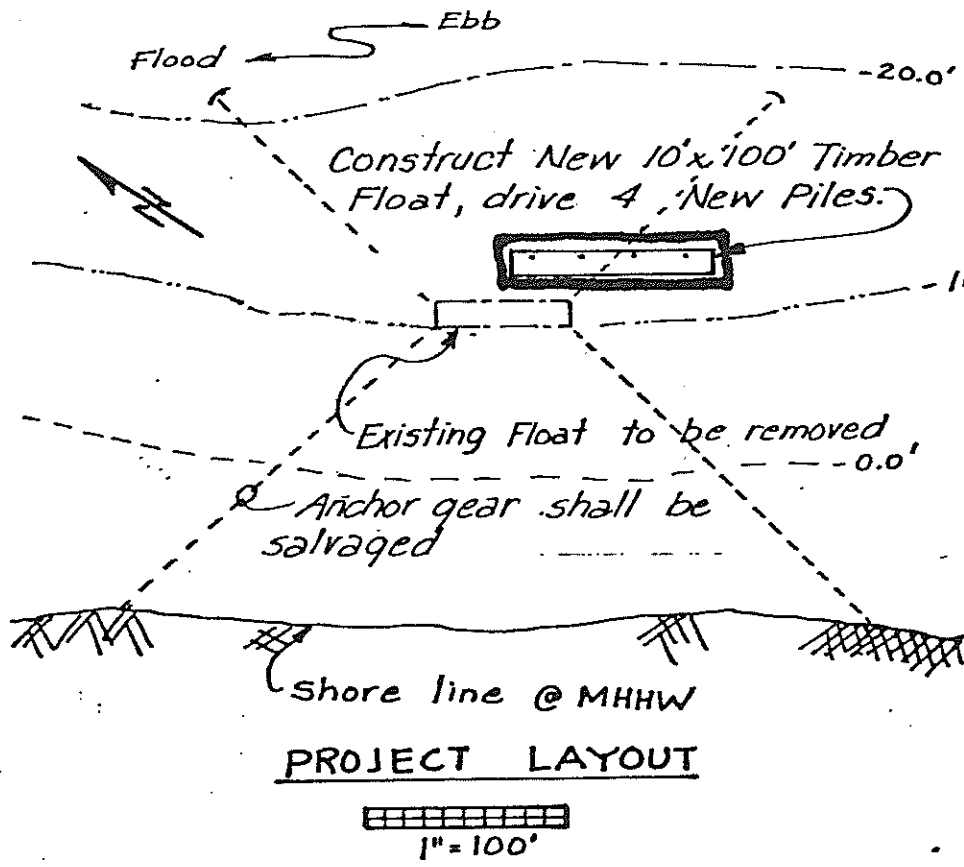
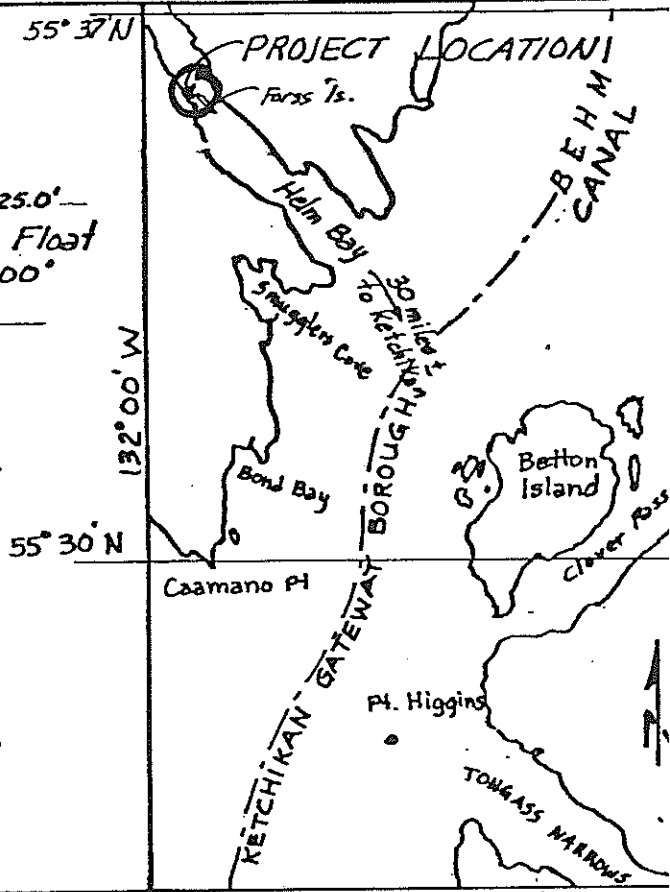
at: HELM BAY  
 off: BEHM CANAL  
 near: KETCHIKAN, ALASKA

application by: ALASKA DIVISION  
 of HARBOR DESIGN and  
 CONSTRUCTION

sheet 1 of 1      30 NOV. 1978



- General Notes:
1. Pile cut off elev. +25.0
  2. Pile penetration 10'-15'
  3. This will be a public use float.
  4. Datum based on MLLW=0.0



- 
- ① 8x8 Tiedown Rail
  - ② 2x10 Deck
  - ③ 6x8 Exd. Stringers
  - ④ 4x6 Int Stringers
  - ⑤ 6x6 Sills
  - ⑥ Polystyrene Flotation
- W.L.

PROPOSED FLOAT REPLACEMENT AT HELM BAY, ALASKA

Application By:

ALASKA STATE DEPT. OF TRANSPORT & PUBLIC FACILITIES  
 DIVISION OF HARBOR DESIGN & CONSTRUCTION

POUCH Z JUNEAU, ALASKA

Nov 30, 1978 HA



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

RECEIVED

FEB 27 1979

MAR 14 1979

Division of Harbor Design  
and Construction

Mr. Don Statter, Director  
Alaska Division of Harbor Design  
and Construction  
Pouch Z  
Juneau, Alaska 99811

Reference: 071-OYD-1-780231  
AK Div. of Harbor Design  
& Construction

Dear Mr. Statter:

Inclosed is a copy of a letter received in this office from National Marine Fisheries Service (NMFS) concerning your application for a Department of the Army permit to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay off Behm Canal, 30 miles northwest of Ketchikan, Alaska.

NMFS states they do not object to permit issuance provided the condition outlined in the letter is incorporated in the permit.

If the agency requested condition is acceptable to you, your written agreement to comply with the condition is requested. Please inform us in the event you find the condition unacceptable and the reasons why. If you have any questions concerning the condition, it is suggested you contact Mr. Harry Rietze directly and discuss the matter.

Please inform us of the outcome of any discussions you may have and furnish us copies of any related correspondence that may develop.

A-2<sup>3</sup>  
DEC

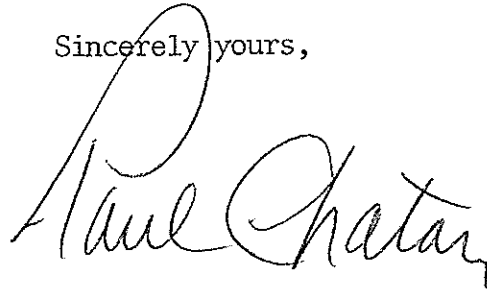


NPACO-RF  
Behm Canal 10

FEB 27 1979

You will be informed of further developments concerning your application as such may occur. We must receive your comments or an explanation for not receiving them by close of business 16 March 1979 in order to continue processing your application.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul Chatari". The signature is written in dark ink and is positioned below the typed name.

1 Incl  
As stated

PAUL CHATARI  
Chief, Regulatory Functions Branch

CF:  
NMFS, Juneau



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

FEB 27 1979

Mr. Don Statter, Director  
Alaska Division of Harbor Design  
and Construction  
Pouch 2  
Juneau, Alaska 99811

Reference: 071-OYD-1-780231  
AK Div. of Harbor Design  
& Construction

Dear Mr. Statter:

Inclosed is a copy of a letter received in this office from National Marine Fisheries Service (NMFS) concerning your application for a Department of the Army permit to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay off Behm Canal, 30 miles northwest of Ketchikan, Alaska.

NMFS states they do not object to permit issuance provided the condition outlined in the letter is incorporated in the permit.

If the agency requested condition is acceptable to you, your written agreement to comply with the condition is requested. Please inform us in the event you find the condition unacceptable and the reasons why. If you have any questions concerning the condition, it is suggested you contact Mr. Harry Rietze directly and discuss the matter.

Please inform us of the outcome of any discussions you may have and furnish us copies of any related correspondence that may develop.



NPACO-RF  
Behm Canal 10

FEB 27 1979

You will be informed of further developments concerning your application as such may occur. We must receive your comments or an explanation for not receiving them by close of business 16 March 1979 in order to continue processing your application.

Sincerely yours,

*Original Signed By*  
PAUL CHATARI

1 Incl  
As stated

PAUL CHATARI  
Chief, Regulatory Functions Branch

CF:  
NMFS, Juneau



WU  
U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service  
P. O. Box 1668, Juneau, Alaska 99802

Date : February 7, 1979

Reply to Attn. of:

To : District Engineer  
Alaska District, Corps of Engineers

From : *Harry L. Rietze*  
Harry L. Rietze  
Director, Alaska Region

Subject: NPACO-RF Behm Canal 10  
NPACO NO. 071-OYD-1-780286

Reference is made to your public notice dated January 12, 1979, regarding permit application from the Alaska Department of Transportation & Public Facilities, Division of Harbor Design and Construction, to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay off Behm Canal, 20 miles northwest of Ketchikan, Alaska.

The National Marine Fisheries Service believes the marine resources in the vicinity of the project will be adequately protected if the applicant stores all petroleum products on uplands away from his proposed timber float. If the applicant agrees to this stipulation, we have no objection to permit issuance.

We appreciate the opportunity to comment on this permit request.

312-C



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

NOTICE OF AUTHORIZATION

31 August 1979

BEHM CANAL 10  
A PERMIT TO REPLACE AN EXISTING 12' X 65' TIMBER FLOAT  
WITH A NEW 10' X 100' TIMBER FLOAT IN HELM BAY OFF BEHM CANAL

AT 30 MILES NORTHWEST OF KETCHIKAN, ALASKA

HAS BEEN ISSUED TO AK DEPT OF TRANS & PUB FAC  
DIV OF HARBOR DES & CONST

ADDRESS OF PERMITTEE POUCH Z  
JUNEAU, ALASKA 99811

PERMIT NUMBER 071-OYD-1-780286  
THIS PERMIT SHALL BE NULL & VOID IF  
THE AUTHORIZED WORK IS NOT COMPLETED  
3 YEARS FROM THE DATE OF ISSUANCE

ENG Form 4336  
Jul 70

ON 31 Aug 1979  
JAMES P. FERRO  
LT COLONEL, CORPS OF ENGINEERS  
DEPUTY DISTRICT ENGINEER  
*James P. Ferro, Jr.*  
District Engineer  
LEE R. NUNN  
COLONEL, CORPS OF ENGINEER

**THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.**



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 7002  
ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF-P  
Behm Canal 10

81 AUG 1979

Mr. Don Statter  
Alaska Department of Transportation  
& Public Facilities  
Division of Harbor Design & Construction  
Pouch Z  
Juneau, Alaska 99811

Reference: 071-OYD-1-780286  
Proposed Float Replacement  
Helm Bay off Behm Canal  
Ketchikan, Alaska

Dear Mr. Statter:

Inclosed is the signed Department of the Army permit authorizing the referenced work. Also, inclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

Please furnish this office in writing the starting and completion dates as soon as they are available.

If changes in the location or plans of the work are necessary for any reason, revised plans should be submitted to this office promptly. If the changes are unobjectionable, the approval, required by law before construction thereon is begun, will be issued without delay.

Sincerely yours,

2 Incl  
As stated

  
JAMES E. CARUTH  
Chief, Regulatory Functions Branch

RECEIVED

SEP 06 1979

Division of Harbor Design  
and Construction

Application No. 071-OYD-1-780286  
Name of Applicant Alaska Department of Transportation & Public Fac.  
Effective Date 31 AUG 1979  
Expiration Date (If applicable) n/a

File No. Behm Canal 10

DEPARTMENT OF THE ARMY  
PERMIT

Referring to written request dated 30 November 1978 for a permit to:

(  ) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

( ) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Alaska Department of Transportation  
& Public Facilities  
Division of Harbor Design & Const.  
Pouch Z  
Juneau, Alaska 99811

is hereby authorized by the Secretary of the Army:

to replace an existing 12'x65' timber float with a new 10'x100' timber float

in Helm Bay

at Behm Canal 30 miles northwest of Ketchikan, Alaska

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.)

"PROPOSED FLOAT REPLACEMENT; AT: HELM BAY; OFF: BEHM CANAL; NEAR: KETCHIKAN, ALASKA; APPLICATION BY: ALASKA DIVISION OF HARBOR DESIGN AND CONSTRUCTION; DATE 30 NOVEMBER 1978; 1 SHEET."

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1 JUL 77 1721 EDITION OF 1 APR 74 IS OBSOLETE.

(ER 1145-2-303)

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.



The following Special Conditions will be applicable when appropriate:

**STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:**

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**MAINTENANCE DREDGING:**

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

**DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:**

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

**DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS:**

a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

William Stutter  
PERMITTEE & TITLE  
8/27/79  
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

James P. Fero  
JAMES P. FERRO  
31 Aug 79  
DATE  
Colonel, Corps of Engineers  
DEPUTY DISTRICT ENGINEER  
DISTRICT ENGINEER,  
U.S. ARMY, CORPS OF ENGINEERS  
Colonel, Corps of Engineers  
DISTRICT ENGINEER,  
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
TRANSFEREÉ  
\_\_\_\_\_  
DATE

o. That if the activity authorized herein is not started on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

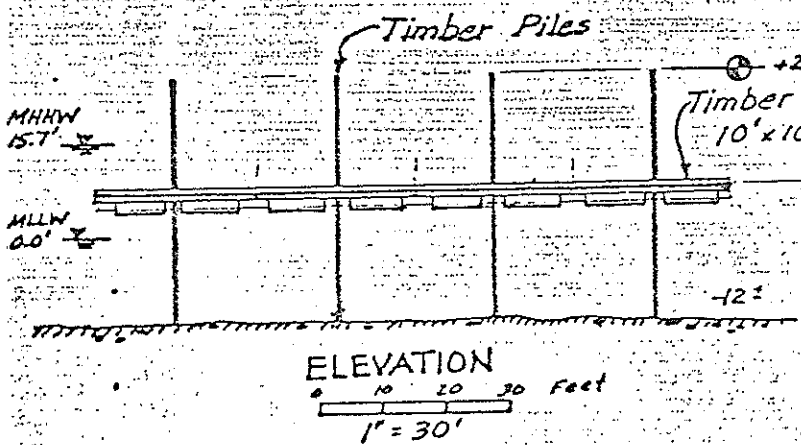
q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

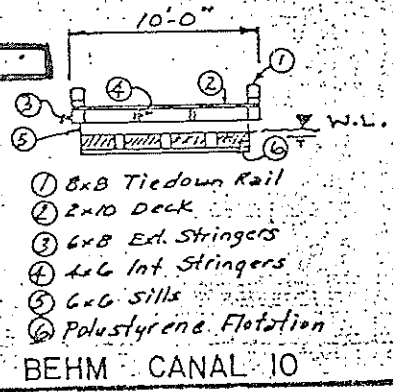
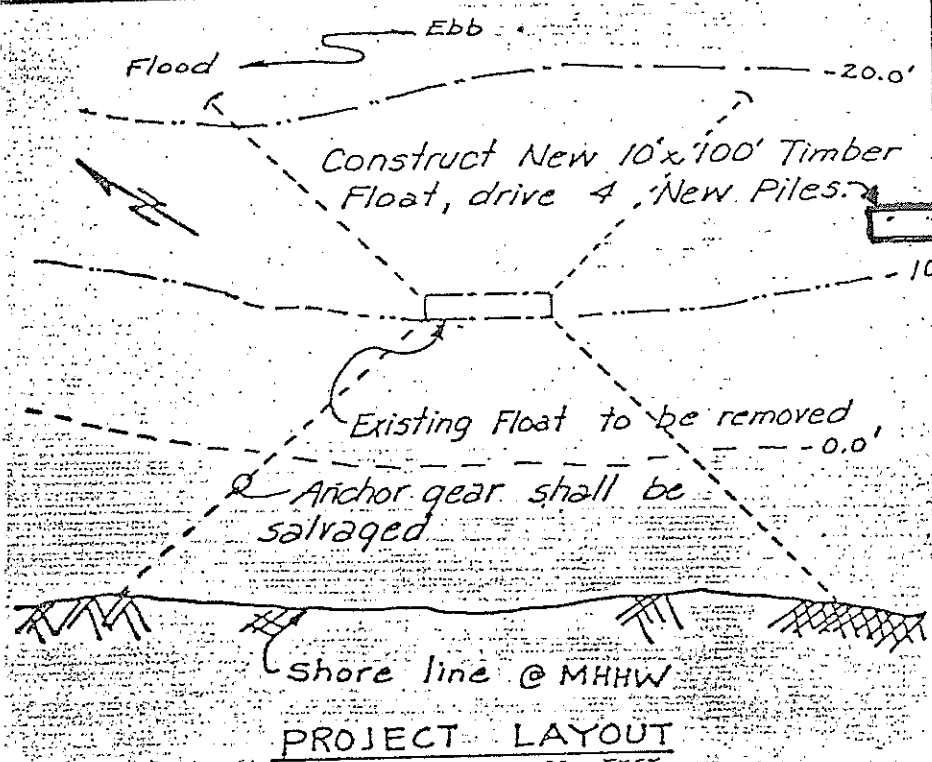
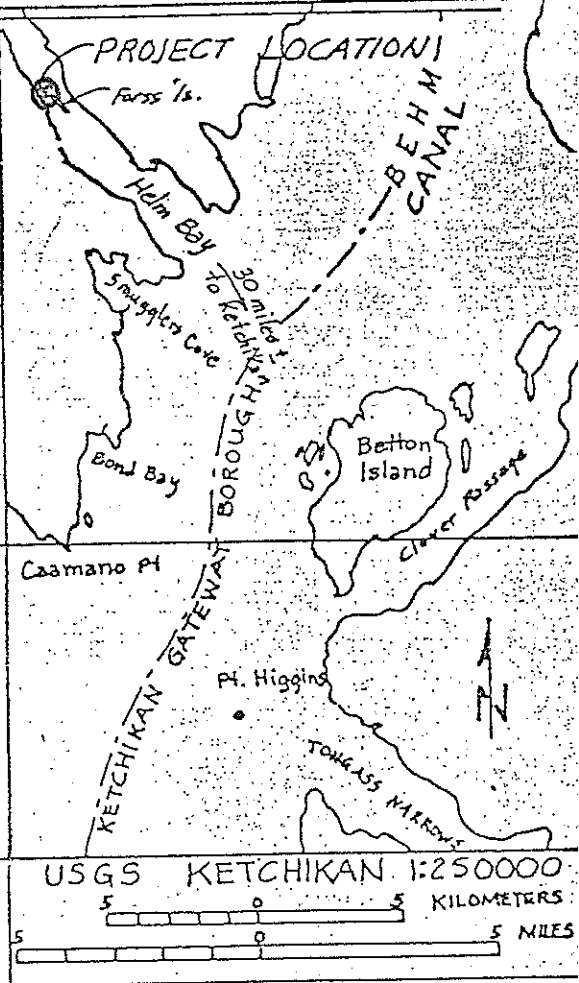
s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

ii. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):



- General Notes:
1. Pile cut off elev. +25.0
  2. Pile penetration 10'-15'
  3. This will be a public use float.
  4. Datum based on MLLW=0.0



**PROPOSED FLOAT REPLACEMENT**

at: HELM BAY  
off: BEHM CANAL  
near: KETCHIKAN, ALASKA

application by: ALASKA DIVISION  
of HARBOR DESIGN and  
CONSTRUCTION

sheet 1 of 1 30 NOV. 1978

# STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION**

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

April 30, 1979

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

Alaska Department of Transportation  
and Public Facilities  
Division of Harbor Design and  
Construction  
Pouch Z  
Juneau, Alaska 99811

RECEIVED

MAY 7 1979

Division of Harbor Design  
and Construction

Gentlemen:

In accordance with Section 401 of the Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation has issued the enclosed Certificate of Reasonable Assurance for the proposed replacement of an existing 12-foot by 65-foot timber float with a new 10-foot by 100-foot timber float in Helm Bay off Behm Canal 30 miles northwest of Ketchikan, Alaska.

By copy of this letter we are advising the Alaska District, Corps of Engineers of our action and enclosing a copy of the certification for their use.

Sincerely,

*C. Deming Cowles*  
C. Deming Cowles  
Deputy Commissioner

Enclosure

cc: Corps of Engineers  
SERO  
EPA, Region X  
EPA, Alaska Operations Office

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by the Alaska Department of Transportation and Public Facilities, Division of Harbor Design and Construction, Pouch Z, Juneau, Alaska 99811 for the removal of an existing 12-foot by 65-foot anchored float. The 10-foot by 100-foot timber float replacement with gas resistant polystyrene foam floatation will be secured by four treated timber piles. The float is used by recreational fishing vessels and charter boats, and serves as a refuge during inclement weather. The proposed activity is located in Helm Bay off Behm Canal 30 miles northwest of Ketchikan, Alaska, Section 18, T72S, R88E, Copper River Meridian.

Public notice of the application for this certification has been made in accordance with 18 AAC 15.180.

Water Quality Certification under Section 401 of the CWA is required for the proposed activity because the activity will be permitted by a Department of the Army permit identified as Behm Canal 10, 071-OYS-1-780286 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, is in compliance with the requirements of Section 401 of the Clean Water Act provided whatever feasible measures are necessary will be taken to control:

1. turbidity
2. sediment
3. toxic and other deleterious organic and inorganic substances
4. residues, floating solids, debris, sludge deposits, foam and scum.

Because this application was received prior to enactment of the newly revised AWQS, separate application for a short-term variance from the water quality criteria will not be required and the certification will be understood to include a short-term variance.

April 30, 1979  
Date

C. Deming Cowles  
C. Deming Cowles  
Deputy Commissioner

DIVISION OF HARBOR DESIGN & CONSTRUCTION  
POUCH Z, JUNEAU, ALASKA 99811

(907) 586-2195

March 15, 1979

RE: 071-OYD-1-780231

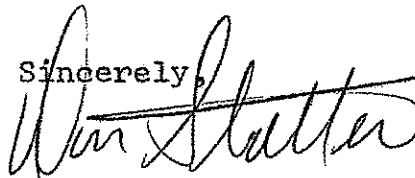
Helm Bay Float

Mr. Paul Chatari, Chief  
Regulatory Functions Branch  
Alaska District, Corps of Engineers  
Post Office Box 7002  
Anchorage, AK 99510

Dear Mr. Chatari:

As previously indicated in my letter of March 7 concerning the Taku Harbor Float, we agree with the National Marine Fisheries Service that petroleum products should not be stored on the floats. We do not, however, feel that this should be a provision of the Corps' permit. As previously stated, we do not consider the permit process to be the appropriate vehicle for managing the use of public harbor facilities in Alaska.

Sincerely,



Don Statter  
Director

cc: National Marine Fisheries Service



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

RECEIVED FEB 15 1979

FEB 21 1979

Division of Harbor Design  
and Construction

Mr. Don Statter, Director  
AK Div. of Harbor Design & Construction  
Pouch 2  
Juneau, Alaska 99811

Reference: 071-OYD-1-780231  
AK Div. of Harbor  
Design & Construction

Dear Mr. Statter:

Inclosed for your information is a copy of a letter received in this office pertaining to your application for approval of a revised Department of the Army permit plan to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay of Behm Canal, 30 miles northwest of Ketchikan.

Alaska Division of Parks has reviewed your proposal as announced in the above referenced public notice and states that if historic/pre-historic resources be uncovered during the course of your work, all operations should cease and their office contacted.

If you should have any questions concerning the above statement, I suggest that you contact William Hanable directly to discuss the matter. Please inform us of the outcome of any discussions you may have and any correspondence that may develop. In the meantime, we are proceeding with the processing of your application.

Sincerely yours,

1 Incl  
As stated

PAUL CHATARI  
Chief, Regulatory Functions Branch

CF:  
AK Division of Parks



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REPLY TO  
ATTENTION OF:

NPACO-RF  
Behm Canal 10

Mr. Don Statter, Director  
AK Div. of Harbor Design & Construction  
Pouch 2  
Juneau, Alaska 99811

Reference: 071-OYD-1-780231  
AK Div. of Harbor  
Design & Construction

Dear Mr. Statter:

Inclosed for your information is a copy of a letter received in this office pertaining to your application for approval of a revised Department of the Army permit plan to replace an existing 12' x 65' timber float with a new 10' x 100' timber float in Helm Bay of Behm Canal, 30 miles northwest of Ketchikan.

Alaska Division of Parks has reviewed your proposal as announced in the above referenced public notice and states that if historic/pre-historic resources be uncovered during the course of your work, all operations should cease and their office contacted.

If you should have any questions concerning the above statement, I suggest that you contact William Hanable directly to discuss the matter. Please inform us of the outcome of any discussions you may have and any correspondence that may develop. In the meantime, we are proceeding with the processing of your application.

Sincerely yours,  
Original Signed By

PAUL CHATARI

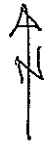
PAUL CHATARI  
Chief, Regulatory Functions Branch

1 Incl  
As stated

CF:  
AK Division of Parks







PREVIOUS CABIN  
NOW REMOVED →

← EXISTING FLOOR  
— NEW LOCATION

↑  
NEW CABIN

DIVISION OF HARBOR DESIGN & CONSTRUCTION  
POUCH Z, JUNEAU, ALASKA 99811

586-2195

February 21, 1979

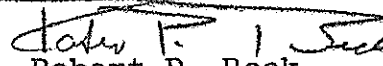
RE: 071-OYD-1-780286  
Behm Canal 10

Mr. Paul Chatari:, Chief  
Regulatory Functions Branch  
Corps of Engineers  
P.O. Box 7002  
Anchorage, Alaska 99510

Dear Mr. Chatari:

Per the attached correspondence from Tongass National Forest, USFS. After examination of the request it appears to be in the public interest to relocate the proposed new float approximately 200' ± farther S.E. I trust this change will not require an additional publication notice, or effect the permit award timing or process. Our rationale is that any comments on the first location will also be germane to the second.

Sincerely,

  
Robert P. Beck  
Chief of Design

cc: Department of Environmental Conservation

Enclosure

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
Tongass National Forest  
Federal Building  
Ketchikan, Alaska 99901  
907-225-3101

5440

FEB 16 1979

Robert Beck, Chief of Design  
Alaska Dept. of Transportation & Public Facilities  
Division of Harbor Design and Construction  
Pouch Z  
Juneau, AK 99811



RECEIVED  
FEB 21 1979

Division of Harbor Design  
and Construction

Dear Bob:

The following information is supplied as a result of our January 26, conversation concerning the State's proposed boat mooring float replacement in Helm Bay, Clevelend Peninsula. This replacement float was brought to our attention through the Department of Army Corp Permit Announcement No. NPACO-RF, Behm Canal 10.

Our question dealt with the possibility of mooring the replacement float closer to the new Helm Bay Recreation Cabin erected this past summer. The existing float is opposite the old cabin site. The replacement cabin is approximately 400 feet south of the previous cabin due to better soil conditions and vegetative cover. It is a larger than normal recreation cabin since the Helm Bay site has traditionally served larger parties, i.e., Boy Scout outings.

Neither the existing float or its replacement access onto the uplands. This means individuals with their camping gear use small punts to reach the cabin if they wish to take advantage of the float for mooring their water craft. Lessening the distance between float and cabin will increase the safety factor during adverse weather conditions.

Our materials engineer and recreation assistant investigated the site this past week based on your request for additional information. Movement of the new float location approximately one hundred feet southeast of its present location appears feasible. The bottom appears suitable for pile driving based on its composition and the existance of an old piling still in place. Depth at MLLW also appears comparable to the existing location.

Please feel free to contact our office should you wish any supplimental information. We appreciate your efforts in behalf of this request.

Sincerely,

JOHN W. RUOPP  
Recreation, Lands, Watershed Program Manager



DEPARTMENT OF THE ARMY  
 ALASKA DISTRICT, CORPS OF ENGINEERS  
 P.O. BOX 7002  
 ANCHORAGE, ALASKA 99510  
 REGULATORY FUNCTIONS BRANCH  
 (907) 279-4123

RECEIVED

JAN 15 1979

REPLY TO  
 ATTENTION OF:

NPACO-RF  
 Behm Canal 10

12 January 1979  
 Division of Harbor Design  
 and Construction

## PUBLIC NOTICE

NPACO No. 071-OYD-1-780286

Application has been received in this office from the Alaska Department of Transportation & Public Facilities, Division of Harbor Design and Construction, Pouch Z, Juneau, Alaska 99811, telephone (907) 586-2195, for approval of a revised Department of the Army permit plan under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to replace an existing 12'x65' timber float with a new 10'x100' timber float in Helm Bay off Behm Canal 30 miles northwest of Ketchikan, Alaska, as shown on the plan attached to this notice.

The applicant proposes to remove an existing 12'x65' anchored float. The proposed 10'x100' timber float replacement with gas resistant polystyrene foam floatation will be secured by 4 treated timber piles. The float is used by recreational fishing vessels and charter boats, and serves as a refuge during inclement weather.

The applicant proposes to commence and complete the work in the spring of 1979.

The existing float is authorized by a Department of the Army permit issued 18 June 1974.

A Certificate of Reasonable Assurance or waiver of certification is required for this activity under Section 401 of the Federal Water Pollution Control Act Amendments of 1972. This certification, or waiver thereof, is issued by the Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska, telephone (907) 465-2670.

Preliminary determinations indicate the issuance of this permit is a major Federal action not significantly affecting the human environment, and an environmental impact statement is not required.

The National Register of Historic Places and the latest published version of the Federal Register have been consulted in regard to the proposed activity. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Preliminary determinations indicate that the proposed activity will not affect an endangered species or their critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of Interior is not required for this proposed activity.

Interested parties are requested to submit in writing any comments or objections that they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

Replies to this notice should be mailed to reach the Alaska District, Corps of Engineers, ATTN: Regulatory Functions Branch, P.O. Box 7002, Anchorage, Alaska 99510, not later than 11 February 1979 to insure consideration.

FOR THE DISTRICT ENGINEER:

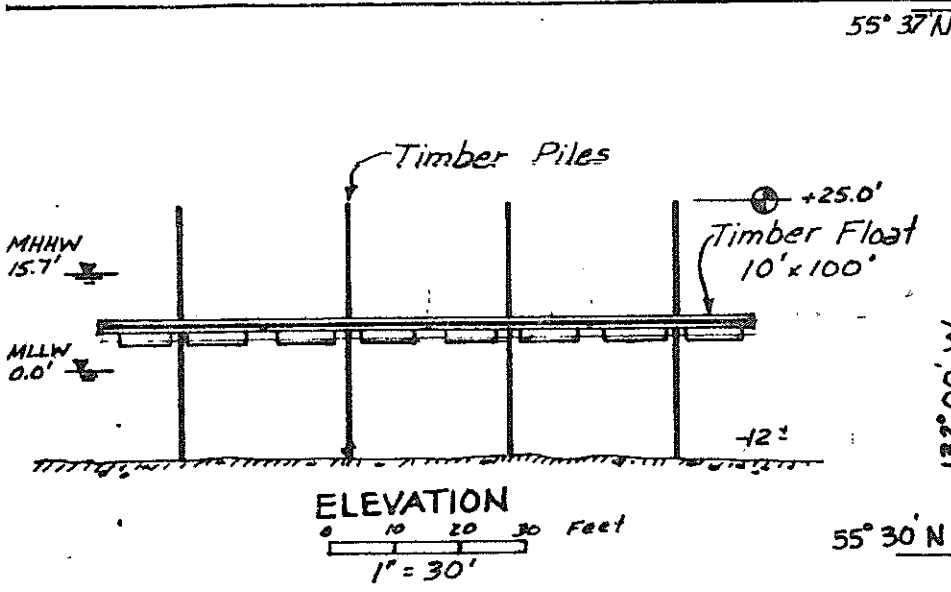
1 Incl  
Plan

*David L. Robbins*

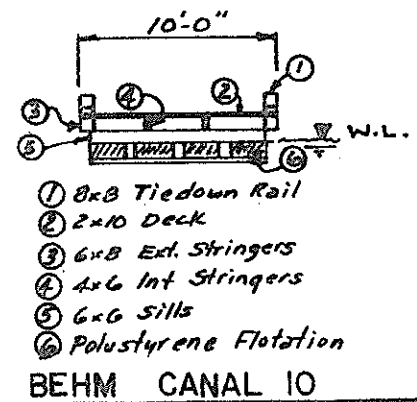
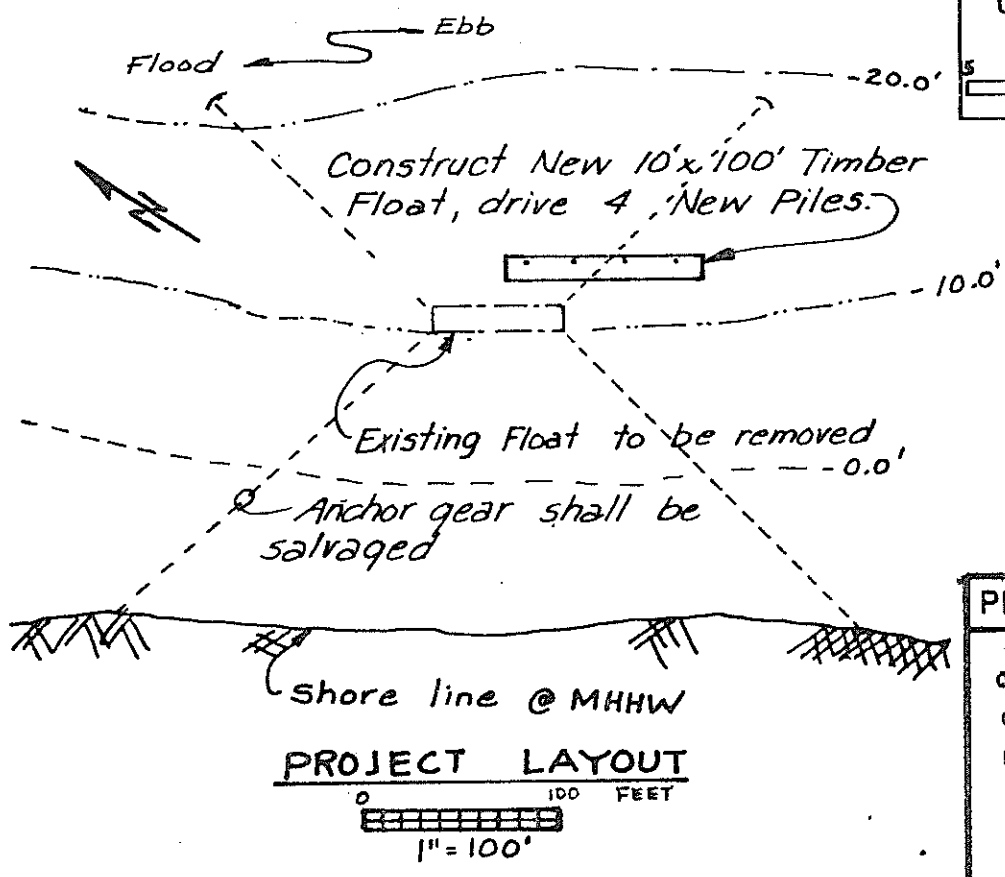
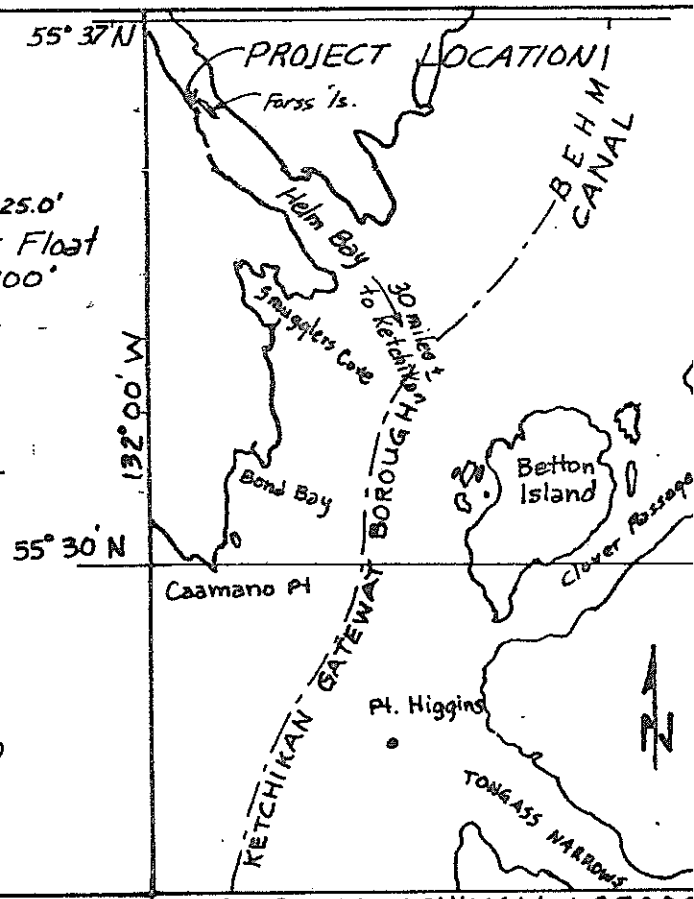
DAVID L. ROBBINS  
Chief, Construction/Operations Division

RECEIVED  
DISTRICT ENGINEER  
ANCHORAGE, ALASKA

1979 FEB 11 10 11 AM  
DISTRICT ENGINEER  
ANCHORAGE, ALASKA



- General Notes:
1. Pile cut off elev. +25.0
  2. Pile penetration 10'-15'
  3. This will be a public use float.
  4. Datum based on MLLW=0.0



**BEHM CANAL 10**

**PROPOSED FLOAT REPLACEMENT**

at: HELM BAY  
off: BEHM CANAL  
near: KETCHIKAN, ALASKA

application by: ALASKA DIVISION  
of HARBOR DESIGN and  
CONSTRUCTION

sheet 1 of 1      30 NOV. 1978



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002  
ANCHORAGE, ALASKA 99510

Permit Section  
(907) 279-4123

*File: Ketchikan  
project*

REPLY TO  
ATTENTION OF:

NPACO-OP-P  
Behm Canal 10

18 June 1974

Mr. Dave Ward, Const. Engr.  
Division of Water and Harbors  
Department of Public Works  
Pouch Z  
Juneau, Alaska 99801

Dear Mr. Ward:

In accordance with your application of 1 May 1974 transmitted is a Department of the Army permit to relocate a float in Helm Bay off Behm Canal approximately 20 nautical miles north-northwest of Ketchikan, Alaska. Also forwarded is a "Notice of Authorization" which should be posted in a prominent location on the authorized structure.

Notice is hereby given that a possibility exists that the structure permitted may be subject to damage by wave wash from passing vessels. Your attention is invited to special condition (w) of the permit.

You are cautioned that if the structure permitted is not in accordance with the plan attached to this permit, such structure is considered illegal and may impair its sale or security value or may place you at a disadvantage in suits for damages as a result of collision or other accidents. If any material changes in location or plans of the proposed work are found necessary due to unforeseen or altered conditions, you are required to submit revised plans promptly for approval prior to initiating the work.

It is requested that you inform this office immediately of the commencement and completion dates of the proposed work authorized in the attached permit.

Sincerely yours,

WALTER B. LANDER  
Chief, Construction Division

2 Incl  
As stated

*7A*  
*KETCHIKAN (HELM BAY)*

DEPARTMENT OF THE ARMY  
PERMIT

Application No. 74-188  
Name of Applicant Division of Water and Harbors  
Effective Date 18 June 1974  
Expiration Date (If applicable) 31 DEC 77  
File No. Behm Canal 10

Referring to written request dated 1 May 1974 for a permit to:

Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, P.L. 92-532);

Alaska Division of Water and Harbors  
Pouch Z  
Juneau, Alaska 99801

*(Here insert the full name and address of the permittee)*

is hereby authorized by the Secretary of the Army to relocate a float  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures,*

74-184



if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

in Helm Bay off Behm Canal

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(Here to be named the ocean, river, harbor or waterway concerned.)

at approximately 20 nautical miles north-northwest of Ketchikan, Alaska

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(Here to be named the nearest well-known locality -- preferably a town or city -- and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.) Subject to the following conditions:

I. GENERAL CONDITIONS:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized

activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

e. That the permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension,

(2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before 18th day of June, 1975, (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before 31st day of December, 1977, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

II. SPECIAL CONDITIONS:

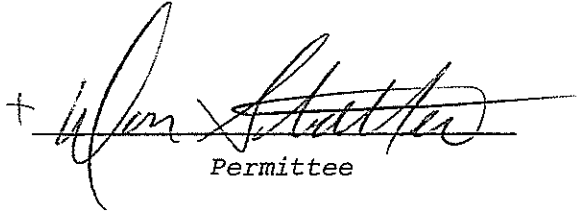
w. STRUCTURES FOR SMALL BOATS: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

x. ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS: That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

This permit shall become effective on the date of the District Engineer's signature.

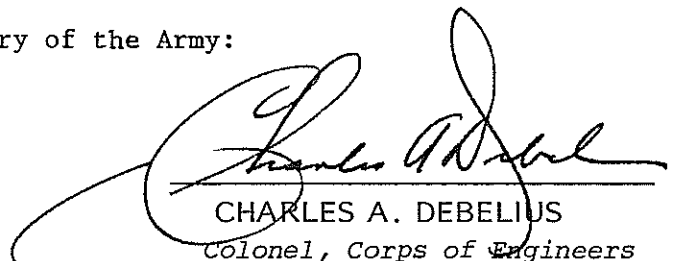
Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

+ 6/15/74  
Date

+   
Permittee

By authority of the Secretary of the Army:

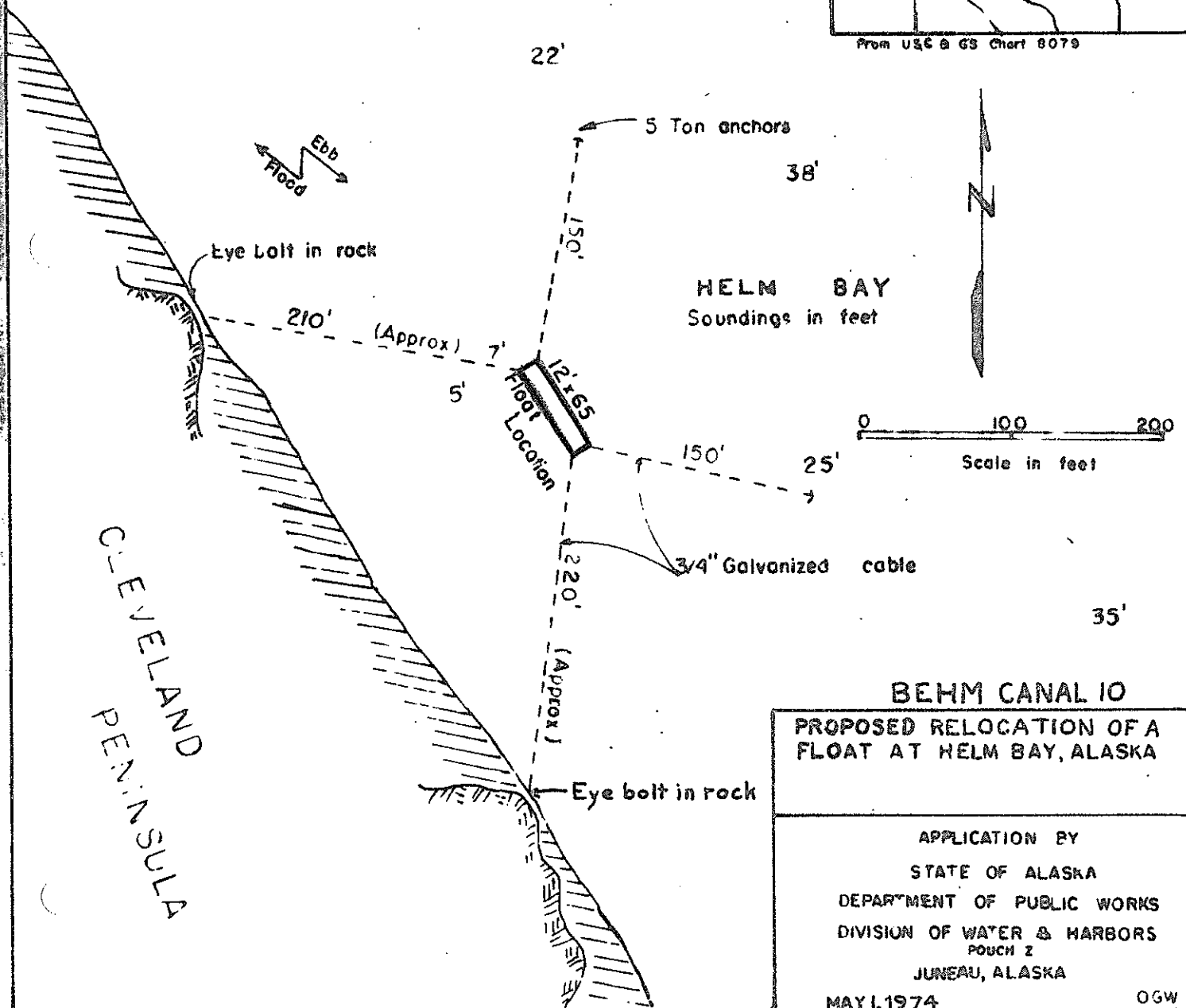
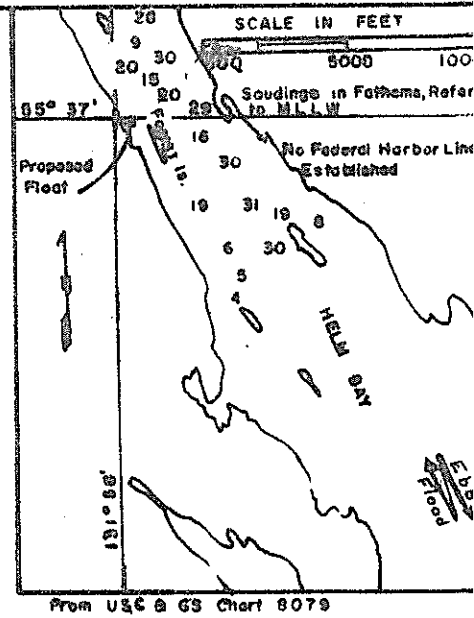
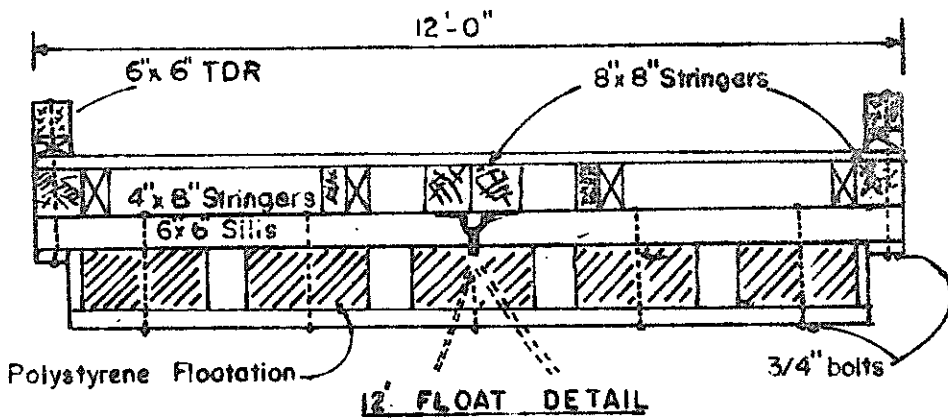
18 JUN 1974  
Date

  
CHARLES A. DEBELIUS  
Colonel, Corps of Engineers  
District Engineer

Transferee hereby agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Transferee



Helm Bay Fill

ADDRESS REPLY TO:  
DISTRICT ENGINEER  
ALASKA DISTRICT  
CORPS OF ENGINEERS  
ANCHORAGE, ALASKA  
REFER TO FILE NO.

CORPS OF ENGINEERS, U.S. ARMY  
OFFICE OF THE DISTRICT ENGINEER  
ALASKA DISTRICT  
Anchorage, Alaska

RECEIVED  
DEC-5 1949  
HIGHWAY ENGINEER  
JUNEAU, ALASKA

800.6 (Behm Canal,  
Alaska) 10/7

AIR MAIL

2 DEC 1949  
Permit  
rec'd 12/15/49

Territorial Highway Engineer  
Juneau, Alaska

Dear Sir:

In accordance with your application of 8 October 1949 enclosed is Department of the Army permit to install a float, gangway and drive guide piling at Helm Bay, Cleveland Peninsula, Southeastern Alaska

Sections 9 and 10 of the River and Harbor Act of 3 March 1899 make it unlawful to build or to commence to build any structure across or in any navigable water of the United States and/or to excavate, or fill, or in any manner to alter or to modify the course of such navigable water except on plans that have had the prior approval of the Chief of Engineers and the Secretary of the Army.


You are hereby informed that if the structure built or the work done is not in accordance with the plans attached to this permit, such structure or work is consequently illegal and this fact may impair sale or security value and may place you at a disadvantage in suits for damages on account of collision or other accidents. Completed work that departs materially in locations or otherwise from approved plans can be legalized only by special act of Congress.

You are therefore cautioned that if any material changes in the location or plans of the proposed structure or work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to this office to the end that, if found unobjectionable from the standpoint of navigation, they may receive the approval required by law before construction thereon is begun.

It is requested that this office be notified when this work is commenced, and immediately after it is completed.

FOR THE DISTRICT ENGINEER:

Very truly yours,

  
M. R. GIMPIN, JR.  
Chief, Operations Division

1 Incl  
Permit

0053331



DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings v. Chicago*, 188 U. S., 410.) 16-13168-2

DEC - 5 1949  
HIGHWAY ENGINEER  
JUNEAU, ALASKA

PERMIT

Alaska District, Corps of Engineers.  
Anchorage, Alaska  
2 December, 1949.

Territorial Highway Engineer  
Juneau, Alaska

Dear Sir:

Referring to written request dated 8 October 1949

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army.

to install a float, gangway and drive guide piling  
(Here describe the proposed structure or work.)

in Helm Bay  
(Here to be named the river, harbor, or waterway concerned.)

at Cleveland Peninsula, Southeastern Alaska.  
(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans shown on the drawing attached hereto and marked:  
(Or drawings; give file number or other definite identification marks.)  
"PROPOSED GANGWAY & FLOAT INSTALLATION, Situate at HELM BAY, CLEVELAND PENINSULA, S.E. ALASKA, Application by Territorial Highway Engineer, Juneau, Alaska, October 8, 1949."

subject to the following conditions:

Sheet 1

(a) That the work shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the locality, who may temporarily suspend the work at any time, if in his judgment the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly and no large refuse piles, ridges across the bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material in the waterway. If the material is to be deposited in the harbor of New York, or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, Whitehall Building, New York City.

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interest of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of the Army may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That the United States shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(h) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard, shall be installed and maintained by and at the expense of the owner.

(i) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(j) That if the structure or work herein authorized is not completed on or before ~~31st~~ day of December, 1952, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

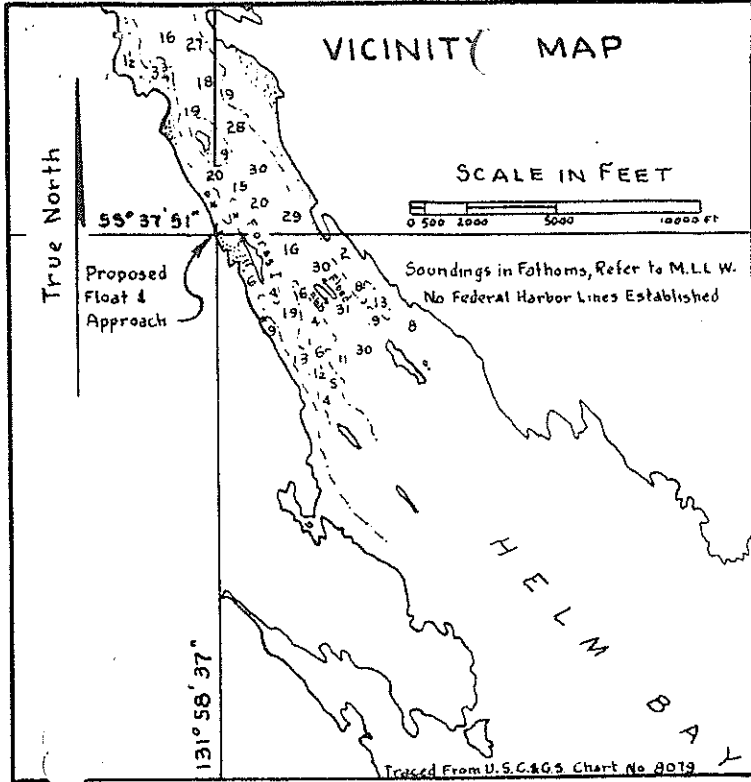
By authority of the Secretary of the Army:



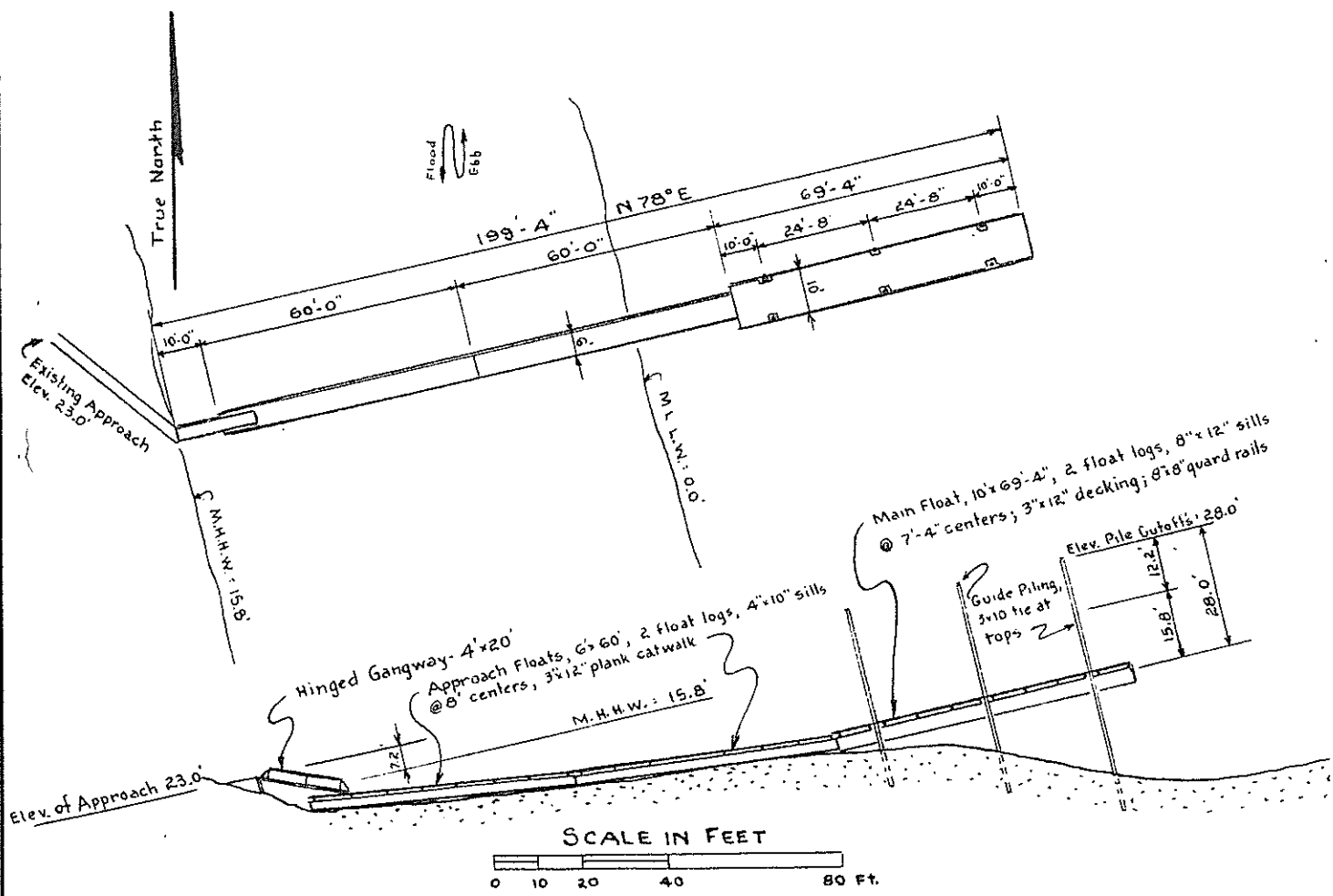
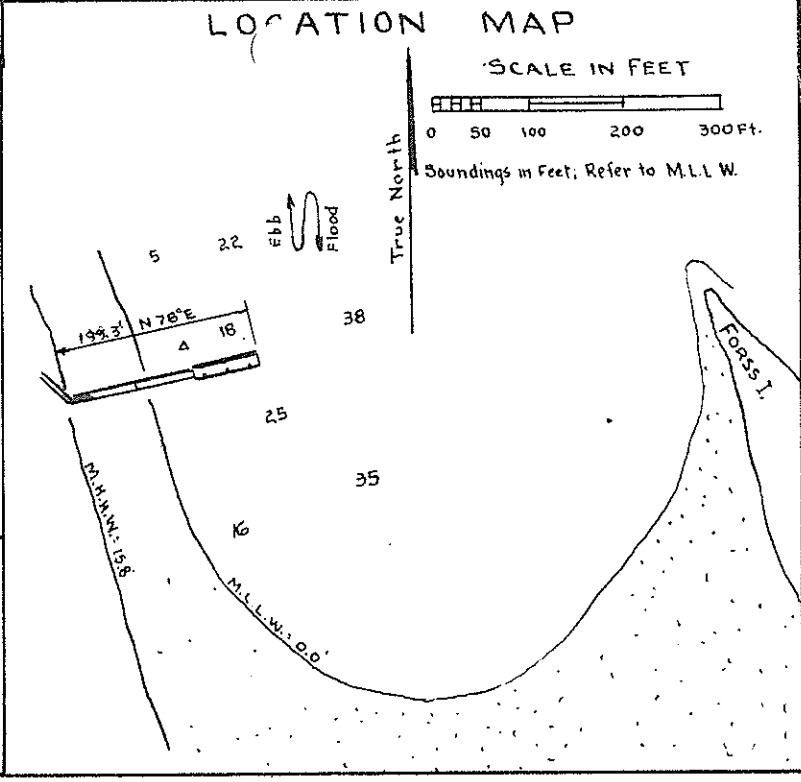
L. E. SEEMAN  
Colonel, CE

District Engineer

# VICINITY MAP



# LOCATION MAP



**PROPOSED GANGWAY & FLOAT INSTALLATION**  
 Situate at  
**HELM BAY, CLEVELAND PENINSULA, S.E. ALASKA**  
 Application by Territorial Highway Engineer, Juneau, Alaska  
 October 8, 1949

*P.W.C.*