

ADDRESS REPLY TO
THE DISTRICT ENGINEER
(NOT TO INDIVIDUALS)

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

REFER TO FILE NO. 800.6(Hobart Bay,
Alaska)1/

1 MAY 1956

Territorial Highway Engineer
Territory of Alaska
Juneau, Alaska

Dear Sir:

In accordance with your application of 6 March 1956 inclosed herewith is a Department of the Army permit to construct a catwalk and combined boat and plane float in Hobart Bay off Entrance Island.

Sections 9 and 10 of the River and Harbor Act of 3 March 1899 make it unlawful to build, or commence to build, any structure across, or in any navigable waters of the United States and/or to excavate, or fill, or in any manner alter or modify the course of such navigable waters 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 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. You are therefore cautioned that if any such material changes in location or plans of the proposed structure or work are found necessary due to 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.

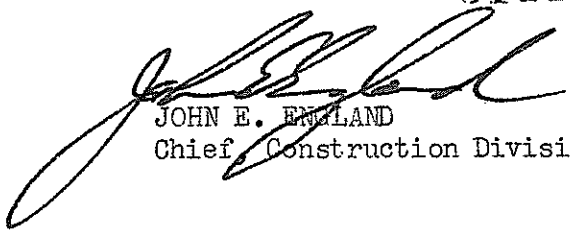
Previous construction innocently constructed in violation of Sections 9 and 10 of the River and Harbor Act of 3 March 1899, not unreasonably interfering with navigation, may be legalized by the submission of a tracing, showing the work as actually constructed to be forwarded for approval.

It is requested that this office be notified when this work is begun and of its completion date.

FOR THE DISTRICT ENGINEER:

Very truly yours,

014439


JOHN E. ENGLAND
Chief, Construction Division

Incl
Permit

FL-18
Aug 54

(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

PERMIT

Alaska District Corps of Engineers.

Anchorage, Alaska 26 April, 1956.

Territorial Highway Engineer
Territory of Alaska
Juneau, Alaska

Dear Sir:

Referring to written request dated 6 March 1956.

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 construct a catwalk and combined boat and plane float
(Here describe the proposed structure or work.)

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

at on the southern shore of Entrance Island
(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 BOAT & PLANE FLOAT AND CATWALK FOR ENTRANCE ISLAND, ALASKA, HOBART BAY, S.E. ALASKA, APPLICATION BY TERRITORIAL HIGHWAY ENGINEER, JUNEAU, ALASKA, 6 March 1956."

subject to the following conditions:

(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, 1959, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

By authority of the Secretary of the Army:


CARL V. FARRELL
Colonel, CE
District Engineer