City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Port of Juneau

March 9, 2010

Heidi Firstencel
U.S. Army Corps of Engineers
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

Subject: Response to your March 8, 2010 Email

Dear Ms. Firstencel,

In your March 8, 2010 email, you transmitted several attachments and asked that CBJ respond to them. The relevant correspondence attached to the email and our response follows:

1. NMFS January 4, 2010 Letter – This letter reiterates their September 9, 2009. We responded to this letter, the September 9 letter and the February 4, 2010 letter in our document entitled "Response to comments received from NOAA on September 9, 2009". This document was attached to our March 8, 2010 letter to you.
2. FWS January 6, 2010 Letter – We responded to this letter in our document entitled "Response to comments form Fish and Wildlife Service dated January 6 and February 2, 2010". This document was attached to our March 8, 2010 letter to you.
3. DNR January 6, 2010 Letter and ADEC December 24, 2010 Letter - We responded to these letters in our document entitled "Letter to Carrie Bohan dated February 22, 2010." In addition, we submitted additional information to DNR to complete our land use application in Mr. Schicht's February 25, 2010 email. A copy of the land use application is attached for your use.
4. Berg Korhonen Coyle Email – There is nothing to respond to.
5. Munro January 18, 2010 Comments – Mr. Munro also sent a series of emails to CBJ in December, 2009 voicing similar concerns. Dr. Jack Word responded to these concerns. I am enclosing a copy of Mr. Word's responses for your use.

Please let me know if there are substantive concerns in the above referenced agency letters that we have not addressed as required for you to make a decision concerning our application.

Sincerely,

John M. Stone, P.E.
Port Director

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

Division of Mining, Land and Water

Northern Region Land Office, Fairbanks (907) 451-2740	Southcentral Region Land Office, Anchorage (907) 269-8552	Southeast Region Land Office, Juneau (907) 465-3400

Dear Applicant:

The Department of Natural Resources, Division of Mining, Land and Water's (DMLW) regional land offices are responsible for managing state land and resources. Certain activities on state land require a land use permit, while other activities are considered "generally allowed" or require other authorizations. Commercial recreation facilities that remain no longer than 14 days in any one site may obtain a commercial recreation permit rather than a land use permit. Additional information and forms are available at any Division of Mining, Land and Water regional land office and the Public Information Centers in Anchorage and Fairbanks.

Land Use Permits:

- authorize the temporary use of state land or resources;
- can be issued for up to five years;
- do not convey any interest in state land;
- are revocable with or without cause;
- are not transferable;
- do not constitute waiver of any other state, federal, or local laws; and

A Complete Land Use Permit Application Package includes the following items:

A Land Use Permit application form completed and signed by the applicant. Applicants proposing:

- the use of the uplands and non marine waters must also complete the Supplemental Questionnaire for Use of Uplands and/or Non Marine Waters accompanying this application;
- off-road travel must also complete the Supplemental Questionnaire for Off-Road Travel accompanying this application; and/or
- the use of tide and submerged lands must also complete the Supplemental Questionnaire for Use of Marine Waters accompanying this application.

The **site development diagram** required in the Supplemental Questionnaire for Use of Uplands and/or Non-Marine Waters and the Supplemental Questionnaire for Use of Marine Waters should show each item labeled so that it corresponds with your description in the Questionnaire. The site development diagram must include:

- **Location** - Section, Township, and Range lines; North arrow; scale; title; legend (may be attached).
- **Boundaries** – Boundaries and dimensions of proposed area of use and their relation to geographic features, including water bodies, and existing trails or rights-of-way.
- **Structures and Storage** - Location and dimensions of buildings, tent platforms, out-buildings and other improvements, and of equipment parking and storage areas, including snow storage areas.
- **Hazardous substances** – Location and dimensions of storage facilities for hazardous substances, including but not limited to oil, lubricants, fuel oil, gasoline, solvents, and diesel fuel. Include method and dimensions of storage (tank, drum, etc.).

Other items that must accompany the application package are:

Map - a topographic map of sufficient scale to show the location of the proposed activity. The map may be either 1:250,000 or 1:63,360.

Coastal Project Questionnaire (CPQ) - A CPQ is required to identify which state and federal permits are required for activities within the coastal zone. The DMLW will help you determine if the proposed activity is within the coastal zone by referring to the Coastal Zone Boundaries of Alaska (June 1995). If your project is within the coastal zone, please request a Coastal Project Questionnaire from the DMLW office.

Filing Fees - A $100.00 non-refundable filing fee is required by regulation (11 AAC 05.010(5)(B)). Make checks payable to the "State of Alaska".

Other Miscellaneous Items: Items specifically identified and required in any of the supplemental questionnaires.

Completed Land Use Permit Applications should be mailed to one of the following offices:

Public Information Center **550 W. 7th Ave, Suite 1260** **Anchorage, AK 99501** **(907) 269-8400**	**Public Information Center** **3700 Airport Way** **Fairbanks, AK 99709** **(907) 451-2705**	**MLW Information Office** **P.O Box 111020** **Juneau, AK 99811-1020** **(907) 465-3400**

Pre-Permit Issuance Requirements: Prior to issuance of a permit, an applicant is required to submit one or more of the following:

Use Fees - The use fee depends on the type of activity, length of use and the acreage authorized for use. Regulations under 11 AAC 05.010(e)(6)-(9) describe use fees for different activities authorized under land use permits.

Performance Guaranty (Bond) - A performance guaranty is held by the state to assure performance and to pay for corrective action if the use of state land fails to comply with the requirements of the permit. The DMLW uses a bonding matrix to determine the amount of a performance guaranty. Acceptable types of performance guaranties include:

a. cash or check made out to the State of Alaska;
b. a Certificate of Deposit (CD) in the state's name; or
c. a corporate surety bond.

Insurance - Insurance to protect you and the state from liabilities incurred through the use of state property.

Survey - Surveys are generally not required for land use permits. Some authorizations may require a Global Positioning System (GPS) to determine the location of the project.

If you have any questions prior to submitting your application, you are encouraged to meet with a member of the Division of Mining, Land and Water staff about your proposed activity.

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

LAND USE PERMIT APPLICATION
AS 38.05.850

Applicants must complete all sections of this application. In addition, applicants proposing:

- the use of the uplands and non marine waters must also complete the Supplemental Questionnaire for Use of Uplands and Non Marine Waters accompanying this application;
- off-road travel must also complete the Supplemental Questionnaire for Off-Road Travel accompanying this application; and/or
- the use of tide and submerged lands must also complete the Supplemental Questionnaire for Use of Marine Waters accompanying this application.

Other items that must accompany the completed application are:

- **a (non-refundable)** $100 application filing fee;
- a 1:250,000 or 1:63,360 scale USGS map showing the location of the proposed activity;
- additional items identified and required in any supplemental questionnaire(s) to this application;
- an Alaska Coastal Management Questionnaire if the proposed use is within the Coastal Zone; and
- additional pages if more space is necessary to answer the questions completely.

Completed Land Use Permit Applications should be mailed to one of the following offices:

Public Information Center
550 W. 7th Ave, Suite 1260
Anchorage, AK 99501
(907) 269-8400

Public Information Center
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2705

MLW Information Office
P.O. Box 111020
Juneau, AK 99811-1020
(907) 465-3400

LAS # _____

Applicant Information:

Dick Somerville, P.E. — 9/12/58
Applicant Name — Date of Birth

PND Engineers, Inc. — Dick Somerville, P.E. — 92-007-2819
Doing Business As — Contact Person — EIN

9360 Glacier Hwy, Ste 100, Juneau, AK 99801 — dsomerville@pndengineers.com
Mailing Address with City, State and Zip — Email Address

( ) — (907) 586.2093 — ( ) — (907) 586.2099
Home Phone — Work Phone — Cell Phone — FAX

If you are applying for a corporation, give the following information:

Name, address and place of incorporation: City and Borough of Juneau, Docks & Harbors Dept.
155 S. Seward Street, Juneau, AK 99801

Is the corporation qualified to do business in Alaska? **Yes** [X] **No** [ ]. **If yes**, provide name, address and phone number of resident agent: John Stone, P.E. - CBJ Port Director
155 S. Seward Street, Juneau, AK 99801 P: 907.586.0292

Type of User, Select one: [ ] Private non-commercial (personal use) [ ] Commercial Recreation or Tourism

[X] Public Non-profit including Federal, State, Municipal Government Agency [ ] Other commercial or industrial

Duration of Project: The proposed activity will require the use of state land for: **(Check one)**

[X] a single term of less than one year. **Beginning month:** Oct 2010 **Ending month:** Jan 2011

[ ] a multi year term for up to 5 years. **Beginning year:** _____ **Ending year:** _____

If multi year and seasonal, circle months of use in each year. **Jan., Feb., Mar., Apr., May, Jun., Jul., Aug., Sept., Oct., Nov., Dec.**

Project Location

Latitude/Longitude or UTM: 58°16'41" / 134°22'50" or

Section: 22, Township: 41S, Range: 67E, Meridian: Copper River

(The spaces below are to be used if the boundaries of the proposed project cross section lines.)

Section:_____, Township:_____, Range:_____, Meridian: _____

Section:_____, Township:_____, Range:_____, Meridian: _____

Proposed project will require the use of up to _____acres. (Add additional sheets as necessary)

Project Description - Describe in detail your intended use of state land. (State land also includes all tide and submerged lands beneath coastal waters and all shorelands beneath other navigable water bodies of the state.) Discuss development and activities. (Attach additional pages as necessary.)

See attached 1A.

Should a portion of the permitted area be closed to the general public? Yes [ ] No [X] If yes, explain which portion and provide justification for exclusive use:

Site Description - Briefly describe the current condition of the proposed site of use, noting any trash, garbage, debris or signs of possible site contamination (If significant, we recommend you provide pictures to establish initial conditions):

See attached 1B.

Are there improvements or materials on the site now? Yes [ ] No [X] If yes, briefly describe the improvements, their approximate value, and who owns them (We recommend you provide pictures of improvements):

Site Description continued - Describe the natural vegetation --- ground cover, trees, shrubs --- and any proposed changes. Describe the location of any estuarine, riparian, or wetlands and any noticeable animal use of area.

See attached 1B.

Site Access - Describe how you plan to access the site, and your mode of transportation.

See attached 1C.

If your access is by aircraft, specify the type and size of aircraft: _____

To access the site, the aircraft is equipped with **floats** [ ] **wheels** [ ] **skis** [ ].

Number of people

1. Indicate the number of employees and supervisors who will be working on the site. 5
2. Indicate the number of customers who will be using the site per year or season. 0
3. Indicate the number of days the site will be used per year or season. 0

Environmental Risk / Hazardous Substances - In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons? **Yes[ ] No[ ]. If yes,** please describe:

We have conducted extensive testing of the proposed dredge material. We believe that the results of these tests indicate that the material is not toxic or hazardous.

The types and volumes of fuel or other hazardous substances present or proposed: _____

The specific storage location(s): _____

The spill plan and prevention methods: _____

Environmental Risk/Hazardous Substances (continued) - If you plan to use either above or below ground storage containers (like tanks, drums, or other containers) for hazardous material storage, answer the following questions for each container:

Where will the container be located? N/A

What will be stored in the container?

What will be the container's size in gallons?

Give a description of any secondary containment structure, including volume in gallons, the type of lining material, and configuration:

Will the container be tested for leaks? **Yes[ ] No[ ]**

Will the container be equipped with leak detection devices? **Yes[ ] No[ ]. If no**, describe:

Do you have any reason to suspect, or do you know if the site may have been previously contaminated? **Yes[ ] No[ ]. If yes,** please explain:

Date Stamp:

PND ENGINEERS, INC V.P.

Signature of Applicant or Authorized Representative Title

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made part of the state public record and becomes public information under AS 09.25.110 and 09.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested.) Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit is punishable under AS 11.56.210.

Land Use Permit Application Supplemental Questionnaire for:
Off Road Travel

Answer the following questions if your proposed activity includes off-road travel.

Terrain Factor. Circle the following terrain type(s) that best describes your route of travel:

- Wetlands
- Open, non-tundra or wetland areas.
- Rivers or other water bodies.
- Wooded areas with trees of 6" or greater diameter (at breast height).
- Tundra areas.

Vehicles and Weight. List the number and kinds of vehicles to be used for motorized travel, the weight of each vehicle and the weight of each trailer or sled (including loaded weight) to be carried by that vehicle:

N/A

Mileage.

- State the average total miles traveled in one round trip: _____
- State the number of trips proposed: _____

Season Factor. Proposed date(s) of travel will be: **From:** _____ **To:** _____

Stream and Water Body Crossings. - Note who you contacted in the DNR, Office of Habitat Management and Permitting:

Date:_____ Person: _____

Fuel and Hazardous Substance Factor. The volume of fuel and hazardous substances to be used is the total volume (in gallons) to be carried on one vehicle and any trailers or sleds that vehicle is towing.

- Maximum volume of fuel (in gallons) that is being transported by one vehicle and any trailers or sleds it is towing: _____ gallons.
- Hazardous substances other than fuel:

  Substance _____

  Substance _____
- Do you have an Oil Discharge Prevention and Contingency Plan approved by the Alaska Department of Environmental Conservation? **Yes[ ] No[ ]**
- Do you have either a trained spill response team or a contract with a spill response company? **Yes[ ] No[ ]**

Receipt Type FF (Non-Guide) or 7A (Guide)

Land Use Permit Application Supplemental Questionnaire for:
Use of Uplands and Non Marine Waters

To be completed to provide more detailed information about projects or activities requiring the use of state owned uplands and non marine waters. All site development details identified in this section must be represented graphically in the scaled drawings on Page 4 of the supplement.

Temporary Structures – 1) Describe all temporary improvements (including buildings, tent platforms, out-buildings, docks, floats, and floating facilities), including their dimensions and building materials. 2) Label improvements to be maintained on a year round basis as year round. **Note:** Seasonal improvements must be completely dismantled and removed or stored on or before the end of authorized terms of use.

N/A

Distance structures including pit privies will be located from the ordinary highwater mark of the nearest freshwater body (lake, stream, river, etc), or the mean high water mark of a saltwater body: _____

Harvest of Non-Timber Related Forest Products – Please list the type and quantity of each non-timber related forest product (berries, ferns, willow, mushrooms, birch bark, etc.) to be harvested for commercial use:

N/A

Contact the DNR Division of Forestry to obtain authorizations for the harvest of small trees.

Motorized Equipment - List mechanized/motorized equipment to be used, including type, size, purpose, and number of each.

N/A

For stream and water body crossings, note who you contacted in the DNR, Office of Habitat Management and Permitting:

Date:_____ Person: _____

Storage and Parking - If you plan to store items or park boats, vehicles and/or heavy equipment on the site, describe complete the following:

Describe and give dimensions of long term and short term parking and or storage areas._____

N/A

Is parking or storage planned to take place on filled tidelands. **Yes[ ] No[ ]**

Does storage involve structures or materials floating in a waterbody? **Yes[ ] No[ ]** If yes, describe. _____

Storage and Parking (continued)

Number of disassembled tent frames _____ Number of tent platforms _____

List and describe items that are large and difficult to transport. Include dimensions:_____

Will barrel(s) or an equivalent type of storage container be used? **Yes[ ] No[ ]** If using something other than barrels for storage containers, describe the alternative container.

Describe any measures you plan to take to minimize drips or spills from leaking vehicles or equipment. _____

Water / Wastewater

Water Supply – Describe the water supply and proposed use. _____

N/A

Wastewater – Describe the wastewater type and quantity and proposed method of wastewater disposal: (for the marine environment, also describe the proposed gray and black water systems or out fall pipeline.

Waste – Describe the types of waste that will be generated on-site, including solid waste, the source of the waste, and the method of waste disposal, i.e. pit privy, or self-contained system, or outfall line; indicate distance from the nearest waterbody.

Animal Use

Will there be any use of animals (horses, llamas, dogs, etc.)? **Yes[ ] No[ ]**

Will there be commercial use of the animals (horseback rides, packing, dog sled rides, etc.)? **Yes[ ] No[ ]** If yes, please explain:

N/A

Dismantle, Removal, Restoration Plan – Provide a plan for dismantling and removing temporary structures. Include method and timeline for total site restoration:

N/A

SHORT TERM (PORTABLE) COMMERCIAL RECREATION CAMPS: Identify commercial recreation activity/activities for which short term (portable) camps **will be** established to accommodate employees and clients, and provide a general description of the location(s) (e.g. guide use area, game management sub-unit, river, stream, lake, etc.) where the recreational activity/activities and short term (portable) camp use will occur.

___ **Big Game Guiding: (List up to 3 Guide Use Areas.)** _____

___ **Sportfishing (List river corridors, lakes, etc.)** _____

___ **Boating/Rafting/Kayaking: (List river corridors, lakes, etc.)** _____

___ **Other Recreation: (Type and general geographic description.)** _____

- Is all or a portion of any of the above identified areas located within the Bering Straits CRSA? Yes _____ No _____

- Identify any State of Alaska Refuge, Sanctuary and/or Critical Habitat Area where short term (portable) camps will be used.

Will activities include "day use" of state land managed under the Haines State Forest Management Plan? Yes ___ No ___

Site Development Diagram

VICINITY MAP

Date Prepared:	Applicant's Name:
ALASKA DEPARTEMENT OF NATURAL RESOURCES DIV. OF MINING, LAND , WATER LAND USE PERMIT	
SITE DEVELOPMENT DIAGRAM	
Sec.(s) _____ T._____ S., R._____ E., _____M	
SHEET OF	

LAS #

Land Use Permit Application Supplemental Questionnaire for:
Use of Marine Waters (Tide & Submerged Lands)

Tidelands are that portion of the intertidal zone below the elevation of mean high water. This elevation varies by location. Contact the nearest DNR regional office for assistance. **Submerged lands** are those below the lowest tidal elevation. The State of Alaska, with few exceptions, owns these lands out to 3 miles off shore. – If your activity includes the use of State tide and or submerged lands and the waters above them, answer the questions below and those applicable sections determined below. All site development details identified in this section must be represented graphically in the scaled drawings on Page 9 of the supplement.

Does the applicant own the directly adjacent, upland water front property? **Yes[X] No[ ]** If no, give name(s) and current address / phone # of that property owner.

Give names and current addresses / phone #s for both upland property owners on either side of the above water front property.

See attached 1C.

Note: You must obtain the upland owner's written permission for any use of uplands you do not own including for waste disposal, access to roads, waterlines, power lines, or shore ties above MHW, and you must provide a copy to DNR before a permit is issued. If not the immediately adjacent upland property owner, does the applicant have legal access across the uplands? **Yes [ ] No[ ]** Please explain.

Will your tideland use also involve any use of adjacent State owned uplands? **Yes[ ] No[X]** (If yes, indicate uses and show on your development plan diagram.) [ ] Shore tie [ ] Waterline [ ] Power line [ ] Access to roads [ ] Other Explain:

Type of Use, Activity, Development (Answer All)

Will you be developing / using a Mooring Buoy system or anchoring a commercial or industrial use vessel for more than 14 days? **Yes[ ] No[X]** If yes, please also answer all questions in **Part 1 on pg. 2 and Part 6 on pg. 8.)**

Will you be anchoring or mooring a commercial or industrial related floating facility that is or can be occupied, i.e. a float camp or floating lodge, a float house you rent, a seafood processor?
Yes[ ] No[X] (If yes, please answer all questions in **Part 2, pgs. 2, 3 and Part 6 on pg. 8.)**

Will you be anchoring or mooring your own personal use Float house?
Yes[ ] **No[X]** (If yes, please also answer all questions in **Part 2, pgs. 2, 3 and Part 6 on pg. 8.)**

Will you be placing non-occupied structures including but not limited to Piling, Dolphins, Fixed docks, Floating docks, or other floating structures? **Yes[ ] No[X]** (If yes, please also answer all questions in **Part 3, pg. 3 and Part 6 on pg. 8.)**

Type of Use, Activity, Development (continued)

Are you seeking authorization to use or develop a Log Transfer Facility, a floating Log Storage area, or a Log Ship Loading site? Yes[ ] No[X] (If yes, please also answer all questions in **Part 4, pgs. 4, 5, 6 and Part 6 on pg. 8.**)

Will you be placing fill or dredging material on a beach?
Yes[ ] No[X] (If yes, please also answer all questions in **Part 5, pgs. 6, 7 and Part 6 on pg. 8.**)

Part 1. Anchoring vessels and mooring buoy systems

Does the proposed use location include a known anchorage? **Yes[ ]No[ ]** If yes, have alternative locations been considered to reduce impact to the anchorage? **Yes[ ]** List below. **No[ ]** If no, explain why.

N/A

What type of vessel will use the site? [ ] Commercial Fish Tender/ Processor [ ] Log Ship [ ] General Cargo Ship [ ] Unoccupied Barge [ ] Fuel Barge [ ] Passenger Vessel [ ] Other: _____

Does the anchoring vessel require the ability to be able to occupy this site all year long? **Yes[ ] No[ ]** If No, what months will the site be needed? **From** _____ **to** _____

What is the maximum swing radius of vessel at anchor? Length _____ feet (distance from anchor to the aft of the vessel)

Will the vessel require the placement of a mooring buoy system? **Yes[ ] No[ ] Number of buoys:** _____
If placing buoys, fill out applicable parts of Part 3 to explain the anchoring system.

Part 2. Floathouses and Commercial, Industrial Floating Lodges, Float camps, Caretaker Residences (including seafood processors). An associated part of approving this type of use is The US Army Corps of Engineers (USACE) permit. Their general permit, GP 89-4N, for occupied floating facilities can be obtained if use and location is found consistent with the AK Coastal Management Program and you meet all conditions of GP 89-4N. Please obtain a copy of GP 89-4N from the Corps, review the conditions and indicate below if your facility will meet all of these conditions. This will help streamline the approval process.

Does your project meet all conditions for general permit GP 89-4N? **Yes[ ] No[ ]** N/A

If no, you must Contact USACE at 1-800-478-2712 and apply for an individual Corps of Engineers permit.

Description of Facility Note: The structures and dimensions must be shown on the development plan diagram

Float Dimensions: float ____ x ____ float ____ x ____ float ____ x ____ Total float area ____ sq ft

Living quarters total area: _____ sq ft. Number of stories: _____ Maximum occupancy _____ persons

Describe other structures on floats, such as storage and generator sheds; give structure dimensions.

N/A

Describe anchoring system and address all that apply: No. of anchors _____ Type _____ Weight _____
No. of Rock bolts _____ No. of Shore ties _____

Other methods _____

Part 2. (continued)

Grounding is prohibited. What is the water depth beneath the facility at extreme low tide_____

How many feet of maximum draft does the floating facility have _____

Describe your potable Water Source: type, location, ownership of the source _____

_____

_____

_____

Wastewater System. Describe how you will handle human waste, black water, grey water _____

_____

_____

_____

_____

Do you have an approved ADEC marine sanitation system **Yes[ ] No[ ]** Approval # _____

Describe how you will dispose of all solid waste including human waste and household garbage generated on facility _____

_____

_____

_____

_____

_____

Part 3. Non occupied structures - Piling, Dolphins, fixed docks, floating docks, or other floating structures.
Select all boxes that apply for structures located below MHW and show all on the development plan diagram N/A

- ☐ Fixed pile-supported dock, wharf or landing (non-floating) - dimensions ____ x ___ feet No. of pilings _____
- ☐ Ramp to floating dock - dimensions ____ x ___ feet
- ☐ Boat haulout or non-floating ramp – dimensions ____x_____ feet
- ☐ Floating dock Dimensions ____ x ___ feet; ____ x ___ feet; ____ x ___ feet; ____ x ___ feet; ____ x ___ feet;
- ☐ Floating breakwater - materials _____ Dimensions ____ x ___feet
- ☐ Other floating structures (e.g., net pens, gear storage float) – describe materials, structures, dimensions _____

  _____

  _____

- ☐ Storage sheds or similar structures on docks - description_____ Dimensions ____ x ___
- ☐ Bulkhead - type (log crib, sheet pile, etc) _____
  Dimensions _____ x _____ Cubic Yards of Fill _____
- ☐ Individual pilings not counted under fixed dock above. Number ____
- ☐ Dolphins - Number _____ Number of piling per dolphin _____
- ☐ Anchors- Number _____ Type _____ Weight _____
- ☐ Rock bolts- Number _____
- ☐ Shore ties- Number _____Note: You must obtain the upland owner's permission to place shore ties above MHW before a permit is issued.

Note: Grounding is prohibited.
What is the water depth beneath the floating structures at extreme low tide? _____ feet

Part 4. Temporary log transfer facility (LTF) including floating log storage area.
Siting of an LTF which discharges wood into the marine waters must meet the 1985 Alaska Timber Task Force siting criteria guidelines and the criteria established under the US EPA's - NPDES general permit and the AK Dept of Environmental Conservation 401 certification. N/A

What is the maximum length of time that you will need to use the facility _____ years.

What will be your seasonal periods of operation? _____

What is the total timber volume you need to transfer across this LTF? _____ mmbf.

How many total acres do you need for this facility? _____ acres.
Note: This acreage must include all improvements including the anchors and lines. It must include the area required for such items as log raft construction, off shore storage, associated barge and vessel moorage, and shoreties.

Does the associated transfer site require a log raft building area? **Yes[ ] No[ ]** If yes then:

How many boom logs _____ and anchors _____ and what is the total length of boom logs _____ feet, that you need for the rafting area?

Will the log rafts ground or be moored in water at depths less than 40 feet as measured from MLLW? **Yes[ ] No[ ]**

What is the near shore depth _____ feet, and the offshore depth _____ feet, of the log rafting area as measured from MLLW (0.0' elevation)?

What nautical chart did you use for reference _____, please include a copy of this area of the chart with the attachments.

Will you need an associated in-water log storage area? **Yes[ ] No[ ]** If yes, then answer the set of questions in the **Floating Log Storage Area section of Part 4.**

Will you need an associated log ship moorage and loading area? **Yes[ ] No[ ]** If yes then complete Part 1 on page 2.

What kind of transfer facility do you propose to operate? (i.e. A-Frame letdown, slide ramp, drive down ramp, barge ramp)

_____

_____

_____

Will you be transferring logs into the marine waters?

[ ] No, logs will never be discharged into the water, they will always be transported directly onto barges.

[ ] Yes - new facility. The applicant must conduct a dive survey of the near shore area to document the pre-project underwater topography and habitat conditions that will be covered by the discharge of bark on to the likely one-acre zone of deposit. The initial dive survey must be done to guidelines established for bark monitoring by the USEPA and the Alaska Department of Environmental Conservation. A written report of findings including photographic documentation must be submitted prior to review and consideration of this application.

[ ] Yes - existing facility. Include a report of the last dive survey with attachments. The applicant / operator is responsible to conduct bark monitoring dive surveys, done to the guidelines established by the US EPA and the Alaska Department of Environmental Conservation to document the current extent of bark accumulation at the site.
A written report of current monitoring findings must be submitted prior to review and consideration of this application.

Is this an existing LTF that has been fully approved and used to transport timber in the past? **Yes[ ] No[ ]**
If Yes, then answer the following set of questions. If No, you are finished with **Part 4.**

Part 4. **(continued)**

Was the facility constructed before 1985? **Yes[ ] No[ ]**

Is the facility currently authorized? **Yes[ ] No[ ]** If Yes, provide the Army Corp of Engineer's Permit Name and number (i.e. Mud bay 43) :_____ and attach a copy of it and all modifications.

What is the ACMP consistency determination number and date of approval?_____

What is the EPA - NPDES authorization number? _____ Date of approval _____and who is the authorized operator: _____

When was the facility last actively used? _____ How long was it used for? _____
How much volume was transferred?_____ mmbf

What type of log entry system is currently authorized? (i.e. A-Frame letdown, slide ramp, drive down ramp, barge ramp)

_____

_____

Is there a tideland survey for the site? **[ ]Yes [ ]No,** ATS# _____

Does the existing facility require a physical modification? **Yes[ ] No[ ]** If yes, please submit your modification request to the USACE and include a copy with this application. Please briefly explain the modification.

_____

_____

_____

Floating Log Storage Area

Will the storage area be inside the permit area at the log transfer facility? **Yes[ ] No[ ]** If no, Will there be a separate tract or tracts? **Yes[ ] No[ ]** If yes how many tracts do you need? _____ and list below the acreage of each tract.

_____

_____

How long do you need to use the storage area (s)?_____

How much volume will be moved thru this storage area? _____mmbf.

How many log booms and anchors and what is the total length of the log boom perimeter that will be needed for storage?
# of log booms _____, #of anchors _____ total length of all log booms _____feet.

Will you be using shore ties? **Yes[ ] No [ ]** If yes how many? _____ and if you are not the upland owner have you received permission to place shore ties? **Yes[ ] No[ ]** If yes, provide a copy of this permission, if no, you need to obtain and provide this.

Will the log rafts ground or be moored in water at depths less than 40 feet as measured from MLLW? **Yes[ ] No [ ]**

What is the near shore depth and the offshore depth of the log storage area as measured from MLLW?
Near shore depth _____ feet, Offshore depth _____ feet.

What nautical chart did you use for reference _____. If possible please include a copy with the attachments.

Part 4. (continued)

If the log storage area is one which has been fully approved and used to store log rafts in the past then answer the following:

When was the site last actively used? _____ and for how long ? _____

If known, how much volume was stored here? _____mmbf

Is the facility currently authorized? **Yes[ ] No[ ]** If yes, provide the Army Corp of Engineer's Permit Name and number (i.e. Mud bay 43) :_____ and attach a copy of the permit and all modifications

What is the DNR authorization number? _____

What is the ACMP consistency determination number and date of approval?_____

What is the EPA - NPDES authorization number? _____ Date of approval _____and who is the authorized operator: _____

Has there been a recent dive survey completed? **Yes[ ] No[ ]** If yes, then include a copy of this report with the attachments.

Note: The applicant may have to conduct a dive survey of the log storage area to document the underwater topography and habitat that would be covered by the bark zone of deposit or to establish current bark accumulation levels. If required due to level of use, a bark monitoring dive survey must be done to guidelines established by the USEPA and the Alaska Department of Environmental Conservation to document the current conditions at the site

Part 5. Use that involves dredging, placing fill material or altering beaches.

NOTE: When altering the location of the line of mean high water on a beach by placing fill on or seaward of this line you need to be aware of the following. The line of mean high water (MHW) is the boundary where State (public) ownership of tide and submerged land begins. This boundary is an elevation contour on the beach and is determined by the tidal stage of MHW water elevation against the beach topography. This line is not fixed by a past survey of the upland property if that land survey shows a meandered boundary as is typically done. A meandered boundary is intended to be dynamic and move over time as natural forces affect the beach. Natural forces can either erode beach material or deposit material and as a result, the boundary can naturally move. Another natural way that boundaries can change is in tidal areas where glaciers have recently receded and the land is rebounding or uplifting over time. When any natural process is interrupted by the actions of man, such as placing material to stop erosion, the boundary line becomes fixed from that point on.

What is the elevation of the line of MHW at the proposed permit site? 15.4 feet

Are you proposing to alter the line of MHW in any manner? **Yes[ ] No[X]** If yes, explain what you intend to do?

All dredging and slope stabilizing fill is below MHW.

Placing fill material on a beach.

What is the purpose of the fill? To stabilize dredged slopes in harbor basin.

Is there an upland survey that has established a meandered boundary line? **Yes[ ] No[X]** If yes, Survey # _____
(if a subdivision survey please provide a legible copy) (ATS, ASLS, US Survey#)

Part 5. (continued)

Will heavy equipment be used below the mean high water line to alter the beach? **Yes[ ] No[ ]** If yes, explain

Near shore dredging and fill placement will be performed by an excavator on beach.

How many cubic yards of fill are you proposing to place at and below the line of MHW? 2000 cubic yards

What are the dimensions of fill area below MHW elevation? 770' x 30'

How many linear feet along the (beach) line of MHW will be covered with fill? 770 feet.

Is there more than one area along the beach which will be filled? **Yes[ ] No[X]** Identify the location of each area on the development plan diagram.

Will any of the fill material come from State owned uplands or tide and submerged lands? **Yes[ ] No[X]** If yes, then what is the source? _____ and how many cubic yards? _____.

If you are intending to limit beach fill to the area above the current line of MHW will any of the fill or associated retaining wall material including the toe of the fill or retaining wall extend beyond the line of MHW? **Yes[ ] No[ ]** N/A

Is the adjacent upland property encumbered with a public easement along the waterfront boundary? **Yes[ ] No[X]**

How will the fill affect public access along the beach? It will not

Excavation of materials from a beach.

What is the purpose of the excavation? To increase water depth within the harbor to allow safe vessel passage during all tides

How many linear feet along the beach will be affected? 700 feet

To what depth will you be excavating? -14 MLLW feet 10' Max Depth

How many cubic yards will be excavated from the area seaward of the line of MHW? 30,000 cubic yards and what will this excavated material be used for or where will it be disposed of ?

Material to be deposited at Gastineau Channel Disposal site.

Part 6. Dismantle, Removal, Restoration Plan – The permit will require that upon expiration, completion, or termination the site shall be vacated and all improvements and personal property removed. The site shall be left in a clean, safe condition acceptable to the Regional Manager. Your answers to the following questions will establish your proposed restoration plan.

A. Explain how you plan to dismantle and remove the improvements and restore the site to a clean, safe condition acceptable to the Regional Manager. **Note:** One acceptable alternative is returning the permit site to the condition that existed before the site was developed or used.

N/A

B. If your project involves fill describe how it will be removed and where will it be removed to. How will you document that the original line of Mean High Water has been restored? (i.e. photo documentation, resurvey)

N/A

C. If your project involves anchors and/or pilings how do you plan on removing them? Where is the nearest community that provides this type of removal equipment / service?

N/A

D. Describe the disposal method and identify the disposal site or sites for structural components, solid wastes, and hazardous wastes.

N/A

E. If components can be reused for other projects, such as anchors, identify where they would be stored? _____

N/A

SITE DEVELOPMENT DIAGRAM

VICINITY MAP

Date Prepared:	Applicant's Name:
ALASKA DEPARTEMENT OF NATURAL RESOURCES DIV. OF MINING, LAND , WATER LAND USE PERMIT	
SITE DEVELOPMENT DIAGRAM	
Sec.(s) _____ T.____ S., R.____ E., ____M	
SHEET OF	LAS #

OLD DOUGLAS HARBOR RENOVATION PROPERTY OWNERSHIP				
NO.	PARCEL	LEGAL DESCRIPTION	STREET AND HOUSE NO	CURRENT OWNER
1	2D040T320140	DOUGLAS BL 32 L 23 FR	0 FRONT STREET	KENNETH AND CHERIE RUDOLPH
2	2D040T32150	ATS 14 BL 32 L 22A	0 FRONT STREET	WILLIAM AND JANET LEAGUE
3	2D040T32161	ATS 14 & BL 32 L 24	0 FRONT STREET	KENNETH AND CHERIE RUDOLPH
4	2D040T32171	DOUGLAS BL 32 L 25A	802 FRONT STREET	CBJ
5	2D040T320091	ATS 14 & BL 32 DOUGLAS TR A	824 FRONT STREET	WILLIAM AND JANET LEAGUE
6	2D040T320101	ATS 14 & BL 32 L 19A	820 FRONT STREET	DALE HENKINS
7	2D040T320102	ATS 14 & BL 32 L 19A	820 FRONT STREET	DALE HENKINS
8	2D040T320111	ATS 14 & BL 32 L 20	816 FRONT STREET	JAMES MCCORMICK
9	2D040T320121	ATS 14 & BL 32 L 21	814 FRONT STREET	RICHARD AND BARBARA BOEHL
10	2D040T320130	DOUGLAS BL 32 L 22 & 23 FR	808 FRONT STREET	WILLIAM AND JANET LEAGUE
11	2D040T320040	JUNEAU ISLAND	100 SAVIKKO ROAD	US DEPT OF INTERIOR
12	2D040T320050	DOUGLAS BOAT HARBOR	120 SAVIKKO ROAD	CBJ
13	2D040T320070	ATS 14	1005 SAVIKKO ROAD	CBJ
14	2D040T320071	ATS 1493	0 SAVIKKO ROAD	CBJ
15	2D040T320030	DOUGLAS 32L 16A	0 DOCK STREET	CBJ
16	2D040T320061	ATS 14	0 DOCK STREET	CBJ
17	1C110K000041	ATS 556	0 THANE ROAD	CBJ
18	1C110K000042	ATS 556 TR	1580 THANE ROAD	GENERAL COMMUNICATIONS
19	1C110K100040,	ALASKA	1150	0 JACOBSON DRIVE

OLD DOUGLAS HARBOR RENOVATION PROPERTY OWNERSHIP				
	050, 060	JUNEAU II L 4D, 4E, 4F	JACOBSEN DRIVE	JUNEAU LLC
20	1C110K110010	ALASKA JUNEAU II L 4F	0	SWAN BAY HOLDINGS
21	1C110K000050	ATS 556 TR A	1080 THANE RD	1080 THANE ROAD JUNEAU LLC
22	1C110K000040	TRACT A ATS 556	1540 THANE RD	CBJ

John Stone

From: armunro@gci.net on behalf of armunro [armunro@gci.net]

Sent: Wednesday, December 16, 2009 12:40 PM

To: Jack Q Word

Cc: John Stone; Rod Swope; Ruth Danner; Jonathan Anderson; Bob Doll; Mayor; Lindsey Ketchel; dfg.commissioner@alaska.gov; kerry.howard@alaska.gov; governor@alaska.gov; Chris.Foley@alaska.gov

Subject: Re: Proposed disposal of dredged sediment from Douglas Harbor.

Jack--I'll be reading over *all* the paperwork that is available on the CBJ website in regard to the dredging of Douglas harbor and I would also expect or certainly hope that all CBJ elected officials have already done likewise.
But another concern I have is that relatively few local residents may have read any of this rather extensive and esoteric paperwork and in particular those actual Gastineau Channel subsistence users most directly exposed.
An opinion letter to our local paper may help to stimulate an additional interest in this paperwork and foster additional environmental and health research and consideration.
Thank you kindly for your continued interest in my concerns, Alan R. Munro, Juneau resident.

> ----- Original Message -----
> **From:** Jack Q Word
> **To:** armunro@gci.net
> **Cc:** john_Stone@ci.juneau.ak.us ; 'rod swope' ; 'Ruth Danner' ; 'Jonathan Anderson' ; 'Bob Doll' ; 'Mayor' ; 'Lindsey Ketchel' ; 'Meg Pinza' ; 'Susie Watts' ; 'Cindy Word'
> **Sent:** Wednesday, December 16, 2009 6:33 AM
> **Subject:** RE: Proposed disposal of dredged sediment from Douglas Harbor.
>
> What you are describing is included in the information that was developed and provided to the agencies for their decisions. The provided information is a very complete assessment that addresses all of the points that you bring up.
>
> Jack
>
> ---
>
> **From:** armunro@gci.net [mailto:armunro@gci.net]
> **Sent:** Tuesday, December 15, 2009 1:37 PM
> **To:** Jack Q. Word
> **Cc:** john_Stone@ci.juneau.ak.us; rod swope; Ruth Danner; Jonathan Anderson; Bob Doll; Mayor; Lindsey Ketchel
> **Subject:** Re: Proposed disposal of dredged sediment from Douglas Harbor.
>
> Jack
> Thank you for your prompt reply. So I should like to understand that USEPA has been apprised of your methyl mercury, etc. testing right along and will comment at some point prior to any CBJ action? I notice your tests were done on juvenile specimens that exist low down in the food-chain. Bioaccumulation of methyl mercury occurs: ("At each step in the food chain, the concentration of methylmercury in the organism increases. The concentration of methylmercury in the top level aquatic predators can reach a level a million times higher than the level in the water") This fact alone raises environmental and health concerns for me about the release of approximately 45,000 tons of toxic harbor bottom ooze into presumably clean marine habitat, where mature halibut, crab, clams and other aquatic life also feed. Testing results do not dissuade me from my concerns about dumping methyl mercury laden dredgings in Gastineau Channel and I should insist that other options prevail not necessarily for me but for all the future generations of residents to come. I will end up with a true story: I have family living on the northshore of Long Island , New York. For years oysters and clams were consumed by the locals there. One day a number of years ago the beaches were closed to all harvesting of shellfish due to various types of marine pollution. A moratorium was imposed while swift and lengthy action was taken to clean up the sources of pollution. This was accomplished and the beaches are again open for harvesting of shellfish. I see the same scenario happening bit by bit in the CBJ subsistence arena and it concerns me greatly.
>
> Thank you once more for your good time in wishing to address my concerns. Alan R. Munro, Juneau resident
>
> > ----- Original Message -----
> > **From:** Jack Q. Word
> > **To:** armunro@gci.net
> > **Cc:** john_Stone@ci.juneau.ak.us ; 'rod swope' ; 'Ruth Danner' ; 'Jonathan Anderson' ; 'Bob Doll' ; 'Mayor' ; 'Lindsey Ketchel' ; 'Jack Q. Word' ; 'Meg Pinza' ; 'Susie Watts'

Sent: Monday, December 14, 2009 3:19 PM
Subject: RE: Proposed disposal of dredged sediment from Douglas Harbor.

Alan

Thank you for your comments. I would like to address them and provide a bit more information.

The summary conclusions that you mentioned are based on experimental evaluations, including specialized chemistry conducted by one of the premier laboratories in the country for mercury assessment (Battelle's Marine Sciences Laboratory), aquatic toxicology and bioaccumulation of contaminants performed in our Nationally certified laboratory and modeling of mercury uptake to higher trophic levels in order to compare those results to the Alaska Department of Health fisheries advisories for the protection of subsistence harvesters. The testing is also in accordance with USEPA/USACE guidance including specialized testing (Tier 1 through Tier 4) for protection of the environmental health of organisms that live in or traverse the boundaries of the dredged material placement site. Those agencies and others have been involved with this testing program since its inception and have been kept up to speed on the test results as we proceeded.

The analytical chemistry included the concentration of total mercury as well as methyl mercury, the form of mercury that is taken into tissues of organisms which, if high enough, becomes an environmental and human health concern. The testing program examined the effects from suspension of sediment and release of soluble materials on test organisms that live in the water column (included juvenile fish and crustaceans as well as larval mussels). The sediment tests performed included the effects of sediment and associated contaminants on the survival of amphipods and polychaetes. We also performed bioaccumulation tests to determine the availability of mercury to be transferred from sediment in to the tissues of clams and worms that are common inhabitants of the disposal site. These tissue levels were then used to examine the uptake of contaminants using USEPA accepted models for food web transfer. The concentrations that would be predicted to occur in the organisms if the organisms always lived in sediment from Douglas Harbor were then compared to protective values for subsistence harvesters. These values were also compared to body burden/effects based values that are maintained in the Federal data base (ERED) used to determine the significance of potential values. The FDA comparison was performed for completeness regarding regulations but it is much higher than any of the other assessment end-points examined for the report.

Our conclusions from the empirical data provided for this specific project are included in the document that you reference. These data are provided so that state and federal agencies can come to their own conclusions based on the evidence provided. The data showed no adverse effects on the survival of water column organisms within the dredged material placement site, no developmental abnormalities with the mussel and no toxicity to the amphipods and polychaetes exposed directly to the sediment. The levels of bioaccumulated mercury were detectable in the tissues of the clams and worms but not at levels that would adversely effect them. The modeled concentrations of mercury into tissues of large fish and invertebrates that only fed on these clams and worms would be at levels that are less than the state's protective levels for subsistence harvesters.

All of these data are being reviewed by federal and state agencies to determine the acceptability of placing some or all of the dredged material from Douglas Harbor at the disposal site. They also have a document that examines potential alternatives to placement in the designated unconfined disposal site in Gastineau Channel. Their charge is to evaluate the information provided and to determine the best option (environmentally and health-wise) for placement of all of the sediment from Douglas Harbor.

If you have any questions about the technical aspects of the program I would be glad to try and answer them for you.

Jack

Jack Q Word, PhD
Director Environmental Sciences/Partner
NewFields NW
P.O.Box 216
4729 NE View Dr.
Port Gamble, WA 98364
360-297-6060 (Direct)
360-808-7705 (Cell)

From: armunro@gci.net [mailto:armunro@gci.net]
Sent: Monday, December 14, 2009 3:10 PM
To: jqword@newfields.com
Cc: john_Stone@ci.juneau.ak.us; rod swope; Ruth Danner; Jonathan Anderson; Bob Doll; Mayor; Lindsey Ketchel
Subject: Proposed disposal of dredged sediment from Douglas Harbor.

Memo to Jack Word, New Fields, et al:
I have read your summary/conclusions letter regarding Douglas Harbor. As you know the Juneau Division of Docks and Harbors indicates they wish to dispose of dredged bottom sediments containing higher than acceptable levels of methyl mercury (the amount is estimated at 30,000 cubic yards) by dumping same directly into Gastineau Channel--in approximately 18 fathoms of water. I have been informed (by a Docks and Harbors board member) that release of the accumulated methyl mercury, contained in these sediments, *will not* adversely contaminate crab or other sea life when consumed as food by humans and/or by (hopefully) all other predators, as well.
As a seasonal subsistence user myself I know there are individuals who fish, take crab and to perhaps a lesser extent collect clams or other intertidal species from this area located generally east and south of Douglas Harbor.This habitat is close to town, convenient and importantly, fuel efficient for gathers to access.
Tidal currents tend to flush the Channel daily--though there are numerous uncharted tidal eddies that would allow toxic-fallout to occur and thus become deposited on presumably clean bottom sediments--now used as habitat for various bottom-dwellers.
I notice you mention safe methyl mercury level data in your summary--as supplied by the Food and Drug Administration, but any data from the Environmental Protection Agency is lacking, so I must assume they are to review this project, as well?
I believe I understand the CBJ, Docks and Harbors' rationale for wanting to dump of 30,000 cubic yards of toxic dredge sediment into Gastineau Channel instead of using other possible options. It is simply one of budget consideration. But, as an aside, given all the other priorities being considered and signed onto by our CBJ, Assembly, this disposal intent is simply wrong-headed, especially when viewed along with other approved and questionable expenditures.
I leave you with this thought--we as a nation, cannot continue to contaminate (here a little bit or there a whole lot) while telling the public it is all OK because we lack enough money--when in fact, it is more accurately, about political priorities.
Alan R. Munro, Juneau resident.