

Regulatory Branch (1145b)
Permit Processing Section

0-650046

PERMITTEE: Chilkoot Lumber Company

EFFECTIVE DATE: 02 DEC 1987

REFERENCE NO. ~~H-790279~~ 0-650046
Chilkoot Inlet 11

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit No. 1-790279, Chilkoot Inlet 11, was issued to Schnabel Lumber Company, Post Office Box 494, Haines, Alaska 99827 on January 18, 1984, to:

"Retain additions to a dock consisting of a 60'x24' barge unloading ramp, a 300'x24' dock, a 250'x50' dock with ramp, a 280' log bulkhead, and three dolphins for loading and unloading ships in section 35, T. 30 S., R. 59 E., C.R.M. at Haines, Alaska."

The permit was transferred to Chilkoot Lumber Company on June 30, 1987.

The permit is hereby modified to include:

"Construction of an overhead crane supported by 4 steel pile clusters on 50' centers to facilitate log removal; construction of a 50' long by 30' wide log crib containing 650 cubic yards of rock fill to facilitate the operation of a mobile crane, and to function as a barge dock; designation of a 520'x66' (0.8 acre) log raft removal area; and temporary and emergency use of the ATS 790 intertidal area for log removal by front-end loader."

The work authorized by this modification is subject to the following special conditions:

a. The grounding of logs for subsequent removal by a front-end loader in parcel ATS 790 is a temporary measure, not to exceed 45 days from the date of this modification. The land-based mobile crane and crane pad shall be placed in operation within this time frame.

b. Subsequent to the above time frame, further grounding of logs shall occur on an emergency basis only. The permittee shall notify the Regulatory Branch, Compliance Section, within 24 hours of the commencement and conclusion of emergency operations, including a description of the emergency.

SCANNED

If the activity authorized herein is not completed within 3 years of the date of this letter, the authorization of this modification, if not previously revoked or specifically extended, shall automatically expire.

All other terms and conditions of the original permit remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

~~XXXX~~

Joel R. Ward
Chief, Southern Unit
Permit Processing Section
Regulatory Branch

Enclosure

Application No. 071-0YD-1 0279
Name of Applicant Schnabel Lumber Company
Effective Date 18 JAN 1984
Expiration Date (If applicable) _____
File No. Chilkoot Inlet 11

N-650046

DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated May 17, 1983 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 Clean Water Act (33 U.S.C. 1344);

() 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);

Schnabel Lumber Company
Post Office Box 494
Haines, Alaska 99827

is hereby authorized by the Secretary of the Army:

to retain additions to a dock consisting of a 60'x24' barge unloading ramp, a 300'x24' dock, a 250'x50' dock with ramp, a 280' log bulkhead, and three dolphins for loading and unloading ships.

in section 35, T. 30 S., R. 59 E., C.R.M.

at Haines, 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: AS BUILT DOCK; IN: SECTION 35, T. 30 S., R. 59 E.; AT: HAINES, ALASKA; APPLICATION BY: SCHNABEL LUMBER COMPANY; DATE: JULY 17, 1972; 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.

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 Clean Water Act (33 U.S.C. 1344), 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, or 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 allow 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 reasonable 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.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

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 materially false, materially 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 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.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

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

Waste generated from construction or use of the facility shall be removed from surrounding intertidal areas by June 1, 1984 and the area shall be kept free from waste.

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 Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

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

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

a. That the disposal 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 disposal 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.

W. E. O'Connell Controller 1/11/84
PERMITTEE & TITLE DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Michael D. Barrows CPT CE 1/18/84
FOR: David B. Barrows Chief, Regulatory Functions Branch DATE
DISTRICT ENGINEER, U.S. ARMY, CORPS OF ENGINEERS Colonel Neil E. Saling

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

George M. [Signature] Resource Mgr. 6/25/87
TRANSFEEEE DATE

M-650046



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, CORPS OF ENGINEERS
P.O. BOX 7002
ANCHORAGE, ALASKA 99501

IN REPLY REFER TO

NPACO-OP-P
Chilkoot Inlet 11

20 October 1967

Schnabel Lumber Company
P. O. Box 129
Haines, Alaska 99827

Gentlemen:

In accordance with your written request dated 25 September 1967 the revised plan attached hereto is approved to supersede the plans for work authorized by the Secretary of the Army in letter dated 7 December 1965 from the District Engineer at Anchorage, Alaska. The original document authorized placement of a log dump and booming grounds on the southwest shore of Lutak Inlet at approximately three nautical miles north of Haines, Alaska.

The conditions to which the work is made subject remain in full force and effect.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

E. L. HARDIN, JR.
Colonel, Corps of Engineers
District Engineer

1 Incl
as

1,389

1-650046

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.) 16-13163-2

Chilkoot Inlet 11/

PERMIT

Alaska District Corps of Engineers.

Anchorage, Alaska, 7 December, 19 65

Schnabel Lumber Company, Inc.
P. O. Box 129
Haines, Alaska

Gentlemen:

Referring to written request dated 12 August 1965

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 place a log dump and booming grounds

(Here describe the proposed structure or work.)

At on the southwest shore of Lutak Inlet

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

at approximately three nautical miles north of Haines, 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 LOG DUMP AND BOOMING GROUNDS SITUATED IN LUTAK INLET ON THE SOUTHWEST SHORELINE, 3 NAUTICAL MILES NORTH OF HAINES, ALASKA. 12 August 1965"

subject to the following conditions:

1,172

(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, 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~~....., 19 ~~68~~, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

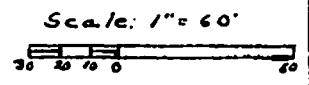
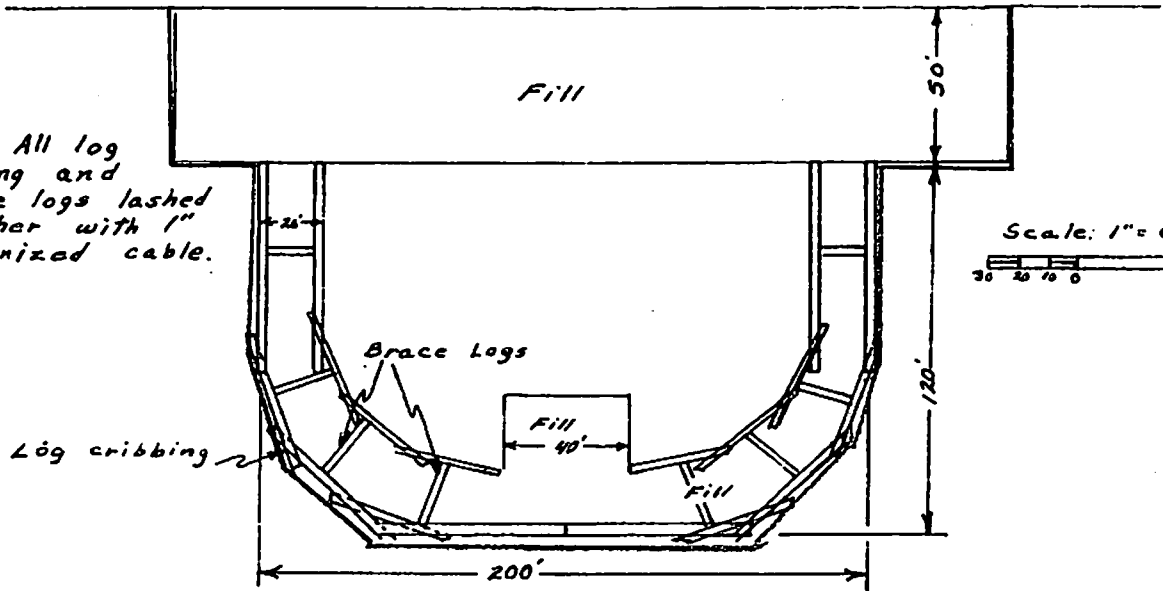
By authority of the Secretary of the Army:


CLARE F. FARLEY
Colonel, Corps of Engineers
District Engineer

PLAN

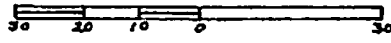
Shoulder of Highway

Note: All log cribbing and brace logs lashed together with 1" galvanized cable.

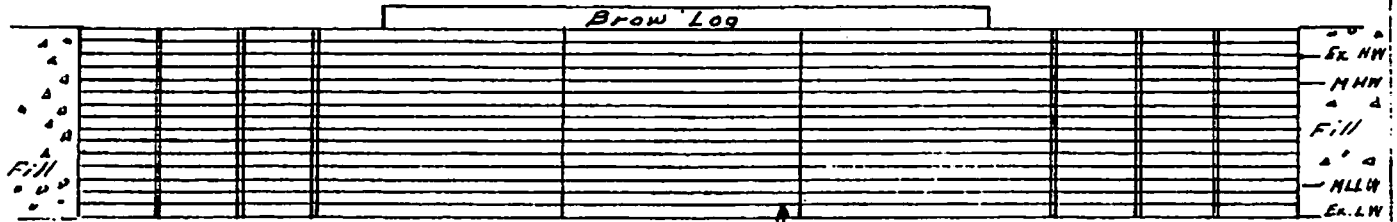


Front View

Scale: 1" = 30'

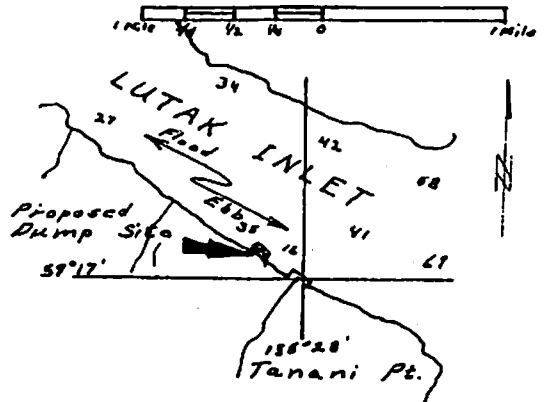


U.S.C. & G.S. TIDE DATA	
Ex. H.W. (est.)	21.0'
M.H.W.	16.8'
M.L.W.	2.2'
M.L.L.W.	0.0'
Ex. L.W. (est)	-6.0'



VICINITY MAP

From U.S.C. & G.S. Chart No. 8303
 Soundings in fathoms at M.L.L.W. 0.0'
 Scale: 1" = 1 Mile



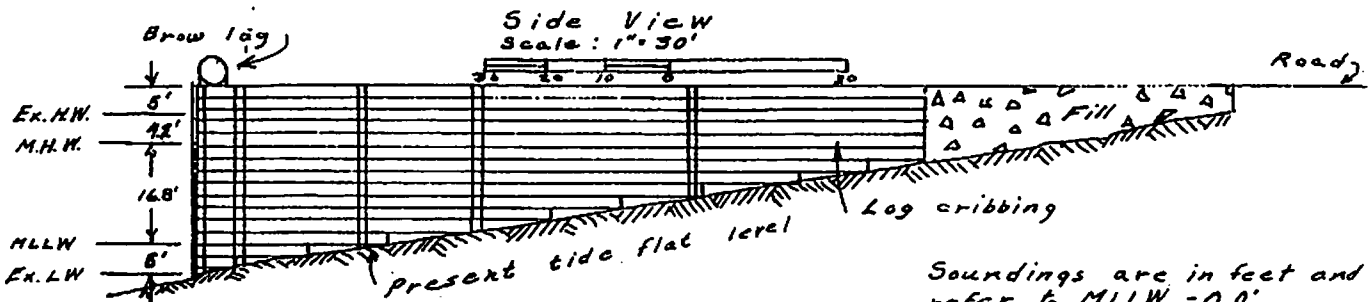
Sheet 1 of 2 Sheets

PROPOSED LOG DUMP
 & BOOMING GROUNDS

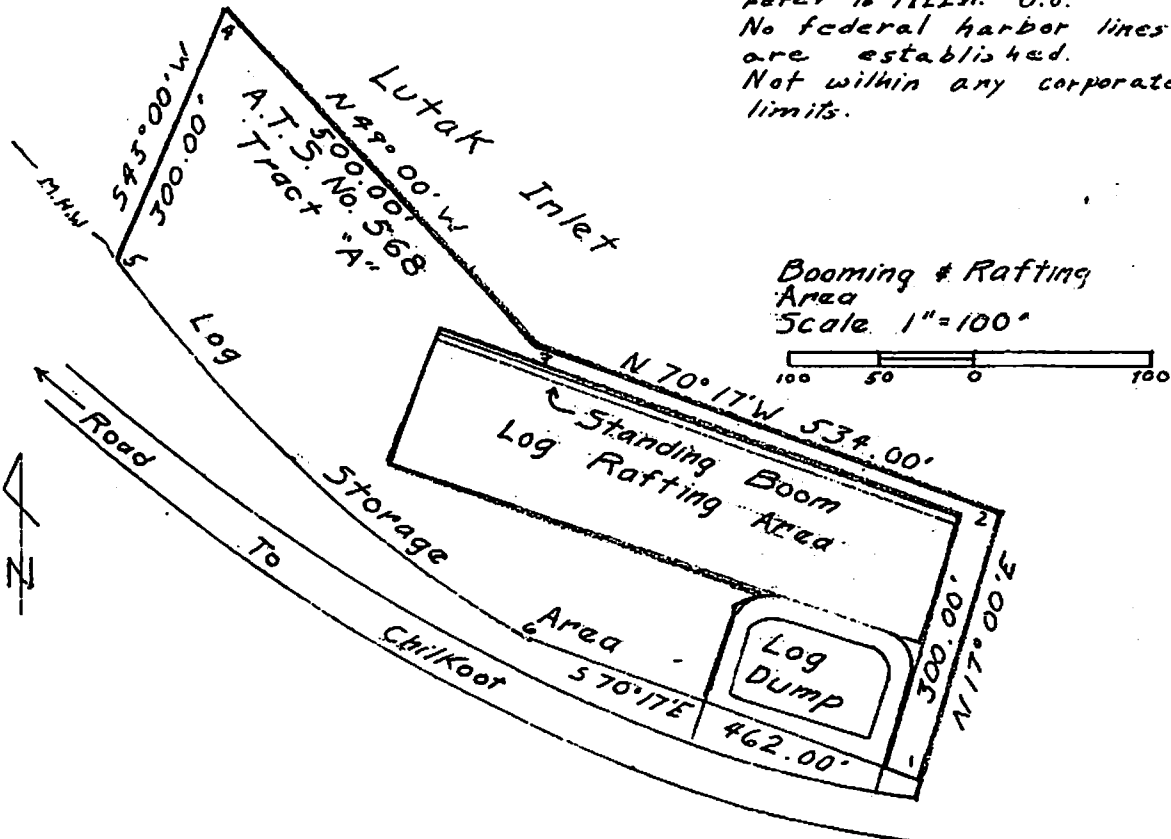
Situated in Lutak Inlet
 on the southwest shoreline
 3 nautical miles north of
 Haines, Alaska

Application for:
 Schnabel Lumber Co.
 Haines, Alaska

Date: Aug. 12, 1965



Soundings are in feet and refer to MLLW. -0.0'.
 No federal harbor lines are established.
 Not within any corporate limits.



Sheet 2 of 2 Sheets

PROPOSED LOG DUMP & BOOMING GROUNDS

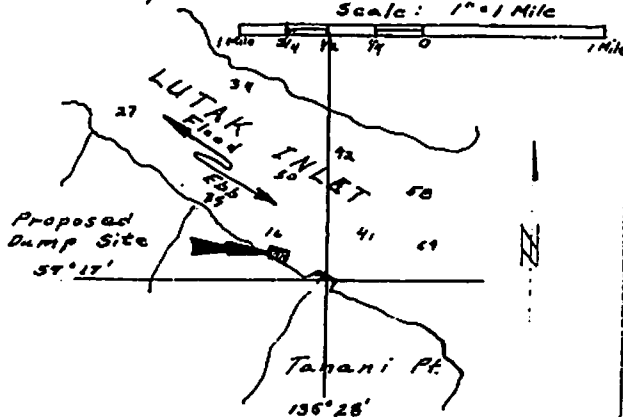
Situated in Lutak Inlet on the southwest shoreline 3 nautical miles north of Haines, Alaska.

Application for:
 Schnabel Lumber Co.
 Haines, Alaska

Date: Aug. 12, 1965

VICINITY MAP

From U.S.C.G.S. Chart No. 8303
 Soundings in fathoms at MLLW. 0.0'
 Scale: 1" = 1 Mile



U.S.C.G.S. TIDE DATA

Ex. H.W. (est.)	21.0'
M.H.W.	16.8'
M.L.W.	2.2'
MLLW.	0.0'
Ex. L.W. (est.)	-6.0'

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Subject: FW: POA-1965-0046 (AKA POA-1979-0279)

From: "bolding" <bolding@acsalaska.net>

Date: Mon, January 7, 2008 10:05 am

To: "Mike McLane" <mmclane@alaska.net> (more)

Priority: Normal

Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [View Message details](#)

Maintenance Permit for Haines Dock.

-----Original Message-----

From: Smodey, Tiffany A POA [mailto:Tiffany.A.Smodey@usace.army.mil]

Sent: Friday, January 04, 2008 2:52 PM

To: bolding@acsalaska.net

Subject: POA-1965-0046 (AKA POA-1979-0279)

<<SFX1036.pdf>>

For more information about Nationwide Permits, please visit our website at <http://www.poa.usace.army.mil/reg/>

Thanks

Tiffany A. Smodey
SCEP

Regulatory Division
U.S. Army Corps of Engineers
(907) 753-2727
(800) 478-2712 toll-free within Alaska
(907) 753-5567 fax
www.poa.usace.army.mil/reg

Attachments:

[Smodey, Tiffany A POA.vcf](#)

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