



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

OCT 16 2017

Regulatory Division
POA-1994-1014

Native Village of Eyak
Attention: Kerin Kramer
110 Nicholoff Way
Post Office Box 1388
Cordova, Alaska 99574-1388

Dear Ms. Kramer:

Enclosed is the signed Department of the Army permit, file number POA-1994-104, Orca Inlet, which authorizes construction of a 4.5 mile access road and a pile supported dock. The project site is located within Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian; USGS Quad Map: AK Cordova C-5; beginning at Latitude 60.3441° N., Longitude 145.4312° W and ending at Latitude 60.3752° N., Longitude 145.4010° W; north of Cordova, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Please contact me via email at jack.j.hewitt@usace.army.mil, or toll free from within Alaska at (800) 478-2712, if you have questions.

Sincerely,


Jack Hewitt
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Native Village of Eyak

Permit No.: POA-1994-1014, Orca Inlet

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The Cordova Oil Spill Response (OSR) Facility includes the following components:

Access road – Extend New England Cannery Road to Shepard Point. The road extension will be two lanes (32-foot top width) in the uplands, and single lane (16-foot top width) in areas requiring tideland fill. Minimum road surface elevation will be 20-feet above mean lower low water (MLLW). The roadway will be armored with coarse riprap on the Orca Inlet side.

The road will span Unnamed and Humpback Creeks with bridges. Approaches, abutments, and piers will be located above the ordinary high water mark (OHWM) with no fill placed in the creeks. The other drainages will be crossed using culverts. Bridges and culverts are designed to pass a 100-year flood event. Road material, including the crushed rock surface, will be obtained from roadway cuts. No off-site material sources are anticipated. Avalanche mitigation measures will be incorporated into the road where required.

Deepwater dock – The 364-foot long, pile supported dock will be dedicated to oil spill response. Major components include the wharf, mooring dolphins, trestle, staging area, and small boat launch. The wharf, dolphins, and trestle will be supported by 213, 24-inch steel piles. The dolphins and dock will provide 635-feet of moorage. The 3.5-acres staging area includes an administrative building, a wastewater treatment facility, watertight storage for OSR equipment, a movable crane, fuel tanks, a contaminated vessel washdown area with a water recycling system and storage tanks, a water well and electricity. The boat launch ramp will be constructed on a 12-percent grade with a top elevation of +20 feet MLLW and a bottom ramp elevation of -4 feet MLLW.

Construction of the OSR facility and access road will cause temporary and permanent impacts to wetlands and other waters of the United States (WOTUS). The project is expected to impact 0.45 acre of riverine habitat, 1.13 acres of palustrine habitat, 9.23 acres of intertidal habitat, and 0.51 acre of subtidal habitat.

All work will be performed in accordance with the attached plan, sheets [1-35], dated [7/26/2017], sheets [36-43], dated [10/07/2013], sheets [44-46], dated [07/20/2017], and sheets [47-48], dated [07/25/2017]

Project Location:

The starting point of the proposed project is located approximately 0.4-miles from the end of Orca Cannery Road in Cordova, Alaska, at Latitude 60.3441° N., Longitude 145.4312° W. The end point of the proposed project is located at Shepard Point, at Latitude 60.3752° N., Longitude 145.4010° W.

The proposed location of the deep water port, staging area, and boat launch is located approximately 7 miles northeast of Cordova, at Shepard Point. The 4.5-mile-long road to Shepard Point is proposed to be located in Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian; USGS Quad Map CORDOVA C-5; near western Prince William Sound (PWS) and Cordova, Alaska.

General Permit Conditions:

1. The time limit for completing the work authorized ends on October 31, 2022.

If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Permit Conditions:

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (dpw), 17th Coast Guard District, Post Office Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.

3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

4. Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (Attachment A) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets or PDF. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of

any deviations on the drawings and/or "As-Built Certification by Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

5. The following mitigation measures shall be implemented to prevent impacts during project construction to two properties eligible for the National Register of Historic Places (Shepard Point Mess Hall (COR-428) and Shepard Point Orientals' Mess Hall Feature (COR-429)):

a. Archeological monitoring shall be performed periodically to assure that the mess hall area is not disturbed;

b. A keep out zone shall be marked by orange plastic cones, or orange plastic fencing, placed at the outer edge of the construction area near the mess hall area;

c. Prior to project construction, Section 106 compliance is required for material sites that were not yet defined at the time of the 2006 cultural resources survey;

d. If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the U.S. Army Corps of Engineers (Corps), Alaska District, Regulatory Office by calling (907) 753-2712, toll free from within Alaska at (800) 478-2712, or emailing regpagemaster@usace.army.mil. Upon notification the Corps shall notify the SHPO. Based on the circumstances of the discovery, equity to all parties, and consideration of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the SHPO and the Corps.

e. Mitigation measures shall be noted in the construction contract, and on construction plans.

6. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tidal stages.

7. Areas disturbed during project construction shall be revegetated as soon as possible, preferably in the same growing season as the disturbance. Revegetation techniques include seeding, planting, replacement of reserved ground cover, and/or fertilizing of re-contoured ground to promote reestablishment of natural plant communities. Species to be used in order of preference are 1) species native to the site; 2) species native to the area; 3) species native to the state.

Re-vegetated areas eventually shall have enough cover to sufficiently control erosion without silt fences, hay bales, or other mechanical means.

8. In peat wetlands, the natural vegetative mat shall be systematically removed (with root masses intact) prior to construction, stored in a manner to retain viability (usually frozen or hydrated), then replaced after recontouring of the ground following construction, with final contours to be within 1 foot of adjacent, undisturbed, soil surfaces after one growing season and one freeze/thaw cycle.

9. Restoration and revegetation of streambank and shoreline habitat shall utilize the most up-to-date bioengineering techniques and biodegradable materials. Techniques shall include, but are not limited to, brush layering, brush matting, live siltation, and use of jute matting and coir logs to stabilize soils and reestablish native vegetation.

10. Soil from outside the project boundaries will not be imported to the project site. Any soil within the project boundaries identified as containing invasive species will not be transported to other areas of the project.

11. Authorized structures shall not impede flood flows. To the extent practicable, equipment shall work from an upland site to minimize adding fill into waters of the U.S. If it is not practicable to work from an upland site, heavy equipment working in wetlands or mudflats must be placed on mats, or other measures (e.g. ice roads, compacted snow, low psi ground bearing weight, etc.) must be taken to prevent soil disturbance.

12. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete blocks with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

13. No stockpiling of fill materials shall occur in wetlands or other waters of the U.S. that do not have DA authorization.

14. Piles shall be driven during low tide stages in intertidal and shallow subtidal areas. Low tidal stage is defined as a six hour period beginning three hours before low tide and ending three hours past low tide.

15. The permittee shall comply with the Federal Endangered Species Act, you must implement all of the mitigating measures identified in the enclosed National Marine Fisheries Service (NMFS) letter of concurrence (#AKR-2017-9692, dated October 6, 2017). If you are unable to implement any of these measures, you must immediately notify the Corps and the NMFS so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

16. The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 6898
JBER, Alaska 99506-0898

b. For electronic mail regpagemaster@usace.army.mil (not to exceed 10 MB).

c. The Permittee shall reference this permit number, POA-1994-1014 (SP), on all submittals.

17. Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

18. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

19. Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit may be required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

David T. Olsen NVE Chairman
(PERMITTEE) AND TITLE

Oct 16, 2017
(DATE)

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

Jack Hewitt
FOR (DISTRICT COMMANDER)
Colonel Michael S. Brooks
Jack Hewitt
Project Manager
South Branch, Regulatory Division

16 Oct 2017
(DATE)

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

(TRANSFEEE)

(DATE)

ATTACHMENT A
AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Attention: Mr. Jack Hewitt, South Section, Regulatory Division, Post Office Box 6898, JBER Alaska 99506-0898. If you have questions regarding this requirement, please contact the U.S. Army Corps of Engineers at 907-753-2712.

1. Department of the Army Permit Number: POA-1994-1014

2. Permittee Information:

Name: Native Village of Eyak

Address: 110 Nicholoff Way; Post Office Box 1388

Cordova, Alaska 99574-1388

3. Project Site Identification (physical location/address):

Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian; USGS Quad Map:
AK Cordova C-5; beginning at Latitude 60.3441° N., Longitude 145.4312° W and ending at
Latitude 60.3752° N., Longitude 145.4010° W; north of Cordova, Alaska

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted on the next page. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

