Sealaska
CORPORATION

September 5, 2001

SEP 7 2001

U.S. Environmental Protection Agency
1200 Sixth Avenue, OW-130
Seattle, WA 98101
Attention: LTF Reporting – Burney Hill

Alaska Department of Environmental Conservation
Division of Air and Water Quality
410 Willoughby Ave., Suite 103
Juneau, AK 99801-1795
Attention: LTF Reporting – Dave Sturdevant

Re: Tolstoi Bay LTF (Tolstoi Bay 1) Authorization Number AK-G70-1039

Dear Sirs:

Sealaska Corporation would like to amend its Tolstoi Bay permit (Number AK-G70-1039), which is for a Log Transfer Facility (LTF) and a Log Storage Area (LSA), to include an offshore ship mooring system LTF. Enclosed, please find a copy of the permit from the Corps of Engineers, which Sealaska has signed and returned for completion, and a copy of the letter from the Alaska Division of Governmental Coordination addressing coastal zone consistency.

Part of the need for this ship mooring facility is the absence of active ship mooring facilities on the east side of Prince of Wales Island and the surrounding area. Therefore, tributary timber to be transferred to log ships at this ship mooring system could come from a variety of land owners and sources: Sealaska lands, the Mental Health Trust, other state lands, neighbor small private land owners, and other land owners. Sealaska can determine the volume it could transfer at the offshore LTF and the land LTF, but the volume from other sources is not known. Consequently, Sealaska Timber Corporation would also like to amend the facility classification for Tolstoi from its current Type III facility, to a Type I facility. Thank you, and should you have any questions please contact me directly.

Sincerely,

SEALASKA CORPORATION

Ronald R. Wolfe,
Corporate Forester

Sealaska
CORPORATION

August 31, 2001

Mr. Steve Duncan, Project Manager
Department of Army
U.S. Army Engineer District, Alaska
P.O. Box 898
Anchorage, AK 99506-0898

Re: LTF Tolstoi Bay 0-870599 Modification for Ship Mooring

Dear Mr. Duncan:

Thank you for your August 10, 2001 letter, and enclosed are two signed provisional permits. The State of Alaska Division of Governmental Coordination sent a letter dated August 14, 2001 stating that the project did not require an ACMP review as the state resource agencies all agreed that the impacts of this modification are not major. Based on that, and your correspondence we look forward to receiving a signed completed permit from the Army Corps of Engineers. Thank you for processing this permit application.

Sincerely,

SEALASKA CORPORATION

Ronald R. Wolfe
Corporate Forester

One Sealaska Plaza, Suite 400 • Juneau, AK 99801-1276 • Phone (907) 586-1512 • Fax (907) 586-1826

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 898
ANCHORAGE, ALASKA 99506-0898

REPLY TO
ATTENTION OF:

Regulatory Branch
East Section
O-870599

AUGUST 1 0 2001

RECEIVED
AUG 1 5 2001
NATURAL RESOURCES

Sealaska Corporation
Attn. Mr. Ron Wolfe
One Sealaska Plaza, Suite 400
Juneau, Alaska 99801-1276

Dear Mr. Wolfe:

We have completed our review of your permit application identified as O-870599, Tolstoi Bay 1, for the following proposed work: Modify an existing permit for a Log Transfer Facility(LTF) to include installation of a mooring system for log ships, Thorne Bay, Alaska.

Enclosed are two unsigned copies of a "**PROVISIONAL PERMIT.**" The provisional permit is **NOT VALID** and does not authorize you to do your work. The provisional permit describes the work that will be authorized, and the General and Special Conditions (if any) which will be placed on your final Department of the Army (DA) permit, if the State of Alaska Water Quality Certification and/or Coastal Zone Management (CZM) consistency requirements are satisfied as described below. No work is to be performed in the waterway or adjacent wetlands until you have received a validated copy of the DA permit.

Additionally, we have enclosed a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this Department of the Army Permit (see section labeled "Initial Proffered Permit").

By Federal law no DA permit can be issued until the State has concurred with a permit applicant's CZM consistency determination or concurrence has been presumed. As of this date the Alaska Department of Governmental Coordination (DGC) has not concurred with your CZM consistency determination. If DGC neither concurs nor provides written objections to the certification statement by January 23, 2002, then concurrence with your CZM consistency determination may be presumed.

Should the State's action on the required concurrence preclude validation of the provisional permit in its current form, a modification to the provisional permit will be evaluated and you will be notified as appropriate. Substantial changes may require a new permit evaluation process, including issuing a new public notice.

Once the State has concurred with your CZM consistency determination or the dates above have passed without the State acting, and you agree to the terms and conditions of the provisional permit, you should sign and date both copies and return them to us. Your DA permit will not be valid until we have returned a copy to you bearing both your signature and the signature of the appropriate Corps official.

If the State does not concur with your CZM consistency determination, then the DA permit application file will be closed. If you should subsequently obtain a CZM consistency determination concurrence, you should contact this office to determine how to proceed with your permit application.

If you have any questions concerning your CZM consistency determination, please contact the DGC at the Office of Management and Budget, Division of Governmental Coordination, Southeast Regional Office, Post Office Box 110030, Juneau, Alaska 99811-0030, or by telephone (907) 465-3562.

If you have any other questions concerning your application for a DA permit, please contact me, at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by mail at the letterhead address, ATTN: CEPOA-CO-R-E. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Steve Duncan
Project Manager

Enclosures

PROVISIONAL PERMIT

NOT VALID

DO NOT BEGIN WORK

This PROVISIONAL PERMIT is **NOT VALID** until:

1) You obtain:

_____ Section 401 Water Quality Certification from the Alaska Department of Environmental Conservation

__X__ a Coastal Zone Consistency determination concurrence from the Division of Governmental Coordination

2) You sign and return the enclosed provisional permit with the State Section 401 Water Quality Certification and Coastal Zone Management concurrence and the appropriate permit fee as indicated below:

_____ $10.00 _____ $100.00 _____ No fee required

Your check or money order should be made payable to FAO, USACE, Alaska District.

3) The Corps signs the permit and returns it to you.

Your DA permit application file will be closed if the State denies your Section 401 Water Quality Certification and/or does not concur with your Coastal Zone Management consistency determination.

DO NOT BEGIN WORK

DEPARTMENT OF THE ARMY PERMIT

Permittee Sealaska Corporation

Permit No. O-870599

Issuing Office U.S. Army Corps of Engineers

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 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: Modify an existing permit for a Log Transfer Facility(LTF) to include installation of a mooring system for log ships. The mooring system will consist of two peg top buoys approximately 1,000 feet apart and anchored by one 10,000 pound concrete sinker and three 30,000 - 40,000 pound anchors for each buoy.

All work shall be performed in accordance with the attached plans, 5 sheets dated 06/21/01.

Project Location: 55° 30' North, 132° 25' West, section 18, T. 72 S., R. 85 E., Copper River Meridian, Tolstoi Bay near Thorne Bay, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **August 30 2004**. 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 Conditions:

1. 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 facility. The USCG may be reached at P.O. Box 25517, Juneau, Alaska 99802, telephone (907)463-2270.

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.

Continued on 2A

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).

( ) 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 revaluation 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.

(PERMITTEE) _____ (DATE) 8/31/01

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

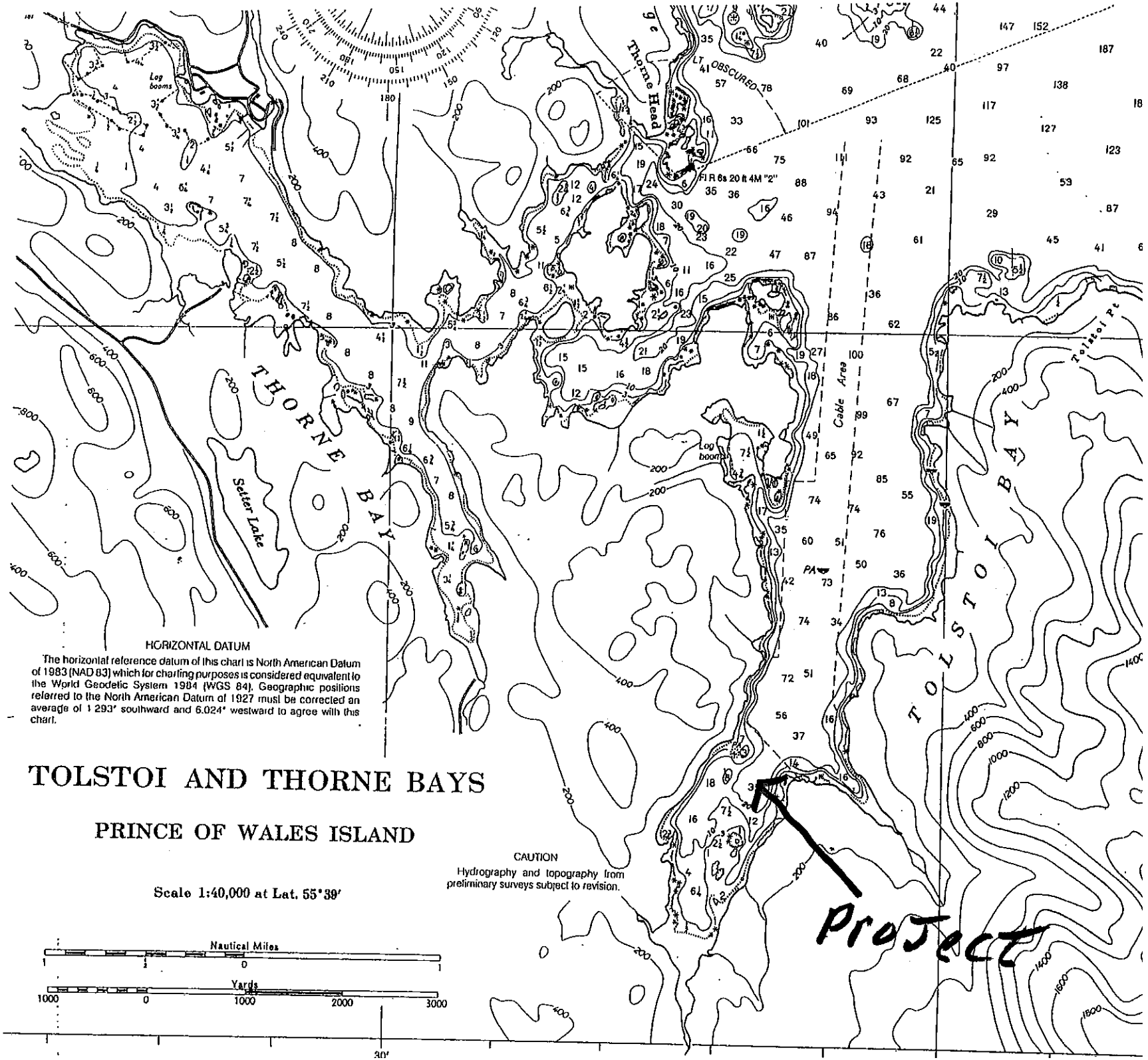
(DISTRICT ENGINEER) _____ (DATE) _____

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.

(TRANSFEREE) _____ (DATE) _____

Special Conditions Continued:

4. All chains, anchor cables, lines, or other material that could pose an entanglement hazard to marine mammals shall be removed from the water upon termination of their use.



HORIZONTAL DATUM

The horizontal reference datum of this chart is North American Datum of 1983 (NAD 83) which for charting purposes is considered equivalent to the World Geodetic System 1984 (WGS 84). Geographic positions referred to the North American Datum of 1927 must be corrected an average of 1.293" southward and 6.024" westward to agree with this chart.

TOLSTOI AND THORNE BAYS

PRINCE OF WALES ISLAND

Scale 1:40,000 at Lat. 55°39'

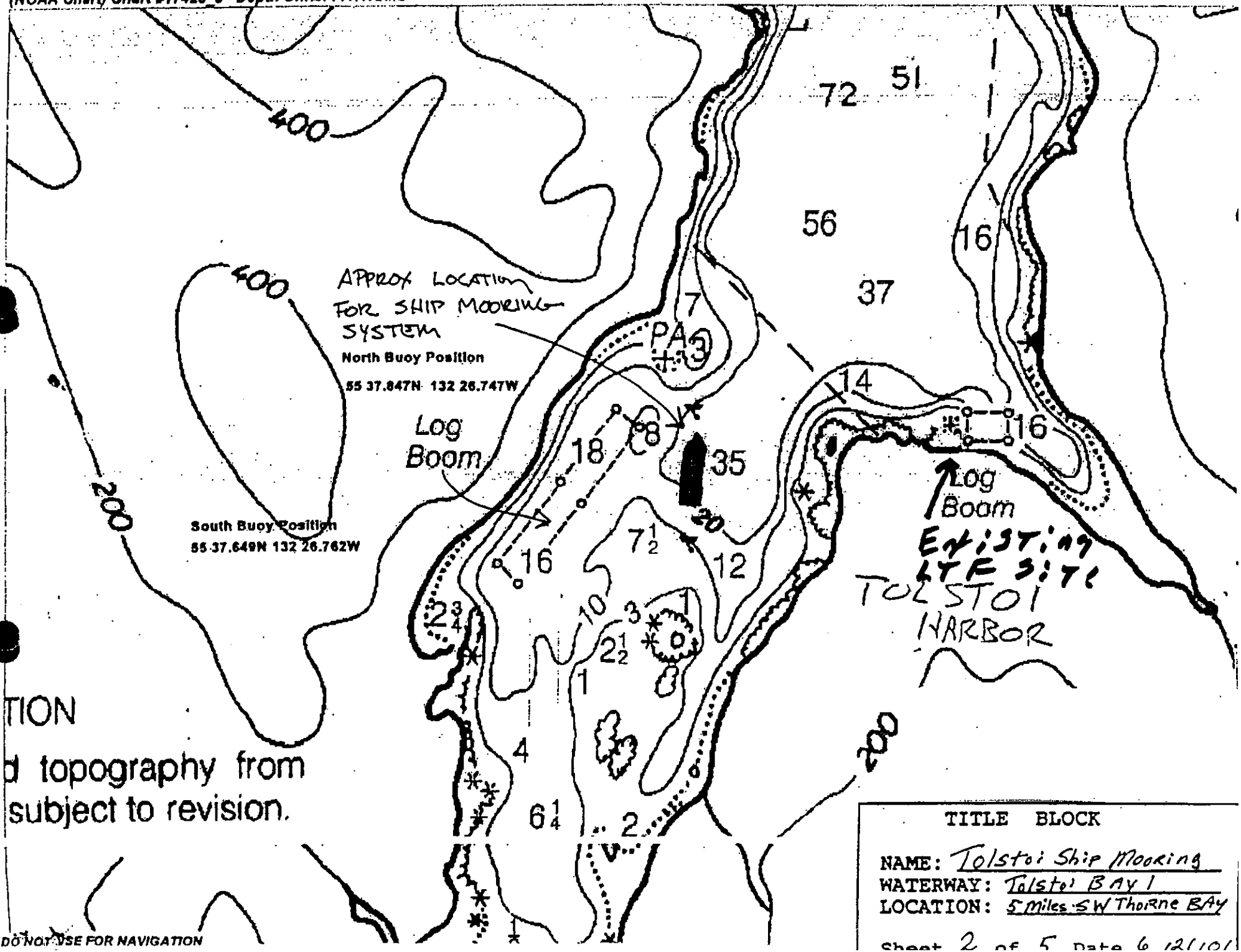
CAUTION

Hydrography and topography from preliminary surveys subject to revision.

Project

1045

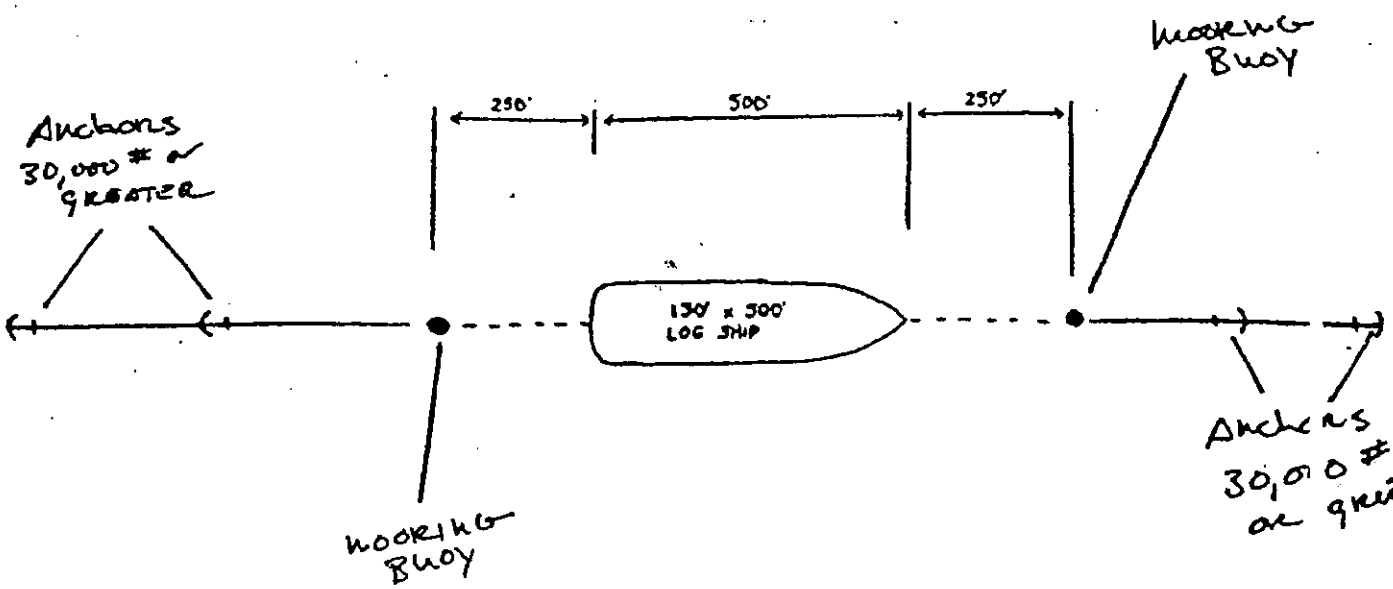
TOLSTOI AND THORNE BAYS PRINCE OF WALES ISLAND - 1 : 70,708
(NOAA Chart) Chart #17423_3 - Depth Units: FATHOMS



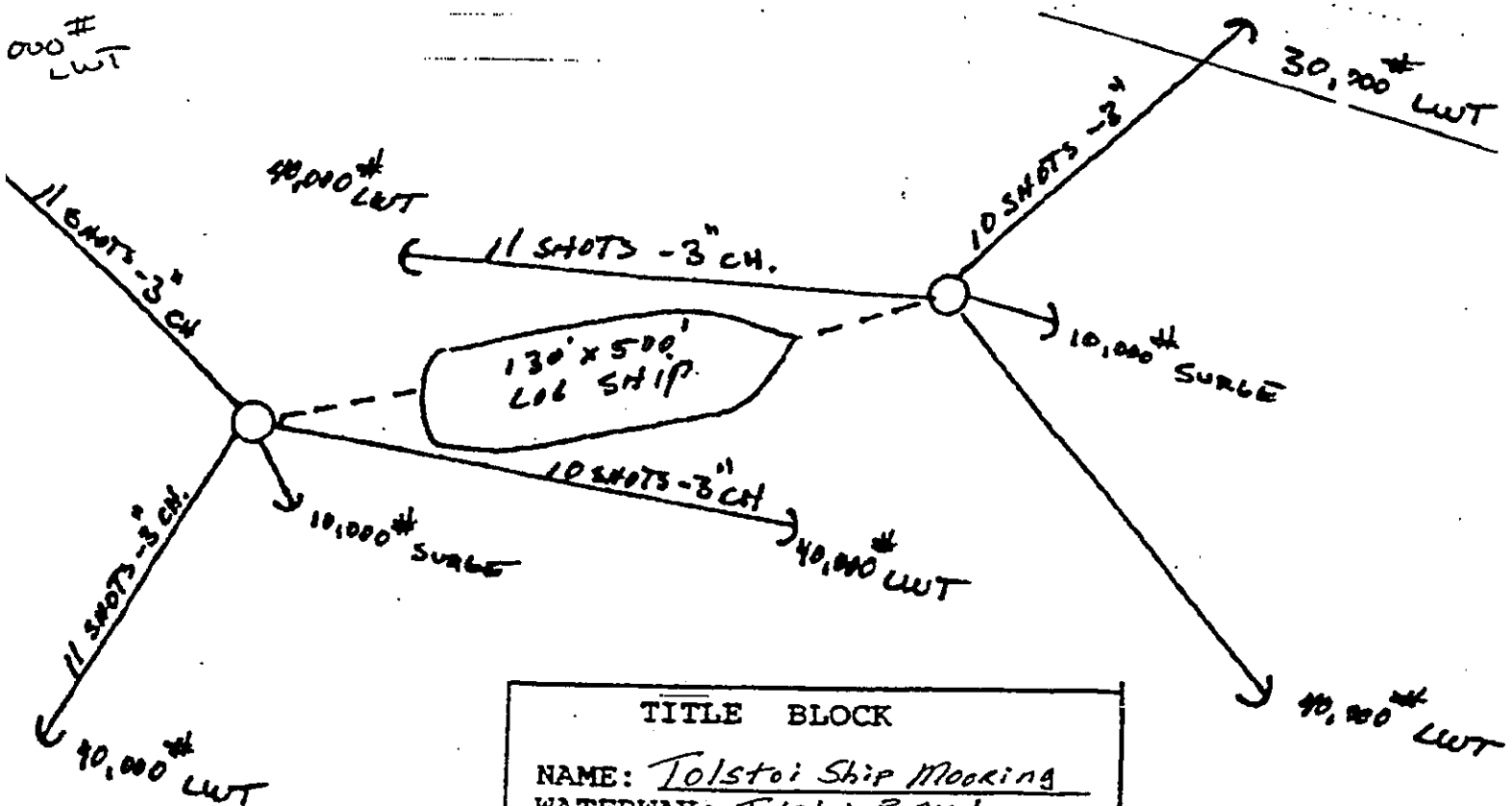
TITLE BLOCK

NAME: Tolstoi Ship Mooring
WATERWAY: Tolstoi Bay I
LOCATION: 5 Miles SW Thorne Bay

Sheet 2 of 5 Date 6/21/01

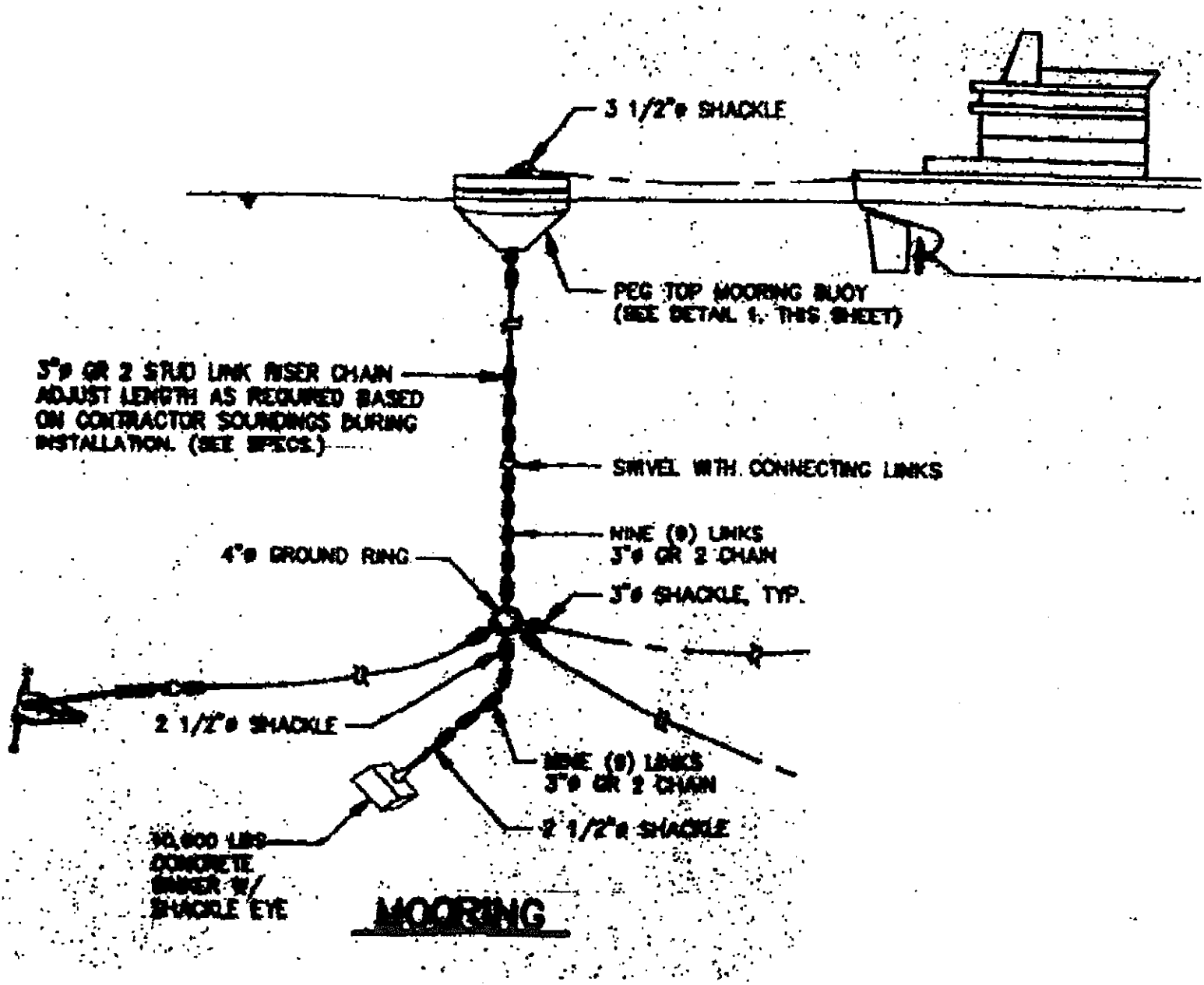


TYPICAL MULTIPLE ANCHOR OVERVIEW



TITLE BLOCK

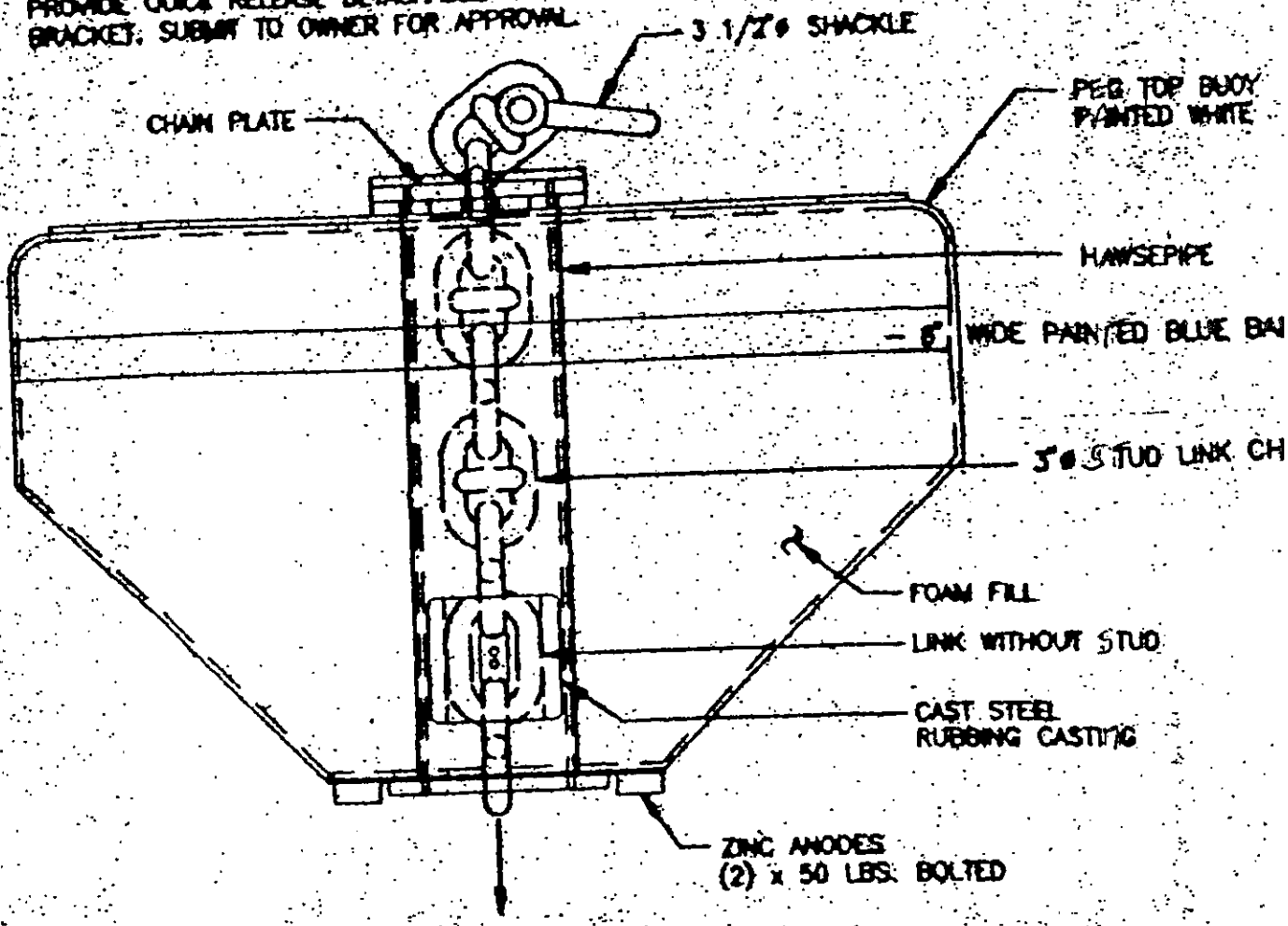
NAME: Tolstoi Ship Mooring
WATERWAY: Tolstoi BAY I
LOCATION: 5 Miles SW Thorne BAY



TITLE BLOCK

NAME: Tolstoi Ship Mooring
WATERWAY: Tolstoi Bay 1
LOCATION: 5 Miles SW Thorne Bay

NOTE:
BUOY LANTERN NOT SHOWN FOR CLARITY.
PROVIDE QUICK RELEASE DETACHABLE MOUNTING BRACKET. SUBMIT TO OWNER FOR APPROVAL.



1 — PEG TOP BUOY DETAIL

SCALE: NTS

NOTE:
TENSION BAR BUOY SYSTEM DESIGNED FOR AN ALLOWABLE LOAD OF 212 KIPS MAY BE SUBSTITUTED FOR THE HAWSEPIPE DESIGN SHOWN. SUBMIT FOR APPROVAL.

TITLE BLOCK

NAME: Tolstoi Ship Mooring
WATERWAY: Tolstoi BAY I
LOCATION: 5 Miles SW Thorne BA

Sheet 5 of 5 Date 6/21/0

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Sealaska Corporation	File Number: O-870599	Date: 08/09/01
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Steve Duncan, PM Alaska District Corps of Engineers CEPOA-CO-R- PO BOX 898 Anchorage, AK 99506-0898 (907) 753-2712 (800) 478-2712 (toll free in AK)	Commander ATTN: ET-C/Michael Lee USAED, Pacific Ocean Building 230 Fort Shafter, HI 96858-5440

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

Mail to:

Commander
ATTN: ET-C/Michael Lee
USAED, Pacific Ocean
Building 230
Fort Shafter, HI 96858-5440

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PHONE: (907) 465-3562
FAX: (907) 465-3075

August 14, 2001

Mr. Ron Wolfe
Sealaska Corporation
One Sealaska Plaza, Suite 400
Juneau, AK 99801-1276

Sent by email

Dear Mr. Wolfe:

SUBJECT: TOLSTOI BAY 1 MODIFICATION (mooring log ship)
AK880113-09J (AK0108-08J for filing); COE #O-870599
ACMP Review not Required

Thank you for submitting the detailed information in June 2001 regarding a proposed modification to the existing log transfer permit in Tolstoi Bay. On 7/27/01 we received a public notice from the Corps of Engineers. This modification is installation of a mooring system for log ships, consisting of two peg top buoys 1,000 feet apart and anchored by one 10,000-pound concrete sinker and three 30,000 to 40,000-pound LWT anchors for each buoy. The mooring system will facilitate loading of log bundles onto log hauling ships. The site is located at section 18, T. 72 S., R. 85 E., CRM.

In your submittal you provided a copy of the 3/88 consistency determination for the log transfer facility, which was reviewed for consistency with the Alaska Coastal Management Program under review No. AK880113-09J (the State reviewed a transfer ramp, barge ramp, seaplane float, log booms for a 10.77-acre log booming area, and log boom for a 10.9 acre log storage area. You also provided copies of Corps of Engineers modifications: (1) M-870599 issued 11/16/88 for installation of a 150' x 500' temporary float camp, held in position with shorelines and anchors, attached to the floating dock; ACMP review AK881003-01J; (2) N-870599 issued 5/15/91, time extension (no ACMP review). Also, you provided information about the wastewater general permit for LTFs; the Department of Environmental Conservation issued written authorization for discharge of bark and wood debris at the LTF under the terms and conditions of the post-1985 wastewater GP AK-G70-1000, valid through 3/21/2005.

Upon receipt of your letter requesting amendment, DGC consulted with agencies and determined that the impacts of the modification are not major and an ACMP review is not necessary.

We appreciate Sealaska informing us of the amendment and seeking a determination of consistency. For recordkeeping purposes, we assigned a 2001 file (AK) number. In any future correspondence regarding this project, please refer to both the 1988 and 2001 file numbers. As we discussed during the consultation, please follow up with the Department of Natural Resources, Jim Anderson, for authorization from that department. If you have any questions, please contact me at 465-8790, fax 465-3075, or email lorraine_marshall@gov.state.ak.us.

Sincerely,

Lorraine Marshall
Project Review Coordinator

cc: Steve Duncan, COE
Dave Sturdevant, DEC
Mark Minnillo, DFG
Jim Anderson, DNR