ENCLOSURE #2 TO 10/17/96 LETTER

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

REPLY TO
ATTENTION OF:

MAY 2 0 1994

Regulatory Branch
Project Evaluation Section - South
2-880483

Mr. Kurt Korthals
Alaska Pulp Corporation
4600 Sawmill Creek Road
Sitka, Alaska 99835

Dear Mr. Korthals:

Enclosed is the signed Department of the Army permit, file number 2-880483, Zimovia Strait 87, which authorizes: construction of a 9.8 acre intertidal fill requiring the discharge of approximately 45,200 cubic yards (cy) of clean shot rock for an exterior containment dike, 15,200 cy for interior dikes, 24,000 cy for a bulkhead fill, 38,200 cy for a surfacing cap, 3,100 cy of armor rock, and 202,600 cy of wood/rock-mixed material for interior fill; construction of a causeway connecting the proposed fill with the mill yard; and dredging of approximately 1,000 to 3,000 cy of material from waterward of the proposed barge landing bulkhead area in Shoemaker Bay near Wrangell, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes in the location or plans of the work are necessary for any reason, plans should be submitted to this office promptly. If the changes are unobjectionable, the approval required by law before construction is begun will be issued without delay.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect the proposed work.

Sincerely,

Houston L. Hannafious

Houston L. Hannafious
Project Manager
Project Evaluation Section - South

Enclosures

MAY 25 1994

2. All fill material shall consist of clean material (clay, sand, shot rock, or synthetic liner) or of compacted woodwaste excavated from the adjacent Mt. Seley. No newly generated woodwaste from any source shall be discharged within the authorized project.

3. The following permits shall become null and void, and therefore effectively revoked on the following dates:

a. Blind Slough (Sumner Strait 41, 1-750008), on April 30, 1997.
b. Aaron Creek (Blake Channel 1, 1-730118), on April 30, 1995.
c. Pt. Babler (Eastern Passage 8, 1-730119), on April 30, 1996.
d. Berg Bay (Eastern Passage 10, 1-780085), on April 30, 1995.
e. Fish Bay 5, 1-690001, on April 30, 1997.

4. The causeway between the log storage area and the mill shall be constructed on pilings. Creosote treated pilings are allowable provided they are treated by pressure-injection. No pentachlorophenol preservatives are permitted for use in either fresh or marine water structures.

5. The dolphins, residual logs, cables, and miscellaneous discarded debris on the tidelands located immediately north of the project area within ATS-1249 shall be removed upon completion of cells 2 and 3.

6. All intertidal log storage activities within and/or near ATS-1249 north and west of the project area shall end upon completion of cells 2 and 3.

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

8. 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, (oan), ATTN: Lieutenant (jg) Rob Shaul, 17th Coast Guard District, Post Office Box 25517, Juneau, Alaska 99802-5517, telephone (907) 463-2245.

9. Dredging activities waterward of the barge bulkhead area of cell 3 shall be confined to the period between July 1 and April 15.

10. Dredge material from the barge landing bulkhead area shall be disposed of within cells one or two or at a suitable upland disposal area.

11. The applicant shall notify the District Engineer, U.S. Army Engineer District-Alaska, Department of Army, Regulatory Branch-Enforcement Section, Post Office Box 898, Anchorage, Alaska 99506-0898, of the start of construction of each cell of the authorized project.

12. During the period from April 15 through June 31, construction of the dike must occur when tidal stages are below the level of the construction activity.1

This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers
ZIMOVIA STRAIT 87

MAY 2 0 1994
19

A permit to CONSTRUCT A 9.8 ACRE LOG SORT YARD, CONSTRUCT A CAUSEWAY CONNECTING THE SORT YARD WITH THE WRANGELL LUMBER MILL, AND DREDGE APPROXIMATELY 1,000 TO 3,000 CY FROM A SUBTIDAL AREA.

at WRANGELL, ALASKA

has been issued to ALASKA PULP CORPORATION on MAY 2 0 1994 19

Address of Permittee 4600 SAWMILL CREEK ROAD, SITKA, ALASKA 99835

Permit Number

2-880483

FOR: *District Commander*
HOUSTON L. HANNAFIOUS
PROJECT MANAGER
REGULATORY BRANCH

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED (Proponent: CECW-O)

2. All fill material shall consist of clean material (clay, sand, shot rock, or synthetic liner) or of compacted woodwaste excavated from the adjacent Mt. Seley. No newly generated woodwaste from any source shall be discharged within the authorized project.

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12. During the period from April 15 through June 31, construction of the dike must occur when tidal stages are below the level of the construction activity.1

DEPARTMENT OF THE ARMY PERMIT

Permittee Alaska Pulp Company

Permit No. 2-880483, Zimovia Strait 87

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 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: Construct a 9.8 acre intertidal fill (approximately 675' by 500') requiring the discharge of approximately 45,200 cubic yards (cy) of clean shot rock for an exterior containment dike, 15,200 cy for interior dikes, 24,000 cy for a bulkhead fill, 38,200 cy for a surfacing cap, 3,100 cy of armor rock and 202,600 cy of wood/rock-mixed material for interior fill; construct a causeway connecting the proposed fill with the Wrangell sawmill yard; and dredge approximately 1,000 to 3,000 cy of material from waterward of the proposed barge landing bulkhead area.

All work will be performed in accordance with the attached plans, seven sheets dated 12/13/1993, 1/12/1994, 2/14/1994, and 2/25/1994.

Project Location: Sections 17 and 20, T. 63 S., R. 84 E., Copper River Meridian, USGS Quadrangle Petersburg B-2, adjacent to the APC sawmill, approximately 5 miles south of Wrangell, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on April 30, 1997. 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 good condition and 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. All portions of the fill which include woodwaste will be compacted throughout and enclosed on all sides with a clay/shotrock/plastic liner within six months from the initial discharge of woodwaste material. The clay/plastic liner on the side of the fill shall be keyed at least three feet deep into the existing bottom. The timing restriction included within this condition applies to each of the three separate cells of the project.

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).

(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 authorizations 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.

George Woody VP Timber 5/6/94

(PERMITTEE) AND TITLE *(DATE)*

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

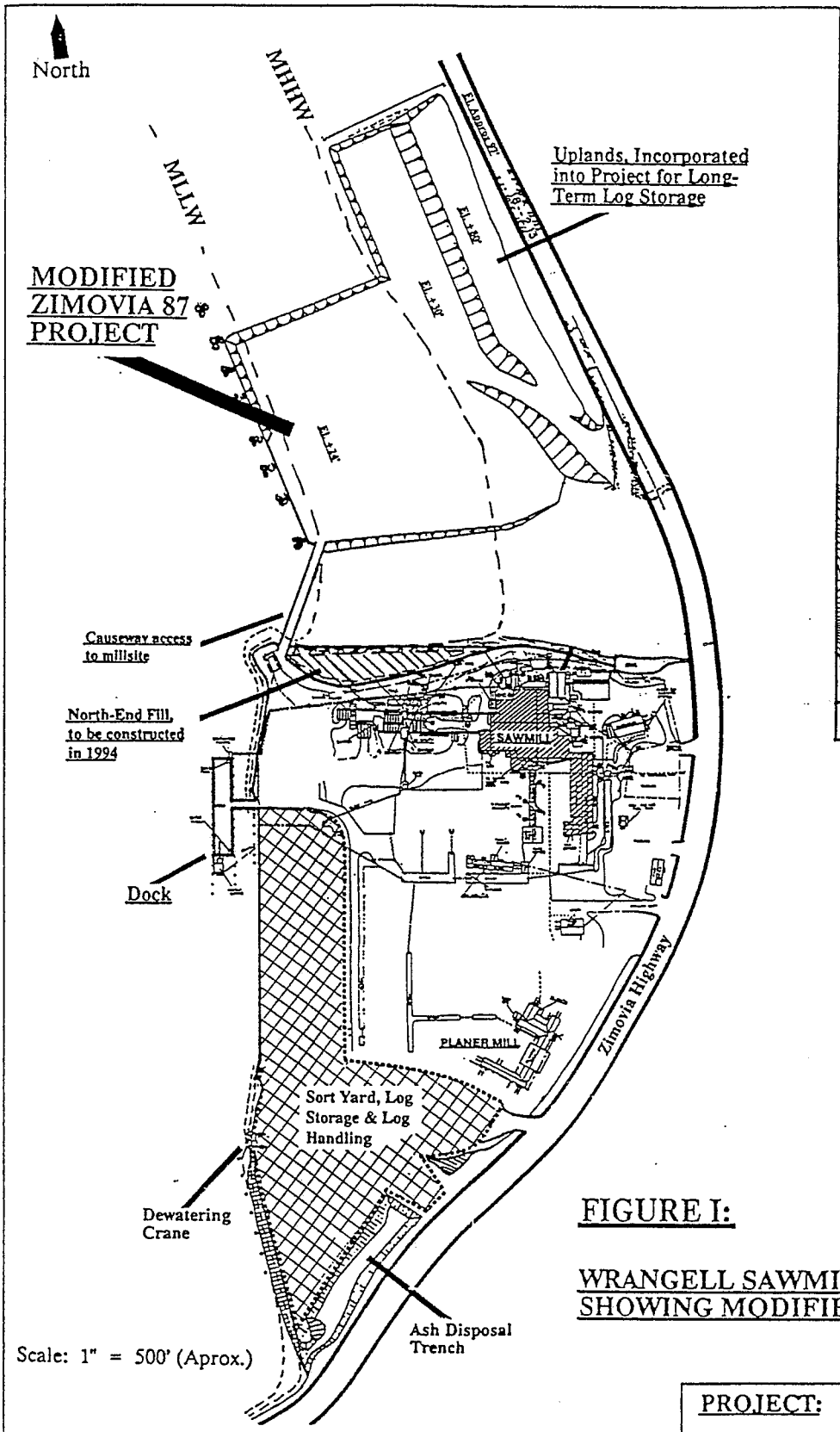
Houston L. Hannafious 20 MAY, 1994

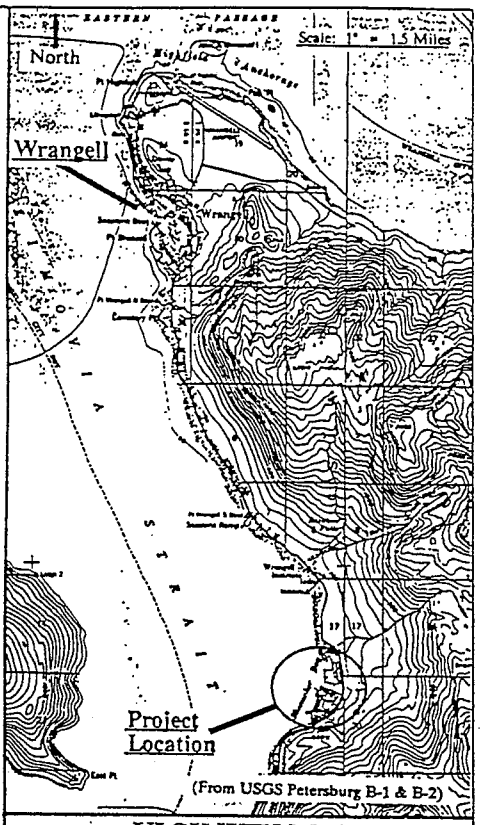
OR: *(DISTRICT ENGINEER)* Colonel John W. Pierce *(DATE)*
Houston L. Hannafious, Project Manager
Project Evaluation Section - South
Regulatory Branch

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)*

☆U.S. GOVERNMENT PRINTING OFFICE: 1986 — 717-425





VICINITY MAP

Tidal Data:

Ex. H.W.	20.0'
M.H.H.W.	16.8'
M.H.W.	14.5'
M.L.W.	2.0'
M.L.L.W	0.0'

FIGURE I:

WRANGELL SAWMILL SITE PLAN, SHOWING MODIFIED ZIMOVIA 87 PROJECT

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 1 of 7 Date 12/13/93 (Rev.)

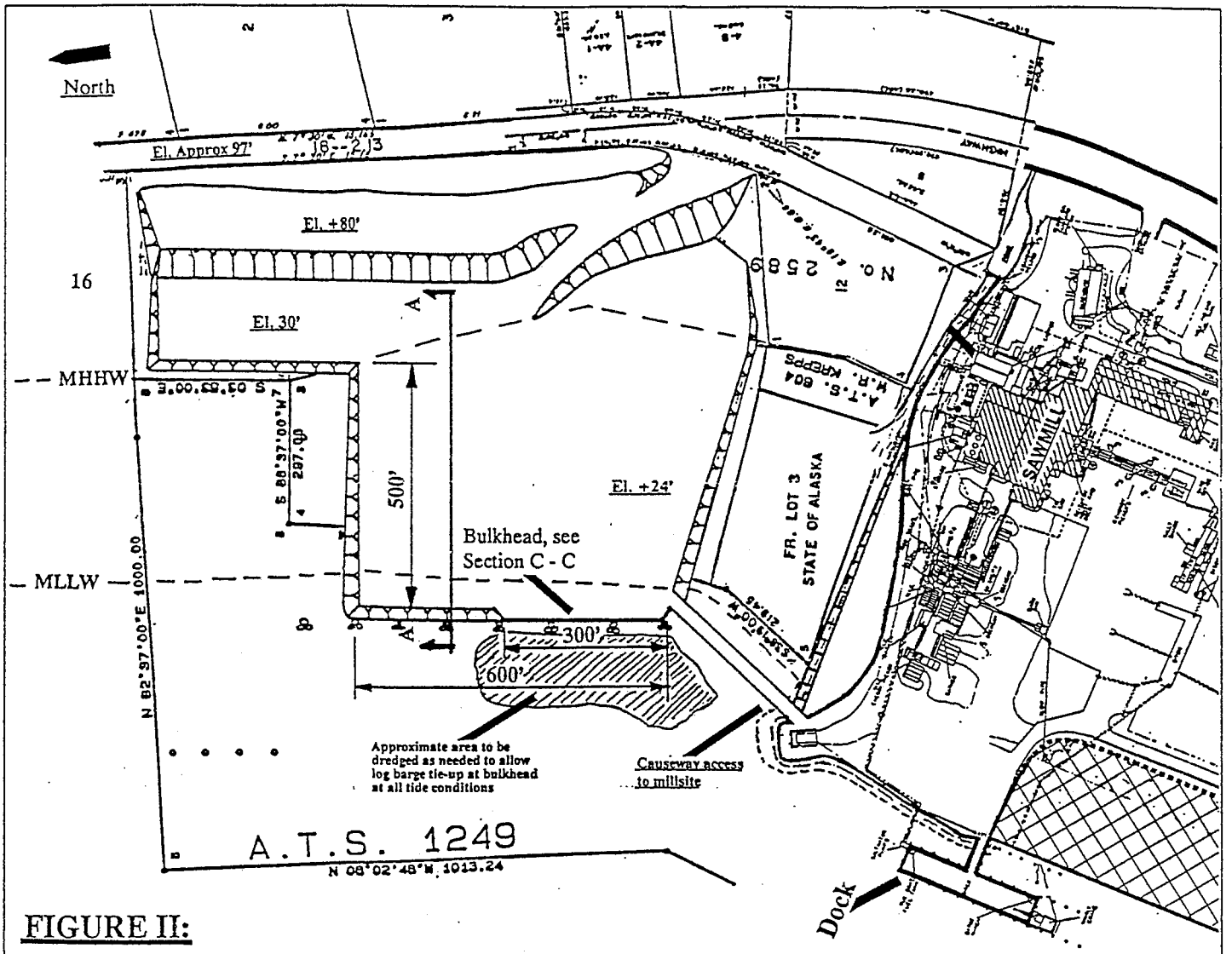
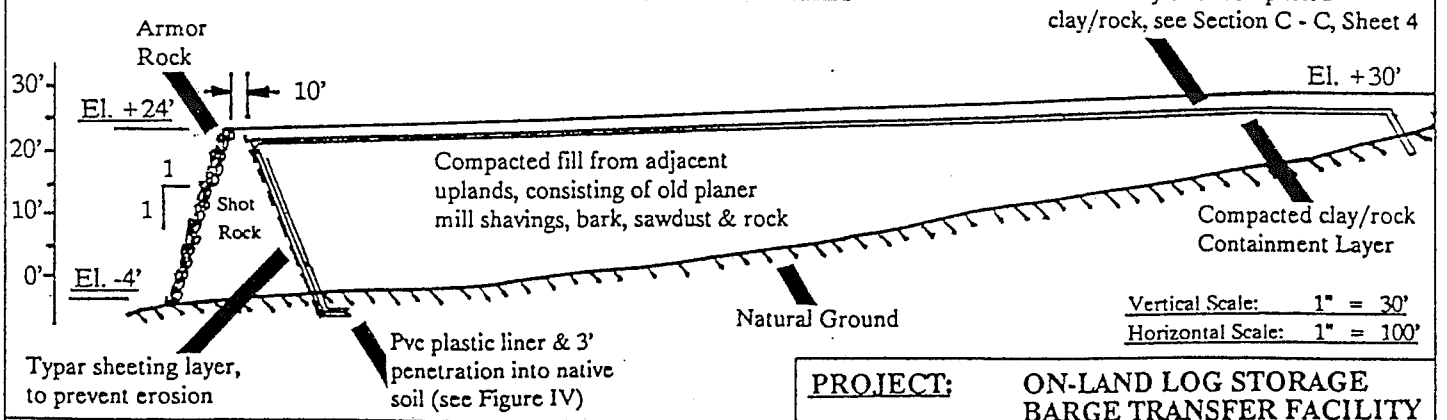


FIGURE II:

PLAN VIEW OF MODIFIED ZIMOVIA 87 LOG STORAGE FACILITY

Scale: 1" = 300'

SECTION A - A: TYPICAL FILL CROSS-SECTION DETAIL



Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 2 of 7 Date Rev. 2/25/94

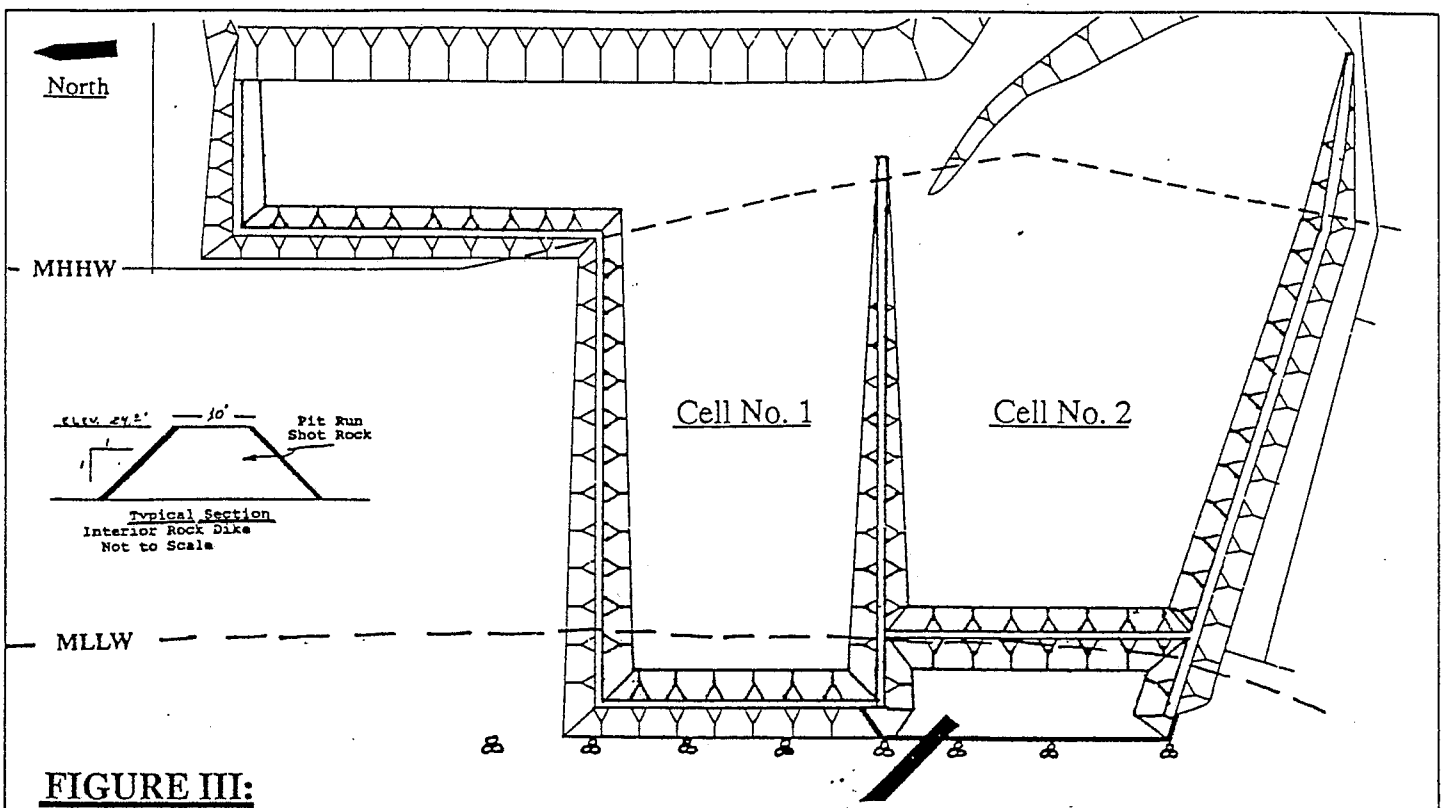
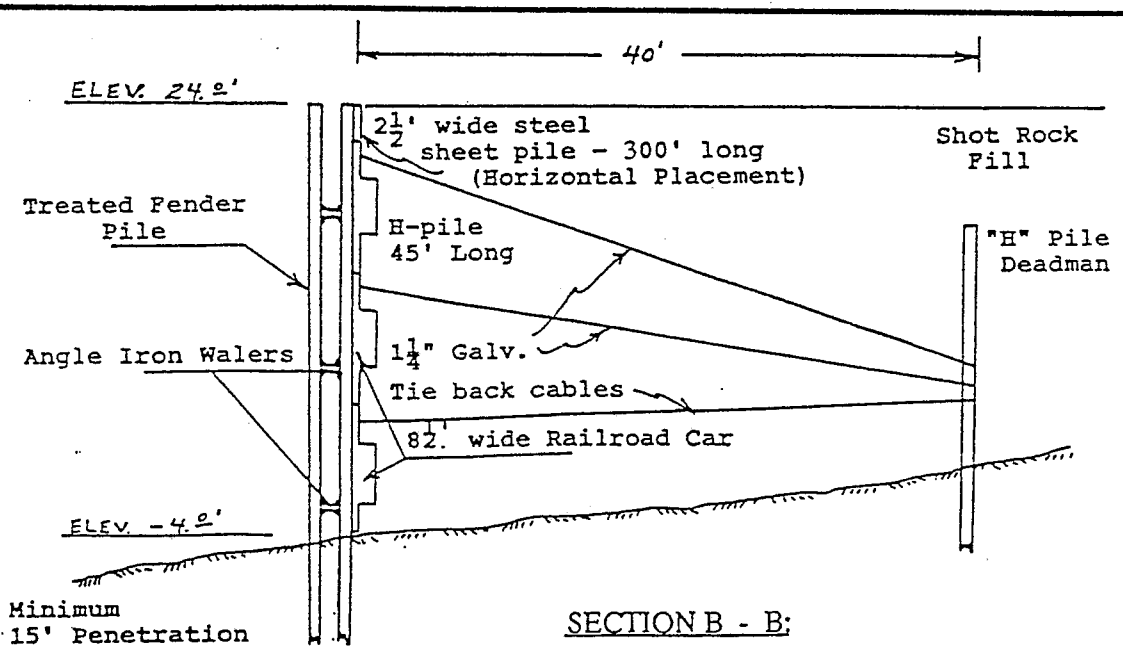


FIGURE III:

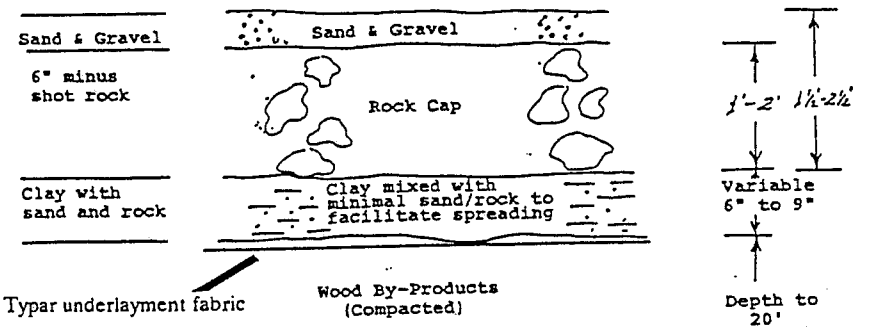
CELL CONSTRUCTION DETAIL



SECTION B - B:

TIEBACK DETAIL FOR 300' BULKHEAD

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 3 of 7 Date 12/13/93 (Rev.)



SECTION C - C: CROSS-SECTION OF SURFACE CAP & CLAY SEAL

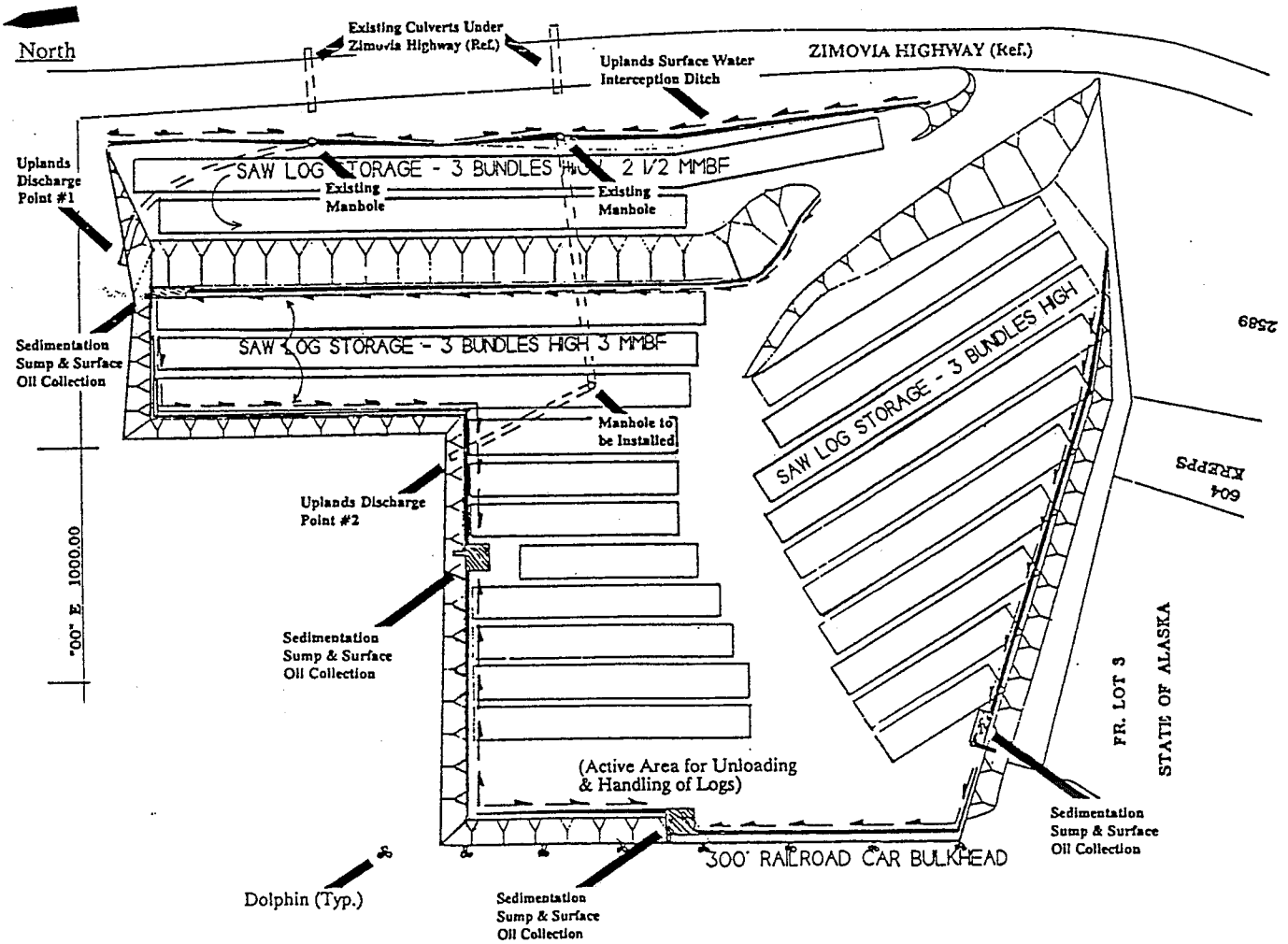


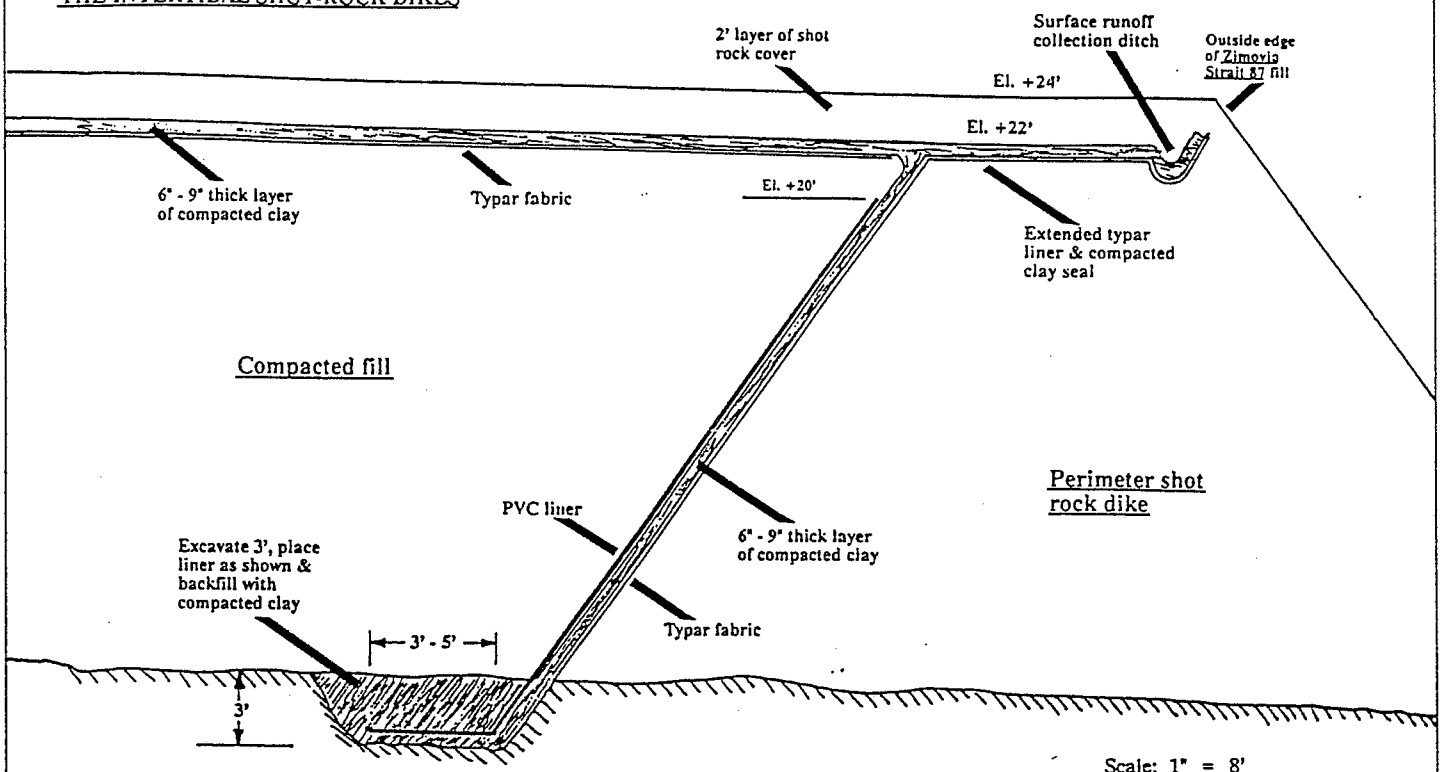
FIGURE IV:

Scale: 1" = 200'

CONCEPTUAL LOG STORAGE LAYOUT & SURFACE WATER RUNOFF CONTROL

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 4 of 7 Date 12/13/93 (Rev.)

TYPICAL CROSS-SECTION SHOWING THE PERIMETER & SURFACE SEAL FOR THE INTERTIDAL SHOT-ROCK DIKES



LOCATION OF WHERE THE PERIMETER SEAL IS TO BE PLACED

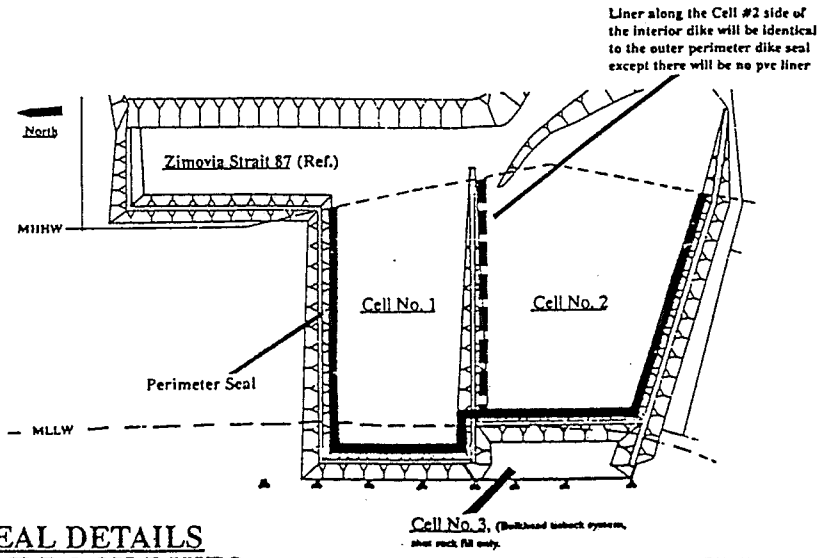
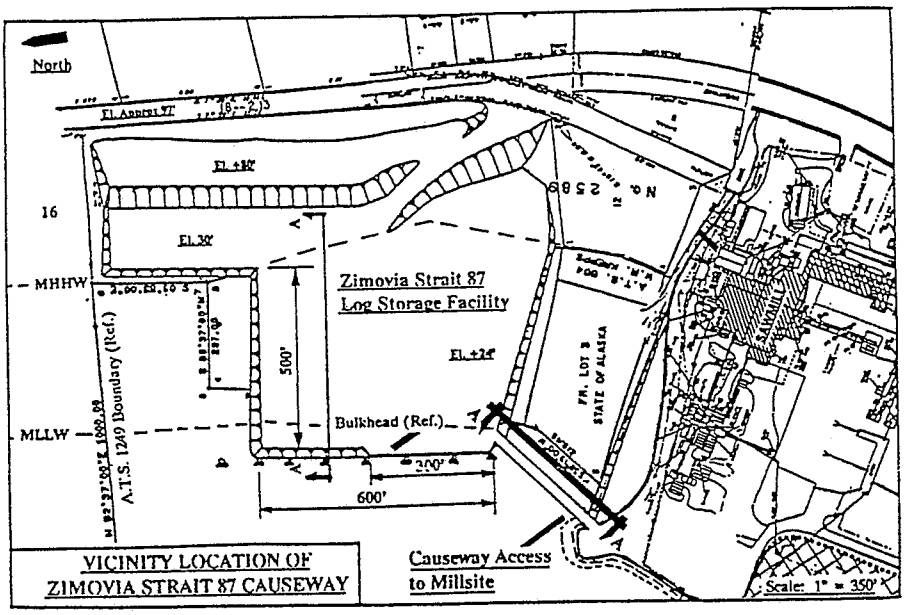


FIGURE V:

PERIMETER & SURFACE SEAL DETAILS FOR THE INTERTIDAL SHOT-ROCK DIKES

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 5 of 7 Date 2/14/94



VICINITY LOCATION OF
ZIMOVIA STRAIT 87 CAUSEWAY

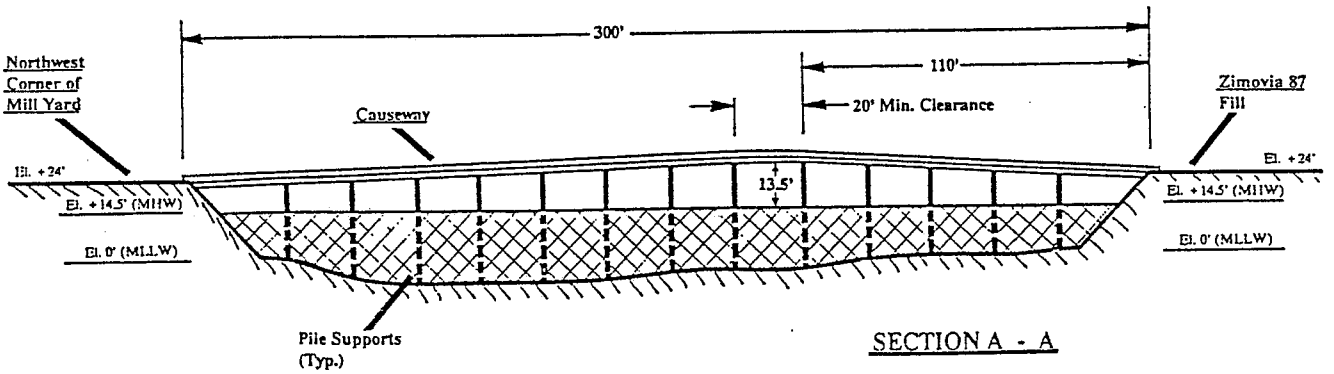
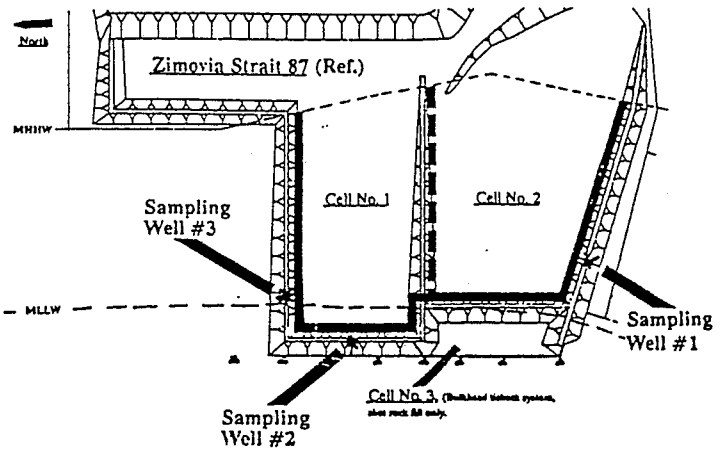


FIGURE VI

ZIMOVIA STRAIT 87 CAUSEWAY SHOWING BOAT CLEARANCE DETAIL

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 6 of 7 Date 2/14/94

MONITORING WELL CASING PLACEMENT



CROSS-SECTION OF WELL CASING PLACEMENT WITHIN THE SHOT-ROCK DIKE

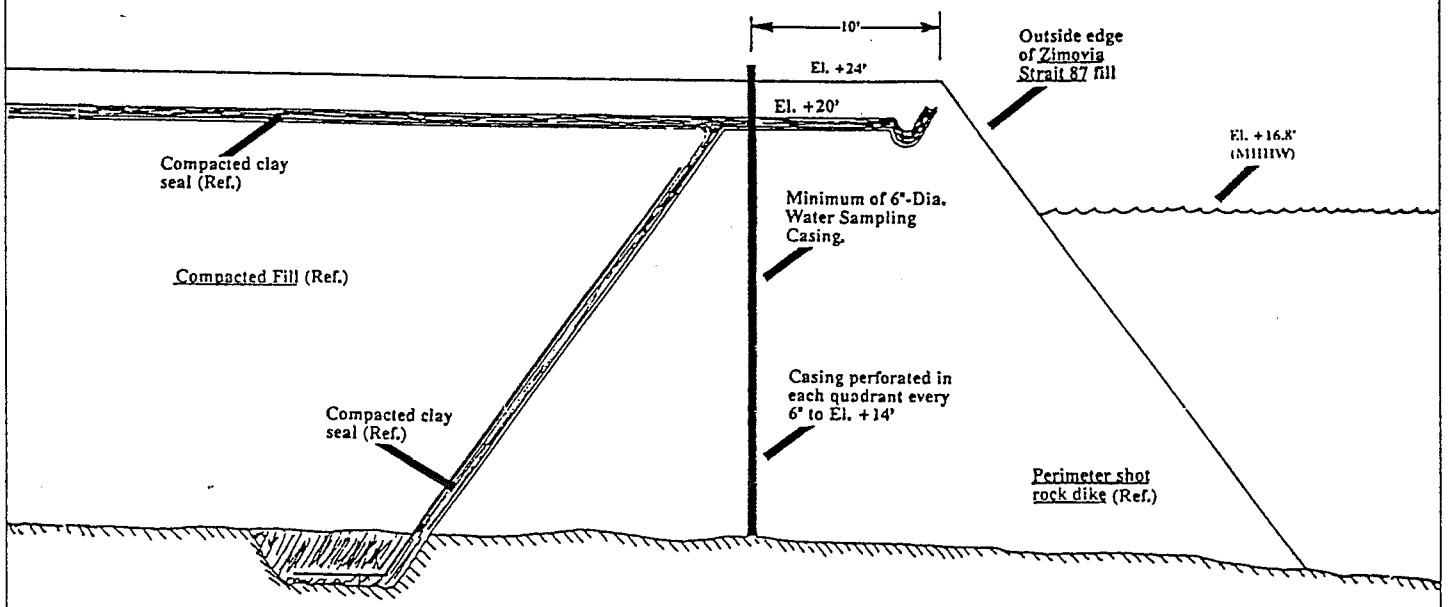


FIGURE VII

Scale: 1" = 8'

WATER QUALITY MONITORING DETAILS FOR THE ZIMOVIA STRAIT 87 PROJECT

Adjacent Property Owners:	Purpose:	PROJECT: ON-LAND LOG STORAGE BARGE TRANSFER FACILITY
1. Bill & Hazel Krepps 2. Keith Bloom 3. Dept. of Transportation	Increase on-land log storage	WATERWAY: Zimovia Strait LOCATION: T63S, R84E Section 20 Sheet 7 of 7 Date 1/12/94

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

☐ SOUTHCENTRAL REGIONAL OFFICE
3601 "C" STREET, SUITE 370
ANCHORAGE, ALASKA 99503-5930
PH: (907) 561-6131/FAX: (907) 561-6134

☒ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0300
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 278-8594/FAX: (907) 272-0690

REVISED: April 6, 1994
March 31. 1994

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 3

To Houston	From DGC
Co. Hannafious	Co.
Dept.	Phone #
Fax # 753-5567	Fax #

Mr. Kurt Korthals
Alaska Pulp Corp.
4600 Sawmill Creek Road
Sitka, AK 99835

Dear Mr. Korthals:

SUBJECT: ZIMOVIA STRAIT 87 MODIFICATION - NO REVIEW
AK880927-10J

We received copies of the permit notices issued by the Corps of Engineers for the proposed modification. The most recent notice was issued on December 30, 1993. The permit number assigned by the COE is 2-880482.

The project was originally reviewed by the State under State ID Number AK880927-10J. A conclusive consistency determination was issued on March 24, 1989. The previous proposal was expansion of the log storage and sort yard capacity at the Wrangell Saw Mill. Expansion was to occur via filling of 20 acres, 19 of which were intertidal lands. Please refer to the enclosed 1989 determination for more details and stipulations placed on the project permits.

Although the State issued a conclusive consistency determination in 1989, APC never received a permit from the COE and therefore, construction did not commence. APC has worked closely with the federal and state resource agencies (COE, EPA, FWS, NMFS, ADEC and ADFG) in re-designing the log storage/sort yard proposal. The modification proposed is substantial different than the original project and constitutes a reduction in scope and overall environmental impacts from the earlier proposal. According to the project description prepared for APC by Southeast Management Services (dated December 13, 1993), the total acreage of intertidal fill has been greatly reduced from 19 to approximately 10 acres.

The State resource agencies determined that the proposed modification did not warrant a formal review for consistency with the Alaska Coastal Management Program (ACMP) and have no objection to the modified project. The State recognizes that APC has worked to reduce the overall coastal impacts of this project from the proposal found consistent in 1989.

Therefore, the State's record now reflects that the subject modification is incorporated into the original consistency determination. Stipulations on the original consistency determination are hereby modified or deleted as follows:

(1), (2), & (3)
These Stipulations are hereby deleted.

(4) Stipulation 4 remains unchanged:
Streams running through the fill area must be enclosed within continuous high density polyethylene pipe (HDPE) culverts. The culverts must begin at the upland end of the adjacent woodwaste fill and continue through the entire area being filled. Culverts must be sized to the existing highway culverts and designed to carry flood flows.

(5) Stipulation 5 remains unchanged:
During the period from April 15 through June 31, construction of the dike must occur when tidal stages area below the level of the construction activity.

(6) Stipulation 6 remains unchanged:
From the period July 1 through April 14, construction of the containment dike may occur at any tidal stage provided the activity does not create a turbidity plume which exceeds 4,000 ft.^{2} in size.

(7) Stipulation (7) is hereby deleted.

(8) Stipulation (8) remains unchanged:
A discharge monitoring plan shall be developed for pH, dissolved oxygen, color, and biological oxygen demand. Monitoring of the initial containment area shall occur to determine the final mixing zone and discharge location.

(9) Stipulation (9) is hereby deleted.

(10) Stipulation (10) is hereby modified:
Fill material shall not consist of newly generated woodwaste.

Stipulations (1), (2), and (3) are no longer necessary since the project description has incorporated these design specifications. The woodwaste containment cells will be secured by a shot rock perimeter armored by riprap and constructed to the +24 ft. elevation. A typar fabric will be used to line the cells, and woodwaste from the uplands will be deposited in the cells and then compacted. Once compacted, the fill will be capped with two ft. of shot rock and a half ft. of clay and rock. Stipulation (7) is no longer applicable per project design modifications. The sealing of the woodwaste with typar fabric underneath and shot rock and clay above eliminates the need for a leachate collection system since water will not be able to easily percolate through the waste. Since APC does not intend to dispose of any materials at the site other than woodwaste, Stipulation (10) has been modified. Originally, this stipulation referred to incinerator ash and other refuse in addition to wood waste. Also,

APC has agreed that only old woodwaste will be used in the fill; the Mount Seley site will be the fill source.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, APC is required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the actual use differs from the approved use contained in the project description, the State may amend the State approvals listed in the conclusive consistency determination, as updated by this letter.

Please be advised that although the State found the original project proposal and this modification consistent with the ACMP, based on the description and any stipulations contained herein, APC is still required to meet all applicable state and federal laws and regulations. The 1988 consistency determination may include reference to specific laws and regulations, but this in no way precludes APC's responsibility to comply with other applicable laws and regulations.

Please be advised that the 1988 consistency determination and current modifications to that finding do not obligate DNR to issue authorization under AS 38.05 nor do they supersede the statutory obligations thereunder. APC may not proceed with any specific land use activity on State lands until authorized by DNR.

By a copy of this letter, we are informing the COE and the state resource agencies of our revised determination.

If you have any questions regarding this letter, please contact me at 465-3177.

Sincerely,

Christine Valentine
Project Review Coordinator

cc:
* Houston Hannafious, COE, Anchorage
Tom Hanna, SE Mgmt.Services, Juneau - Agent
Ron Flinn, DEC, Juneau
* Ed Emswieler, DEC, Juneau
Don Cornelius, DFG, Juneau
Bob Palmer, DNR, Juneau

* = send fax

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

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675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

REGISTERED MAIL
RETURN RECEIPT
REQUESTED

March 24, 1989

Mr. Jan Paulson
Wrangell Forest Products
P.O. Box 5380
Ketchikan, AK 99901

Dear Mr. Paulson:

SUBJECT: ZIMOVIA STRAIT 87 - STATE I.D. NO. AK880927-10J
CONCLUSIVE CONSISTENCY DETERMINATION

The Division of Governmental Coordination (DGC) has completed coordinating the state's review of your project for consistency with the Alaska Coastal Management Program (ACMP). The project is to expand the log storage and sort yard capacity at the Wrangell Forest Products mill, which is located four miles south of Wrangell, Alaska. The twenty-acre intertidal expansion would be developed by placing approximately 400,000 cubic yards (cy) of sawmill waste, including planermill shavings, bark, and unusable wood chips inside of a 66,000 cy containment dike armored by an additional 12,000 cy of large riprap. The site will be capped with an additional 20,000 cy of rock fill. Up to 100,000 cy of rock has been applied for from a state-owned rock source near the mill site. Some of the sawmill waste material is currently stored at an uplands waste area immediately adjacent to the proposed expansion site.

Logs would be brought to the new site by truck or barge for temporary storage, scaling, and sorting. No expansion of the mill's existing inwater log storage and transfer will occur once the new area is developed. A barge-transfer facility site, and supporting mechanical shop and equipment storage are also planned for the site.

As part of this proposal, the Alaska Pulp Company (APC) has established a schedule for abandoning inwater log storage and rafting under tidelands leases at Blind Slough and Aaron Creek. In his March 1, 1989 letter to Richard Howard, COE, Kenneth

Hammons, APC, has offered to relinquish the COE permits for these inwater storage areas as offsite mitigation for loss of intertidal wetlands which will occur with construction of the proposed fill. The Blind Slough (Sumner Strait 41) permit will be relinquished when the Zimovia Strait 87 project is 50% complete, and Aarons Creek (Blake Channel 1) permit will be relinquished when this project is completed. The state anticipates that closure of these impacted areas will cause them to naturally revert to their original high-valued habitat condition.

Since these inwater storage areas are on state submerged land, DNR approvals must also be addressed in your mitigation strategy. Both the Blind Slough and Aarons Creek storage areas have been subdivided by DNR land managers into their deep-water and shallow water zones. (Blind Slough: deep water, I.D. No. ADL 101-706; shallow water, I.D. No. SEJ 88-113. Aarons Creek: deep water, ADL 101-002; shallow water, I.D. No. ADL 104-932.) Renewals of the approvals named for shallow water log storage in each of the named sites have been denied at the DNR regional level. Alaska Pulp Corporation has appealed these findings to the Director, Division of Land and Water Management. Based on a March 24, 1989 letter from Ken Hammons to Andy Pekovich, as part of your mitigation proposal, these appeals for shallow water log storage at the named sites will be withdrawn immediately upon receipt of the Zimovia Strait 87 approvals. The storage related pilings and shoreties will be removed by April, 1990. The letter further states that relinquishment of the named site will occur no later than four years after issuance of the Zimovia Strait 87 approvals in any case.

This consistency determination applies to the following state and federal authorizations as per 6 AAC 50:

U.S. Army Corps of Engineers (COE)
Section 404 and 10 Permit No. 2-880483

Alaska Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance
Solid Waste Disposal Permit No. 8813-BA007

Alaska Department of Natural Resources (DNR)
Material Sale No. ADL 105153
Tideland Lease No. ADL 102848 Modification

Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation and Fish and Game, the state concurs with your certification that the project is consistent with the ACMP provided the following conditions are met.

1. Fill placed on tidelands must be completely contained behind a shotrock perimeter, which is armored with riprap and contains a filter fabric, or a rock size class distribution, to minimize the potential for particulates to enter shallow marine waters.

2. Any containment dike, as described above, must be constructed to the +24 foot tidal level and must be completely enclosed prior to filling.

3. An initial containment dike shall be constructed to the specifications above and within the permitted area. No filter fabric is required on the far face of this dike. This containment area shall be sized to receive all woodwaste currently stored in excess of the design capacity of the adjacent upland storage area, plus additional space needed to receive the daily mill woodwaste production during the construction of the final containment dike.

4. Streams running through the fill area must be enclosed within continuous high density polyethelene pipe (HDPE) culverts. The culverts must begin at the upland end of the adjacent woodwaste fill, and continue through the entire area being filled. Culverts must be sized to the existing highway culverts and designed to carry flood flows.

5. During the period from April 15 through June 31, construction of the dike must occur when tidal stages are below the level of the construction activity.

6. From the period July 1 through April 14, construction of the containment dike may occur at any tidal stage provided the activity does not create a turbidity plume which exceeds 4,000 sq. ft. in size.

7. A leachate collection and surface drainage system, composed of collection pipes and a discharge line, shall be designed and installed prior to the placement of any woodwaste into the containment area. The final discharge point shall be located and a mixing zone shall be designed to provide a minimum of 1,000:1 dilution of the leachate.

8. A discharge monitoring plan shall be developed for pH, dissolved oxygen (DO), color, and biological oxygen demand (BOD). Monitoring of the initial containment area shall occur to determine the final mixing zone and discharge location.

9. Woodwaste transferred from the adjacent upland site into the initial containment area, or from the mill into the final containment area, shall be capped with shotrock immediately after the disposal site is full. The cap must be sloped to promote surface runoff through the drainage system.

10. Fill material may consist of planermill shavings, bark, unusable wood chips, and mud from log storage area cleanup activities. Incinerator ash may be disposed of in this site after it has been determined to be a non-hazardous material based on tests certified by the Environmental Protection Agency. There shall be no automobiles, anti-sapstain chemicals, metals, or plastics disposed of in the fill area.

Stipulations 1, 2, and 5 will be placed on the DNR lease modification. Stiplation 1 and 2 are to insure that materials placed within the containment dike, and any leachates generated by the fill, are not washed by the tide into marine waters. Stipulation 5 will prevent any construction related sedimentation from occurring during periods sensitive to fish. Construction of a "compliance containment cell" as required in Stipulation 3 will appear on the solid waste disposal permit, and is intended to reduce the time necessary to prepare for and correct the excessive and illegal stockpiling of waste material at the adjacent upland site. The culverts required under Stipulation 4, to appear on the 401 Certification, are to insure that surface waters collected from the watershed above the fill does flow freely through the fill, increasing the rate of the leachate being generated. The southern drainage may be incorporated into the discharge system to enhance dilution, flows, and dispersion of the leachate. (Final design will be reviewed with the required wastewater discharge application, see rational for #7 and 8). Stipulation 6, which will appear on the DEC 401 Certification, establishes a maximum mixing zone for sedimentation which could occur during construction of the dike. Timing limitations for this turbidity plume protect fish during critical period (see #5 above). Stipulations 7, 8, 9, and 10 will be placed on the DEC solid waste disposal permit. Stipulations 7 and 8 are intended to manage discharge of the leachate by routing it to deeper water, defining an adequate mixing zone, and establishing a monitoring plan. Also, please note that you must obtain a wastewater discharge permit from DEC, and depending on the location, you may be required to obtain right-of-way from DNR prior to constructing your leachate collection and surface drainage system. These applications which will be based on your final engineered design, will be reviewed as a minor modification to this project. Capping the fill under Stipulation 9 will also reduce the potential for surface waters to generate and mix with

the leachate. Finally, the Stipulation 10 limitation on the type of material to be used as fill is to insure that non-deleterious materials are placed in this area.

All conditions are necessary to be in compliance with 6 AAC 80.130 HABITATS and 6 AAC.140 AIR, LAND, AND WATER QUALITY standards of the ACMP. Copies of these ACMP standards are enclosed.

The use of woodwaste as a fill material provides a creative solution to the need for expanding site facilities while postponing the need for creating a "solid waste disposal site." This review has concluded that suitable alternative sites for woodwaste disposal are not available. The state supports this intertidal expansion in response to the growing industrial requirements. However, we are equally committed to a wellplanned transition to long-term woodwaste incineration systems to insure that intertidal fills are not a necessary component of future mill operations. As a corrective measure for existing solid waste disposal permit violations at the site adjacent to this proposed project, DEC will issue a compliance order by consent (#88-13-05-245-01) which contains a substantive commitment by Wrangell Forest Products for a long-term woodwaste management program. The compliance order and the permits covered by this determination, must be reviewed together as the state's position on the project issues regarding mill expansion and woodwaste management.

This conclusive consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above, as provided for under 6 AAC 50.070(k), regarding the conditions necessary to insure the consistency of the proposed project with the ACMP. As also provided under 15 CFR 930.64(c), federal authorization of your project will be made with the full understanding that your original project proposal has been modified subject to the conditions described above.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the project is changed in any significant way, or if the actual use differs from the approved use contained in the project description, the state may amend the state approvals listed in this conclusive consistency determination.

By a copy of this letter, we are informing the COE of our determination.

This consistency determination does not obligate DNR to enter into a tideland lease or materials sale under AS 38.05, nor does it supersede the statutory obligations thereunder. You may not proceed with any specific land use activity on state lands until authorized by the DNR.

If you have any questions regarding this determination, please contact me at 465-3562.

Sincerely,

Diane Mayer

Diane Mayer
Project Review Coordinator

cc: Richard Howard, COE, Anchorage
Nevin Holmberg, FWS, Juneau
Linda Comerci, EPA, Anchorage
Theodore Meyers, NMFS, Juneau
Jim McAllister, DNR/DOF, Juneau
Fran Roche, DNR/DLWM, Juneau
Ron Schonenbach, DNR/DLWM, Juneau
Bob Palmer, DNR/DLWM, Juneau
Rick Reed, DFC, Juneau
Don Cornelius, DFG, Ketchikan
Steve Haavig, DEC, Juneau
Joyce Rasler, Wrangell
Carrie Sykes (w/PIS), DCC, Juneau

csak88092710jco14

WALTER J. HICKEL, GOVERNOR

HLH

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHEAST REGIONAL OFFICE
410 WILLOUGHBY AVE., SUITE 105
JUNEAU, AK. 99801-1795

PHONE: (907) 465-5350
FAX: (907) 465-5362

CERTIFIED MAIL P-377 843 005
RETURN RECEIPT REQUESTED

April 7, 1994

Mr. Kurt Korthals
Alaska Pulp Corp.
4600 Sawmill Creek Rd.
Sitka, AK. 99835

RECEIVED
APR 0 6 1994
REGULATORY FUNCTIONS BRANCH
Alaska District, Corps of Engineers

Dear Mr. Korthals:

Re: Zimovia Strait 87 Modification, AK880927-10J

You requested a water quality certification pursuant to Section 401(a) of the Clean Water Act for the construction of a log storage facility and sort yard at the Wrangell Sawmill.

The proposed activity is located at T. 63 S., R. 84 E., Sections 17 and 20, C.R.M. Wrangell, Alaska.

An opportunity for state certification of the proposed activity is provided because the activity will be authorized by a Department of the Army Permit identified as Zimovia Strait 87 M, 2-880482 and a discharge may result from the proposed activity.

The Alaska Department of Environmental Conservation has received the application and after an initial screening declines to review the application further or comment on the proposed activity. Pursuant to Section 401(a), and 40 CFR 121.16(a), this action constitutes a waiver of the state's opportunity to certify the proposed activity. However, any modification to the activity, as well as similar activities conducted in the future, may require certification. This letter does not indicate the state's intention to waive certification with respect to any future certification opportunity.

Mr. Kurt Korthals
Zinovia Strait 87

Sincerely,

R. F.

Dick Stokes For Stokes
Southeast Regional Administrator

cc: Houston Hannafious, COE, Anchorage
Tom Hanna, SE Mgmt. Services, Juneau-Agent
Ron Flinn, DEC, Juneau
Ed Emswiler, DEC, Juneau
Joan Hughes, ADEC, SERO
Don Cornelius, DFG, Juneau
Bob Palmer, DNR, Juneau
Barry Hogarty, KDO