



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  
N-800386

DECEMBER 11 2000

Mr. Tim Chittenden  
U.S. Department of Agriculture  
Alaska Region Tongass National Forest  
P.O. Box 309  
Petersburg, Alaska 99833-0309

Dear Mr. Chittenden:

We have completed our review of the Forest Service's permit application, identified as N-800386, Port Frederick 41, for the construction of a log transfer facility in Salt Lake Bay, section 14 T. 45 S., R. 60 E., Copper River Meridian, near Hoonah, 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, which will be placed on your final Department of the Army (DA) permit, if the State of Alaska Water Quality Certification (ADEC) and 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 DA Permit (see section labeled "Initial Proffered Permit").

By Federal law no DA permit can not be issued until a State Section 401 Water Quality Certification has been issued or has been waived and the State has concurred with a permit applicant's CZM consistency determination or concurrence has been presumed. We were notified by Alaska Department of Governmental Coordination (ADGC) on August 21, 2000 that "the state objects to the [coastal zone management consistency certification signed by the applicant] certification that this project is consistent with the ACMP [Alaska Coastal Management Plan] as the State's consistency finding cannot be completed and positively issued until we have a complete information packet...". In addition, ADEC's 401 Water Quality Certification is bound up with the ADGC's ACMP review, and cannot be issued until the project is found consistent with ACMP.

Another reason for the State's objection to certification could be concerns about water quality degradation secondary to bark deposition when the log bundles are floating and rafted. A facility designed to operate as a barge loading facility only, with the potential to float logs omitted, might expedite the issuance of the 401 certification and the concurrence with the ACMP consistency determination. Should you choose to make project designs to minimize adverse secondary water quality impacts, the Corps, upon receiving notification from the State removing their objections to the certification, would be able to quickly make the necessary provisional permit modification.

However, you are not required by the Corps to change designs as the current design has been determined not contrary to the public interest, if the State issues the necessary certificates.

Should subsequent 401 Water Quality Certification and CZM consistency concurrence be obtained from the State, you must furnish a copy of the certification/concurrence to the Corps. Once the State has concurred with the certification and issued 401 certification 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.

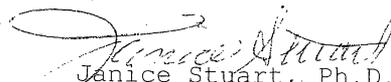
Conditions of the State's Section 401 Water Quality Certification and the State's CZM concurrence will become conditions to the final DA permit. Should the State's action on the required certification or concurrence preclude validation of the provisional permit in its current form, a modification to 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.

If you have any questions concerning your State Section 401 Water Quality Certification, please contact the ADEC at WQM/401 Certification, 410 Willoughby Avenue, Juneau, Alaska 99801-1795, or by telephone at 465-5321.

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.

Please contact me at (907) 753-2720, toll free from within Alaska at (800) 478-2712, email [jan.f.stuart@poa02.usace.army.mil](mailto:jan.f.stuart@poa02.usace.army.mil), or by mail at the letterhead address, if you have questions. For additional information about our regulatory program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,

  
Janice Stuart, Ph.D.  
Project Manager

Enclosures

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF AIR AND WATER QUALITY

**TONY KNOWLES, GOVERNOR**  
410 Willoughby Ave., Suite 303  
Juneau, AK 99801-1795  
PHONE: (907) 465-5312  
FAX: (907) 465-5274  
<http://www.state.ak.us/dec>

August 24, 2001

Ms. Michele Parker  
U.S. Forest Service  
P.O. Box 309  
Petersburg, AK 99833

Re: Salt Lake Bay LTF (COE # Port Frederick 41)  
Authorization Number AK-G70-0029

Certified Mail  
Return Receipt Requested

Dear Ms. Parker:

The Department has issued the enclosed written authorization to the U.S. Forest Service for discharge of bark and wood debris at the Salt Lake Bay Log Transfer Facility (LTF) under the terms and conditions of the "pre-1985" wastewater disposal general permit for LTFs, number AK-G70-0000, valid through March 21, 2005.

This authorization is based on evaluation of the USFS Notification and other information by the Departments of Environmental Conservation, Fish and Game, and Natural Resources, in accordance with the factors listed on page four of the Department's August 24, 1999, Certificate of Reasonable Assurance for the General Permit. The authorization includes a Zone of Deposit (18 AAC 70.210) for the accumulation of bark and wood debris on the ocean bottom within the LTF project area. The authorization does not include rafting or storage of logs in water less than 40 feet deep at Mean Lower Low Water.

You are reminded that you must meet operational and reporting requirements in order to discharge under this authorization, in accordance with the general permit and the Certificate of Reasonable Assurance. Failure to comply with operational and reporting requirements may be cause for revocation of this authorization. An annual report is required in accordance with the General Permit. The USFS Notification indicates that the maximum volume to be transferred over the life of the permit is less than five mmbf; therefore, no annual dive survey is required.

*Clean Air, Clean Water*

**Alaska Department of Environmental Conservation**

**AUTHORIZATION TO DISCHARGE**

**Wastewater Disposal General Permit  
For Log Transfer Facilities  
AK-G70-0000**

**LTF Name:** Salt Lake Bay LTF (Port Frederick 41)   **Authorization No.:** AK-G70-0029  
**Location:** Port Frederick, Chichagof Island       **Effective Date:** August 24, 2001  
**Expiration Date:** March 21, 2005  
**Permittee:** U.S. Forest Service  
                  P.O. Box 309  
                  Petersburg, AK 99833

The Department of Environmental Conservation authorizes the U.S. Forest Service to discharge bark and wood debris at the Salt Lake Bay Log Transfer Facility (LTF) under the State of Alaska "Pre-1985" Wastewater Disposal General Permit for Log Transfer Facilities, Number AK-G70-0000. The location is Port Frederick, Chichagof Island, approximately 13 miles southwest of Hoonah, Alaska. The State General Permit consists of both the General Permit itself and the corresponding Certificate of Reasonable Assurance, issued by the Department on August 24, 1999.

The authorization is based on evaluation of the permittee's Notification and other information by the Departments of Environmental Conservation, Fish and Game, and Natural Resources, in accordance with the standards listed on page four of the Certificate of Reasonable Assurance for NPDES General Permit No. AK-G70-0000, dated August 24, 1999.

The authorization does not include rafting or storage of logs in water less than 40 feet deep at Mean Lower Low Water.

The authorization includes a Zone of Deposit (18 AAC 70.210) for the accumulation of bark and wood debris on the ocean bottom within the LTF project area, as described in the General Permit and Certificate of Reasonable Assurance.

If the anticipated volume of logs transferred or held in water is 15 mmbf or greater during the life of the General Permit, and if logs are held in water shallower than 60 feet MLLW, an annual dive survey must be conducted by the methodology set out in the General Permit and Certificate of Reasonable Assurance. As stated in Section VI.C.5 of the General Permit, an equivalent method may be acceptable if it meets the purpose for bark monitoring and reporting stated in Section VI.C.2. Any departure from the stated methodology is subject to approval by EPA and ADEC. Further, areas of continuous cover and discontinuous cover should be calculated according to the method set out in ADEC's guidelines dated June 9, 2000, available online at [www.state.ak.us/dec/dawq/waterpermits/ltf/measurebark.htm](http://www.state.ak.us/dec/dawq/waterpermits/ltf/measurebark.htm).

**DECISION DOCUMENT**  
**Alaska Department of Environmental Conservation**  
**Forest Practices Program**  
**August 24, 2001**

**LTF General Permit**  
**Salt Lake Bay LTF**  
**Port Frederick 41**  
**U.S. Forest Service**  
**Authorization No. AK-G70-0029**

The U.S. Forest Service has submitted a Notification requesting authorization to discharge bark and wood debris at the Salt Lake Bay Log Transfer Facility (LTF) under the State's "Pre-1985" General Permit for Log Transfer Facilities, AK-G70-0000 ("General Permit"). The location is Salt Lake Bay, Port Frederick, Chichagof Island, approximately 13 miles southwest of Hoonah, Alaska.

This Decision Document presents an assessment of regulatory issues with respect to the requested authorization.

**Antidegradation Policy**

The Antidegradation Policy of the Alaska Water Quality Standards (18 AAC 70.015) states that existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected. ADEC may allow reduction of water quality only after finding that five specific criteria are met. These criteria and the Department's findings, reached following consultation with the Departments of Fish and Game and Natural Resources, are set out below.

1. 11 AAC 70.015 (a)(2)(A). Allowing lower water quality is necessary to accommodate important economic or social development in the area where the water is located.

The applicant has provided adequate economic information to satisfy this criterion. The purposes for operation of the LTF are to implement the direction in the Tongass Land and Resource Management Plan, to seek to meet market demand for timber as prescribed in the Tongass Timber Reform Act (1990), to contribute to providing a sustained volume of wood to meet local and national demand, and to provide local and regional employment opportunities.

ADEC concurs that operation of the Salt Lake Bay LTF constitutes important economic development in the area, with corresponding social significance. Because the Residue criteria of the Water Quality Standards prohibit any waste material in the water or on the bottom, ADEC believes that a Zone of Deposit authorization, and the corresponding lowering of water quality, are necessary to accommodate operation of the LTF.

ADEC concludes that this criterion is met.

2. 11 AAC 70.015 (a)(2)(B). Except as allowed under this subsection, reducing water quality will not violate the applicable criteria of 18 AAC 70.020 or 18 AAC 70.235 or the whole effluent toxicity limit in 18 AAC 70.030.

ADEC concludes that this criterion is met outside the authorized Zone of Deposit.

The methods of prevention, control, and treatment ADEC finds to be most effective are the practices and requirements set out in the General Permit. The General Permit requires the operator to follow prescribed Best Management Practices, and to develop and implement a Pollution Prevention Plan to control waste discharge. The General Permit also requires the operator to prepare a proposed remediation plan if continuous cover by bark and wood debris exceeds a threshold of one acre. ADEC concludes that this criterion is met.

5. 11 AAC 70.015 (a)(2)(E). All wastes and other substances discharged will be treated and controlled to achieve  
(i) for new and existing point sources, the highest statutory and regulatory requirements;  
and  
(ii) for non-point sources, all cost-effective and reasonable best management practices.

In ADEC's understanding, no BAT treatment and control requirements are specifically applicable to LTFs. ADEC believes that the highest statutory and regulatory requirements for point sources, and the cost-effective and reasonable best management practices for non-point sources, are the practices and requirements set out in the General Permit. ADEC concludes that this criterion is met.

Conclusion. ADEC finds that authorization of the Salt Lake Bay LTF under the State's "Pre-1985" General Permit for Log Transfer Facilities is consistent with the Antidegradation Policy of the Alaska Water Quality Standards.

### **Zone of Deposit**

Under the Zone of Deposit provision of the Alaska Water Quality Standards (18 AAC 70.210), the Department may allow deposit of substances on the bottom of marine waters within limits set by the Department. The water quality criteria and the antidegradation requirement may be exceeded in a Zone of Deposit, but must be met at every point outside the Zone of Deposit.

In authorizing a Zone of Deposit, the Department must consider: (1) alternatives that would eliminate or reduce adverse effects of the deposit; (2) potential direct and indirect impacts on human health; (3) potential impacts on aquatic life and other wildlife; (4) potential impacts on other uses of the waterbody; (5) expected duration of the deposit and any adverse effects; and (6) potential transport of pollutants by biological, physical, and chemical processes.

In the Certificate of Reasonable Assurance that is part of the General Permit, the Department allows a Zone of Deposit for the accumulation of bark and wood debris on the ocean bottom within the project area of an LTF. The Zone of Deposit may include "continuous coverage," "discontinuous coverage," and "trace coverage" by bark and wood debris. The area limit is the project area of the LTF.

However, the Certificate of Reasonable Assurance requires that, if a bark monitoring survey shows that continuous coverage by any existing bark and wood debris, whenever deposited, exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator must submit a proposed Remediation Plan to the Department to reduce existing and future continuous coverage

- a. The General Permit requires implementation of Best Management Practices "to minimize the discharge of bark and other pollutants from the LTF," and requires a Pollution Prevention Plan to "identify and employ all reasonable practices to avoid the discharge of bark, wood, debris, and other pollutants to waters of the United States, and to contain the discharge to the smallest area that is practicable and is consistent with the safe and orderly operation of the log transfer facility." In terms of operational practices, these requirements clearly are intended to "eliminate or reduce adverse effects of the deposit."
- b. If continuous coverage by bark exceeds one acre, the operator is required to submit a Remediation Plan, which must evaluate alternative methods of log transfer and transport, and also evaluate operational practices, including handling of logs out of water, handling of logs in water, movement of logs in water, and other operational elements.
- c. The Salt Lake Bay LTF will utilize in-water transfer, rafting, storage, and transport of logs. USFS acknowledges that direct loading of barges from the LTF bulkhead is considered to be "fair, due to the remote storage of log bundles." ADF&G reports that sawlogs will be loaded directly onto barges for transport, but utility logs, roughly 40 percent of volume, will be placed in the water and rafted. The expected volume to rafted is low, less than five mmbf.

The Department recognizes that direct barge loading and transport would eliminate bark discharge and accumulation, and the need for a Zone of Deposit, and also that there is an increasing trend for operators to implement barging. Keeping logs out of the water is in the operator's interest, because it prevents loss of log value to damage by teredo worms. The feasibility of barging is determined by several factors, including economics, timber markets and destinations, availability of uplands for log storage, availability of sufficient water depth for barge moorage, barge logistics, permit requirements, and other factors.

*Conclusion.* The Department does not find it warranted to deny a Zone of Deposit at the Salt Lake Bay LTF. The Department concludes that in-water transfer, bark discharge, and bark accumulation are consistent with the Zone of Deposit provision.