

**SUBJECT:** INFORMING THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY OF AN APPLICATION FOR A DEPARTMENT OF THE ARMY, CORP OF ENGINEERS PERMIT FOR THE PLACEMENT OF AN MSB FLOATING DOCK AS PART OF THE LAKE LOUISE MSB RECREATION SITE UPGRADES.

**AGENDA OF:** March 3, 2020

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** For information only.

**APPROVED BY** *for* JOHN MOOSEY, BOROUGH MANAGER: *George M. Moosey*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>EE AD</i>	
	Capital Projects Director	<i>CB</i>	
	Finance Director	<i>CS</i>	
	Borough Attorney	<i>RS</i>	
	Borough Clerk	<i>Ann 2/24/20</i>	

*KBJ 2-24-20*

**ATTACHMENT (S):** U.S. Army Corp of Engineers Application for Department of the Army Permit with attachments (19 pp)

**SUMMARY STATEMENT:** Attached is a permit application to the Department of the Army, Corp of Engineers for Assembly information and review, as directed by Borough administration and the Assembly. The purpose of the Permit is for authorization for a term of five years to place the MSB floating dock as part of the Lake Louise Recreational Site Upgrades.

U.S. Army Corps of Engineers (USACE) <b>APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT</b> 33 CFR 325. The proponent agency is CECW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 02-28-2022	
The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at <a href="mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil">whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil</a> . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <a href="http://dpcl.d.defense.gov/Privacy/SORNSIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx">http://dpcl.d.defense.gov/Privacy/SORNSIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx</a>			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - John                  Middle -                  Last - Moosey Company - Matanuska Susitna Borough E-mail Address - john.moosey@matsugov.us		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Robert, PE                  Middle - L                  Last - Walden Company - Matanuska Susitna Borough E-mail Address - robert.walden@matsugov.us	
6. APPLICANT'S ADDRESS: Address- 350 E Dahlia Ave City - Palmer                  State - AK                  Zip - 99645                  Country -		9. AGENT'S ADDRESS: Address- 350 E Dahlia Ave City - Palmer                  State - AK                  Zip - 99645                  Country -	
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence                  b. Business                  c. Fax 907-861-8689		10. AGENTS PHONE NOS. w/AREA CODE a. Residence                  b. Business                  c. Fax 907-354-3469 cell                                  907-861-7735	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, <u>Robert L Walden, PE</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.  _____ SIGNATURE OF APPLICANT                                  DATE			
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) MSB dock at Lake Louise			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Lake Louise		14. PROJECT STREET ADDRESS (if applicable) Address N/A	
15. LOCATION OF PROJECT Latitude: °N 62.30022                  Longitude: °W 146.58876		City -                                  State-                                  Zip-	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID                                  Municipality Section - 18                                  Township -                  6N                                  Range - 7W			

**17. DIRECTIONS TO THE SITE**

End of the pavement on S Lake Louise road ~ MP 19.3

**18. Nature of Activity (Description of project, include all features)**

"F" style dock with about 16 piling, 9 - 3" diameter and 7 - 2" diameter. Stairs and ADA ramp from existing asphalt to landing with about 20 foot gangplank to the floating dock system, see attached dock detail design.

**19. Project Purpose (Describe the reason or purpose of the project, see instructions)**

Increase safety for emergency response with water craft rescue aid. Aid loading and off loading traffic with the ability to have a safe area to tie to while loading/unloading to get vehicle and trailer to/from the new expanded parking area. Ability to aid disabled users safe access onto boating vessels and prevent accidents getting in and out of the boats from the shore verse less vertical change from a dock access.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

**20. Reason(s) for Discharge**

No discharge, minor disturbance with pile driving during iced over lake.

**21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:**

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

**22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)**

Acres  
or  
Linear Feet

**23. Description of Avoidance, Minimization, and Compensation (see instructions)**

This dock is providing floating access so fill would not be required.



24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Northern Region Aviation Leasing, 2301 Peger Road

City - Fairbanks State - Alaska Zip - 99709

b. Address- Air Force Civil Engineer Center, 2261 Hughes Ave

City - JBSA Lackland State - TX Zip - 78236

c. Address- Richard Moody, PO Box 876351

City - Wasilla State - Alaska Zip - 99687

d. Address- Wendy Simpson, 3060 N Lazy Eight Court

City - Wasilla State - AK Zip - 99654

e. Address- Tideman Family LLC, 1833 Dimond Dr

City - Anchorage State - AK Zip - 99507

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
AK Fish and Game	Fish Habitat Permit	FH20-IV-0049	1/28/2020	1/30/2020	N/A
DNR	Land Use Permit	LAS 31958	6/20/2018	7/15/2018	5/30/2023

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

*Robert L Walden*

SIGNATURE OF AGENT

2/14/2020

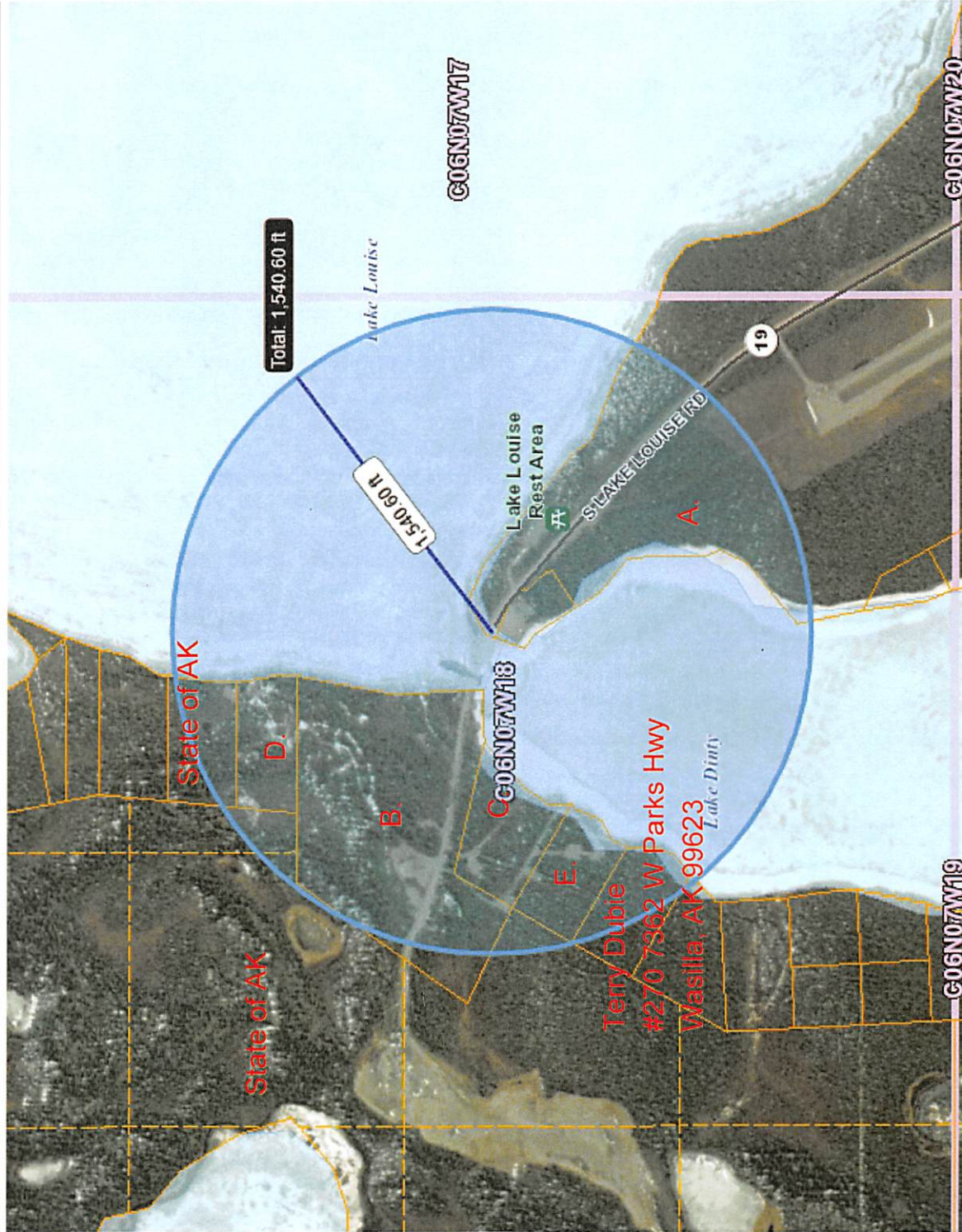
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



## 1,500 foot notification area



0.6 0 0.28 0.57 Miles

THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.

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© Matanuska-Susitna Borough



- Legend**
- Road Mileposts
  - Roads
    - Highway
    - Major Road
    - Medium Road
    - Minor Road
    - Primitive Road
    - Private Road
  - Alaska Railroad
  - Mat-Su Borough Boundary
  - Incorporated Cities
  - Government Lot Lines
  - Parcels
  - Lakes and Rivers
  - Streams
  - Section Lines
  - Flood Zone

1:18,056



### Notes

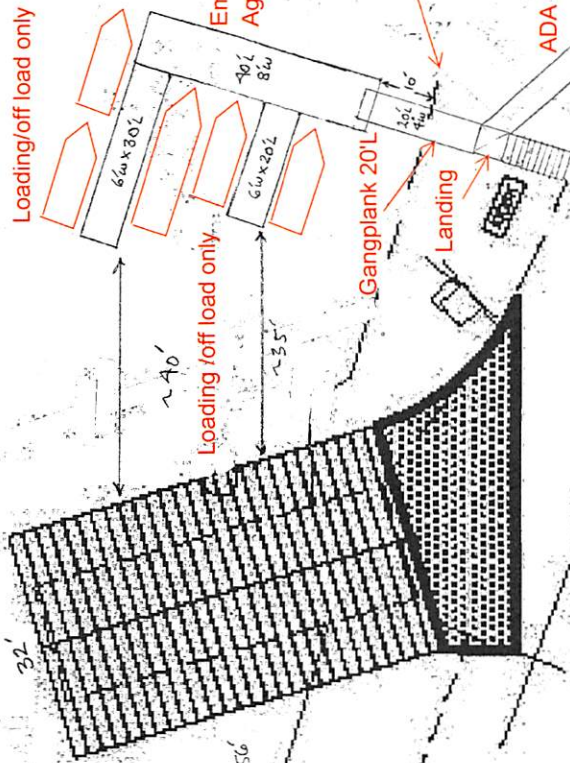
This map was automatically generated using Geocortex Essentials.





## LAKE LOUISE

New double boat launch 2019



Lake Louise Boat launch dock site design

10/28/19 for Grant concept acceptance

MSB & AK Fish and Wildlife partnership

Facilities will have handrail safety on the gangplank both sides, one down the right side of the 40'L 8'w with openings for emergency responders on and off load area with wheel chair bumpers and easy removable safety red cable line and opening at the 6' wide loading and off loading docks. See F dock detail design.







**From:** Meitl, Sarah J (DNR) <[sarah.meitl@alaska.gov](mailto:sarah.meitl@alaska.gov)>  
**Sent:** Thursday, January 2, 2020 8:57 AM  
**To:** [robert.walden@matsugov.us](mailto:robert.walden@matsugov.us)  
**Subject:** RE: Lake Louise Boat dock

File No. 3130-1R COE-R / 2019-01413

Dear Mr. Walden,

The Alaska State Historic Preservation Office (AK SHPO) received your email concerning the subject project on December 5, 2019. Following our review of the documentation provided, we believe that a finding of No Historic Properties Affected would be appropriate for the project. Please note that our office may need to re-evaluate our concurrence if changes are made to the project's scope or design.

As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Additional information provided by the local government, Tribes, or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our response does not end the 30-day review period provided to other consulting parties. Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.4), in consultation with our office.

Thank you for the opportunity to comment. Please contact Sarah Meitl at 907-269-8720 or [sarah.meitl@alaska.gov](mailto:sarah.meitl@alaska.gov) if you have any questions or if we can be of further assistance.

Best,

Sarah Meitl

Review and Compliance Coordinator  
Alaska State Historic Preservation Office  
Office of History and Archaeology

550 West 7<sup>th</sup> Avenue, Suite 1310  
Anchorage, AK 99501-3561  
Direct: 907-269-8720  
[sarah.meitl@alaska.gov](mailto:sarah.meitl@alaska.gov)  
<http://dnr.alaska.gov/parks/oha>





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT Section  
Matanuska-Susitna Area Office

1801 South Margaret Drive, Suite 6  
Palmer, Alaska 99645-6736  
Main: 907.861.3200  
Fax: 907.861.3232

**FISH HABITAT CASE FH20-IV-0049**

January 30, 2020

Matanuska-Susitna Borough  
Attn: Bob Walden, P. E.  
350 East Dahlia Avenue  
Palmer, AK 99645

**RE: No permit required**

Floating Dock Installation  
Lake Louise  
Section 18, T 16 N, R 7 W, CRM  
Location: 62.30027 N, -146.58898 W

Dear Mr. Walden:

I have reviewed your application for the construction of a floating dock pursuant to the Anadromous Fish Act at AS 16.05.871(b) and the Fishway Act at AS 16.05.841. Lake Louise has not been specified as being important for the migration, spawning or rearing of anadromous fishes. However, Lake Louise contains a suite of resident fish species such as burbot, lake trout, and Arctic grayling.

Based on best available fisheries information, your proposed project will not occur in waters containing anadromous fish and will not block fish passage. Therefore, the Alaska Department of Fish and Game Habitat Section will not issue you a permit for your proposed floating dock.

This determination does not lessen the possibility that the Alaska Department of Fish and Game may require a permit for future operations or require mitigation for your current proposal under AS 16.05.871 if anadromous fish are found to be present. If you have knowledge of the presence of anadromous fish in the water body in the area of your proposed project, we request that you provide the data to the department at this time.

Please be advised that this determination does not relieve you of the responsibility for securing other permits, state, federal or local and that you are still required to comply with all other applicable laws.

Sincerely,

Doug Vincent-Lang  
Commissioner

A handwritten signature in blue ink, appearing to read "Jonathan Kirsch".

By: Jonathan Kirsch  
Matanuska-Susitna Area Manager  
Habitat Section  
(907) 861-3200

erf

cc:	A. Ott, Habitat	S. Ivey, SF	T. Long, SF	Permits, SF
	D. Dahl, AWT	J. Darby, AWT	R. Benkert, Habitat	C. Larson, DNR
	Pagemaster, COE			



THE STATE  
of **ALASKA** Department of Natural Resources  
GOVERNOR BILL WALKER

Division of Mining Land & Water  
Southcentral Region Land Office

550 West 7th Ave  
Anchorage, Alaska 99501  
Main: (907) 269-8503  
Fax: (907) 269-8913

**LAND USE PERMIT  
AS 38.05.850**

**PERMIT # LAS 31958**

Matanuska Susitna Borough herein known as the Permittee, is issued this permit authorizing the use of state land within:

Section 18, Township 6 North, Range 7 West, Copper River Meridian

**This permit is issued for the purpose of authorizing the following:**

Install and maintain a boat launch ramp constructed of concrete blocks and use of heavy equipment to install concrete ramp blocks below ordinary high water in Lake Louise to improve a pre-existing boat ramp.

This permit is effective beginning **June 1, 2018** and ending **May 30, 2023** unless sooner terminated at the state's discretion. This permit does not convey an interest in state land and as such is revocable, with or without cause. The department will give 30 days' notice before revoking a permit at will. A revocation for cause is effective immediately. No preference right for use or conveyance of the land is granted or implied by this authorization.

The non-receipt of a courtesy billing notice does not relieve the permittee from the responsibility of paying fees on or before the due date.

All activities shall be conducted in accordance with the following stipulations:

1. **Authorized Officer:** The Authorized Officer (AO) for the Department of Natural Resources is the Regional Manager or designee. The AO may be contacted at the address and phone number on the front of the authorization. The AO reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The permittee will be advised before any such modifications or additions are finalized.
2. **Development Plan/Plan of Operations:** The development of the site authorized by this permit shall be limited to the area and improvements specified in the attached development plan/plan of operations or subsequent modifications approved by the AO. The permittee is responsible for accurately siting development and operations within this area. Any proposed revisions to the development plan/plan of operations must be approved in writing by the AO before the change in use or development occurs.



- A. Any improvements/structures authorized under this permit must be constructed in a manner that will allow for removal from the permitted site within 48 hours of receiving a notice to vacate. The establishment of permanent foundations and structures is prohibited under this permit.
- B. Authorized temporary improvements must be sited in a manner which impacts the least amount of ground consistent with the purpose of the facility.
3. **Posting Placard:** The posting notice included with this permit shall be placed on-site in a conspicuous location visible from the most common access route or vantage point.
4. **Change of Address:** The permittee shall maintain current contact information with the Division of Mining, Land and Water. Any change of address must be submitted in writing to the AO.
5. **Amendments:** To conduct activities other than that in the approved plan of operations or development plan, the permittee must have prior authorization from the AO. A map of the new location or an amended plan of operations or development plan is required and a \$100.00 amendment fee, per 11 AAC05.010(a)(5)(B).
6. **Permit Extensions/Renewal:** Any request for permit extension or renewal should be submitted at least 90 days prior to the end of the authorized term. A written statement requesting a 1 year extension confirming there will be no changes to the development/operations plan, including photographs clearly depicting the current condition of the site and any improvements must be submitted to the AO including a non-refundable \$100.00 filing fee. A new Land Use Permit application and \$100.00 non-refundable filing fee is required for renewals of up to 5 years or for modifications to the approved development/operations plan on file with DMLW.
7. **Assignment:** This permit may not be transferred or assigned.
8. **Revocable at Will:** This permit does not convey an interest in state land and as such is revocable, with or without cause. The department will give 30 days' notice before revoking a permit at will. A revocation for cause is effective immediately.
9. **Preference Right:** No preference right for use or conveyance of the land is granted or implied by this authorization.
10. **Destruction of Markers:** All survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and unsurveyed lease corner posts shall be protected against damage, destruction, or obliteration. The permittee shall notify the AO of any damaged, destroyed, or obliterated markers and shall reestablish the markers at the permittee's expense in accordance with accepted survey practices of the Division of Mining, Land and Water.
11. **Alaska Historic Preservation Act:** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric (paleontological) or archaeological site without a permit from the

commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Outdoor Recreation (907) 269-8721 shall be notified immediately.

12. **Public Trust Doctrine:** The Public Trust Doctrine guarantees public access to, and the public right to use, all navigable and public waters and the land beneath them for navigation, commerce, fishing, and other purposes. Permittee may not preclude or restrict public access on and through the permitted area. This authorization is issued subject to the principles of the Public Trust Doctrine regarding navigable or public waters. The Division of Mining, Land and Water reserves the right to grant other interests consistent with the Public Trust Doctrine.
13. **Public Access:** The Permittee shall not close landing areas or trails. The ability of all users to use or access state land or public water must not be restricted in any manner. Neither the construction of this project nor the use of the proposed facility shall interfere with free public use of public roads, trails, waters or public access easements in the area of their activities. All operations must be conducted in a manner that will ensure minimum conflict with other users of the area. There shall be no interference with free public use of state lands and waters. Public access may not be restricted without prior approval of the AO.
14. **Reservation of Rights:** The Division reserves the right to grant additional authorizations to third parties for compatible uses on or adjacent to the land under this authorization. The Division may require authorized concurrent users of state land to enter into an equitable operation or maintenance agreement. Authorized concurrent users of state land, their agents, employees, contractors, subcontractors, and licensees, shall not interfere with the operation or maintenance activities of each user.
15. **Valid Existing Rights:** This authorization is subject to all valid existing rights in and to the land. The State of Alaska makes no representations or warranties whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.
16. **Inspections:** Authorized representatives of the State of Alaska shall have reasonable access to the subject parcel for purposes of inspection and may inspect the permitted area at any time without notice. The permittee may be charged fees under 11 AAC 05.010(a)(7)(M) for routine inspections of the subject parcel, inspections concerning non-compliance, and a final close-out inspection.
17. **Other Authorizations:** The issuance of this authorization does not alleviate the necessity of the permittee to obtain authorizations required by other agencies for this activity.
18. **Compliance with Governmental Requirements; Recovery of Costs:** Permittee shall, at its expense, comply with all applicable laws, regulations, rules and orders, and the requirements and stipulations included in this authorization. Permittee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.



19. **Violations:** This authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees, or upon failure to comply with any other applicable laws, statutes and regulations (federal and state). Should any unlawful discharge, leakage, spillage, emission, or pollution of any type occur due to permittee's, or its employees', agents', contractors', subcontractors', licensees', or invitees' act or omission, permittee, at its expense shall be obligated to clean the area to the reasonable satisfaction of the State of Alaska. A permittee who is charged and convicted of any violation of state hunting, trapping or fishing laws and regulations may be subject to revocation of this permit.
20. **Directives:** Directives may be issued for corrective actions that are required to correct a deviation from design criteria, project specifications, stipulations, state statutes, or state regulations. Work at the area subject to the Directive may continue while implementing the corrective action. Corrective action may include halting or avoiding specific conduct, implementing alternative measures, repairing any damage to state resources that may have resulted from the conduct, or other action as determined by DNR.
21. **Stop Work Orders:** Stop Work Orders may be issued if there is a deviation from design criteria, project specifications, stipulations, state statutes, or state regulations and that deviation is causing or is likely to cause significant damage to state resources. Under a Stop Work Order, work at the area subject to the Stop Work Order may not resume until the deviation is cured and corrective action is taken. Corrective action may include halting or avoiding specific conduct, implementing alternative measures, repairing any damage to state resources that may have resulted from the conduct, or other action as determined by DNR.
22. **Use Fees:** In accordance with 11 AAC 05.010, this permit is not subject to an annual fee.
23. **Failure to Pay:** Failure to pay either the annual permit fee and/or Visitor Day fees when due is a default of the terms and condition of this permit. Failure to pay fees subjects this permit to termination.
24. **Late Payment Penalty Charges:** The permittee shall pay a fee for any late payment. The amount is the greater of either the fee specified in 11 AAC 05.010 or interest at the rate set by AS 45.45.010(a) and will be assessed on a past-due account until payment is received by the state.
25. **Returned Check Penalty:** A returned check fee as provided in 11 AAC 05.010 will be assessed for any check on which the bank refuses payment. Late payment penalties shall continue to accumulate.
26. **Indemnification:** Permittee assumes all responsibility, risk and liability for its activities and those of its employees, agents, contractors, subcontractors, licensees, or invitees, directly or indirectly related to this permit, including environmental and hazardous substance risk and liability, whether accruing during or after the term of this permit. Permittee shall defend, indemnify, and hold harmless the State of Alaska, its agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties, and damages of whatever kind or

nature, including all attorney's fees and litigation costs, arising out of, in connection with, or incident to any act or omission by Permittee, its employees, agents, contractors, subcontractors, licensees, or invitees, unless the proximate cause of the injury or damage is the sole negligence or willful misconduct of the State or a person acting on the State's behalf. Within 15 days, Permittee shall accept any such cause, action or proceeding upon tender by the State. This indemnification shall survive the termination of the permit.

27. **Insurance:** As the Matanuska Susitna Borough is a municipal agency that is self-insured, no insurance will be required. In the event the Permittee becomes aware of a claim against any of its liability coverage, the Permittee shall notify, and provide documentation and full disclosure of the claim to the AO within 20 days.
28. **Performance Guaranty:** The AO, at this time, is not requiring the Permittee to provide a performance guaranty. The right to require such performance guaranty is being reserved in the event the Permittee's compliance is less than satisfactory. If required, such performance guaranty shall remain in effect for the remainder of this authorization and shall secure performance of Permittee's obligations hereunder. The amount of the performance guaranty may be adjusted by the Regional Manager in the event of approved amendments to this authorization, changes in the development plan, or any change in the activities or operations conducted on the premises.
29. **Site Improvements:** The State assumes no responsibility for maintenance of improvements constructed on state land nor liability for injuries or damages attributable to that construction.
30. **Notification of Discharge:** The lessee or permittee shall immediately notify Alaska Department of Environmental Conservation by telephone, and immediately afterwards send Alaska Department of Environmental Conservation a written notice by facsimile, hand delivery, or first class mail, informing Alaska Department of Environmental Conservation of: any unauthorized discharges of oil to water, any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the lessee or permittee shall report the discharge within 48 hours, and immediately afterwards send Alaska Department of Environmental Conservation a written notice by facsimile, hand delivery, or first class mail. Any discharge of oil, including a cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis. The posting of information requirements of 18 AAC75.305 shall be met. The provisions of 18 AAC 75.310 (Scope and Duration of Initial Response Actions) and other reporting requirements of 18 AAC 75.300 - 18 AAC 75.396 also apply. The lessee or permittee shall supply Alaska Department of Environmental Conservation with all follow-up incident reports. Notification of a discharge must be made to the nearest Alaska Department of Environmental Conservation Area Response Team during working hours: Anchorage (907) 269-3063, fax (907) 269-7648;



Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The Alaska Department of Environmental Conservation oil spill report number outside normal business hours is (800) 478-9300. All fires and explosions must also be reported. The DNR 24-hour report number is (907) 451-2678; the fax number is (907) 451-2751. DNR or the appropriate land manager and Alaska Department of Environmental Conservation shall be supplied with all follow-up incident reports.

31. **Batteries:** Batteries which contain hazardous liquids should be completely sealed valve regulated, spill-proof, leakproof and mounted in an appropriate container. Batteries lacking the preceding properties must have an appropriate drip pan designed to hold 110% of the total liquids held by the battery/batteries. Batteries, new or used, may not be stored or warehoused. Any battery/batteries that are not in use must be removed and disposed of in accordance with existing federal, state and local laws, regulations and ordinances. All hazardous material containers shall be marked with the permittee's or contractor's name, dated, and transported in accordance with 49 CRF 172 (EPA Hazardous Material Regulations) and 18 ACC 62.

**32. Fuel and Hazardous Substance Storage:**

- A. The use and/or storage of hazardous substances by the permittee must be done in accordance with existing federal, state and local laws, regulations and ordinances. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance and must be removed and disposed of in accordance with existing federal, state and local laws, regulations and ordinances.
- B. The storage of petroleum products below Ordinary High Water (OHW) or Mean High Water Mark (MHWM) is prohibited
- C. Storing containers within 100 feet of waterbodies. Containers with a total capacity larger than 55 gallons which contain fuel or hazardous substances shall not be stored within 100 feet of a waterbody.
- D. Fuel containers which exceed a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable containment structure capable of containing 110 percent (115 Percent in the Aleutians West CRSA) capacity of the largest independent container (plus 12 inches of freeboard in the Kenai Peninsula Coastal District and Aleutians West CRSA).
- E. Fuel storage containers, including flow test holding tanks and hazardous substances, with a total combined capacity larger than 55 gallons shall not be placed within 100 feet (500 feet in the Bering Straits CRSA) from the ordinary high water mark of waterbodies.
- F. Drip pans and materials, such as sorbent pads, must be on hand to contain and clean up spills from any transfer or handling of fuel.
- G. All fuel storage containers and associated materials must be removed by the permit expiration date.

- H. Secondary containment shall be provided for fuel or hazardous substances.
- I. All fuel and hazardous substance containers shall be marked with the contents and the permittee's name using paint or a permanent label.
- J. Exceptions. The AO may under unique or special circumstances grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the AO.
- K. Definitions.

"Containers" means any item which is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolded tanks or any tanks in a series must be considered as single independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

"Hazardous substances" are defined under AS 46.03.826(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).

"Secondary containment" means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank. All piping and manifolds shall be within secondary containment.

"Surface liner" means any safe, non-permeable container (e.g., drips pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

- 33. **Wastewater Disposal:** Disposal of wastewater from any operation associated with this authorization must satisfy the requirements of the Alaska Department of Environmental Conservation. All greywater and human waste must be disposed of in a pit, or containment which can easily be transported and disposed of at an Alaska Department of Environmental Conservation approved disposal site. If a pit is used, it must be located at least 100 feet from the ordinary high water mark of any water body, and
- 34. **Solid Waste:** All solid waste, debris, and litter generated from the activities conducted under this authorization shall be removed to a facility approved by the Alaska Department of Environmental Conservation.
  - A. All solid waste and debris shall be removed after the cessation of each site visit.
  - B. Temporary storage and accumulation of solid waste prior to its removal shall meet the following requirements:

- i. Solid waste shall be stored in a manner that prevents a litter violation under AS 46.06.080;
  - ii. Putrescible waste (waste that can decompose and cause obnoxious odor) shall be stored in a manner that prevents the attraction of or access to wildlife or disease vectors; and
  - iii. Premises shall be maintained free of solid waste that might create a health or safety hazard.
35. **Site Conditions:** The site shall be kept in an orderly, clean and safe condition, free of any solid waste, debris or litter acceptable to the AO. All solid waste debris and any hazardous wastes that are used and stored on the site shall be removed and backhauled to an Alaska Department of Environmental Conservation approved solid waste facility.
36. **Site Restoration:** On or before permit expiration (if a renewal application has not been submitted) or termination of this authorization by Permittee, Permittee shall remove all improvements, personal property, and other chattels, and return the permitted area to a clean and safe condition. In the event the Permittee fails to comply with this requirement, Permittee shall be held liable for any and all costs incurred by the State to return the permitted area to a clean and safe condition.
37. **Site Restoration Documentation:** Prior to or upon termination of this permit by the Permittee or within the thirty (30) day period following permit expiration (if a renewal application has not been submitted), Permittee must complete and submit "A Relinquishment Form and Environmental Hazard Evaluation Affidavit" along with a comprehensive set of photographs verifying the site has been vacated and restored to a clean, safe condition. The performance guaranty will not be subject to release until Permittee provides the required documentation verifying site restoration. All such remittances are subject to the approval of the AO.
38. **Site Restoration Plan:** A Restoration Plan must be approved by the AO at least 30 days prior to expiration, completion, or termination of this authorization, whichever is sooner.
39. **Trash Pick-Up:** Trash, survey lathe, roadway markers, and other debris that has accumulated along the ice roads or cross country routes shall be picked up and properly disposed of prior to freeze-up the following winter.
40. **Completion Report:** Pursuant to 11 AAC 96.070, a completion report shall be submitted prior to relinquishment, or within 30 days after expiration or termination of the authorization. The report shall contain the following information:
- A. a statement of restoration activities and methods of debris disposal;
  - B. a statement that the permittee has removed all improvements and personal property from the authorized area;



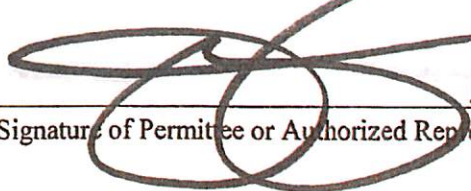
- C. a report covering any known incidents of damage to the vegetative mat and underlying substrate, and follow-up corrective actions that may have taken place while operating under this authorization; and,
  - D. photographs of the permitted site taken before, during and after the proposed activity to document permit compliance. Photographs must consist of a series of aerial view or ground level view photos that clearly depict compliance with site cleanup and restoration guidelines.
  - E. Failure to submit a satisfactory report subjects the site to a field inspection requirement for which the permittee may be assessed, at the AO's discretion, either the actual cost incurred by the Division of Mining, Land and Water or a minimum of \$100.00. (11 AAC 05.010).
41. **Improvements:** Any improvements/structures that may be authorized under this permit must be constructed in a manner that will allow for removal from the permitted site within 48 hours of receiving a notice to vacate. The establishment of permanent foundations and structures is prohibited under this permit.
42. **Authorized Use of Improvements:** Any use of these improvements for purposes other than those explicitly authorized by this permit are prohibited.
43. **Food Storage:** Prior to removal, all garbage and debris will be stored so it does not attract wildlife. Food and refuse will be stored in bear-proof containers. Sites will be kept clean.
44. **Siting:** Improvements must be sited in a manner which impacts the least amount of ground consistent with the purpose of the facility, and shall be consolidated on no more than one acre of land unless additional acreage has been explicitly approved in writing.
- A. All structures (e.g., tent frames, caches, outhouses) will be sited to minimize evidence of human use and will be located with a vegetated (if naturally occurring) minimum setback of 100 feet (200 feet is recommended) landward of ordinary high water mark.
  - B. Temporary camps may be allowed in caribou calving habitat if the camp can be sited and operated in a manner that is not likely to cause significant impact to caribou calving.
  - C. Temporary facilities (e.g., structures or tents) are not allowed in primitive units and at designated public use sites. Temporary facilities in semi-primitive units must be sited to minimize evidence of human use. In semi-primitive management unit 10 (Nushagak & Mulchatna Rivers Recreation Management Plan), temporary facilities must also be sited out of view of the main river corridor.
  - D. Temporary camps will not be sited within one-half mile of important shore recreational fishing sites, high use public camping sites, or on identified traditional public access trails as identified in DNR area plans or during review.

45. **Timber Use:** The permittee may use dead and down timber, but shall not cut standing timber on the premises unless specifically allowed by the AO, in consultation with the Division of Forestry.
46. **Fire Prevention, Protection, and Liability:** The State of Alaska is not liable for damage to the permittee's personal property and is not responsible for forest fire protection of the permittee's activity. The permittee shall take all reasonable precautions to prevent, control, and suppress forest, brush, and grass fires and shall assume full liability for fire suppression costs and any damages to state land resulting from escaped fire.
47. **Existing Roads:** Existing roads and trails shall be used wherever possible. Trail widths will be kept to the minimum necessary. Trail surface may be cleared of timber, brush, stumps and snags. Removal of brush, slash and immature trees will be accomplished by any of the following three methods:
- A. spreading and scattering in the adjacent brush area without damaging other trees,
  - B. chipping and scattering in such a way as to preclude their being washed into any watercourse, or
  - C. piling and burning in accordance with procedures and practices established by the DNR, Division of Forestry and the air quality regulations of the Alaska Department of Environmental Conservation.
48. **X-C Travel Amendments:** To proceed in areas other than approved on the plan of operations/development plan, the applicant must have prior authorization from the AO. The applicant must provide the following information when requesting an amendment: a map showing the location and an anticipated schedule of operations, a list of vehicles that will be used in the operations, the name and telephone number of a person familiar with the daily location of the permit activities and who can easily be contacted by the AO or designee.
49. **General Operation of Vehicles:**
- A. Vehicular travel is restricted to existing roads and trails. The permittee must obtain a permit from the AO for any off road vehicular travel with the exception of generally authorized vehicles.
  - B. Blading or removal of the vegetative mat is prohibited except as approved by the AO.
  - C. Vehicles shall be operated without disturbing the vegetative mat and underlying substrate.
  - D. Crossing waterway courses will be made using an existing low angle approach in order not to disrupt the naturally occurring stream or lake banks.
  - E. There shall be no bank modification.
  - F. Movement of equipment through willow (Salix) stands shall be avoided where possible.

- G. Potentially hazardous cuts and berms created along the authorized travel route must be clearly marked or fenced with materials that do not blend in with the surrounding environment. Such cuts and berms shall be removed upon completion of the project.
- H. Incidents of damage to the vegetative mat and follow-up corrective actions that have occurred while operating under this authorization shall be reported to the AO within 72 hours of occurrence.

The Authorized Officer reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The permittee will be advised before any such modifications or additions are finalized. DNR has the authority to implement and enforce these conditions under AS 38.05.850. Any correspondence on this permit may be directed to the Department of Natural Resources, Division of Mining, Land and Water, Southcentral Region Land Office, 550 West 7th Ave, Anchorage, AK 99501, (907) 269-8503.

I have read and understand all of the foregoing and attached stipulations. By signing this permit, I agree to conduct the authorized activity in accordance with the terms and conditions of this permit.

 John Moosey, Borough Manager 6/20/18  
Signature of Permittee or Authorized Representative Title Date

350 E. Dahlia Avenue Palmer AK 99645  
Permittee's Address City State Zip

MIKE CAMPFIELD, BOROUGH ENGINEER (907) 861-7719  
Contact Person Home Phone Work Phone

 NRm 7-5-18  
Signature of Authorized State Representative Title Date