



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 22270  
JUNEAU, AK 99802-2270

April 6, 2020

Regulatory Division  
POA-2005-01813-M2

Halibut Point Marine Services LLC  
Attention: Mr. Chris R. McGraw  
Post Office Box 718  
Sitka, Alaska 99835

Dear Mr. McGraw:

Enclosed is the signed Letter of Permission (LOP), file number POA-2005-01813, Sitka Sound, authorizing the installation of structures in navigable waters of the United States to expand the existing "Old Sitka Dock". The project site is located within Section 9, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.117919° N., Longitude 135.395233° W.; 4513 Halibut Point Road, in Sitka, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

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

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

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

Please contact me via email at: [REDACTED]@usace.army.mil, by mail at the address above, or by phone at [REDACTED], if you have questions or to request a paper copy of the LOP and enclosures.

Sincerely,

[REDACTED]

Randal P. Vigil  
Project Manager

Enclosures



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 22270  
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April 6, 2020

Regulatory Division  
POA-2005-01813-M2

DEPARTMENT OF THE ARMY  
LETTER OF PERMISSION

Authorization is hereby granted to Halibut Point Marine Services LLC, to remove and install the following structures below the Mean High Water Mark (+9.1 feet above the 0.0 foot contour) for the expansion of the "Old Sitka Dock" in Sitka Sound, which is a navigable water of the United States (U.S.):

- Install two 4-pile mooring dolphins (made up of 48-inch diameter piles);
- Remove Existing Pile Cap on Mooring Dolphin No 1&2, Install One 48-inch diameter pile over top of existing 36-inch diameter pile on each dolphin, Re-install existing pile caps;
- Install one 410 feet long x 35 feet wide steel floating dock

The work will be performed in accordance with the enclosed plans, 6 sheets, dated July 12, 2019, and 1 sheet dated February 25, 2020, which are incorporated in and made a part of this Letter of Permission (LOP).

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the 1899 Rivers and Harbors Act (30 Stat 1151; 33 U.S.C. 403).

This authorization is subject to the following special conditions and the enclosed general conditions and further information (see enclosure entitled: GENERAL CONDITIONS/INFORMATION).

Special Conditions:

1. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the U.S. Army Corps of Engineers, Regulatory Division, Juneau Field Office, P.O. Box 22270 Juneau, AK. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

3. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. 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), 17th Coast Guard District, Post Office Box 25517, Juneau, Alaska 99802, [REDACTED].

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

5. This permit does not authorize the Permittee to take an endangered species, in particular the threatened Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*) and the endangered western DPS of Steller sea lion (*Eumetopias jubatus*). In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply).

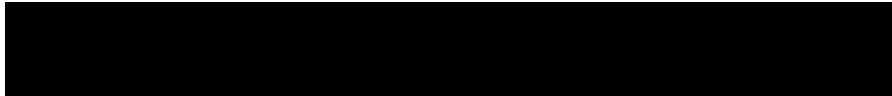
The enclosed Biological Opinion (BO) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the enclosed BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The National Marine Fisheries Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

April 6, 2020

DATE



FOR: District Engineer  
U.S. Army, Corps of Engineers

## GENERAL CONDITIONS/INFORMATION

1. The time limit for completing the work authorized ends five years from the date of this authorization. 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. 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 contact the Corps of Engineers (Corps) 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.
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.

### Further Information:

1. 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.
2. 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 un-permitted 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 un-permitted 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.
3. 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.
4. Re-evaluation of Permit Decision. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation 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 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a re-evaluation 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.

5. 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 re-evaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



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

United States Army Corps of Engineers  
Sitka Sound

**A PERMIT TO: INSTALL STRUCTURES, INCLUDING PILE DRIVING, IN  
NAVIGABLE WATERS OF THE UNITED STATES TO CONSTRUCT A DOCK**

**AT: 4513 HALIBUT POINT ROAD, IN SITKA, ALASKA**

**HAS BEEN ISSUED TO: HALIBUT POINT MARINE SERVICES, LLC**

**ON: APRIL 6, 2020 AND EXPIRES ON: APRIL 30, 2025**

**ADDRESS OF PERMITTEE: PO BOX 718, SITKA, AK 99835.**

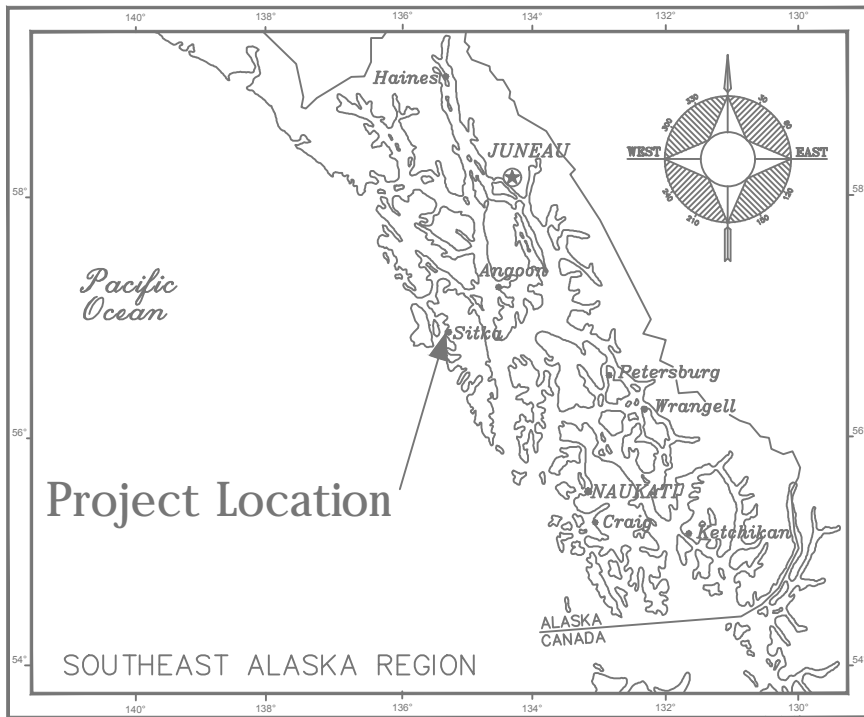
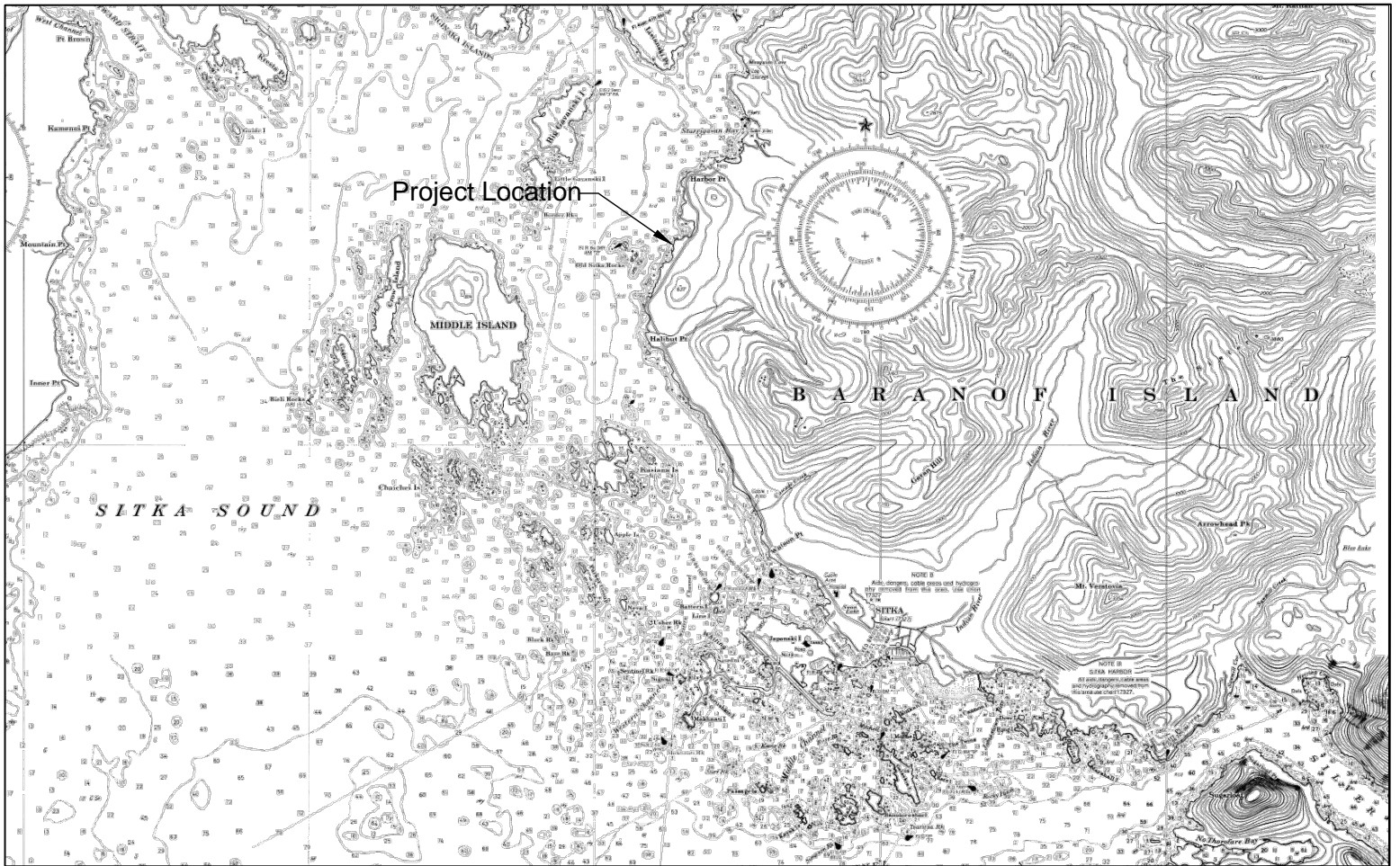
**PERMIT NUMBER:**

POA-2005-01813-M2

**FOR: *District Commander*  
Randal P. Vigil  
Project Manager  
REGULATORY DIVISION**

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

(Proponent: CECW-O)

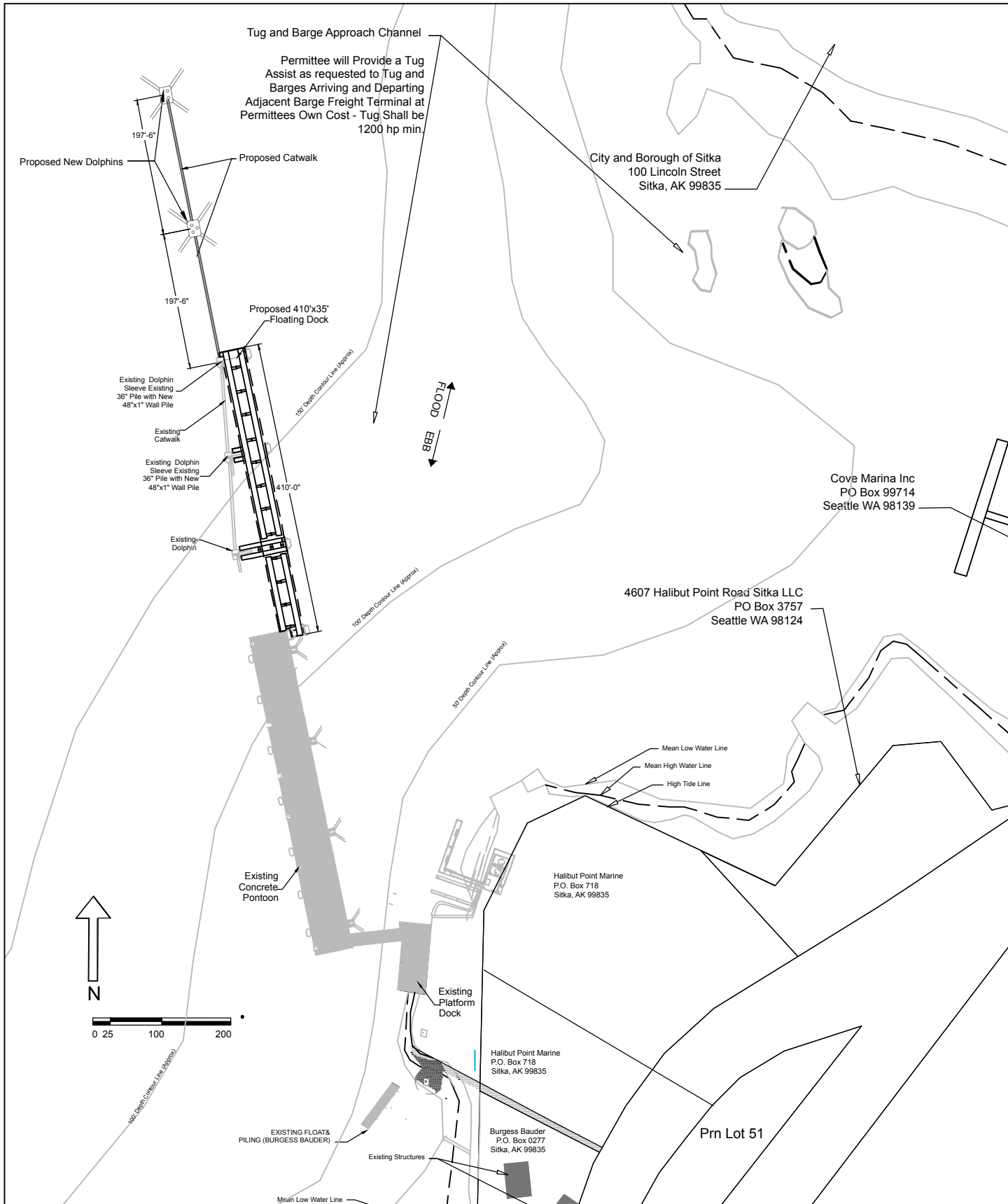


Purpose: Expansion of Existing Deep Water Dock to Accommodate Larger Ships  
 Sec: 9 Township: 55 South, Range: 63 East  
 Copper River Meridian  
 Location: Sitka Sound  
 Local Government: City and Borough of Sitka, Alaska  
 Datum: 0.0' M.L.L.W

**Old Sitka Dock  
 North Mooring Dolphin**  
**PROJECT LOCATION**  
 Application By  
 Halibut Point Marine Services  
 Sitka, AK 99835

MLLW: 0.0'  
 MHW: 9.1'  
 HTL: 12.7'  
 Lat 57 06' 55"  
 Lon 135 23' 34"  
 Revision:  
 Date: 7-12-19  
 Sheet 1 of 7

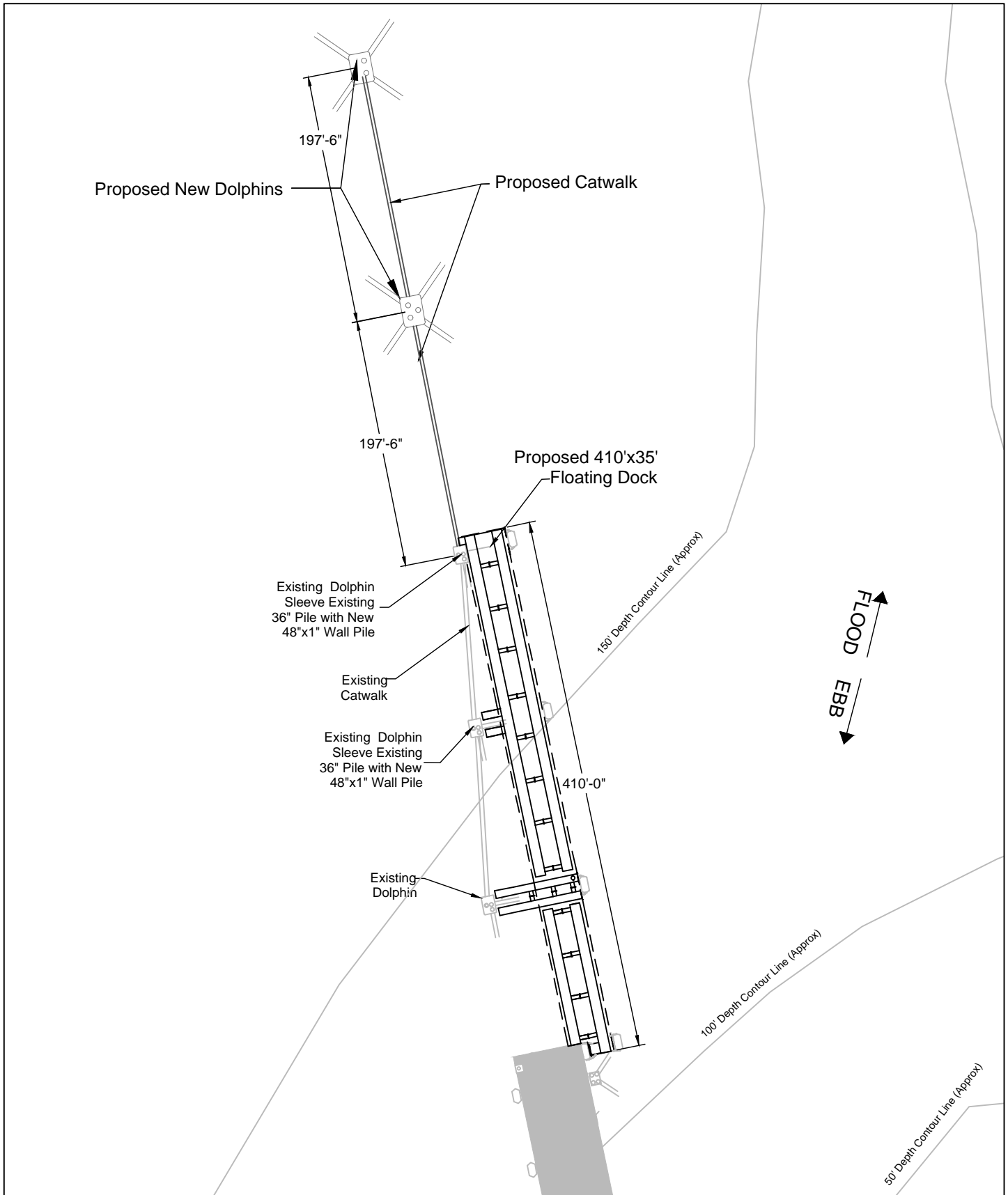




Purpose: Expansion of Existing Deep Water Dock to Accommodate Larger Ships  
 Sec: 9 Township: 55 South, Range: 63 East  
 Copper River Meridian  
 Location: Sitka Sound  
 Local Government: City and Borough of Sitka, Alaska  
 Datum: 0.0' M.L.L.W

**Old Sitka Dock  
 North Mooring Dolphin**  
**PROJECT OVERVIEW**  
 Application By  
 Halibut Point Marine Services  
 Sitka, AK 99835

MLLW: 0.0'  
 MHW: 9.1'  
 HTL: 12.7'  
 Lat 57 06' 55"  
 Lon 135 23' 34"  
 Revision: 01  
 Date: 02-25-2020  
 Sheet 2 of 7



Purpose: Expansion of Existing Deep Water Dock to Accommodate Larger Ships  
 Sec: 9 Township: 55 South, Range: 63 East  
 Copper River Meridian  
 Location: Sitka Sound  
 Local Government: City and Borough of Sitka, Alaska  
 Datum: 0.0' M.L.L.W

**Old Sitka Dock  
 North Mooring Dolphin**

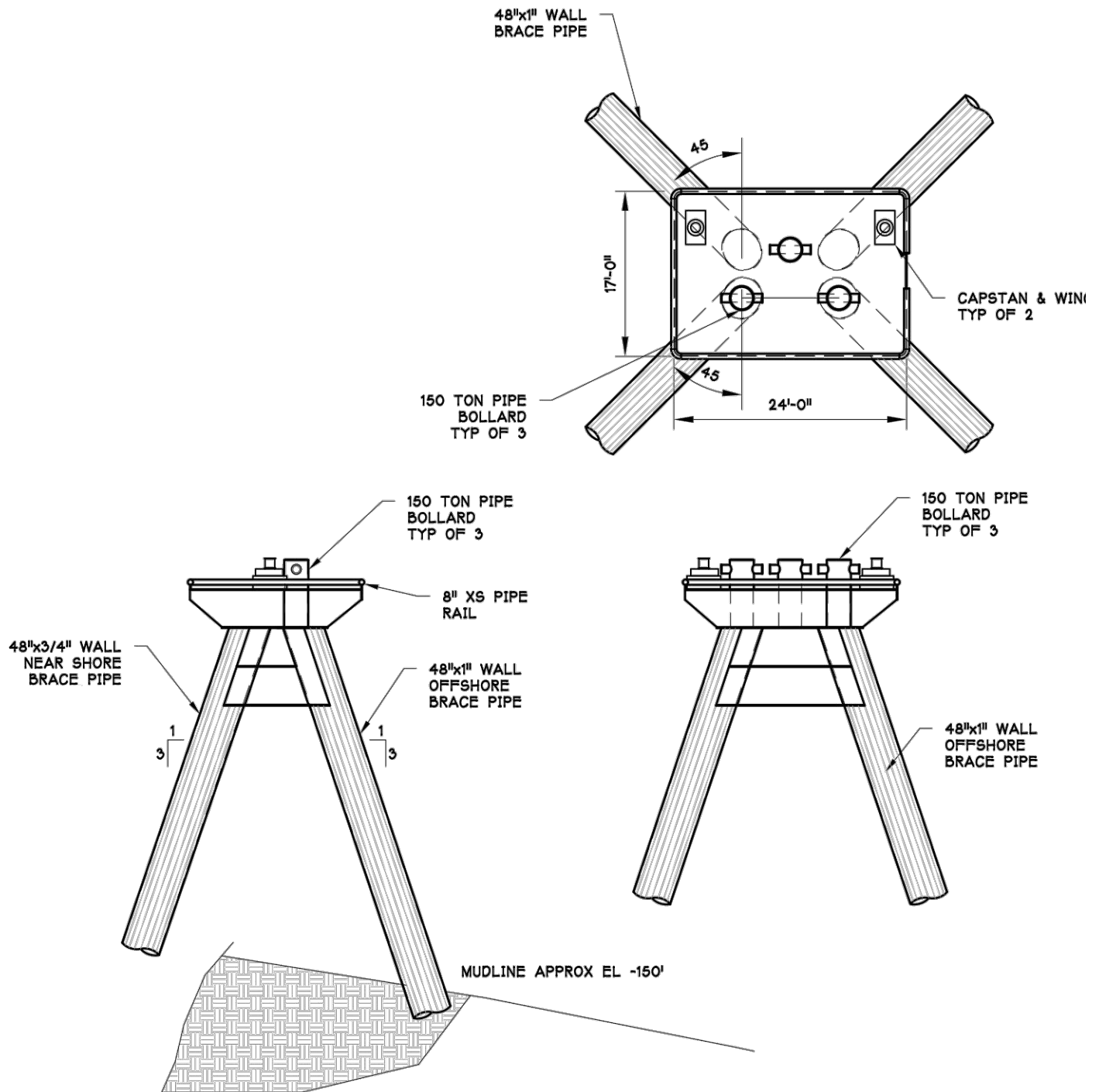
**PLAN VIEW**

Application By  
 Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'  
 MHW: 9.1'  
 HTL: 12.7'  
 Lat 57 06' 55"  
 Lon 135 23' 34"

Revision:  
 Date: 7-12-19  
 Sheet 3 of 7



## DETAIL AT NORTH MOORING DOLPHIN

Purpose: Expansion of Existing Deep  
Water Dock to Accommodate Larger Ships  
Sec: 9 Township: 55 South, Range: 63 East  
Copper River Meridian  
Location: Sitka Sound  
Local Government: City and Borough of Sitka, Alaska  
Datum: 0.0' M.L.L.W

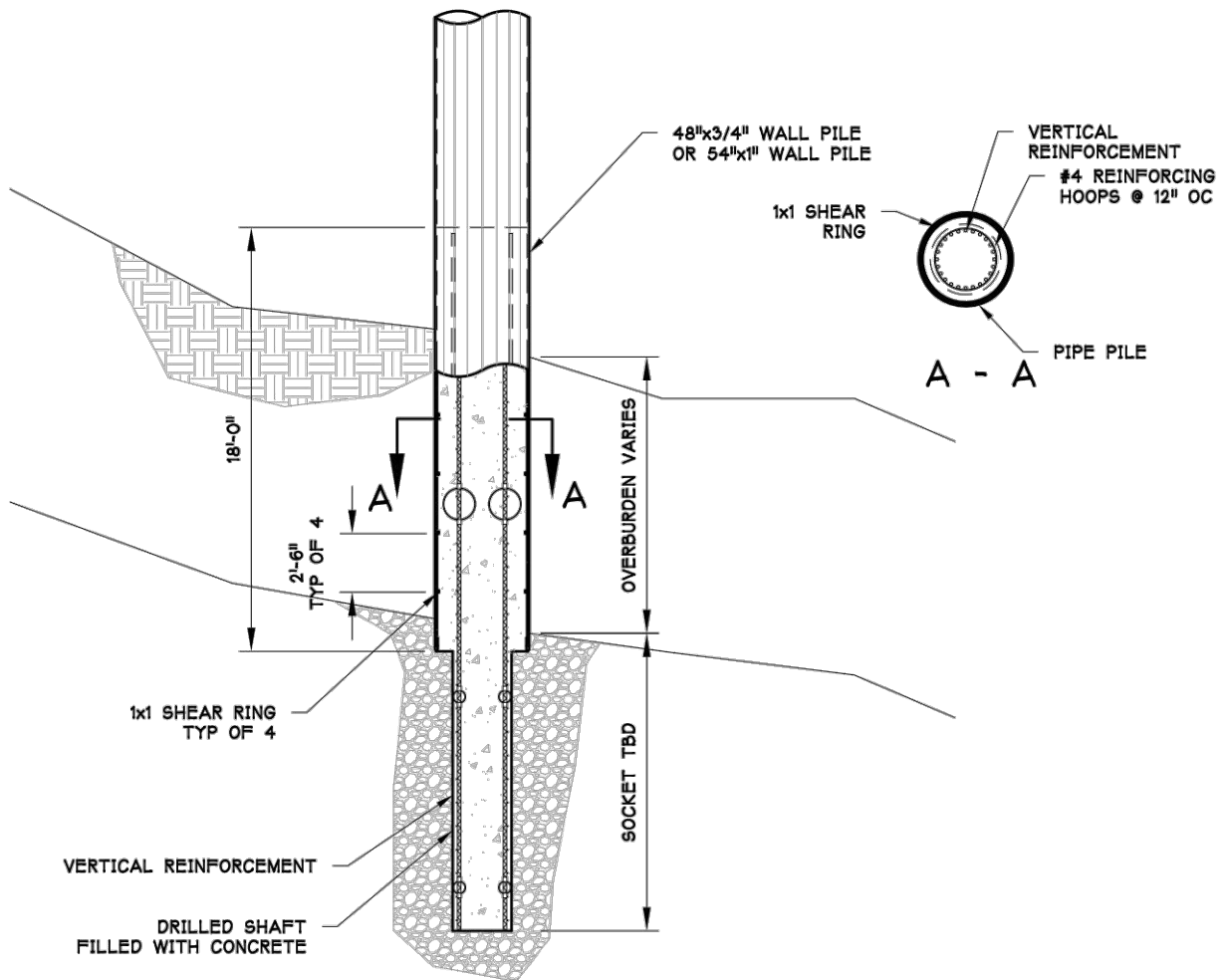
Old Sitka Dock  
North Mooring Dolphin

### DOLPHIN DETAIL

Application By  
Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'  
MHW: 9.1'  
HTL: 12.7'  
Lat 57 06' 55"  
Lon 135 23' 34"  
Revision:  
Date: 2-4-19  
Sheet 4 of 7

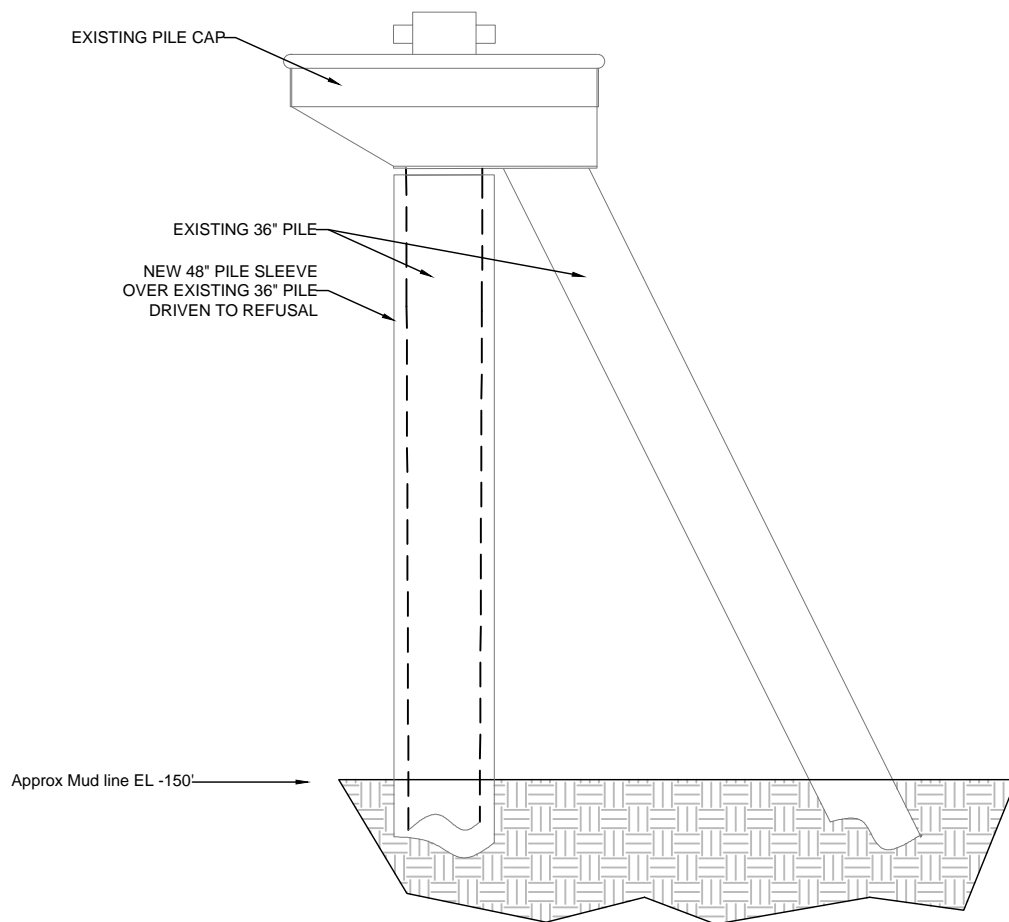


TYPICAL ELEVATION AT  
ROCK ANCHOR

Purpose: Expansion of Existing Deep  
Water Dock to Accommodate Larger Ships  
Sec: 9 Township: 55 South, Range: 63 East  
Copper River Meridian  
Location: Sitka Sound  
Local Government: City and Borough of Sitka, Alaska  
Datum: 0.0' M.L.L.W

Old Sitka Dock  
North Mooring Dolphins  
**PILE ANCHOR DETAIL**  
Application By  
Halibut Point Marine Services  
Sitka, AK 99835

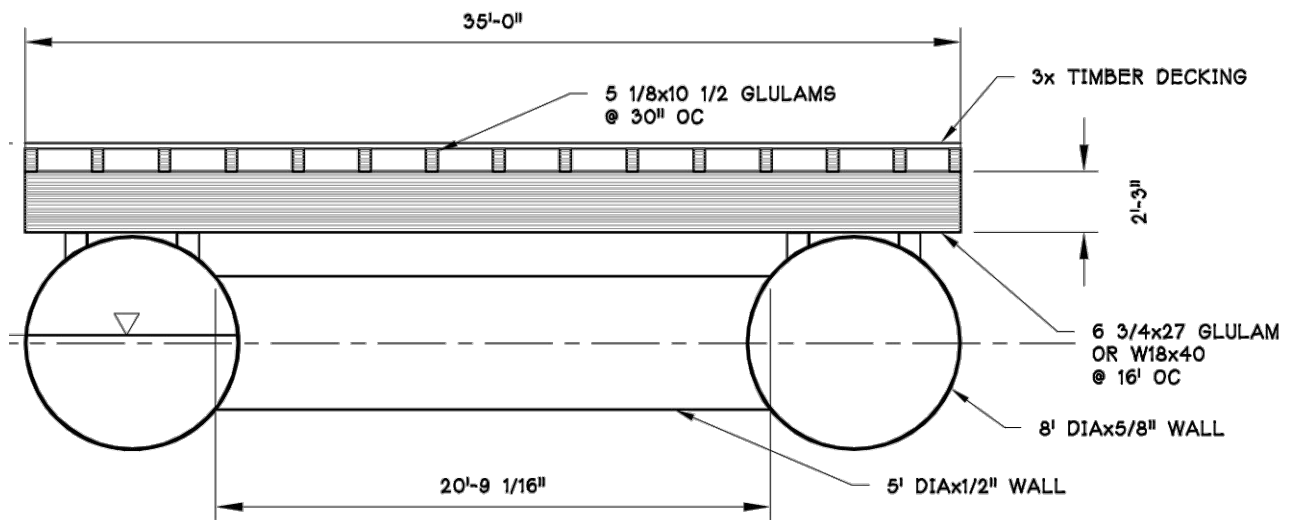
MLLW: 0.0'  
MHW: 9.1'  
HTL: 12.7'  
Lat 57 06' 55"  
Lon 135 23' 34"  
Revision:  
Date: 7-12-19  
Sheet 5 of 7



Purpose: Expansion of Existing Deep  
 Water Dock to Accommodate Larger Ships  
 Sec: 9 Township: 55 South, Range: 63 East  
 Copper River Meridian  
 Location: Sitka Sound  
 Local Government: City and Borough of Sitka, Alaska  
 Datum: 0.0' M.L.L.W

**Old Sitka Dock**  
**North Mooring Dolphins**  
**PILE SLEEVE DETAIL**  
 Application By  
 Halibut Point Marine Services  
 Sitka, AK 99835

MLLW: 0.0'  
 MHW: 9.1'  
 HTL: 12.7'  
 Lat 57 06' 55"  
 Lon 135 23' 34"  
 Revision:  
 Date: 7-12-19  
 Sheet 6 of 7



## Typical Float Section

Purpose: Expansion of Existing Deep  
Water Dock to Accommodate Larger Ships  
Sec: 9 Township: 55 South, Range: 63 East  
Copper River Meridian  
Location: Sitka Sound  
Local Government: City and Borough of Sitka, Alaska  
Datum: 0.0' M.L.L.W

Old Sitka Dock  
North Mooring Dolphins

### TYPICAL FLOAT SECTION

Application By  
Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'  
MHW: 9.1'  
HTL: 12.7'  
Lat 57 06' 55"  
Lon 135 23' 34"  
Revision:  
Date: 7-12-19  
Sheet 7 of 7

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Halibut Point Marine Services LLC		File Number: POA-2005-01812-M2	Date: 04/13/2020
Attached is:			See Section below
<b>X</b>	<b>INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)</b>		<b>A</b>
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

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

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

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

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

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

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

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

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

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

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

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

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**Randal Vigil**  
Alaska District Corps of Engineers  
Juneau Regulatory Field Office (CEPOA-RD-SE)  
Post Office Box 22270  
Juneau, Alaska 99802-2270  
[REDACTED]

If you only have questions regarding the appeal process you may also contact:

Regulatory Program Manager  
U.S. Army Corps of Engineers, Pacific Ocean Division  
CEPOD-PDC, Bldg 525  
Fort Shafter, HI 96858-5440

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

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: POA-2005-01813-M2**

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**  
**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**  
**AT \_\_\_\_\_**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_

\_\_\_\_\_

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Full Name of Permittee (printed or typed)

\_\_\_\_\_  
Date