



March 17, 2023

Subject: National Environmental Policy Act Public Comment Period  
Final Environmental Assessment for the Metlakatla-Ketchikan Intertie Project

Dear Reader,

The National Environmental Policy Act of 1969 (“NEPA”) created an environmental protection program for the United States and its territories. NEPA requires federal agencies to consider the effects of their actions on the environment, identify reasonable alternatives, and consider the input of interested parties and the public. The NEPA process is intended to help agencies make informed decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment.

The U.S. Department of Commerce, National Telecommunications and Information Administration (“NTIA”) is the Executive Branch agency that is principally responsible for advising the President on telecommunications and information policy issues. NTIA’s programs and policymaking focus largely on expanding broadband Internet access and adoption in the United States, expanding the use of spectrum by all users, and ensuring that the Internet remains an engine for continued innovation and economic growth.

The Consolidated Appropriations Act, 2021, established the Tribal Broadband Connectivity Program (“TBCP”) that has a purpose for NTIA to distribute nearly \$1 billion to eligible Tribal governments and entities to expand much needed broadband access and adoption to historically unserved and underserved Tribal communities. It should be noted that the Infrastructure Investment and Jobs Act provides an additional \$2 billion for TBCP. NTIA determined that administration of grants and distribution of funds through TBCP would constitute a major Federal action under NEPA; an undertaking under the National Historic Preservation Act (“NHPA”); economic activity under the Endangered Species Act; and be subject to various other applicable environmental laws, regulations, and executive orders. As such, NTIA is acting as the lead agency for the purposes of these environmental authorities under TBCP.

The proposed Metlakatla-Ketchikan Intertie Project would involve the installation of a 2.15-mile-long submarine/terrestrial electric/fiber optic cable to connect Metlakatla’s power grid and the electrical grid in Ketchikan, providing much needed energy resilience and reliable broadband connectivity. As a result, Metlakatla is required to submit an Environmental Assessment (“EA”). A previous attempt to fund the proposed project was sought from the Economic Development Agency (“EDA”) and was reviewed and considered by federal, state, and local agencies, legislators, local communities, and general public. Although this previous effort to secure federal funding was not successful, Metlakatla produced an EA for EDA, which has been submitted to NTIA. NTIA has reviewed Metlakatla’s EA and found it to meet the requirements of NEPA as well as consistency with NTIA’s guidance for EAs and EA template. Although both public consideration and tribal consultation have occurred, those processes were conducted by different federal agencies and as part of previous efforts to secure federal funding. Therefore, NTIA has determined that public comment and tribal consultation, consistent with NEPA and National Historic Preservation Act (“Section 106”), is required for the proposed project.

NTIA is required to make diligent efforts to involve the public in implementing its NEPA procedures. Public notice of availability is required of NEPA-related environmental assessments. Public notice will be placed in the paper of record in the vicinity of the proposed project or equivalent method. A notice, such as this, and final EA will be posted on NTIA’s website. The EA will describe the proposed project, identified

alternatives, and potential environmental consequences of the project as well as to provide comments. The public comment period for this project will be 30 days. Information and public comments received during the public comment period will be reviewed for consideration to determine if any areas of concern need to be directly addressed or edits to the EA made. After all comments have been considered and if no significant impacts have been identified, NTIA will publish a Finding of No Significant Impacts (“FONSI”) briefly presenting the potential impacts associated with the proposed project, the selection of an alternative, and the reasons why the proposed project will not have a significant impact on the environment.

Section 106 tribal consultation is being conducted concurrently with the NEPA public comment period. Under Section 106, this proposed project is being evaluated for its potential adverse effects to districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture, that are listed or potentially eligible for listing in the National Register of Historic Places (“NRHP”). The Alaska State Historic Preservation Office (“SHPO”) has already reviewed and approved the proposed project. NTIA recognizes its responsibilities pursuant to Section 106 regarding consultation with Native American tribes concerning properties of religious and/or cultural significance that could be affected by the undertaking. NTIA has teamed with the FCC to use their Tower Construction Notification System (“TCNS”), an on-line, password-protected system that notifies all Tribal Nations, Native Hawaiian Organizations (“NHO”), and SHPOs of proposed broadband deployment projects in their areas of interest. The grantee/consultants will be assisting NTIA in responding to questions and additional information requests. NTIA plans to observe the response times expected of SHPOs and federally recognized tribes and NHOs outlined in NHPA and consistent with FCC procedures, and NTIA will expect the grantee/consultants to respond to consulting party requests and inquiries in a reasonable and timely manner. Further, NTIA will conduct tribal consultation in a manner respectful of tribal sovereignty, including government-to-government consultation when requested and appropriate.

In accordance with NEPA, NTIA is inviting and encouraging the public to engage in this NEPA public comment process. We look forward to engaging with you on this very important opportunity to expand much needed broadband access and adoption to historically unserved and underserved Tribal communities. Please do not hesitate to contact us if you have any questions or concerns on the proposed project.

Regards,

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**ENVIRONMENTAL  
ASSESSMENT  
For  
Metlakatla-Ketchikan Intertie  
Project  
2020**



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# Environmental Assessment for Metlakatla-Ketchikan Intertie Project

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**I. Chapter 1: Purpose and Need**

**A. Project Purpose and Need**

This project is necessary to complete the intertie connection between Metlakatla’s power grid and the electrical grid in Ketchikan. The Metlakatla Indian Community (MIC) is served by an islanded micro-grid that is not connected to any other power grid. Whereas most communities in the lower 48 states are part of an interconnected grid with multiple sources of power, MIC is completely self-reliant. All current and future economic activity on the island is dependent on a reliable supply of electricity. When power is out, nearly all economic activity ceases. The majority of this power is supplied by mountain lake reservoirs that provide hydro power. During the drought of 2016-2019 Metlakatla and surrounding communities became acutely aware of vulnerabilities in the existing power configuration, as well as the necessity to support the community with access to other energy sources. An intertie that connects Annette Island to the mainland will provide this much needed additional energy resilience.

The proposed project will involve the installation of a 2.15-mile-long electric/fiber optic cable consisting of a 34kV cable with three 350kcmil copper conductors and two 12-strand fiber optic members that would connect Annette Island and Revillagigedo Island. This project has already been evaluated by the Army Corps of Engineers and the EPA Clean Water Quality Certification and permitting has been provided<sup>1</sup>.

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<sup>1</sup> POA-2019-00682- U.S. Army Corps of Engineers

This project will comply with the National Environmental Policy Act (NEPA) which requires federal agencies to assess the potential environmental impacts associated with proposed federal actions, including financial assistance. This proposed project will be applying to the Economic Development Agency funding. This Environmental Assessment (EA) will follow the obligations of NEPA under CFR 1508-1508 as well as the Council on Environmental Quality's 2007 guidance.

## **B. Beneficiaries**

The intertie will allow Metlakatla Indian Community (MIC) to create jobs on island, retain jobs on island, and open up opportunities for private investment. First, the intertie project will allow Metlakatla Indian Community to reach the goal of self-sufficiency, reducing reliance on outside resources while allowing the tribe to create new jobs and hire more people. MIC would be able to increase advertising to tourists through virtual tours for prospective customers and guarantees of internet access to tourists and visitors, which does not currently exist given the current lack of reliable and fast internet. With the increase of tourism advertising and traffic, the tourism department could hire an additional four (4) hourly tour guides.

MIC will need to hire a minimum of two (2) additional people to meet the demands of the new intertie itself, including managing the relationship with stakeholders as well as maintaining any physical infrastructure associated with the intertie specifically.

Additionally, Metlakatla Indian Community would be able to create new jobs through a distribution center at the old airport. Currently, the Airport cannot support a distribution center due to the lack of connectivity. With the intertie, MIC could utilize the old airport for a distribution center, approximating a job creation of six (6) employees; one (1) General Manager, one (1) logistics specialist, and four (4) hourly employees.

Metlakatla's Fish and Wildlife Department would be able to expand their internship program. Currently, their internet does not support a full internship program., limiting the opportunities available to prospective students who otherwise could work, while completing their education in the related fields. If the department had reliable, faster internet with greater bandwidth, the department would be able to hire two (2) more interns every year.

In regards to job creation, Metlakatla could take advantage of remote jobs not currently accessible under the current broadband conditions. This includes employment through gig-economy sites such as Upwork and Amazon Mechanical Turk. MIC would like to take advantage of remote working situations with software development and other technology-oriented jobs if there was reliable connectivity. The Employment and Training office foresees a minimum of ten (10) individuals being interested in these new jobs.

MIC would also be able to retain jobs on island that would otherwise have been lost due to lack of reliable connectivity. Metlakatla has many residents who have moved away for education because they do not have a reliable connection to online classes. Every year, MIC anticipates at

least two (2) students to remain on island remaining employed if online education were more feasible.

Other members of Metlakatla Indian Community who are not currently living on-island, have stated that they would move back to the island if there were more reliable internet. MIC estimates that at least six (6) members who would move back to the island if the internet were to exist.

Finally, Metlakatla would be able to open up the island for greater private investment if the connectivity were to be improved. As a designated Opportunity Zone, MIC would be attractive to outside investment if we had better internet and have sufficient energy resources. Two examples are given that specifically relate to the internet. First, the distribution center that would be made possible through the internet would allow for companies such as FedEx, UPS, and Amazon to utilize that distribution center. Additionally, Metlakatla is the ideal climate for data centers. If fiber optic were to come to the island, it would open up the possibility for companies to build and operate data centers on island. This would create jobs for Metlakatla residents and generate revenue for the tribe.

Overall, the internet would allow Metlakatla to grow and retain at least 38 jobs as a result of the increased connectivity brought by fiber optic. Additionally, Metlakatla could pursue outside investment for projects that to date have not been possible with the current constraints on bandwidth. Beyond the near-term economic benefits of the project, the internet will allow Metlakatla Indian Community to grow its community and ability to become self-reliant. The Economic Development Administration could help Metlakatla grow and succeed in a worldwide economy.

### **C. Proposed Construction**

The project will entail the installation of the submarine cable from Annette Island to Revillagigedo Island. This project has been assigned U.S. Army Corps Permit number POA-2019-00682. This project site is located within Sections 11, 14, 15 & 22, T. 76S., R. 91 E., Copper River; USGS Quad Map Ketchikan B-55, Latitude 55.2893°N., Longitude 131.5825°W.; between Metlakatla and Ketchikan Alaska. (See maps in Appendix) See attached Multibeam Bathymetric Metlakatla Route Survey for additional details on route survey in Appendix.

Segment 1 will begin between pole 4841 and pole 4843 at the existing overhead distribution line near the Ferry terminal and by Walden Point Road. Poles 4842, 4844, and 4845 will be installed with 30-feet of overhead conductor and recloser. There will be 45-feet of conduit will be installed from pole 4845 to the submarine cable vault high above the high-water line or High Tide Line (HTL), which will enclose the subsea-to-terrestrial cable splice. Total impacts to wetlands will include 46 Cubic Yards (CY) of fill into 0.0798-acre.

Segment 2 will include 3,477-feet of buried cable beginning in tidelands continuing to a transition vault on Race Point. Total impacts to water of the U.S. below the HTL will include 258 CY of fill into 0.0798-acre.

Segment 3 will include 1,800-feet of cable across Race Point. There will also be two sets of above ground junction boxes and communication vaults buried to a depth of 28 inches. Total impacts to wetlands will include 237 CY of fill into 0.4347-acre

Segment 4 will include 3,397-feet of cable in Annette Islands Reservation water and 2,396-feet in State of Alaska waters. This segment of cable will begin at the transition vault on Race Island and will end in uplands on Mountain Point. Impacts to waters of the U.S. below HTL in State waters will include 177.5 CY of fill into 0.0550-acre. Impacts to waters of the U.S. below the HTL in Reservation water will include 251.6 CY of fill in to 0.0780-acre. Total impacts below the HTL for segment 4 will be 430 CY of fill into 0.1330-acre.

All work will be completed in accordance with what is authorized by Nationwide Permit (NWP) No. 12, Utility Line Activities. The work described in sections above is authorized by NWP No. 12, Utility Line Activities. All work proposed will be performed in accordance with the enclosed plan (See Appendix) dated November 25, 2019. NWP No. 12 and the associated Regional and General Conditions can be accessed at the Army Corps of engineers website at: [www.poa.usace.army.mil/Missions?Regulatory/Permits](http://www.poa.usace.army.mil/Missions?Regulatory/Permits).

This project is proposed to be completed within the next twenty-four (24) months, pending appropriate funding support.

#### **D. About Metlakatla Indian Community**

Metlakatla Indian Community (MIC) is a federally recognized tribe on Annette Islands Reserve. The population base as of the 2010 US Census was 1504. The economic base is limited, with tribal government and commercial salmon fishing being the primary economic drivers in the community.

The lands and waters that make up the Annette Islands Reserve are established by the authority of the Constitution and By-Laws of the MIC as approved on August 23, 1944 by the Secretary of the Interior and MIC, as an Indian Tribe organized under provisions of the Indian Reorganization Act. AIR is held in trust by the United States for the benefit of MIC, the Secretary of the Interior has delegated responsibility to MIC to prescribe rules and regulations governing use of the Annette Islands Reserve. The MIC Tribal Council conducts the legislative function of the city, approves budgets, plans for capital improvements, approves major land transactions, etc. Council meetings are held the first Tuesday of each month.

*The mission of the Metlakatla Indian Community is to improve the lives of our members, and preserve our heritage and culture, through effective self-governance, a commitment to self-sufficiency, and the exercise and strengthening of our Tribal sovereignty; we encourage progress while honoring our ancestors and protecting our land and water for future generations; we promote sustainability by utilizing and respecting our natural resources, developing economic and social opportunities for our members, and implementing efficient and effective systems of governance to enhance our members' safety, health, and welfare. The Council and Tribal Executives are dedicated to governing the affairs of the Annette Islands Reserve acting under the authority of our Constitution, ordinances, and policies to fulfill this mission.*





## II. Chapter 2 - Alternatives

The success of this project depends on the connection of the transmission line from Annette Island to Race Point. Several Alternatives have been evaluated over the years, each with various pros and cons. The alternatives are described in this section, along with a description of the potential impacts considered with each option.

### A. Alternative 1- No Action

The no action alternative, would be to choose not to do the project. This alternative fails to meet the needs of the community, it will not allow for increased access to electricity and improved internet connectivity, improved job creation opportunities, better schooling options and other impacts that are anticipated to result from the successful implementation of the project.

### B. Alternative 2-Preferred Alternative

This alternative involves crossing underwater from one side of Annette Bay to the other, an overland crossing of Race Point and underwater connection to Mountain Point, with the final overland connections to the substation in Ketchikan at Mountain Point.

Under this Alternative, the project would meet the purpose and need of the project as proposed, it would allow for the transmission line to be installed and for the increased access to internet

connectivity, electrical services flexibility and improved job creation options for the tribe and for individuals.

Under the proposed action, MIC would perform the actions described in the attached Plan for the Development and diagrams<sup>2</sup>, including the installation of 2.15-mile long electric/fiber optic cable consisting of 35kV cable with three 350kcmil copper conductors and two 12-strand fiber optic members that would connect Annette Island and Revillagigedo Island. The project described would occur at four separate Nation-Wide Permit 12 (NWP 12) water crossings as described below.

1. Segment 1 is located at the existing overhead distribution line near the Metlakatla Ferry Terminal by Walden Point Road, within Annette Islands Reservation land (See Appendix) Approximately 46 cubic Yards (CY) of excavated material will be placed into 0.0379-acre of palustrine emergent wetlands to backfill the installation of three new power poles and bury 45-feet of conduit to a submarine cable vault. The area will be trenched using excavator machinery at a depth of 30-inches cover over the conduit. If shallow bedrock is encountered, the cable line will be installed with a concrete encasement at a depth of 6-inches of cover. The trenches will not be constructed or backfilled to drain surface waters and ditch plugs will be installed to prevent this, if necessary. Any excess material not used for over-fill subsidence will be removed to a non-wetland location east of the Ferry Terminal. Backfill material will consist of excavated material and no imported fill is anticipated or authorized.
2. Segment 2 beginning below the high tide line (HTL) near the Metlakatla Ferry Terminal and ending at Race Point peninsula, is within Annette Islands Reservation waters (See Appendix). Segment 2 will involve installing and burying 3,4747-feet of the submarine cable into the seafloor mainly using an underwater plow. The plow would generate a high-pressure water jet that would dig a small, narrow trench, pull the cable into the trench, and then immediately backfill the trench. In areas where trenching is not possible due to presence of boulders or bedrock, an iron guard pipe would be bolted to the rocks.
3. Segment 3 will involve installation of 1, 800 -feet of cable across Race Point on Annette Island, within Annette Islands Reservation lands (See Appendix) Trenching methods will be the same as described Segment 1. The work will also include installation of two sets of 69-inch by 43-inch junction boxes/communication vaults (28-inches buried) and two 8-foot wide by 14-foot long and 8-foot tall communication vaults to transition the cable from marine waters to land. National Wetland Inventory maps indicate this portion of the project would occur in seasonally saturated palustrine forest, a scrub shrub wetland with needle-leafed evergreen vegetation; palustrine emergent wetlands with persistent

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<sup>2</sup> Plan for the Development Metlakatla-Ketchikan Intertie

vegetation; and regular flooded estuarine intertidal wetlands with an algal aquatic bed. Conduit routing will be subject to minor field adjustments to avoid areas with standing water. Total impacts to wetlands include 237 CY of excavated backfill into 0.4347-acre.

4. Segment 4 will include installation of 3,397-linear feet of submarine cable in Annette Reservation marine water and 2,396-linear feet in State of Alaska waters. The segment of cable would begin at the transition vault on Race Island and would end in uplands on Mountain Point near Ketchikan. Impacts to waters of the U.S. below the HTL in state waters would include 177.5 CY of fill into 0.0550-acres. Impacts to waters of the U.S. below the HTL in State water would include 251.6 CY of fill in to 0.0780-acre. Total impacts below the HTL for segment 4 would be 430 CY of fill into 0.1330-acres.

All work will be done according to the plans described in the Alaska District Corps of Engineers December 6, 2019, General Agency Permit Coordination notification and the November 12, 2019 application submitted to the Corps with subsequent clarification on Decembers 23, 2019 and January 3, 2020.

### **C. Alternative 3-Alternative Considered but Eliminated**

This alternative involved going around Race Point rather than going over it. Going around the island could potentially disrupt native fishing areas, causing conflicts and potential economic losses to fishermen during installation as well as an added obstacle for ground or long-line fishing. In addition, going around Race Point rather than overland, increases the length of cable significantly.

Options to bury the cable vs setting poles were examined. It was determined that underground cable has the least long-term O&M costs and trenching across the peninsula is significantly less disruptive than tree clearing and setting poles. The soils across the peninsula are not conducive to pole setting in any case, and maintenance to repair and keep those pole rights of way clear is expensive, not mention the difficulty in accessing that part of the Annette Islands Reserve, as no roads currently exist to Race Point

## **III. Chapter 3- Environmental Analysis**

### **A. Historic/Archeological Resources**

At this point, there are no known historic/archeological resources within the project site(s) or area of potential effect that are either listed on the National Register of Historic Places or considered to be of local or State significance and perhaps eligible for listing on the National Register. Traditional activities in this area are limited to hunting and subsistence gathering, both very limited due to the physical characteristics of the site and



remote access. See map in Appendix page 18, which delineates the Area of Potential Effect for the project. There is no development, structures or any other known historic or archeological resources in this area.

It is determined at this time, that no known culturally significant resources would be impacted by this project.

MIC has not contacted SHPO at this point in the project, however, Metlakatla Power & Light (MPL) staff engaged in the Intertie project and pursuing the appropriate permits, have contacted the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Office of History and Archaeology on February 3, 2020 to March 4, 2020<sup>3</sup>.

## **B. Affected Environment**

Impacts to the lands of the State of Alaska, waters and lands outside of Annette Islands Reserve have been completed and are included in the Appendix. This EA will focus primarily on the environmental impacts to lands and waters of Annette Islands Reserve. In this section we will examine potential direct and indirect impacts from the proposed project activities related to running a submarine cable from one side of Annette Bay and across Race Point, ending with the cable connection at the transfer station at Mountain Point. This project is relatively a passive installation. Once the cable has been installed, there are no other anticipated direct or indirect environmental impacts. While the project will have significant positive and beneficial economic and social impacts to residents, members and potential commercial and business interests, the environmental impacts, once installed are very limited, nearly negligible. For the purposes of this EA, current conditions will be evaluated for each criterion for both the installation period and the long-term life of the project. In summary, the project has limited environmental impacts during installation and next to no environmental impacts coupled with exponential positive economic, social and commercial benefits to community.

### **1. Affected Area**

Race Point is essentially a peninsula that extends along the northerly side of Annette Bay. The topography is a mix of muskeg, scrub shore pine, and other vegetation. The National Wetland Inventory maps indicate this portion of the project consists of seasonally saturated palustrine forest and scrub shrub wetlands with persistent vegetation; and regularly flooded estuarine intertidal wetlands with an algal aquatic bed. The Plan of Development<sup>4</sup> submitted to Department of Natural Resources by Electric Power Systems lists the ground disturbance area as 1' wide and 2' deep; i.e., the width and depth of the

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<sup>3</sup> Alaska Department of Natural Resources ADL 109037 Permit

<sup>4</sup> Plan of Development for the Metlakatla-Ketchikan Intertie

trench for the cable. The total ground disturbance area across Annette Bay to Race Point is 3,477 Sq. ft. The disturbance area across Revillagigedo Channel is in two segments one Reservation owned which is 1' wide by 2' deep and 3,397 Sq. Ft. of area; and, the other State owned which is 1' wide by 2' deep and 2,396 Sq. Ft. of disturbance area. At day's end the corridor is still 1' wide.<sup>5</sup>

The trenching method to install the cable on the Annette Bay side and across the Race Point peninsula will entail using excavator machinery at a depth of 30-inch cover over the conduit. If shallow bedrock is encountered, the cable line will be installed with a concrete encasement at a depth of 6-inches of cover. The trenching will not be constructed or backfilled to drain surface waters, and ditch plugs will be installed to prevent this, if necessary. Backfill material will consist of excavated material and no imported fill is anticipated or authorized. In addition, the work will include the installation of two sets of 69-inch by 43-inch junction boxes (28-inches) buried and two 8-foot wide by 14-foot long by 8-foot tall communication vaults to transition the cable from marine water to land. All impacts to wetlands have been evaluated by the U.S. Army Corps of Engineers and Permit Number POA-2019-00682 has been issued. Therefore, for the purposes of this EA, MIC will consider the impacts to affected area that is currently undeveloped on the peninsula on Race Point.

The general area is low in elevation and has limited resources for use or development other than a location for this essential intertie to be installed. An analysis of the Affected Area is as follows:

## **2. Climate**

The Annette Islands Reserve is in the Tongass National Forest, designated a temperate rainforest in southeast Alaska. During average weather, the temperatures range between 35°Fahrenheit and 58°Fahrenheit from winter and summer seasons. Average precipitation is around 105 inches annually, with snowfall being limited to averages of less than 40-inches annually.

## **3. Living Resources and Vegetation**

The project area occurs on Race Point, an area dominated by muskeg, vegetation common to the area includes salal, red Huckleberry, Bracken Fern and other ferns, red alder, small red cedar, hemlock, spruce and pine. The preferred alternative poses no long-term harm to this vegetation either during installation or beyond.

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<sup>5</sup> Correspondence with John Cameron, Metlakatla Power & Light General Manager, September 2, 2020

As is true in most of southeast Alaska the area can be the habitat of Sitka Blacktail deer, Alexander Archipelago gray wolf, Bald Eagles and the Queen Charlotte goshawk, however these species prefer upland stands of trees or larger blocks of trees that are large enough to provide secure, interior forest for nesting, and moderation of harsh environmental extremes.

The Coastal Zone Management Program<sup>6</sup>, the Forest Management Plan<sup>7</sup> the Annette Islands Watershed Study<sup>8</sup> and the Annette Islands Stream Inventory<sup>9</sup> all identify significant habitats of concern, importance or that are considered sensitive. This area of Race Point has no identified sensitive habitat or species of concern.

#### **4. Geology and Soils**

Information about the soils in the region is available from the Soil Survey of Annette Islands Reserve, by J.L. Richeson, Soil Surveyor and E. C. Steinbrenner, Forest Soil Specialist, compiled by Weyerhaeuser Company for MIC in 1980. Extensive detail can be derived regarding the specific geology and soils of AIR such as the non-batholithic rocks of southeastern Alaska are oriented in two northwest-southeast trending belts of Mesozoic age which are almost parallel to the long axis of the Alaskan panhandle. This orientation is the result of the metamorphic intrusive and deformational events which occurred in the late Mesozoic and Tertiary times. Annette Island is located at the contact point of the eastern belt of Mesozoic rocks with the batholithic rocks of Paleozoic age<sup>10</sup>.

Muskegs and surficial deposits cover Metlakatla Peninsula and the majority of Race Point. The landscape is the result of the agents of ice, running water, frost action and gravity over thousands of years. The muskeg soils are rich organic materials and support limited vegetation due to high pH levels from the decomposition of the organic materials.

#### **C. Environmental Consequences**

There are determined to be very limited environmental consequences either during construction and installation or during the lifetime of the project. The cable will be buried

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<sup>6</sup> Coastal Zone Management Program for Annette Islands Reserve, Pacific Rim Planners, 1979

<sup>7</sup> Forest Management Plan for Annette Islands

<sup>8</sup> Annette Islands Watershed Study, Pacific Rim Planners Inc. 1979

<sup>9</sup> Annette Islands Stream Inventory, Potential Stream Production Summary, Evelyn Biggs, Fisheries Management Biologist, 1981

<sup>10</sup> Soil Survey of the Annette Islands Reserve, by J.L. Richeson, Soil Surveyor, E. C. Steinbrenner, Forest Soil Specialist, compiled by Weyerhaeuser Company 1980

with two vaults for communications and access vaults for connections. This will allow the muskeg and native vegetation to revegetate the disturbed area over a brief period of time, less than one year. The generally flat peninsula is exposed to high wind shear, making the choice to bury the cable the best option. See attached map of the site for an overview of the general area in Appendix.

This area is not identified in any of MIC's Land Use Plans<sup>11</sup>, Forest Management or Fisheries Management as being of any environmental significance, nor has it been identified to be set aside for any purpose. As part of the Annette Islands Reserve, Land Use is determined by the Metlakatla Indian Community Tribal Council and the Bureau of Indian Affairs.

1. Direct Effects- There are no notable negative direct effects to the environment from this project post construction and during installation
2. In-Direct Effects- There are numerous positive beneficial economic, social, commercial and business effects that will result from the project, job creation, improved schooling options and opportunities, improved access to tele-health and other options, such as increase in tourism with a better internet connection, better preparedness for MIC in the event of natural disasters, increased workforce productivity with better internet access and videoconferencing ability. It also makes MIC more attractive for outside investors, new ability to increase job skill training, better professional development opportunities. In short, the economic benefits are anticipated to provide a much higher standard of living for all MIC residents.

#### **D. Coastal Zones**

Metlakatla Indian Community has developed their own Coastal Zone Management Program (CZMP). While Annette Bay is identified as a major estuary in the CZMP 1979<sup>12</sup>, Race Point itself, has no identified streams, watersheds or salmon streams or creeks. While the shore has some very limited intertidal shoreline habitat, the majority of it is large rock and none of the proposed work would permanently disturb or disrupt the habitat in this zone. The CZMP identifies no resident populations of any endangered or threatened species that exist in the area, nor that would be disturbed by the construction or long-term existence of the buried cable. As stated earlier there are no salmon, herring or other species streams or habitat around Race Point.

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<sup>11</sup> Comprehensive Land Use and Development Plan 2028

<sup>12</sup> Coastal Zone Management Program, Pacific Rim Planners 1979

**E. Wetlands**

The U. S. Army Corps of Engineers completed a Wetland Delineation of the entire project, including an analysis of the wetlands on Race Point and the navigable waters identified in the project footprint. They determined that the project was eligible for USACE Permit # POA-2019-00682 which is attached in Appendix. Please see attached Permit for details related to determination of direct and indirect effects, wetlands impacts and any statements regarding mitigation. However, in summary, the USACE determined the project met the criteria for a permit, would not cause harmful disturbance and has authorized the work detailed in the permit.

**F. Riparian area**

The Race Point area is identified in the CZMP and the National Wetland Inventory maps indicate this portion of the project consists of seasonally saturated palustrine forest and scrub shrub wetlands with persistent vegetation; and regularly flooded estuarine intertidal wetlands with an algal aquatic bed. The project impacts will be limited to the cable installation sites, communication and access vaults. The process of burying the cable using native vegetation from the site will mitigate any negative impacts to the area.

**G. Floodplains**

This area is not listed in any FEMA floodplain map, nor are any portions of Annette Island. The only flood hazard is from storm driven waves along low-lying coastal areas. The communication and junction vaults are being constructed with this threat in mind the site is not listed of any significance in the Annette Islands Watershed Study<sup>13</sup>.

**H. Endangered Species**

MIC has communicated with the MIC Fish & Wildlife Department regarding any threatened, endangered and candidate species located in or near the project area. See Appendix. In addition, as part of the permit application process, extensive environmental impacts and mitigation measures were evaluated<sup>14</sup>. a detailed list of potentially impacted species such as:

- Harbor seal
  - The conservative approach to minimizing any impacts to Harbor Seals will be accomplished with the use of the marine mammal observer
- Stellar Sea Lion

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<sup>13</sup> Annette Islands Watershed Study, Pacific Rim Planning, 1979

<sup>14</sup> KetchCan1 Submarine Fiber PCN: Applicant Mitigation Statements

- Avoidance of disturbance of Stellar Sea Lions will be accomplished primarily by the presence of a marine observer who will have authority to alter works as necessary to minimize disturbance to any Stellar Sea Lions that may be observed.
- Fin Whale
  - Risks were evaluated to whales during the installation of the project, as it does fall within potential feeding area for fin whales. Due to the slow speed of vessel movement involved in the project, the cable being buried and fixed to the seafloor and the presence of a marine mammal observer on board, the risks to fin whales will be minimal and avoidable.
- Humpback Whale
  - Risks were evaluated to whales during the installation of the project, as it does fall within potential feeding area for humpback whales. Due to the slow speed of vessel movement involved in the project, the cable being buried and fixed to the seafloor and the presence of a marine mammal observer on board, the risks to humpback whales will be minimal and avoidable.
- Eel grass
  - Eelgrass is only found in shallow water; therefore, the only potential impacts would be at the landing sites on either side of Annette Bay and Race Point. Any potential impacts would be minor

In all cases, avoidance of potential impacts is detailed in the mitigation section. The project has been approved by DNR and USACE as the potential impacts were determined to negligible or non-existent.

#### I. Land Use and Zoning

As part of the Annette Islands Reserve, Land Use is determined by the Metlakatla Indian Community Tribal Council and the Bureau of Indian Affairs. MIC completed the Comprehensive Land Use 2028 which outlines standards for Land Use on AIR. The entire area north of the town of Metlakatla itself is designated as being in the Conservation Zone. Page 105 of the Comprehensive Land Use Plan<sup>15</sup> defines this as:

*Conservation Zone: The conservation zone helps maintain most of the area of Annette Island in its natural state. Activities include logging, construction of recreation sites, cabins and public recreation are limited so that human activity will not mar the natural beauty of the land. Certain areas are permitted by council to include logging, rural*

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<sup>15</sup> Metlakatla Indian Community Comprehensive Land Use Plan 2028

*single-family housing or cabins, parks, opens space, recreation areas, farming and extraction of soils or minerals.*

As this project has been approved by MIC Council via Tribal Resolution #18-10, as well as subsequent Tribal Resolutions in support of other funding opportunities<sup>16</sup>, it is consistent with both the wishes of tribal leadership and the existing Land Use Plan.

**J. Solid Waste Management**

There is no solid waste management needed for this site, for the proposed alternative or any of the alternatives. The passive nature of the buried cable precludes any need for solid waste management. During the project's construction, any waste materials will be packaged and removed from the site for proper disposal at either the MIC landfill or the Ketchikan landfill.

**K. Hazardous or Toxic Substances**

Once the project is complete there should be no threat of hazardous or toxic substances. As stated above, the passive nature of the buried cable and junction/communication vaults do not create any situation where that might be a threat. During construction, heavy machinery may provide some isolated instances where fuel or oil may spill, however Best Management Practices (BMP's) will reduce that risk. In the event of any such spill, MIC and the identified contractor will follow all procedures outlined in the Comprehensive Emergency Response Plan which includes a section on Hazardous and Toxic spills<sup>17</sup>.

MIC has completed the EDA Applicant Certification Checklist regarding Hazardous or Toxic Substances and certifies that the site is clear of any past disturbance or presence of such materials or substances. See attached Certification in Appendix.

**L. Water Resources**

Under POA-2019-00682 USACE permit, the EPA issues the Clean Water Action 401 Certification for the project at the site. Impacts to the water of the area will be limited to the trenched area and where standing water is encountered minor field adjustments will be made to conduit routing to reduce impacts to standing water and to avoid disturbing local hydrology and water conditions.

The area is a combination of palustrine forest land and muskeg and surficial deposits over underlying bedrock. <sup>18</sup> Other analysis of the hydrology and water quality on Annette

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<sup>16</sup> Tribal Resolution #20-09

<sup>17</sup> Comprehensive Emergency Response Plan 2004

<sup>18</sup> Soil survey of the Annette Island Reserve, by J.L. Richeson, Soil Surveyor; E.C. Steinbrenner, Forest Soil Specialist compiled by Weyerhaeuser Company, 1980

Island are available from a wide array of resources. For the most part they can be summarized in this description, the soils are primarily saturated due to the temperate rain forest climate, with a combination of thick peaty soils of southeast Alaska commonly called muskeg, which decomposes slowly. The flat nature of Race Point has natural drainages towards the ocean

The site is determined to have very limited impact to the water resources, no National Pollution Discharge Elimination System (NPDES) Permit will be required. The area has been approved for the project by EPA Clean Water Action 401 Certification.

**M. Water Supply and Distribution System**

This site is completely undeveloped therefore there are no existing utilities or water supply and distribution systems in place, nor are any planned for this location in the near or distant future.

**N. Wastewater Collection and Treatment Facilities**

There are no wastewater collection or treatment facility impacts from the project once complete. During construction and installation, it is likely that some waste collection will be necessary and can be accommodated either by a support vessel or the short-term use of a porta potty which can be placed and removed by helicopter.

**O. Environmental Justice (Executive Order 12898)**

This project will greatly improve environmental justice for minority and low-income populations by providing improved access to internet and reliable electricity for the populations that are on Annette Island. This project will allow currently unemployed individuals to work remotely or to engage in either telecommuting or teleworking.

**P. Transportation (Streets, Traffic and Parking)**

The location is remote, no road access currently exists to the site. It must be accessed via barge, landing craft or some other watercraft, or by air transportation, a float plane or helicopter. No existing transportation mechanisms will be impacted beyond the installation of the cable. There may be minor interruptions to fishing or ferry traffic for a brief period during the installation and construction period while the trenching device is being deployed.

**Q. Air Quality**

Air quality in this area during most months is pristine. There are some impacts from large cruise vessels, ferry traffic and other vessel traffic. However, none of the activities from the Preferred Alternative will make any negative impact to existing air quality. There will be a limited amount of emissions generated during the installation phase of the project,



once complete there will no emissions or any other air quality impacts. The Preferred Alternative actually will allow less emissions by reducing the amount of diesel generation that may be needed on either Annette Island or Ketchikan. The opportunity to work from home with improved interest will also reduce emissions from vehicle traffic. There are no negative impacts to air quality identified from this project.

R. **Noise**

There are no noise impacts from this project. Installing the submarine cable will entail the use of equipment and water vessels, however, once the project is completed there will no noise generated by the project at all.

S. **Permits**

At this point the following permits have been obtained or are in the process of being approved.

**USACE** - POA-2019-00682 and the EPA has issued the Water Quality Certification for the USACE Permit.

**State of Alaska DNR** — A portion of the navigable waters are under the jurisdiction of the State of Alaska. Metlakatla will need to obtain an easement from State of Alaska DNR— Division of Mining, Land, and Water. Application approved.

**Annette Islands Indian Reservation** — In 2019, BIA’s Bodie Shaw in Portland Oregon made contact with the Annette Islands Indian Reservation to seek a permit. He is the acting superintendent for Annette Island Indian Reservation. The Metlakatla Electric Utility will obtain any necessary BIA or Tribal easements or permits.

**Ketchikan Gateway Borough (KGB)** — KGB is the uplands owner at the Mountain Point landing, and the substation connection point, so Metlakatla will need to obtain an easement to cross this property. An application to KGB for an easement crossing their land is underway.

**State of Alaska DOT&PF** — To connect the cable to the Mountain Point Substation, Metlakatla needs to cross S. Tongass Highway via an existing underground conduit. Metlakatla will need to obtain a utility permit from DOTPF for this activity. Given their short turnaround time, DOT&PF prefers that an application be received just before construction. DOT&PF has issued permits for this project in the past, with no complications.

T. **Public Notification/Controversy**

Due to COVID-19 restrictions the public outreach has been virtual or by digital outreach to impacted agencies. See attached letters from agencies, however, prior efforts to apply for permits to the project have included agency reviews by:

- Alaska Department of Fish & Game (ADF&G)
- Alaska Department of Environmental Conservation (DEC)
- Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Office of History and Archaeology

These reviews and comments were conducted February 3, 2020, to March 4, 2020 and those comments are available for review in the attached permit ADL 109037.

**U. Cumulative Effects**

At this time no known cumulative effects that would negatively impact the environment or any of the proposed beneficiaries have been noted. The project’s Preferred Alternative’s environmental impact is extremely low, as a passive submarine cable once the installation is complete. The site will remain remote with limited access and other than providing much needed electricity flexibility and improved internet connections no significant negative environmental impacts have been noted.

At this point the only potential effect would be in the channel where the cable could be located by fishing vessels. However, the cable will be buried using the trenching device and this should never be a true challenge or negative impact.

**V. Mitigation**

Mitigation measures will be detailed here. Overall, mitigation will be improved by employing BMP’s and standard practices that will allow native vegetation to restore themselves naturally, as well as engaging the use of marine mammal observers. Once installed, the cable will need only periodic inspection and maintenance which should be accessible via the communication and junction boxes installed as part of the project.

Mitigation Measure	Mitigation Application Phase		
	Engineering, Design, and Location	Construction	Operation and Maintenance
The spatial limits of construction activities would be predetermined, with activity restricted to and confined within in those limits. No paint or permanent discoloring agents indicating survey or construction limits would be applied to rocks, vegetation etc.		X	

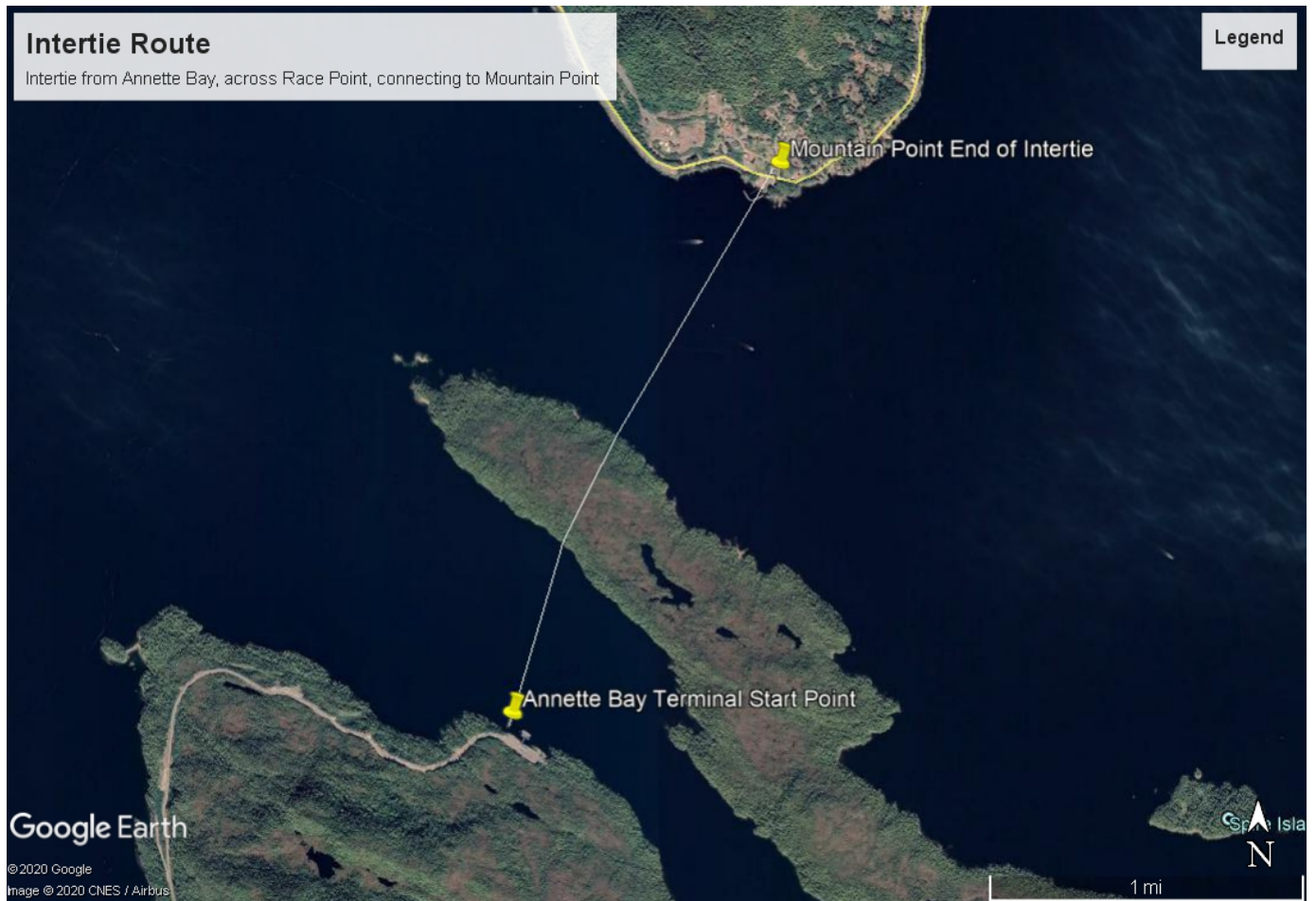
In construction areas where re-contouring is not required, vegetation will be left in place wherever possible, and original contour would be maintained to avoid excessive root damage and allow for resprouting. Vegetation that is not consistent with line safety and operation will be removed.	X	X	
Prior to construction, the Construction Contractor will instruct all personnel on the protection of cultural, ecological and other natura resources including antiquities, plants, wildlife and other resources that may be identified by tribal leadership or MIC departments		x	
Should any historic or culturally sensitive sites be discovered in the course of construction, all activities will cease until cleared by MIC or BIA Archaeological review has been completed.		x	
Hazardous materials will not be drained onto the ground or into stream or drainage areas. Totally enclosed containment would be provided for all trash. All construction waste, including trash and litter, garbage, other sold waste, petroleum products, and other potentially hazardous materials would be removed to a disposal facility authorized to accept such materials.		x	x
Vehicle and /or vessel refueling activities would be performed in the right of way or designated zone, no more than 300 feet from wetlands or streams. Spill preventative measures would be implemented as necessary		X	x
Follow AIR and USFWS guidelines for raptor protection during the breeding season. Refer to MIC F&W and USFW Act		x	x

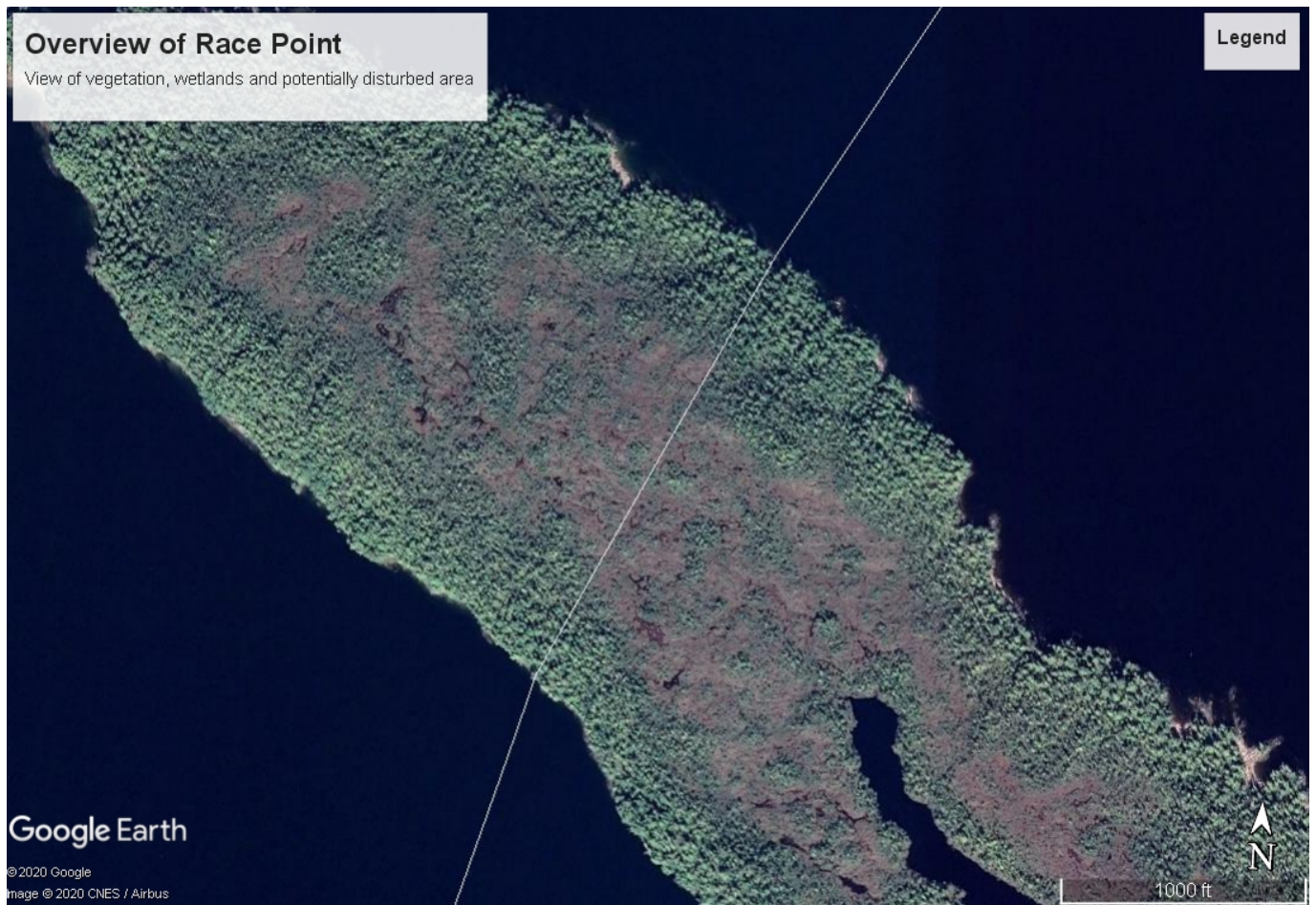
An invasive plant monitoring and mitigation plan will be approved by MIC Invasive Species Program. BMP's from MIC Noxious & Invasive Species Management Plan and EA will be incorporated into construction as well as maintenance and operation of the life of the project.		x	x
Destroying trees should be avoided as much as possible		X	X
MPL and its contractors will notify MIC and/or DNR of any fires and comply with all rules and regulations administered MIC, BIA or DNR regarding fire prevention. The holder or its contractors may be held liable for cost of fire suppression, stabilization and rehabilitation. See Appendix for complete list of fire prevention measures.		X	x
No gravels, top soil or other fill materials from off island will be used or transported with out prior inspection and authorization of MIC,		X	X
Notices are to be posted 2 weeks in advance of construction to notify public to the timeframe for construction and potential access to hunting or fishing sites.		X	X
If human remains are inadvertently discovered, all work shall cease and the remains secured from further disturbance until a plan for treatment has been developed. If MIC, BIA or DNR determines that the remains are covered under the Native American Graves Protection and Repatriation Act, this would be immediately acted upon. If the remains are determined not to be Native American, then a plan with MIC and SHPO will be developed and followed.		X	X

<p>Cable laying boat speeds will be limited to 3 knots maximum speed to reduce noise levels for marine life. The cable laying will aim for a window of good weather to assure a steady, continuous process and minimize conflicts with commercial and sport fishing, the chance of accidents or spills.</p>		<p>X</p>	<p>x</p>
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IV. Appendix

Maps





## A. List of Attachments and References

### Attachments

Certification of Applicant

Plan of Development for the Metlakatla-Ketchikan Intertie

POA-2019-00682- U.S. Army Corps of Engineers

EPA Clean Water Act Section 401 Certification

Multi-Beam Bathymetric Metlakatla Route Survey

Alaska Department of Natural Resources Notice of Public Easement ADL 109037

Ketchikan1 Submarine Fiber PCN Applicant Mitigation Statements

Letter to Metlakatla Fish & Wildlife Department

Tribal Resolution #18-10

Tribal Resolution #20-09

## **References**

Coastal Zone Management Program for Annette Islands Reserve, Pacific Rim Planners, 1979

Forest Management Plan for Annette Islands- unexpiring

Annette Islands Watersheds Study, Pacific Rim Planners Inc. 1979

Annette Islands Stream Inventory, Potential Stream Production Summary, Evelyn Biggs, Fisheries Management Biologist, 1981

Soil Survey of the Annette Island Reserve, by J.L. Richeson, Soil Surveyor; E.C. Steinbrenner, Forest Soil Specialist compiled by Weyerhaeuser Company, 1980

Metlakatla Indian Community Comprehensive Land Use Plan 2028

Comprehensive Emergency Response Plan 2004



September 3, 2020

### EDA Applicant Certification Clause

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:
  - a. Generation of hazardous substances or waste?  
 Yes  No
  - b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?  
 Yes  No
  - c. Storage of petroleum products?  
 Yes  No
  - d. Used/waste oil storage or reclamation units?  
 Yes  No
  - e. Research or testing laboratory?  
 Yes  No
  - f. Ordinance research, testing, production, use, or storage?  
 Yes  No
  - g. Chemical manufacturing or storage?  
 Yes  No
  - h. Weapons or ammunition training, use, or testing?  
 Yes  No
  - i. Iron works/foundry?  
 Yes  No
  - j. Railroad yard?  
 Yes  No

k. Industrial or manufacturing operation?

Yes  No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

2. Do wells draw from an underlying aquifer to provide the local domestic water supply?

Yes  No

3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please list here and attach copies of these reports or results.

Yes  No

1)

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-

2)

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-

3)

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-

4)

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-

5)

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4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.

Yes  No

5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EPA's National Response Center?

Yes  No

6. Is any material containing asbestos or lead paint located at the site? If yes, please attach information concerning State and federal regulatory compliance.

Yes  No

7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.  
\_\_\_\_\_ Yes  No
8. Are there underground or above ground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.  
\_\_\_\_\_ Yes  No
9. Has the site been tested for radon? If yes, please attach results.  
\_\_\_\_\_ Yes  No
10. Have there been, or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.  
\_\_\_\_\_ Yes  No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon.

Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Metlakatla Indian Community  
Applicant's Name

Reginald Atkinson, Mayor/City Manager  
Name and Title of Applicant's Authorized Representative

 9-10-20  
Signature of Applicant's Authorized Representative Date

RECEIVED  
AK DNR/DMLW/SERO  
2019 NOV 18 AM 10:40  
JAMES W. HANSEN  
DIRECTOR  
DEPARTMENT OF LANDS OFFICE

**PLAN OF DEVELOPMENT  
FOR THE  
METLAKATLA – KETCHIKAN INTERTIE**

**Submitted to:**

**State of Alaska, Department of Natural Resources**

**Submitted by:**

**Electric Power Systems  
3305 Arctic Blvd., Suite 201  
Anchorage AK 99503  
907-646-5197**

**On Behalf of  
Metlakatla Power & Light**

**November 12, 2019**

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## **PROJECT PURPOSE**

The project will improve the reliability and quality of electric/communications services on both Annette Island and Revillagigedo Island. The cable link will increase the supply of electric and communication services available to both islands, will reduce the frequency and duration of service outages, and will enhance efficient power usage by allowing the utilities on each island (Metlakatla on Annette Island and Ketchikan Public Utilities on Revillagigedo Island) to sell surplus power to each other.

## **PROJECT LOCATION**

The project is located within Sections 11, 14, 15 & 22, T76S R91E, C.R.M., Alaska.

Section 11 is mostly within the Ketchikan Gateway Borough (KGB).

- The substation north of the highway is on KGB Parcel No. 702340021000, Lot 3B-1, Seawatch Estates Subdivision, Plat No. 200-63, owned by KGB.
- The Alaska Department of Transportation and Public Facilities has the permitting authority in the Highway Right of Way.
- The Mountain Point landing site is on Parcel No. 702340017000, 3D2, ASLS 89-102, Plat NO. 92-24, K.R.D., owned by KGB.
- Generally, the waters along the proposed route in Section 11 are State of Alaska Waters. (The true dividing line of waters within the Annette Island Indian Reservation is a 3,000 feet offset line from the islands.)

Sections 14, 15 & 22 are generally within the Annette Island Indian Reservation, established by an act of Congress dated March 3, 1891 (26 Stat. 1101, 25 U.S.C. Sec. 495). An interest in the waters within 3,000 feet of the Islands was granted by Presidential Proclamation No. 1332 signed April 28, 1916.

## **PROJECT DESCRIPTION**

This plan of development includes descriptions of and guidelines for the design, construction, operation, reclamation, and maintenance of the project. Metlakatla will construct and operate the project in conformity with this plan of development.

Metlakatla Power & Light ("Metlakatla") is planning to extend its utility infrastructure from Annette Island to Revillagigedo Island. The project will extend power from a substation near the water at Mountain Point on Revillagigedo Island, cross the highway & one parcel of land owned by the Ketchikan Gateway Borough (KGB), cross Revillagigedo to Race Point, go overland 0.34 miles across Race Point, cross Annette Bay to a point near the ferry terminal and tie into an existing power line.

The project is described in following pages in five segments, three terrestrial, or upland segments over 0.40 miles, and two segments with tidelands and submerged lands over 1.75 miles, with a whole project length of 2.15 miles.

## Preconstruction Activities

Based on a preliminary assessment the following actions will be undertaken during the preconstruction phase:

### Required Permits

- State of Alaska DNR — A portion of the navigable waters are under the jurisdiction of State of Alaska. Metlakatla will need to obtain an easement from State of Alaska DNR—Division of Mining, Land, and Water. Application applied for.
- Annette Islands Indian Reservation — A permit will be needed from the Annette Islands Indian Reservation. Contact was made in 2019 with BIA's Bodie Shaw in Portland Oregon. He is the acting superintendent for Annette Island Indian Reservation. The Metlakatla Electric Utility will obtain any necessary BIA or Tribal easements or permits.
- U.S. Army Corps of Engineers — Given this area's classification as navigable waters of the United States, and some uplands crossing wetlands, Metlakatla will need to obtain a permit from the U.S. Army Corps of Engineers.
- Ketchikan Gateway Borough (KGB) — KGB is the uplands owner at the Mountain Point landing, and the substation connection point, so Metlakatla will need to obtain an easement to cross this property. An application to KGB for an easement crossing their land is underway.
- State of Alaska DOT&PF — To connect the cable to the Mountain Point Substation, Metlakatla needs to cross the S. Tongass Highway via an existing underground conduit bank. Metlakatla will need to obtain a utility permit from DOTPF for this activity. Given their short turnaround time, DOT&PF prefers that an application be received just before construction. DOT&PF has issued permits for this project in the past, with no complications.

### Marine Route Survey

A bathymetry survey will be conducted along the proposed fiber route. This survey will be conducted off a small locally operated vessel (4 crew members expected) outfitted with swath bathymetry and GPS systems to chart the sea floor. The survey will identify obstacles and bottom conditions to avoid and allow final armoring and installation plans to be developed for the cable. The survey will not deploy high powered sediment penetrating sub-bottom profiling equipment but will use the back scatter information and side scan to identify bottom sediments along with periodic bottom sampling. (See Exhibit 1030, of the overall project with a Nautical Chart background and shore landing profiles.)

## Project Construction, Operation, and Maintenance

The following section generally describes the activities that are anticipated to occur during project construction and throughout operation and maintenance of the project.

The work is scheduled to be performed starting August, 2020, and will take 6-9 months to complete.

The underwater cable installation is expected to require up to 10 personnel and will utilize sectional barges, motor boats, cable reels, cable handling gear, and surveying/recording equipment. Crews will be housed on shore in local accommodations. The majority of the cable will be surface laid onto the seafloor with sufficient slack to ensure it fully conforms to the underwater contours. In areas of high boat use, fishing or ice scouring the cable will be buried into the seafloor using a water injection method or under water plow. Both methods disturb only a small area where the cable is buried in the sediments.

The cable will be direct buried using standard plowing/trenching methods; in areas of possible erosion or shoreline movement, split cast iron pipe may be placed over the cable.

The undersea cable will be spliced to terrestrial cable in a vault above high water level. Bedrock on the shoreline is anticipated at Mountain Point on Revillagigedo Island. Armored split pipe may be used to protect and isolate the pipe in other tideland areas where plowing is prevented by rock or other obstacles, to a depth of ten feet below lower low water.

### **Segment 1: Annette Island Upland, Existing Power line To Shoreline**

Related Exhibits: 1030, Overall Project; 1029, Walden Point Plan View; 5018 & 5019, Pad Mount Meter, Recloser and Underground Assemblies; Profile-Walden Point.

This segment begins between pole 4841 and pole 4843 at the existing overhead distribution line near the Ferry Terminal and by Walden Point Road. Poles 4842, 4844, and 4845 will be installed with 30 feet of overhead conductor and recloser. 45 feet of conduit will be installed from pole 4845 to the Submarine cable vault above the high water line, which will enclose the subsea-to-terrestrial cable splice.

National Wetlands Inventory mapping shows this segment traverses Freshwater Emergent Wetlands.

Standard trenching will be accomplished with excavator machinery at a depth of 30" of cover over conduit. Where shallow bedrock is encountered, concrete encasement at a 6" depth of cover will be allowed.

Trenches will not be constructed or backfilled to drain surface waters. Ditch plugs will be used to prevent this scenario.

Excess materials not needed for over-fill for subsidence will be removed to a non-wetland location east of the existing Ferry Terminal using an excavator and standard dump truck.

Regional condition E, Delineation of footprint with highly visible markers will be met.

Natural drainage patterns will be maintained to prevent ponding or dewatering of areas adjacent to trenching areas.

Fresh water streambank revegetation and protection is not anticipated for this project, but if encountered will follow Streambank Revegetation and Protection: A guide for Alaska Revised



## 2005

An 8'W x 14'L x 8'T vault will be installed for the transition from upland to undersea cable and to anchor the submarine cable.

### **Segment 2: Tidelands and Underwater Across Annette Bay to Race Point**

Related Exhibits: 1030, Overall project; 1029, Walden Point Plan View; Profile Mountain Point; Profile-Race Point South.

This segment is 3,477 feet, in Annette Reservation waters. The underwater cable installation is expected to require up to 10 personnel and will utilize sectional barges, motor boats, cable reels, cable handling gear, and surveying/recording equipment. Crews will be housed on shore in local accommodations.

The majority of the submarine cable will be buried in the seafloor using an underwater plow. The cable will be a 35kV cable with three 350kcmil copper conductors and two 12-strand fiber optic members. The plow will generate a high-pressure water jet that will dig a small, narrow trench. As the water jet moves across the seafloor, it will pull the cable into the trench. The motion of the water will then wash sediment into the trench and quickly fill up the trench.

Water abrasion and impact protection will be provided through tidelands and to a depth of 10 feet below Mean Lower Low Water by Protectorshell® Articulated Ductile Iron to ISO 1083 Pipe standard or approved equivalent. Where trenching is not possible due to boulders or bedrock, the guard pipe will be bolted to bedrock or boulders with a Protectorshell® Articulated Ductile Iron to ISO 1083 Pipe shell. The cast iron pipe is inert in the marine environment and is readily colonized by marine flora and fauna.

All shorelines will be returned to their original condition. This work is expected to require up to 6 personnel and will utilize a backhoe, splicing gear, winch, tent, small boat, and scuba dive gear.

### **Segment 3: Race Point Peninsula Upland Crossing**

Related Exhibits: 1030, Overall Plan view; 5020, Junction Box details; Profile-Race Point South; Profile-Race Point North.

The transition from undersea to upland cable and anchor for the submarine cable will be made at an 8'W x 14'L x 8'T vault.

National Wetlands Inventory mapping shows this segment traverses Freshwater Emergent Wetlands. Trenching methods will be the same as described in Segment 1.

A crew of four with an excavator and backhoe will be used to install the 1800 feet of 6" HDPE conduit with 35kV conductors and 2" HDPE conduit with fiber across Race Point. There will be two sets of 35kV above ground junction boxes and communication vaults in the middle of Race Point, which will be fiberglass, 69 x 43 inches with 28 inches buried. Conduit routing is subject to minor field adjustments to avoid areas with standing water.

Standard trenching will be accomplished with excavator machinery at a 30" depth of cover.

Where shallow bedrock is encountered, concrete encasement at a 6" depth of cover will be allowed.

The transition from upland to undersea cable and anchor for the submarine cable will be made at an 8'W x 14'L x 8'T vault. Trenching methods will be the same as described in Segment 1.

#### **Segment 4: Tidelands and Underwater Across Revillagigedo Channel**

Related Exhibits: 1030, Overall Plan View; Profile, Race Point North; Profile, Mountain Point; 1031, Mountain Point Plan view, Section 11 Exhibit.

This segment is 3,397 feet in Annette Reservation waters and 2,396 feet in State of Alaska Waters. The seafloor installation shall match the description in Segment 2. Water depths are anticipated to be up to 104 fathoms or 190 meters, 625 feet deep.

Where trenching is not possible, water abrasion and impact protection will be provided with guard pipe as described in Segment 2.

There is an electrical ground wire, sewer outlet and a planned fiber optic cable in the vicinity of the proposed cable landing. This proposed electrical cable will not interfere with the sewer or fiber optic cable. The ground wire location is not precisely known. Coordination with Ketchikan Utilities is essential to avoid disrupting this grounding function. One likely scenario will be the installation of a temporary ground wire during construction activities, and include a new ground wire as a part of the new construction, at a location that will be known to permitting agencies.

#### **Segment 5: Mountain Point, Upland to Substation (Not Subject to USACE Jurisdiction)**

Related Exhibits: 1030, Overall Plan View; Profile-Mountain Point; 1031, Mountain Point Plan view, Section 11 Exhibit.

The transition from undersea to upland cable and anchor for the submarine cable will be made at an 8'W x 14'L x 8'T vault. Trenching methods will be the same as described in Segment 1. Segment length is approximately 260 feet.

An existing 6" conduit for the power and a 2" conduit for the communications will be used under the South Tongass Highway. These conduits will be extended 185' to a pad mount recloser and pad mount meter outside the Mountain point substation. The conduits will then proceed from the pad mount meter to a new riser which connects to the KPU 35kV overhead circuit. Methods similar to those in Segment 1 will be used.

#### **Operation and Maintenance**

The fiber optic line will be monitored periodically, with most activity occurring in the event of an outage or fault. Equipment used for operation/maintenance activities will likely be shallow barges and/or small outboard motor boats.

#### **REASON FOR DISCHARGE**

## Volume of Material to Be Discharged, Area of Impacts

### Segment 1

Annette Island, existing power near Ferry Terminal to the shore.

Three poles will be set to support the recloser and related equipment. A Vault 14 ft. X 8 ft. will be buried to a depth of 8 ft. There will be 120 ft. of cable buried 30 inches deep.

#### Segment 1: Upland, Existing Power line To Shoreline (Presumed Wetlands)

Item	Displacement Dimensions	Displacement Area Sq. Ft.	Displacement Area Acres	Depth Ft.	Volume Cu. Ft.	Volume Cu. Yards	Ground Disturbance Area	Ground Disturbance Area, Sq. Ft.	Ground Disturbance Area, Acres
3 Poles	1.25 ft. dia	4	0.00009	8	32	1.2	1.25 x 4.14	4	0.0001
Vault	14 Ft. L. X 8 ft W.	112	0.00257	8	896	33.2	28 ft. L X 16 ft. W	448	0.0103
Cable	120 ft. L. X 1 ft. W.	120	0.00275	2.5	300	11.1	120 ft. L. X 10 ft. W	1,200	0.0275
<b>Sum Segment 1</b>		<b>236</b>	<b>0.00542</b>		<b>1,228</b>	<b>46</b>		<b>1,652</b>	<b>0.0379</b>

### Segment 2

From the northeast shore of Annette Island, to the southwest shore of the Race Point peninsula, across Annette Bay. The average discharge will be one foot wide and two feet deep. Water depths are anticipated as deep as 72 fathoms (432 feet, 132 meters) deep.

#### Segment 2: Tidelands and Underwater Across Annette Bay to Race Point

Item	Displacement Dimensions	Displacement Area Sq. Ft.	Displacement Area Acres	Depth Ft.	Volume Cu. Ft.	Volume Cu. Yards	Ground Disturbance Area	Ground Disturbance Area, Sq. Ft.	Ground Disturbance Area, Acres
Cable	3477 ft. L. X 1 ft. W.	3477	0.07982	2	6,954	257.6	3477 ft. L X 1 ft. W	3,477	0.0798
<b>Sum Segment 2</b>		<b>3477</b>	<b>0.07982</b>		<b>6,954</b>	<b>258</b>		<b>3,477</b>	<b>0.0798</b>

### Segment 3

Upland from the southeast shore of the Race Point Peninsula, through wetlands to the northeast shore of the Race Point Peninsula, the average discharge will be 1/2 foot wide by 2-1/2 feet deep.

#### Segment 3: Race Point Peninsula Upland Crossing (Presumed Wetlands)

Item	Displacement Dimensions	Displacement Area Sq. Ft.	Displacement Area Acres	Depth Ft.	Volume Cu. Ft.	Volume Cu. Yards	Ground Disturbance Area	Ground Disturbance Area, Sq. Ft.	Ground Disturbance Area, Acres
2 Vaults	14 Ft. L. X 8 ft W.	224	0.00514	8	1,792	66.4	(2) X 28 ft. L X 16 ft. W.	896	0.0206
2 Jct. Boxes	5.75 ft. L. X 3.583 ft. W.	41	0.00096	2.33	97	3.6	(2) X 5.75 ft. L X 3.583 ft. W.	41	0.0009
Cable	1,800 ft. L. X 1 ft. W.	1800	0.04132	2.5	4,500	166.7	1800 ft. L X 10 ft. W.	18,000	0.4132
<b>Sum Segment 3</b>		<b>2065</b>	<b>0.04743</b>		<b>6,389</b>	<b>237</b>		<b>18,937</b>	<b>0.4347</b>

### Segment 4

From the northeast shore of the Race Point Peninsula across Revillagigedo Channel to Mountain Point. The average discharge will be one foot wide and two feet deep. Water depths are anticipated to be up to 104 fathoms, (190 meters, 625 feet) deep.

**Segment 4: Tidelands and Underwater Across Revillagigedo Channel**

Item	Displacement Dimensions	Displacement Area Sq. Ft.	Displacement Area Acres	Depth Ft.	Volume Cu. Ft.	Volume Cu. Yards	Ground Disturbance Area	Ground Disturbance Area, Sq. Ft.	Ground Disturbance Area, Acres
Cable in State	2396 ft. L X 1 ft. W.	2396	0.05500	2	4,792	177.5	2396 ft. L X 1 ft. W.	2,396	0.0550
Cable in Reservation	3397 ft. L X 1 ft. W	3397	0.07798	2	6,794	251.6	3397 ft. L X 1 ft. W.	3,397	0.0780
<b>Sum Segment 4</b>		<b>5793</b>	<b>0.13299</b>		<b>11,586</b>	<b>430</b>		<b>5,793</b>	<b>0.1330</b>

**Segment 5**

From the shore of Mount Point, across Ketchikan Gateway Borough property, across the Highway Right of Way to Ketchikan Gateway Borough property.

**Segment 5: Mountain Point, Upland to Substation (Not Subject To USACE Jurisdiction)**

Item	Displacement Dimensions	Displacement Area Sq. Ft.	Displacement Area Acres	Depth Ft.	Volume Cu. Ft.	Volume Cu. Yards	Ground Disturbance Area	Ground Disturbance Area, Sq. Ft.	Ground Disturbance Area, Acres
Vault	14 Ft. L. X 8 ft W.	112	0.00257	8	896	33.2	28 ft. L X 16 ft. W,	448	0.0103
Cable	260 ft. L X 1 ft. W.	260	0.00597	2.5	650	24.1	260 ft. L X 1 ft. W.	260	0.0060
<b>Sum Segment 1</b>		<b>372</b>	<b>0.00854</b>		<b>1,546</b>	<b>58</b>		<b>708</b>	<b>0.0163</b>

**MITIGATION STATEMENT**

As part of standard operating procedures (“SOP”), standard mitigation measures will be implemented throughout the project to reduce potential adverse environmental impacts. Most of the project impacts will be short term and generally occur during the construction period. Project design and implementation of site-specific or selectively recommended mitigation measures will minimize the effect of the project where the potential for long-term adverse impacts may occur.

**Avoidance**

To transfer power from Annette Island to Revillagigedo Island, a direct connection to each island’s respective power network is needed. Given that Annette Island is completely surrounded by water, impacts to waters of the United States are unavoidable. Without a direct power connection between these locations, MP&L will not be able to achieve this project’s goal of improving the reliability and quality of electric/communications services on both Annette Island and Revillagigedo Island. A submarine cable is the only alternative for completing this project.

Crossing the Race Point Peninsula mapped wetland area can be avoided by installing undersea cable around the peninsula. This would increase the undersea length from 2.1 miles to 4.7 miles, effectively doubling the project cost and the undersea cable impact area. The overland segment across the peninsula will be easier to maintain, and will make any undersea cable repair more easily identifiable.

**Minimization**

The cable will be installed in a manner that minimizes impacts to waters of the U.S. to the extent practicable. During installation, an underwater plow will be used to ensure that only a small portion of the seafloor will be temporarily disturbed. After installation, the only permanent impact will be a single 4” cable. To avoid adverse impacts with other users of these waters (for example, boats with anchors), the cable will be buried into the seafloor, or secured with split pipe



and bolted to rock. The preferred method to protect the cable in tideland areas is to be buried, where it can't be buried, it shall be install in Protectorshell® Articulated Ductile Iron to ISO 1083 Pipe. This protective pipe can be bolted to large rocks or bedrock. After a detailed design survey is obtained, the design across the tideland area at Mountain Point will be refined. On the upland area, exposed bedrock may require protective armor piping.

MP&L will only need to access the cable periodically after installation, with most activity occurring in the event of an outage or fault.

The overland segments through mapped wetland areas will be minimized by using the least impactful type of trenching excavation methods or Articulated Ductile Split Pipe.

### **Compensation**

Given that this project provides an important public benefit to residents of both Annette Island and Revillagigedo Island, and that the project cannot be completed without impacting waters of the U.S., MP&L proposes that no compensation be required for the small impacts that this project will have.

### **ADJOINING PROPERTY OWNERS**

The adjoining upland owner on the Mountain Point side is the Ketchikan Gateway Borough.

While the State of Alaska would normally manage all ocean waters in this area, Presidential Order No. 1332 transferred the waters within 3,000 feet of the Annette Island Indian Reservation to the Indian Reservation.

The upland owners on the Race Point Peninsula and the main shore entry on Annette Island is the Annette Island Indian Reservation, created by an act of Congress dated March 3, 1891 (26 Stat. 1101, 25 U.S.C. Sec. 495).

## LIST OF ILLUSTRATIONS

### EXHIBITS

Drawing #	Contents
1029	Walden Point Plan View
1030	Overall project, Nautical Chart, Landing Profiles
1031	Mountain Point Landing, Aerial Photo Background
5001	Mountain Point Riser/Recloser/Tap
5018	Pad Mount Recloser, Underground Assemblies
5019	Pad Mount Meter, Underground Assemblies
5020	Race Point Peninsula Underground Assemblies, Jct Boxes
N/A	Profile-Mountain Point
N/A	Profile-Race Pnt North
N/A	Profile-Race Pnt South
N/A	Profile-Walden Point
N/A	Section 11 Exhibit Topo Map Background
PROTECTOR SHELL	Split Pipe Protector Details
MOUNTAIN POINT AERIAL	MOUNTAIN POINT AERIAL



**DEPARTMENT OF THE ARMY**  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 6898  
JBER, AK 99506-0898

February 5, 2020

Regulatory Division  
POA-2019-00682

Metlakatla Power and Light  
Attention: Mr. John Cameron  
Post Office Box 359  
Metlakatla, Alaska 99926

Dear Mr. Cameron:

This is in response to your November 25, 2019, application for a Department of the Army (DA) permit on behalf of Metlakatla Power and Light, to discharge 232 cubic yards (CY) of dredged material into 0.47-acre of wetlands and 688 CY of dredged material into 0.21-acre below the high tide line (HTL) in order to install a submarine cable that will connect Annette Island and Revillagigedo Island. It has been assigned number POA-2019-00682 which should be referred to in all future correspondence with this office. The project site is located within Sections 11, 14, 15, & 22, T. 76 S., R. 91 E., Copper River; USGS Quad Map Ketchikan B-5; Latitude 55.2893° N., Longitude 131.5825° W.; between Metlakatla and Ketchikan, Alaska.

DA permit authorization is necessary because your project will involve work in and placement of dredged material into waters of the United States (U.S.) under our regulatory jurisdiction. Specifically, the work will involve:

- a. Segment 1 will begin between pole 4841 and pole 4843 at the existing overhead distribution line near the Ferry Terminal and by Walden Point Road. Poles 4842, 4844, and 4845 will be installed with 30 feet of overhead conductor and recloser. 45 feet of conduit will be installed from pole 4845 to the Submarine cable vault above the high water line, which will enclose the subsea-to-terrestrial cable splice. Total impacts to wetlands will include 46 CY of fill into 0.0379-acre.
- b. Segment 2 will include 3,477 feet of buried cable beginning in tidelands continuing to a transition vault on Race Point. Total impacts to waters of the U.S. below the HTL will include 258 CY of fill into 0.0798-acre.
- c. Segment 3 will include 1,800 feet of cable across Race Point. There will also be two sets of above ground junction boxes and communication vaults buried 28 inches. Total impacts to wetlands will include 237 CY of fill into 0.4347-acre.

-2-

- d. Segment 4 will include 3,397 feet of cable in Annette Reservation waters and 2,396 feet in State of Alaska waters. The segment of cable will begin at the transition vault on Race Island and will end in uplands on Mountain Point. Impacts to waters of the US below the HTL in State waters will include 177.5 CY of fill into 0.0550-acre. Impacts to waters of the U.S. below the HTL in Reservation waters will include 251.6 CY of fill into 0.0780-acre. Total impacts below the HTL for segment 4 will be 430 CY of fill into 0.1330-acre.

Based upon the information and plans you provided, we hereby verify that the work described under item "a" above is authorized by Nationwide Permit (NWP) No. 12, Utility Line Activities. The work described under item "b" above, is authorized by NWP No. 12, Utility Line Activities. The work described under item "c" above, is authorized by NWP No. 12, Utility Line Activities. The work described under item "d" above, is authorized by NWP No. 12, Utility Line Activities. All work will be performed in accordance with the enclosed plan (sheets 1-25), dated November 25. NWP No. 12 and the associated Regional and General Conditions can be accessed at our website at: [www.poa.usace.army.mil/Missions/Regulatory/Permits](http://www.poa.usace.army.mil/Missions/Regulatory/Permits). Regional Conditions C – Activities Involving Trenching, D – Site Restoration for Project with Ground Disturbing Activities, E – Delineation of Project Footprint, and F – Maintenance of Hydrology Patterns apply to your project. You must comply with all terms and conditions associated with NWP No. 12 as well as with the special conditions listed below:

1. The National Oceanic and Atmospheric Administration (NOAA), Office of Coast Survey, Marine Chart Division, National Ocean Service (NOS) have been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notifications to NOS will be sent to the following address: Nautical Data Branch, Attention: John Whiddon, N/CS261 Room 7220, 1315 East-West Highway, Silver Spring, Maryland 20910.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work is completed. Enclosed is the form for you to complete and return to us. In addition, you must implement and abide by the conditions of your individual Section 401 Water Quality Certification issued for this project on January 30, 2020 by the Environmental Protection Agency. For your convenience, a copy of the certification is attached if it contains such conditions.

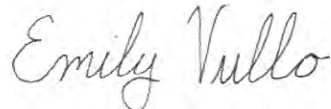
This verification is valid until the NWPs are modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued.



-3-

Please contact me via email at: [Emily.N.Vullo@usace.army.mil](mailto:Emily.N.Vullo@usace.army.mil), by mail at the address above, by phone at (907) 753-2704, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of this letter, regional and/or general conditions. For additional information about our Regulatory Program, visit our website at: [www.poa.usace.army.mil/Missions/Regulatory](http://www.poa.usace.army.mil/Missions/Regulatory).

Sincerely,

A handwritten signature in cursive script that reads "Emily Vullo".

Emily Vullo  
Regulatory Specialist

Enclosures



**US Army Corps of Engineers  
Alaska District**

Permit Number: POA-2019-00682

Name of Permittee: Metlakatla Power and Light

Date of Issuance: February 5, 2020

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Emily Vullo at the following address:

U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

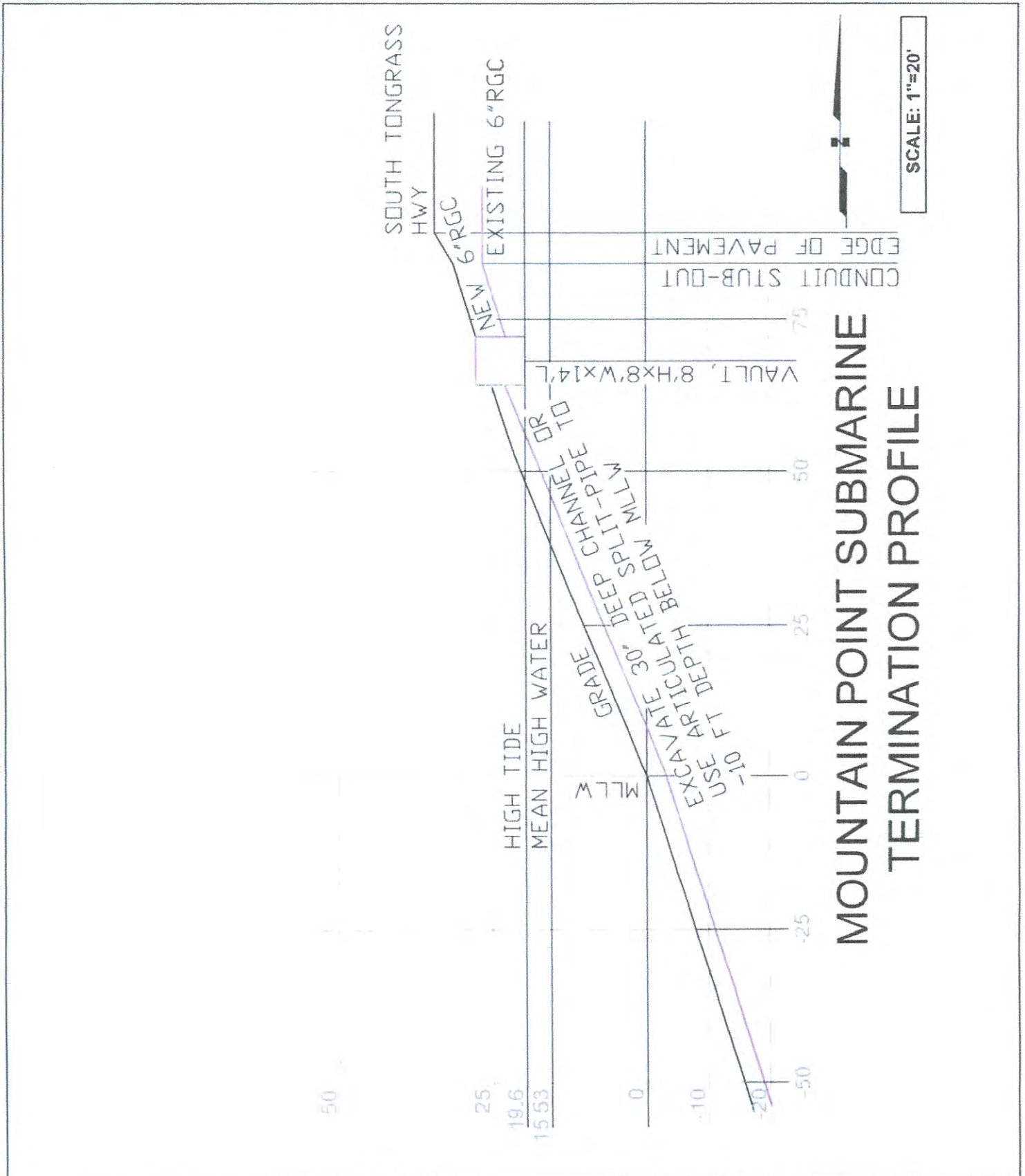
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Signature of Permittee

\_\_\_\_\_  
Date

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N/A	Section 11 Exhibit Topo Map Background
PROTECTOR SHELL	Split Pipe Protector Details
MOUNTAIN POINT AERIAL	MOUNTAIN POINT AERIAL



**electric Power Systems**  
 Consulting Engineers  
 TEL: (907) 522-1953  
 FAX: (907) 522-1182

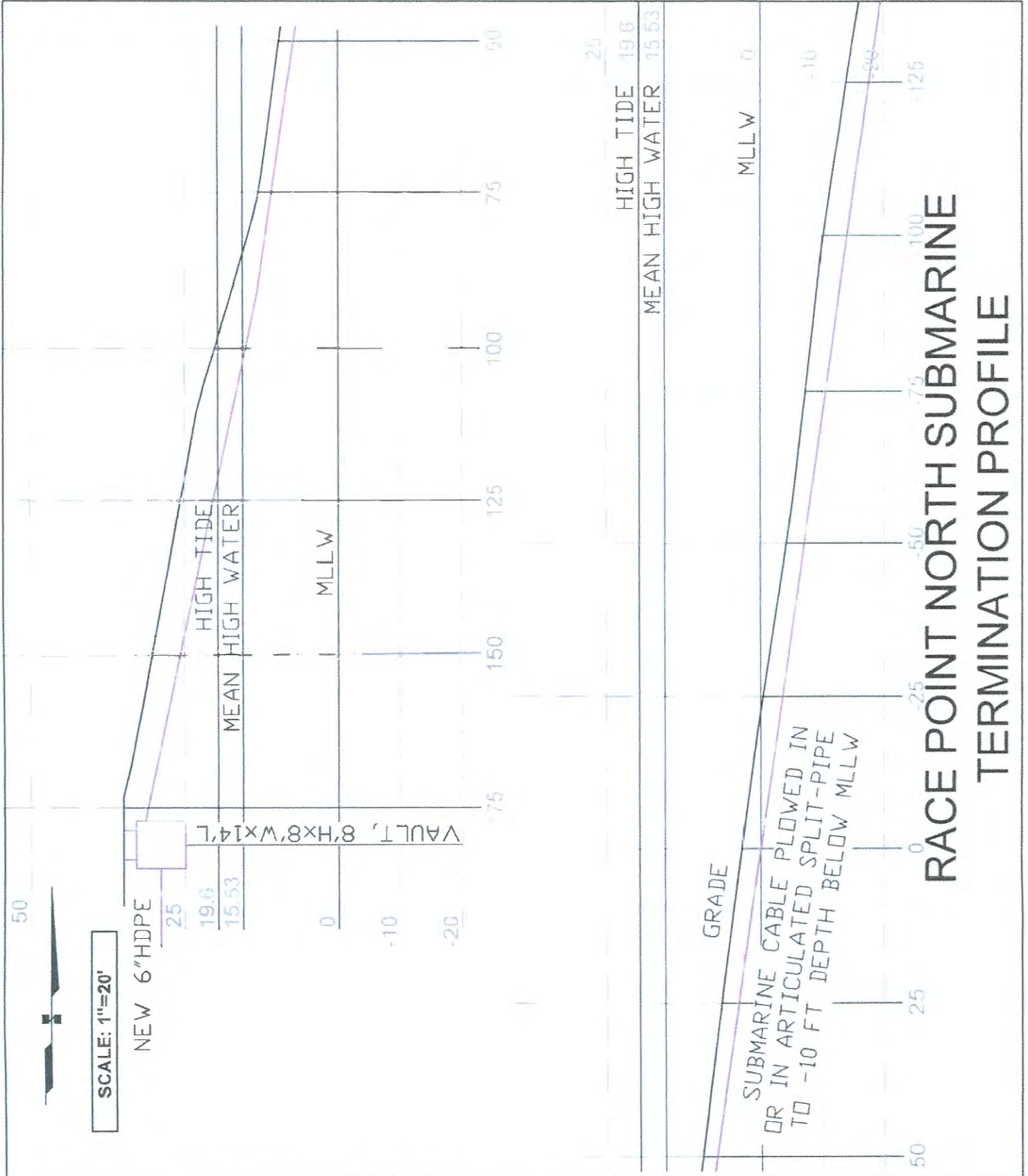
ENG. STAMP

**MELAKATLA POWER AND LIGHT  
 METLAKATLA-KETCHIKAN INTERTIE  
 MOUNTAIN PT. 35kV SUBMARINE TERM. PROFILE**

DESIGNER/PROJECT ENGINEER: CHRIS DAVIS

REV	DATE	DESCRIPTION	DRAWN	APPROVED
A	3-9-12	INITIAL REVISION	CTD	
B	8-22-19	REVISED ROCK EMBEDMENT	CTD	





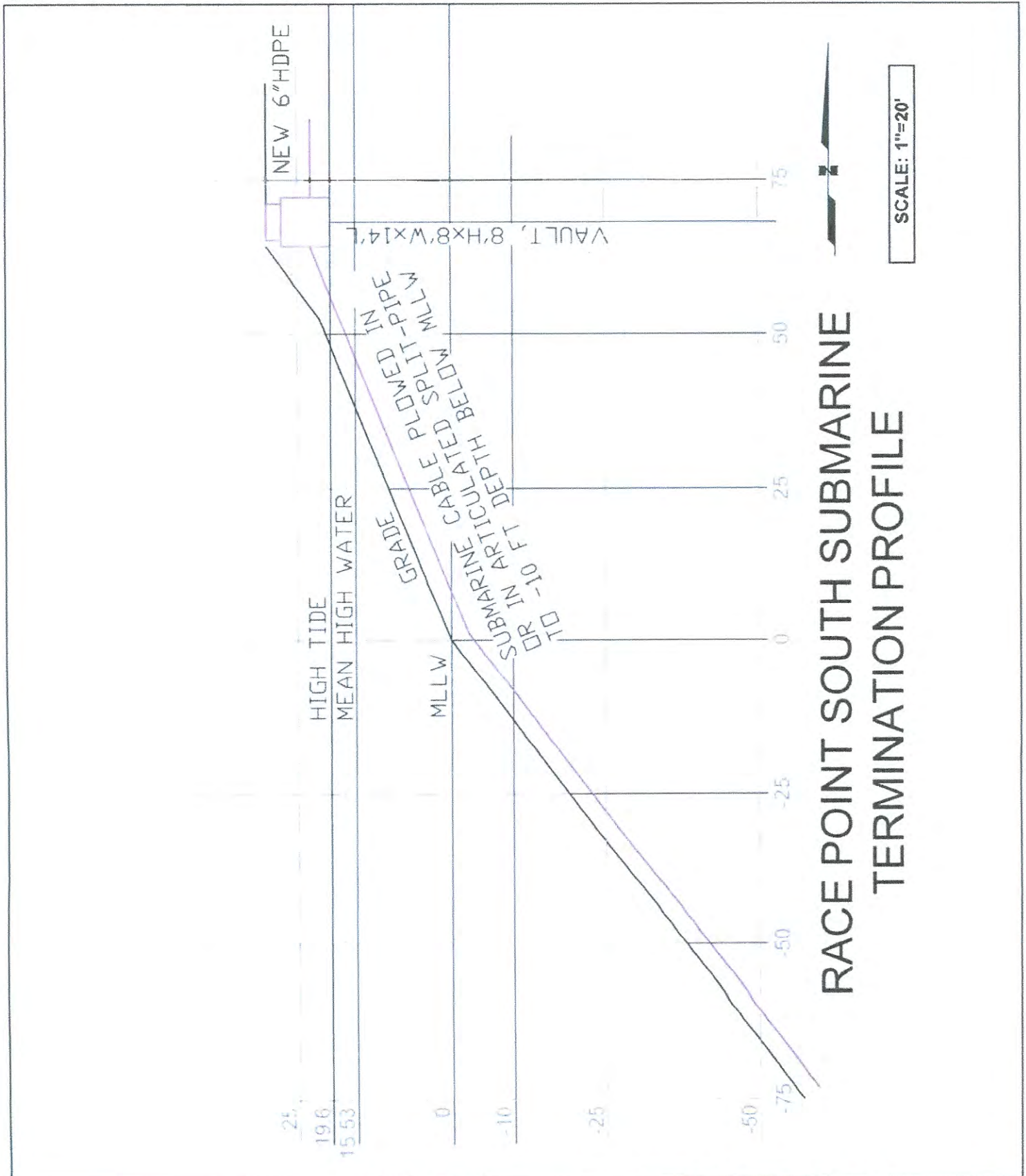
**Electric Power Systems**  
 Consulting Engineers  
 TEL: (907) 522-1953  
 FAX: (907) 522-1182

ENG. STAMP

**MELAKATLA POWER AND LIGHT  
 METLAKATLA-KETCHIKAN INTERTIE  
 RACE PT. N. 35kV SUBMARINE TERM. PROFILE**

DESIGNER/PROJECT ENGINEER: **CHRIS DAVIS**

REV	DATE	DESCRIPTION	DRAWN	APPROVED
A	11-22-17	INITIAL REVISION	CTD	



**RACE POINT SOUTH SUBMARINE  
 TERMINATION PROFILE**

SCALE: 1"=20'

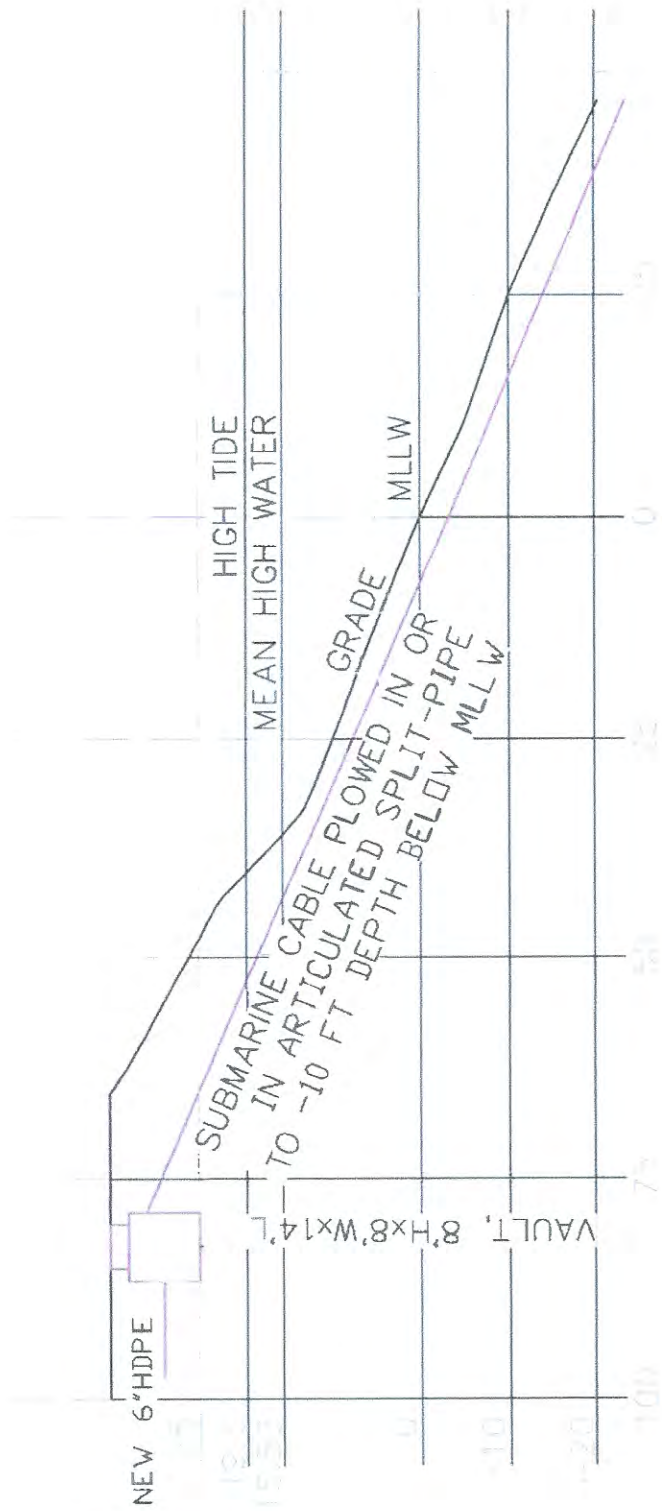
ENG. STAMP

**MELAKATLA POWER AND LIGHT  
 METLAKATLA-KETCHIKAN INTERTIE  
 RACE PT. S. 35kV SUBMARINE TERM. PROFILE**

DESIGNER/PROJECT ENGINEER: **CHRIS DAVIS**


REV	DATE	DESCRIPTION	DRAWN	APPROVED
A	8-22-19	INITIAL REVISION	CTD	





# WALDEN POINT SUBMARINE TERMINATION PROFILE

SCALE: 1"=20'

 <p><b>Electric Power Systems</b>          Consulting Engineers          TEL: (907) 522-1953          FAX: (907) 522-1182</p>	ENG. STAMP	<b>MELAKATLA POWER AND LIGHT                  METLAKATLA-KETCHIKAN INTERTIE                  WALDEN POINT 35kV SUBMARINE TERM. PROFILE</b>			
	DESIGNER/PROJECT ENGINEER: CHRIS DAVIS				
	REV A	DATE 3-9-12	DESCRIPTION INITIAL REVISION	DRAWN CTD	APPROVED

# Protectorshell

**Protectorshell Articulated Pipe** has been developed to provide shallow water abrasion and impact protection for submarine cables.

**Protectorshell** is unique in that it clips together, avoiding the nuts and bolts of traditional articulated pipe. This clip together feature allows quick real time application during laying and a much simplified diver installation onto pre-laid cables.

The **Protectorshell** system comprises two different cast segments which are identified as uppers and lowers. Each successive pair of segments clips over and retains the end of the preceding pair.

A wide range of adaptors and attachments are available for use with **Protectorshell** Articulated Pipe. These adaptors and attachments allow the reversal of application direction and interfacing with other cable protection measures such as directionally drilled pipes, pipe flanges and concrete abutments.



## PS180/500/10

Specifications	
Segment Length - Overall	570mm
Effective Installed Length/segment pair	500mm
Minimum Internal Diameter	180mm - for cables up to 160mm Dia
Maximum External Diameter	314mm
Wall Thickness	10mm
Material	Ductile Iron to ISO 1083
Tensile Strength / Elongation	400MPa / 15%
Impact Resistance	≥7.5kJ
Minimum Bend Diameter	4.0m
Weight per Segment	31kg
Weight per installed metre (air)	62kg
Weight per installed metre (water)	53.2kg
Fasteners	M16x70 Bolt and M16 Nyloc Nut – Material: Stainless Steel G316/A4 Recommended usage: 1 pair per 10 metres of installed pipe

**Protectorshell SL**  
 C Regata Cutty Sark No 21 4 12 15002 La Coruña, Spain  
 T: +34 8 8124 1115 F: +34 8 8192 4978

[www.protectorshell.com](http://www.protectorshell.com)

**MS Diversified Services Pty Limited**  
 PO Box 150 Maroubra NSW 2035 Australia  
 1135 Anzac Parade, Matraville, NSW 2036 Australia  
 T: +61 2 9694 1004 F: +61 2 9314 3526







# Okoguard® Submarine Cable

**15 kV Shielded Power Cable**  
**3 Copper Conductors/90°C Rating**  
**133% Insulation Level**



- Conductor- Copper
- Strand Screen- Extruded Semi-conducting EPR
- Insulation- Okoguard
- Insulation Screen- Extruded Semi-conducting EPR
- Shield- Copper Tape
- Jacket- Okolene
- Fillers- Polypropylene
- Binder Tape
- Bedding- Polypropylene
- Armor- Galvanized Steel Wires
- Covering- Nylon Serving Slushed with tar

Okoguard is Okonite's registered trade name for its exclusive ethylene-propylene rubber (EPR) based, thermosetting compound, whose optimum balance of electrical and physical properties is unequalled in other solid dielectrics. The clean red color of Okoguard is the result of an evolutionary development in ethylene-propylene compounding to gain greater dependability of the electrical characteristics. Okoguard insulation, with the distinctive red color and a totally integrated EPR system, provides the optimum balance of electrical and physical properties for long, problem free service.

Strand and insulation screens are extruded semiconducting EPR materials completely compatible with the insulation. In addition, they are triple-tandem extruded with the insulation to provide a contaminate and ionization-free interface that will not separate with time and become a source of corona discharge. A 5-mil thick copper tape with 25% overlap is applied over the outer screen completes the shielding system.

Each insulated conductor is covered with an extruded Okolene (Polyethylene) jacket. Multiple galvanized steel wires provide the primary mechanical protection and, in addition, provide longitudinal strength for laying the cable on the sea bottom and, if ever necessary, for its retrieval. Each armor wire may be provided with a high density polyethylene jacket for additional corrosion protection. A heavy layer of tough nylon over the armor protects it from scrapes and damage during the laying process.

The individually jacket single conductors are assembled with fillers and a binder tape overall. One or more ground conductors can be placed in outer interstices of the cable. Over the core binder, a layer of polypropylene yarn is applied as an armor bedding. The armor is applied over the bedding and a tough nylon serving slushed with tar is applied overall.

**Conductor:** Uncoated (or optional coated), Class B stranded per ASTM B-8, and compressed.

**Strand/Insulation Screens:** Thermoset semiconducting EPR screens triple-tandem extruded with and bonded to the insulation exceed the physical and conductivity requirements of ICEA S-93-639/NEMA WC74 and AEIC CS8.

**Insulation:** Meets or exceeds electrical and physical requirements of ICEA S-93-639/NEMA WC74 and AEIC CS8 where applicable.

**Shield:** 5 mil bare copper tape helically applied.

**Jacket:** Black Okolene (polyethylene) meets or exceeds the requirements of ICEA S-93-639/NEMA WC74 and ASTM D-1248.

**Armor:** Meets physical requirements of ICEA S-93-639/NEMA WC74 for Division I type round galvanized steel armor wire.

- Triple-tandem extruded, all EPR system. Custom designed.

- Other voltages available.

- URO-J concentric neutral cable design for the 1/C cables are also available.

- Okoguard cables meet or exceed all recognized industry standards UL, AEIC, NEMA/ICEA.

- 105°C continuous operating temperatures.

- 140°C emergency rating.

- 250°C short circuit rating.

- Excellent corona resistance.

- Exceptional resistance to "treeing".

- Specially designed control, signal and fiberoptic components can be included in the cable interstices.

- Okoguard Submarine Power Cables are also available with 5, 8, 25 and 35kV ratings.

# Okoguard Submarine Cable

**15 kV Shielded Power Cable**  
 3 Copper Conductors/90°C Rating  
 133% Insulation Level

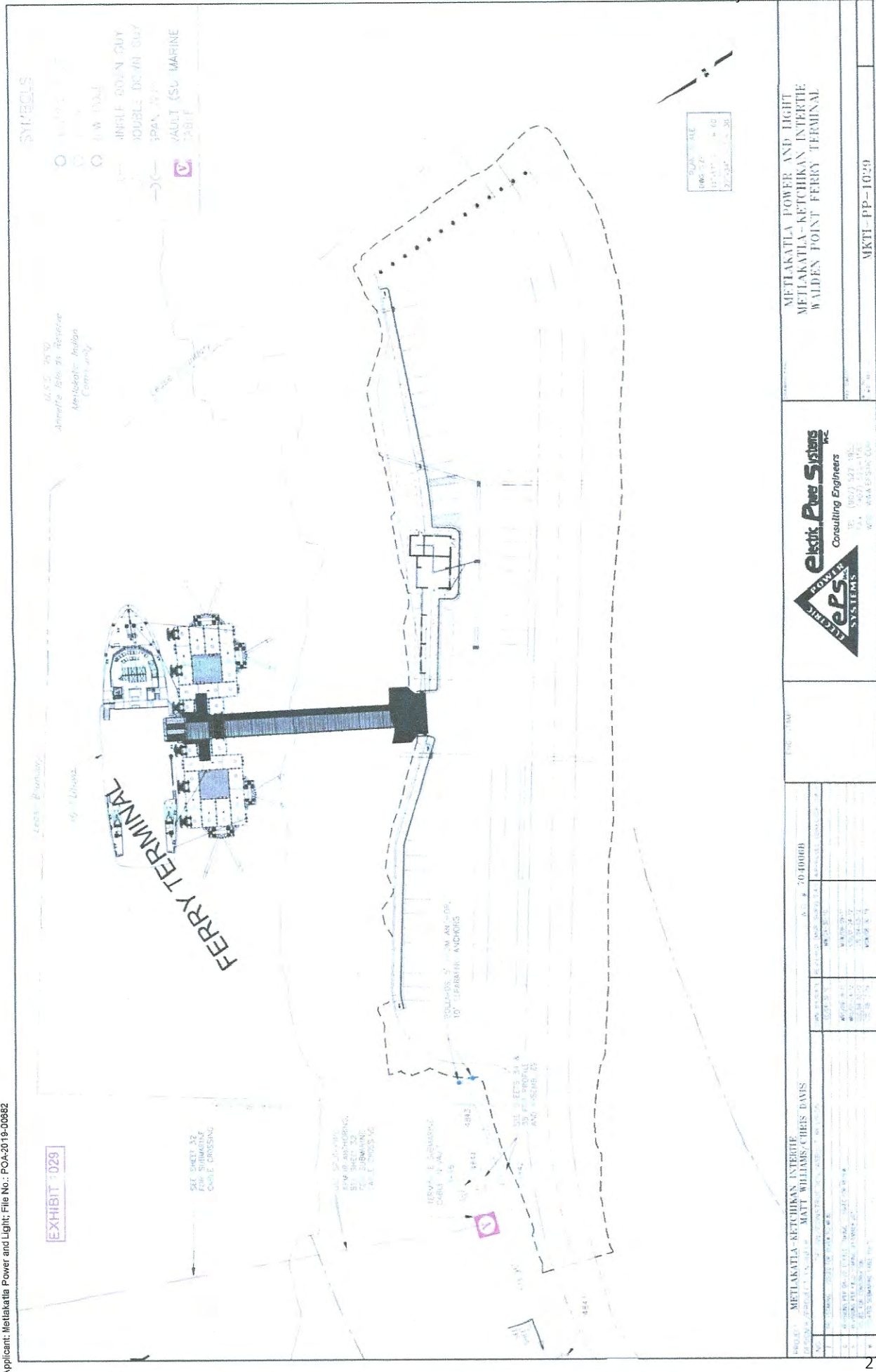
Product Data  
 Section 7 Sheet 30

## Typical Sizes Available

Catalog Number	Conductor Size (AWG/kcmil)	Approx. Dia. over Insulation - Inches	Approx. Dia. over Screen - Inches	Approx. O.D. - Inches	Approx. Net Weight lbs./1000'
<b>Okoguard Insulation: 15kV - 220 Mils</b>					
115-23-8502	2(7x)	0.79	0.85	3.12	7,603
115-23-8504	1(19x)	0.83	0.89	3.20	8,001
115-23-8506	1/0(19x)	0.87	0.93	3.39	9,583
115-23-8508	2/0(19x)	0.91	0.97	3.48	10,155
115-23-8512	4/0(19x)	1.02	1.08	3.70	11,663
115-23-8518	350(37x)	1.18	1.24	4.05	14,130
115-23-8520	500(37x)	1.31	1.37	4.33	16,498
115-23-8522	750(61x)	1.49	1.55	4.72	20,162







**EXHIBIT 029**

SEE SHEET 32 FOR SHIMMOKY CABLE CROSSING

SEE SHEET 32 FOR SHIMMOKY CABLE CROSSING

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

FERRY EASEMENT

10' SPAN 33' W/ 15' CLEARANCE

SEE SHEET 31

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

U.S. AIR FORCE METLAKATLA AIRFIELD

**METLAKATLA POWER AND LIGHT**

**METLAKATLA-KETCHIKAN INTERTIE**

**WALDEN POINT FERRY TERMINAL**

MKT1-PP-1029



MATT WILLIAMS - CHRIS DAVIS

PROJECT NO. 70-10016B

DATE: 11/20/19

SCALE: AS SHOWN

DATE: 11/20/19

DATE: 11/20/19

DATE: 11/20/19

DATE: 11/20/19

DATE: 11/20/19

DATE: 11/20/19

DATE: 11/20/19

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DATE: 11/20/19

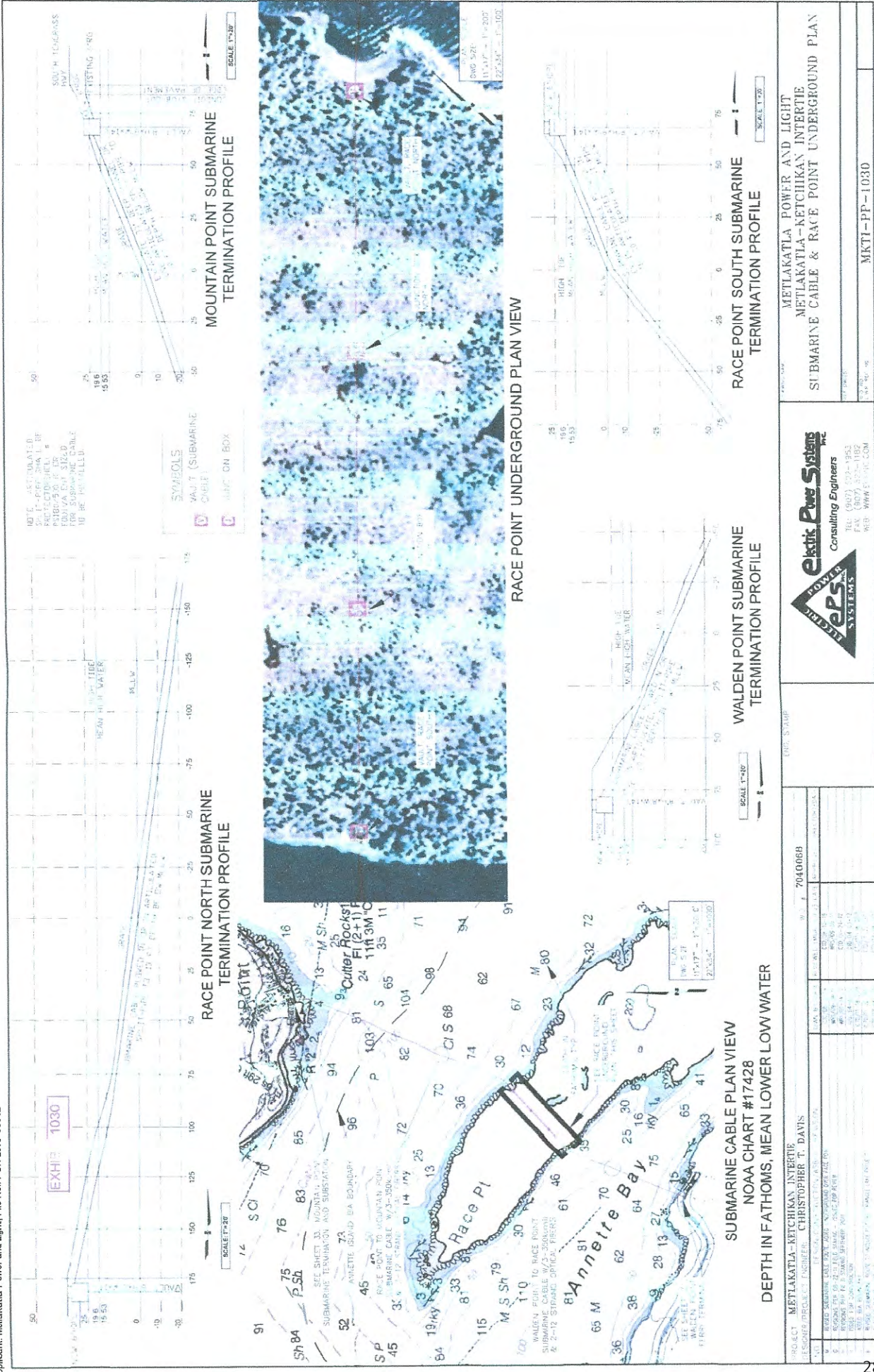
DATE: 11/20/19

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DATE: 11/20/19



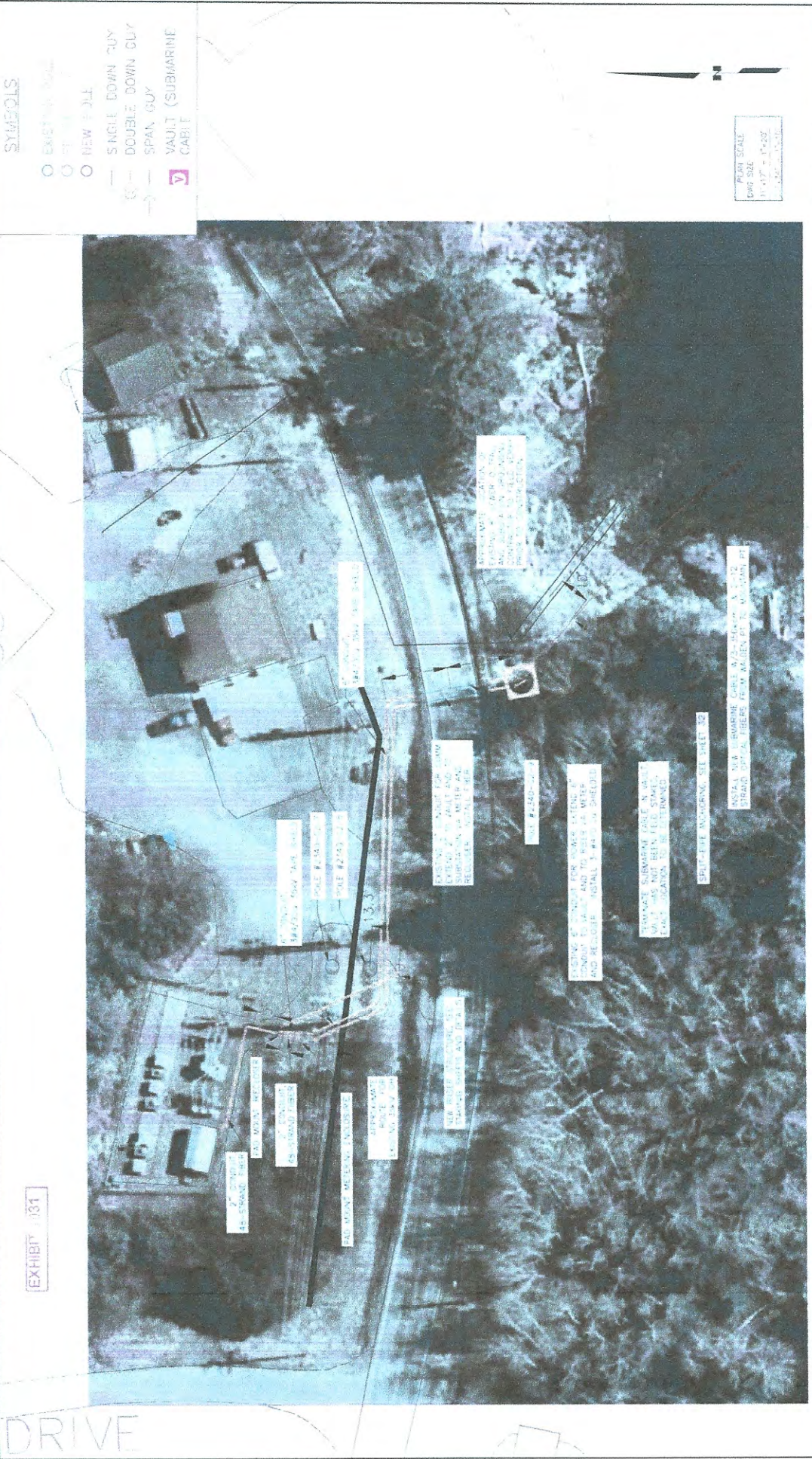
Applicant: Metlakatla Power and Light; File No.: FOA-2019-00682



PROJECT: METLAKATLA-KETCHIKAN INTERTIE  
 DESIGNER: CHRISTOPHER T. DAVIS  
 DATE: 11/15/19  
 SHEET: 1030 OF 1030  
 SCALE: AS SHOWN  
 PROJECT NO.: 70400689  
 DRAWING NO.: 1030-19-01  
 SHEET NO.: 1030-19-01  
 PROJECT: METLAKATLA-KETCHIKAN INTERTIE  
 SUBMARINE CABLE & RACE POINT UNDERGROUND PLAN  
 MKTI-PP-1030



Applicant: Metlakatla Power and Light; File No.: POA-2019-00682



**SYMBOLS**

- EXISTING POLE
- NEW POLE
- NEW TOWER
- SINGLE DOWN GUY
- DOUBLE DOWN GUY
- SPAN GUY
- VAULT (SUBMARINE CABLE)

GRAPHIC SCALE  
 1" = 100'  
 1" = 100'

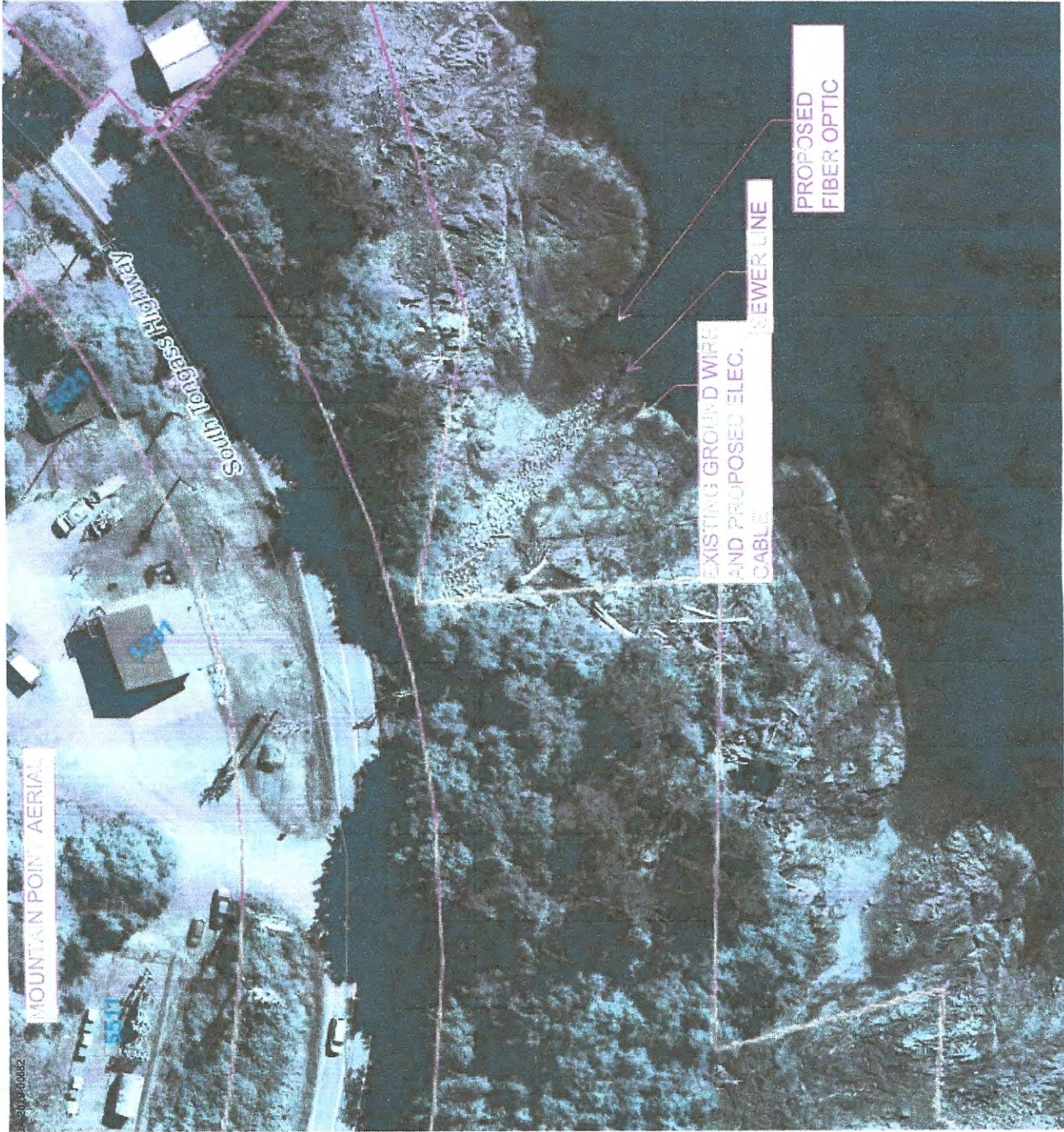
<p><b>PROJECT:</b> METLAKATLA-KETCHIKAN INTERTIE  <b>DESIGNER/PROJECT ENGINEER:</b> CHRISTOPHER T. DAVIS</p>		<p><b>ENG. STAMP</b></p>	
<p><b>NO.</b> 70400688</p>	<p><b>DATE BY/DR.</b> 11/13/19</p>	<p><b>SCALE</b> AS SHOWN</p>	<p><b>APPROVED:</b> [Signature]</p>
<p><b>REVISIONS:</b></p> <ul style="list-style-type: none"> <li>1. REVISION TO ADD TIE GUY, POLE DRUM SET</li> <li>2. REVISION TO ADD TIE GUY, POLE DRUM SET</li> <li>3. REVISION TO ADD TIE GUY, POLE DRUM SET</li> <li>4. REVISION TO ADD TIE GUY, POLE DRUM SET</li> </ul>	<p><b>DATE BY/DR.</b> 11/13/19</p>	<p><b>SCALE</b> AS SHOWN</p>	<p><b>APPROVED:</b> [Signature]</p>

**Metlakatla Power and Light**  
**Metlakatla-Ketchikan Intertie**  
**Mountain Point Plan**

**Electric Power Systems, Inc.**  
**Consulting Engineers**  
 TEL: (907) 322-1803  
 FAX: (907) 322-1182  
 WEB: WWW.EPS-INC.COM

MKTI-PP-1031





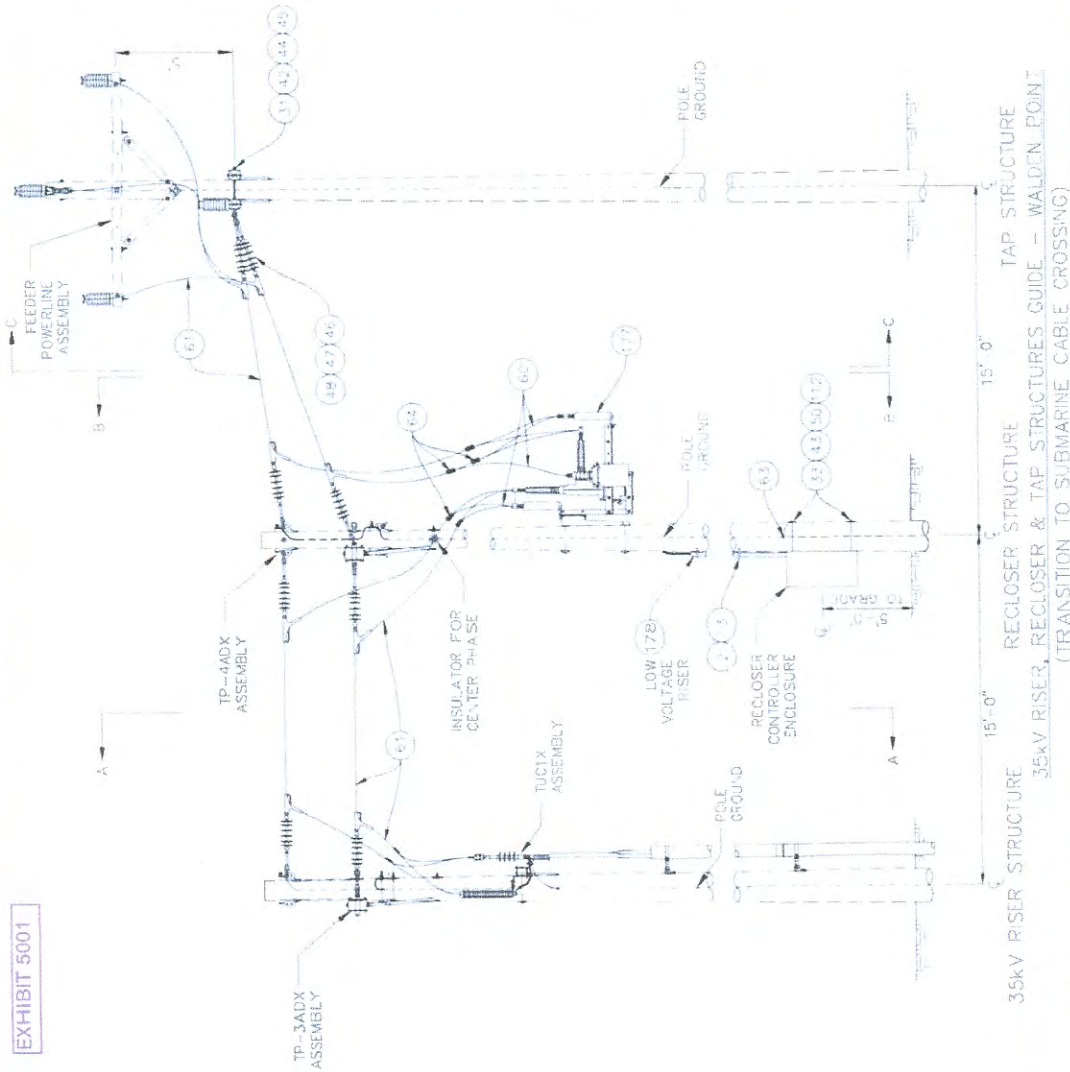
Applicant: Metlakatla Power and Light; File No.: PC-2013-00082

Waterway, Revillagigedo Channel and Annette Bay, Proposed Activity: Utility Line Activities, Date: November 2016; Page 12 of 25



Applicant: Metlakatla Power and Light; File No.: POA-2019-00682

EXHIBIT 5001



QTY	DESCRIPTION	RIS ITEM #	CATALOG NO. (OR APPROVED EQUAL)
1	CROSSARM, TYPE 5, 5-5/8" x 4-5/8" x 10'-0"	5	
2	AS REQ'D PIPE STRAP, 2" RIGID STEEL CONDUIT	6	
3	AS REQ'D SCREW, LAG, 1/2" x 4"	7	
14	4" x 4" x 1/4" SQUARE WASHER, 13/16" HOLE	14	HUGHES SW4-70
2	4" x 4" x 1/4" SQUARE CHUNK WASHER, 1 1/16" HOLE	33	HUGHES SCW4-60
2	BRACE, CROSSARM, 60" SPAN, 30" DROP	37	
37	BOLT, DOUBLE ARMING, FULL THREAD, 3/4" x REQUIRED LENGTH	38	
1	STANDARD 3/4" NUT	42	
4	5/8" STANDARD SQUARE NUT	43	
4	NUT, EYE, 3/4"	44	
3	LOCKWASH, WF TYPE, 3/4"	45	
3	1/4" EXTENSION CVA EYE BALL, 50,000 LBS	46	
3	INC-OR, SHOCKLE, 10,000 LBS	47	
1	REGULATING SUSPENSION, 5/8" DIA. ROD POLYMER	48	
1	5/8" BONDING CLIP	50	
1	AS REQ'D #4 AWG COPPER WIRE	61	
1	AS REQ'D 1/2" AWG ACSR	62	
1	AS REQ'D 1-1/2" x 3/8" STAPLES, COPPER COATED	63	
1	COMPRESSION CONNECTOR, #4 STR. CU. TO #4 STR. CU.	64	BURNBY YC3C4
1	COMPRESSION CONNECTOR, #4 STR. CU. TO 1/2" AWG ACSR	65	BURNBY YC2BAU2
1	COMPRESSION CONNECTOR, 1/2" AWG ACSR TO 1/2" AWG ACSR	66	BURNBY YC2BAU3
2	5/8" x 18" MACHINE BOLT WITH NUT	112	CHANGE 88:6
1	VFPER-S RECLOSER (60S) W/ SET-60S CONTROL, EXTERNAL POWER 2P/RS	177	66W
1	2" RIGID GALVANIZED CONDUIT	178	
3	INSULATOR, POST TYPE, W/LONG MTD. HARDWARE	184	LAPP #9445-70
4	BOLT, MACHINE, 1/2" x 5 AS REQ'D	185	
4	LOCKWASH, WF TYPE, 1/2"	186	
8	WASHER, ROUND, 1-3/8"	186	

INDEXES  
1 SEE DRAWING SHEET #35 FOR SECTION VIEWS

RECLOSER SEQUENCE OF OPERATIONS:  
a. Wedge Point (WP) Control  
b. Automatic open upon fault  
c. Manual Open (MPL control)  
d. Manual Close (MPL control) w/ Automatic latching  
e. Manual Close (MPL control) w/ Automatic latching  
f. Set relay to coordinate with both WPJ and M.P. to protect equipment.

PROJECT: METLAKATLA-KETCHIKAN INTERTIE  
DESIGNED PROJECT ENGINEER: MATT WILLIAMS/CHRIS DAVIS  
DESIGN/CONSTRUCTION/ASBUILT REVISION

NO. 0001  
DATE: 12/10/19  
BY: MATT WILLIAMS/CHRIS DAVIS  
CHECKED BY: MATT WILLIAMS/CHRIS DAVIS  
APPROVED BY: MATT WILLIAMS/CHRIS DAVIS

W.O. # 7040068

METLAKATLA POWER AND LIGHT  
METLAKATLA-KETCHIKAN INTERTIE  
35KV OVERHEAD ASSEMBLIES  
WALDEN POINT RISER/RECLOSER/TAP

ENG. STAMP

TEL (907) 522-1853  
FAX (907) 572-1182  
WEB WWW.EPSSING.COM

MTI-SN-5001



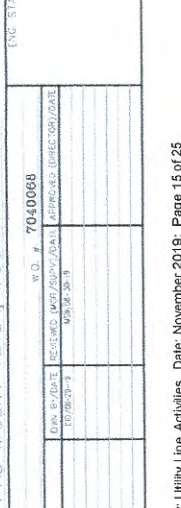
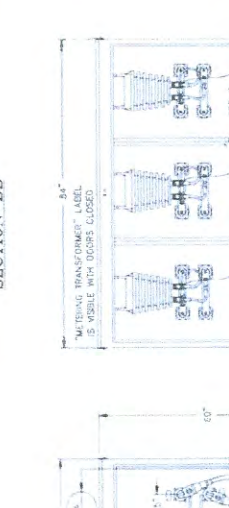
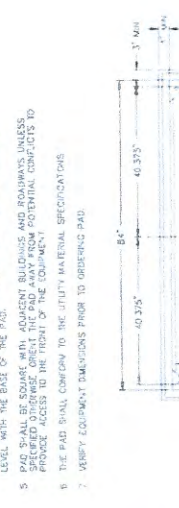
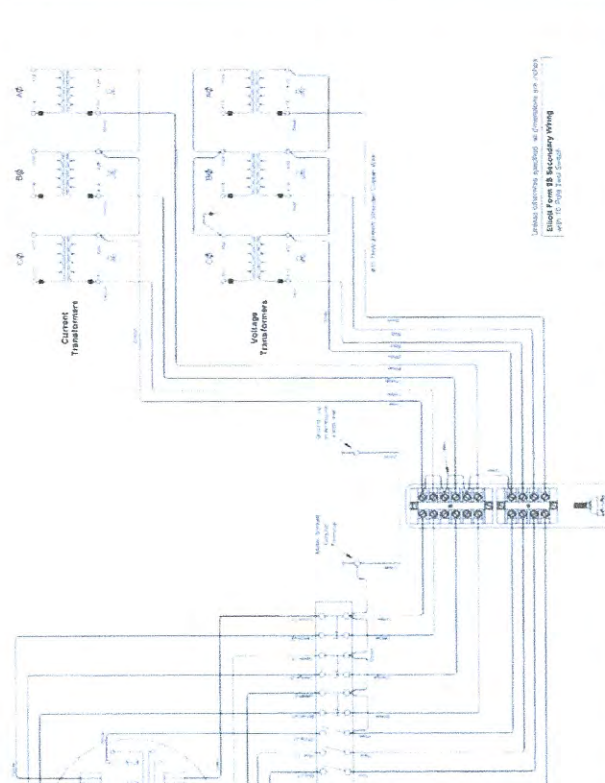
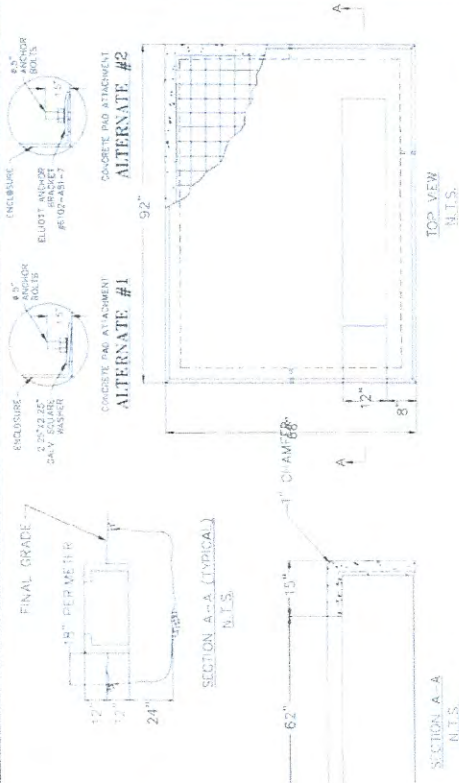


Applicant: Metlakatla Power and Light; File No.: POA-2019-00682

**EXHIBIT 5019**

- NOTE**
1. BASIS OF DESIGN: ELOUT #100-PWS-05-210-EG Notes, plus Two Meter per Section 602 and E-1 of the Intertie Barriers (Technical Sheet) and the Standard Outdoor Instrument, Components, Provision with the Meter with Primary Wiring, with Form 35 Secondary Wiring connected to a 300-ampere Switch on the 35kV bus. Minimum clearances shall be 300 A.V. for the Barriers 500-54 Issues 2, 3, 10, 11 & 12. Ext. Weight 8,100 lbs.
  2. INSTALL "WARNING" SIGN ON EXTERIOR SURFACE OF ENCLOSURE AND "DANGER" SIGN INSIDE ENCLOSURE.
  3. THIS UNIT INCLUDES THE PAD, GRAVEL, SITE PREPARATION, EXCAVATION AND FOUNDATION.
  4. LEVEL TOP OF PAD AND BRACKET, THE GRAVEL INSIDE THE PAD SHALL BE LEVEL WITH THE BASE OF THE PAD.
  5. PAD SHALL BE SQUARE WITH ADJACENT BUILDINGS AND ROADWAYS UNLESS SPECIFIED OTHERWISE. ORIENT THE PAD AWAY FROM POTENTIAL CONTACTS TO PROVIDE ACCESS TO THE FRONT OF THE EQUIPMENT.
  6. THE PAD SHALL CONFORM TO THE UTILITY MATERIAL SPECIFICATIONS.
  7. VERIFY EQUIPMENT DIMENSIONS PRIOR TO ORDERING PAD.

ITEM	QTY	MATERIAL
B	1	Concrete, as required
SV	1	Anchor, #4 B&G, 24" as required
UW	2	35kV Pad Mount Meter Station
C	7	Spine "THUNDER" and "WARNING"
D	7	Gravel rock
E	1	Drain ground rod, 1" dia, 100'
F	1	P&G Concrete, 3" x 18" x 24"
G	9	Concrete, 12" x 18" x 24" and 12" x 24" x 36"
H	1	Concrete, 12" x 18" x 24"
I	1	Concrete, 12" x 18" x 24"



**35kV METER, 35kV PAD MOUNT METER, MOUNTAIN FRONT**

PROJECT: METLAKATLA-KETCHIKAN INTERTIE  
 DESIGNER: PROJECT ENGINEER: MATT WILLIAMS/CHRIS DAVIS  
 DATE: 10/29/19  
 APPROVED BY: MATT WILLIAMS/CHRIS DAVIS

W.O. # 7040668  
 DATE: 10/29/19  
 APPROVED BY: MATT WILLIAMS/CHRIS DAVIS

ENCLOSURE: 2'5" x 2'2" x 2" SQUARE BRACKET #100-210-EG  
 ENCLOSURE: 2'5" x 2'2" x 2" SQUARE BRACKET #100-210-EG  
 CONCRETE PAD ATTACHMENT ALTERNATE #1  
 CONCRETE PAD ATTACHMENT ALTERNATE #2

**Metlakatla Power and Light**  
**Consulting Engineers Inc.**  
 TEL: (907) 522-1953  
 FAX: (907) 522-1182  
 WEB: WWW.EPSC.COM

**Metlakatla Power and Light**  
**Metlakatla-Ketchikan Intertie**  
**35kV UNDERGROUND ASSEMBLIES**  
**35kV PAD MOUNT METER**

ENC. STAMP  
 DATE: 10/29/19  
 APPROVED BY: MATT WILLIAMS/CHRIS DAVIS

W.O. # 7040668

EXHIBIT 5020

- NOTES**
1. #7/0 CU, 600A, 600A DEAD BREAK ELBOW w/ TEST POINT (SEE SEPARATE DRAWING) APPROVED EXHIBIT #798-9, 10/27/20 FOR #7/0 35KV COPPER SHEILD 23 VIL, 133K INSUL, W/WHITE.
  2. 35KV/600 CU, 600A, 600A DEAD BREAK ELBOW w/ TEST POINT INCLUDING INSUL. FLUG, CAP, EUG, LUG AND CABLE SUBMOUNT CABLE SUPPORT #36CH-9030G FOR 35KV/600 SUBMOUNT CABLE.



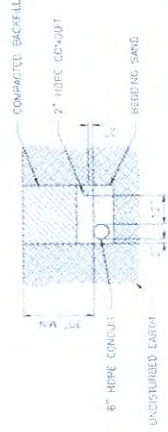
**TUM6-3**  
35KV, 600A DEAD BREAK ELBOW DETAIL  
NOT TO SCALE

- NOTES**
1. 8" HDPE CONDUIT. APPROVED EXHIBIT #75003.



**TUM33-3X**  
35KV, 3-POINT JUNCTION  
NOT TO SCALE

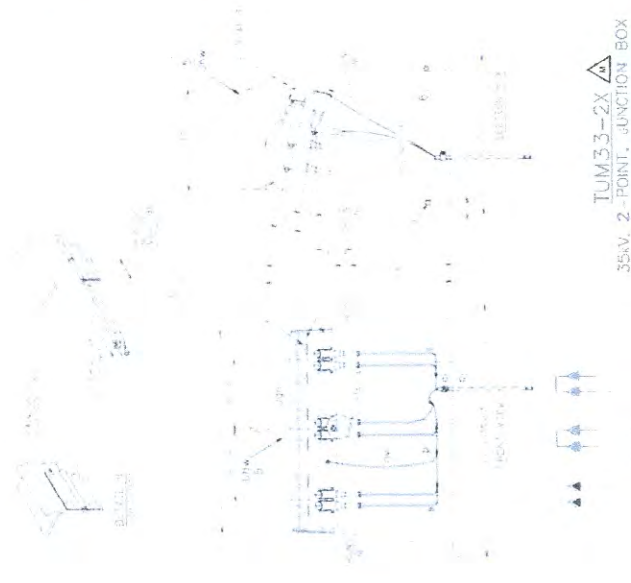
- NOTES:**
1. WIDTH (W) AND DEPTH (D) ARE SPECIFIED IN DESCRIPTION OF UNITS.
  2. DEPTHS SPECIFIED ARE TO FINISHED GRADE.
  3. OVER-EXCAVATE TRENCHES AS NECESSARY TO ALLOW FOR SAND BEDDING AS NECESSARY.
  4. SAND BEDDING IS NOT PART OF THESE UNITS AND WILL BE SPECIFIED AS NEEDED FOR ALL TRENCHING UNITS.
  5. BACKFILLING IS TO BE DONE WITH TRENCHING UNITS.
  6. PLACE WARNING TAPE ABOVE CONDUITS.



**XUR2**  
TRENCHING/CONDUIT DETAIL  
NOT TO SCALE

- NOTES:**
1. FREQUENTLY USED: ALUMINUM W/ 1/4" THICKNESS  
 a. BACKSHELL OTHER FREQUENTLY - 5/16" NOMINAL THICKNESS  
 b. TERMINALS - APPROVED EXHIBIT #75000  
 c. CONDUIT - APPROVED EXHIBIT #75000  
 d. INSULATION - APPROVED EXHIBIT #75000  
 e. HARDWARE - STAINLESS STEEL
  2. ALUMINUM JUNCTION MOUNTING BASE AND LARKING CUP MOUNTING BASE. ALUMINUM JUNCTION MOUNTING BASE SHALL WITHSTAND A MINIMUM 400 LB. LOAD TO INSTALL AND REMOVE FLOWING MOUNTING BAR. THIS UNIT IS TO BE USED FOR INSTALLATION OF JUNCTIONS WITHOUT REMOVING BAR.
  3. ADJUSTABLE LOCATIONS STAINLESS STEEL PILING CLIPS ON BACK.
  4. ADJUSTABLE LIFTING EYE POINTS - ONE ON FRONT AND ONE ON BACK.
  5. INSTALL "WARNING" SIGN ON OUTSIDE SURFACE OF ENCLOSURE AND "DANGER" SIGN NEAR ENCLOSURE.
  6. FILL BASE OF JUNCTION BOX WITH SHAVELLS "B" KEEP DRY. FILL FOLLOWING WITH ASSEMBLIES ARE NOT PART OF THIS UNIT. VERIFY SEPARATELY FOR TRENCHING AND OTHER ACCESSORIES.
  7. ALL METALS NON-CURRENT CARRYING PARTS SHALL BE INTERCONNECTED AND GROUNDED.

ITEM	QTY.	MATERIAL.
1	1	Connectors as required
2	1	Amperes #4 THHN, as required
3	1	35KV ENCLOSEURE POWER DESIGN, APPROVED EXHIBIT #75000
4	1	800A, 2-WAY, 25KV, #2CU, 600, 600 BAR
5	2	Signs, DANGER, one - "WARNING"
6	1	Ground rods
7	1	Cones, ground use, 1 per rod
8	1	Grade, 01 or Reveal/Conduit Concrete, 1" Minus (Curbs)

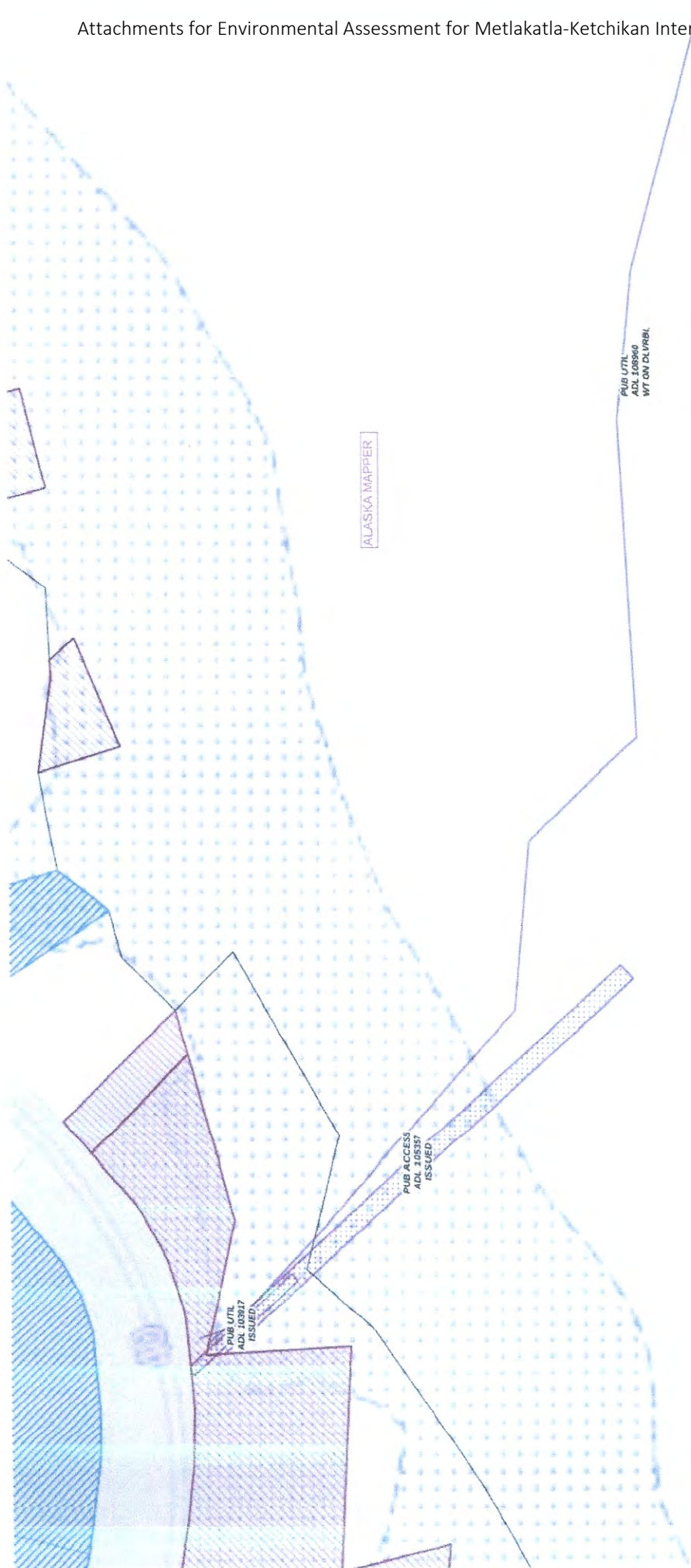


**TUM33-2X**  
35KV, 2-POINT, JUNCTION BOX  
NOT TO SCALE

<p><b>Metlakatla Power and Light</b></p> <p>METLAKATLA-KETCHIKAN INTERTIE 35KV UNDERGROUND ASSEMBLIES TUM33X, TUM6-1, &amp; XUR2</p>		
	<p><b>Electric Power Systems</b></p> <p>Consulting Engineers Inc.</p> <p>TEL: (907) 522-1953                  FAX: (907) 522-1187                  WEB: WWW.EPSINC.COM</p>	<p><b>MKT-SS-5020</b></p>
<p>PROJECT: METLAKATLA-KETCHIKAN INTERTIE                  DESIGNER/PROJECT ENGINEER: MATT WILLIAMS/CHRIS DAVIS                  NO. OF SHEETS: 24                  SHEET NO.: 11</p>		
<p>W.D. # 7040066                  DATE: 01/16/2019                  REVISED: 01/16/2019                  APPROVED: 01/16/2019                  CHECKED: 01/16/2019                  DRAWN: 01/16/2019</p>		

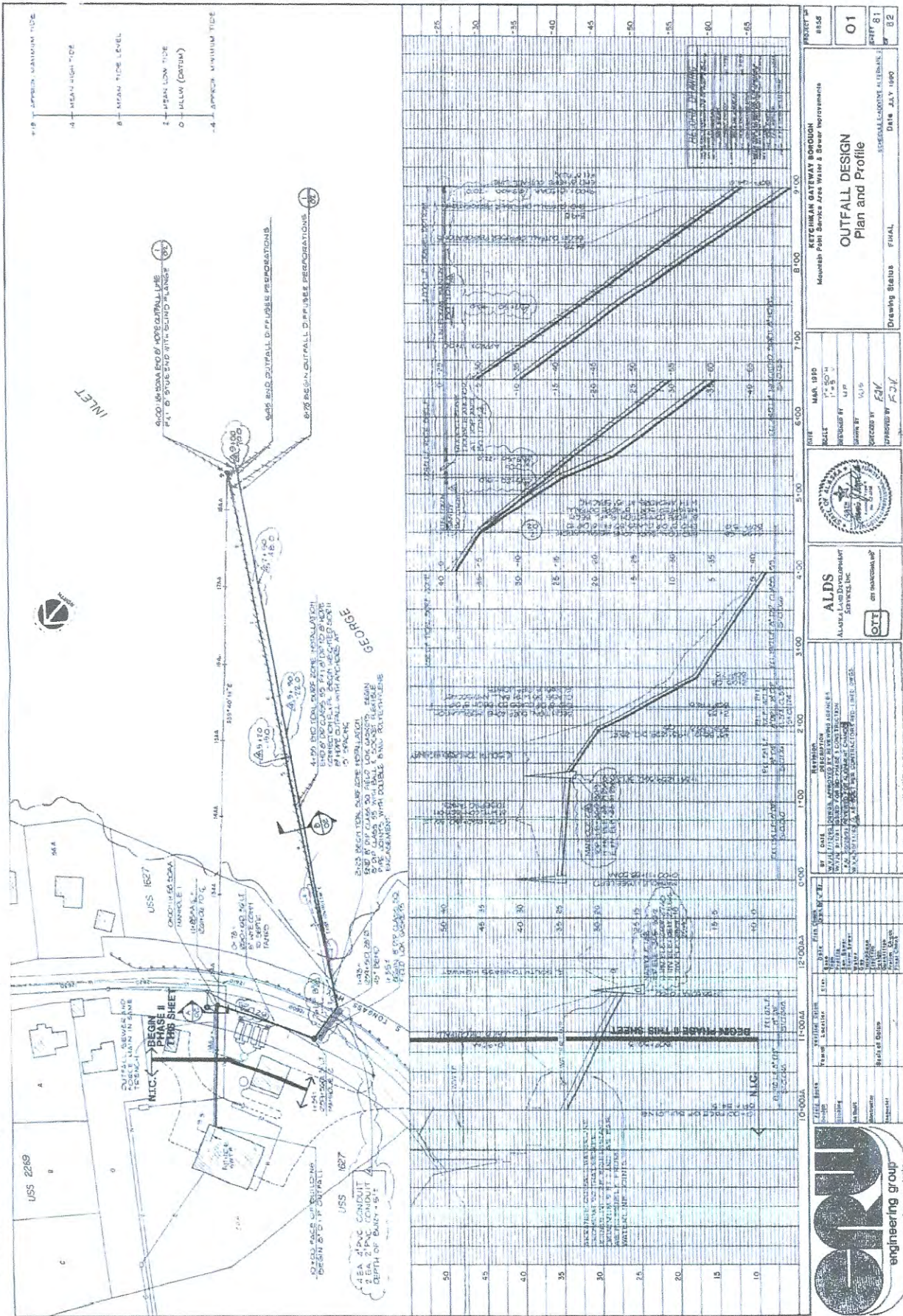


Applicant: Metlakatla Power and Light; File No.: FOA-2019-00682

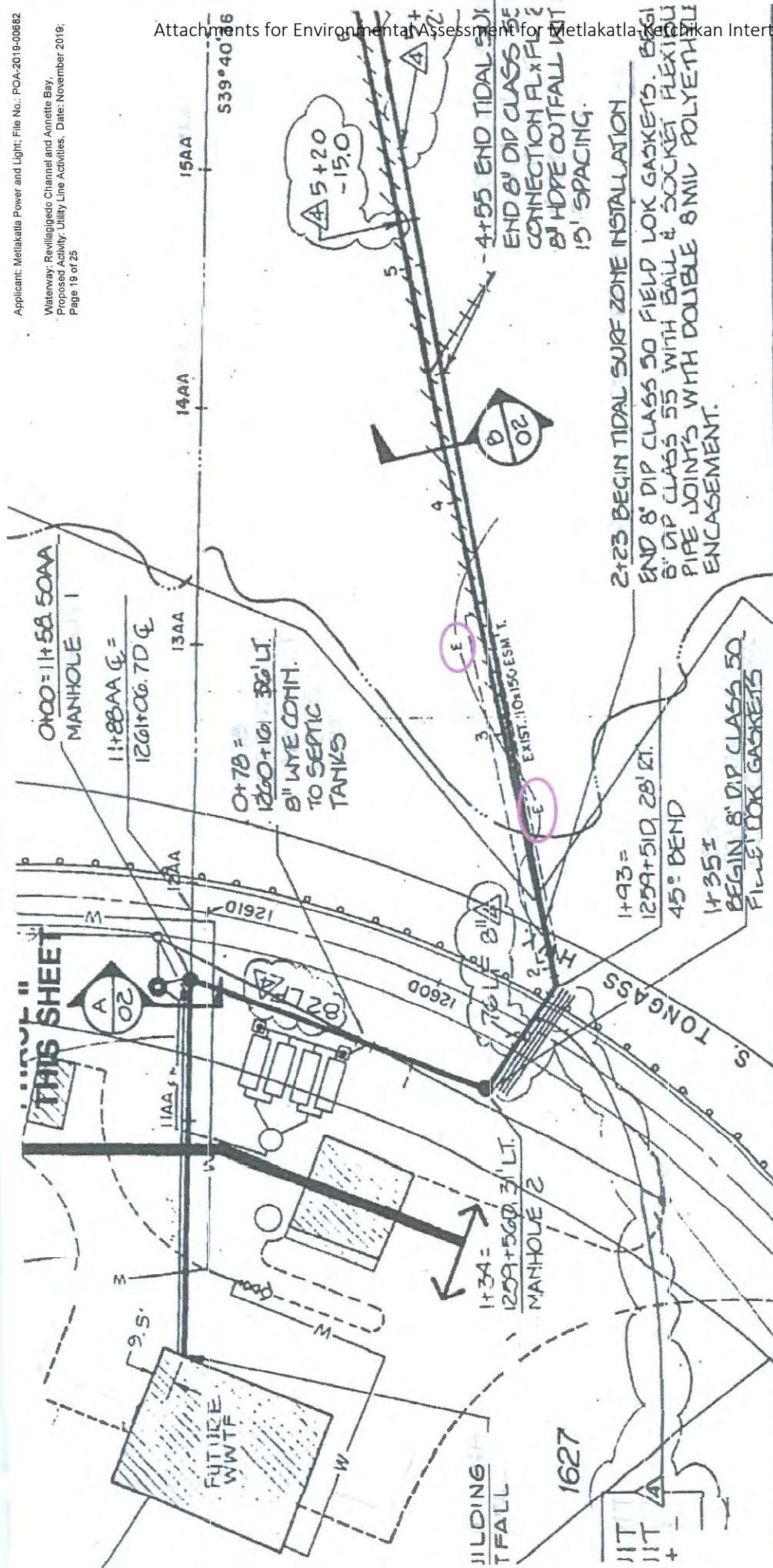




Applicant: Metlakatla Power and Light; File No.: POA-2019-00682



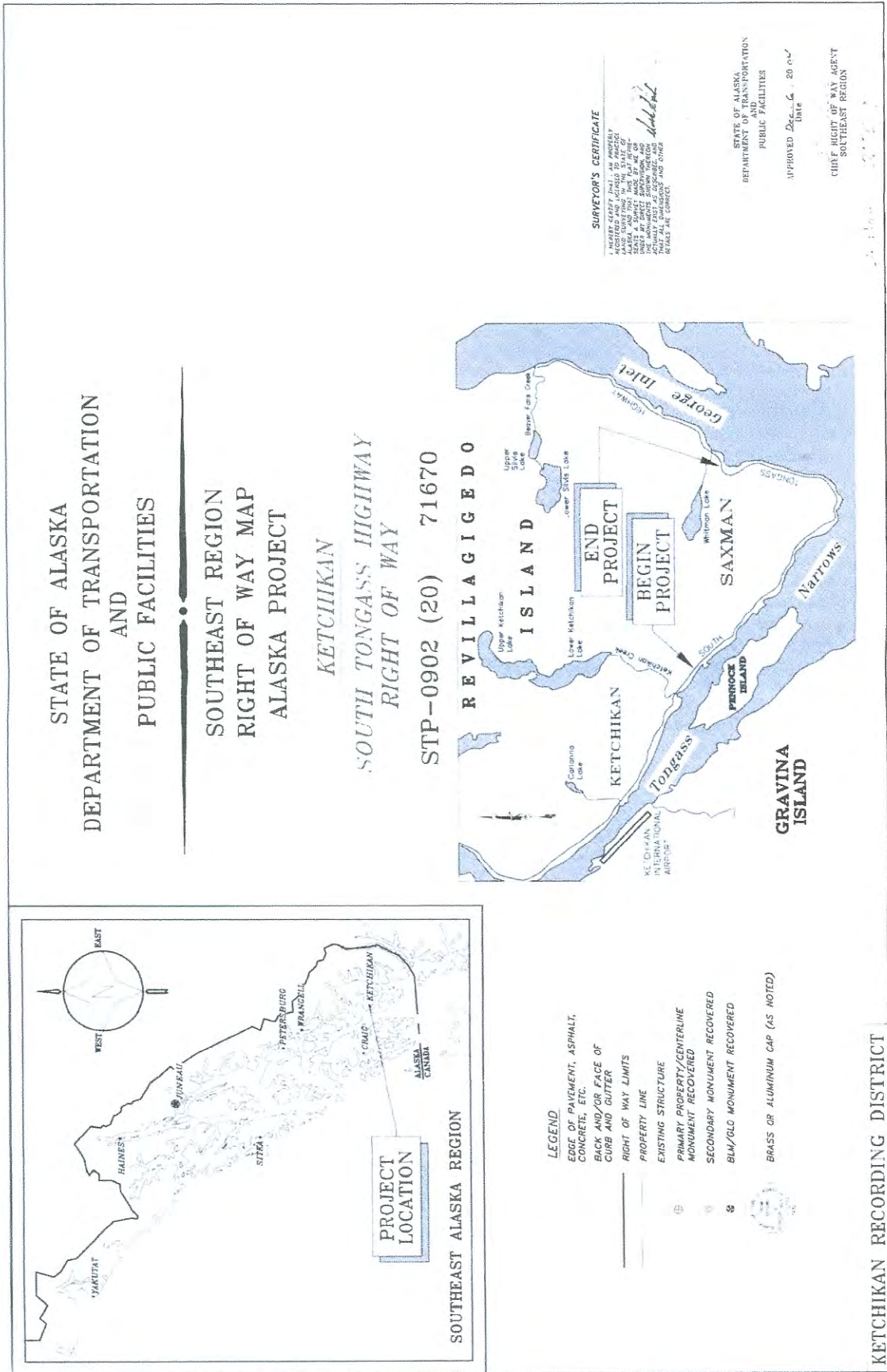




15+00	14+93	14+85	14+75	14+65	14+55	14+45	14+35	14+25	14+15	14+05	13+95	13+85	13+75	13+65	13+55	13+45	13+35	13+25	13+15	13+05	12+95	12+85	12+75	12+65	12+55	12+45	12+35	12+25	12+15	12+05	11+95	11+85	11+75	11+65	11+55	11+45	11+35	11+25	11+15	11+05	10+95	10+85	10+75	10+65	10+55	10+45	10+35	10+25	10+15	10+05	9+95	9+85	9+75	9+65	9+55	9+45	9+35	9+25	9+15	9+05	8+95	8+85	8+75	8+65	8+55	8+45	8+35	8+25	8+15	8+05	7+95	7+85	7+75	7+65	7+55	7+45	7+35	7+25	7+15	7+05	6+95	6+85	6+75	6+65	6+55	6+45	6+35	6+25	6+15	6+05	5+95	5+85	5+75	5+65	5+55	5+45	5+35	5+25	5+15	5+05	4+95	4+85	4+75	4+65	4+55	4+45	4+35	4+25	4+15	4+05	3+95	3+85	3+75	3+65	3+55	3+45	3+35	3+25	3+15	3+05	2+95	2+85	2+75	2+65	2+55	2+45	2+35	2+25	2+15	2+05	1+95	1+85	1+75	1+65	1+55	1+45	1+35	1+25	1+15	1+05	0+95	0+85	0+75	0+65	0+55	0+45	0+35	0+25	0+15	0+05
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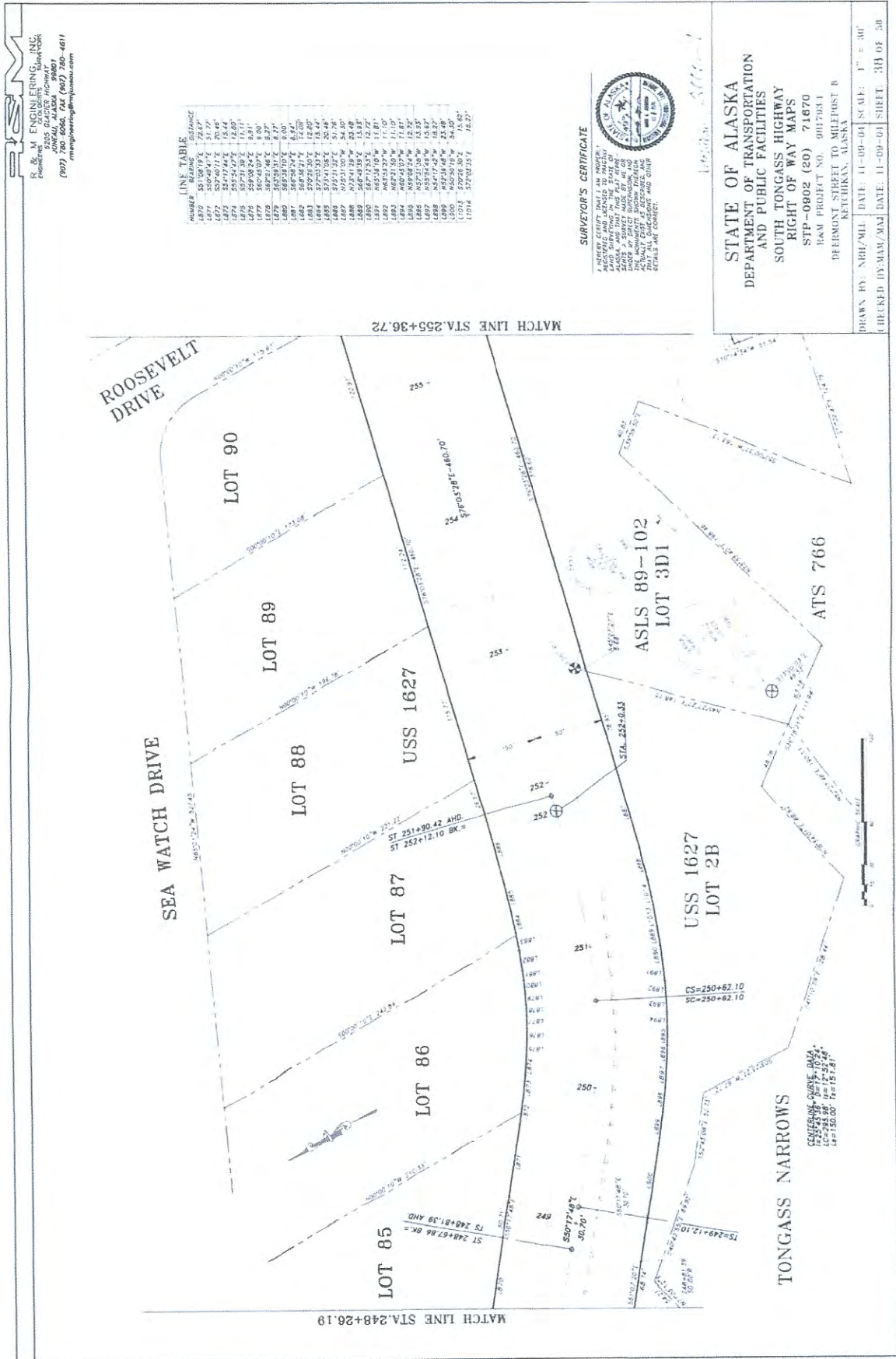


Applicant: Metlakatla Power and Light; File No.: POA-2019-00682



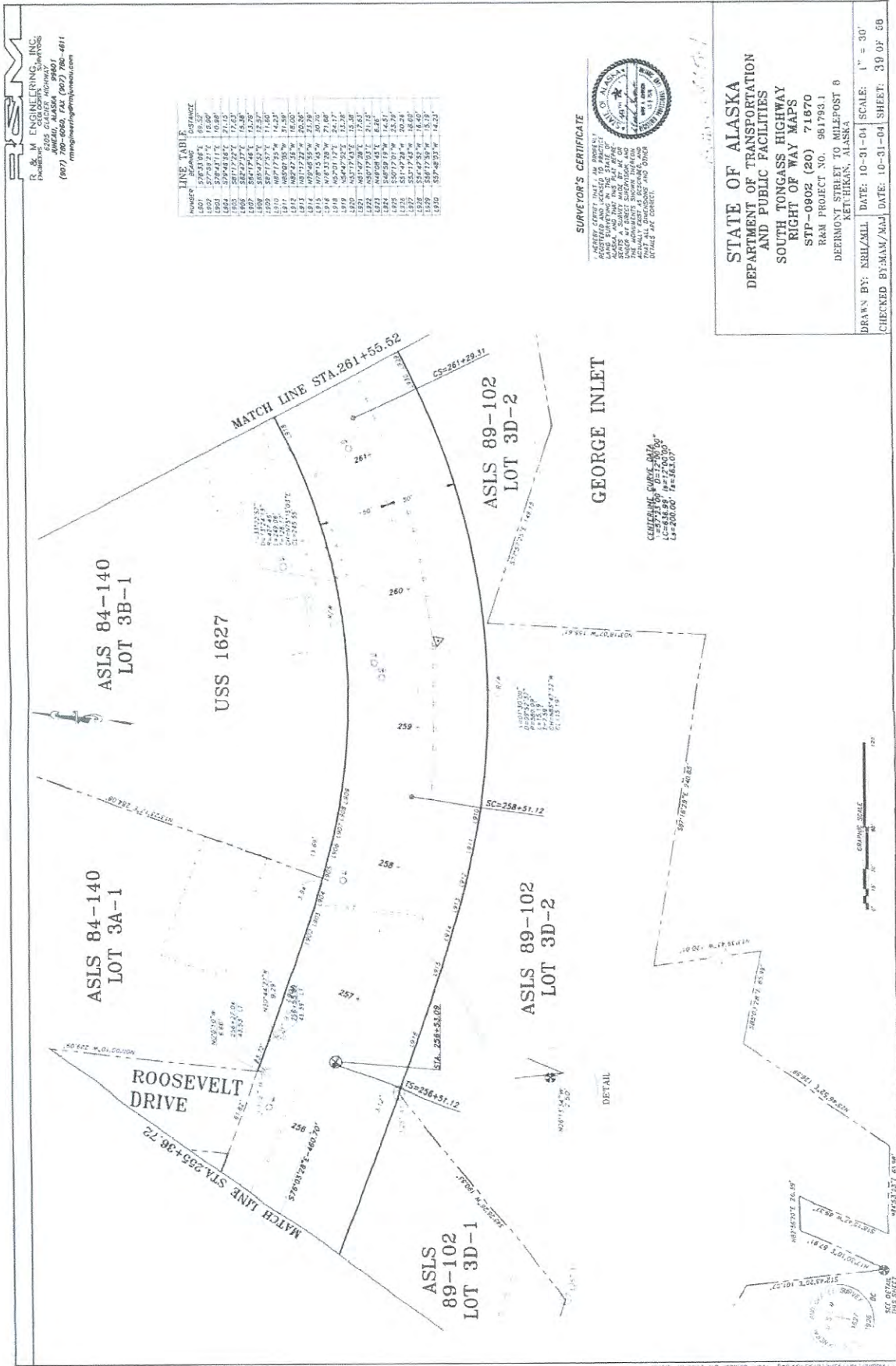
KETCHIKAN RECORDING DISTRICT

Applicant: Metlakatla Power and Light; File No.: POA-2019-00682

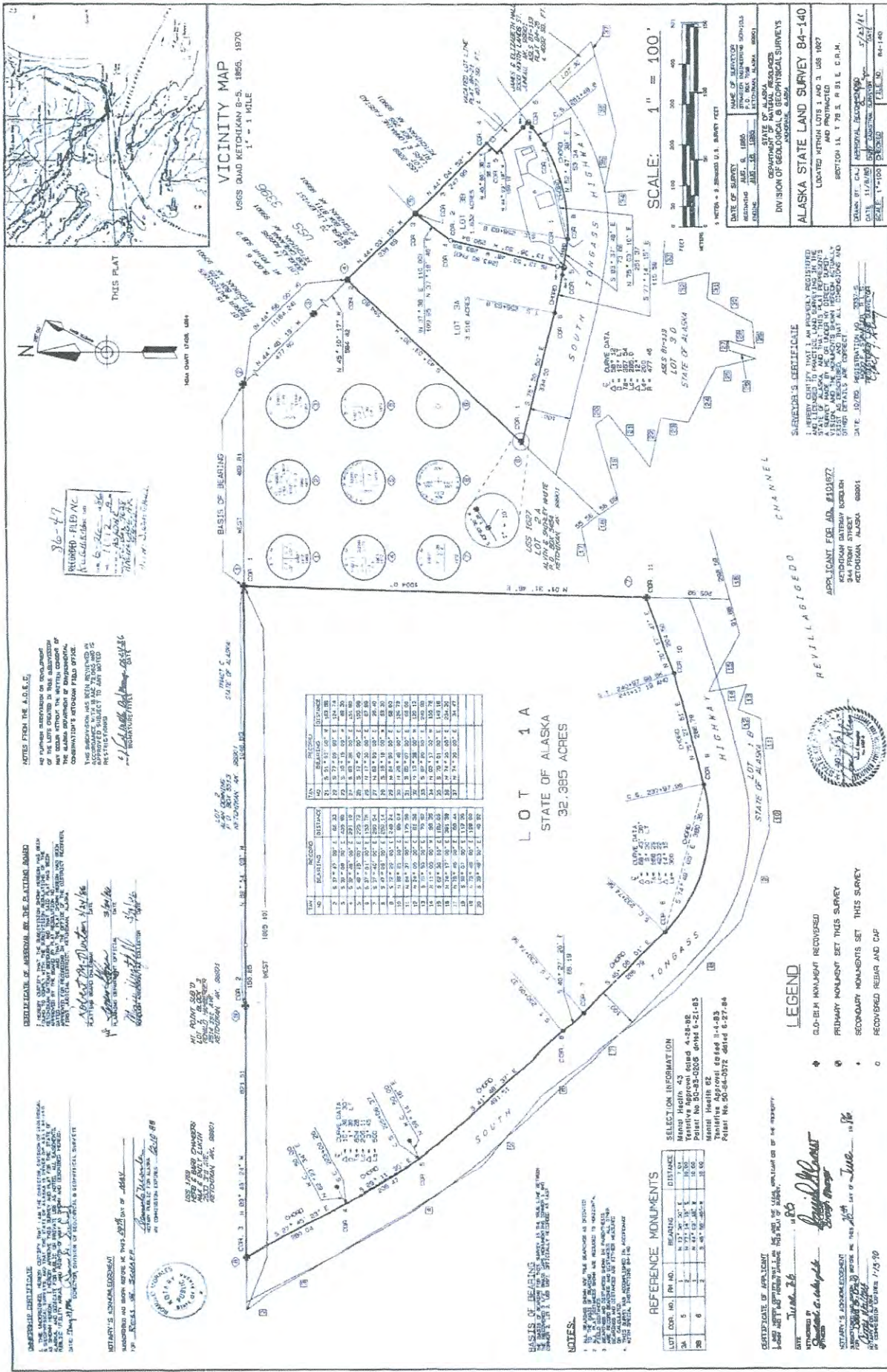




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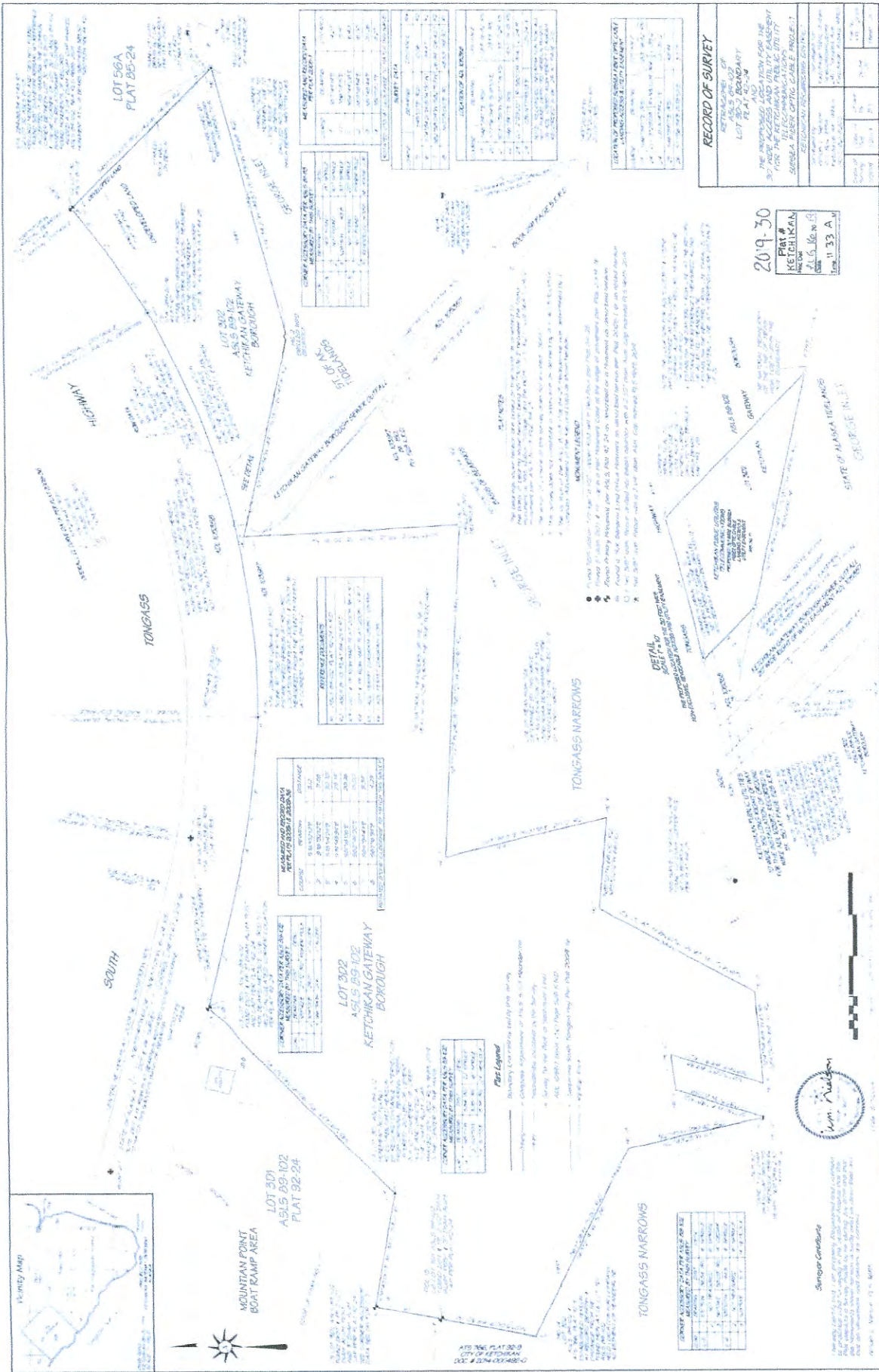


Applicant: Metlakatla Power and Light, File No.: POA-2019-00682

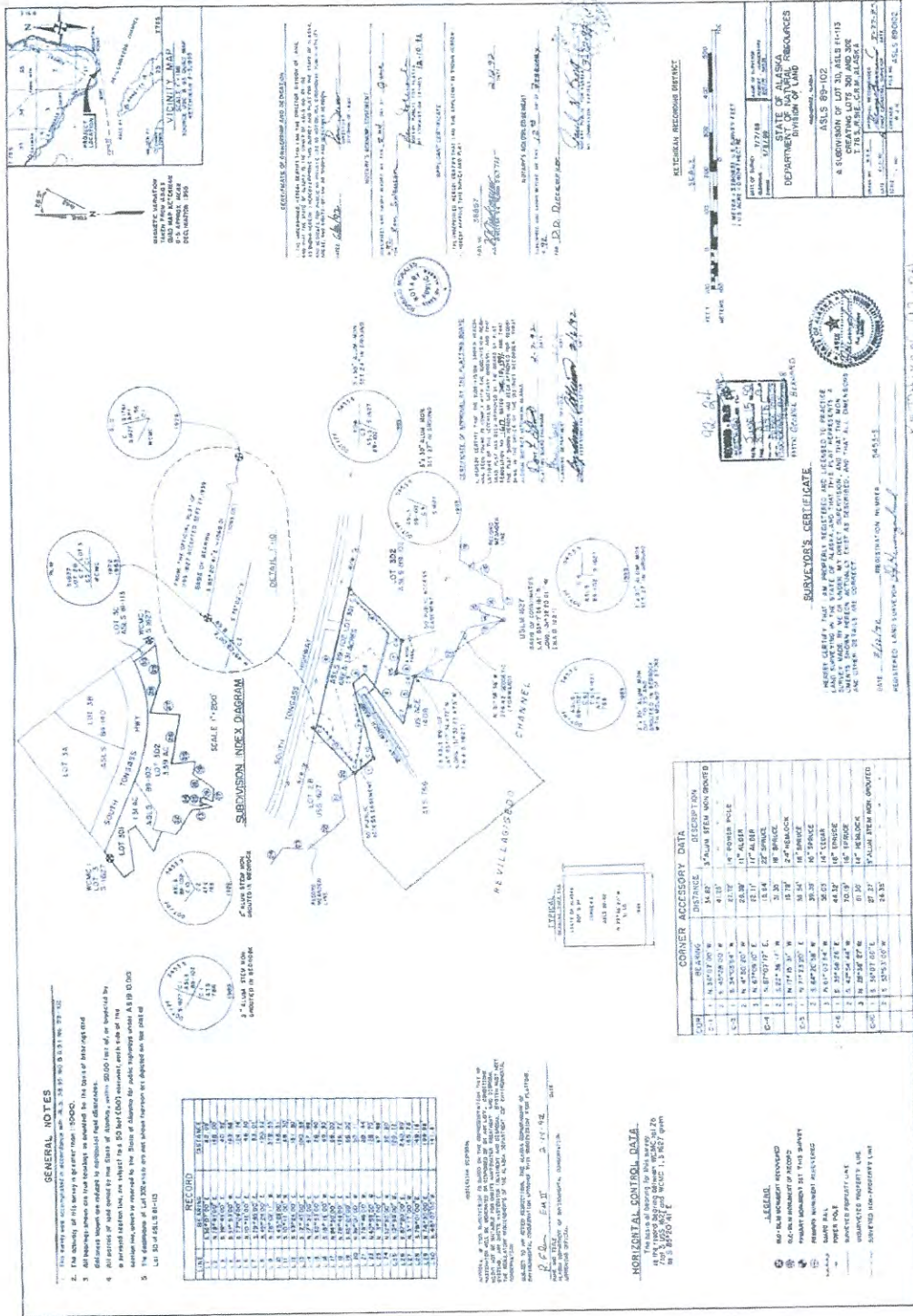




Applicant: Metlakatla Power and Light; File No.: POA-2019-00682



Applicant: Metlakatla Power and Light; File No.: POA-2019-00882







**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3188

WATER  
DIVISION

**JAN 30 2020**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. John Cameron  
Metlakatla Power and Light  
P.O. Box 359  
Metlakatla, Alaska 99926

Dear Mr. Cameron:

This letter and the enclosed Clean Water Act Section 401 Certification apply to U.S. Army Corps of Engineers Nationwide Permit application # POA-2019-00682 and proposed activities involving placement of dredged material in waters of the United States associated with the installation of a submarine electric/fiber optic cable. The cable would connect Annette Island and Revillagigedo Island in southeast Alaska. This work will occur within the Metlakatla Indian Reservation lands and waters surrounding Annette Island; within the State of Alaska waters; and within Ketchikan Gateway Borough and Alaska Department of Transportation lands on Revillagigedo Island.

Section 401(a)(1) of the Clean Water Act requires applicants for Federal permits that may result in discharges into waters of the U.S. to obtain certification that the discharge will comply with applicable provisions of the CWA, including Sections 301, 302, 303, 306 and 307. Where no state agency or tribe has authority to give such certification, the U.S. Environmental Protection Agency is the certifying authority. The State of Alaska does not have the authority to provide CWA Section 401 certification for discharges occurring within the Metlakatla Reservation and the Metlakatla Indian Community is not authorized under Section 518(e) of the CWA to grant such certifications, therefore, the EPA is providing the certification for discharges that may result from the proposed project construction in those Metlakatla Reservation lands and waters.

Section 401(d) of the CWA requires that any CWA Section 401 certification include limitations and monitoring requirements necessary to assure that the applicant will comply with applicable effluent limitations and other limitations under the CWA including "other appropriate requirements of State [or Tribal] law." Federally-approved water quality standards are among the limitations and requirements which the EPA may use to ensure compliance through the Section 401 certification process. Because the Metlakatla Indian Community currently has no EPA-approved water quality standards, the State of Alaska's EPA-approved water quality standards will be used as guidance.

The EPA has completed its review of your application and certifies that the construction, as conditioned in the enclosure, will comply with the applicable provisions of the CWA. This certification is valid for five (5) years or the duration of the permit, whichever is shorter, and is subject to the enclosed conditions. Any reissuance or extension of the Corps' permit will need to be recertified pursuant to CWA Section 401.

For further coordination with the EPA on this project, please contact Ms. Marcia Heer at [heer.marcia@epa.gov](mailto:heer.marcia@epa.gov) or (907) 271-3689.

Sincerely,



Michael J. Szerlog, Manager  
Wetlands and Oceans Section

Enclosure

cc via email:

Mr. Reginald Atkinson  
Mayor of Metlakla Indian Community, [mayor@metlaklata.com](mailto:mayor@metlaklata.com)

Ms. Emily Vullo  
Army Corps of Engineers, Alaska District, [Emily.N.Vullo@usace.army.mil](mailto:Emily.N.Vullo@usace.army.mil)

Mr. Timothy Mullikin  
Electric Power Systems Incorporated, [tmullikin@epsinc.com](mailto:tmullikin@epsinc.com)



Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

***Metlakatla Power and Light  
Annette Bay, Metlakatla, Alaska***

***Clean Water Act Section 401 Water Quality Certification for U.S. Army Corps of Engineers  
Authorizations under Nationwide Permit 12, Utility Line Activities***

**Project Description and Proposed Work**

A water quality certification is required under Section 401 because the proposed activity will be authorized by U.S. Army Corps of Engineers Nationwide Permit 12 - *Utility Line Activities* (Federal Register, January 6, 2017, Vol. 82, No. 4, as regionally conditioned on March 17, 2017) reference number POA-2019-00682, and a discharge of pollutants to waters of the U.S. will result from the proposed project activities which exceed EPA's programmatic 401 Certification limits for the 2017 Nationwide Permits. The Corps intends to authorize each of the four water crossings with separate NWP 12 verifications, whereas this 401 Certification applies to the entire project and all four of the Corps NWP 12 authorizations. The project details are described in the application submitted to the Alaska District Corps of Engineers dated November 12, 2019, with subsequent clarifications provided on December 23, 2019 and January 3, 2020. The project is located in wetlands and marine waters within Metlakatla Indian Reservation and State of Alaska waters and uplands near Ketchikan, Alaska. This Certification will apply to Metlakatla/Annette Islands Indian Reservation lands and waters.

The proposed project involves installation of a 2.15-mile-long electric/fiber optic cable consisting of a 35kV cable with three 350kcmil copper conductors and two 12-strand fiber optic members that would connect Annette Island and Revillagigedo Island. The project as described in the permit application and site plans would occur at four separate NWP 12 water crossings as described below.

Segment 1 is located at the existing overhead distribution line near the Metlakatla Ferry Terminal by Walden Point Road, within Metlakatla Indian Reservation lands (Sheets 5, 9, and 10). Approximately 46 cubic yards of excavated material will be placed into 0.0379-acre of palustrine emergent wetlands to backfill the installation of three new power poles and bury 45-feet of conduit to a submarine cable vault. This area will be trenched using excavator machinery at a depth of 30-inch cover over the conduit. If shallow bedrock is encountered, the cable line will be installed with a concrete encasement at a depth of 6-inches of cover. The trenches will not be constructed or backfilled to drain surface waters and ditch plugs will be installed to prevent this, if necessary. Any excess material not used for over-fill subsidence will be removed to a non-wetland location east of the Ferry Terminal. Backfill material will consist of excavated material and no imported fill is anticipated or authorized.

Segment 2 beginning below the high tide line near the Metlakatla Ferry Terminal and ending at Race Point Peninsula, is within Annette Reservation waters (Sheet 10). Segment 2 will involve installing and burying 3,477-feet of the submarine cable into the seafloor mainly using an underwater plow. The plow would generate a high-pressure water jet that would dig a small, narrow trench, pull the cable into the trench, and then immediately backfill the trench. In areas where trenching is not possible due to presence of boulders or bedrock, an iron guard pipe would be bolted to the rocks.

## Enclosure

### EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

Segment 3 will involve installation of 1,800 feet of cable across Race Point on Annette Island, within Metlakatla Indian Reservation lands (Sheets 3,4, and 10). Trenching methods will be the same as described in Segment 1. The work will also include installation of two sets of 69-inch by 43-inch junction boxes/communication vaults (28-inches buried) and two 8-foot wide x 14-foot long x 8-foot tall communication vaults to transition the cable from marine waters to land. National Wetland Inventory maps indicate this portion of the project would occur in seasonally saturated palustrine forested and scrub shrub wetlands with needle-leaved evergreen vegetation; palustrine emergent wetlands with persistent vegetation; and regularly flooded estuarine intertidal wetlands with an algal aquatic bed. Conduit routing will be subject to minor field adjustments to avoid areas with standing water. Total impacts to wetlands include 237 CY of excavated backfill into 0.4347-acre.

Segment 4 will include installation of 3,397 linear-feet of submarine cable in Annette Reservation marine waters and 2,396 linear-feet in State of Alaska waters. The segment of cable would begin at the transition vault on Race Island and would end in uplands on Mountain Point near Ketchikan. Impacts to waters of the U.S. below the high tide line (HTL) in State waters would include 177.5 CY of fill into 0.0550-acre. Impacts to waters of the U.S. below the HTL in Reservation waters would include 251.6 CY of fill into 0.0780-acre. Total impacts below the HTL for segment 4 would be 430 CY of fill into 0.1330-acre.

All work will be done according to the plans described in the Alaska District Corps of Engineers December 6, 2019, General Agency Permit Coordination notification and the November 12, 2019, application submitted to the Corps with subsequent clarifications on December 23, 2019 and January 3, 2020.

### Applicable Water Quality Standards

As the Tribe has no formally approved water quality standards, the Environmental Protection Agency will be using the State of Alaska's EPA-approved water quality standards, 18 AAC 70, as guidance, including designated uses, standards and criteria for Freshwater and Marine Water at 18 AAC 70.020. This certification provides reasonable assurance that the project activities will comply with these federally-approved water quality standards, provided that the following conditions are adhered to. This certification does not authorize temporary exceedances of water quality standards beyond the established limits. Furthermore, nothing in this certification shall absolve the applicant from liability for contamination and subsequent cleanup of surface waters occurring as a result of project construction or operation.

Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

**Conditions Necessary to Ensure Compliance  
with Water Quality Standards**

**GENERAL CONDITIONS**

1. For purposes of this Certification, the term "Tribe" refers to the point-of-contact for the Metlakatla Indian Community, or its agents, assignees and operators: John Cameron, Metlakatla Power and Light (907-886-4451), [johncameronak@gmail.com](mailto:johncameronak@gmail.com) and Mr. Reginald Atkinson, Mayor (907-886-5401 or [mayor@metlakatla.com](mailto:mayor@metlakatla.com)), Metlakatla Indian Community P.O. Box 8, Metlakatla, AK 99926.
2. All submittals required by the conditions of this Certification must be sent to the EPA's Region 10 point-of-contact: Linda Storm (206-553-6384, [storm.linda@epa.gov](mailto:storm.linda@epa.gov)), U.S. Environmental Protection Agency, Water Division, M/S 19C09, 1200 6<sup>th</sup> Avenue, Suite 155, Seattle, WA 98101.
3. The work authorized by this Certification is limited to the work depicted and described on the November 2019 application, as clarified on December 23, 2019 and January 3, 2020 and as conditioned by the Corps' Nationwide Permit 12 authorizations (POA-2019-00682).
4. The Tribe must provide access to the project area for site inspections, monitoring, and/or necessary data collection to ensure that conditions of this certification are met.
5. This certification does not exempt the Tribe from, and is provisional upon, compliance with other statutes, codes or requirements administered by other federal agencies or the Tribe.
6. This certification will cease to be valid if the project is constructed or operated in a manner not consistent with the project description contained in the November 2019 application as reflected in the U.S. Army Corps of Engineers GPAC Notification or as otherwise approved in the USACE permit issued under Section 404 of the Clean Water Act. Any modification of the permitted activities must be submitted to the EPA for review to determine compliance with this Certification and to provide any necessary additional requirements pursuant to Section 401 of the CWA. Project modification(s) cannot be implemented until the EPA has determined if additional certification requirements are necessary and the 401 Certification is amended, as required.
7. Extension of this Certification requires a written request from the Tribe. This request must be made in writing to the EPA at least 60 calendar days prior to the expiration date.
8. A copy of this Certification, any tribal or federal permit requirements, and the Corps permit conditions must be kept on the project site and made readily available for reference by a construction supervisor, construction manager, foreman, or the tribal, Corps and/or EPA inspectors.
9. The Tribe must ensure any operator who performs any of the work is informed of and follows all the conditions of this Certification, including the conditions specified in the Corps 404 permit. The Tribe must also ensure all conditions are incorporated into engineering plans and contract specifications.

**Enclosure**

**EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light**

10. Nothing in this Certification waives the EPA's authority to issue modifications to this Certification if additional impacts due to project construction or operation are identified, or if additional conditions are necessary to protect water quality.
11. In the event the Tribe, their contractors or assignees are unable to comply with any of the Certification terms and conditions due to any cause, the Tribe shall take immediate action to stop unauthorized discharges and correct the problem. Spill events shall be reported immediately to EPA's 24-Hour Spill Response Team at (206) 553-1263. In addition, any spill amount must be reported to EPA in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The Tribe must contact by telephone the Alaska Department of Environmental Conservation Area Response Team for Southeast Alaska (907) 465-5340 during normal business hours or 1-800-478-9300 after hours. The applicant must also call the National Response Center at 1-800-424-8802. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.

**SPECIFIC CONDITIONS**

1. The Applicant shall provide notice to the EPA 24 hours prior to beginning construction, and within five (5) calendar days after completion of construction at the project site. Notification should be made to Linda Storm by e-mail at [storm.linda@epa.gov](mailto:storm.linda@epa.gov) or telephone (206) 553-6384.
2. Material used for construction or discharged material should be clean and free from contaminants or toxic materials.
3. All work areas and access routes involved in construction shall be delineated for wetlands and wetlands must be clearly marked such that equipment operators do not operate outside the approved areas.

**A. Water Quality Section**

As the Tribe has no federally approved water quality standards, the EPA is using the State of Alaska's EPA federally approved water quality standards and criteria for Freshwater and Marine Water designated uses as guidance [18 AAC 70.020]. Specifically, Turbidity; Petroleum hydrocarbons, Oil and Grease; and Toxics and other deleterious organic and inorganic substances for both freshwater and marine water apply. This certification does not authorize temporary exceedances of water quality standards beyond the established limits. Furthermore, nothing in this certification shall absolve the applicant from liability for contamination and subsequent cleanup of surface waters occurring as a result of project construction or operation.



Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

**B. Erosion Control Section**

1. Work in or near waters shall be done so as to minimize turbidity, erosion, sedimentation and other water quality impacts. Structures and Best Management Practices (BMPs) for control of stormwater, sediment and erosion control to prevent exceedances of federally approved water quality standards (*e.g.*, construction phasing, silt fencing, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites. These BMPs shall be functional before land disturbing activity takes place and maintained during all phases of the project.
2. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
3. Trenches shall not be constructed or backfilled in such a manner as to drain waters of the U.S. (*e.g.*, creating a French drain). Ditch plugs or other methods shall be used to prevent this occurrence.
4. Material resulting from trench excavation may be temporarily side cast into waters of the United States for no more than 30 days, provided the material is not placed in such a manner that it is dispersed by currents or other forces.
5. Excavated material temporarily side-cast into wetlands shall be underlain with geotextile or similar material, to ensure excess material does not remain on site after trenching and backfill occurs.
6. All excess material shall be removed to an upland location, except for material placed as trench over-fill to offset subsidence or compaction.
7. Disturbed areas shall be stabilized immediately after construction.
8. All temporary erosion and sedimentation control BMPs shall be removed within 30 days after final soil stabilization is achieved. Trapped sediment shall be removed or stabilized on-site.
9. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered by a National Pollution Discharge Elimination System permit for stormwater discharges. For detailed information to apply for a construction stormwater permit, see EPA Region 10's website:  
<https://www.epa.gov/npdes-permits/npdes-stormwater-program-region-10>.

**C. Hazardous Materials**

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances to waters of the U.S. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination to the ground, surface runoff, or water bodies including wetlands and marine environment. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal and shall not be discharged into waters of the U.S. or storm drains.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills.

**Enclosure**

**EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light**

3. Equipment shall be inspected on a daily basis for leaks. If leaks are found, the equipment shall not be used until the leak is repaired.
4. All construction debris shall be properly disposed of on uplands so that it cannot enter a waterway or cause water quality degradation to waters of the U.S., including wetlands.

**D. Invasive Species Management**

The following BMP's must be implemented on construction/heavy equipment prior to entering or leaving the project site:

1. The equipment must be cleaned and preferably not been used in a wet riparian, wetland or surface water area for 30 days.
2. All equipment used in or around wetlands and waters must be inspected for invasive aquatic species at a predetermined decontamination area a minimum of 200 feet away.
3. All equipment used in or around water and associated wetlands must be drained, dried and cleaned of all visible plants, invertebrate, mud, and dirt.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3188

**WATER  
DIVISION**

**JAN 30 2020**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. John Cameron  
Metlakatla Power and Light  
P.O. Box 359  
Metlakatla, Alaska 99926

Dear Mr. Cameron:

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For further coordination with the EPA on this project, please contact Ms. Marcia Heer at [heer.marcia@epa.gov](mailto:heer.marcia@epa.gov) or (907) 271-3689.

Sincerely,



Michael J. Szerlog, Manager  
Wetlands and Oceans Section

Enclosure

cc via email:

Mr. Reginald Atkinson  
Mayor of Metlakla Indian Community, [mayor@metlaklata.com](mailto:mayor@metlaklata.com)

Ms. Emily Vullo  
Army Corps of Engineers, Alaska District, [Emily.N.Vullo@usace.army.mil](mailto:Emily.N.Vullo@usace.army.mil)

Mr. Timothy Mullikin  
Electric Power Systems Incorporated, [tmullikin@epsinc.com](mailto:tmullikin@epsinc.com)

Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

*Metlakatla Power and Light  
Annette Bay, Metlakatla, Alaska*

*Clean Water Act Section 401 Water Quality Certification for U.S. Army Corps of Engineers  
Authorizations under Nationwide Permit 12, Utility Line Activities*

**Project Description and Proposed Work**

A water quality certification is required under Section 401 because the proposed activity will be authorized by U.S. Army Corps of Engineers Nationwide Permit 12 - *Utility Line Activities* (Federal Register, January 6, 2017, Vol. 82, No. 4, as regionally conditioned on March 17, 2017) reference number POA-2019-00682, and a discharge of pollutants to waters of the U.S. will result from the proposed project activities which exceed EPA's programmatic 401 Certification limits for the 2017 Nationwide Permits. The Corps intends to authorize each of the four water crossings with separate NWP 12 verifications, whereas this 401 Certification applies to the entire project and all four of the Corps NWP 12 authorizations. The project details are described in the application submitted to the Alaska District Corps of Engineers dated November 12, 2019, with subsequent clarifications provided on December 23, 2019 and January 3, 2020. The project is located in wetlands and marine waters within Metlakatla Indian Reservation and State of Alaska waters and uplands near Ketchikan, Alaska. This Certification will apply to Metlakatla/Annette Islands Indian Reservation lands and waters.

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Segment 2 beginning below the high tide line near the Metlakatla Ferry Terminal and ending at Race Point Peninsula, is within Annette Reservation waters (Sheet 10). Segment 2 will involve installing and burying 3,477-feet of the submarine cable into the seafloor mainly using an underwater plow. The plow would generate a high-pressure water jet that would dig a small, narrow trench, pull the cable into the trench, and then immediately backfill the trench. In areas where trenching is not possible due to presence of boulders or bedrock, an iron guard pipe would be bolted to the rocks.

**Enclosure**

**EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light**

Segment 3 will involve installation of 1,800 feet of cable across Race Point on Annette Island, within Metlakatla Indian Reservation lands (Sheets 3,4, and 10). Trenching methods will be the same as described in Segment 1. The work will also include installation of two sets of 69-inch by 43-inch junction boxes/communication vaults (28-inches buried) and two 8-foot wide x 14-foot long x 8-foot tall communication vaults to transition the cable from marine waters to land. National Wetland Inventory maps indicate this portion of the project would occur in seasonally saturated palustrine forested and scrub shrub wetlands with needle-leafed evergreen vegetation; palustrine emergent wetlands with persistent vegetation; and regularly flooded estuarine intertidal wetlands with an algal aquatic bed. Conduit routing will be subject to minor field adjustments to avoid areas with standing water. Total impacts to wetlands include 237 CY of excavated backfill into 0.4347-acre.

Segment 4 will include installation of 3,397 linear-feet of submarine cable in Annette Reservation marine waters and 2,396 linear-feet in State of Alaska waters. The segment of cable would begin at the transition vault on Race Island and would end in uplands on Mountain Point near Ketchikan. Impacts to waters of the U.S. below the high tide line (HTL) in State waters would include 177.5 CY of fill into 0.0550-acre. Impacts to waters of the U.S. below the HTL in Reservation waters would include 251.6 CY of fill into 0.0780-acre. Total impacts below the HTL for segment 4 would be 430 CY of fill into 0.1330-acre.

All work will be done according to the plans described in the Alaska District Corps of Engineers December 6, 2019, General Agency Permit Coordination notification and the November 12, 2019, application submitted to the Corps with subsequent clarifications on December 23, 2019 and January 3, 2020.

**Applicable Water Quality Standards**

As the Tribe has no formally approved water quality standards, the Environmental Protection Agency will be using the State of Alaska's EPA-approved water quality standards, 18 AAC 70, as guidance, including designated uses, standards and criteria for Freshwater and Marine Water at 18 AAC 70.020. This certification provides reasonable assurance that the project activities will comply with these federally-approved water quality standards, provided that the following conditions are adhered to. This certification does not authorize temporary exceedances of water quality standards beyond the established limits. Furthermore, nothing in this certification shall absolve the applicant from liability for contamination and subsequent cleanup of surface waters occurring as a result of project construction or operation.



Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

**Conditions Necessary to Ensure Compliance**  
**with Water Quality Standards**

**GENERAL CONDITIONS**

1. For purposes of this Certification, the term "Tribe" refers to the point-of-contact for the Metlakatla Indian Community, or its agents, assignees and operators: John Cameron, Metlakatla Power and Light (907-886-4451), [johncameronak@gmail.com](mailto:johncameronak@gmail.com)) and Mr. Reginald Atkinson, Mayor (907-886-5401 or [mayor@metlakatla.com](mailto:mayor@metlakatla.com)), Metlakatla Indian Community P.O. Box 8, Metlakatla, AK 99926.
2. All submittals required by the conditions of this Certification must be sent to the EPA's Region 10 point-of-contact: Linda Storm (206-553-6384, [storm.linda@epa.gov](mailto:storm.linda@epa.gov)), U.S. Environmental Protection Agency, Water Division, M/S 19C09, 1200 6<sup>th</sup> Avenue, Suite 155, Seattle, WA 98101.
3. The work authorized by this Certification is limited to the work depicted and described on the November 2019 application, as clarified on December 23, 2019 and January 3, 2020 and as conditioned by the Corps' Nationwide Permit 12 authorizations (POA-2019-00682).
4. The Tribe must provide access to the project area for site inspections, monitoring, and/or necessary data collection to ensure that conditions of this certification are met.
5. This certification does not exempt the Tribe from, and is provisional upon, compliance with other statutes, codes or requirements administered by other federal agencies or the Tribe.
6. This certification will cease to be valid if the project is constructed or operated in a manner not consistent with the project description contained in the November 2019 application as reflected in the U.S. Army Corps of Engineers GPAC Notification or as otherwise approved in the USACE permit issued under Section 404 of the Clean Water Act. Any modification of the permitted activities must be submitted to the EPA for review to determine compliance with this Certification and to provide any necessary additional requirements pursuant to Section 401 of the CWA. Project modification(s) cannot be implemented until the EPA has determined if additional certification requirements are necessary and the 401 Certification is amended, as required.
7. Extension of this Certification requires a written request from the Tribe. This request must be made in writing to the EPA at least 60 calendar days prior to the expiration date.
8. A copy of this Certification, any tribal or federal permit requirements, and the Corps permit conditions must be kept on the project site and made readily available for reference by a construction supervisor, construction manager, foreman, or the tribal, Corps and/or EPA inspectors.
9. The Tribe must ensure any operator who performs any of the work is informed of and follows all the conditions of this Certification, including the conditions specified in the Corps 404 permit. The Tribe must also ensure all conditions are incorporated into engineering plans and contract specifications.

Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

10. Nothing in this Certification waives the EPA's authority to issue modifications to this Certification if additional impacts due to project construction or operation are identified, or if additional conditions are necessary to protect water quality.
11. In the event the Tribe, their contractors or assignees are unable to comply with any of the Certification terms and conditions due to any cause, the Tribe shall take immediate action to stop unauthorized discharges and correct the problem. Spill events shall be reported immediately to EPA's 24-Hour Spill Response Team at (206) 553-1263. In addition, any spill amount must be reported to EPA in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The Tribe must contact by telephone the Alaska Department of Environmental Conservation Area Response Team for Southeast Alaska (907) 465-5340 during normal business hours or 1-800-478-9300 after hours. The applicant must also call the National Response Center at 1-800-424-8802. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.

**SPECIFIC CONDITIONS**

1. The Applicant shall provide notice to the EPA 24 hours prior to beginning construction, and within five (5) calendar days after completion of construction at the project site. Notification should be made to Linda Storm by e-mail at [storm.linda@epa.gov](mailto:storm.linda@epa.gov) or telephone (206) 553-6384.
2. Material used for construction or discharged material should be clean and free from contaminants or toxic materials.
3. All work areas and access routes involved in construction shall be delineated for wetlands and wetlands must be clearly marked such that equipment operators do not operate outside the approved areas.

**A. Water Quality Section**

As the Tribe has no federally approved water quality standards, the EPA is using the State of Alaska's EPA federally approved water quality standards and criteria for Freshwater and Marine Water designated uses as guidance [18 AAC 70.020]. Specifically, Turbidity; Petroleum hydrocarbons, Oil and Grease; and Toxics and other deleterious organic and inorganic substances for both freshwater and marine water apply. This certification does not authorize temporary exceedances of water quality standards beyond the established limits. Furthermore, nothing in this certification shall absolve the applicant from liability for contamination and subsequent cleanup of surface waters occurring as a result of project construction or operation.

Enclosure

EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light

**B. Erosion Control Section**

1. Work in or near waters shall be done so as to minimize turbidity, erosion, sedimentation and other water quality impacts. Structures and Best Management Practices (BMPs) for control of stormwater, sediment and erosion control to prevent exceedances of federally approved water quality standards (e.g., construction phasing, silt fencing, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites. These BMPs shall be functional before land disturbing activity takes place and maintained during all phases of the project.
2. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
3. Trenches shall not be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., creating a French drain). Ditch plugs or other methods shall be used to prevent this occurrence.
4. Material resulting from trench excavation may be temporarily side cast into waters of the United States for no more than 30 days, provided the material is not placed in such a manner that it is dispersed by currents or other forces.
5. Excavated material temporarily side-cast into wetlands shall be underlain with geotextile or similar material, to ensure excess material does not remain on site after trenching and backfill occurs.
6. All excess material shall be removed to an upland location, except for material placed as trench over-fill to offset subsidence or compaction.
7. Disturbed areas shall be stabilized immediately after construction.
8. All temporary erosion and sedimentation control BMPs shall be removed within 30 days after final soil stabilization is achieved. Trapped sediment shall be removed or stabilized on-site.
9. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered by a National Pollution Discharge Elimination System permit for stormwater discharges. For detailed information to apply for a construction stormwater permit, see EPA Region 10's website:  
<https://www.epa.gov/npdes-permits/npdes-stormwater-program-region-10>.

**C. Hazardous Materials**

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances to waters of the U.S. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination to the ground, surface runoff, or water bodies including wetlands and marine environment. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal and shall not be discharged into waters of the U.S. or storm drains.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills.



**Enclosure**

**EPA 401 Water Quality Certification for POA-2019-00682, Metlakatla Power and Light**

3. Equipment shall be inspected on a daily basis for leaks. If leaks are found, the equipment shall not be used until the leak is repaired.
4. All construction debris shall be properly disposed of on uplands so that it cannot enter a waterway or cause water quality degradation to waters of the U.S., including wetlands.

**D. Invasive Species Management**

The following BMP's must be implemented on construction/heavy equipment prior to entering or leaving the project site:

1. The equipment must be cleaned and preferably not been used in a wet riparian, wetland or surface water area for 30 days.
2. All equipment used in or around wetlands and waters must be inspected for invasive aquatic species at a predetermined decontamination area a minimum of 200 feet away.
3. All equipment used in or around water and associated wetlands must be drained, dried and cleaned of all visible plants, invertebrate, mud, and dirt.



**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. HORIZONTAL DATUM: NAD83(11) UTM ZONE 18Q UTM. VERTICAL DATUM: NAVD83. DATUM TRANSFORMATION: NAD83 TO NAVD83. DATUM SHIFT: 11.000 METERS EAST, 11.000 METERS SOUTH.
  2. HORIZONTAL CONTROL: XXXXX. VERTICAL CONTROL: XXXXX. DATUM SHIFT: 11.000 METERS EAST, 11.000 METERS SOUTH.
  3. SURVEY DATA COLLECTED USING AN ECHOSOUNDING SYSTEM. DATA POINTS ARE COLLECTED AT 100% SWATH WIDTH.
  4. SURVEY DATA COLLECTED USING AN ECHOSOUNDING SYSTEM. DATA POINTS ARE COLLECTED AT 100% SWATH WIDTH.
  5. SURVEY DATA COLLECTED USING AN ECHOSOUNDING SYSTEM. DATA POINTS ARE COLLECTED AT 100% SWATH WIDTH.
  6. SURVEY DATA COLLECTED USING AN ECHOSOUNDING SYSTEM. DATA POINTS ARE COLLECTED AT 100% SWATH WIDTH.
  7. SURVEY DATA COLLECTED USING AN ECHOSOUNDING SYSTEM. DATA POINTS ARE COLLECTED AT 100% SWATH WIDTH.

**LEGEND**

ALIGNMENT (CLIENT PROVIDED)
OUTFALL PIPE
SOUNDINGS
CONTOUR, 10FT INTERVAL

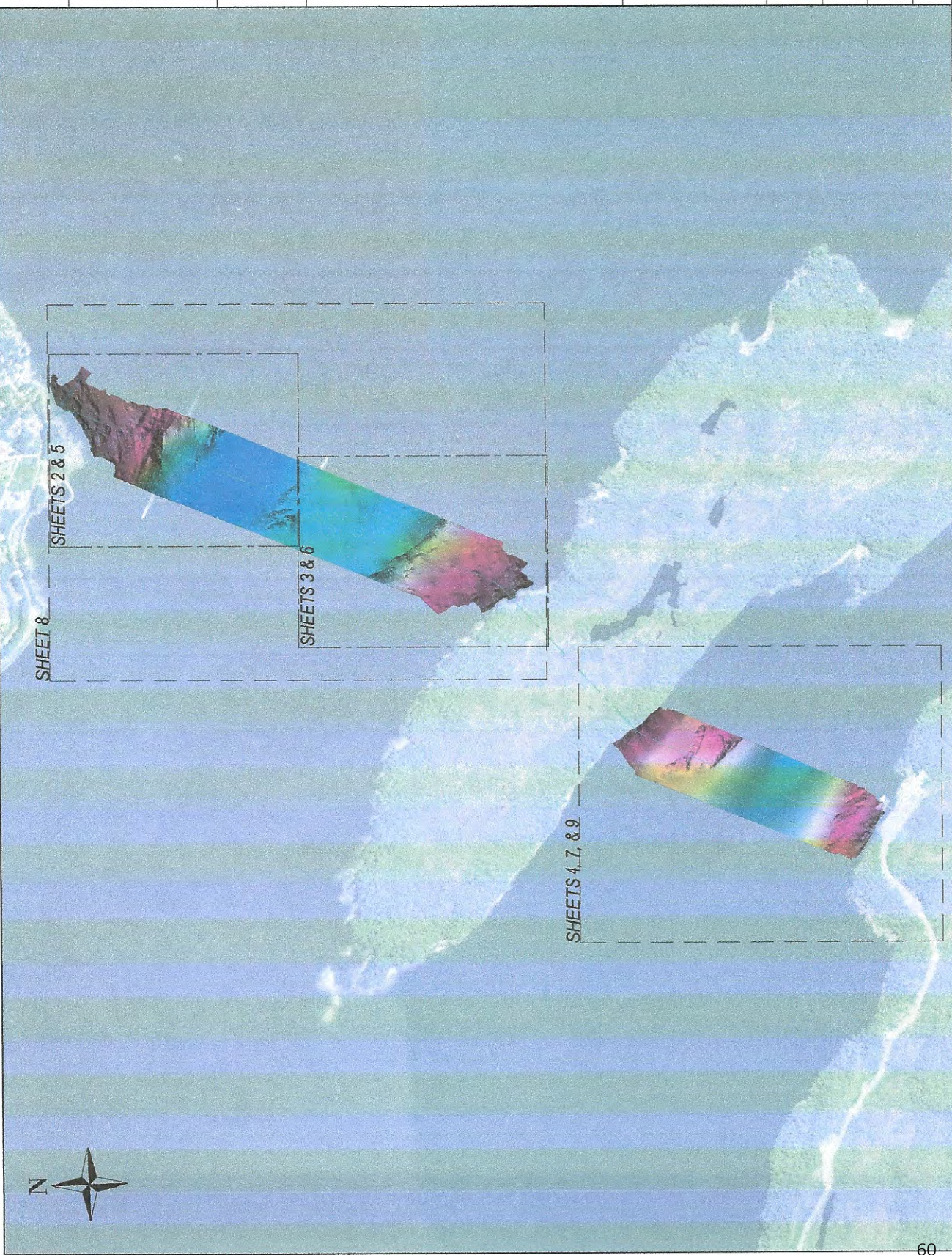


**ETIAC INC.**  
METLAKATLA POWER & LIGHT  
SURVEY & MAPPING  
1000 10TH AVENUE  
SEASIDE, BC V8P 2C6  
TEL: 250-734-1111  
WWW.ETIAC.COM

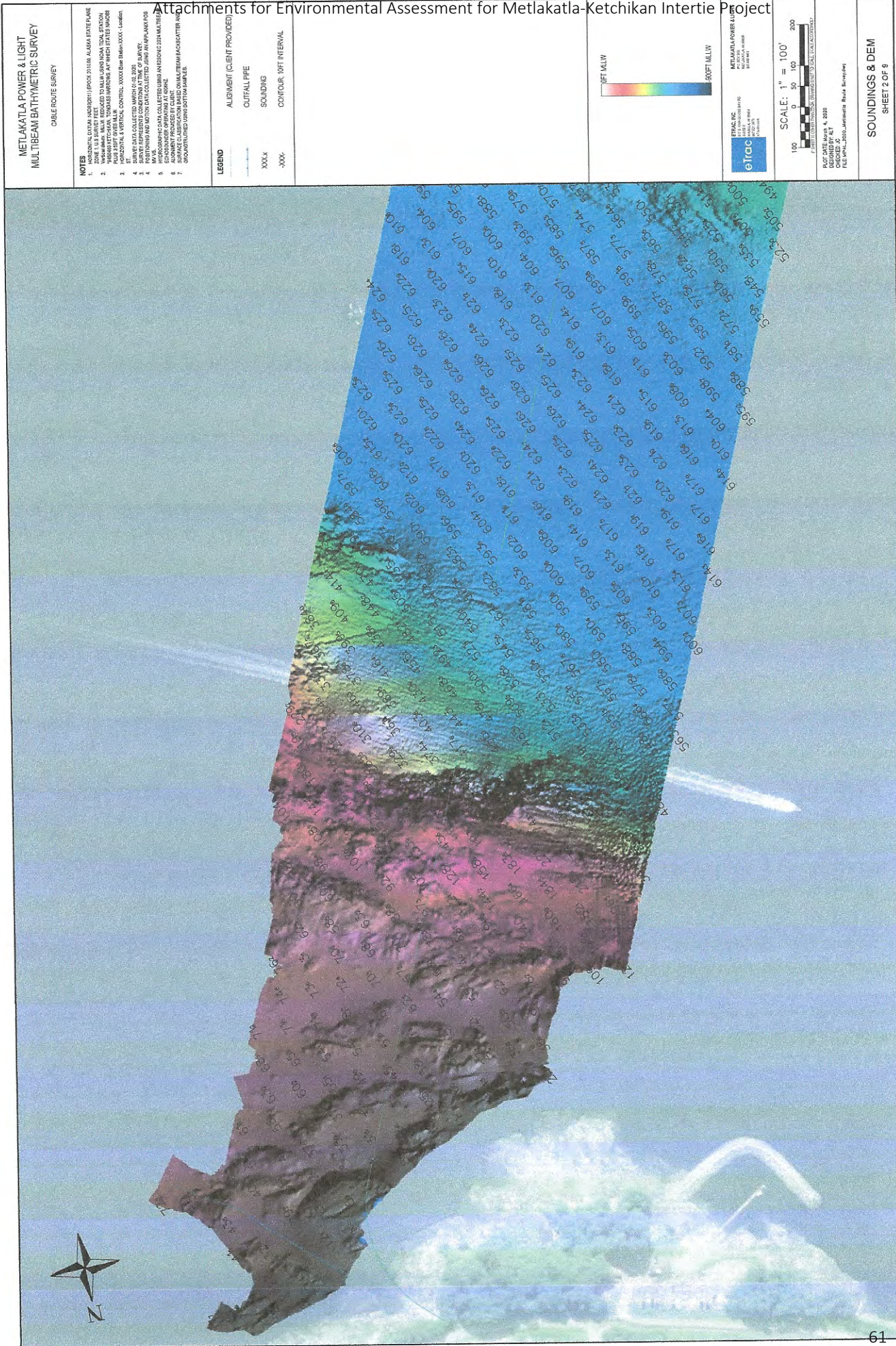
**SCALE: 1" = 500'**

PROJECT: METLAKATLA POWER & LIGHT  
DESIGNED BY: A.T.  
DATE: 08/20/2020  
FILE: SPN\_2020\_Metlakatla\_Road\_Survey.dwg

**OVERVIEW**  
SHEET 1 OF 9







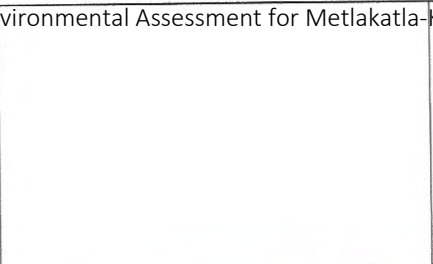


**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. ORIGINAL DATA (INCHES) FROM 2010. ALASKA STATE PLANE
  2. ZONE 18 UTM SURVEY FEET USED TO ALIGN DATA TO LOCAL GRID
  3. "HARBOR KETCHIKAN, TOWARD MARBROW, AT WHICH WATER DEPTHS ARE 100 FEET OR MORE."
  4. "HARBOR KETCHIKAN, TOWARD MARBROW, AT WHICH WATER DEPTHS ARE 100 FEET OR MORE."
  5. "HARBOR KETCHIKAN, TOWARD MARBROW, AT WHICH WATER DEPTHS ARE 100 FEET OR MORE."
  6. "HARBOR KETCHIKAN, TOWARD MARBROW, AT WHICH WATER DEPTHS ARE 100 FEET OR MORE."
  7. "HARBOR KETCHIKAN, TOWARD MARBROW, AT WHICH WATER DEPTHS ARE 100 FEET OR MORE."

**LEGEND**

—	ALIGNMENT (CLIENT PROVIDED)
---	OUTFALL PIPE
XXX	SOUNDING
XXX-	CONTOUR, 10FT INTERVAL

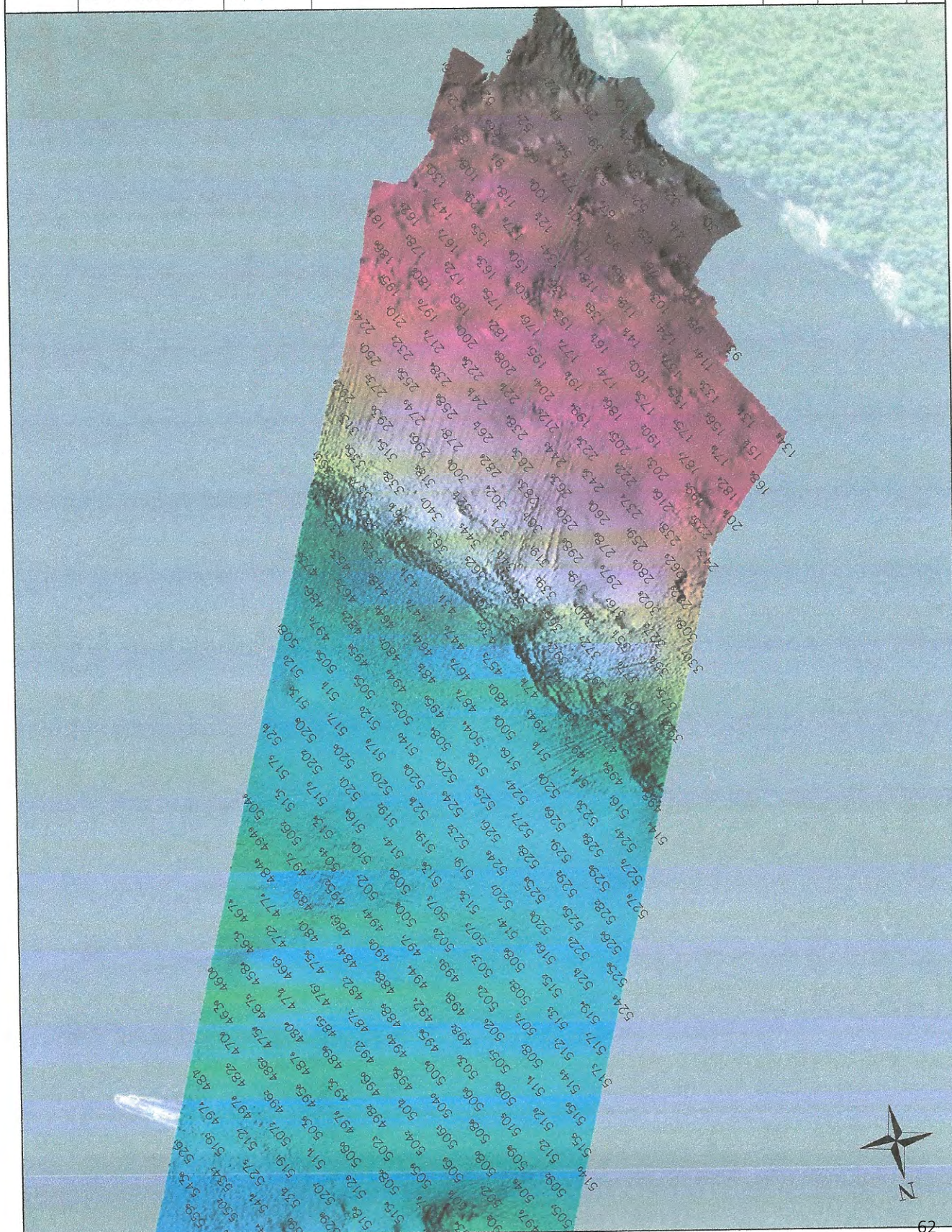


**ETROC**  
METLAKATLA POWER & LIGHT  
1000 10TH AVENUE  
KETCHIKAN, ALASKA 99901  
TEL: 907.556.1234  
WWW.ETROC.COM



PLotted DATE: 04/14/2010  
CHECKED BY: JAC  
FILE: 09PL\_2010\_04\_14\_1000\_10TH\_AVENUE\_KETCHIKAN.AXD

**SOUNDINGS & DEM**  
SHEET 3 OF 9





**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. HORIZONTAL DATUM: NAD83(11) PROJ: 20110; ALASKA STATE PLANE
  2. UTM ZONE: 18 UTM AREA: 18N UTM GRID: 500000 EASTING 5000000 NORTHING
  3. HORIZONTAL DATUM: NAD83(11) PROJ: 20110; ALASKA STATE PLANE
  4. SURVEY DATA COLLECTED: MARCH 01-02, 2020
  5. SURVEY REPRESENTS CONDITIONS AT TIME OF SURVEY
  6. METLAKATLA POWER & LIGHT PROJECT: 20110; ALASKA STATE PLANE
  7. ALIGNMENT PROVIDED FOR DESIGN AND CONSTRUCTION OF METLAKATLA POWER & LIGHT PROJECT
  8. GROUNDLINE PROVIDED FOR DESIGN AND CONSTRUCTION OF METLAKATLA POWER & LIGHT PROJECT

- LEGEND**
- ALIGNMENT (CLIENT PROVIDED)
  - OUTFALL PIPE
  - SOUNDING
  - XXX-X
  - XXX-

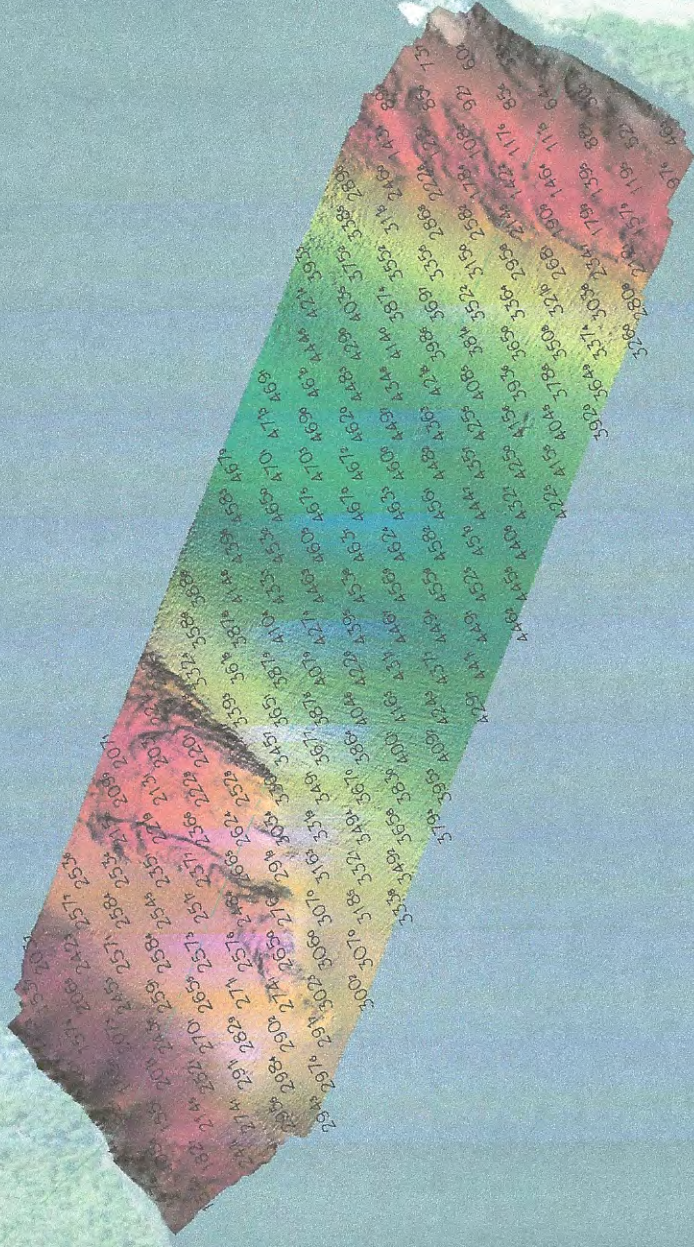


**ETROC INC.**  
METLAKATLA POWER & LIGHT PROJECT  
20110; ALASKA STATE PLANE  
3000 EASTING 5000000 NORTHING  
MARCH 01-02, 2020

SCALE: 1" = 150'  
0 75 150 300

DATE: 03/02/2020  
DRAWN BY: J. L. JONES  
CHECKED BY: J. L. JONES  
FILE: 20110\_2020\_Metlakatla\_Route\_Soundings

**SOUNDINGS & DEM**  
SHEET 4 OF 9





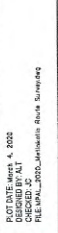
**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. INSTRUMENTS: GARMIN JACOBS0101 (EPOCH 2010.0), ALUMINA STATE PLANE
  2. ZONE 1, U.S. NAVY FEET
  3. ZONE 1, U.S. NAVY FEET
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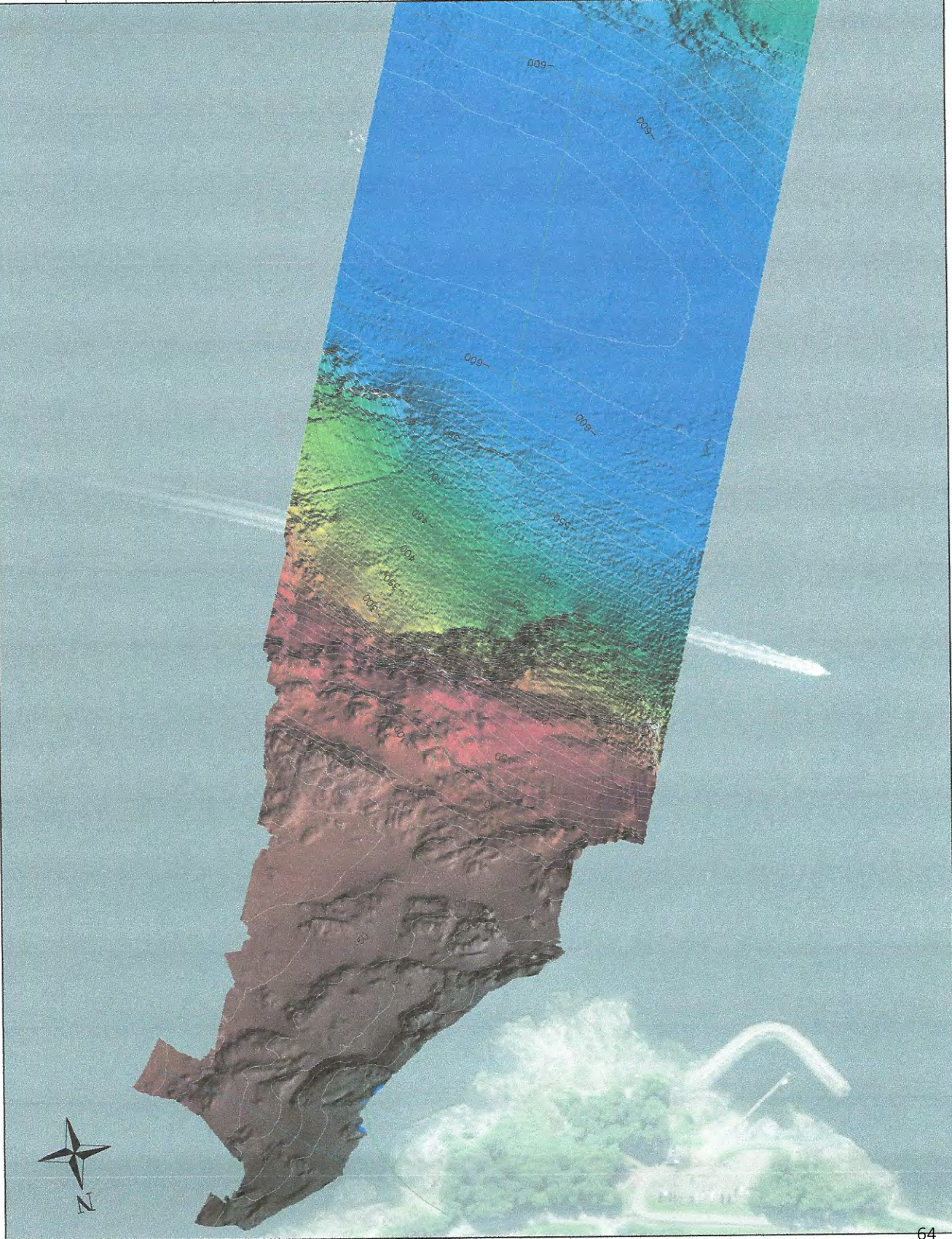
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- ALIGNMENT (CLIENT PROVIDED)
  - OUTFALL PIPE
  - SOUNDING
  - CONTOUR, 10FT INTERVAL



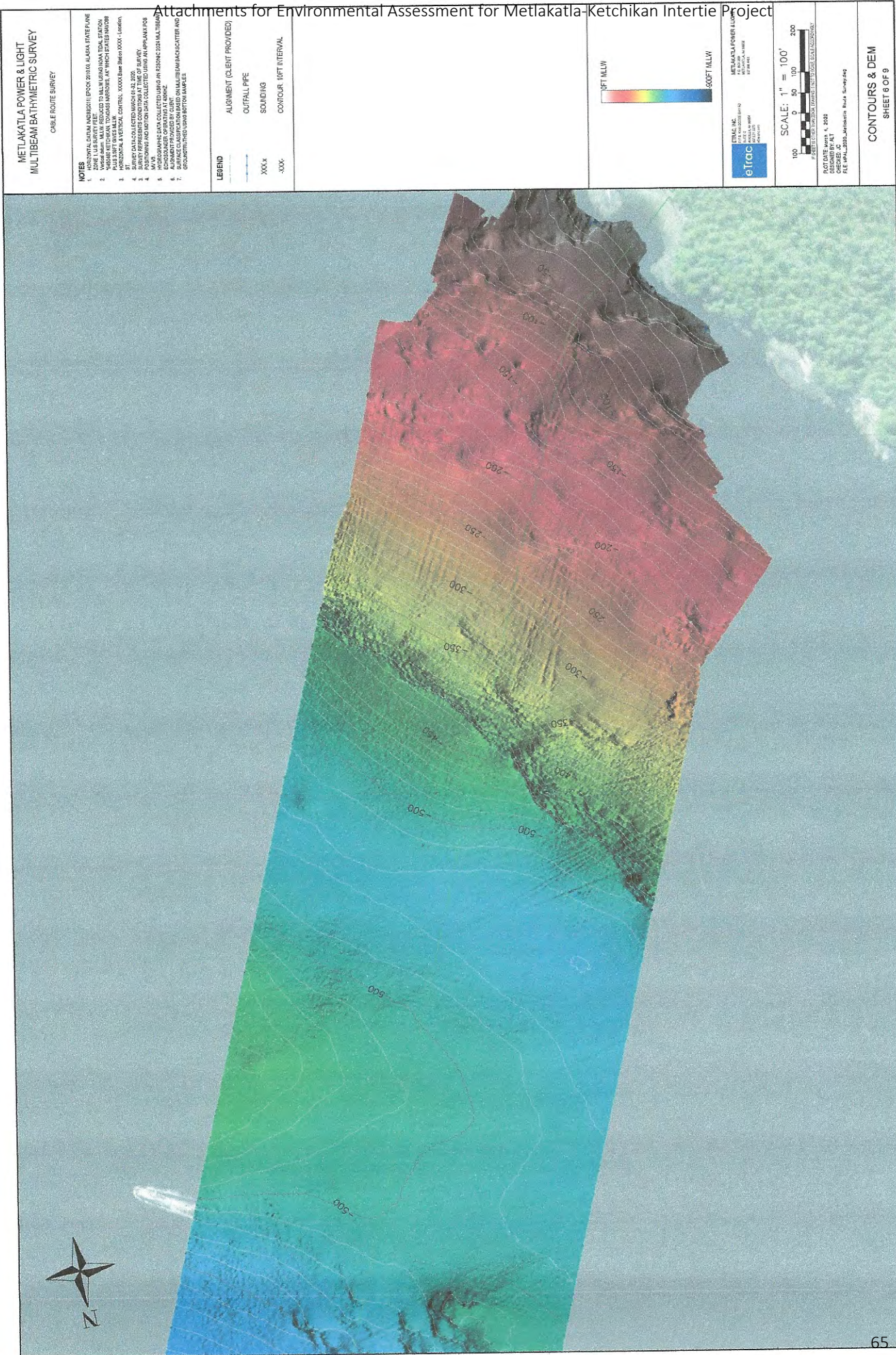
**ETAC INC.**  
METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY  
CABLE ROUTE SURVEY  
DATE: 08/14/2012  
BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN  
FILE: ETAC\_20120814\_Metlakatla\_Power\_Light\_Survey



**CONTOURS & DEM**  
SHEET 5 OF 9







**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. HORIZONTAL DATUM: NAD83(2011) EPSG:26180 ALASKA STATE PLANE
  2. ZONE: 14S NAVD83 FEET
  3. VERTICAL DATUM: TO ALASKA NATIONAL TIDE DATUM
  4. HORIZONTAL CONTROL: XXXXX (See Block XXXX - Location)
  5. VERTICAL CONTROL: XXXXX (See Block XXXX - Location)
  6. SURVEY DATA COLLECTED: MARCH 04 TO 2023
  7. SURVEY REPRESENTS CONDITIONS AT TIME OF SURVEY
  8. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  9. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  10. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  11. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  12. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
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  15. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  16. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS
  17. SURVEY DATA WAS COLLECTED USING AN ALBATROSS MVS

**LEGEND**

—	ALIGNMENT (CLIENT PROVIDED)
—	OUTFALL PIPE
XXX	SOUNDING
XXX	CONTOUR 10FT INTERVAL



**ETRAC**  
METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY  
CABLE ROUTE SURVEY  
DATE: MARCH 04 TO 2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1" = 100'  
100 0 100 200

DATE: MARCH 04 TO 2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1" = 100'  
100 0 100 200

**CONTOURS & DEM**  
SHEET 8 OF 9







**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CHILE ROUTE SURVEY

- NOTES**
1. ORIGINAL DATA (MAGNETIC) FROM SURVEY (1) (PROG 0310). ALASKA STATE PLANE ZONE 14 UTM SURVEY FACET.
  2. SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.
  3. THE SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.
  4. THE SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.
  5. THE SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.
  6. THE SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.
  7. THE SURVEY DATA WAS COLLECTED USING A CHIRP MULTIBeam ECHOSOUNDING SYSTEM (HUGIN) WITH A SWATH RANGE OF 100 METERS. THE SURVEY WAS CONDUCTED IN 2013.

**LEGEND**

—	ALIGNMENT (CLIENT PROVIDED)
—	OUTFALL PIPE
XXXx	SOUNDING
-XXX-	CONTOUR: 10FT INTERVAL
○	BOTTOM SAMPLE WITH DESCRIPTION
○	EXPOSED BEDROCK
○	SAND POCKETS ON BEDROCK
○	SAND
○	SAND WITH SILT
○	MUD/CLAY

**etrac**

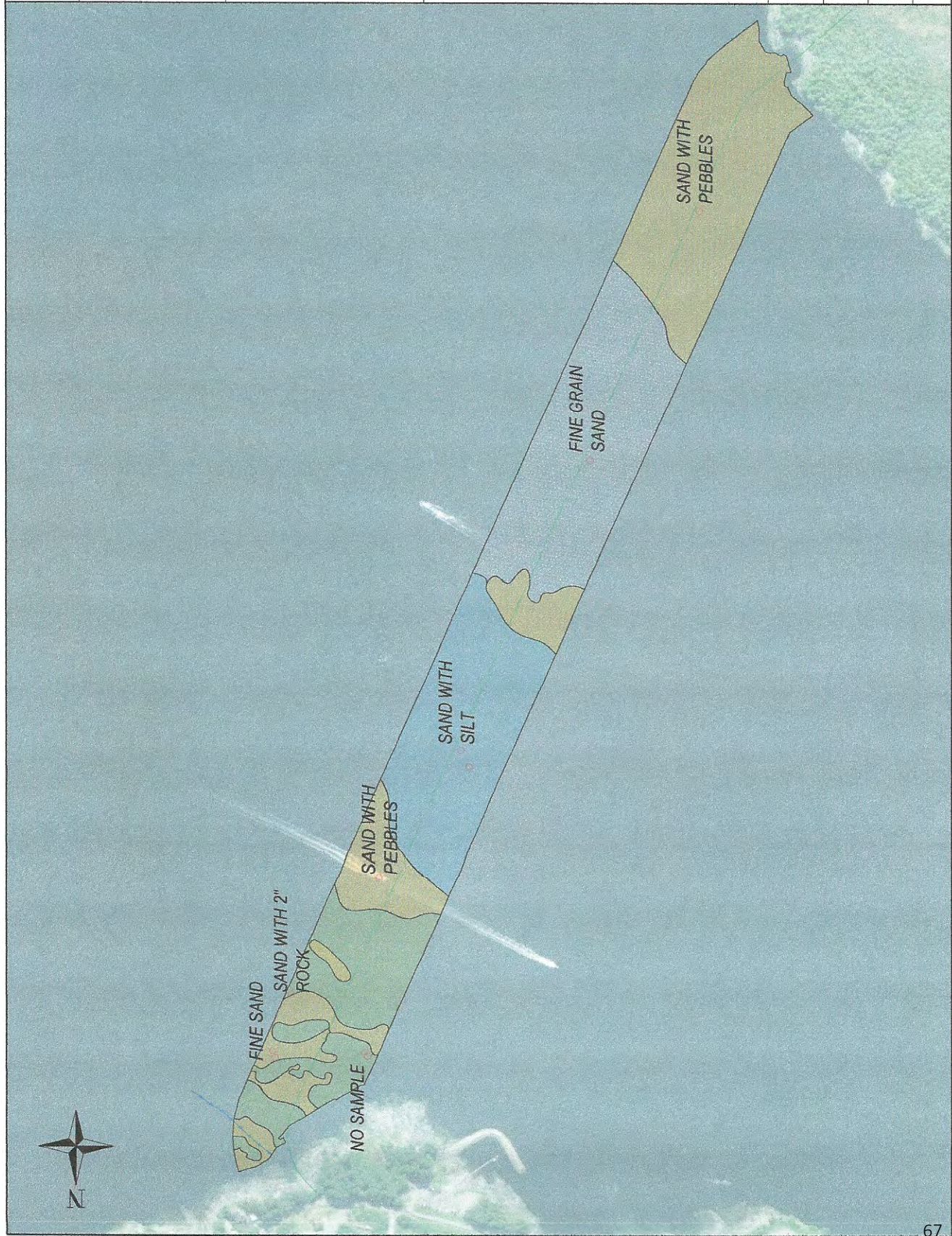
ETRAC, INC.  
10000 100th Ave NE  
Bellevue, WA 98004  
206.461.1000  
www.etrac.com

**METLAKATLA POWER & LIGHT**  
10000 100th Ave NE  
Bellevue, WA 98004  
206.461.1000  
www.etrac.com

SCALE: 1" = 200'  
0 100 200 400

PGT DATE: March 4, 2013  
FILE: 0310\_100M\_SWATH\_SURVEY\_DATA\_031003.DWG  
CHECKED BY: [Name]

**SURFACE CLASSIFICATION**  
SHEET 8 OF 9





**METLAKATLA POWER & LIGHT  
MULTIBEAM BATHYMETRIC SURVEY**  
CABLE ROUTE SURVEY

- NOTES**
1. HORIZONTAL DATUM AND ORIGIN: TIDE GAUGE, ALASKA STATE PLANE
  2. HORIZONTAL DATUM: NAD 83
  3. HORIZONTAL CONTROL: XXXXX (SEE SHEET XXXX - LATEST)
  4. SURVEY DATA COLLECTED MARCH 16-22, 2009
  5. SURVEY DATA COLLECTED MARCH 23-24, 2009
  6. SURVEY DATA COLLECTED MARCH 25-26, 2009
  7. SURVEY DATA COLLECTED MARCH 27-28, 2009
  8. SURVEY DATA COLLECTED MARCH 29-30, 2009
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  10. SURVEY DATA COLLECTED APRIL 1, 2009
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  99. SURVEY DATA COLLECTED JUNE 29, 2009
  100. SURVEY DATA COLLECTED JUNE 30, 2009

**LEGEND**

ALIGNMENT (CLIENT PROVIDED)	OUTFALL PIPE
SCOURING	SCOURING
CORITOLG. (IFT INTERVAL)	BOTTOM SAMPLE
EXPOSED BEDROCK	SAND POCKETS ON BEDROCK
SAND	SAND WITH SILT
MUD/CLAY	

**ETRAK, INC.**  
eTrac

**METLAKATLA POWER & LIGHT**  
SURVEY

SCALE: 1" = 150'

100 0 75 150 300

FOOT CAGE: APRIL 4, 2009  
DESIGNED BY: AJT  
FILE: APRIL\_2009\_Metlakatla\_Power\_Survey.dwg

**SURFACE CLASSIFICATION**  
SHEET 9 OF 9







THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Southeast Regional Land Office

P. O. Box 111020  
Juneau, Alaska 99811-1020  
Main: 907.465.3400  
TTY: 711 or 800-770-8973  
Fax: 907.500.9011

**ALASKA DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PUBLIC EASEMENT  
ADL 109037  
METLAKATLA POWER & LIGHT**

In accordance with AS 38.05.850, the Division of Mining, Land and Water (DMLW) has issued a decision to issue a public utility easement to Metlakatla Power & Light for up to a 25-year term. The easement authorizes the use of approximately 2.75 acres of State land for the installation, operation, and maintenance of a submerged electric and fiber optic cable to provide electric utility and high speed data connection services to Annette and Revillagigedo Island along the submerged lands in Ketchikan, Alaska within Section 11, Township 76 South, Range 91 East, Copper River Meridian.

Public notice of this written decision will be posted on the Alaska Public Notice System website for 30 calendar days. Juneau post offices will also be requested to post the notice of this decision.

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by e-mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

The Division of Mining, Land and Water reserves the right to waive technical defects in this publication.

Post through: August 24, 2020

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER**

**Southeast Regional Land Office**

**Regional Manager's Decision**

**ADL 109037**

**METLAKATLA POWER & LIGHT**

Application for Easement

AS 38.05.850

**Executive Summary**

This Regional Manager's Decision (RMD) is the State's best interest finding regarding a proposed disposal of interest in state land. The authorization is for a 25-year public utility easement for installation, operation, and maintenance of a submerged electric and fiber optic cable to provide electric utility and high speed data connection services to Annette and Revillagigedo Island. The cable will be approximately 2,396 feet long and the easement will be approximately 2.75 acres. At this time the state has intent to authorize this easement contingent on the best interest findings contained herein.

**Requested Action**

On November 18, 2019, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) received an application for a 2,396 ft x by 50 ft, approximately 2.75 acre, public utility easement from Metlakatla Power & Light for a proposed submarine electric and fiber optic cable on State-owned, DMLW-managed land near Ketchikan, Alaska. Metlakatla Power & Light has chosen to install an Okoguard submarine cable. This type of power cable has the ability to provide both electricity and high speed data connection within one line. It will be referenced in this decision as the "fiber optic cable" and will serve to improve the quality and reliability of both electric and communication services on Annette and Revillagigedo Island. A diagram of the proposed easement is included as Attachment 1.

**Proposed Action**

Metlakatla Power & Light ("applicant") wants to install a submerged fiber optic cable to run through the Revillagigedo Channel and state-owned tidelands and submerged lands to a substation near Mountain Point on Revillagigedo Island. The applicant is seeking authorization from DMLW for an easement over state-owned land for the section labeled "segment 4" "cable in state" in the Development Plan (Attachment 1). The applicant states this cable link will increase the supply of electric and communication services to both islands and reduce the frequency and duration of service outages. DMLW will tentatively issue an entry authorization (EA) for a term of 2 years to allow for construction of the fiber optic cable and completion of a DMLW-approved as-built survey. The DMLW-approved as-built survey is prerequisite for issuance of the final easement. The term of the EA shall be inclusive of the total easement term of 25 years. A draft EA is included as Attachment 2. A draft easement agreement is included as Attachment 3.



### **Statutory Authority**

This easement application is being adjudicated pursuant to AS 38.05.850. Permits, and the Alaska Land Act as amended, and AS 38.05.127. Access to navigable or public waters, and AS 38.05.810. Public and Charitable Use.

### **Administrative Record**

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced here-in, the Central/Southern Southeast Area Plan, November 2000, (CSSEAP), and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109037.

### **Scope of Decision**

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska.

### **Location Information**

**Geographic Location:** Ketchikan Gateway Borough off of Mountain Point, approximately 2.9 miles southeast of the City of Saxman, across from Annette Island in the Revillagigedo Channel.

**Property Description:** DMLW managed submerged and tide lands located in Southern 1/2, Section 11, Township 76 South, Range 91 East, Copper River Meridian, Alaska.

**Width: 50 feet      Length: 2,396 feet      Approximate Acreage: 2.75**

#### **Other Land Information**

Municipality: Ketchikan Gateway Borough

Regional Corporation: N/A

Village Corporation: N/A

Federally Recognized Tribe: Ketchikan Indian Corporation

### **Title**

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying the Revillagigedo Channel in the section(s) referenced above, on the basis of the Equal Footing Doctrine, and the Submerged Lands Act of 1953.

### **Planning and Classification**

The proposed site is subject to the CSSEAP and is located within Management Unit K-44.00. The designated land use is Public Recreation and Tourism, Undeveloped (Ru) which converts to Public Recreation Land as the land classification (ch-3, p-249, CSSEAP).

#### **Management Intent:**

The management intent for this area is “manage lots and tracts within this subdivision (ASLS 80-187) consistent with the classifications in the plan map for ASLS 80-197. The tracts in the subdivision (Tracts J and K, and portions of D, E, and F) are to be retained in state ownership and used as an open space” (ch-3, p-295, CSSEAP).

#### **Designations:**

Public Recreation and Tourism, Undeveloped (Ru) – This designation applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. Land in this designation may be conveyed to municipalities depending on the unit’s management intent and the relative value of the recreation resources for which the unit was designated. These lands cannot be sold to individuals (ch-3, p-4, CSSEAP).

#### **Classification:**

Public Recreation Land - Land classified public recreation is land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways (11 AAC 55.160).

According to 11 AAC 55.040(c), “A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use.”

The management intent and land designation for this area do not prohibit the installation and operation of a submerged fiber optic cable. The management intent states the specific tracts in this area be retained in state ownership and used as an open space. The project is considered consistent with the management intent because it does not interact with these specified tracts of land, and by submerging the fiber optic cable, the state is still maintaining the land as an open space. Public Recreation and Tourism, Undeveloped recognizes that the land will be used for a variety of recreational uses with minimal developed facilities. A submerged fiber optic cable on this land will not impede on recreational opportunities that may take place on the land.

#### **Third Party Information**

The Ketchikan Gateway Borough (KGB) is the upland owner at the Mountain Point landing, and substation connection point. The applicant is working on getting an easement from KGB to cross this land. KGB will be individually noticed about this easement.



The Metlakatla Indian Community is a federally recognized Indian tribe governed by a Constitution duly adopted and enacted on August 23, 1944. Metlakatla Power & Light is a corporation of the Community. They will be individually noticed about this easement.

Ketchikan Public Utilities (KPU) is a stakeholder in this project as Metlakatla Power & Light plan to work with Metlakatla Power & Light on a Power Sales Agreement. They will be individually noticed about this easement.

### **Background**

Metlakatla Power & Light submitted an easement application to the Southeast Regional Office on November 18, 2019. This project is scheduled to start construction in August of 2020, and take 6-9 months to complete. Currently, there are service outages that occur on Annette and Revillagigedo Island that could be remedied by installation of this cable.

Metlakatla Power & Light is being considered for a public easement for project ADL 109037 because they are a wholly owned public utility corporation of the Metlakatla Indian Community of the Annette Island Reserve. The services and functions of Metlakatla Power & Light are overseen by the elected officials of the Metlakatla Indian Community. The elected officials are directly responsible to the members of the public and aim to serve them to fit their needs. By having Metlakatla Power & Light install and operate this cable, the elected officials overseeing this are acting in favor of the public who elected them, therefore providing a public service to the members of the community. In addition, DPF 2020-03 dated June 1, 2020, states the policy of DMLW to be that companies providing high speed internet, phone and data transmission service through the installation of fiber optic cables should be treated as a public utility, whether regulated by the RCA or not, and be subject to regulations pertinent to a “public utility” easement.

### **Public Notice & Agency Review**

#### **Agency Review Summary**

An Agency Review was conducted February 3, 2020, to March 4, 2020. The following organizations were included in this review:

- Alaska Department of Fish and Game (ADF&G)
- Alaska Department of Environmental Conservation (DEC)
- Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Office of History and Archaeology

#### **Agency Review Comment and Response**

Alaska Department of Fish & Game (ADF&G)

Summary: ADF&G does not object to the authorization, but they have a number of concerns regarding marine mammal and fisheries resources. They advise marine mammal observers to be present during the cable laying; the cable should be monitored during the life of the project, and best management practices should be implemented to reduce chances of entanglement. As for fisheries, they advise installation of the cable not to take place between mid-March to mid-April when herring are spawning. They also advise the cable be buried to prevent snagging fishing gear, and the applicant should

communicate with a number of agencies and fishing groups to provide updates and coordinate times to do work on the project.

DMLW Response: To address these concerns, DMLW will prohibit installation and maintenance of the fiber optic cable from March 15 – April 15 of every year for the term of the easement. DMLW will also require marine mammal observers be present during the installation of this fiber optic cable. There will also be a number of stipulations included in the easement agreement to help mitigate these concerns. Please see summaries of the included stipulations below.

**Stipulation #9 Compliance with Government Requirements:** The Grantee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this authorization. The Grantee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.

**Stipulation # 21 Violations:** This authorization may be revoked 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.

**Stipulation # 22 Notification of Discharge:** The Grantee shall immediately notify the Department of Environmental Conservation (DEC) and AO of any unauthorized discharge of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.

**Stipulation #37 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.

For full stipulation language, please see the draft easement agreement (Attachment 3).

Department of Transportation (DOT)

Summary: DOT says utility permits have been issued for this project in the past with no complications, but if the applicant decides to land the cable through their property boundary, then a utility permit must be obtained through the Alaska Marine Highway System before any siting or construction begins.

DMLW Response: Stipulation #9 Compliance with Government Requirements of DMLW's Easement Agreement states: The Grantee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this authorization. The Grantee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.



### **Public Notice Summary**

Notice of this application was posted on the Alaska Online Public Notice System website and sent to the following known interested parties:

- General Routing, Army Corps of Engineers
- Ben Soiseth, Army Corps of Engineers
- Rob Morgenthaler, US Forest Service
- Michele Metz, Sealaska
- Clean Water Program, Southeast AK Conservation Council
- District Manager & Board Members, Southeast AK Soil and Water CD
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Katy Suiter, Ketchikan Borough
- Karl Amylon, Ketchikan Municipality
- Ketchikan Indian Community
- Bob Dalrymple, District Ranger for US Forest Service
- Jeannie Blackmore, District Ranger for US Forest Service
- Ketchikan Post Office, 3609 Tongass Ave, Ketchikan, AK 99901

### **Public Notice Comment and Response**

Ketchikan Public Utilities (KPU)

Summary: KPU requests, at minimum, a 90 day extension to the comment period for additional time for stakeholders to coordinate with the applicant. KPU says there is currently not a power sales agreement, agreement for the final project inertie design, complete understanding of potential regulatory compliance issues, expected load profile, or funding status for the proposed project.

DMLW Response: DMLW did not grant a 90 day exention to the comment period because DNR requires an as-built survey to be completed upon issuance of an easement authorization, therefore any ambiguity about the location or technicalities of the easement will be solved before issuance. DMLW also does not oversee the logistical requirements of the project and requires compliance with all state, federal, and local laws and regulations that apply to the construction, maintenance, siting, and use of a fiber optic cable on land.

### **Access**

**Physical and Legal Access:** The applicant may access the site over state tide and submerged lands underlying the Revillagigedo Channel, a navigable water body. They may also access the site via the uplands and boat ramp at Mountain Point on Revillagigedo Island.

Legal access to the proposed site is provided by:

**Access to and along Public Waters:** The Revillagigedo Channel is a navigable, public water body. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Public access across this easement shall not be restricted in any manner.

### **Environmental Considerations**

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether or not to approve the authorization. The applicant is responsible for determining site suitability.

The applicant stated that standard mitigation measures will be implemented throughout the project to reduce potential adverse environmental impacts. Most environmental impacts will occur during the initial construction and installation of the fiber optic cable and electric line. Metlakatla Power & Light will be prohibited from conducting installation and/or maintenance on the fiber optic cable between March 15 – April 15 of every year during the term of the easement to mitigate the impact on spawning herring. They will also be required to have marine mammal observers present during installation of the fiber optic cable.

During the initial phase of this project a bathymetry survey will be conducted along the proposed fiber optic cable route. This survey will be conducted off a small locally operated vessel (4 crew members expected) outfitted with swath bathymetry and GPS systems to scan and chart the sea floor. The survey will identify obstacles and bottom conditions to avoid and allow final armoring and installation plans to be developed for the cable. The survey will use the back scatter information and side scan to identify bottom sediments along with periodic bottom sampling. No high powered sediment penetrating sub-bottom profiling equipment will be used to chart the seafloor, therefore it is expected that the bathymetry survey will have a negligible impact in the area.

The underwater cable installation is expected to require up to 10 personnel and will utilize sectional barges, motorboats, cable reels, cable handling gear, and surveying/recording equipment. The majority of the cable will be laid onto the seafloor with sufficient slack to ensure it fully conforms to the underwater contours. In areas of high boat use, fishing or ice scouring the cable will be buried into the seafloor using a water injection method or under water plow. Both methods disturb only a small area where the cable is buried in the sediments. In areas of possible erosion or shoreline movement, split cast iron pipe may be placed over the cable.

The fiber optic line will be monitored periodically, with most activity occurring in the event of an outage or fault. Equipment used for operation/maintenance activities will likely be shallow barges and/or small outboard motorboats. The combined limited time expected for maintenance and use of small and shallow equipment, when needed, means DMLW can expect this this cable to make minimal impact on the land.

### **Economic Benefit and Development of State Resources**

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

Indirectly, this project aims to provide power to residents of Alaska therefore contributing to a more competitive market for power and ultimately leading to better prices for consumers. Competitive markets lead to healthier economies, making this project indirectly beneficial to the state.

Metlakatla Power & Light has plans to make an agreement with Ketchikan Public Utilities to sell power back to one another to provide for a better economic dispatch of resources. No power sale agreement has been decided upon yet, but it may be required as a deliverable at the end of the entry authorization period to ensure the utilities are working together to provide the most efficient and reliable power to the people of Alaska.

By supporting Metlakatla Power & Light and allowing them to use state land for a minimally invasive submerged fiber optic cable to supply power to the citizens of Metlakatla and Ketchikan, the state is encouraging use of the available state land as an avenue for electricity and high speed data transmission to reach more remote areas of Alaska. This will encourage economic opportunities in the area.

### **Discussion**

This project will provide an important public benefit to the residents of Annette and Revillagigedo Island. The projects aim is to improve the reliability and quality of electric and communication services on both islands, which is an important step forward technologically for the people living on these islands. The project will help to improve safety on the islands by reducing the frequency and duration of service outages, while also enhancing efficient power usage by allowing the utilities on both islands to sell surplus power to each other. The submerged fiber optic cable and electric line will not impede on any public recreation or tourism opportunities, therefore making this authorization consistent with the land use designation. The project will not impede on the management intent, as the area is still being kept as an open space because the cable will be submerged.

Overall, this authorization has the potential to provide many benefits to the State of Alaska, and improve the quality and reliability of important services. Since minimal environmental impacts are expected to occur, and the state will see economic benefits without conflicting with the area plan guidance, thus it is recommended to authorize this easement.

### **Performance Guaranty**

In accordance with AS 38.05.035, AS 38.05.860, and 11 AAC 96.060(a) Performance Guaranty, the applicant will be required to submit performance guaranties for the lease to incentivize performance of the conditions of the EA and the easement. This provides a mechanism for the state to ensure that the applicant shares any financial costs associated with noncompliance of the easement agreement for site cleanup, restoration, and any associated costs after termination or expiration of the easement. The following bonds will be required:

**\$11,980.00 Performance Bond:** Performance guaranties provide a means to pay for corrective action if the grantee fails to comply with the easement requirements. In accordance with AS 38.05.035(a)(4), the applicant will be required to submit a performance guaranty. The amount of the performance guaranty is based on the



scope and the nature of the activity and the potential cost of restoring the site. Performance guaranties are subject to periodic adjustments during the term of the authorization to address increases or decreases in the costs of rectifying problems and rehabilitating state land due to inflation, changes in the level or nature of development, or other appropriate factors.

### **History of Compliance**

DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

### **Insurance**

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

**Insurance Narrative:** Consistent with AS 38.05.035 (a) to protect the State from liability associated with the use of the site, the applicant shall provide and maintain a comprehensive general liability insurance policy with the State of Alaska named as an additional insured party per the stipulations of the Easement Agreement. The applicant shall secure or purchase at its own expense, and maintain in force at all times during the term of this easement, liability coverage and limits consistent with what is professionally recommended as adequate to protect the applicant and the State, its officers, agents and employees from the liability exposures of ALL the insured's operations on state land. The insurance requirement may be adjusted periodically

### **Survey**

A DMLW-approved as-built Record of Survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee per 11 AAC 05.010(a)(13)(A) may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final as-built survey must be approved by DMLW before issuance of the final easement.

The applicant can contact the survey section at:

Dept. of Natural Resources  
Div. of Mining, Land & Water  
550 W 7th Ave Suite 650  
Anchorage, AK 99501-3576  
(907) 269-8523

## **Fees/Appraisal**

**Entry Authorization:** In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement or right-of-way for site development is \$240 annually for up to two acres, and \$120 annually for each acre above two. The annual fee for this Entry Authorization will be \$360.00.

**Easement:** In accordance with 11 AAC 05.070(d)(2)(C), the fee for a public utility easement for electric and high speed data connection services containing approximately 2.75 acres is a one-time fee of \$1,342.00.

As a measure for incentivizing applicants to complete the required as-built survey, both the entry authorization fee and the easement fee will apply during the term of the entry authorization. The annual total fee during the term of the entry authorization will be: \$2,031.00 for the first year of the entry authorization term, and then \$360.00 for every year subsequently after until completion of the entry authorization.

**Survey:** Fees for survey instruction, review, and recording will be required and administered through the Survey Section. The applicant should contact the survey section at:

Dept. of Natural Resources  
Div. of Mining, Land & Water  
550 W 7th Ave Suite 650  
Anchorage, AK 99501-3576  
(907) 269-8523

**Recording:** The applicant shall pay the appropriate recording fees as determined based on current regulation to have the easement document recorded by DMLW. Recording fees shall be paid prior to the execution of the easement document.

### **Appraisal:**

An appraisal would not be required as the fee is established in regulation.

### **Entry Authorization**

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an entry authorization be issued for a term ending in 2 years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public utility easement. The entry authorization may be revoked if the applicant has not supplied DMLW with a draft as-built survey within 2 years of receiving survey instructions. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan. Staff

recommend that entry authorization not be granted until the following deliverables have been provided to DMLW, as described or recommended above.

**Easement Term**

The authorization requested under ADL 109037 will be issued for a term of 25 years from the effective date of this decision.

**Term Discussion**

Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by the DMLW. Following termination of an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to the DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to the DMLW prior to termination of the easement. The DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by the DMLW, the improvements may become property of the DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to the DMLW.



**Recommendation**

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend issuance of a public utility easement to Metlakatla Power & Light pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision and the EA. The easement will be issued for a term of 25 years from the effective date of this decision that may be terminated if a higher and better economic use for the project area is established as determined by the DMLW Director, if the land is no longer used for the above stated purpose, or is revoked for cause.

  
Kaitlyn Raffler, Natural Resource Specialist II

7/22/2020  
Date

**Regional Manager's Decision**

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109037 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a TYPE easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.

  
Lee V. Cole Jr., Southeast Regional Manager

July 22, 2020  
Date

Attachments:

- Attachment 1. Development Diagram
- Attachment 2. Draft Entry Authorization
- Attachment 3. Draft Easement Agreement

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by e-mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.





THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Southeast Regional Land Office

P. O. Box 111020  
Juneau, Alaska 99811-1020  
Main: 907.465.3400  
TTY: 711 or 800-770-8973  
Fax: 907.500.9011

January 30, 2020

John Cameron, G.M., Metlakatla Power & Light  
PO Box 359  
Metlakatla, AK 99926

Re: ADL 109037: Application for Easement Across State Land

Dear Metlakatla Power & Light,

The Department of Natural Resources, Division of Mining, Land and Water (DMLW) has received your application for an easement for installation and operation of submarine electric & fiber optic cables across State lands. This application is now considered complete and has been given the casefile number "ADL 109037" Please be aware that additional information may be required throughout the adjudication process, as requested. Please reference ADL 109037 when you submit any additional documents or payments, or if you have any questions concerning this project.

- **Public & Agency Notice (DMLW)** – Members of the public and government agencies will have the opportunity to comment on the requested easement.
- **Regional Manager's Decision (DMLW)** – This serves as the Department's "Record of Consideration," describing why authorizing this request is or is not in the State's interest and may include modifications to the project as applied for. Please note that the Regional Manager may deny the application, thus terminating the adjudication process.
- **Appeal/Reconsideration Period (DMLW)** – Members of the public will have a 20-day period to appeal the Regional Manager's Decision. The Commissioner has an additional 10-day reconsideration period after the appeal period has closed. The Regional Manager's Decision does not become effective until the appeal and reconsideration period has closed and any appeals are resolved.
- **Insurance (Applicant)** – The applicant may be required to submit proof of insurance before an Entry Authorization is granted. Any specific requirements will be set in the Regional Manager's Decision.
- **Bonding (Applicant)** – The applicant may be required to provide performance guaranty (bond) to DMLW in the amount specified by the Regional Manager's Decision before an Entry Authorization is granted.



- **Entry Authorization, if applicable (DMLW)** – Authorizes construction and related activities and lists stipulations that must be met for the easement to be issued.
- **As-built survey (Applicant)** – The applicant may be required to submit a state-approved survey before the easement can be issued. Prior to undertaking any survey work, the applicant will be directed to contact the DMLW Survey Section for instructions. The applicant is solely responsible for the cost associated with the survey.
- **Fees (Applicant)** – The applicant must pay any required fees, including one-time land use fees, annual rental fees, recording fees and other fees described under DNR's fee schedule.
- **Issuance (DMLW)** – DMLW will issue and record the easement once the applicant has met all of the required conditions.

In addition, please be aware that any significant changes to your project may prompt DMLW to repeat a number of these steps or to require additional bonding, insurance or fees.

If you do not feel you can meet the requirements outlined above or have any concerns, please feel free to contact me. We advise that you prepare ahead of time for the financial and contractual requirements involved.

We encourage you to visit the State of Alaska website for more information regarding Alaska statutes and regulations and to follow your project on our Land Administrative System (LAS). The website contains many helpful tools and resources that may be able to assist and answer any questions you might have. Please contact me by phone at (907) 465-3524 or by email at [kaitlyn.raffier@alaska.gov](mailto:kaitlyn.raffier@alaska.gov) if you have any questions.

Sincerely,



Kaitlyn Raffier  
Natural Resource Specialist II

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

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DIVISION OF MINING/WATER  
2019 NOV 18 AM 10:39

Northern Region  
3700 Airport Way  
Fairbanks, AK 99709  
(907) 451-2740

Southcentral Region  
550 W 7th Ave., Suite 900C  
Anchorage, AK 99501-3577  
(907) 269-8552

Southeast Region  
400 Willoughby  
P.O. Box 111020  
Juneau, AK 99811-1020  
(907) 465-3400

APPLICATION FOR EASEMENT  
AS 38.05.850

Non-refundable application fee: \$100\*

ADL # \_\_\_\_\_  
(to be filled in by state)

Applicant's Name John Cameron, G.M., Metlakatla Power & Light Doing business as: \_\_\_\_\_

Mailing Address P.O. Box 359 E-Mail: johncameronak@gmail.com

City/State/Zip Metlakatka AK 99926 Main Contact: Tim Mullikin, Electric Power Systems, 3305 Arctic Blvd., Ste. 201,

Message Phone (907) 886-4451 Work Phone (907) 441-1878 Anchorage AK 88503-4575

Alt. Contact Devon Eldredge, Baker Tilly Virchow Krause, LLP, 2801 Via Fortuna Ste. 300, Austin TX 78746 512-975-7295  
tmullikin@epsinc.com 907-646-5197

Is applicant a nonprofit cooperative association? [x] yes [ ] no. If yes, are you applying for an exemption under AS 38.05.850(b)? [x] yes [ ] no. If yes, please submit proof of nonprofit status (e.g. by-laws, articles of incorporation, tax statement).

Location of activity/Legal Description: Municipality Ketchikan Gateway Borough Meridian Copper River  
Township 76S, Range 91E, Section 11, South 1/2 1/4, \_\_\_\_\_ 1/4  
Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4

(attach extra sheets as needed)

Total length of applied-for easement (feet): 2,396, more or less Total width of applied-for easement (feet): 50  
Acres encompassed by easement: 2.75 (43,560 square feet = 1 acre)

Specific purpose of easement (e.g. electric utility, fiber-optic conduit or cable, telecommunications tower, road, bridge, airstrip/airport, driveway, trail, drainage), and type of anticipated traffic (e.g. plane, truck, heavy equipment): Explain \_\_\_\_\_  
Submarine electric & fiber optic cables, 35kV, 350 kcmil copper conductors, two 12-strand fiber optic members.

Are you applying for the Division of Mining, Land and Water to reserve a Public Easement? Yes  No . Are you applying to be granted a Private Easement? Yes  No . (Note: Annual rental fee required for private easement)

\*See 11 AAC 05.010 regarding fees for federal, state, and local government agencies

Date Stamp:

State briefly the standards and methods of construction: e.g. regulated standards, winter trail, dirt trail, gravel road, paved road, etc.; clearing by hand, clearing/construction by mechanical equipment (state type of equipment to be used, e.g. J.D. 350, 944 F.E. loader, hydro-axe, D-8), or establishment by use only. \_\_\_\_\_

See attached Development Plan for methods of construction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this an existing use? Yes  No . If yes, provide documentation verifying existing use, such as easement atlas, affidavits attesting to use and existence, pictures, etc.

Construction to begin: August 2020

Construction to be completed by: May 2021

Other permits or authorizations applied for in conjunction with this proposed project: \_\_\_\_\_

See attached Development Plan

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this authorization is granted, I agree to construct and maintain the improvements authorized in a workmanlike manner, and to keep the area in a neat and sanitary condition; to comply with all the laws, rules, and regulations pertaining thereto; and provided further that upon termination of the easement for which application is being made, I agree to remove or relocate the improvements and restore the area without cost to the state and to the satisfaction of the Director of the Division of Mining, Land and Water.

John Cameron  
Applicant's Signature

10-23-19  
Date

**INSTRUCTIONS:** Attach a USGS map (scale of 1:63,360) or a state status plat showing the location of the proposed easement, and an environmental risk assessment questionnaire (form 102-4008A).

The final granting of a private easement or reservation of a public easement will be contingent upon our receipt of a plat depicting the post-construction location of the improvements. If your application is approved, instructions for the completion of the plat will be provided to you, or can be picked up at any of our offices.

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.



STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

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AK DNR/M/L/W/SER  
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- Contract Administration  
550 W 7th Ave., Suite 640  
Anchorage, AK 99501-3576  
(907) 269-8594
- Northern Region  
3700 Airport Way  
Fairbanks, AK 99709  
(907) 451-2740
- Southcentral Region  
550 W 7th Ave., Suite 900C  
Anchorage, AK 99501-3577  
(907) 269-8552
- Southeast Region  
400 Willoughby  
Suite #400  
P.O. Box 111020  
Juneau, AK 99801  
(907) 465-3400

**APPLICANT ENVIRONMENTAL RISK QUESTIONNAIRE**

The purpose of this questionnaire is to help clarify the types of activities you propose to undertake. The questions are meant to help identify the level of environmental risk that may be associated with the proposed activity. The Division of Mining, Land and Water's evaluation of environmental risk for the proposed activity does not imply that the parcel or the proposed activity is an environmental risk from the presence or use of hazardous substances.

Through this analysis, you may become aware of environmental risks that you did not know about. If so, you may want to consult with an environmental engineer or an attorney.

John Cameron, G.M., Metlakatla Power & Light

Applicant's Name Doing Business As  
 P.O. Box 359 Metlakatla AK 99926  
 Address City State Zip  
(907) 886-4451 (907) 441-1878 johncameronak@gmail.com Timothy Mullikin, Electric  
 Message Phone Work Phone E-Mail Contact Person Power Systems, 3305 Arctic Blvd., Ste. 201,

Describe the proposed activity: Anchorage AK 99503  
tmullikin@epsinc.com 907-646-5197

Metlakatla P & L plans to install a submarine electric/fiber optic utility cable that will connect Annette Island  
and Revillagigedo Island in southeast Alaska. The cable will be a 35kV cable with three 350kcmil copper  
conductors and two 12-strand fiber optic members. Additional information on the proposed activity is included  
in the attached Plan of Development.

In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons? Yes  No

If yes, please list the substances and the associated quantities. Use a separate sheet of paper, if necessary.  
The only hazardous materials associated with this project are fuel for installation and maintenance equipment.

Once construction is completed only limited access for periodic inspection, maintenance and repair purposes  
will occur.

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2019 NOV 18 AM 10:39

If the proposed activities involve any storage tanks, either above or below ground, address the following questions for each tank. Please use a separate sheet of paper, if necessary, and, where appropriate, include maps or plats:

a. Where will the tank be located? n/a

b. What will be stored in the tank? n/a

c. What will be the tank's size in gallons? na/a

d. What will the tank be used for? (Commercial or residential purposes?) n/a

e. Will the tank be tested for leaks? n/a

f. Will the tank be equipped with leak detection devices? Yes  No . If yes, describe: n/a

Do you know or have any reason to suspect that the site may have been previously contaminated? Yes  No .

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that due diligence has been exercised and proper inquiries made in completing this questionnaire, and that the foregoing is true and correct to the best of my knowledge.

John Cameron  
Applicant

10-23-19  
Date

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.



THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Southeast Regional Land Office

P. O. Box 111020  
Juneau, Alaska 99811-1020  
Main: 907.465.3400  
TTY: 711 or 800-770-8973  
Fax: 907.500.9011

March 13, 2020

KPU Electric  
1065 Fair Street  
Ketchikan, AK 99901

Re: ADL 109037 – Response to Public Comment

Dear Ketchikan Public Utilities:

The Department of Natural Resources (DNR), Division of Mining, Land & Water received your comment on February 27, 2020, regarding the easement application for ADL 109037. After complete review of the comment, it was determined that an extension of the comment period would not be granted. DNR requires an as-built survey to be completed upon issuance of an easement authorization, therefore any ambiguity about the location or technicalities of the easement will be solved before issuance. A 90-day extension would not guarantee the information mentioned in the comment to be collected, and at this time the information requested will ultimately be figured out by the applicant as DNR continues the adjudication process.

DNR appreciates your time and effort in submitting this comment.

Please contact me if you have any questions or concerns at 907-465-3524 or by e-mail at [kaitlyn.raffier@alaska.gov](mailto:kaitlyn.raffier@alaska.gov).

Respectfully,

A handwritten signature in black ink that reads "Kaitlyn Raffier".

Kaitlyn Raffier  
Natural Resource Specialist II





**PUBLIC NOTICE**

**ADL 109037**

**JOHN CAMERON OF METLAKATLA POWER & LIGHT**

February 3, 2020

Subject to AS 38.05.850(b), the Southeast Regional Office has received an application for the following:

APPLICANT: John Cameron of Metlakatla Power & Light

PROJECT NAME: ADL 109037

GEOGRAPHIC LOCATION: North of the Revillagigedo Channel to Mountain Point in the Ketchikan Gateway Borough

LEGAL DESCRIPTION: Southern ½, Section 11, Township 76 South, Range 91 East, CRM

REQUESTED ACTIVITY: The applicant wants to improve the reliability and quality of electric/communication services on both Annette and Revillagigedo Island by installing a submarine electric/fiber optic utility cable that will connect the two islands. They are requesting a non-exclusive private easement to install this cable along. The cable will be 35kV with three 350 kcmil copper conductors and two 12-strand fiber optic members. The portion of the cable on state land is labeled in the development plan documents as the "cable in state" in "Segment 4" and is 2,396 feet long by 1 foot wide in the tidelands underwater across Revillagigedo Channel.

**PROPOSED DATES OF USE:**

Construction Start: August 2020

Construction End: May 2021

**DEADLINE FOR COMMENTS:** 5:00 pm on March 4, 2020

The public is invited to review the enclosed easement application materials. The purpose of this notice is to gather input before a decision is made on this activity. To ensure consideration, written comments must be received by the Division of Mining, Land and Water at the Southeast Regional Office, Juneau, Alaska 99801 on or before 5:00 p.m. on the date noted above. Questions concerning this activity or requests to view the full application packet should be directed to Kaitlyn Raffier, telephone: 907-465-3524; Fax: 907-500-9011 or email: [kaitlyn.raffier@alaska.gov](mailto:kaitlyn.raffier@alaska.gov).

After review and adjudication, we may issue an authorization with stipulations for the activity. The activity may be modified during the review and adjudication process.

The Alaska Department of Natural Resources complies with all Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services or special modification to comment should contact Kaitlyn Raffier by phone at 907-465-3524 or TDD at 097-465-3888.

The DMLW reserves the right to waive technical defects in this notice.



December 18, 2019

Emily Vullo  
Regulatory Specialist  
U.s. Army Corps of Engineers

Linda Storm, Aquatic Ecologist  
U.S. EPA, Region 10 – Water Division  
Wetlands and Oceans Section

Re: POA-2019-00682, Metlakatla – Ketchikan Intertie

Dear Ms. Vullo and Ms. Storm,

This letter is in reply to your December 18, 2019 request for additional information regarding the above referenced application. The numbered paragraphs are the questions, the indented paragraphs are my answers.

Regards

Timothy Mullikin

907-646-5197  
[tmullikin@epsinc.com](mailto:tmullikin@epsinc.com)

1) information about temporary stockpiling locations (to include amount of time material would be stockpiled) and how/whether excavated and stockpiled soil and vegetation would be re-used and replaced after pipeline is place should be addressed,

The trenching across land will not use stockpiles for a significant amount of time. The trench will be excavated, electric cable installed, and excavated material will be replaced in rapid succession.

2) re-seeding or replanting with native local species to restore areas that are temporarily disturbed from excavation and placement of the pipeline should be addressed;

Land areas disturbed by the operation will be re-seeded with native local species.

3) Quantification of both permanent impacts and temporary impacts should be broken down for the complete alignment and provided in a table (and number of stream or wetland crossings)

The tables on pages 8 and 9 of 11 break down the quantification by temporary and permanent impacts. For example, for Segment 3, by the “Cable” item, under Displacement dimensions shows a footprint of 1800 feet by one feet, and a Displacement area of 1800 square feet—this would be the permanent area. The “Ground Disturbance Area” column lists 1800 feet by 10 feet, which would be the temporary disturbance area. No stream crossings are anticipated.

4) identification of ways they have avoided and minimized impacts and any compensatory mitigation proposed to offset impacts should be addressed.

The original concept design was 4.7 miles, and the current design is less than half that length. Originally blasting a shallow channel was contemplated in the tide lands for a safe and secure separation of the electrical cable from the public, but articulated armor pipe was adopted to avoid disturbing marine life.

Given that this project provides an important public benefit to residents of both Annette Island and Revillagigedo Island, and that the project cannot be completed without impacting waters of the U.S., MP&L proposes that no compensation be required for the small impacts that this project will have.

5) a listing of all BMPs to be used including the timing of construction to minimize turbidity and discharges to water or wetlands should be addressed

See Mitigation Measures, following.

Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
1	The spatial limits of construction activities would be predetermined, with activity restricted to and confined within those limits. No paint or permanent discoloring agents indicating survey or construction limits would be applied to rocks, vegetation, etc.		X	
2	In construction areas where re-contouring is not required, vegetation will be left in place wherever possible, and original contour would be maintained to avoid excessive root damage and allow for re-sprouting. Vegetation that is not consistent with line safety and operation will be removed.	X	X	



Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
3	In construction areas where ground disturbance is significant or where re-contouring is required, surface restoration will occur as required by the land management agency. The method of reclamation will normally consist of, but is not limited to, returning disturbed areas back to their natural contour, reseeding, installing cross drains for erosion control, placing water bars in the road, and filling ditches.		X	
4	Prior to construction, the Construction Contractor will instruct all personnel on the protection of cultural, ecological, and other natural resources including: (a) federal and state laws regarding antiquities and plants and wildlife, including collection and removal; (b) the importance of these resources; and (c) the purpose and necessity of protecting them.		X	
5	In consultation with appropriate land management agencies and state historic preservation officers, specific mitigation measures for cultural resources would be developed and implemented to mitigate any identified adverse impacts. These may include project modifications to avoid adverse impacts, monitoring of construction activities, and data recovery studies.	X	X	
6	Hazardous material shall not be drained onto the ground or into streams or drainage areas. Totally enclosed containment would be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials would be removed to a disposal facility authorized to accept such materials.		X	X
7	Vehicle refueling and servicing activities would be performed in the right-of-way or in designated construction zones located more than 300 feet from wetlands and streams. Spill preventative and containment measures or practices would be incorporated as needed.		X	X
8	Follow USFWS guidelines for raptor protection during the breeding season. Available for downloading at the web address below.	X	X	X

Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
	<a href="http://www.fs.fed.us/r4/rifc/pahvant/Comment_Letter_US_Fish_&amp;_Wildlife.pdf">http://www.fs.fed.us/r4/rifc/pahvant/Comment Letter US Fish &amp; Wildlife.pdf</a> ; (Migratory Bird Executive Order (E.O. 13186), January 10, 2001)			
9	An invasive plant monitoring and mitigation plan will be developed by the permittee to prevent and mitigate the environmental damage potential from non-native and invasive plants prior to ground breaking. Contracts, and subcontractors, will be made aware of the mitigations and incorporate them into the schema. Best Management Practices (BLM AK Invasive Species Policy) would be utilized and incorporated into the construction as well as the maintenance and operations phases of the project for the life of the project.		X	X
10	Destroying trees should be avoided as much as possible.	X	X	X

Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
11	<p>MP&amp;L or its contractors will notify the BIA or DNR of any fires and comply with all rules and regulations administered by the BL and DNR concerning the use, prevention, and suppression of fires, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or its contractors may be held liable for the cost of fire suppression, stabilization, and rehabilitation. The holder or its contractors would:</p> <ul style="list-style-type: none"> <li>• Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52(j), which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.</li> <li>• Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC – 10 pounds on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all would cease fire suppression action and leave the area immediately.</li> <li>• Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands. If fire ignitions cannot be prevented or contained immediately, or it may be foreseeable that a fire would exceed the immediate capability of workers, the operation must be modified or discontinued and Range Control/Fire Emergency Services must be contacted immediately.</li> <li>• Prior to any operation involving potential sources of fire ignition from vehicles, equipment, or other means, weather forecasts and potential fire danger would be reviewed. Prevention measures to be taken each workday would be included in the specific job briefing. Consideration would be given to additional mitigation measures or temporary discontinuance of the operation during periods of extreme wind and dryness.</li> <li>• Operate all vehicles on designated roads or park in areas free of vegetation. Vehicles, including the undercarriages, would be thoroughly washed prior to entering the site.</li> <li>• Operate welding, grinding, or cutting activities in areas cleared of vegetation.</li> </ul>		X	X



Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
12	Gravel, top soil, and other fill materials should be procured from certified weed-free sources. If no certified weed-free sources are feasible, source pits should be inspected prior to acquisition to determine the relative risk of introducing non-native invasive species to the project site.		X	X
13	Notices are to be posted 2 weeks in advance of construction to notify public to the timeframe of the construction and limited recreational (hunting, fishing, etc.) access.		X	
14	If human remains are inadvertently discovered, all work shall cease and the remains secured from further disturbance or vandalism until a plan for treatment has been developed. If BIA or DNR determines that the remains are Native American, any actions necessary under the Native American Graves Protection and Repatriation Act would be immediately acted upon. If it is determined that the remains are not Native American, and do not warrant criminal investigation, the SHPO will be immediately notified to identify descendants or other interested parties, if any. BIA or DNR, in consultation with the SHPO and any interested parties, shall develop a plan for the respectful treatment and disposition of the remains.		X	
15	Cable laying boat speeds will be limited to 3 knots maximum speed to reduce noise level for marine life. The cable laying will aim for a window of good weather to assure a steady, continuous process and minimize the chance of accidents and spills.		X	

# KetchCan1 Submarine Fiber PCN: Applicant Mitigation Statements

It has been determined that the only practicable means to increase KPU's internet capacity is to construct a submarine fiber optic cable link with an existing service provider located in Prince Rupert, Canada. Therefore, complete avoidance of all potential environmental impacts to U.S. waters is not possible. The following mitigation statements will detail how impacts to specific environmental values will be 1) avoided, 2) minimized, and 3) compensated for. See also the attached Project Description Report, which further details conditions, design, and proposed construction processes.

## Water quality

### 1. Contamination – spills

- 1.1. Avoidance: Spills from marine vessels will be prevented by ensuring that vessels are operated according to best industry practices, including standards required by the International Convention for the Prevention of Pollution from Ships, International Safety Management (ISM) Code, and Oil Companies International Marine Forum (OCIMF). Terrestrial works will be carried out in accordance with a spill prevention and response plan that will be prepared by the contractor, which will require equipment inspections, fueling procedures, and secondary containment designed to prevent accidental release of deleterious substances into the environment. In addition, machinery will be required to be equipped with environmentally friendly hydraulic oil (non-toxic to aquatic life and readily or inherently biodegradable).
- 1.2. Minimization: Should a deleterious substance be accidentally released, it is required that the vessel would have a shipboard emergency response plan, as well as an arrangement with a certified response organization that would quickly respond to a spill on the polluter's behalf, as per US Coast Guard and Transport Canada requirements. Suitable spill response equipment, including a marine boom, will be available on site during all terrestrial works at the Mountain Point landing and personnel will be required to be able to respond appropriately should any spill take place, as per the contractor-prepared spill prevention and response plan.
- 1.3. Compensation: Compensatory mitigation is not proposed for the potential impacts associated with a spill because the required efforts to avoid any accidental release (spill prevention) and minimize impacts of any unforeseen release (spill response) outlined above suggest that residual effects are unlikely.

### 2. Contamination – construction materials

- 2.1. Avoidance: Risk of environmental contamination associated with construction materials has been avoided by only proposing materials that are inert and readily colonized by marine flora

and fauna. Proposed construction materials include the fiber optic cable, nearshore cable protection provided by both articulated steel pipe (ASP) and rock-filled gabion mats, and a concrete cable vault. The fiber optic cable will be made of non-toxic, inert materials and will not have any internal oils (i.e., no risk of contamination resulting from any inadvertent damage to the cable). Gabion mats would be filled with clean, locally sourced rock. Concrete vault will pre-cast, avoiding any need for concrete works.

2.2. Minimization: n/a

2.3. Compensation: n/a

### **3. Increased sedimentation/turbidity – terrestrial works**

3.1. Avoidance: Terrestrial works that pose any risk of conveying sediments or sediment laden water to marine habitats include installation of ASP and rock-filled gabion mat cable protection, excavation for the cable vault, and upland trenching for conduit installation. It should be noted that the rocky terrain found at the Mountain Point landing site (see Figure 1) has an inherently low potential for generating sediment. Sedimentation resulting from works will be further avoided by strictly prohibiting any machine works within the water, only conducting intertidal works during low tide, installing ASP and gabion mats by hand, and only using clean, locally sourced rocks to fill the gabion mats. Excavation and trenching works will not be scheduled if heavy rains are forecasted.

3.2. Minimization: Impacts of any sediment that is generated by terrestrial works will be minimized by limiting the spread of sediment laden water with the use of sediment fencing and/or berms installed downslope of any sediment generating activity. Risk of long-term sedimentation will be minimized by promptly revegetating any exposed soils with suitable, native grass seed mixture as soon as works are completed.

3.3. Compensation: Compensatory mitigation is not proposed for potential impacts associated with sedimentation resulting from terrestrial works as residual impacts are expected to be insignificant.

### **4. Increased sedimentation/turbidity – cable laying**

4.1. Avoidance: The most significant sources of increased turbidity and sedimentation associated with a submarine cable installation are cable burial (ploughing or jetting), dragging of the cable over the sea floor, and the use of a remotely operated vehicle (ROV) for visual confirmation of cable touchdown conditions. The proposed project avoids the primary sources of sedimentation by not prescribing any cable burial (cable left to lay on the surface of the sea floor) and by using a cable laying vessel equipped with a vessel position system that allows for slow and precise touchdown of the cable.

4.2. Minimization: Sedimentation associated with low level flying of the ROV will be minimized by only using the ROV to confirm touchdown conditions when absolutely necessary. ROV use will only be considered when laying cable in technically challenging areas, such as boulder fields. Finally, because the objective of using an ROV is to visually confirm touchdown conditions with a video link, effective piloting of an ROV would necessitate that turbidity be minimized to the fullest extent possible.



- 4.3. Compensation: Compensatory mitigation is not proposed for potential impacts associated with increased turbidity resulting from cable laying works as residual impacts are expected to be insignificant.

## Areas of concern

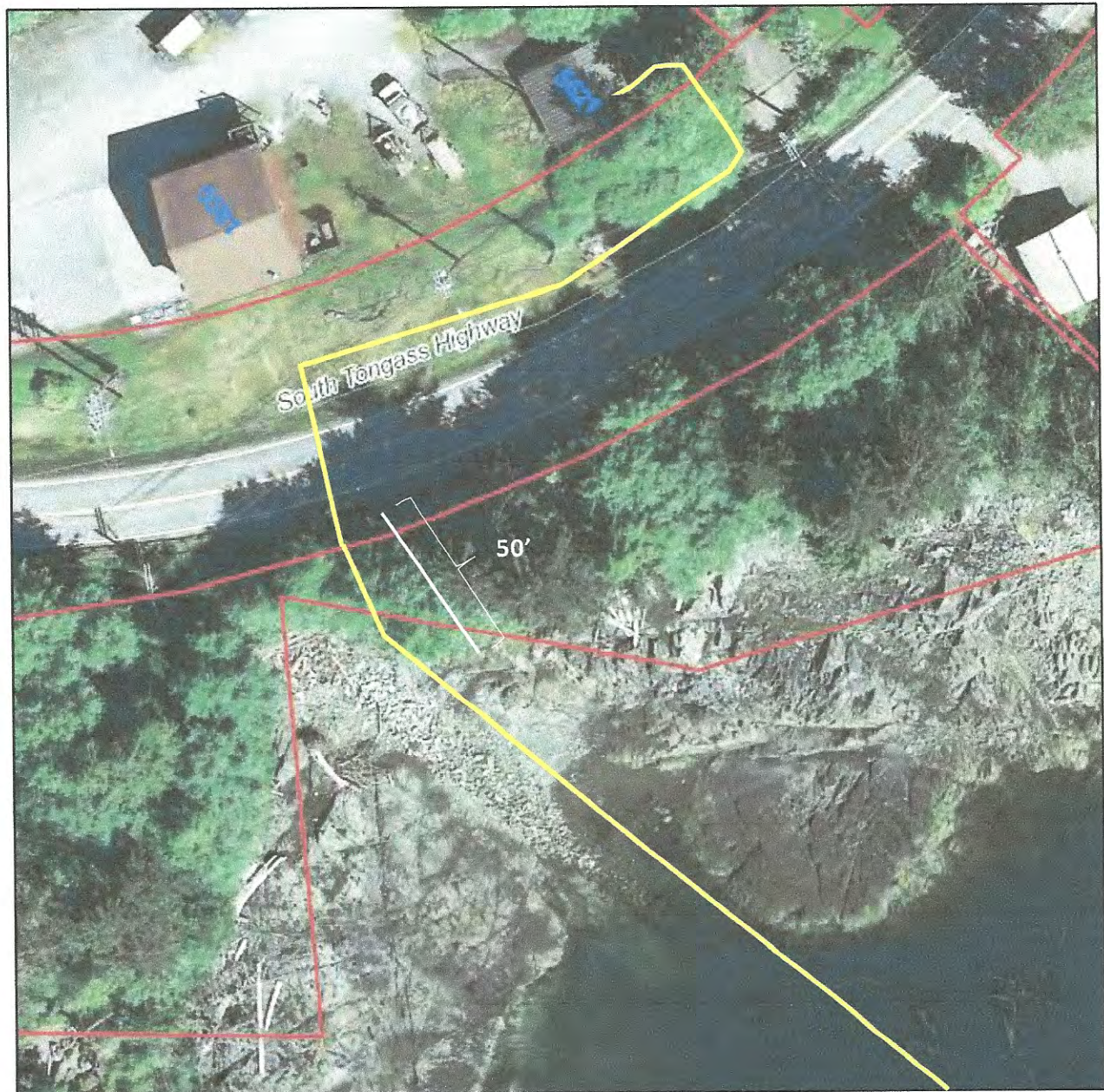
### 5. Wetlands, streams, and estuaries

- 5.1. Avoidance: No wetlands, streams, or estuaries will be impacted, in any way, by the construction or operation of this project.
- 5.2. Minimization: n/a
- 5.3. Compensation: n/a

### 6. Riparian areas

- 6.1. Avoidance: The only riparian area that will be impacted by this project is at the Mountain Point landing site. Some riparian disturbance is unavoidable where a submarine cable transitions from sea to land.
- 6.2. Minimization: Impacts to riparian areas could have been minimized by landing the cable via an underground conduit installed with horizontal directional drilling (HDD). However, HDD was not considered due to the potential for more serious environmental impacts associated with HDD compared to the proposed surface landing, such as release of potentially toxic drilling mud to the marine environment (i.e., frac-out) and acoustic disturbance. Impacts to riparian areas will be minimized by landing the cable at, or close to, a right angle to the shore and routing through the riparian area in the shortest path possible. It should be noted that the extent of riparian vegetation present at the proposed Mountain Point landing is limited due to the close proximity of the South Tongass Highway at this location (Figure 1). As a result, the extent of riparian vegetation that may be disturbed by this project will be limited to a small area between the mean high tide line and the South Tongass Highway, as well as the construction of a machine trail for construction and future maintenance. The elevation difference between the existing conduit crossing under the highway and the shoreline will require that the cable vault be raised. It is proposed that this be accomplished by placing clean, locally sourced rip rap. Impacts will not extend below MHHW. Any disturbance to riparian vegetation would be limited to the proposed easement established for this cable, which will not exceed 995 sq. ft. (0.02 ac). Long-term impacts to the riparian area from cable installation will be minimized by seeding any exposed soils with a suitable, native grass seed mixture certified to be free from any invasive species as soon as works are completed. The design of an access trail has not yet been completed; however, is expected to have similar, negligible impacts to this riparian area.
- 6.3. Compensation: Compensatory mitigation is not proposed for potential residual impacts to riparian areas resulting from this project due to the limited extent of this disturbance.





**Figure 1.** 2014 aerial imagery obtained from Ketchikan ConnectGIS website showing narrow band of riparian vegetation between the shore and the South Tongass Highway. A rough sketch of the proposed cable route (shown in yellow) indicates the limited extent of riparian vegetation that may be impacted during construction.

## 7. Marine Protected Areas

- 7.1. Avoidance: The design of the proposed project avoids any Marine Protected Areas.
- 7.2. Minimization: n/a
- 7.3. Compensation: n/a



**8. Essential Fish Habitats (EFHs) of Pink, Chum, Coho, Sockeye, and Chinook Salmon, and late juvenile and mature habitats of Dover Sole and Thorneyhead Rockfish.**

- 8.1. Avoidance: The extensive range of EFHs for the species listed above throughout the Revillagigedo Channel made avoidance of these habitats impossible.
- 8.2. Minimization: The anticipated lack of residual impacts to water quality and riparian habitats resulting from this project and described in mitigation statements 1 through 6 (above) suggest that efforts to minimize project impacts to these environmental values will also minimize impacts to EFHs. In addition, the inherent speed of construction (cable laying ship will move through an area within hours, not days or weeks) and passive nature of operations (small diameter cable left to lay on the sea floor) suggests that any impacts to EFHs would be negligible and short-term in nature. Finally, once charted, the corridor associated with this submarine cable will dissuade any vessel anchoring or bottom contact fishery; both of which have detrimental impacts to fish habitats.
- 8.3. Compensation: Compensatory mitigation is not proposed for impacts that this project may have on EFHs as residual impacts would be considered negligible.

**9. Habitat Areas of Particular Concern**

- 9.1. Avoidance: The design of the proposed project avoids any Habitat Areas of Particular Concern.
- 9.2. Minimization: n/a
- 9.3. Compensation: n/a

**10. Visual concerns - Management Area KT61 (tidelands south of the city of Ketchikan). This area is identified within the Central/Southern Southeast Area Plan (Alaska Department of Natural Resources) for protecting visual quality objectives, which may be impacted by this project.**

- 10.1. Avoidance: Visual impacts of the proposed project are almost nil due to the submarine location of the fiber optic cable. The only visual evidence of the cable will be at the transition from sea to land at Mountain Point. Because HDD was not proposed (see mitigation statement 6, above), visual impacts cannot be entirely avoided.
- 10.2. Minimization: The minor visual impacts of the Mountain Point landing will be further minimized by using natural materials for cable protection (locally sourced rocks), grading around the gabion mats and cable vault to create a more natural appearance (i.e., match the adjacent terrain as best as possible), and seeding any exposed soils associated with the upland trenching.
- 10.3. Compensation: Compensatory mitigation is not proposed for visual impacts to management area KT61 as impacts are considered to be very minor. The attached letter of support for this project from the Ketchikan Gateway Borough also indicates that the visual impacts expected from this project are in keeping with local government objectives.



## Species/ecosystems of concern

### 11. Glass sponge reefs

- 11.1. Avoidance: Recent mapping of these sensitive reef ecosystems was completed by Fisheries and Oceans Canada (2018) and allowed for a cable alignment that avoided any of these reefs within Canadian waters. No such mapping could be found for U.S. waters; however, surveys carried out as part of the design phase of this project also assessed for the presence of glass sponge reefs, and none were detected along the proposed alignment within U.S. waters.
- 11.2. Minimization: n/a
- 11.3. Compensation: n/a

### 12. Harbor Seal – Management Areas KT45 (Lord Islands) and KT34 (Hog Rocks) are identified within the Central/Southern Southeast Area Plan (Alaska Department of Natural Resources) for protecting Harbor Seal concentrations.

- 12.1. Avoidance: The scale of the available mapping for these management areas makes it difficult to state whether or not these management areas would actually be impacted by the proposed project. However, the conservative approach of assuming that these management areas could not be avoided was made.
- 12.2. Minimization: The period of vessel disturbance associated with construction is minimal (cable laying vessel will be completed in an area within hours, not days or weeks), which will minimize any disturbance to a very short period of time. In addition, the very slow speed of the cable laying vessel (<2 kts) would make risk of vessel collision with a Harbor Seal extremely unlikely. All Harbor Seals are protected by the *Marine Mammal Protection Act*. Potential impacts to this species will be minimized by having a qualified marine mammal observer onboard the cable laying vessel that will have the authority to alter works as necessary to minimize disturbance to Harbor Seals should any be observed.
- 12.3. Compensation: Compensatory mitigation is not proposed for potential impacts to Harbor Seals as residual impacts are considered to be insignificant.

### 13. Steller Sea Lion – *Endangered Species Act*

- 13.1. Avoidance: Designated Critical Habitats of the Steller Sea Lion and the entire habitat range of the endangered Eastern Distinct Population Segment (DPS) of this species are avoided by this project. The Western DPS does interact with this project; however, this DPS was delisted in 2013.
- 13.2. Minimization: The period of vessel disturbance associated with construction is minimal (cable laying vessel will be completed in an area within hours, not days or weeks), which will minimize any potential disturbance to Steller Sea Lions to a very short period of time. In addition, the very slow speed of the cable laying vessel (<2 kts) would make risk of vessel collision with a Steller Sea Lion extremely unlikely. All Steller Sea Lions are protected by the *Marine Mammal Protection Act*. Potential impacts to this species will be minimized by having a qualified marine mammal observer onboard the cable laying vessel that will have the authority to alter works as necessary to minimize disturbance to Steller Sea Lions should any be observed.

- 13.3. Compensation: Compensatory mitigation is not proposed for potential impacts to Steller Sea Lions as residual impacts are considered to be insignificant.

**14. Fin Whale – *Endangered Species Act***

- 14.1. Avoidance: While all critical habitats of the Fin Whale are avoided, the project is within the range of the endangered Fin Whale.
- 14.2. Minimization: The primary threats to Fin Whales are vessel strikes, entanglement, and acoustic disturbance. Risks associated with vessel strikes are minimized by the very slow speed of the cable laying vessel (<2 kts), which would make the risk of vessel collision extremely unlikely. In addition, risk of vessel strikes would be further minimized by having a qualified marine mammal observer onboard the cable laying vessel that will have the authority to alter works as necessary to minimize disturbance to Fin Whales should any be observed. Risk of entanglement is associated with fishing gear, not a fiber optic cable; therefore, this risk is not applicable for this project. The acoustic disturbance associated with a cable laying is similar to standard vessel operation and above the frequency range of greatest concern for cetaceans. While all acoustic disturbance can be disruptive to whales, the primary means of mitigation is to reduce the amplitude of disturbance by decreasing vessel speed. The inherent slow speed of a cable laying vessel further minimizes any potential impacts of short-term acoustic disturbance to Fin Whales.
- 14.3. Compensation: Compensatory mitigation is not proposed for potential impacts to Fin Whales as residual impacts are considered to be insignificant.

**15. Humpback Whale – *Endangered Species Act***

- 15.1. Avoidance: While all critical habitats of the Humpback Whale are avoided, the project is within potential feeding areas for both the endangered Mexico DPS and threatened Western North Pacific DPS of this species.
- 15.2. Minimization: The primary threats to Humpback Whales are vessel strikes, entanglement, and acoustic disturbance. Risks associated with vessel strikes are minimized by the very slow speed of the cable laying vessel (<2 kts), which would make the risk of vessel collision extremely unlikely. In addition, risk of vessel strikes would be further minimized by having a qualified marine mammal observer onboard the cable laying vessel that will have the authority to alter works as necessary to minimize disturbance to Humpback Whales should any be observed. Risk of entanglement is associated with fishing gear, not a fiber optic cable; therefore, this risk is not applicable for this project. The acoustic disturbance associated with a cable laying is similar to standard vessel operation and above the frequency range of greatest concern for cetaceans. While all acoustic disturbance can be disruptive to whales, the primary means of mitigation is to reduce the amplitude of disturbance by decreasing vessel speed. The inherent slow speed of a cable laying vessel further minimizes any potential impacts of short-term acoustic disturbance to Humpback Whales.
- 15.3. Compensation: Compensatory mitigation is not proposed for potential impacts to Humpback Whales as residual impacts are considered to be insignificant.

## 16. Eelgrass

- 16.1. **Avoidance:** Eelgrass is only found within shallow waters and; therefore, the only potential for this project to impact this species is at the cable landing site at Mountain Point. Presence of eelgrass has not been assessed at the proposed landing site; however, this species was confirmed approximately 120 m to the east. While the rocky terrain of the nearshore habitat seen in Figure 1 does not appear suitable for this species, until an assessment can show otherwise, the conservative assumption is that impacts to eelgrass cannot be avoided by this project. However, any potential impacts would be expected to be very minor.
- 16.2. **Minimization:** Because eelgrass meadows are only found below the low tide line (i.e., must be submerged at all times), impacts to this species would be limited to the narrow (~ 6") footprint of the articulated split pipe (ASP) cable protection that will extend from the mean low tide line to a depth of 15', an area of approximately 7 square yards. Beyond this depth, potential impacts to eelgrass would be limited to the footprint of the small diameter (< 2") fiber optic cable itself (i.e., no cable burial). It should also be noted that, throughout the nearshore area, the cable will be floated using balloons and cut free by divers that will manually place the cable on the ocean floor in a manner which avoids eelgrass to the fullest extent possible, thereby further minimizing any impacts to this species.
- 16.3. **Compensation:** Compensatory mitigation is not proposed for impacts to eelgrass due to the limited extent of potential impacts and lack of residual effects to this species.





## KETCHIKAN GATEWAY BOROUGH

1900 First Avenue, Suite 210, Ketchikan, Alaska 99901

• telephone: (907) 228-6625 • fax (907) 228-6684

Office of the Borough Manager

May 14, 2019

Alaska Department of Natural Resources  
Division of Mining, Land, and Water  
Southeast Region  
PO Box 111020  
Juneau, AK 99801

Dear Sir:

I am writing to provide support for the Ketchikan Public Utility's (KPU) application and development plan for placement of a subsea fiber optic cable from Prince Rupert, BC to Ketchikan. KPU will be one of two providers of fiber optic connections to residential and business customers in Ketchikan. Currently, KPU operates a mixed copper and fiber network providing voice, video, and internet to Ketchikan. This dedicated fiber will allow KPU to increase its bandwidth.

Through the adoption of the Borough's Comprehensive Plan 2020, the Borough encourages exploration to establish communication and/or data transmission industries in Ketchikan through the advancement of fiber optic cable connections (Goal 1112 Comprehensive Plan 2020). Furthermore, the Borough encourages the integration and utilization of the fiber optic networks to further the commerce potential of Ketchikan (Objective 1112.1). The increase in bandwidth from KPU's additional fiber optic cable may assist with the Borough's objective to develop and implement an economic development strategy for marketing the development of communication and/or data transmission industries to enhance opportunities for businesses to consider Ketchikan a preferred location (Policy 1112.1.1).

KPU's application and development plan for placement of an additional subsea fiber optic cable from Prince Rupert, BC to Ketchikan is consistent with the Ketchikan Gateway Borough's Comprehensive Plan 2020 and goals for enhancing Ketchikan as a preferred location for communication and data transmission industries.

Sincerely,

Ruben Duran  
Borough Manager



December 18, 2019

Emily Vullo  
Regulatory Specialist  
U.S. Army Corps of Engineers

Linda Storm, Aquatic Ecologist  
U.S. EPA, Region 10 – Water Division  
Wetlands and Oceans Section

Re: POA-2019-00682, Metlakatla – Ketchikan Intertie

Dear Ms. Vullo and Ms. Storm,

This letter is in reply to your December 18, 2019 request for additional information regarding the above referenced application. The numbered paragraphs are the questions, the indented paragraphs are my answers.

Regards

Timothy Mullikin

907-646-5197  
[tmullikin@epsinc.com](mailto:tmullikin@epsinc.com)

1) information about temporary stockpiling locations (to include amount of time material would be stockpiled) and how/whether excavated and stockpiled soil and vegetation would be re-used and replaced after pipeline is place should be addressed,

The trenching across land will not use stockpiles for a significant amount of time. The trench will be excavated, electric cable installed, and excavated material will be replaced in rapid succession.

2) re-seeding or replanting with native local species to restore areas that are temporarily disturbed from excavation and placement of the pipeline should be addressed;

Land areas disturbed by the operation will be re-seeded with native local species.

3) Quantification of both permanent impacts and temporary impacts should be broken down for the complete alignment and provided in a table (and number of stream or wetland crossings)

The tables on pages 8 and 9 of 11 break down the quantification by temporary and permanent impacts. For example, for Segment 3, by the “Cable” item, under Displacement dimensions shows a footprint of 1800 feet by one feet, and a Displacement area of 1800 square feet—this would be the permanent area. The “Ground Disturbance Area” column lists 1800 feet by 10 feet, which would be the temporary disturbance area. No stream crossings are anticipated.

4) identification of ways they have avoided and minimized impacts and any compensatory mitigation proposed to offset impacts should be addressed.

The original concept design was 4.7 miles, and the current design is less than half that length. Originally blasting a shallow channel was contemplated in the tide lands for a safe and secure separation of the electrical cable from the public, but articulated armor pipe was adopted to avoid disturbing marine life.

Given that this project provides an important public benefit to residents of both Annette Island and Revillagigedo Island, and that the project cannot be completed without impacting waters of the U.S., MP&L proposes that no compensation be required for the small impacts that this project will have.

5) a listing of all BMPs to be used including the timing of construction to minimize turbidity and discharges to water or wetlands should be addressed

See Mitigation Measures, following.

Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
1	The spatial limits of construction activities would be predetermined, with activity restricted to and confined within those limits. No paint or permanent discoloring agents indicating survey or construction limits would be applied to rocks, vegetation, etc.		X	
2	In construction areas where re-contouring is not required, vegetation will be left in place wherever possible, and original contour would be maintained to avoid excessive root damage and allow for re-sprouting. Vegetation that is not consistent with line safety and operation will be removed.	X	X	



Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
3	In construction areas where ground disturbance is significant or where re-contouring is required, surface restoration will occur as required by the land management agency. The method of reclamation will normally consist of, but is not limited to, returning disturbed areas back to their natural contour, reseeding, installing cross drains for erosion control, placing water bars in the road, and filling ditches.		X	
4	Prior to construction, the Construction Contractor will instruct all personnel on the protection of cultural, ecological, and other natural resources including: (a) federal and state laws regarding antiquities and plants and wildlife, including collection and removal; (b) the importance of these resources; and (c) the purpose and necessity of protecting them.		X	
5	In consultation with appropriate land management agencies and state historic preservation officers, specific mitigation measures for cultural resources would be developed and implemented to mitigate any identified adverse impacts. These may include project modifications to avoid adverse impacts, monitoring of construction activities, and data recovery studies.	X	X	
6	Hazardous material shall not be drained onto the ground or into streams or drainage areas. Totally enclosed containment would be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials would be removed to a disposal facility authorized to accept such materials.		X	X
7	Vehicle refueling and servicing activities would be performed in the right-of-way or in designated construction zones located more than 300 feet from wetlands and streams. Spill preventative and containment measures or practices would be incorporated as needed.		X	X
8	Follow USFWS guidelines for raptor protection during the breeding season. Available for downloading at the web address below.	X	X	X

Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
	<a href="http://www.fs.fed.us/r4/rifc/pahvant/Comment_Letter_US_Fish_&amp;_Wildlife.pdf">http://www.fs.fed.us/r4/rifc/pahvant/Comment_Letter_US_Fish_&amp;_Wildlife.pdf</a> ; (Migratory Bird Executive Order (E.O. 13186), January 10, 2001)			
9	An invasive plant monitoring and mitigation plan will be developed by the permittee to prevent and mitigate the environmental damage potential from non-native and invasive plants prior to ground breaking. Contracts, and subcontractors, will be made aware of the mitigations and incorporate them into the schema. Best Management Practices (BLM AK Invasive Species Policy) would be utilized and incorporated into the construction as well as the maintenance and operations phases of the project for the life of the project.		X	X
10	Destroying trees should be avoided as much as possible.	X	X	X

Mitigation Measure	Mitigation Application Phase		
	Engineering, Design, and Location	Construction	Operation and Maintenance
<p>11</p> <p>MP&amp;L or its contractors will notify the BIA or DNR of any fires and comply with all rules and regulations administered by the BL and DNR concerning the use, prevention, and suppression of fires, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or its contractors may be held liable for the cost of fire suppression, stabilization, and rehabilitation. The holder or its contractors would:</p> <ul style="list-style-type: none"> <li>• Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52(j), which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.</li> <li>• Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC – 10 pounds on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all would cease fire suppression action and leave the area immediately.</li> <li>• Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands. If fire ignitions cannot be prevented or contained immediately, or it may be foreseeable that a fire would exceed the immediate capability of workers, the operation must be modified or discontinued and Range Control/Fire Emergency Services must be contacted immediately.</li> <li>• Prior to any operation involving potential sources of fire ignition from vehicles, equipment, or other means, weather forecasts and potential fire danger would be reviewed. Prevention measures to be taken each workday would be included in the specific job briefing. Consideration would be given to additional mitigation measures or temporary discontinuance of the operation during periods of extreme wind and dryness.</li> <li>• Operate all vehicles on designated roads or park in areas free of vegetation. Vehicles, including the undercarriages, would be thoroughly washed prior to entering the site.</li> <li>• Operate welding, grinding, or cutting activities in areas cleared of vegetation.</li> </ul>		X	X



Mitigation Measure		Mitigation Application Phase		
		Engineering, Design, and Location	Construction	Operation and Maintenance
12	Gravel, top soil, and other fill materials should be procured from certified weed-free sources. If no certified weed-free sources are feasible, source pits should be inspected prior to acquisition to determine the relative risk of introducing non-native invasive species to the project site.		X	X
13	Notices are to be posted 2 weeks in advance of construction to notify public to the timeframe of the construction and limited recreational (hunting, fishing, etc.) access.		X	
14	If human remains are inadvertently discovered, all work shall cease and the remains secured from further disturbance or vandalism until a plan for treatment has been developed. If BIA or DNR determines that the remains are Native American, any actions necessary under the Native American Graves Protection and Repatriation Act would be immediately acted upon. If it is determined that the remains are not Native American, and do not warrant criminal investigation, the SHPO will be immediately notified to identify descendants or other interested parties, if any. BIA or DNR, in consultation with the SHPO and any interested parties, shall develop a plan for the respectful treatment and disposition of the remains.		X	
15	Cable laying boat speeds will be limited to 3 knots maximum speed to reduce noise level for marine life. The cable laying will aim for a window of good weather to assure a steady, continuous process and minimize the chance of accidents and spills.		X	

August 21, 2020

Fish & Wildlife  
Metlakatla Indian Community  
Box 8  
Metlakatla, AK 99926  
907-886-3474  
dwfw@aptalaska.net

To Whom It May Concern;

The Metlakatla Indian Community (MIC), in conjunction with Baker-Tilly is developing an Environmental Assessment (EA) for the area around Race Point for the proposed Intertie project. MIC is applying to the Economic Development Agency for funding for this project thus triggering the need for an EA. As you know, once federal funds have been requested it becomes necessary to comply with National Environmental Policy Act (NEPA) and the Council on Environmental Quality Regulations for Implementing NEPA (40 CFR 1500-1508) NEPA requires that environmental consequences associated with the Proposed Action and the alternatives to the Proposed Action be identified in this document. In addition, the No Action Alternative is addressed.

In accordance with Section 1501.7 of the Council on Environmental Quality (CEQ) NEPA Regulations, MIC is conducting a scoping process for the project. Comments regarding the proposal are requested from affected agencies, community residents and the interested public for use in developing the EA and the Master Plan.

The draft EA is attached for your review and comments.

Comments on the range of alternative and issues to be considered during the environmental process are welcomed. It would be helpful to have written comments that are as specific as possible. To be considered, comments need to be submitted by September 30, 2020. Please submit comments to:

Genelle Winter  
Climate & Energy Grant Coordinator, POC for VCGP and EA  
Metlakatla Indian Community  
Box 8  
Metlakatla, AK 99926  
907-886-1560  
[genelle.winter@gmail.com](mailto:genelle.winter@gmail.com)

If you have questions or require further information before commenting on the proposed project, please email ([genelle.winter@gmail.com](mailto:genelle.winter@gmail.com)) or call at 907-886-1560.

We thank you in advance for your participation in this process.



Attachments for Environmental Assessment for Metlakatla-Ketchikan Intertie Project  
**COUNCIL ANNETTE ISLANDS RESERVE**  
METLAKATLA INDIAN COMMUNITY

KARL S. COOK, JR., MAYOR  
JUDITH A. EATON, SECRETARY  
TINA MARSDEN, TREASURER

POST OFFICE BOX 8  
METLAKATLA, ALASKA 99926  
PHONE (907) 886-4441  
FAX (907) 886-7997

ESTABLISHED 1887  
**Resolution #18-10**

**Metlakatla Indian Community  
By The Council Annette Islands Reserve**

**A Resolution Supporting Proposed Intertie Project, as amended by Baker-Tilly Virchow Krause, LLP**

**WHEREAS**, the Metlakatla Indian Community Council is the governing body of the Metlakatla Indian Community, Annette Islands Reserve, Alaska by the authority of the Constitution and Bylaws of the Metlakatla Indian Community as approved on August 23, 1944 by the Secretary of the Interior; and

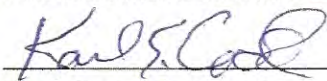
**WHEREAS**, the Metlakatla Indian Community is a federally recognized Indian Tribe, organized pursuant to the provisions of Section 16 of the Federal Reorganization Act, 25 U.S.C. subsection 476; and

**WHEREAS**, the Metlakatla Indian Community supports proposal to pursue the Intertie Project, which includes purchasing power from Ketchikan Public Utility,

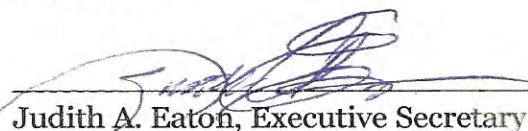
**WHEREAS**, The Metlakatla Indian Community, will work with the Division of Energy and Minerals Development, and Baker-Tilly Virchow Krause, LLP to develop the permitting and funding strategy, in cooperation with the Planning Committee and the Metlakatla Power & Light Board;

**NOW THEREFORE BE IT RESOLVED**, that the Council supports the pursuit of the plan to develop a purchase agreement with Ketchikan Public Utility, complete permitting, and pursue funding for the Intertie Project.

**DATED:** this 6<sup>th</sup> day of February 2018 at Metlakatla, Alaska  
**METLAKATLA INDIAN COMMUNITY**

  
\_\_\_\_\_  
Karl S. Cook Jr., Mayor

**ATTEST:**

  
Judith A. Eaton, Executive Secretary




Resolution #18-10 continued

Page 2

Supporting Proposed Intertie Project, as amended by Baker-Tilly Virchow Krause, LLP

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly passed at a Council/Executive meeting held on the 6<sup>th</sup> day of February 2018 at which a quorum was present by a vote of 11 for and 0 against, the Mayor being authorized to sign the resolution.

  
Judith A. Eaton, Secretary

# COUNCIL ANNETTE ISLANDS RESERVE

## METLAKATLA INDIAN COMMUNITY

REGINALD M. ATKINSON, MAYOR  
JUDITH A. EATON, SECRETARY  
NATHAN FAWCETT, TREASURER

ESTABLISHED 1887

POST OFFICE BOX 8  
METLAKATLA, ALASKA 99926  
PHONE (907) 886-4441  
FAX (907) 886-7997

### RESOLUTION #20-09

*METLAKATLA INDIAN COMMUNITY*  
*BY THE COUNCIL/EXECUTIVES ANNETTE ISLANDS RESERVE*

#### **FY-2021 LEGISLATIVE REQUEST**

**WHEREAS**, the Metlakatla Indian Community Council is the governing body of the Metlakatla Indian Community, Annette Islands Reserve, Alaska, by the authority of the Constitution and By-Laws of the Metlakatla Indian Community as approved on August 23, 1944, by the Secretary of the Interior; and

**WHEREAS**, the Metlakatla Indian Community is an Indian Tribe organized under the provisions of Section 16, of the Indian Reorganization Act. 25 USC, Section 476; and

**WHEREAS**, the Metlakatla Indian Community Council at their Special meeting approved the FY-2020 Legislative Request Packet; and

**WHEREAS**, the Metlakatla Indian Community Council/Executives fully supports and approves the funding for the **Metlakatla – Chester Lake Dam Extension \$9,000,000 as the #1 Legislative Priority**; and

**WHEREAS**, the Metlakatla Indian Community Council/Executives fully supports and approves the funding for the:

- |   |             |
|---|-------------|
| 1. Chester Lake Dam Extension                                       | \$9,000,000 |
| 2. Emergency Backup Diesel Generator                                | \$1,132,500 |
| 3. Replace Condemned Police Dept. and jail facility                 | \$500,000   |
| 4. New Fire Pump Truck  | \$203,131   |
| 5. Chip-seal Walden Point Road                                      | \$1,350,000 |
| 6. Upgrading Barge Winch Equipment for Barge Landing                | \$50,000    |
| 7. Metlakatla – Ketchikan Intertie                                  | \$8,933,343 |
| 8. Emergency Small Boat Launch Ramp Phase II located at Annette Bay | \$80,000    |

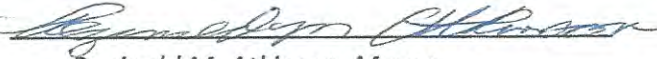
**THEREFORE, BE IT RESOLVED**, that the Metlakatla Indian Community Council approves the Metlakatla Indian Community participation in the **FY2021 Legislative Priority Request** as listed.

*Dated this 19<sup>th</sup> day of February, 2020 at Metlakatla, Alaska*

**ATTEST:**

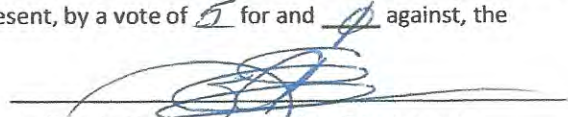
**METLAKATLA INDIAN COMMUNITY**

  
Judith A. Eaton, Executive Secretary

  
Reginald M. Atkinson, Mayor

**CERTIFICATION**

This is to certify that the foregoing resolution was adopted at a meeting of the Community Council/Executives held on 19<sup>th</sup> day of February, 2020 at which a quorum was present, by a vote of 5 for and 0 against, the Mayor being authorized to sign the resolution.

  
Judith A. Eaton, Executive Secretary