



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	March 17, 2017
EXPIRATION DATE:	April 17, 2017
REFERENCE NUMBER:	POA-2003-502-M11
WATERWAY:	Knik Arm

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Amanda Whittier at (907) 753-5582, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Amanda.L.Whittier@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Stephen Ribuffo, Port Director; Municipality of Anchorage, Port of Anchorage; Phone: 907-762-1340; Email: RibuffoS@muni.org.

AGENT: Mr. Dave Casey, APMP Permitting Lead, 2525 C Street, Suite 500, Anchorage, Alaska 99503-2633; Phone: 907-644-2191; Email: Dave.Casey@hdrinc.com.

LOCATION: The project site is located within Sections 6, 7; T. 13 N., R. 3 W., Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.2403° N., Longitude 149.8886° W.; in Anchorage, Alaska.

PURPOSE: The applicant's stated purpose is to replace the existing Petroleum, Oil, Lubricant (POL 1) terminal with a new structure designed and constructed to exceed current seismic standards at a new location.

PROPOSED WORK: The Port of Anchorage (the Port) proposes to construct the Petroleum and Cement Terminal (PCT) to replace the existing POL 1. The PCT would be designed to withstand a major seismic event and rapidly return to service in the event of trestle damage,

providing Anchorage and other areas of Alaska with refined fuels and bulk cement, both of which are necessary for reconstruction activities. Construction of the PCT would include installation of the following project components:

- 175 48-inch steel, concrete reinforced piles
- 28 36-inch steel fender piles
- PCT main trestle and platform with associated utility and product lines
- Six (6) mooring dolphins each consisting of 8 battered piles
- Five (5) breasting dolphins each consisting of 8 battered piles
- Above-water access catwalks to connect the dolphins and the platform
- 44 temporary H-piles to facilitate installation of battered dolphin piles
- Emergency trestle, bridge and temporary utility lines (water, electric, communication, and product)

The proposed project would also discharge 1500 cubic yards of augured substrate into 0.06-acre of waters of the U.S. during the installation of the concrete reinforced piles.

See the enclosed Appendix A (Project Description) for a complete project description. All work would be performed in accordance with the enclosed plans in Appendix C (Preliminary Design Drawings) (Figures 1-10), dated March 3, 2017. To view the DA Application, visit our web site at <http://www.poa.usace.army.mil/Missions/Regulatory/Public-Notices>.

ADDITIONAL INFORMATION: The Port has requested a USACE Section 408 authorization for the proposed project. This request was submitted prior to this DA permit application. The Section 408 authorization is currently being evaluated.

The Port has also submitted an application for an Incidental Harassment Authorization (IHA) under the Marine Mammal Protection Act (MMPA) from the National Marine Fisheries Service (NMFS). The IHA application is currently being evaluated.

The Port will also be applying for a Flood Hazard Permit from the Municipality of Anchorage.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant has stated that, "Placement of fill into Knik Arm is required to meet the project purpose; therefore, avoiding the discharge of fill is not practicable."

b. Minimization: The applicant has stated that, "The number of piles for the PCT was minimized to the quantity necessary to construct a seismically resilient PCT, while maximizing the life of the structure in order to reduce the need for future in-water work. The number of piles for the main trestle has also been reduced to shorten its length. The PCT design includes breasting and mooring dolphins instead of a solid-deck platform, again minimizing the number of required piles. The use of a 75 year design standard is also a method to minimize impacts to the aquatic environment in that reconstruction will be avoided for a substantial period of time. Additionally, catwalks will be constructed of prefabricated high-strength-steel

segments, rendering additional piles unnecessary. Encapsulated bubble curtains will be used when seasonally appropriate and technically feasible to reduce auditory impact to marine mammals and the use of a vibratory hammer to install permanent piles has been removed from the project in order to minimize adverse effects on marine mammals (please see Appendix E, Endangered Species Act Technical Memorandum, for additional information regarding marine mammal impact minimization)."

c. Compensatory Mitigation: The applicant has stated that, "The placement of fill has been minimized to the quantity necessary to construct a stable and earthquake resilient PCT, and is limited to the immediate area of the piles. Due to minimization efforts and small footprint of the project, no compensatory mitigation is proposed."

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The U.S. Army Corps of Engineers (Corps) has determined that the permit area under the National Historic Preservation Act (NHPA) is limited to the footprint of the proposed project in waters of the U.S. The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. No listed or eligible properties are within the permit area. The Corps has determined that the proposed project would have no effect to historic properties. This application is being coordinated with the State Historic Preservation Office (SHPO), and the Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the Cook Inlet Beluga Whale (*Delphinapterus leucas*). We have determined the described activity may affect the Cook Inlet Beluga Whale. We will initiate the appropriate consultation procedures under Section 7 of the Endangered Species Act with the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Estuarine and marine waters in the vicinity of the Port are considered EFH for Chinook (*Oncorhynchus tshawytscha*), chum (*O. keta*), coho (*O. kisutch*), sockeye (*O. nerka*) and pink salmon (*O. gorbuscha*). Eulachon (*Thaleichthys pacificus*) and low numbers of Pacific cod (*Gadus macrocephalus*), walleye pollock (*Theragra chalcogramma*), Pacific herring (*Clupea pallasii*), and longfin smelt (*Spirinchus thaleichthys*) and Pacific staghorn (*Leptocottus armatus* species) have also been captured in upper Cook Inlet. While these species are managed by the Fishery Management Plan for groundfish of the Gulf of Alaska, waters in the vicinity of the Port are not identified as EFH for these species.

We have determined the described activity may adversely affect EFH in the project area for five species of Pacific salmon: Chinook, chum, coho, sockeye, and pink salmon. This Public Notice initiates EFH consultation with the NMFS. Any comment or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public

interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2003-502-M11, Knik Arm**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.