



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	April 13, 2018
EXPIRATION DATE:	May 14, 2018
REFERENCE NUMBER:	POA-1993-565-M11
WATERWAY:	Dutch Harbor

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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Jen Martin at (907) 753-2730, by fax at (907) 420-0813 or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Per Brautaset, Kloosterboer Dutch Harbor, LLC, 2025 First Avenue, Seattle, Washington 98121

AGENT: Tyler Zimmerman, TZ Engineering, P.O. Box 921285, Dutch Harbor, Alaska 99692

LOCATION: The project site is located within Section 26, T. 72 S., R. 117 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.9080° N., Longitude 166.5150° W.; Kloosterboer Dutch Harbor Facility, 1503 Ballyhoo Road, Dutch Harbor, in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to provide for increased capacity of their existing dock (used for loading, off-loading and cold storage of seafood products) and a greater margin of safety for mooring larger vessels that currently overhang the north end of the dock. Dredging would allow deeper draft vessels to utilize the inside and outside faces of the south dock.

PROPOSED WORK: To dredge up to 7,500 cubic yards of silt and sand with cobbles from 1.01 acres below the mean high water (MHW), (3.3 feet above mean lower low water elevation of 0.0 feet) of Dutch Harbor, in Unalaska, Alaska, around the newly constructed pile supported dock ('South Dock') and dispose of the material offshore in Unalaska Bay (or in uplands if the dredge material is not suitable for offshore disposal). A 50-foot wide area would be dredged to a depth of -25 feet on the west side of the dock, while a 65-foot wide area would be dredged to a depth of -32 feet on the south side of the dock, with sideslopes of varying angles between -1 and 3:1. Dredging operations would be conducted by a crane with a clam shell bucket from a 230-foot by 60-foot construction barge.

Additionally, five mooring dolphins would be permanently installed, each consisting of three 30-inch diameter steel piles. Up to ten (10) 30-inch diameter temporary construction piles would be installed, then removed upon project completion. All permanent pilings would be installed using a vibratory hammer to drive the steel piles either to the required depth for structural requirements, or as deep as possible, before an impact hammer is required. Temporary piles would only be installed using a vibratory hammer.

Work would begin spring/summer 2018 and take approximately 12 weeks to complete.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated February 5, 2018.

ADDITIONAL INFORMATION: The soil sampling analysis and characterization plan for the proposed dredge area is currently under review by the Corps of Engineers (Corps), Environmental Protection Agency, and Alaska Department of Environmental Conservation. Upon completion of sampling and an analysis of the results, there will be a joint agency determination of the suitability of the material for in water disposal.

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

a. Avoidance: Impacts to Dutch Harbor could not be avoided, as all proposed activities would occur at an existing facility. However, there would be no discharge of fill material in Dutch Harbor (all dredged material would be disposed of offshore or in uplands) and there would be no impacts to wetlands.

b. Minimization: The dredge footprint and number of pilings was minimized as much as practicable while allowing the minimum working space necessary to conduct activities and to ensure that the dock face is at the minimum depth necessary for all tide dock access and safe and efficient use by the intended vessels.

c. Compensatory Mitigation: No compensatory mitigation has been 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: We have defined our scope of analysis under Appendix C of 33 CFR 325 (permit area) to be the footprint of the activities described in the section entitled "Proposed Work" above. 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. There is a registered or eligible property in the vicinity of the worksite designated UNL-00119, which is a contributing property within a National Historic Landmark. The project lies within UNL-00120, Dutch Harbor Naval Operating Base and Ft. Mears, National Historic Landmark (NHL). Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. The Corps has made a No Adverse Effect determination for the proposed project. There are no longer any World War II-aged resources on the Kloosterboer property waterward of Ballyhoo Road and the dredging and construction of five dolphins along the existing docking facility would not cause a visual intrusion to the NHL. This application is being coordinated with the National Park Service (NPS) and the State Historic Preservation Officer (SHPO). Any comments NPS or SHPO may have concerning this site and/or presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat, short-tailed albatross (*Phoebastria (Diomedea) albatrus*), Steller's eider (*Polysticta stelleri*), Steller sea lion (*Eumetopias jubatus*) and their designated critical habitat, blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), Western North Pacific gray whale (*Eschrichtius robustus*), Western North Pacific and Mexican DPS's of humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*) and sperm whale (*Physeter macrocephalus*).

We have determined the described activity would have no effect on the Short-tailed albatross, blue whale, fin whale, Western North Pacific gray whale, North Pacific right whale or sperm whale under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) is required for those species. However, 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. We have also determined that the described activity is not likely to adversely affect northern sea otter or Steller sea lion designated critical habitat.

We have determined the described activity may affect the northern sea otter, Steller's eider, Steller sea lion, and the western North Pacific and Mexican DPS's of humpback whales. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the USFWS and NMFS. 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).

The project area is within the known range of the weathervane scallop (*Patinopecten caurinus*), chum salmon (*Oncorhynchus keta*), pink salmon (*O. gorbuscha*), coho salmon (*O. kisutch*), sockeye salmon (*O. nerka*), and Chinook salmon (*O. tshawytscha*).

We have determined the described activity would not adversely affect EFH in the project area.

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 PN 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 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 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

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-1993-565-M11, Dutch Harbor**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

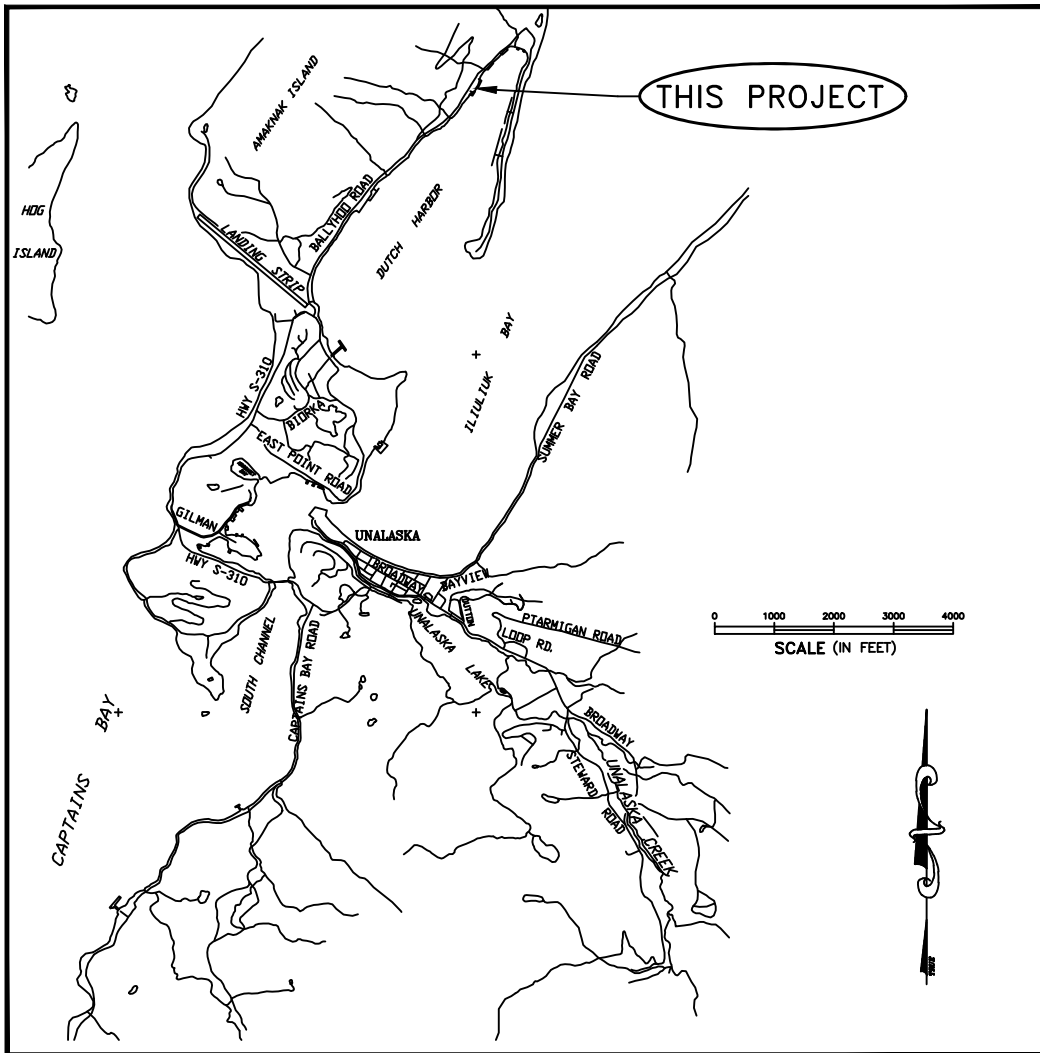
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.

PROJECT VICINITY
 LAT 53.908 N
 LONG: 166.515 W
 S26 T72S R117W



STATE OF ALASKA



PURPOSE:
 TO DREDGE AROUND THE SOUTH DOCK EXPANSION TO ALLOW BOATS WITH DEEPER DRAFTS TO SAFELY MOOR.

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:
 OUNALASHKA CORP
 CITY OF UNALASKA

**KLOOSTERBOER
 DUTCH HARBOR
 SOUTH DOCK
 DREDGING**

KLOOSTERBOER DUTCH HARBOR
 1362 BALLYHOO RD
 DUTCH HARBOR, AK 99692

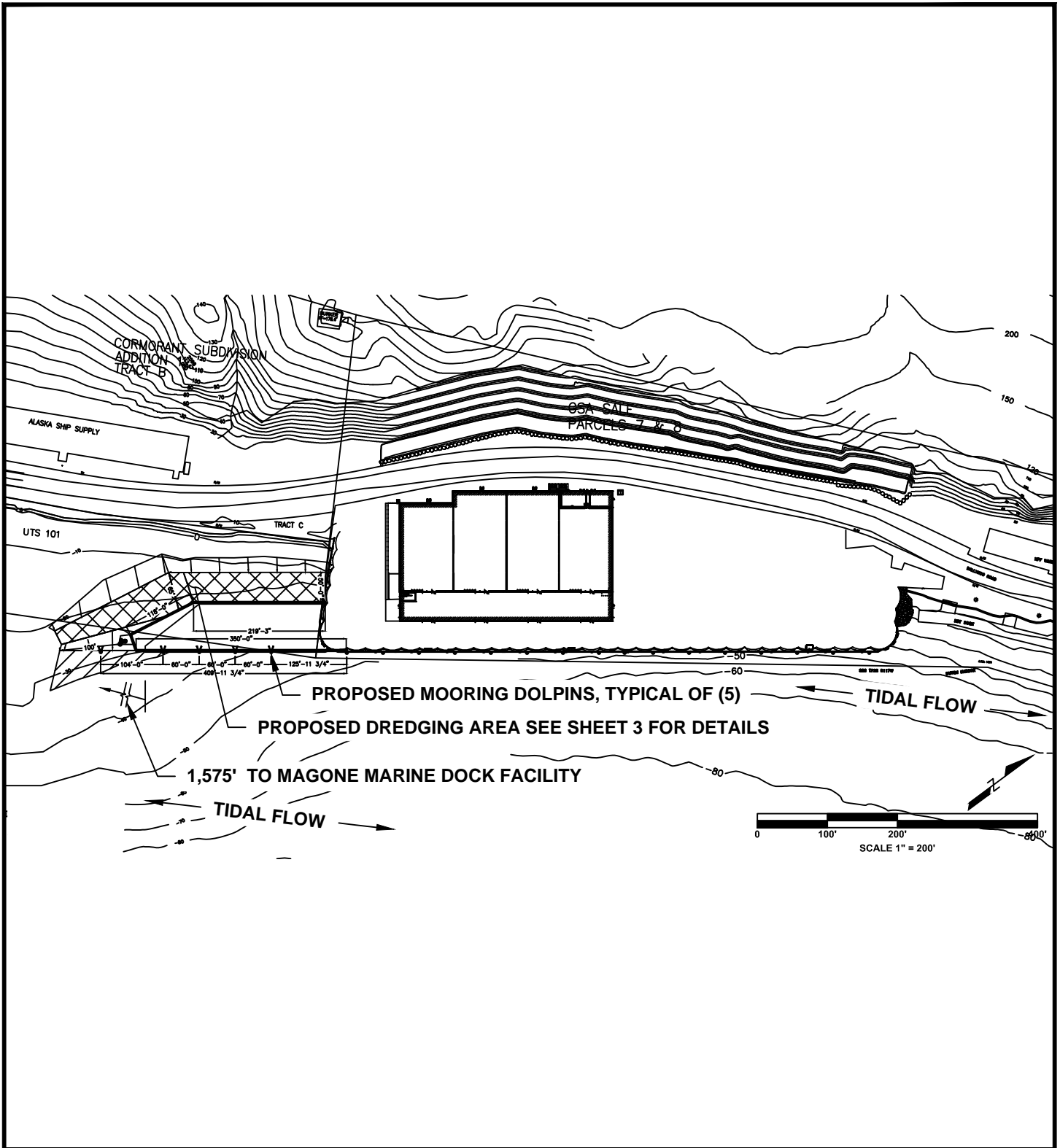
VICINITY MAP

TZ|E TZ ENGINEERING

AT: DUTCH HARBOR
 IN: UNALASKA, AK

2/05/18

SHEET 1 of 5



PURPOSE:
 TO DREDGE AROUND THE SOUTH DOCK EXPANSION TO ALLOW BOATS WITH DEEPER DRAFTS TO SAFELY MOOR.

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**KLOOSTERBOER
 DUTCH HARBOR
 SOUTH DOCK
 DREDGING**

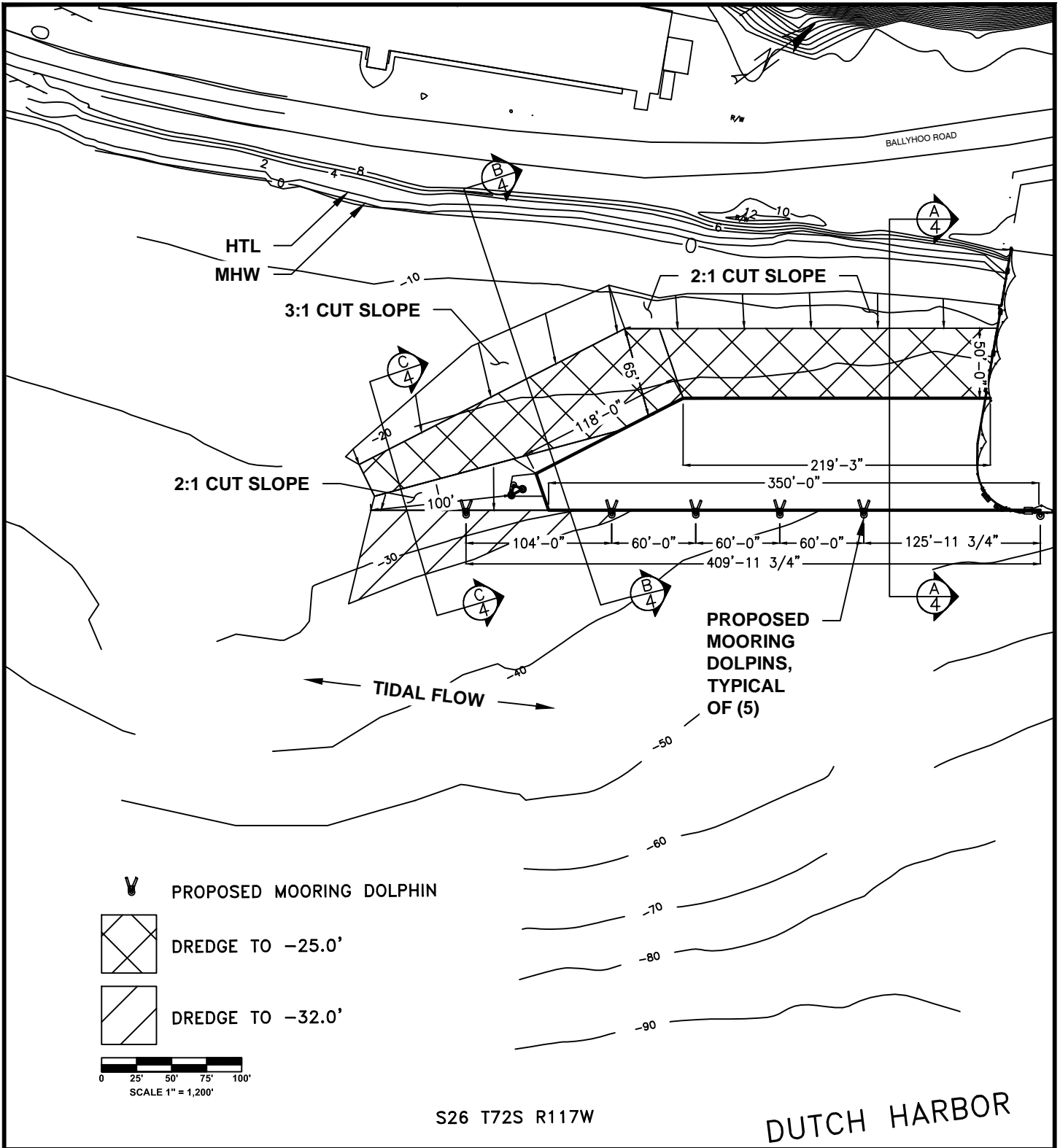
KLOOSTERBOER DUTCH HARBOR
 1362 BALLYHOO RD
 DUTCH HARBOR, AK 99692

**SITE LAYOUT
 NORTH END LAYOUT**




TZ|E TZ ENGINEERING

AT: DUTCH HARBOR
 IN: UNALASKA, AK

2/05/18 SHEET 2 of 5



PROPOSED MOORING DOLPINS, TYPICAL OF (5)

-  PROPOSED MOORING DOLPHIN
 -  DREDGE TO -25.0'
 -  DREDGE TO -32.0'
- 0 25' 50' 75' 100'
SCALE 1" = 1,200'

S26 T72S R117W

DUTCH HARBOR

PURPOSE:
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DUTCH HARBOR
SOUTH DOCK
DREDGING**

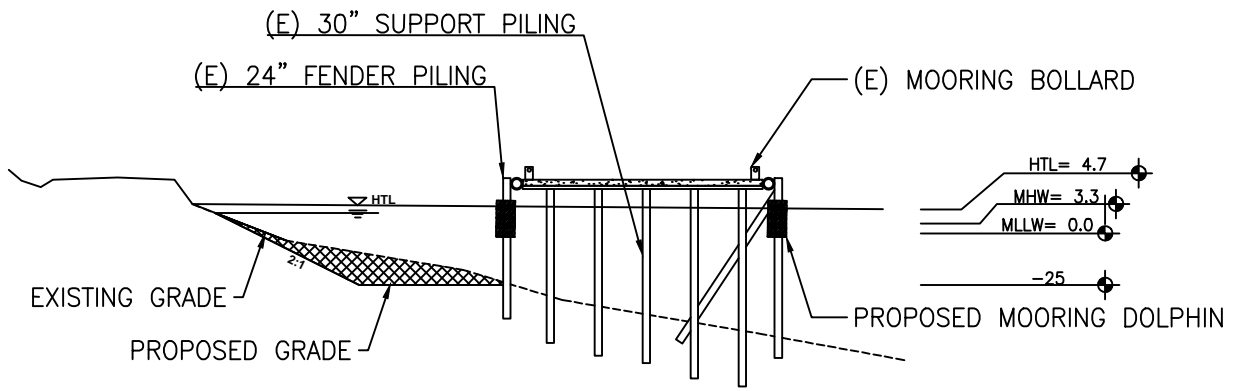
KLOOSTERBOER DUTCH HARBOR
1362 BALLYHOO RD
DUTCH HARBOR, AK 99692

**SITE LAYOUT 2
DREDGING LAYOUT**

TZ|E TZ ENGINEERING

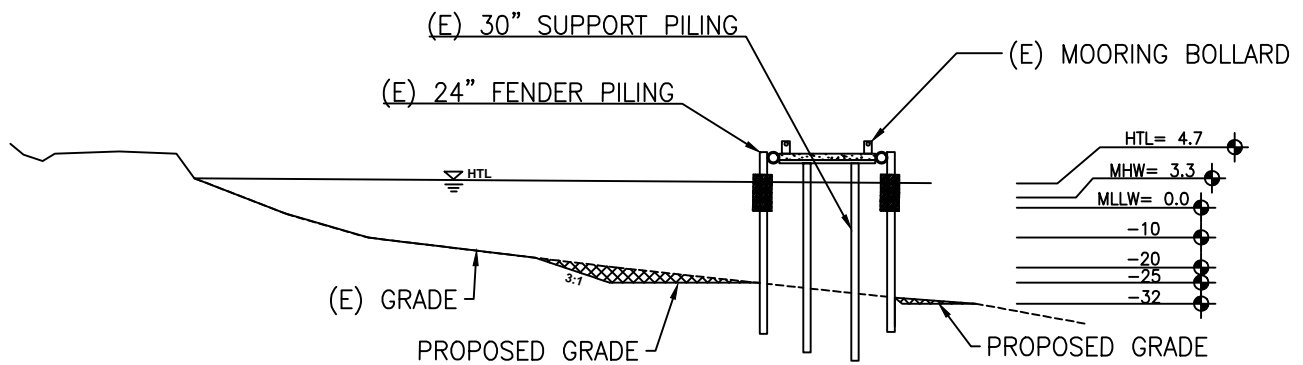
AT: DUTCH HARBOR
IN: UNALASKA, AK

2/05/18 SHEET 3 of 5



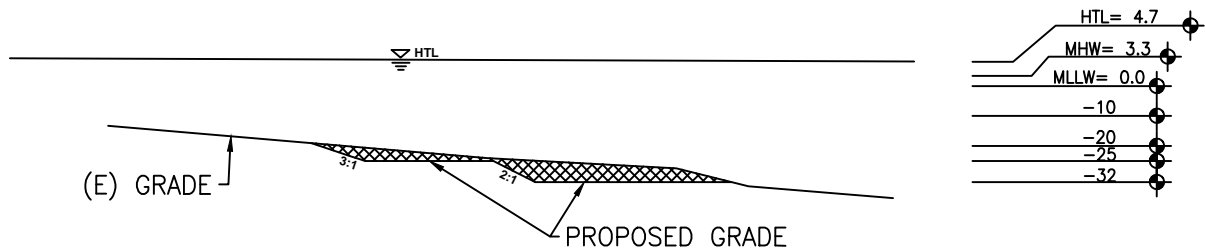
FACILITY AREA TYPICAL SECTION A-A

NTS



FACILITY AREA TYPICAL SECTION B-B

NTS



FACILITY AREA TYPICAL SECTION C-C

NTS

PURPOSE:
TO DREDGE AROUND THE SOUTH DOCK EXPANSION TO ALLOW BOATS WITH DEEPER DRAFTS TO SAFELY MOOR.

DATUM: MLLW= 0.0

ADJACENT PROPERTY OWNERS:
OUNALASHKA CORP
CITY OF UNALASKA

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DUTCH HARBOR
SOUTH DOCK
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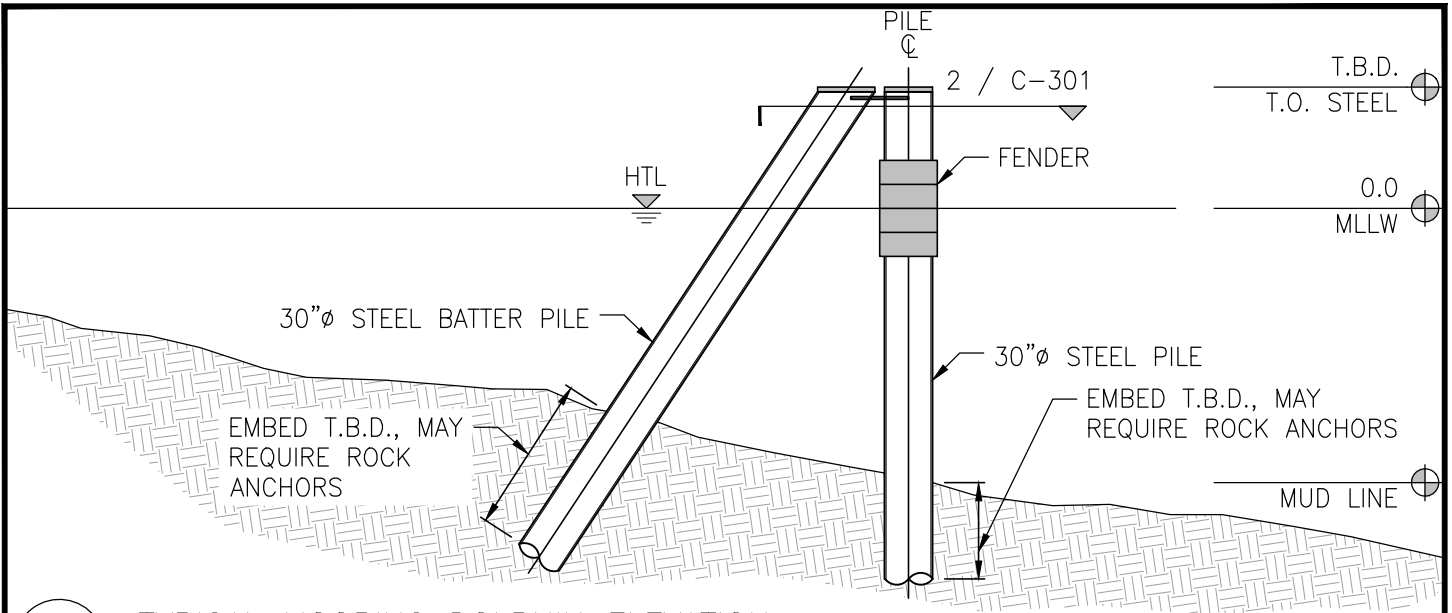
SECTIONS



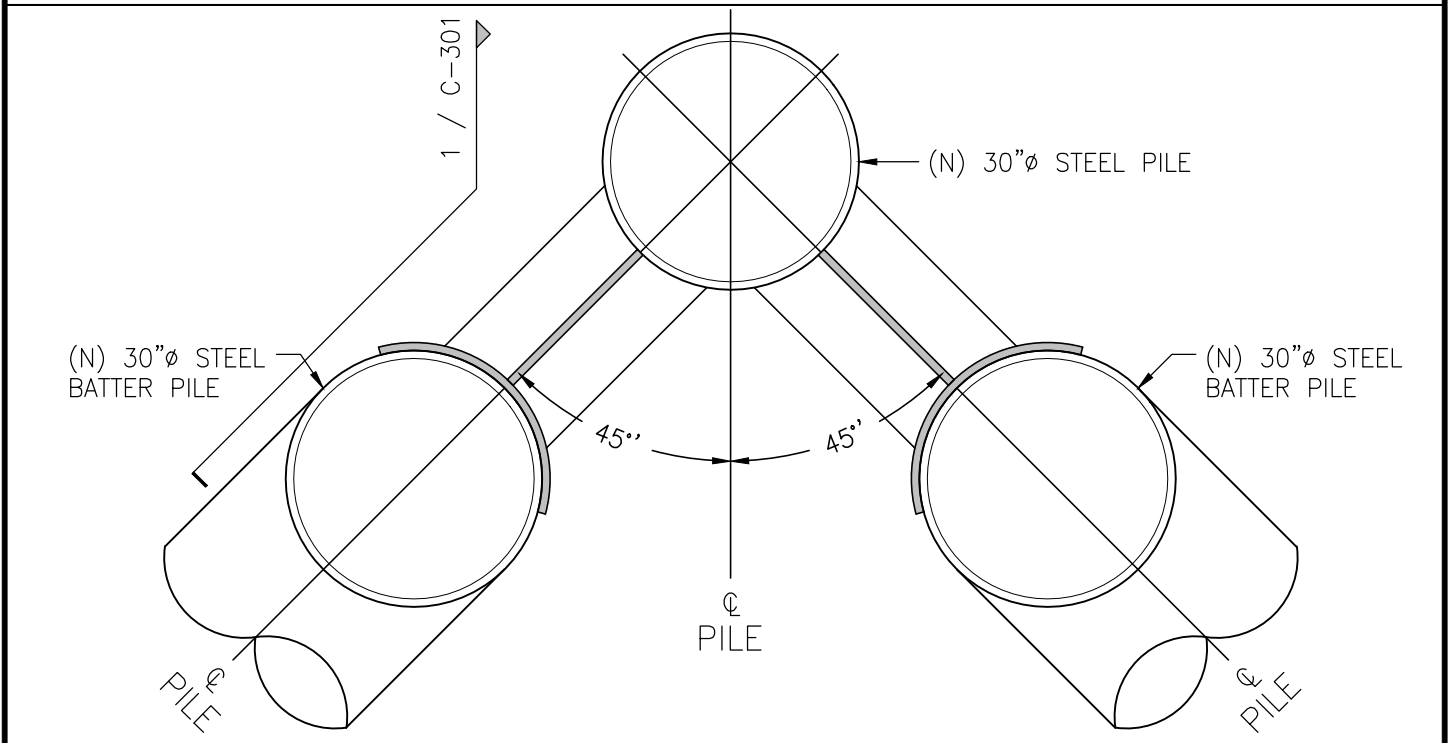
AT: DUTCH HARBOR
IN: UNALASKA, AK

2/05/18

SHEET 4 of 5



1 TYPICAL MOORING DOLPHIN ELEVATION
NOT TO SCALE



2 TYPICAL MOORING DOLPHIN LAYOUT PLAN
NOT TO SCALE

PURPOSE:
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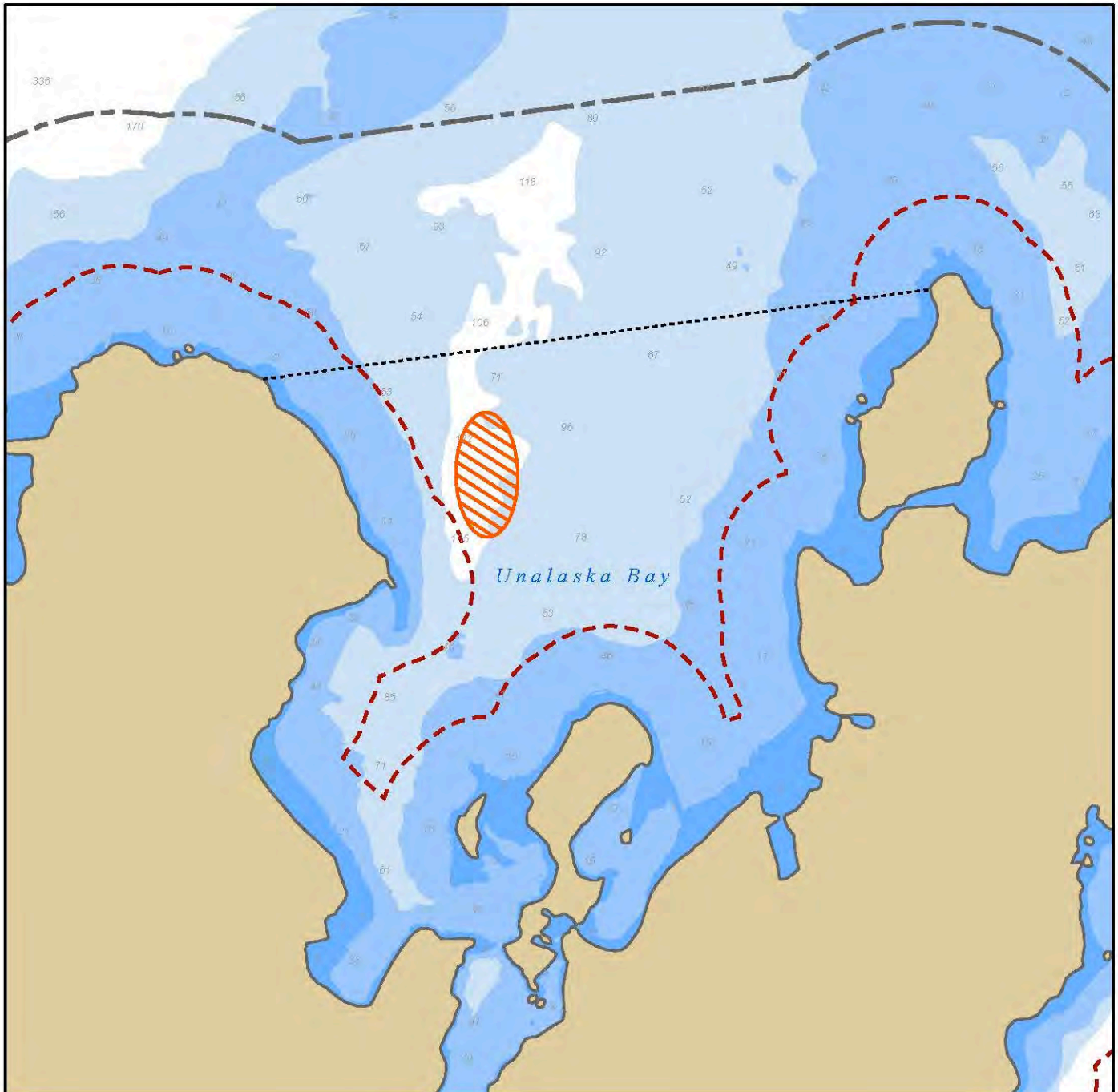
DOLPHIN DETAILS

TZ|E TZ ENGINEERING


AT: DUTCH HARBOR
IN: UNALASKA, AK

2/05/18

SHEET 5 of 5



Legend

 Approximate Extent of At-Sea Discharge - Proposed Disposal Location¹

----- Baseline - Bay Closing Line

--- 3-Nautical Mile Line

- - - 1-Nautical Mile Line

40 Sounding (Fathoms MLLW)


 Land Area

Depth Contours (Fathoms MLLW)

 0-10

 11-50

 51-100

 > 100

Notes:

1. The approximate extent of the proposed disposal location is based on the anticipated area of disposal when the barge is being towed at the CD-required speed of at least three knots.

· Basemap layers provided by NOAA.

Abbreviations:

MLLW = Mean Lower Low Water

NOAA = National Oceanic and Atmospheric Administration

