US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	**November 15, 2013**
EXPIRATION DATE:	**December 16, 2013**
REFERENCE NUMBER:	**POA-1994-1014**
WATERWAY:	**ORCA INLET**

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 Steve Lindamood at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by fax at (907) 279-0064, or by email at Steve.D.Lindamood@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Native Village of Eyak (NVE), Post Office Box 1388, Cordova, Alaska 99574-1388, Mr. Joel A. Azure, Executive Director NVE.

LOCATION: The starting point of the proposed project is located approximately 0.4-miles from the end of Orca Cannery Road in Cordova, Alaska, at Latitude 60.3441º N., Longitude 145.4312º W. The end point of the proposed project is located at Shepard Point, which is located at Latitude 60.3752º N., Longitude 145.4010º W.

The proposed location of the deep water port, staging area, and boat launch is located approximately 7 miles northeast of Cordova, at Shepard Point. The 4.5-mile-long road to Shepard Point is proposed to be located in Sections 1, 2,10, and 11, T. 15 S., R. 3 W., Copper River Meridian; USGS Quad Map CORDOVA C-5; near western Prince William Sound (PWS) and Cordova, Alaska.

SPECIAL AREA DESIGNATION: None

PURPOSE: The applicant's stated purpose is to construct an Oil Spill Response (OSR) Facility at Shepard Point to enhance current OSR capabilities, near Cordova, Alaska. The facility would be able to receive oil spill equipment from any location through a transportation sequence of either air-to-ground-to-response–vessel or cargo–vessel-to-response– vessel sequence. The facility would also accommodate existing and foreseeable future oil spill response and cargo vessels with deeper drafts than the current capabilities of existing facilities in the area and provide an adequate staging area contiguous to the proposed dock.

The applicant states the project is needed to improve and enhance Cordova's existing OSR capabilities, and to maximize the efficiency with which Cordova could support a response effort. While Cordova has the longest runway and all-weather airport in PWS, the lack of a deepwater port reduces its ability to transfer supplies

efficiently to the site of a major spill. By providing access to deep-draft OSR vessels at any tide, with road connection to the airport, the proposed facility would improve response capacities. Under current spill response plans, crude oil industry logistics planners have assumed that if another large spill occurred in PWS, the Cordova airport would receive 20 percent of out-of-region equipment mobilized to the PWS region, which would then be transported to the spill site by fishing vessels.

In addition, the applicant states that the proposed facility is needed to fill requirements from the following legal mandates:

- In the Exxon Valdez Oil Spill (EVOS) civil settlement of 1992 final Alyeska consent decree (U.S. District Court, Alaska), the facility was specifically agreed upon, and funding was designated for construction of a road, OSR equipment, and a staging area at Shepard Point (see Appendix A).
- Construction and operation of an OSR facility and deepwater dock in the Cordova area would fulfill the requirements of the Alyeska Consent Decree and the memorandum of understanding (MOA) between the NVE and Alaska Department of Transportation and Public Facilities (ADOT&PF) (see Appendix B).
- The United States Congress identified the project in public law 109-59 in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFTEA-LU) in section 1939.
- The Oil Pollution Act of 1990 (OPA 90) and Alaska Statute 46.04.030(k)(3)(B) require PWS oil spill responders to be able to rapidly mobilize out-of-region equipment from around the world to the eastern PWS through Cordova's all-weather airport.

The applicant states the Shepard Point facility is the only Alyeska Consent Decree OSR facility that has not yet been constructed. It is the most important, because it will provide a deepwater OSR facility linked with the only all-weather airport in the PWS, the Cordova Municipal Airport (Cordova airport), a critical connection for fast response.

Currently, Cordova has existing docks and OSR equipment stored in the vicinity of the docks. The Cordova docks have been used to load fishing vessels with OSR equipment and respond to oil spills in the past. However, the Shepard Point facility would provide many improvements over the existing OSR capabilities, including a deep water port, additional storage and increased dockside space for efficient staging and sorting. All improvements would lead to a more robust and timely response from Shepard Point.

PROPOSED WORK: The Shepard Point Oil Spill Response Facility would include the following components:

- **Access road –** A new 4.5-mile road connecting Shepard Point to the existing Cordova road system, which provides a connection to the all-weather airport in Cordova. The road would have a crushed aggregate gravel surface of two lanes in the uplands and one lane in areas requiring tideland fill. Two-lane sections would have a top width of 32 feet and one-lane sections would have a top width of 16 feet. The minimum elevation for the road surface would be 20 feet above mean lower low water (MLLW) to prevent the road from being overtopped by waves from Orca Inlet. The roadway would be protected from storm damage by a 6-foot-thick layer of coarse rock riprap on the Orca Inlet side of the road.

  The road would cross anadromous fish streams at Unnamed Creek and Humpback Creek using bridges such that approaches, abutments, and piers will be located above the ordinary high water mark (OHWM) with no fill placed in the creeks. Other drainages along the route do not provide fish habitat and would be crossed using culverts, with the exception of one at the beginning of the project. Bridges and culverts would be designed to pass, at a minimum, a 100-year flood event. Road material, including crushed rock surfacing, will be obtained from roadway cuts, and no off-site mining operations are anticipated. The road would be designed and constructed to accommodate avalanche mitigation measures where required.

- **Deepwater dock –** An all-tide, all-weather, deepwater dock at Shepard Point dedicated to oil spill response (OSR) would be constructed. The dock face would be 600 feet long; big enough to serve the largest deepwater OSR vessels while simultaneously serving several smaller craft. Major components would be a wharf, mooring dolphins, a trestle, an uplands staging area, and a small boat launch. The wharf would consist of a traditional dock on pilings connected to the uplands by a trestle. Mooring dolphins would be used to provide capacity at the dock face while minimizing the number of piles and wharfs

required. The wharf and dolphins would provide approximately 640 feet of useable mooring space, with approximately 340 feet available as useable dock face. The wharf would be situated so that at least 32 feet of water depth will be provided at MLLW without requiring dredging. To construct and support the wharf, trestle, and mooring dolphins, 213 piles would be required. The piles would be embedded approximately 20 feet below the existing mud line. The uplands staging area would cover approximately 3.5 acres, and the expected utilities are electricity from the Cordova Electric Cooperative power plant (located at Humpback Creek), a water well, and a modest wastewater facility. The boat launch ramp would be constructed on a 12-percent grade with a top elevation of +20 feet MLLW and a bottom ramp elevation of –4 feet MLLW. Additional facilities at the port include watertight storage for OSR equipment, a movable crane, gasoline and diesel fuel tanks, a contained concrete or asphalt vessel decontamination washdown area and water recycling system, decontaminated fuel storage tanks, an all-weather equipment storage building, and an administration/office building.

- **Staging/loading area –** A staging and loading area would be constructed adjacent to the deepwater dock dedicated to OSR materials and equipment to ensure efficient loading and off-loading of vessels.

PROPOSED IMPACT AMOUNTS:

Material Discharged, by Habitat Type

Habitat	Feature ID	Qty (CY)	Area Covered (SF)	Area Covered (acre)	Linear Feet of Impact
Stream	1	245	312	0.01	74.85
Stream	2	45	425	0.01	97.2
Stream	3	200	487	0.01	107
Stream	4	120	536	0.01	70.38
Stream	5	1,100	2,063	0.05	315.85
Stream	6	425	992	0.02	195.62
Stream	7	165	388	0.01	66.3
Stream	8	150	288	0.01	78.24
Stream	9	150	350	0.01	123.69
Stream	10	45	225	0.01	29.87
Stream	11	70	726	0.02	64.35
Stream	12	80	231	0.01	31.54
Stream	13	90	337	0.01	42.31
Stream	14	275	1,044	0.02	87.67
Stream	15	5,825	4,843	0.11	311.74
Stream	16	1,200	2,031	0.05	357.73
Stream	17	55	178	0.00	78.55
Stream	18	2,250	4,095	0.09	587.89
Stream	19	500	718	0.02	117.67
TOTAL		**12,990**		**0.47**	**2838.45**

Wetland	1	105	5,774	0.13	
Wetland	2	640	1,122	0.03	
Wetland	3	6,600	29,150	0.67	
URSBIA	WET 1	2,350	9,000	0.21	
Subtotal		**9,695**		**1.03**	

TABLE 1

Material Discharged, by Habitat Type

Habitat	Feature ID	Qty (CY)	Area Covered (SF)	Area Covered (acre)	Linear Feet of Impact
Intertidal	1	5,025	15,402	0.35	
Intertidal	2	19,750	61,231	1.41	
Intertidal	3	9,980	26,979	0.62	
Intertidal	4	1,650	10,316	0.24	
Intertidal	5	109,100	51,445	1.18	
Intertidal	6	59,400	129,714	2.98	
Intertidal	7	38,400	101,325	2.33	
Intertidal	8	175	2,567	0.06	
Subtotal		**243,480**		**9.16**	
Eelgrass	1	4,650	12,514	0.29	
Eelgrass	2	3,375	13,966	0.32	
Eelgrass	3	5,200	12,929	0.30	
Subtotal		**13,225**		**0.90**	
Subtidal (non-eelgrass)	1	21,100	48,279	**1.11**	
Subtotal		**21,100**			
TOTAL DISCHARGE		**284,095**		**11.47**	

All work would be performed in accordance with the enclosed plan (sheets 1-34), dated 10/07/2013.

ADDITIONAL INFORMATION: The NVE previously applied for a DA permit for the above project for which a public notice was issued on December 28, 2009, after which the NVE withdrew their DA application. Since that time the NVE has changed their project design and fill amounts. The primary difference is the construction of the dock which was previously proposed to be a fill dock requiring approximately 2.3 acres of fill into marine waters versus the current dock proposal being pile supported and no fill materials being placed in marine waters for its construction. Many of the design changes and avoidance/minimization efforts have resulted in less overall fill impacts in the current proposal than was proposed previously. Previously, the NVE proposed a total discharge of 289,594 CY of fill into 14.8 acres of waters of the U.S. (WOUS) Currently, the NVE proposes to discharge 284,095 CY of fill materials into 11.47 acres of WOUS.

The Bureau of Indian Affairs in cooperation with the NVE, U.S. Army Corps of Engineers, and the U.S. Federal Highway Administration previously conducted an Environmental Impact Statement which analyzed hosts of potential human and environmental impacts from the project. The Final Environmental Impact Statement (FEIS) is available for view at http://shepardpoint.com, under the *Documents/Downloads* tab.

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 states they have completed all practical means to avoid impacts to all resources from the previous alternative. The proposed alignment has undergone several design refinements to avoid and minimize impacts to wetlands, marine habitats, wildlife, fish, and cultural resources. The NVE has also completed an addendum to the Wetlands and Waters of the U.S. Technical Report completed for the FEIS. The addendum documents a field verification of wetlands boundaries as observed in October 2013. Proposed impacts to wetlands and marine habitats have been reduced since the original DA application. These design refinements resulted in a reduction of 0.17 acres of wetlands impacts and a reduction of 0.87 acres of eel grass impacts. The resulting final impact to eel grass from the original Alternative 4 in the FEIS is 97 percent fewer acres of impacts to WOUS.

Humpback Creek, Orca Creek, and Unnamed Creek would be crossed by bridges and therefore no fill would be placed in the creeks below the OHWM. The 0.10-acre of stream impacts to Orca Creek have been completely removed from the design since the original DA application. Additionally, piers below the OHWM in Humpback Creek and Unnamed Creek have been removed since the original DA application. In-water work will be isolated to avoid direct impacts to fish and downstream water quality impacts.

b. Minimization: The roadway would be constructed using the minimum width of fill footprint necessary to provide a stable road base and utilize1.5:1 side slopes to minimize the fill footprint. No grubbing would be done outside of the footprint and only the minimum clearing required for safety would be done beyond the toe of the slope.

An erosion and sediment control plan would be prepared to describe the best management practices used to avoid water quality impacts to wetlands and other water bodies. The details of the erosion and sediment control plan would be completed in final design and will ensure compliance with Alaska's Pollution and Discharge Elimination System. No additional impact to wetlands or marine habitats would result from implementing the erosion and sediment control plan.

Areas disturbed during the construction would be revegetated in the same growing season as the disturbance. In peat wetlands, the natural vegetative mat will be removed prior to construction and then placed after recontouring of the ground following construction.

In-water work in anadromous streams is not anticipated. Restoration and revegetation of stream bank and shoreline habitat would use bioengineering techniques to stabilize soils and re-establish native cover. Streams with resident fish or the potential for resident fish would have culverts placed to provide fish passage. No culverts would be allowed to impede flood flows. To the extent practicable, excavation equipment would work from upland sites to minimize adding fill into Waters of the U.S. Excavation equipment would minimize disturbance to the stream channel and stream bank.

Bank access points would be selected to take advantage of existing landings, previously disturbed sites, or locations of planned fill. Additional necessary access points identified during construction would be located to minimize impacts to habitat and would be restored to their pre-existing condition after project completion. In water work for fill placement, dredging or pile driving would be timed to avoid impacts to spawning and migrating fish species.

c. Compensatory Mitigation: The applicant proposed the following: "where adverse impacts cannot be avoided, compensatory mitigation will be provided for wetlands and other Waters of the U.S. impacted by the project. Because onsite mitigation is not practical for this project, a combination of permittee-responsible mitigation,

out-of-kind mitigation, and in-lieu fee arrangement will be used as compensatory mitigation to replace ecological functions and services lost as a result of the project. Compensatory mitigation will be provided for intertidal and subtidal habitat impacts, based on the value of the intertidal and subtidal habitat affected by the project. Compensatory mitigation will be used to preserve or restore wetlands impacted by the construction of the project to meet the standard of "no net loss to wetlands." Ongoing work is developing for the mitigation proposal and will be submitted to the USACE in consultation with other federal agencies. At present, several proposed mitigation strategies have been advanced for the permittee-responsible mitigation, out-of-kind mitigation, and in-lieu fee mitigation approach. Options include restoration of previously affected aquatic resources (herring fishery), conservation easements on aquatic habitat, funding for research (herring fishery), and creation of new wetlands habitat. Potential mitigation measures will involve payment, donations of land or placement of conservation easements on land donated or purchased.

The NVE Humpback Creek Hatchery Project is being proposed help replenish lost herring fishery resources as a result of the EVOS in 1989 (Appendix J). The proposed project would permanently eliminate approximately 0.9 acres of eelgrass. Eelgrass is an important spawning substrate for herring. It is also important rearing habitat for juvenile salmon. A herring enhancement hatchery could replace lost eelgrass habitat function for herring spawning by increasing incubation and early rearing survival for herring spawn (eggs) acquired from nearby herring spawning areas. There are many ways this can be done as described in the draft document "Integrated Herring Restoration Program" (*Exxon Valdez* Oil Spill Trustee Council, 2010). The cost of a hatchery program is orders of magnitude greater than the ecological value of eelgrass lost as a result of the proposed project, although there is no clear way of defining the monetary value. The monetary value of eelgrass habitat loss has been determined arbitrarily in the past."

Permittee-Responsible Mitigation
"The NVE has been in consultation with the U.S. Forest Service (USFS) on restoration of aquatic organism passage barriers on anadromous streams in the Cordova area. Several culvert crossings are being evaluated to reconnect habitat, as well as options to create new or more diverse habitat and/or restore habitat that has been lost."

In-lieu Fee Mitigation
"In-lieu fee mitigation options are being evaluated related to replacement of intertidal and subtidal habitat impacts, based on the value of the intertidal and subtidal habitat affected by the project. Specific details will be provided in the final mitigation plan prepared for the project. Additionally, NVE is in discussions with project partners in establishing conservation easements on lands that can be valued in supporting the functions and services of habitats impacted by the project."

Out-of-Kind Mitigation
"Before the EVOS, the herring fishery was at an all-time high point of species productivity, yielding approximately 120,000 tons from 1988 to 1990 (Figure 2). In 1993, the herring population crashed and has not been able to rebound enough to support a fishery or the top predators that survive on them. Even 20 years later, the population of herring is only 15 percent of what it was prior to the spill. The herring's lack of recovery is not bad only for Alaska's economy, but also for the ecology of the PWS. The herring are an important source of protein for marine mammals, birds, and other fish. Assigning value to the environment is a difficult task because there are many environmental services to consider. Herring are a crucial factor in the entire PWS food web. NVE recognized this fact and is taking corrective action, including advancing a proposal to begin work on restoring the fishery. The preceding information was presented as background on the impacted fishery; it outlines NVE draft plans for addressing the long road to recovery. NVE proposes to use the development of the Humpback Creek Hatchery Project as a component of the mitigation for the Shepard Point project impacts on habitat."

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 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 are properties in the vicinity of the worksite; they are identified as COR-00400, COR-00098, COR-00303, COR-00563, COR-00427, COR-00564, COR-00433, COR-00089, COR-00431, COR-00428, and COR-00429. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning 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 Steller sea lion, Western Distinct Population Segment (DPS) (Eumatopias jubatus). The project area is within the known or historic range of the Steller sea lion. A Biological Assessment was completed by the BIA and is included in the FEIS as Appendix T. This assessment determined that the selected alternative will have no effect on the Steller sea lion; the Corps concurs with this finding. The USFWS indicated that there were no endangered, threatened, or proposed ESA-listed species under their jurisdiction that have the potential to occur within the action area, nor any areas designated or proposed as critical habitat within the action area of the project.

ESSENTIAL FISH HABITAT (EFH): 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 following EFH species were identified by NOAA during the FEIS as being present in project area: all five species of Pacific salmon (*Oncorhynchus spp.)*, Pacific cod (*Gadus macrocephalus*), flathead sole (*Hippoglossoides elassodon*), walleye Pollock (*Theragra chalcogramma*), yellowfin sole (*Pleuronectes asper*), sablefish (*Anoplopoma fimbria*), rock sole (*Lepidopsetta polyxstra* and *L. bilineata*), rex sole (*Errex zachirus*), arrowtooth flounder (*Atheresthes stomias*), and sculpin (*Scorpaenidae* spp.).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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)(l) 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

SEAN PARNELL, GOVERNOR

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-1994-1014, ORCA INLET**, 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.