



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** August 6, 2014  
**EXPIRATION DATE:** September 8, 2014  
**REFERENCE NUMBER:** POA-2010-496-M3  
**WATERWAY:** Shakmanof Cove

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Interested parties are hereby notified that a Department of the Army 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 Heather Adams at (907) 753-2877, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Heather.L.Adams@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Koniag, Incorporated; 194 Alimaq Drive, Kodiak, Alaska 99615; ATTN: Charlie C. Powers, Vice President

**AGENT:** PND Engineers, Incorporated, 1506 West 36<sup>th</sup> Avenue, Anchorage, Alaska 99503; ATTN: Matt Van Daele; (907) 561-1011; E-mail: mvandaele@pndengineers.com

**LOCATION:** The project site is located within Sections 13 and 24, T. 26 S., R. 21 W., Seward Meridian; USGS Quad Map KODIAK D-2; Latitude 57.9159° N., Longitude -152.6073° W.; located approximately four miles southwest of the community of Ouzinzie, Alaska, near Kodiak.

**PURPOSE:** The applicant's stated purpose for the overall project is to provide reliable, year round access to an upland rock quarry. The applicant's stated purpose for this proposed modification is to accommodate different types and configurations of barges because different entities each have their own type of barge that their company uses - not only do the sizes differ, but methods and abilities of loading/unloading. It is also quite common that a large company like Kiewit may have differing configurations of barge within its own fleet.

The applicant, Koniag Inc., does not have its own barging company to remove material from Shakmanof, therefore they need to have a dock designed to accommodate the wide range of barge types existing in the marine construction sector. Also, it is quite possible in the future that two different companies may need to transport rock from Shakmanof at the same time - hence the general nature of this proposed permit modification. There is enough variability in the field that Koniag realized they need to have a more thorough dock design.

**PROPOSED WORK:** Koniag Inc. is proposing to modify their existing permit to construct an additional barge landing dock (Phase 1 in the attached drawings), with the possibility in the future to expand this landing area to accommodate larger barges and/or barges of a different configuration (Phase 2).

Phase 1 of this modification would create a 200-foot long barge loading area by placing 9,600 cubic yards (CY) of 18-inch shot rock fill below high tide line (HTL) (0.76-acre of surface area), and 7,500 CY of 18-inch shot rock fill below mean high water (MHW) (0.53 acres of surface area). Site preparation would require 3,000 CY of material to be dredged. Steel pilings may be placed 16 feet apart, for a maximum total of 14 pilings for this phase. Steel pilings would be 30-inch diameter in size.

Phase 2 of this modification, if built, would link the existing barge dock with the new barge dock built during Phase 1. An additional 22,700 CY of 18-inch shot rock fill would be placed below HTL (1.96 acres of surface area), and 15,500 CY of 18-inch shot rock fill below MHW (1.57 acres of surface area). Site preparation would require 6,000 CY of material to be dredged, and the two 30-inch steel pile dolphins of the existing barge landing dock would be removed when it is incorporated into Phase 2. As with Phase 1, steel pilings may be placed every 16 feet resulting in a maximum total of 42. If built, Phase 2 would result in a continuous barge landing area with a 650-foot face and surface area of 3.12 acres.

They would like to begin construction of Phase 1 as soon as possible, and leave the option to build Phase 2 in the future if the need arises for a larger barge landing/loading area. They have determined the common dimensions and requirements of rock-hauling barges, but they are not yet sure if they will need to accommodate the larger class of vessel in the near future - hence the two-phase design proposal. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated April 2014. This additional work would increase the total amount of fill for the project from 4.82 acres to 9.13 acres of intertidal waters. Total wetland fill remains at 9.91 acres as no additional wetland fill is proposed.

**ADDITIONAL INFORMATION:** This would be the third modification to the existing permit. The original permit and the first two permit modifications are attached to this public notice for reference.

**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 and Minimization:** The applicant stated that as with the previously permitted dock, this proposed modification would avoid and minimize to the greatest extent possible introducing or impacting tidelands and wetlands than absolutely necessary for accommodation of various barge types. Avoidance and minimization measures would include the use of steel pilings to reduce the need of additional fill materials, and if Phase 2 is permitted, ultimately tying into the previously permitted dock design to gain the maximum amount of dock frontage, without the need for an entirely new structure somewhere else in the project site to attain the required dock size. Fill used in the construction of the dock would come from adjacent sources in an effort to negate, or at the very least minimize the possibility of introducing contaminated materials.

b. **Compensatory Mitigation:** For tidelands impacted by this proposed modification, Koniag wishes to pay an in-lieu compensatory mitigation fee through The Conservation Fund for unavoidable impacts to waters of the United States.

**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 is an unevaluated property in the vicinity of the worksite. It has been designated KOD-355. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRs constitutes the extent of cultural resource investigations by

the District Commander at this time. This application is being coordinated with 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 North American breeding Steller's eider (*Polysticta stelleri*), listed as threatened, the southwest distinct population segment of northern sea otter (*Enhydra lutris kenyoni*), listed as threatened, and the western distinct population segment of Steller sea lion (*Eumetopias jubatus*), listed as endangered.

The project area is within designated critical habitat for the northern sea otter and Steller sea lion.

We have determined the described activity may affect some of the above mentioned species. We will re-initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (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). No EFH species are known to use the project area. 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 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

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-2010-496-M3, Shakmanof Cove**, 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.