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:	**June 28, 2021**
EXPIRATION DATE:	**July 28, 2021**
REFERENCE NUMBER:	**POA-1983-00359-M42**
WATERWAY:	**Chukchi Sea**

Interested parties are hereby notified that a Department of the Army 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 Leslie Tose at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Leslie.W.Tose@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Jesse Peterson, Alaska Industrial Development and Export Authority, 813 W Northern Lights Blvd., Anchorage, Alaska 99503 Phone: 907-771-3015 Email: jpeterson@aidea.org

AGENT: Mr. Victor Ross, Stantec Environmental Services, 351 West Parks Highway Suite 200, Wasilla, Alaska 99654-6920 Phone: (907) 521-3588 Email: Victor.Ross@stantec.com.

LOCATION: The project site is located within Section 10, T. 25 N., R. 24 W., Kateel Meridian; Latitude 67.5766º N., Longitude 164.0600º W.; approximately 90 miles north of Kotzebue, Alaska.

PURPOSE: The applicant's stated purpose is to conduct annual maintenance dredging and beach nourishment at the DeLong Mountain Transportation System Port, which services the Red Dog Mine, in western Alaska.

PROPOSED WORK: Dredge up to 500,000 cubic yards (cy) of subsurface marine material for a period of 10 years (an average of 50,000 cubic yards annually) from an 8.5-acre area of located within navigable waters of the U.S. Materials would be dredged to a depth of minus 22 feet elevation (relative to 0 feet Mean Low Lower Water) waterward of the mean high-water mark. Discharge up to 500,000 cy (an average of 50,000 cubic yards annually) of dredged material into an adjacent 5.7 acres shallow water, intertidal disposal area below the High Tide Line (HTL). Excavate up to 0.05 acres of beach sand between Mean High Water and the HTL, discharge beach sand into the 5.7-acre shallow water discharge area.

Dredging below waterline in the port basin has been done historically with a clam shell on the dock crane, and when required, a clam shell on a barge. The plan is to continue with clam shell dredging. Excavation and discharge of beach sand would occur using a dozer. Some non-jurisdictional excavation of beach sand may take place above HTL.

Work would start annually June 1 or as soon as the port is ice free. The dredging and discharge areas are shown on the attached plans. All work would be performed in accordance with the enclosed plan (sheets 1-1), dated June 24, 2021.

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: Dredging cannot be avoided. The port basin fills with sand over time and excess material must be removed, to sustain a consistent navigational depth.

b. Minimization:

- The area to be dredged would be limited to the port basin and the smallest practicable beach footprint. The shallow water discharge area is designed to supply protection for the existing beach, wetlands, and cultural resources.

- The applicant has implemented a Best Management Practices plan for minimizing release of lead, zinc and cadmium into the aquatic environment.

- The applicant has implemented a Marine Sediment Monitoring Plan to detect, mitigate, and monitor fugitive dust-related changes in the sediment environment.

- The applicant has developed a plan for reducing impacts to protected endangered species.

c. Compensatory Mitigation: No wetlands would be impacted by this Project, and there would be no loss of Section 10 waters. Therefore, no compensatory mitigation is proposed for this action.

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 cultural resources within the vicinity of the permit area. The permit area has been determined to be the limits of the project area below the high tide line (HTL). Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments the 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. 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 Bearded Seal (*Erignathus barbatus nauticus*), Ringed Seal (*Phoca (=pusa) hispida hispida*), Bowhead Whale (*Balaena mysticeta*), Finback Whale (*Balaenoptera physalus*), Polar bear *(Ursus maritimus*), Spectacled Eider (*Somateria fischerii*), Steller's eider (*Polistica stellari*)

We have determined the described activity may affect threatened or endangered species. We have initiated 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.

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).

According to the NMFS Alaska EFH Mapper, the project area is within the known range and life stages of: late juvenile and adult saffron cod (*(Eleginus gracilis)*; eggs, late juvenile and adult snow crab (*Chionoecetes opilio*); all life stages of arctic cod (*Arctogadus glacialis)*; juvenile, immature, and mature chum salmon *(Oncorhynchus keta*); juvenile and mature pink salmon *(Oncorhynchus gorbuscha*), immature and mature Chinook salmon *(Oncorhynchus tshawytscha*), juvenile, immature and mature sockeye salmon (*Oncorhynchus nerka*), and juvenile coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity may adversely affect EFH in the project area for the species and life stages listed above and provide the following EFH Assessment:

The actions that may adversely affect EFH are described above under the proposed work and shown on the attached plans. The potential adverse effects to EFH from the dredging activities include (1) the direct removal/burial of food organisms; (2) increased turbidity and siltation,

including light attenuation from turbidity; (3) contaminant release and uptake, including metals, (4) noise disturbances; and (5) alterations to hydrodynamic regimes and physical habitat. The potential adverse impacts to EFH from the discharge of dredged material into shallow waters include the (1) loss of habitat, (2) increased turbidity and sedimentation and (3) changes in hydrologic patterns.

The existing site conditions include an exposed, shallow water port situated on the Arctic Coastal Plain, on the shore of the Chukchi Sea. The seabed in this area is flat, being comprised of silty sand with a firm muddy stratum lying just below. Water depth at the anchorage varies from 50 ft. inshore to 72 ft. offshore (17m to 22m), with depth changing gradually. There is a steady current that runs parallel to the shore in a northwesterly direction.

Conditions are often windy, with freezing conditions most of the year. Shipping activities (including dredging and discharge) are active only during summer months, approximately 100 days per year. Cold, dry conditions overall contribute to increasing susceptibility of onshore soils to wind transport and air suspension, or dusting, with dust visible at times from gravel pads around the port site.

Shore Zone indicates the site to be characterized by exposed mobile/partially mobile sediment, a mixed gravel/sand beach, continuous dune grass vegetation, and exposure to wave action.

The proposed dredging and disposal activities may adversely affect benthic and water column habitats known to support EFH, particularly egg, larval or juvenile life stages. The dredging may eliminate habitat and food in the vicinity of the port, through burying or removing prey species. Mobile animals may move out of the area. Sedimentation and turbidity may reduce primary productivity, feeding ability of Essential Fish, or cause gill injury. There is the potential for re-suspension of lead, zinc, and cadmium, with re-uptake by marine organisms. The continuous noise generated by the dredge may cause fish and other aquatic organisms to leave the area. Finally, removal of material around the dock may alter substrate morphology, altering habitat for food species. Proposed disposal of dredged material may physically alter the near shore habitat: sedimentation and turbidity may reduce primary productivity, alter the feeding ability of Essential Fish, or cause gill injury. Hydrologic patterns such as current or circulation may be altered.

Although EFH is reported to be present and adverse effects are anticipated, the existing quality of the site for providing all necessary EFH habitat functions is likely low given the current site conditions and the seasonal influence of ice, tides, currents, storm surge, and wave energy. The proposed dredging would permanently eliminate 8.5 acres of subtidal habitat that may be used by some or all the EFH listed species above or used by their food species during various life stages for spawning, breeding, feeding, and growth. The proposed discharge of dredged material would rejuvenate 5.7 acres of intertidal habitat; however due to the low temperatures, benthic repopulation of dredged material may be slow. Due to existing conditions at the site, and the continuous nature of the activity since the early 1980's, adverse effects to this subtidal and intertidal area would result in a minor adverse impact to EFH and would not be expected to result in a significant loss of EFH or cause a measurable decline in local EFH managed species populations.

The applicant has proposed the following mitigation to reduce impacts to EFH:

1. The area and volume of dredging is limited to minimum amount necessary to maintain the port.

2. The applicant implements a Best Management Practices Plan for preventing water pollution (with the potential to affect EFH), with measures in place to minimize fugitive dust and sediment impacts for each phase of port operations. It includes components for training personnel, spill and leak response, and monitoring program for dust and marine sediment.

3. The applicant has designated the adjacent disposal site for the life of the project, with re-use of dredged material for beach replenishment and construction.

This PN initiates EFH consultation with the NMFS. Any comments 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 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)(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 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 U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

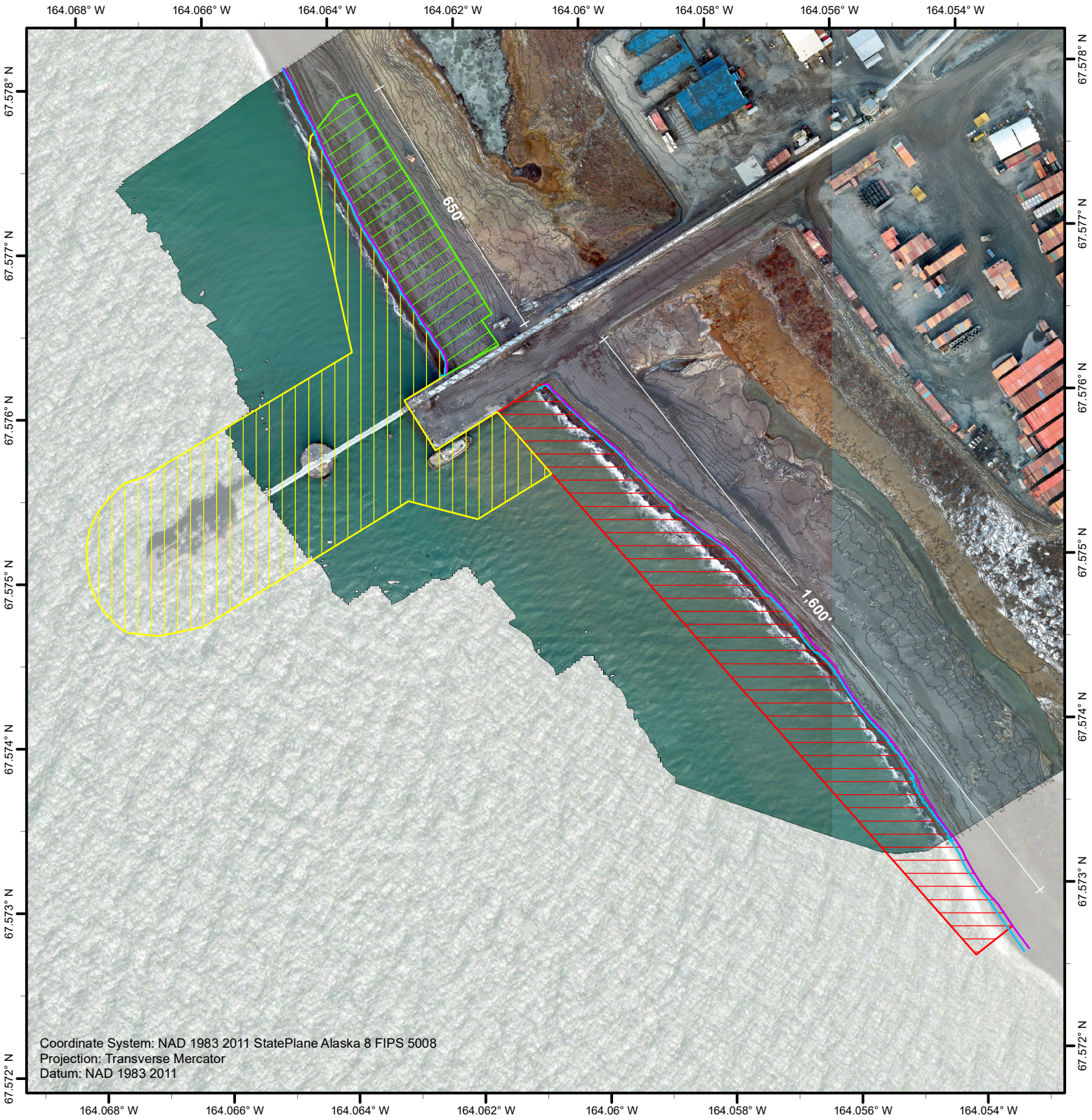
(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

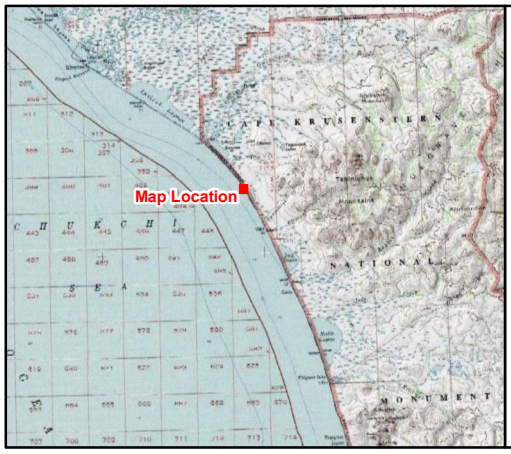
( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures





High Tide Line (6.3 ft)
Mean High Water (6.0 ft)
1' LiDAR-derived Contour

Project Work

Beach Sand Excavation Area
Maintenance Dredging Area
Shallow Water Discharge Area

0.02-meter aerial imagery and LiDAR elevation;
date aquired: October 2020
Background imagery 0.5-meter ESRI World Imagery;
date aquired: 06/25/2020

0 100 200 400 Feet

1 inch = 300 feet 1:3,600

Applicant: Alaska Industrial Development and Export Authority	
File No.: POA-1983-359	
Waterway: Chukchi Sea	
Proposed Activity: Maintenance dredging and discharge	
Kateel Meridian | T25N, R24W, S10	
Lat.: 67.576773 N	Long.: 164.058994 W
Sheet: 1 of 1	June 24, 2021