



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: June 10, 2019

EXPIRATION DATE: July 10, 2019

REFERENCE NUMBER: POA-2019-00277

WATERWAY: Women's Bay

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 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 Andy Mitzel at (907) 753-2689, or by email at andy.mitzel@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Don Reid, Alaska Marine Lines, P.O. Box 24348, Seattle, Washington, 98124.

AGENT: Mr. Tom Mortensen, Tom Mortensen Associates, P.O. Box 113192, Anchorage, Alaska, 99511.

LOCATION: The project site is located within Sections 21 and 28, T. 28 S., R. 20 W., Seward Meridian; USGS Quad Map Kodiak D-2; Latitude 57.7274° N., Longitude 152.5308° W.; 7205 Rezanof Drive West, in Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to construct a barge docking and landing craft docking facility.

PROPOSED WORK: The applicant is proposing to discharge up to 87,000 cubic yards of shot rock and 1,000 cubic yards of armor rock for the construction of a 4.3-acre two open-cell steel sheet pile walls for docking, a 190-foot x 20-foot landing craft docking ramp, an upland abutment for the cargo transfer ramp, and commercial cargo staging and operating area, all below the high tide line (11.5 feet above the 0 foot contour) in Women's Bay, a navigable water of the U.S. In addition to the placement of the fill material, the project would also involve the following activities:

Steel Pipe Pile Installation: The proposed project would require the installation of two 36-inch diameter, twelve 24-inch diameter, and four 16-inch diameter steel pipe pilings. The piles would be installed below the mean high water mark (MHW) (7.9 feet above the 0 ft contour). The piles installed would include two 36-inch diameter steel pipe piles (king) and four 24-inch steel pipe piles (batter) to construct two reaction dolphins, one reaction dolphin for each of the two open sheet pile cells. The installation of eight 24-inch diameter steel pipe piles (4 plumb and 4 batter) to construct two transfer span/lifting frame dolphins below the MHW. The four 16-inch diameter steel pipe piles to construct a pile-supported concrete abutment for the cargo transfer span would also be installed below the MHW.

Steel Sheet Pile Installation: Install two open-cell steel sheet pile walls each 60 feet in length below the MHW. A total of 248 steel sheet pile would be installed.

Steel Transfer Span:

Place over navigable waters, one 96-foot long x 23-foot wide steel transfer span (bridge) for cargo loading and unloading, and a Berthing Barge. A 300 foot x 90 foot transient barge would be moored to the two sheet pile cells in order to provide cargo barge docking in deeper water without the need for additional filling or dredging of navigable waters or the driving of additional piling.

Pile Driving:

The pipe pile and sheet pile would be installed utilizing a crane-mounted vibratory and/or impact hammer located on the filled uplands or from a barge. An impact hammer may be used for finishing. If bedrock were to be encountered before the full required pipe pile penetration depth is achieved, the piles would be socketed into the bedrock. If the bedrock is shallow (within 40 to 60 feet of the surface), then tension anchors or a longer reinforced concrete socket may be installed in the vertical King piles. If shallow bedrock is encountered, pipe pile installation would involve both vibratory, down-the-hole hammer/drilling, or traditional auger drilling methods. A vibratory hammer would be used to stab the pile into sediment until bedrock is reached.

At this time the applicant does not know the exact make and model of equipment to be used by the low-bid contractor, if the Corps of Engineers (Corps) determines this activity can be permitted. The contractor would determine the appropriate equipment for the job based on site specific conditions, availability, and efficiency among other factors.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated May 16, 2019.

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: The applicant has stated the following regarding avoidance of impacts associated with the proposed project:

The project will incorporate the following measures to avoid impacts: Minimal project footprint. The work will impact only those marine waters necessary to complete the work.

- b. Minimization: The applicant has stated the following regarding minimization of impacts associated with the proposed project:

The project will incorporate the following measures to minimize impacts: Project activities will not affect wetlands as defined by the USACE. Best Management Practices will be used to protect water quality, including a Hazardous Material Control Plan. Rip rap armor rock placed for erosion protection of the fill will create rocky shore habitat. The area of fill required has been minimized by identifying a site with two natural points extending into Women's Bay that can be incorporated into the workable upland area. The area of fill has been further minimized by extending the cargo transfer span to reach deeper water and with the use of a berthing barge in order to meet cargo barge draft requirements, and doing so without the need to expand the foot print of the proposed fill area. This will decrease the potential environmental impact of the project to fish and other wildlife as well as decrease the amount of affected navigable waters. No dredging is proposed. The minimum number and size of pile that are proposed will reduce noise impacts to aquatic organisms during construction.

Additionally, of the 1.9 acres of eelgrass bed (of the larger 5.5 acre bed) that is currently on the property, only 0.5 acres would be impacted by this project.

- c. Compensatory Mitigation: The applicant has stated that no compensatory mitigation is being 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 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 no cultural resources in the permit area or within the vicinity of the permit area.

The permit area has been determined to be the footprint of the proposed project, including the uplands. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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 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 following species.

	Common Name	Scientific Name	Status	Critical Habitat
NMFS	Steller Sea Lion (WDPS)	<i>Eumetopias jubatus</i>	Endangered	Yes
	Fin Whale	<i>Balaenoptera physalus</i>	Endangered	No
	Humpback Whale (Mexico DPS)	<i>Megaptera novaeangliae</i>	Endangered	No
	N. Pacific Right Whale	<i>Eubalaena japonica</i>	Endangered	No
	Sperm Whale	<i>Physeter macrocephalus</i>	Endangered	No
USFWS	Northern Sea Otter	<i>Enhydra lutris kenyoni</i>	Threatened	Yes
	Short-tailed Albatross	<i>Phoebastria (=Diomedea) albatrus</i>	Endangered	No
	Steller's Eider	<i>Polysticta stelleri</i>	Threatened	No

We have determined the described activity may affect the threatened or endangered species listed in the table above and their designated critical habitat. We will 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).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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.

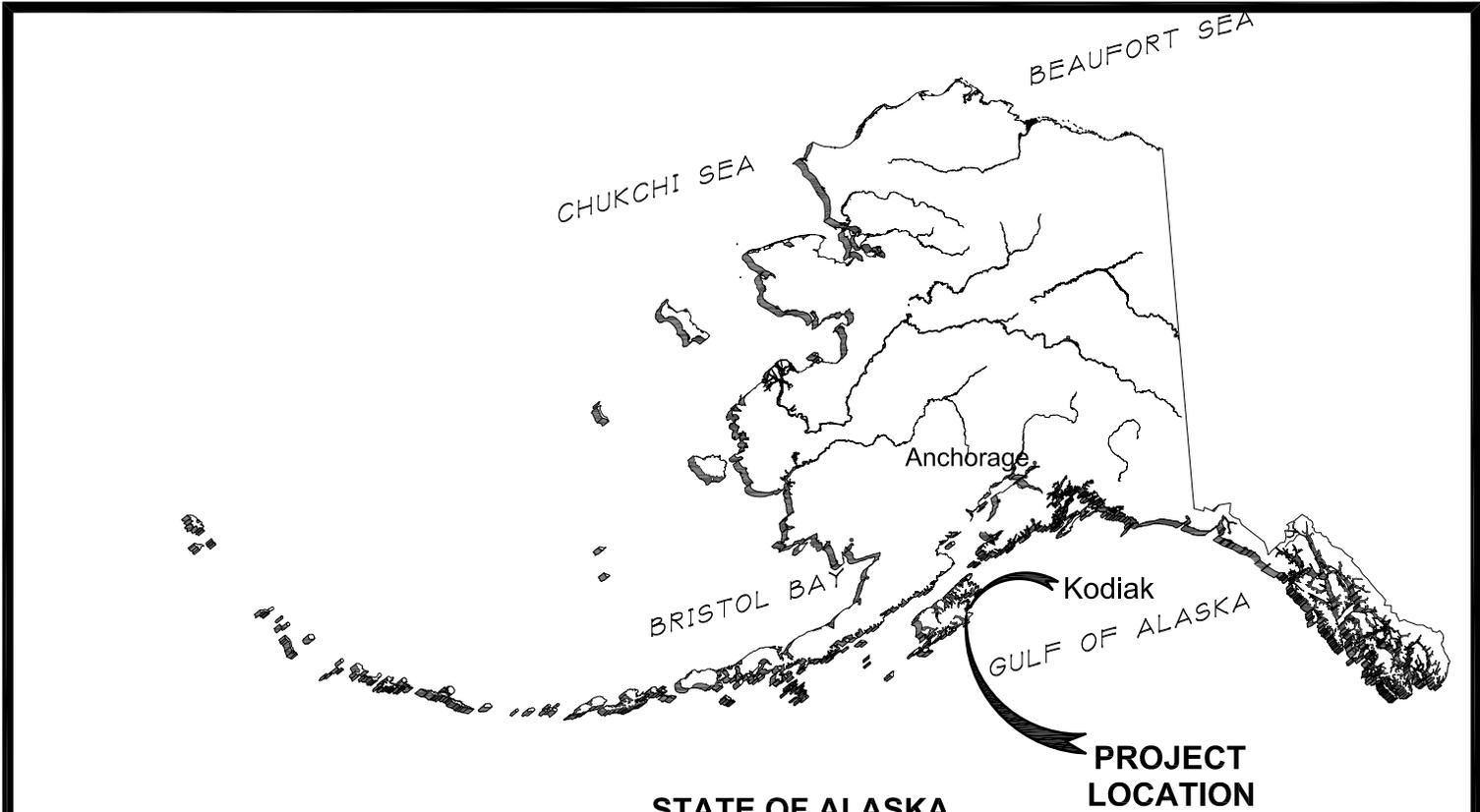
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00277, Women's Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

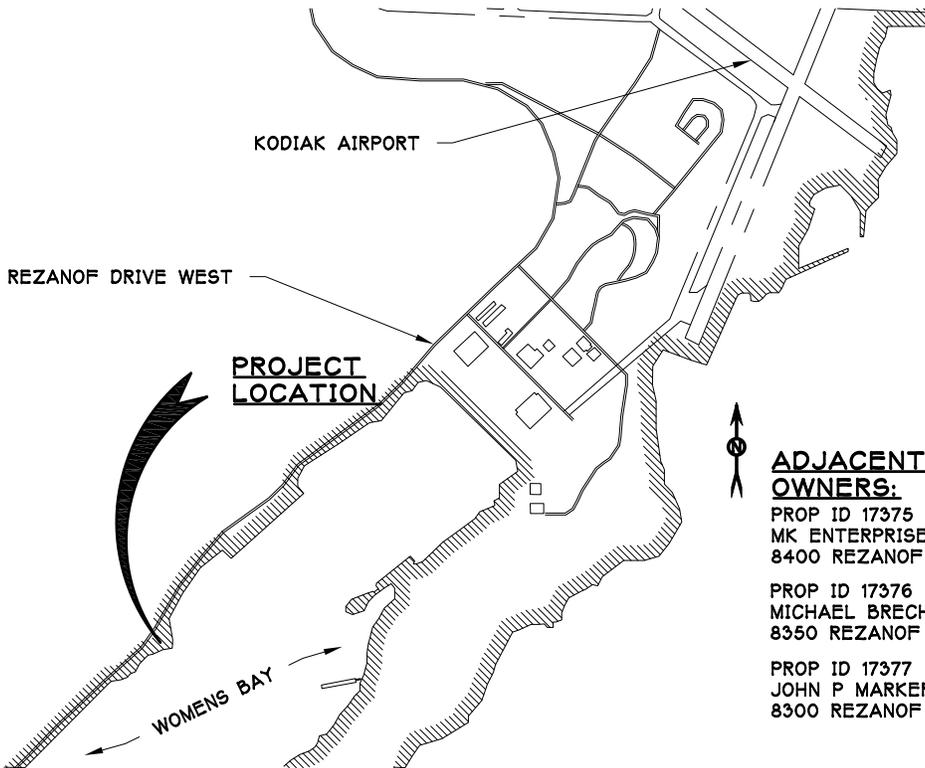
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



STATE OF ALASKA



ADJACENT PROPERTY OWNERS:

PROP ID 17375
MK ENTERPRISES LLC
8400 REZANOF DR W

PROP ID 17376
MICHAEL BRECHAN TRUST
8350 REZANOF DR W

PROP ID 17377
JOHN P MARKER ETAL
8300 REZANOF DR W

PURPOSE: NEW BARGE LOADING FACILITY

LOCATION/VICINITY MAP

PROPOSED: KODIAK MARINE TERMINAL
IN: WOMENS BAY
AT: KODIAK, AK

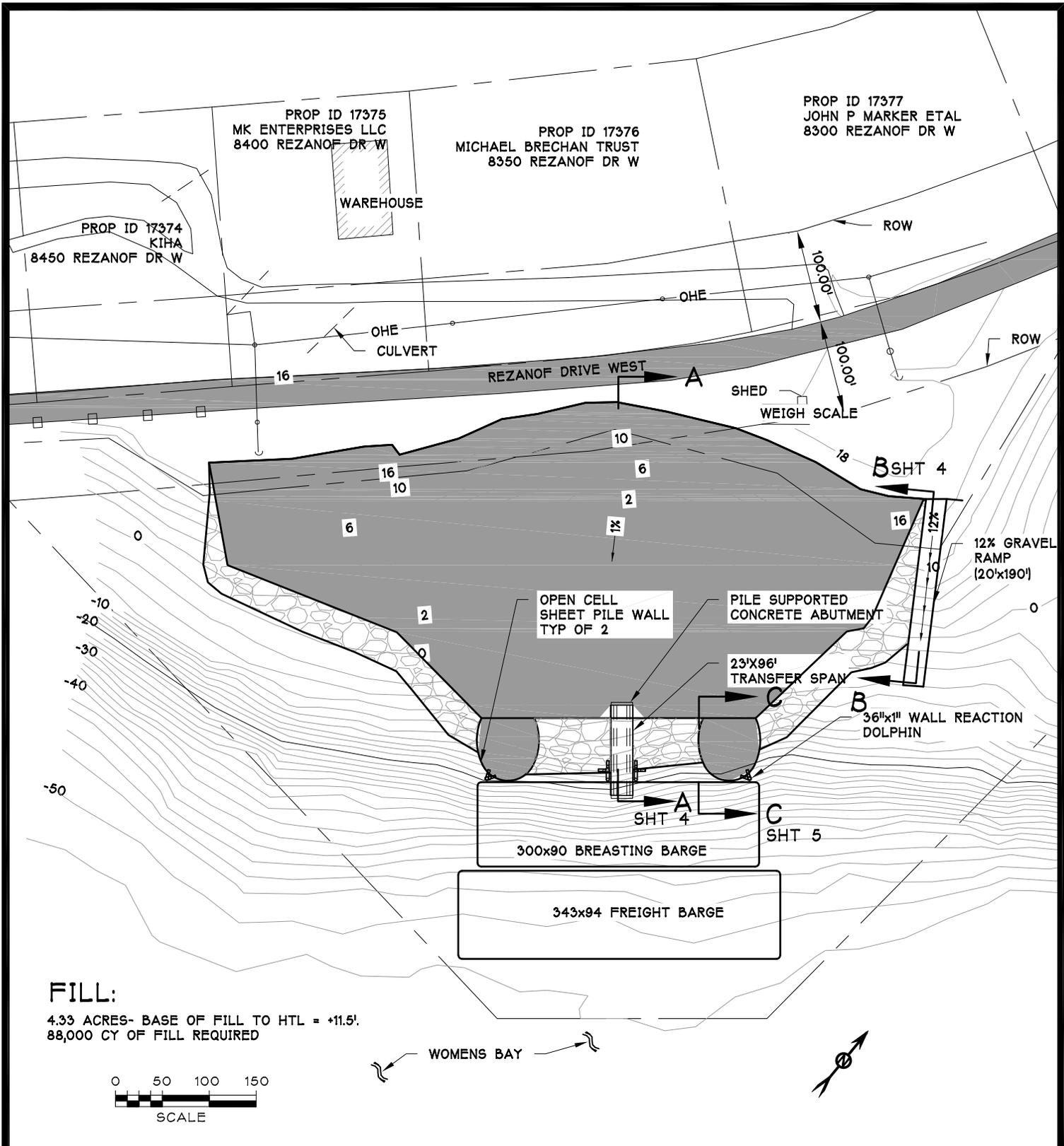
DATUM: 0.0' HTL = 11.5'
MHW = 7.9'
MLLW = 0.0'

APPLICATION BY: ALASKA MARINE LINES

JOB NO.

DATE: 16 MAY 2019

SHEET: 1 OF 6



FILL:

4.33 ACRES- BASE OF FILL TO HTL = +11.5'
 88,000 CY OF FILL REQUIRED

PURPOSE: NEW BARGE LOADING FACILITY

PROPOSED SITE CONDITIONS

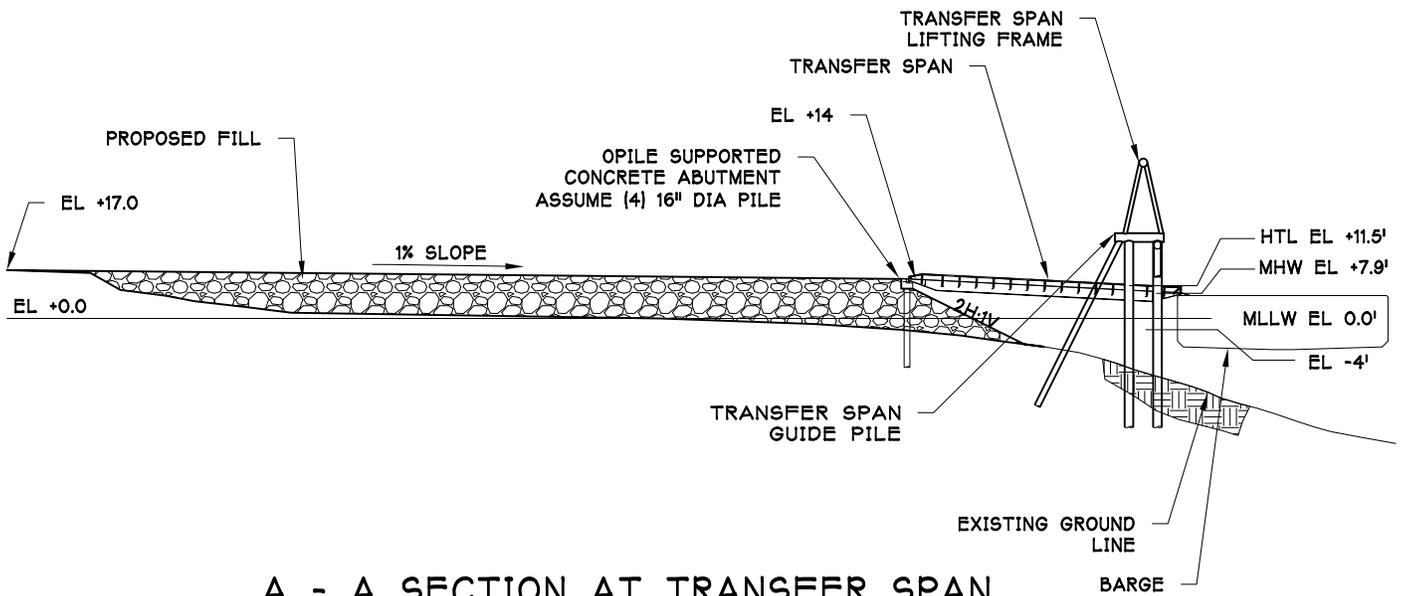
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 IN: WOMENS BAY
 AT: KODIAK, AK
 APPLICATION BY: ALASKA MARINE LINES

DATUM: 0.0' HTL = 11.5'
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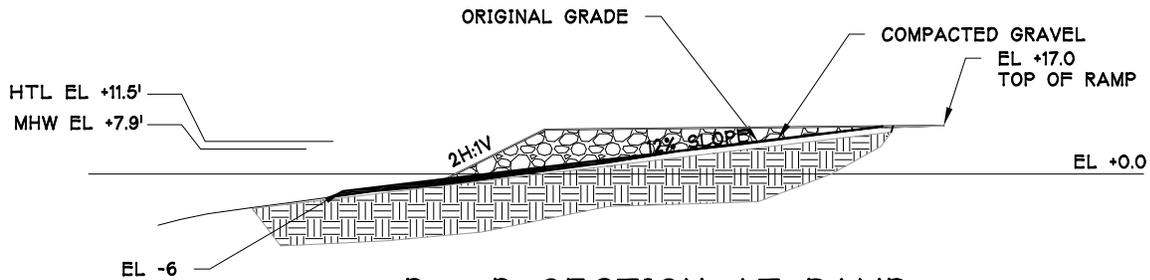
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DATE: 16 MAY 2019

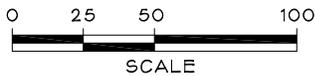
SHEET: 3 OF 6



A - A SECTION AT TRANSFER SPAN



B - B SECTION AT RAMP



PURPOSE: NEW BARGE LOADING FACILITY

SECTIONS

PROPOSED: KODIAK MARINE TERMINAL

IN: WOMENS BAY

AT: KODIAK, AK

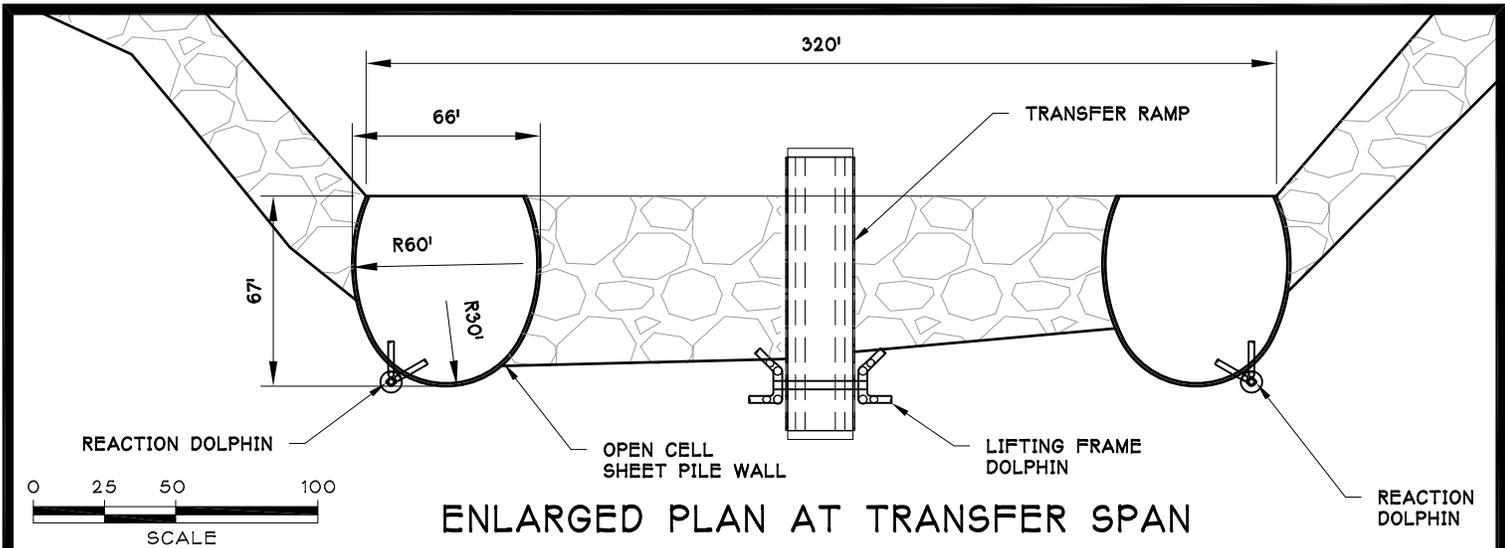
APPLICATION BY: ALASKA MARINE LINES

DATUM: 0.0' HTL = 11.5'
MHW = 7.9'
MLLW = 0.0'

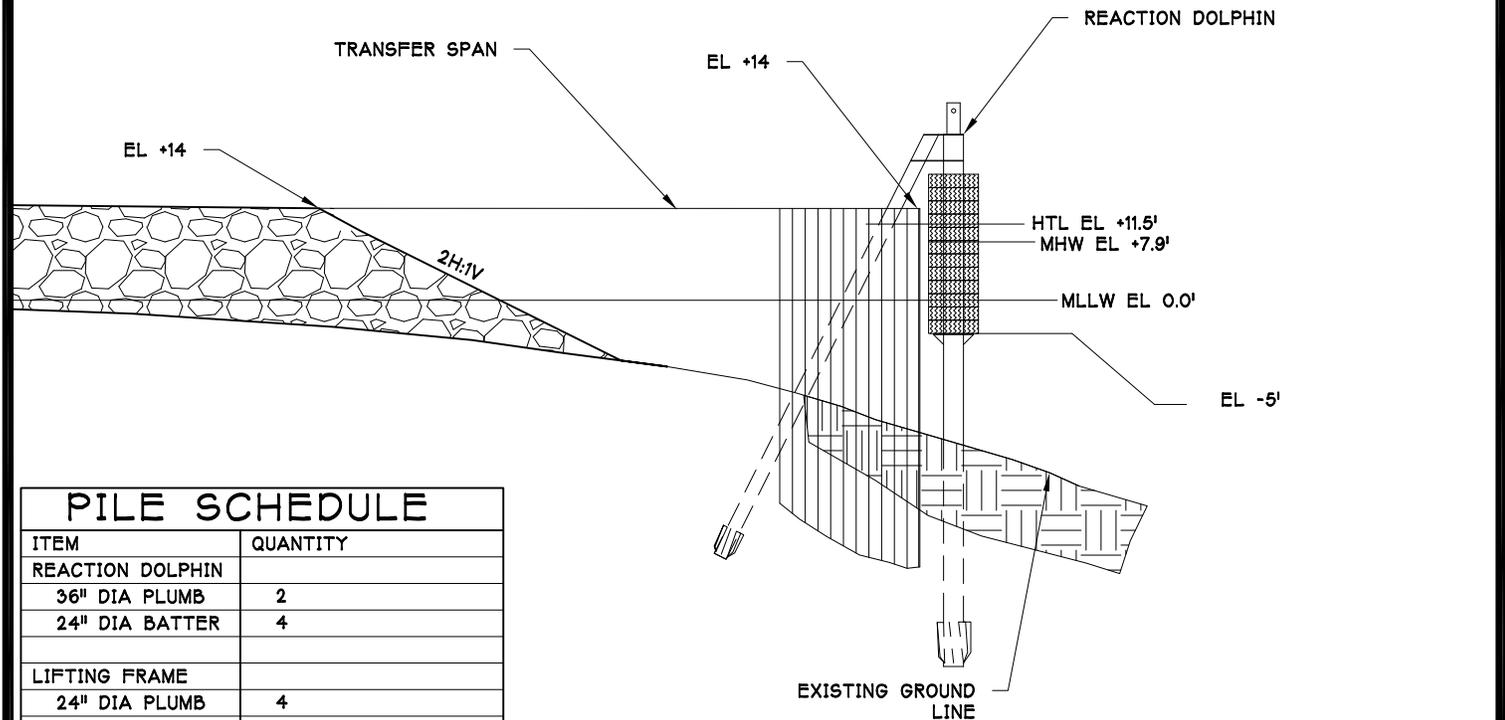
JOB NO.

DATE: 16 MAY 2019

SHEET: 4 OF 6

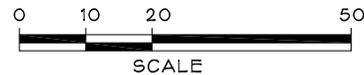


ENLARGED PLAN AT TRANSFER SPAN



C - C SECTION AT SHEET PILE WALL

PILE SCHEDULE	
ITEM	QUANTITY
REACTION DOLPHIN	
36" DIA PLUMB	2
24" DIA BATTER	4
LIFTING FRAME	
24" DIA PLUMB	4
18" DIA BATTER	4
ABUTMENT	
16" DIA PLUMB	4
SHEET PILE	
PS31	244
HP 14x89	4



PURPOSE: NEW BARGE LOADING FACILITY

DATUM: 0.0' HTL = 11.5'
MHW = 7.9'
MLLW = 0.0'

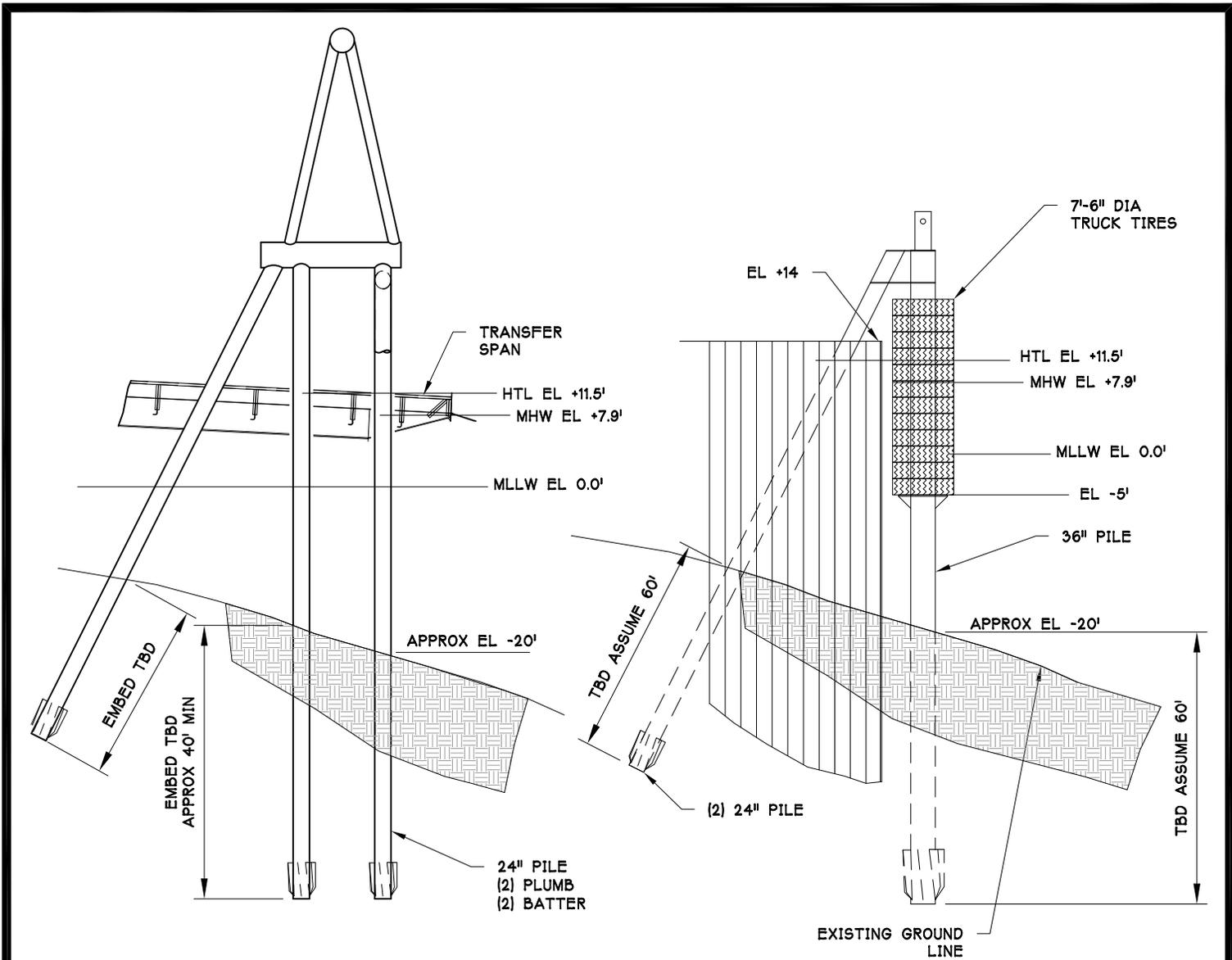
SECTIONS

JOB NO.

PROPOSED: KODIAK MARINE TERMINAL
IN: WOMENS BAY
AT: KODIAK, AK
APPLICATION BY: ALASKA MARINE LINES

DATE: 16 MAY 2019

SHEET: 5 OF 6



TRANSFER SPAN
DOLPHIN

REACTION DOLPHIN



<p>PURPOSE: NEW BARGE LOADING FACILITY</p> <p>DATUM: 0.0' HTL = 11.5' MHW = 7.9' MLLW = 0.0'</p>	<p style="text-align: center;">DOLPHINS</p> <p>JOB NO.</p>	<p>PROPOSED: KODIAK MARINE TERMINAL</p> <p>IN: WOMENS BAY</p> <p>AT: KODIAK, AK</p> <p>APPLICATION BY: ALASKA MARINE LINES</p> <p>DATE: 16 MAY 2019 SHEET: 6 OF 6</p>
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