



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:	03-March-2016
EXPIRATION DATE:	02-April-2016
REFERENCE NUMBER:	POA-2006-15-M1
WATERWAY:	Iliuliuk 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 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 Katherine A. McCafferty at (907) 753-2692, toll free from within Alaska at (800) 478-2712, by fax at (907) 420-0813, or by email at Katherine.a.mccafferty2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Glenn Olson, Northern Alaska Contractors, PO Box 810, Unalaska, AK 99685, (907) 358-1511

AGENT: Mr. Tyler Zimmerman, TZ Engineering, PO Box 921285, Dutch Harbor, AK 99692, (907) 359-3596

LOCATION: The project site is located within Section 1, T. 73 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.8827° N., Longitude 166.5119° W.; Summer Bay Road, Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to facilitate transportation of supplies and materials in excess of bridge capacity limitations between Amaknak and Unalaska Islands and to allow the landing to be used as intended, with vessels of a size needed to make the facility operate efficiently and safely.

PROPOSED WORK:

The applicant proposes to discharge 26,000 cubic yards (CY) of shot rock, quarry spally, and armor stone into 2.09 acres below the high tide line (HTL, 4.7 feet above the mean low low water mark of 0 feet elevation) of Iliuliuk Bay, which is a navigable water of the United States (US). In addition, 2,500 CY of material would be dredged from 0.15 acre below the mean high water mark (MHWM, 3.3 feet above mean low low water). The applicant has also requested after-the-fact authorization for the existing barge ramp structure and associated mooring dolphins and piling to remain in place.

The 26,000 CY of fill would consist of 19,000 CY of shot rock, 3,000 CY of quarry spally, and 4,000 CY of armor stone. The material would be obtained from established quarries and from the proposed dredging.

The dredged material would consist primarily of 2 inch to 8 inch shot rock which was eroded from adjacent uplands during winter storms. An excavator sitting on uplands would be used to dredge the material. The material would be placed in a depression graded out of uplands and the pile will be surrounded by a gravel filter berm. The runoff water would be contained and allowed to infiltrate into the soil. The material would then be loaded into trucks and placed as fill in the proposed fill pad.

Permit number POA-2006-15, Iliuliuk Bay, issued to Northern Mechanical on April 13, 2006, authorized the installation of a temporary, float supported barge ramp, two breasting/mooring dolphins, and the discharge of 25 cubic yards of riprap into 300 square feet along the shoreline. Special condition 4 of the permit required that all mooring structures, floats, and riprap be removed by December 1, 2008. The existing barge ramp was not removed, nor was it constructed in accordance with the permit.

The applicant has requested that the existing barge ramp remain in place. The existing barge ramp is 70 feet long and 30 feet wide. The ramp is supported by two 18-inch diameter steel pilings and two 18-inch diameter steel batter piles. The two existing dolphins each consist of three 18-inch diameter steel pilings.

The applicant would like to begin work in April 2016. Construction would take two months to complete.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated February 2016.

ADDITIONAL INFORMATION:

Other approvals that the applicant requires for work described in this Public Notice include a Stormwater Pollution Prevention Plan from Alaska Department of Environmental Conservation and a Tidelands Lease from City of Unalaska.

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. The following are statements from the applicant:

a. Avoidance: Inherently, impacts to the waters of the US will occur by constructing a barge loading facility. The design has been optimized to minimize any impacts beyond what is required to construct a facility with the safest maneuvering and tie up area, and limiting tideland impacts.

b. Minimization: To minimize impact, a proper bank armoring technique will be used that will use different size materials to create a protective slope, graded at the steepest stable angle to minimize tidelands fill, facility safety, and protection of the shoreline from continued erosion. All fill placed in the water will be clean rock. Armor and rip rap stone shore protection will be provided at considerable cost for the affected portions of shoreline to prevent further erosion into the harbor area.

The fill dock will be protective of water quality and habitat as the fill will act to contain any spills from working equipment, vehicles, and incidental petroleum spills from moored vessels. Containment of any incidental spills in the fill will prevent harm to the marine environment.

Construction would likely occur in the summer, so Steller's eiders and Yellow billed loons would be at least several hundred miles away.

The project will minimize the affects of turbidity and transportation of sediment away from the site with the implementation of temporary and permanent BMP's. Fill material will be free from fines that are subject to erosion and suspension. Site preparation, excavation, fill placement, and construction activities will be conducted to prevent, minimize, and contain the erosion and suspension of fine material that could be carried off-site by surface runoff. All silt fences, curtains, and other structures will be installed properly and maintained in a functioning manner for the life of the construction period where fill material and exposed soils might cause transport of sediment or turbidity beyond the immediate construction site. Equipment will not be stored, maintained or repaired in waters of the U.S.

c. Compensatory Mitigation: Unavoidable intertidal and subtidal habitat impacts for the proposed docking facility are proposed to be mitigated by an in-lieu fee to The Conservation Fund, at a 2:1 ratio.

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 a registered property in the vicinity of the worksite. It has been designated UNL-00120. Because it 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. 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 (*Eumetopias jubatus*) and its critical habitat, blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), north pacific right whale (*Eubalaena japonica*), humpback whale (*Megaptera novaeangliae*), sperm whale (*Physeter macrocephalus*), western north pacific gray whale (*Eschrichtius robustus*), short-tailed albatross (*Phoebastria albatrus*), northern sea otter (*Enhydra lutris kenyoni*) and its critical habitat, and the Steller's eider (*Polysticta stelleri*).

We have determined the described activity would have no effect on the blue whale, fin whale, north pacific right whale, humpback whale, sperm whale, western north pacific gray whale, short-tailed albatross, and the Steller's eider under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) for these species is required. 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 determined the described activity may affect the threatened northern sea otter and its designated critical habitat and the endangered Steller sea lion and its critical habitat. Because there are kelp beds in the vicinity of the project, the Programmatic Consultation on Activities Affecting the Northern Sea Otter in Southwest Alaska does not apply. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the USFWS and the 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*), squid (*Cephalopoda spp. Teuthida spp.*), arrowtooth flounder (*Atheresthes stomias*), rock sole (*Lepidopsetta bilineatus*), flathead sole (*Hippoglossoides elassodon*), sculpin (*Cottidae*), pacific cod (*Gadus macrocephalus*), skate (*Rajidae spp.*), walleye Pollock (*Theragra calcogramma*), chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and the chinook salmon (*Oncorhynchus tshawytscha*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The proposed project would result in the permanent loss of 2.09 acres of intertidal and subtidal waters, including the nearshore water column and substrates. Aerial photography indicates that there may be kelp within the proposed fill area. The applicant's proposed mitigation is described above. This Public Notice 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 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-2006-15, Iliuliuk 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 by the expiration date of the Corps of Engineer's Public Notice.