



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:	June 29, 2022
EXPIRATION DATE:	July 29, 2022
REFERENCE NUMBER:	POA-1982-00598-M21
WATERWAY:	Captains 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.

All comments regarding this Public Notice 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. All comments should include the Public Notice reference number listed above.

All comments 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 Jen Martin at (907) 753-2730 or by email at Jen.L.Martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Offshore Systems, Inc. (OSI), Jeff Savage, 2019 76th Place NE, Kirkland, WA 98034

AGENT: Solstice Alaska Consulting, Inc., Robin Reich, 2607 Fairbanks Street, Suite B, Anchorage, AK 99503

LOCATION: The project site is located within Section 21, T. 73 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.8435° N., Longitude 166.5805° W.; Mile 4 of Captains Bay Road, OSI South Dock; in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to replace the OSI South Dock so that it can safely continue to provide important marine terminal services to commercial vessels.

PROPOSED WORK: To remove and replace the existing South Dock of the Offshore Systems, Inc. facility over, and below, the high tide line and mean high water of Captains Bay, a navigable water of the United States. Work would include the removal of the existing 203-foot by 32-foot dock consisting of a wood deck, rail cars and 58 steel pilings, in addition to two mooring dolphins with catwalks, and the installation of 34 temporary 30-inch diameter steel guide piles and 32 permanent 30-inch diameter steel piles to support a new 266-foot by 36-foot concrete-panel dock with fenders.

Up to 100 cubic yards of existing riprap would be dredged from a 0.01-acre area on either side of the dock (0.02-acre total), with riprap sidecast immediately adjacent to the site to accommodate two new dock abutments. Up to 107 cubic yards of alluvial fill would be discharged into the 0.01-acre areas on either side of the dock, in addition to placement of a 24-foot by 4-foot concrete abutment on each side which would support a 40-foot by 24-foot section of deck extending to the main dock on either side of the existing OSI warehouse (see Sheets 4 and 6 for details).

Methodology: Piles would be removed via deadpull method with a crane. If not successful, piles would be removed with a vibratory hammer. New permanent piles would be installed below the mudline into bedrock with a vibratory hammer and down-the-hole hammer and bit. An impact hammer may be used if an obstruction is encountered during vibratory hammer driving. Riprap would be moved, in-water, with a crane-barge-based 5 cubic yard bucket. Material would be placed on either side of the proposed abutment areas. Alluvial fill would be placed using an excavator and dozer and then compacted utilizing a vibratory soil compactor.

The work would occur between September 2023 and March 2024. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated April 25, 2022.

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 purpose of the project is to remove and replace the existing OSI South Dock that services a variety of marine industrial vessels year-round. The project is needed to continue to safely provide important services to vessels transiting and docking in Unalaska, Alaska. To meet the project purpose and need construction must occur within waters of the United States. The project will be located within the already industrialized section of Captains Bay.

b. **Minimization:** The project used the most compact design practicable (with the least number of piles and smallest size of piles) to minimize impacts to waters of the United States.

c. **Compensatory Mitigation:** Discharge of 107 cubic yards of alluvial fill within a previously developed 0.02-acre area between +1 and +5 feet MLLW is expected for this project. Because the filled area is less than 0.1 acre of previously disturbed shoreline, no compensatory mitigation is 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 0.42-acre footprint of the dock, abutments and mooring dolphins adjacent to the OSI Warehouse. The dock was constructed in 1987 and expanded in 2000. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army 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), federally recognized tribes, and other consulting parties. Any comments SHPO, federally recognized tribes, and other consulting parties 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 threatened northern sea otter (*Enhydra lutris kenyoni*), endangered short-tailed albatross (*Phoebastria (=Diomedea) albatrus*), endangered Steller's eider (*Polysticta stelleri*), threatened Mexico Distinct Population Segment (DPS) of humpback whales (*Megaptera novaeangliae*), endangered Western North Pacific (WNP) DPS of humpback whales (*M. novaeangliae*), endangered fin whale (*Balaenoptera physalus*), endangered North Pacific right whale (*Eubalaena japonica*), endangered Western North Pacific gray whales (*Eschrichtius robustus*), endangered sperm whale (*Physeter macrocephalus*), endangered Western DPS Steller sea lion (*Eumetopias jubatus*). Additionally, the project is within designated critical habitat of the northern sea otter, the WNP and Mexico DPS of humpback whales, and Western DPS of Steller sea lions.

We have determined the described activity may affect the northern sea otter, short-tailed albatross, Steller's eider, WNP and Mexico DPS of humpback whales, fin whale, North Pacific right whale, WNP gray whale, sperm whale and Western DPS Steller sea lion. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the USFWS and 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 arrowtooth flounder (*Atheresthes stomias*), Atka mackerel (*Pleurogrammus monopterygius*), Bering skate (*Beringraja binoculata*), Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*O. keta*), coho salmon (*O. kisutch*), dusky rockfish (*Sebastes. ciliatus*), flathead sole (*Hippoglossoides elassodon*), great sculpin (*Myoxocephalus polyacanthocephalus*), Northern rock sole (*Lepidopsetta polyxystra*), Northern rockfish (*S. polyspinis*), Pacific cod (*Gadus macrocephalus*), Pacific ocean perch (*S. alutus*), pink salmon (*O. gorbuscha*), rex sole (*Glyptocephalus zachirus*), roughey rockfish (*S. aleutianus*), sablefish (*Anoplopoma fimbria*), sockeye salmon (*O. nerka*), Southern rock sole (*Lepidopsetta bilineata*), walleye pollock (*Gadus chalcogrammus*), yellow Irish lord (*Hemilepidotus jordani*), bigmouth sculpin (*Hemitripterus bolini*), and weathervane scallop (*Patinopecten caurinus*).

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Corps 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 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:

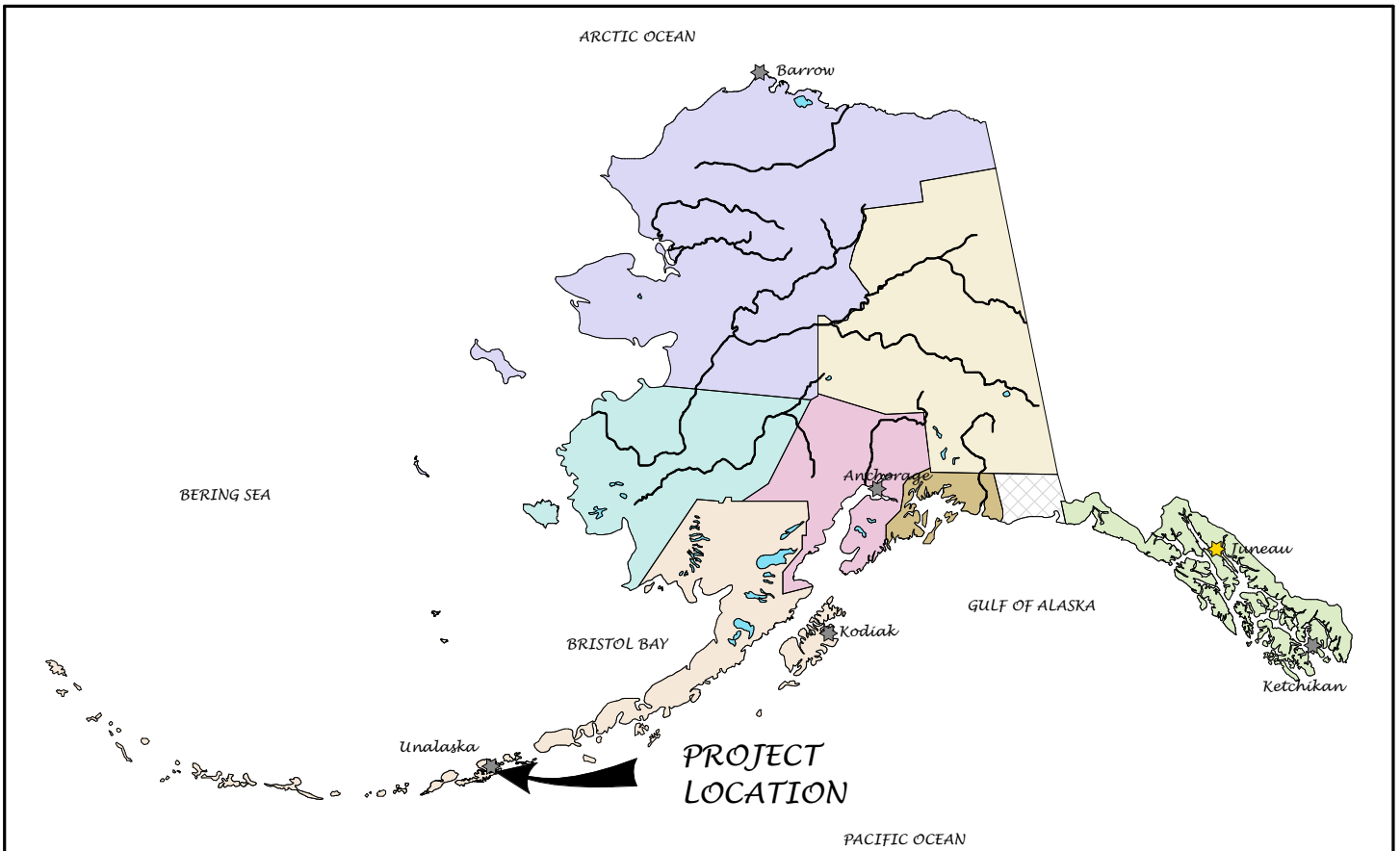
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

Enclosures



TIDAL DATA	
HAT	+5.21'
MHHW	+3.60'
MHW	+3.31'
MLW	+0.93'
MLLW	0.00'
LAT	-1.88'

PURPOSE:
**OFFSHORE SYSTEMS
 INC. DOCK
 RENOVATIONS**

COVER SHEET

JOB NO. 20-006

PROPOSED:

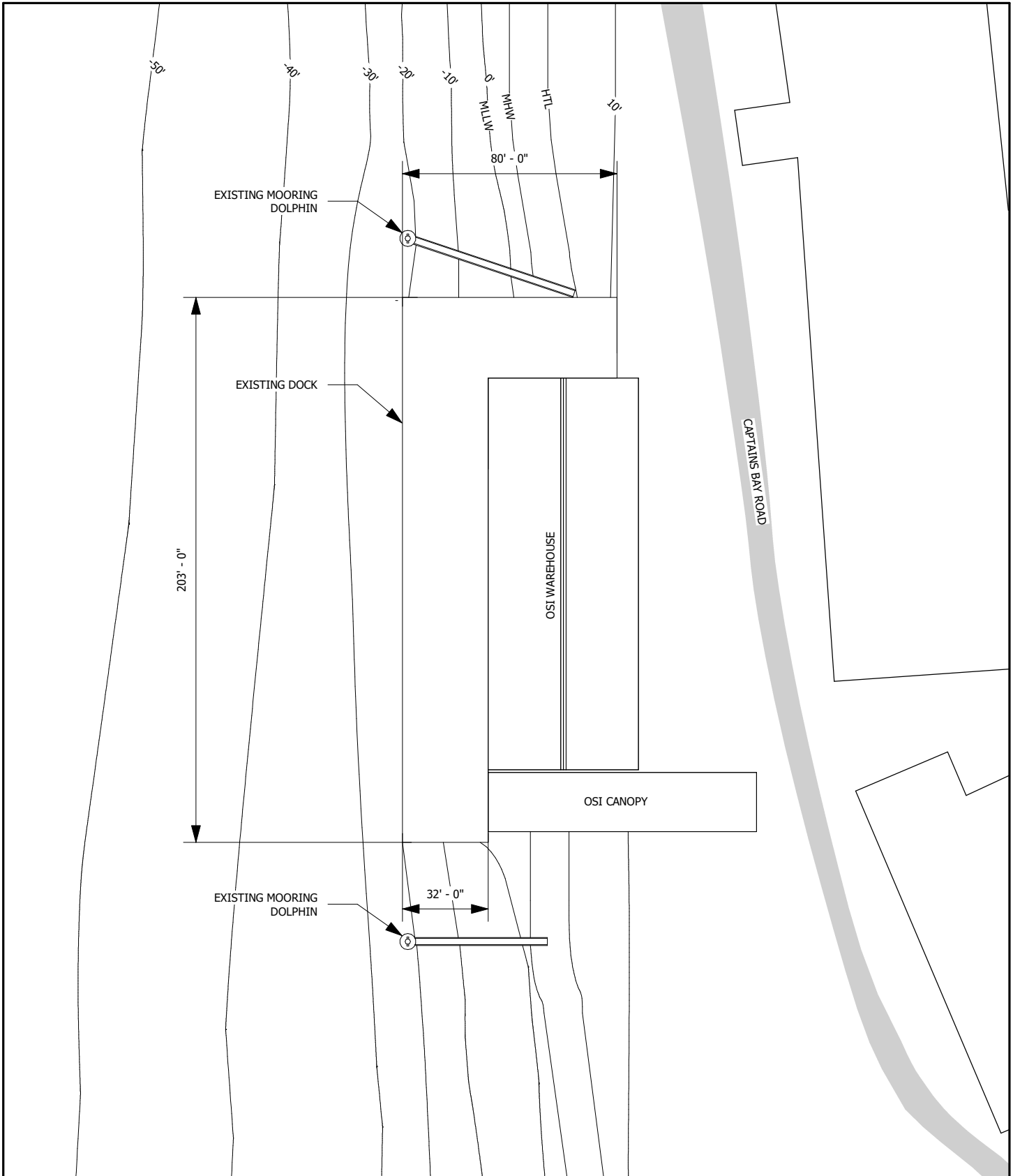
AT:

APPLICATION BY:

DATE: APRIL 25, 2022

**TURNAGAIN MARINE
 CAPTAINS BAY,
 UNALASKA ALASKA
 TURNAGAIN MARINE**

SHEET: 1



PURPOSE:
**OFFSHORE SYSTEMS
 INC. DOCK
 RENOVATIONS**

**EXISTING SITE
 PLAN**

JOB NO. 20-006

PROPOSED:

TURNAGAIN MARINE

AT:

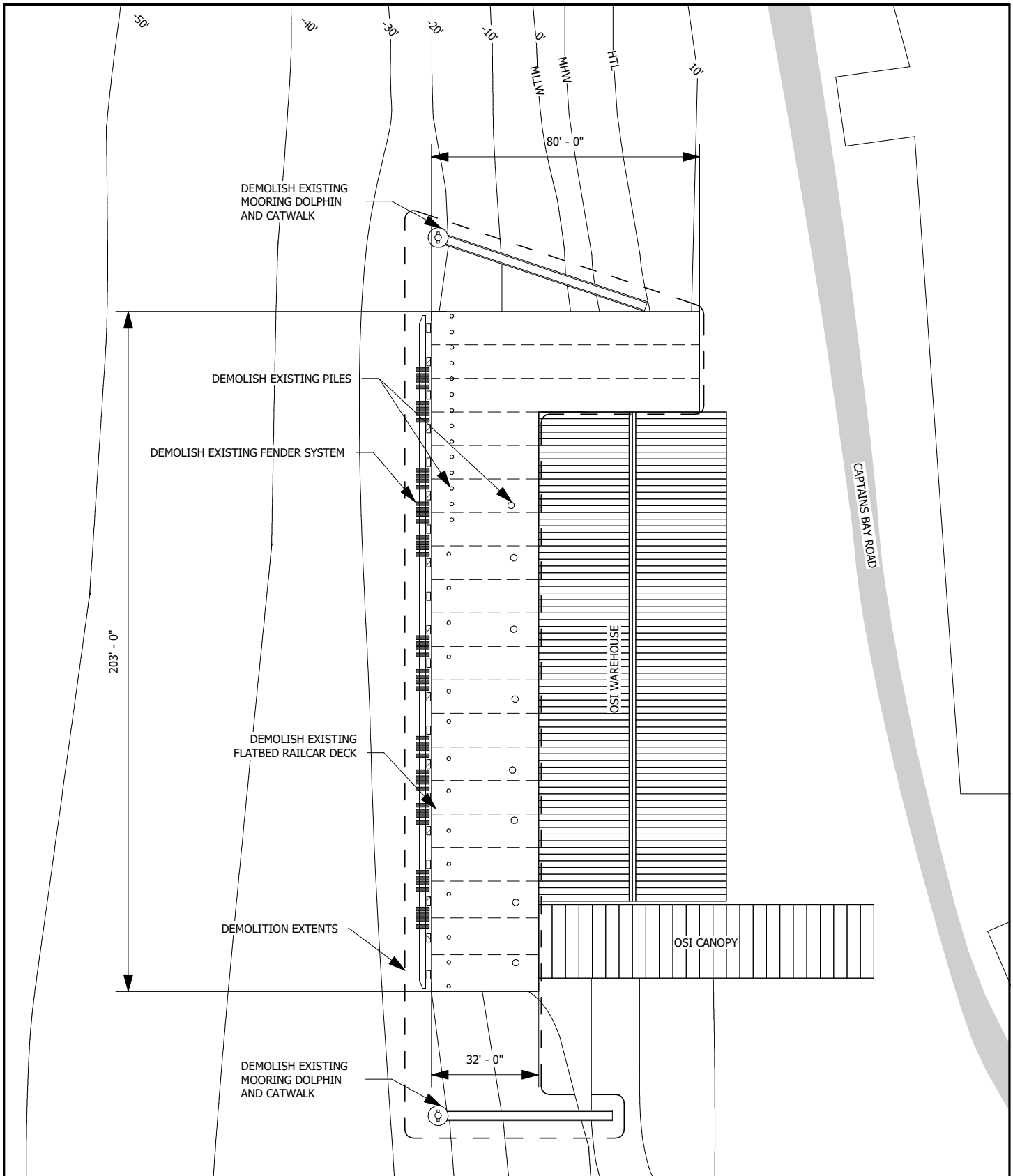
**CAPTAINS BAY,
 UNALASKA ALASKA**

APPLICATION BY:

TURNAGAIN MARINE

DATE: APRIL 25, 2022

SHEET: 2



PURPOSE:
**OFFSHORE SYSTEMS
 INC. DOCK
 RENOVATIONS**

**EXISTING
 CONDITION SITE
 PLAN**

JOB NO. 20-006

PROPOSED:

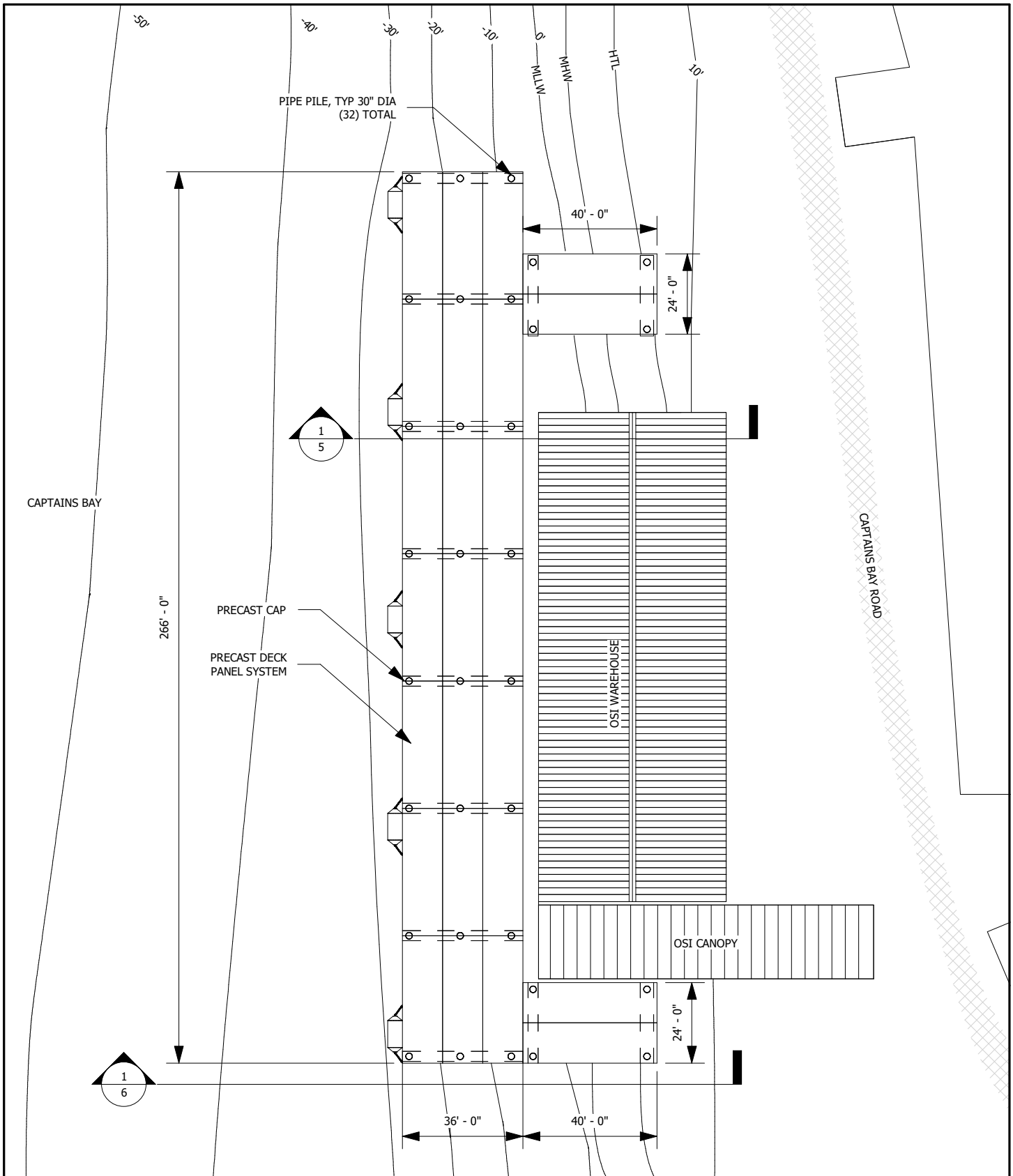
AT:

APPLICATION BY:

DATE: APRIL 25, 2022

**TURNAGAIN MARINE
 CAPTAINS BAY,
 UNALASKA ALASKA
 TURNAGAIN MARINE**

SHEET: 3



PURPOSE:
OFFSHORE SYSTEMS
INC. DOCK
RENOVATIONS

PROPOSED SITE
PLAN

JOB NO. 20-006

PROPOSED:

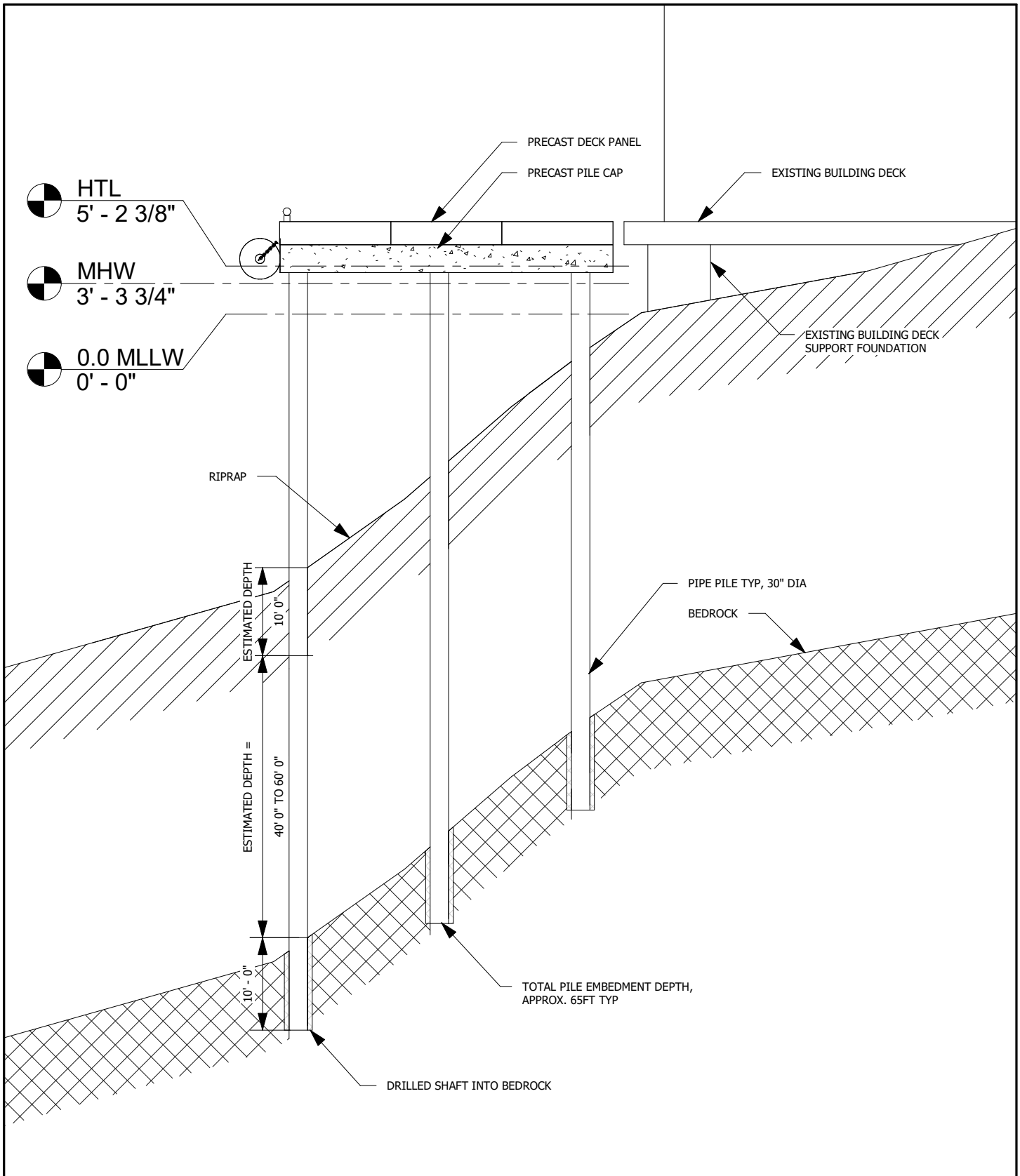
AT:




APPLICATION BY:

DATE: APRIL 25, 2022

TURNAGAIN MARINE
CAPTAINS BAY,
UNALASKA ALASKA
TURNAGAIN MARINE

SHEET: 4



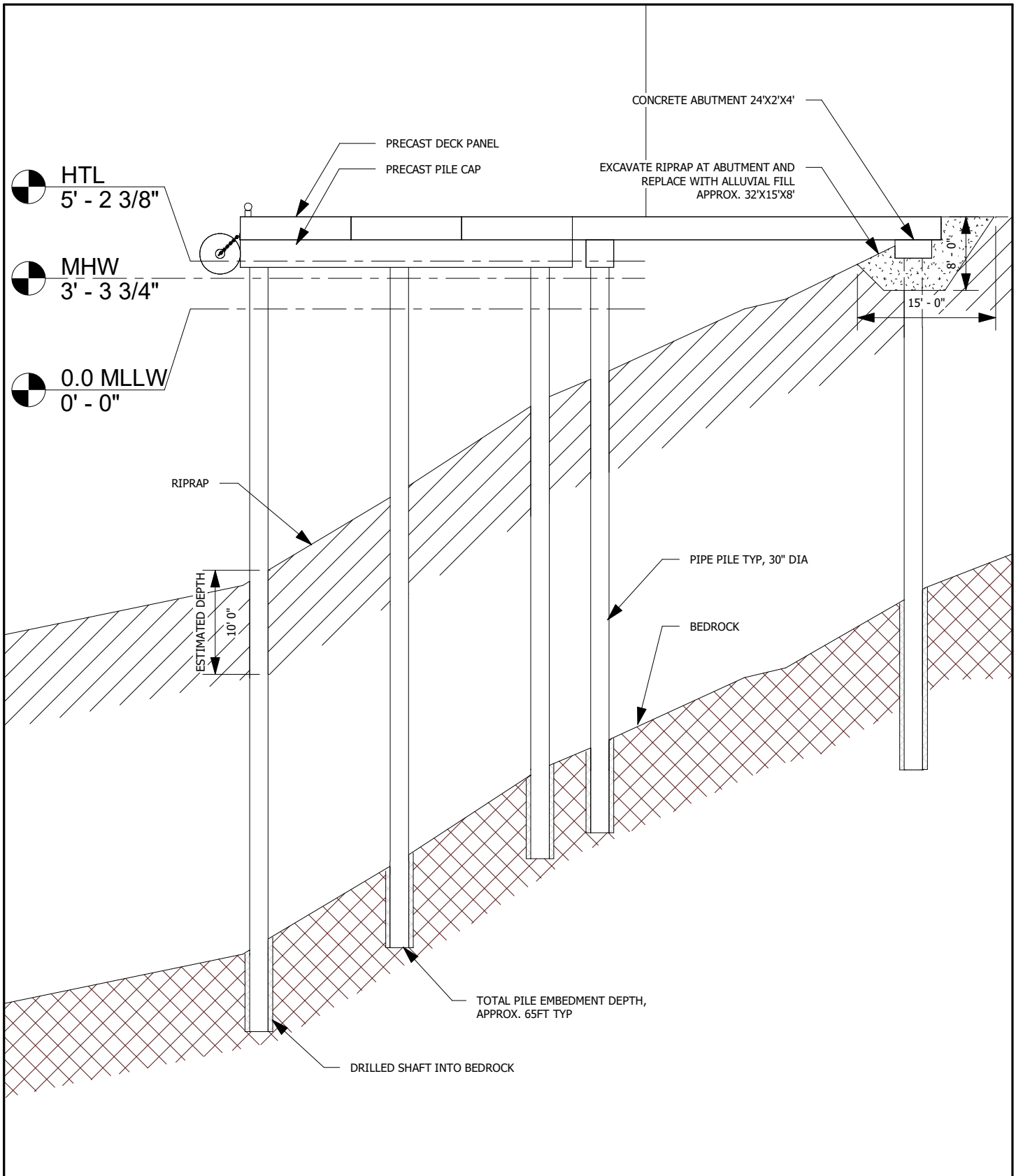
 HTL
 5' - 2 3/8"
 MHW
 3' - 3 3/4"
 0.0 MLLW
 0' - 0"

PURPOSE:
**OFFSHORE SYSTEMS
 INC. DOCK
 RENOVATIONS**

**PROPOSED
 TYPICAL SECTION
 A**

 JOB NO. 20-006

PROPOSED: **TURNAGAIN MARINE**
 AT: **CAPTAINS BAY,
 UNALASKA ALASKA**
 APPLICATION BY: **TURNAGAIN MARINE**
 DATE: **APRIL 25, 2022**



PURPOSE:
**OFFSHORE SYSTEMS
 INC. DOCK
 RENOVATIONS**

**PROPOSED
 TYPICAL SECTION
 B**

JOB NO. 20-006

PROPOSED: **TURNAGAIN MARINE**
 AT: **CAPTAINS BAY,
 UNALASKA ALASKA**
 APPLICATION BY: **TURNAGAIN MARINE**

DATE: **APRIL 25, 2022**

SHEET: 6