



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Request for Permit Modification

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

<b>PUBLIC NOTICE DATE:</b>	<b>February 4, 2022</b>
<b>EXPIRATION DATE:</b>	<b>March 7, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1994-01014</b>
<b>WATERWAY:</b>	<b>Orca Inlet</b>

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Interested parties are hereby notified that a request to modify Department of the Army (DA) permit POA-1994-01014 has been received for work in waters of the United States as described below and shown on the enclosed project drawings. Permit POA-1994-01014 was issued to the Native Village of Eyak on October 16, 2017, authorizing the 4.5-mile extension of the New England Cannery Road to Shepard Point (one lane with turnouts in areas requiring tideland fill and two lanes in uplands); a deep-water dock with mooring dolphins and trestle; a small boat launch; and a 3.5-acre staging area for oil spill response equipment and facilities. Design updates to the project have resulted in changes to the Shepard Point access road, bridge crossings, and staging area. The proposed permit modifications section below provides a summary of the requested permit modifications.

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 or to [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). 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 Bryan Herczeg at (907) 753-2772, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Native Village of Eyak (NVE), PO Box 1388, 110 Nicholoff Way, Cordova, Alaska 99574

**AGENT:** Midnight Sun Environmental, LLC.

LOCATION: The project site is located within Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian, USGS Quad Map: AK Cordova C-5; between Latitude 60.578259° N., Longitude 145.721472° W.; and Latitude 60.630286° N., Longitude 145.671076° W., along Orca Inlet in Prince William Sound, near Cordova, Alaska.

BACKGROUND: The U.S. Bureau of Indian Affairs (BIA) with participation by the cooperating agencies; the NVE, the Federal Highway Administration (FHWA), and the U.S. Army Corps of Engineers (Corps), completed a Final Environmental Impact Statement (FEIS) in December 2006, which identified the Shepard Point site as the preferred alternative, among a range of other options presented. After a public comment period, BIA issued the final Record of Decision (ROD) selecting the Shepard Point site alternative, consisting of an access road, staging area, and deep-water port, in November 2007.

In 2008, NVE requested to work directly with the FHWA, rather than BIA, to administer their Indian Reservation Roads Program (currently the Tribal Transportation Program [TTP]) funds and signed a program agreement. Separately, the FHWA reviewed and adopted the completed FEIS and issued its ROD in June 2009, selecting the road alignment to access the Shepard Point alternative. The FHWA is now the lead Federal agency for the project.

The Corps issued a public notice on November 15, 2013. Following the public comment period, the Corps requested NVE to provide supplemental information to address questions raised during the public comment period. NVE provided additional information regarding the availability and suitability of alternative project sites, the impact of each alternative on eelgrass and intertidal areas, and additional studies on dredging and oil spill response times. The Corps issued DA permit POA-1994-01014 and associated ROD on October 16, 2017. On August 17, 2017, the Alaska Department of Environmental Conservation issued a Water Quality Certificate of Reasonable Assurance Section 401 Clean Water Act.

PURPOSE: The purpose of project has not changed from that described in Section 1.2 of the 2006 FEIS. The project purpose is to:

- Construct an Oil Spill Response Facility and deep-water port in the Cordova area that could receive oil spill equipment from any location at all tides, via an air-to-ground-to-response-vessel or cargo vessel-to-response-vessel transportation sequence,
- Accommodate existing and foreseeable future oil spill response vessels and oil spill response-related cargo vessels with deeper drafts than can be accommodated by existing facilities in the area, and
- Include an adequately sized area, contiguous to the dock, for staging and storing response equipment.

PROPOSED PERMIT MODIFICATIONS: The proposed permit modification include:

1) Road realignment near Humpback Creek: NVE design team adjusted the road alignment to go around Humpback Mountain to the west rather than the east to avoid potential impacts on the Cordova Electric Cooperative (CEC) penstock tunnel. The realigned road will now cross Humpback Creek via a 200-foot clear span bridge downstream of the CEC powerhouse tailrace. This alignment avoids risks to CEC facilities and eliminates the impacts on Humpback Creek. A similar road alignment was fully considered in the 2006 FEIS as Road Options 1 and 2 of the Selected Alternative (Chapter 2 of FEIS; BIA, 2006). However, the alignment was not

initially selected due to heavy rock cuts and the steep climb away from the coastline, followed by a steep downhill decline near Humpback Creek.

2) Reduce road length from 4.5 miles to 4.32 miles: The NVE design team proposes removing more than 1,000 feet of the road near Orca Cannery. The road section was replaced with a T-Intersection to allow continued access to Orca Lodge, which was found to be cut off by the preliminary design completed for the FEIS and 2017 DA permit. The proposed new road length is now 4.32 miles. Excluding a short double lane section of road near the start of the project, the road will be single lane with a gravel surface. It will include intervisible passing lanes spaced a maximum distance of 1,000 feet and placed as road geometry dictates (23 turnouts total) throughout the entire corridor. The typical lane width of the roadway will be 16-feet, with an additional width of ten feet at passing lanes.

3) Bridge crossings at No-name Creek: The proposed new road alignment does away with the bridge over Orca Creek shown on the 2017 permit plans but adds a new modular, prefabricated steel truss bridges at No-name Creek. The Orca Creek stream crossing is now proposed as a culvert. Also, bridges over Little Humpback Creek and Humpback Creek that are shown on the 2017 permit plans are proposed as modular, prefabricated steel truss bridges and moved to the new crossing locations for the new road alignment.

4) Shepard Point pad and staging area increase from 3.5 acres to 5.5 acres: The Shepard Point pad and staging area as described in Section 2.1.7 of the FEIS, proposed a minimum size of 3.5 acres needed to operate an oil spill response facility. Shepard Point was further discussed as having an advantage over other options due to it having adequate room for future expansion. The orientation of the staging area was initially rectangular, and the selected alternative involved filling tidelands to construct the deep-water dock. In 2006 and 2017, the staging area at Shepard Point was redesigned to move inland from its original location, resulting in a decrease of intertidal and subtidal impacts of a little over one acre (See Table 1 below). As authorized under the 2017 DA permit, the resulting staging area design maximized shoreline length using an “L” shaped, or boomerang, design of 3.5 acres. A 2018, operational analysis showed the design limited the area available for storage of oil spill response materials and equipment and was highly inefficient due to the narrow width and location of the small boat launch ramp. The analysis determined that the rectangular shape similar to that proposed in the FEIS would allow for more efficient use of the staging area with a pad size of roughly 5.5 acres necessary for oil spill response capabilities.

5) Install interlocking steel sheet pile retaining wall at Shepard Point pad and staging area: Meteorological and Oceanic studies completed following the 2017 DA permit authorization determined the minimum staging area elevation needed to be 24 to 25 feet above Mean Lower Low Water (MLLW), or elevation 0. Project engineers designed the staging area with a minimum height of 26 feet above MLLW (Moffatt & Nichol, 2018). The 2017, pad design would have placed rip rap from the top edge of the pad at 20-foot downslope to MLLW at elevation 0-feet. The proposed redesign would use a 908-linear foot sheet pile sea wall (z-shaped interlocking steel sheet pile) adjacent to the seaward boundary of Shepard Point and at the access road terminus. Incorporating the sea wall into the project design reduces the fill quantities in subtidal areas below the boat ramp and intertidal areas above the Mean Higher High Water (MHHW) line or elevation 12.59-feet. Using the sheet pile sea wall will alleviate the need to place riprap at Shepard Point and increase the usable pad space for spill response activities.

6) Boat ramp configuration change: The proposed modification includes 187.5-foot by 60-foot boat ramp at the Shepard Point pad and staging area. The 2017, DA permit authorizes a 200-foot by 35-foot boat ramp at this location.

7) Remove 2017 DA Permit POA-1994-01014 Special Condition 5: The NVE requests the removal of Special Condition 5 from DA Permit POA-1994-01014, which prevents impacts on two properties eligible for the National Register of Historic Places (NRHP), the Shepard Point Mess Hall (COR-428) and the Shepard Point Oriental Mess Hall (COR-429). In 2018, the NVE anticipated the two historic mess halls would need to be demolished and removed in order to expand the Shepard Point pad and staging area the NVE approached the Bureau of Indian Affairs (BIA) to mitigate these NRHP-eligible sites. The BIA prepared and circulated a Memorandum of Agreement (MOA) to the State Historic Preservation Office (SHPO), the Eyak Corporation (TEC), the Chugach Alaska Corporation (CAC), and NVE, detailing the mitigation plan. A comprehensive Archaeological Survey (Cultural Resources Survey) of the project area at Shepard Point was completed in the summer of 2018. After completing data recovery fieldwork and the final report, the SHPO concluded that the work outlined in the MOA was complete. SHPO issued a closeout letter on July 13, 2021, and the BIA agreed with the SHPO assessment and formally closed the MOA letter to all signatories dated July 22, 2021.

All work would be performed in accordance with the enclosed attached plans (sheets 1-17) dated November 2021, and (sheets 38 – 48) dated October 24, 2018.

Project plans are available for review and download at:

[https://www.poa.usace.army.mil/Portals/34/docs/regulatory/publicnotices/2022/POA19940101420220203PlanDrawings.pdf?ver=ezfTpMNZ\\_-z5KmAxTaLKpA%3d%3d](https://www.poa.usace.army.mil/Portals/34/docs/regulatory/publicnotices/2022/POA19940101420220203PlanDrawings.pdf?ver=ezfTpMNZ_-z5KmAxTaLKpA%3d%3d)

The agent for NVE, Midnight Sun Environmental, LLC. has prepared an environmental report to analyze the impacts of changes to the project design and of new information and new circumstances relevant to environmental concerns since the 2006 FEIS, including those changes required to obtain the 2017 DA permit authorization for the project. This environmental report, "*Shepard Point Oil Spill & Marine Casualty Response Facility Final 2021 Environmental Report*," is available for review and download at:

[https://www.poa.usace.army.mil/Portals/34/docs/regulatory/publicnotices/2022/POA19940101420220203EnvironmentalReport.pdf?ver=Oo6P-YPL49\\_W7so0rBY7CA%3d%3d](https://www.poa.usace.army.mil/Portals/34/docs/regulatory/publicnotices/2022/POA19940101420220203EnvironmentalReport.pdf?ver=Oo6P-YPL49_W7so0rBY7CA%3d%3d)

A copy of the 2017 DA permit, POA-1994-01014, previously issued on October 16, 2017, is available for review and download at:

<https://www.poa.usace.army.mil/Portals/34/docs/regulatory/publicnotices/2022/POA199401014201710162017Permit.pdf?ver=2FXzU7IbM3XprpDXV4kA7w%3d%3d>

#### ADDITIONAL INFORMATION:

Alaska Department of Environmental Conservation issued a Water Quality Certificate of Reasonable Assurance Section 401 Clean Water Act was issued, August 17, 2017.

National Marine Fisheries Service (NMFS) issued a letter of concurrence, Endangered Species Act (ESA) Section 7 Consultation on Shepard Point Oil Spill Response Facility, NMFS #AKR-2017-9692 on October 6, 2017. NMFS concurred with the Corps' determination that the proposed action may affect, but is not likely to affect adversely, Western North Pacific DPS Humpback whales, Mexico DPS Humpback whales, or western DPS Steller sea lions.

Essential Fish Habitat (EFH) consultation previously determined the described activity may adversely affect EFH in the project area. The Corps initiated EFH consultation on July 13, 2017. On August 21, 2017, NMFS responded via email concluding EFH consultation was satisfied.

U.S. Fish and Wildlife Service issued a Bald Eagle Nest Take Permit No.: MB85122D on January 12, 2021.

Alaska Department of Natural Resources issued the Regional Manager's Decision Public Access Easement ADL 233183 on October 29, 2020.

The NVE has applied for a permit with Alaska Department of Fish and Game for a Fish Habitat Permit for the bridge over Humpback Creek.

**APPLICANT PROPOSED MITIGATION:** The NVE 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: Since the 2006 FEIS, potential impacts on fish habitat have decreased substantially. The current road alignment eliminates bridge piers below the ordinary high-water (OHW) level mark in Humpback Creek (STA 492+71) and Unnamed Creek (STA 433+26) by designing full-span bridges, rather than culverts. Implementation of clear-span bridges eliminated the need for fill placement within these stream drainages.

The NVE design team sought to reduce impacts on eelgrass identified by NMFS in 2016, due to concern over habitat loss for benthic species. In 2017, NVE raised the elevation of the road out of much of the intertidal and subtidal area. While this shift increased the footprint of rock cuts and fill, it eliminated impacts on eelgrass beds. At the closest point (STA 367+60) riprap covering the road embankment fill is within 2.9 feet of the edge of an existing eelgrass bed for a distance of approximately 20 feet. All remaining areas have an increased separation. This will provide sufficient erosion control to mitigate potential sedimentation from fill placement affecting the eelgrass beds.

b. Minimization: The road and oil spill response facility staging area were redesigned for the 2017 DA permit to reduce impacts on wetlands from 1.40 acres in the 2006 FEIS to 1.13 acres. The proposed permit modifications further reduces impacts on high-functioning palustrine wetlands in the vicinity of Humpback Creek for a total impacted area of 0.10-acre of impacts to wetlands. The proposed road realignment also reduces intertidal and subtidal fill impacts to marine waters. The table below summarizes the proposed project modification's reduction in impacts to all waters of the U.S. including wetlands in comparison to the 2006 FEIS and 2017 DA permit impacts.

Habitat Type	2006 FEIS Impact Area <sup>1,2</sup>	2017 Impact Area	2021 Impact Area <sup>3</sup>
Riverine	0.25	0.45	0.22
Palustrine	1.40	1.13	0.10
Intertidal	11.10	9.23	5.93
Subtidal (Below MLLW)		0.51	0.18
Eelgrass	1.77	0.00	0.00
RipRap <sup>4</sup>	4.1	4.1	3.50
<b>Total Impact</b>	<b>18.62</b>	<b>15.42</b>	<b>9.93</b>

<sup>1</sup>The 2006 FEIS did not distinguish between intertidal and subtidal habitats, nor account for all impacts on riverine environments.

<sup>2</sup>The 2009 Permit Application, which was withdrawn before a permit decision was made, did not distinguish between impacts on intertidal and subtidal habitats and did not account for all riverine impacts.

<sup>3</sup>Revised impacts based upon final design of the project.

<sup>4</sup>Neither the 2006 FEIS nor 2017 DA Permit included impacts related to placement of riprap over fill sections below the HTL. Total impacts presented for in 2006 and 2017 only fill prior to riprap placement. A total of 3.5 acres of riprap is estimated to be needed for the road. The sheet pile wall is anticipated to reduce fill below the HTL by 0.6 acres.

c. Compensatory Mitigation: The permittee is not proposing compensatory mitigation. The 2017 DA permit did not require compensatory mitigation.

WATER QUALITY CERTIFICATION: The Alaska Department of Environmental Conservation (ADEC) previously issued a Water Quality Certificate of Reasonable Assurance Section 401 Clean Water Act was issued, August 17, 2017, valid through August 17, 2022. The NVE will need to request an extension of time or obtain a new Water Quality Certificate of Reasonable Assurance Section 401 Clean Water Act.

CULTURAL RESOURCES: The lead Federal agency, formerly BIA, and presently FHWA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps has reviewed the Section 106 documentation from BIA and concurs with their findings and/or determinations. The 2006 FEIS determined the preferred alternative would not adversely affect the three historic properties (i.e., those properties eligible for, or listed on, the National Register of Historic Places) within the project Area of Potential Effect (APE). The Orca Cannery Historic District (COR-411) is located nearby, but outside of the APE, and would not be affected. Shepard Point Mess Hall (COR-428) and Shepard Point Orientals' Mess were determined eligible for the National Register of Historic Places based on criterion D (has yielded, or is likely to yield, information important in prehistory or history). Due to the proximity of the initially authorized Shepard Point pad and staging area to historic properties at Shepard Point, mitigation measures and DA permit special condition 5 (barricading and archeological monitoring) were required to prevent impacts during project construction.

In 2018, the NVE anticipated the two historic mess halls would need to be demolished and removed in order to expand the Shepard Point pad and staging area and subsequently prepared a plan to mitigate the anticipated adverse effects. The BIA, NVE, TEC, CAC, and the Alaska SHPO signed a MOA explicitly outlining the field methods for cultural resource data recovery and designed a master plan to thoroughly investigate the two mess hall sites and mitigate the anticipated impacts. The project archaeologist completed data recovery fieldwork and analyses in 2018 and submitted the final report in 2019. After completing data recovery fieldwork and the final report, the SHPO concluded that the work outlined in the MOA was complete on July 13, 2021. The BIA agreed with the SHPO assessment and formally closed the MOA in a letter to all signatories dated July 22, 2021.

The proposed modification of the Shepard Point pad and staging area would now entirely avoid the two mess halls. Therefore, the current project design and operation of the Shepard Point pad and staging area will not have any adverse effects on the two mess halls. This permit modification 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 the proposed permit modifications 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 Western North Pacific DPS Humpback whales, Mexico DPS Humpback whales, and western DPS Steller sea lions. National Marine Fisheries Service (NMFS) issued a letter of concurrence, ESA Section 7 Consultation on Shepard Point Oil Spill Response Facility, NMFS #AKR- 2017-9692 on October 6, 2017. NMFS concurred with the Corps' determination that the proposed action may affect, but is not likely to affect adversely, Western North Pacific DPS Humpback whales, Mexico DPS Humpback whales, or western DPS Steller sea lions. The proposed interlocking steel sheet pile retaining wall at Shepard Point pad and staging area would be constructed above mean high water (MHW). The Corps anticipates a permit condition that limits sheet pile driving to low tidal periods when the site is dewatered. The Corps has determined the proposed permit modifications would not change the previous ESA determination and the required mitigation measures to protect Steller sea lions and Humpback whales remain valid. The Corps will request concurrence from NMFS regarding application of the existing ESA consultation for the proposed modifications. Should re-initiation of consultation be required, the appropriate procedures will be implemented under section 7 of the Endangered Species Act. Any comments NMFS may have concerning endangered or threatened wildlife or their critical habitat will be considered in our final assessment of the proposed permit modification.

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 all five species of Pacific salmon (*Oncorhynchus spp.*), Pacific cod (*Gadus macrocephalus*), flathead sole (*Hippoglossoides elassodon*), walleye pollock (*Theragra chalcogramma*), yellowfin sole (*Pleuronectes asper*), sablefish (*Anoplopoma fimbria*), rock sole (*Lepidopsetta polyxstra* and *L. bilineata*), rex sole (*Errex zachirus*), arrowtooth flounder (*Atheresthes stomaias*), and sculpin (*Scorpaenidae spp.*).

We have determined the previously authorized work (2017 DA permit) may adversely affect EFH in the project area for the above named species. On July 13, 2017, the Corps initiated EFH consultation with NMFS during the evaluation of the DA permit application. In an August 2, 2017, letter, NMFS provided five EFH recommendations to the Corps. In an August 14, 2017, letter, the Corps responded to NMFS accepting the five EFH recommendations. On August 21, 2017, NMFS responded via email concluding EFH consultation was satisfied. The Corps has determined that although the proposed modifications to the permit further reduce impacts to EFH the proposed modifications would not substantively change the previous adverse effect determination on EFH. The Corps has determined the previous EFH consultation and recommendations from NMFS remain valid. The Corps requests concurrence from NMFS regarding the application of the existing EFH consultation to the proposed modifications. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The U.S. Army Corps of Engineers 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 permit modification. 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



# PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)  
Wastewater Discharge Authorization Program/401 Certification  
555 Cordova Street, Anchorage AK 99501-2617  
Phone: 907-269-6285 | Email: [DEC-401Cert@alaska.gov](mailto: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 (CWA) 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 CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit modification, Corps' Reference Number POA-1994-01014, Orca Inlet, has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to [DEC-401cert@alaska.gov](mailto:DEC-401cert@alaska.gov) by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquiries or to request copies of the documents, contact [dec-401cert@alaska.gov](mailto:dec-401cert@alaska.gov), or call 907-269-6285.

### **Disability Reasonable Accommodation Notice**

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) 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 ADA Coordinator Brian Blessington at 907-269-6272 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.



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
 PROPOSED ACTIVITY:  
**LINEAR TRANSPORTATION PROJECT**  
**ORCA INLET**  
**PRINCE WILLIAM SOUND**  
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

**Bristol**  
 ENGINEERING SERVICES COMPANY, LLC

**Native Village of Eyak**

**MSE** **Midnight Sun ENVIRONMENTAL, LLC**

LAT., LONG. OF SHEP. PT.:  
 60 37' 51.45" N  
 145 40' 18.82" W  
 Sheet 1 of 17  
 November 2021

100 50 0 100  
 Feet

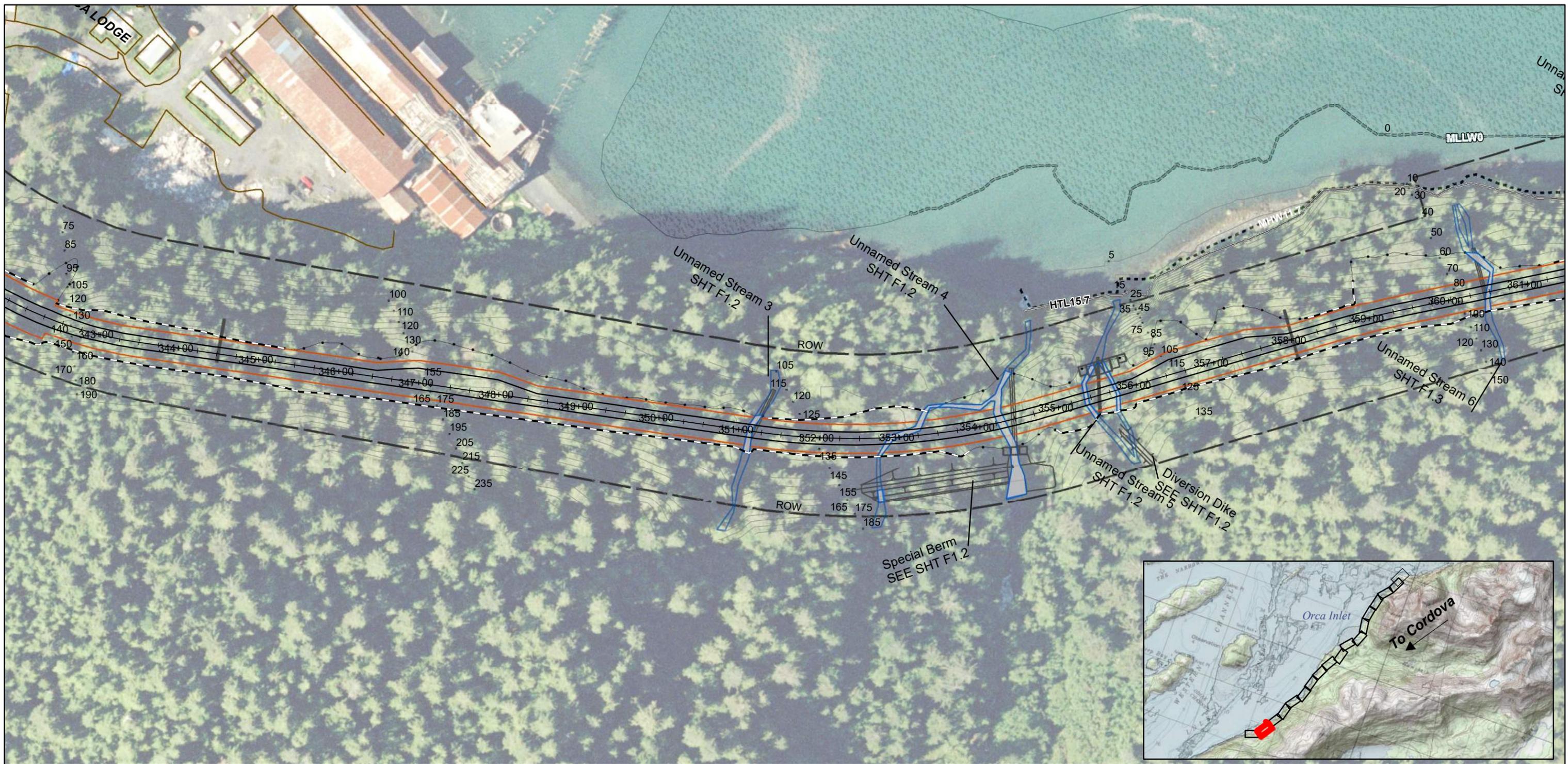
**Legend**

--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— Binwalls/Culverts/Berms	--- MHW, 11.7 ft
— 2021 Alignment	— 2021 CUT	— HTL, 15.7 ft
— Existing Structures	— 2021 FILL	— MLLW, 0 ft
		— OHW Typical
		— Eelgrass Beds
		— Wetlands

**Impacts**

— Wetland_Impact
— Stream Impacts
— Intertidal Impacts
— Subtidal Non-Eel Grass

North arrow pointing North (N), South (S), East (E), West (W).



**SHEPARD POINT OIL SPILL  
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 ENGINEERING SERVICES COMPANY, LLC

Native Village of Eyak

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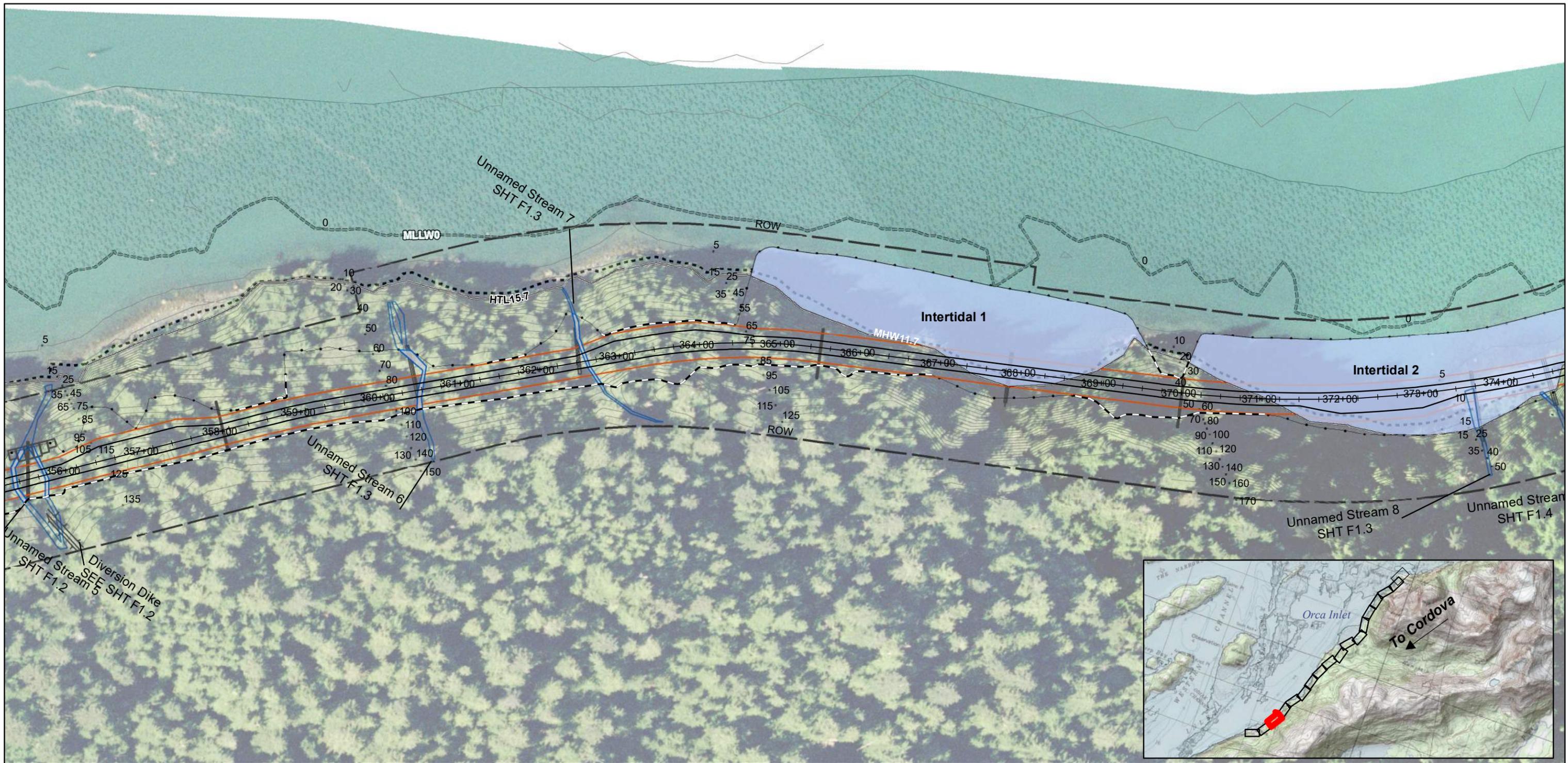
**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ===== MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
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**PRINCE WILLIAM SOUND**  
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

**Bristol**  
 ENGINEERING SERVICES COMPANY, LLC

**Native Village of Eyak**

**MSE** Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:  
 60 37' 51.45" N  
 145 40' 18.82" W  
 Sheet 3 of 17  
 November 2021

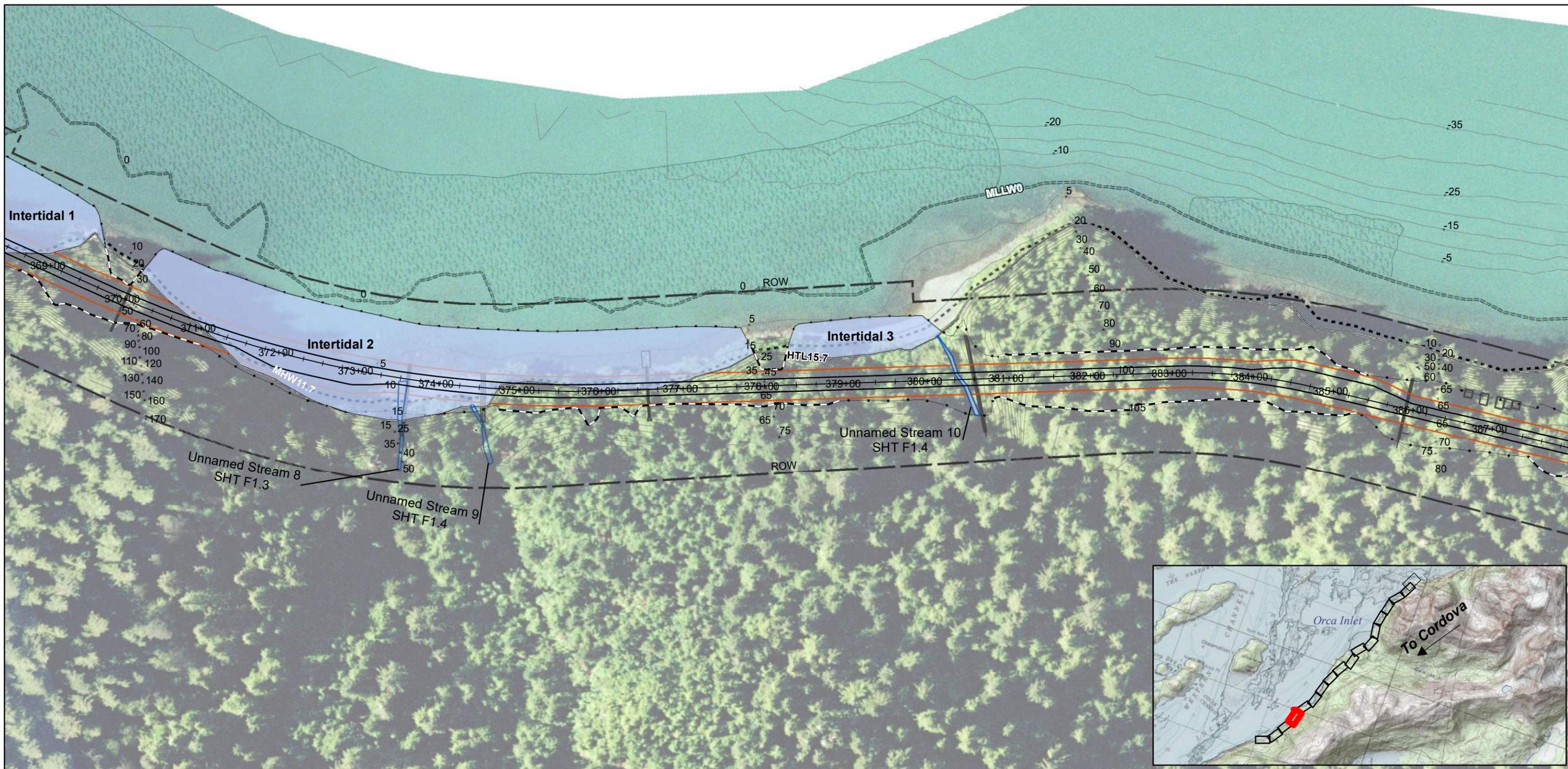
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**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— 2021 CUT
— Existing Structures	===== MLLW, 0 ft	— 2021 FILL
— Wetlands	— OHW Typical	
	— Eelgrass Beds	

**Impacts**

- Wetland\_Impact
- Stream Impacts
- Intertidal Impacts
- Subtidal Non-Eel Grass



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
 PROPOSED ACTIVITY:  
**LINEAR TRANSPORTATION PROJECT**  
**ORCA INLET**  
**PRINCE WILLIAM SOUND**  
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

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 Sheet 4 of 17  
 November 2021

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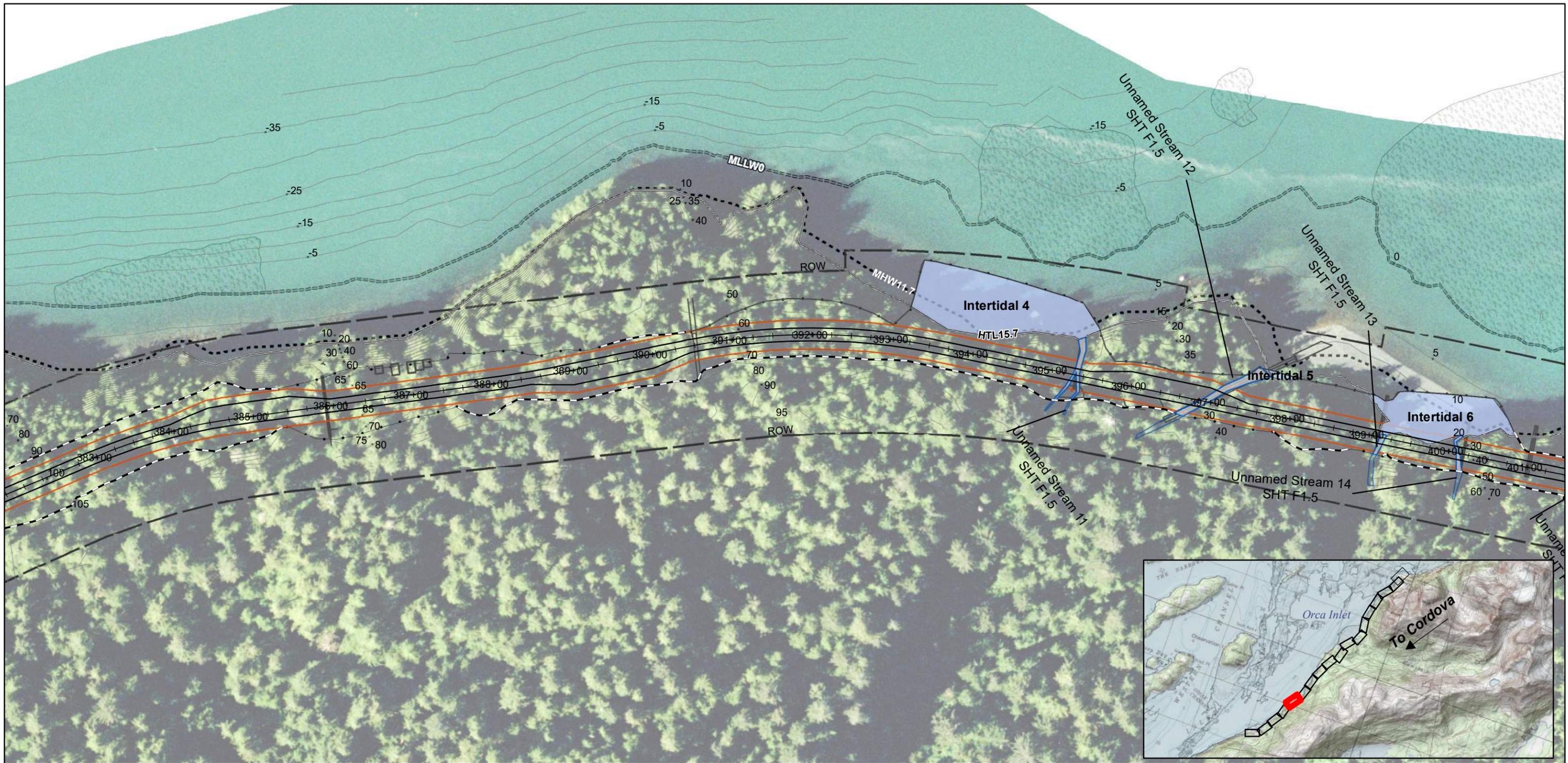
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— 2021 CUT
— Existing Structures	..... MLLW, 0 ft	— 2021 FILL
	— OHW Typical	
	Wetlands	
	Eelgrass Beds	

**Impacts**

Wetland_Impact	Stream Impacts
Intertidal Impacts	Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
 PROPOSED ACTIVITY:  
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**ORCA INLET**  
**PRINCE WILLIAM SOUND**  
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 Sheet 5 of 17  
 November 2021

100 50 0 100  
 Feet

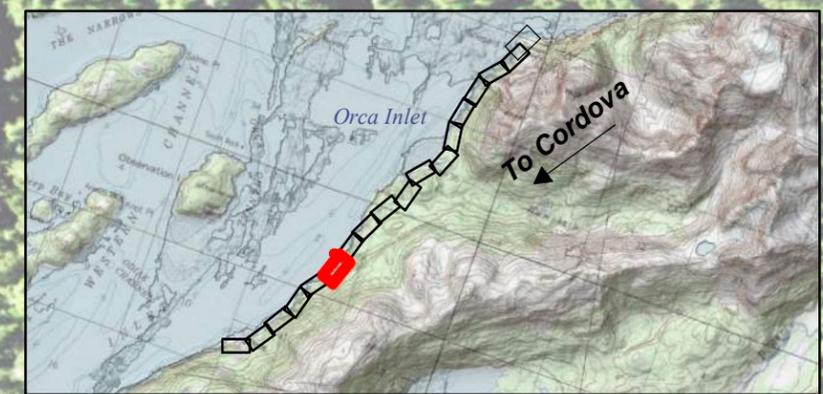
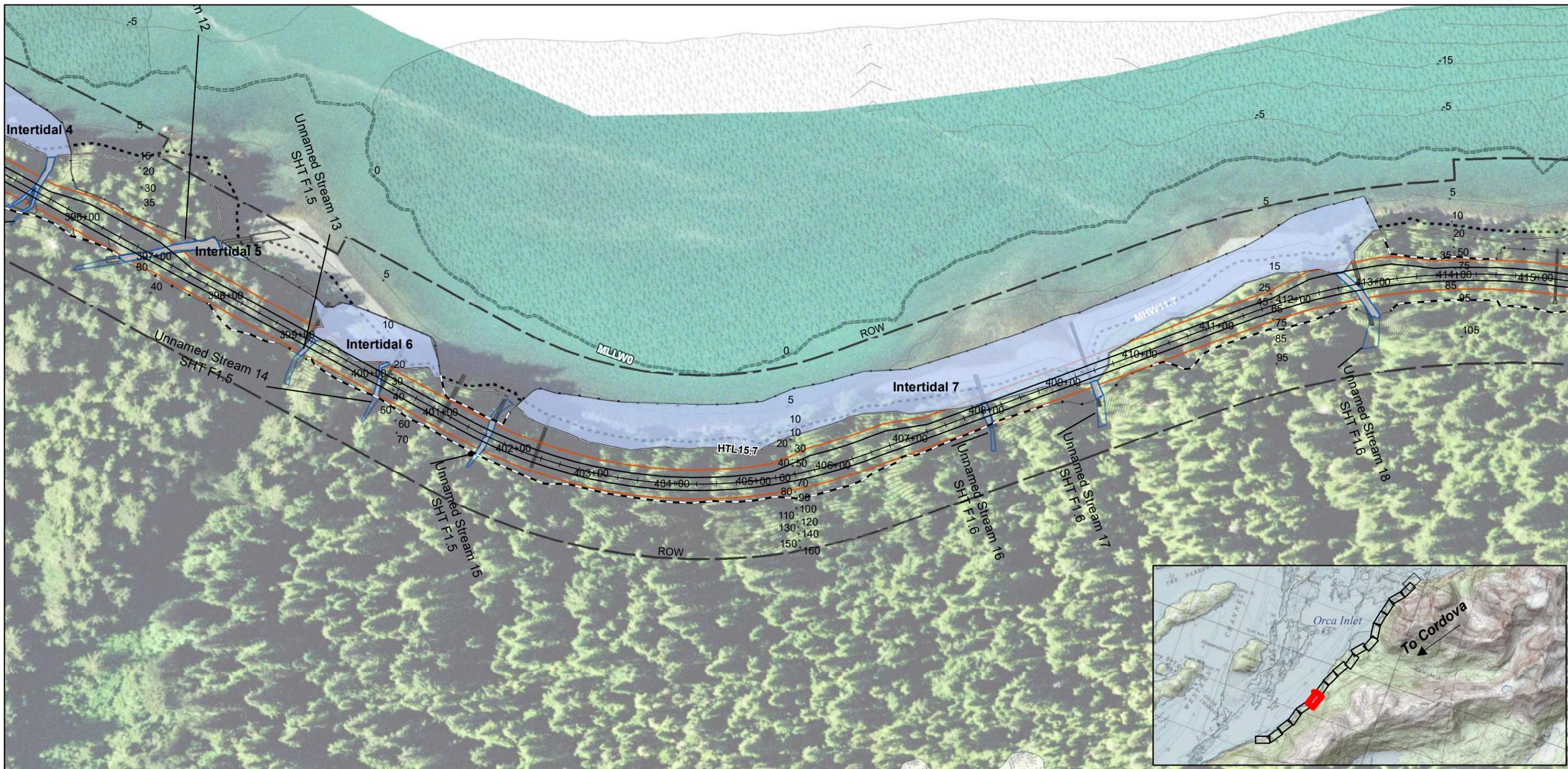
**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ..... MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



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RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
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 Sheet 6 of 17  
 November 2021

100 50 0 100  
 Feet

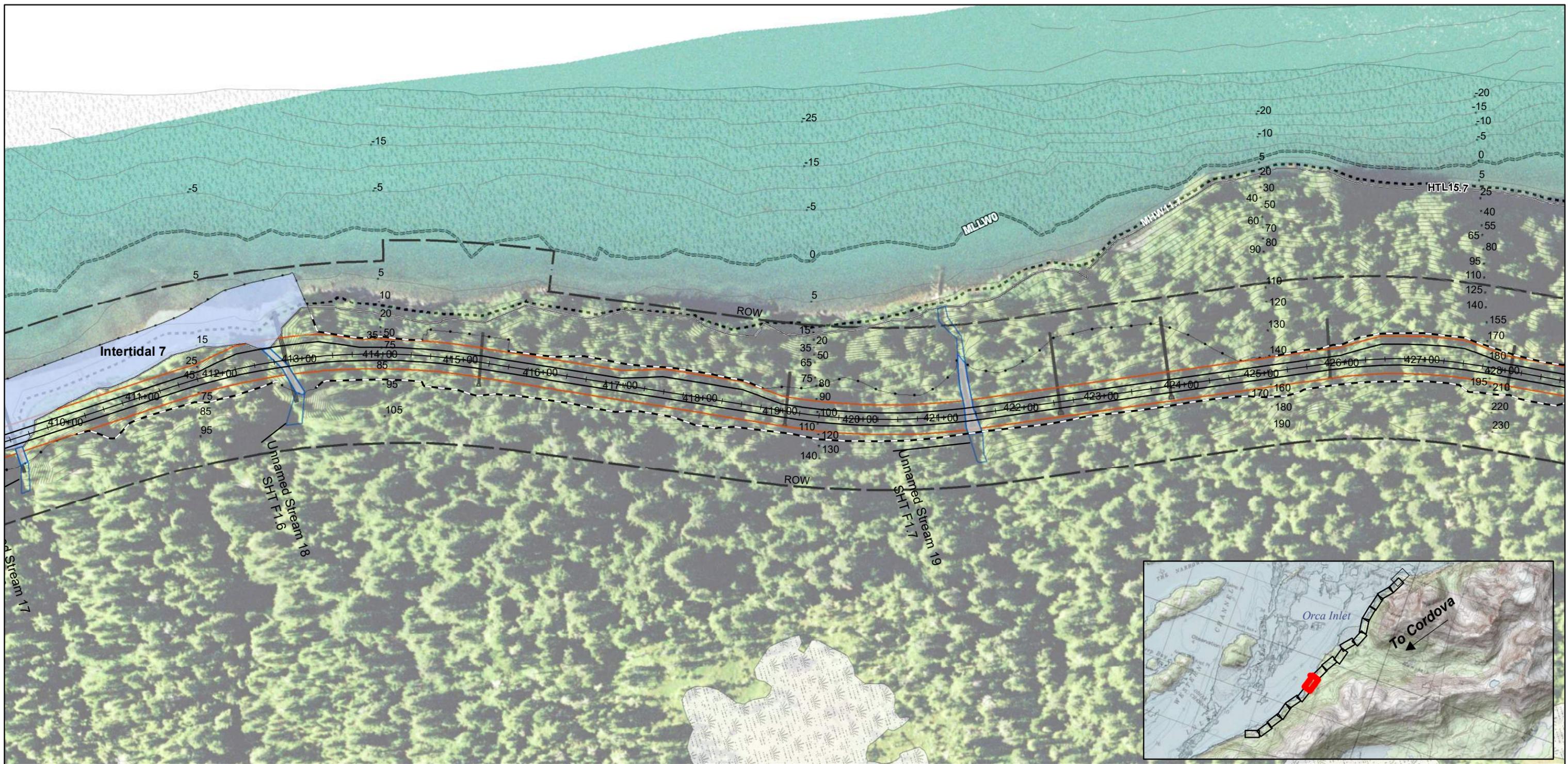
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— 2021 Alignment
— Existing Structures	----- MLLW, 0 ft	— 2021 CUT
..... 2021 CUT	— OHW Typical	— 2021 FILL
— 2021 FILL	▨ Eelgrass Beds	
	▨ Wetlands	

**Impacts**

▨ Wetland_Impact
▨ Stream Impacts
▨ Intertidal Impacts
▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
 PROPOSED ACTIVITY:  
**LINEAR TRANSPORTATION PROJECT**  
**ORCA INLET**  
**PRINCE WILLIAM SOUND**  
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 Sheet 7 of 17  
 November 2021

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 Feet

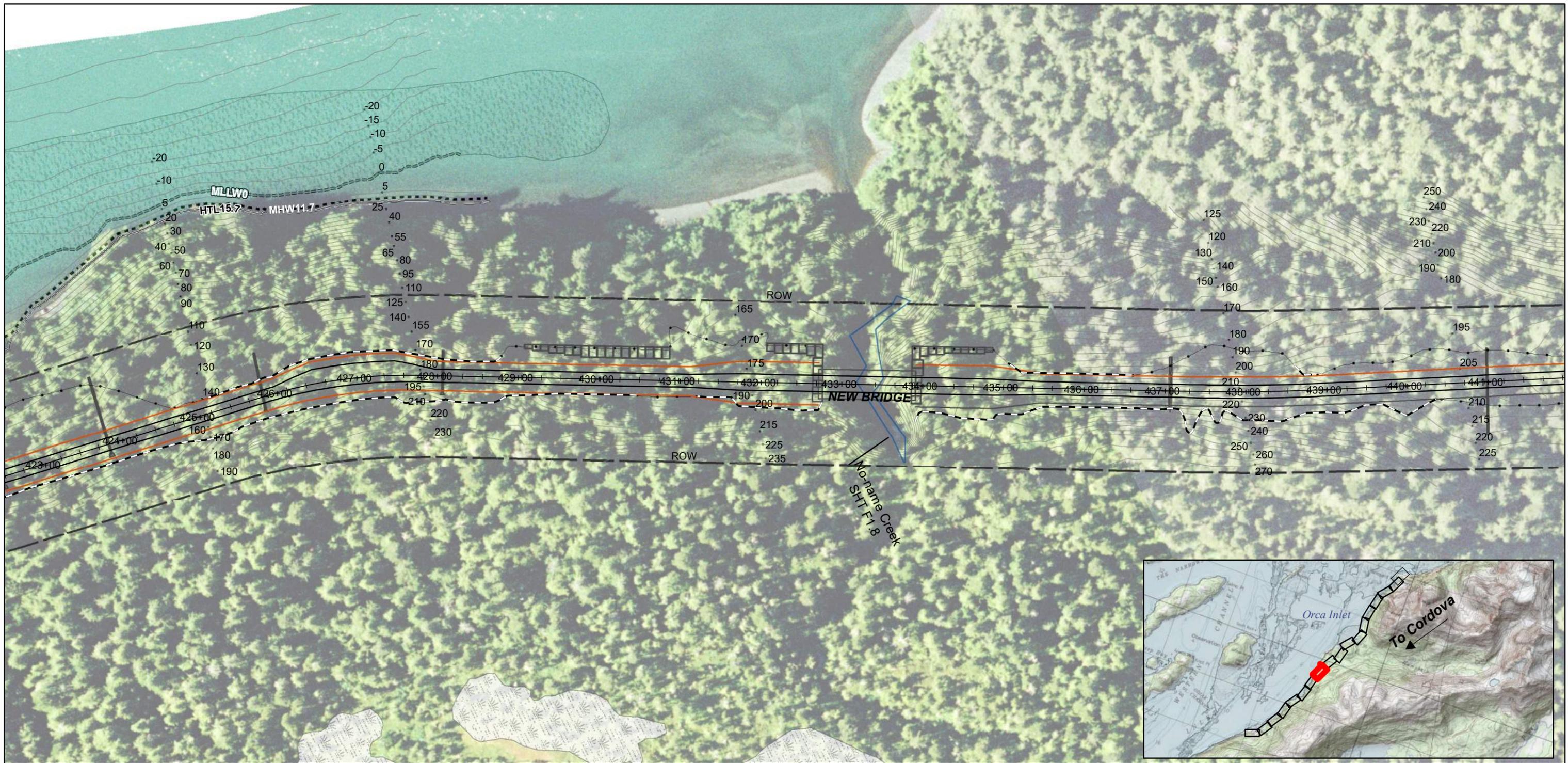
**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
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- ==== HTL, 15.7 ft
- ==== MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
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 Sheet 8 of 17  
 November 2021

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 Feet

**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
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- ▨ Wetlands

**Impacts**

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- ▨ Stream Impacts
- ▨ Intertidal Impacts
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North Arrow



**SHEPARD POINT OIL SPILL  
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 Sheet 9 of 17  
 November 2021

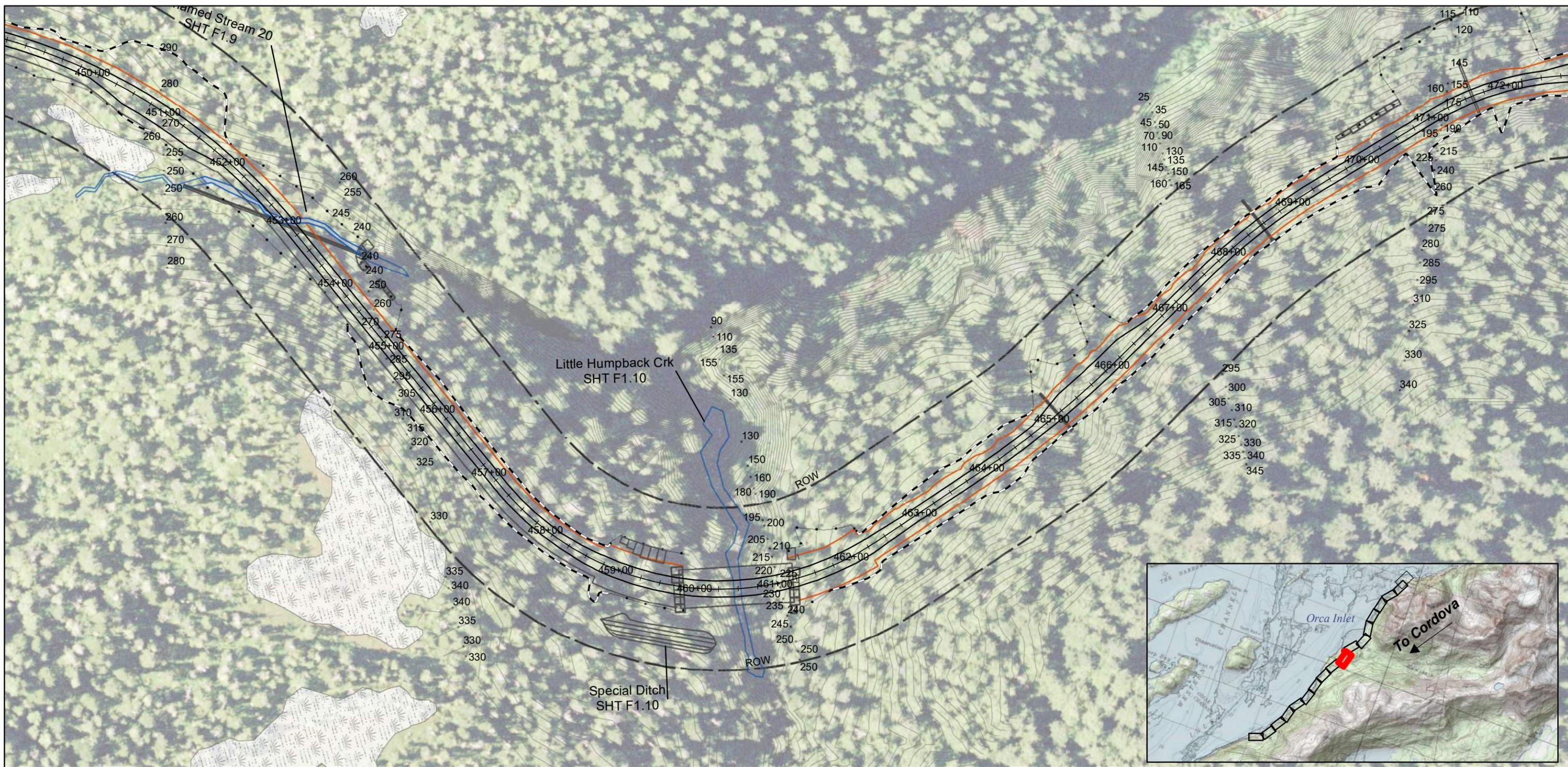
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**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
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- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
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- ▨ Subtidal Non-Eel Grass



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
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 Sheet 10 of 17  
 November 2021

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 Feet

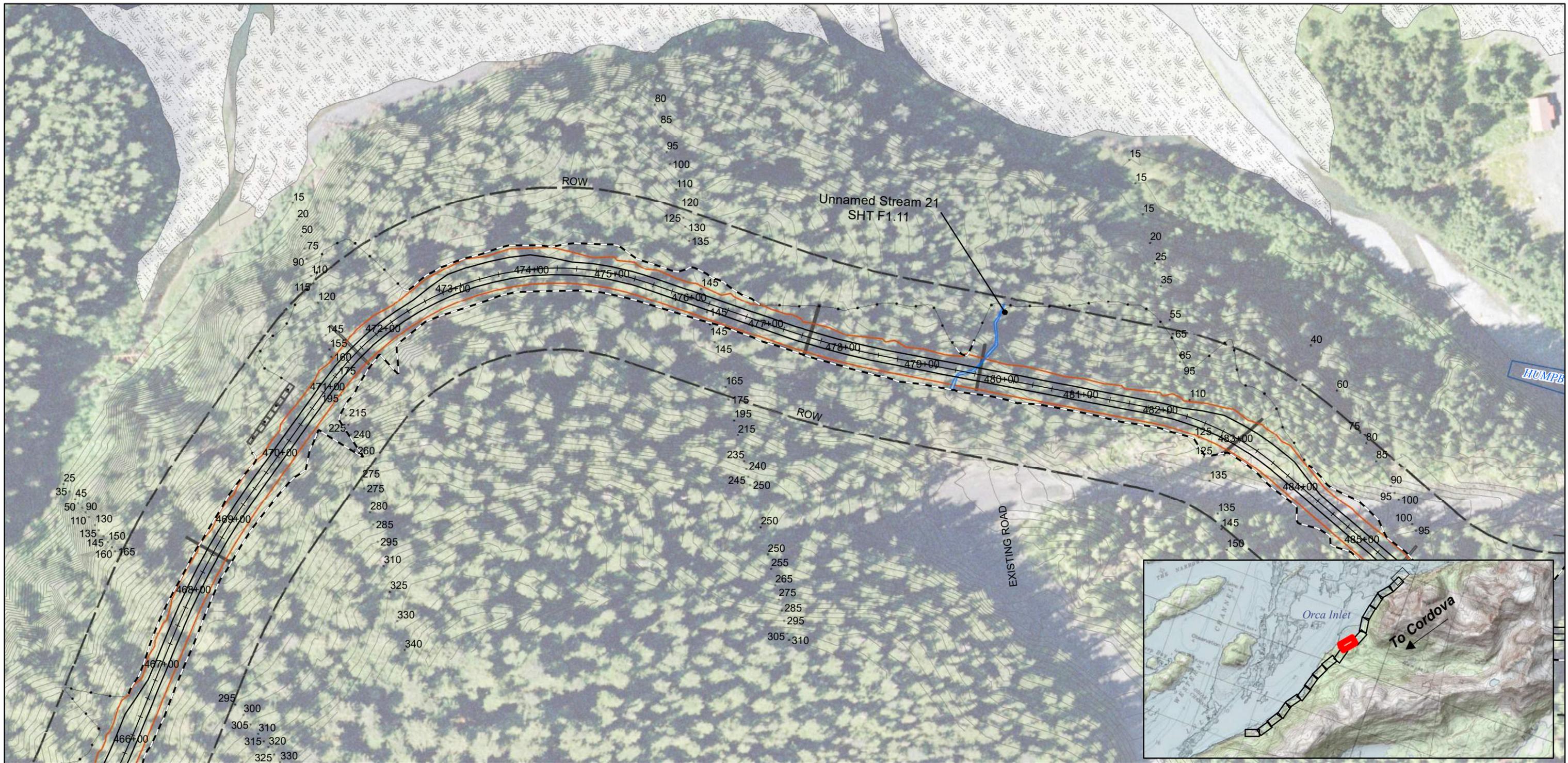
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— Binwalls/Culverts/Berms	==== MLLW, 0 ft	— 2021 Alignment
— 2021 Alignment	— OHW Typical	— Existing Structures
— Existing Structures	▨ Eelgrass Beds	..... 2021 CUT
..... 2021 CUT	▨ Wetlands	— 2021 FILL
— 2021 FILL		

**Impacts**

▨ Wetland_Impact
▨ Stream Impacts
▨ Intertidal Impacts
▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
 FILE NO.: POA-1994-1014, ORCA INLET  
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 Sheet 11 of 17  
 November 2021

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 Feet

**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
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- Z-Pile Wall
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- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
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- ▨ Subtidal Non-Eel Grass

North arrow pointing North (N), South (S), East (E), and West (W).



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RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
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 Sheet 12 of 17  
 November 2021

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 Feet

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- ROW
- Ditch Line
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- 2021 Alignment
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- 2021 FILL
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North Arrow



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 Sheet 13 of 17  
 November 2021

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 Feet

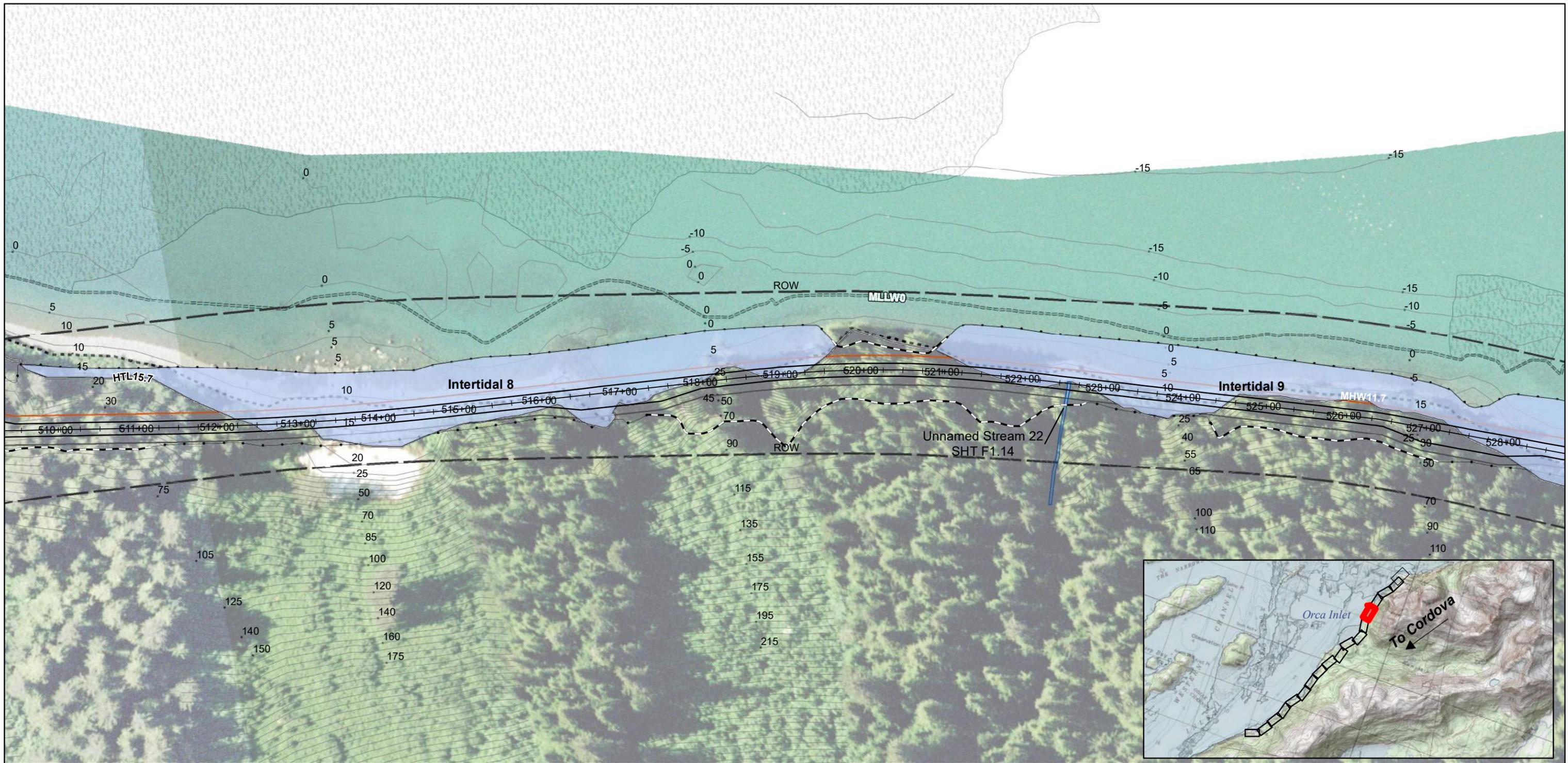
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- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
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- ▨ Wetlands

**Impacts**

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- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North arrow pointing North (N), South (S), East (E), and West (W).



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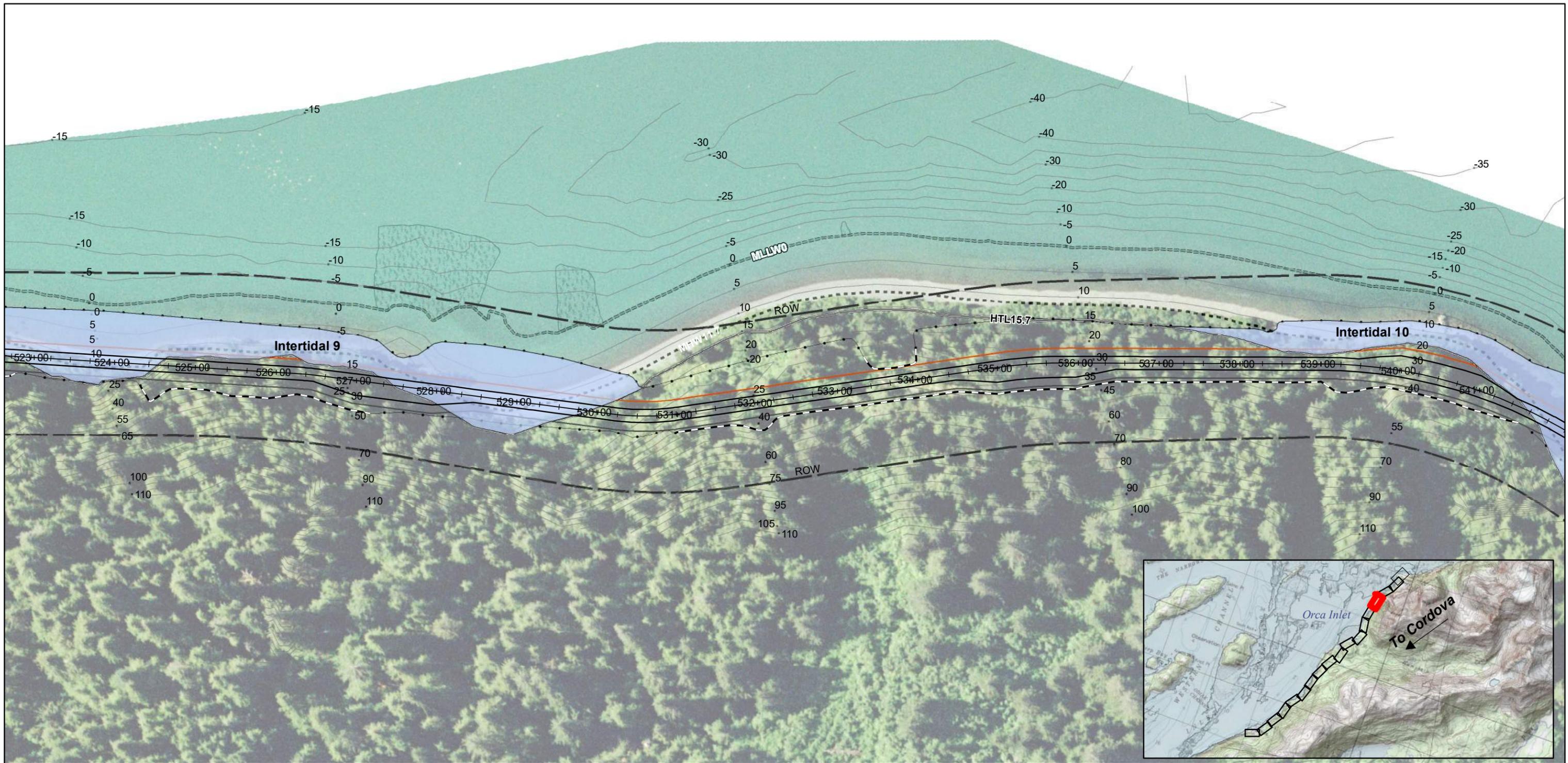
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	--- MHW, 11.7 ft	— Binwalls/Culverts/Berms
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— 2021 CUT	— OHW Typical	--- 2021 FILL
— 2021 FILL	— Eelgrass Beds	
	— Wetlands	

**Impacts**

Wetland_Impact
Stream Impacts
Intertidal Impacts
Subtidal Non-Eel Grass

North Arrow



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 Sheet 15 of 17  
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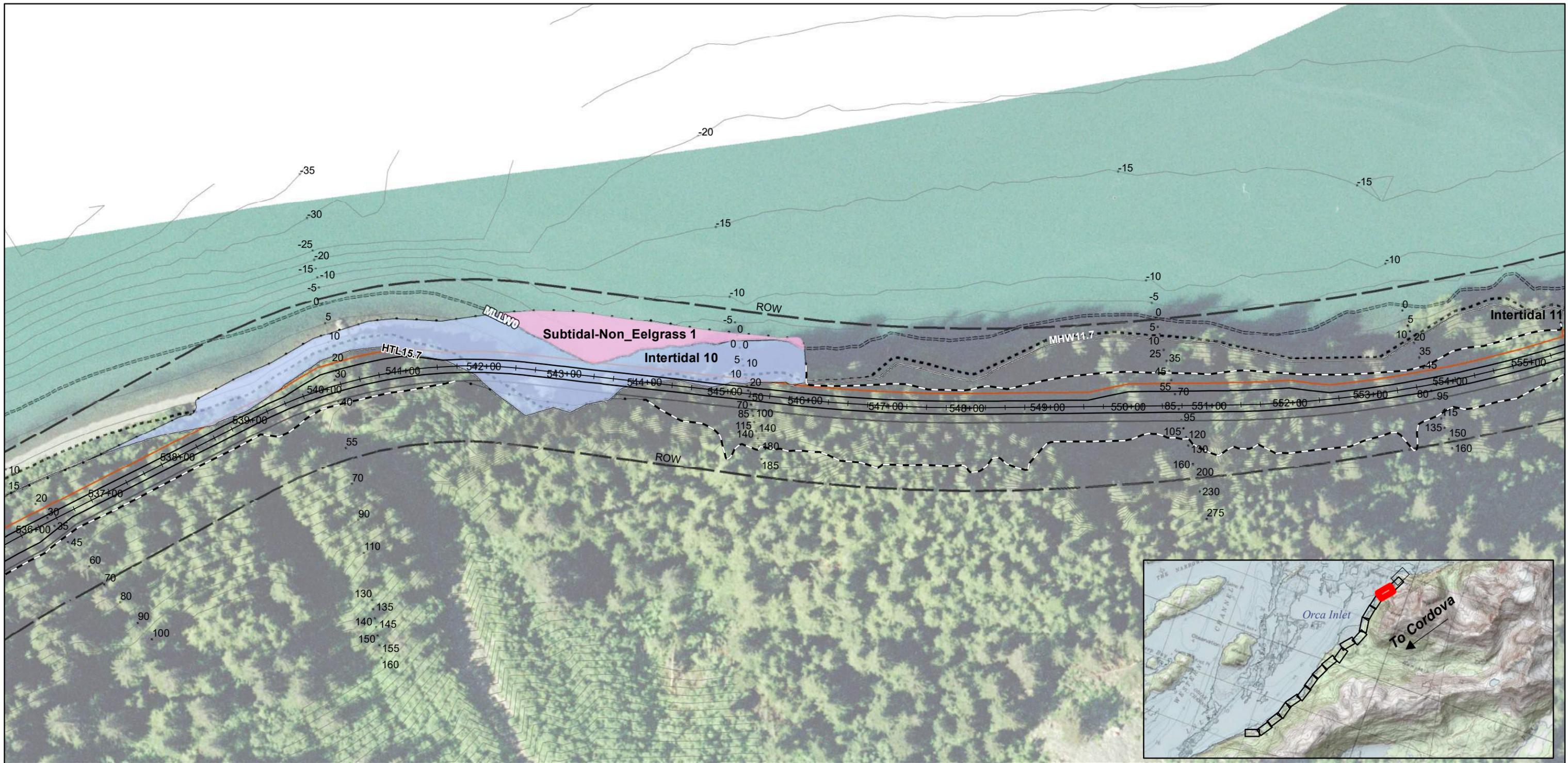
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== MLLW, 0 ft	— HTL, 15.7 ft
— Existing Structures	— OHW Typical	— 2021 CUT
..... 2021 CUT	▨ Eelgrass Beds	— 2021 FILL
— 2021 FILL	▨ Wetlands	

**Impacts**

▨ Wetland_Impact
▨ Stream Impacts
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▨ Subtidal Non-Eel Grass

North Arrow



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RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
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 Sheet 16 of 17  
 November 2021

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 Feet

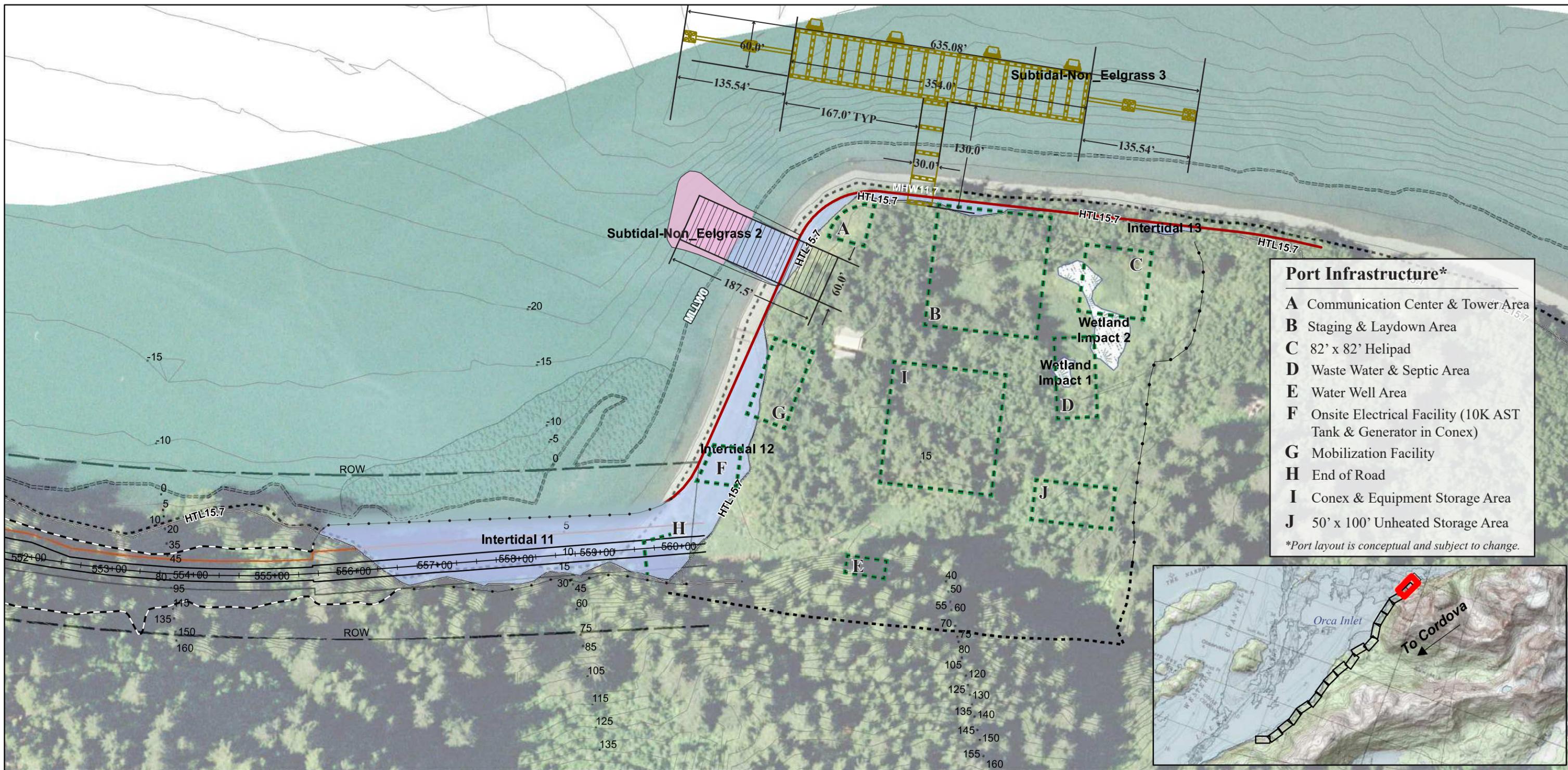
**Legend**

- ROW
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- 2021 FILL
- Z-Pile Wall
- Contour 5M
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- OHW Typical
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- ▨ Wetlands

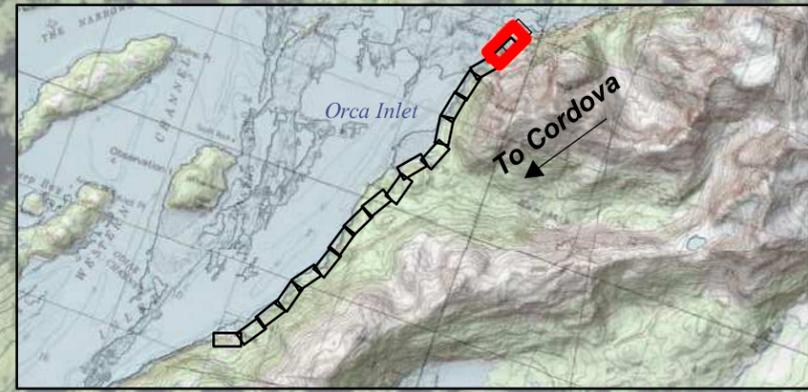
**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



- Port Infrastructure\***
- A Communication Center & Tower Area
  - B Staging & Laydown Area
  - C 82' x 82' Helipad
  - D Waste Water & Septic Area
  - E Water Well Area
  - F Onsite Electrical Facility (10K AST Tank & Generator in Conex)
  - G Mobilization Facility
  - H End of Road
  - I Conex & Equipment Storage Area
  - J 50' x 100' Unheated Storage Area
- \*Port layout is conceptual and subject to change.*



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
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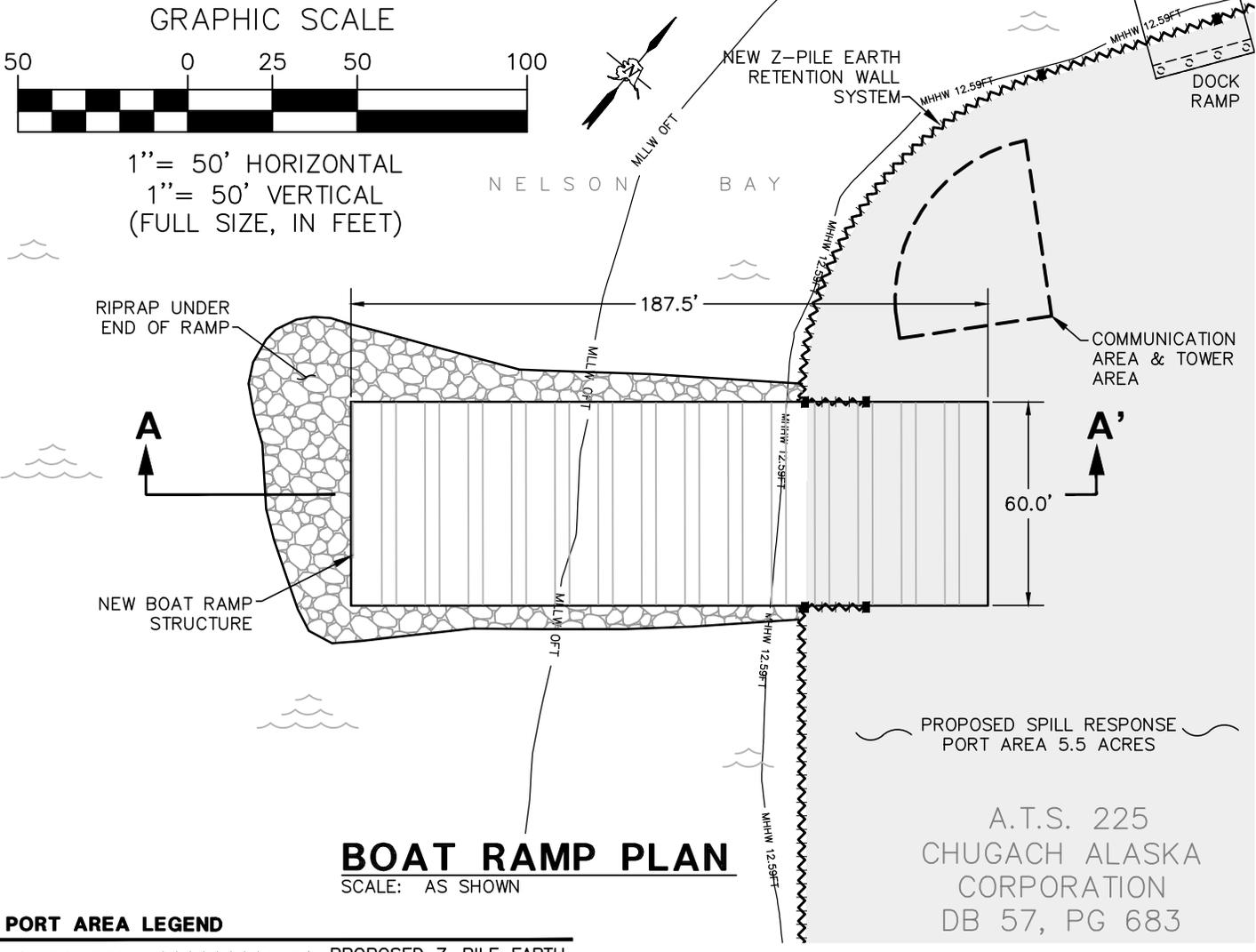
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 Feet

**Legend**

- ROW
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- 2021 Alignment
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**Impacts**

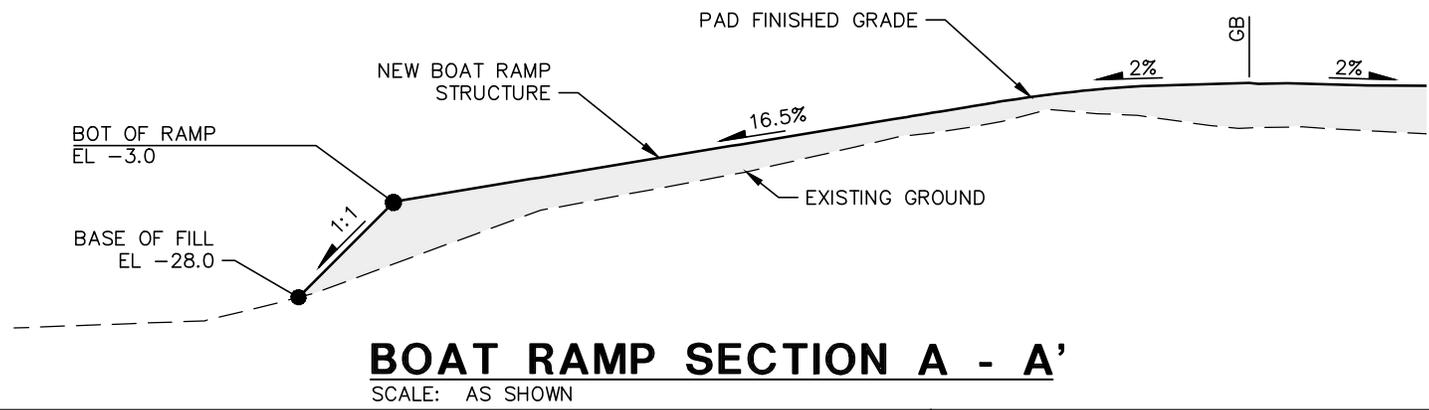
- Wetland\_Impact
- Stream Impacts
- Intertidal Impacts
- Subtidal Non-Eel Grass



**BOAT RAMP PLAN**  
SCALE: AS SHOWN

**PORT AREA LEGEND**

- PROPOSED Z-PILE EARTH RETENTION WALL SYSTEM



**BOAT RAMP SECTION A - A'**  
SCALE: AS SHOWN

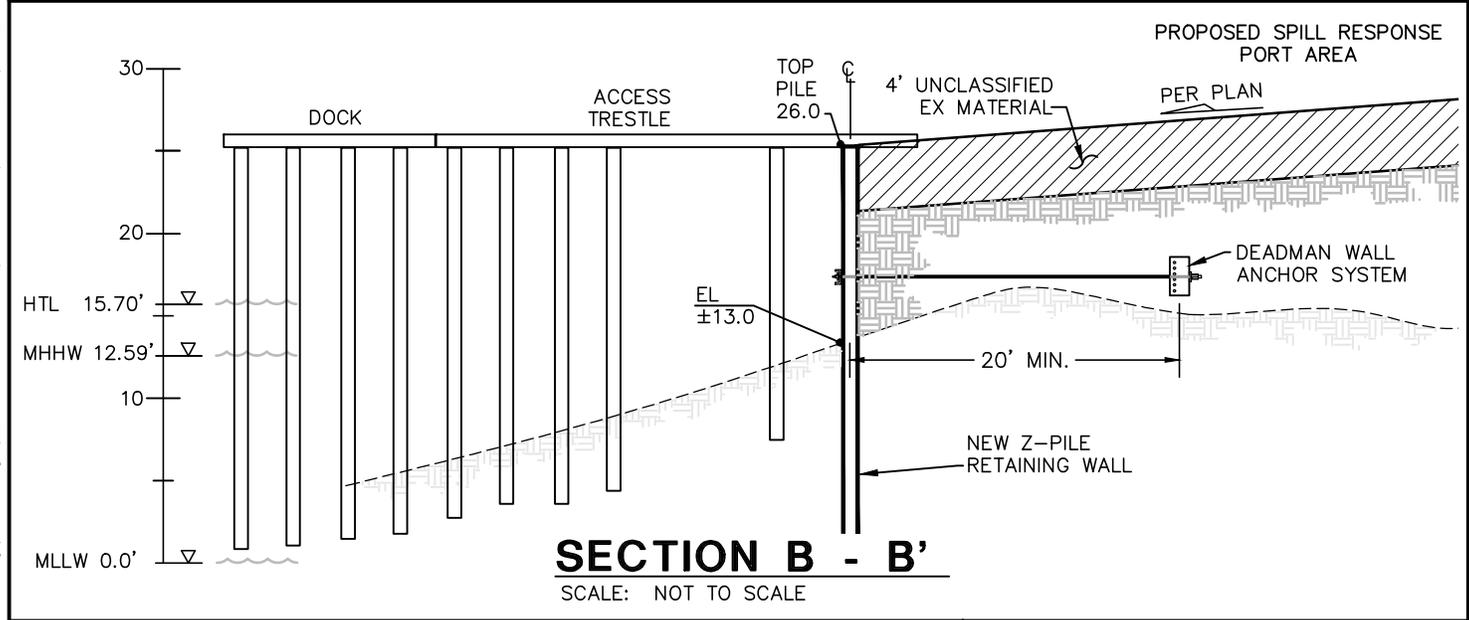
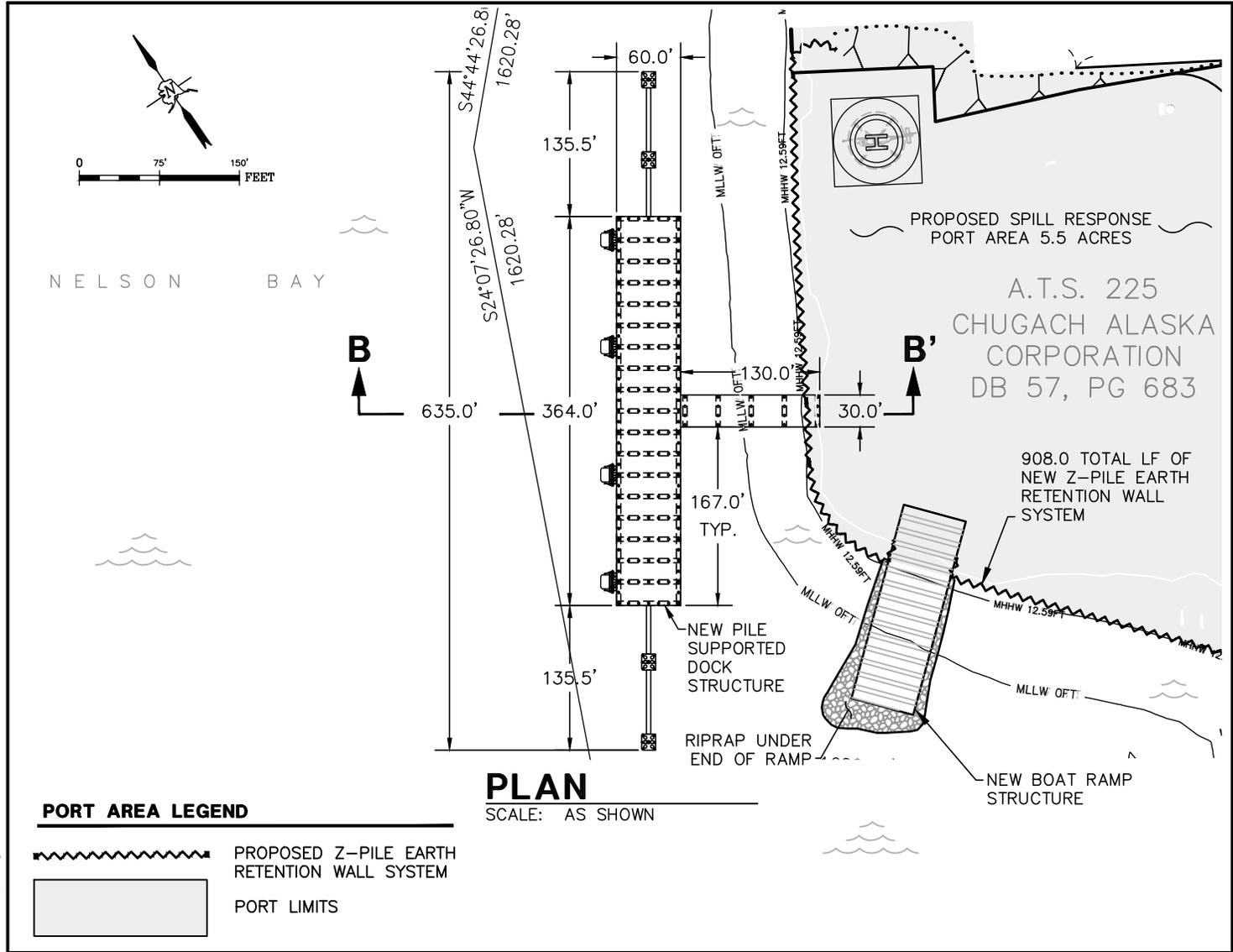
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NEW SMALL BOAT RAMP STRUCTURE  
PLAN & SECTION

PORT DESIGN PLAN VIEW  
EXHIBIT D

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Sheet 38 of 48 Date: 10/24/2018

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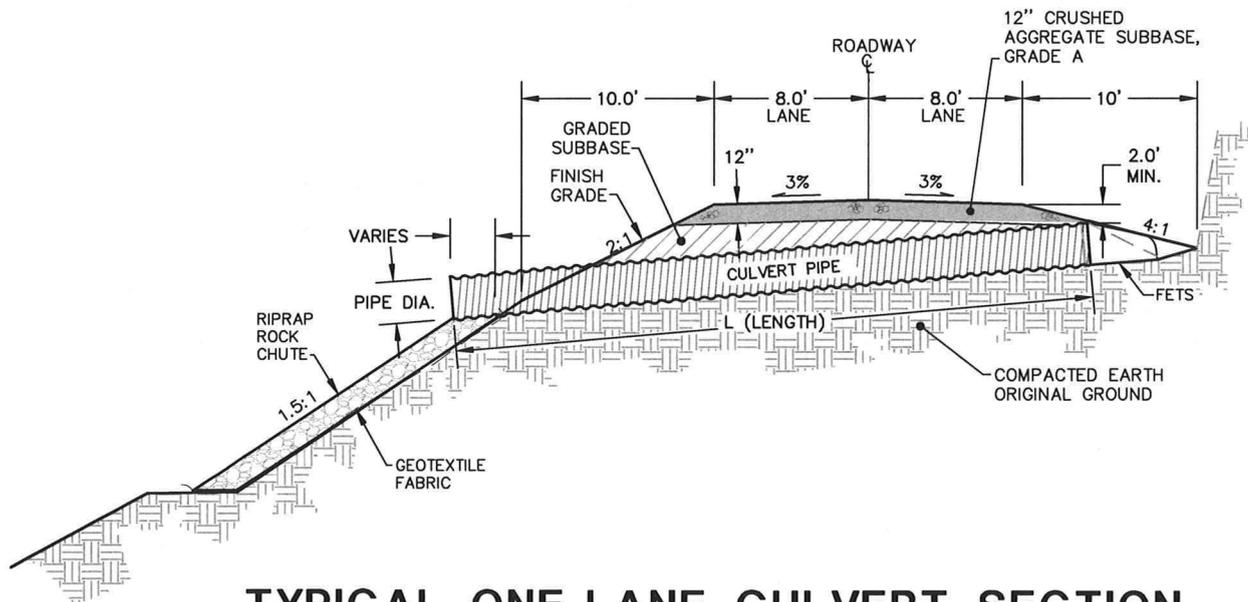
NEW DOCK STRUCTURE OVERALL PLAN & SECTION

PORT DESIGN PLAN VIEW  
EXHIBIT D

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Sheet 39 of 48 Date: 10/24/2018

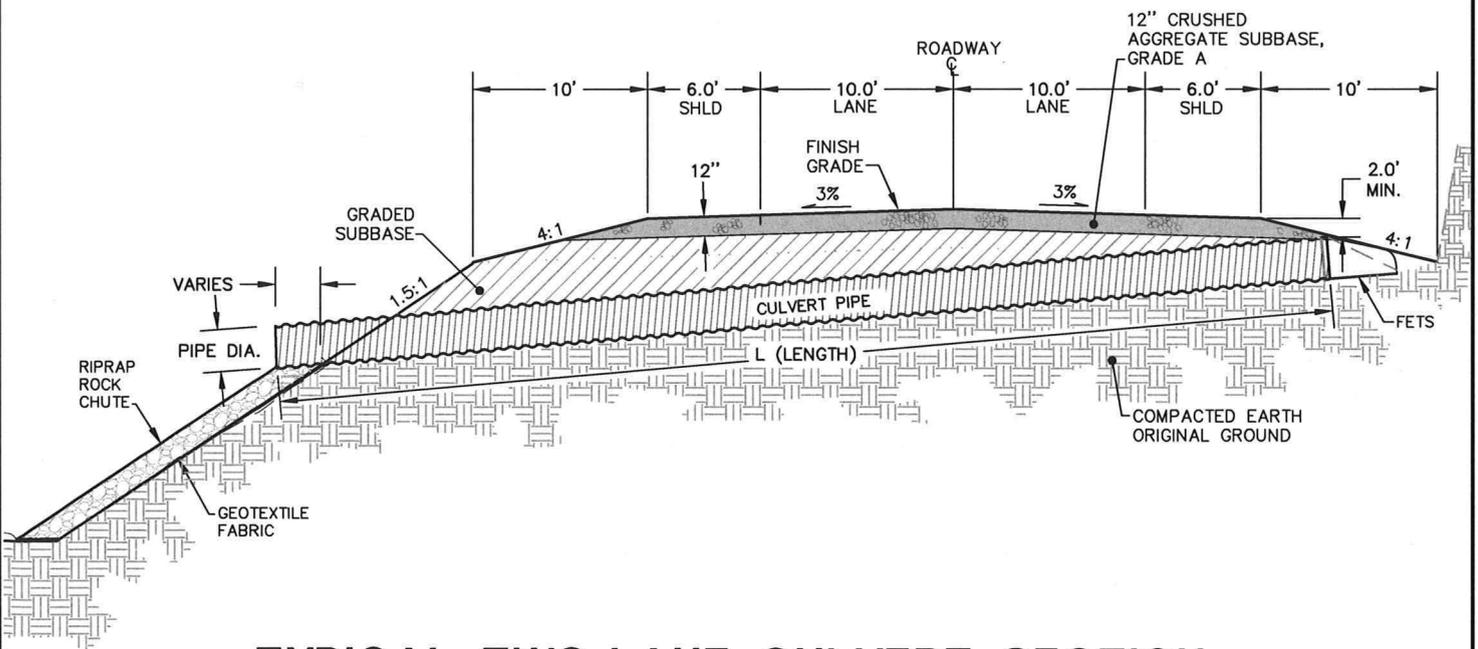
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### TYPICAL ONE-LANE CULVERT SECTION

SCALE: NOT TO SCALE



### TYPICAL TWO-LANE CULVERT SECTION

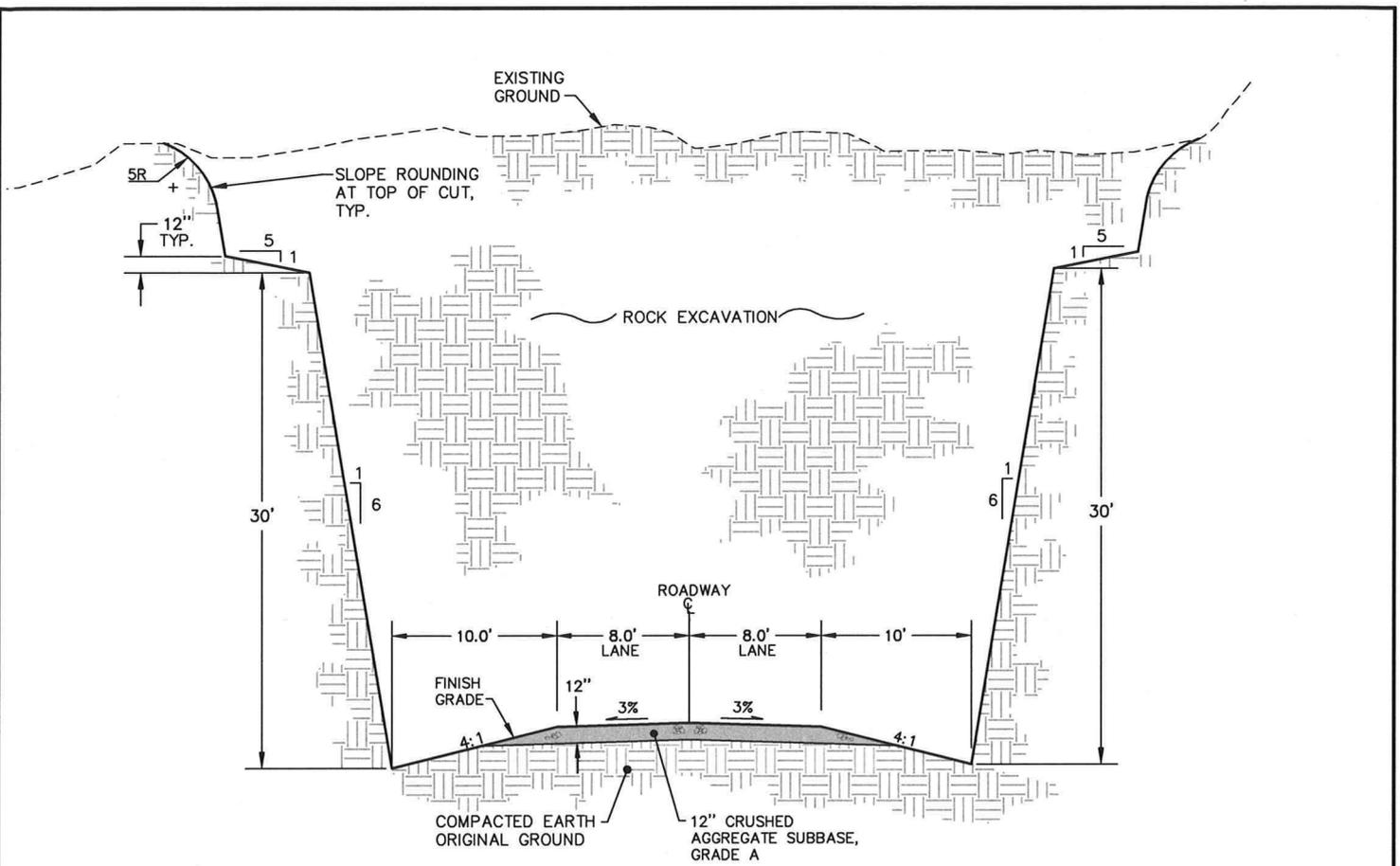
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ONE-LANE, TWO-LANE  
CULVERT SECTIONS

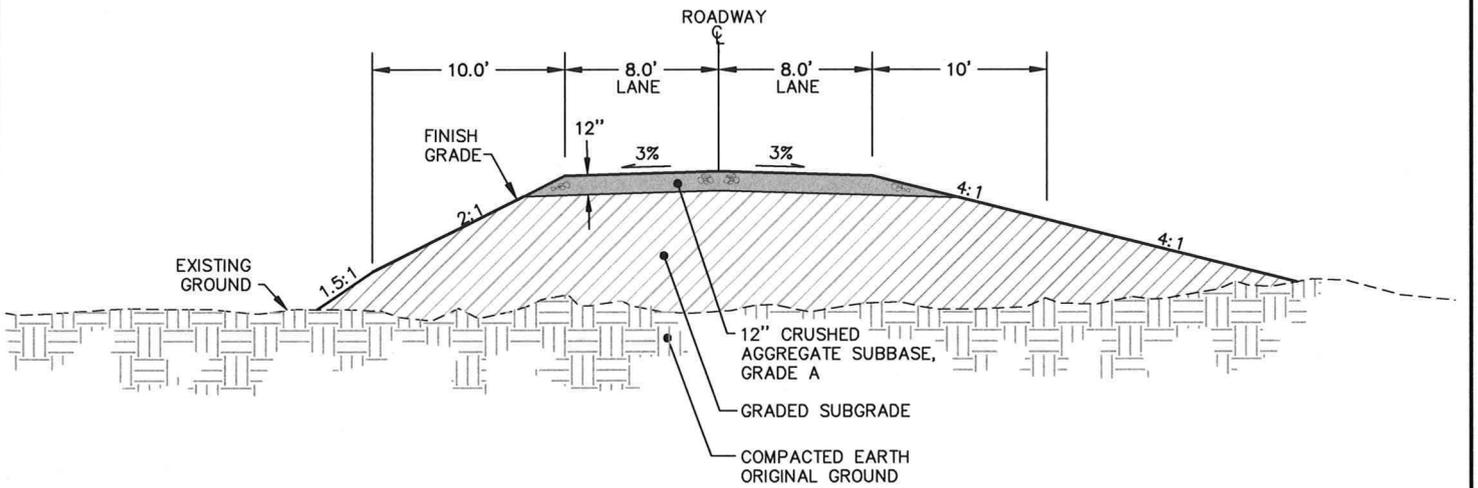
POA# 1994-1014  
 Applicant: THE NATIVE VILLAGE OF EYAK  
 Project: Shepard Point Oil Spill Response Facility  
 Waterway: ORCA INLET  
 Proposed Activity: Linear Transportation Project  
 Location: Shepard Point, Cordova Alaska  
 Sheet 40 of 48      Date: 10/24/2018

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### TYPICAL SINGLE-LANE CUT SECTION

SCALE: NOT TO SCALE



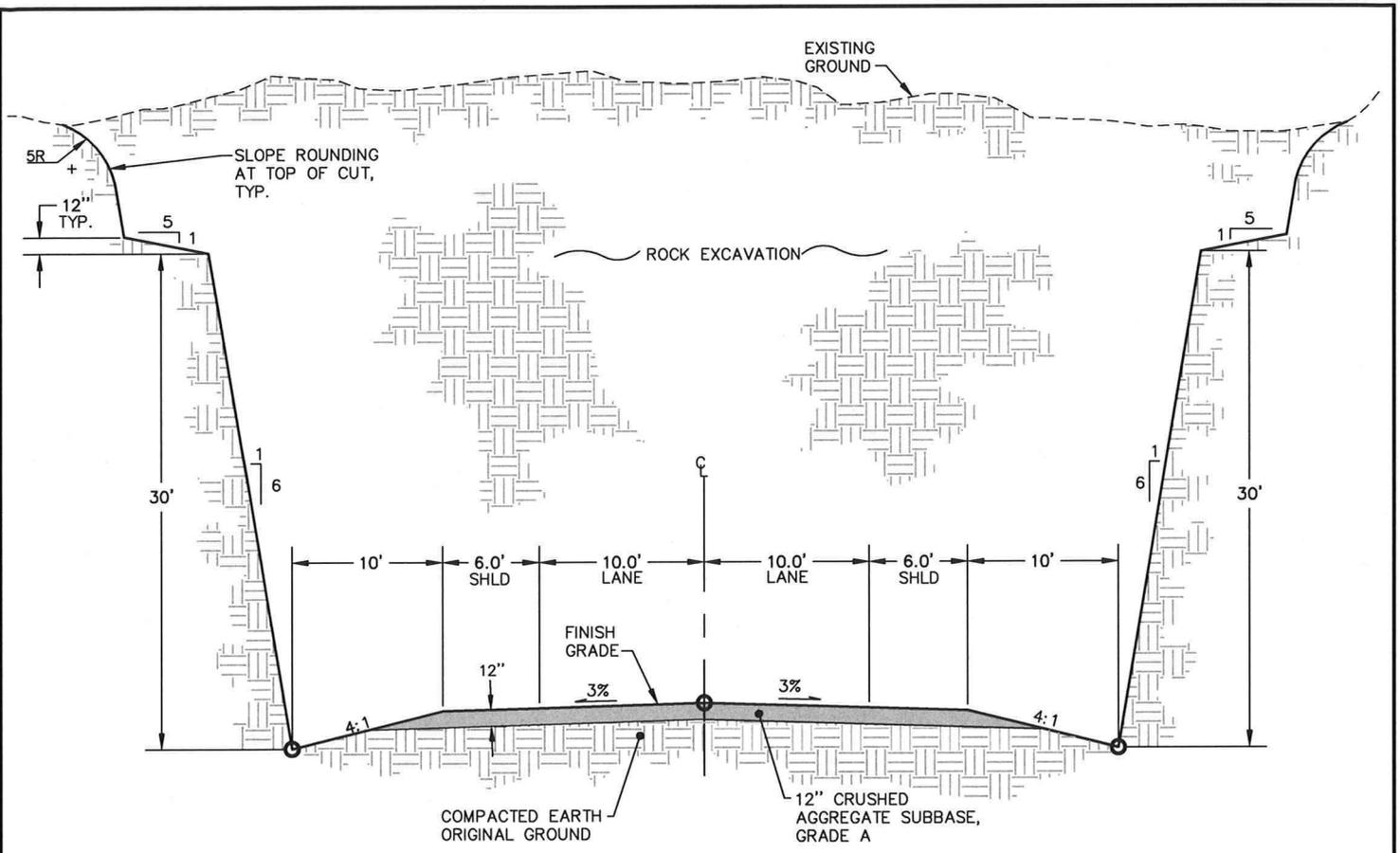
### TYPICAL SINGLE-LANE FILL SECTION

SCALE: NOT TO SCALE

#### THIS SHEET

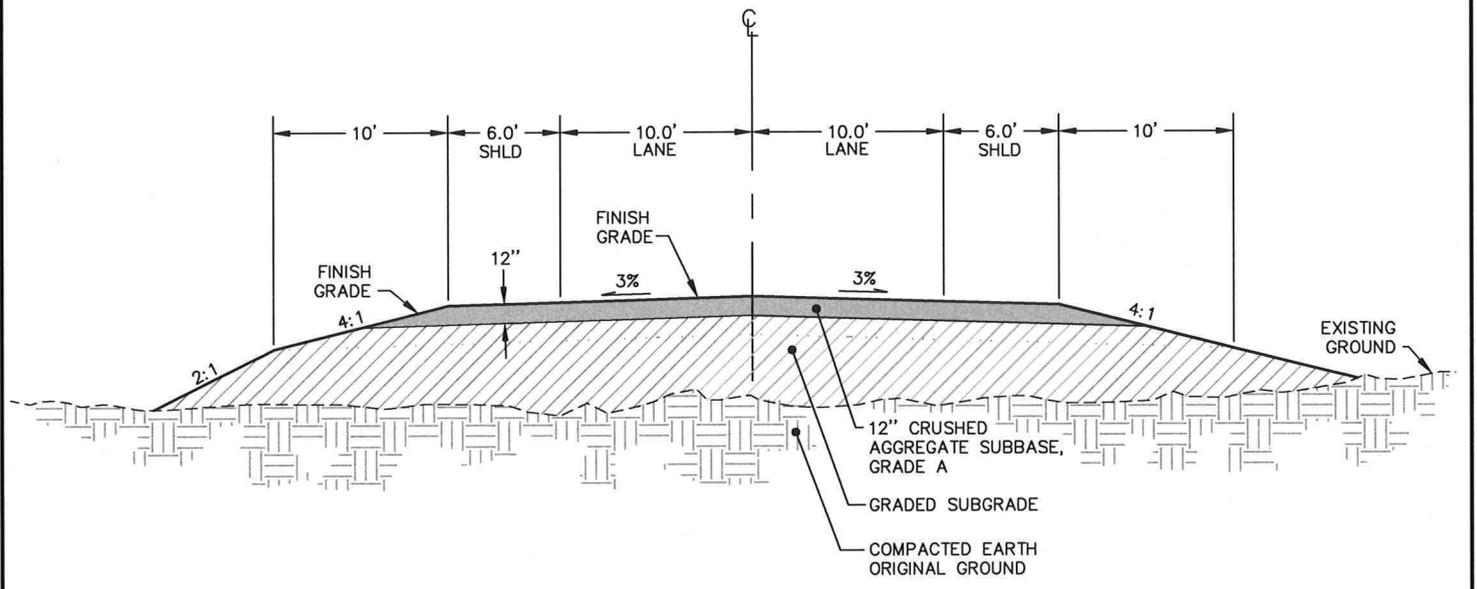
SINGLE-LANE CUT/FILL  
ROADWAY SECTIONS

POA# 1994-1014  
 Applicant: THE NATIVE VILLAGE OF EYAK  
 Project: Shepard Point Oil Spill Response Facility  
 Waterway: ORCA INLET  
 Proposed Activity: Linear Transportation Project  
 Location: Shepard Point, Cordova Alaska  
 Sheet 41 of 48      Date: 10/24/2018



## TYPICAL TWO-LANE CUT SECTION

SCALE: NOT TO SCALE



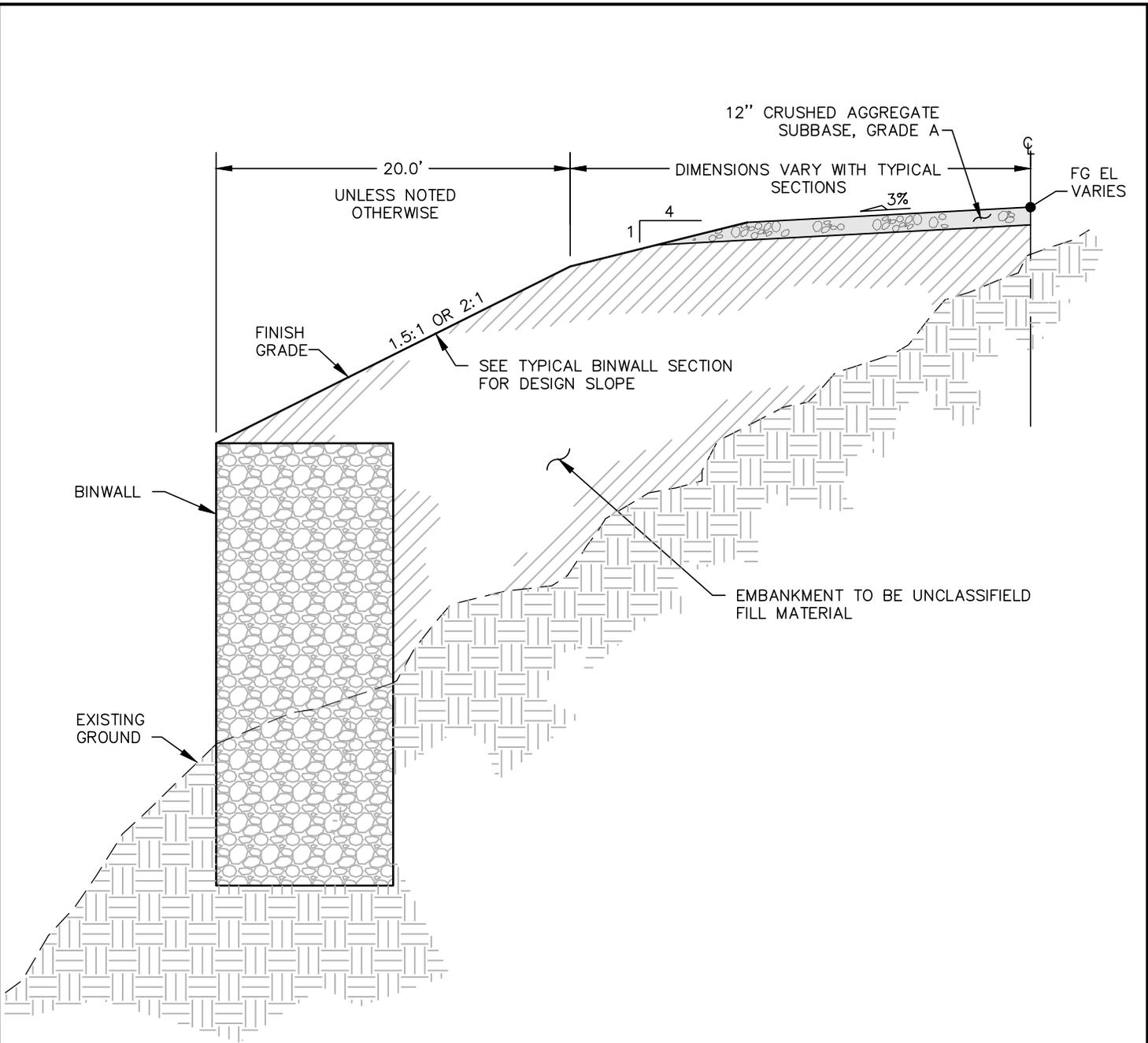
## TYPICAL TWO-LANE FILL SECTION

SCALE: NOT TO SCALE

### THIS SHEET

TWO-LANE CUT/FILL  
ROADWAY SECTIONS

POA# 1994-1014  
 Applicant: THE NATIVE VILLAGE OF EYAK  
 Project: Shepard Point Oil Spill Response Facility  
 Waterway: ORCA INLET  
 Proposed Activity: Linear Transportation Project  
 Location: Shepard Point, Cordova Alaska  
 Sheet 42 of 48 Date: 10/24/2018



## TYPICAL ROADWAY BINWALL SECTION

SCALE: NOT TO SCALE

THIS SHEET

TYPICAL ROADWAY  
BINWALL SECTION

### TYPICAL ROADWAY BINWALL CROSS-SECTION

POA # 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK

Project: Shepard Point Oil Spill Response Facility

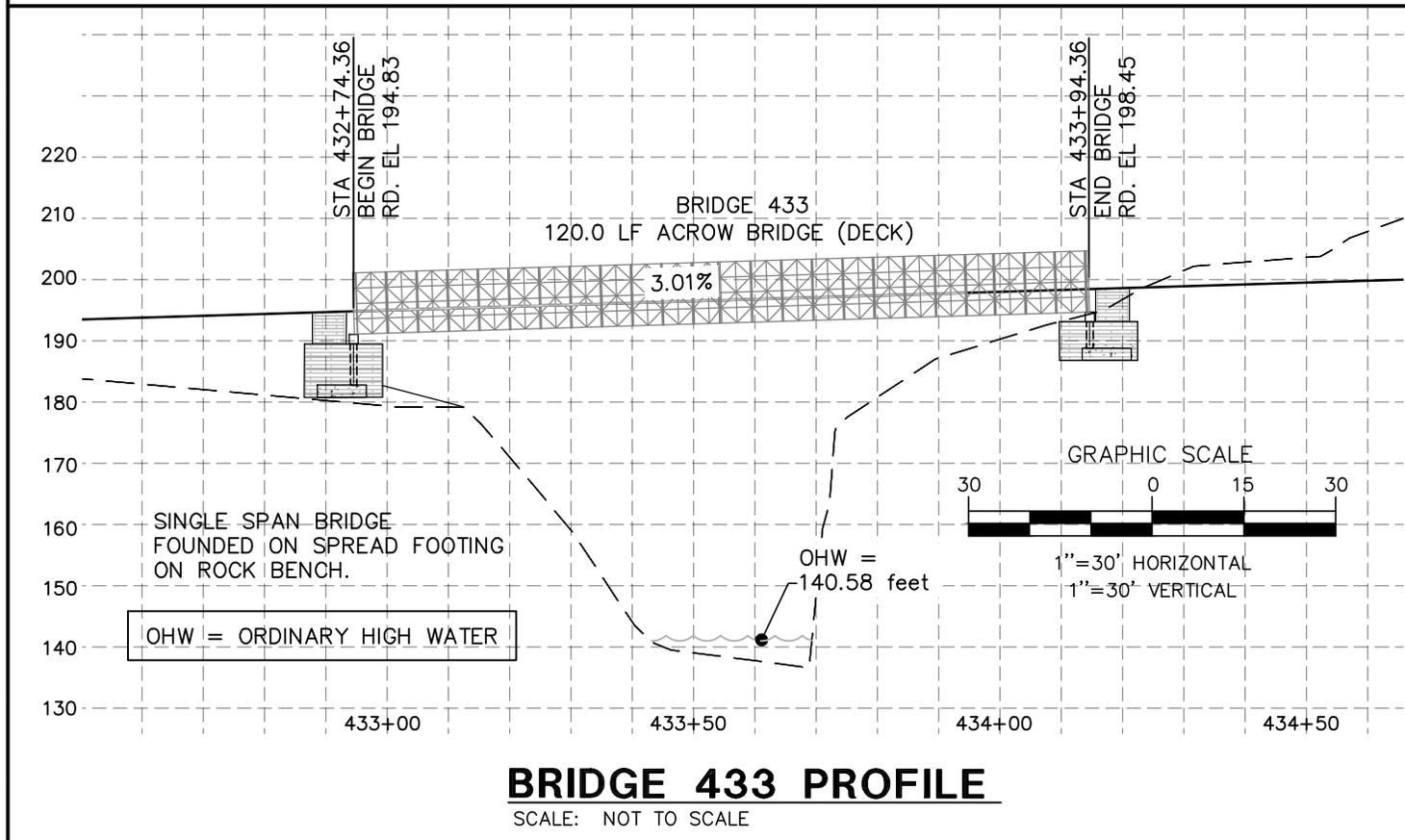
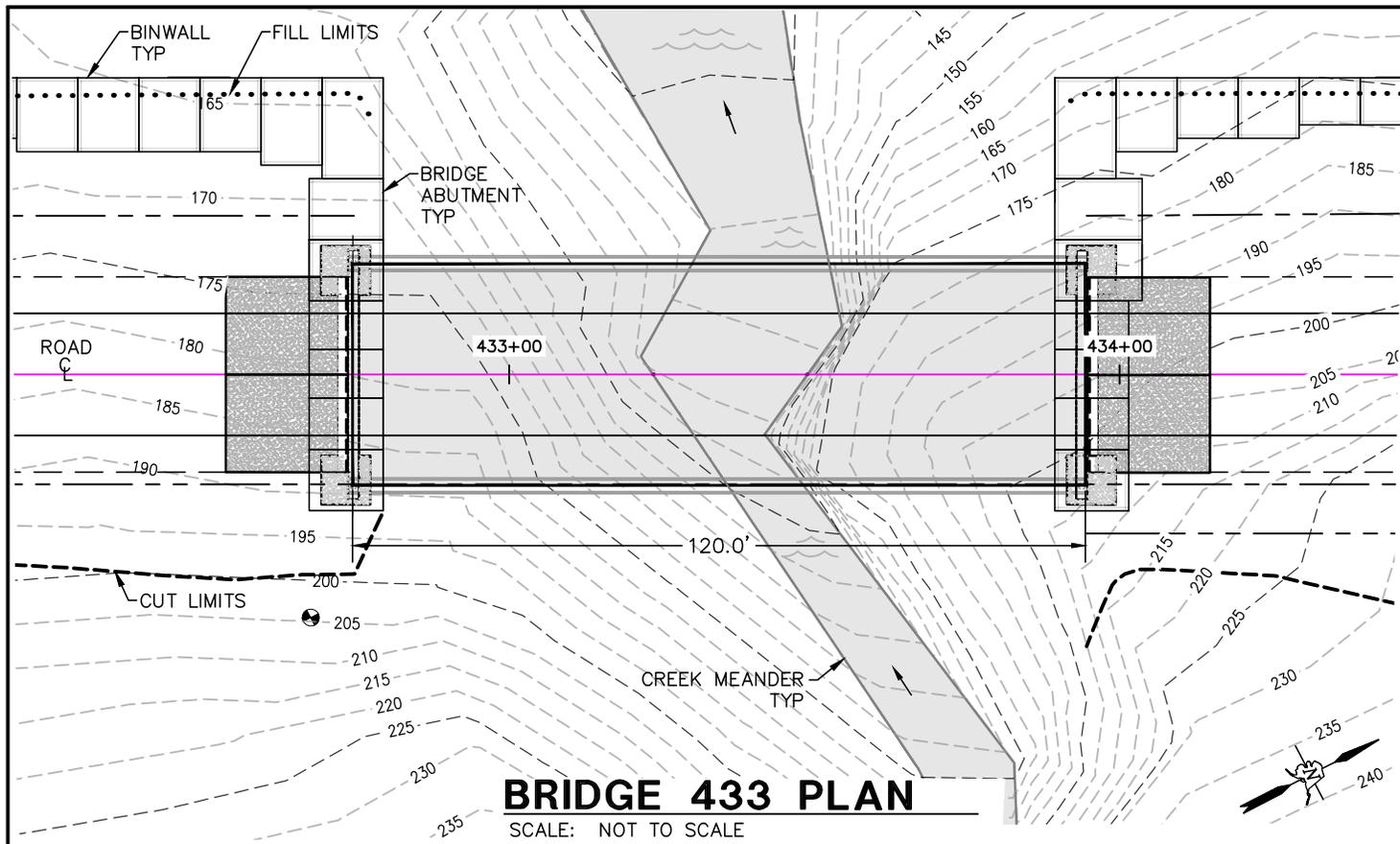
Waterway: ORCA INLET

Proposed Activity: Linear Transportation Project

Location: Shepard Point, Cordova Alaska

Sheet 44 of 48

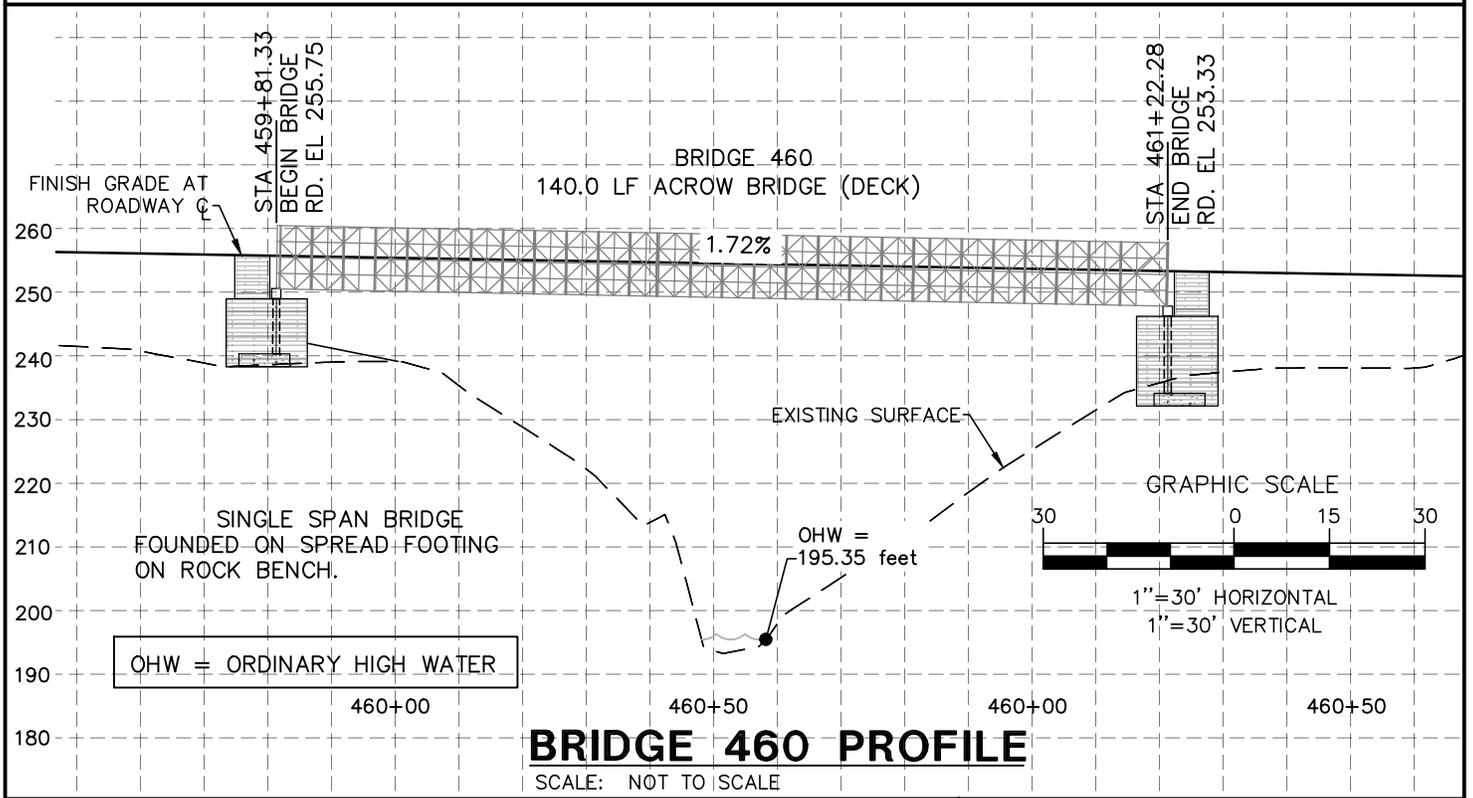
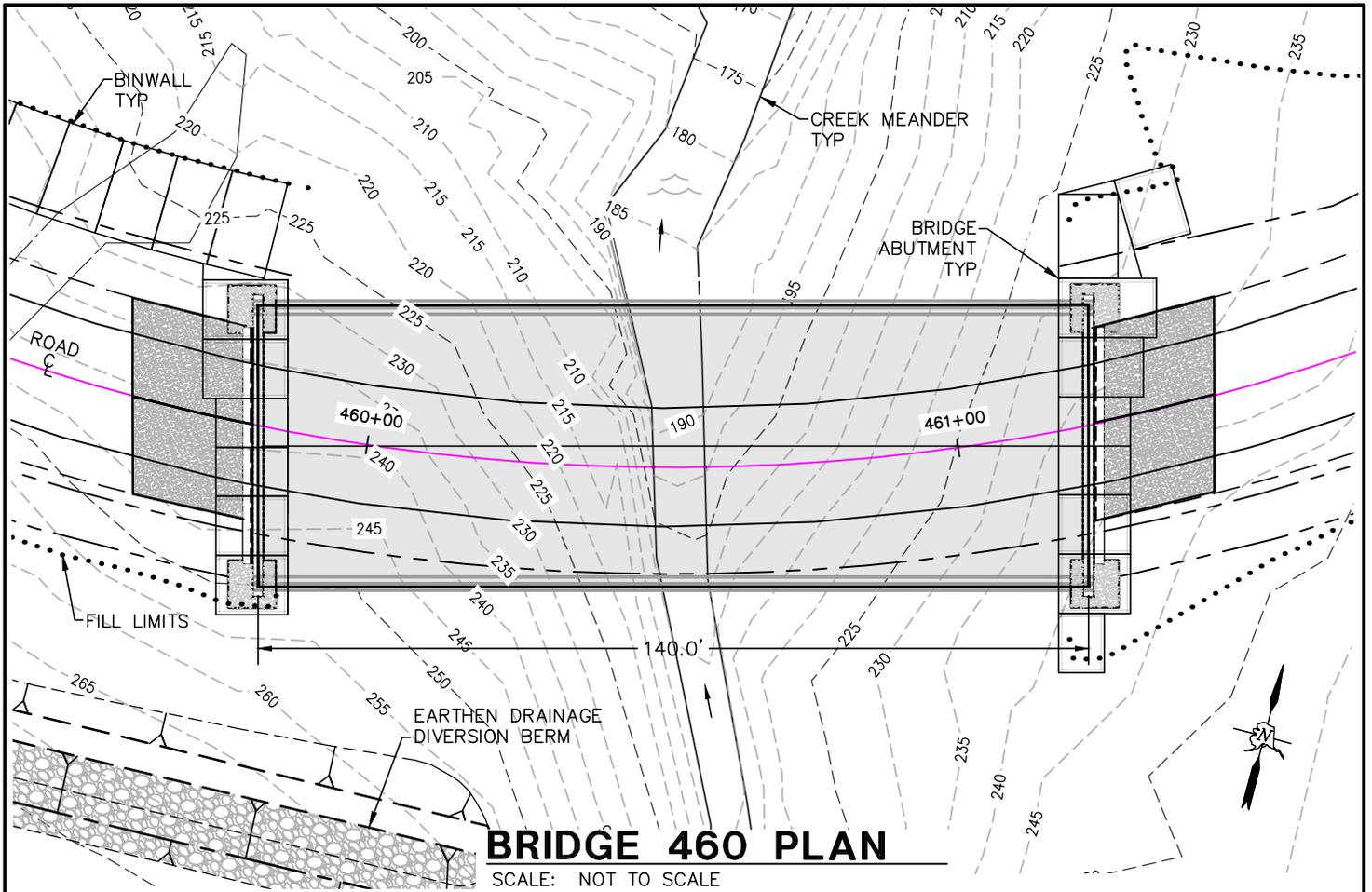
Date: 10/24/2018



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THIS SHEET  
BRIDGE 433 PLAN & PROFILE

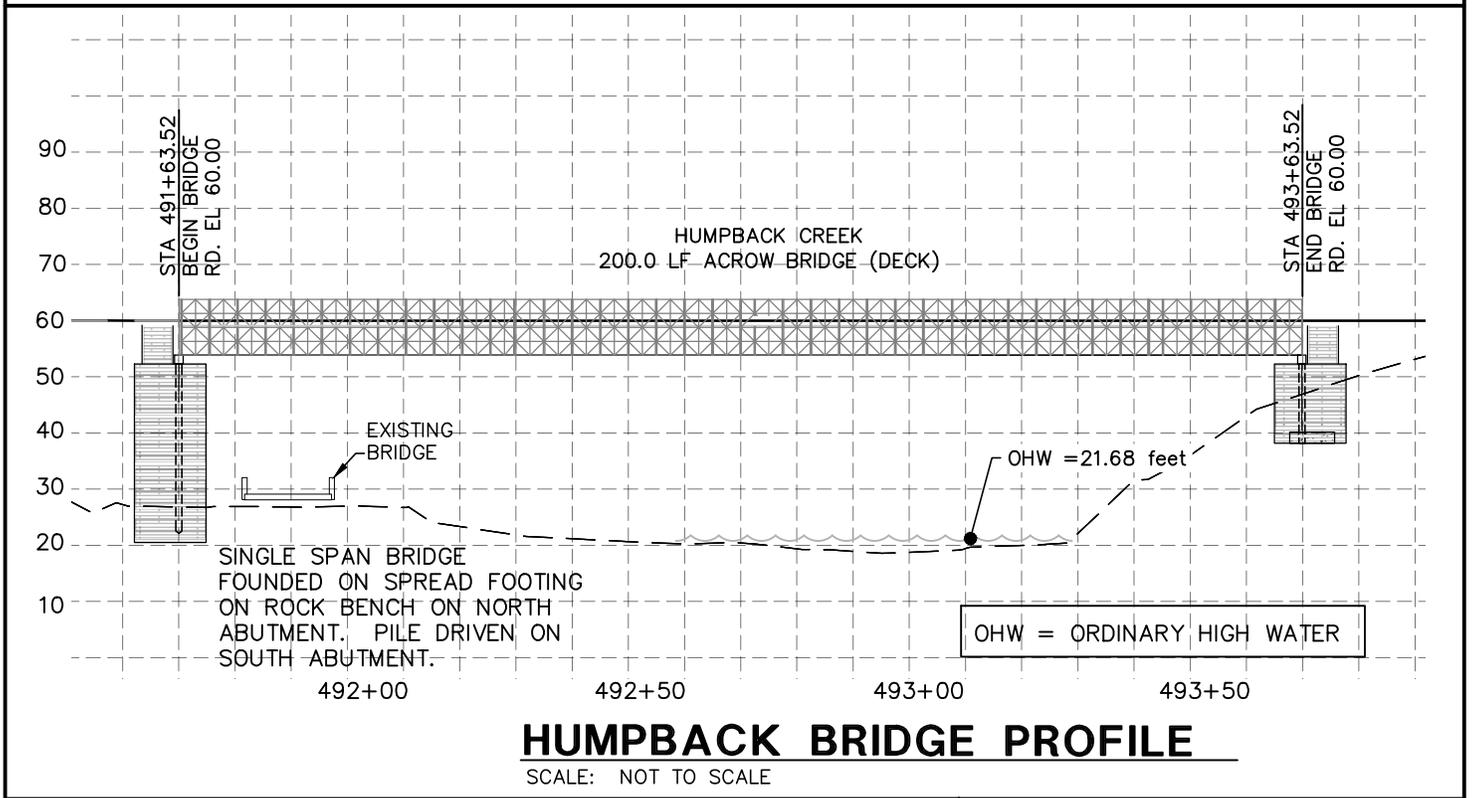
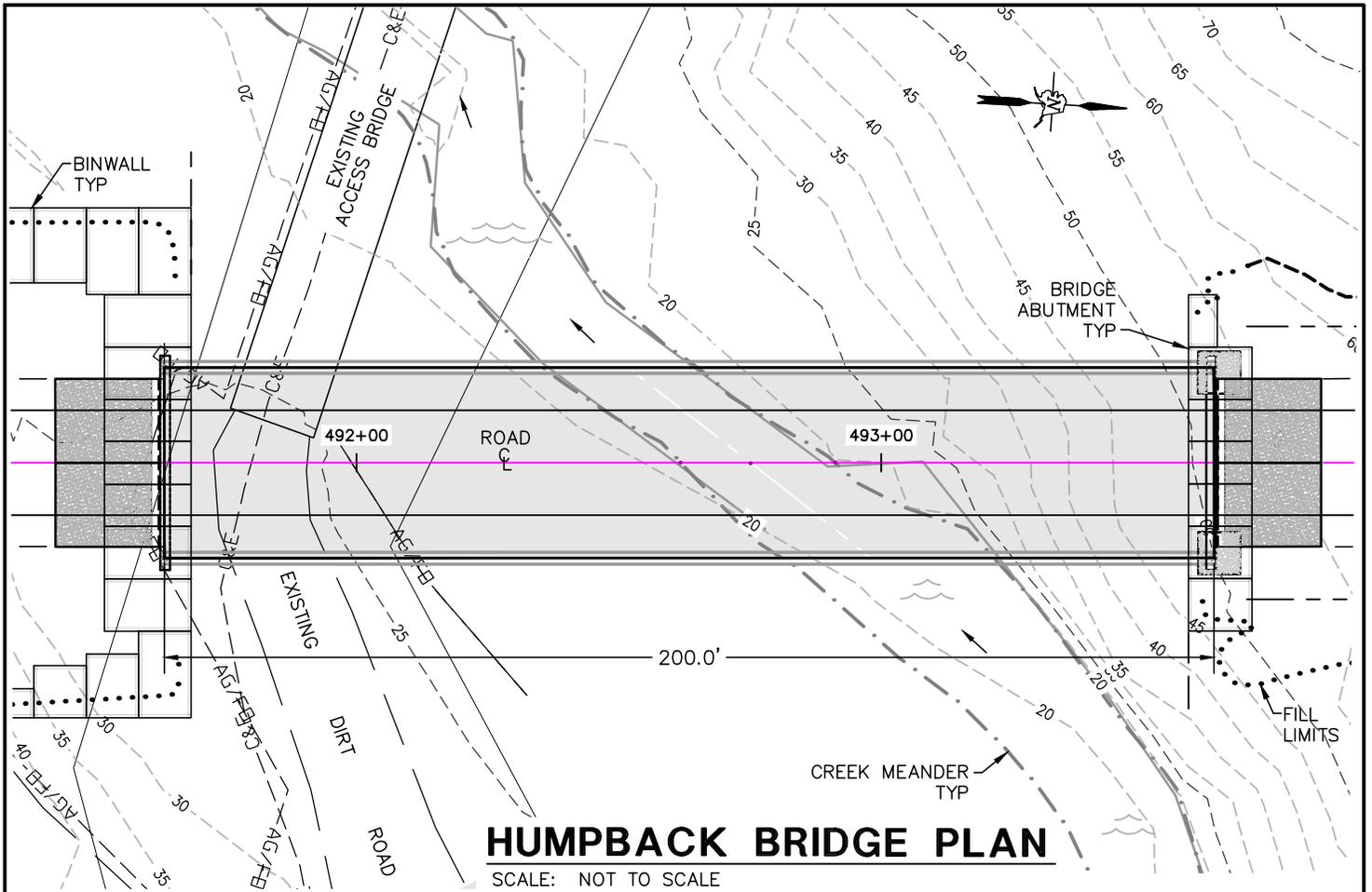
POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: Creek at roadway STA 433  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Sheet 45 of 48 Date: 10/24/2018



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THIS SHEET  
BRIDGE 460 PLAN & PROFILE

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: Creek at roadway STA 460  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Sheet 46 of 48 Date: 10/24/2018



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THIS SHEET

HUMPBACK CREEK BRIDGE PLAN & PROFILE

POA# 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK

Project: Shepard Point Oil Spill Response Facility

Waterway: Humpback Creek

Proposed Activity: Linear Transportation Project

Location: Shepard Point, Cordova Alaska

Sheet 47 of 48 Date: 10/24/2018