



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE: OCTOBER 6, 2008**

**EXPIRATION DATE: NOVEMBER 6, 2008**

**REFERENCE NUMBER: POA-2008-1167**

**WATERWAY: NARROW STRAIT**

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 **Ms. Shannon Morgan** at (907) 317-2140, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Shannon.R.Morgan@usace.army.mil** if further information is desired concerning this notice.

**APPLICANT:** Ouzinkie Native Corporation, 11001 O'Malley Centre Dr., Ste 204, Anchorage, AK 99515.

**LOCATION:** The project site is located within Section 15, T. 26 S., R. 20 W., Seward Meridian; USGS Quad Map Kodiak D-2; Latitude 57.9214° N., Longitude 152.5009° W.; in Ouzinkie, Alaska.

**PURPOSE:** The applicant's stated purpose is to replace the failing and undersized dock with a size more appropriately serving the needs of the community, such as: subsistence fishing, fuel barge service, and future ferry service, as well as the potential for a cannery, boat repair shop, and storage facility on the uplands. The applicant states the upgrade would allow safer handling of cargo, an increase in employee and public safety, increase in potential capacity, and design for possible future ferry traffic.

**PROPOSED WORK:** Place approximately 57,000 cubic yards (cy) of fill material (11,500 cy armor rock, 4,250 cy filter rock, 41,250 shot rock), and a concrete boat ramp in 2.3 acres of waters of the U.S., below the high tide line of Narrow Strait. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated September 4, 2008.

ADDITIONAL INFORMATION: Fill would be obtained from the following sources: 25,000 cy from the adjacent hill cut; an existing quarry by the landfill; and excess armor rock left over from the small boat harbor project. The existing dock structure was constructed in 1964, following the failure of the previous dock due to the 1964 earthquake. Leftover equipment and facilities from the dock destroyed in the 1964 earthquake would be remediated. Existing wastewater pipes would be realigned, but the outfall terminus would remain unchanged. The beach area is mostly rock and gravel, with interstitial sand. Shells are present on the beach, along with many varieties of seaweed, kelp and grasses. There is also debris present from old ship wrecks, previous dock components and an old boiler.

The applicant provided an alternatives analysis packet describing and depicting the alternatives they considered. For a scanned copy of the applicant's alternatives analysis, please send an e-mail request to [Shannon.R.Morgan@usace.army.mil](mailto:Shannon.R.Morgan@usace.army.mil), or call the above telephone numbers.

MITIGATION: The applicant submitted the following proposed mitigation statement:

"1. Avoidance of impacts to waters of the U.S., including wetlands: By replacing the current dock with a new dock in the same location, additional waters of the U.S. have not been affected. The proposed project also utilizes a hill cut to create additional uplands, rather than making a larger dock area to create the necessary upland space.

2. Minimization of unavoidable impacts to waters of the U.S., including wetlands: The design criteria required the dock be larger and have a draft of -30' to accommodate future ferry traffic. In addition, future upland facilities, i.e., a cannery, boat repair shop, storage, etc, required more upland space.

3. Compensation for unavoidable impacts to waters of the U.S., including wetlands: Impacts to waters of the U.S. are unavoidable, because of the nature of the project. Permittee-responsible mitigation is proposed in the form of removal of old debris which has been in the area, located on the hillside on sheet 2 of 7."

The applicant also provided an alternatives analysis packet describing and depicting the alternatives considered. For a scanned copy of the applicant's alternatives analysis, please send an e-mail request to [Shannon.R.Morgan@usace.army.mil](mailto:Shannon.R.Morgan@usace.army.mil), or call the above telephone numbers.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the endangered short-tailed albatross, threatened Steller's eider, sea otter and Steller sea lion, and Kittlitz's murrelet which is a candidate species.

Preliminarily, the described activity may affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated 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).

Preliminarily, the described activity may affect EFH in the project area. 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, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and 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

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2008-1167, NARROW STRAIT**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.

*SARAH PALIN, GOVERNOR*

# 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

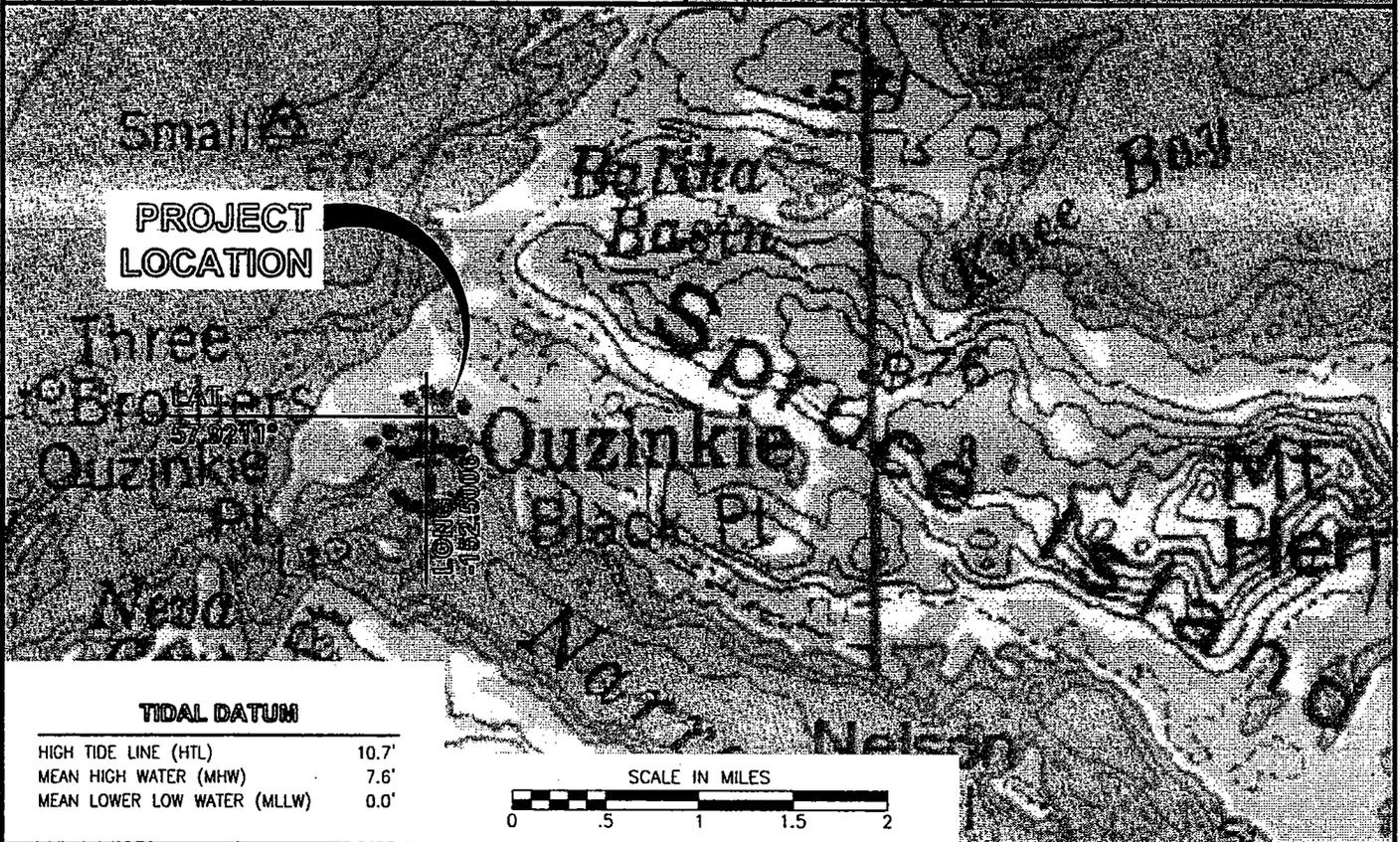
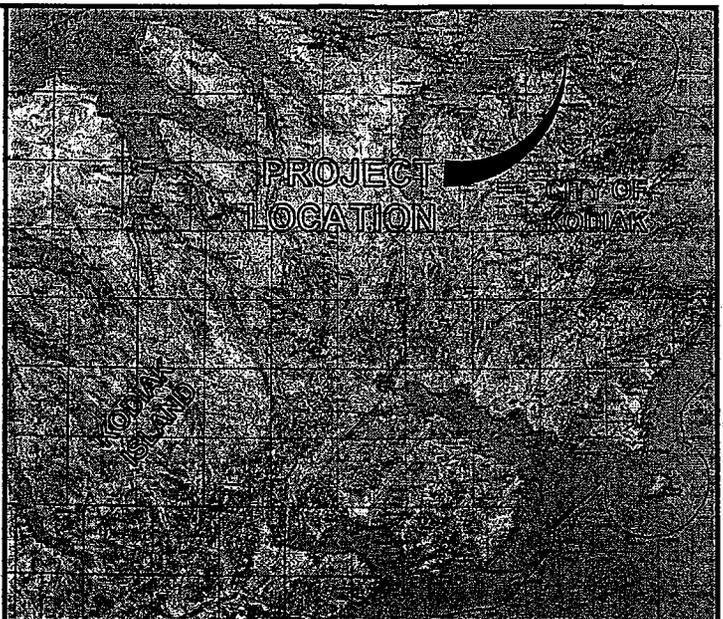
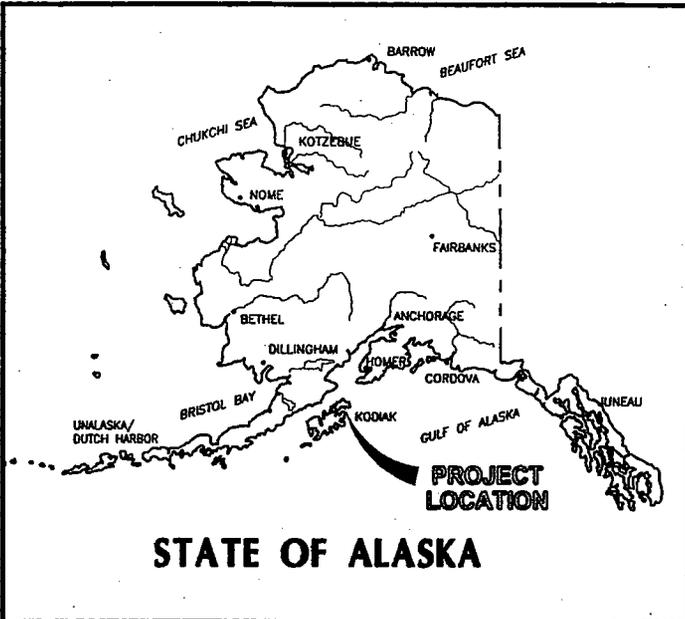
## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2008-1167, NARROW STRAIT**, 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.



**PURPOSE:**  
REPLACE THE EXISTING  
TIMBER DOCK

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**  
1. SEE SHEET 2

**VICINITY MAP AND  
PROJECT LOCATION**

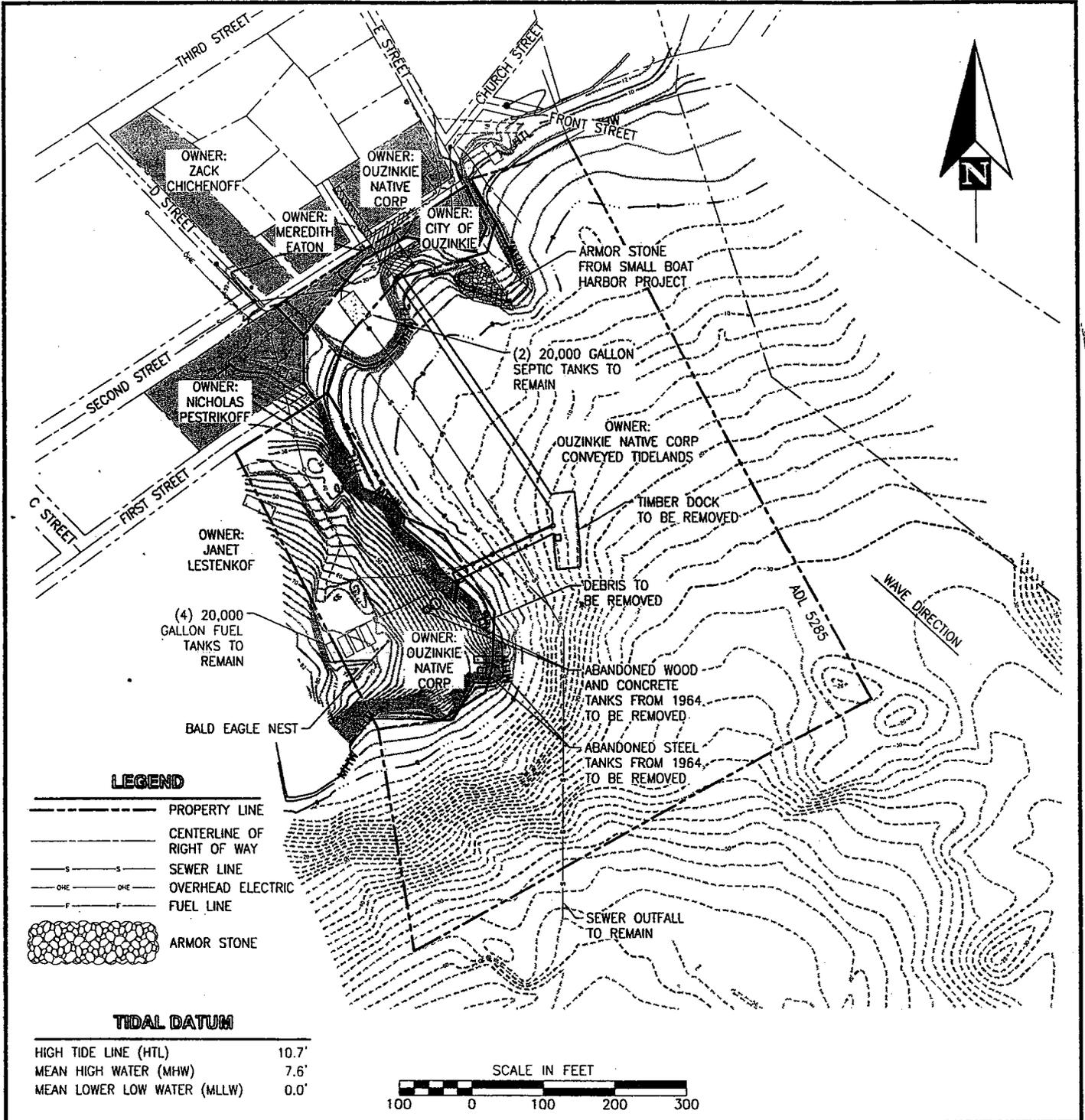
OUZINKIE NATIVE CORPORATION  
11001 O'MALLEY CENTRE DR.  
SUITE 204  
ANCHORAGE, ALASKA 99515

**OUZINKIE DOCK  
REPLACEMENT**

POA-2008-1167

ON: NARROW STRAIT  
AT: OUZINKIE ALASKA  
SEC. 15, T26S, R20W

9/04/08 SHEET 1 of 7



J:\2004\04\1084 Ouzinkie Bulkhead\Drawings 2007\Permitting\02-03 Plans.dwg, 9/9/2008 1:11:04 PM, Aurora Husted, PND Engineers, Inc., 1:1

**PURPOSE:**  
 REPLACE THE EXISTING  
 TIMBER DOCK

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**  
 1. SEE SHEET 2

**EXISTING  
 CONDITIONS AND  
 OWNERSHIP PLAN**

OUZINKIE NATIVE CORPORATION  
 11001 O'MALLEY CENTRE DR.  
 SUITE 204  
 ANCHORAGE, ALASKA 99515

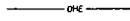
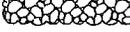
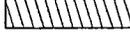
**OUZINKIE DOCK  
 REPLACEMENT**

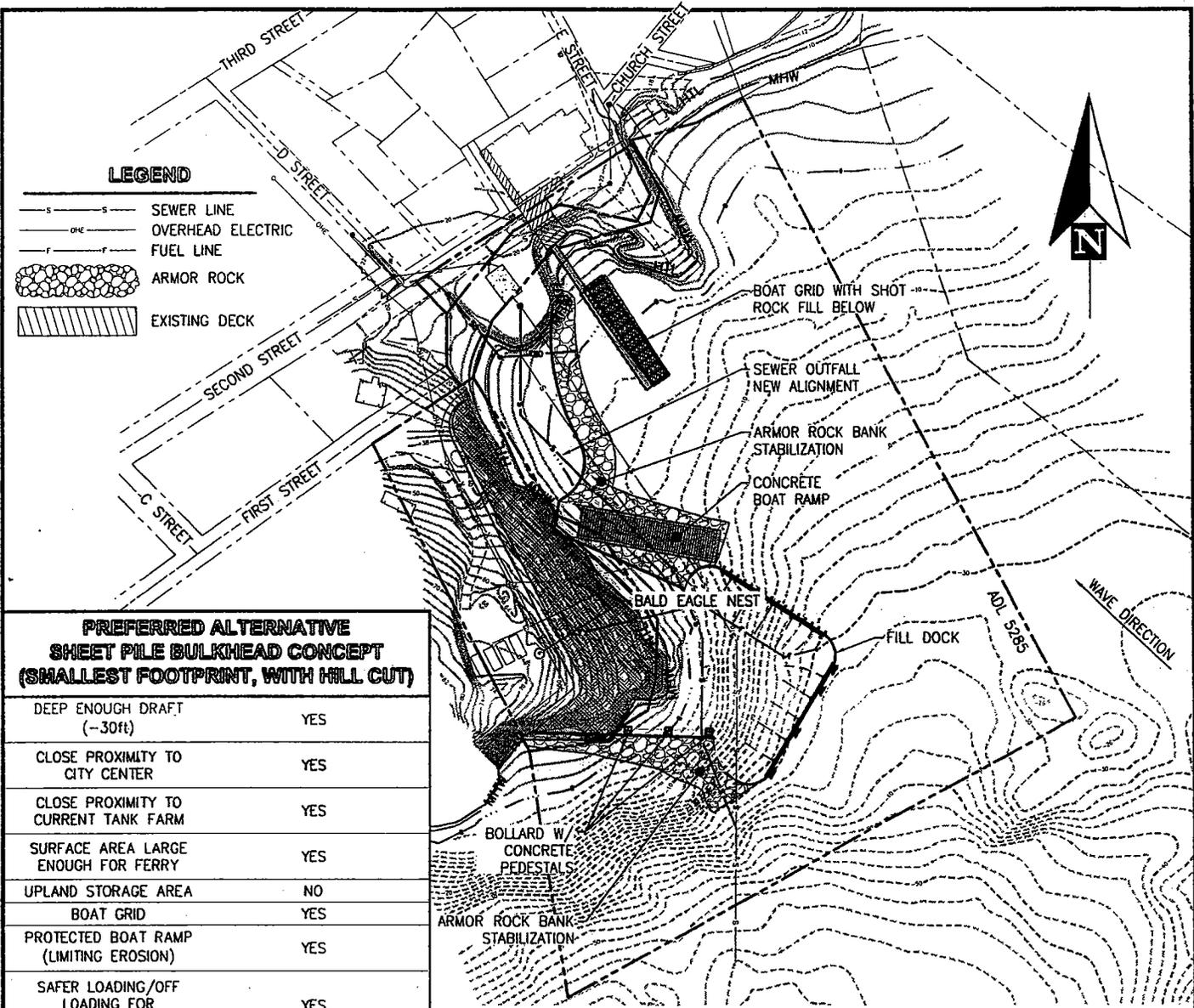
POA-2008-1167

ON: NARROW STRAIT  
 AT: OUZINKIE ALASKA  
 SEC. 15, T26S, R20W

9/04/08 SHEET 2 of 7

**LEGEND**

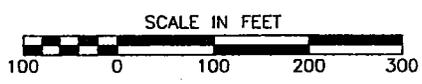
-  SEWER LINE
-  OVERHEAD ELECTRIC
-  FUEL LINE
-  ARMOR ROCK
-  EXISTING DECK



**PREFERRED ALTERNATIVE SHEET PILE BULKHEAD CONCEPT (SMALLEST FOOTPRINT, WITH HILL CUT)**

DEEP ENOUGH DRAFT (-30ft)	YES
CLOSE PROXIMITY TO CITY CENTER	YES
CLOSE PROXIMITY TO CURRENT TANK FARM	YES
SURFACE AREA LARGE ENOUGH FOR FERRY	YES
UPLAND STORAGE AREA	NO
BOAT GRID	YES
PROTECTED BOAT RAMP (LIMITING EROSION)	YES
SAFER LOADING/OFF LOADING FOR FISHERMEN/PUBLIC	YES
FACING PREVAILING WAVES (FOR FUEL BARGES)	YES
COST PROHIBITIVE	NO (\$6,140,000)
LIMITED FOOTPRINT	YES
MIXED USES (FERRY/FUEL AND FISHING)	YES
CONCLUSION:	MEETS ALL CRITERIA, AND HAS THE LEAST ENVIRONMENTAL IMPACT WHILE STILL COST EFFECTIVE

BOAT GRID WITH SHOT ROCK FILL BELOW  
 SEWER OUTFALL NEW ALIGNMENT  
 ARMOR ROCK BANK STABILIZATION  
 CONCRETE BOAT RAMP  
 BALD EAGLE NEST  
 FILL DOCK  
 ADJ. 5285  
 WAVE DIRECTION  
 BOLLARD W/ CONCRETE PEDESTALS  
 ARMOR ROCK BANK STABILIZATION



**QUANTITIES BELOW HTL**

TOTAL FILL	57,000 CY
SURFACE AREA	2.3 acres
ARMOR ROCK	24,000 CY
FENDER PILES	24 PILES
BOAT GRID PILES	75 PILES
FILTER ROCK	16,000 CY
CLASS IV RIP RAP	17,000 CY

**TIDAL DATUM**

HIGH TIDE LINE (HTL)	10.7'
MEAN HIGH WATER (MHW)	7.6'
MEAN LOWER LOW WATER (MLLW)	0.0'

PURPOSE:  
 REPLACE THE EXISTING  
 TIMBER DOCK

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:  
 1. SEE SHEET 2

**NEW SITE PLAN**

OUZINKIE NATIVE CORPORATION  
 11001 O'MALLEY CENTRE DR.  
 SUITE 204  
 ANCHORAGE, ALASKA 99515

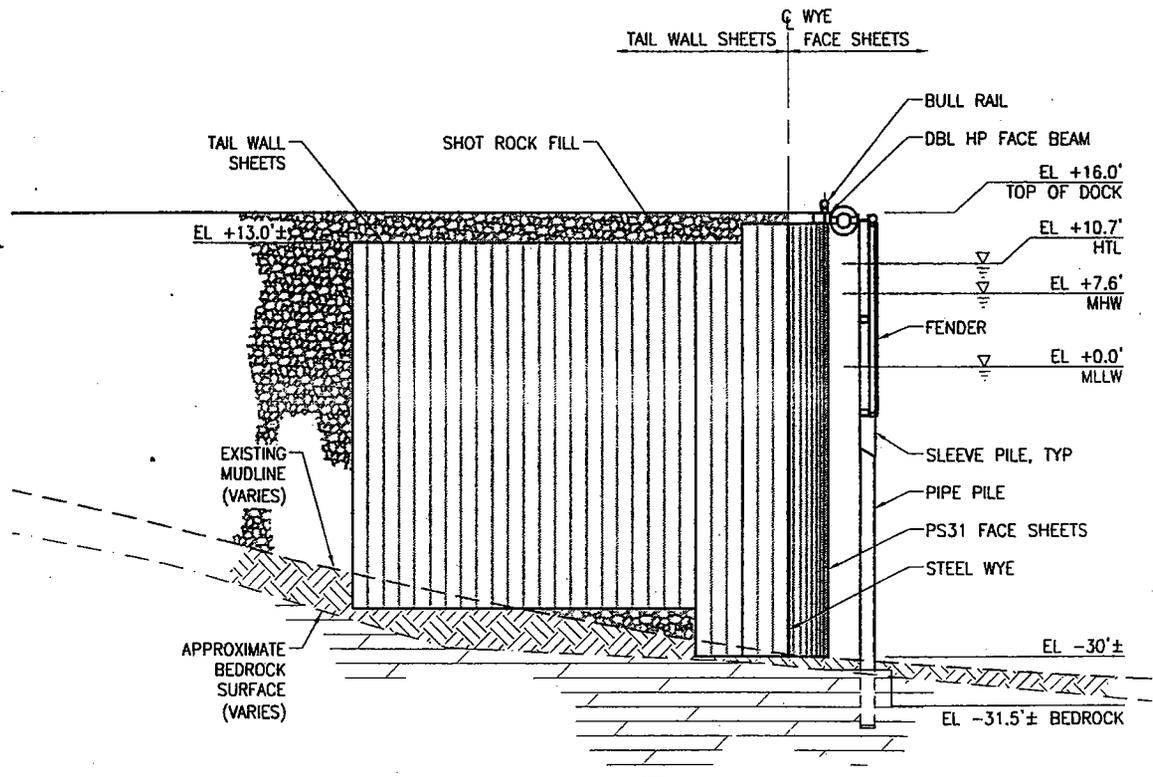
**OUZINKIE DOCK REPLACEMENT**

POA-2008-1167

ON: NARROW STRAIT  
 AT: OUZINKIE ALASKA  
 SEC. 15, T26S, R20W

9/04/08 SHEET 3 of 7

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**TIDAL DATUM**

HIGH TIDE LINE (HTL)	10.7'
MEAN HIGH WATER (MHW)	7.6'
MEAN LOWER LOW WATER (MLLW)	0.0'

**PURPOSE:**  
REPLACE THE EXISTING  
TIMBER DOCK

**DATUM:** 0.0' M.L.L.W.  
**ADJACENT PROPERTY OWNERS:**  
1. SEE SHEET 2

**TYPICAL DOCK  
SECTION**

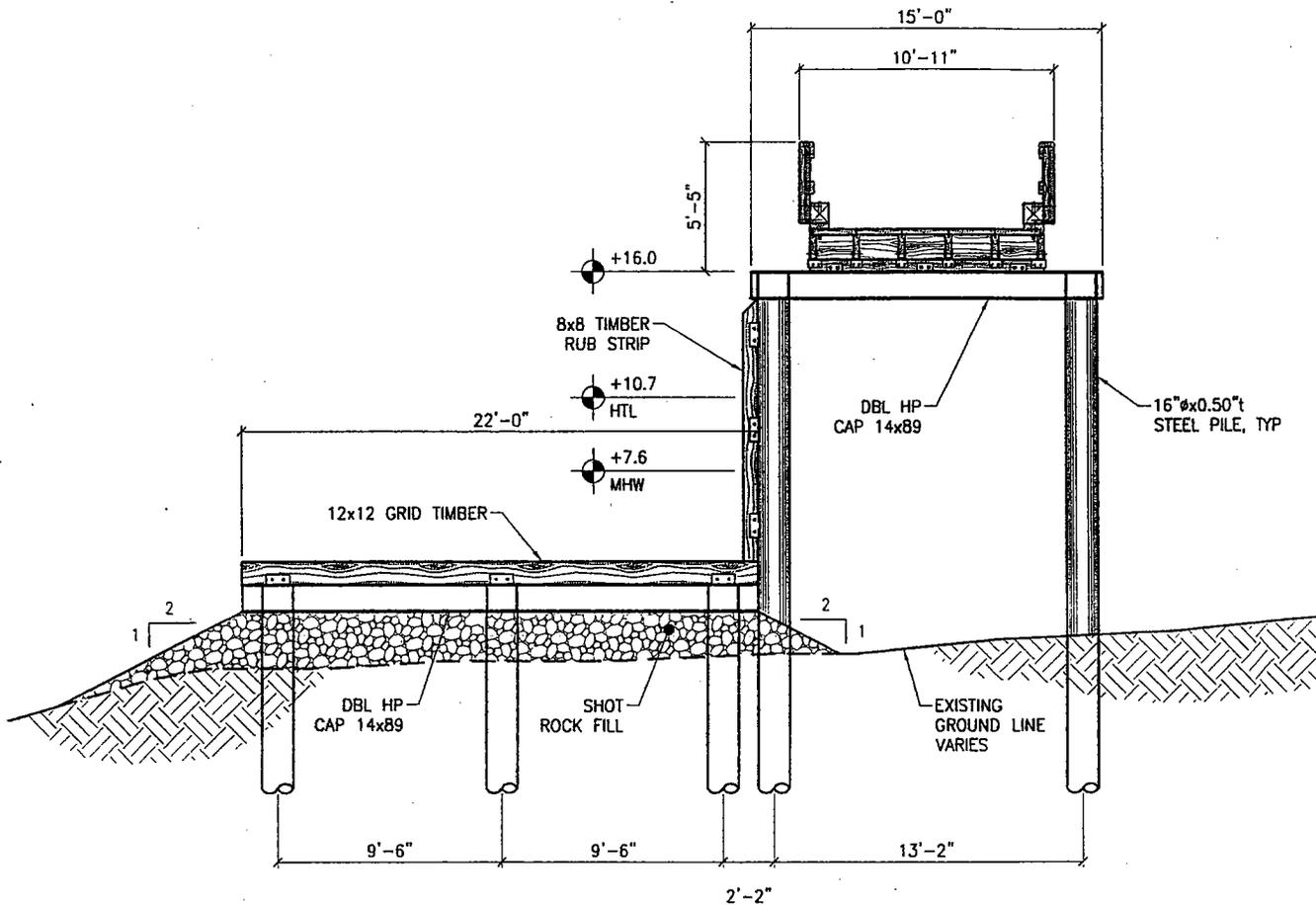
OUZINKIE NATIVE CORPORATION  
11001 O'MALLEY CENTRE DR.  
SUITE 204  
ANCHORAGE, ALASKA 99515

**OUZINKIE DOCK  
REPLACEMENT**

POA-2008-1167

**ON:** NARROW STRAIT  
**AT:** OUZINKIE ALASKA  
SEC. 15, T26S, R20W

9/04/08 SHEET 4 of 7



**NOTE:**  
 ALL TIMBERS TO BE TREATED  
 WITH ACZA PRIOR TO  
 INSTALLATION

**TIDAL DATUM**

HIGH TIDE LINE (HTL)	10.7'
MEAN HIGH WATER (MHW)	7.6'
MEAN LOWER LOW WATER (MLLW)	0.0'

PURPOSE:  
 REPLACE THE EXISTING  
 TIMBER DOCK

**TYPICAL BOAT  
 GRID SECTION**

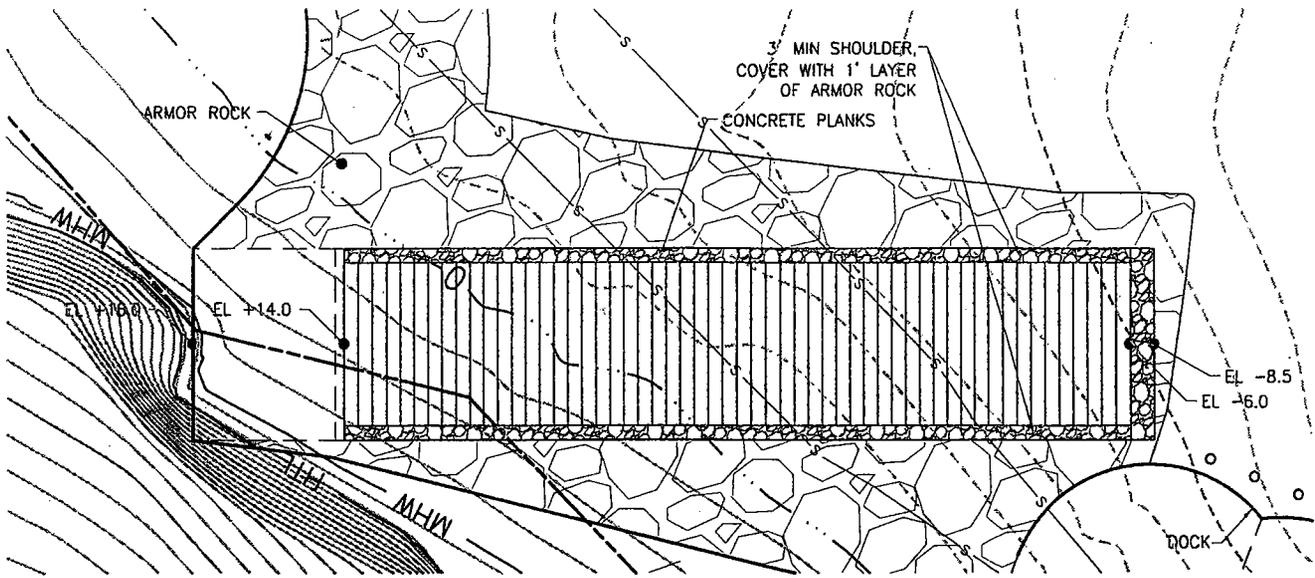
**OZINKIE DOCK  
 REPLACEMENT**

DATUM: 0.0' M.L.L.W.  
 ADJACENT PROPERTY OWNERS:  
 1. SEE SHEET 2

OZINKIE NATIVE CORPORATION  
 11001 O'MALLEY CENTRE DR.  
 SUITE 204  
 ANCHORAGE, ALASKA 99515

POA-2008-1167  
 ON: NARROW STRAIT  
 AT: OZINKIE ALASKA  
 SEC. 15, T26S, R20W

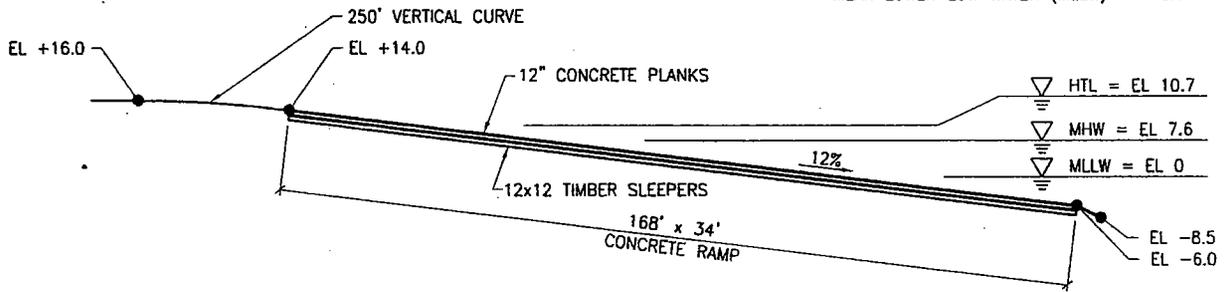
9/04/08 SHEET 5 of 7



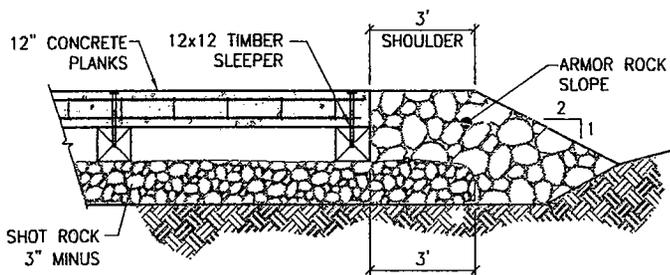
**PLAN**

**TIDAL DATUM**

HIGH TIDE LINE (HTL)	10.7'
MEAN HIGH WATER (MHW)	7.6'
MEAN LOWER LOW WATER (MLLW)	0.0'

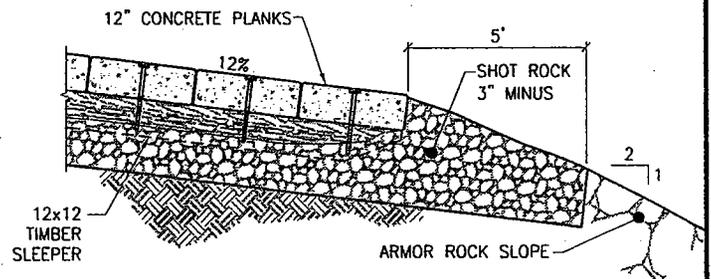


**ELEVATION**



**TYPICAL SHOULDER SECTION**

NTS



**TYPICAL END SECTION**

NTS

PURPOSE:  
REPLACE THE EXISTING  
TIMBER DOCK

**TYPICAL BOAT  
RAMP SECTION**

**OZINKIE DOCK  
REPLACEMENT**

DATUM: 0.0' M.L.L.W.  
ADJACENT PROPERTY OWNERS:  
1. SEE SHEET 2

OZINKIE NATIVE CORPORATION  
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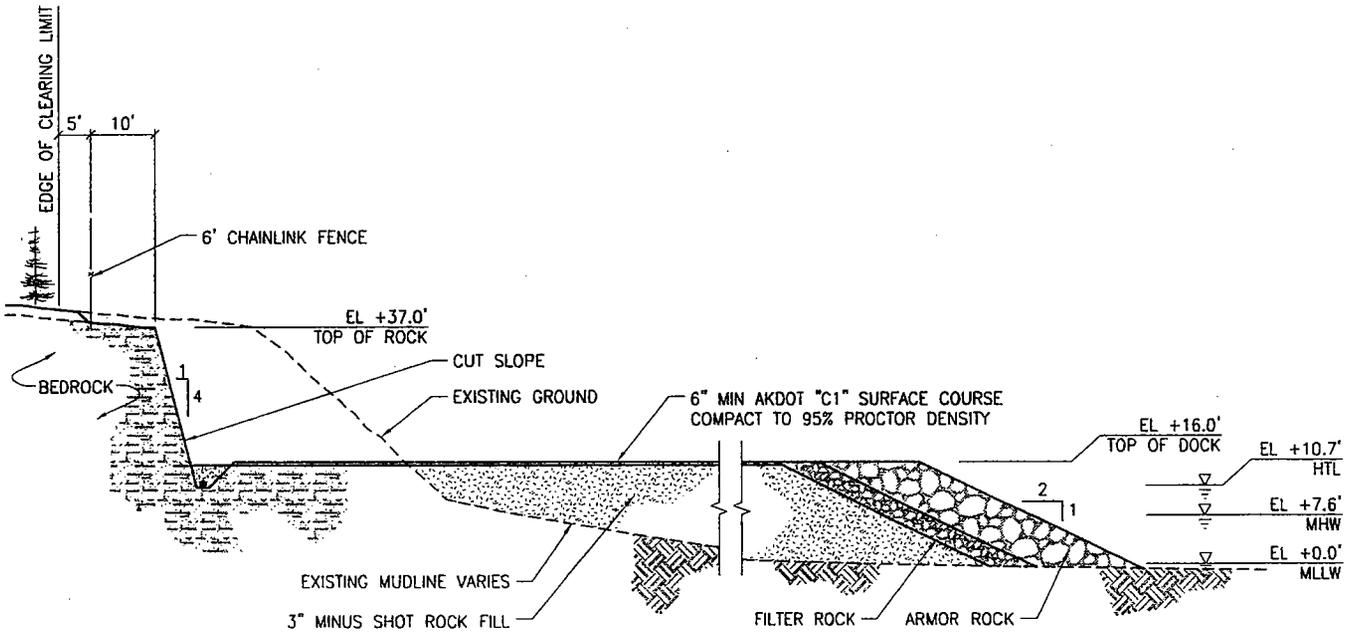
POA-2008-1167

ON: NARROW STRAIT  
AT: OZINKIE ALASKA  
SEC. 15, T26S, R20W

9/04/08

SHEET 6 of 7

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**SITE SECTION**  
NTS

**PURPOSE:**  
REPLACE THE EXISTING  
TIMBER DOCK

**DATUM:** 0.0' M.L.L.W.  
**ADJACENT PROPERTY OWNERS:**  
1. SEE SHEET 2

**TYPICAL BOAT  
RAMP SECTION**

OUZINKIE NATIVE CORPORATION  
11001 O'MALLEY CENTRE DR.  
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**OUZINKIE DOCK  
REPLACEMENT**

POA-2008-1167

**ON:** NARROW STRAIT  
**AT:** OUZINKIE ALASKA  
SEC. 15, T26S, R20W