



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	December 15, 2020
EXPIRATION DATE:	January 14, 2021
REFERENCE NUMBER:	POA-1984-00184
WATERWAY:	Knik Arm

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Estrella.F.Campellone@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alagnak Holdings, LLC., PO Box 3757, Seattle, WA 98127, Tel. 206-241-8778

AGENT: Tom Mortensen LLC., Email: tom@mortensen.com, Tel. 907-229-7400

LOCATION: The project site is located within Section 12, T. 13 N., R. 4 W., Seward Meridian; USGS Quad Map Anchorage A-8; Latitude 61.227881° N., Longitude 149.902471° W.; Commercial Barge Dock Facility, south of Port of Anchorage, in Anchorage, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Port of Anchorage zone.

PURPOSE: The applicant's stated purpose is to continue dredging work to maintain the safe navigation and docking of commercial barges at Alagnak Holdings, LLC. docking facilities.

PROPOSED WORK: To extend maintenance dredging for another 10 years at Alagnak Holdings, LLC. The volume of the material scheduled to be dredged annually is 75,000 cubic yards. Dredging is planned during each low-tide window between April and October to +8 feet Mean Lower Low Water (MLLW) in 1.43 acres (approximate dimensions 125 feet by 500 feet). Work would be conducted using wide-tracked bulldozers at low tide when the dredging area is de-watered. Dredged material would be disposed of on the tidal mudflats adjacent to and seaward of the dredge area located not less than 200 feet north of the Ordinary High-Water Mark channel of tidal Ship Creek. The dredge disposal area on the mudflats is 2.30 acres (approximate dimensions 100 feet by 500 feet).

The proposed maintenance dredging activities will continue to be done at low tides when the mudflats at the dredging area are de-watered. In general, the dredging may require two days to complete within each low tide window. There are approximately 15 low tide windows each year between April and October when maintenance dredging can be done. The actual dates of dredging each year vary, because the dates of the low tide windows change.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated November 2020.

ADDITIONAL INFORMATION: In February 2003, the first maintenance dredging work was permitted jointly with a permit modification issued to Sway Bay Holdings LLC. for the construction of a dock facility at Sway Bay Holdings LLC. Contract 5423, for the purpose of expanding their maritime commerce docking facility and storage area for the loading, unloading, storing and handling of bulk commodities (e.g., salt, gravel, timber, steel, coal, and manufactured foreign goods). This modification combined several previous modifications into one viable project which included the construction of a sheet pile bulkhead dock to elevation +35 and a pile supported dock at elevation -40' MLLW. The 2003 maintenance dredging was issued to last 10 years for the purpose of maintaining the -40' MLLW depth at the vessels docking area and expired on December 31, 2012. A second 10-year time extension for maintenance dredging was authorized by the Corps of Engineers (Corps) in April 2011, and is to expire on March 31, 2021. The permit was transferred to Alagnak Holdings, LLC. on September 8, 2020.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: The applicant indicated that the project cannot avoid impacts to tidal mudflats because it is dependent on its location.
- b. Minimization: Disposal of dredged material will be limited to what is necessary to ensure that dredged area is deep enough to maintain safe navigation and docking conditions for vessels using the commercial barge dock.

- c. **Compensatory Mitigation:** The applicant did not propose compensatory mitigation as they considered this is a maintenance activity typical of port facility routine. The initial permit, which included the construction of the existing bulkhead dock and maintenance dredging, required compensatory mitigation.

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 (ADEC). The applicant has submitted a pre-filing meeting request on November 27, 2020.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the project and immediately adjacent areas. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required; however, 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 Cook Inlet beluga whales (*Delphinapterus leucas*). We have determined the described project modification may affect, but not likely to adversely affect the endangered Cook Inlet beluga whale. We have also determined that the proposed modification would have no effect on its designated critical because it is located within the boundaries of the Port of Anchorage exclusion zone as described in 50 CFR Part 226 Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale; Final Rule dated April 11, 2011. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844) with the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of the five species of Pacific salmon: pink (*Oncorhynchus gorbuscha*), chum (*O. keta*), sockeye (*O. nerka*), coho (*O. kisutch*), and chinook (*O. tshawytscha*).

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

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure

POA-1984-00184 MOD #18

10-Year Maintenance Dredging Time Renewal

Legend

Dredging Area

Disposal Area

Beluga Whale
Critical Habitat
Boundary

Ship Creek
Boat launch



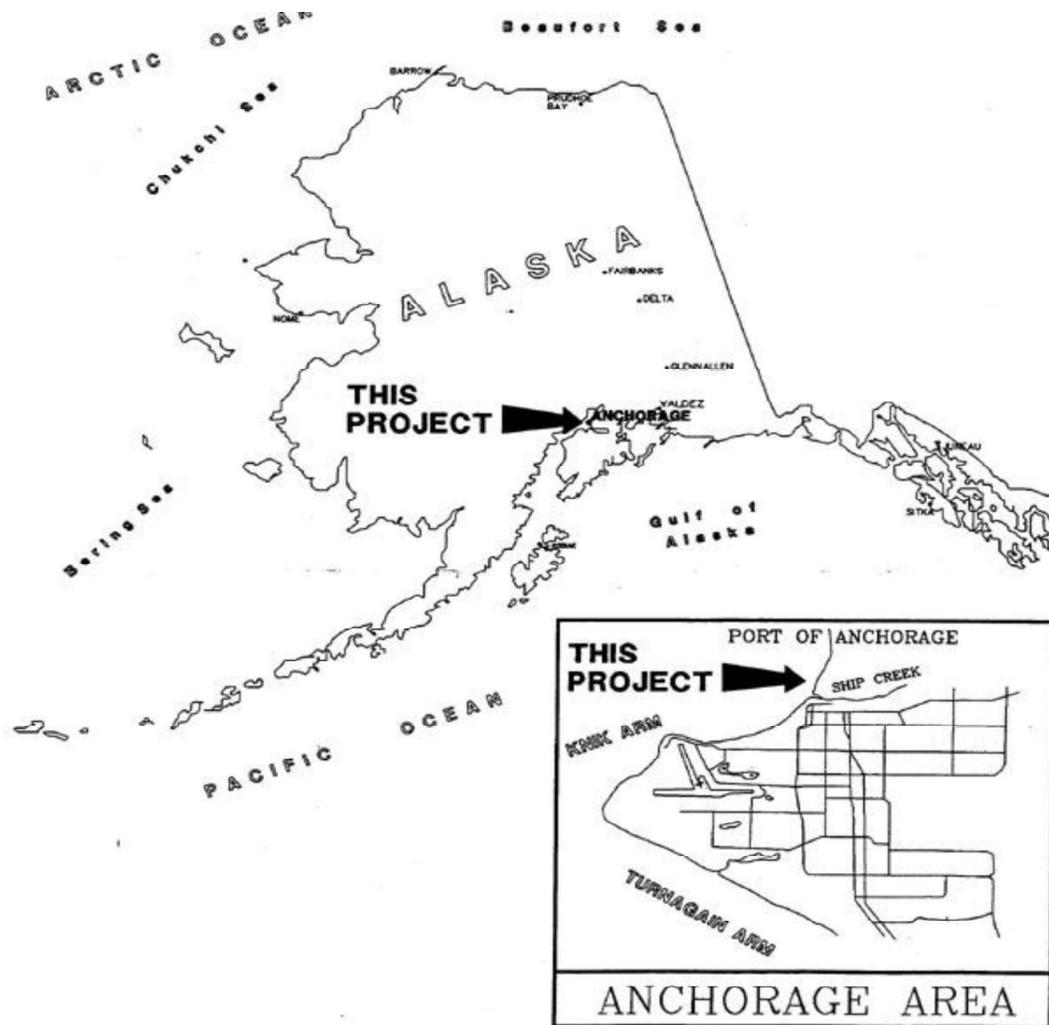
1000 ft

Google Earth

Image Municipality of Anchorage
Image © 2020 Maxar Technologies



EXHIBIT 1



LOCATION MAP

POA-1984-00184-MOD #18, Knik Arm

PROPOSED PROJECT: Renewal of existing maintenance dredging at existing dock.

PROJECT PURPOSE: Maintenance dredging to maintain safe navigation at existing dock.

LOCATION: South of Port of Anchorage. T13N R4W, Sec 12 SM. 61 13' 37" N., 149 53' 37" W

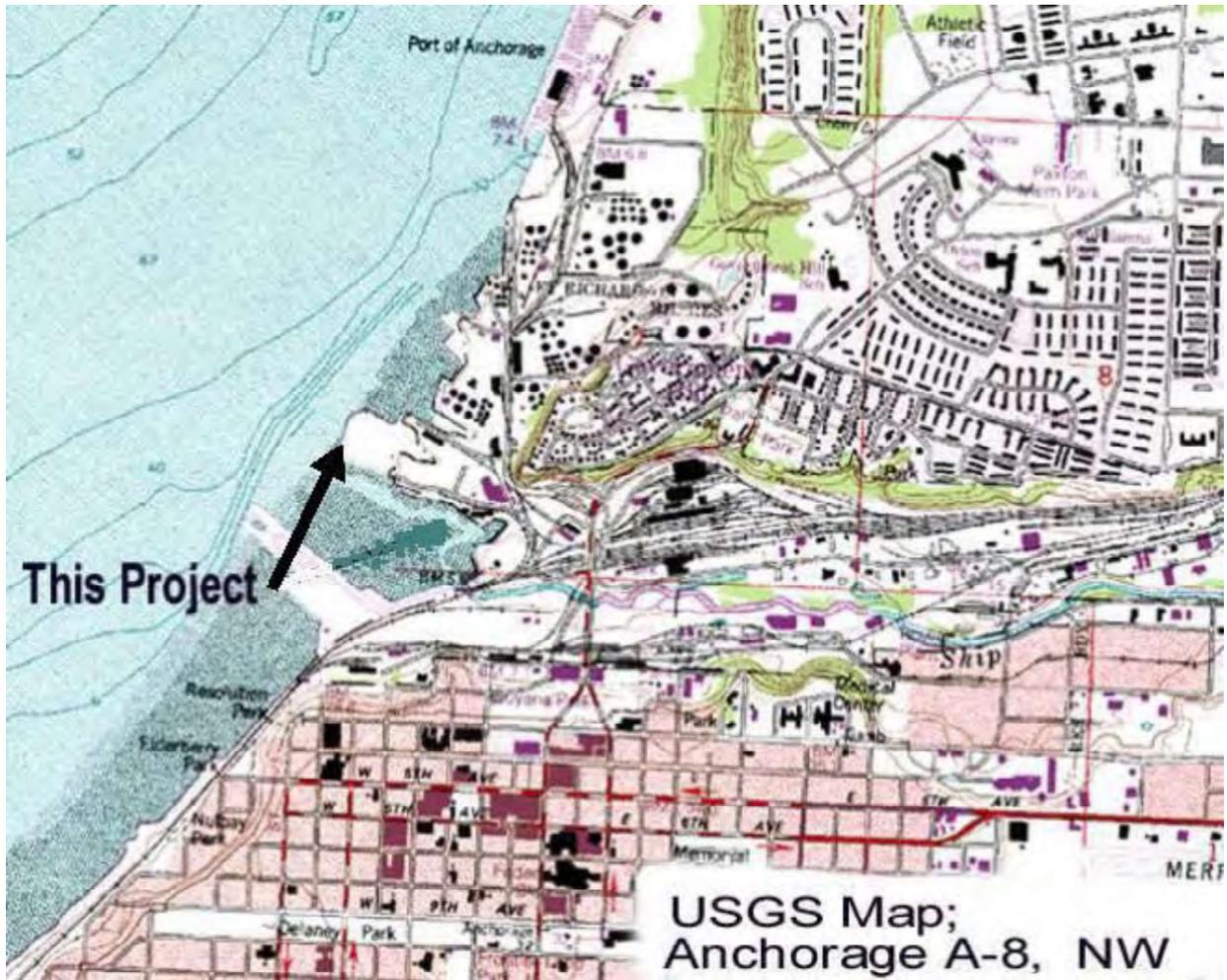
APPLICANT: Alagnak Holdings LLC.

DATE: November 2020.

SHEET: 1 of 4.

AGENT : Tom Mortensen LLC.

EXHIBIT 2



AREA MAP

POA-1984-00184-MOD #18, Knik Arm

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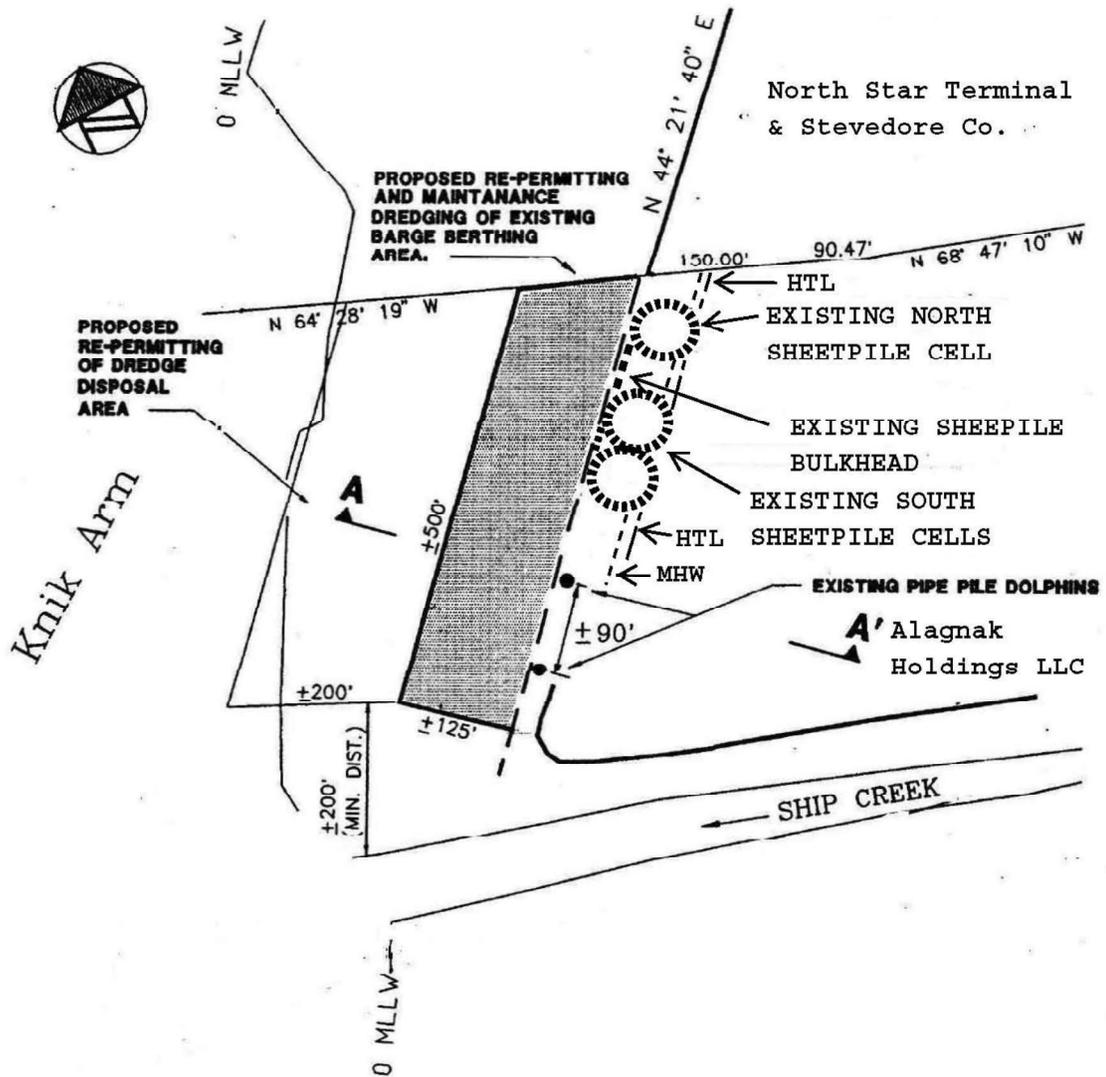
APPLICANT: Alagnak Holdings LLC.

DATE: November 2020.

SHEET: 2 of 4.

AGENT : Tom Mortensen LLC.

EXHIBIT 3



DATUM: HTL = +34.1 FT.
 MHW = +28.3 FT.
 MLLW = 0.0 FT.

SCALE = NTS

PLAN VIEW

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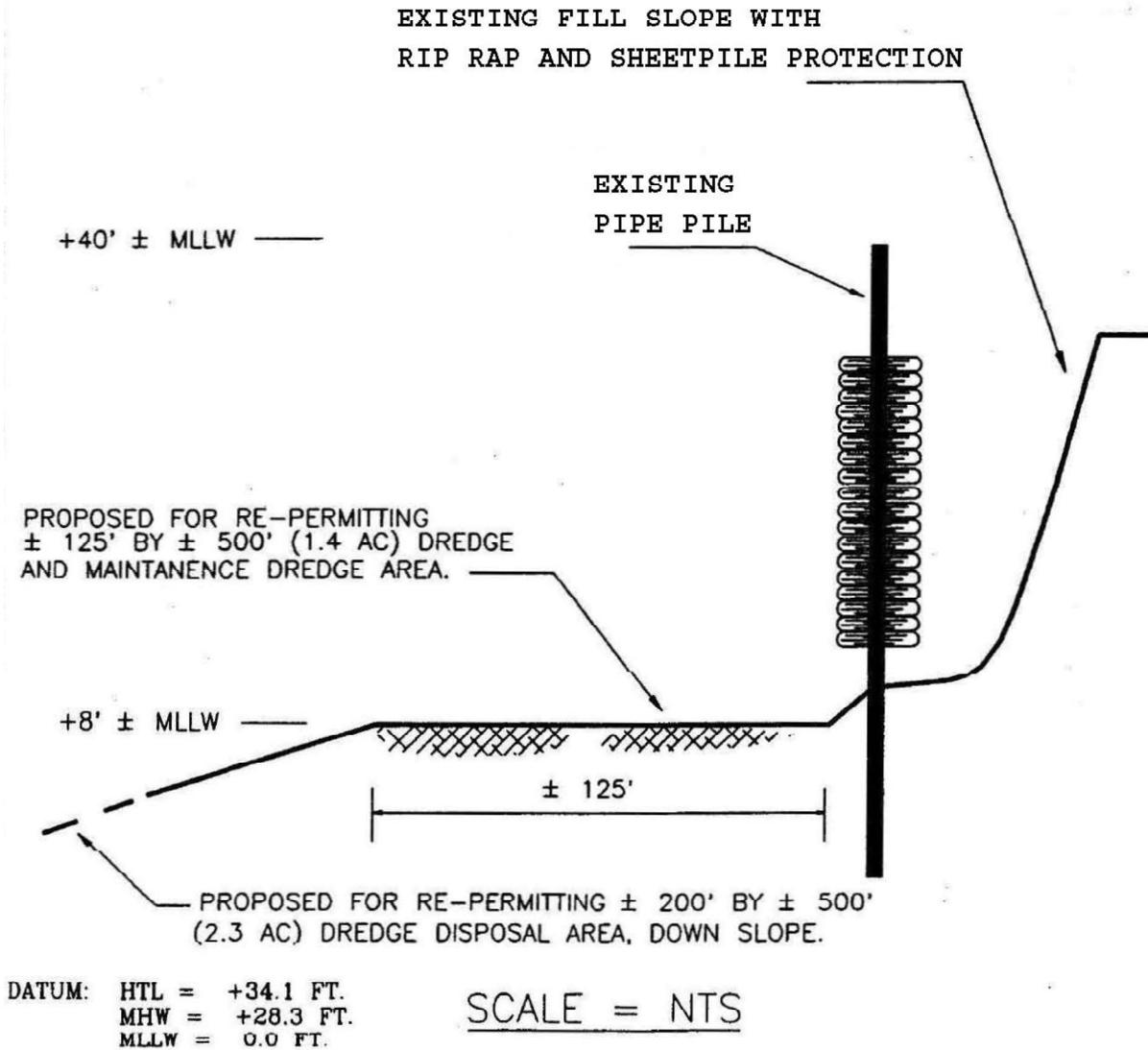
APPLICANT: Alagnak Holdings LLC.

DATE: November 2020.

SHEET: 3 of 4.

AGENT: Tom Mortensen LLC.

EXHIBIT 4



SECTION A - A'

POA-1984-00184-MOD #18, Knik Arm

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APPLICANT: Alagnak Holdings LLC.

DATE: November 2020.

SHEET: 4 of 4.

AGENT : Tom Mortensen LLC.