



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:	June 10, 2019
EXPIRATION DATE:	July 10, 2019
REFERENCE NUMBER:	POA-2018-00199
WATERWAY:	Kotzebue Sound

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

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to 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 Nicholas Lucore at (907) 753-5783, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Nicholas.Lucore@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Crowley Fuels, LLC; Attention: Jed Dixon; 201 Arctic Slope Avenue; Anchorage, Alaska 99518

AGENT: PND Engineers, Inc.; Brenna Huges; 1506 West 36th Avenue; Anchorage, Alaska 99503

LOCATION: The project site is located within Section 3, T. 17 N., R. 18 W., Kateel River Meridian; USGS Quad Map Kotzebue D-2; Latitude 66.9038° N., Longitude 162.5841° W.; in Kotzebue, Alaska.

PURPOSE: The applicant's stated purpose is to repair and improve access to an existing docking facility.

PROPOSED WORK: The applicant has proposed to discharge 12,400 cubic yards of fill into 0.6-acre of sub-tidal marine waters to expand an existing docking facility. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated May 21, 2019.

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

a. Avoidance: Impacts to waters of the U.S. could not be avoided as this project is dependent on maritime access by nature.

b. Minimization: The size of the construction area was minimized to the most practicable extent to provide a safe and functional dock without causing interference with adjacent docks.

c. Compensatory Mitigation: The project results in a minimal loss of tidelands and waters of the U.S. in an existing industrialized area. The project site is already in use as an industrial dock and the proposed expansion will support essential community services, including energy security. As such, no compensatory mitigation is proposed for this project.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project which would occur only in waters of the U.S., including wetlands. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO). 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened polar bear (*Ursa maritimus*), threatened Steller's eider (*Polysticta stelleri*), and threatened spectacled eider (*Polysticta fischeri*), Ringed seal (*Pusa hispida*), threatened Bearded seal (*Erignathus barbatus*), Humpback whale (*Megaptera novaeangliae*, [endangered Western Northern Pacific DPS and threatened Mexico DPS]), endangered Bowhead whale (*Balaena mysticetus*), and endangered Fin whale (*Balaenoptera physalus*).

We have determined the described activity may affect the threatened or endangered polar bear (*Ursa maritimus*), Steller's eider (*Polysticta stelleri*), and spectacled eider (*Polysticta fischeri*), Ringed seal (*Pusa hispida*), Bearded seal (*Erignathus barbatus*), Humpback whale (*Megaptera novaeangliae*, [endangered Western Northern Pacific DPS and threatened Mexico DPS]), Bowhead whale (*Balaena mysticetus*), and Fin whale (*Balaenoptera physalus*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFW) 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).

The project area is within the known range of the Arctic Cod (*Boreogadus saida*). We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a Public Hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: 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 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 (PN) Reference Number **POA-2018-00199, Kotzebue Sound**, 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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act 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 Theresa Zimmerman at 907-465-6171 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.

PROJECT LOCATION

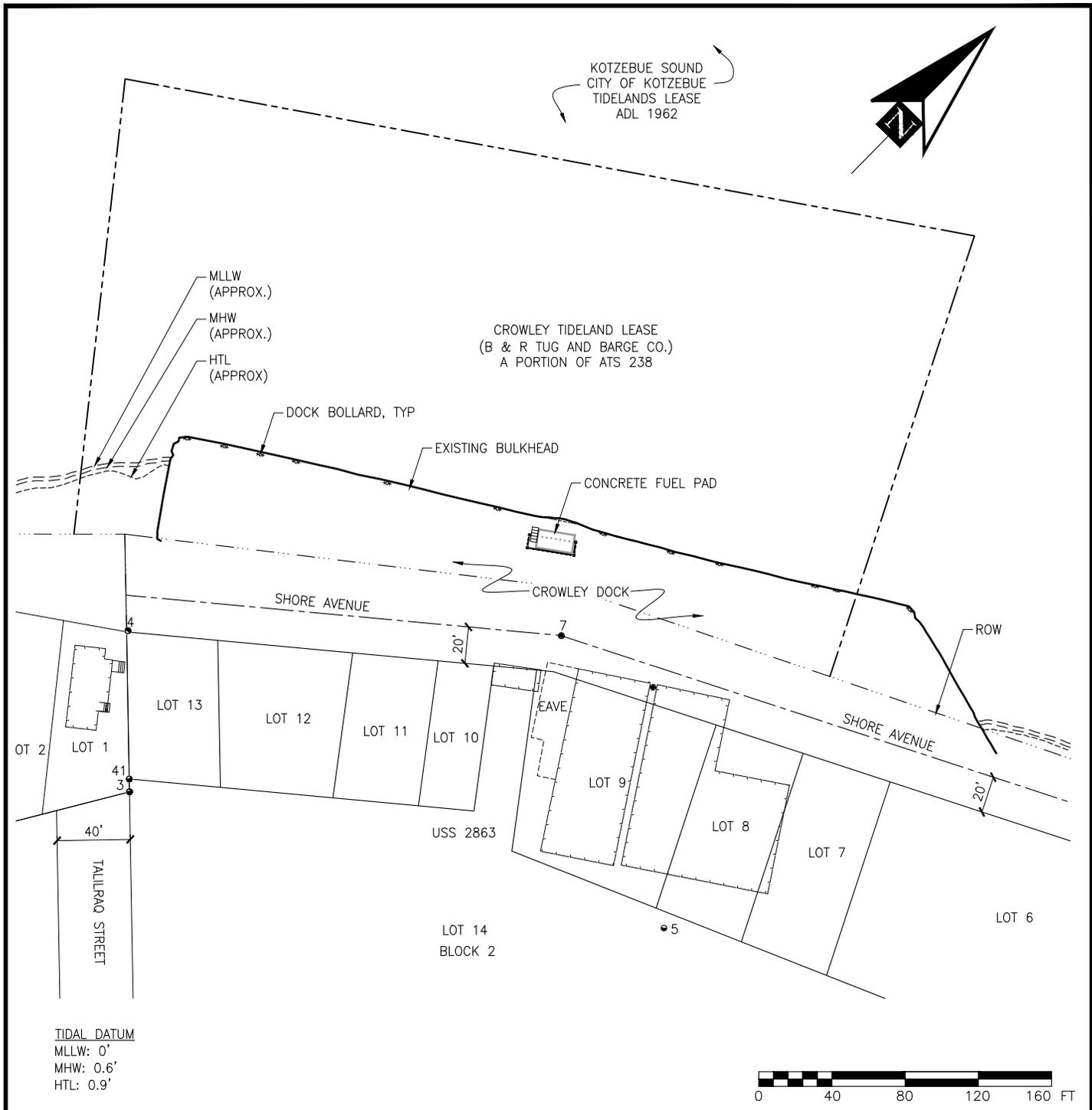


PROJECT LOCATION

STATE OF ALASKA



<p>PURPOSE: UPGRADE THE EXISTING CROWLEY SHEET PILE BULKHEAD</p> <p>ADJACENT PROPERTY OWNERS: THE CITY OF KOTZEBUE</p> <p>PROJECT LOCATION: LAT: N66.9038 LONG: W162.5841 S3 T17N R18W KATEEL RIVER MERIDIAN</p>	<p>LOCATION</p> <p>APPLICANT: CROWLEY FUELS LLC 201 ARCTIC SLOPE AVE ANCHORAGE, AK 99518</p>	<p>CROWLEY KOTZEBUE DOCK</p> <p>POA-2018-00199</p> <p>MLLW = 0' KOTZEBUE, AK KOTZEBUE SOUND</p> <p>5/21/2019 SHEET 1 of 4</p>
---	--	--



PURPOSE:
UPGRADE THE EXISTING
CROWLEY SHEET PILE BULKHEAD

ADJACENT PROPERTY OWNERS:
THE CITY OF KOTZEBUE

PROJECT LOCATION:
LAT: N66.9038 LONG: W162.5841
S3 T17N R18W
KATEEL RIVER MERIDIAN

EXISTING SITE PLAN

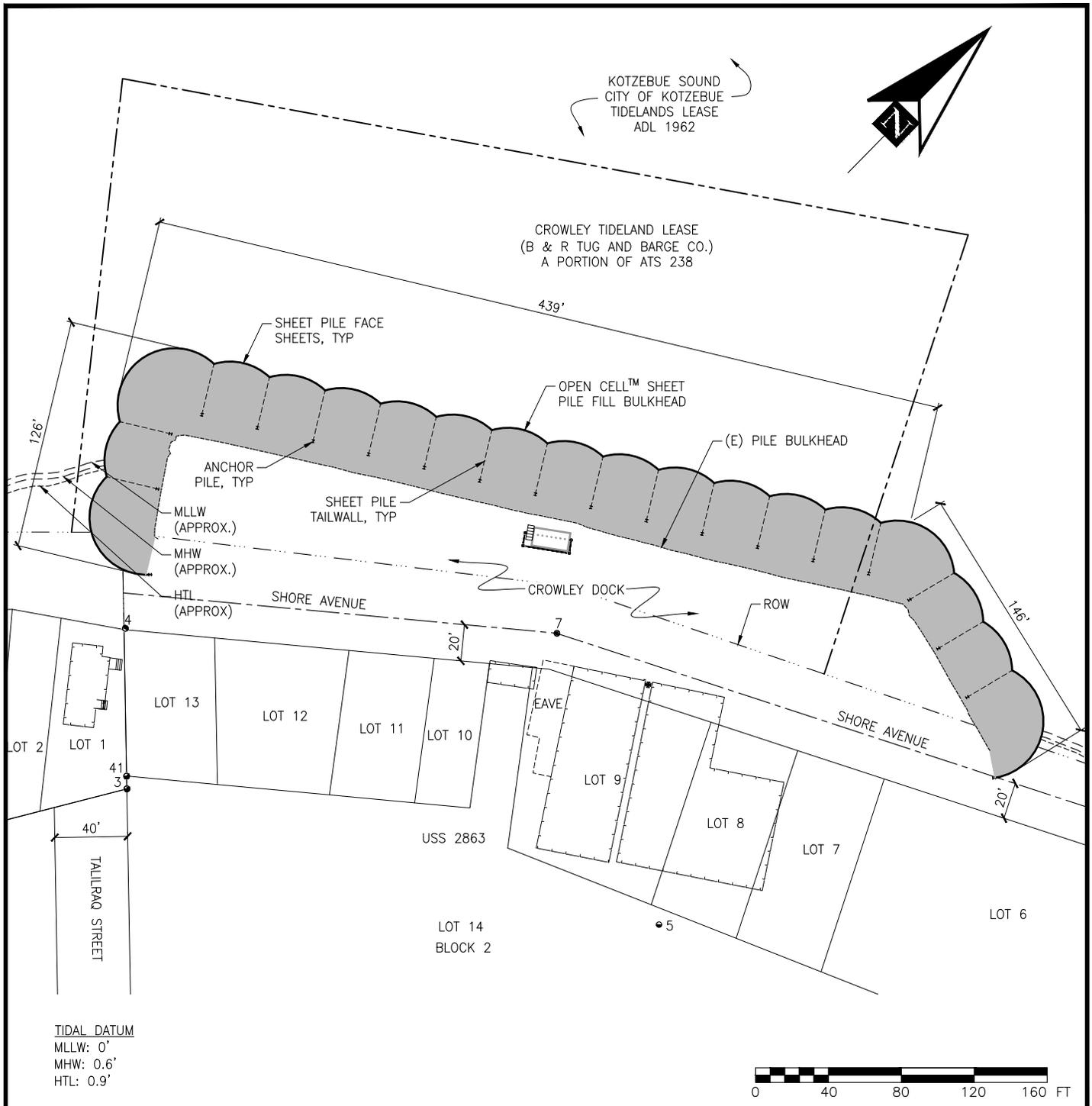
APPLICANT:
CROWLEY FUELS LLC
201 ARCTIC SLOPE AVE
ANCHORAGE, AK 99518

CROWLEY KOTZEBUE DOCK

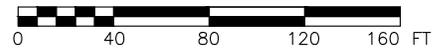
POA-2018-00199

MLLW = 0'
KOTZEBUE, AK
KOTZEBUE SOUND

5/21/2019 SHEET **2** of **4**



TIDAL DATUM
 MLLW: 0'
 MHW: 0.6'
 HTL: 0.9'



PURPOSE:
 UPGRADE THE EXISTING
 CROWLEY SHEET PILE BULKHEAD

ADJACENT PROPERTY OWNERS:
 THE CITY OF KOTZEBUE

PROJECT LOCATION:
 LAT: N66.9038 LONG: W162.5841
 S3 T17N R18W
 KATEEL RIVER MERIDIAN

NEW DOCK PLAN

APPLICANT:
 CROWLEY FUELS LLC
 201 ARCTIC SLOPE AVE
 ANCHORAGE, AK 99518

CROWLEY KOTZEBUE DOCK

POA-2018-00199

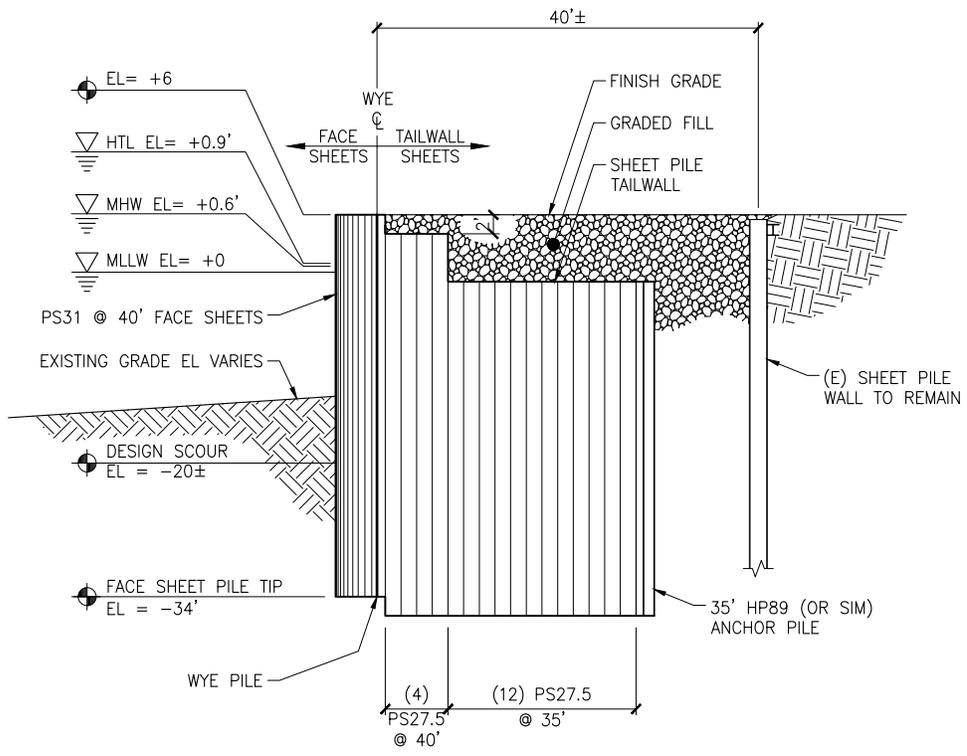
MLLW = 0'
 KOTZEBUE, AK
 KOTZEBUE SOUND

5/21/2019

SHEET **3** of **4**

PERMIT QUANTITIES

FOOTPRINT TOTAL=	0.66 ACRE
FOOTPRINT BELOW HTL=	0.66 ACRE
FOOTPRINT BELOW MLLW=	0.66 ACRE
FILL BELOW HTL=	12,400 CY
FILL BELOW MHW=	12,100 CY
FILL BELOW MLLW=	11,500 CY
SHEET PILE BELOW HTL=	905 EA
SHEET PILE BELOW MHW=	905 EA
SHEET PILE BELOW MLLW =	905 EA
ANCHOR PILE BELOW HTL=	18 EA
ANCHOR PILE BELOW MHW=	18 EA
ANCHOR PILE BELOW MLLW=	18 EA
TEMP. 24" PIPE PILE BELOW HTL=	170 EA
TEMP. 24" PIPE PILE BELOW MHW=	170 EA
TEMP. 24" PIPE PILE BELOW MLLW=	170 EA



TYPICAL SECTION
NTS

<p>PURPOSE: UPGRADE THE EXISTING CROWLEY SHEET PILE BULKHEAD</p> <p>ADJACENT PROPERTY OWNERS: THE CITY OF KOTZEBUE</p> <p>PROJECT LOCATION: LAT: N66.9038 LONG: W162.5841 S3 T17N R18W KATEEL RIVER MERIDIAN</p>	<p>TYPICAL SECTION</p> <p>APPLICANT: CROWLEY FUELS LLC 201 ARCTIC SLOPE AVE ANCHORAGE, AK 99518</p>	<p>CROWLEY KOTZEBUE DOCK</p> <p>POA-2018-00199</p> <p>MLLW = 0' KOTZEBUE, AK KOTZEBUE SOUND</p> <p>5/21/2019 SHEET 4 of 4</p>
---	---	---