



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	May 14, 2021
EXPIRATION DATE:	June 14, 2021
REFERENCE NUMBER:	POA-2019-00459
WATERWAY:	Captains Bay

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (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. 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 Jen Martin at: (907) 753-2730 or by email at: Jen.L.Martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Unalaska (COU), Attention: Robert Cummings, 1035 E. Broadway Avenue, Unalaska, Alaska 99685

AGENT: HDL Engineering Consultants, LLC, Attention: Owen Means, 3335 Arctic Blvd, Anchorage, Alaska 99503

LOCATION: The project site is located within Sections 10, 15, 16 and 21, T. 73 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 56.8577° N., Longitude 166.5531° W.; beginning at the intersection of Captains Bay Road and Airport Beach Road and extending 2.6 miles to the entrance to the Offshore Systems facility; in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to improve safety for vehicles, freight and non-motorized roadway users along Captains Bay Road by addressing roadway safety deficiencies.

PROPOSED WORK: The applicant proposes to discharge 121,500 cubic yards (CY) of fill (Type A fill, porous backfill and Class I/V riprap) into 8.60 acres below the high tide line (HTL), (4.7' above the 0.0 foot contour) of Captains Bay, a navigable water of the U.S., for the widening, paving and straightening of horizontal curves along 13,696 linear foot of Captains Bay Road. Of the 8.60 acres of fill below the HTL, 7.02 acres (108,000 CY of fill) would also be below the mean high water mark (MHW), (3.4' above the 0.0 foot contour).

The typical road section would include two 13-foot-wide paved travel lanes, 2-foot-wide paved shoulders, ocean side rolled curb and gutter and a 6-foot-wide asphalt walkway. The project would also include utility relocations/upgrades/extensions (electrical, communications, sanitary sewer and potable water) and the installation of street lighting. The total area of fill described above includes 0.02 acre below the ordinary high water mark/HTL of an unnamed perennial stream within the Westward Seafoods facility for replacement of an existing undersized culvert with a 96-inch corrugated aluminum pipe to allow adequate fish passage.

Additionally, 550 CY of 1.5' to 4' diameter rock would be discharged into 5,856 square foot (SF) below the MHW of Captains Bay for the re-construction of 5,856 SF of rock groins which would be removed or encapsulated by the current proposal. The currently existing groins were constructed as mitigation required by the U.S. Fish and Wildlife Service (USFWS) to offset impacts to Steller's eiders through construction of the Carl E. Moses boat harbor.

All work would be performed in accordance with the enclosed plan (sheets 1-13), dated July 27, 2020; (sheet 1), dated January 15, 2021; and, (sheets F1-F15), dated November 9, 2020.

ADDITIONAL INFORMATION: The applicant has stated "Captains Bay Road serves as the sole surface transportation route for Westward Seafoods, North Pacific Fuel, Northland Services, Offshore Systems, and several smaller businesses and residential areas situated along the southeastern shore of Captains Bay. During various seafood processing seasons, Unalaska's population increases from 4,500 to over 8,000 residents due to an influx of transient employees hired to work in the fishing and support industries. Many seasonal employees do not own vehicles and regularly walk along the shoulder of Captains Bay Road alongside heavy truck traffic associated with the industries. The roadway is a narrow coastal road originally constructed by the U.S. military. Known safety deficiencies include steep horizontal curves that do not meet the design speed of the roadway, insufficient sight distances, and road shoulders that do not have a continuous and adequate width needed for safe non-motorized use (pedestrian and cyclist). This combination of heavy truck traffic, non-motorized traffic, and the listed roadway deficiencies creates a hazard for roadway users, particularly non-motorized roadway users."

The existing rock groins perpendicular to Captains Bay Road consist of a row of large rocks approximately 1.5' to 4' in diameter. Each row ranges in length from 15' to 25'. The top surface of the rocks is approximately 1' above the high tide elevation. The project would reconstruct 17 of the 23 existing rock groins present within the project limits. Existing rock groins that would be removed and covered by the proposed road embankment would be reconstructed in-kind further into Captains Bay in deeper water.

- a. To match existing rock groins, the surface area of new rock groins at MHW will match the surface area of the removed rock groins at MHW. As the new rock

groins would be constructed in deeper water, however, the volume of new rock groins would be greater than existing.

- b. Side slopes would match existing and would be 1:1 or 2:1. In areas where the ocean bottom slope is steep and would require significantly more fill, multiple new rock groins would be constructed at a shorter length in order to minimize new fill in Captains Bay.
- c. The surface area and volume of rock groins removal and reconstruction is shown in the table below.

	Surface Area	Quantity
Existing rock groins removed	5,856 sf (344 sf each)	350 CY (21 CY each)
New rock groins created	5,856 sf (344 sf each)	550 CY (32 CY each)

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: Captains Bay Road is located along a rugged coastline and is constrained by water and steep mountains. Upgrade and realignment of the roadway entirely outside of jurisdictional waters is not reasonable or feasible due to the prohibitive cost of construction and maintenance, and the unacceptable risk borne by the COU, due to the large rock cuts that would be required to construct the project entirely in uplands.
- b. Minimization: Unavoidable impacts would be minimized by reducing the roadway centerline grade and steepening side slope fill areas to the maximum extent practicable. Impacts to the unnamed tributary to Captains Bay would be minimized by replacing the existing culverts with a larger culvert that is designed to match hydrological conditions and/or meet fish passage requirements. Construction-related impacts would be minimized in the following ways:

- Prohibiting fueling or maintenance of vehicles or construction equipment within 100 feet of waters of the U.S.

- Implementing a Storm Water Pollution Prevention Plan prior to construction activities in accordance with the Alaska Pollutant Discharge Elimination System Construction General Permit for Large and Small Construction Activities.

- Utilizing Best Management Practices to control erosion and sedimentation into waters of the U.S.

- Reseeding and stabilizing disturbed ground with seed recommended for the region by the Alaska Department of Natural Resources, Plant Materials Center's *A Revegetation Manual for Alaska*.

Fill placement would be accomplished primarily by an excavator operating from the roadway embankment. If necessary, the excavator would be operated from a barge or other marine vessel. To minimize sedimentation from equipment operation, riprap for the roadway embankment would be placed prior to placement of rocks for rock groin construction. Fiber rolls and or appropriate stormwater best management practices (BMP)s shall be implemented along the shoreline during construction. Equipment operators would be required to place rocks in a manner that minimizes impact and disturbance to the ocean bottom substrate (i.e., not dropping rocks from above the water surface).

An additional alignment was investigated which would further straighten the roadway to address safety deficiencies, however, the alternative was discarded due to greater impacts to intertidal waters (26.27 acres).

- c. Compensatory Mitigation: The COU is proposing to compensate for unavoidable permanent impacts to water of the U.S. by cleaning marine debris from local beaches and/or other potential compensatory mitigation proposals currently being investigated. A Permittee-Responsible Mitigation Plan will be prepared which will identify the type of mitigation to be performed and mitigation ratios.

NOTE: The Corps of Engineers (Corps) has determined that compensatory mitigation would not be required for the construction of the rock groins being replaced, as the structures are, in and of themselves, 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.

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 cultural resources in the permit area and within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. The Corps is awaiting an on-going cultural resource survey to determine whether the appropriate determination for the proposed project is 'No Adverse Effect' or 'Adverse Effect' to historic properties. This application will be coordinated under separate letter with State Historic preservation Office (SHPO), and, in the case of an adverse effect, the Advisory Committee on Historic Preservation. 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 northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat, Steller's eider (*Polysticta stelleri*), short-tailed albatross (*Phoebastria (=Diomedea) albatrus*), Western Distinct Population Segment (DPS) Steller sea lion (*Eumetopias jubatus*) and their designated critical habitat, blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), Western North Pacific gray whale (*Eschrichtius robustus*), Western North Pacific and Mexican DPS's of

humpback whale (*Megaptera novaeangliae*) and North Pacific right whale (*Eubalaena japonica*).

We have determined the described activity would have no effect on the short-tailed albatross, WDPS Steller sea lion, blue whale, fin whale, Western North Pacific gray whale, Western North Pacific and Mexican DPS humpback whale or North Pacific right whale and would not adversely modify any designated or proposed critical habitat, under the Endangered Species Act (ESA) of 1973 (87 Stat. 844). Therefore, no consultation with the USFWS or the National Marine Fisheries Service (NMFS) is required for these species. However, 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.

We have determined the described activity may affect the threatened northern sea otter or Steller's eider. We will initiate the appropriate consultation procedures under Section 7 of the ESA with the USFWS. 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 weathervane scallop (*Patinopecten caurinus*), arrowtooth flounder (*Atheresthes stomias*), flathead sole (*Hippoglossoides elassodon*), rock sole (*Lepidopsetta bilineata*), sculpin (Cottoidea), Pacific cod (*Gadus macrocephalus*), skate (Rajidae), walleye pollock (*Gadus chalcogrammus*), chum salmon (*Oncorhynchus keta*), pink salmon (*O. gorbuscha*), coho salmon (*O. kisutch*), sockeye salmon (*O. nerka*), and Chinook salmon (*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 PN 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 EPA'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:

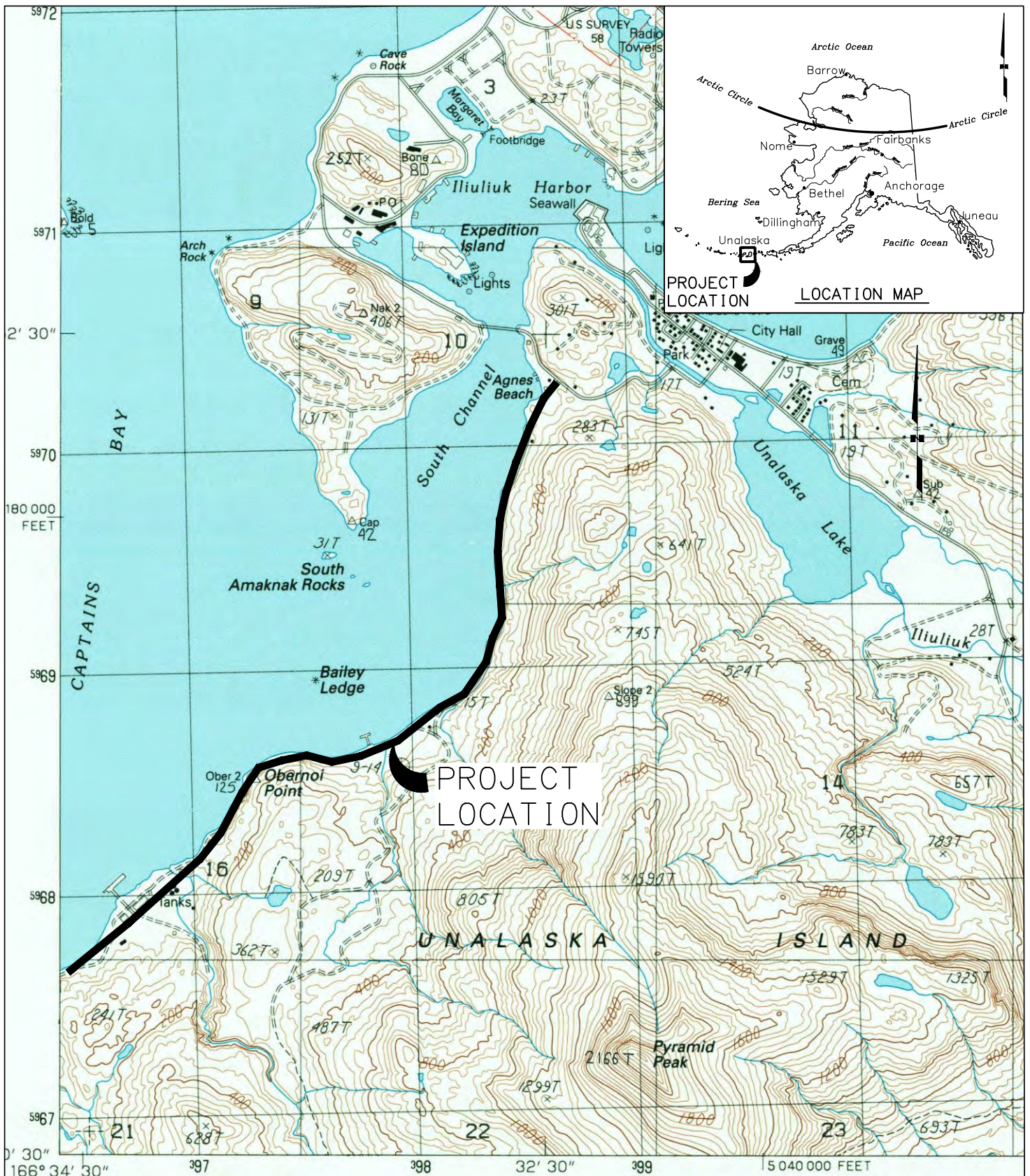
(X) Perform work in or affecting navigable waters of the U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the U.S. – 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).

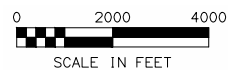
Project drawings are enclosed with this Public Notice.

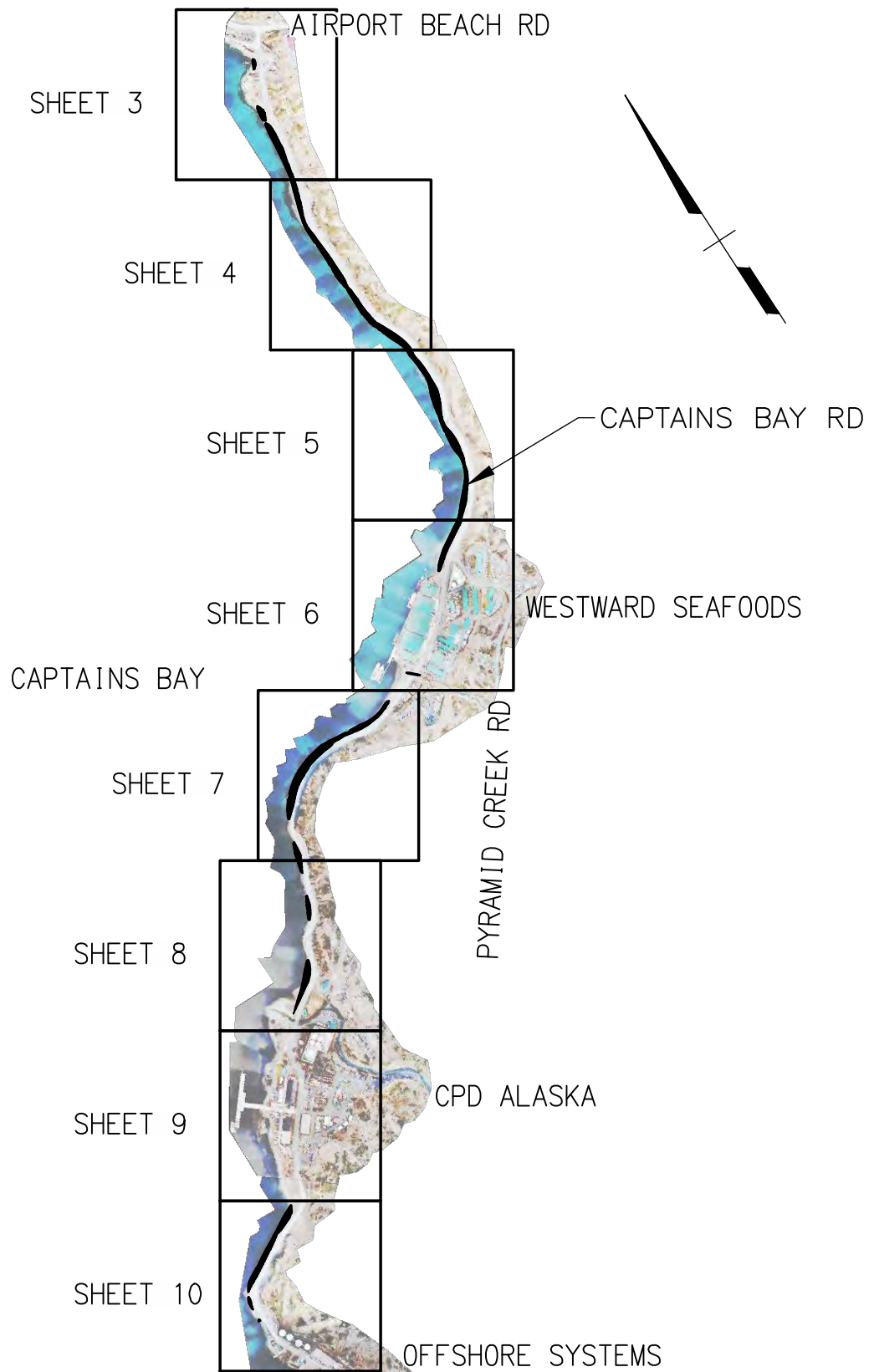
District Commander
U.S. Army, Corps of Engineers

Enclosures




Applicant: City of Unalaska
 Project Name: Captains Bay Road Paving and Utility Extension
 File No.: TBD
 Waterway: Captains Bay
 Proposed activity: Transportation
 MTRS: Sec 10,15,16,21 T73S, R118W, Seward Meridian
 Lat.: 53.85772°N Long.: 166.55314°W
 Sheet 1 of 12 Date: 7/27/2020

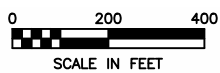




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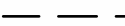





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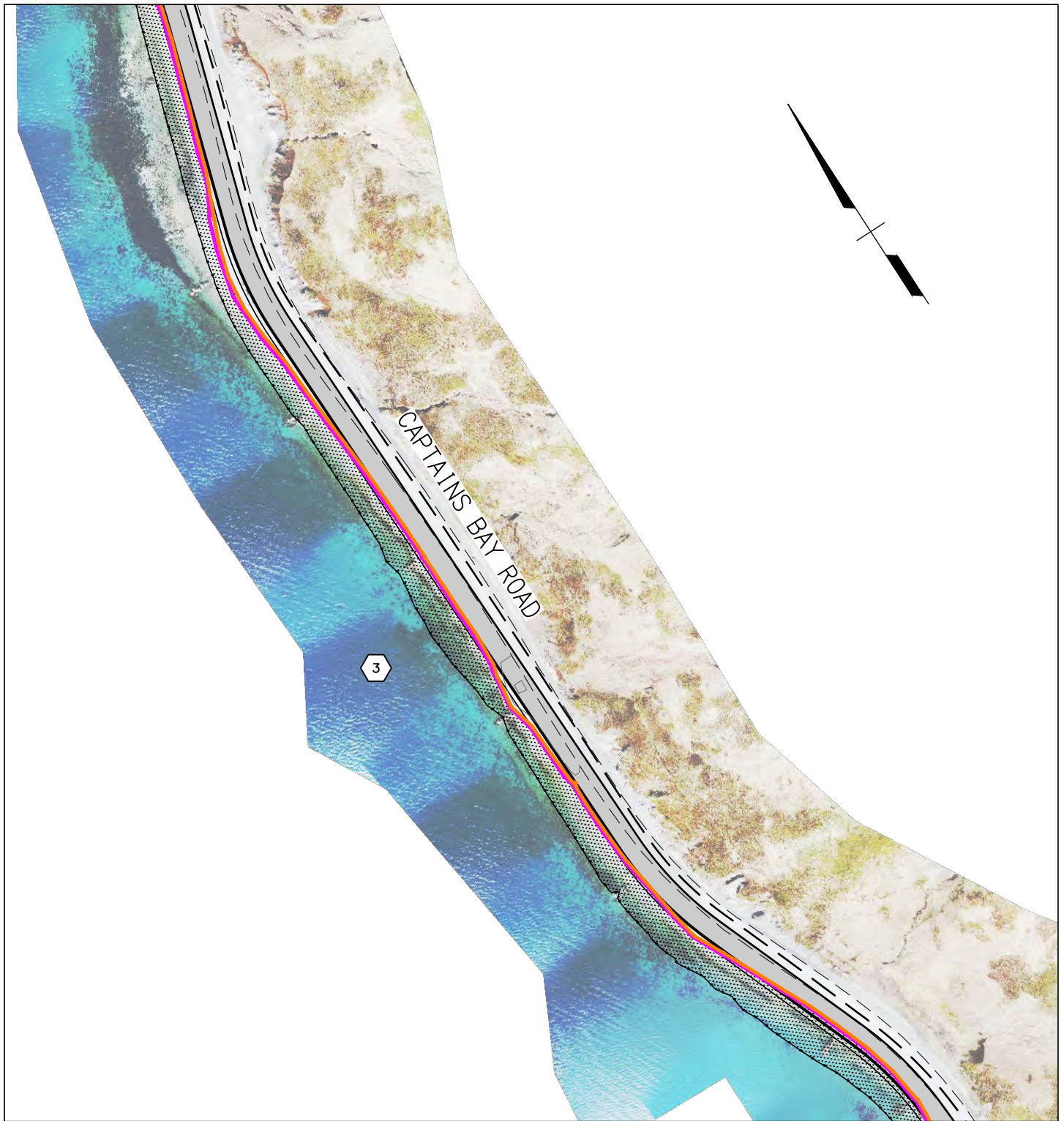
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 Sheet 3 of 12 Date: 7/27/2020

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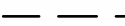





-  Proposed Asphalt
-  Existing Edge of Roadway Surface
-  Cut Limits
-  Fill Limits
-  Mean High Water
-  High Tide Line (HTL)
-  Fill below HTL
-  Impact ID

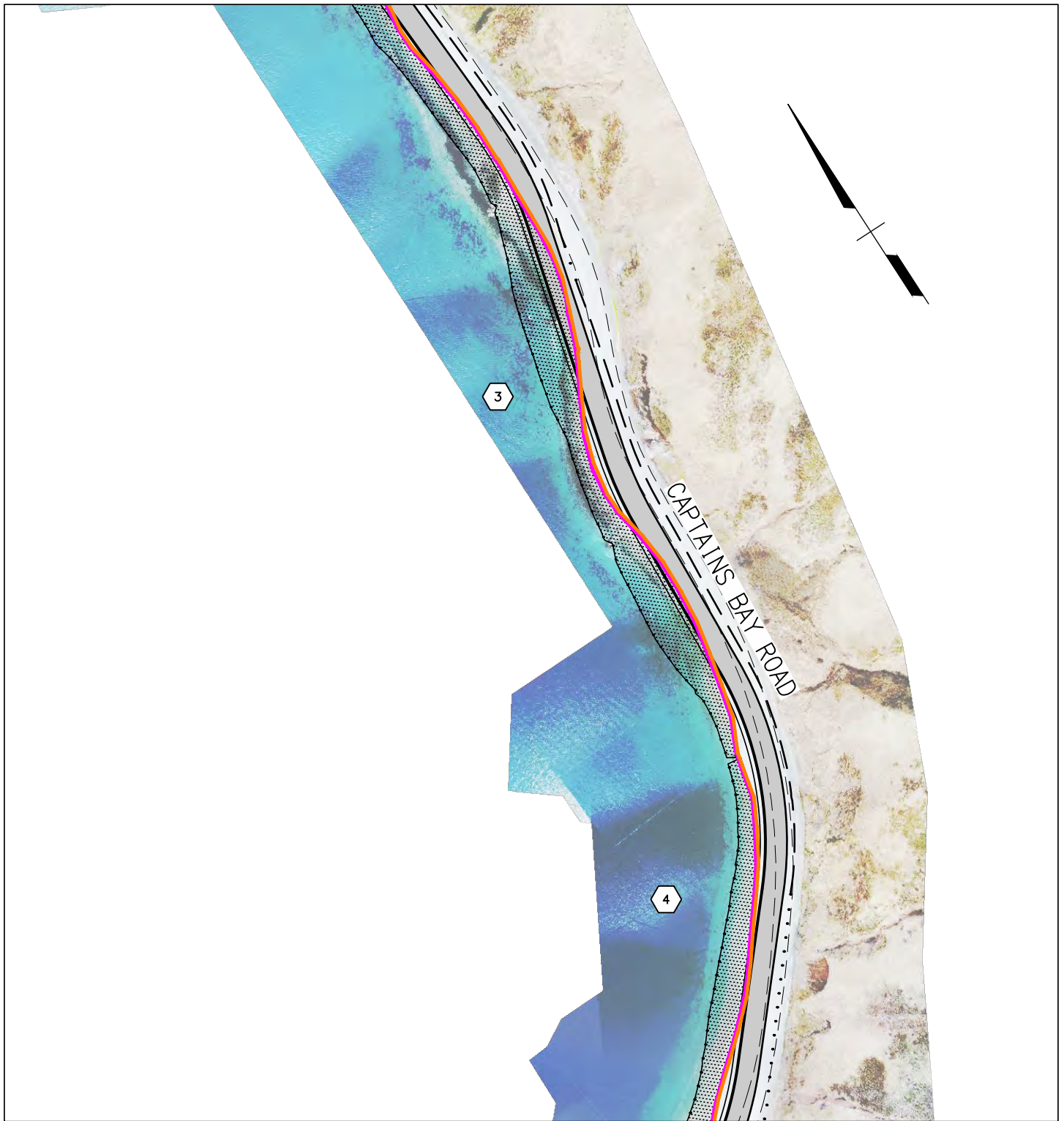


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SCALE IN FEET

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Lat.: 53.85772°N Long.: 166.55314°W
Sheet 4 of 12 Date: 7/27/2020

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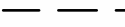





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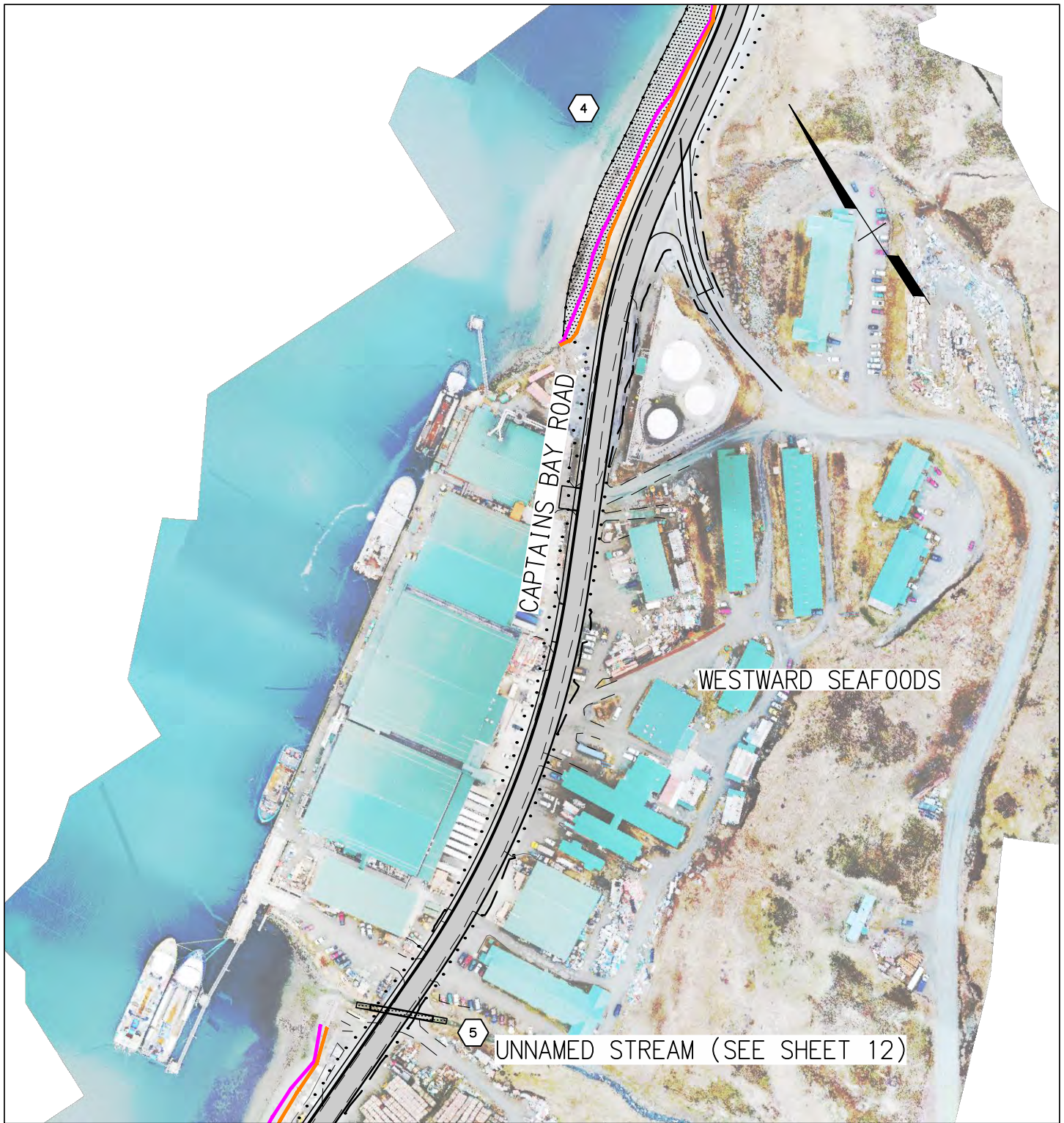


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Lat.: 53.85772°N Long.: 166.55314°W
Sheet 5 of 12 Date: 7/27/2020

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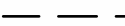





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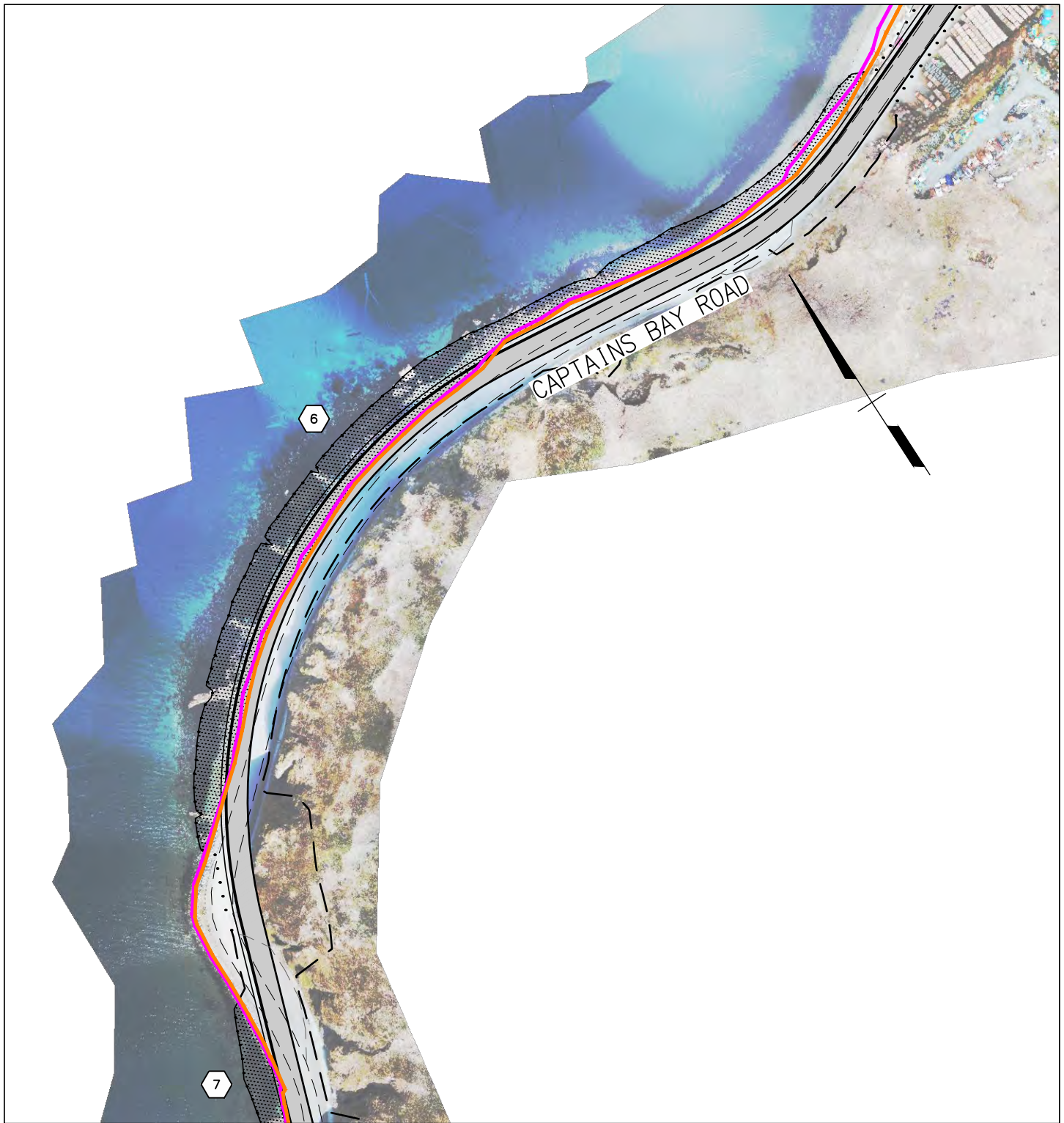


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Sheet 6 of 12 Date: 7/27/2020

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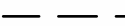





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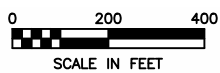


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Sheet 7 of 12 Date: 7/27/2020



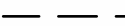





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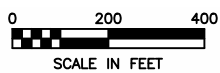
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 Sheet 8 of 12 Date: 7/27/2020



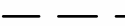





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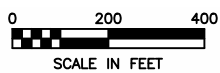
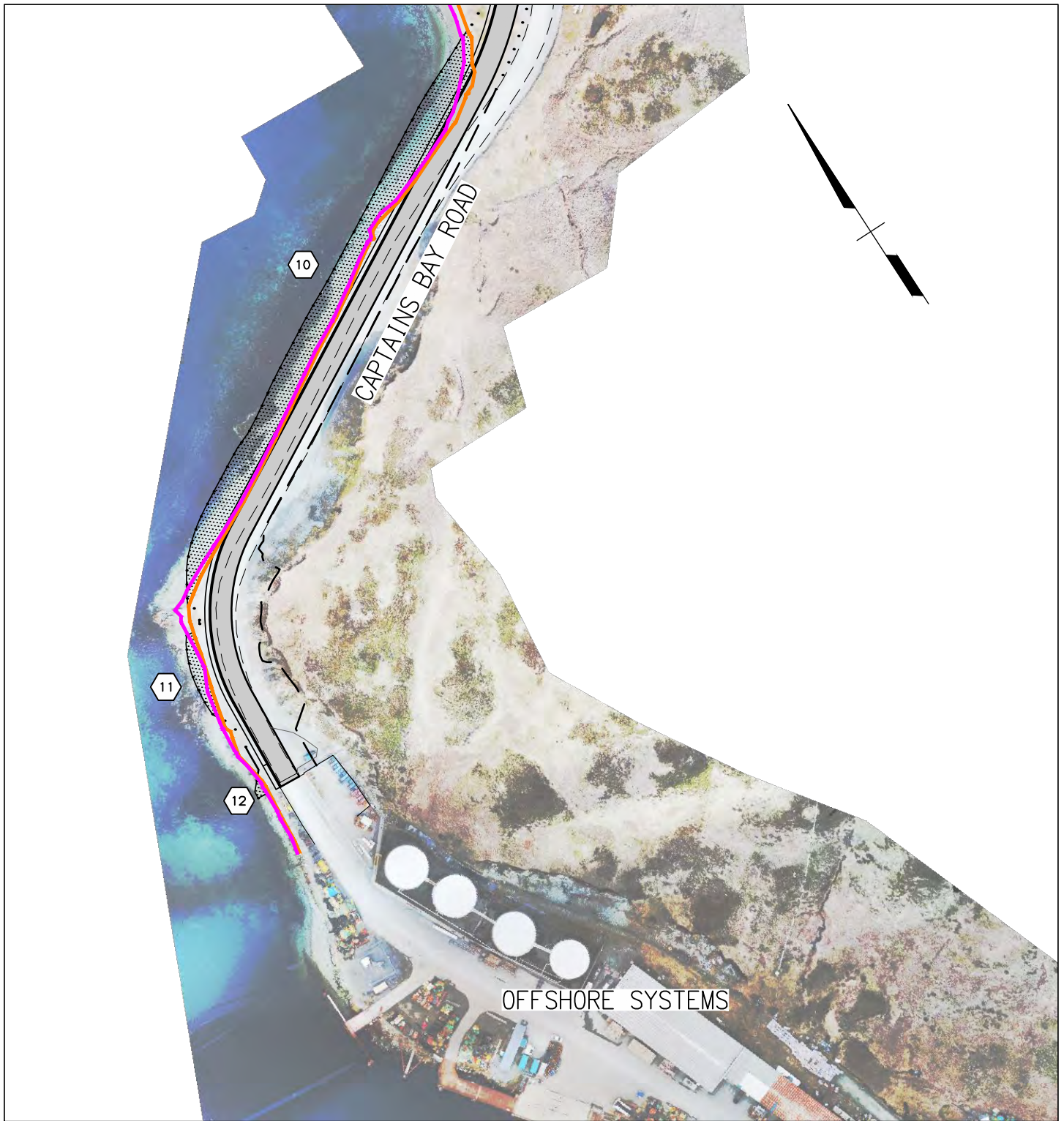
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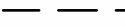





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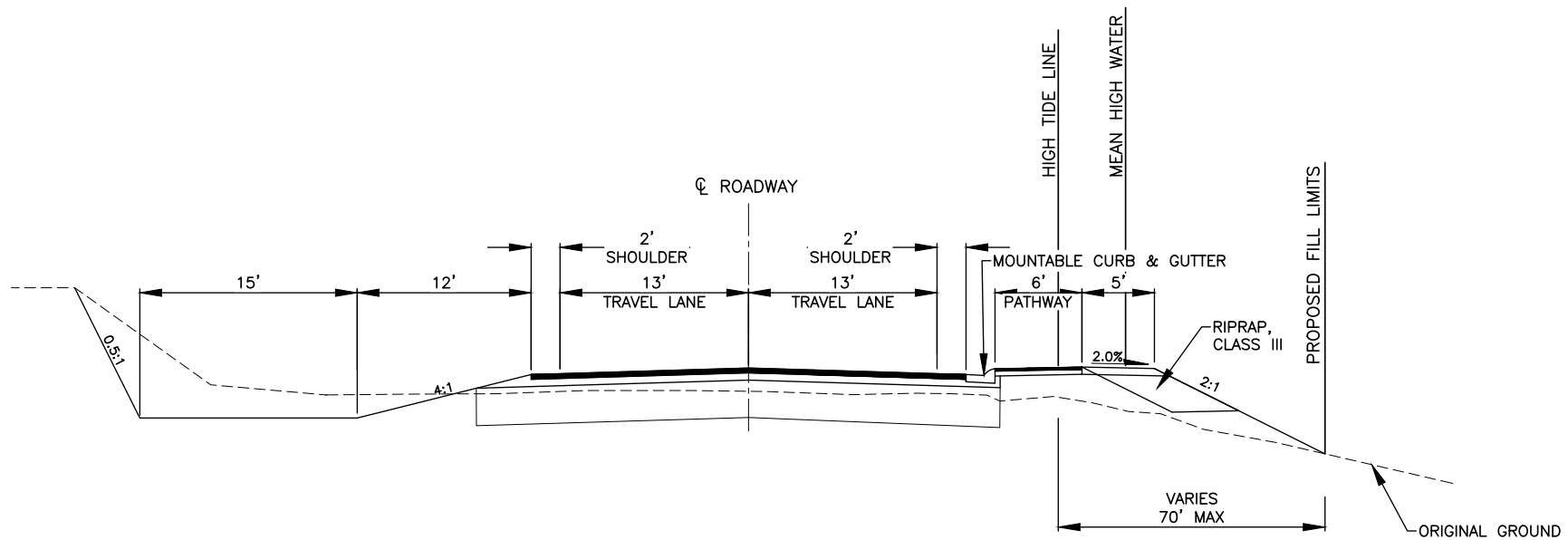
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 Sheet 10 of 12 Date: 7/27/2020

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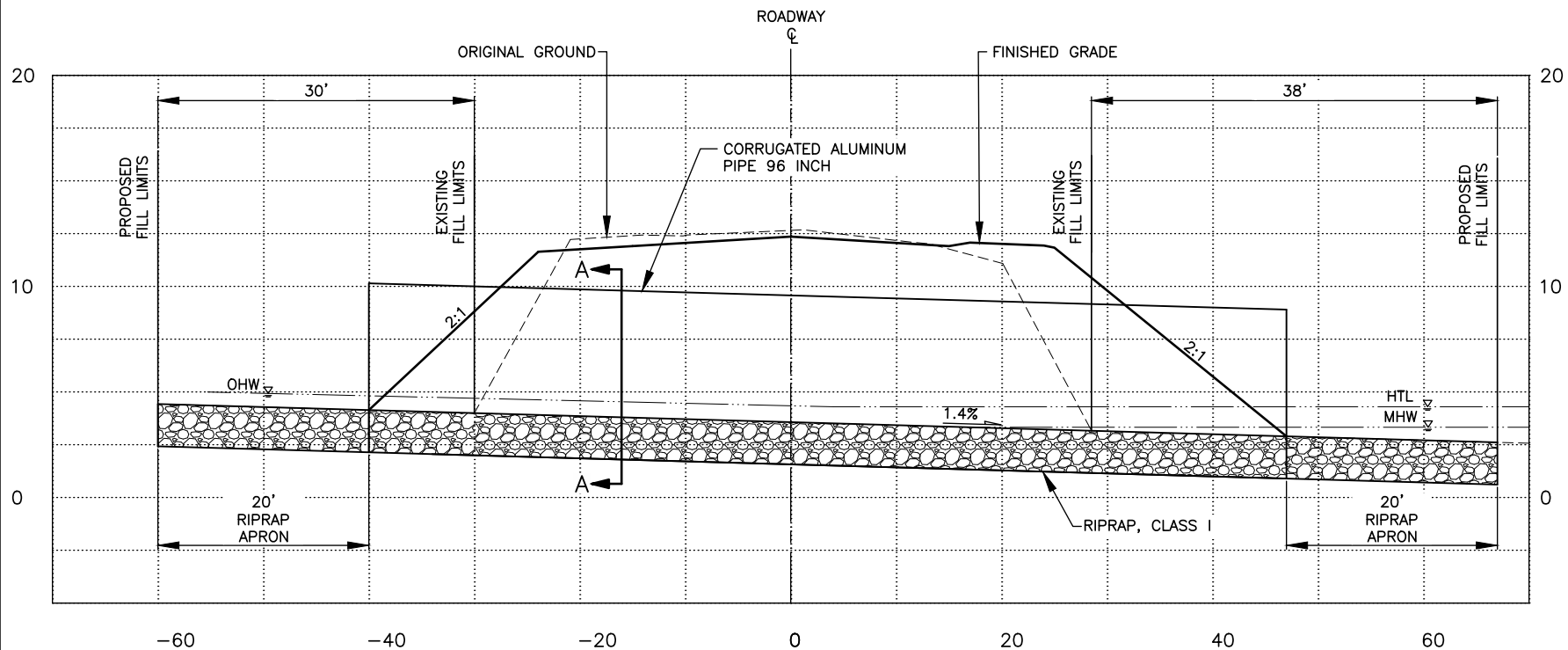
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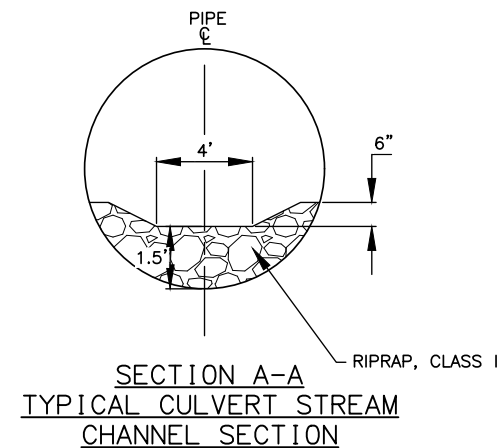
CAPTAINS BAY ROAD

OCEAN FILL SECTIONS

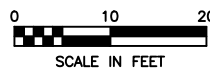
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UNNAMED STREAM - SHEET 6
PROFILE VIEW



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Waters of the U.S - Permanent Impacts

Captains Bay Road Paving and Utility Extension

Sheet #	Wetland ID	Acres below MHW	Acres MHW to HTL	Acres below OHW	Fill cubic yards	Fill Type	Habitat Type	Habitat Code
3	1	0.02	0.02	-	350	Type A fill; Riprap, Class I/V	Marine Intertidal	M2USN
3	2	0.11	0.03	-	2,000	Type A fill; Riprap, Class I/V	Marine Intertidal	M2USN
3,4,5	3	3.39	0.29	-	41,500	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
5,6	4	0.71	0.14	-	40,000	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
6	5	-	-	0.02	100	Riprap, Class I; Porous backfill	Tidal Stream/Upper Perennial Stream	R1UBV/R3UBH
7	6	1.39	0.19	-	19,500	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
7,8	7	0.19	0.02	-	2,000	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
8	8	0.12	0.01	-	2,000	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
8	9	0.38	0.04	-	4,700	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
10	10	0.67	0.78	-	9,000	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
10	11	0.03	0.02	-	250	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
10	12	0.01	0.00	-	100	Type A fill; Riprap, Class I/V	Marine Subtidal/Intertidal	M2USN/M1UBL
		7.02	1.55	0.02	121,500			

Permanent Fill Impacts to Waters of the U.S.: **8.60** acres

Riprap, Class I/V placed below HTL & above MHW: **3,000** cubic yards
Type A fill placed below HTL & above MHW: **10,500** cubic yards
Riprap, Class I/V placed below MHW: **23,000** cubic yards
Type A fill placed below MHW: **85,000** cubic yards