



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**
DIVISION OF WATER

Wastewater Discharge Authorization
Program

September 29, 2021

Alaska Industrial Development and Export Authority
Attn: Jesse Peterson
813 W Northern Lights Blvd
Anchorage, Alaska 99503

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

Re: AIDEA, Delong Mountain Transportation System Port – Maintenance Dredging
POA-1983-00359, Chukchi Sea

Dear Mr. Peterson:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed water quality certification that the discharge from the proposed project will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the Delong Mountain Transportation System Port maintenance dredging near Kivalina, Alaska.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 20 days of the permit decision. Visit <http://dec.alaska.gov/commish/review-guidance/> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800; Location: 410 Willoughby Avenue, Suite 303, Juneau within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

Handwritten signature of James Rypkema in black ink.

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Water Quality Certificate

cc: (with encl.)
Leslie Tose, USACE, Anchorage
William Napier, Teck Alaska Inc

Audra Brase, ADF&G/Habitat, Anchorage
Fairbanks USFWS Field Office
EPA R10, AK Operations

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Water Quality Certification

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a water quality certification is issued to the Alaska Industrial Development and Export Authority (AIDEA, Attn: Jesse Peterson) at 813 W. Northern Lights Blvd, Anchorage, Alaska 99503 that the discharge from the proposed project will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the Delong Mountain Transportation System Port maintenance dredging near Kivalina, Alaska.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-1983-00359) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the DEC Public Notice POA-1983-00359 posted from June 25 to July 25, 2021.

Project Description and Location

The applicant's stated purpose is to complete annual maintenance dredging at the Delong Mountain Transportation System Port to support permitted and constructed facilities in the Chukchi Sea. The discharge material will supply sand for beach nourishment and shoreline protection in the shallow water discharge area. Beach formulation and maintenance protects inland resources by maintaining a beach complex. The port basin will be dredged to -22 feet elevation (relative to 0 feet Mean Lower Low Water, MLLW) for the vessel traffic at the dock and caissons.

The proposed project involves dredging up to 500,000 cubic yards (CY) of material from the subsurface on an 8.5 acre area of navigable marine waters and discharge it into 5.7 acres of Waters of the US below the high tide line. An average of 50,000 CY of material would be dredged annually for 10 years. Dredging below the waterline in the port basin historically has been done with a clam shell on the dock crane and when required a dam shell on a barge. The plan is to continue using a clam shell for dredging. All dredged and excavated beach material will be discharged in the shallow water discharge area. Beach sand excavation may take place between mean high water and high tide line (HTL) in up to 0.05 acres. Beach sand would be dozed into piles and hauled to the shallow water discharge area. Non-jurisdictional excavation of beach sand would take place above HTL. Material will be dredged from the maintenance area and discharged in the shallow water discharge area yearly.

The proposed activity is located within Section 10, T. 25 N., R. 24 W., Kateel River Meridian; Latitude 67.5576773° N., Longitude -165.058994° W.; near Kivalina, Alaska.

Antidegradation Analysis Finding

Pursuant to the Department's Antidegradation Policy and Implementation Methods at 18 AAC 70.015 and 18 AAC 70.016, DEC finds that the project would comply with the requirements for Tiers 1 and 2 regarding water quality impacts to receiving water immediately surrounding the dredge or fill material pursuant to the Corps evaluation and findings of no significant degradation under 33 U.S.C. 1344 and under 40 CFR 230. The use of appropriate best management practices and erosion and sediment control measures would adequately protect the existing water uses and the level of water quality necessary to protect existing uses. Any potential water quality degradation is expected to be temporary and limited and necessary to accommodate important social and/or economic development in the area.

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

Pursuant to 18 AAC 70.020(a) and the Toxics and Other Deleterious Organic and Inorganic Substances in 18 AAC 70.020(b), the following conditions are designed to reduce pollutants from construction activity to ensure compliance with the applicable water quality standards.

Pollutants/Toxics

1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Northern Alaska at 907-451-2121 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high-water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log daily for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.

Turbidity, Erosion and Sediment Control

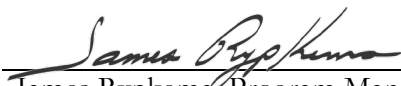
4. All dredging shall be conducted so as to minimize the amount of dredge material and suspended sediments that enter the Chukchi Sea. Appropriate Best Management Practices (BMPs) will be employed to minimize sediment loss and turbidity generation during dredging. BMPs may include, but are not limited to, the following:
 - Eliminating multiple bites while the bucket is on the seafloor
 - No stockpiling of dredged material on the seafloor
 - No seafloor leveling
 - Slowing the velocity (i.e., increasing the cycle time) of the ascending loaded clamshell bucket through the water column
 - Pausing the dredge bucket near the bottom while descending and near the water line while ascending
 - Placing filter material over the barge scuppers to clear return water
 - If dewatering runoff is discharged from the barge, silts must be removed prior to direct or indirect discharge to the Chukchi Sea.

General

5. DEC coordinates with several regulatory programs to review the impacts of mining operations. A Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all state water statutes and rules through construction, installation, and operation of the project or mitigation, including, but not limited to the APDES permitting program 18 AAC 83 and 18 AAC 72.

6. USACE has stated that projects shall be reviewed under the federal rules in place at the time the application is received. This project and its mitigation were reviewed under the federal and state statutes and laws in place at the time the application was received. If the USACE determines any part or condition of this Certification is not lawful or is waived and unenforceable, the determination shall apply only to the part or condition so determined. The determination shall not apply to nor invalidate any remaining parts or conditions of this Certification. If the USACE makes such a determination, the applicant remains responsible for meeting state water quality statutes and rules, and if a violation occurs, may be subject to state enforcement (18 AAC 70.010).
7. This Certification does not release the applicant from any liability, penalty, or duty imposed by Alaska or federal statutes, regulations, rules or local ordinances, and it does not convey a property right or an exclusive privilege.
8. If your project is not completed by the time limit specified under USACE Permit and will continue, or for a modification of the USACE permit, you must submit an application for renewal of this certification at least 60 days before the expiration date or any deadline established by USACE for certification action on the modification, or 60 days before the proposed effective date of the modification, whichever is sooner. (18 AAC 15.120(b), 18 AAC 15.130, 18 AAC 15.180).

Date: 9/29/2021



James Rypkema, Program Manager
Storm Water and Wetlands