



THE TENTH FLOOR  
2200 SIXTH AVENUE  
SEATTLE, WA 98121-1820  
206.728.6000  
OPERATION FAX 206.441.9090  
SALES FAX 206.728.1855

US Army Engineer District, Alaska  
CEPOA – PM – C, David Williams  
PO Box 6898  
Elmendorf AFB, AK 99506-0898

January 19<sup>th</sup>, 2009

David Williams,

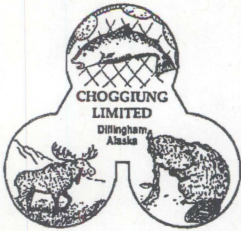
My name is Tom Whinihan and I am the manager of the Peter Pan Seafoods processing facility in Dillingham, Alaska. Currently, the location of Peter Pan's facility and docks are located on the Nushagak River in very close proximity to the proposed erosion projects presently in the planning stages by the Army Corp of Engineers and the City of Dillingham. I support your plans to try and minimize the erosion effects upon the Dillingham Boat Harbor and the surrounding shoreline. I need to express my concerns in regards to the proposed new breakwater and rock revetment projects having potential adverse effects regarding the water depth surrounding the Peter Pan dock / facility. During the months of operation we unload fish tender vessels whereas we need this present water depth at the face of the dock to accommodate these vessels. Once again, I am in full support of minimizing these shoreline erosion effects, yet at the same time, I need to voice my concerns on the potential of these projects impacting the water depth for the Peter Pan operation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Whinihan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tom Whinihan  
Peter Pan Seafoods Manager Dillingham





# CHOGGIUNG LIMITED

ALASKA NATIVE VILLAGE CORPORATION

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P.O. Box 330 104 MAIN STREET DILLINGHAM, ALASKA 99576  
PHONE (907) 842-5218 FAX (907) 842-5462 rick@choggiung.com

December 9, 2008

U.S. Army Engineer District, Alaska  
Attn: CEPOA-EN-CW-ER (McConnell)  
PO Box 6898  
Elmendorf AFB, Alaska 99506

Subject: Dillingham Small Boat Harbor Bank Stabilization Project

Dear Sir:

Choggiung would like to thank you for protecting the land around the Dillingham Boat Harbor. The harbor is a very important infrastructure component to our economic and subsistence survival.

Choggiung would like to inform you that it has a rock quarry that is located sixteen road miles from Dillingham. This quarry can produce product that is highly angular, tough, and durable. The rock product has passed, by a wide margin, all laboratory tests typically demanded by US Army Corps of Engineers, see attached laboratory tests. This rock was chosen for the Snag Point Bank Stabilization Project here in Dillingham.

Choggiung would like to ask that our rock product be considered for the Dillingham Small Boat Harbor Bank Stabilization Project.

Sincerely,

Rick Tennyson  
Land Manager



# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

#### Wastewater Discharge Authorization Program

SARAH PALIN, GOVERNOR

555 Cordova Street

Anchorage, AK 99501-2617

Phone: (907) 269-7564

Fax: (907) 334-2415

TTY: (907) 269-7511

<http://www.state.ak.us/dec/>

April 14, 2009

Certified Mail 7007-2560-0001-6559-2566

ATTN: CEPOA-EN-CW-ER (McConnell)

U.S. Army Engineer District, Alaska

PO Box 6898

Elmendorf AFB, Alaska 99506

Subject: Nushagak River, Dillingham Small Boat Harbor, Bank Stabilization

Reference No. ER-09-01

State ID No.: AK 0901-09AA

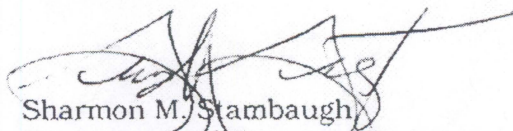
Dear Mr. McConnell:

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 is issuing the enclosed Certificate of Reasonable Assurance for construction of a bank stabilization project on the West Side and City Dock Side of the Small Boat Harbor entrance channel of the Nushagak River in Dillingham, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, 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 Division of Coastal and Ocean Management of our actions and enclosing a copy of the certification for their use.

Sincerely,



Sharmon M. Stambaugh  
Environmental Program Manager

Margie Goatley, DNR/DCOM  
Michael Daigneault, ADF&G/Habitat  
Ann Rappoport, USF&WS

Phil North, EPA, AK Operations  
Sean Palmer, ADEC



**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the U.S. Army Corps of Engineers/Civil Works Branch to construct a 1,100 foot long revetment with a 371 foot long rubble-mound break water along the west side of the harbor entrance. The revetment and the breakwater would consist of a 3-layer system of core, secondary, and armor stone. Prior to construction, the river banks behind the west side revetment will be sloped to grade. Access to the west revetment and breakwater will be from Scandinavian Creek Road and across former wetlands that have been used for disposal of dredged sediments in the past. Construction will also include a 950 foot rock revetment along the shoreline east of the harbor entrance on the city dock side using the 3-layer method listed above. Access to the east side revetment will be across the former Peter Pan disposal site from existing roads that include the harbor access road.

The proposed activity is located at Section 21, T. 13 S., R. 55 W., Seward Meridian, Dillingham, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number ER-09-01, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation 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 Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.


1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Material such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze or other pollutant spills as a result of construction activities.
2. Fuel storage and handling activities for earth moving equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff or water bodies.



3. Any disturbed ground and exposed soil not covered with fill must be stabilized and revegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.
4. All work areas, material access routes, and surrounding wetlands involved with the road construction shall be clearly delineated and marked in such a way that equipment operators do not operate outside of this corridor.
5. Before operating near the water body all machinery shall be inspected and any oil, fuel, or hydraulic fluid leaks shall be repaired before the equipment is used on this project.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date 4/15/2009

  
Sharmon M. Stambaugh  
Environmental Program Manager



**ALASKA COASTAL MANAGEMENT PROGRAM  
FINAL CONSISTENCY RESPONSE  
CONCURRENCE**

**DATE ISSUED: 3/23/09**

**PROJECT TITLE: BANK STABILIZATION, SMALL BOAT HARBOR, DILLINGHAM**

**STATE ID. No.: AK 0901-09AA**

**AFFECTED COASTAL RESOURCE DISTRICT: BRISTOL BAY CRSA**

**PROJECT DESCRIPTION AND SCOPE OF THE PROJECT SUBJECT TO CONSISTENCY REVIEW:**

The proposed scope-of-work consists of the construction of a 1,100' long rock revetment with a 371' long rubblemound breakwater along the west side of the harbor entrance. The revetment and the breakwater would consist of a 3-layer system of core, secondary, and armor stone. Prior to construction, the riverbanks behind the west side revetment will be sloped to grade. Access to the west revetment and breakwater will be from Scandinavian Creek Road and across former wetlands that had been used for disposal or dredged sediments in the past. Construction will also include a 950' rock revetment along the shoreline east of the harbor entrance on the city dock side using the 3-layer method listed above. Access to the east side revetment will be across the former Peter Pan disposal site from existing roads that include the harbor access road. The project is located with the Small Boat Harbor in Dillingham, Alaska / S013S055W21 / Lat: 59.03972 N; Long: 158.4575W.

**CONSISTENCY STATEMENT:** DCOM concurs with the consistency certification submitted by Mr. Chris Floyd of the U.S. Army Corps of Engineers/Civil Works.

**AUTHORIZATIONS:** State agencies shall issue the following authorizations within five days after DCOM issues the final consistency determination that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

Alaska Department of Environmental Conservation (DEC)  
Certificate of Reasonable Assurance (401)

Alaska Department of Fish and Game (DFG)  
Fish Habitat Permit

**The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC**



**establishes consistency with 11 AAC 112.310 for those specific activities.**

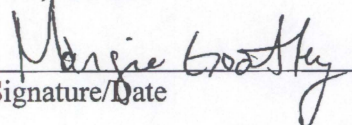
Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260) is more or less restrictive than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without Department of Natural Resources (DNR) authorization.

**APPEAL:** This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this response is issued.

**ADVISORIES:** Please be advised that although DCOM concurs with the determination that the project is consistent to the maximum extent practicable with the ACMP, the U.S. Army Corps of Engineers (USACE) is still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes the USACE's responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) so that consultation per Section 106 of the National Historic Preservation Act may proceed.

Final Consistency Response Prepared By:  
Margie Goatley; Project Review Coordinator  
550 W. 7<sup>th</sup> Avenue, Suite 705  
Anchorage, AK 99501  
(907) 269-7474

 3/23/09  
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Signature/Date