



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:	March 24, 2015
EXPIRATION DATE:	April 22, 2015
REFERENCE NUMBER:	POA-1998-882
WATERWAY:	Port Valdez

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.

Comments on the described work, with the reference number, 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 Roberta K. Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Harris Sand and Gravel, Inc., Mr. William P. Harris, Post Office Box 6, Valdez, Alaska 99686

LOCATION: The project site is located within Section 3, T. 9 S., R. 6 W., Copper River Meridian; USGS Quad Map Valdez A-7; Latitude 61.1126° N., Longitude 146.2702° W.; in Old Valdez, Alaska.

PURPOSE: The applicant's stated purpose is to load barges primarily with riprap and other gravel products at low tidal levels in support the Valdez Harbor Project.

PROPOSED WORK: To relocate and discharge up to 296 cubic yards of native material into 1.14 acres of intertidal area in order to construct a barge dock that is usable at extreme low tides. Up to a 0.18-acre area would be dredged in order to obtain material to construct the barge dock. Therefore, the total impact area would be 1.32 acres. The barge dock would be up to 213 feet wide at the widest part (toe-to-toe) with 3:1 side slopes, and up to 288 feet long. No material would be brought from other sources to construct the barge dock. The barge dock front would have a bulkhead constructed of eleven (11) 14-inch diameter steel piles, supported by a 14-inch by 14-inch "I" beam on top, and up to four (4) concrete "tee" beams. The bulkhead would be further supported by being connected to two (2) log dead men embedded in the barge dock. Two dolphins each consisting of two (2) 14-inch diameter steel piles would be installed near the northern end of the barge dock. All piles would be driven to a maximum

depth of -27 feet, and would be installed with a vibratory hammer. All work and fill would occur below the Mean High Water Line. The barge dock would be temporary with an anticipated lifespan of five (5) years, which is when the Valdez Harbor Project is projected to be complete. The barge dock and all supporting features would be removed at the end of this time. Site restoration is discussed in further detail in the "Additional Information" section of this Public Notice. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated January 25, 2015 and February 13, 2015.

ADDITIONAL INFORMATION: The following is the "Site Restoration Plan" as proposed by Harris Sand and Gravel, Inc.:

- All remediation would take place outside of the Alaska Department of Fish and Game (ADF&G) Fish Impact windows (May 1 through October 15);
- Remediation as needed would adhere to the ADF&G stream bank restoration guidelines;
- It would not be anticipated that any vegetation would be encountered, and therefore none would need to be remediated;
- All pilings, concrete beams, and "dead men" would be removed from the project site to an upland site;
- Piles would be removed by a vibratory hammer;
- The site would be re-graded to 4:1 slopes or flatter, close to the original contours, by an excavator and a dozer at low tide in the dry (current slopes are 5:1 or 6:1); and
- Restoration would be anticipated to take up to a week to complete.

It should also be noted that the applicant has stated that the barge dock may also be used to support other projects as needed during its anticipated five year lifespan.

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

a. Avoidance: The proposed project's purpose is to barge riprap and other gravel material to support the construction of the Valdez Boat Harbor project, mainly for that project's breakwaters. Therefore, complete avoidance of waters of the U.S. is not possible. Other barge loading facilities do not allow for barge loading at extreme low tides, as the proposed project site would.

b. Minimization: Only material from the immediate area would be used to construct the barge dock. No outside material would be hauled in to construct. This area utilizes old dock structure ruins at the Old Valdez town site, and therefore minimizes the amount of dredging needed to construct the barge dock. A silt curtain would be installed prior to all activities to minimize siltation of the water. All work, except for dolphin pile driving, would be completed at low tides in the dry to minimize siltation. Piles for the barge dock's bulk head would be driven in the dry. The proposed project site would be restored as close to beginning conditions as possible at the end of the barge dock's lifespan. Restoration would be completed in the dry. No structures, tanks, or other facilities would be constructed on the barge dock, as the approach would go underwater at tides above +12 feet.

c. Compensatory Mitigation: The applicant has stated that they do not feel compensatory mitigation is necessary for the proposed project, as it is small in nature and disturbs very little in the way of existing aquatic life.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the humpback whales (*Megaptera novaeangliae*) and the Steller sea lion (Western Distinct Population Segment; *Eumetopias jubatus*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or its/their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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). No EFH species are known to use the project area. 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 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).

District Commander
U.S. Army, Corps of Engineers

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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 No. **POA-1998-882, Port Valdez**, 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 by the expiration date of the Corps of Engineer's Public Notice.