



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	April 11, 2022
EXPIRATION DATE:	May 11, 2022
REFERENCE NUMBER:	POA-1998-00165
WATERWAY:	Goodnews 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 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 Tyler Marye at (907) 753-5778, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Tyler.J.Marye@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Dan Hall, Knik Construction, Co., Inc, 6520 Kulis Dr, Suite 5, Anchorage, Alaska 99502. Telephone number 907-245-1865 and fax number 907-249-0250.

AGENT: Tom Mortensen Associates LLC, P.O. Box 113192, Anchorage, Alaska 99511. Telephone number 907-229-7400.

LOCATION: The project site is located within Section 17, T. 13S., R. 75W.; Seward Meridian. Latitude 59.0491°, Longitude -161.8178°; off Standard Oil Road, north of the City of Platinum, Alaska.

PURPOSE: The applicant's stated purpose is to provide additional docking safety and mooring stability to the existing gravel and rock barge dock system by adding an additional 4-foot diameter steel pipe pile. Additionally, the applicant is proposing maintenance dredging to increase operational efficiency and reduce costs. The proposed dredging will also improve navigation safety by eliminating the risk of barge grounding during loading operations

PROPOSED WORK: Work will be conducted in Goodnews Bay, a navigable water of the United States., below High Tide Line (HTL) an additional 4-foot diameter steel pile is proposed to provide increased support and safety for the existing barge dock system. The applicant is also proposing to dredge up to 7,000 cubic yards of coarse to fine sand material from approximately 1.5 acres around the barge dock system. Further maintenance dredging is estimated for up to 2,000 cubic yards every 2 years in the same area. Dredging in-water will be done using a long-reach excavator from a barge, or from the beach during de-watered tide stages. Any fallback that occurs during in-water dredging using a long-reach excavator is expected to be de minimis in volume. A dozer may also be used for certain dredge locations during de-watered tide stages. The dredged sandy material will not be disposed of in waters of the United States. There are two privately owned upland locations that will be used for the disposal of the dredged materials. The applicant proposes all or some of the dredged material may be disposed of on previously disturbed non-wetland private uplands near the proposed dredge area and/or all or some of the dredged sandy material may be disposed of on previously disturbed non-wetland private uplands within the active rock and gravel quarry. The active quarry is located approximately 8 road miles south of the proposed dredge area off the existing Red Mountain Road at approximately Latitude: 58.9731°, Longitude -161.7006°. Disposal of the sandy dredged material at either location will not result in the drainage of dredged material into wetlands or waters. The upland soils adjacent to the proposed dredge project area are composed of porous sands and gravels. Any water drainage from the disposed dredge materials in that location will percolate into the soil. The upland rock and gravel quarry where dredged materials may be disposed of has existing drainage controls, which will prevent drainage into wetlands and other waters. All work would be performed in accordance with the enclosed plan (sheets 1-2), dated December 9, 2021.

ADDITIONAL INFORMATION The tideland owner is the State of Alaska. The tidelands are currently under a DNR Land Use Permit (ADL 227372) to the applicant for the purpose of tideland occupancy and the operation of the existing dock and gravel barge loading conveyor system. The applicant is proposing beginning the initial dredging of 7,000 cubic yards and the placement of the single pipe pile when they receive final Department of the Army permit authorization. Maintenance dredging (estimated biannually) would be done as early in the season as possible, starting in late April, likely ending before May 1st, or soon after May 1.

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 applicant proposes that avoidance is not possible because the dock where the dredging is required is providing a water dependent commercial activity.

b. Minimization: The applicant proposes that the dredge area is the minimum size and depth needed to meet the project purpose. The dredged sand materials will be disposed of in uplands, not disposed of in waters of the United States. Any fallback that occurs during in-water dredging using a long-reach excavator is expected to be de minimis in volume.

c. Compensatory Mitigation: The applicant proposes no 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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project footprint area as well as indirect impacts in the adjacent uplands for the heavy machinery movement, as depicted in the enclosed map (map 1 of 1, dated April 6, 2022). Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army 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), federally recognized tribes, and other consulting parties. Any comments SHPO, federally recognized tribes, and other consulting parties 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 Alaska-breeding Steller's eiders (*Polysticta stelleri*), short-tailed Albatross (*Phoebastria albatrus*), bearded seal (*Erignathus barbatus*), ringed seal (*Phoca hispida*), western distinct population segment (DPS) Steller sea lion (*Eumetopias jubatus*), North Pacific right whale (*Eubalaena japonica*), western North Pacific DPS humpback whale and Mexico DPS humpback whale (*Megaptera novaeangliae*), fin whale (*Balaenoptera physalus*), and sperm whale (*Physeter macrocephalus*). No critical habitat is designated in the project area.

We have determined the described activity may affect the threatened or endangered: Alaska-breeding Steller's eiders, bearded seal, ringed seal, western distinct population segment (DPS) Steller sea lion, North Pacific right whale, western North Pacific DPS humpback whale and Mexico DPS humpback whale, western North Pacific DPS humpback whale, fin whale, and sperm whale. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service 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 chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), chinook salmon (*Oncorhynchus tshawytscha*), pink salmon (*Oncorhynchus gorbuscha*), sockeye salmon (*Oncorhynchus nerka*), and whitefish.

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, 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 Corps 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 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 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

Enclosures



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/401 Certification
555 Cordova Street, Anchorage AK 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 (CWA) 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 CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps' Reference Number POA-1998-00165, Goodnews Bay, has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to DEC-401cert@alaska.gov by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquires or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

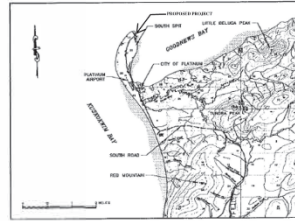
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Brian Blessington at 907-269-6272 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.

Platinum Load Out Facility Improvements

Platinum, Alaska
December 2022



State of Alaska Location Map



Vicinity Map

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<u>LEGEND</u>	
Mean High Water	-----
High Tide Line	- - - - -
Dredging	
Soundings +/- MLLW	X
Piling	

Notes:

1. The proposed work will add a new 4' x 90' breasting piling on the south end of the existing facility and will dredge 7,000 CY's of existing ground all below the high tide line in Good News Bay near Platinum, Alaska to improve the barging capabilities of the facility.
2. Platinum, Alaska is located within section 17, T.13 S., R 75 W., Seward Meridian; Latitude 59.04922° N, Longitude 161.8177° W.
3. The new pipe pile will be installed utilizing a crane-mounted impact hammer from a barge during the 2022 construction season between May and October.
4. Dredging will take place as needed for the 10 year permit term. The purpose of the dredging is to allow the load out and barge operations to operate at high and low tide. The assumed depth needed is -15 ft MLLW.

KNIK CONSTRUCTION
6520 Kulis Drive
Anchorage, Alaska 99502
Phone: (907) 245-1965
www.lynden.com/knik

Project Overview

Designed By:	CRN
Checked By:	CRN
Date:	12/9/2021
Title:	Platinum Load Out Facility Improvements
Datum:	0.0' HTL: + 9.2' MTW: - 6.8' MLLW: 0.0'
<u>SHEET:</u>	
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