



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

<b>PUBLIC NOTICE DATE:</b>	<b>June 27, 2022</b>
<b>EXPIRATION DATE:</b>	<b>July 27, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00233</b>
<b>WATERWAY:</b>	<b>Passage Canal</b>

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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](mailto: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 Bryan Herczeg at (907) 753-2772, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Turnagain Marine Construction

**AGENT:** Solstice Alaska Consulting, Inc.

**LOCATION:** The project site is located within Township 8N, Range 4E, Sections 14, 15, and 22, Seward Meridian; USGS Quadrangle Seward D-5 SW; latitude 60.784° N and longitude 148.716° W; approximately 1.2 kilometers northwest of the existing Port of Whittier deep water dock in Whittier, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new cruise ship berthing facility to alleviate pressure on the existing cruise ship dock.

PROPOSED WORK: The project would involve in-water construction, including the installation of piles, to support a 500-foot by 70-foot floating dock, pile-supported mooring dolphins, 100-foot by 3.5-foot catwalk, 115-foot by 3.5-foot catwalk, pile supported float restraint dolphins, 154-foot by 15-foot transfer span, 262-foot by 44-foot pile supported mooring trestle, and a 552-foot by 24-foot pile supported approach trestle.

The proposed project would install the following components:

In-water components (to support the cruise ship berth):

- Forty-four (44) 36-inch diameter temporary steel piles to guide permanent piles in place
- Twelve (12) 30-inch diameter permanent steel piles
- Sixteen (16) 42-inch diameter permanent steel piles
- Twenty (20) 48-inch diameter permanent steel piles

Additional (out of water) project components include dock components such as bull rail, fenders, mooring cleat, pre-cast concrete dock surface, and mast lights.

Construction of the proposed dock would involve pile driving using vibratory and impact hammers and down-the-hole (DTH) drilling and follow this sequence:

1. Vibrate in 3 to 4 temporary 36-inch diameter steel piles a minimum of 10 feet into overburden to create a template to guide installation of permanent piles. It is anticipated that a few template piles may need to be down-the-hole drilled into place.
2. Weld a frame around the temporary piles.
3. Within the frame, vibrate, impact, and down-the-hole drill permanent 30-inch diameter steel piles into place.
4. Remove the frame and temporary piles and move to the next permanent pile location. Repeat this process for placement of all the permanent piles.

DTH drilling would produce an estimated 404 cubic yards of drill cuttings (bedrock). The applicant proposes to discharge DTH drill cuttings into Passage Canal.

The following vessels are expected to support construction and protected species monitoring:

- Two materials barges (approximately 250 foot by 76 foot by 15.5 foot) to transport materials from Seattle, Washington to the project site and to be used onsite as a staging area during construction.
- One construction barge (Swiftwater crane barge [230 foot by 60 foot by 15.5 foot]) onsite to support construction.
- Two skiffs (20-foot skiff with single 90 horsepower Honda outboard motors) transported to the project site on the crane barge to support construction and potentially marine mammal monitoring activities.

Construction would begin in April 2023 and continue through April 2024. Pile installation activities are expected to occur for a total of approximately 202 hours over 83 days (not necessarily consecutive days). Most of the in-water work time would be spent down-the-hole drilling (130 hours over 26.5 days). All work would be performed in accordance with the enclosed plan (sheets 1-9), dated 20 June 2022.

ADDITIONAL INFORMATION: Incidental Harassment Authorizations under the Marine Mammal Protection Act will be required from U.S Fish and Wildlife Service and the National Marine Fisheries Service.

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: To meet the project purpose and need construction must occur within waters of the United States. The project will be located within Passage Canal and adjacent uplands.

b. Minimization: The project used the most compact design practicable (with the least number of piles and smallest size of piles) to minimize impacts to waters of the United States.

c. Compensatory Mitigation: No compensatory mitigation is proposed the project footprint is within a previously developed area.

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. The applicant has submitted A Clean Water Act Section 401 Prefiling Meeting Request on May 19, 2022.

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 vicinity of the permit area. The permit area has been determined to be the project footprint below the high tide line including surrounding in water construction zone. 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 endangered fin whale (*Balaenoptera physalus*), endangered Western North Pacific Distinct Population Segment (DPS) and threatened Mexico DPS humpback whale (*Megaptera novaeangliae*), Western DPS Steller sea lion (*Eumetopias jubatus*), and the short-tailed albatross (*Phoebastria albatrus*).

We have determined the described activity may affect the endangered fin whale (*Balaenoptera physalus*), endangered Western North Pacific Distinct Population Segment (DPS) and threatened Mexico DPS humpback whale (*Megaptera novaeangliae*), Western DPS Steller sea lion (*Eumetopias jubatus*) and/or their designated critical habitat. We have designated Solstice Alaska Consulting, Inc. as the non-federal representative to conduct Section 7 consultation and will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with 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 Alaska plaice (*Pleuronectes quadrituberculatus*), arrowtooth flounder (*Atheresthes stomias*), Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*O. keta*), coho salmon (*O. kisutch*), Dover sole (*Solea solea*), flathead sole (*Hippoglossoides elassodon*), Kamchatka flounder (*Atheresthes evermanni*), Northern rock sole (*Lepidopsetta polyxystra*), Pacific cod (*Gadus macrocephalus*), Pacific ocean perch (*Sebastes alutus*), pink salmon (*O. gorbuscha*), rex sole (*Glyptocephalus zachirus*), sablefish (*Anoplopoma fimbria*), sockeye salmon (*O. nerka*), Southern rock sole (*L. bilineata*), walleye pollock (*Gadus chalcogrammus*), yellowfin sole (*Limanda aspera*).

There are two anadromous streams identified by the Alaska Department of Fish & Game Anadromous Waters Catalog (AWC) in the vicinity of the project that flow into Passage Canal: Shakespeare Creek (224-10-14400) and Whittier Creek (224-10-14410). Each stream supports pink and coho salmon. There are three other streams within or near the project area that have not been identified as anadromous in the AWC.

We have determined the described activity may adversely affect EFH in the project area for the above listed species. This Public Notice initiates EFH consultation with the NMFS. An EFH assessment will be prepared and submitted to NMFS. Any comments or recommendations they may have concerning EFH 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).

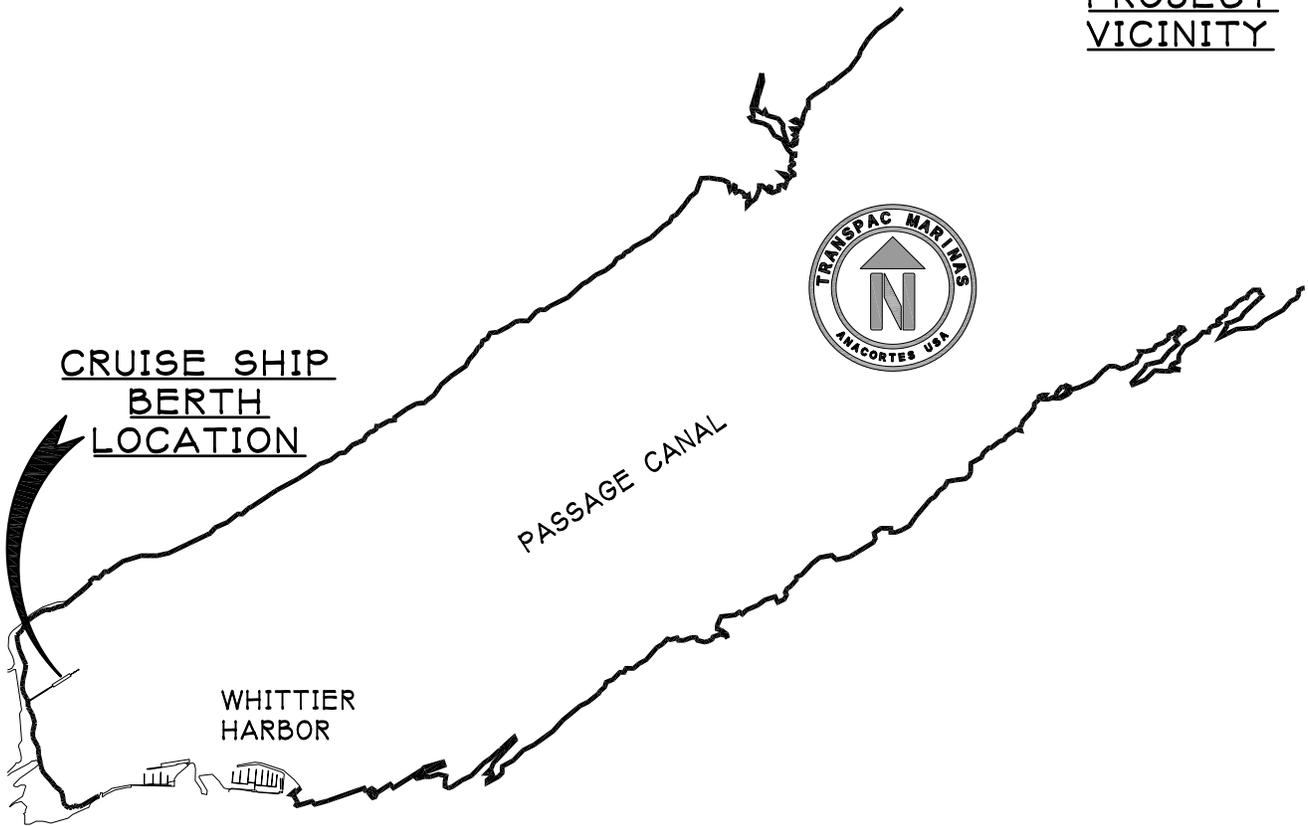
Project drawings are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps

Enclosures



PROJECT  
VICINITY



PURPOSE: NEW CRUISE SHIP DOCK

VICINITY MAP  
& LOCATION MAP

PROPOSED: CRUISE SHIP DOCK  
IN: PASSAGE CANAL  
AT: WHITTIER, AK

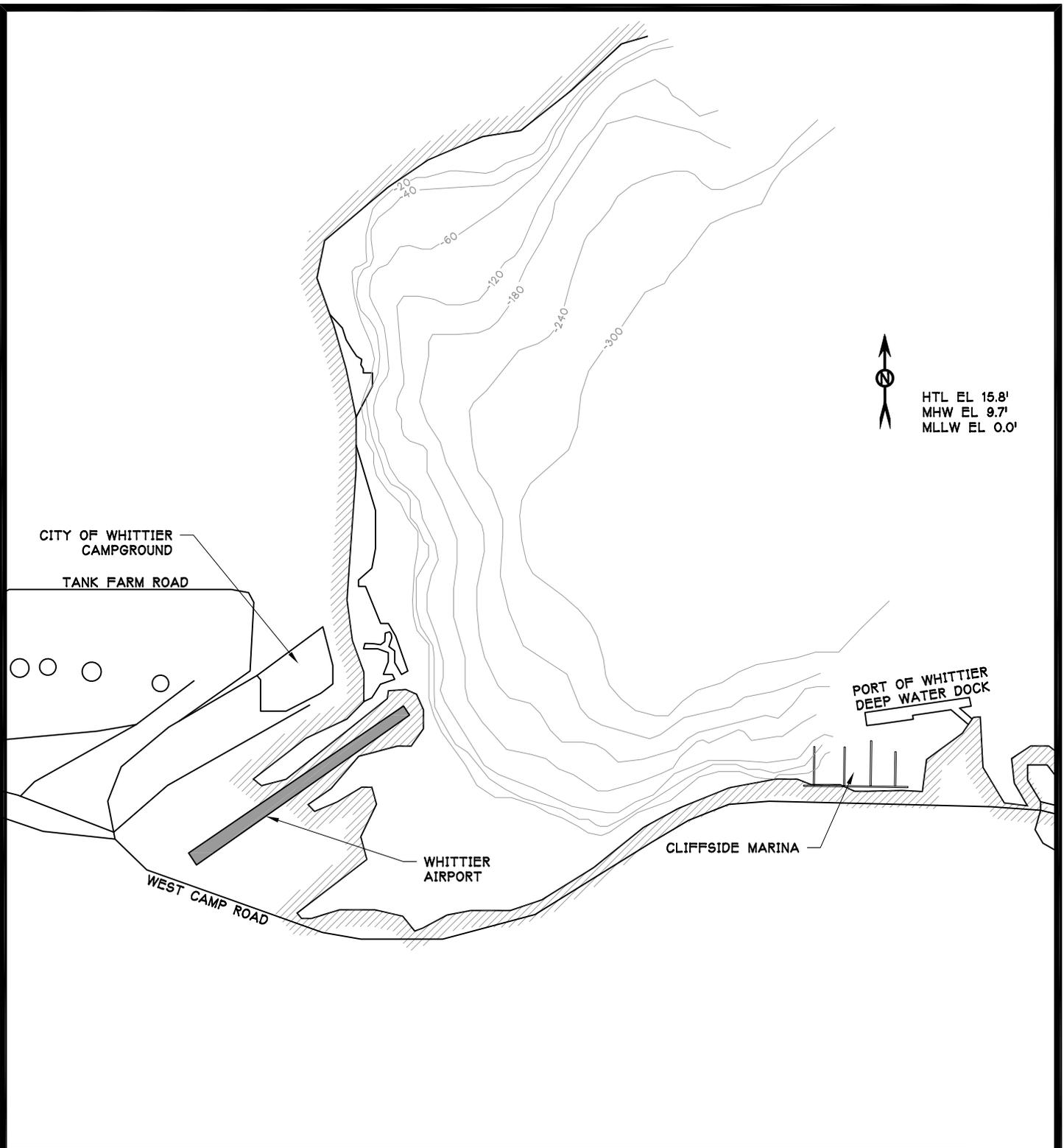
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MHW = 9.71  
MLLW = 0.0'

JOB NO. 21\_116\_A

APPLICATION BY: TURNAGAIN MARINE

DATE: 20 JUNE 2022

SHEET: 1 OF 9



PURPOSE: NEW CRUISE SHIP DOCK

EXISTING SITE  
CONDITIONS

PROPOSED: CRUISE SHIP DOCK  
IN: PASSAGE CANAL  
AT: WHITTIER, AK

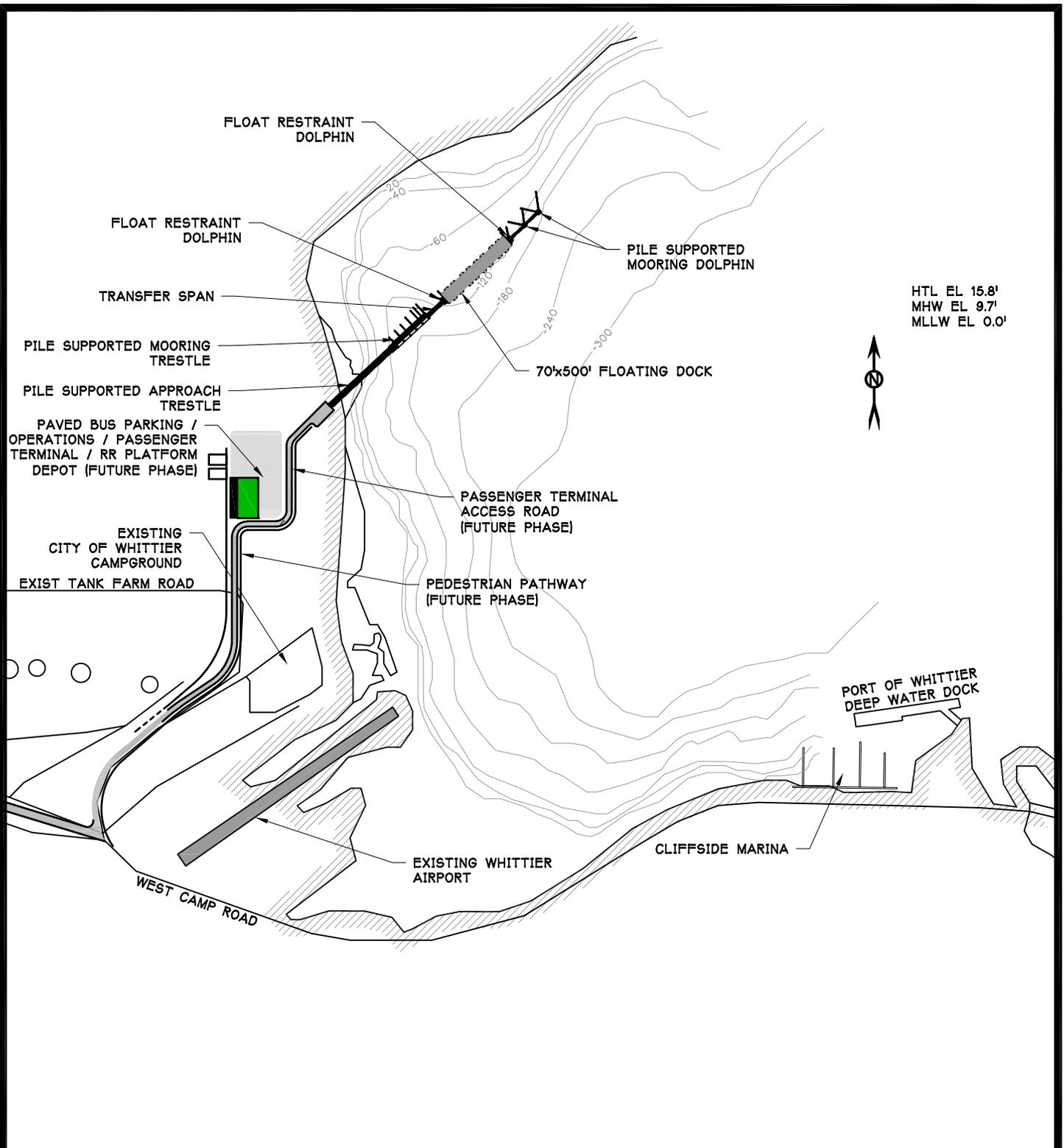
DATUM: 0.0' MTL = 5.55'  
MHW = 9.71'  
MLLW = 0.0'

JOB NO. 21\_116\_A

APPLICATION BY: TURNAGAIN MARINE

DATE: 20 JUNE 2022

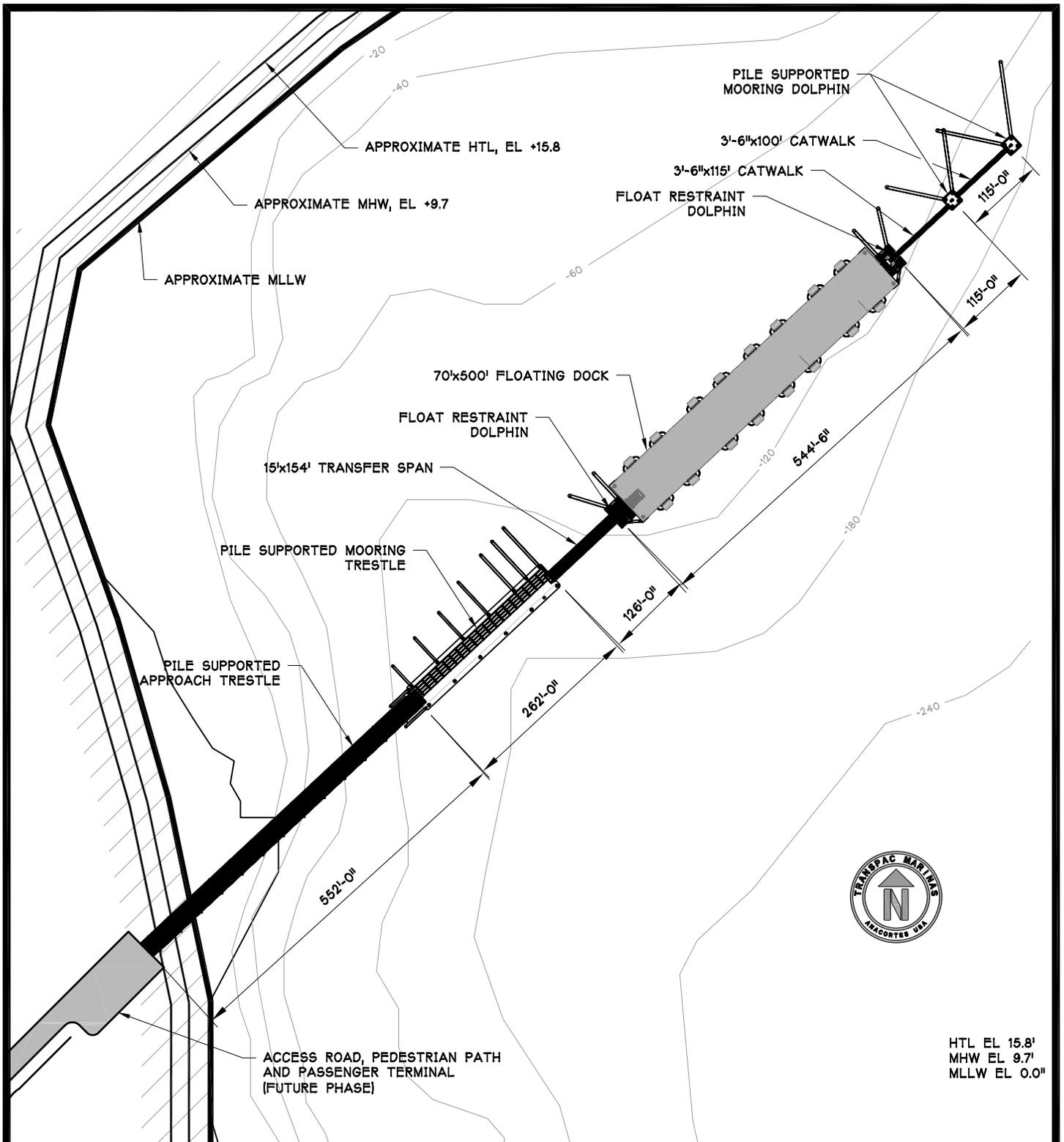
SHEET: 2 OF 9



HTL EL 15.8'  
MHW EL 9.7'  
MLLW EL 0.0'



PURPOSE: NEW CRUISE SHIP DOCK	<b>PROPOSED          SITE PLAN</b>	PROPOSED: CRUISE SHIP DOCK
DATUM: 0.0'      MTL = 5.55' MHW = 9.71' MLLW = 0.0'	JOB NO. 21_116_A	IN: PASSAGE CANAL AT: WHITTIER, AK
		APPLICATION BY: TURNAGAIN MARINE
		DATE: 20 JUNE 2022      SHEET: 3 OF 9



HTL EL 15.8'  
MHW EL 9.7'  
MLLW EL 0.0'

PURPOSE: NEW CRUISE SHIP DOCK

PROPOSED BERTH  
SITE PLAN

PROPOSED: CRUISE SHIP DOCK  
IN: PASSAGE CANAL  
AT: WHITTIER, AK

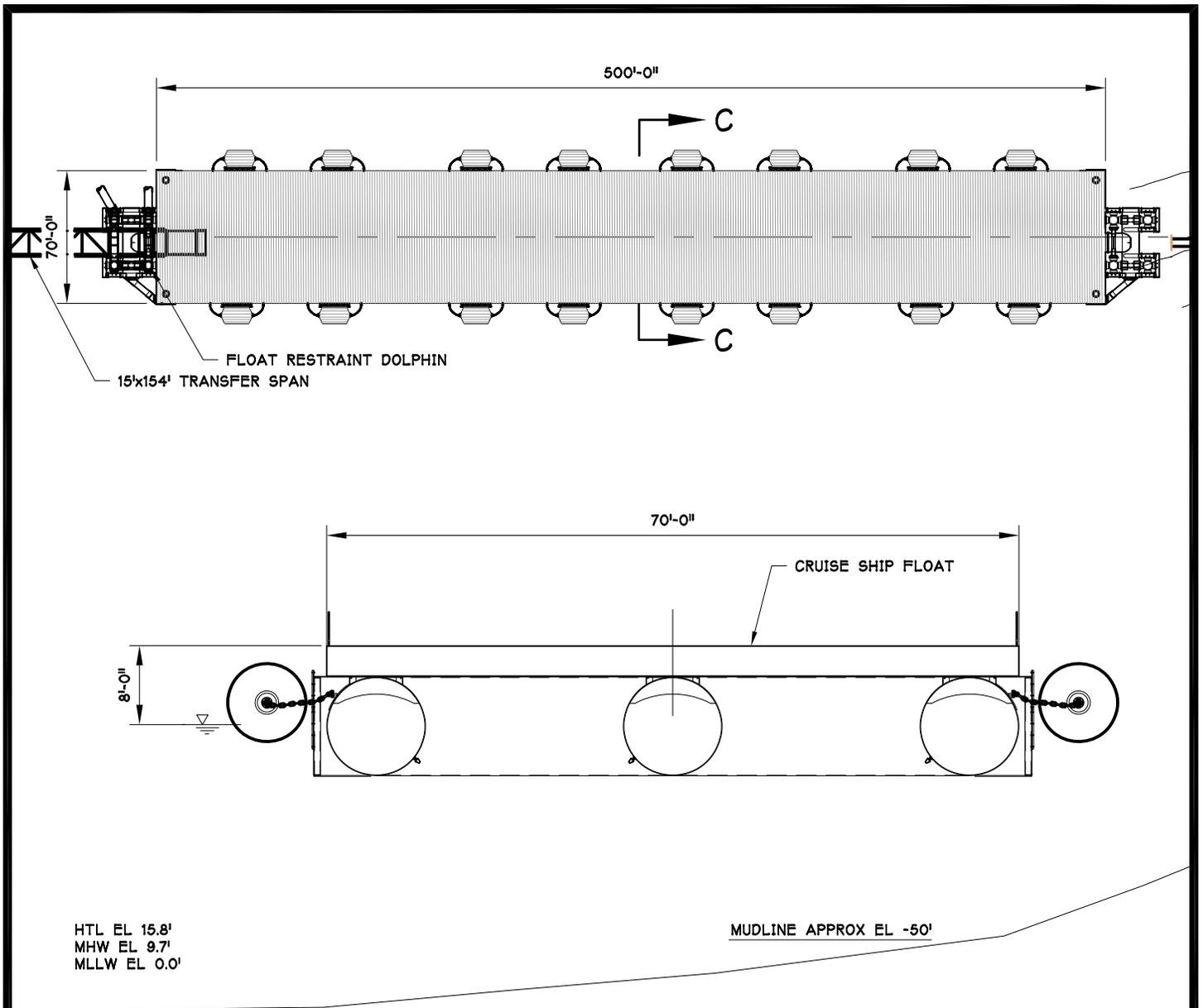
DATUM: 0.0' MTL = 5.55'  
MHW = 9.71'  
MLLW = 0.0'

JOB NO. 21\_116\_A

APPLICATION BY: TURNAGAIN MARINE

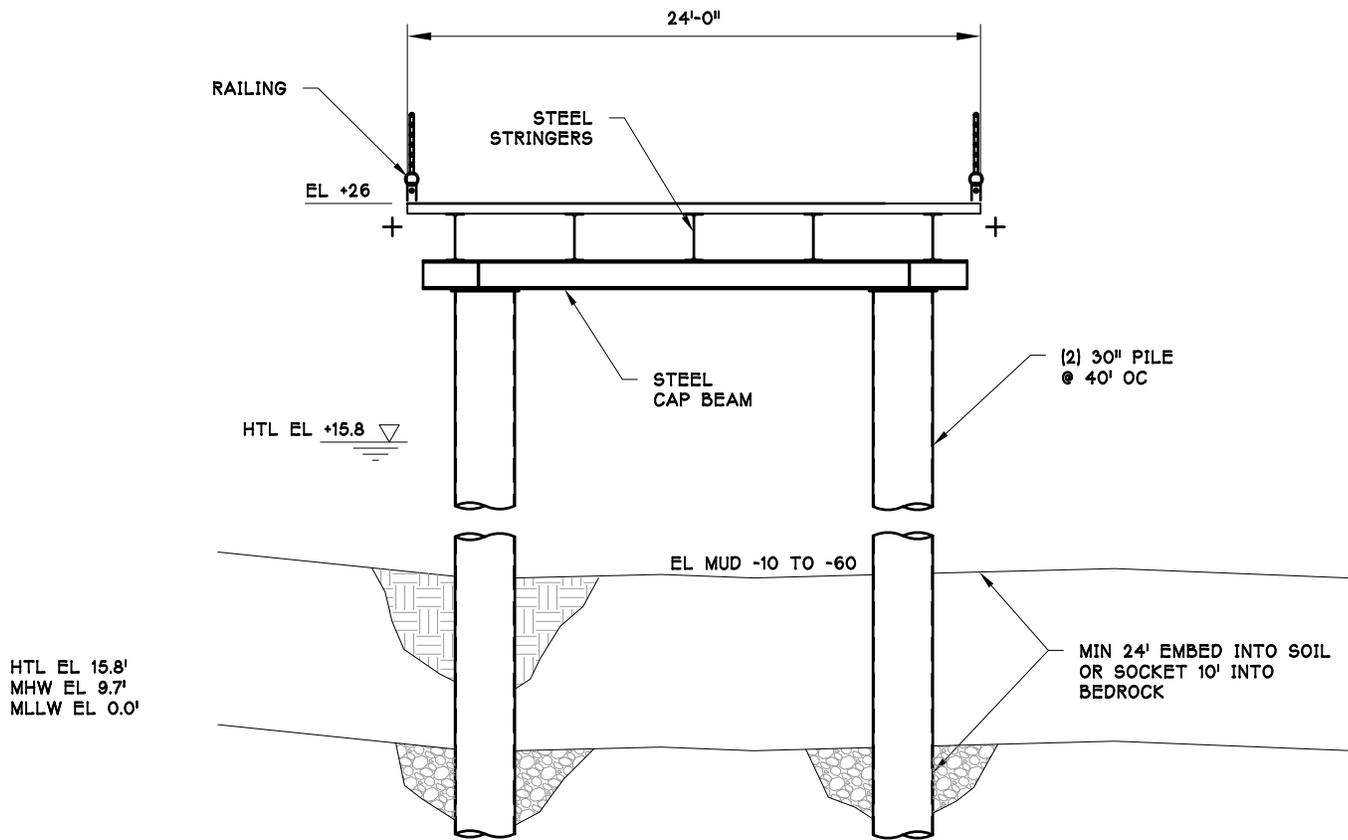
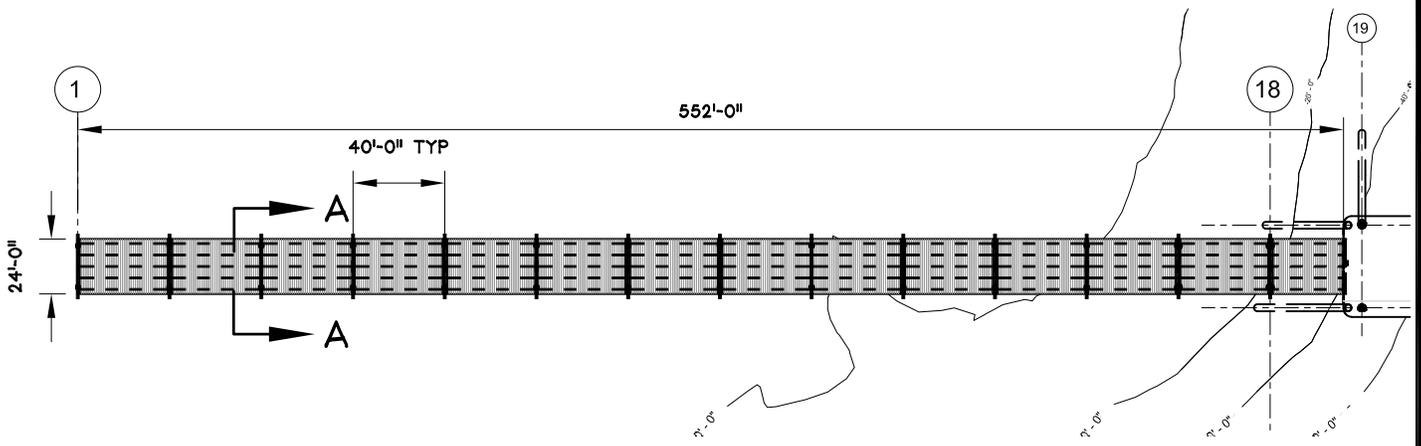
DATE: 20 JUNE 2022

SHEET: 4 OF 9



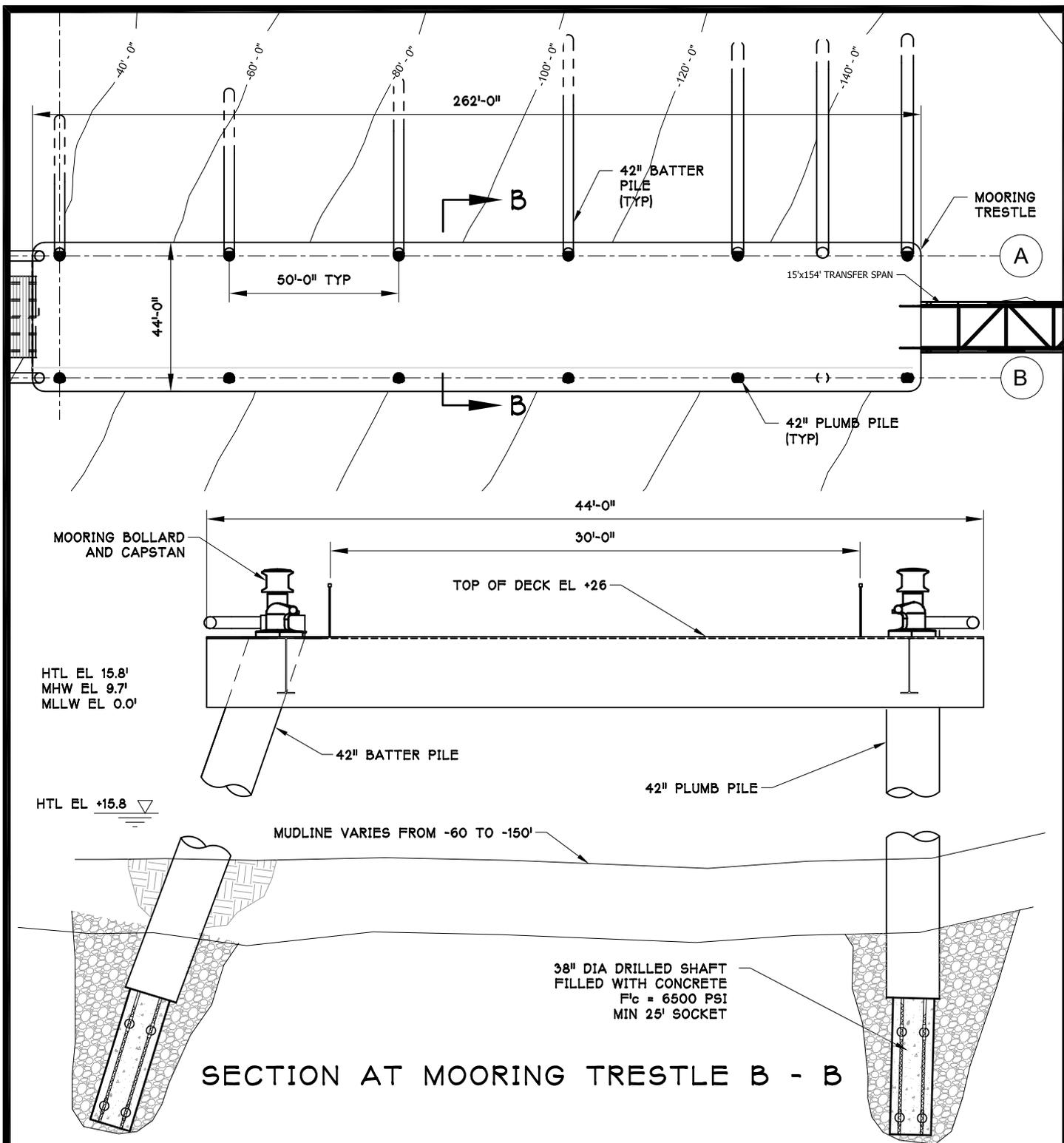
TYPICAL FLOAT SECTION C - C

<p>PURPOSE: NEW CRUISE SHIP DOCK</p> <p>DATUM: 0.0'</p> <p>MTL = 5.55'</p> <p>MHW = 9.71'</p> <p>MLLW = 0.0'</p>	<p>PROPOSED FLOAT PLAN &amp; SECTION</p> <p>JOB NO. 21_116_A</p>	<p>PROPOSED: CRUISE SHIP DOCK</p> <p>IN: PASSAGE CANAL</p> <p>AT: WHITTIER, AK</p> <p>APPLICATION BY: TURNAGAIN MARINE</p> <p>DATE: 20 JUNE 2022</p> <p>SHEET: 5 OF 9</p>
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SECTION AT APPROACH TRESTLE A - A  
 PILE BENTS @ 40' OC

PURPOSE: NEW CRUISE SHIP DOCK	PROPOSED APPROACH TRESTLE	PROPOSED: CRUISE SHIP DOCK
DATUM: 0.0'      MTL = 5.55' MHW = 9.71' MLLW = 0.0'		IN: PASSAGE CANAL AT: WHITTIER, AK
JOB NO. 21_116_A	APPLICATION BY: TURNAGAIN MARINE	DATE: 20 JUNE 2022
		SHEET: 6 OF 9



PURPOSE: NEW CRUISE SHIP DOCK

PROPOSED  
MOORING TRESTLE

PROPOSED: CRUISE SHIP DOCK  
IN: PASSAGE CANAL  
AT: WHITTIER, AK

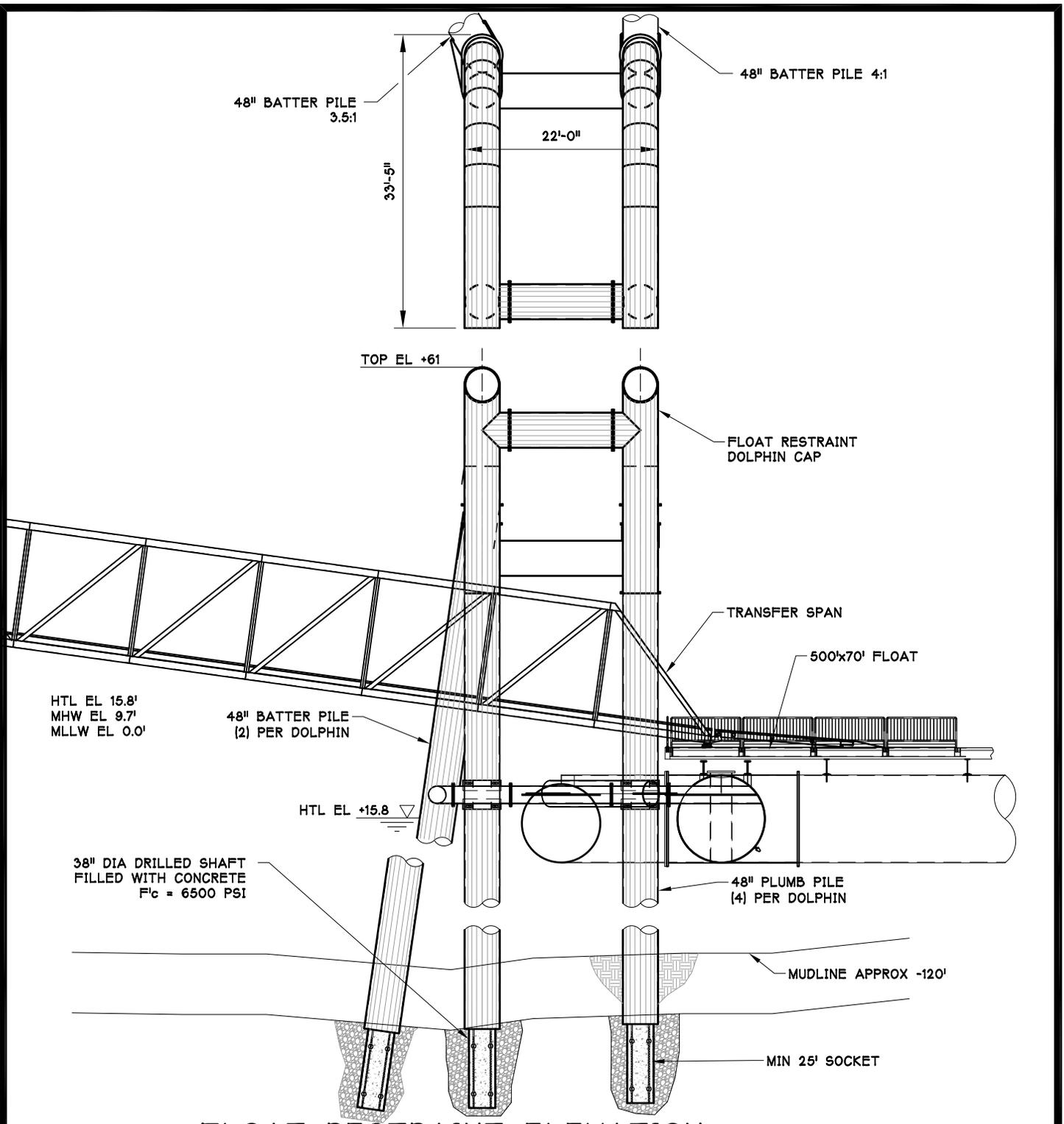
DATUM: 0.0' MTL = 5.55'  
MHW = 9.71'  
MLLW = 0.0'

JOB NO. 21\_116\_A

APPLICATION BY: TURNAGAIN MARINE

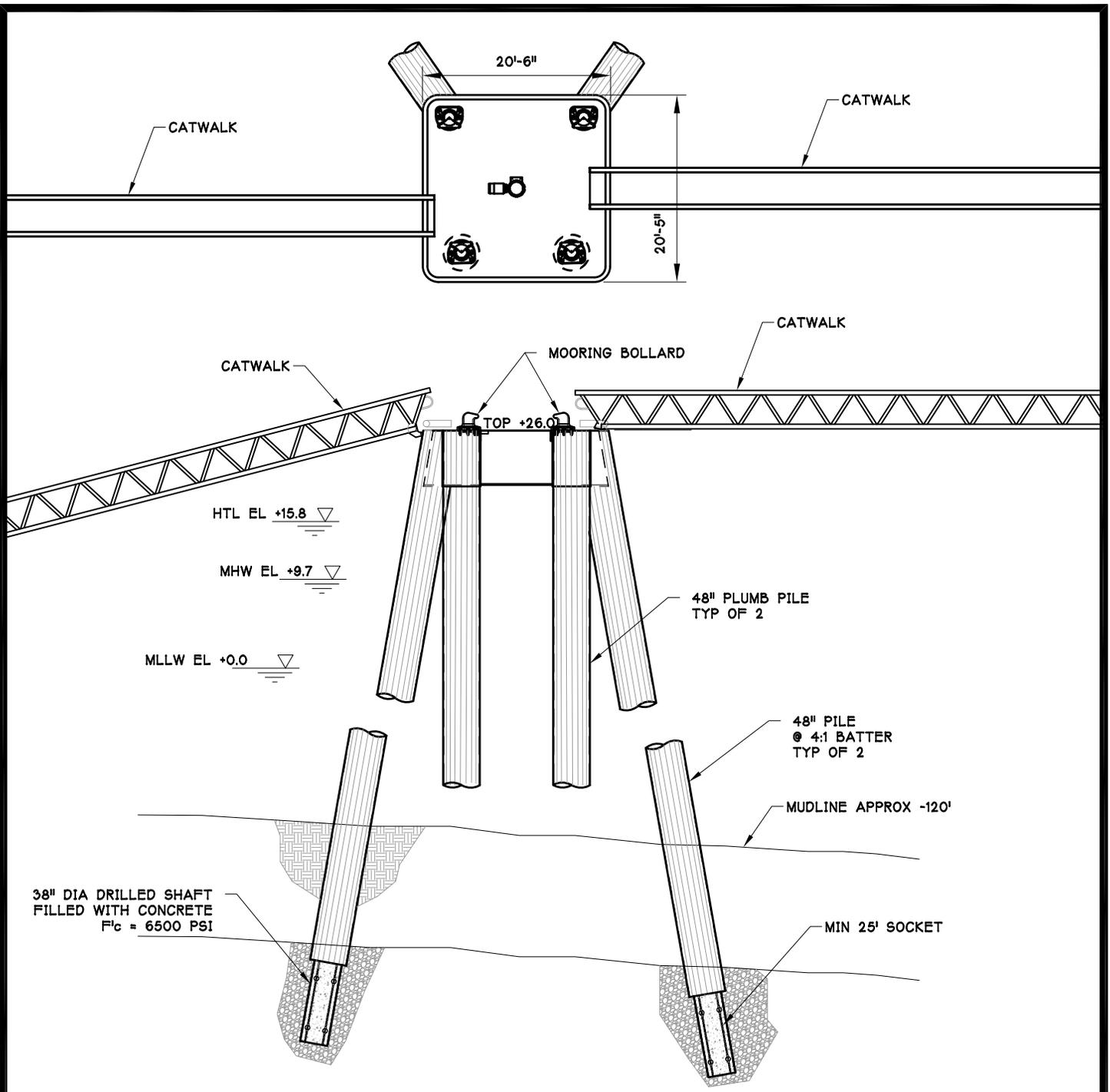
DATE: 20 JUNE 2022

SHEET: 7 OF 9



FLOAT RESTRAINT ELEVATION

PURPOSE: NEW CRUISE SHIP DOCK	PROPOSED FLOAT RESTRAINT	PROPOSED: CRUISE SHIP DOCK
		IN: PASSAGE CANAL
		AT: WHITTIER, AK
DATUM: 0.0'      MTL = 5.55' MHW = 9.71' MLLW = 0.0'	DOLPHIN JOB NO. 21_116_A	APPLICATION BY: TURNAGAIN MARINE DATE: 20 JUNE 2022      SHEET: 8 OF 9



MOORING DOLPHIN

PURPOSE: NEW CRUISE SHIP DOCK	PROPOSED MOORING DOLPHIN	PROPOSED: CRUISE SHIP DOCK
DATUM: 0.0'      MTL = 5.55' MHW = 9.71' MLLW = 0.0'	JOB NO. 21_116_A	IN: PASSAGE CANAL
		AT: WHITTIER, AK
		APPLICATION BY: TURNAGAIN MARINE
		DATE: 20 JUNE 2022      SHEET: 9 OF 9