



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
P.O. BOX 6898
JBER, AK 99506-0898

PUBLIC NOTICE DATE:	July 28, 2023
EXPIRATION DATE:	August 28, 2023
REFERENCE NUMBER:	POA-1982-00598
WATERWAY:	Captains 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 Jennifer Mercer at (907) 753-2779, toll free from within Alaska at (800) 478-2712, or by email at Jennifer.A.Mercer@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Jeff Savage, Offshore Systems, Inc., 12019 76th Place NE, Kirkland, WA 98034.

AGENT: Tom Mortensen, Tom Mortensen Associates LLC, P.O. Box 195, Seldovia, AK 99663.

LOCATION: The project site is located within Section 21, T. 73 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2 SW; Latitude 53.8414° N, Longitude 166.5826° W; at the existing OSI Dock Facility, Mile 4.5 of Captains Bay Road, Dutch Harbor, Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to expand the pad area at the existing marine cargo dock in order to increase cargo-handling efficiency and safety, and for staging additional cargo volume.

PROPOSED WORK: The applicant proposes to discharge 17,000 cubic yards of shot rock fill and riprap into 0.65-acres below the high tide line (HTL; 5.2 feet above the 0.0-foot contour) of Captains Bay, a navigable water of the United States. The proposed work includes the excavation and dredging of the existing riprap located along the fill slope. Excavated rock would be temporarily staged on the pad. Approximately 850 cubic yards of existing riprap would be salvaged and used in the proposed fill slope. The proposed work is expected to take place between September and November 2023. The placement of rock fill material would be completed using standard heavy equipment including end-dumps, side-dumps, excavators, dozers, and compactors. Riprap placement would be completed using excavators and cranes. The excavation and placement of rock fill below the HTL would be done during low tidal stages as practicable. All work would be performed in accordance with the enclosed plan (sheets 1–5), dated June 5, 2023.

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 states that avoidance is not possible because to achieve the project purpose, the proposed fill area must be located at the existing dock face.
- b. Minimization: The applicant states that impacts would be minimized by implementing Best Management Practices, including the placement of clean quarried rock material during low tides, as practicable. The riprap would be placed with an excavator or crane, which would minimize turbidity. No special aquatic sites or wetlands will be filled by the proposed work at the proposed location.
- 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; however, there are cultural resources within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed pad expansion area. 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

determination was made because of the lack of historic properties within the permit area, and because the proposed work would occur below the HTL of Captains Bay, where the substrate has been extensively modified by the tides. 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 Steller sea lion (*Eumetopias jubatus*), blue whale (*Balaenoptera musculus*), Western North Pacific gray whale (*Eschrichtius robustus*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*) Western North Pacific Distinct Population Segment (DPS) and Mexico DPS, North Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*), Northern sea otter (*Enhydra lutris kenyoni*), and Steller's eider (*Polysticta stelleri*). The project is located within Critical Habitat for the Stellar sea lion, humpback whale Western North Pacific and Mexico DPS, and the Northern sea otter.

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 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 (NMFS) 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 (Magnuson-Stevens 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 mapped EFH for arrowtooth flounder (*Atheresthes stomias*), Atka mackerel (*Pleurogrammus monopterygius*), skates (*Rajidae*), pink salmon (*Oncorhynchus gorboscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), dusky rockfish (*Sebastes ciliatus*), flathead sole (*Hippoglossoides elassodon*), walleye pollock (*Theragra calcogramma*), sculpins (*Cottidae*), rock sole (*Lepidopsetta bilineatus*), northern rockfish (*Sebastes polyspinis*), Pacific cod (*Gadus macrocephalus*), rex sole (*Glyptocephalus zachirus*), sablefish (*Anoplopoma fimbria*), and weathervane scallop (*Patinopecten caurinus*).

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 adversely affect EFH for 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 NMFS 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 Corps, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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:

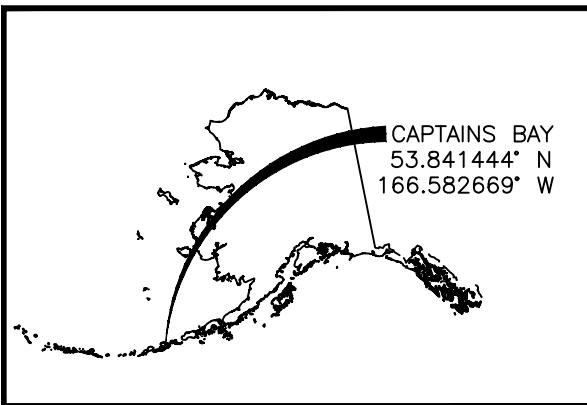
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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.

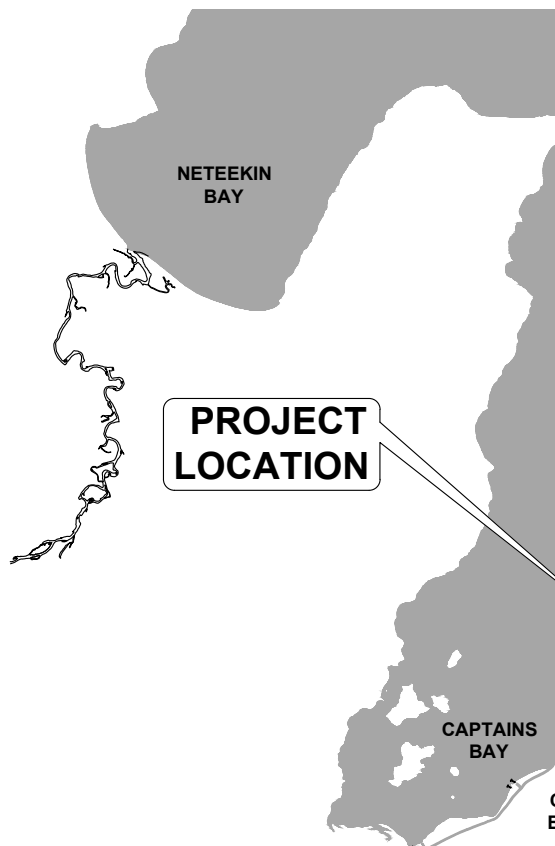
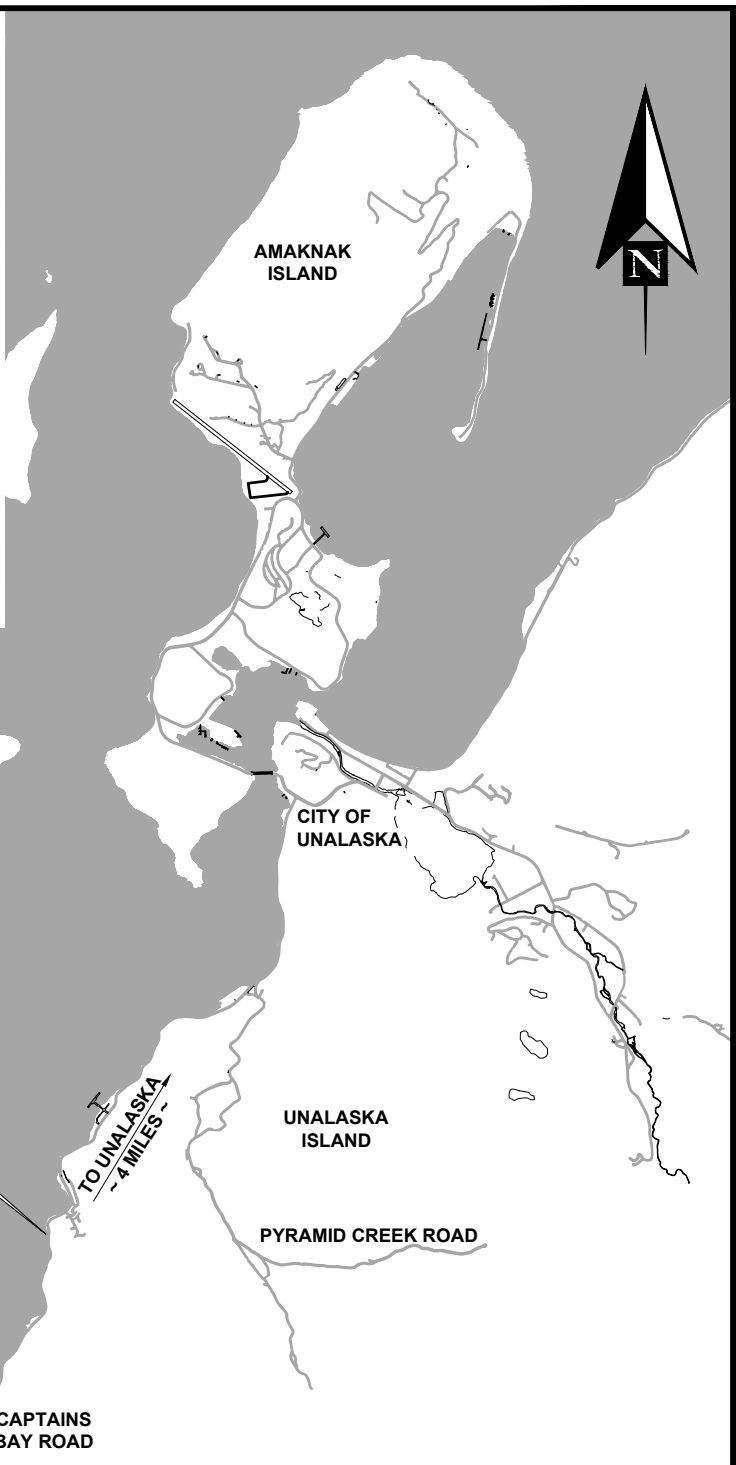
District Commander
U.S. Army, Corps of Engineers

Enclosure



LOCATION MAP

TIDAL LEVELS	
HIGH TIDE LINE (HTL)	+5.2 FT
MEAN HIGH WATER (MHW)	+3.3 FT
MEAN LOWER LOW WATER (MLLW)	0.00 FT



PURPOSE:
ADDITIONAL FILL AREA TO EXPAND
THE EXISTING DOCK AREA

DATUM: MLLW = 0.0'

LAT: 53.841444° N
LONG: 166.582669° W
S: 21 T: 73S R: 118W
SEWARD MERIDIAN

VICINITY MAP

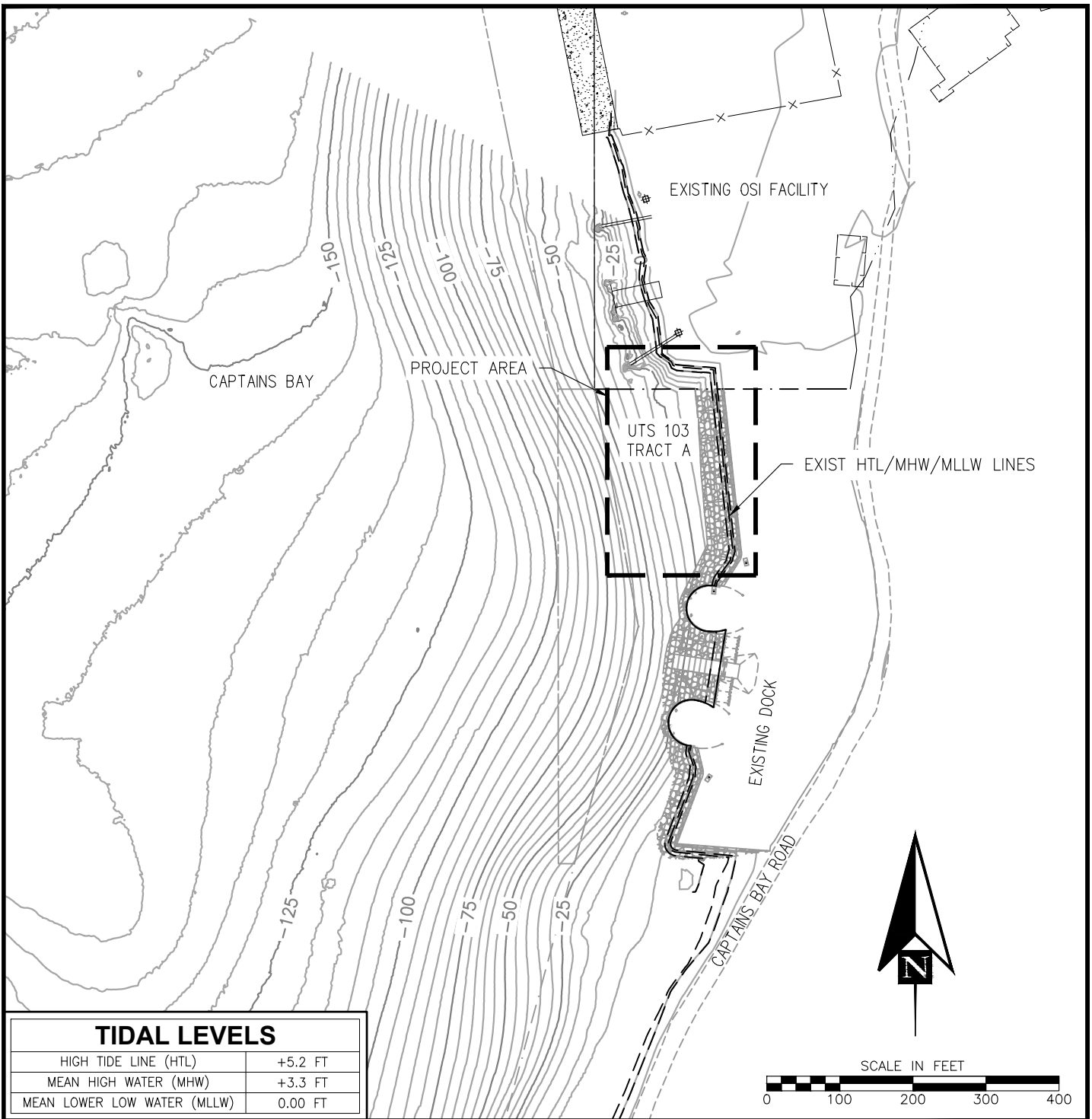
POA-1982-598

OFFSHORE SYSTEMS, INC.
MILE 4.5 CAPTAINS BAY ROAD
DUTCH HARBOR, AK 99692

**OFFSHORE SYSTEMS, INC.
DOCK EXPANSION**

AT: CAPTAINS BAY
DUTCH HARBOR, AK

6/5/2023 SHEET **1** of **5**



TIDAL LEVELS	
HIGH TIDE LINE (HTL)	+5.2 FT
MEAN HIGH WATER (MHW)	+3.3 FT
MEAN LOWER LOW WATER (MLLW)	0.00 FT

PURPOSE:
 ADDITIONAL FILL AREA TO EXPAND
 THE EXISTING DOCK AREA

DATUM: MLLW = 0.0'

LAT: 53.841444° N
 LONG: 166.582669° W
 S: 21 T: 73S R: 118W
 SEWARD MERIDIAN

**EXISTING
 SITE PLAN**

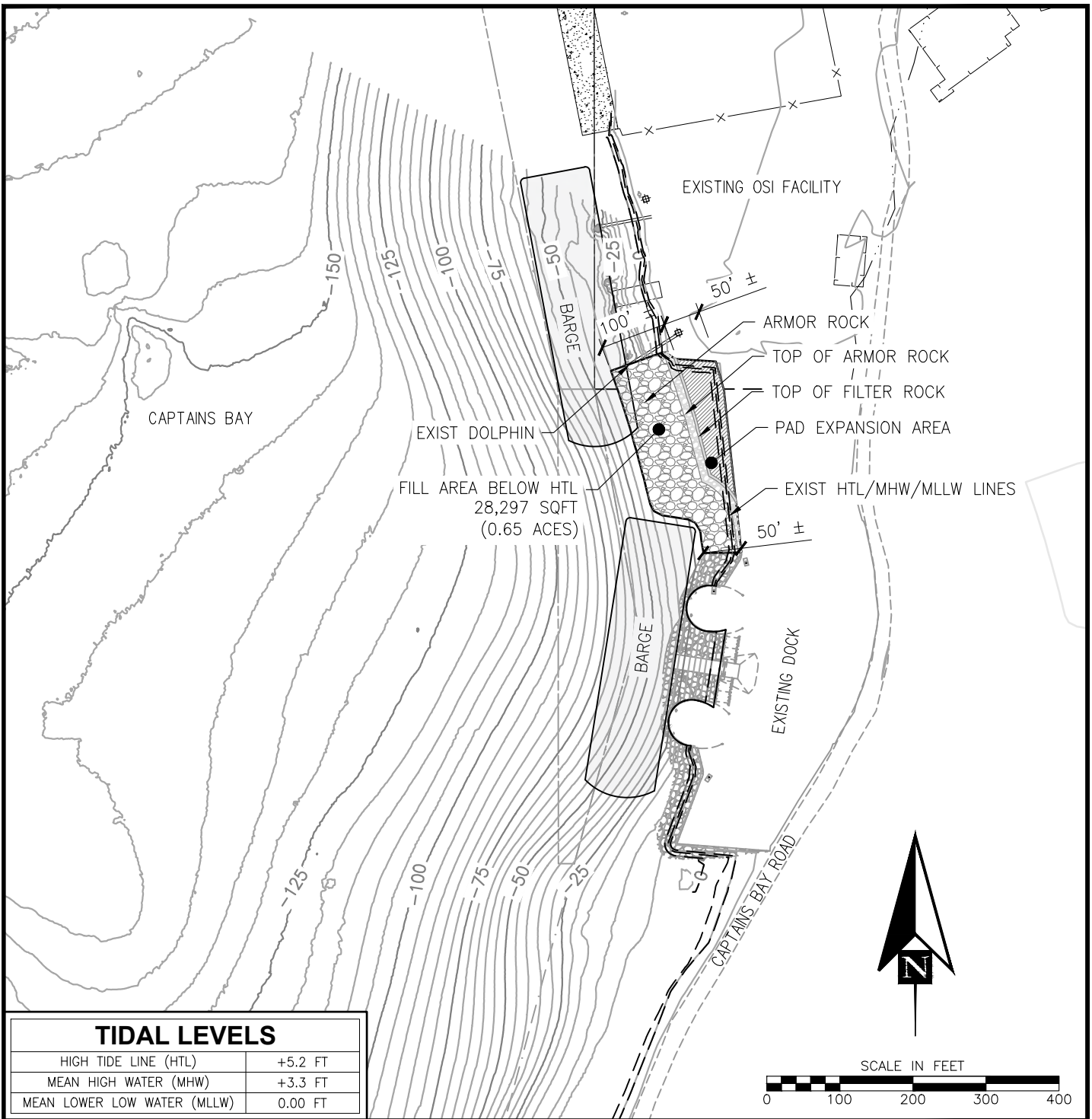
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**OFFSHORE SYSTEMS, INC.
 DOCK EXPANSION**

AT: CAPTAINS BAY
 DUTCH HARBOR, AK

6/5/2023 SHEET **2** of **5**



TIDAL LEVELS	
HIGH TIDE LINE (HTL)	+5.2 FT
MEAN HIGH WATER (MHW)	+3.3 FT
MEAN LOWER LOW WATER (MLLW)	0.00 FT

PURPOSE:
 ADDITIONAL FILL AREA TO EXPAND
 THE EXISTING DOCK AREA

DATUM: MLLW = 0.0'

LAT: 53.841444° N
 LONG: 166.582669° W
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**PROPOSED
 SITE PLAN**

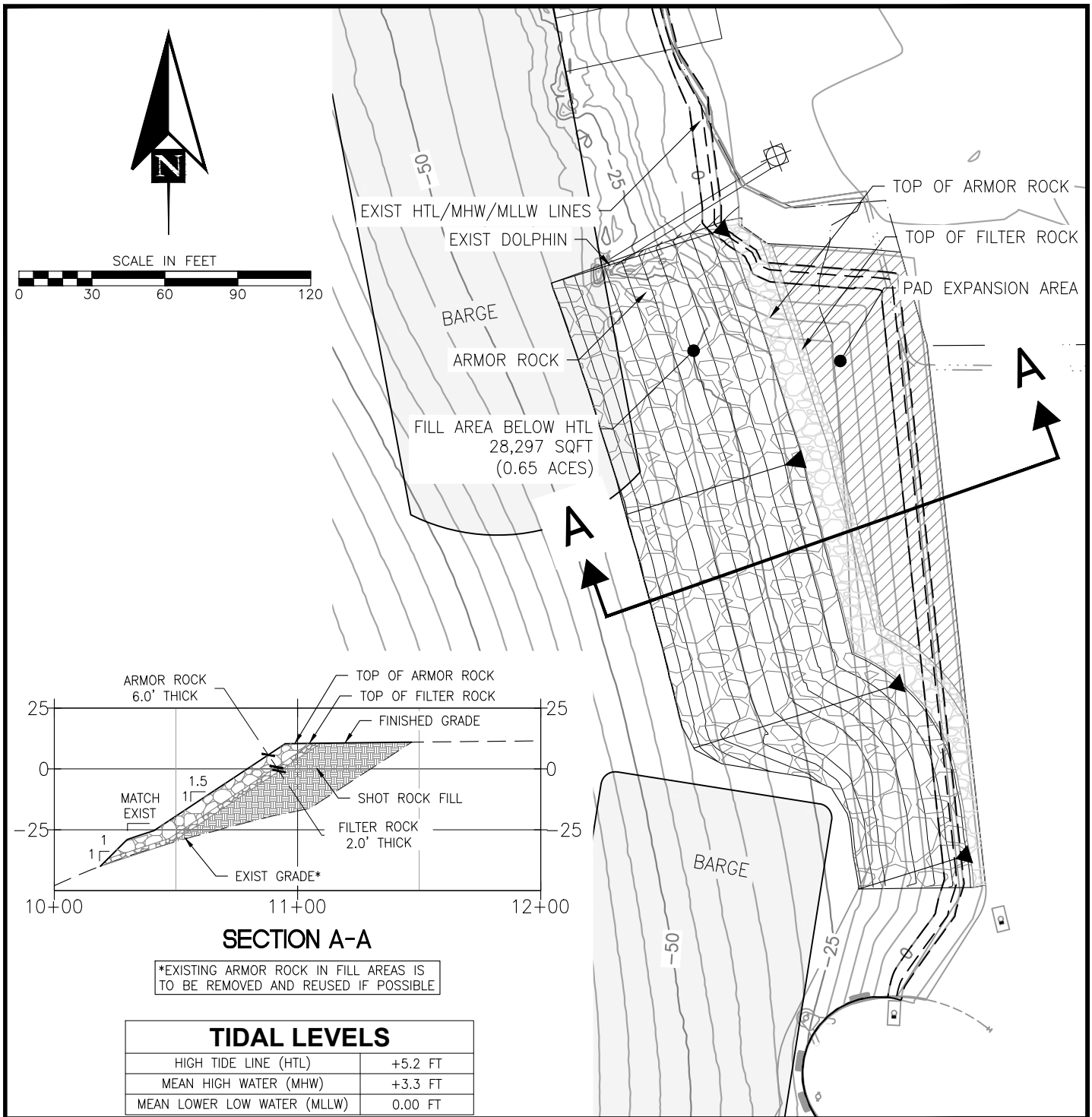
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**OFFSHORE SYSTEMS, INC.
 DOCK EXPANSION**

AT: CAPTAINS BAY
 DUTCH HARBOR, AK

6/5/2023 SHEET **3** of **5**



SECTION A-A

*EXISTING ARMOR ROCK IN FILL AREAS IS TO BE REMOVED AND REUSED IF POSSIBLE

TIDAL LEVELS

HIGH TIDE LINE (HTL)	+5.2 FT
MEAN HIGH WATER (MHW)	+3.3 FT
MEAN LOWER LOW WATER (MLLW)	0.0 FT

PURPOSE:
ADDITIONAL FILL AREA TO EXPAND
THE EXISTING DOCK AREA

DATUM: MLLW = 0.0'
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TYPICAL SECTION

POA-1982-598

OFFSHORE SYSTEMS, INC.
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**OFFSHORE SYSTEMS, INC.
DOCK EXPANSION**

AT: CAPTAINS BAY
DUTCH HARBOR, AK

6/5/2023

SHEET **4** of **5**

ESTIMATED FILL QUANTITIES

MATERIAL	PROJECT TOTAL	BELOW HTL (EL=5.2')	BELOW MHW (EL=3.3')	BELOW MLLW (EL=0.0')
FOOTPRINT	0.71 ACRES	0.65 ACRES	0.63 ACRES	0.59 ACRES
SHOT ROCK	9,613 CY	9,292 CY	9,090 CY	8,632 CY
FILTER ROCK	2,045 CY	1,975 CY	1,945 CY	1,895 CY
REMOVE AND SALVAGE ARMOR ROCK*	(973) CY	(847) CY	(775) CY	(652) CY
ARMOR ROCK	5,935 CY	5,740 CY	5,660 CY	5,520 CY
TOTAL NET FILL	16,620 CY	16,160 CY	15,920 CY	15,395 CY

*ASSUMES SALVAGE AND REUSE OF 50% OF EXISTING ARMOR

PURPOSE:
ADDITIONAL FILL AREA TO EXPAND
THE EXISTING DOCK AREA

DATUM: MLLW = 0.0'
LAT: 53.841444° N
LONG: 166.582669° W
S: 21 T: 73S R: 118W
SEWARD MERIDIAN

QUANTITIES

POA-1982-598

OFFSHORE SYSTEMS, INC.
MILE 4.5 CAPTAINS BAY ROAD
DUTCH HARBOR, AK 99692

OFFSHORE SYSTEMS, INC. DOCK EXPANSION

AT: CAPTAINS BAY
DUTCH HARBOR, AK

6/5/2023

SHEET **5** of **5**