



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>23 January 2024</b>
<b>EXPIRATION DATE:</b>	<b>23 February 2024</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1979-00181</b>
<b>WATERWAY:</b>	<b>Port Valdez</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 Olivia Ortiz at (907) 753-2586, toll free from within Alaska at (800) 478-2712, or by email at [Olivia.K.Ortiz@usace.army.mil](mailto:Olivia.K.Ortiz@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Michael Wells, Valdez Fisheries Department Association Inc. (VFDA)  
P.O. Box 125 Valdez, AK 99686 [Mike.wells@valdezfisheries.com](mailto:Mike.wells@valdezfisheries.com)  
Residence: (907) 255-1519 Business: (907) 835-4874 Fax: (907) 835-4831

**LOCATION:** The project site is located within Section 16, T. 9 S., R. 6 W., Copper River Meridian; Latitude 61.0896° N., Longitude 146.2950° W.; near Valdez, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide VFDA with an inter tidal area to mature and hold spawning salmon for its annual hatchery egg take needs. Similar work has been conducted to maintain and modify the pond over the years. This project would remove sediment that fills in from time to time from the overspill of Solomon Lake which is transported down Solomon Creek and deposited in the brood pond and along the alluvial fan at tidewater.

**PROPOSED WORK:** Dredge approximately 3700 cubic yards of gravel fill from existing inter tidal pond to a maximum depth of -2.3 feet MLLW. Additional dredging of 900 cubic yards of gravel fill would be removed from an inter tidal area of Solomon Creek between the pond and the fish weir identified as the upper channel. Except for 350 cubic yards of fill that would be placed above high water in the designated fill area located at Latitude 61.084593° N, Longitude 146.302668° W, all fill would be used to repair the ring dike to an approximate top width of 35 feet and a top elevation of 6 feet MLLW, creating a 10/1 slope on the interior of the pond. Existing rip rap would be salvaged and repositioned along exterior dike wall and new filter material and Class II Riprap would be added to armor the exterior side of the dike at a slope of 2/1 and reduce erosion. A cut out of dike between stations 7+00 and 9+00 would provide addition flushing and access at high tide. All work would be performed in accordance with the enclosed plan (sheets 1-10), dated March 15, 2023. In total, 4,600 cubic yards of material would be dredged below the MHW, and 4,250 cubic yards of dredged material would be discharged in 3.865 acres of waters of the U.S. below the HTL.

**ADDITIONAL INFORMATION:** The applicant has contacted the City of Valdez for a flood plain permit and the Alaska Department of Fish and Game for a habitat permit.

**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 the project is a maintenance of a permitted project and its purpose is to reshape existing features and reclaim the original tidal pond area that have filled in naturally. This project site was originally selected in the planning process because of its location immediately adjacent to the hatchery, and no other site on Port Valdez is suitable to address the hatcheries operational needs. It is not necessary to remove the dredge spoils because they are needed for repair of the existing project features as shown in the design configurations. Where necessary, fill surplus to the projects needs would be used at the hatchery uplands where there is room to receive it. Loading of a dredge barge for offshore disposal is prohibitive because of the shallow water depth even at high water.

b. Minimization: The applicant states the project site is determined to be least damaging site to wetlands because the work is largely contained within the existing project footprint. Impacts to surrounding wetlands would be further minimized because routes to and from the project site would be along Dayville Road and the hatchery uplands would be used for materials staging and provide access onto and off of the work site. Project work would be conducted at low tide, minimizing the redistribution of fill materials and siltation to surrounding vegetation. The project is expected to be permitted by ADF&G Habitat Division for work to occur between the outmigration of resident salmon fry in May and the return of adult salmon in July. This timing along with conducting work at low tide, would also help to reduce interaction with marine mammals, including seals and sea lions and other wildlife attracted to the returning salmon.

c. Compensatory Mitigation: The applicant states they do not believe that compensatory mitigation is required for this project because of the projects size and efforts to avoid and minimize the impacts of the project on the surrounding wetlands and wildlife.

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. A pre-filing meeting request was submitted with the Alaska Department of Environmental Conservation on January 4, 2024.

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 boundary around the proposed dredged and fill material. 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 Potential to Cause Effects determination for the proposed project due to the footprint being previously extensively disturbed. Consultation with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties is not required. However, 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Western Distinct Population Segment (DPS) Steller Sea Lion (*Eumetopias jubatus*), fin whale (*Balaenoptera physalus*), Mexico DPS humpback whale (*Megaptera novaeangliae*), and the proposed sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect the Western Distinct Population Segment (DPS) Steller Sea Lion (*Eumetopias jubatus*), fin whale (*Balaenoptera physalus*), Mexico DPS humpback whale (*Megaptera novaeangliae*), and the proposed sunflower sea star (*Pycnopodia helianthoides*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service or 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 (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 pink salmon (*Oncorhynchus gorbuscha*), Chinook salmon (*Oncorhynchus tshawytscha*), Sockeye salmon (*Oncorhynchus nerka*), chum salmon (*Oncorhynchus keta*), and coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. Dredging activities can adversely affect benthic and water column habitats, including: the direct removal or burial of organisms; increased turbidity and siltation, including decreasing light attenuation; contaminant release and uptake, including nutrients, metals, and organics; the release of oxygen-consuming substances (e.g., chemicals and bacteria); entrainment in suction and clamshell dredges; noise disturbances, injury, and mortality; and alterations to hydrodynamic regimes and physical habitat. The placement of fill affects wetland habitat functions with the following impacts: reduces the production of detritus, an important food source for aquatic invertebrate (e.g., shredders); alters the uptake and release of nutrients to and from adjacent aquatic and terrestrial systems; reduces wetland vegetation, an important source of food for fish and invertebrates; hinders physiological processes in aquatic organisms (e.g., photosynthesis, respiration) because of degraded water quality and increased turbidity and sedimentation; alters hydrological dynamics, including flood control and groundwater recharge; reduces filtration and absorption of pollutants from uplands; and alters nitrogen and oxygen cycles.

This public notice initiates EFH consultation with the 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 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. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

**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

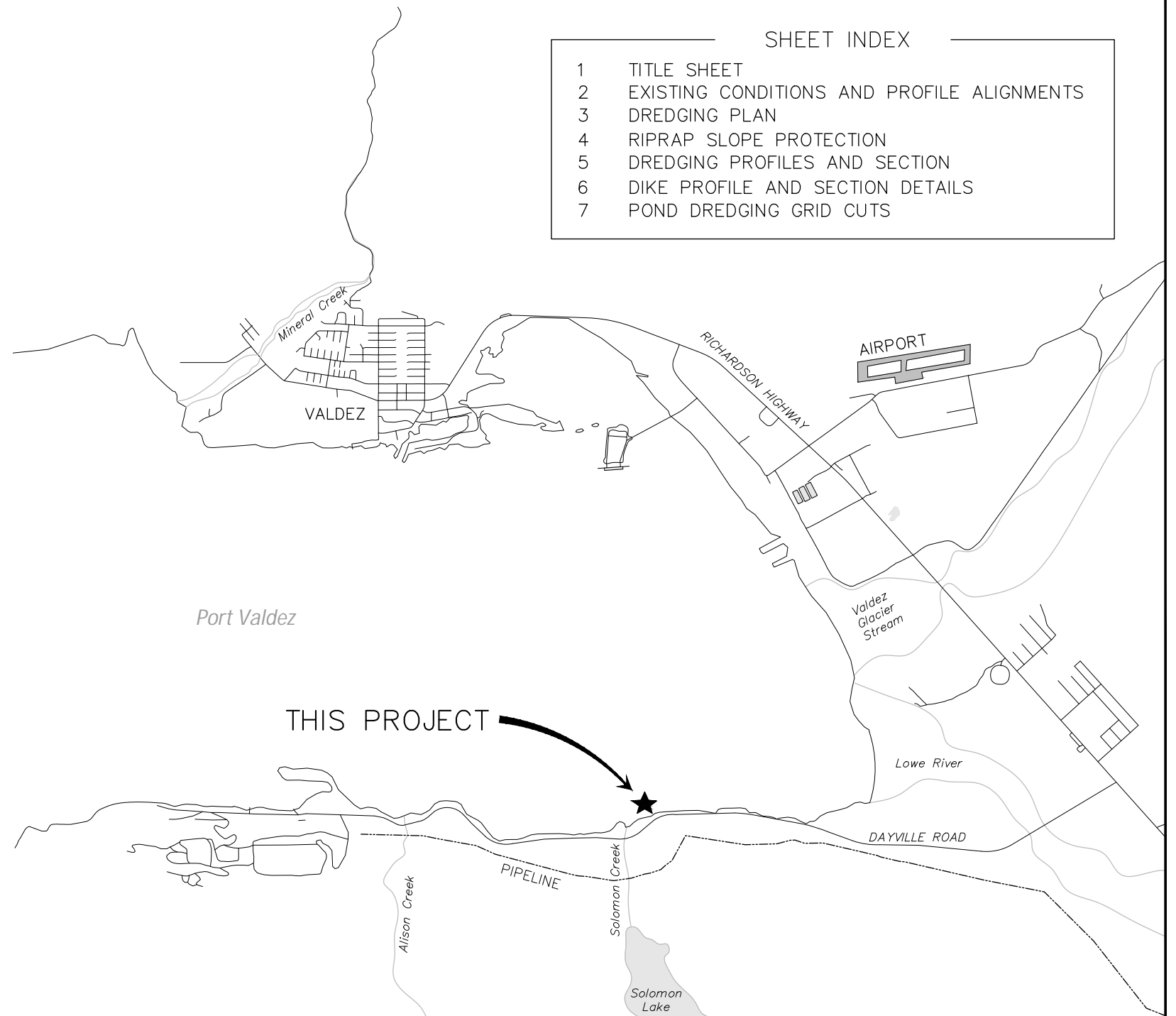
# VALDEZ FISHERIES DEVELOPMENT ASSOCIATION

## SOLOMON GULCH HATCHERY BROOD POND MAINTENANCE

SHEET INDEX	
1	TITLE SHEET
2	EXISTING CONDITIONS AND PROFILE ALIGNMENTS
3	DREDGING PLAN
4	RIPRAP SLOPE PROTECTION
5	DREDGING PROFILES AND SECTION
6	DIKE PROFILE AND SECTION DETAILS
7	POND DREDGING GRID CUTS

### GENERAL NOTES:

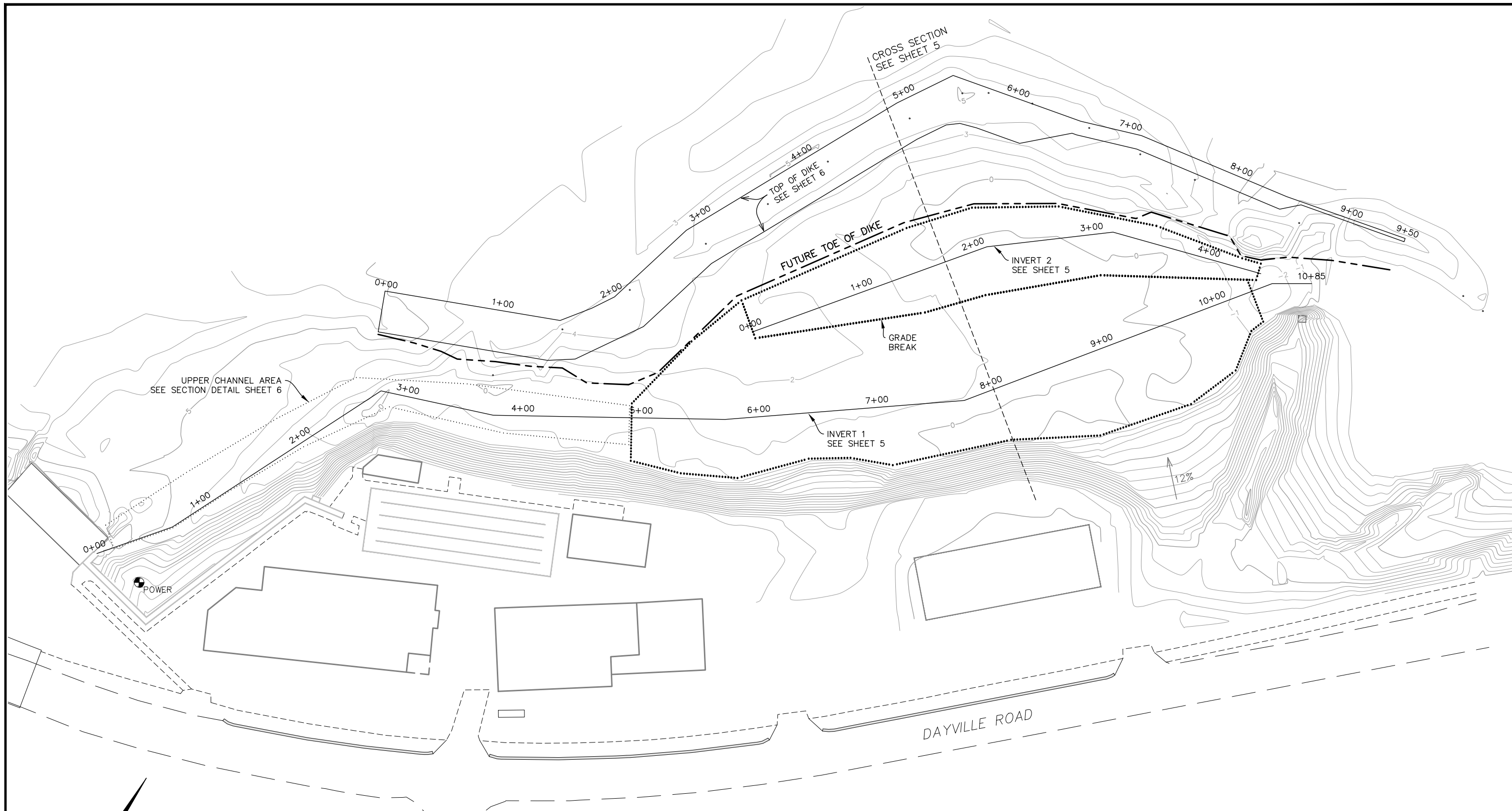
1. USE CITY OF VALDEZ STANDARD CONSTRUCTION SPECIFICATIONS.
2. FILTER ROCK; USE SIZE AND GRADATION CALLED OUT IN PLANS.
3. RIPRAP; USE CLASS II RIPRAP WITH DIMENSIONS CALLED OUT IN THE PLANS.
4. CALL FOR LOCATES FOR UNDERGROUND UTILITIES.
5. COORDINATE WITH OWNER TO MOVE 6" HDPE OFFAL LINE TO THE SIDE.



PREPARED BY:

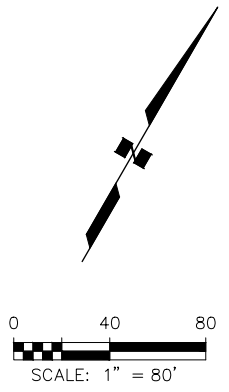
**VEI** Consultants

1345 RUDAKOF CIRCLE SUITE 201  
ANCHORAGE, ALASKA 99508  
(907) 337-3330  
LICENSE #AECC368



EXISTING CONTOURS WITH PROPOSED INVERT AND TOP OF DIKE PROFILE ALIGNMENTS

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Sheet 2 of 9



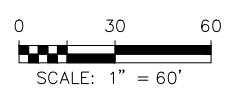
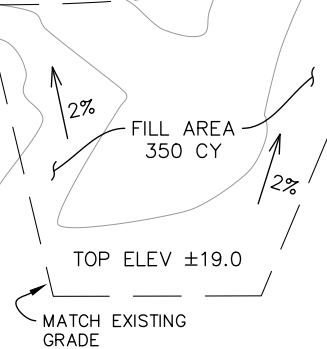
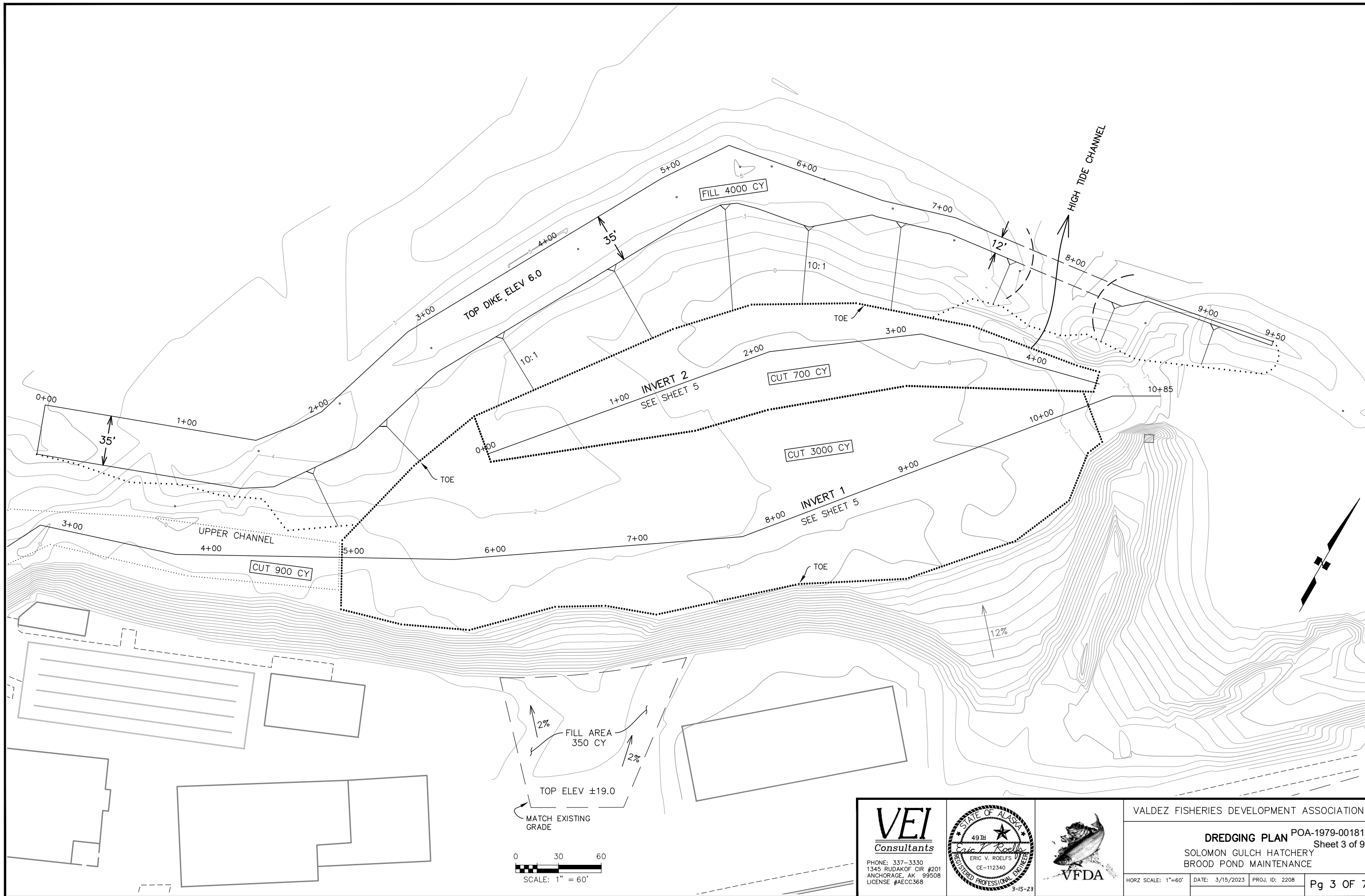
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**VEI**  
Consultants  
PHONE: 337-3330  
1345 RUDAKOF CIR #201  
ANCHORAGE, AK 99508  
LICENSE #AECC368

STATE OF ALASKA  
49TH  
ERIC V. ROELFS  
REGISTERED PROFESSIONAL ENGINEER  
CE-112340  
3-15-23

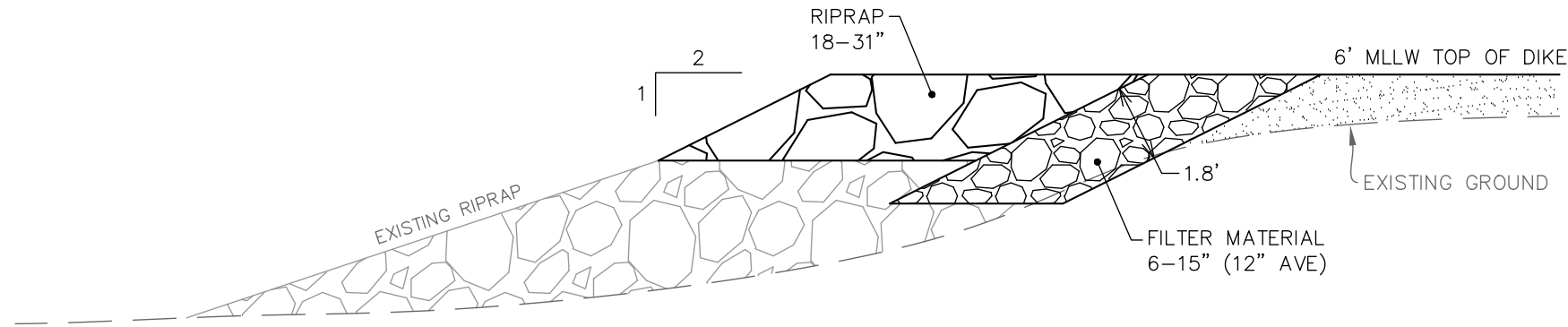


VALDEZ FISHERIES DEVELOPMENT ASSOCIATION			
EXISTING CONDITIONS AND PROFILE ALIGNMENTS			
SOLOMON GULCH HATCHERY BROOD POND MAINTENANCE			
HORZ SCALE: 1"=80'	DATE: 3/15/2023	PROJ. ID: 2208	Pg 2 OF 7



 <b>VEI</b> Consultants PHONE: 337-3330 1345 RUDAKOF CIR #201 ANCHORAGE, AK 99508 LICENSE #AECC368			VALDEZ FISHERIES DEVELOPMENT ASSOCIATION
			<b>DREDGING PLAN</b> POA-1979-00181 SOLOMON GULCH HATCHERY BROOD POND MAINTENANCE Sheet 3 of 9
HORZ SCALE: 1"=60'		DATE: 3/15/2023	PROJ. ID: 2208
			<b>Pg 3 OF 7</b>

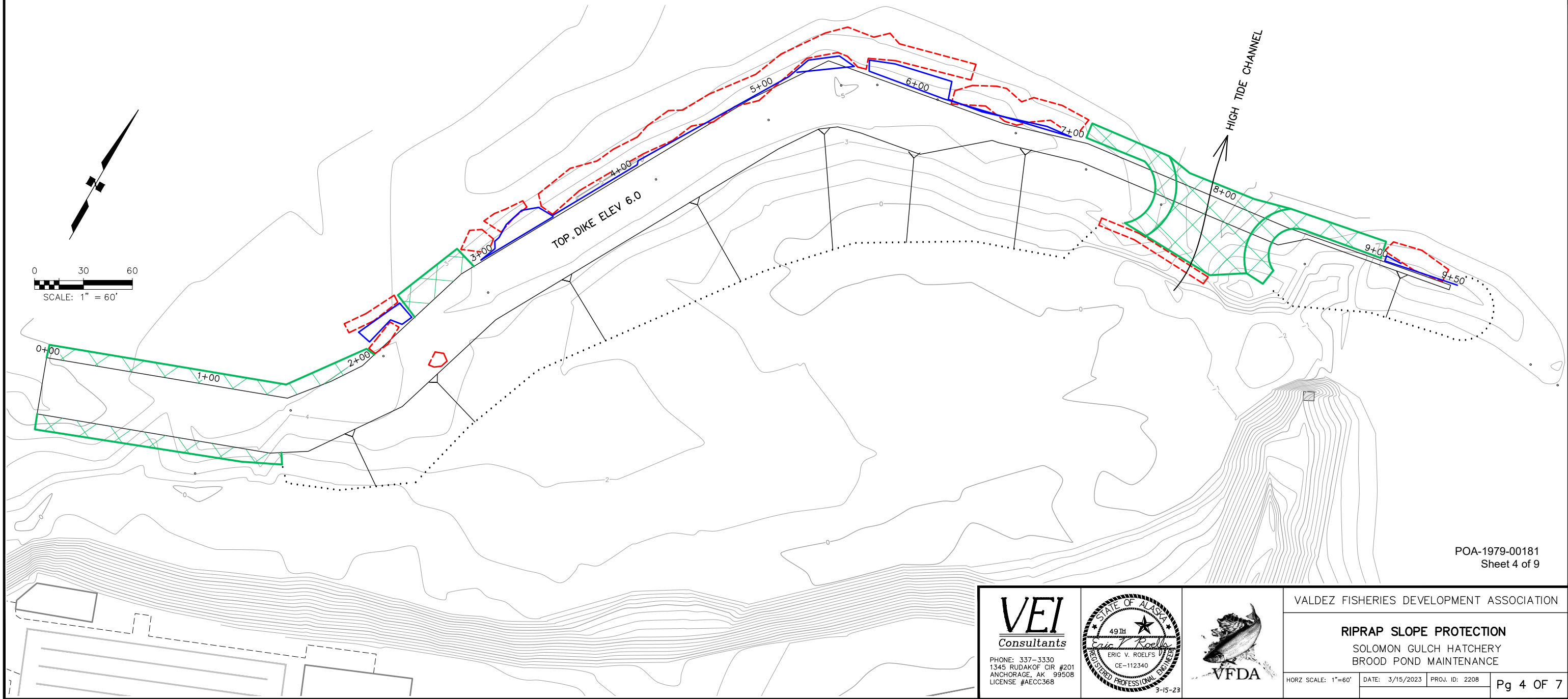
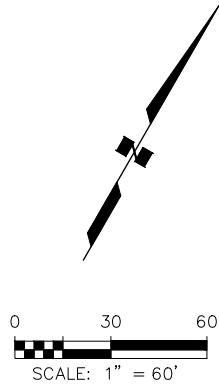




RIPRAP REPAIR OR BUILDUP SECTION

RIPRAP QUANTITY  
 NEW SLOPE 750 LF  
 REPAIR EXISTING 500 LF

- BUILD NEW RIPRAP SLOPE
- REPAIR OR BUILD UP EXISTING RIPRAP SLOPE
- EXISTING RIPRAP SLOPE



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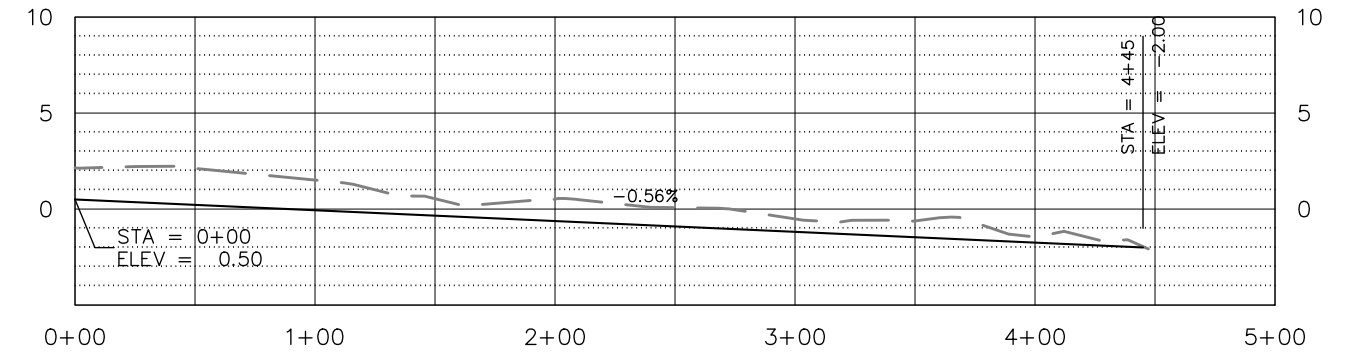
**VEI**  
 Consultants  
 PHONE: 337-3330  
 1345 RUDAKOF CIR #201  
 ANCHORAGE, AK 99508  
 LICENSE #AECC368

STATE OF ALASKA  
 49TH  
 ERIC V. ROELFS  
 CE-112340  
 REGISTERED PROFESSIONAL ENGINEER  
 3-15-23

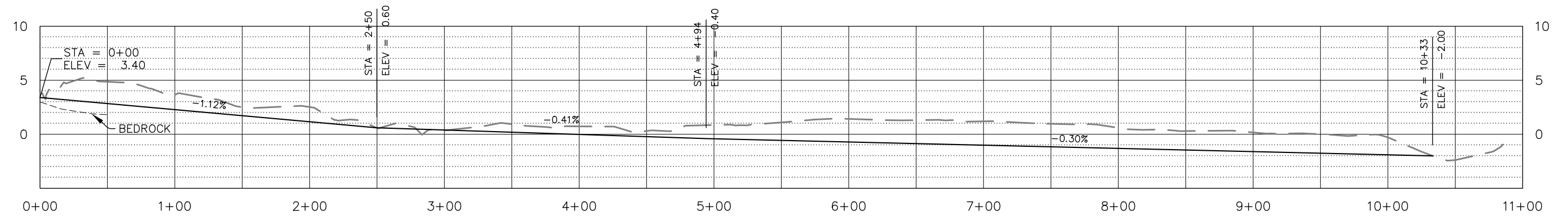


VALDEZ FISHERIES DEVELOPMENT ASSOCIATION

**RIPRAP SLOPE PROTECTION**  
 SOLOMON GULCH HATCHERY  
 BROOD POND MAINTENANCE

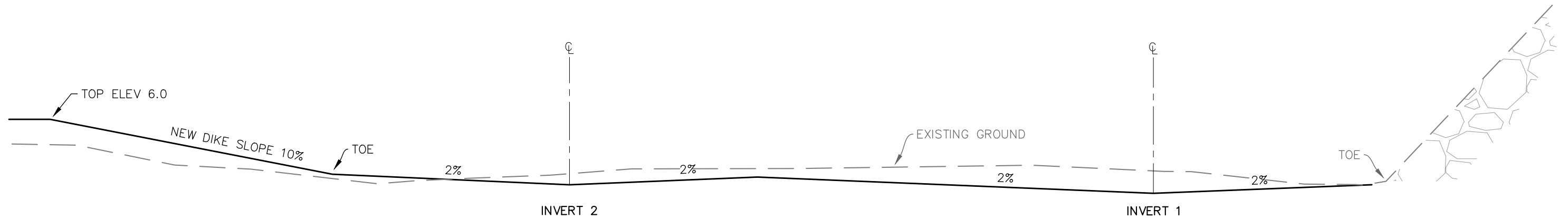


INVERT 2 PROFILE



INVERT 1 PROFILE

SCALE: 1"=80' H  
1"=10' V



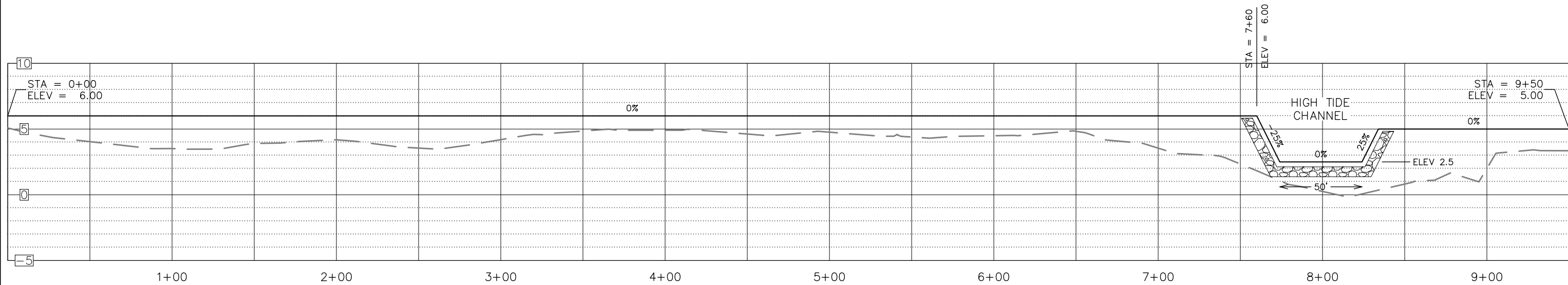
SECTION STA 8+00

SCALE: 1"=20' H  
1"=10' V

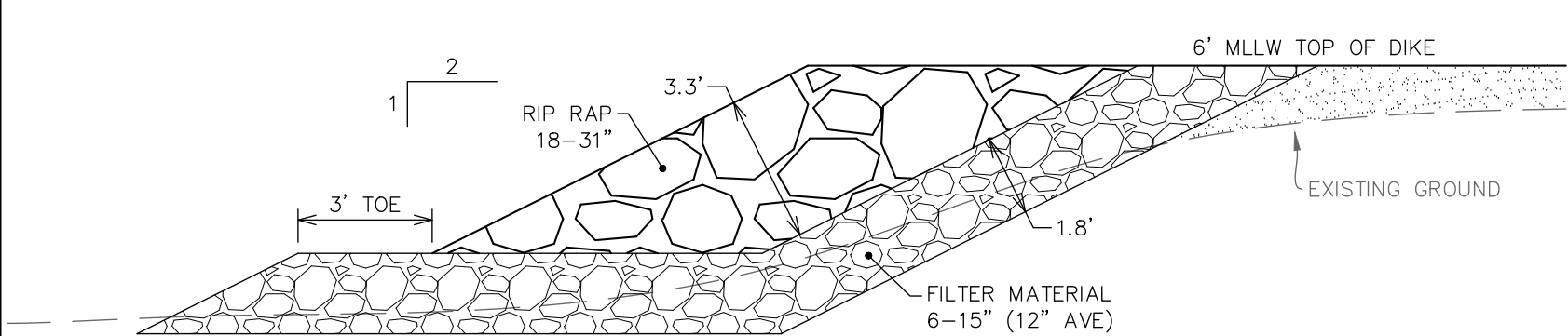
POA-1979-00181  
Sheet 5 of 9

NOTE: ELEVATIONS ARE MLLW MEASURED FROM TRI STATION POWER (12.60')

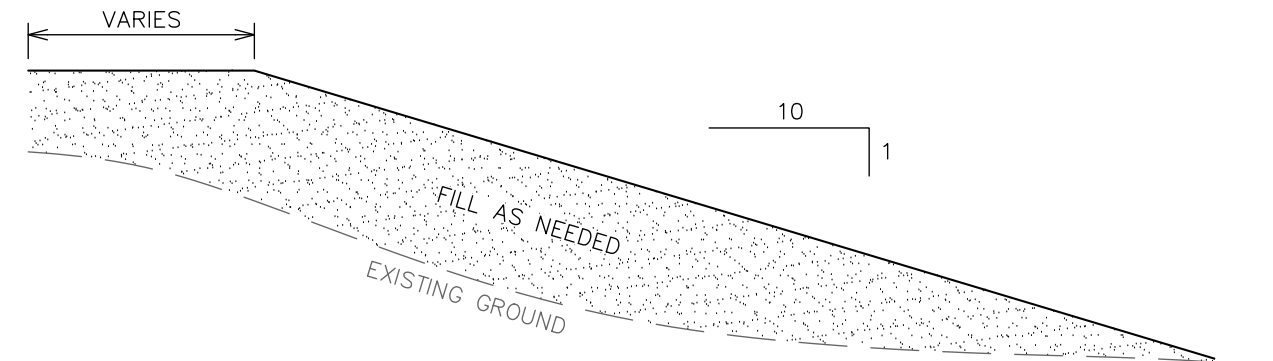
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			<b>DREDGING PROFILES AND SECTION</b> SOLOMON GULCH HATCHERY BROOD POND MAINTENANCE		
HORZ SCALE: 1"=80' VERT SCALE: 1"=10'		DATE: 3/15/2023	PROJ. ID: 2208	Pg 5 OF 7	



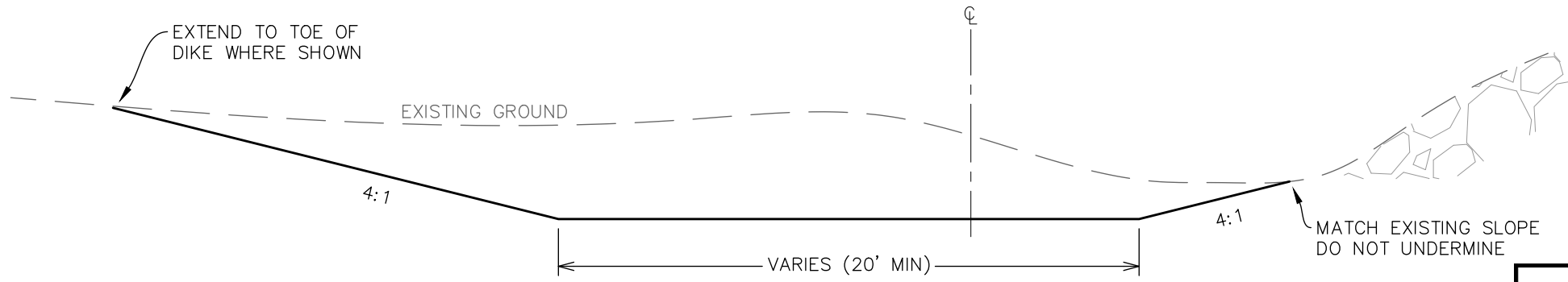
**TOP OF DIKE PROFILE**  
 SCALE: 1"=60' H  
 1"=7.5' V



**NEW RIP RAP SECTION**



**DIKE FILL SECTION**



**UPPER CHANNEL SECTION STA 0+00 TO 5+00**

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 Sheet 6 of 9

**VEI**  
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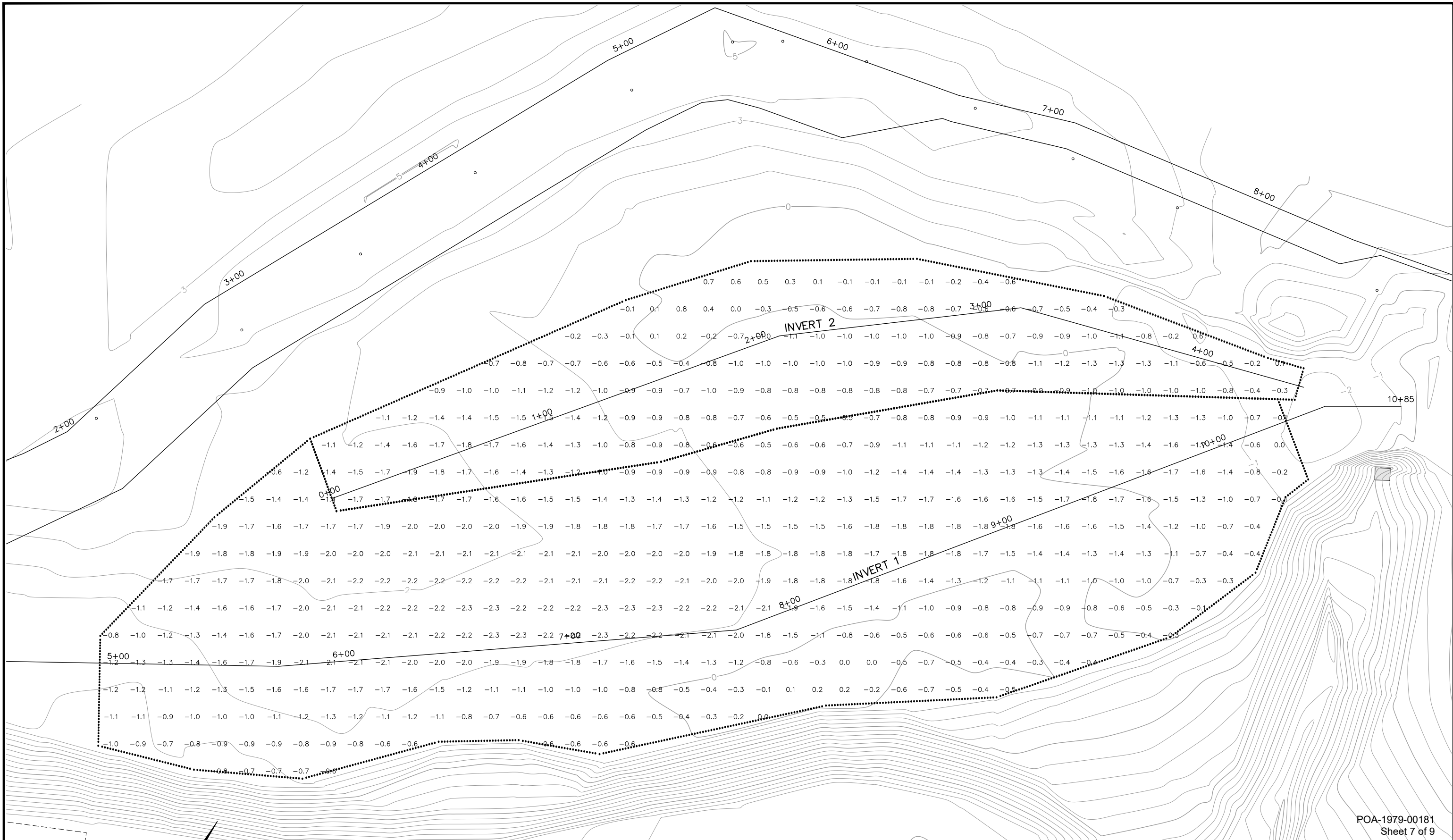
STATE OF ALASKA  
 49TH  
 ERIC V. ROELFS  
 CE-112340  
 REGISTERED PROFESSIONAL ENGINEER  
 3-15-23



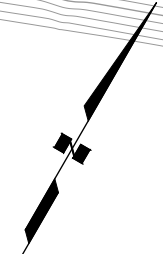
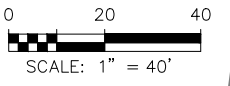
VALDEZ FISHERIES DEVELOPMENT ASSOCIATION

**DIKE PROFILE AND SECTION DETAILS**  
 SOLOMON GULCH HATCHERY  
 BROOD POND MAINTENANCE

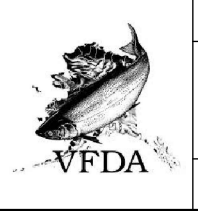
HORZ SCALE: 1"=60'    DATE: 3/15/2023    PROJ. ID: 2208    Pg 6 OF 7



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**POND DREDGING GRID CUTS**  
SOLOMON GULCH HATCHERY  
BROOD POND MAINTENANCE

HORIZ SCALE: 1"=40'    DATE: 3/15/2023    PROJ. ID: 2208    Pg 7 Of 7





Location 1561 Dayville Road



Project Site

SGH Brood Pond Maintenance – Condition as of September 2022

