



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
2204 3rd St
JBER, Alaska 99506-1518

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	November 14, 2024
EXPIRATION DATE:	December 16, 2024
REFERENCE NUMBER:	POA-1998-00979-M2
WATERWAY:	Dutch Harbor

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 Andrew Kastning at (907) 753-2730, by fax at (907) 420-0813, or by email at andrew.c.kastning@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Unalaska, Scott Brown, P.O. Box 610, Unalaska, Alaska 99685

AGENT: PND Engineers, Inc., Baila Kunesova, 1506 West 36th Avenue, Anchorage, Alaska 99503

LOCATION: The project site is located within Section 26, T. 72 S., R. 117 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.9072° N., Longitude 166.5097° W.; Light Cargo Dock in Dutch Harbor, 2481 Ballyhoo Road on the Amaknak Island Spit, in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to provide additional berthing capacity within Dutch Harbor at the Light Cargo Dock (LCD). The LCD currently acts as an overflow area for the nearby Unalaska Marine Center (UMC) Dock and also provides berthing space for other commercial and private users.

PROPOSED WORK: The applicant proposes to move materials at the base of the existing LCD to deeper waters (screeding), targeting an elevation of -30 feet MLLW. Additionally, armor stone and riprap located on each end of the LCD would be removed and replaced as

necessary to ensure adequate slope protection. New imported material shall not exceed a total project quantity of 200 cubic yards (CY) of riprap and 190 CY of armor stone. Total volume of screed material is estimated to be 6,800 CY and will be salvaged for reuse if possible, to minimize the need for additional material. The LCD will maintain full capability during screeding operations.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated November 5, 2024.

ADDITIONAL INFORMATION: Previous permitting at this location includes a DA authorization issued May 4, 1999, to the City of Unalaska to: 1) discharge 32,500 cy of gravel fill and 5,200 cy of course armor rock below the High Tide Line (HTL) to construct a sheet pile crab pot dock [consisting of two bulkheads, with each bulkhead composed of two sheet pile cells filled with gravel], 2) dredge 1,200 cy of material from below the HTL, with the dredged material used as fill behind the bulkheads; and, 3) construct four dolphins near the face of the dock. Total impacts included dredging 0.2 acre below the HTL, and a discharge of dredged or fill material into 1.4 acres below the HTL.

A second DA authorization was issued June 2, 2016 to expand the existing LCD including 1) the removal of two existing dolphins and catwalks with a vibratory hammer, 2) installing a third bulkhead between the two existing bulkheads, 3) installation of five 36-inch diameter steel fender piles and four 24-inch support piles with an impact hammer, 4) construct a 0.20 acre concrete dock surface over the fill of the new bulkhead, sheetpile, and fender piles.

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: Waters of the U.S. could not be entirely avoided because the project involves maintaining a dock that is dependent on marine access. There are no wetlands in the project area.

b. Minimization: Screeding will be kept to the minimum quantity necessary to meet project needs and would occur in a previously disturbed area.

c. Compensatory Mitigation: None proposed.

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: We have defined our scope of analysis under Appendix C of 33 CFR 325 (permit area) to be the footprint of the activities described in the section entitled "Proposed Work," above. The Corps is currently gathering and evaluating information regarding this project and the permit area and has yet to make an effect determination for the proposed project. If applicable, this application will be 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat, Steller's eider (*Polysticta stelleri*), Steller sea lion (*Eumetopias jubatus*) and their designated critical habitat, blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), and sperm whale (*Physeter macrocephalus*). Additionally, the sunflower sea star (*Pycnopodia helianthoides*) is proposed for listing as threatened.

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 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, 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 weathervane scallop (*Patinopecten caurinus*), arrowtooth flounder (*Atheresthes stomias*), rock sole (*Lepidopsetta bilineata*), flathead sole (*Hippoglossoides elassodon*), sculpin (Cottoidea), shortraker rockfish (*Sebastes borealis*), Pacific cod (*Gadus macrocephalus*), skate (Rajidae), walleye pollock (*Gadus chalcogrammus*), chum salmon (*Oncorhynchus keta*), pink salmon (*O. gorbuscha*), coho salmon (*O. kisutch*), sockeye salmon (*O. nerka*), and Chinook salmon (*O. tshawytscha*).

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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

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

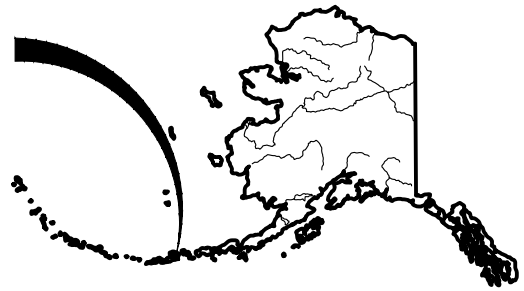
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-1998-00979-M2, Dutch Harbor**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

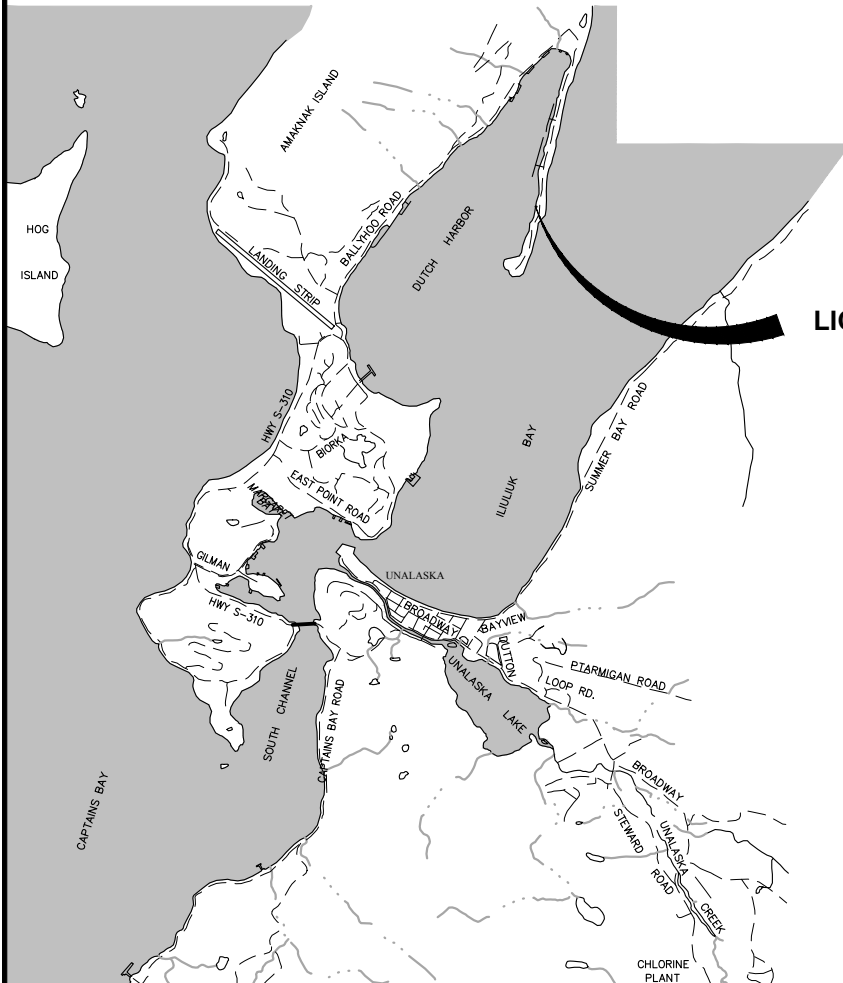
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.

PROJECT
LOCATION



LOCATION MAP



LIGHT CARGO DOCK



0 2500 5000 7500 FT

HTL.....+6.7'

MHW.....+3.3'

MLLW.....+0.0

PURPOSE:
PERFORM DOCK FACE
SCREEDING AT THE LIGHT
CARGO DOCK

DATUM: MLLW = 0.0'

LAT: 53.9072° N
LONG: -166.5096° W
S: 26 T: 72S R: 117W
SEWARD MERIDIAN

VICINITY MAP

POA-XXXX-XXXX

CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS
PO BOX 610
UNALASKA, AK 99685

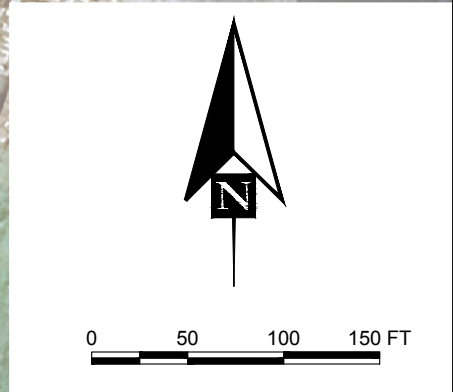
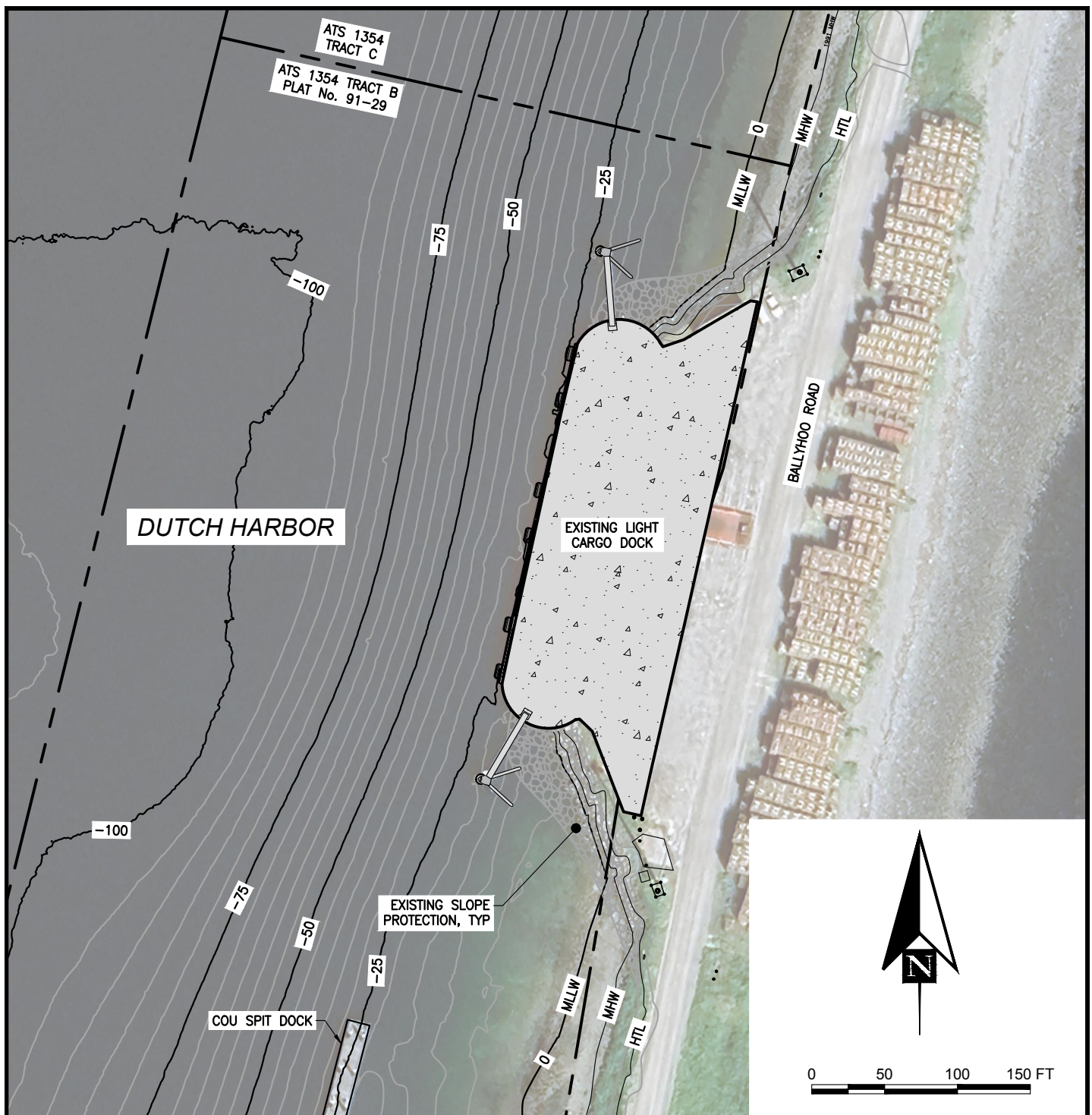
LIGHT CARGO DOCK SCREEDING

POA-1998-00979-M2

IN: DUTCH HARBOR

11/5/24

SHEET **1** of **5**



PURPOSE:
PERFORM DOCK FACE
SCREEDING AT THE LIGHT
CARGO DOCK

DATUM: MLLW = 0.0'

LAT: 53.9072° N
LONG: -166.5096° W
S: 26 T: 72S R: 117W
SEWARD MERIDIAN

LIGHT CARGO DOCK **EXISTING SITE PLAN**

POA-XXXX-XXXX

CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS
PO BOX 610
UNALASKA, AK 99685

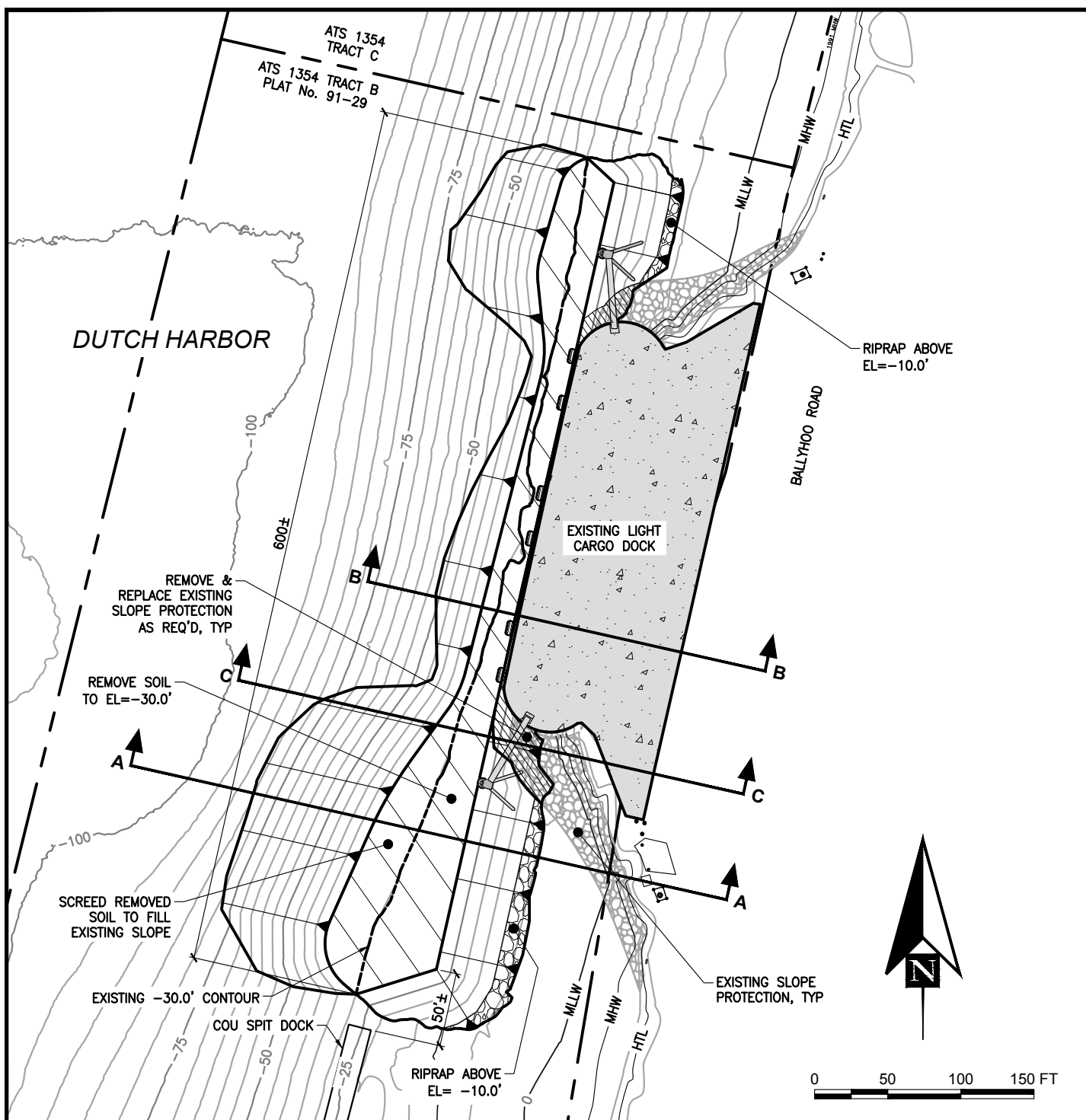
LIGHT CARGO DOCK **SCREEDING**

POA-1998-00979-M2

IN: DUTCH HARBOR

11/5/24

SHEET **2** of **5**



PURPOSE:
PERFORM DOCK FACE
SCREEDING AT THE LIGHT
CARGO DOCK

DATUM: MLLW = 0.0'

LAT: 53.9072° N
LONG: -166.5096° W
S: 26 T: 72S R: 117W
SEWARD MERIDIAN

LIGHT CARGO DOCK **NEW SITE PLAN**

POA-XXXX-XXXX

CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS
PO BOX 610
UNALASKA, AK 99685

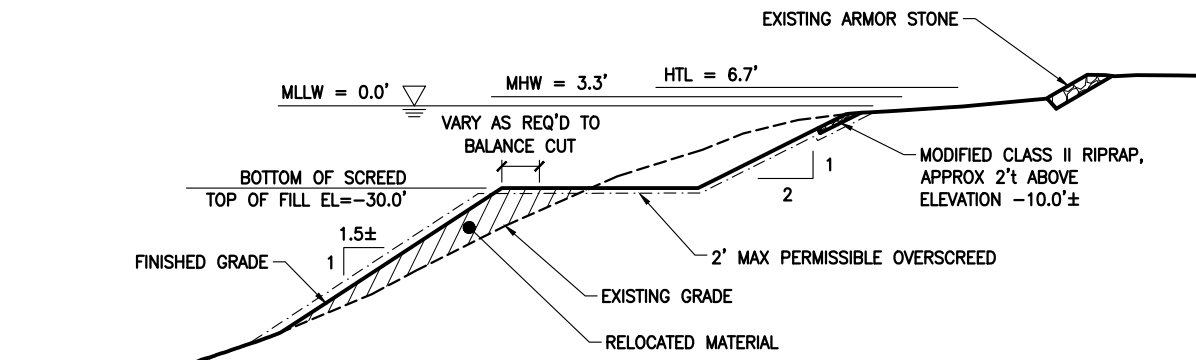
LIGHT CARGO DOCK SCREEDING

POA-1998-00979-M2

IN: DUTCH HARBOR

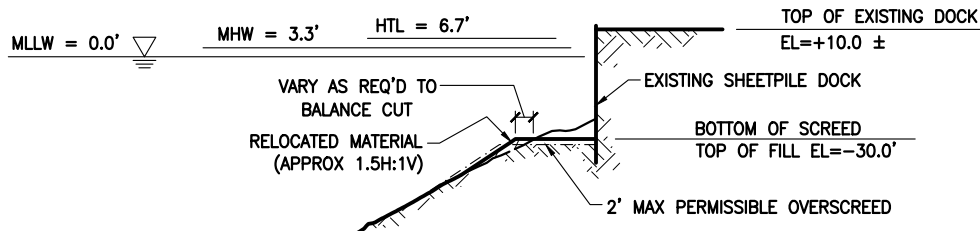
11/5/24

SHEET **3** of **5**



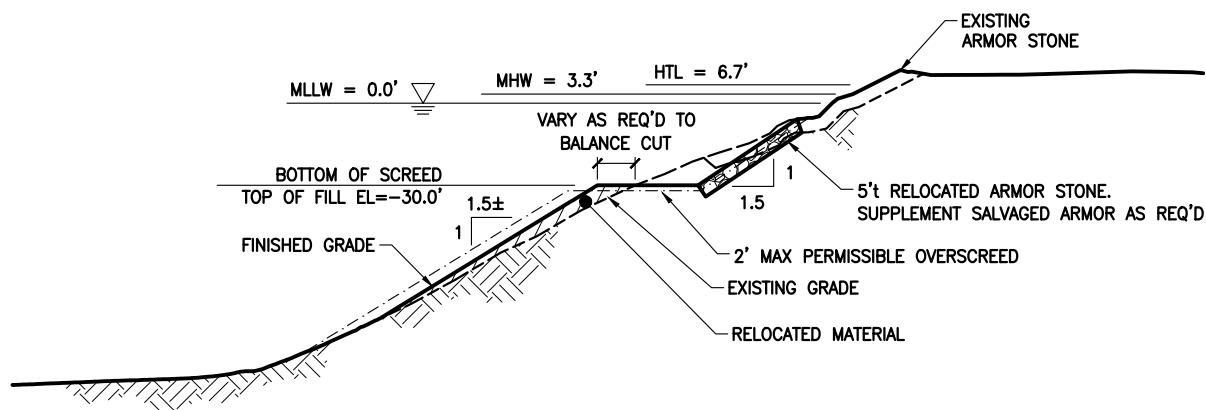
TYPICAL SECTION AT EXISTING SLOPE (SECTION A-A)

NTS



TYPICAL SECTION AT EXISTING SHEETPILE DOCK (SECTION B-B)

NTS



SECTION AT ARMOR SLOPE REWORK (SECTION C-C)

NTS

PURPOSE:
PERFORM DOCK FACE
SCREEDING AT THE LIGHT
CARGO DOCK

DATUM: MLLW = 0.0'

LAT: 53.9072° N
LONG: -166.5096° W
S: 26 T: 72S R: 117W
SEWARD MERIDIAN

DETAILS

POA-XXXX-XXXX

CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS
PO BOX 610
UNALASKA, AK 99685

LIGHT CARGO DOCK SCREEDING

POA-1998-00979-M2

IN: DUTCH HARBOR

11/5/24

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

QUANTITIES				
	PROJECT TOTAL	BELOW HTL	BELOW MHW	BELOW MLLW
SCREED VOLUME (CY)	6,800	6,800	6,800	6,800
FILL ² VOLUME (CY)	8,200	8,200	8,200	8,200
RIPRAP VOLUME (CY)	200	200	200	200
SCREED AREA (ACRES)	0.77	0.77	0.77	0.77
FILL AREA (ACRES)	0.97	0.97	0.97	0.97
RIPRAP AREA (ACRES)	0.10	0.10	0.10	0.10
ARMOR STONE ⁵ (CY)	190	190	190	190
MAX ADDITIONAL OVERSCREED VOLUME (CY)	2,500	2,500	2,500	2,500
MAX ADDITIONAL OVERSCREED FILL ² VOLUME (CY)	3,000	3,000	3,000	3,000
MAX ADDITIONAL OVERSCREED AREA (ACRES)	0.14	0.14	0.14	0.14
MAX ADDITIONAL OVERFILL AREA (ACRES)	0.23	0.23	0.23	0.23

NOTES:

1. MATERIAL SHALL BE SCREEDED OFFSHORE TO ACHIEVE THE DESIGN BASIN DEPTH (i.e. MATERIAL SHALL REMAIN SUBMERGED)
2. SCREED AND FILL ARE BALANCED. FILL VOLUME BASED ON CUT VOLUME MULTIPLIED BY 1.2 FLUFF FACTOR
3. THE TARGET DESIGN SCREED ELEVATION IS -30.0'
4. THE MAXIMUM OVERSCREED DEPTH IS 2.0' BELOW DESIGN ELEVATION. "MAX ADDITIONAL OVERSCREED" QUANTITIES ASSUME THE ENTIRE PROJECT FOOTPRINT IS OVERSCREEDED (CONSERVATIVE)
5. EXISTING ARMOR STONE ON EACH END OF THE LIGHT CARGO DOCK SHALL BE SALVAGED FOR REUSE; HOWEVER, SOME ADDITIONAL MATERIAL MAY BE REQUIRED. THE QUANTITY ABOVE CONSERVATIVELY ASSUMES ONLY 50% SALVAGE IS REUSABLE

PURPOSE:
PERFORM DOCK FACE
SCREEDING AT THE LIGHT
CARGO DOCK

DATUM: MLLW = 0.0'

LAT: 53.9072° N
LONG: -166.5096° W
S: 26 T: 72S R: 117W
SEWARD MERIDIAN

QUANTITIES

POA-XXXX-XXXX

CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS
PO BOX 610
UNALASKA, AK 99685

**LIGHT CARGO DOCK
SCREEDING**

POA-1998-00979-M2

IN: DUTCH HARBOR

11/5/24

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