



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** 31 Dec 2014

**EXPIRATION DATE:** 30 Jan 2015

**REFERENCE NUMBER:** POA-1979-301-M5

**WATERWAY:** Wrangell Narrows

Interested parties are hereby notified that a Department of the Army (DA) 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 Marcia L. Heer at (907) 753-5759, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [marcia.l.heer@usace.army.mil](mailto:marcia.l.heer@usace.army.mil), if further information is desired concerning this notice.

**APPLICANT:** Alaska Marine Lines, Inc.  
P.O. Box 24348  
Seattle, WA 98124

**AGENT:** Tom Mortensen  
Tom Mortensen Assoc., LLC  
P.O. Box 113192  
Anchorage, AK 99511-3912

**LOCATION:** The project site is located within Sections 9 and 10, T. 59S., R. 79E, Copper River Meridian; USGS Quad Map Petersburg D-3; Latitude 56.7755° N., Longitude 132.9664° W.; at 326 Mitkoff Highway, in Petersburg, Alaska.

**PURPOSE:** The applicant's stated purpose is to increase the efficiency of the cargo loading and unloading operations of large barges at an existing marine cargo facility.

**PROPOSED WORK:** The applicant is proposing the following work in tidal waters below the high tide line (HTL):

1) Construct two A-frame pile supports using five 24-inch diameter steel piles connected to a 120-foot long by 25-foot wide steel ramp; 2) discharge 3,600 cubic yards (cy) of rock for construction of the landing pad and barge ramp abutment into a 0.24-acre area [of this area, 92% (0.22-acre) is an existing disturbed substrate that has been previously filled]; 3) construct two mooring dolphins using a total of four 24-inch diameter and two 30-inch diameter steel piles; and 4) extend an existing outfall pipe an additional 40 feet below the mean high water to accommodate the new barge ramp.



All work would be performed in accordance with the enclosed plans (sheets 1-6), December 23, 2014.

**ADDITIONAL INFORMATION:** The following is a summary of the DA permit history of the project area: A DA permit was issued to Mitkof Lumber Company, Inc. on May 19, 1980, to construct a 133-foot by 210-foot staging area consisting of 8,000 cy of shot rock material. The fill was never placed and the permit expired.

The Alaska Marine Lines was issued a DA permit on September 28, 1988, to: Expand an existing dock facility in Wrangell Narrows. The work included placement of 45,800 cy of dredged and fill material into 1.09 acres below the HTL of Wrangell Narrows and dredging within a 0.95-acre area to construct a steel pile bulkhead and riprap armored dike with a barge loading ramp, two mooring dolphins and a load ramp support system.

The DA permit was modified on May 29, 1991, to: Lessen the amount of fill placed below the HTL of Wrangell Narrows by 3,800 cy and reduce the fill pad by 1,200 square-feet; omit construction of the 630-square-foot barge loading ramp; and construct a 2,100 square-foot pile-supported deck for barge docking.

A time extension permit modification was issued on September 23, 1994, to extend the time limit to complete the work until July 31, 1998.

On February 27, 2014, the permit was modified to: Initially dredge 20,000 cy within a 1.9-acre area of Wrangell Narrows and then dredge annually within the same area.

**APPLICANT PROPOSED MITIGATION:** The applicant has stated the following regarding 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: Avoidance is not possible because the proposed barge cargo ramp must be located at the existing fender line of the existing marine cargo facility.

b. Minimization: The proposed fill volume and fill area are the minimum needed to construct the access pad and ramp abutment in order to fulfill the project purpose of constructing and operating the A-frame supported barge cargo ramp; most of the proposed fill area would be within an area of previous fill disturbance. Fill placement below the HTL would only occur during lower tidal levels to minimize potential turbidity. To minimize noise transmitted to the marine waters, pile placement would be done during lower tidal stages as practicable from a barge. In addition, impacts hammers would only be used for piles that encounter soils too dense to penetrate with the vibratory equipment.

c. Compensatory Mitigation: No compensation is proposed by the applicant.

**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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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:** Section 7 of the Endangered Species Act (ESA) requires Federal agencies to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.



The project area is within the known or historic range of the Humpback Whale (*Megaptera novaeangliae*) and Steller Sea Lion (*Eumetopias jubatus*), Western Distinct Population Segment.

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.

**MARINE MAMMAL PROTECTION ACT:** All marine mammals are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S. The NMFS could authorize incidental take under the MMPA to U.S. citizens and U.S.-based companies, if it is found that the taking would be of small numbers, have no more than a "negligible impact" on those marine mammal species or stocks, and not have an "unmitigable adverse impact" on the availability of the species or stock for "subsistence" uses.

Under the MMPA, all Steller sea lions are classified as "strategic stocks" and are considered "depleted". Additional marine mammals that could be found within the vicinity of the project area include harbor seals (*Phoca vitulina*), humpback whale, killer whale (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and the northern sea otter (*Enhydra lutris kenyoni*).

**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 chum (*Oncorhynchus keta*); king (*O. tshawytscha*); pink (*O. gorbuscha*); coho (*O. kisutch*); and sockeye salmon (*O. nerka*) and pacific herring (*Clupea pallasii*).

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 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

Enclosures

# 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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

## 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-1979-301-M5, Wrangell Narrows, 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.



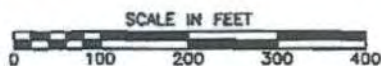


LOCATION: SECTIONS 9  
& 10, T59N R79E,  
COPPER RIVER MERIDIAN

ALASKA MARINE LINES  
326 MITKOF HIGHWAY  
PETERSBURG, AK 99645

POA-1979-301-M5  
Alaska Marine Lines  
Wrangell Narrows  
December 23, 2014  
Sheet 1 of 6





**PROPOSED ACTIVITY:**  
ADD A NEW BARGE RAMP WITH  
PILE SUPPORTS AND TWO 3  
PILE MOORING DOLPHINS

**DATUM:** MLLW= 0'  
MHW= +14.8' HTL= +19.5'

**LOCATION:** SECTIONS 9  
& 10, T59N R79E,  
COPPER RIVER MERIDIAN

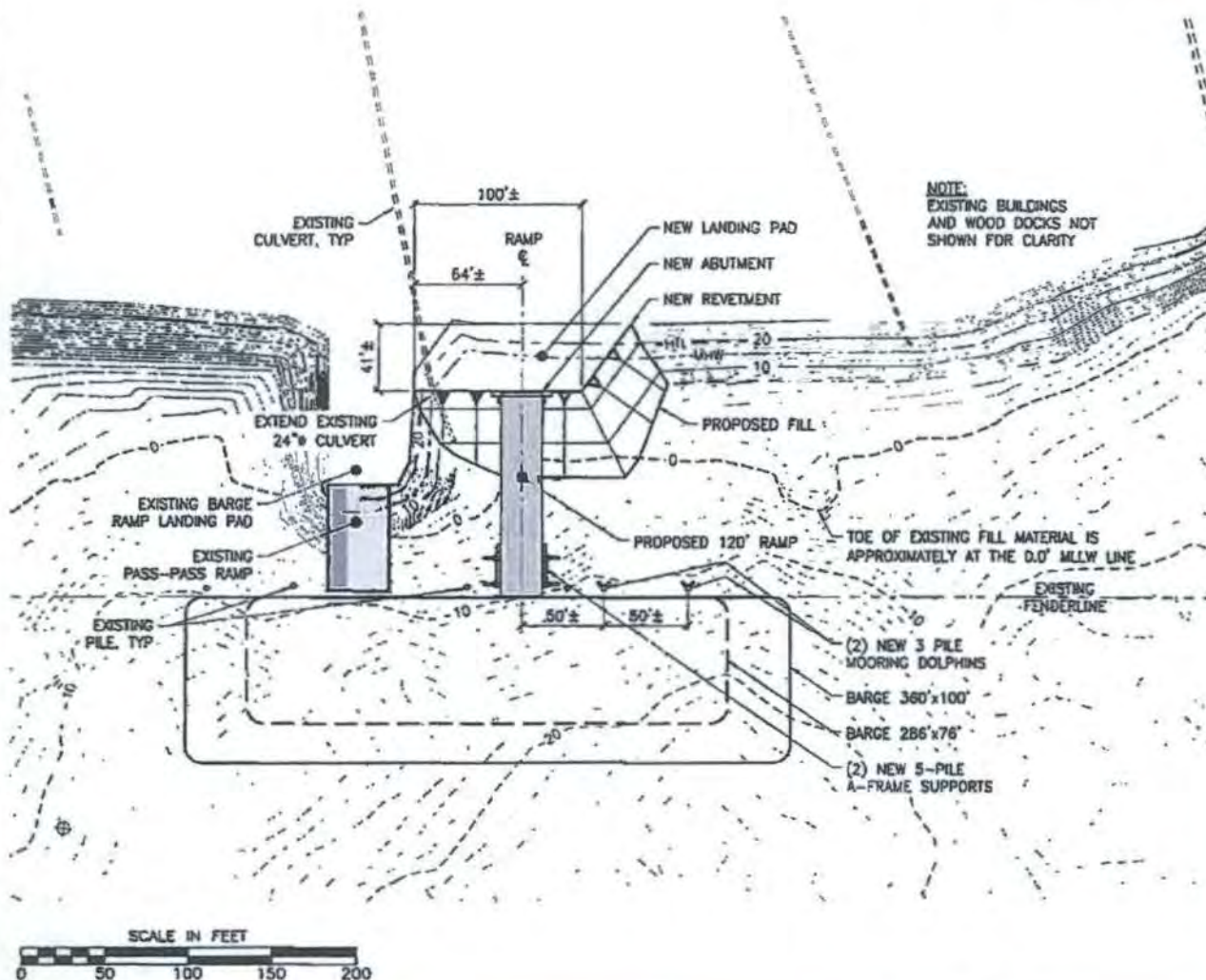
## EXISTING CONDITIONS

ALASKA MARINE LINES  
326 MITKOF HIGHWAY  
PETERSBURG, AK 99645

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Alaska Marine Lines  
Wrangell Narrows  
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	TOTAL	BELOW MFL	BELOW MHW
ACRE	0.28	0.24	0.21
FILL, CY	3,500	2,000	1,500
ROCK, CY	1,600	1,600	1,115

AREA OF PROPOSED FILL TO BE PLACED ON PREVIOUSLY UNFILLED TIDELANDS IS 0.02 ACRES.



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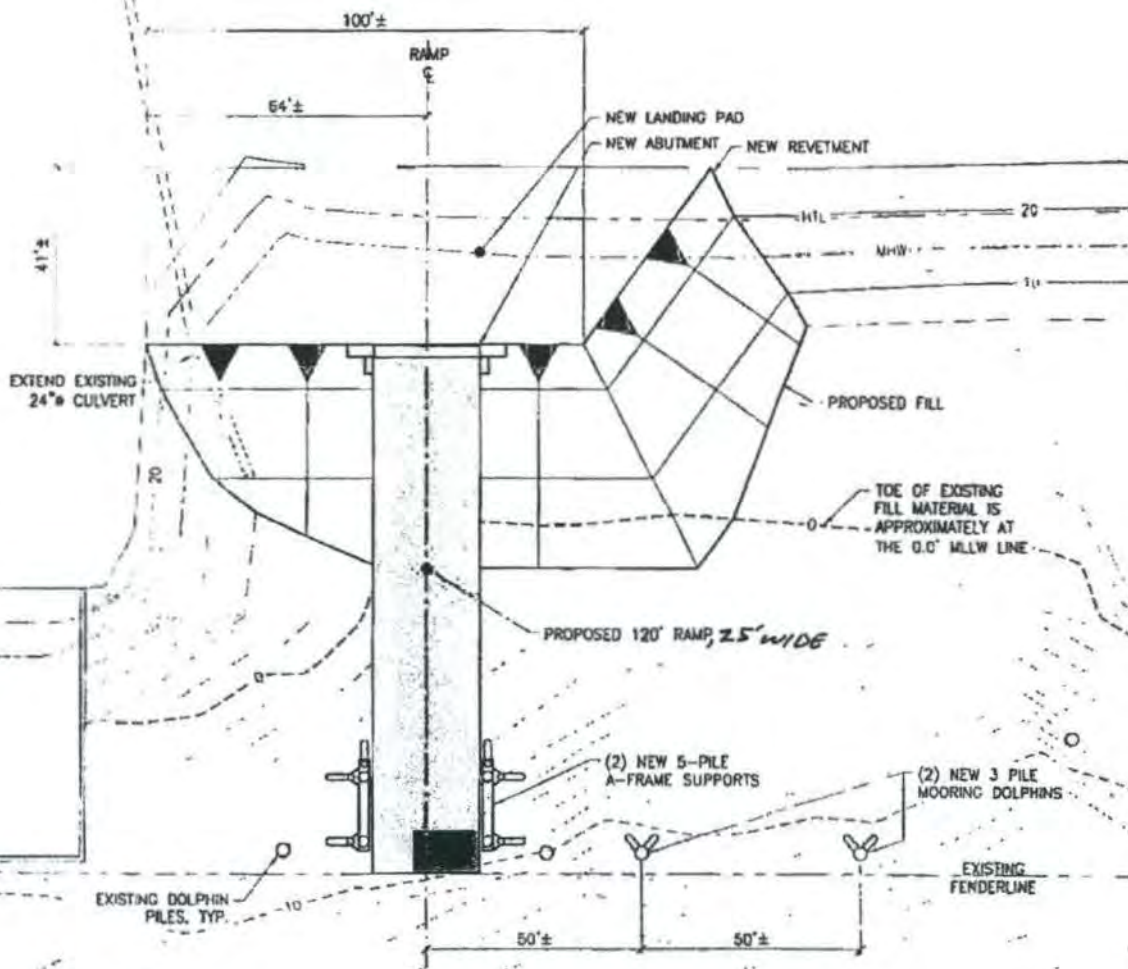
## SITE PLAN

ALASKA MARINE LINES  
326 MITKOF HIGHWAY  
PETERSBURG, AK 99645

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Alaska Marine Lines  
Wrangell Narrows  
December 23, 2014  
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EXISTING  
CULVERT, TYP



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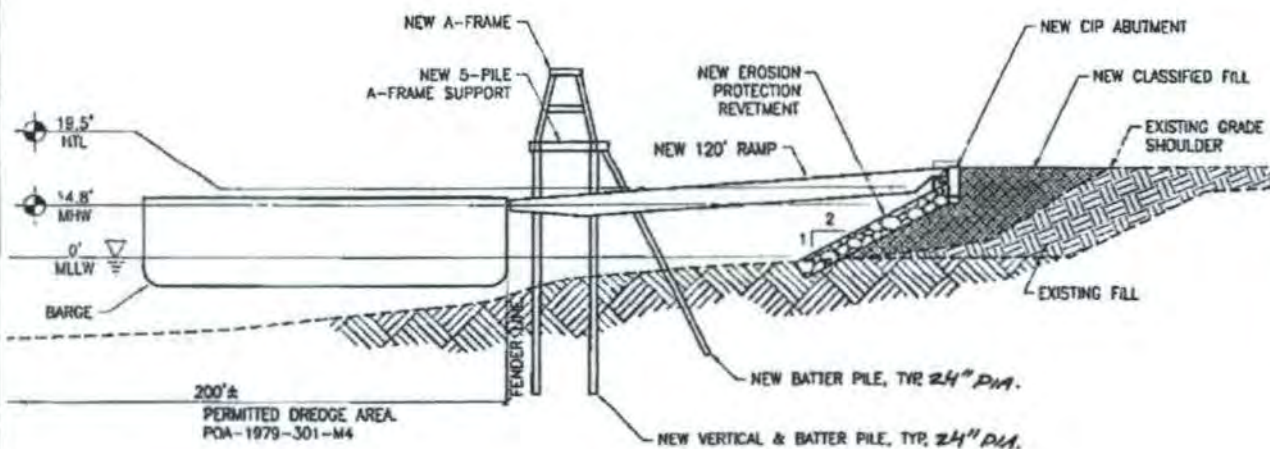
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COPPER RIVER MERIDIAN

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Alaska Marine Lines  
Wrangell Narrows  
December 23, 2014  
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**SECTION @  
CENTERLINE OF RAMP**  
NTS

PROPOSED ACTIVITY:  
ADD A NEW BARGE RAMP WITH  
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DATUM: MLLW= 0'  
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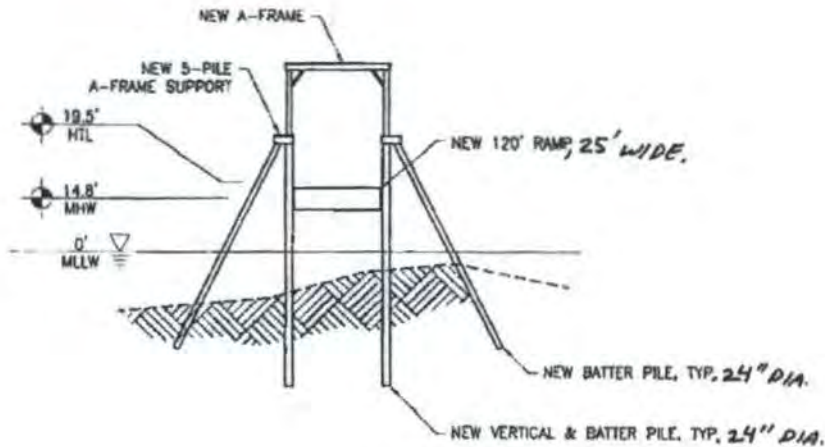
LOCATION: SECTIONS 9  
& 10, T59N R79E,  
COPPER RIVER MERIDIAN

**SECTION**

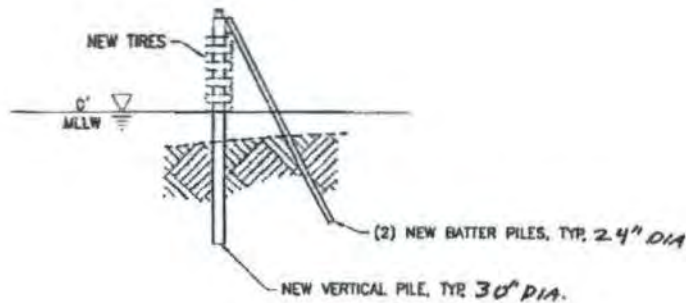
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Alaska Marine Lines  
Wrangell Narrows  
December 23, 2014  
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**SECTION @ RAMP**  
**A-FRAME**  
NTS



**3-PILE DOLPHIN**  
NTS

PROPOSED ACTIVITY:  
ADD A NEW BARGE RAMP WITH  
PILE SUPPORTS AND TWO 3  
PILE MOORING DOLPHINS

DATUM: MLLW= 0'  
MHW= +14.8' HTL= +19.5'

LOCATION: SECTIONS 9  
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## SECTIONS

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