



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	June 19, 2015
EXPIRATION DATE:	July 19, 2015
REFERENCE NUMBER:	POA-1989-324-M7
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 Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Unalaska, Chris Hladick, P.O. Box 610, Unalaska, AK 99685

AGENT: PND Engineers, Inc., Lisa Baughman, 1506 West 36th Avenue, Anchorage, AK 99503

LOCATION: The project site is located at the Unalaska Marine Center (UMC) Dock within Section 35, T. 72 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.9031° N., Longitude 166.5277° W.; 748 Ballyhoo Road, waterward of the Latitude 54 Building, in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to replace the existing Unalaska Marine Center Dock Positions III and IV to align with the adjacent docks and provide additional berthing capacity for modern container ships which are currently using the docks.

PROPOSED WORK: The applicant proposes to replace an existing dock and pilings (Unalaska Marine Center Dock Positions III and IV) with 610 linear feet of open cell sheet pile backfilled with 80,000 cubic yards (cy) of gravel fill, surfaced with 7,500 cy of steel-reinforced concrete, into 2.8 acres of waters of the U.S., below the high tide line (HTL, approximate

elevation +6.7' above the 0.0 foot contour) and mean high water mark (MHW, approximate elevation +3.3' above the 0.0 foot contour) of Dutch Harbor, a navigable water of the U.S.

The existing dock, to include 195 steel pilings and 55 wood pilings, would be removed, and the sheet pile bulkhead (described above) would be constructed, aligning 390 linear foot of new dock face with the existing 340 linear foot U.S. Coast Guard Dock, and aligning 220 linear foot of new dock face with the UMC Dock Positions V through VII, creating the added length needed for modern container ships (see Sheet 2 of 4).

The heavy duty fender system would include installation of 28 30-inch diameter steel pilings. The dock facility would include installation of 125 30-inch diameter steel pilings within the gravel fill behind the sheet pile bulkhead, for crane rail support. Additional dock work includes installation of electrical, water, storm drainage and fuel utilities, relocation of an existing building, concluding with installation of steel-reinforced, concrete surfacing.

The project schedule is dependent on funding, however, the anticipated schedule for the project would be April 2018 through October 2019.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated February 20, 2015.

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: Impacts to waters of the U.S. could not be avoided as this project is dependent on maritime access by nature. The size of the construction area was reduced to the smallest possible footprint to provide a safe and functional dock without causing interference with adjacent docks.

b. Minimization: The following measures would be incorporated in order to minimize impacts to waters of the U.S.:

- Fill placed in the tidelands would be clean blasted rock and crushed concrete pieces with rebar removed. Fill would contain relatively few fines to reduce impacts to turbidity and/or sedimentation.
- The dock would be maintained in a manner that does not introduce any pollutants or debris into the harbor or cause a migration barrier for fish.
- Fuels, lubricants and other hazardous substances would not be stored below the HTL of Dutch Harbor.
- Storm drainage system would incorporate use of an oil/water separator grit chamber.

c. Compensatory Mitigation: The applicant has proposed a conceptual mitigation plan, to include cleaning up either 2 tons or 2.8 acres of marine debris along a local beach within the vicinity of the project to mitigate for the loss of 2.8 acres of intertidal habitat that would occur when the dock is constructed. The marine debris clean-up would improve intertidal habitat and reduce the risk of entanglement for marine mammals that frequent the local area. Several possible sites have been selected by the City, but the final site location has not been chosen.

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 is a registered or eligible property in the vicinity of the worksite. It has been designated UNL-00120. The site has been determined to be within the project area and it is a designated National Historic Landmark. The Corps has made a determination of "no adverse effect". Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. Any comments SHPO and/or the National Park Service may have concerning this site and/or 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*), Short-Tailed albatross (*Phoebastria (=diomedea) albatrus*), Steller sea lion (*Eumetopias jubatus*) and their designated critical habitat, blue whale (*Balaenoptera musculus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*) and sperm whale (*Physeter macrocephalus*).

We have determined the described activity would have no effect on the Short-tailed albatross, blue whale, North Pacific right whale or sperm whale under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service is required for those species. However, 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.

We have determined the described activity may affect the threatened northern sea otter and Steller's eider and the endangered Steller sea lion and humpback whale and may affect northern sea otter and Steller sea lion designated critical habitat. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. 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 weathervane scallop (*Patinopecten caurinus*), 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

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
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

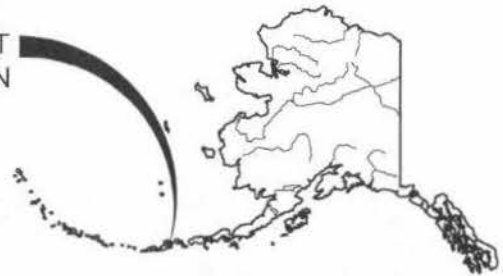
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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. **1989-324-M7, Dutch Harbor**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

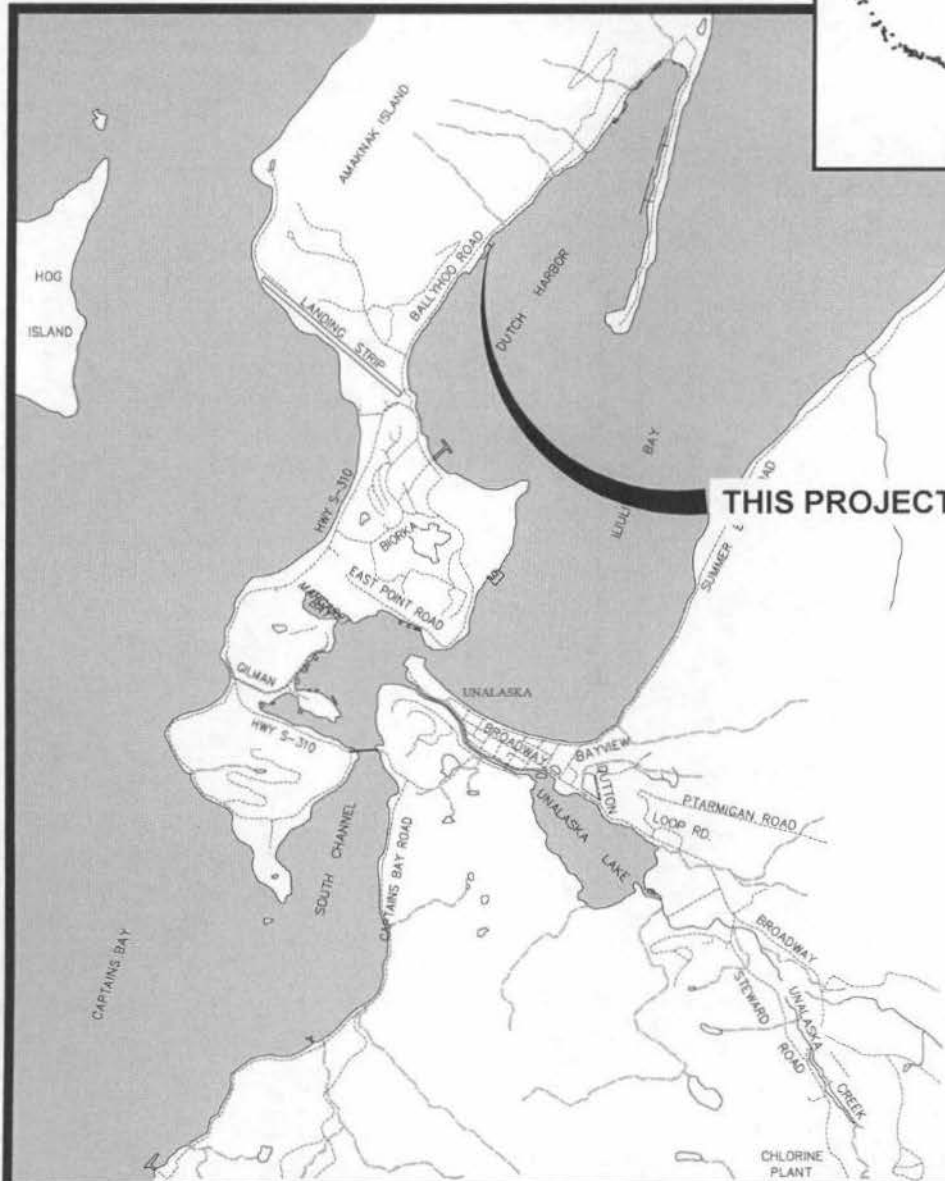
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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



TIDAL DATA:

HTL.....+6.7'

MHW.....+3.3'

MLLW.....+0.0

PURPOSE:
TO REPLACE EXISTING DOCK
POSITIONS III & IV

DATUM: MLLW= 0.0

SEC. 35, T.72S., R.117W., SM

COORD: 53.9030°N.
-166.5270°W.

VICINITY MAP

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

**CITY OF UNALASKA
DOCK POSITIONS III &
IV REPLACEMENT**

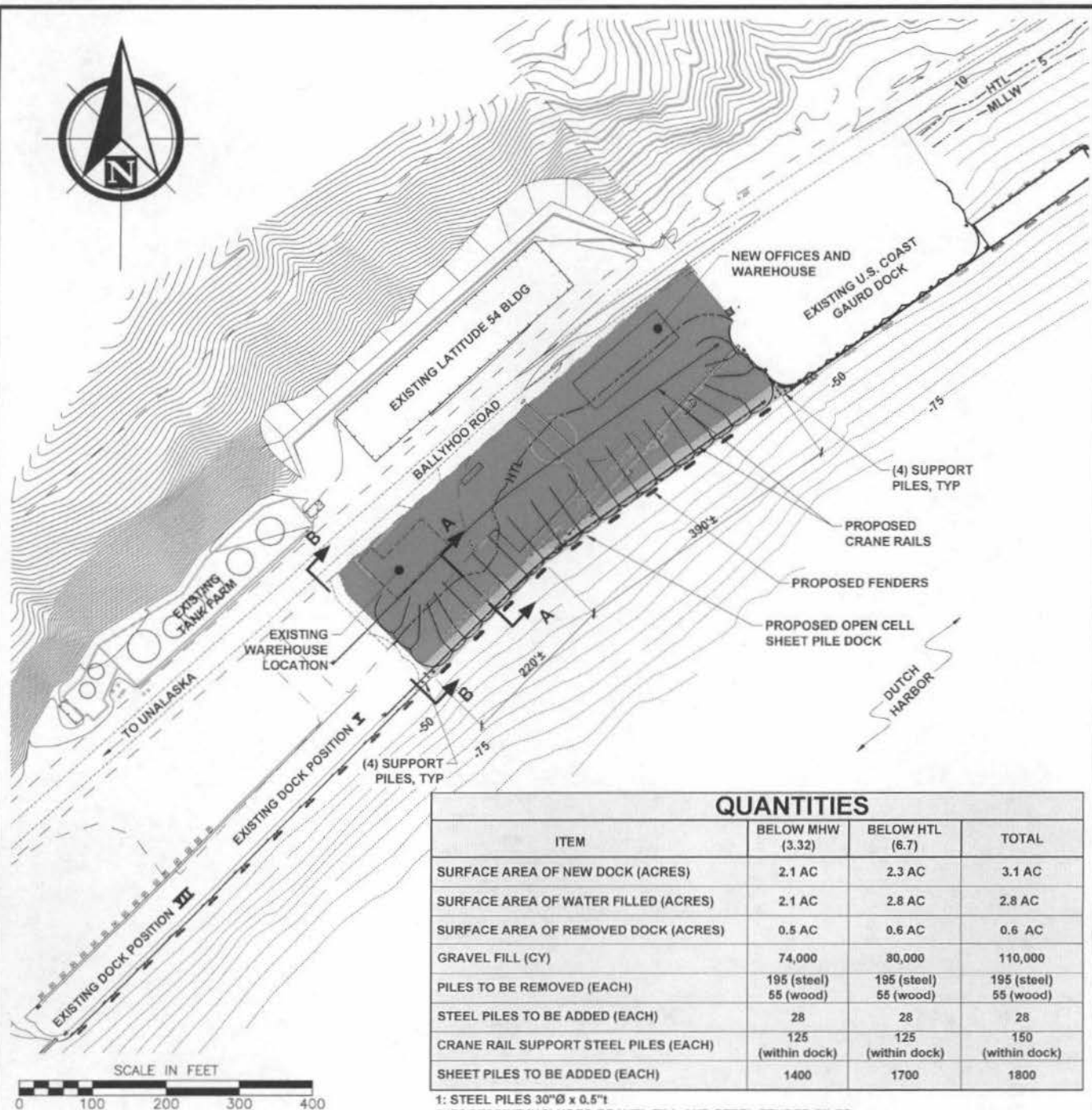
POA-1989-324

ON: AMAKNAK ISLAND
IN: ILIULIUK BAY

2/20/15

SHEET 1 of 4

POA-1989-34-M7, Dutch Harbor



QUANTITIES

ITEM	BELOW MHW (3.32)	BELOW HTL (6.7)	TOTAL
SURFACE AREA OF NEW DOCK (ACRES)	2.1 AC	2.3 AC	3.1 AC
SURFACE AREA OF WATER FILLED (ACRES)	2.1 AC	2.8 AC	2.8 AC
SURFACE AREA OF REMOVED DOCK (ACRES)	0.5 AC	0.6 AC	0.6 AC
GRAVEL FILL (CY)	74,000	80,000	110,000
PILES TO BE REMOVED (EACH)	195 (steel) 55 (wood)	195 (steel) 55 (wood)	195 (steel) 55 (wood)
STEEL PILES TO BE ADDED (EACH)	28	28	28
CRANE RAIL SUPPORT STEEL PILES (EACH)	125 (within dock)	125 (within dock)	150 (within dock)
SHEET PILES TO BE ADDED (EACH)	1400	1700	1800

1: STEEL PILES 30"Ø x 0.5"t

2: FOOTPRINT INCLUDES GRAVEL FILL AND STEEL FENDER PILES

PURPOSE:
TO REPLACE EXISTING DOCK
POSITIONS III & IV

DATUM: MLLW= 0.0

SEC. 35, T.72S., R.117W., SM

COORD: 53.9030"N.
-166.5270"W.

SITE PLAN

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

CITY OF UNALASKA DOCK POSITIONS III & IV REPLACEMENT

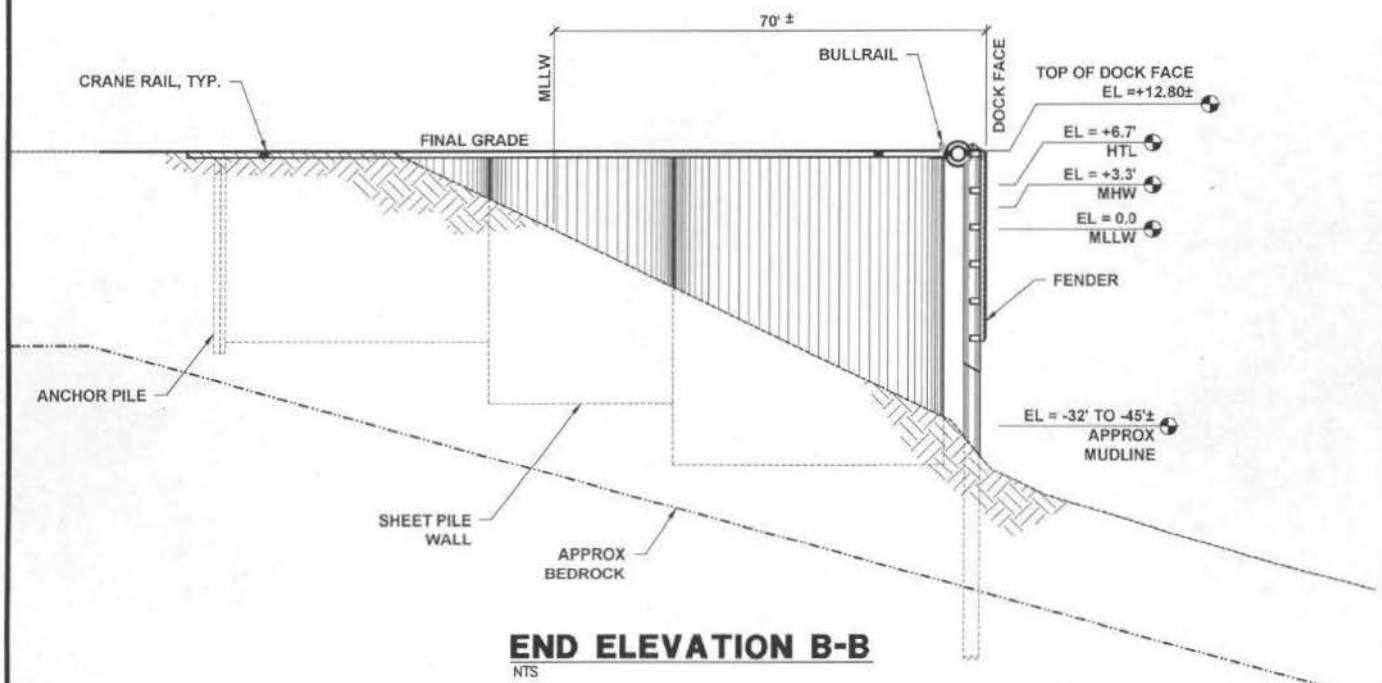
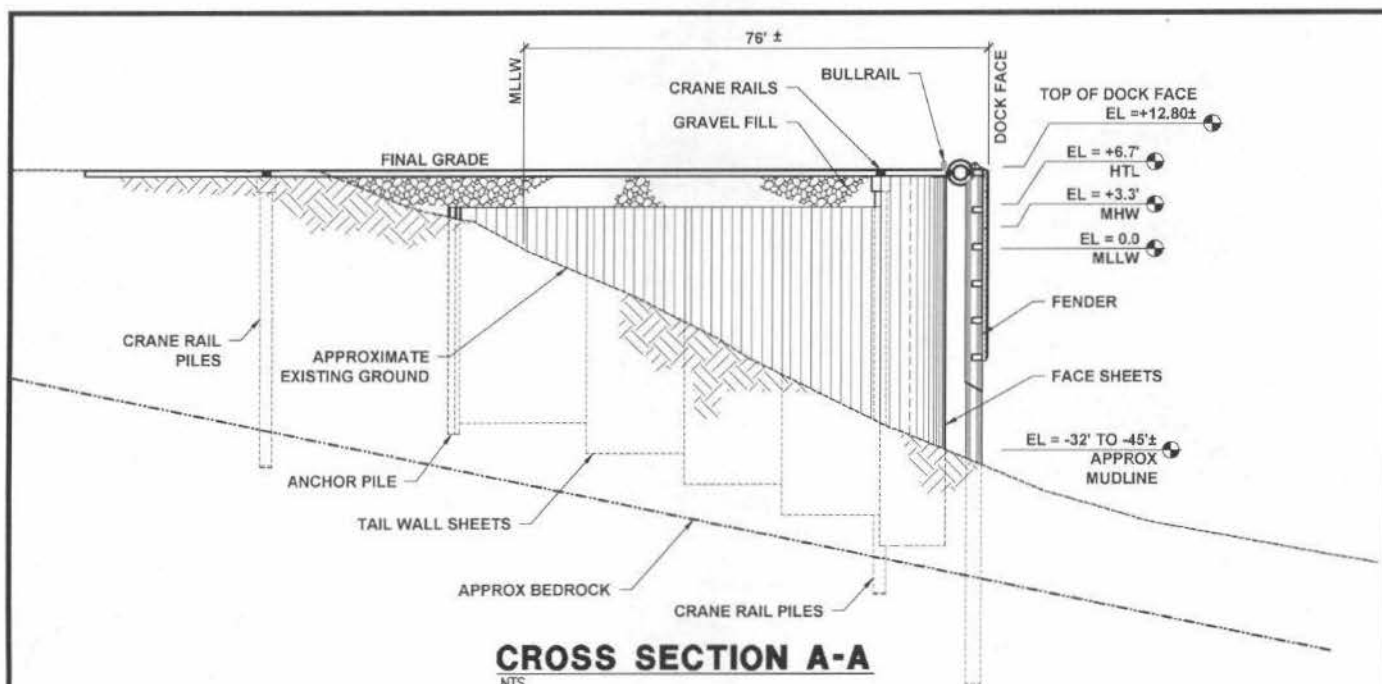
POA-1989-324

ON: AMAKNAK ISLAND
IN: ILIULIUK BAY

2/20/15

SHEET 2 of 4

POA-1989-34-M7, Dutch Harbor



PURPOSE:
TO REPLACE EXISTING DOCK
POSITIONS III & IV

DATUM: MLLW= 0.0

SEC. 35, T.72S., R.117W., SM

COORD: 53.9030°N.
-166.5270°W.

SECTION & END ELEVATION

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

CITY OF UNALASKA DOCK POSITIONS III & IV REPLACEMENT

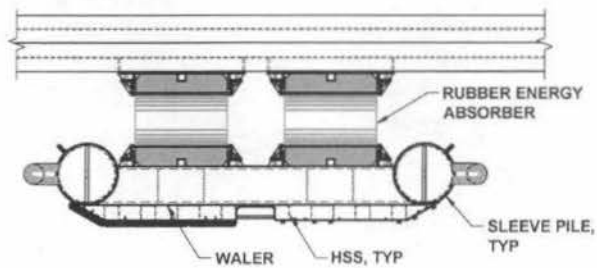
POA-1989-324

ON: AMAKNAK ISLAND
IN: ILIULIUK BAY

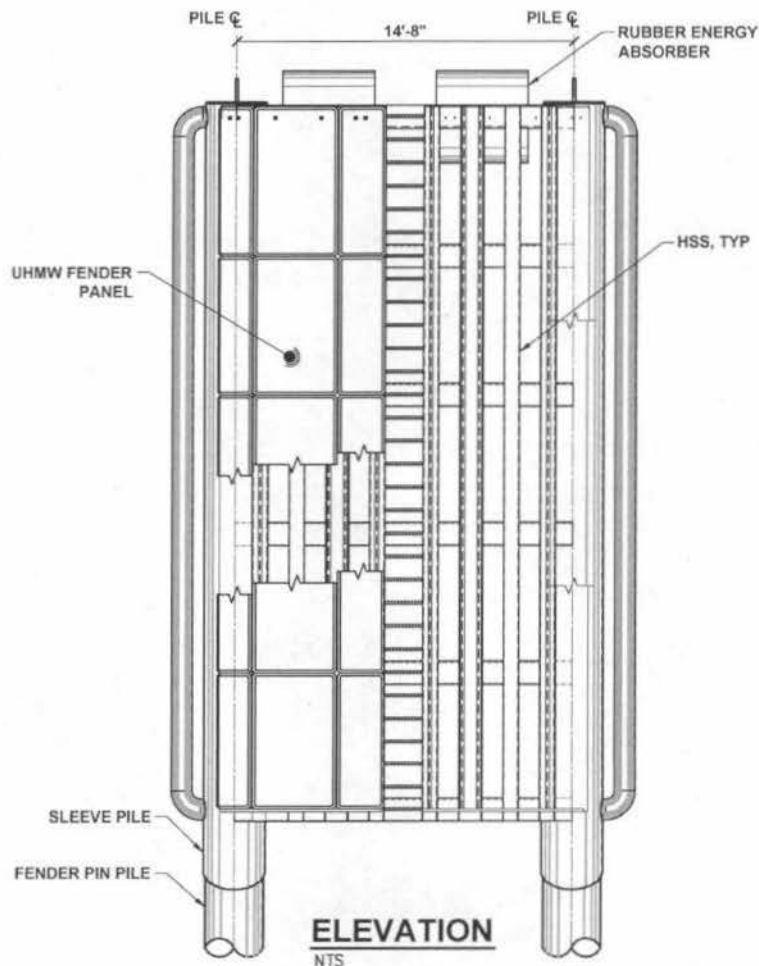
2/20/15

SHEET 3 of 4

POA-1989-34-M7, Dutch Harbor



PLAN
NTS



ELEVATION
NTS

PURPOSE:
TO REPLACE EXISTING DOCK
POSITIONS III & IV

DATUM: MLLW= 0.0

SEC. 35, T.72S., R.117W., SM

COORD: 53.9030°N.
-166.5270°W.

FENDER DETAILS

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

CITY OF UNALASKA DOCK POSITIONS III & IV REPLACEMENT

POA-1989-324

ON: AMAKNAK ISLAND
IN: ILIULIUK BAY

2/20/15

SHEET 4 of 4

POA-1989-34-M7, Dutch Harbor