



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:** September 11, 2012  
**EXPIRATION DATE:** October 11, 2012  
**REFERENCE NUMBER:** POA-2012-556  
**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.

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 **Jack Hewitt** at (907) 753-2708, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [jack.j.hewitt@usace.army.mil](mailto:jack.j.hewitt@usace.army.mil) if further information is desired concerning this notice.

APPLICANT: Bering Shai Marine, LLC., Post Office Box 196, Unalaska, Alaska 99685.

AGENT: PND Engineers, Inc., 1506 West 36<sup>th</sup> Avenue, Anchorage, Alaska 99501.

LOCATION: The project site is located within Section 21, T. 73 S., R. 118 W., Seward Meridian, USGS Quad Map Unalaska C-2, Latitude 53.8455° N., Longitude 166.5886° W., in Unalaska, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Aleutian World War II National Historic Area.

PURPOSE: The applicant's stated purpose is to provide a secure marine terminal infrastructure, not currently available on Unalaska Island, for docking of deep draft vessels and capacity to offload large equipment and cargo.

PROPOSED WORK: Construct a 380' by 1175' solid fill dock by discharging 250,000 cubic yards (CY) of fill material and 2100 CY of rip rap below high tide line (HTL). The material would be placed behind a steel, open cell bulkhead, and encompass a 9.2 acre footprint below HTL. A fender system would be mounted on the sheet pile face. An unnamed creek would be rerouted around the facility through a 500' concrete channel. The work would be completed in two phases, with an initial phase consisting of a 300' by 300' solid fill dock, without a sheet pile face, that

includes a mooring dolphin system. Phase one would require 28,000 CY of fill and 3100 CY of rip rap placed on a 2.3 acre footprint below HTL (sheet 3 of 9). Phase two would incorporate the work described in phase one, and is scheduled to be completed within five years. All work would be performed in accordance with the enclosed plan, 9 sheets, dated 8/15/2012.

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 proposed sheet pile bulkhead fill dock design avoids impacts to the waters of the U.S. to the maximum extent practicable while still achieving the project purpose. No other design alternatives provided the deep draft, high load capacity, length of dock face and upland storage area required to meet the proposed usage requirements of the facility.

b. Minimization: The proposed sheet pile bulkhead fill dock design limits the amount of fill material placed in the tidelands to the greatest extent possible by placing the dock approximately parallel to the existing shoreline. Dredging, aside from that required for construction, would be avoided by locating the dock in a deep water location. The dock length is the minimum required to accommodate the proposed usage and intent of the structure as well as provide the necessary upland storage areas. Materials from the adjacent gravel site would be used for fill thereby limiting the chances for introduction of contaminated materials.

c. Compensatory Mitigation: Payment to an in-lieu fee program is proposed for compensatory mitigation for the project.

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. Site UNL-00103 (D-9) is located adjacent to, but outside of the project impact area, of the proposed project. The site was a small seasonal fish camp that was destroyed by military operations during WWII. BIA archaeologists resurveyed the area in an attempt to find the site, but only documented a WWII bunker. Based upon this information the Corps has determined there are no historic properties in the permit area. 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), and the National Park Service (NPS). Any comments the SHPO and/or NPS 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 described activity is in the historic range of the Steller sea lion (*Eumetopias jubatus*), Steller's eider (*Polysticta stelleri*), short-tailed albatross (*Phoebastria albatrus*) and northern sea otter (*Enhydra lutris*). We will initiate 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.

The Corps has determined that the proposed project may adversely affect northern sea otter designated critical habitat, and will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the USFWS or NMFS may have concerning designated 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). 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

# 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.

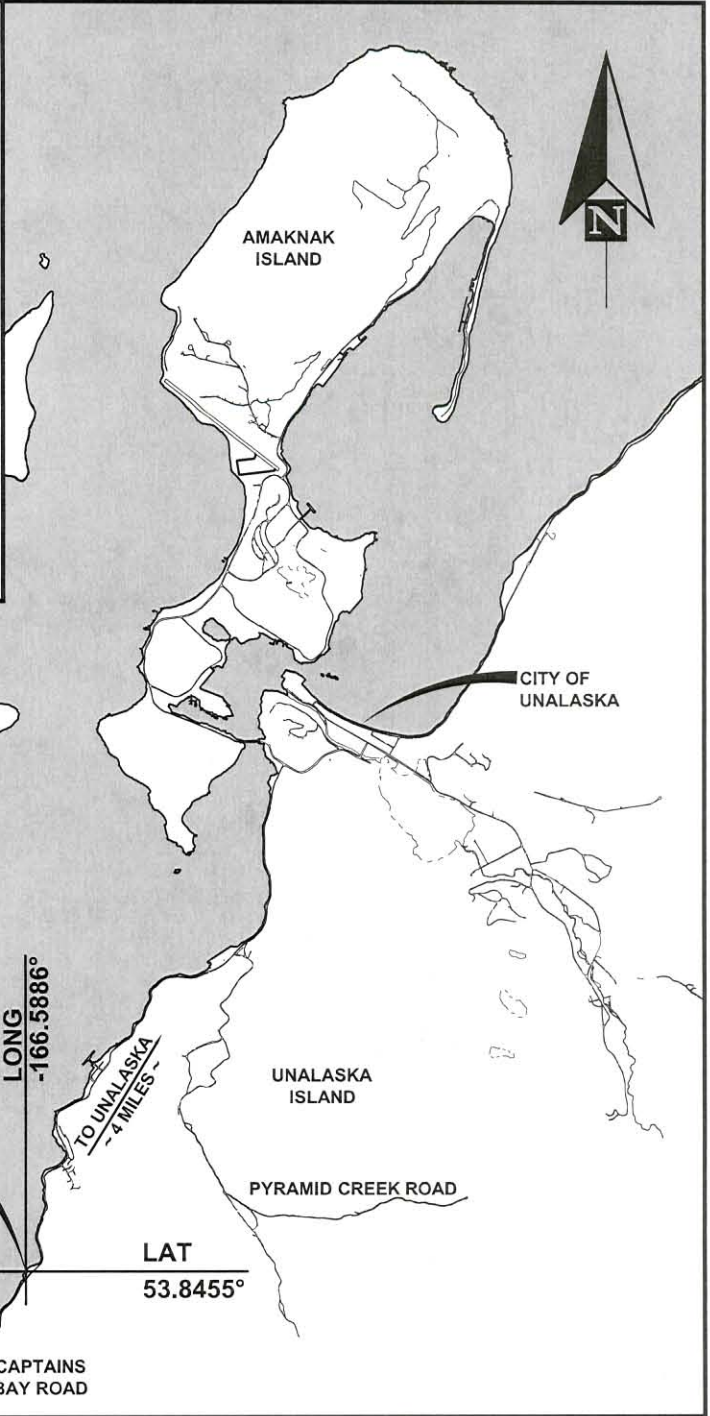
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2012-556, Captains Bay, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



J:\2012\12162 Bering Shai Marine Terminal\E. Drawings\Permits\01 Location.dwg, 01, 8/14/2012 5:07:43 PM, Scott Abbett, 1:1



PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

DATUM: 0.0' MLLW

PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

**VICINITY MAP AND  
PROJECT LOCATION**

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

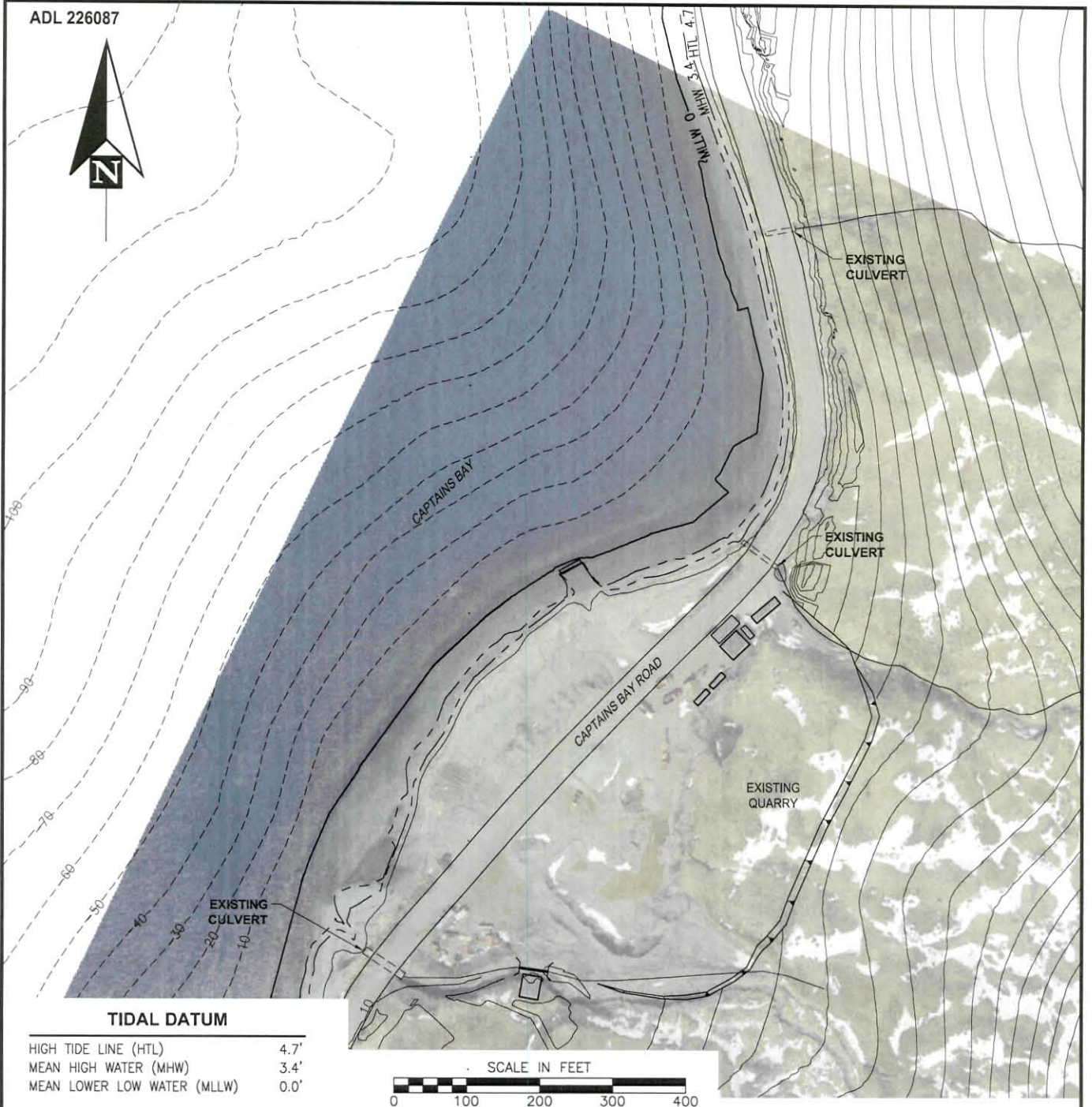
**BERING SHAI  
MARINE TERMINAL**

POA-2012-556

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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ADL 226087



J:\2012\12\062 Bering Shai Marine Terminal\E. Drawings\Permits\02 Existing Site Plan.dwg, 02, 8/14/2012 5:07:50 PM, Scott Abbott, 1:1

PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

### EXISTING SITE PLAN

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

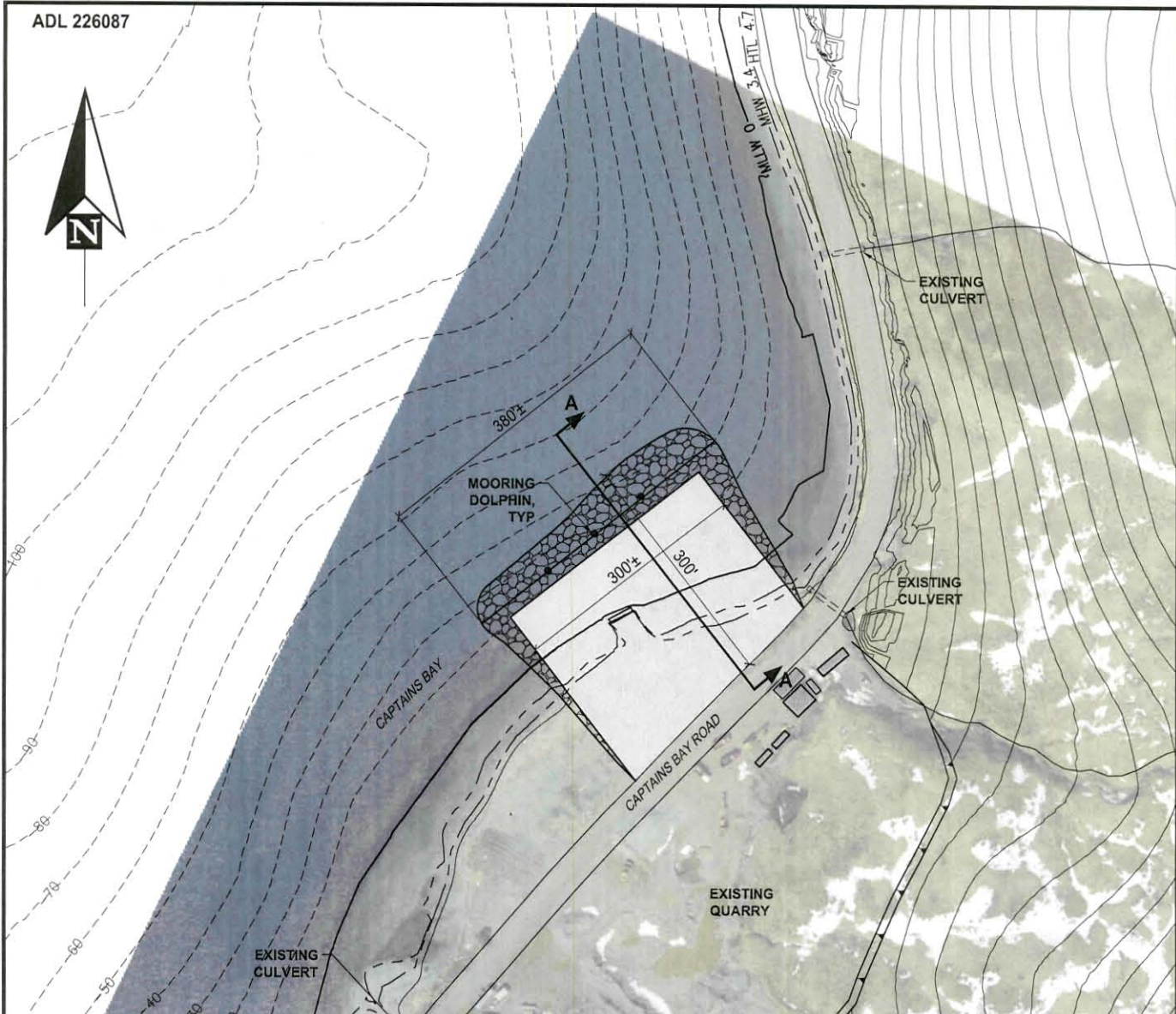
### BERING SHAI MARINE TERMINAL

POA-2012-556  
AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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ADL 226087



**INITIAL CONSTRUCTION QUANTITIES**

TOTAL FILL.....	48,300 CU YDS
SURFACE AREA.....	2.9 ACRES
FILL BELOW MHW.....	26,000 CU YDS
SURFACE AREA BELOW MHW.....	2.1 ACRES
FILL BELOW HTL.....	28,000 CU YDS
SURFACE AREA BELOW HTL.....	2.3 ACRES
ARMOR ROCK BELOW HTL.....	3,100 CU YDS
ARMOR ROCK BELOW MHW.....	2,900 CU YDS
TOTAL ARMOR ROCK.....	3,400 CU YDS

**LEGEND**

	ARMOR ROCK
	NFS FILL

**TIDAL DATUM**

HIGH TIDE LINE (HTL)	+4.7
MEAN HIGH WATER (MHW)	+3.4
MEAN LOWER LOW WATER (MLLW)	0.0'



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PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

**INITIAL  
BARGE BERTH  
SITE PLAN**

**BERING SHAI  
MARINE TERMINAL**

POA-2012-556

DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

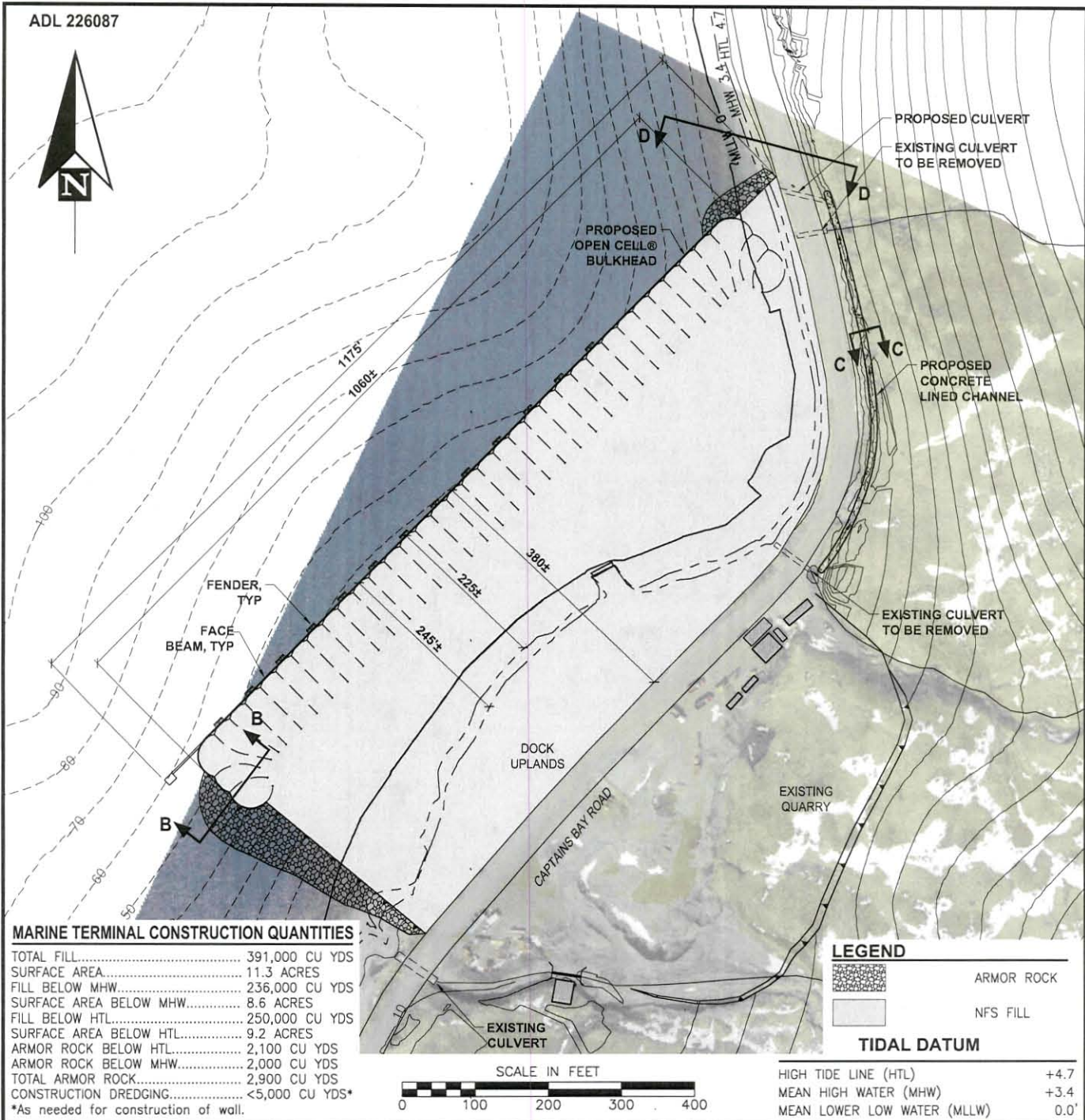
BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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ADL 226087



**MARINE TERMINAL CONSTRUCTION QUANTITIES**

TOTAL FILL.....	391,000 CU YDS
SURFACE AREA.....	11.3 ACRES
FILL BELOW MHW.....	236,000 CU YDS
SURFACE AREA BELOW MHW.....	8.6 ACRES
FILL BELOW HTL.....	250,000 CU YDS
SURFACE AREA BELOW HTL.....	9.2 ACRES
ARMOR ROCK BELOW HTL.....	2,100 CU YDS
ARMOR ROCK BELOW MHW.....	2,000 CU YDS
TOTAL ARMOR ROCK.....	2,900 CU YDS
CONSTRUCTION DREDGING.....	<5,000 CU YDS*

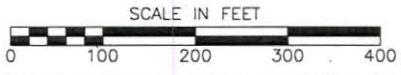
\*As needed for construction of wall.

**LEGEND**

	ARMOR ROCK
	NFS FILL

**TIDAL DATUM**

HIGH TIDE LINE (HTL)	+4.7
MEAN HIGH WATER (MHW)	+3.4
MEAN LOWER LOW WATER (MLLW)	0.0'



PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

**MARINE TERMINAL PLAN**

**BERING SHAI  
MARINE TERMINAL**

DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

POA-2012-556

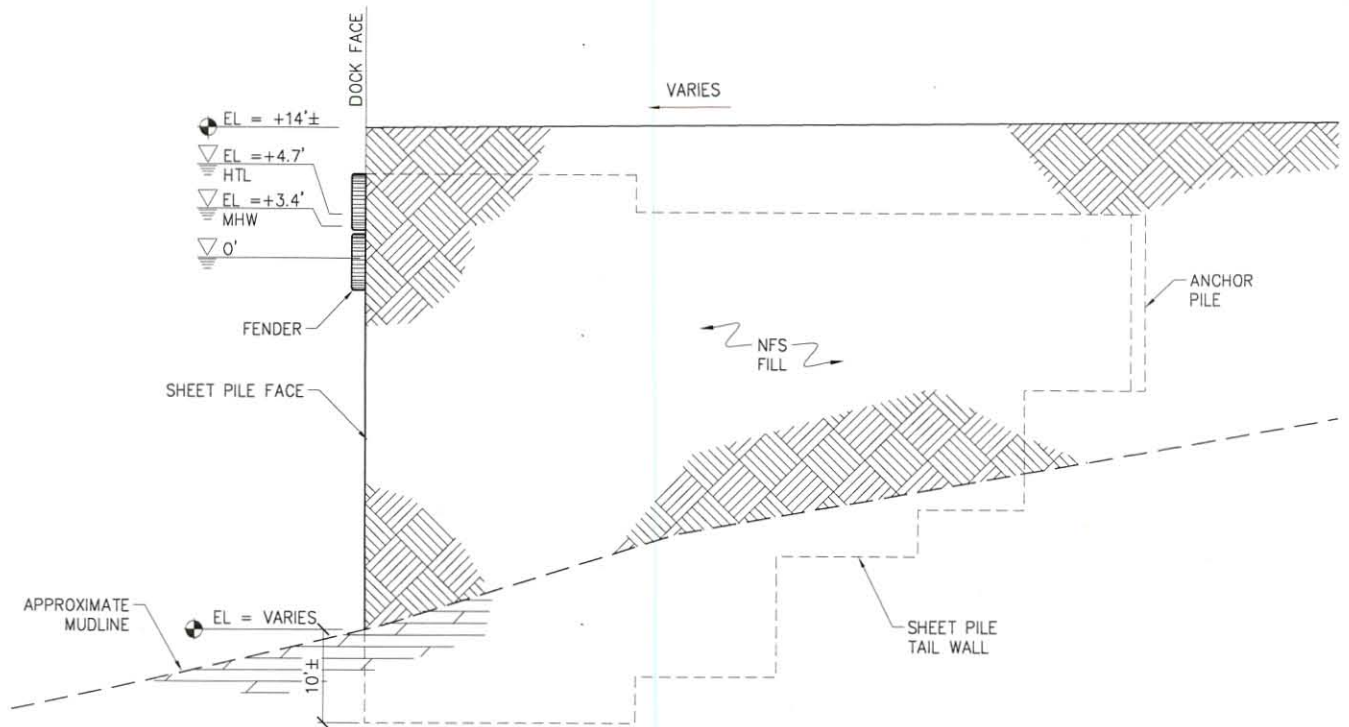
AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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J:\2012\12\062 Bering Shai Marine Terminal\E: Drawings\Permits\04 Proposed Site Plan.dwg, 04, 8/14/2012 5:08:03 PM, Scott Abbott, 1:1



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**TYPICAL MARINE TERMINAL SECTION**  
NTS

PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

**TYPICAL MARINE  
TERMINAL SECTION**

**BERING SHAI  
MARINE TERMINAL**

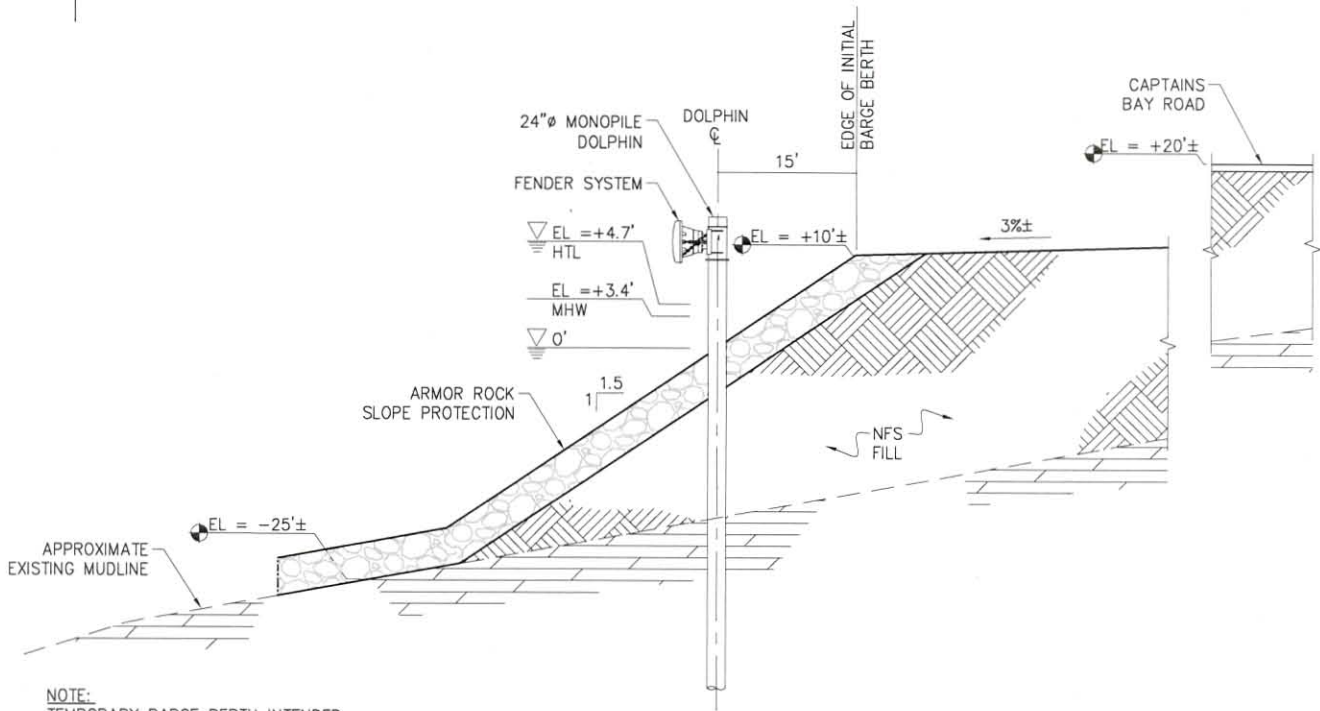
DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

POA-2012-556

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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NOTE:  
 TEMPORARY BARGE BERTH INTENDED  
 FOR USE FOR APPROXIMATELY 1 YEAR

**INITIAL BARGE BERTH**

NTS

J:\2012\12\1062 Bering Shai Marine Terminal\E. Drawings\Permits\06 Proposed Initial Construction Section A-A.dwg 06/8/14/2012 5:08:13 PM Scott Abbott, 1:1

PROPOSED ACTIVITY:  
 INSTALLATION OF SHEET PILE  
 DOCK FOR DEEP DRAFT VESSELS

DATUM: 0.0' MLLW  
 PROJECT LOCATION:  
 SEC. 20 & 21, T73S, R118W, S.M.

**INITIAL  
 BARGE BERTH  
 SECTION A-A**

BERING SHAI ROCK & GRAVEL, LLC  
 P.O. BOX 196  
 UNALASKA, AK 99685

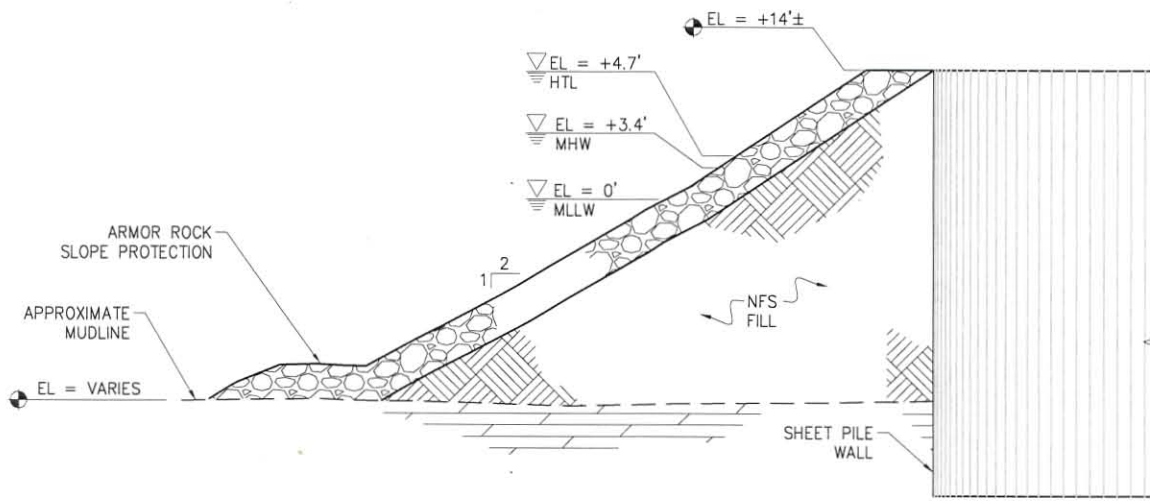
**BERING SHAI  
 MARINE TERMINAL**

POA-2012-556

AT: CAPTAINS BAY  
 DUTCH HARBOR, AK

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**TYPICAL ARMOR STONE PROTECTION**

NTS

PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

**TYPICAL ARMOR  
STONE PROTECTION  
SECTION B-B**

**BERING SHAI  
MARINE TERMINAL**

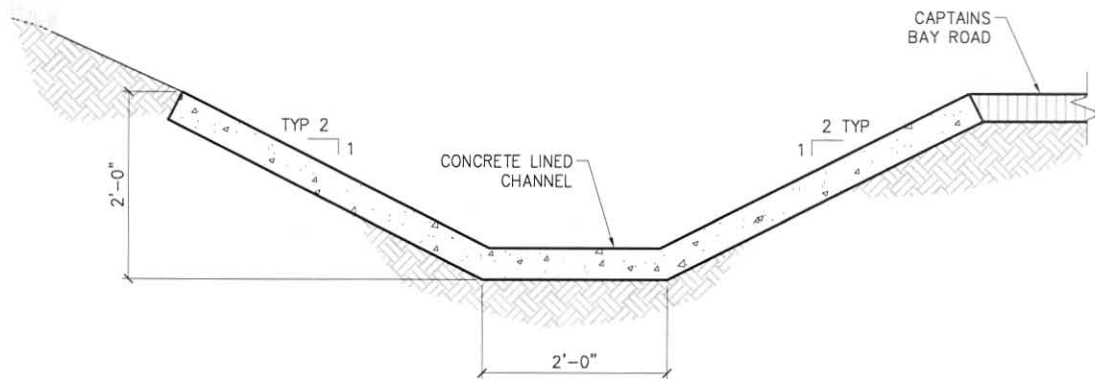
DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

POA-2012-556

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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**CONCRETE LINED CHANNEL SECTION**  
NTS

PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

**CONCRETE  
LINED CHANNEL  
SECTION C-C**

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

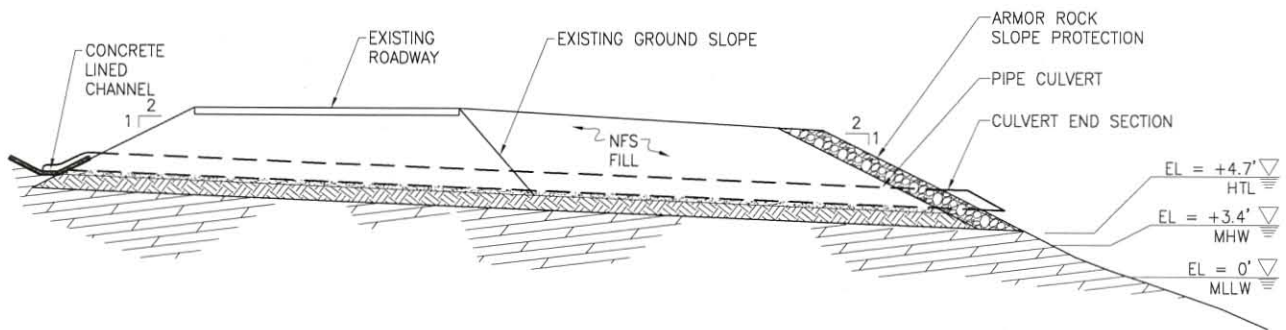
**BERING SHAI  
MARINE TERMINAL**

POA-2012-556

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

8/15/2012 SHEET **8 of 9**





**CULVERT SECTION**  
NTS

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PROPOSED ACTIVITY:  
INSTALLATION OF SHEET PILE  
DOCK FOR DEEP DRAFT VESSELS

**CULVERT SECTION D-D**

**BERING SHAI  
MARINE TERMINAL**

DATUM: 0.0' MLLW  
PROJECT LOCATION:  
SEC. 20 & 21, T73S, R118W, S.M.

BERING SHAI ROCK & GRAVEL, LLC  
P.O. BOX 196  
UNALASKA, AK 99685

POA-2012-556

AT: CAPTAINS BAY  
DUTCH HARBOR, AK

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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