



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: January 27, 2015
EXPIRATION DATE: February 26, 2015
REFERENCE NUMBER: POA-2013-273
WATERWAY: Ward Cove

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 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 if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF), Southcoast Region. Ms. Jill Taylor, P.O. Box 112500, Juneau, Alaska 99811-2500, (907) 465-4524, email: jill.taylor@alaska.gov

LOCATION: The project site is located within Section 34, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.406° N., Longitude 131.722° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new ship berthing complex and ferry terminal as part of the Alaska Marine Highway System (AMHS) Ward Cove Marine Facility Project. The Ward Cove berthing facility is intended to provide a functional replacement for the existing AMHS South Berth facility in Ketchikan and to consolidate all Ketchikan based AMHS management and engineering functions to the Ward Cove property.

PROPOSED WORK:

Phase 1:

- Dredge 64,000 cubic yards (cy) of sediment to elevation -30 feet mean lower low water (MLLW) and excavate 6,000 cy of rock material within areas totaling 3.74 acres below the Mean High Water (MHW) line of Ward Cove. Dredging/rock removal at Bolles Ledge is expected to require underwater blasting. The remainder of the dredging would be completed with a barge mounted clamshell and excavator. Dredged material would be disposed of at an upland site that has not yet been identified.
- Placement of 41,800 cy of rock fill material (including rip rap) within a 1.49 acre area below the High Tide Line (HTL) of Ward Cove to stabilize shoreline adjacent to marine and upland facilities.
- Remove sunken logs within a 0.85-acre area below the MHW line of Ward Cove. Logs would be extracted with a clamshell excavator. Underwater diving or cable work may also be required to remove some of the logs.

Phase 2 includes installing the following structures below the MHW line of Ward Cove:

- 390-foot by 24-foot vehicle and pedestrian approach trestle structure supported by (24) 20-inch diameter steel piles.
- 180-foot by 140-foot concrete or steel floating dock supported by (6) pile restraint structures comprised of four groups of (4) 36-inch diameter steel piles and two groups of dolphins that each contain (4) 36-inch steel piles.
- 140-foot by 24-foot steel vehicle transfer bridge.
- Two mooring dolphins comprised of (3) 24-inch batter piles and a 4-foot wide steel access gangway.
- Seven berthing dolphins each comprised of (20) 30-inch diameter steel piles interconnected with (6) 40 by 4-foot steel catwalks.

Phase 3 includes expansion of the berth by installing the following structures below the MHW line of Ward Cove:

- 170-foot by 10-foot concrete or timber small boat mooring float supported by (11) 20-inch diameter steel piles.
- 235-foot by 16-foot concrete or timber small boat mooring float supported by (14) 20-inch diameter steel piles.
- Thirteen berthing dolphins containing (56) 30-inch diameter steel piles and interconnected with (12) 40-foot by 4-foot steel catwalks.

All work would be performed in accordance with the enclosed plan (sheets 1-17), dated January 6, 2014.

ADDITIONAL INFORMATION: The proposed project is located in an area that was, for over 40 years, home of the Ketchikan Pulp Mill which closed in 1997. The predominant waste products generated from the mill included ash, wood waste, wastewater, and the resulting wastewater-treatment sludge. After the mill closed, the Alaska Department of Environmental Conservation and the Environmental Protection Agency (EPA) conducted an extensive investigation, assessment, and clean up of contamination. Contaminants found in the investigation included lead, polychlorinated biphenyls (PCB's), arsenic, and petroleum compounds.

To manage environmental cleanup activities, the Ketchikan Pulp Company (KPC) Superfund site was separated into two administrative units: a Marine Operational Unit (OU) and an Upland OU. The Marine OU includes all 250 acres of Ward Cove (See Sheet 2) and included the sediment, benthic communities, and marine waters within Ward Cove. The Area of Concern includes approximately 80 acres of contaminated sediments. Environmental corrective action activities in the Marine OU were initiated in 2000 and were completed in 2001. Within the Area of Concern, 27 acres were covered with a thin-layer sand cap, 50 acres were allowed to naturally recover, and 3 acres were dredged to remove the contaminated sediments. EPA considers the site to be cleaned-up with restrictions (See Sheets 3-7 where Limits of Area of Concern and Limits of Sand cap are identified in relation to the proposed project). In 2010, the ADOT&PF purchased 30 acres of the KPC site which includes 20.5 acres of tidelands for the proposed AMHS ferry terminal site. No work is proposed in the sand capped area for the proposed AMHS project. Results of a dredge material sampling and analysis study conducted at the proposed AMHS site in Ward Cove are provided in a July 31, 2014, Sediment Characterization Report prepared by URS in association with R&M Engineering.

Navigation into the site is complicated by tideland boundaries and a shallow shoal called Bolles ledge. In addition, the sea bottom contains thousands of remnant logs and layers of logs from the KPC operation. To accommodate navigation, the ledge would have to be removed to elevation -27 feet MLLW. A 1,400-foot turning basin would also have to be maintained for AMHS vessels.

Future plans for this site could include sharing the facility with the National Oceanic and Atmospheric Administration (NOAA) to homeport the vessel Fairweather and may include expansion of both the AMHS and NOAA facilities.

The existing AMHS South Berth facility would be given to the Ketchikan Shipyard once a functional replacement berth for AMHS ferry vessels are provided in Ward Cove.

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 project is for a proposed marine facility located in waters of the U.S. Impacts to waters of the U.S. are unavoidable.

b. Minimization: The fill footprint has been designed to the minimum amount practicable in order to meet current design standards and project purpose and need. Fill slopes are designed as steep as practicable to minimize fill area.

c. Compensatory Mitigation: The existing marine habitat at the project location has been previously altered by placement of riprap and fill material. The shoreline is comprised of riprap and gravely sand and is of low to moderate habitat value. Approximately 1.5 acres of waters of the U.S. would be filled to create a pile supported access trestle for the AMHS marine facility. An in-lieu fee at a ratio of 2:1 would be proposed as compensatory mitigation for unavoidable impacts to waters of the U.S.

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: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. 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.

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*), pink (*O. gorbuscha*), coho (*O. kisutch*), and sockeye salmon (*O. nerka*).

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-2013-273, Ward Cove** 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.