



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:	August 14, 2013
EXPIRATION DATE:	September 16, 2013
REFERENCE NUMBER:	POA-2013-322
WATERWAY:	Pasagshak 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 Roberta K. Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Roberta.K.Budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Aerospace Corporation, 4300 B Street, Suite 101, Anchorage, Alaska 99503.

AGENT: PND Engineers, Inc., 1736 Fourth Avenue South, Suite A, Seattle, Washington 98134.

LOCATION: The project site is located within Section 27, T. 31 S., R. 20 W., Seward Meridian; USGS Quad Map Kodiak B-1 and B-2; Latitude 57.4529° N., Longitude 152.4483° W.; at the Kodiak Launch Complex near Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to streamline delivery of incoming aerospace related cargos to the Kodiak Launch Complex and reduce interruption of surface transportation systems and local businesses.

PROPOSED WORK: Discharge a total of 19,650 cubic yards of fill materials into a total of 0.71-acre below the High Tide Line (HTL) of Pasagshak Bay in order to construct a fill barge dock and boat launch. The fill barge dock would have a toe-to-toe width of 181 feet at the widest point, and would extend below the HTL 187 feet at the longest point. A total of 0.67-acre below the HTL would be filled for the fill barge dock. The fill dock would have 1.5:1 side slopes constructed of armored revetment to protect it from wave and ice forces. Up to 200 feet of sheet pile bulkhead would be installed for the fill barge dock, 50 feet of which would serve as the docking face. The remaining 150 feet would serve as a tailwall. The bulkhead would be protected by four (4) 24-inch diameter steel fender piles. Piles would be installed using a barge mounted vibratory hammer with an impact hammer for proofing. The boat launch would be 16 feet wide, and extend 118 feet into the bay from the HTL at the longest point. A total of 0.04-acre below the HTL would be filled for the boat launch. The boat launch would be installed over a layer of filter rock and would consist of precast concrete planks. In addition to the dock and boat launch, two mooring dolphins would be installed. Each dolphin would consist of five steel piles no larger than 30-inches in diameter. The piles would also be installed by vibratory hammer with an impact hammer for proofing. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated July 24, 2013.

ADDITIONAL INFORMATION: Multiple designs for the proposed project were considered. The following design options were considered:

- Fill area surrounded by sheet pile bulkhead. This design option was not chosen by the applicant due to the cost to construct a bulkhead in water deep enough to accommodate anticipated vessels and avoid dredging, while providing an upland area large enough to accommodate the anticipated cargo. In addition, construction time would be longer, increasing in longer durations of noise impacts than that of the proposed project.

APPLICANT PROPOSED MITIGATION STATEMENT: 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 avoided as the project is intended for the receipt of barged aerospace related cargos.

b. Minimization: "Area of fill required has been minimized by identifying a site with grades quickly reaching sufficient water depths to not require dredging. The minimum number and size of pile have been used in the design to reduce noise impacts to aquatic organisms during construction. In order to minimize the unavoidable impacts, Best Management Practices (BMPs) will be employed to minimize impacts on water quality, fish life, and the environment during construction. Such practices include:

(1) Impact driving will be required on all bearing piles. Vibratory methods may be used for initial setting and driving of all of the piles. Fender pin piles may be installed using a vibratory hammer exclusively, if possible.

(2) Shot rock fill will be clean with relatively few fines that would cause turbidity.

(3) Agency imposed timing restrictions would be strictly observed.

(4) The contractor will be required to capture any falling debris associated with project construction; such methods will not allow any debris to enter Pasagshak Bay.

(5) Excess or waste materials will not be allowed to enter waters of the state. All such material will be collected and recycled or disposed of at an approved facility.

(6) The contractor will comply with water quality restrictions as required by law and implement corrective measures if temporary water quality standards are exceeded.

(7) Care will be taken to prevent any petroleum products or other toxic or deleterious materials from entering the waters of the state. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly on secondary containment pallets to prevent spills.

(8) The contractor will have a spill kit with oil-absorbent materials on site to be used in the event of a spill or if any oil product is observed in the water.

(9) The contractor is responsible for the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) plan to be used for the duration of the project as required by permitting agencies."

c. Compensatory Mitigation: "The project results in a loss of a very small portion of habitat in a largely undeveloped and healthy bay ecosystem. The proposed armor rock revetment will continue to functions imilar to a rocky beach. As such, no compensatory mitigation is 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: 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: The project area is within the known or historic range of the Steller's eider (*Polysticta stelleri*), northern sea otter (*Enhydra lutris kenyoni*), and the Steller sea lion (*Eumetopias jubatus*). 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, and/or designated critical habitat, 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 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 chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and Chinook salmon (*Oncorhynchus tshawytscha*). 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
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-2013-322, Pasagshak 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.