



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	February 15, 2023
EXPIRATION DATE:	March 2, 2023
REFERENCE NUMBER:	POA-2023-00060
WATERWAY:	Elfin 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.

All comments regarding this public notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the project manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the public notice reference number listed above.

All comments 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 Ms. Delana Wilks at (907) 201-5021, or by email at Delana.P.Wilks@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Tanaku Lodge (Mr. James Benton)

LOCATION: The project site is located within Section 25, T. 42 S., R. 55 E., Copper River Meridian; USGS Quad Map MT Fairweather A1 and A-2; Latitude 58.1939° N., Longitude -136.3494° W. (Dredge Site) (ADNR Original Tideland Lease ADL 106340), Latitude 58.1516° N., Longitude -136.3413° W. (Dredged Material Disposal Site); near Elfin Cove, Alaska.

PURPOSE: The applicant's stated purpose is to provide safe and reliable navigation and moorage of small recreational vessel at the Tanaku Lodge.

PROPOSED WORK: To dredge 420 cubic yards of marine sediment from the seafloor adjacent to an existing moorage float to a depth of minus 8-feet mean low low water. The applicant is proposing in-water disposal of the dredged material at the Port Althorp Dredge Disposal Area. The proposed dredging would take place at the same time as a planned Civil Works Program dredging project by the U.S. Army Corps of Engineers (Corps) in the vicinity of this project. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated January 2023.

ADDITIONAL INFORMATION:. The Corps collected surface sediment samples for geotechnical analysis in May of 2019, and the lab results describe the material as poorly graded sand with silt and gravel. The proportion of coarse grain material (sand and/or gravel) ranges from 95% in the Outer Channel to 90.4% in the outer part of the Inner Channel, to 98.9% in the Inner Channel. The percentage of the material is very high sand content, such that it would not be a carrier of contaminants

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. The dredging contractor will prepare an Oil Spill Prevention and Control Plan. Reasonable precautions and controls will be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment will be sited and conducted to prevent petroleum contamination of the ground, surface runoff, or water bodies. Equipment will be inspected daily for leaks. In case of leaks, equipment will not be used and pulled from service until the leak is repaired. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount will be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3).
- b. Timing of Construction Activities: There are no formal environmental requirements that dictate timing windows for this project. However, dredging in Elfin Cove, particularly the Inner Channel, will pose a major limitation to marine vessel traffic during the approximately two-day period of construction. Travel to or from the inner harbor area will be limited when dredging at Tanaku Lodge. Safe passage will be accommodated during the dredging operations with sufficient advance coordination with the construction contractor. To minimize the impacts of dredging on vessels at Elfin Cove, dredging would take place during an approximately two-day period between March 15, 2023, and April 15, 2023. This timing window avoids all the summer charter vessel operations and the majority of commercial fishing activity. Access to the fuel dock and float plane dock will remain available during dredging so vessels can have access to fuel and temporary safe moorage. Access by float planes will not be impeded by any dredging activities. Access to both the fuel dock and float plane dock are available through a separate channel.

- c. **Minimization of Impacts to Protected Species:** The proposed project minimizes potential impacts to protected species due to the timing of construction activities and the confined, shallow water nature of the dredged channels. Construction between March 15, 2023, and April 15, 2023, would likely result in far fewer marine mammals both in the construction area and enroute to the disposal area. To minimize the potential harm to marine mammals, the applicant will have a contracted observer on site during construction to temporarily pause dredging operations for marine mammals within 50 meters (approximately 164 feet) of active dredging. Vessels traveling to and from the disposal area will avoid any aggregations of marine mammals within the limits of safe navigation by altering speed, course, or both.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed work. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*) (Western DPS).

We have determined the described activity would have no effect on Steller sea lion, 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 National Marine Fisheries Service (NMFS) 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).

No EFH species are known to use the project area.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Corps 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 Corps, 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 rights or resources. 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 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 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) 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 are enclosed with this public notice.

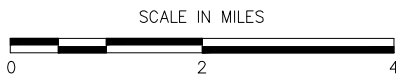
District Commander
U.S. Army, Corps

Enclosure



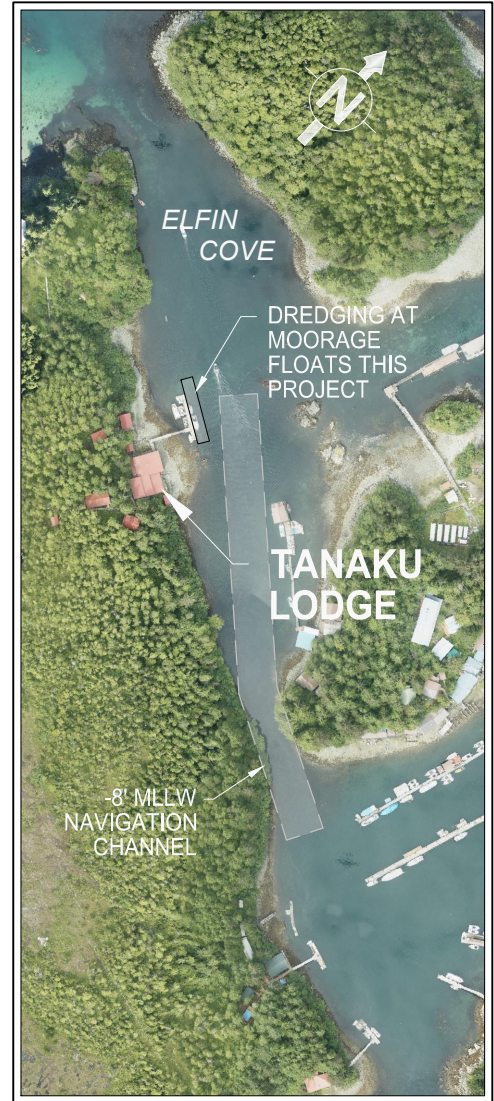
MAP FROM:
USGS ALASKA TOPOGRAPHIC SERIES
MT FAIRWEATHER, ALASKA-CANADA.

VICINITY MAP



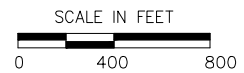
TIDAL DATA	
MAX. OBS	15.0'
MHHW	11.0'
MHW	10.1'
MLW	+1.4'
MLLW	0.0'
MIN. OBS	-4.6'

FROM:
NOAA/NOS/CO-OPS TIDAL
STATION 9452634 ELFIN COVE, AK



IMAGERY FROM:
NOAA DATA ACCESS VIEWER, 2019.

EXISTING PLAN



PURPOSE:

MAINTENANCE DREDGING OF
SHOALING MOORAGE
FACILITY DUE TO REGIONAL
GLACIAL REBOUND

DATUM: HTL = 14.2'
MLLW = 0.0' MHW = 10.1'

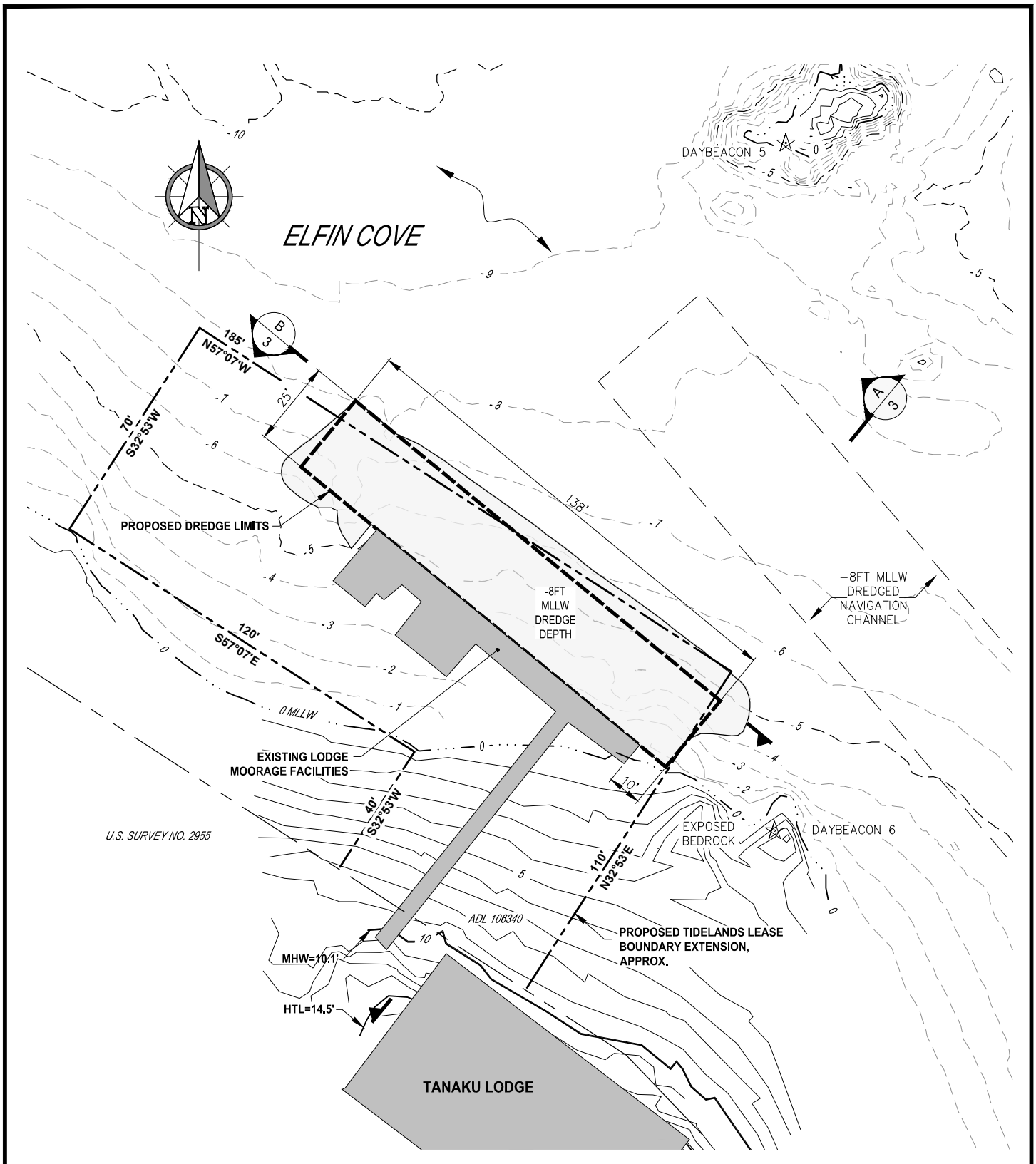
**VICINITY
MAP**

PND PROJECT NO. 222114.01

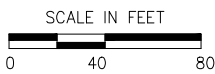
TANAKU LODGE DREDGING

APPLICANT: JIM BENTON
FILE NO.:
WATERWAY: ELFIN COVE NEAR PORT ALTHORP
PROPOSED ACTIVITY: MAINTENANCE DREDGING
SEC. 25 T. 42S R. 55E M COPPER RIVER MERIDIAN
LAT.: 58.1939°N LONG.: 136.3494°W
DATE: JANUARY 2023

SHEET **1** of **4**



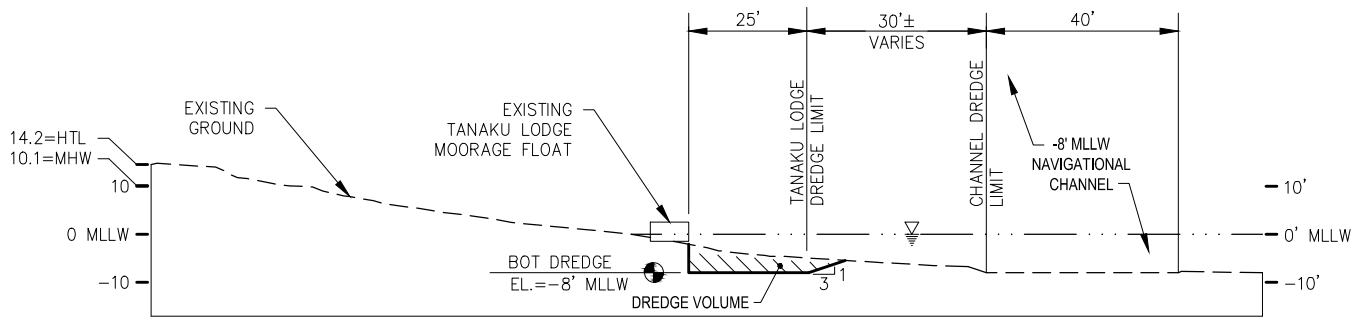
SITE PLAN



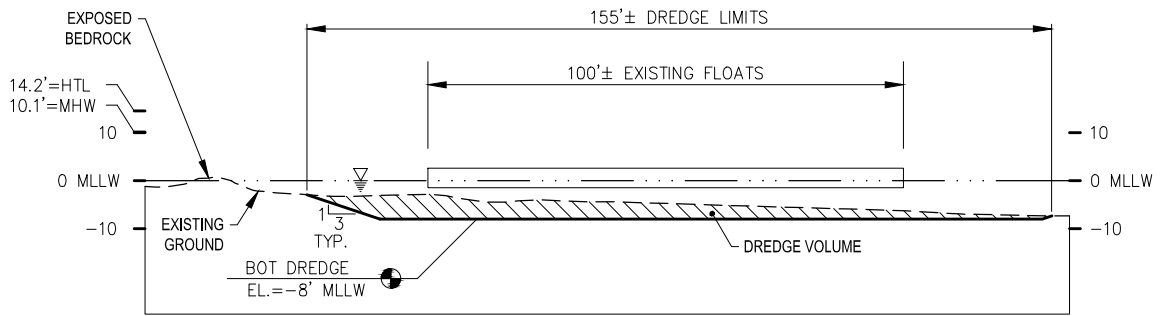
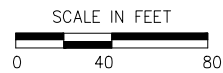
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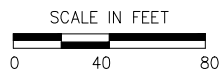
PND#: 222114.01



A TANAKU LODGE DREDGE SECTION



B TANAKU LODGE DREDGE PROFILE

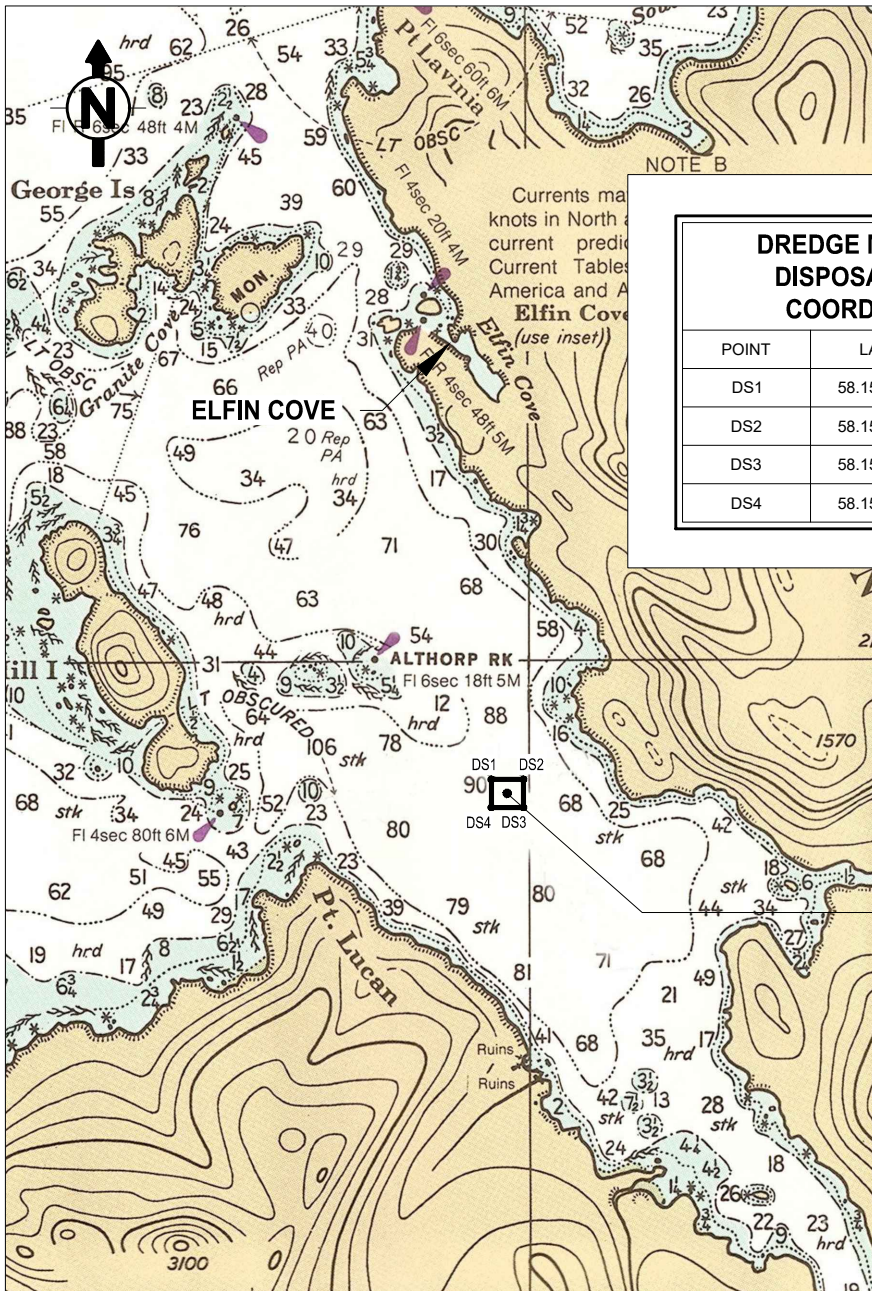


TOTAL DREDGE VOLUME
= 420 CUBIC YARDS

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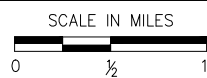
**DREDGE MATERIAL
DISPOSAL AREA
COORDINATES**

POINT	LAT	LONG
DS1	58.1522 N	136.3423 W
DS2	58.1522 N	136.3401 W
DS3	58.1510 N	136.3401 W
DS4	58.1510 N	136.3423 W

DREDGE DISPOSAL AREA

BATHYMETRY FROM:
NOAA OFFICE OF COAST SURVEY CHART
17302 ICY STRAIT AND CROSS SOUND

DREDGE DISPOSAL SITE PLAN



TANAKU LODGE DREDGING

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SHEET **4** of **4**