

October 17, 2019

Estrella Campellone
Project Manager
South Section
Regulatory Division
USACE AK District

Subject: POA-2019-00313 Ward Cove Cruise Ship Dock

Dear Ms. Campellone;

Thank you for forwarding all the comments received on the proposed Ward Cove Cruise Ship Dock during the public notice comment period (July 19-September 19, 2019).

Power Systems & Supplies of Alaska and Ward Cove Dock Group have seriously considered each comment and provide the responses attached.

If you need further clarification, please let me know. Thank you.

Sincerely,



President
Solstice Alaska Consulting, Inc.

Attachment: Ward Cove Cruise Ship Dock Project comment responses

Copies: Shannon Johnson, Calvin Alvarez, Bryan Herczeg, USACE; Dave Spokley, PSSA; John Binkley, Ward Cove Dock Group



**Response to Comments
on the Public Notice for the
Proposed Ward Cove Cruise Ship Dock
(POA-2019-00313)
October 17, 2019**

Ward Cove Contamination

Toxins

Comment Subject: There were comment from the public pertaining to sediment within Ward Cove containing toxins dangerous to people, marine mammals, and birds.

Response (marine environment): There is contamination in the marine environment of Ward Cove; however, the Environmental Protection Agency (EPA) and Alaska Department of Environmental Conservation (ADEC) state that the contamination is not toxic to human health or to birds and mammals living in the cove.

As stated in the letter from EPA (May 7, 2009) approving the 2007 monitoring report:

“As you know, sediment remedial action was performed within the 80-acre Area of Concern (AOC) in Ward Cove between October 2000 and February 2001. The sediment remedy addressed risks to benthic macroinvertebrates from three chemicals of concern (i.e., ammonia, 4-methylphenol, and sulfide). As documented in the Record of Decision (ROD; EPA 2000), EPA had determined that the contaminated sediments were not toxic to human health or to birds and mammals living in the Cove. The sediment remedial action relied largely on monitored natural recovery and enhanced natural recovery. Enhanced natural recovery using thin layer placement (TLP) with 6-12 inches of clean sand was successfully implemented at approximately 27 acres within Ward Cove. Monitored natural recovery was the remedial alternative for the remainder of the AOC. The first long-term monitoring effort occurred in Ward Cove in 2004, and the second monitoring effort occurred in 2007.”

As stated in the letter from the EPA (September 19, 2019) in response to the public notice for this project:

“Ward Cove is a small 250-acre bay on the north shore of the Tongass Narrows that was formerly home to the Ketchikan Pulp Company. In 2000, the EPA issued a Record of Decision (ROD) addressing the Marine Operable Unit (OU) at the Ketchikan Pulp Company (KPC) CERCLA Site (the Site) pursuant to CERCLA, 42 U.S.C. 9601 *et seq.* The 2000 ROD set forth a remedy that addressed 80 acres of contamination in Ward Cove. The remedy was intended to "reduce

toxicity of surface sediments" and to "enhance recolonization of surface sediments to support a healthy marine benthic infauna community with multiple taxonomic groups" (p. 49, ROD). Of the 80-acre remedy, the ROD called for monitored natural attenuation (MNA) on approximately 53 acres, and for dredging and a thin-layer sand cap for the remaining 27 acres. Under the EPA oversight, KPC performed the remedial action construction in Ward Cove between 2000 and 2001. In May 2009, the EPA concluded that the multiple lines of evidence used to evaluate sediment quality in the Marine OU indicated that the Remedial Action Objectives had been achieved, and that the sediments supported healthy benthic communities."

In short, there is no mention in any agency documentation that there are carcinogens or any other toxins dangerous to human health or to birds or mammals at the proposed cruise ship dock area. Further, the anticipate use of the new cruise ship dock is entirely consistent with the assumption and operating conditions that EPA considered in formulating its ROD.

Response (upland environment): There is contamination in the upland environment of Ward Cove. As stated in the letter from ADEC Division of Spill Prevention and Response (September 19, 2019) in response to the public notice for this project:

"Upland Areas --During the mid- to late 1990s, soil contaminated with petroleum, lead, PCBs, benzo(a)pyrene, and dioxins was removed from several areas around the site to support commercial/industrial land use.

The institutional control requirements established on the Upland OU include:

- Maintain acceptable risk levels for soils for industrial/commercial exposure scenarios;
- Restrict residential land use (or similar non-industrial/commercial land use resulting in around the clock residence by people or daily use by children);
- Comply with requirements identified in the Management Plan for Arsenic in Rock and Soil to reduce exposure to arsenic in soil and rock;
- Prohibit drilling of water wells and use of groundwater;
- Identify and address source areas (if any) during demolition and excavation activities using applicable or relevant and appropriate requirements such as current risk-based concentrations or standards and criteria; and
- Properly characterize and manage soils excavated from the near-shore fill subarea or underneath paved areas or structures and from other locations that were not evaluated or characterized in the remedial investigation."

The proposed project will comply with institutional controls when pursuing any activities on the uplands that may involve historical contamination.

Sand Cap Purpose

Comment Subject: Some comments were received saying that a sand cap was placed in Ward Cove to cover or contain contaminants or toxins.

Response: The sand cap was not designed to encapsulate or contain underlying sediment. The goal of the sand cap (as detailed in 1.1 Overview of Remedy of the ROD) was to reduce toxicity of surface sediments to the benthic organisms and to provide material to enhance recolonization of the bottom sediments to support a healthy community of marine animals. According to the ROD, the selected remedy would achieve remedial action objectives (RAOs; i.e. reduce toxicity in surface sediments and enhance recolonization of sediments to support a healthy benthic community) through a combination of thin-layer capping, mounding, navigational dredging, and natural recovery.

According to the EPA's letter cited above, the RAOs have been successful. Over 10 years ago, the EPA found that the RAOs had been met and that the sediments support health benthic communities.

Sediments Disturbance

Comment Subject: There are comments that state that construction and navigation activities should not be allowed in Ward Cove due to the potential for contamination to be released.

Response: The applicant is aware that the ROD called for institutional controls that restrict some future uses of the cove in order ensure that the RAOs remain intact. The institutional controls require that any damage caused to the areas that have been remedied, in particular the sand capped areas, be restored at the direction of the EPA. The applicant is aware that there are activities (including dredging) that are not consistent with the institutional controls. The applicant is also aware that the 2000 Consent Decree between the EPA and the responsible parties, prohibits persons from "using the site in a manner that would interfere with or adversely affect the integrity or protectiveness of the remedial measures..." The applicant further understands that the Consent Decree applies to them as the owner of Ward Cove tidelands and that they would be responsible for any costs associated with reviewing and overseeing actions that violate the institutional controls.

The applicant understands that, as stated in the letter from the EPA's September letter, "The EPA stated in the ROD that certain pile-driving activities would be consistent with the remedy, but that dredging would materially damage the cap." The ROD expected that there would be redevelopment of Ward Cove. It states that the Ward Cove channel and berth will cater to a range of ship types appropriate for reasonably anticipated current and future shipping activity in Ward Cove. These anticipated uses focus on two types of deep draft ships, the bulk cargo vessel, and the cruise ship. The ROD also planned for the ships to dock at the existing dock face in 44 feet of water.

As stated above, the applicant is fully aware of the requirements under the Institutional Controls and Consent Decree. The applicant further confirms that all activities associated with construction and operation of the Ward Cove cruise ship dock will comply with the requirements of the Institutional Controls and the Consent Decree.

Cruise Ship Operations' Impacts to the Sand Cap

Comment Subject: There were comments from the EPA and others regarding impacts to the remedy (i.e. sand cap) from operation of larger cruise ship vessels.

Response: To address concerns from the EPA and others regarding impacts to the remedy (i.e. sand cap) from operation of larger cruise ship vessels, the applicant asserts and ensures the following measures.

The cruise ship dock has been located to avoid disturbance to the sand cap and ocean floor because it is:

- 1) Located on the fringe of the area of concern to minimize cruise ship travel distance and maneuvering within the area of concern.
- 2) In deep water to decrease the potential for scour or turbidity. The azipods would be in approximately 127 feet of water (about 100 feet below the azipods) when the vessel is docked. Note that these depths are at extreme low tide. Most of the time the azipods will be in deeper water.
- 3) Oriented so that the cruise ships can perform primary course adjustments prior to entering the area of concern. (The optimized orientation allows cruise ships to dock with only minor, slow speed course adjustments occurring within the area of concern.)

In addition, cruise ship operations will ensure that there would be minimal disturbances to the remedy since:

- 1) Cruise ship vessels will approach the dock bow first. Approaching the berth bow first will keep the thrust from the azipod propellers away from the sand cap and the area of concern.
- 2) Vessels will approach the dock such that near-berth maneuvering is minimized. To the extent possible, major course corrections will occur prior to entering the area of concern.
- 3) Docking will be performed with the minimal use and thrust from bow thrusters as operationally possible.

As directed by the EPA, a "plan of best management practices" for operations of cruise ships using the proposed dock would be developed by the applicant with the EPA, ADEC, and other agencies as appropriate. The plan would include details of the information taking into account anticipated wind, current, and traffic conditions. As requested, the plan would be submitted to EPA and DEC at least 90 days prior to commencing operations.

Construction Activities Impacts to the Sand Cap

Comment Subject: There were comments pertaining to impacts to the remedy (i.e. sand cap) from construction activities.

Response: The applicant has thoroughly considered construction methods to ensure that the institutional controls are protected. The following measures will be taken:

- 1) No dredging and fill placement will be conducted for this project.
- 2) The dock will employ large high capacity piles and pile anchoring to minimize the number of piles needing to be driven to meet the dock's load requirements.
- 3) Foundation piling will be driven firmly into bedrock to create a seal between the seabed and the rim of the piling.
- 4) No more than two piling will be drilled in a day to minimize the volume of sediment disturbance.
- 5) Construction barges used for transportation and storage of equipment and materials would follow similar operation protocols to cruise ships. Vessels will approach the area of concern such that maneuvering is minimized. To the extent possible, major course corrections will occur prior to entering the area of concern. Docking will be performed with the minimal use and thrust from bow thrusters as operationally possible.
- 6) No mooring anchors (for construction barges or other vessels involve in construction) would be placed in sand capped areas and care will be taken not to drag anchors in the area.
- 7) No barge spuds would be used.

As requested by the EPA and ADEC, the applicant agrees to employ the following mitigation measures to ensure that the institutional controls are maintained:

- 1) A pre-construction benthic seafloor survey and sampling/analysis plan to document baseline conditions within the area where construction activities are proposed would be conducted. This would be designed working with the EPA and ADEC to ensure consistency with prior surveys.
- 2) At the end of the first cruise ship season, the sand cap will be surveyed again. If needed, the sand cap will be replenished.
- 3) Water quality sampling within Ward Cove will be conducted prior to and following construction to ensure water quality remains at a level which is safe for salmonids and other marine life using Ward Cove. The sampling program will be designed in consultation with EPA and ADEC.
- 4) Dissolved oxygen monitors will be placed to record pre-construction and post construction levels and levels during the first cruise season. Additional sand will be placed in the operating area if monitoring indicates that it is necessary.

Drilled Shaft Pile Material Impacts

Comment Subject: The EPA and ADEC raised questions and concerns regarding material removed from the inside of the drilled shaft anchor piles during construction.

Response: After two to six piles are driven, a rock/anchor drill will be used to clean out the piling and drill a shaft into the bedrock. It is expected approximately 2 cubic yards of material would come out of each trestle pile, and 10 cubic yards of material will be excavated from each dolphin pile. As stated above, no more than two piling will be drilled in a day to minimize the volume of sediment disturbance. About 6 cubic yards per day would be released during construction of the trestle and about 20 cubic yards per day would be released during the construction of the dolphins, for a total of 280 cubic yards for the project. When drilling, a 50-foot deep silt curtain will be used to contain drilling discharge an area around the pile. Given that the project site is approximately 1,500 feet long and 100 feet wide, the total depth of the redistributed sediment is expected to be less than 0.05 feet, or just over half of an inch.

The minimal amount of material that would be released from construction activities would quickly fall the floor adjacent to the pile driving location and would be expected to be recolonized by invertebrates from adjacent areas over a few months.

The Windward Pier Review, Section 7, Page 13 and 14, conducted for the ROD states that localized scour or distribution of the sand cap sediments will not harm the benthic community. The long-term benefits of the pile installation are expected to be positive. The short-term aeration of the bottom sediments immediately adjacent to the pile will promote oxygenation and decomposition of organic sediments.

The ADEC Division of Water's comments received by the USACE on September 19, 2019, states that ADEC intends to waive the issuance of a Section 401 Certificate or Reasonable Assurance for this project. The applicant agrees with ADEC's assertion that "institutional controls established as part of the cleanup are the appropriate mechanism for addressing these non-point source impacts." The applicant agrees with and will adhere to this statement.

The USACE should notice that the EPA is silent regarding this construction activities project resulting in the release of "dredged" materials. The agency requests information on the volume and location, but does not raise specific concerns regarding dredging or discharge of materials. Instead, they state that the project could impact the benthic restoration and invertebrate communities by the redistribution of wood waste and contaminates. The primary concern is the remedy of the area and adhering to the intuitional controls.

Local Economy, Infrastructure, and Traffic

Local Governance

Comment Subject: The City of Ketchikan cites its loss of governance over Ketchikan's downtown-oriented cruise ship industry as a reason the USACE should deny a permit to develop the Ward Cove cruise ship dock.

Response: As an initial matter, the Borough (where the development would occur) is not under City directive, and the City cannot simply quash regional economic opportunities that would be located outside of city limits. This is economic protectionism and is not a legitimate factor in determining whether a permit should be issued.

In addition, limiting regional economic growth directly contradicts with other comments that the City has made regarding desiring local development. The applicant believes a cruise ship dock at Ward Cove represents the best opportunity to grow the tourism economy of Ketchikan while limiting overcrowding the downtown Ketchikan area. It is a win-win for the City of Ketchikan and the Borough.

Downtown Congestion (vehicle and pedestrian) Impacts

Comment Subject: There are concerns that the Ward Cove Project will increase vehicle and passenger congestion in the downtown.

Response: The proposed project may actually ease city congestion. For instance, the City currently offers shuttle service to transport cruise ship passengers and crewmembers from the Port to Walmart. Shuttle service from Ward Cove would eliminate the need to pass through downtown, thereby reducing the traffic through the downtown corridor. The applicant is also working with a local group to by-pass the City completely to reach some of the South end attractions. In addition, despite the City's presupposition that "the majority of disembarking passengers will need to be transported to downtown Ketchikan to either connect with local tour operators or to take advantage of retail and other opportunities," many popular attractions are located north of Ketchikan. Shuttling tourists to these attractions from Ward Cove would eliminate additional unnecessary trips through the downtown center. Likewise, tour passengers headed for excursions south of town will not need to embark or disembark their buses in town. This relieves the traffic congestion as these buses exit or enter the docks downtown. They will simply transit through town with no exit or entry into parking or dock areas.

To further minimize vehicle congestion in the downtown area, the applicant plans to offer a marine shuttle option to transport tourists who want to visit downtown Ketchikan. Over time, Ward Cove will be developed to serve as a destination for passengers. This will include retail, restaurants, and other opportunities and other development that would, over time, minimize

the amount of traffic between Ward Cove and downtown Ketchikan. Eliminating unnecessary trips to the town center for those who do not plan to visit the town center and providing those who plan to visit downtown a ferry option should ease some of the congestion the City is currently experiencing. The City is currently considering millions of dollars in investment in upland development to alleviate downtown congestion indicating that there is an existing congestion problem with their four docks. The applicant believes that the Ward Cove cruise ship dock will help alleviate downtown congestion.

Furthermore, Alaskan cruises operate on a circuit, such that increased capacity in and around Ketchikan would not necessarily result in a marked increase in the number of cruise ship vessels that dock in the Ketchikan area, at least not without similar increases in capacity at the other cruise ports that make up the circuit. The City retains control of the four docks under its jurisdiction. If the City desires to restrict the number of cruise visitors to the region, it may do so via the regulation of its own docks.

Tongass Highway Congestion, Safety, and Condition Impacts

Comment Subject: Some comments expressed concerns that the proposed project could increase vehicle traffic on the Tongass Highway and lead to more accidents and maintenance issues on the road.

Response: The applicant agrees that there could be some increases to traffic on North Tongass Highway which runs between Ward Cove and downtown Ketchikan; however, this road is not near full capacity until it is within downtown. According to DOT&PF's *Southcoast Region 2013 Traffic and Safety Report* (prepared in 2016), the average daily traffic on North Tongass Highway is between 5,140 (near Ward Cove) and 9,231 (near the Airport Shuttle Access Road, where the highway becomes Tongass Avenue).

Cruise passengers on buses will not add significantly to traffic on the road. In addition, as stated above, a marine shuttle option would be available to decrease the amount of buses on the highway.

According to comments received by the USACE on this project from Southeast Stevedoring Corporation, when active the pulp mill at Ward Cove had close to 500 employees working multiple shifts resulting in hundreds of vehicles on the Tongass Highway. At that time, there were minimal traffic issues and since then roads have been significantly improved so the additional traffic will be very manageable.

DOT&PF's *Southcoast Region 2013 Traffic and Safety Report* shows that there are safety concerns on the North Tongass Highway, and the Federal Highway Administration (FHWA) and DOT&PF are working together to solve the issue. The existing safety problems with the North Tongass Highway are primarily related to vehicular crashes at nighttime. In the 2018 *Alaska Highway Safety Improvement Program Report*, the FHWA lists continuous the North Tongass Highway Illumination Upgrade Project, which would involve installing continuous roadway

lighting along to highway, to address night time crashes. The proposed project would not add vehicular traffic to the Tongass Highway in the winter when darkness is an issue. Any additional traffic from the proposed project would come during the summer when the sun doesn't set until late at night.

Public Safety and Emergency Management Services at Ward Cove

Comment Subject: Concerns were raised that the Borough's existing emergency medical response and public safety resources are inadequate to meet the day-to-day law enforcement and emergency medical needs of the cruise ship passengers that will disembark at Ward Cove.

Response: The safety and physical wellbeing of visitors to Ward Cove is of the utmost concern to the applicant and certainly to the cruise lines that are responsible for their passengers' safety. The applicant is working with the Borough to expand their EMS services. Expanded services will be funded by the added property tax base in Ward Cove and the increase in head tax revenues the Borough will receive from those cruise passengers disembarking there. The applicant plans to partner with the Borough to develop an emergency services plan that provides for the safety and physical wellbeing of cruise ship passengers in a way that does not overburden current resources. Additionally, the revenue generated through the operation of Ward Cove may allow for greater emergency medical services to be offered by the Borough. Note that Hoonah, Haines, Seward, and other very small communities in Alaska and around the world have far less care and EMS available than the Borough of Ketchikan, and they operate safe cruise ship ports.

Ward Cove Area Rehabilitation and Recovery

Comment Subject: Some comments received pertained to the Ward Cove "experience" as being negative.

Response: The applicant is planning a tourist experience that is similar to the cruise ship landing at Icy Strait Point near Hoonah (<https://icystraitpoint.com/>). The Ward Cove area will have a 56,000 square foot Welcome Center, museum, and other facilities that educate and entertain visitors and offer retail and food and beverages. The experience at Ward Cove would be focused on the history of Ketchikan as it relates to forestry. Local tour operators will be able to pick up their passengers directly from Ward Cove or visitors may choose to stay at Ward Cove.

The proposed project provides the opportunity (and funding) to convert a former industrial and Superfund site into a productive and attractive part of Ketchikan's tourism-based local economy. The site has remained in the same state for decades and without this project, it is unlikely that the site will change. The impacts of NOT building this cruise ship dock are substantial—continued degradation and aging of a site with considerable potential.

Marine Mammals Impacts

Comment Subject: Comments were received from the public regarding the proposed project's impacts on whales and other marine mammals.

Response: The applicant is currently working with the USACE and the National Marine Fisheries Service (NMFS) to comply with the Endangered Species Act (ESA) and the Marine Mammal Protection Act to ensure that there are no impacts to marine mammals other than harbor seals. Because harbor seals are common in the project area, and because the applicant believes that noise from construction could disturb them, the applicant plans to request some take of harbor seals through an Incidental Harassment Authorization. The applicant has developed a marine mammal monitoring plan that includes hiring monitors and shutting down construction activities when marine mammals approach an "action area" defined as an area where "take" of a species could occur during construction activities. The applicant will adhere to all requirements of the ESA and MMPA during the construction of this project.

There were public comments documenting humpback whale use of Ward Cove. The applicant understands that humpback whales may be found in and around Gravina Island in the Tongass Narrows and Revillagigedo Channel at any given time. However, humpback whales are not residents of Ward Cove and estimates indicate that only two groups of humpback whales may occur each month, and that when humpback whales do occur, they are most likely to be observed moving through the area outside Ward Cove (the project's ESA-defined and small action area) during periods of seasonal prey aggregations which typically occur in spring and can occur in summer and fall. The applicant would like to complete the work in winter, prior to when humpback whales are more prevalent are in the waters near Ketchikan.

Fishery Impacts

Ward Creek and Ward Creek

Comment Subject: Concerns were raised by the Alaska Department of Fish and Game (ADF&G) and the public about impacts to Ward Creek fish.

Response: The applicant is currently preparing an Essential Fish Habitat Assessment, as required by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act. This assessment will detail possible impacts to Ward Cove and the anadromous species that inhabit the area, particularly the impacts to fish from pile driving and redistribution of materials from piles anchoring. The assessment will also include conservations measures that will minimize project impacts to fish and EFH. Some of these conservation measures include:

- 1) The applicant would complete in-water construction prior to adult salmon returning the area.

- 2) Impact pile driving, which has been shown to have greater impacts to fish, has been minimized to under 2 hours for the entire project.
- 3) As discussed earlier, a sediment curtain would be used during pile driving activities.
- 4) As recommended by the ADF&G, water quality sampling within Ward Cove will be conducted prior to and following construction to ensure water quality remains at a level which is safe for salmonids and other marine life using Ward Cove.

Subsistence and Personal Use

Comment Subject: Comments pertaining to the project's impacts to subsistence and personal use fisheries were received.

Reponses: The project area and areas where possible secondary impacts could occur is not within subsistence areas, as defined by the Federal Subsistence Management Program, which is responsible for managing wildlife resources on public lands under Alaska National Interest Lands Conservation Act of 1980. According to the 2017/2019 Federal Subsistence Fisheries Regulations (Department of Interior Office of Subsistence Management 2017) the Ketchikan area, including all parts of the road system connected to the City of Ketchikan, Pennock Island, and parts of Gravina Island, are nonsubsistence use areas.

According to the ADF&G Subsistence Division, Wolverine Creek, Klawock River, and Hetta Inlet are the most important subsistence and personal use fisheries in the area. Wolverine Creek and Hetta Inlet are 40 miles from Ketchikan, while Klawock River is 50 miles from Ketchikan. It is unlikely that the impacts from this project will reach to these points. Impacts to fishing at Ward Creek would be minimized since construction activities would be completed prior to adult salmon returning to the area and by other measures described above.

Impacts to Marine Navigation

Comment Subject: Comments were received from the Alaska Department of Transportation and Public Facilities and others regarding whether the proposed cruise ship dock and a separate vessel and barge lay-up facility would conflict with safe passage of Alaska Marine Highway System's (AMHS) vessels within Ward Cove

Response: The U.S. Coast Guard (USCG) completed a navigational safety assessment examining the impacts of the proposed cruise ship dock and a separate vessel and barge lay-up facility also proposed in Ward Cove. The USCG's findings delivered via a letter transmitted to the USACE on September 25, 2019 states, "Based on the results of the assessment, the Coast Guard finds that neither project, individually or collectively, presents a significant navigational safety risk under the proposed conditions."

The USCG recommends that the USACE require the installation of signs along the cruise ship pier to ensure that boaters are aware that propwash may be present in the area. The applicant agrees to install all signage required by the USACE and USCG.

The USCG also commented on AMHS's plans to construct a new ship berthing complex and ferry terminal proposed at Ward Cove. In an email on October 4, 2019 to the Corps, Lt. Collins stated:

"Having recently completed the risk assessments for POA-2019-00313 and POA-2017-00166, I do not foresee the construction of an ADOT AMHS project in Ward Cove to pose a significant risk to navigation provided the vessel traffic maintains adequate VHF communications to coordinate transiting and mooring evolutions. However, I have not seen all of the AMHS permit application details, and I have not performed an official risk assessment. Therefore, my analysis is more speculative than definitive."

The applicant contends that based on the information that Lt. Collins provided, the Ward Cove cruise ship dock and the AMHS project will not substantially impact marine navigation or access to AMHS property. If the DOT&PF/AMHS believes that there will be navigation conflicts with their future speculative and unfunded project and the Ward Cove cruise ship berth, the agency should promptly provide the detailed information needed for the Coast Guard to do a full risk assessment.

For a speculative project with a closed Corps application and no funding, the Coast Guard's written assessment contained in the email sent to the USACE on October 4, 2019 is adequate to address the comments that the DOT/AMHS have on the Ward Cove cruise ship dock project.

Impacts from Wastewater Discharge and to Air Quality

Comment Subject: Concerns related to wastewater discharge and air quality impacts from cruise ships calling at the proposed Ward Cove dock were received during the comment period.

Response: The cruise industry is a heavily regulated industry with clearly defined local, state, federal, and international standards that must be followed. The average ship undergoes dozens of announced and unannounced inspections per year, involving hundreds of man-hours and the implementation of thousands of specific requirements set by the International Maritime Organization, the USEPA, and the ADEC. Meanwhile, the cruise industry has voluntarily undertaken initiatives to improve pollution prevention, by adopting waste management guidelines and procedures and researching new technologies.

Cruise Ships fall under the federal Clean Water Act and the Act to Prevent Pollution from Ships. U.S. flagged or registered ships also fall under the international Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL) which the United States can enforce through the Act to Prevent Pollution from Ships (APPS). MARPOL regulates the discharge of

among other things, oil pollution, sewage, and garbage. ADEC regulations are the most stringent of wastewater discharge laws and are therefore considered here.

Cruise ships accessing the proposed Ward Cove dock, similar to all cruise ships operating in Alaska, will follow the ADEC, Commercial Passenger Vessel Environmental Compliance Program, or Cruise Ship Program, general permit pursuant to Alaska Statute 46.03 and Title 18, Chapter 69 of the Alaska Administrative Code, for marine discharge of treated sewage, treated graywater, and other treated wastewater from large commercial passenger vessels operating in Alaska issued on August 29, 2014.

Cruise ships are regulated under the Clean Air Act under rules for Category 3 marine engines and under MARPOL enforced federally by the APPS, which establishes emissions standards for hydrocarbons and carbon monoxide. All marine vessels, including cruise ships accessing the Ward Cove dock, must also comply with the State of Alaska's marine vessel emission standard (listed in 18 AAC 50.070). The standard requires visible emissions (opacity) from vessel smoke stacks be no greater than 20% opacity, with limited time exemptions while maneuvering and in port. ADEC's Cruise Ship Program regulates cruise ship air emissions and receives comments from the public and monitors vessels to ensure that the regulations are followed.

Cruise ships using the proposed Ward Cove dock would operate like all other cruise ships travelling in Alaska by adhering to ADEC, EPA, and MARPOL (via the APPS) water and air quality regulations.

Quality of Life

Comment Subject: Some comments from the public said that the Ward Cove cruise ship dock would impact their quality of life.

Response: While some commenters stated that the project would degrade their quality of life, others welcomed the proposed project stating that it would improve theirs. The applicant believes that while some residents may be displeased with the development, it will not cause an aggregate reduction in the quality of life for the area residents.

Hearing Request

Comment Subject: Comments were received requesting a public hearing on the proposed project.

Response: The USACE extended the comment period for this project from 30 to 60 days and it is unlikely that any other public comments topics regarding the proposed project will be identified through a public hearing. The applicant conducted a number of public sessions, including a public meeting on July 29, 2019 that was attended by over 100 people; these efforts didn't generate any other lines of questions or comments. The EPA and DEC have

approximately 20-years of history on this site and it is unlikely that a public comment will generate a new line of comments.

The Ward Cove Dock Group and members of the Ketchikan City Council initiated discussions regarding the project and concerns and are beginning to come together. A public hearing would only reignite an already controversial situation and not lead to productive conversations, which are underway now. Delaying the permitting process does not need to take place in order for these questions to be addressed and answered.