

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

#### Wastewater Discharge Authorization Program

SEAN PARNELL, GOVERNOR

555 Cordova Street  
Anchorage, AK 99501-2617

Phone: (907) 269-7564

Fax: (907) 334-2415

TTY: (907) 269-7511

<http://www.state.ak.us/dec/>

October 20, 2010

**Certified Mail 7008-1830-0003-5208-0232**

Mr. Bill Bennett  
Alaska Coastal Aggregates LLC  
One Sealaska Plaza, Suite 400  
Juneau, AK 99801-1245

Subject: Katlian Bay, Alaska Coastal Aggregates LLC, Road and Quarry  
Reference No. POA-2010-0331  
State ID No. AK 1007-08J

Dear Mr Bennett:

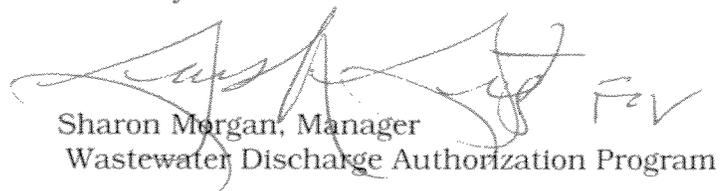
In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the construction of a haul road and storage area for quarry material.

Department of Environmental Conservation (DEC) regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers and Division of Coastal and Oceans Management of our actions and enclosing a copy of the certification for their use.

Sincerely,

  
Sharon Morgan, Manager  
Wastewater Discharge Authorization Program

Enclosure

cc: (with encl.)

Linda Speerstra, USACE, Sitka  
Chris Meade, EPA, AK Operations  
Jill Taylor, DNR/DCOM, Juneau

Sean Palmer, ADEC Anchorage  
Joe Hitselberger, ADF&G/Habitat, Juneau  
U.S. Fish and Wildlife Service, Juneau

**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance (CRA), in accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards is issued to Alaska Coastal Aggregates LLC, One Sealaska Plaza, Suite 400, Juneau, AK 99801-1245 for the construction of a haul road and quarry staging area. The applicant proposes to discharge 210 cubic yards (cy) of riprap into 0.02 acres below the plane of the high tide line (HTL) and discharge 30 cy of material into 0.01 acres of waters of the U.S. to install culverts in the road bed to reconstruct 3,800 feet of an old logging road in the Katlian Bay watershed. The proposed road would be expanded 40 feet in width. The applicant also proposes to create a quarry staging area by discharging 335 cy of material into 0.06 acres of wetlands to store quarry material.

The proposed activity is located within Section 20, T. 54 S., R. 64 E., Copper River Meridian near Sitka, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2010-0331, and a discharge may result from the proposed activity.

DEC reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

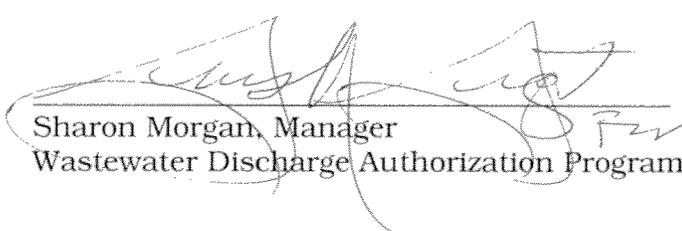
1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff, or water bodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. For any spill amount, there are Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). Most importantly, the applicant must contact by telephone the DEC Area Response Team for Southeast Alaska at (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802. Report all spills.
3. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Operation of tracked or wheeled equipment in the water shall be kept to a minimum.

4. Equipment shall be inspected on a daily basis for leaks. If leaks are found, the equipment shall not be used and shall be pulled from service until the leaks are repaired.
5. Fill materials must consist of rock fill and riprap that are free from fines and suspendible material to the extent practicable and free from contamination by petroleum products or toxic substances.
6. All work areas, material access routes, and surrounding wetlands involved with the road reconstruction shall be clearly delineated and marked in such a way that equipment operators do not operate outside of this corridor.
7. Culvert installation techniques such as stream diversion, dam and pump, or stream fluming shall be incorporated into the installation activity to insure that silt laden water is not carried into sensitive fish habitat. If the stream is intermittent, culvert installation shall occur when the stream bed is dry. Culverts shall be placed as needed to provide cross drainage and drain ditches to avoid long sections of water running in the ditches on the cut-side of the road.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under the U.S. Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date

10/20/2010

  
Sharon Morgan, Manager  
Wastewater Discharge Authorization Program



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

SITKA FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 16  
Sitka, Alaska 99835

**PUBLIC NOTICE DATE:** July 22, 2010

**EXPIRATION DATE:** August 21, 2010

**REFERENCE NUMBER:** POA-2010-0331

**WATERWAY:** Katlian 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 **Linda Speerstra** at (907) 747-0658, or by email at [linda.speerstra@usace.army.mil](mailto:linda.speerstra@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Coastal Aggregates LLC., Bill Bennett, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801-1245.

**LOCATION:** The project site is located within Section 20, T. 54 S., R. 64 E., Copper River Meridian; USGS Quad Map Sitka A-4; Latitude 57.176° N., Longitude 135.281° W.; near Sitka, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide a stable supply of high grade stone and rock product for the construction industry throughout Southeast Alaska.

**PROPOSED WORK:** There are three major components to the project; a float barge, haul road, and quarry development with associated staging areas.

**Float barge:** Placement of a 45' x 90' floating dock and 20' x 50' ramp in Katlian Bay to load rock material onto barges. The drive down ramp would be anchored to the uplands with concrete footings. The floating dock would be attached to the drive down ramp with two stiffeners. No pilings or anchors would be placed in the water.

**Haul road:** Discharge 210 cubic yards of riprap into 0.02 acres below the plane of the high tide line (HTL) (approximate elevation +12.7 feet above the 0.0 foot contour) and discharge 30 cubic yards of material into 0.01 acres of waters of the U.S. to install culverts in the road bed to reconstruct 3,800 feet of an old logging

road in the Katlian Bay watershed. The proposed road would be expanded to 40 feet in width.

Quarry staging area: Discharge 335 cubic yards of material into 0.06 acres of wetlands to create a storage area for quarry material.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated June 14, 2010.

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. The applicant states the following for mitigation measures:

a. Avoidance:

- 1) Avoidance measures of impacts to the marine environment and wetlands have been incorporated within the project design to adhere to nationwide permit standards.

b. Minimization:

- 1) The retention, where possible, of the vegetation located along the intertidal side of the existing road during the reconstruction and operational phase of the project will minimize impacts to the marine environment.
- 2) A buffered strip around the storage area adjacent to Coxe creek (an anadromous stream) would be placed. This strip would be at a minimum sixty-six (66) feet wide. This area of natural vegetation would remain as a barrier between the storage area and any aquatic area.
- 3) Coarse rock drain berms would be constructed to help filter and slow runoff water during high rain events; these would be in addition to the SWPP facilities.
- 4) Silt fencing and straw wattles would be located along intertidal side of the project, from the load out facility to the easterly side of the storage area to act as an additional barrier between the project and the head of Katlian Bay including the tide flats.

c. Compensatory Mitigation:

- 1) Clean up of old steel items, cable, tracks, etc. from the project area and transported to a proper disposal facility. Cost \$17,000.00
- 2) During the operation any larger standing timber to be removed for the project would be removed with root wads attached and stored for development of coho rearing ponds in the nearby stream. \$20,000.00
- 3) The cost of using the floating ramp and load out facility (\$215,000.00) as compared to a rock fill (\$15,000.00) increases the cost by \$200,000.00.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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). This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH 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, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and 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

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF COASTAL AND OCEAN MANAGEMENT

**JUNEAU**

DIVISION OF COASTAL AND OCEAN MANAGEMENT  
POST OFFICE BOX 111030, MS 1030  
JUNEAU, ALASKA 99811-1030  
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2010-0331, SITKA SOUND, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.

# 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.

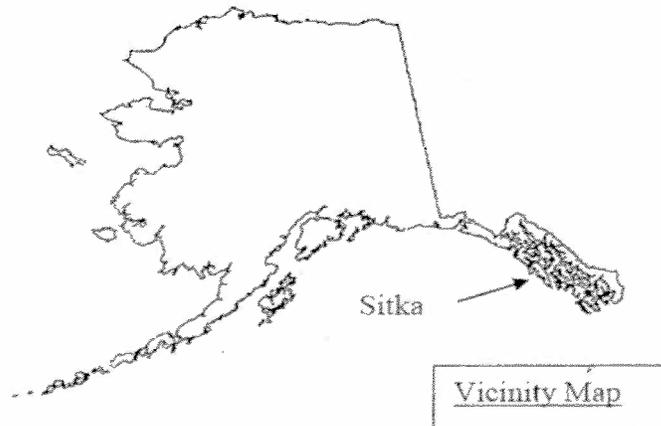
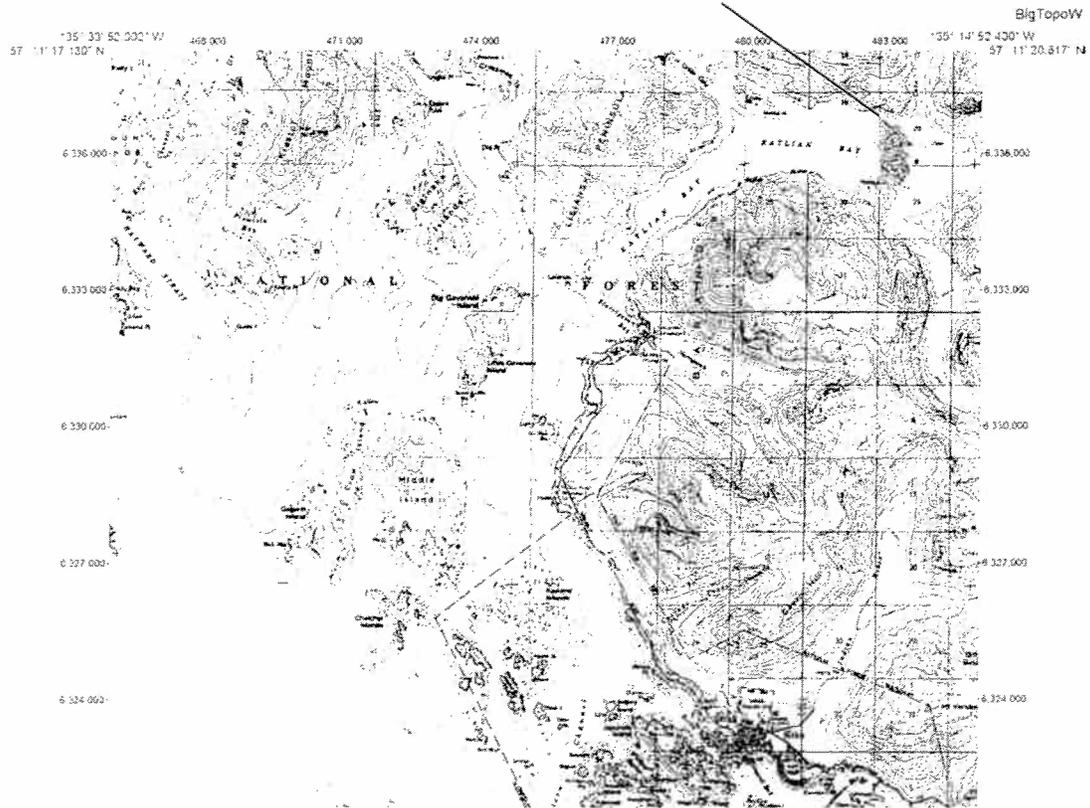
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2010-0331, SITKA SOUND**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

Katlian Bay Quarry Project  
Vicinity Map  
POA-2010-0331

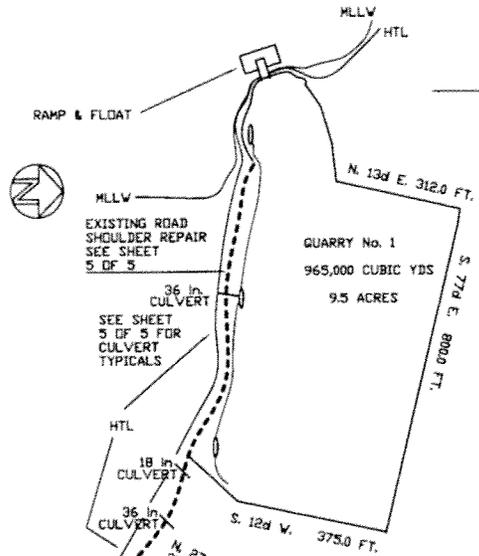
Project Location



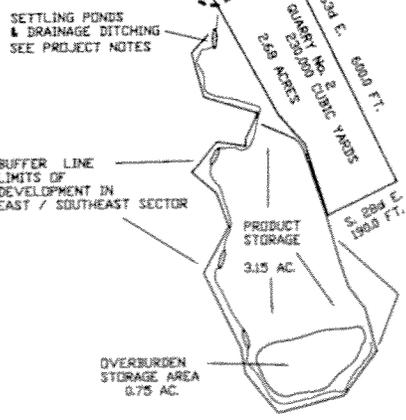
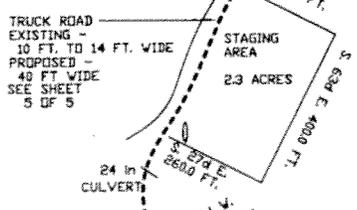
POA-2010-0331

KATLIAN BAY  
EBB  
FLOOD  
SITKA

SEE SHEET  
2 OF 5



SEE SHEET  
3 OF 5



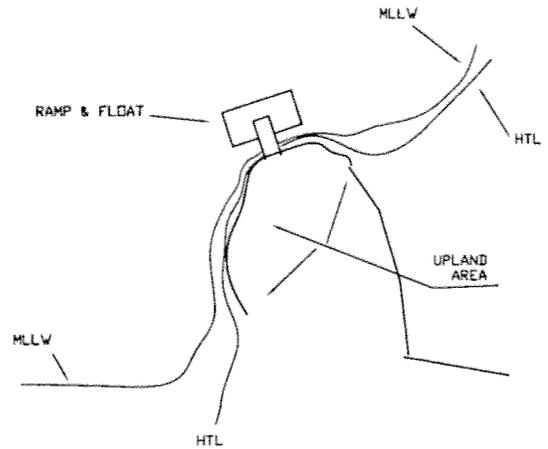
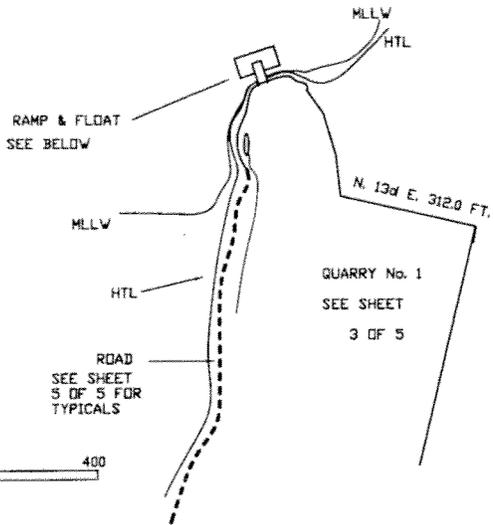
SEE SHEET  
4 OF 5

WETLAND AREA TO BE FILLED 4 FT. X 633 FT. 0.058 ACRES

NAME: KATLIAN QUARRY  
 LOCATION: KATLIAN BAY, SITKA  
 WATERWAY: KATLIAN BAY  
 COE# POA-2010-0331  
 DATE: JUNE 14, 2010  
 SHEET 1 OF 5

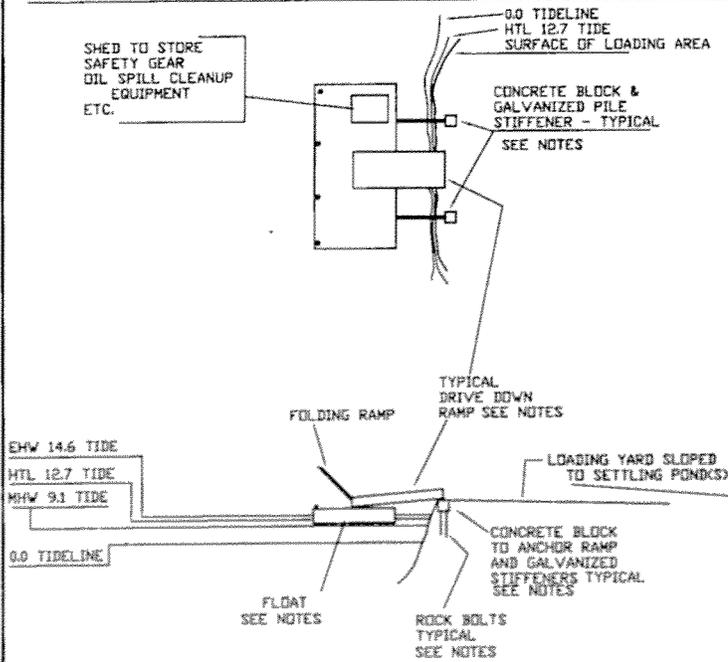


KATLIAN BAY  
 SITKA  
 FLOOD  
 EBB



EXPLODED VIEW OF RAMP & FLOAT AREA  
 NO SCALE

SHED TO STORE  
 SAFETY GEAR  
 OIL SPILL CLEANUP  
 EQUIPMENT  
 ETC.

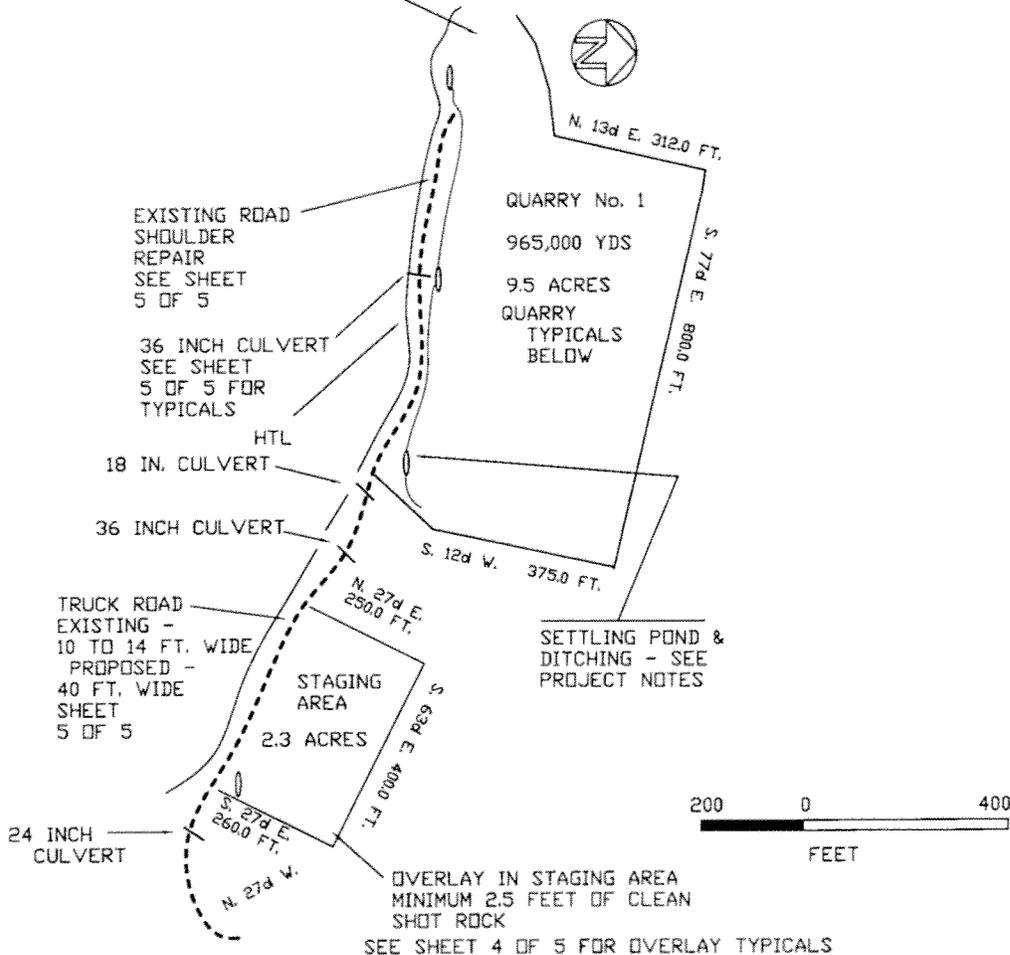


NOTES:

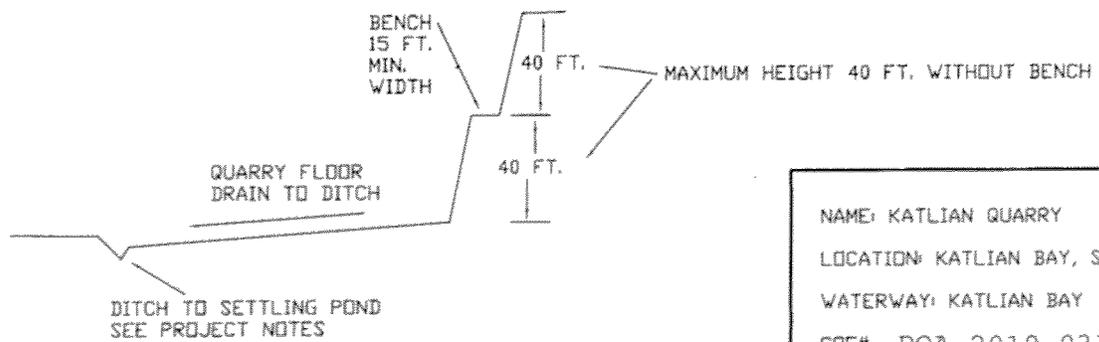
- 1) DIAGRAM(S) ON THIS SHEET SHOW TYPICALS ONLY FOR FLOAT, RAMP AND STIFFENERS.
- 2) FLOAT AS SHOWN IS 45 FT. X 90 FT. ACTUAL FLOAT MAY BE SMALLER.
- 3) RAMP SIZE 20 FT. X 50 FT.
- 4) FLOAT, RAMP AND STIFFENER SYSTEM WILL ALL BE HINGED FROM SHORE, ABOVE HIGH TIDE, NO PILING OR ANCHORS SHALL BE PLACED IN THE WATER.
- 5) SEE PROJECT NOTES

NAME: KATLIAN QUARRY  
 LOCATION: KATLIAN BAY, SITKA  
 WATERWAY: KATLIAN BAY  
 COE# POA-2010-0331  
 DATE: JUNE 14, 2010  
 SHEET: 2 OF 5

SEE SHEET 2 OF 5  
FOR THIS AREA

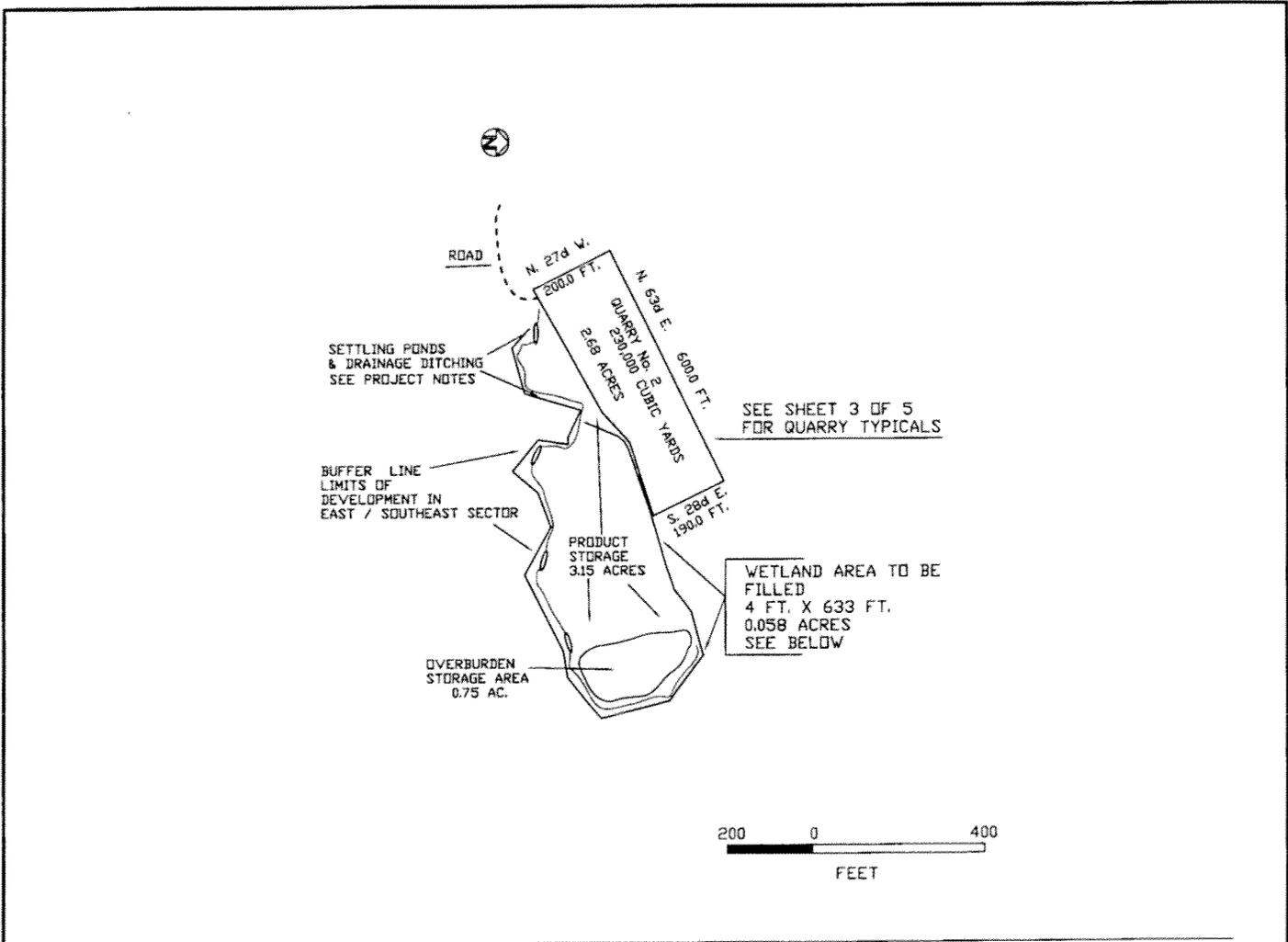


OVERLAY IN STAGING AREA  
MINIMUM 2.5 FEET OF CLEAN  
SHOT ROCK  
SEE SHEET 4 OF 5 FOR OVERLAY TYPICALS

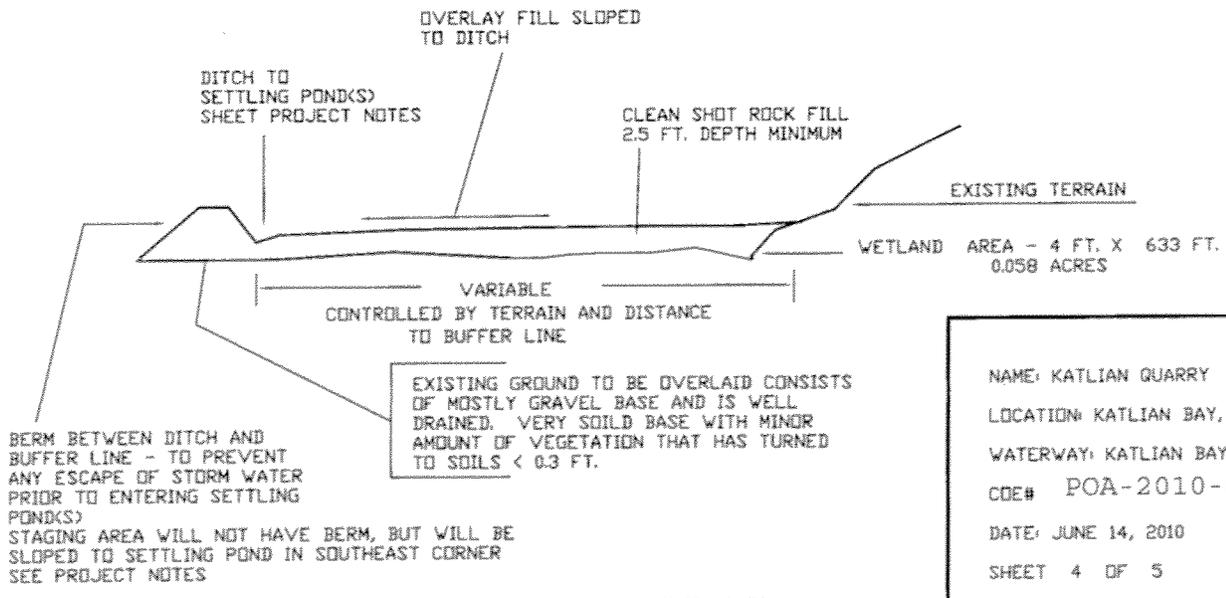


NO SCALE

NAME: KATLIAN QUARRY  
 LOCATION: KATLIAN BAY, SITKA  
 WATERWAY: KATLIAN BAY  
 COE# POA-2010-0331  
 DATE: JUNE 14, 2010  
 SHEET 3 OF 5



OVERLAY TYPICALS FOR STORAGE AREA(S) AND/OR STAGING AREA

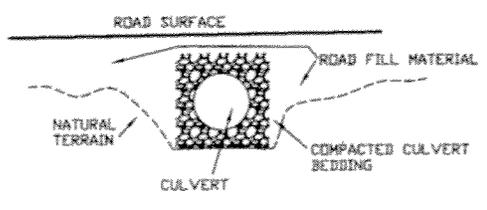
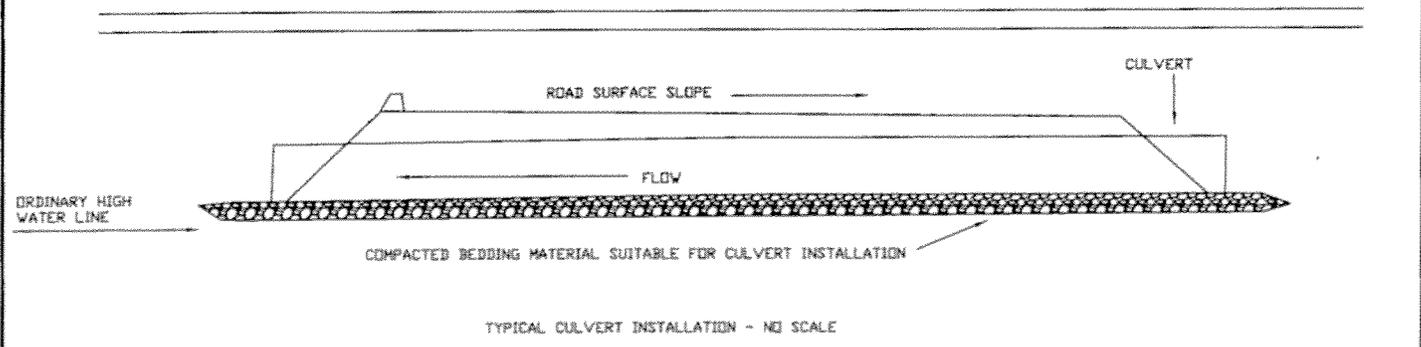
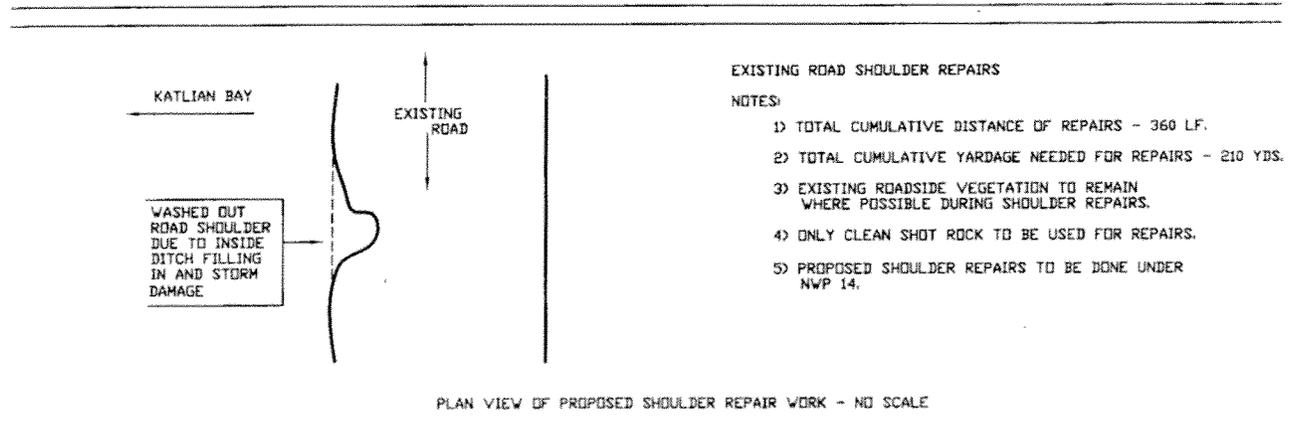
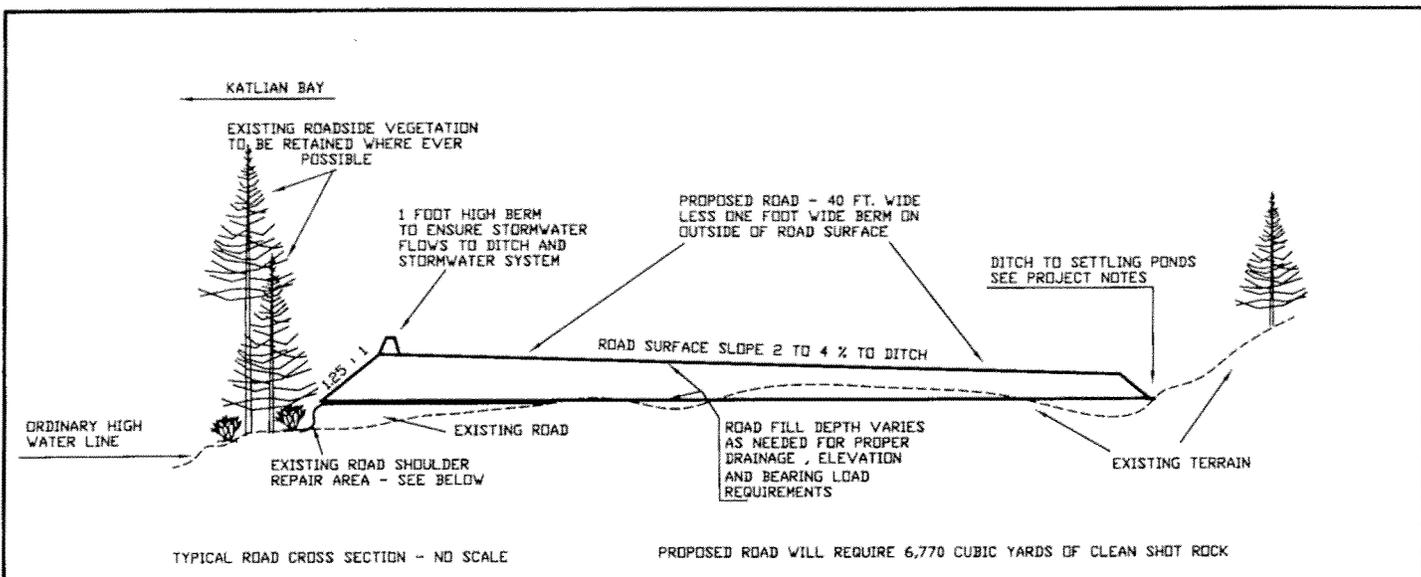


BERM BETWEEN DITCH AND BUFFER LINE - TO PREVENT ANY ESCAPE OF STORM WATER PRIOR TO ENTERING SETTLING POND(S)  
 STAGING AREA WILL NOT HAVE BERM, BUT WILL BE SLOPED TO SETTLING POND IN SOUTHEAST CORNER  
 SEE PROJECT NOTES

EXISTING GROUND TO BE OVERLAID CONSISTS OF MOSTLY GRAVEL BASE AND IS WELL DRAINED. VERY SOILD BASE WITH MINOR AMOUNT OF VEGETATION THAT HAS TURNED TO SOILS <math>0.3\text{ FT.}</math>.

NO SCALE THIS DIAGRAM

NAME: KATLIAN QUARRY  
 LOCATION: KATLIAN BAY, SITKA  
 WATERWAY: KATLIAN BAY  
 COE# POA-2010-0331  
 DATE: JUNE 14, 2010  
 SHEET 4 OF 5



NAME: KATLIAN QUARRY  
 LOCATION: KATLIAN BAY, SITKA  
 WATERWAY: KATLIAN BAY  
 COE# POA-2010-0331  
 DATE: JUNE 14, 2010  
 SHEET 5 OF 5