



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>December 11, 2024</b>
<b>EXPIRATION DATE:</b>	<b>January 10, 2025</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1965-00034</b>
<b>WATERWAY:</b>	<b>Resurrection Bay</b>

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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 [Jennifer.A.Mercer@usace.army.mil](mailto:Jennifer.A.Mercer@usace.army.mil) or to [regpagemaster@usace.army.mil](mailto: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 Jennifer Mercer at (907) 753-753-2779, toll free from within Alaska at (800) 478-2712, or by email at [jennifer.a.mercer@usace.army.mil](mailto:jennifer.a.mercer@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Jason Davis, Turnagain Marine Construction; 8241 Diamond Hook Drive, Anchorage, AK 99507

**AGENT:** Robin Reich, Solstice Alaska Consulting, Incorporated; 2607 Fairbanks Street, Suite B, Anchorage, AK 99503

**LOCATION:** The project site is located within Section 3, T. 1 S., R. 1 W., Seward Meridian; 60.119058° N., 149.428333° W.; Upper Resurrection Bay, in Seward, Alaska.

**PURPOSE:** The applicant's stated purpose is to replace the Alaska Railroad Corporation (ARRC) Passenger Dock so that it can safely accommodate cruise ships.

**PROPOSED WORK:** The applicant proposes to remove the existing passenger terminal building (26,555 square feet), the existing dock fenders, one thousand eight hundred and twenty (1,820) 14-inch diameter steel piles, ten (10) 20-inch diameter steel piles, the entire existing concrete deck, portions of the concrete pile caps, and approximately 500 cubic yards of riprap obstructions. Any navigation obstructions within 120 feet of the proposed dock area would be removed, as well as approximately 183,000 cubic yards of silt, sand, and gravel sediments (dredge) in the area along the existing dock. The dredged sediment would be removed with a crane-barge-based 5 cubic yard bucket. Dredged materials would be disposed of either at an upland location within the existing cleared and filled area on the ARRC property, or at an approved offshore location. The proposed offshore disposal location is shown on Sheet 9 in the attached plans.

The proposed dock would require 100 temporary 36-inch diameter steel piles to guide permanent pilings into place. Permanent pilings would consist of seventy-six (76) 48-inch diameter steel piles, sixteen (16) 60-inch diameter steel piles, and ten (10) 72-inch diameter steel piles. The work would also include the construction of a dock bull rail, fenders, mooring cleats, a pre-cast concrete surface, passenger walkway, hand rail, and mast lights. Work would take place below the High Tide Line (HTL) of Resurrection Bay (approximately 13.8 feet above the 0.0-foot contour). All work would be performed in accordance with the enclosed plan (sheets 1-9), dated June 5, 2024, September 13, 2024, and September 26, 2024. Construction is proposed to take place from September 2025 to April 2026.

**APPLICANT PROPOSED MITIGATION:** The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant states that impacts could not be avoided because the purpose of the project is to construct a dock that accommodates large cruise ships and their passengers during summer months. Therefore, construction must occur within waters of the United States.

b. Minimization: The applicant states that the project uses the most compact design practicable, with the least number of piles and smallest size of piles, to minimize impacts to waters of the United States.

c. Compensatory Mitigation: The applicant states that marine disposal of dredged material is proposed and a small amount of drill cuttings during down the hole drilling is proposed. Compensatory mitigation is expected and the applicant plans to coordinate with USACE on a compensatory mitigation plan.

**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 cultural resources in the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time. 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 comments regarding potential effects to historic resources within the vicinity of the permit area.

ENDANGERED SPECIES: The project area is within the known or historic range of the endangered short-tailed albatross (*Phoebastria albatrus*), the endangered fin whale (*Balaenoptera physalus*), the endangered Western North Pacific distinct population segment (DPS), and the threatened Mexico DPS of humpback whale (*Megaptera novaeangliae*), the endangered Western DPS of Steller sea lion (*Eumetopias jubatus*), the endangered North Pacific right whale (*Eubalaena japonica*), the endangered sperm whale (*Physeter macrocephalus*), and the sunflower sea star (*Pycnopodia helianthoides*), which is proposed for listing as threatened.

We have determined the described activity may affect but is not likely to adversely affect the North Pacific right whale and the sperm whale. The proposed activity may affect and is likely to adversely affect the Western North Pacific and Mexico DPS of humpback whale, the fin whale, the Western DPS of Steller sea lion, and the sunflower sea star. We have determined the described activity would have no effect to the short-tailed albatross. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with 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 (Magnuson-Stevens 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 mapped EFH for Alaska plaice (*Pleuronectes quadrituberculatus*), skates (*Rajidae*), arrowtooth flounder (*Atheresthes stomias*), Atka mackerel (*Pleurogrammus monopterygius*), sculpins (*Cottidae*), Pacific cod (*Gadus macrocephalus*), Dover sole (*Microstomus pacificus*), Northern rock sole (*Lepidopsetta polyxystra*), Southern rock sole (*Lepidopsetta bilineata*), yellowfin sole (*Limanda aspera*), rex sole (*Glyptocephalus zachirus*), flathead sole (*Hippoglossoides elassodon*), sablefish (*Anoplopoma fimbria*), Pacific Ocean perch (*Sebastes alutus*), shortraker rockfish (*Sebastes borealis*), roughey rockfish (*Sebastes aleutianus*), northern rockfish (*Sebastes polyspinis*), blackspotted rockfish (*Sebastes melanostictus*), dusky rockfish (*Sebastes ciliatus*), harlequin rockfish (*Sebastes variegatus*)

and other rockfish (*Sebastes* spp.), thornyhead rockfish (*Sebastolobus* spp.), walleye pollock (*Theragra calcogramma*), octopus, yellow Irish lord (*Hemilepidotus jordani*), pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), Chinook salmon (*Oncorhynchus tshawytscha*), and coho salmon (*Oncorhynchus kisutch*).

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 adversely affect EFH for 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 NMFS may have concerning EFH will be considered in our final assessment of the described work.

**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. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

**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:

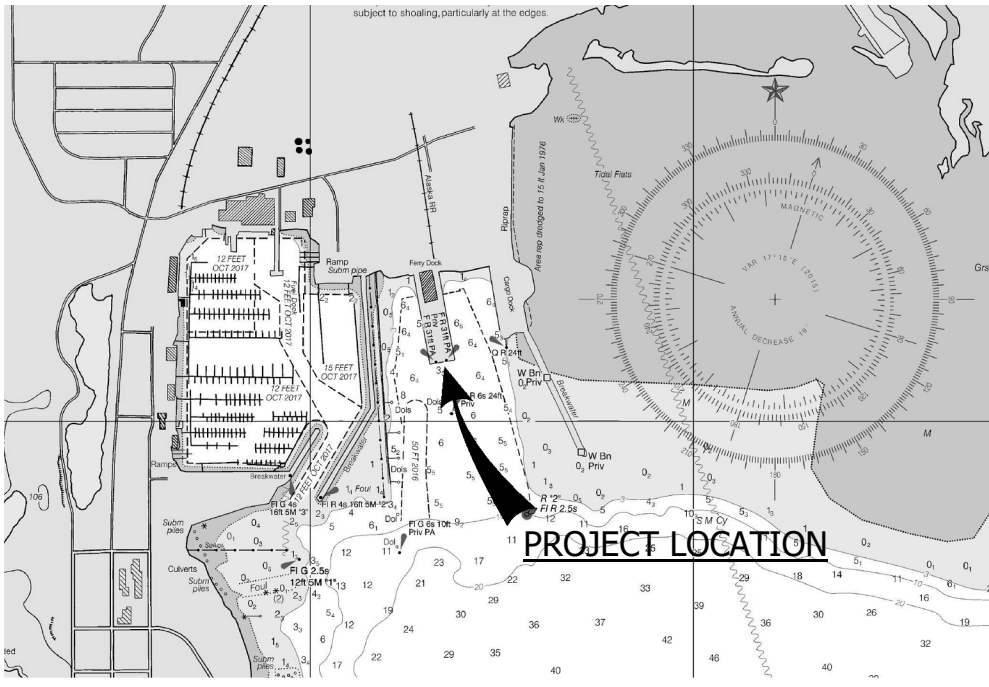
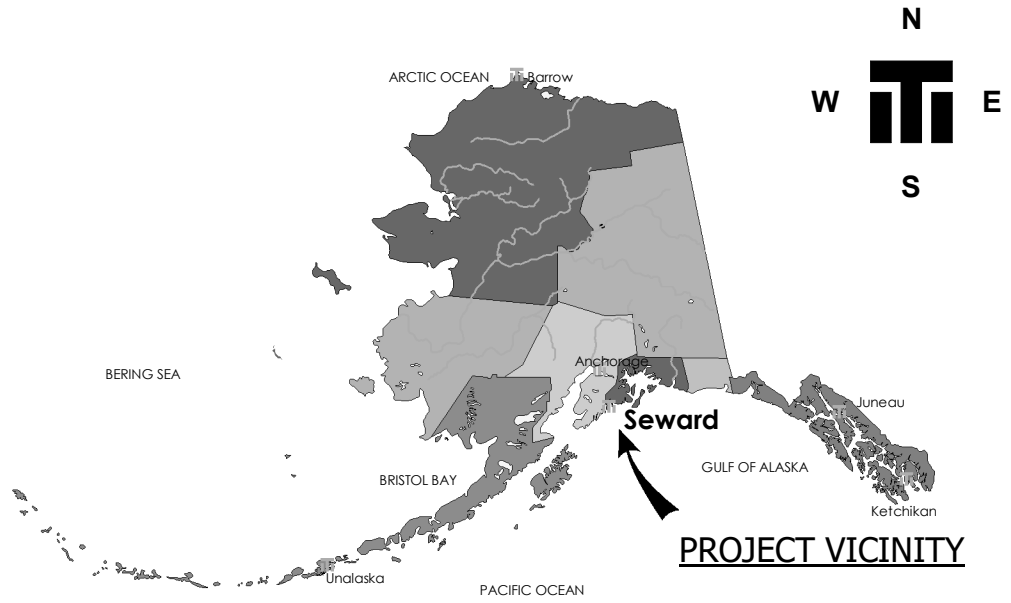
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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 are enclosed with this public notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures



TIDAL DATA	
EHW	+15.70'
HAT	+13.93'
MHHW	+10.63'
MHW	+9.71'
MLW	+1.38'
MLLW	0.00'
LAT	-3.53'
ELW	-5.01'

PURPOSE:  
**SEWARD CRUISE SHIP DOCK**

**DRAFT**

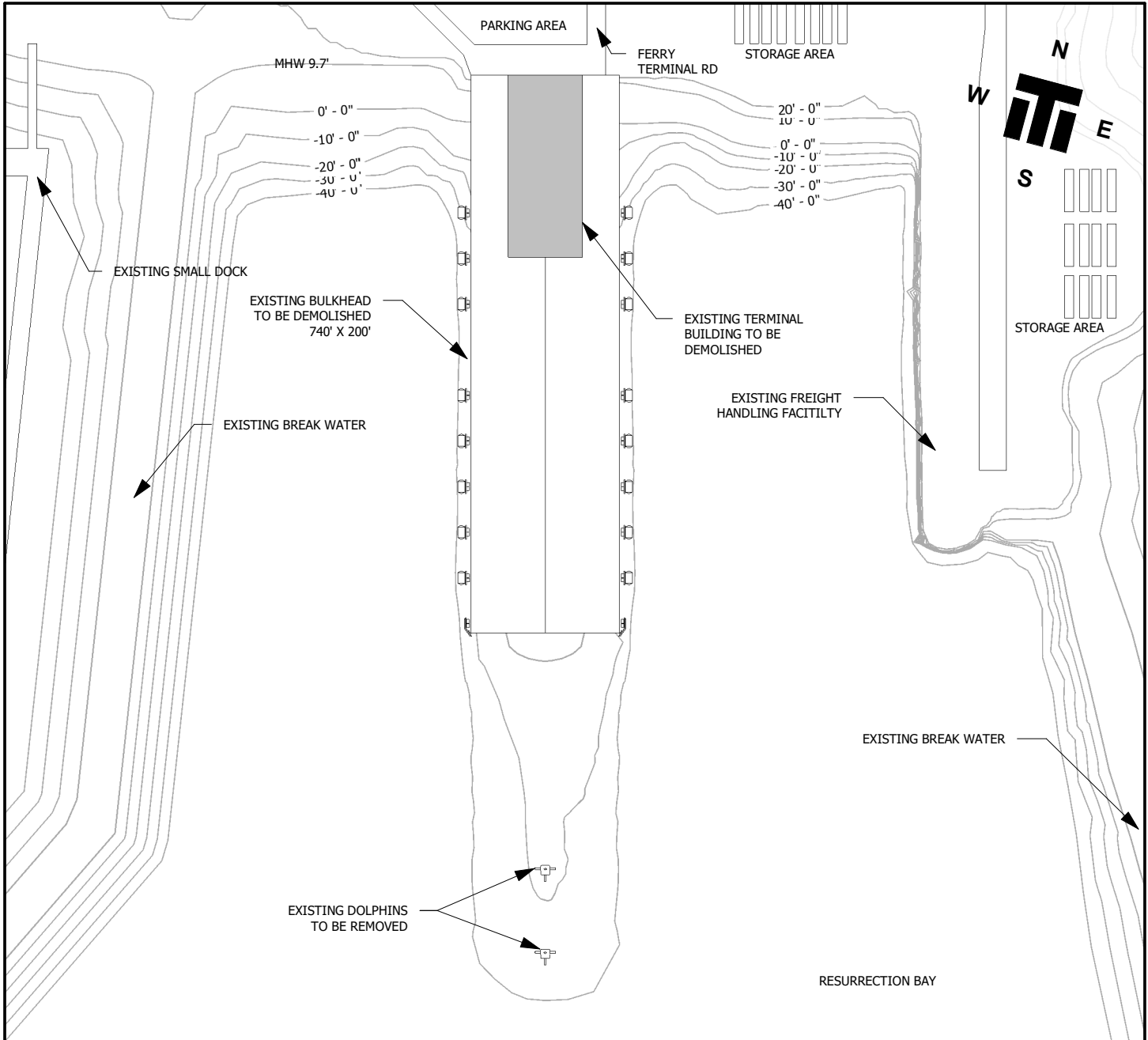
**COVER SHEET**

JOB NO. 23-006

PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**

DATE: JUN 05, 2024

SHEET: 1



1 EXISTING CONDITION SITE PLAN  
1" = 200'-0"

PURPOSE:  
SEWARD CRUISE SHIP  
DOCK

**DRAFT**

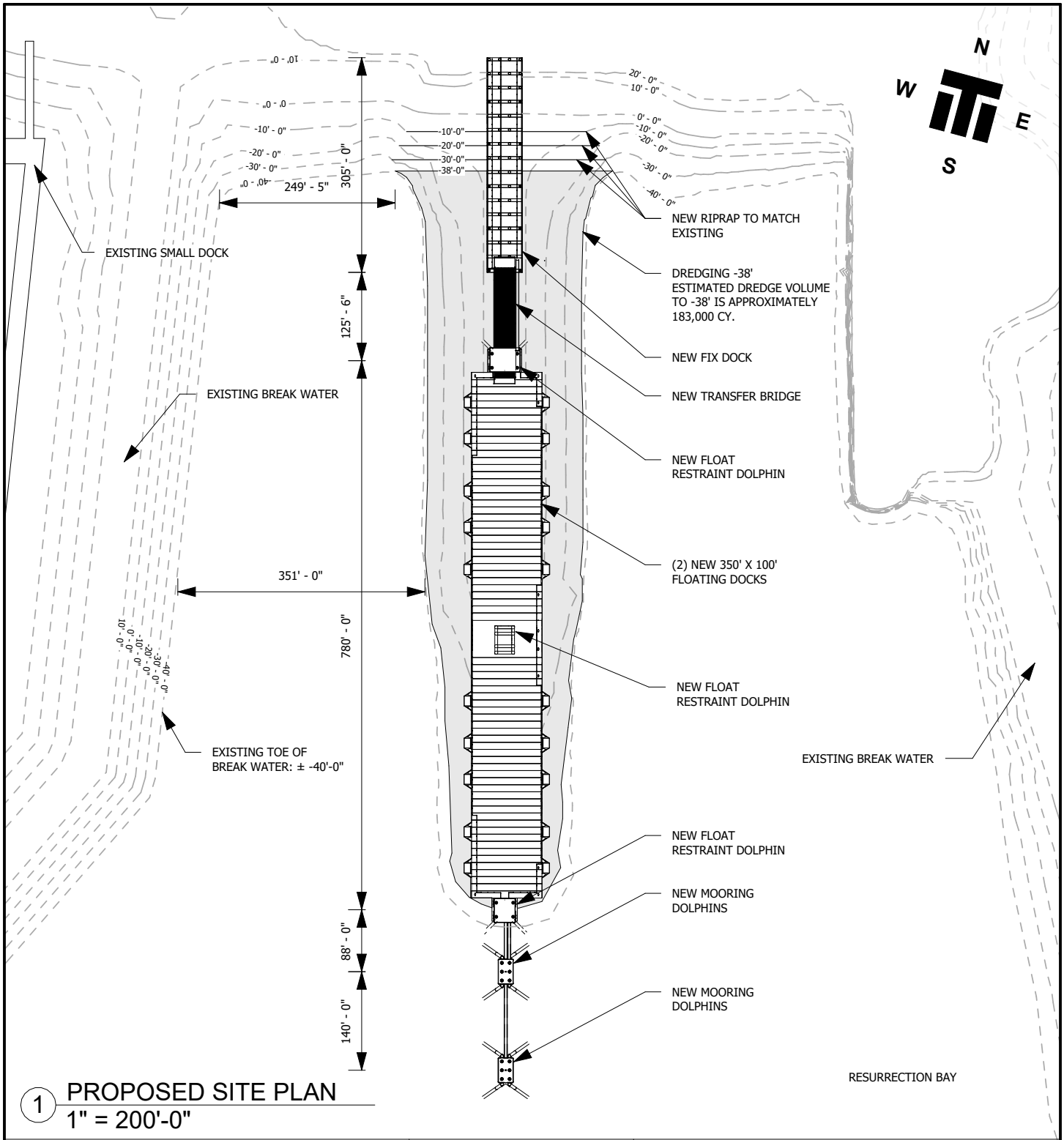
EXISTING DOCK  
CONDITON

JOB NO. 23-006

PROPOSED: TURNAGAIN MARINE  
AT: SEWARD, ALASKA  
WATERWAY: RESURRECTION BAY  
APPLICATION BY: TURNAGAIN MARINE

DATE: JUN 05, 2024

SHEET: 2



**1** PROPOSED SITE PLAN  
1" = 200'-0"

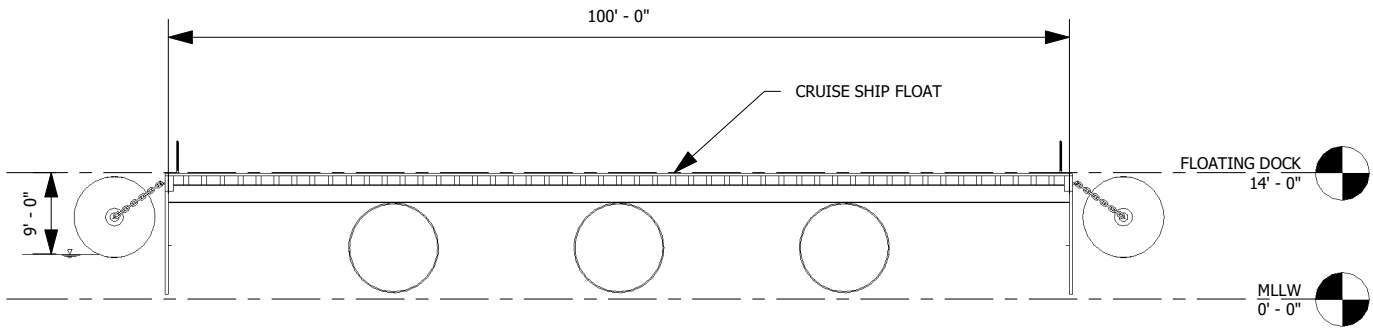
PURPOSE:  
**SEWARD CRUISE SHIP DOCK**

**PROPOSED SITE PLAN**

JOB NO. 23-006

PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**  
DATE: **SEP 13, 2024** SHEET: **3**





① TYPICAL FLOATING DOCK SECTION  
3/64" = 1'-0"

PURPOSE:  
**SEWARD CRUISE SHIP  
DOCK**

**DRAFT**

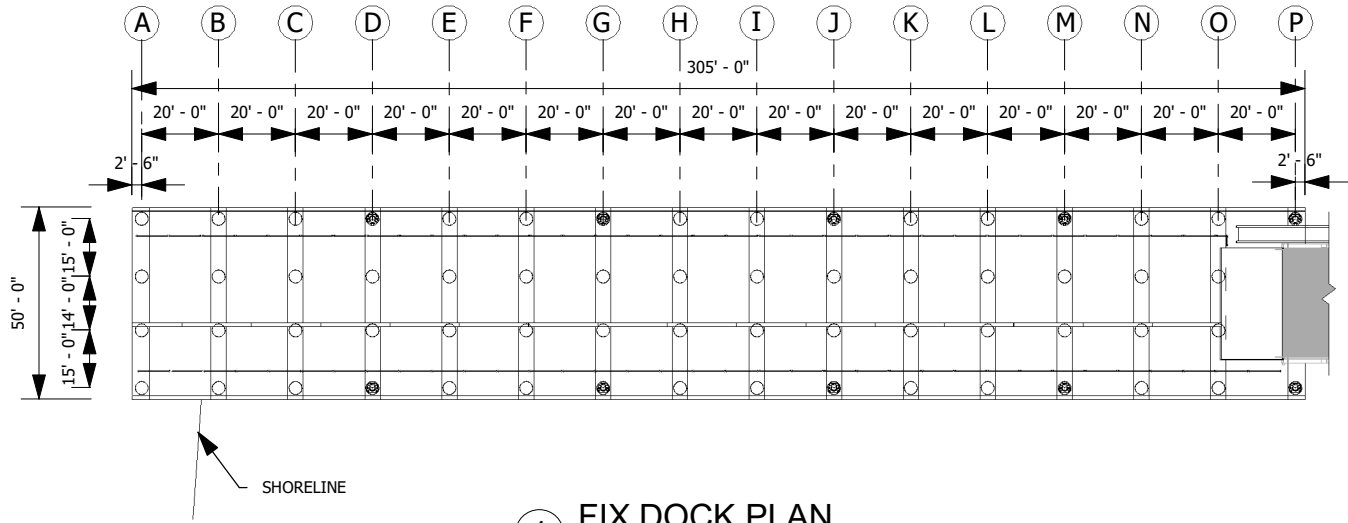
**PROPOSED  
FLOATING  
DOCK SECTION**

JOB NO. 23-006

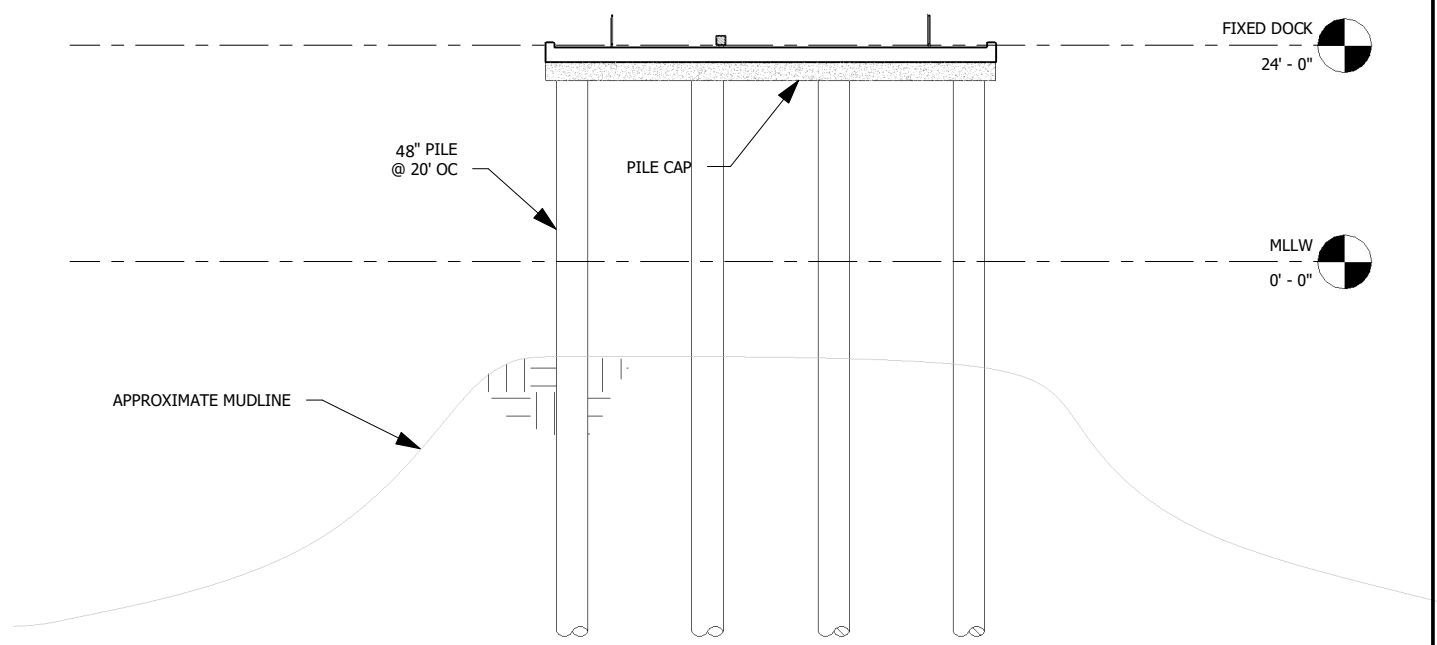
PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**

DATE: JUN 05, 2024

SHEET: 4



1 **FIX DOCK PLAN**  
1" = 50'-0"



2 **FIX DOCK SECTION**  
3/64" = 1'-0"

PURPOSE:  
**SEWARD CRUISE SHIP DOCK**

**PROPOSED APPROACH TRESTLE**

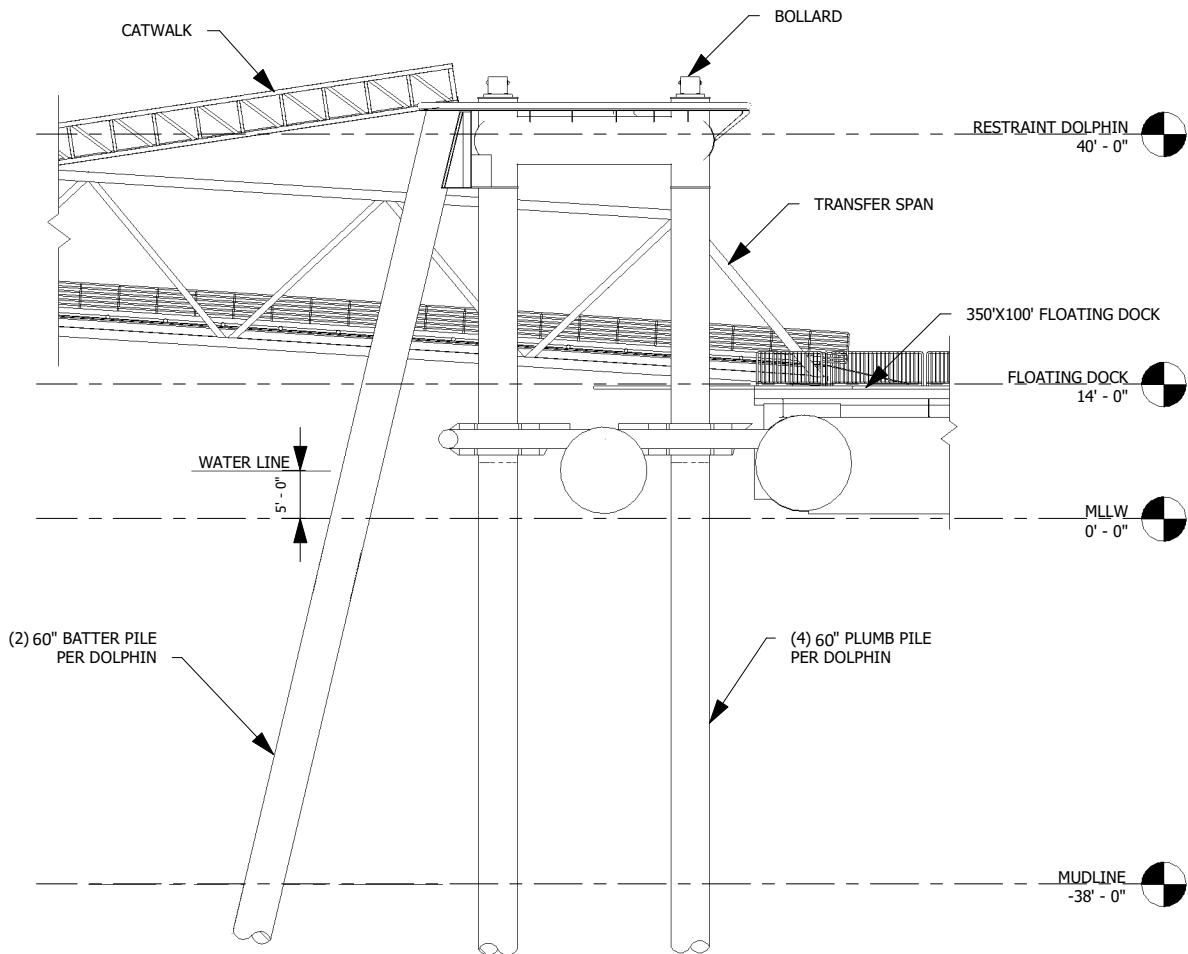
PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**

**DRAFT**

JOB NO. 23-006

DATE: JUN 05, 2024

SHEET: 5



① **FLOAT RESTRAINT DOLPHIN  
ELEVATION**  
1" = 20'-0"

PURPOSE:  
**SEWARD CRUISE SHIP  
DOCK**

**DRAFT**

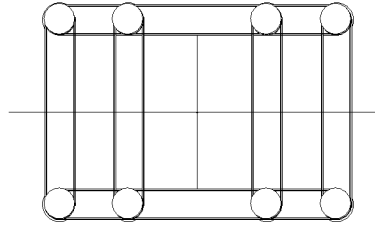
**PROPOSED  
FLOAT  
RESTRAINT  
DOLPHIN**

JOB NO. 23-006

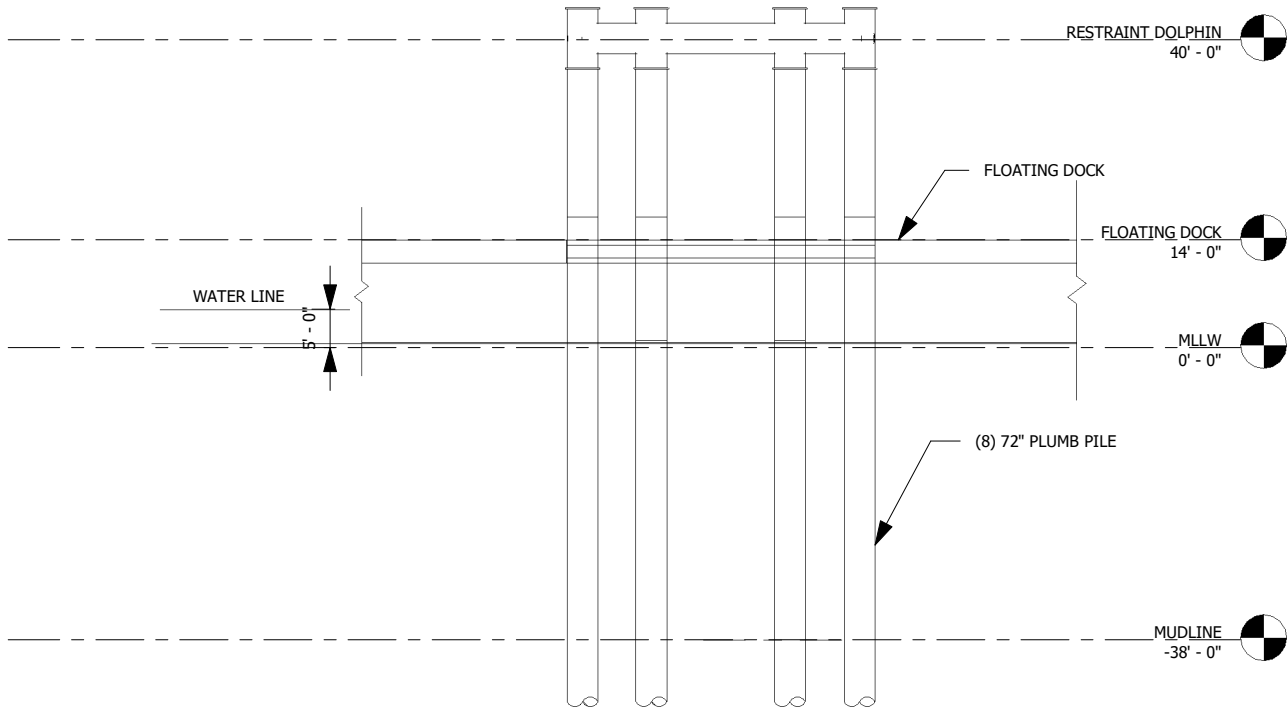
PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**

DATE: JUN 05, 2024

SHEET: 6



① MIDDLE FLOAT RESTRAINT DOLPHIN  
PLAN  
1" = 25'-0"



② MIDDLE FLOAT RESTRAINT DOLPHIN  
ELEVATION  
1" = 25'-0"

PURPOSE:  
SEWARD CRUISE SHIP  
DOCK

**DRAFT**

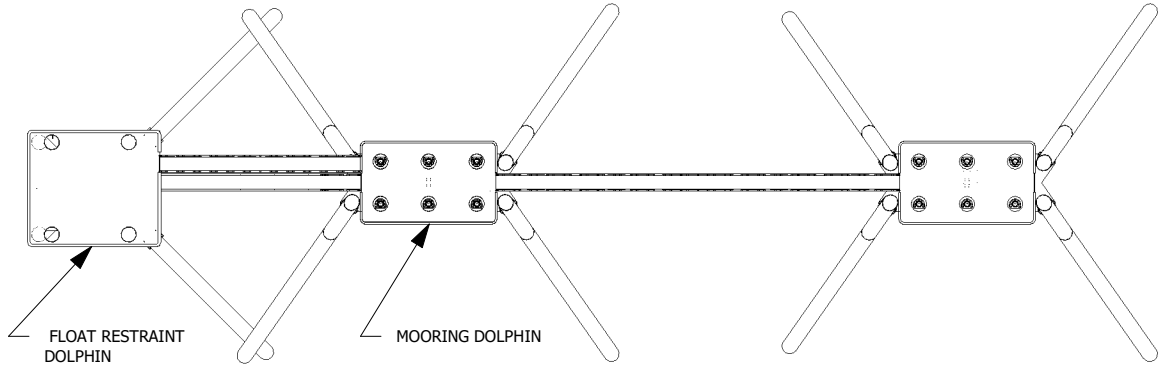
PROPOSED  
MIDDLE FLOAT  
RESTRAINT  
DOLPHIN

JOB NO. 23-006

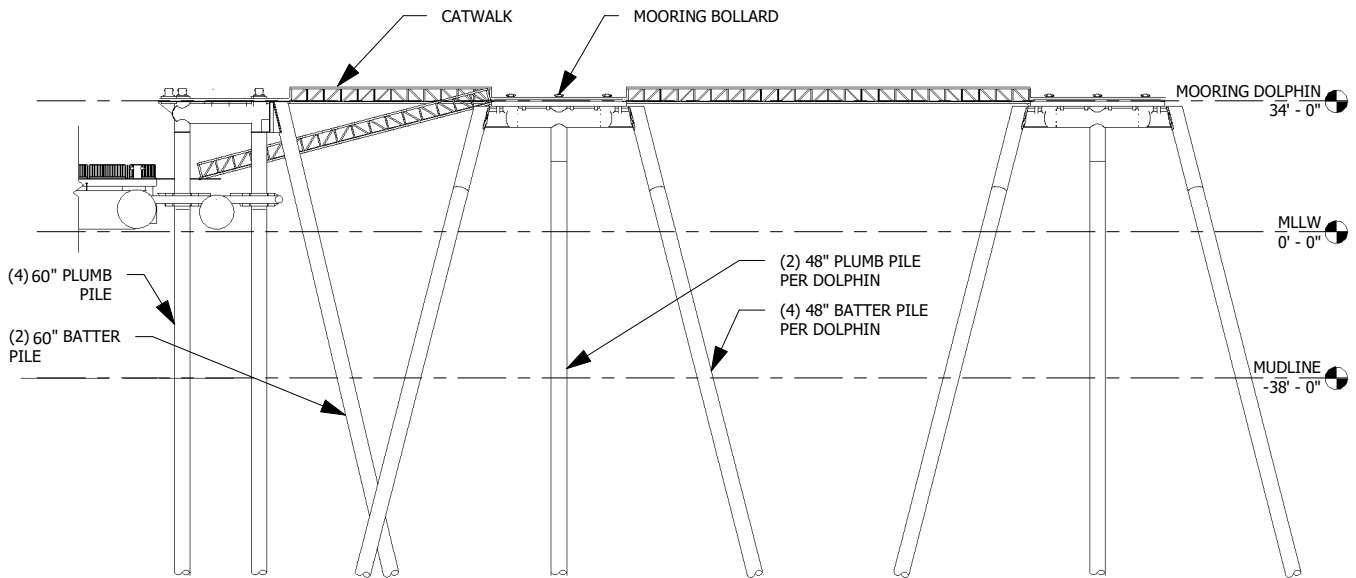
PROPOSED: TURNAGAIN MARINE  
AT: SEWARD, ALASKA  
WATERWAY: RESURRECTION BAY  
APPLICATION BY: TURNAGAIN MARINE

DATE: JUN 05, 2024

SHEET: 7



① **MOORING DOLPHIN PLAN**  
1" = 50'-0"



② **MOORING DOLPHIN ELEVATION**  
1" = 50'-0"

PURPOSE:  
**SEWARD CRUISE SHIP DOCK**

**DRAFT**

**PROPOSED MOORING DOLPHIN**

JOB NO. 23-006

PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**

DATE: JUN 05, 2024

SHEET: 8



PURPOSE:  
**SEWARD CRUISE SHIP  
DOCK**

**APPROXIMATE  
LOCATION OF  
DEEP WATER  
DISPOSAL  
AREA**

PROPOSED: **TURNAGAIN MARINE**  
AT: **SEWARD, ALASKA**  
WATERWAY: **RESURRECTION BAY**  
APPLICATION BY: **TURNAGAIN MARINE**  
DATE: **SEP 26 2024** SHEET: 9