



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation
DIVISION OF WATER

Wastewater Discharge Authorization Program

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November 27, 2024

Petersburg Borough
Attn: Stephen Giesbrecht, Borough Manager
P.O. Box 329
Petersburg, AK 99833

Re: Petersburg Borough, Scow Bay Boat Harbor
POA-2010-00163 v1.0, Wrangell Narrows

Mr. Giesbrecht,

In accordance with Section 401 of the Federal Clean Water Act and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed water quality certification with conditions that the discharge from the proposed project will comply with water quality requirements for dredging and/or fill material in waters of the U.S., authorized by an Army Corps of Engineers (USACE) permit/license POA-2010-00163 - *Scow Bay Haulout Facility* project.

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See DEC's "Appeal a DEC Decision" web page <https://dec.alaska.gov/commish/review-guidance/> for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200. Requests must be submitted no later than the deadline specified in 18 AAC 15.

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

If you have any questions regarding the attached certification, please contact Willow Weimer at 907-269-6096, dec-401cert@alaska.gov.

Sincerely,

A handwritten signature in black ink that reads "James Rypkema".

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Water Quality Certificate

cc: (with encl.)
Danielle Schultz, PND Engineers
Hayley Farrer, USACE

Kate Kanouse, ADF&G
USFWS Field Office Juneau
Matthew LaCroix, EPA AK Operations
Jeffrey Brittain, EPA AK Operations

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Water Quality Certification

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a water quality certification with conditions is issued to the Petersburg Borough, Attn: Stephen Giesbrecht, P.O. Box 329, Petersburg AK 99833 for a permit/license to be issued by Army Corps of Engineers (USACE), reference POA-2010-00163 *Scow Bay Haulout Facility*.

Based upon the review of the federal application, readily available water quality-related materials, and certification request¹ in accordance with the CWA § 121.5(b) and (c), and 121.7 (c), DEC certifies that if the permittee complies with the terms and conditions imposed by the permit and the conditions set forth in this water quality certification, then it is reasonable for DEC to conclude that the activity will comply with water quality requirements, including applicable requirements of the CWA §§ 301, 302, 303, 306, and 307, Alaska's Water Quality Standards (WQS, 18 AAC 70) and other appropriate water quality requirements of state law.

The scope of certification is limited to the water quality-related impacts from the activity subject to the Federal license or permit (40 CFR 121.3, 18 AAC 15.180). Public notice of the application for this certification was given as required by 18 AAC 15.180 in the DEC Public Notice POA-2010-00163 posted from 10/21/2024 to 11/20/2024.

Project Purpose, Description, and Location

Project Name: Scow Bay Haulout Facility

Dates of the proposed activity are planned to begin and end: 09/01/2025 to 12/31/2027

Location: The proposed activity is located within Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-130. Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-135. Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-136. Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-137. Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-138. Section 04, T. 059S, R. 079E, Copper River Meridian, in Petersburg Borough, Alaska. 01-056-140.

Project Site (Latitude, Longitude): 56.780363, -132.97307.

With potential discharge location(s) as follows: 56.780061, -132.972761

Purpose: The applicant's stated purpose is to construct a new boat haul-out ramp and extend the existing rock jetty at Scow Bay to develop the site into a functional boat haul-out and work yard with a dedicated ramp with a capacity for a 100-ton hydraulic trailer, a boarding float, a vessel washdown area, and associated utilities.

The proposed project consists of extending the existing breakwater and constructing a more substantial rubble mound breakwater, expanding and improving the existing uplands, constructing a boat haul-out ramp with associated boarding float, and constructing a new boat washdown pad. Work also includes water, stormwater, wastewater, and electrical improvements.

¹ Reference EDMS Submission Ref Nbr: HQ7-7TAG-1PR45, Rev 10/9/2024 3:00:00 PM

Description: The proposed project would discharge 80,850 cubic yards of material into 4.5 acres below the high tide line (19.7 feet above the 0.0-foot contour) of Scow Bay in order to extend the existing jetty, expand and improve the existing gravel pad, construct a boat haul out ramp, and construct a new boat washdown pad. The applicant also proposes to remove one (1) 12-inch timber pile and install four (4) 12.75-inch steel pipe piles via vibratory and impact hammer below the mean high-water mark (15.2 feet above the 0.0-foot contour) in order to construct a 10-foot by 345-foot boarding float.

The material used to construct the jetty and extension of the existing pad would include armor rock, underlayer rock, shot rock borrow, and base course. When possible, materials would be placed when the site is dewatered (during low tidal conditions); however, initial fill operations would continue regardless of the level of the tide. The proposed expanded pad would include an 8-inch-thick layer of graded and compacted base course material on top of the initial discharged material. A 40-foot by 80-foot concrete washdown pad would be constructed at the top of the haul-out ramp. A 960-square-foot utility building would be constructed on site, adjacent to the washdown pad.

Following the jetty construction, the haul-out ramp would be constructed. Timber sleepers would be placed directly on top of core rock materials to support precast concrete planks. Individual concrete planks would be tied together with connection plates to create an interconnected haul-out ramp. Any gaps would be filled with clean sand.

Pile driving operations would commence after the haul-out ramp construction and would occur from a floating barge and from a land-based crane positioned on the haul-out ramp during low tide conditions. Pile installation would use a vibratory hammer when practicable, including removal of the one piling. Prior to pile driving, floats would be placed in water and connected.

The proposed work is expected to commence between 2025 and 2027 with work expected to last for 10 to 12 months. No in-water work is planned to be performed between April 1st and June 15th of any given year.

Mobilization: Mobilization To the project site will depend on the contractor selected to perform the work. The selected contractor will most likely mobilize major materials and equipment associated with construction to the project site from Seattle or Anchorage. Project vessels will comply with all pertinent regulations, including protocols for marine mammal impact avoidance.

Demolition: A small amount of existing site debris and a single timber pile are present within the project area; the contractor must demolish and remove these prior to the start of new construction. They will extract the existing timber pile, located adjacent to the rock jetty, with a vibratory hammer. The contractor will also remove the small amount of concrete and steel cable debris existing within the intertidal area of the project boundary prior to filling operations. All demolition debris will be recycled or disposed of as necessary in accordance with applicable regulations.

Rubble Mound Breakwater & Fill: Earthen materials used to construct the rubble mound breakwater consist of four primary components (listed in order of decreasing average particle size): armor rock, underlayer rock, shot rock borrow, and base course. All fill materials will be free of contaminants and contain a minimal amount of fine particulate to prevent turbidity, and sedimentation impacts to the extent feasible. Fill materials will be obtained from a local source to the extent possible; actual materials source will be dependent on the contractor selected to perform construction.

The core of the breakwater will be constructed with Class A and Class B shot rock borrow and will be placed directly on the existing ground surface. When possible, materials will be placed in the dry during low tidal conditions. However, initial fill operations will continue regardless of the level of tide.

rock borrow will be delivered to the project site by trucks which will end-dump the material into on-site stockpiles for spreading. A track-mounted excavator, bulldozer, or motor grader will spread core rock in lifts of specified thickness. A vibratory drum roller compactor will compact each lift of material above MLLW; all compaction operations will be performed when the tide is below the elevation of the work.

As each lift of shot rock borrow is placed, underlayer and armor rock will be concurrently placed to protect the embankment from erosion during construction. As with the shot rock borrow, trucks will deliver underlayer and armor rock to the project site and end-dump the materials into on-site stockpiles. A track-mounted excavator will handle, manipulate, and place underlayer and armor rock on the embankment side slopes. Similar methods will be used to place a thin layer of base course atop the breakwater crest. The base course will provide a smooth and level surface for vehicles and trailers to traverse.

Haul-out Ramp: The contractor will commence haul-out ramp construction following the completion of fill operations associated with the rubble mound breakwater. They will place timber sleepers directly on top of the core rock materials to support precast concrete planks; the individual concrete planks will be tied together with connection plates to create an interconnected concrete plank haul-out ramp. The contractor will fill any gaps between planks with clean sand.

PILE Driving and Float Installation: Pile driving operations will commence following fill completion and concrete haul-out ramp installation. The contractor will most likely conduct pile driving from a floating barge but may also perform it from a land-based crane positioned on the concrete haul-out ramp during low tide conditions, depending on their means and methods. They will install piles using a vibratory hammer to the extent practicable; however, it is expected that the contractor will need to conduct impact pile driving for some piles, as they must be driven through the core rock fill placed as part of the rubble mound breakwater installation. The geotechnical investigation also indicates a dense layer of glacial till which may produce hard driving conditions necessitating impact pile driving to allow the piles to reach the prescribed tip elevation.

Before the commencement of piledriving operations, the contractor will offload boarding floats from a barge, place them in the water, and connect them. The contractor will utilize the boarding float as a template and drive piles in-location through the hoops of the boarding float. No additional temporary piles are anticipated to be required. The contractor will field-adjust piles as necessary to fit the pile hoops and to prevent binding of the float at all tidal stages. Piledriving efforts on this project are minimal considering the quantity and size of the piles and is anticipated to be completed in 6 days.

Upland Improvements and Utilities: The contractor will finish the new expanded uplands area with an 8" thick layer of graded and compacted base course material. They will grade the uplands area to facilitate stormwater drainage towards catch basins installed in various locations throughout the site. This drainage system will collect stormwater within the expanded uplands area via various storm drain catch basins and filter through an oil/water separator before being discharged via outfall.

A 40' x 80' concrete washdown pad will be constructed at the top of the boat ramp. The washdown pad will be equipped with drainage for both boat wash water and stormwater. The drainage system will collect wash water used for boat cleaning in a catch basin and send it to a storm filter system containing a grit chamber for filtration of the effluent. Wash water will be discharged into the Petersburg municipal sewer. A 960-square-foot utility building will be installed on-site, adjacent to the boat washdown pad, which will house domestic water equipment and the storm filter system for the boat washdown pad.

The contractor will install a domestic water service, connected to multiple hydrants located throughout the haul-out facility, to provide water to the uplands area. They will also install three electroliers to provide area lighting to the facility.

Demobilization: Refuse and excess materials from the project will be reclaimed, recycled or disposed of as necessary in accordance with applicable regulations. The contractor will demobilize project equipment according to their needs and means.

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 PB has prepared an Alternatives Analysis, attached at the end of this document, which verifies that there are no other practicable alternatives for the proposed project that are less environmentally damaging. PND analyzed a range of design alternatives, and the least environmentally damaging practicable alternative has been selected as the proposed action.
- b. **Minimization:** Much of the land in Petersburg has been mapped as wetlands in the National Wetlands Inventory, including all of the unaltered coastline and nearly all of the undeveloped areas in the uplands. To minimize impacts to wetlands, the site selected has already been developed. This area will be expanded to minimize the extent of impacts to wetlands rather than selecting an undeveloped site. In addition, the extent of the intertidal fill was minimized to the degree possible while still meeting the project purpose and need. The fill will consist of a sloped, rocky habitat which will provide habitat for juvenile fish; it has been configured such that it will not encroach on the adjacent unnamed anadromous fish stream. PND designed the spatial configuration of the intertidal fill footprint to avoid the need for dredging of the seafloor. Avoiding dredging activities minimizes impacts on Essential Fish Habitat (EFH).
- c. **Mitigation:** The sequence of construction will also mitigate potential effects associated with the project. Construction of the breakwater will occur before pile driving to minimize noise effects associated with piledriving operations. The new land mass of the breakwater will help attenuate sound and limit the areas where noise impacts may be experienced.
 - Fill and armor rock materials placed in WOTUS will be clean and free of contaminants with relatively few fines to reduce impacts from turbidity and/or sedimentation.
 - Fuels, lubricants, and other hazardous substances used during construction will not be stored below the high tide line/ordinary high-water mark.
 - All trash will be immediately placed in trash bins and bins will be properly secured with locked or secured lids that cannot blow open and disperse trash into the environment.
 - A review of the best available data on migratory bird nesting will be conducted before construction to prevent impacts on protected bird species during construction operations.
 - Contractors will comply with water quality standards as required by law and implement corrective measures if water quality standards are exceeded.
 - The following BMPs will be utilized to prevent stormwater run-off during construction:
 - o Projects impacting more than one acre will have a Stormwater Pollution Prevention Plan (SWPPP) on file with the State.
 - o A Stabilized Construction Entrance (a temporary stone-stabilized pad located at points of vehicular ingress and egress on a construction site) will mitigate sedimentation and stormwater pollution.

- o Installation of silt fences consisting of a geotextile fabric stretched across and attached to supporting posts, providing a temporary barrier to sediment and reducing the runoff velocities of sheet flow from non-vegetated surfaces.
- o Use of weed-free straw wattles to intercept sheet flow and detain small amounts of sediment from disturbed areas.

Antidegradation Analysis Finding

Pursuant to the Department's Antidegradation Policy and Implementation Methods at 18 AAC 70.015 and 18 AAC 70.016, DEC finds that the project would comply with the requirements for Tiers 1 and 2 regarding water quality impacts to receiving water immediately surrounding the dredge or fill material pursuant to the Corps evaluation and findings of no significant degradation under 33 U.S.C. 1344 and under 40 CFR 230. The use of appropriate best management practices and erosion and sediment control measures would adequately protect the existing water uses and the level of water quality necessary to protect existing uses. Any potential water quality degradation is expected to be temporary and limited and necessary to accommodate important social and/or economic development in the area.

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge that may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards (18 AAC 70) provided the permittee complies with the terms and conditions imposed by the permit/license and that the following additional measures are adhered to.

Pursuant to 18 AAC 70.020(a) and the Toxics and Other Deleterious Organic and Inorganic Substances in 18 AAC 70.020(b), the following conditions are designed to reduce pollutants from construction activity to ensure compliance with the applicable water quality standards.

Pollutants/Toxics

1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
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. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must report the spill to the DEC Area Response Team office online at <https://reportspills.alaska.gov/>; or via phone: at 1-800-478-9300 or 1-907-269-0667. For Federal reporting requirements, see the National Response Center website: <https://nrc.uscg.mil/>. For more information, see the DEC Spill Information website: <https://dec.alaska.gov/spar/ppr/spill-information/reporting/>.
3. Construction equipment shall not be operated below the ordinary high-water mark if the equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected daily for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
4. Fill material (including dredge material) must be clean soil, sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.

Turbidity, Erosion and Sediment Control

5. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (CGP, AKR100000, 18 AAC 83). The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC before construction along with the Notice of Intent (NOI). For more information see DEC's website for the CGP at <https://dec.alaska.gov/water/wastewater/stormwater/construction>, or call 907-269-6285.
6. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include gullyng, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
7. Include the following BMPs to handle stormwater and total stormwater volume discharges as they apply to the site:
 - a. Divert stormwater from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
 - b. Slow down or contain stormwater that may collect and concentrate within a site and cause erosion of exposed soils;
 - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a watercourse to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
8. The permittee must stabilize any dredged material (temporarily or permanently) stored on the upland property to prevent erosion and subsequent sedimentation into jurisdictional waters of the United States. The material must be contained with siltation control measures to preclude reentry into any waters of the U.S., including wetlands.

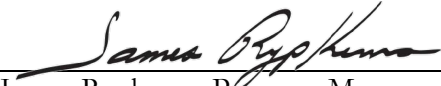
Vegetation Protection and Restoration

9. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation appropriately to minimize erosion and sedimentation, so that a durable vegetative cover is established promptly.
10. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
11. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.

General

12. DEC coordinates with several regulatory programs to review the impacts of proposed projects. A Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all state water statutes and rules through the construction, installation, and operation of the project or mitigation, including, but not limited to the APDES permitting program 18 AAC 83 and 18 AAC 72.
13. USACE has stated that projects shall be reviewed under the federal rules in place at the time the application is received. This project and its mitigation were reviewed under the federal and state statutes and laws in place at the time the application was received. If the USACE determines any part or condition of this Certification is not lawful or is waived and unenforceable, the determination shall apply only to the part or condition so determined. The determination shall not apply to nor invalidate any remaining parts or conditions of this Certification. If the USACE makes such a determination, the applicant remains responsible for meeting state water quality statutes and rules, and if a violation occurs, may be subject to state enforcement (18 AAC 70.010).
14. This Certification does not release the applicant from any liability, penalty, or duty imposed by Alaska or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.
15. If your project is not completed by the time limit specified under the USACE Permit and will continue, or for a modification of the USACE permit, you must submit an application for renewal of this certification at least 60 days before the expiration date or any deadline established by USACE for certification action on the modification, or 60 days before the proposed effective date of the modification, whichever is sooner. (18 AAC 15.120(b), 18 AAC 15.130, 18 AAC 15.180).

Date: November 27, 2024



James Rypkema, Program Manager
Storm Water and Wetlands