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Subject: POA-1994-01014-M4 Orca Inlet PN

Attachments: POA-1994-01014-M4 Orca Inlet PN

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Subject: POA-1994-01014-M4 Orca Inlet PN

Attachments: POA-1994-01014-M4_OrcaInletPN.pdf, smime.p7s

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States.

PUBLIC NOTICE DATE: March 24, 2026

EXPIRATION DATE: April 23, 2026

REFERENCE NUMBER: POA-1994-01014-M4

WATERWAY: Orca Inlet

APPLICANT: Collin Bronson, Native Village of Eyak

AGENT: Brian Kovol, Midnight Sun Environmental, LLC.,

LOCATION: The project site is located within Section 25, T. 14 S., R. 3 W., Copper River Meridian; USGS Quad Map Cordova C-5; Latitude 60.63096° N., Longitude 145.67189° W.; Cordova Oil Spill Response Facility (OSRF), near Cordova, Alaska.

PURPOSE: The applicant's stated purpose is to optimize the dock design for practicability and long-term stability based on updated geotechnical data and site-specific environmental conditions. The existing sheet-pile wall design would extend from the surface elevation down to a depth of 2 to 3 feet below the Mean High Water (MHW) elevation. This design leaves a potential for erosion at the toe of the wall during storm events and/or vessel wake. Also, based on new data the current deepwater port design is not practical due to the extreme depths necessary to meet frictional stability for a fixed dock configuration. A floating dock would address these challenges and greatly reduce the number of piles required.

CONTACT: Please contact Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, or by email at Estrella.f.campellone@usace.army.mil if further information is desired concerning this public notice.

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P.O. Box 6898
JBER, AK 99506-0898

If you desire to submit your comments by email, you should send it to the Project Manager's email as listed above or to regpagemaster@usace.army.mil. All comments should include the public notice reference number listed above.

The full text of this public notice, including any associated maps and drawings, is attached and is also available on our website at: <https://www.poa.usace.army.mil/Missions/Regulatory/Public-Notices/>

(Note: if the above link isn't clickable or part of the link is cut off, please copy and paste the entire URL into your browser's address bar and press Enter)

The understanding and support of Alaskans is vital to the success of the Regulatory Program. We must work together to protect Alaska's water resources, ensuring their use and enjoyment for future generations, while enabling responsible development.

Regulatory Division website:

<http://www.poa.usace.army.mil/Missions/Regulatory/RegulatoryContacts.aspx>

Customer Survey:

<http://per2.nwp.usace.army.mil/survey.html>

ATTACHMENT NAME:

POA-1994-01014-M4_OrcaInletPN.pdf

ATTACHMENT TYPE:

Adobe Portable Document Format (PDF) compound image



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

| | |
|----------------------------|--------------------------|
| PUBLIC NOTICE DATE: | March 24, 2026 |
| EXPIRATION DATE: | April 23, 2026 |
| REFERENCE NUMBER: | POA-1994-01014-M4 |
| WATERWAY: | Orca Inlet |

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

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

All comments should reach this office no later than the expiration date of this public notice to become part of the record and be considered in the decision. Please contact Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, or by email at Estrella.f.campellone@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Collin Bronson, Native Village of Eyak (NVE), PO Box 1388; Cordova, Alaska 99574. Tel.: (907) 917-9159; Email: collin.bronson@eyak-nsn.gov.

AGENT: Brian Kovol, Midnight Sun Environmental, LLC., 560 E 34th Avenue Suite 102; Anchorage, Alaska. Tel.: (907) 344-3244. Email: Brian@midnightsunenv.com.

LOCATION: The project site is located within Section 25, T. 14 S., R. 3 W., Copper River Meridian; USGS Quad Map Cordova C-5; Latitude 60.63096° N., Longitude 145.67189° W.; Cordova Oil Spill Response Facility (OSRF), near Cordova, Alaska.

PURPOSE: The applicant's stated purpose is to optimize the dock design for practicability and long-term stability based on updated geotechnical data and site-specific environmental

conditions. The existing sheet-pile wall design would extend from the surface elevation down to a depth of 2 to 3 feet below the Mean High Water (MHW) elevation. This design leaves a potential for erosion at the toe of the wall during storm events and/or vessel wake. Also, based on new data the current deepwater port design is not practical due to the extreme depths necessary to meet frictional stability for a fixed dock configuration. A floating dock would address these challenges and greatly reduce the number of piles required.

PROPOSED WORK: The proposed work would modify the previously authorized Cordova OSRF fixed deep-water dock to a floating dock configuration and the design of the boat launch. Work would require additional placement of 564.7 cubic yards of fill in 0.35-acre below Orca Inlet's High-tide Line for the installation of the Wire Wall Sea Wall.

Wire Wall Sea Wall:

The new design would require replacing the sheet-pile wall with a Wire Wall Sea Wall concept that creates a reinforced earth wall, which functions as a semi-solid block of material structurally adequate to support normal port area vehicle and equipment loading. Approximately 2,475 cubic yards of rip rap (D50 size of 500 pounds) would be placed to the Mean Lower Low Water (MLLW) elevation along the full length of the Wire Wall Sea Wall. The Wire Wall Sea Wall would be designed to extend from the surface elevation down to a depth of 2 to 3 feet below Orca Inlet MHW. At its toe a 3-foot-thick layer of riprap and a 6-inch layer of bedding would be placed in front of it to protect the structure against erosion. This wall has the environmental advantage of not requiring the extensive pile driving needed for the sheet-pile wall, can be installed at low tide (in the dry) to the maximum extent practicable, and provides toe protection.

Floating Dock:

The proposed modification would change the previously authorized deepwater fixed dock to a floating dock dimensions 360-foot long by 60-foot wide. The proposed floating dock would be restrained by two (2) reaction dolphins, each requiring four (4) 48-inch steel pilings. Other components of the floating dock include ten (10) large berthing fenders, and ten (10) 30-ton mooring bollards. A mooring dock would be constructed at each end of the floating dock. Each mooring dolphin would consist of one (1) 72-inch diameter pipe pile with a steel fabricated pile cap that includes steel hand railing and a large capstan. Piles are to be driven to a minimum embedment depth of 120 ft. Pile length range is estimated to be 220-250 ft per pile. Two (2) catwalks would connect the floating dock with the two (2) mooring dolphins.

Two (2) 10-foot by 100-foot small boat docks would be attached to the floating dock with two (2) 4-foot by 35-foot connecting gangways. Two (2) 15-foot by 135-foot transfer spans would be constructed to connect the Shepard Point pad to the floating dock to facilitate efficient two-lane traffic (the second transfer span would be constructed in the future). The transfer spans would be designed to accommodate highway legal truck traffic, including utility chases and pedestrian walkways. On the shoreside, two (2) abutments would be constructed to support the transfer spans; each abutment would require four (4) 36-inch piles and a minimum embedment depth of 70-feet each.

Boat Ramp:

The previously authorized 187.5-foot by 60-foot boat ramp would require the installation of an 8-foot by 180-foot boarding float restrained with seven (7) 16-inch piles with a minimum embedment depth of 25 feet. The boat launch ramp would be constructed on a 16.5-percent grade with a top elevation of +25 feet MLLW and a bottom ramp elevation of -9.1 feet MLLW.

Table 1: Shepard Point Marine Facility – Pile Table

| SHEPARD POINT MARINE FACILITY - PILE TABLE | | | | | | |
|--|------------------------|-------------------|---------------|------------------|--------------------------|----------------------|
| | Temp Pile Installation | Temp Pile Removal | Abutment Pile | Mooring Dolphins | Float Restraint Dolphins | Boat Ramp Float Pile |
| Diameter of Steel Pile (inches) | 30 | 30 | 36 | 72 | 48 | 16 |
| Number of Piles | 32 | 32 | 8 | 2 | 8 | 7 |
| Vibratory Pile Driving | | | | | | |
| Total Quantity | 32 | 32 | 8 | 2 | 8 | 7 |
| Max # Piles Vibrated per Day | 6 | 6 | 2 | 0.25 | 2 | 3 |
| Vibratory Time per Pile (minutes) | 10 | 10 | 20 | 60 | 20 | 10 |
| Vibratory Time per Day (minutes) | 60 | 60 | 40 | 15 | 40 | 30 |
| Number of Days | 5.33 | 5.33 | 4 | 8 | 4 | 2.3 |
| Vibratory Time Total (hours) | 5.33 | 5.33 | 2.67 | 2.00 | 2.67 | 1.17 |
| Impact Pile Driving | | | | | | |
| Total Quantity | | | 8 | 2 | 8 | 7 |
| Max # Piles Impacted per Day | | | 2 | 1 | 2 | 3 |
| Number of strikes per Pile | | | 2400 | 2400 | 2400 | 2400 |
| Impact Time per Pile (minutes) | | | 60 | 60 | 60 | 60 |
| Impact Time per Day (minutes) | | | 120 | 60 | 120 | 180 |
| Number of Days | | | 4 | 2 | 4 | 2.3 |
| Impact Time Total (hours) | | | 8 | 2 | 8 | 7 |

There would be a total number of 25 permanent pilings and 32 temporary pilings.

Construction of the floating dock would require the installation and removal of thirty-two (32) 30” template pilings. Installation of piles is anticipated to be completed primarily by vibratory hammer from a barge. Based upon geotechnical borings, no downhole drilling will be required. In some cases where the vibratory hammer meets resistance diesel impact hammer will be employed. Vibratory installation is anticipated to take on average approximately 25 minutes per pile. A total of 53 days of pile driving activity assuming a 25% contingency.

All work would be performed in accordance with the enclosed plan (Figures 1-2, dated February 2026; sheets K1.0 dated December 17, 2025; K2.4 dated June 30, 2023; and sheets 5-12, and 14, dated April 12, 2024).

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 has avoided placing fill material where eelgrass beds are located. Avoiding impacts on intertidal waters would not be possible.
- b. Minimization: The proposed project would result in 25 permanent piles and 32 temporary piles, instead of the previously authorized 213 piles (the previously authorized dock would not be constructed). A draft supplemental Biological Assessment was completed for the

installation of the piles for the floating dock and boat launch. Modeling suggested that noise resulting from installation of the proposed piles is anticipated to lower the area of impact to marine mammals, potentially reducing the marine mammal monitoring exclusion zone as a mitigation measure. To minimize underwater noise, placement of some of the boat ramp's piles and rip rap would occur at low tides. Short-term water quality impacts would be mitigated by implementing an approved Storm water Pollution Prevention Plan. Furthermore, the proposed 3-foot-thick riprap layer of and 6-inch layer of bedding placed under the Wire Wall Sea Wall would reduce erosion potential in the long-term.

- c. Compensatory Mitigation: The permittee is not proposing compensatory mitigation. Compensatory mitigation was not required in the 2017 authorization or in any of the modifications thereafter.

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. The applicant has a current WQC.

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 (NRHP). There are cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the project and immediately adjacent areas. Historic resources in AHRS include COR-00411 (determined eligible on March 31, 1995), COR-00089 (determined not eligible on August 7, 2006), COR-00428 (determined eligible on August 7, 2006), COR-00429 (determined eligible on August 7, 2006), COR-00430 (no determination of eligibility), COR-00433 (no determination of eligibility), and COR-00564 (determined eligible on May 5, 2022).

COR-00411 (Orca Cannery): In 2013 NVE contracted with Kodiak Historical Society and Anchor QEA to re-evaluate the condition (integrity) and NRHP eligibility of the Orca Cannery. In April 2014, Grantham and Bundy conducted field investigations at Orca Cannery releasing their report the following month (Grantham and Bundy 2014). They concluded that Orca Cannery retained integrity and NRHP eligibility and listed contributing and noncontributing structures/buildings of the Historic District. On April 21, 2015, the United States Army Corps of Engineers (USACE) wrote to State Historic Preservation Office (SHPO) requesting review of the OSRF project for the cultural resources at Orca Cannery. On May 6, 2015, SHPO replied noting that the Orca Cannery remained eligible for the NRHP as a historic district under 'Criterion A.' Multiple buildings/structures were noted as contributing elements to the eligibility of the district; other buildings/structures did not contribute. In 2023, during a right-of-way (ROW) survey in the vicinity of Orca Cannery District, it was determined that Water Tank #2, a contributing property to the Orca Cannery Historic District, was identified as being partially within the road ROW. Midnight Sun Environmental, LLC. (MSE) prepared a report (Stern 2023) reviewing previous research that included the water tank and made recommendations to preserve the integrity of the structure. On November 17, 2025, the Federal Highway Administration (FHWA) initiated consultation with SHPO for changes of alignment at the start

point of the road to the Shepard Point pad, which starts in the vicinity of Orca Cannery. Previous consultation with SHPO under Section 106 of the National Historic Preservation Act (NHPA) determined that there would be no adverse effects to the Orca Cannery Historic District because the project avoided or mitigated adverse effects. As road construction advanced during the summer of 2025, engineers identified the need to re-route the starting point of the road further from the Orca Cannery Historic District and extending it into a parcel of land owned by the City of Cordova. MSE conducted a Phase I/II cultural resource survey on this parcel of land. The report recommended that no historic properties were affected by the purchase of such parcel and its use as the road's ROW. The FHWA-Office of Tribal Transportation concurred with that recommendation and sought SHPO's concurrence on their finding that no historic properties were affected by the rerouting of the road. On November 24, 2025, SHPO concurred with the FHWA-Office of Tribal Transportation finding.

COR-00089 (Shepard Point Cannery complex): In 2006 Sutton noted that the design and her cultural resource survey showed that no historic properties were within the direct Area of Potential Effects (APE). However, two buildings at the Shepard Point Cannery complex were within the indirect APE and could be potentially impacted by inadvertent ground disturbance (COR-00428, Shepard Point Mess Hall Building and COR-00429, Shepard Point Orientals' Mess Hall). On June 27, 2006, SHPO rescinded NRHP-eligibility for COR-00089; only COR-00428 and COR-00429 were determined eligible under Criterion D.

COR-00428 (Shepard Point Mess Hall) and COR-00429 (Shepard Point Orientals' Mess Hall): For the DA permit issued on October 16, 2017, USACE required implementation of mitigation measures to prevent impacts during project construction to two properties eligible at the time for the NRHP (Shepard Point Mess Hall and Shepard Point Orientals' Mess Hall). These measures included barricading and signage of these sites, as well as archeological monitoring. During the first modification of the permit, USACE made a determination of 'No Historic Properties Affected' because the authorized modification work would avoid both the Shepard Point Mess Hall and the Shepard Point Orientals' Mess, which had been determined eligible in the 2006 Final Environmental Impact Statement (FEIS). In 2018, NVE anticipated that the Mess Hall and Orientals Mess would need to be demolished and removed to construct the OSRF. A Memorandum of Agreement (MOA) was signed between SHPO and stakeholders (Bureau of Indian Affairs, NVE, TEC, and Chugach Alaska Corporation) on field methods for cultural resource data recovery, design of a master plan to thoroughly investigate the two mess-hall sites (COR-00428 and COR-00429), and mitigation for the anticipated impacts. After data recovery field work was completed, SHPO concluded that the work outlined in the MOA was completed and the MOA was formally closed on July 22, 2021. The proposed project would not impact the mess halls because what remains after data recovery is outside the construction zone; therefore, we have made a no effect determination.

COR-00564 (five buildings constructed after the Canning Company's facility fire in 1945): Under the evaluation of the first permit modification, USACE conducted consultations with SHPO between February 7, 2022, and May 2, 2022. At the time SHPO requested that a historic context be developed for COR-00564. On April 25, 2022, USACE provided document titled, "*Determination of Eligibility Report Alaska Heritage Resources Survey Site 49-COR-00564 Shepard Point Vicinity*" and additional information on April 28, 2022, with a finding that

COR-00564 was not eligible for listing in the NRHP. On May 5, 2022, SHPO concurred with USACE's finding of no historic properties affected.

In summary, the proposed modification would have no effect on COR-00411 because proposed work would not occur at or near the Orca Cannery. The area of fill follows the face of the Shepard Point pad in intertidal waters, where no historic resources have been identified. Also, the change of design from a fixed dock to a floating dock would not change the previous determination of effect to historic resources because the footprint is smaller and within the original authorized permit area. Therefore, USACE has determined the proposed modification would have no effects to historic properties. We are requesting SHPO's concurrence with this determination. 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 modification will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Western North Pacific distinct population segment (DPS) humpback whales (*Megaptera novaeangliae*), Mexico DPS humpback whales (*Megaptera novaeangliae*), and western DPS Steller sea lions (*Eumetopias jubatus*). National Marine Fisheries Service (NMFS) issued a letter of concurrence [ESA Section 7 Consultation on Shepard Point Oil Spill Response Facility, NMFS #AKR- 2017-9692] on October 6, 2017. NMFS concurred with the USACE's determination that the proposed action may affect, but is not likely to adversely affect, Western North Pacific DPS humpback whales, Mexico DPS humpback whales, or western DPS Steller sea lions.

FHWA, Office of Tribal Transportation, submitted a supplemental Biological Assessment for the Cordova OSRF prepared by MSE to support USACE review of this permit modification. The analysis concludes that the modified design would result in effects that are equal to or less than environmental impacts analyzed in previous modifications (MSE 2026). There is no new information indicating changes in species status or occurrence within the action area, and calculated harassment distances remain well within the previously established 1,050-meter monitoring and exclusion zone. NVE requested a reduction in the pile-driving exclusion zone distance to 650 meters for the humpback whale and 250 meters for the Steller sea lion based on the new modeling. Potential effects on non-marine mammal species, including the sunflower sea star (*Pycnopodia helianthoides*), currently proposed as threatened under the ESA, are expected to be insignificant or discountable due to limited suitable habitat within the construction footprint and low encounter probability. Based on the supplemental Biological Assessment and supporting acoustic modeling, FHWA determined that, with implementation of marine mammal monitoring and the proposed exclusion zones, the proposed project modification "may affect but is not likely to adversely affect" the Western DPS of the Steller sea lion, and both the Western North Pacific and Mexico DPS of the humpback whale. On February 27, 2026, NMFS concurred with FHWA determination that the changes proposed under Modification 4 do not alter any of the previous effects determinations, and the effects are smaller in scope than originally anticipated. NMFS concurred that these changes do not affect the previous effects analysis or determinations, nor do they change any mitigation measures NMFS had suggested. If the amount or extent of incidental take is exceeded, new information

reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, or the action is modified in a manner causing effects to listed species or critical habitat not previously considered, or, a new species is listed or critical habitat designated that may be affected by the action reinitiation of consultation would be required.

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 the known range of all five species of Pacific salmon, as well as Pacific cod (*Gadus macrocephalus*), flathead sole (*Hippoglossoides elassodon*), walleye pollock (*Theragra chalcogramma*), yellowfin sole (*Pleuronectes asper*), sablefish (*Anoplopoma fimbria*), rock sole (*Lepidopsetta polyxystra* and *L. bilineata*), rex sole (*Errex zachirus*), arrowtooth flounder (*Atheresthes stomias*), and sculpin (*Scorpaenidae spp.*).

On July 13, 2017, USACE initiated EFH consultation with NMFS during the evaluation of the DA permit application. In letter dated August 2, 2017, NMFS provided five EFH recommendations to USACE, which included, 1) to the maximum extent possible, avoid and minimize fill as described in the Mitigation Plan; 2) fill be sloped to maintain shallow water, photic zone productivity, allow for unrestricted fish migration, and provide refuge for juvenile fish; 3) in marine areas with kelp and other aquatic vegetation, fill (including artificial structure fill reefs) should be designed to maximize kelp colonization and provide areas for juvenile fish to shelter from high currents and predators; 4) fill materials should be pH tested and be within the neutral range of 7.5 to 8.4 pH. In marine waters, this pH range will maximize colonization of marine organisms. Excessively alkaline or acidic fill material should not be used; 5) complete in-water work within intertidal and shallow subtidal areas during low tide cycles.

On March 4, 2022, during the public review period for Modification 1, NMFS submitted a letter to USACE stating that the proposed modification was similar to Alternative 4 of the 2006 FEIS. At the time, NMFS offered the following conditions for EFH Conservation Recommendations (CR): 1) The proposed Orca Creek stream crossing should adhere to the Culvert Design Guidelines for Ecological Function, Alaska Fish Passage Program (USFWS 2021); 2) to the maximum extent possible, avoid and minimize fill as described in the Mitigation Plan; 3) fill be sloped to maintain shallow water, photic zone productivity, allow for unrestricted fish migration, and provide refuge for juvenile fish; 4) in marine areas with kelp and other aquatic vegetation, fill (including artificial structure fill reefs) should be designed to maximize kelp colonization and provide areas for juvenile fish to shelter from high currents and predators; 5) fill materials should be pH tested and be within the neutral range of 7.5 to 8.4 pH. In marine waters, this pH range will maximize colonization of marine organisms. Excessively alkaline or acidic fill material should not be used; 6) complete in-water work within intertidal and shallow subtidal areas during low tide cycles.

On May 19, 2022, USACE provided responses to NMFS EFH CR. EFH CR #1: It was withdrawn by NMFS. EFH CR #2: Modification 1 would incorporate additional avoidance and

minimization measures since the referenced Mitigation Plan, including a reduced acreage of fill into marine waters and construction of bridges in all fish bearing streams. EFH CR #3: the riprap slope along the road in marine waters will be 1.5H:1V (1.5:1). With exception to the last 500 feet of the road, all riprap slopes in intertidal waters were to begin on benches located at 23 feet elevation bench and/or at 7 feet above the original bottom elevation of the EFH substrate to facilitate fish migration (riprap creates open space for juvenile refuge and escapement). On the last 500 feet of the road before Shepard Point, the riprap slope is 1H:1V to reduce sheet-pile wall length and avoid encroachment on eelgrass beds. EFH CR #4: USACE considered this EFH CR was met with implementation of EFH CR #3 (large riprap rock and benches would provide shelter for juvenile fish and substrate for kelp and other marine organisms to colonize). EFH CR #5: USACE stated that because the permittee will be using a native, in-situ, material from project cut sections and may be of various sizes (no material is proposed to be brought from other sources), is the same rock eroded along the shoreline and streams and deposited along Orca Inlet during natural processes, etc., pH testing was not necessary. EFH CR #6: USACE considers that limiting placement of fill exclusively to periods of low tides rather than to the extent practicable would substantially reduce the number of available working hours available in a region with a limited construction season. Costs could escalate substantially without a reasonable benefit to the environment. Fill material is predominately rock with little to no fine material subject to sediment transport. NVE would have a Storm Water Pollution Prevention Plan implemented by the Contractor to reduce the potential for sediment transport. Implementation of Best Management Practices associated with the project should be sufficient in minimizing erosion and sedimentation from fill placement. Special conditions #6 and #20 of Modification 1, which were developed to address EFH CR #6, would remain in full force and effect.

USACE has determined previous EFH concerns were addressed during consultation with NMFS between March 4, 2022, and May 19, 2022. USACE requests concurrence from NMFS regarding the application of the existing EFH consultation to the proposed modifications. Any comments or recommendations they may have concerned EFH will be considered in our final assessment of the work described.

TRIBAL CONSULTATION: USACE 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 USACE, 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. Any comments federally 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 USACE's 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.

USACE 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 USACE 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

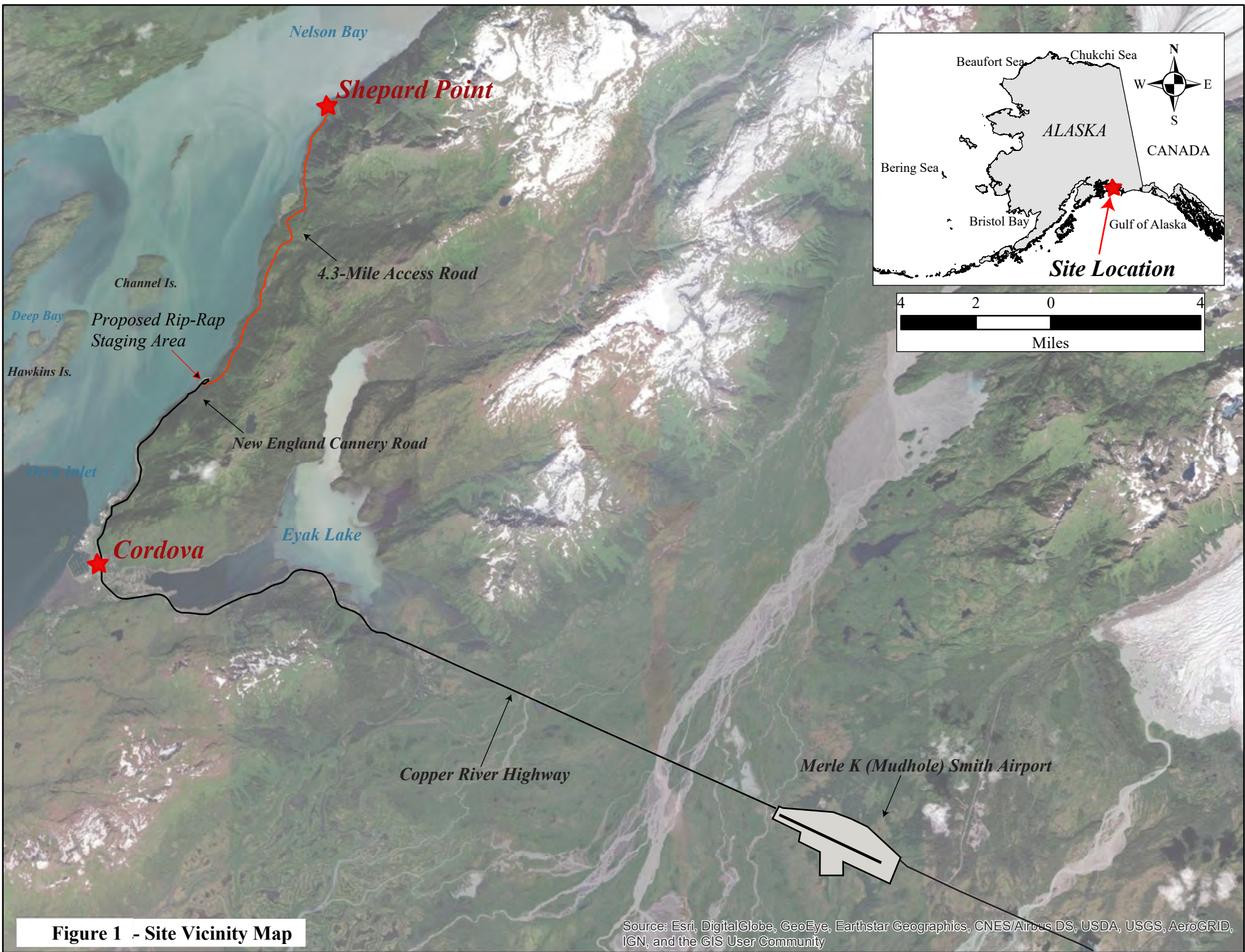
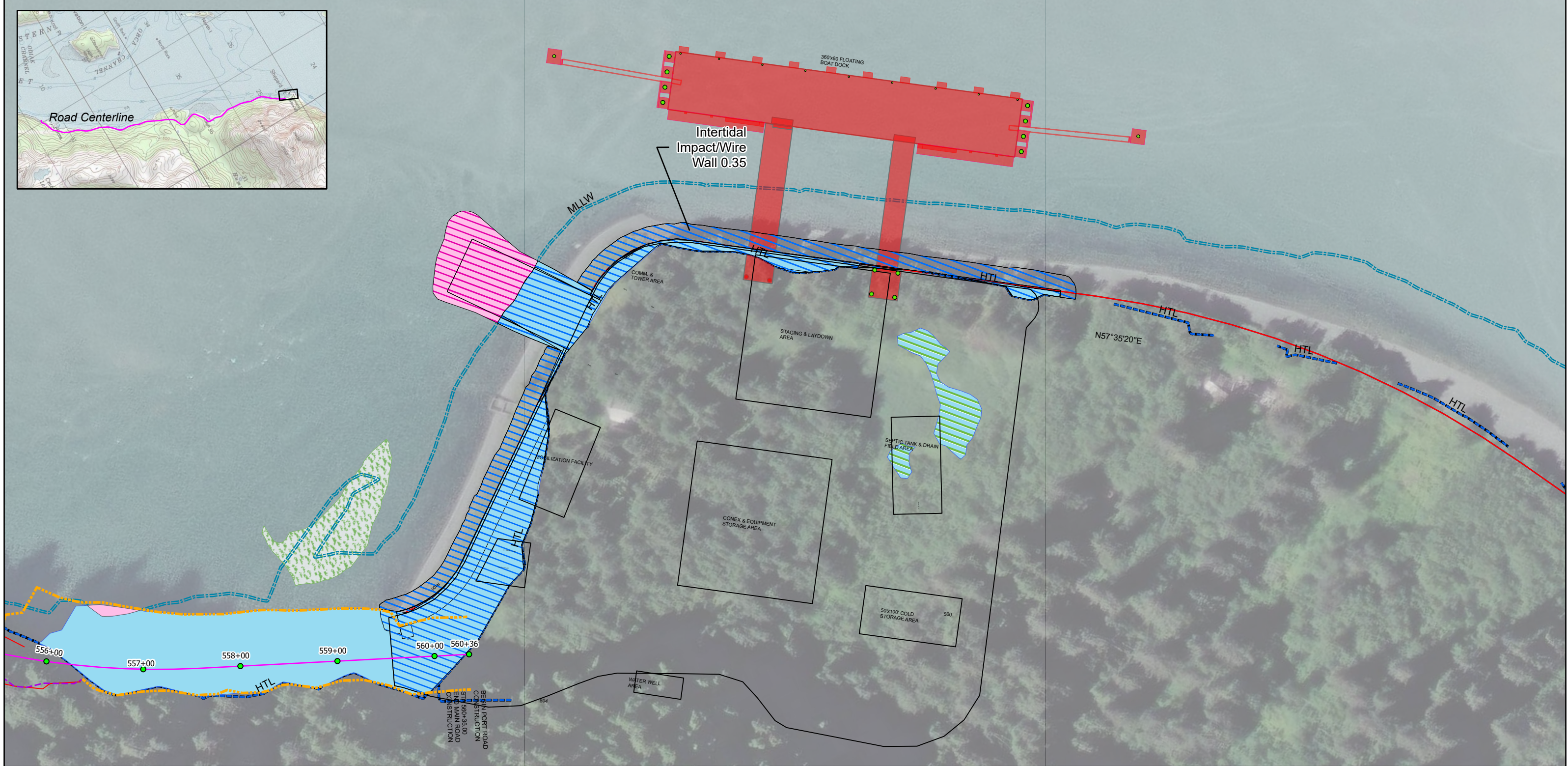
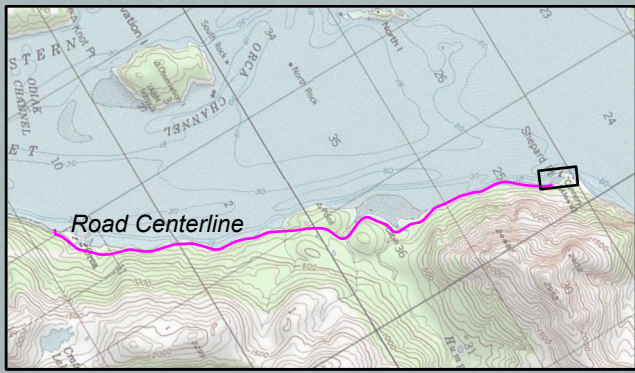


Figure 1 - Site Vicinity Map

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SHEPARD POINT OIL SPILL RESPONSE FACILITY PROJECT
 APPLICANT: NATIVE VILLAGE OF EYAK
 FILE NO.: POA-1994-1014, ORCA INLET
 PROPOSED ACTIVITY:
LINEAR TRANSPORTATION PROJECT
ORCA INLET
PRINCE WILLIAM SOUND
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

Bristol
 ENGINEERING SERVICES COMPANY, LLC

Native Village of Eyak

MSE Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:
 60 37' 51.45" N
 145 40' 18.82" W
February 2026
Figure 2 - Site Plan
 0 45 90 180
 Feet

Legend

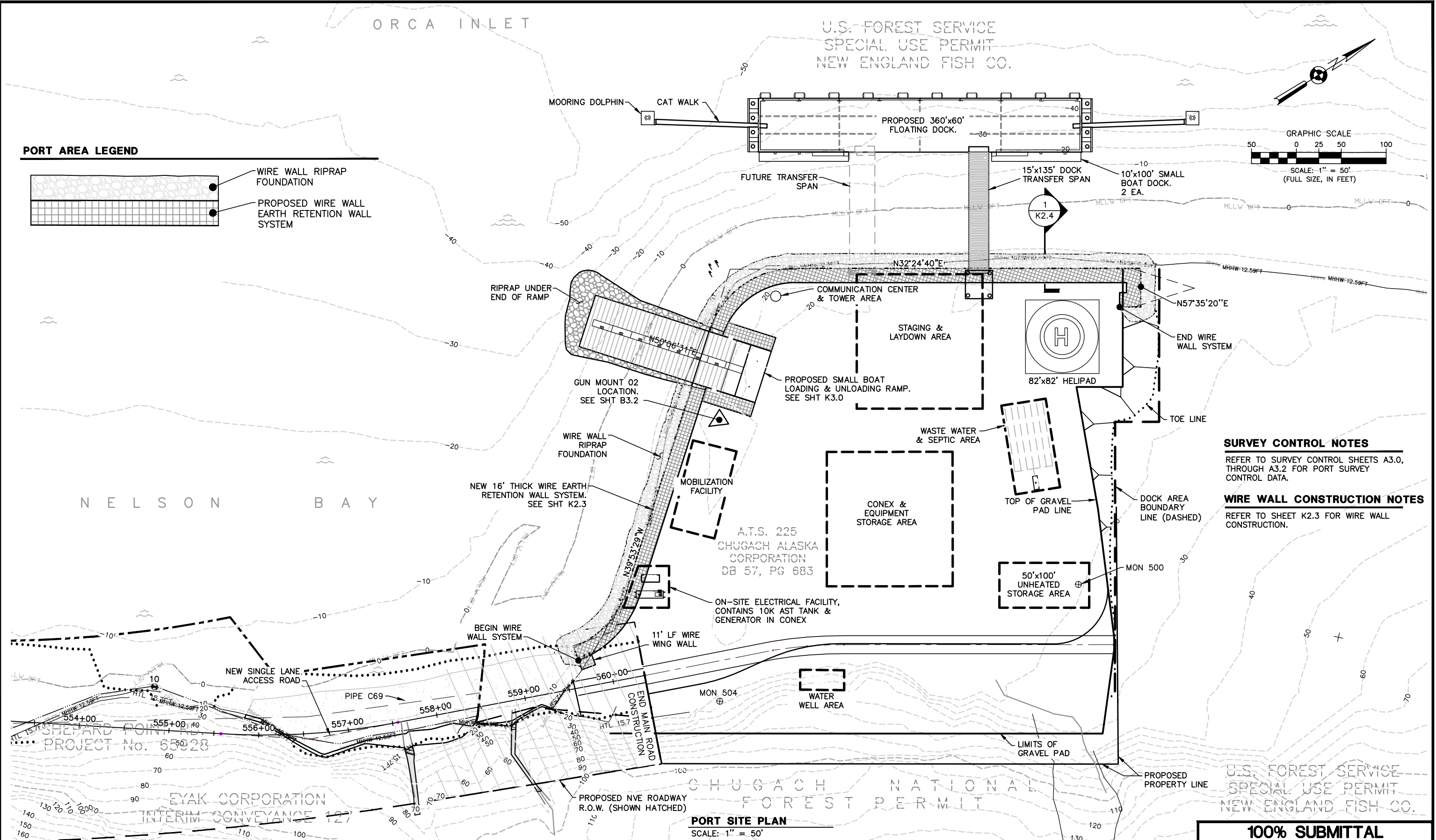
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 Moring Dolphins

MOD4 Alignment Impacts

2025_Subtidal_Impacts
 2025_Intertidal_Impacts
 2026 Subtidal Impacts MOD4
 2026 Intertidal Impacts MOD4
 2024_Eelgrass_ALL
 Wetlands

User: JGROVES Dec 17, 2025 - 11:17am
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 Xrefs: (DIESEL evaluation failed) - Images: EYAK LOGO.JPG



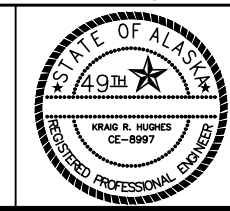
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Project No. 32180055

Bristol

ENGINEERING SERVICES COMPANY, LLC

License Number: AECC697 Phone (907) 563-0013



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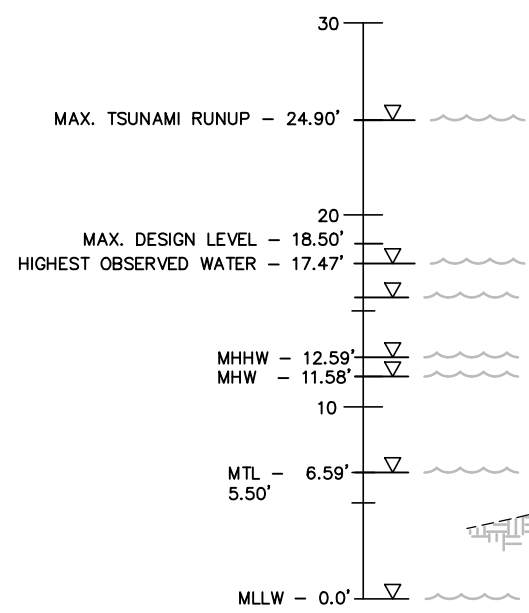
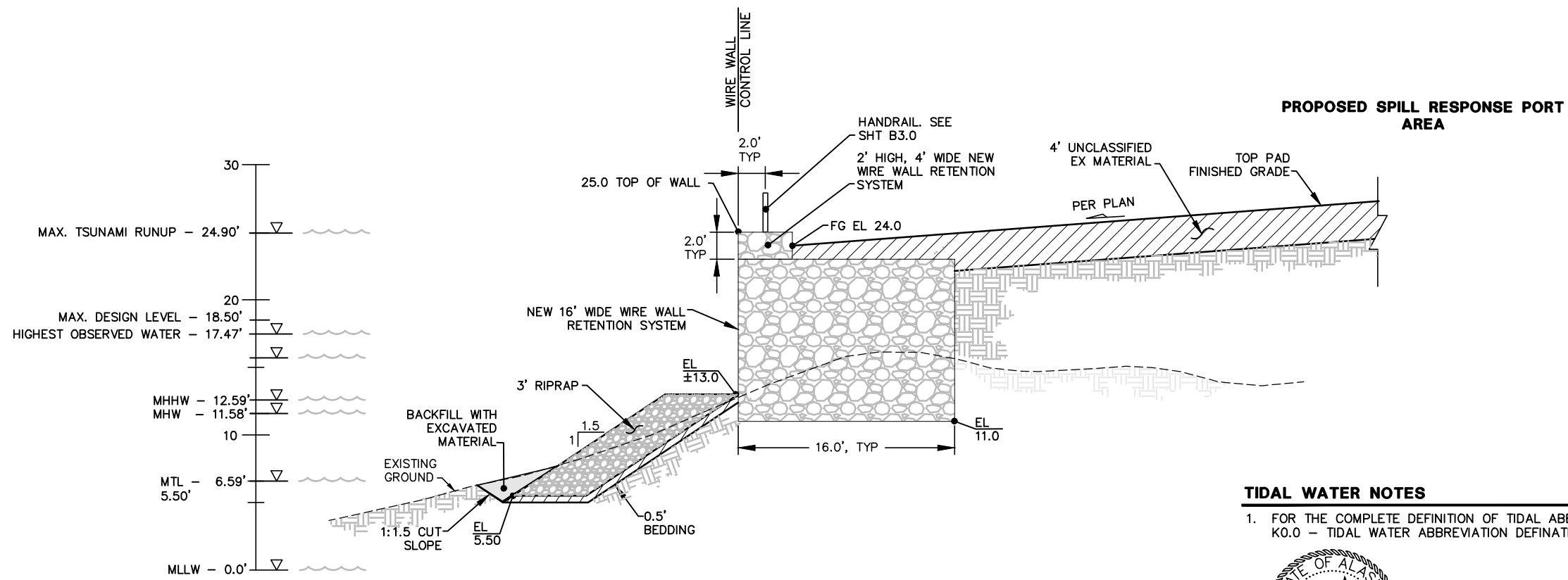
SHEPARD POINT OIL SPILL RESPONSE ACCESS ROAD
EYAK, ALASKA

**SHEPARD POINT PORT AREA
SITE PLAN**

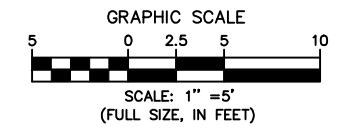
SCALE: SHOWN DESIGNED: NKG CHECKED: KRH DRAWN: JDG DATE: 12/17/2025 SHEET - OF -

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| SHEET NO. | K1.0 |
| SHEET - OF - | - - |

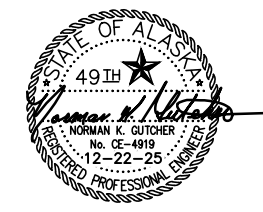
User: JGROVES Feb 13, 2026 - 1:31pm
 Drawing: C:\USERS\JGROVES\ONE DRIVE - BRISTOL INDUSTRIES, LLC\32180055 SHEPARD PT ENG\ACAD-DESIGN\CONSTRUCTION\32180055_K-SERIES_PORT_SECTIONS & DTLS.DWG - Layout: K2.4
 Xrefs: (DIESEL evaluation failed) - Images: EYAK LOGO.JPG



WIRE WALL SECTION SECTION B - B'
 SCALE: AS SHOWN



- TIDAL WATER NOTES**
- FOR THE COMPLETE DEFINITION OF TIDAL ABBREVIATIONS, SEE SHEET KO.0 - TIDAL WATER ABBREVIATION DEFINATIONS.

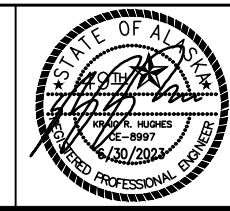


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| REVISIONS | | | | | | | |
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Project No. 32180055

Bristol
 ENGINEERING SERVICES COMPANY, LLC
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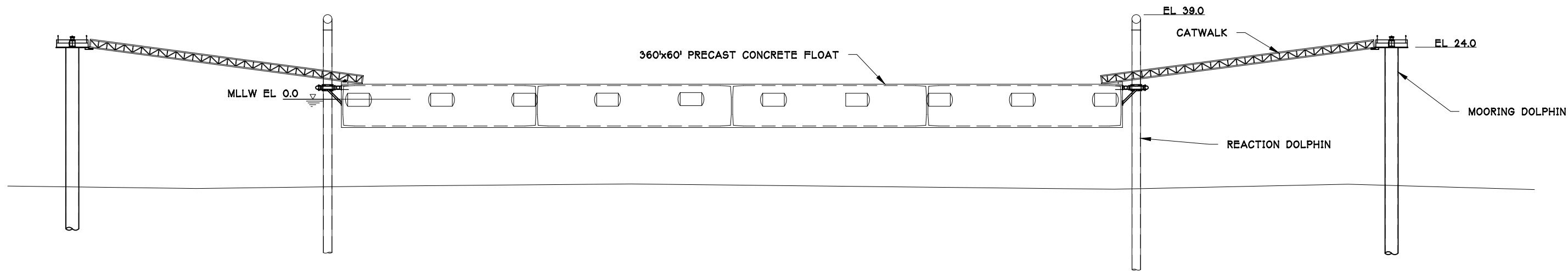


SHEPARD POINT OIL SPILL RESPONSE ACCESS ROAD
 EYAK, ALASKA

SHEPARD POINT PORT WIRE WALL SECTIONS & DETAILS

SCALE: SHOWN DESIGNED: KRH CHECKED: KRH DRAWN: JDG DATE: 6/30/2023

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| SHEET NO. | K2.4 |
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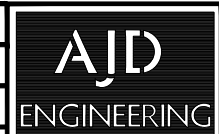


ELEVATION AT MLLW (0.0)

PRELIMINARY 4/12/2024

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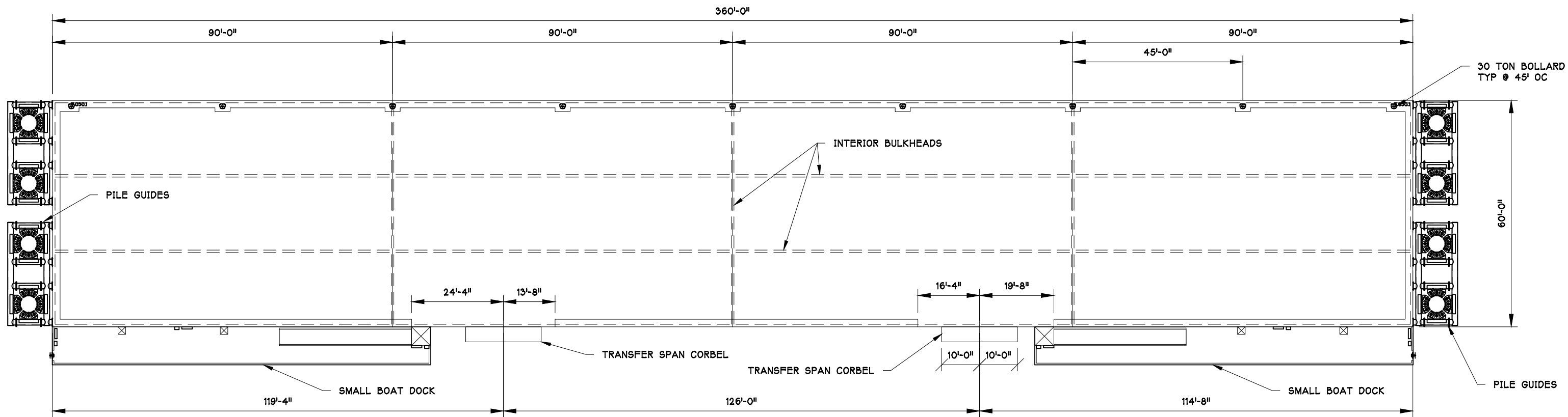
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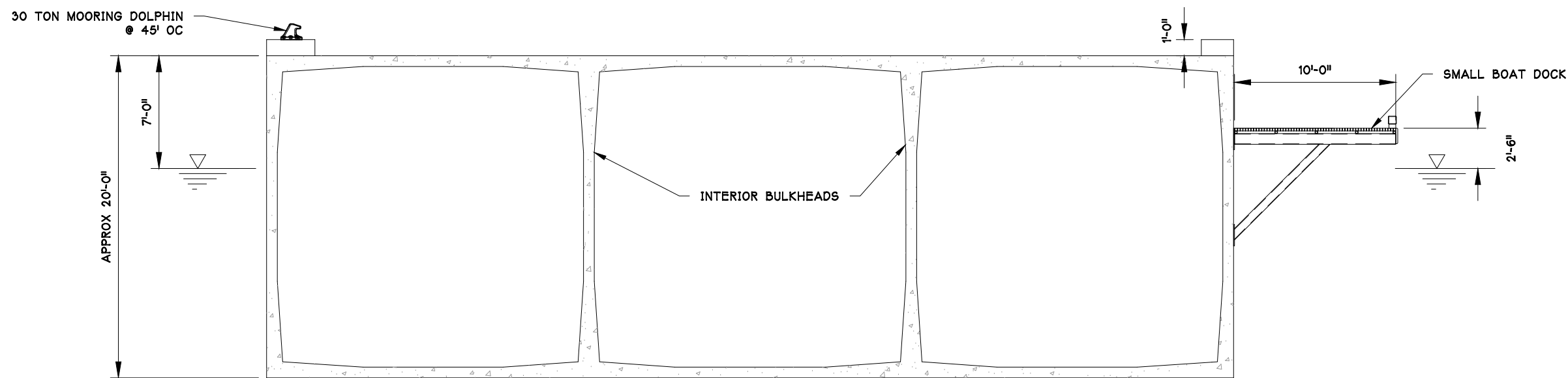
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| SHEPARD POINT OIL SPILL RESPONSE FACILITY GENERAL ARRANGEMENT OFFSHORE ELEVATION | | | |
| DATE: Apr 2024 | JOB NO. | SHEET: 5 OF 4 | REVISED: |
| DRAWN BY: AJD | | CHECKED BY: | APPROVED BY: DJJ |

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| SHEET NUMBER | NO. |
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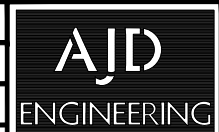
FLOAT PLAN



TYPICAL SECTION

PRELIMINARY 4/12/2024

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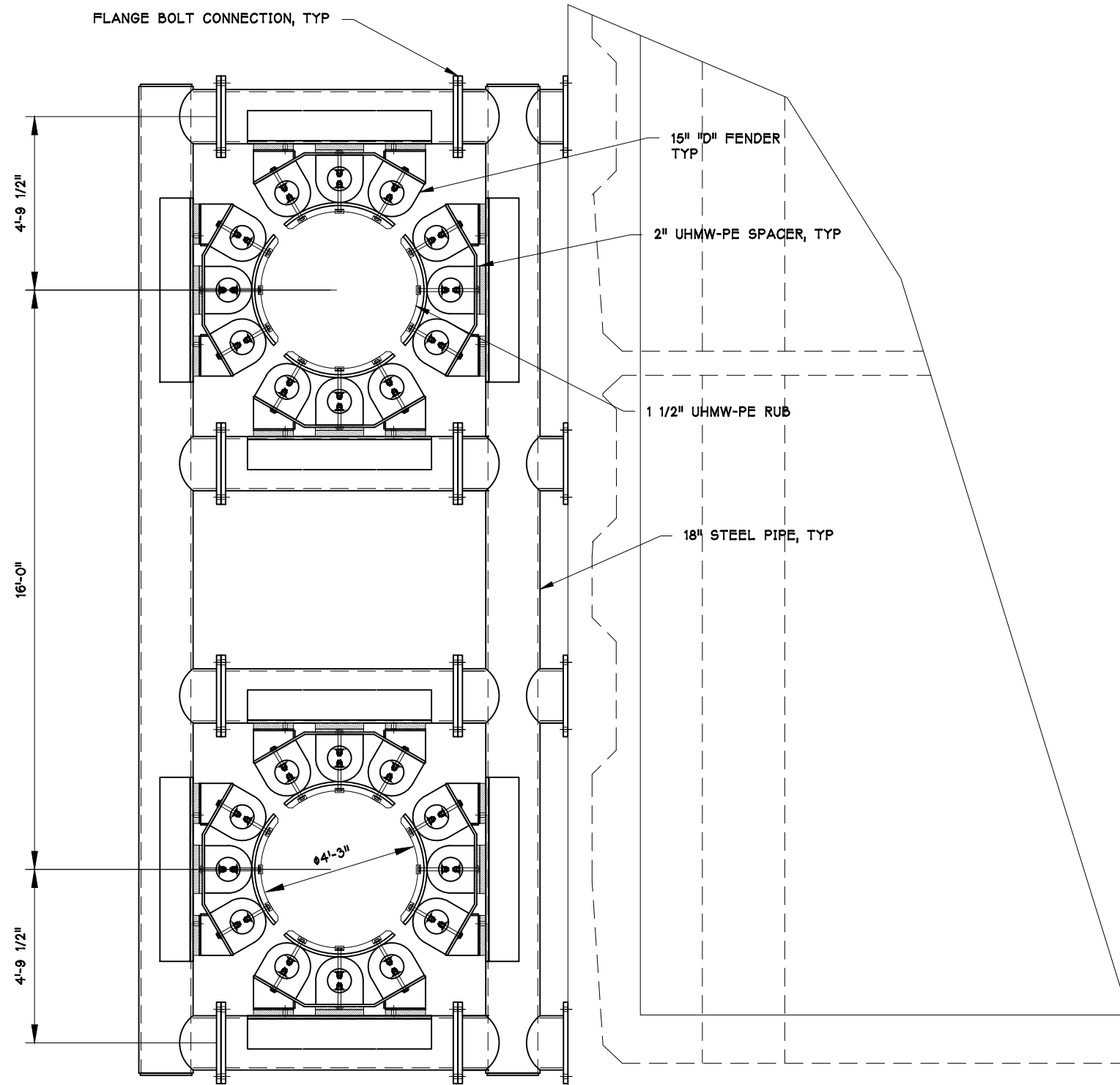
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| SHEPARD POINT OIL SPILL RESPONSE FACILITY 360'x60' FLOAT PLAN & SECTION | | | |
| DATE: Apr 2024 | JOB NO. | SHEET: 7 OF 7 | REVISED: |
| DRAWN BY: AJD | CHECKED BY: | APPROVED BY: DJJ | |

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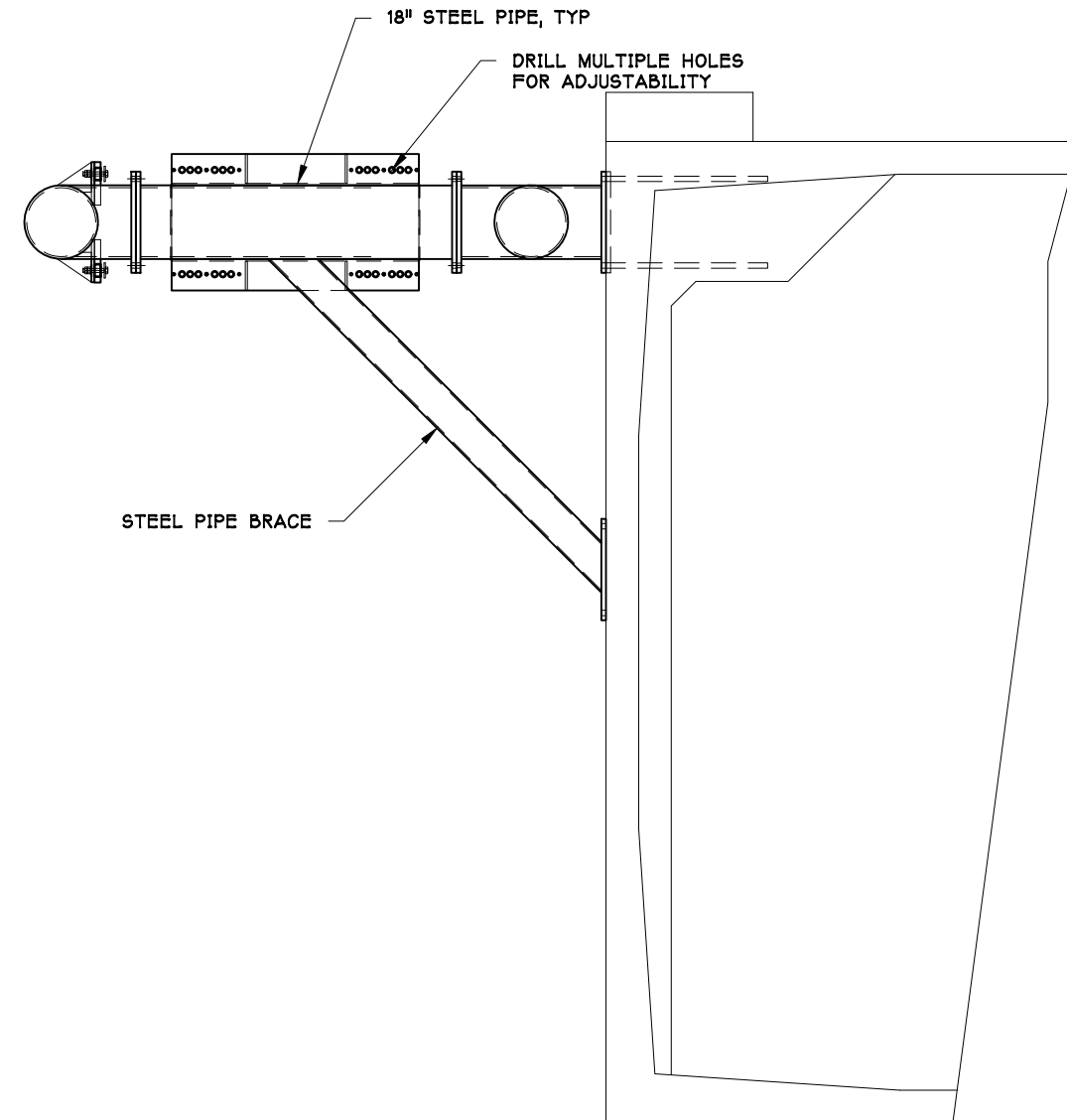
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FLANGE BOLT CONNECTION, TYP



PLAN

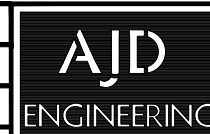


SIDE ELEVATION

PILE GUIDE

PRELIMINARY 4/12/2024

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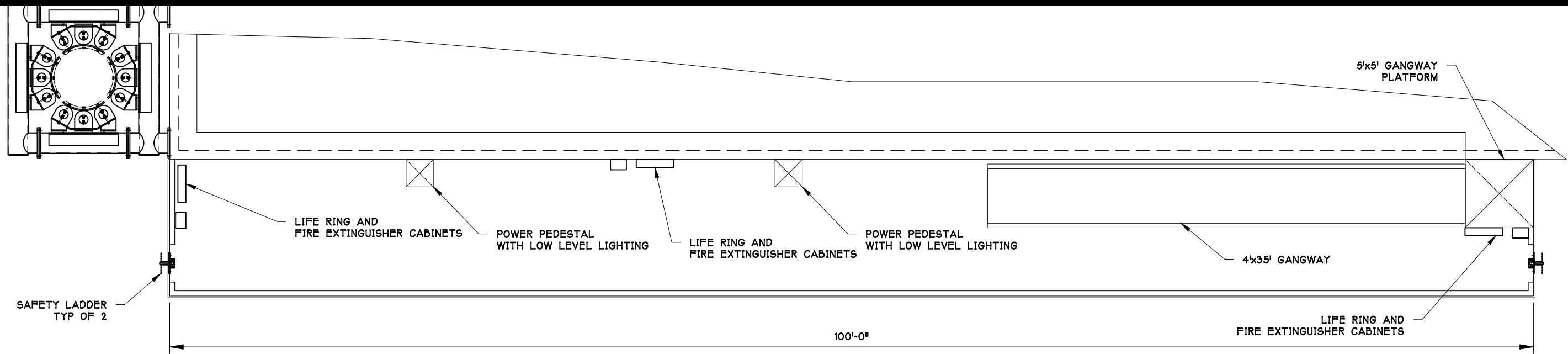
SHEPARD POINT
OIL SPILL RESPONSE FACILITY
360'x60' FLOAT
PILE GUIDES

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| DATE: Apr 2024 | JOB NO. | SHEET: 8 OF 4 | REVISED: |
| DRAWN BY: AJD | | CHECKED BY: | APPROVED BY: DJJ |

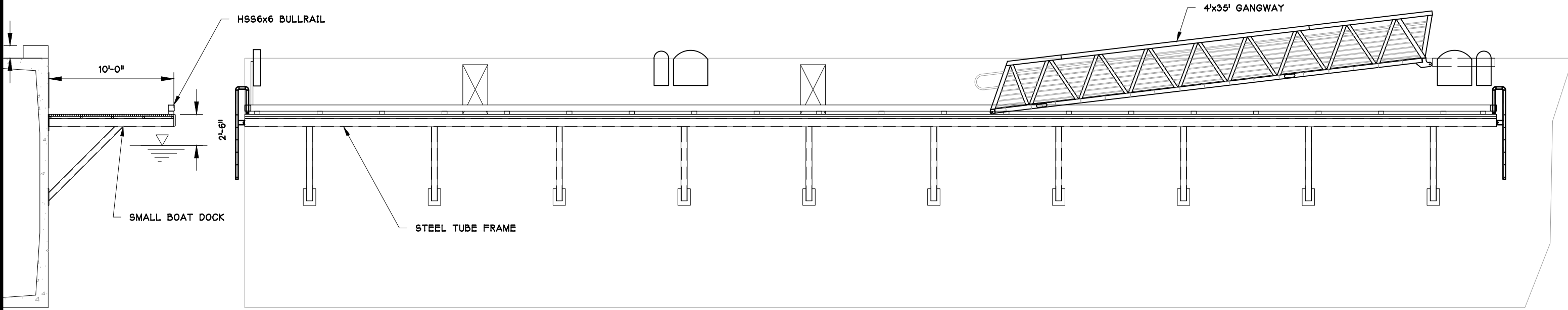
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| 8 | |

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PLAN



SIDE ELEVATION

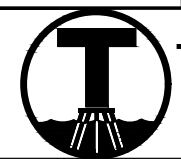
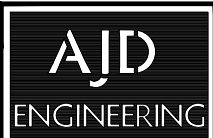
FRONT ELEVATION
SMALL BOAT DOCK

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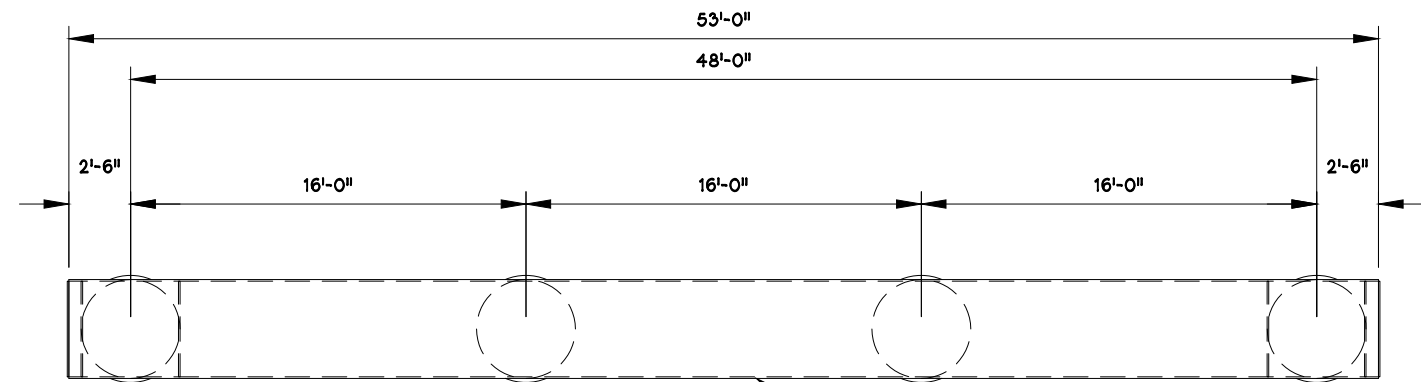
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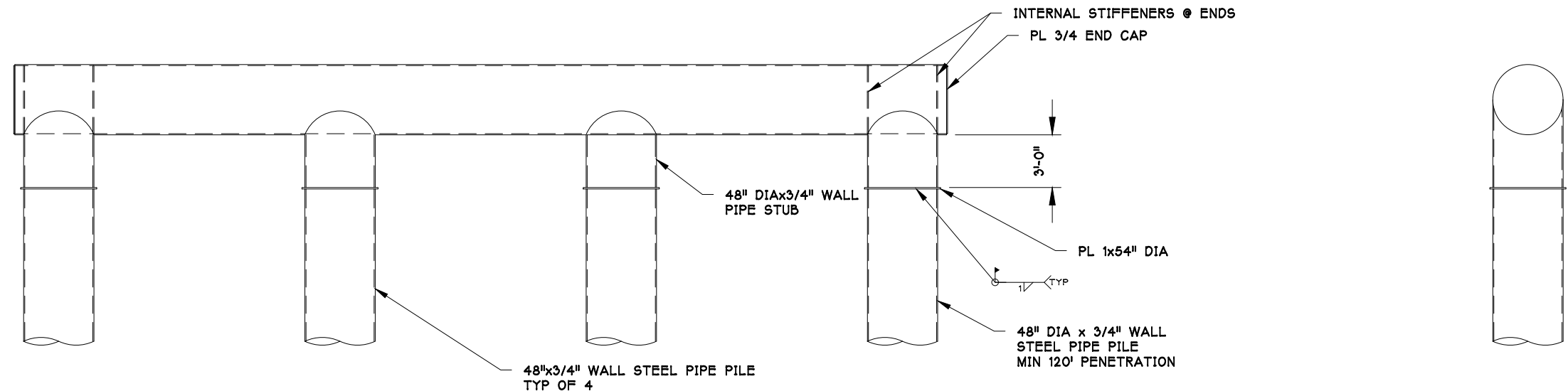
SHEPARD POINT
OIL SPILL RESPONSE FACILITY
SMALL BOAT DOCK

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| DATE: Apr 2024 | JOB NO. | SHEET: 9 OF 4 | REVISED: |
| DRAWN BY: AJD | | CHECKED BY: | APPROVED BY: DJJ |

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| SHEET NUMBER | NO. |
| 9 | |



PLAN
48"x3/4" WALL STEEL PIPE

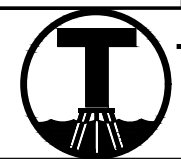
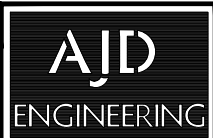


FRONT ELEVATION
REACTION DOLPHIN

PRELIMINARY 4/12/2024

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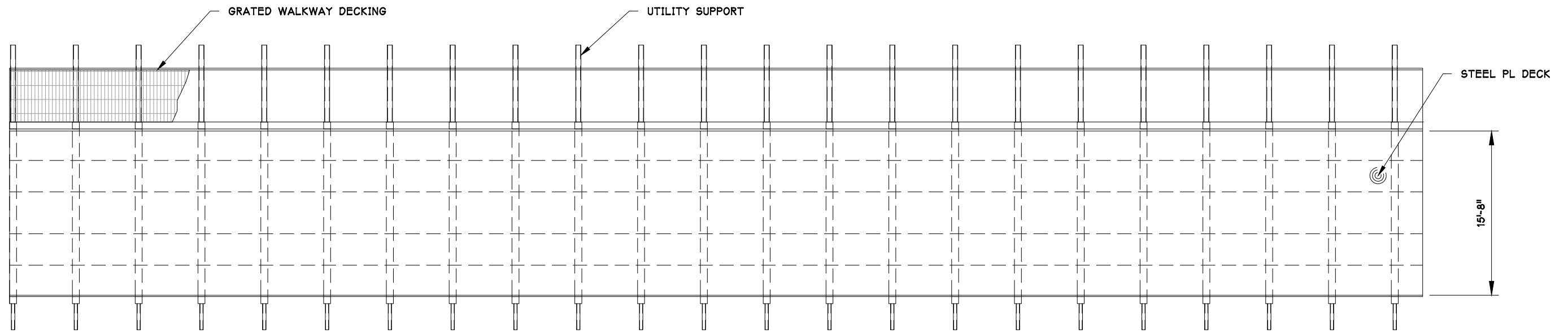
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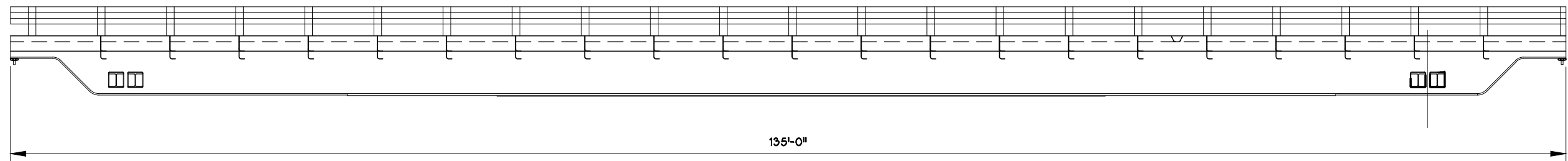
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| SHEPARD POINT OIL SPILL RESPONSE FACILITY REACTION PILE DOLPHIN | | | |
| DATE: Apr 2024 | JOB NO. | SHEET: 10 OF 10 | REVISED: |
| DRAWN BY: AJD | CHECKED BY: | APPROVED BY: DJJ | |

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| 10 | |

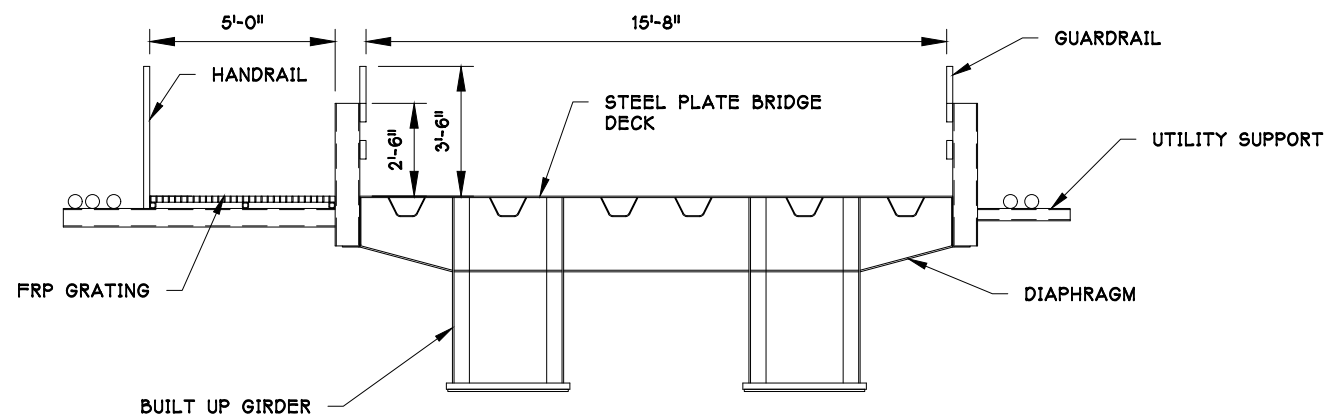
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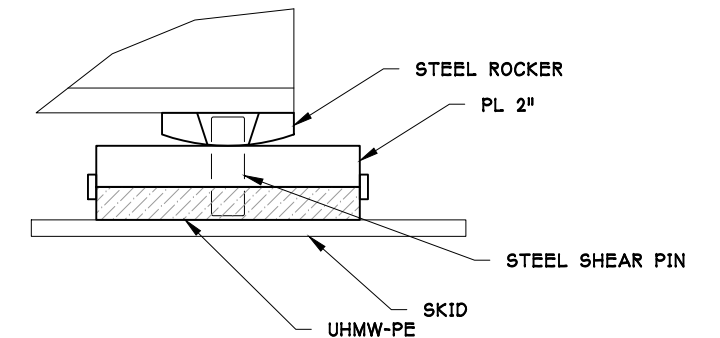
PLAN



SIDE ELEVATION
TRANSFER SPAN



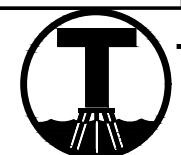
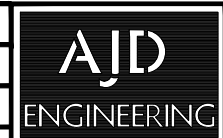
TYPICAL SECTION



SLIDE BEARING

PRELIMINARY 4/12/2024

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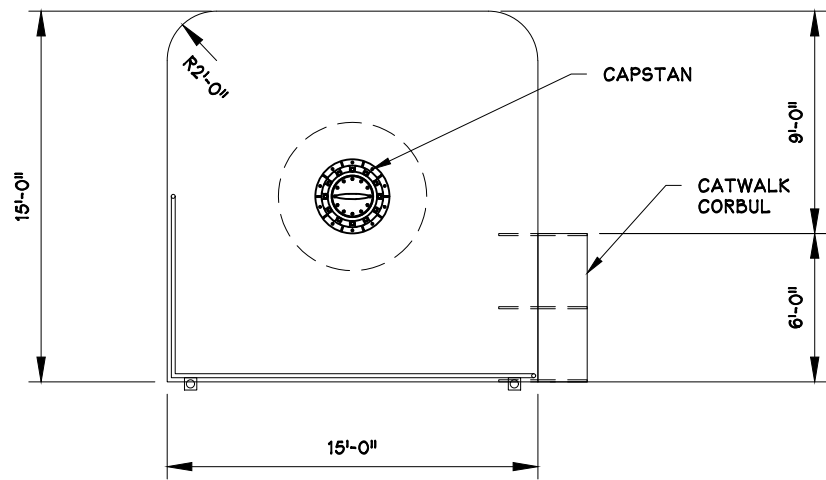
Turnagain
Marine Construction

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| SHEPARD POINT OIL SPILL RESPONSE FACILITY TRANSFER SPAN | | | |
| DATE: Apr 2024 | JOB NO. | SHEET: 11 OF 1 | REVISED: |
| DRAWN BY: AJD | CHECKED BY: | APPROVED BY: DJJ | |

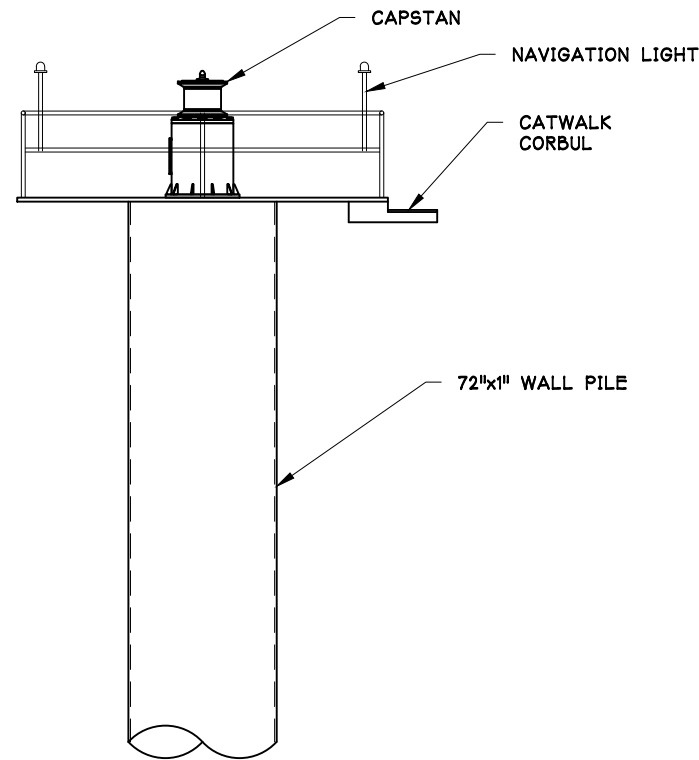
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| 11 | |

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PLAN

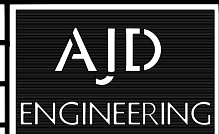


FRONT ELEVATION

MOORING DOLPHIN

PRELIMINARY 4/12/2024

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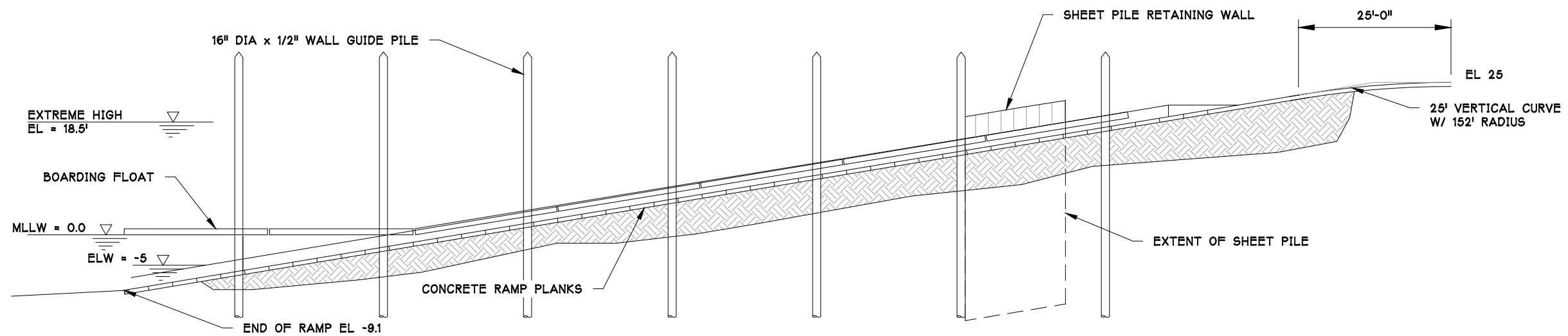
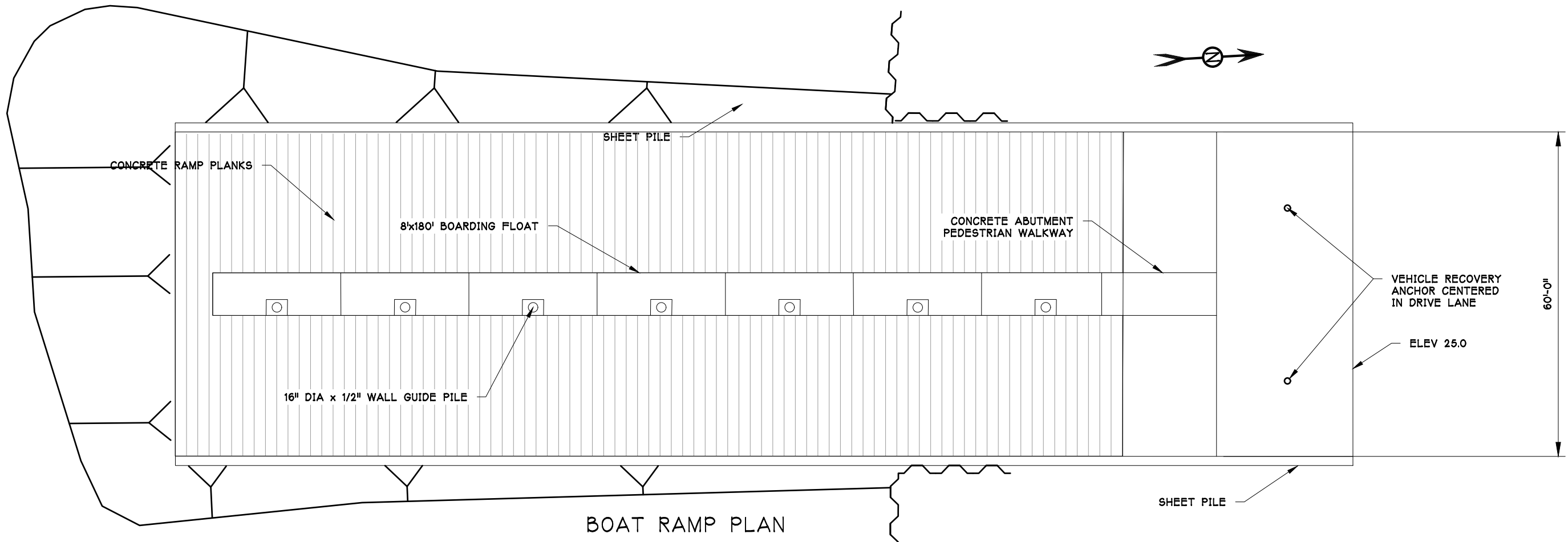


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| SHEPARD POINT OIL SPILL RESPONSE FACILITY MOORING DOLPHIN | | | |
| DATE: Apr 2024 | JOB NO. | SHEET: 12 OF 4 | REVISED: |
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| 12 | |

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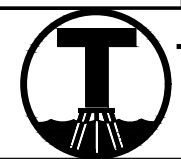
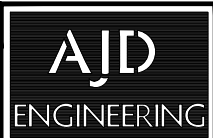
BOAT RAMP ELEVATION

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SHEPARD POINT
OIL SPILL RESPONSE FACILITY
BOAT RAMP

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| DATE: Apr 2024 | JOB NO. | SHEET: 14 OF 14 | REVISED: |
| DRAWN BY: AJD | | CHECKED BY: | APPROVED BY: DJJ |

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