



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 6898  
JBER, AK 99506-0898

May 31, 2022

Regulatory Division  
POA-1994-01014-M1

Bertrand Adams  
Executive Director of The Native Village of Eyak  
P.O. Box 1388  
Cordova, Alaska 99574

Dear Mr. Adams:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-1994-01014-M1, Orca Inlet. This is the 1st permit modification of the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil), by mail at the address above, by phone at (907) 753-2772, or toll free from within Alaska at (800) 478-2712, if you have questions. For more information about the Regulatory program, please visit our website at [www.poa.usace.army.mil/Missions/Regulatory](http://www.poa.usace.army.mil/Missions/Regulatory).

Sincerely,

  
Bryan A. Herczeg  
Project Manager

Enclosures



**DEPARTMENT OF THE ARMY**  
**ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
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May 31, 2022

Regulatory Division  
POA-1994-01014-M1

**DEPARTMENT OF THE ARMY**  
**PERMIT MODIFICATION**

Department of the Army permit (DA) number POA-1994-01014-M1, Orca Inlet, was issued to The Native Village of Eyak on October 16, 2017, to construct the Cordova Oil Spill Response Facility (COSRF) which included the following components:

Access road - Extend New England Cannery Road to Shepard Point. The road extension will be two lanes (32-foot top width) in the uplands, and single lane (16-foot top width) in areas requiring tideland fill. Minimum road surface elevation will be 20-feet above mean lower low water (MLLW). The roadway will be armored with coarse riprap on the Orca Inlet side.

The road will span Unnamed and Humpback Creeks with bridges. Approaches, abutments, and piers will be located above the ordinary high water mark (OHWM) with no fill placed in the creeks. The other drainages will be crossed using culverts. Bridges and culverts are designed to pass a 100-year flood event. Road material, including the crushed rock surface, will be obtained from roadway cuts. No off-site material sources are anticipated. Avalanche mitigation measures will be incorporated into the road where required.

Deepwater dock - The 364-foot long, pile supported dock will be dedicated to oil spill response. Major components include the wharf, mooring dolphins, trestle, staging area, and small boat launch. The wharf, dolphins, and trestle will be supported by 213, 24-inch steel piles. The dolphins and dock will provide 635-feet of moorage. The 3.5-acres staging area includes an administrative building, a wastewater treatment facility, watertight storage for OSR equipment, a movable crane, fuel tanks, a contaminated vessel washdown area with a water recycling system and storage tanks, a water well and electricity. The boat launch ramp will be constructed on a 12-percent grade with a top elevation of +20 feet MLLW and a bottom ramp elevation of -4 feet MLLW.

This is the 1st modification of the original permit. The permit is hereby modified as follows:

1) Modify road alignment near Humpback Creek: Adjust the road alignment to go around Humpback Mountain to the west rather than the east to avoid potential impacts on the Cordova Electric Cooperative (CEC) penstock tunnel. The realigned road will cross Humpback Creek via a 200-foot clear span bridge downstream of the CEC powerhouse tailrace.

2) Reduce the road length from 4.5 miles to 4.32 miles: The previously permitted road section will be replaced with a T intersection to allow continued access to Orca Lodge, which would be cut off by 2017 DA permit. Excluding a short double lane section of road near the start of the project, the road will be single lane with a gravel surface and include intervisible passing lanes spaced a maximum distance of 1,000 feet and placed as road geometry dictates (23 turnouts total) throughout the entire corridor. The typical lane width of the roadway would remain 16-feet, with an additional width of ten feet at passing lanes.

3) Construct a modular, prefabricated steel truss bridges at No-name Creek and change the Orca Creek stream crossing to a culvert. Bridges over Little Humpback Creek and Humpback Creek shown on the 2017 DA permit plans would be changed to modular, prefabricated steel truss bridges and moved to the new crossing locations for the new road alignment.

4) Increase Shepard Point pad and staging area from 3.5 acres to 5.5 acres.

5) Construct a 908-linear foot sheet pile sea wall (z-shaped interlocking steel sheet pile) adjacent to the seaward boundary of Shepard Point pad and at the access road terminus. The sheet pile sea wall eliminates the rip rap from the top edge of the pad to MLLW in the 2017 DA permit.

6) Modify Boat ramp configuration from 200-foot by 35-foot boat ramp authorized by the 2017 DA permit to 187.5-foot by 60-foot boat ramp at the Shepard Point pad and staging area.

Construction of permit modifications will discharge 137,049 cubic yards of fill into Waters of the U.S. (WOTUS) including wetlands. The permit modifications reduce impacts to WOTUS by 5.49 acres from 15.42 acres (including rip rap) authorized by the 2017 DA permit to 9.93 acres (including rip rap).

The work will be performed in accordance with the enclosed plans, sheets 1-36, dated November 2021 (sheets 1-18), October 24, 2018 (sheets 19 – 29), December 2021 (sheets 30 – 36) which are incorporated in and made a part of this permit modification and replace sheets 1–48 in the 2017 DA permit.

The project site is located within Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian, USGS Quad Map: AK Cordova C-5; between Latitude 60.578259° N., Longitude 145.721472° W.; and Latitude 60.630286° N., Longitude 145.671076° W., along Orca Inlet in Prince William Sound, near Cordova, Alaska.

General Permit Condition No. 1 of the permit is hereby amended to read as follows:

The time limit for completing the work authorized ends on **May 31, 2027**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the U.S. Army Corps of Engineers for consideration at least one month before permit expiration.

Special Permit Conditions:

Special Permit Condition 5 is rescinded.

Special Condition 6 is modified as follows: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soils and other fills, as well as any work below the ordinary high-water mark or high tide line, must be permanently stabilized at the earliest practicable date. Work within waters of the United States shall be performed during periods of low-flow or no-flow, or during low tidal stages to the extent practicable.

The following new Special Permit Condition is added:

Special Condition 20: Sheet pile driving shall occur only when the site is dewatered meaning the tide is lower than the sheet pile point of entry.

All other conditions under which the subject authorization was made remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
Bryan A. Herczeg  
Project Manager



**This notice of authorization must be  
conspicuously displayed at the site of work.**

**United States Army Corps of Engineers  
ORCA INLET**

**A permit to:** Modify the 2017 DA Permit to authorize construction of a 4.32 mile access road to Shepard Point for construction of 5.5 acre pad and staging area for an Oil Spill Response Facility with a boat 187.5-foot by 60-foot boat ramp and a 364-foot long pile supported deep water dock

**at:** Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian, USGS Quad Map: AK Cordova C-5; between Latitude 60.578259° N., Longitude 145.721472° W.; and Latitude 60.630286° N., Longitude 145.671076° W., along Orca Inlet in Prince William Sound, near Cordova, Alaska

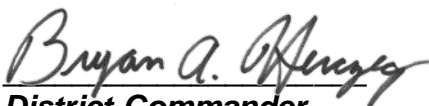
**has been issued to:** The Native Village of Eyak

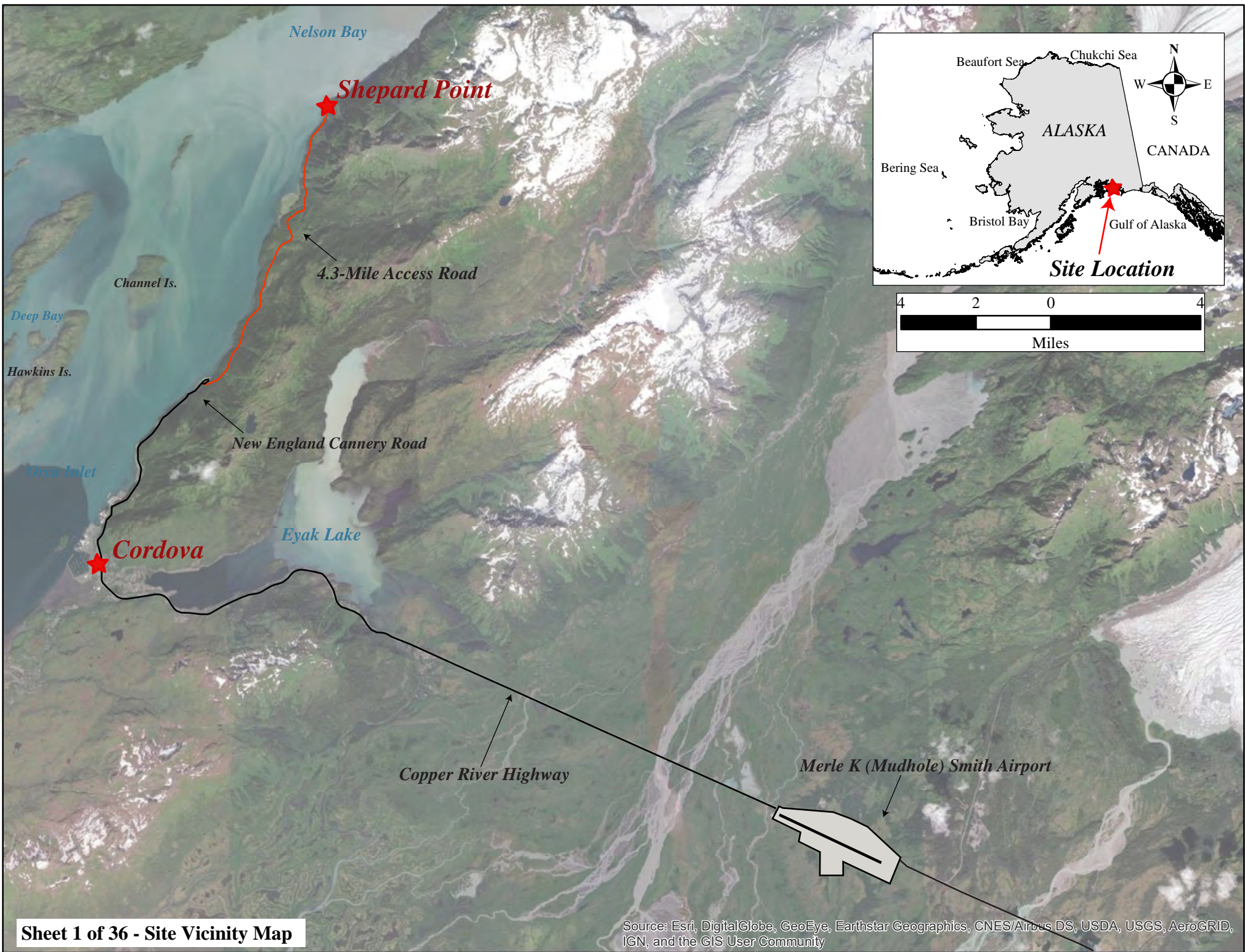
**on:** May 31, 2022 **and expires on:** May 31, 2027

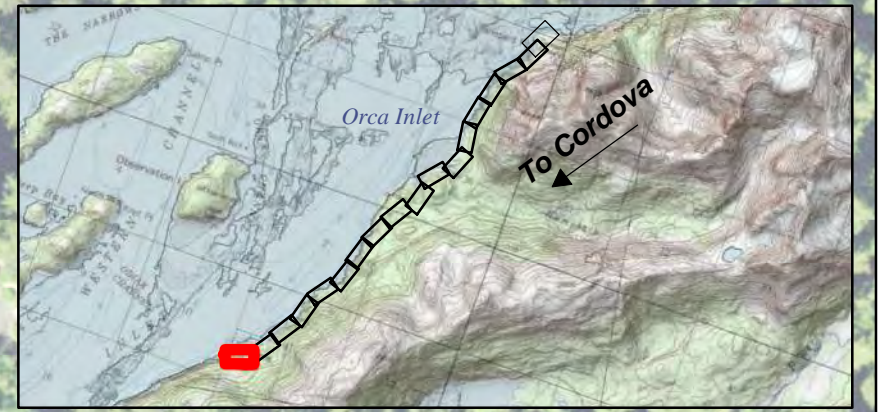
**Address of Permittee:** PO Box 1388, Cordova, Alaska 99574

**Permit Number:**

POA-1994-01014-M1

  
**FOR: District Commander  
Bryan A. Herczeg  
Project Manager  
REGULATORY DIVISION**





**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

Sheet 2 of 36  
 November 2021

100 50 0 100  
 Feet

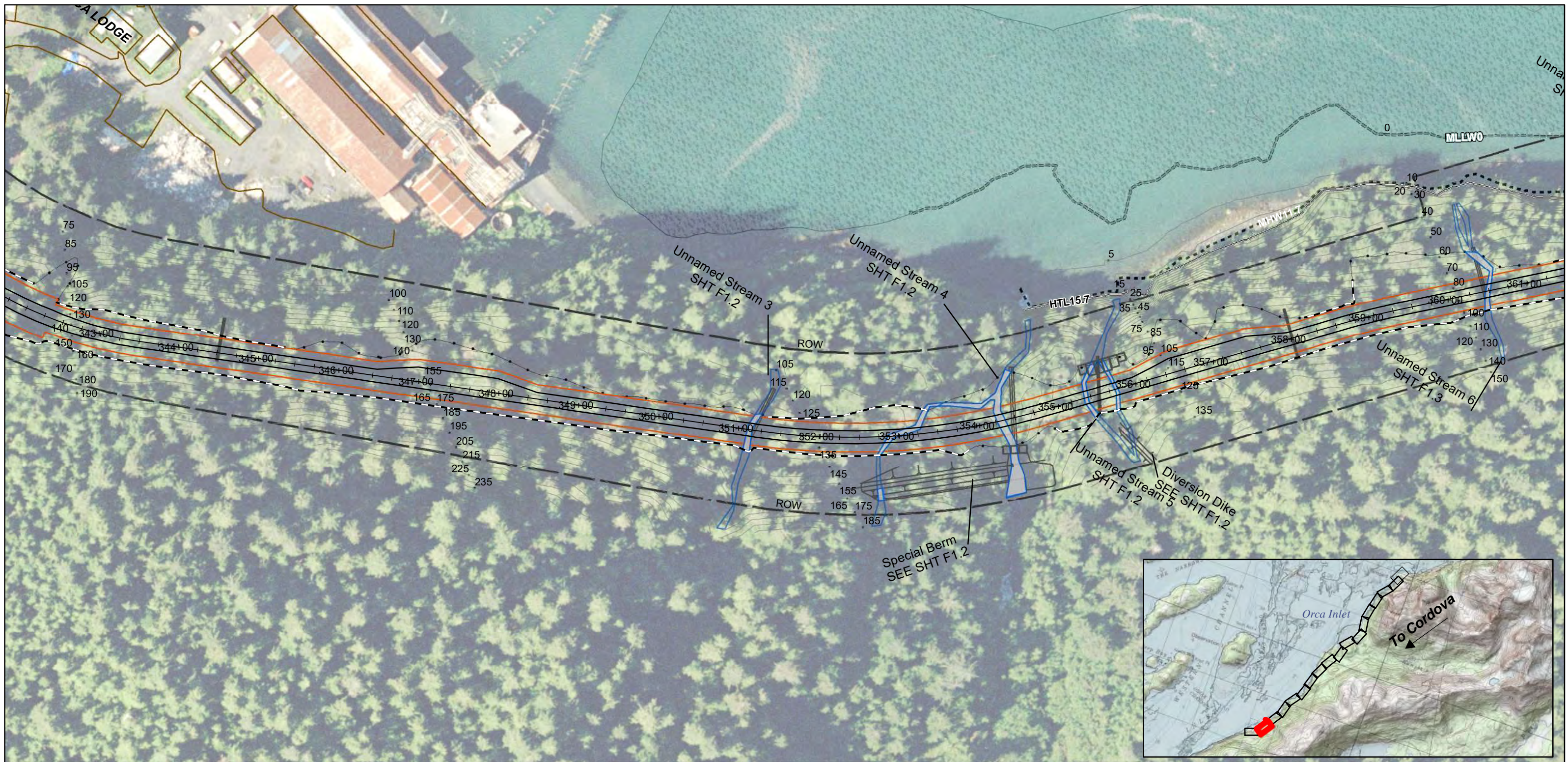
**Legend**

--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— Binwalls/Culverts/Berms	--- MHW, 11.7 ft
— 2021 Alignment	— 2021 CUT	— HTL, 15.7 ft
— Existing Structures	— 2021 FILL	— MLLW, 0 ft
		— OHW Typical
		— Eelgrass Beds
		— Wetlands

**Impacts**

— Wetland_Impact
— Stream Impacts
— Intertidal Impacts
— Subtidal Non-Eel Grass

North arrow pointing North (N), South (S), East (E), West (W).



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

**Bristol** Native Village of Eyak  
 ENGINEERING SERVICES COMPANY, LLC

**MSE** Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:  
**60 37' 51.45" N**  
**145 40' 18.82" W**  
 Sheet 3 of 36  
 November 2021

100 50 0 100  
 Feet

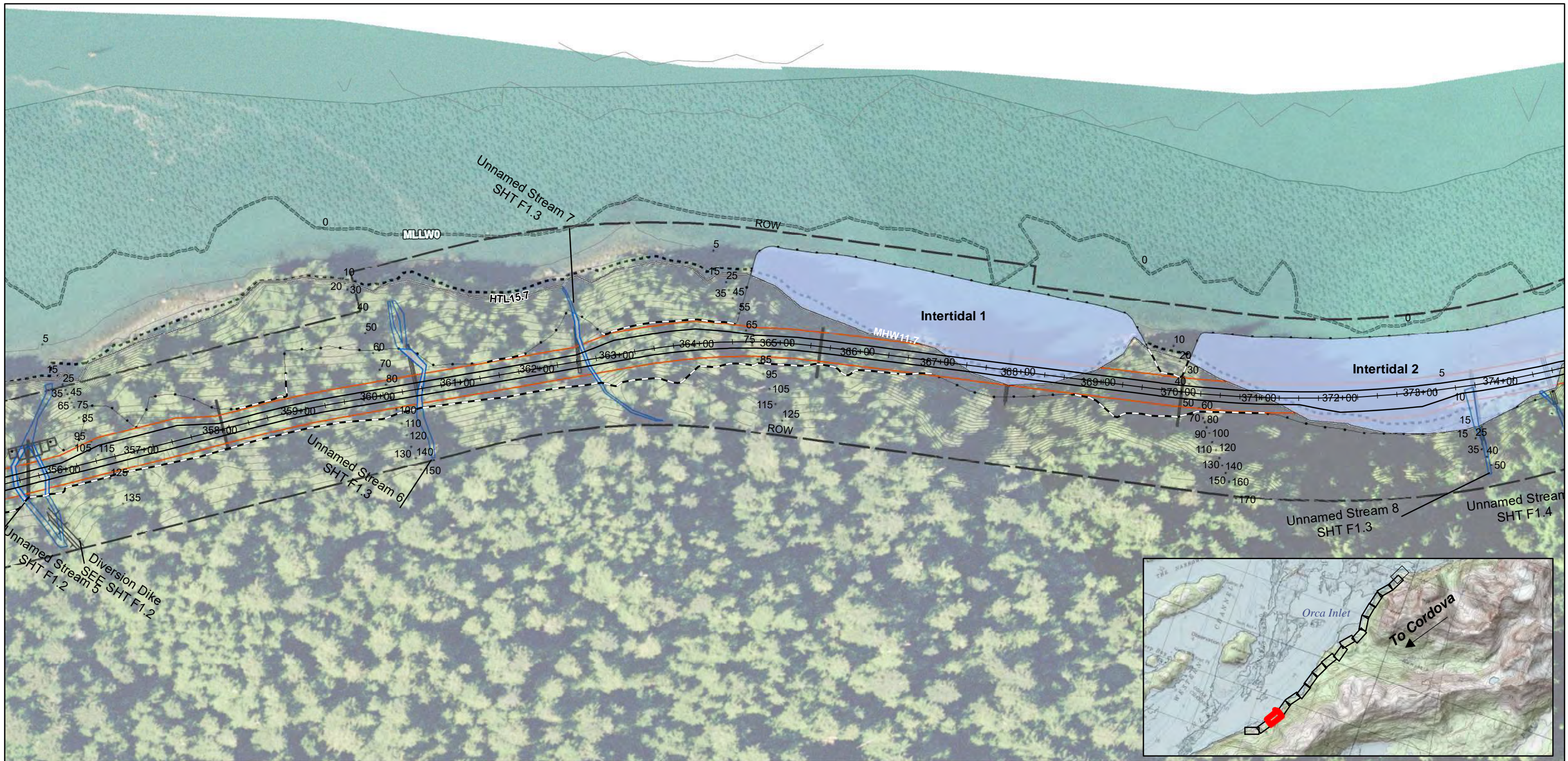
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— HTL, 15.7 ft	==== MLLW, 0 ft	— 2021 Alignment
— OHW Typical	— Wetlands	— Existing Structures
— Eelgrass Beds	— Wetland_Impact	— 2021 CUT
— Intertidal Impacts	— Subtidal Non-Eel Grass	— 2021 FILL

**Impacts**

Wetland\_Impact  
 Stream Impacts  
 Intertidal Impacts  
 Subtidal Non-Eel Grass





**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** Native Village of Eyak  
 ENGINEERING SERVICES COMPANY, LLC  
 MSE Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:  
**60 37' 51.45" N**  
**145 40' 18.82" W**  
 Sheet 4 of 36  
 November 2021

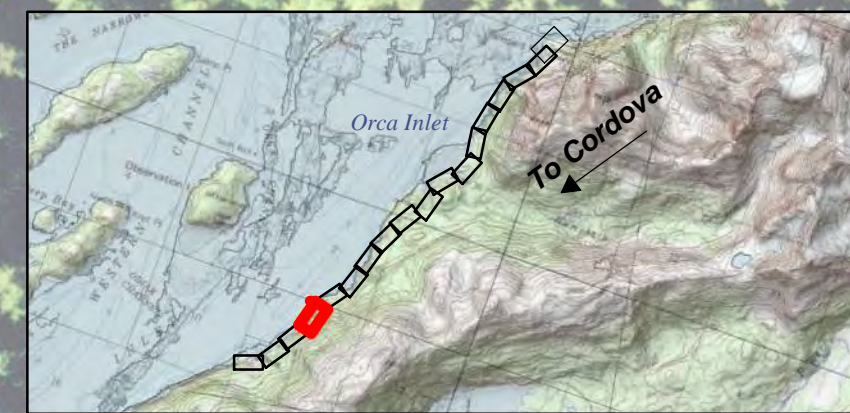
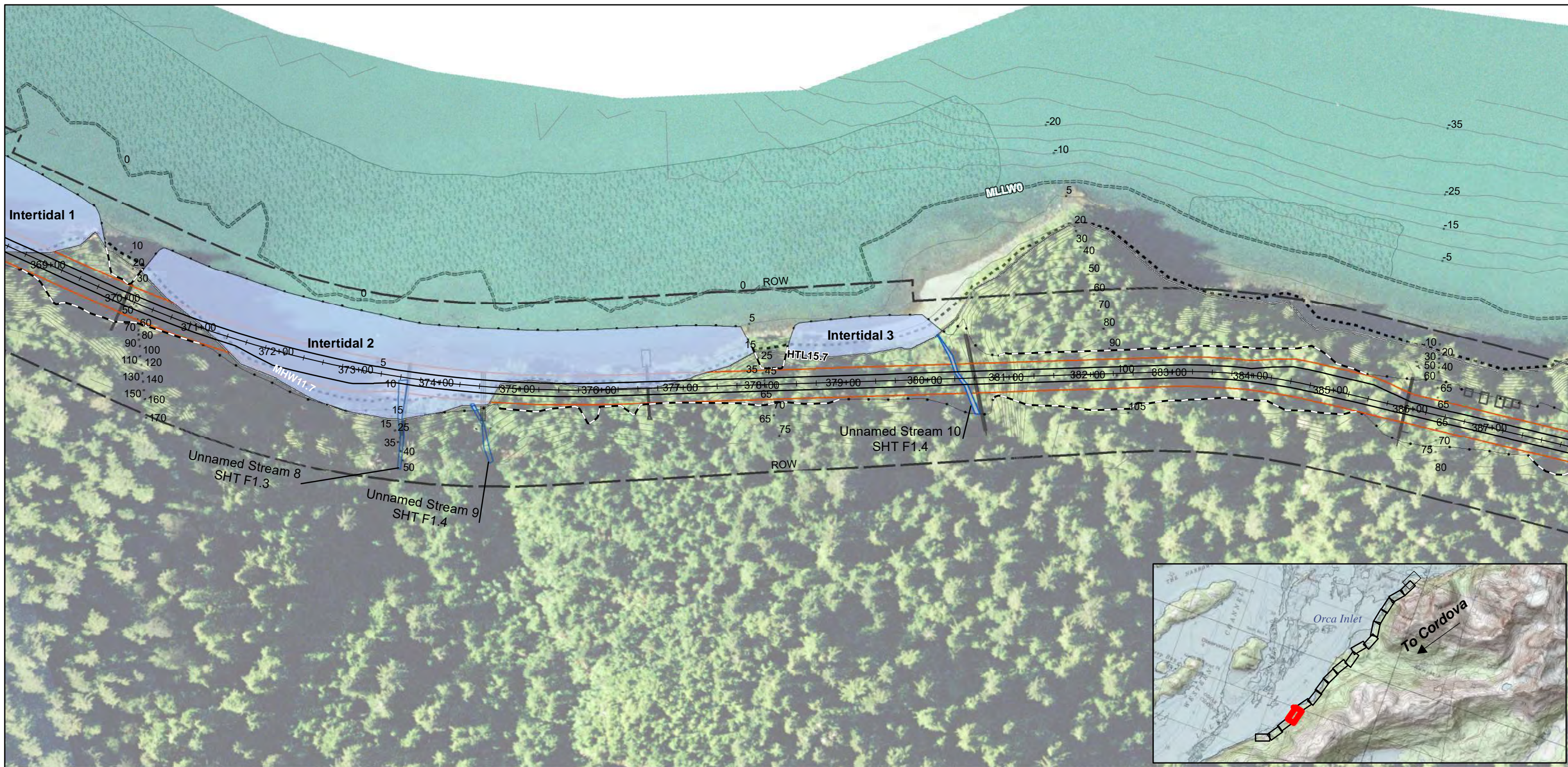
100 50 0 100  
 Feet

**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— Existing Structures
— 2021 CUT	..... MLLW, 0 ft	— 2021 FILL
— 2021 FILL	— OHW Typical	Wetland_Impact
	Wetlands	Stream Impacts
		Intertidal Impacts
		Subtidal Non-Eel Grass

**Impacts**

Wetland\_Impact  
 Stream Impacts  
 Intertidal Impacts  
 Subtidal Non-Eel Grass



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
 APPLICANT: NATIVE VILLAGE OF EYAK  
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**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**  
 Sheet 5 of 36  
 November 2021

100 50 0 100  
 Feet

**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— 2021 CUT
— Existing Structures	..... MLLW, 0 ft	— 2021 FILL
	— OHW Typical	
	▨ Eelgrass Beds	
	▨ Wetlands	

**Impacts**

▨ Wetland_Impact
▨ Stream Impacts
▨ Intertidal Impacts
▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
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 APPLICANT: NATIVE VILLAGE OF EYAK  
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**PRINCE WILLIAM SOUND**  
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

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 ENGINEERING SERVICES COMPANY, LLC

Native Village of Eyak

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LAT., LONG. OF SHEP. PT.:  
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 Sheet 6 of 36  
 November 2021

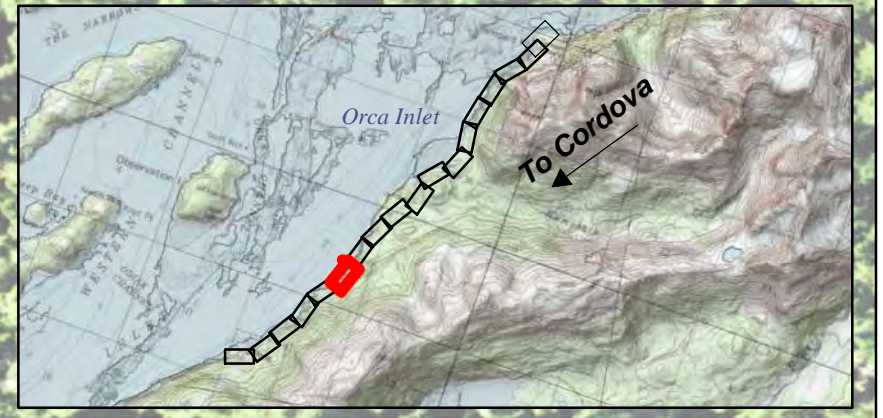
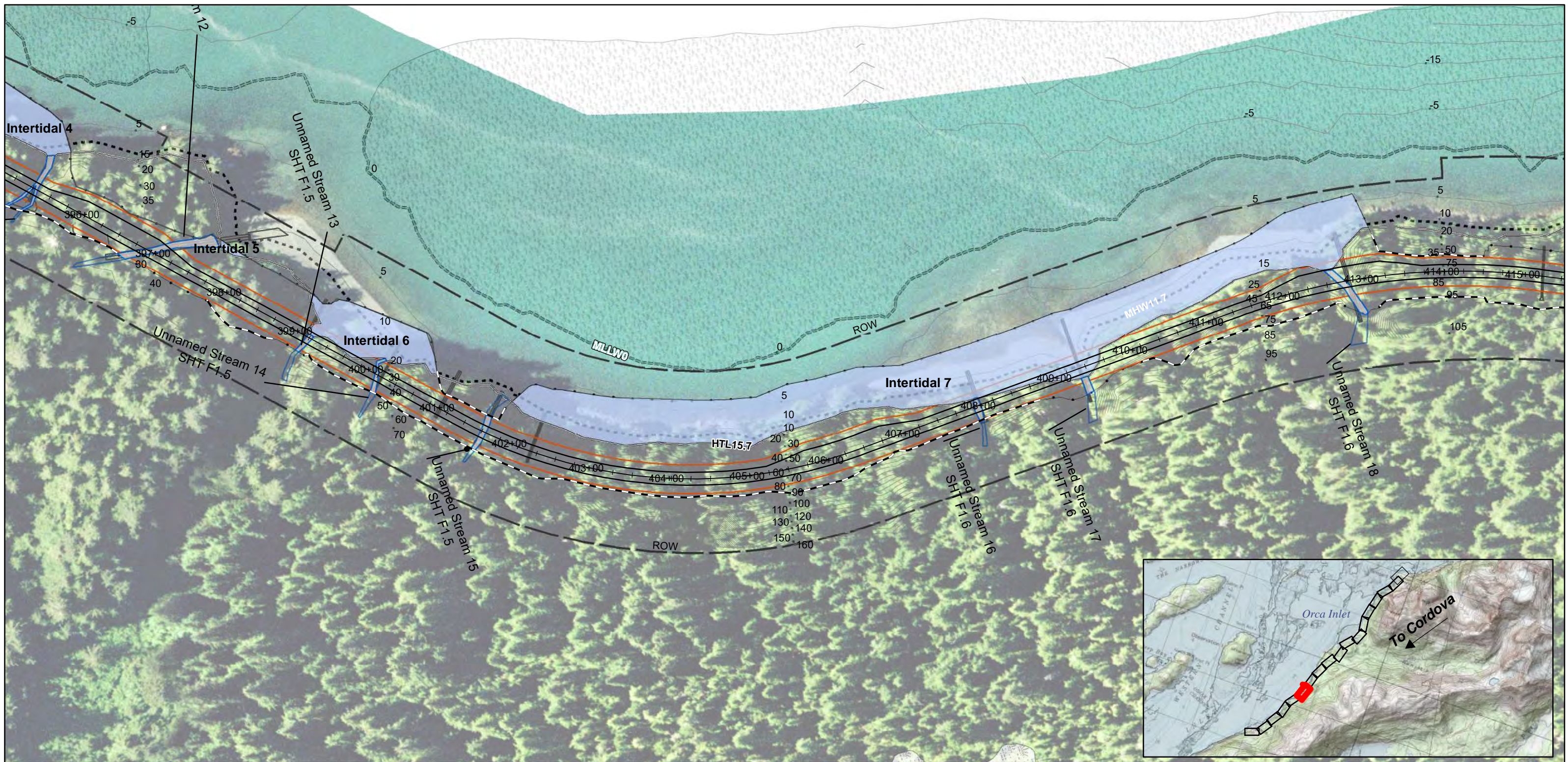
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 Feet

**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall	Wetland_Impact
— Ditch Line	..... MHW, 11.7 ft	— Binwalls/Culverts/Berms	Stream Impacts
— 2021 Alignment	==== HTL, 15.7 ft	— Existing Structures	Intertidal Impacts
— 2021 CUT	===== MLLW, 0 ft	— 2021 FILL	Subtidal Non-Eel Grass
— 2021 FILL	— OHW Typical		
	— Eelgrass Beds		
	— Wetlands		

**Impacts**

Wetland\_Impact  
 Stream Impacts  
 Intertidal Impacts  
 Subtidal Non-Eel Grass



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY PROJECT**  
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**PRINCE WILLIAM SOUND**  
 NAD 1983 StatePlane Alaska FIPS 5003 US Feet

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LAT., LONG. OF SHEP. PT.:  
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 Sheet 7 of 36  
 November 2021  
 100 50 0 100  
 Feet

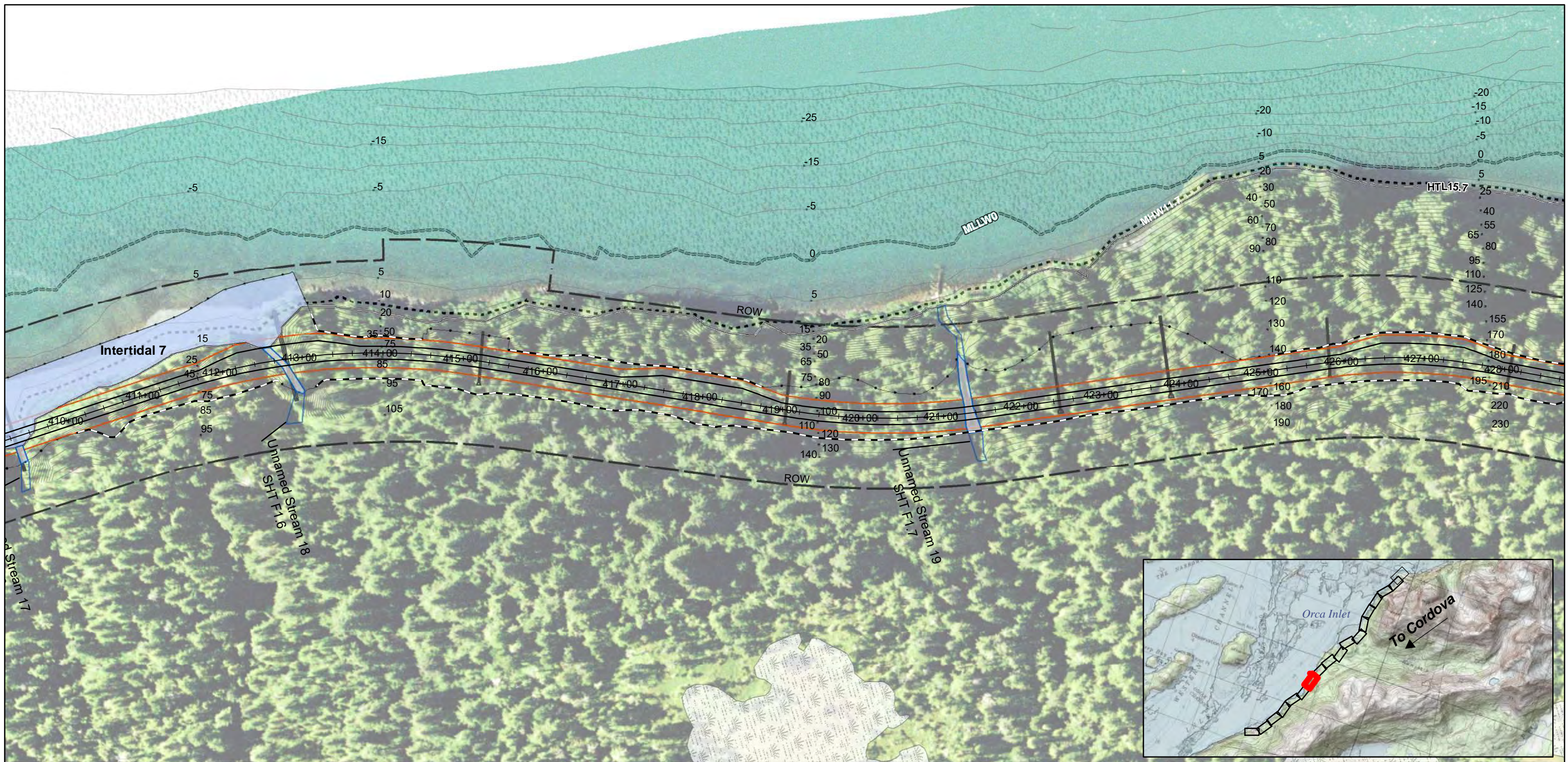
**Legend**

--- ROW	— Contour 5M	— Z-Pile Wall
— Ditch Line	--- MHW, 11.7 ft	— Binwalls/Culverts/Berms
— 2021 Alignment	==== HTL, 15.7 ft	— 2021 FILL
— Existing Structures	----- MLLW, 0 ft	
--- 2021 CUT	— OHW Typical	
••••• 2021 FILL	▨ Eelgrass Beds	
	▨ Wetlands	

**Impacts**

▨ Wetland_Impact
▨ Stream Impacts
▨ Intertidal Impacts
▨ Subtidal Non-Eel Grass

North arrow pointing North.



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 ENGINEERING SERVICES COMPANY, LLC

Native Village of Eyak

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LAT., LONG. OF SHEP. PT.:  
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 Sheet 8 of 36  
 November 2021

100 50 0 100  
 Feet

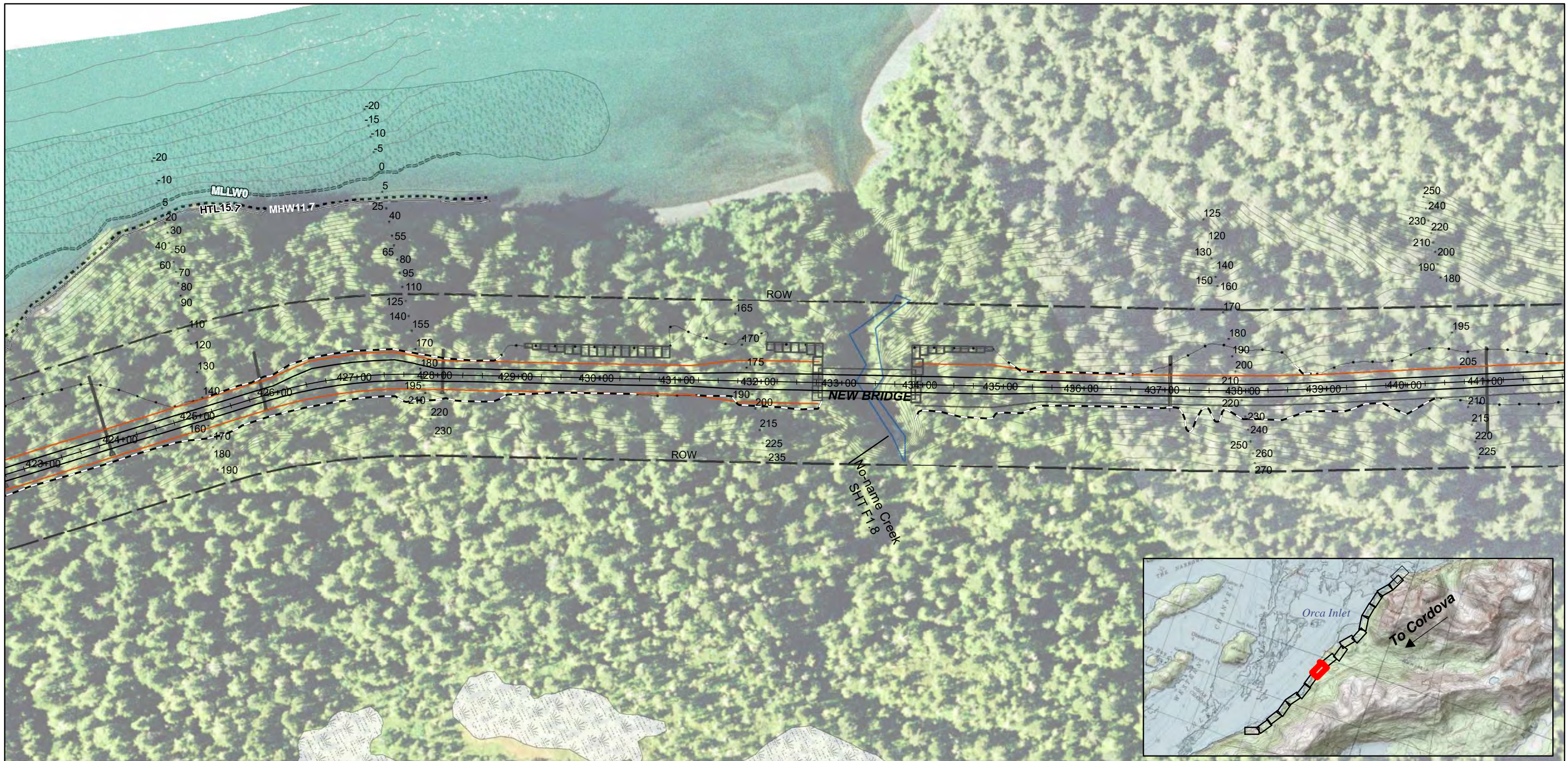
**Legend**

- ROW
- - - Ditch Line
- Binwalls/Culverts/Berms
- + + + 2021 Alignment
- Existing Structures
- - - 2021 CUT
- • • 2021 FILL
- Z-Pile Wall
- Contour 5M
- - - MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ==== MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



**SHEPARD POINT OIL SPILL  
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LAT., LONG. OF SHEP. PT.:  
**60 37' 51.45" N**  
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 Sheet 9 of 36  
 November 2021

100 50 0 100  
 Feet

**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ===== MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass



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 Sheet 10 of 36  
 November 2021

100 50 0 100  
 Feet

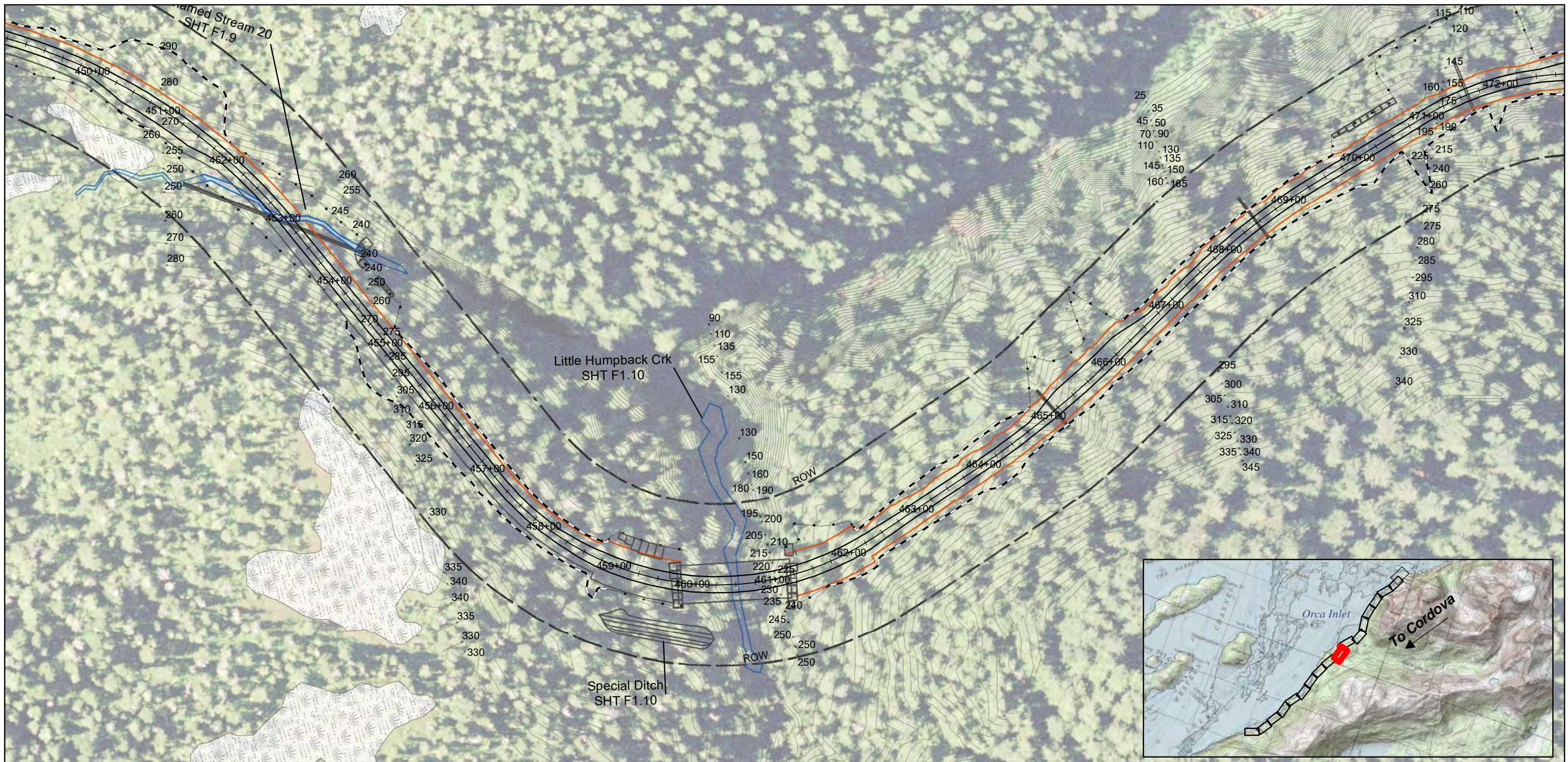
**Legend**

--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— MHW, 11.7 ft	— HTL, 15.7 ft
— Binwalls/Culverts/Berms	— MLLW, 0 ft	— OHW Typical
— 2021 Alignment	— Eelgrass Beds	— Wetlands
— Existing Structures	— Wetlands	
— 2021 CUT		
— 2021 FILL		

**Impacts**

Wetland_Impact
Stream Impacts
Intertidal Impacts
Subtidal Non-Eel Grass

Compass rose showing North, South, East, and West.



**SHEPARD POINT OIL SPILL  
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 ENGINEERING SERVICES COMPANY, LLC  
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LAT., LONG. OF SHEP. PT.:  
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 Sheet 11 of 36  
 November 2021  
 100 50 0 100  
 Feet

**Legend**

--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— Binwalls/Culverts/Berms	..... MHW, 11.7 ft
— 2021 Alignment	— 2021 CUT	==== MLLW, 0 ft
— Existing Structures	— 2021 FILL	— OHW Typical
		— Eelgrass Beds
		— Wetlands

**Impacts**

Wetland_Impact
Stream Impacts
Intertidal Impacts
Subtidal Non-Eel Grass

North Arrow





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 Sheet 12 of 36  
 November 2021

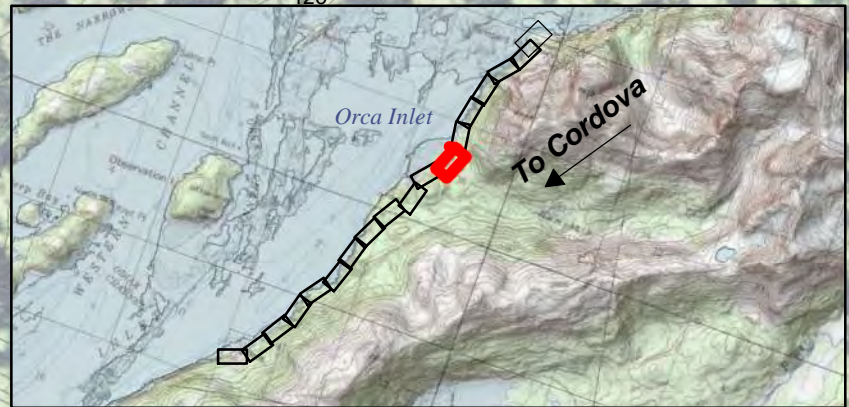
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**Legend**

--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— MHW, 11.7 ft	— HTL, 15.7 ft
— Binwalls/Culverts/Berms	— MLLW, 0 ft	— OHW Typical
— 2021 Alignment	— Eelgrass Beds	— Wetlands
— Existing Structures	— Wetland_Impact	— Stream Impacts
— 2021 CUT	— Intertidal Impacts	— Subtidal Non-Eel Grass
— 2021 FILL		

**Impacts**

Wetland\_Impact  
 Stream Impacts  
 Intertidal Impacts  
 Subtidal Non-Eel Grass



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 Sheet 13 of 36  
 November 2021

100 50 0 100  
 Feet

**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ===== MLLW, 0 ft
- OHW Typical
- Eelgrass Beds
- Wetlands

**Impacts**

- Wetland\_Impact
- Stream Impacts
- Intertidal Impacts
- Subtidal Non-Eel Grass



**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**

Sheet 14 of 36  
 November 2021

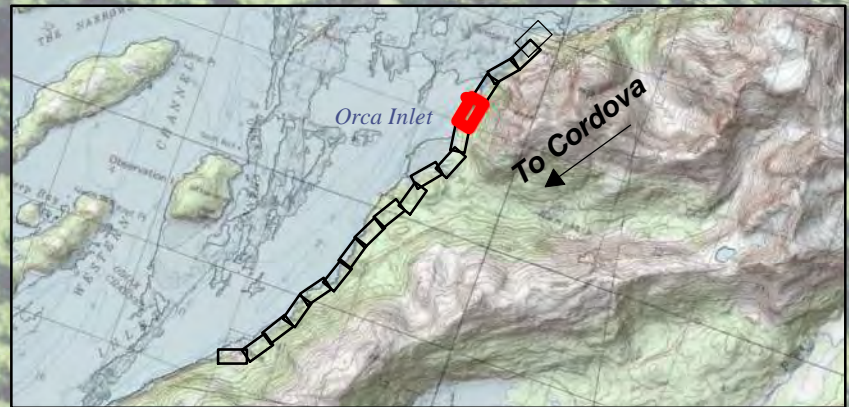
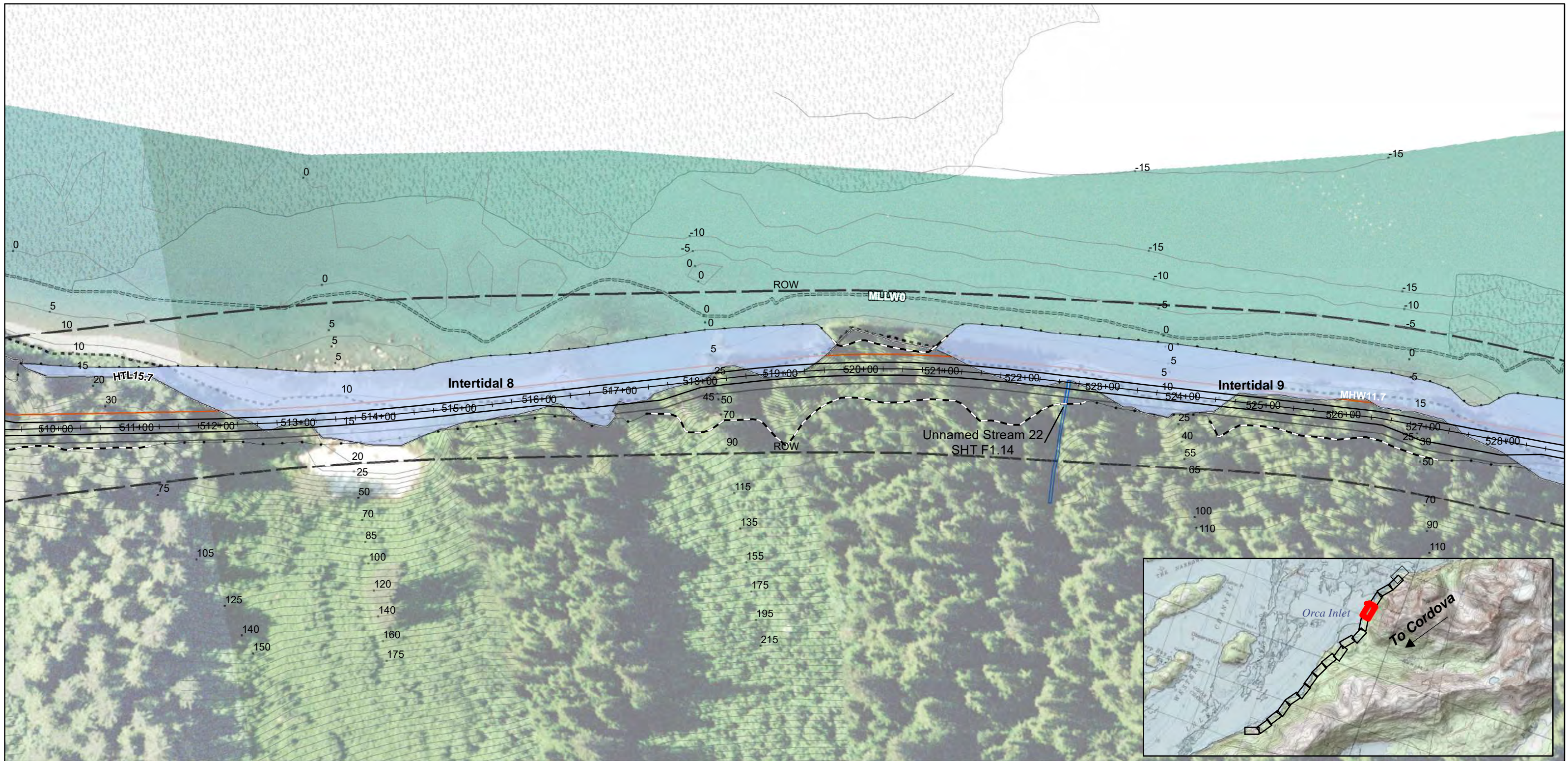
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 Feet

**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ..... MLLW, 0 ft
- OHW Typical
- Wetland\_Impact
- Eelgrass Beds
- Wetlands

**Impacts**

- Wetland\_Impact
- Stream Impacts
- Intertidal Impacts
- Subtidal Non-Eel Grass



**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**  
 Sheet 15 of 36  
 November 2021

100 50 0 100  
 Feet

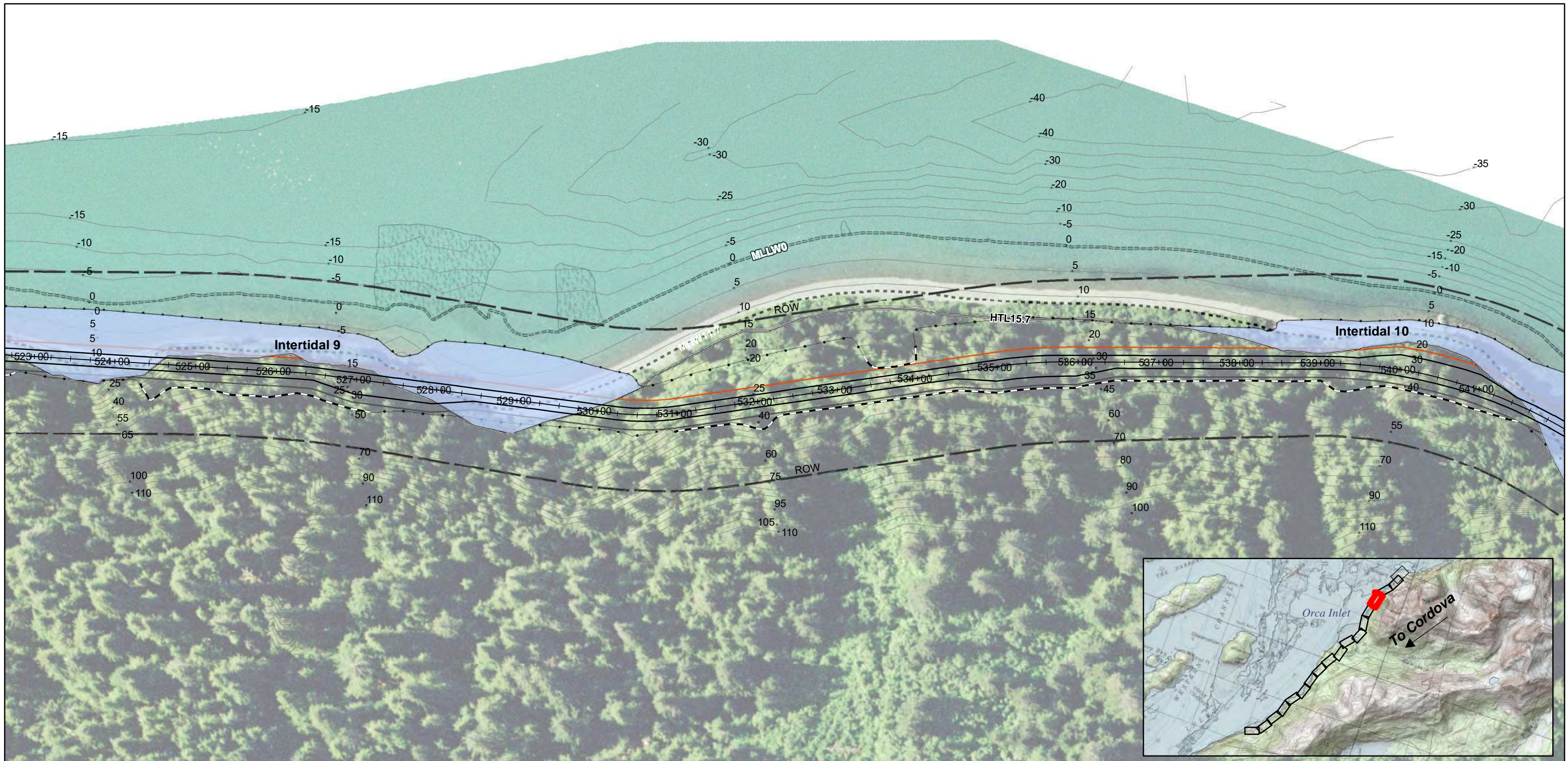
**Legend**

--- ROW	— Z-Pile Wall
— Ditch Line	— Contour 5M
— Binwalls/Culverts/Berms	..... MHW, 11.7 ft
— 2021 Alignment	==== HTL, 15.7 ft
— Existing Structures	===== MLLW, 0 ft
..... 2021 CUT	— OHW Typical
— 2021 FILL	[Pattern] Eelgrass Beds
	[Pattern] Wetlands

**Impacts**

[Pattern]	Wetland_Impact
[Pattern]	Stream Impacts
[Pattern]	Intertidal Impacts
[Pattern]	Subtidal Non-Eel Grass

North arrow pointing North.



**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**

Sheet 16 of 36  
 November 2021

100 50 0 100  
 Feet

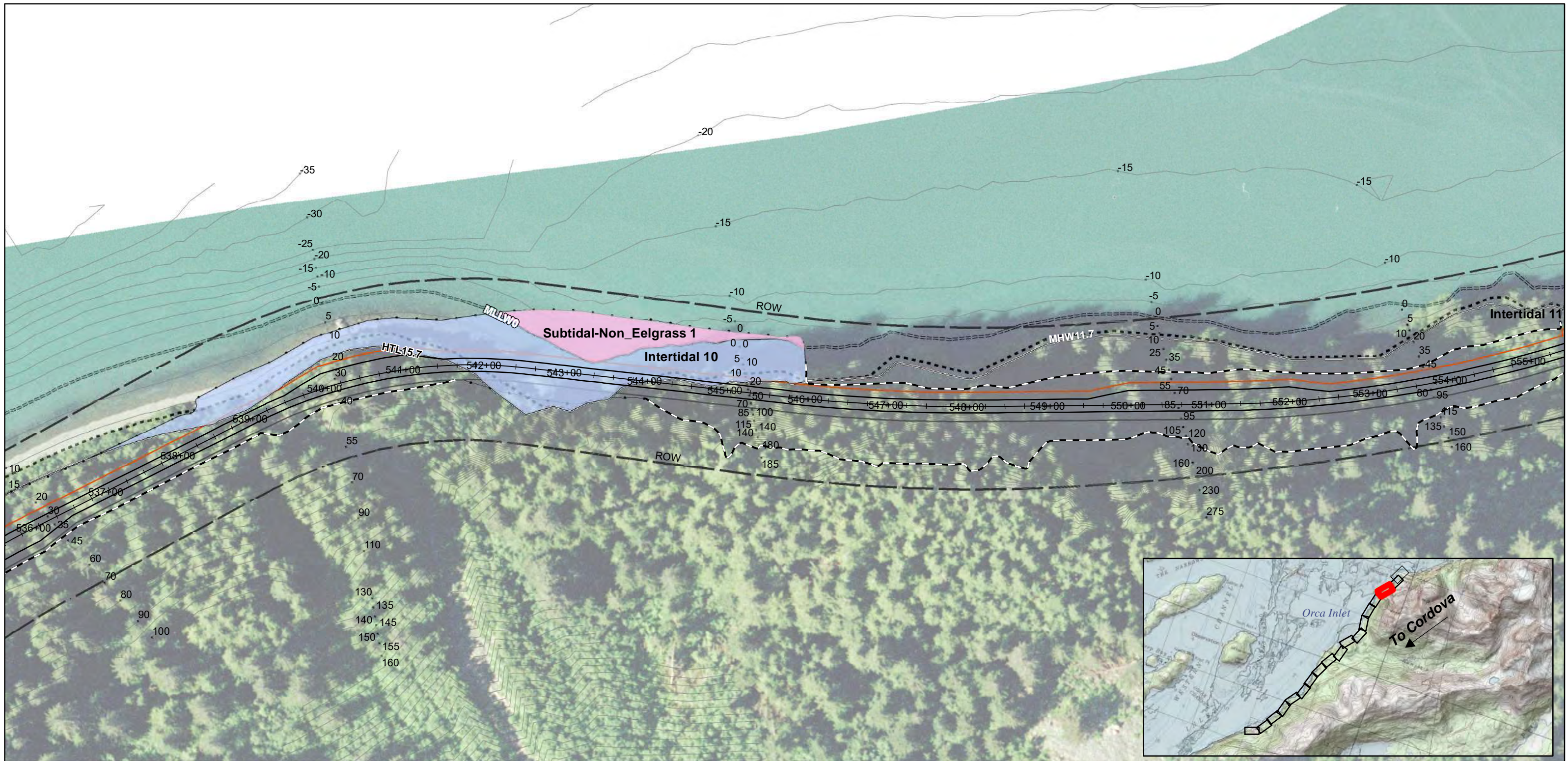
**Legend**

- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- + 2021 Alignment
- Existing Structures
- ..... 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- ..... MHW, 11.7 ft
- ==== HTL, 15.7 ft
- ..... MLLW, 0 ft
- OHW Typical
- ▨ Eelgrass Beds
- ▨ Wetlands

**Impacts**

- ▨ Wetland\_Impact
- ▨ Stream Impacts
- ▨ Intertidal Impacts
- ▨ Subtidal Non-Eel Grass

North Arrow



**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** Native Village of Eyak  
 ENGINEERING SERVICES COMPANY, LLC

**MSE** Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:  
**60 37' 51.45" N**  
**145 40' 18.82" W**

Sheet 17 of 36  
 November 2021

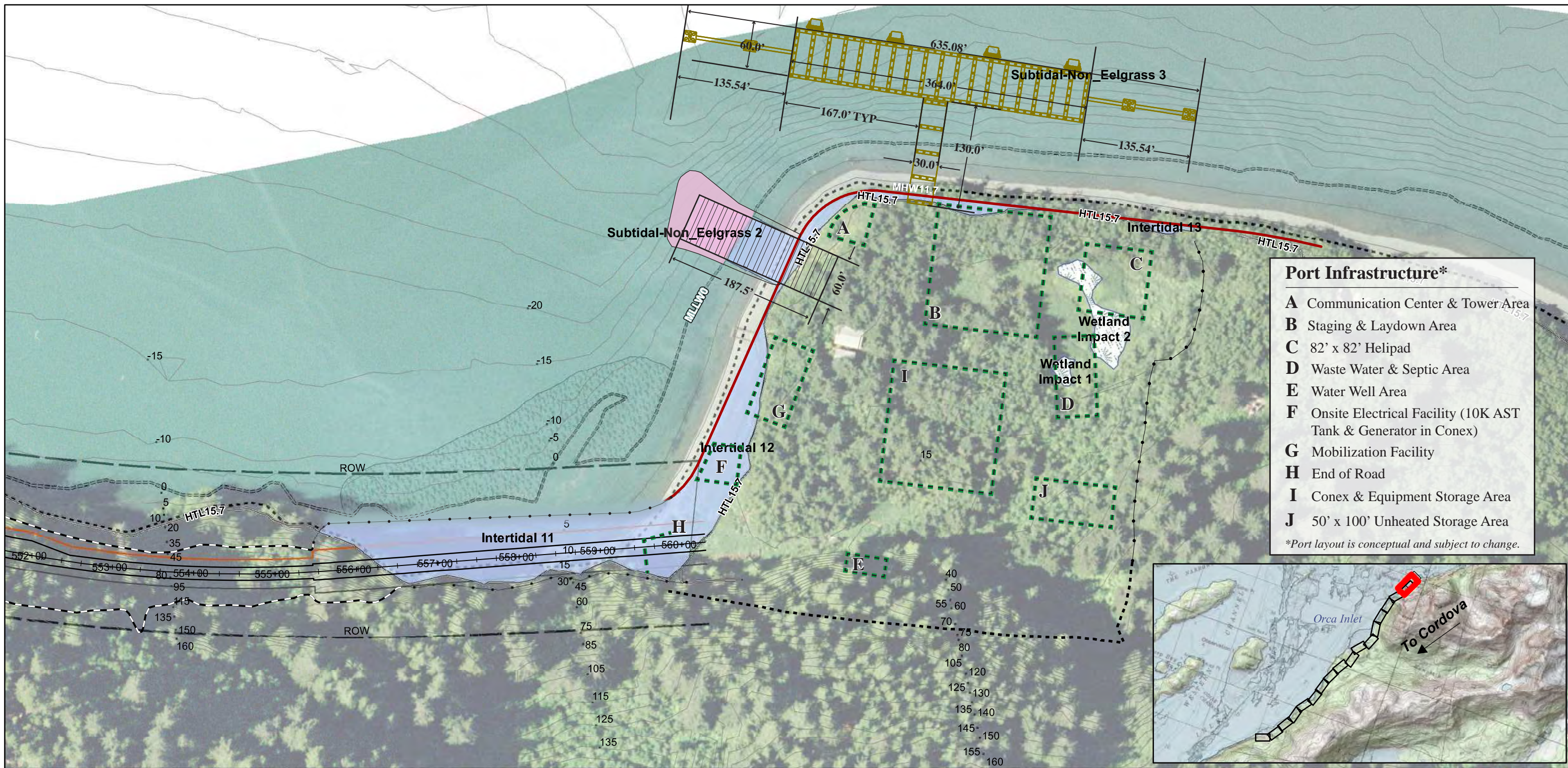
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**Legend**

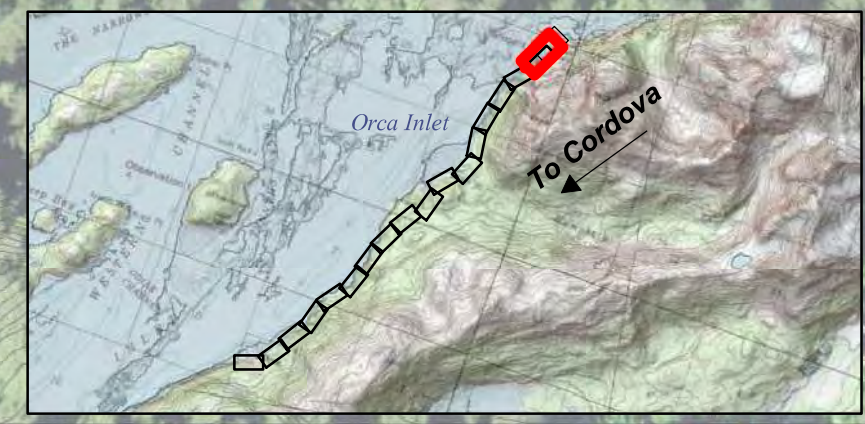
--- ROW	— Z-Pile Wall	— Contour 5M
— Ditch Line	— MHW, 11.7 ft	— HTL, 15.7 ft
— Binwalls/Culverts/Berms	— MLLW, 0 ft	— OHW Typical
— 2021 Alignment	— Eelgrass Beds	— Wetlands
— Existing Structures	— Wetland_Impact	— Stream Impacts
— 2021 CUT	— Intertidal Impacts	— Subtidal Non-Eel Grass
— 2021 FILL		

**Impacts**

Wetland\_Impact  
 Stream Impacts  
 Intertidal Impacts  
 Subtidal Non-Eel Grass



- Port Infrastructure\***
- A** Communication Center & Tower Area
  - B** Staging & Laydown Area
  - C** 82' x 82' Helipad
  - D** Waste Water & Septic Area
  - E** Water Well Area
  - F** Onsite Electrical Facility (10K AST Tank & Generator in Conex)
  - G** Mobilization Facility
  - H** End of Road
  - I** Conex & Equipment Storage Area
  - J** 50' x 100' Unheated Storage Area
- \*Port layout is conceptual and subject to change.*



**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** Native Village of Eyak  
 ENGINEERING SERVICES COMPANY, LLC

**MSE** Midnight Sun ENVIRONMENTAL, LLC

LAT., LONG. OF SHEP. PT.:  
 60 37' 51.45" N  
 145 40' 18.82" W

Sheet 18 of 36  
 November 2021

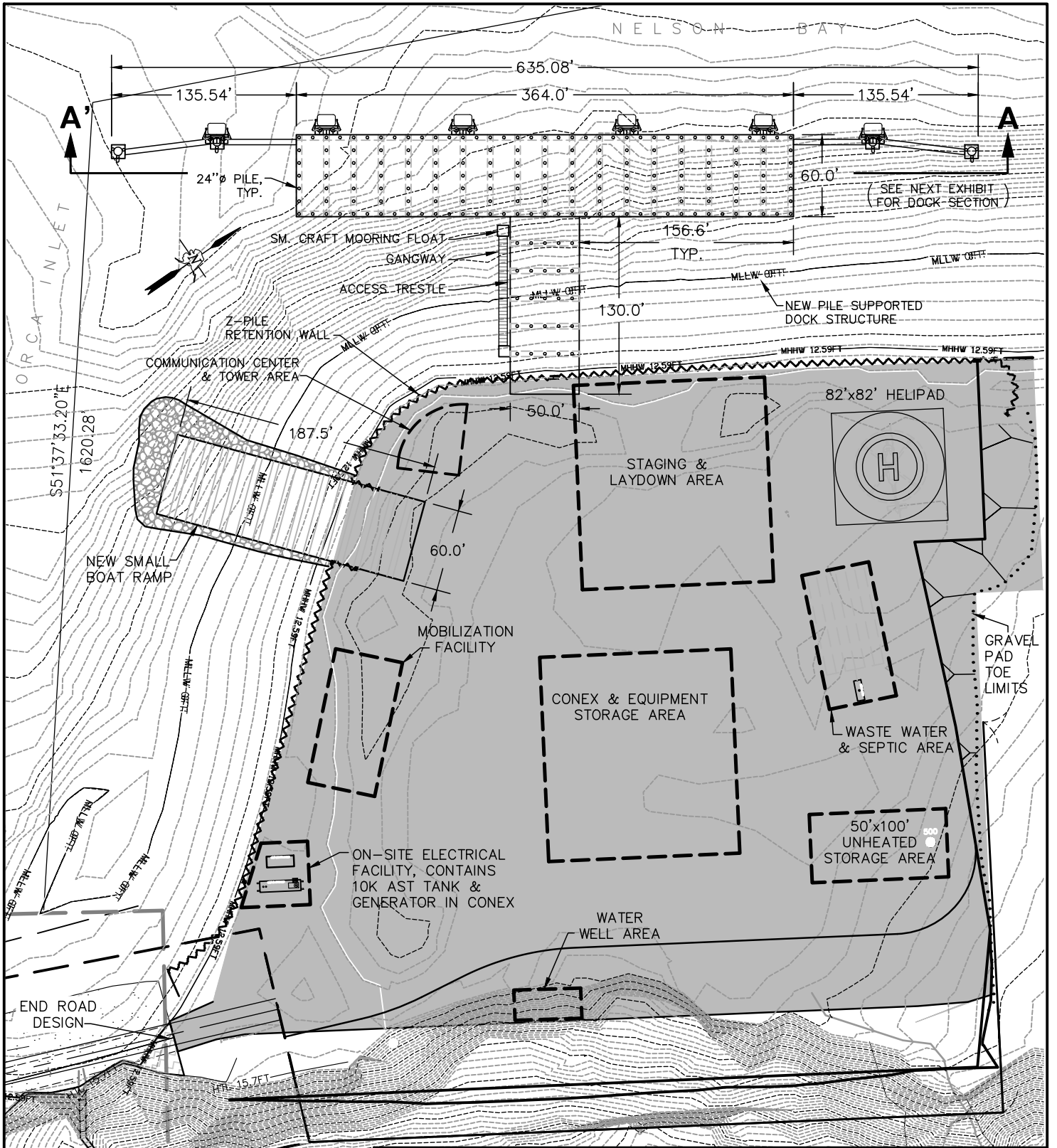
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 Feet

**Legend**

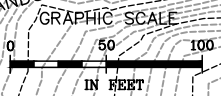
- ROW
- Ditch Line
- Binwalls/Culverts/Berms
- 2021 Alignment
- Existing Structures
- 2021 CUT
- 2021 FILL
- Z-Pile Wall
- Contour 5M
- MHW, 11.7 ft
- HTL, 15.7 ft
- MLLW, 0 ft
- OHW Typical
- Eelgrass Beds
- Wetlands

**Impacts**

- Wetland\_Impact
- Stream Impacts
- Intertidal Impacts
- Subtidal Non-Eel Grass



PORT AREA LEGEND:	
	MHW 11.7FT — MEAN HIGH WATER
	MHHW 12.59FT — MEAN HIGHER HIGH WATER
	HTL 15.7FT — HIGH TIDE LINE
	MLLW 0FT — MEAN LOWER LOW WATER
	100 — EXISTING GROUND CONTOUR
	Z-PILE RETENTION WALL
	PORT LIMITS



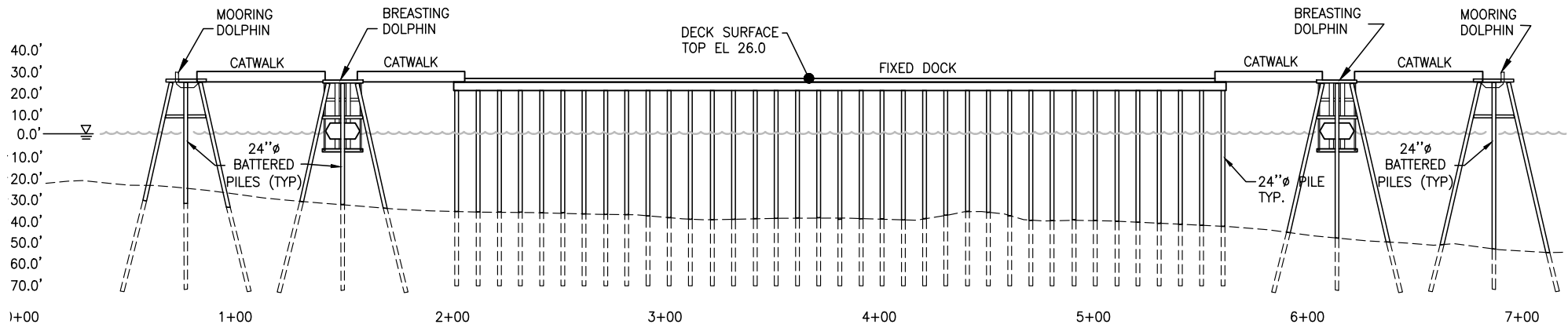
PORT DESIGN PLAN VIEW  
EXHIBIT A

POA# 1994-1014  
 Applicant: THE NATIVE VILLAGE OF EYAK  
 Project: Shepard Point Oil Spill Response Facility  
 Waterway: ORCA INLET  
 Proposed Activity: Linear Transportation Project  
 Location: Shepard Point, Cordova Alaska  
 Date: 10/24/2018

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NOTE:  
 PILE LENGTHS ARE BASED ON PRELIMINARY  
 DESIGN INFORMATION AND HAVE BEEN DEVELOPED  
 FOR COST ESTIMATING PURPOSES ONLY.

**DOCK SECTION A - A'**

SCALE: NOT TO SCALE

**TIDAL WATER ABBREVIATIONS**

HTL = HIGH TIDE LINE= 15.7'  
 MLLW = MEAN LOW LOWER WATER= 0.0'

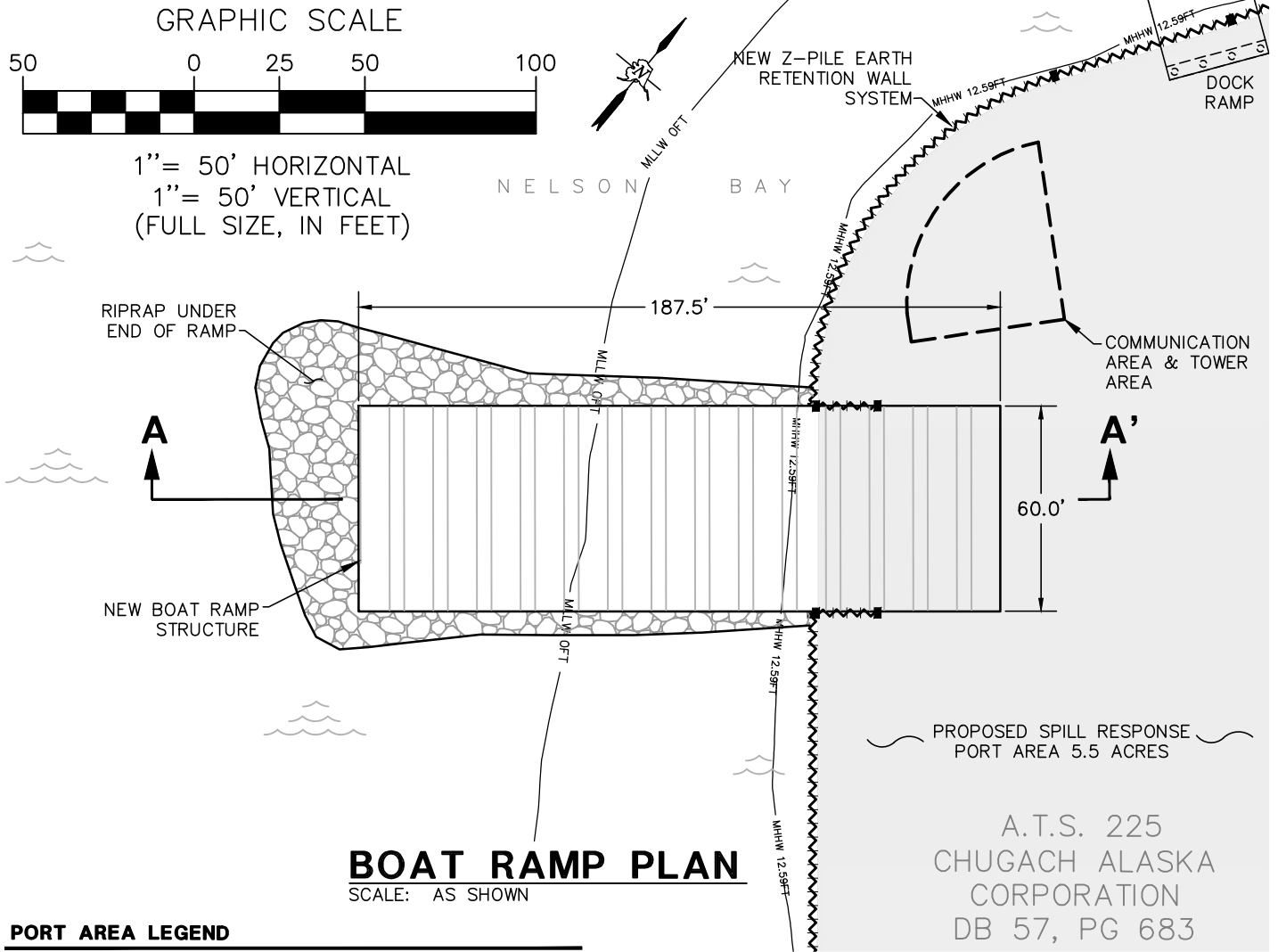
SHEPARD POINT PORT  
 FIXED DOCK SECTION A - A'

Sheet 20 of 36

Bristol Proj. No.  
 32180055

DATE 02/04/22  
 DWN. JDG  
 SCALE SHOWN  
 APPRVD. KRH

SHEET  
 X  
 of  
 X



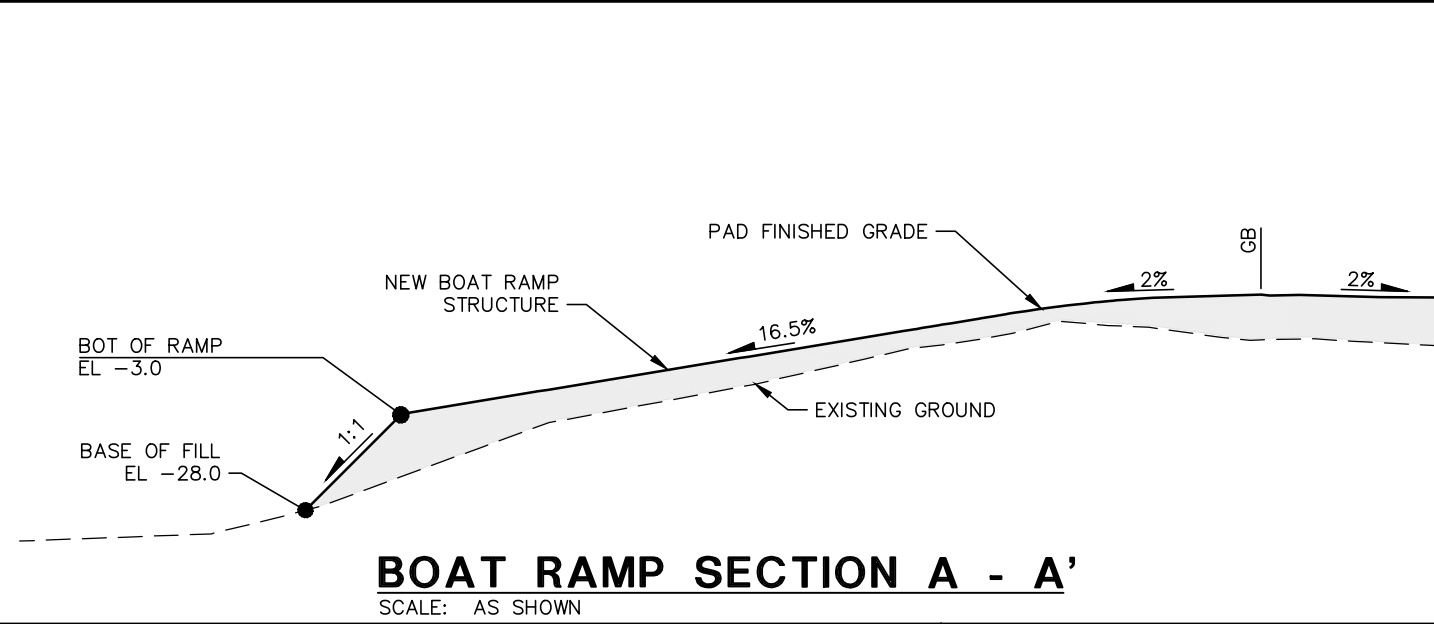
**BOAT RAMP PLAN**

SCALE: AS SHOWN

A.T.S. 225  
CHUGACH ALASKA  
CORPORATION  
DB 57, PG 683

**PORT AREA LEGEND**

PROPOSED Z-PILE EARTH RETENTION WALL SYSTEM



**BOAT RAMP SECTION A - A'**

SCALE: AS SHOWN

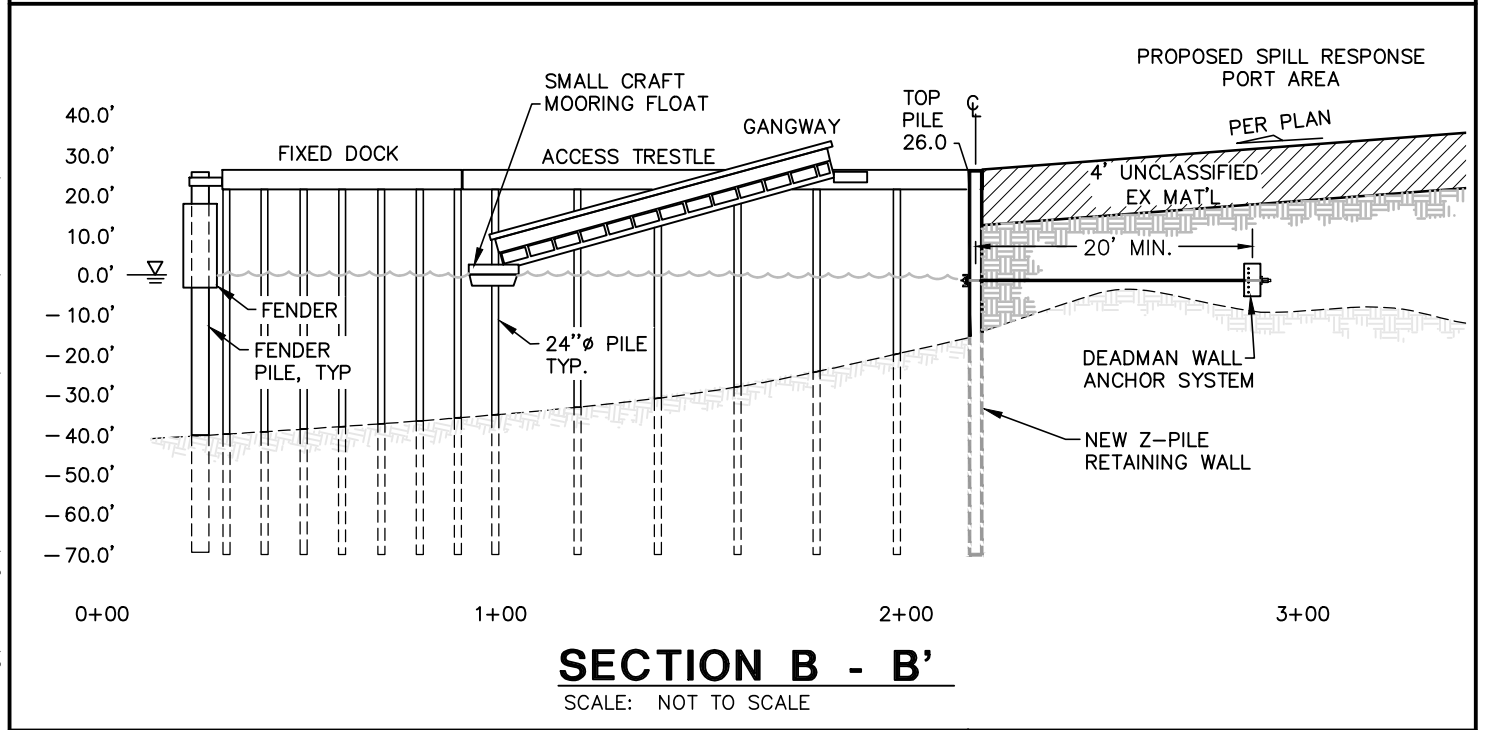
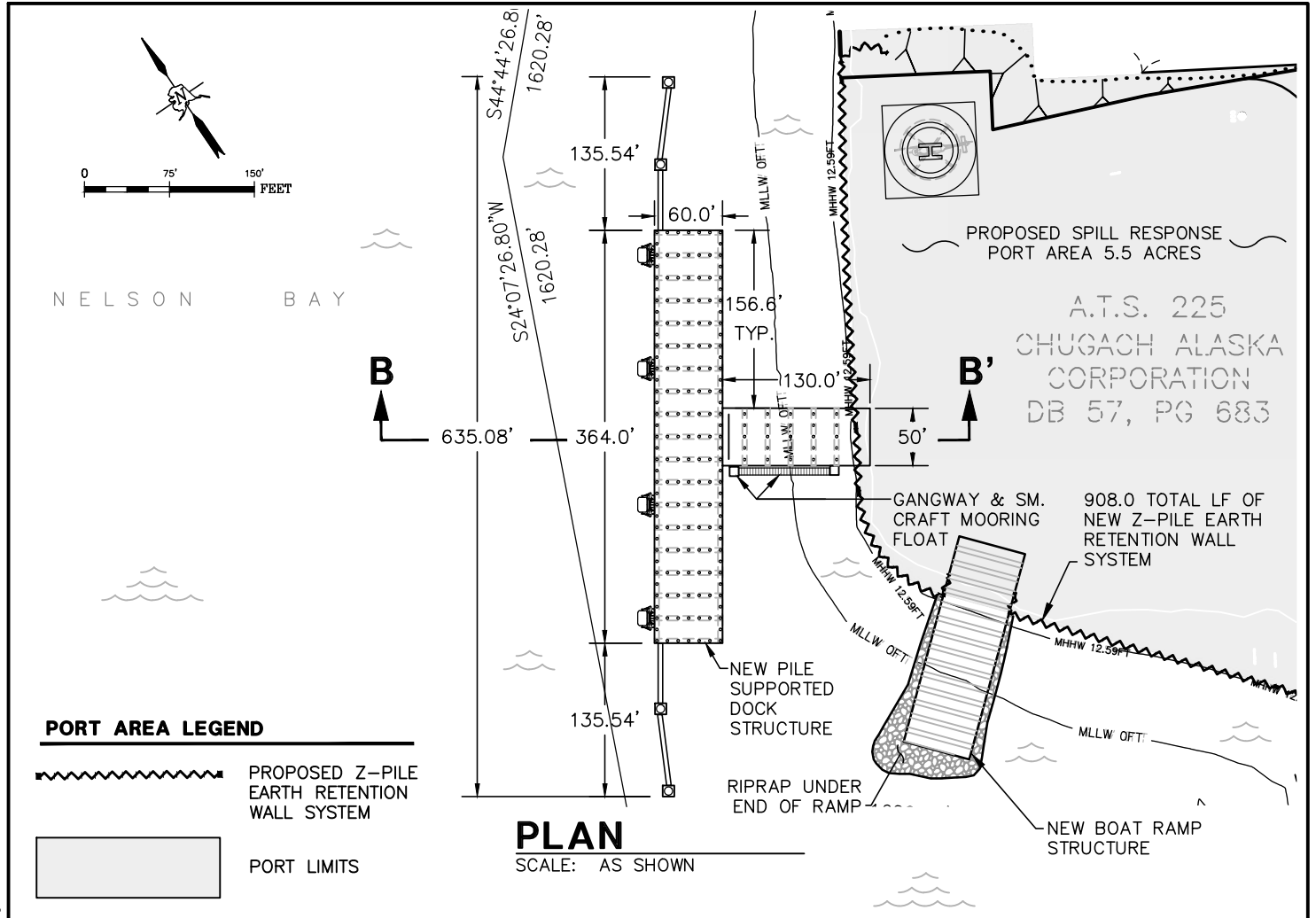
THIS SHEET

NEW SMALL BOAT RAMP STRUCTURE  
PLAN & SECTION

PORT DESIGN PLAN VIEW  
EXHIBIT D

POA# 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018



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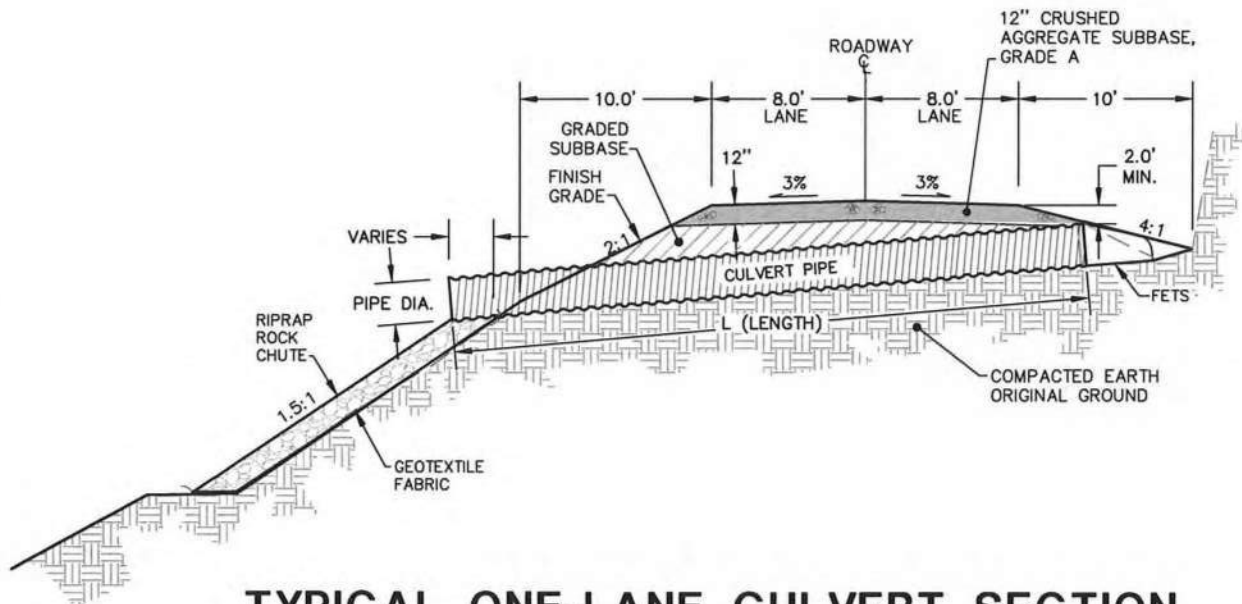
**THIS SHEET**

NEW DOCK STRUCTURE OVERALL  
PLAN & SECTION

**PORT DESIGN PLAN VIEW**  
EXHIBIT D

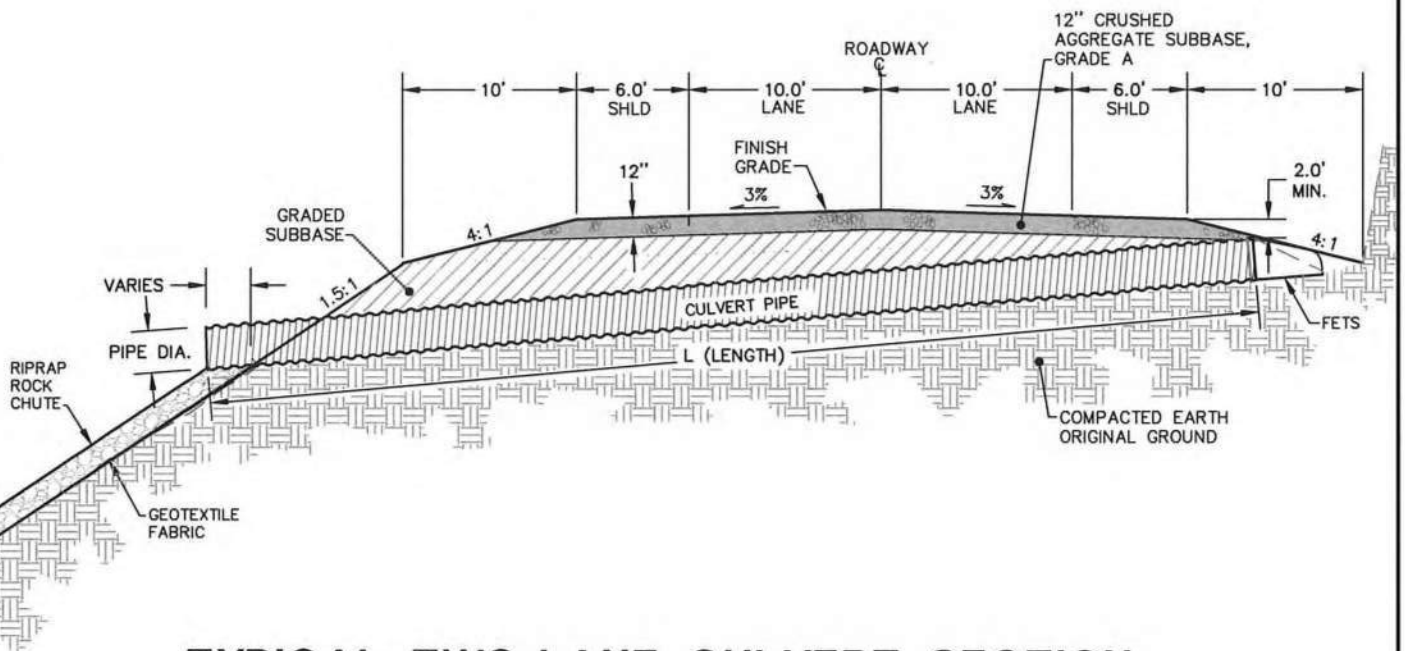
POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018

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### TYPICAL ONE-LANE CULVERT SECTION

SCALE: NOT TO SCALE



### TYPICAL TWO-LANE CULVERT SECTION

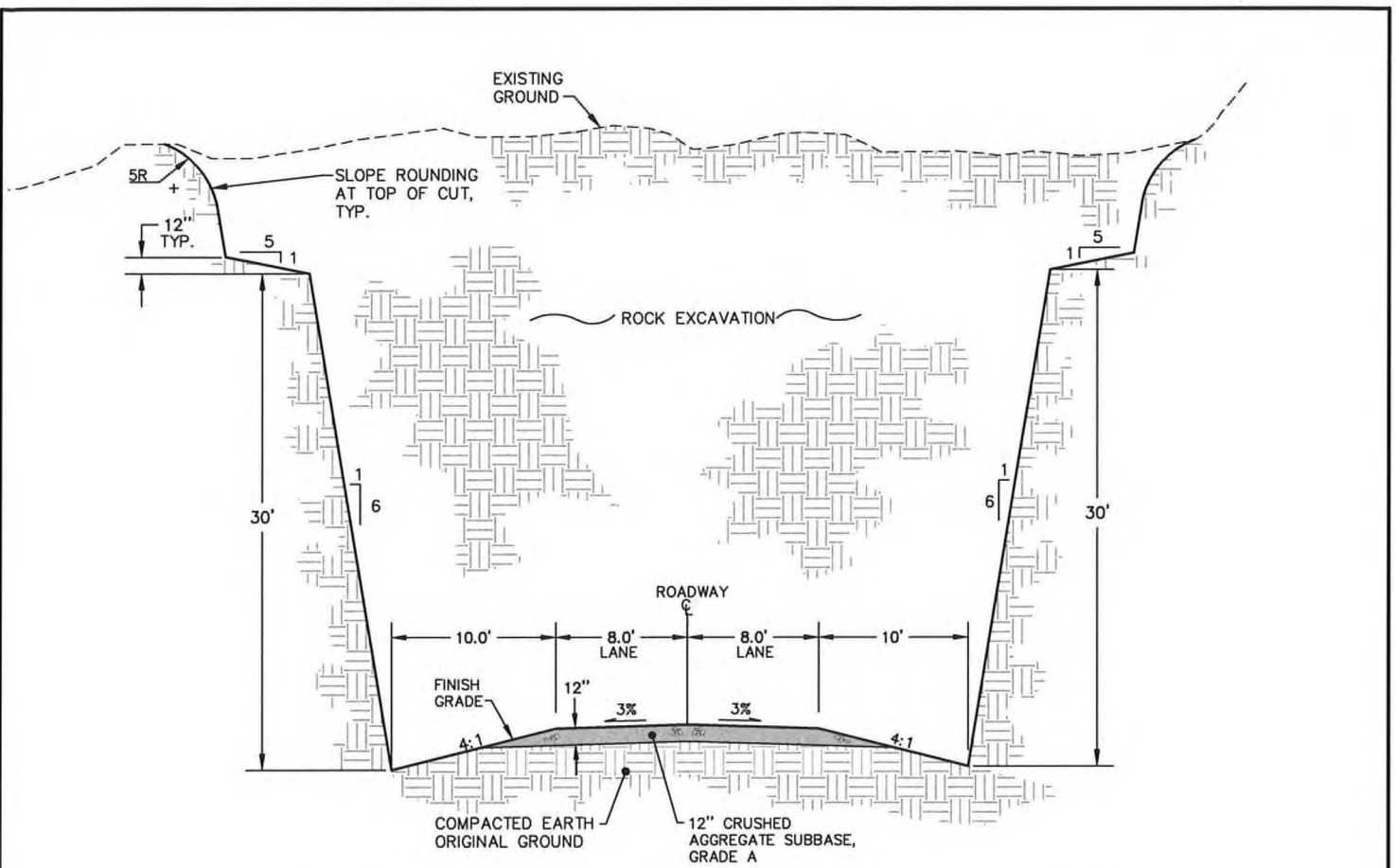
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#### THIS SHEET

ONE-LANE, TWO-LANE  
CULVERT SECTIONS

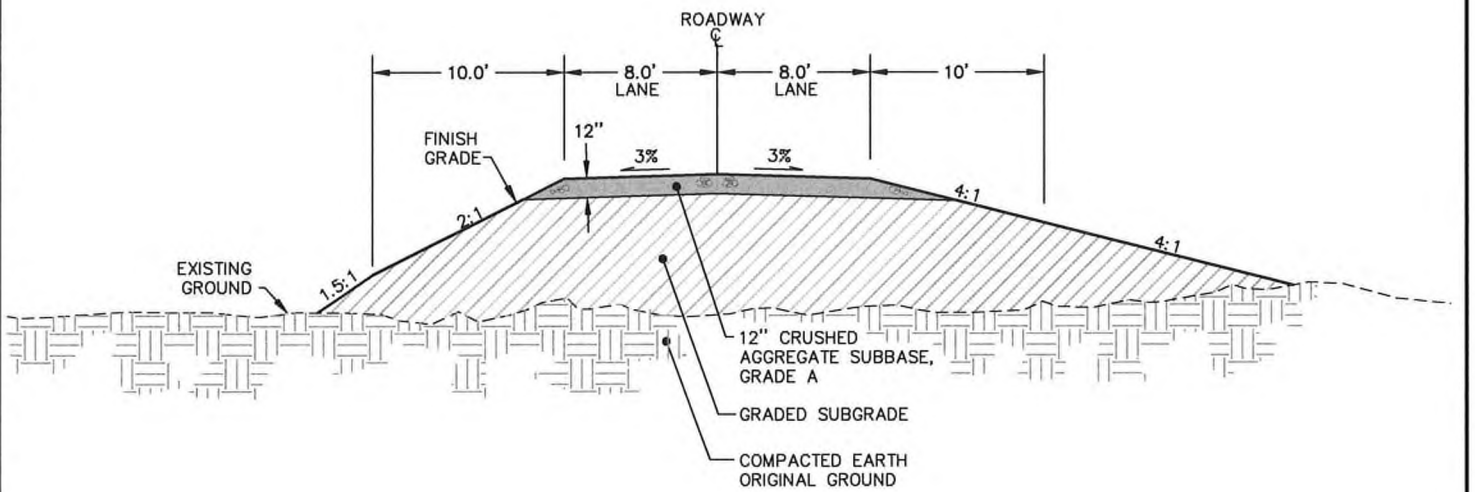
POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018

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### TYPICAL SINGLE-LANE CUT SECTION

SCALE: NOT TO SCALE



### TYPICAL SINGLE-LANE FILL SECTION

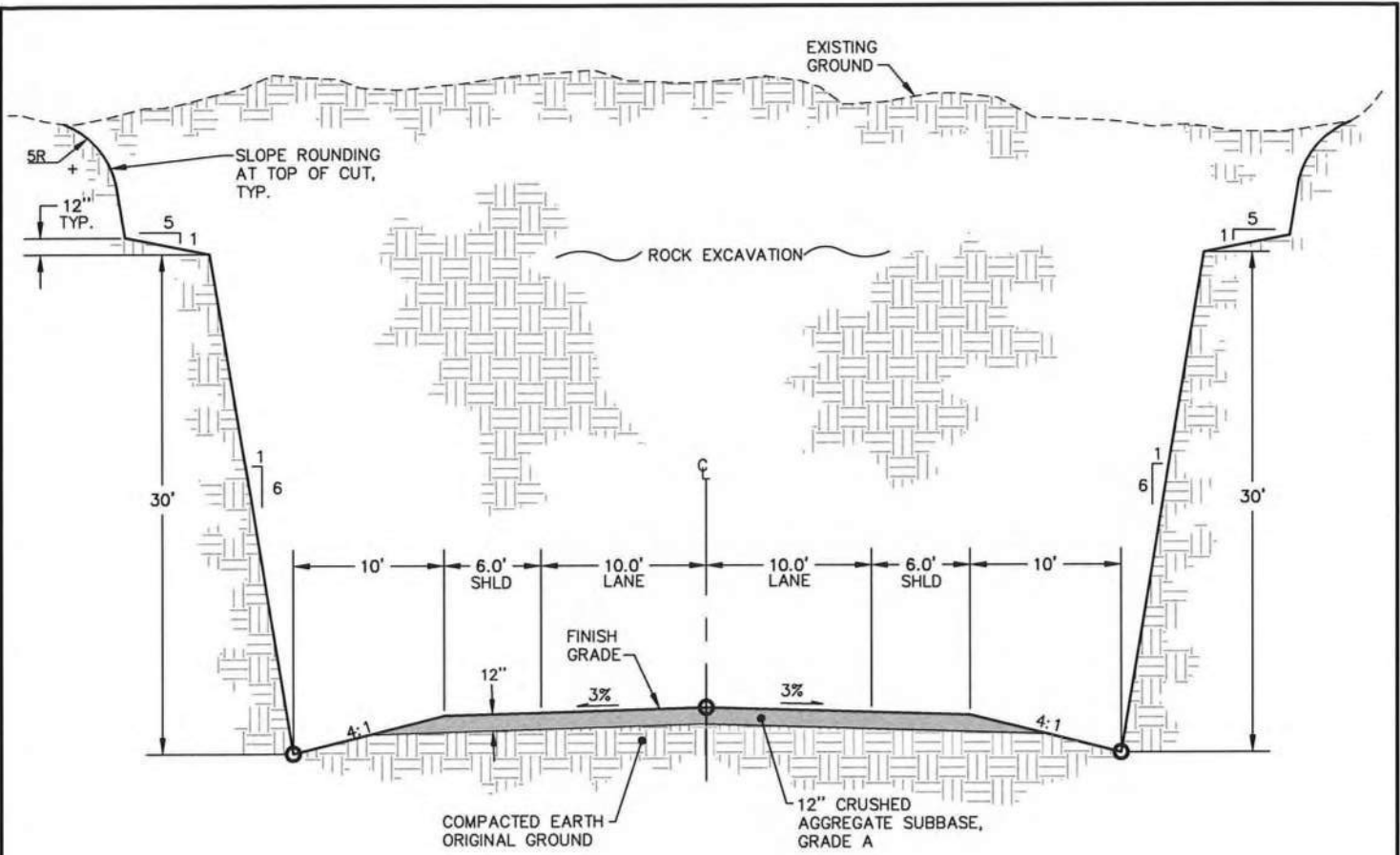
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#### THIS SHEET

SINGLE-LANE CUT/FILL  
ROADWAY SECTIONS

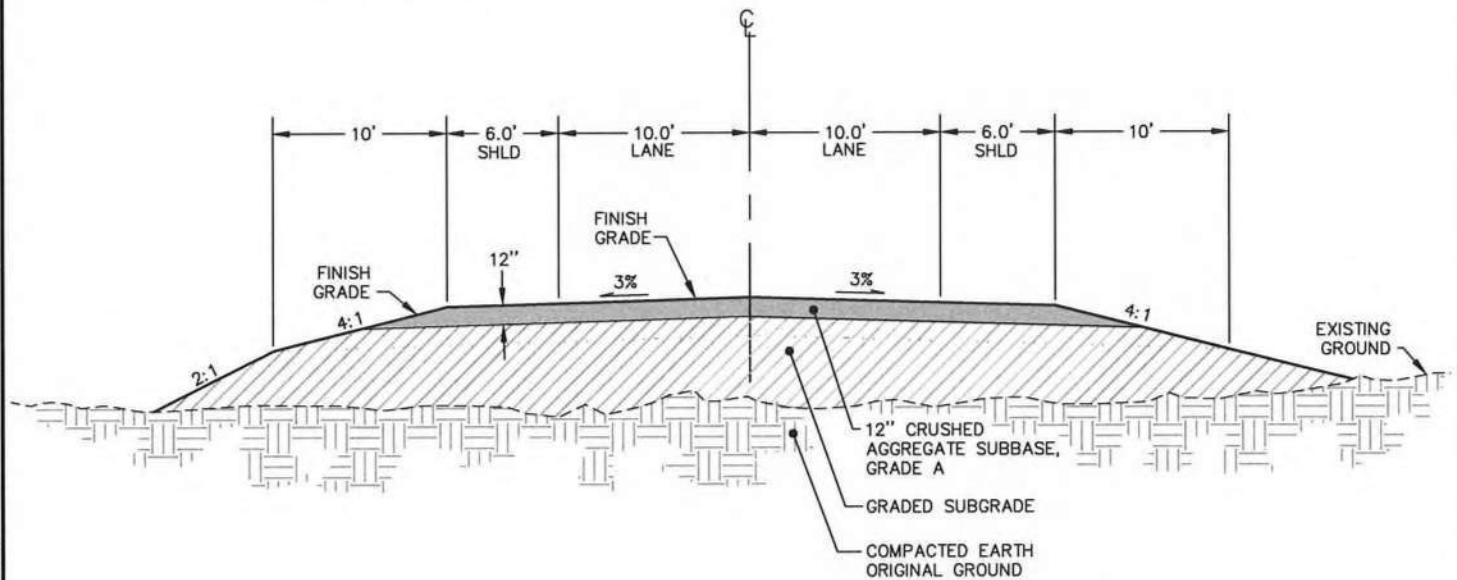
POA# 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018



## TYPICAL TWO-LANE CUT SECTION

SCALE: NOT TO SCALE



## TYPICAL TWO-LANE FILL SECTION

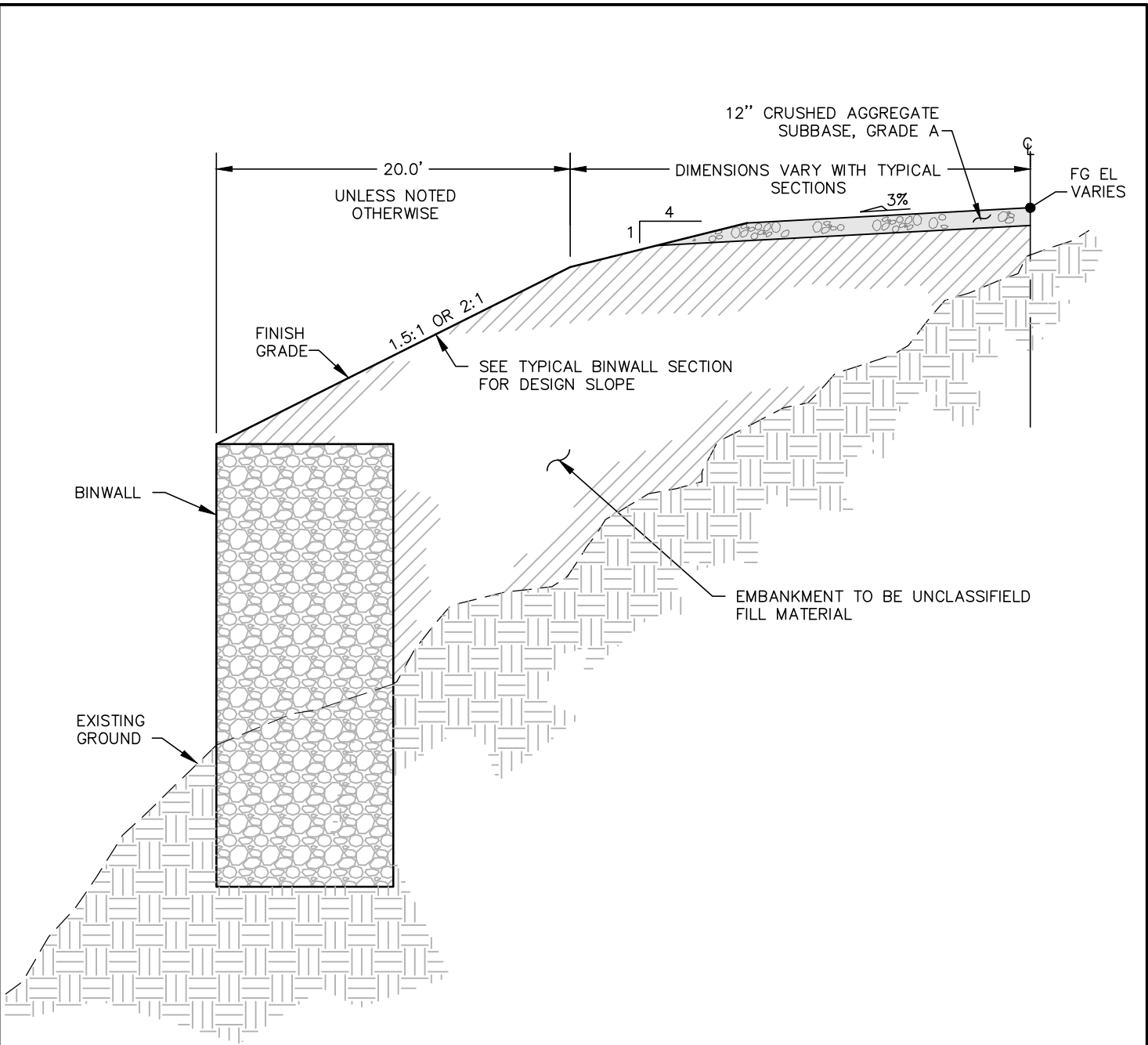
SCALE: NOT TO SCALE

### THIS SHEET

TWO-LANE CUT/FILL  
ROADWAY SECTIONS

POA# 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: ORCA INLET  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018



## TYPICAL ROADWAY BINWALL SECTION

SCALE: NOT TO SCALE

THIS SHEET

TYPICAL ROADWAY  
BINWALL SECTION

### TYPICAL ROADWAY BINWALL CROSS-SECTION

POA # 1994-1014

Applicant: THE NATIVE VILLAGE OF EYAK

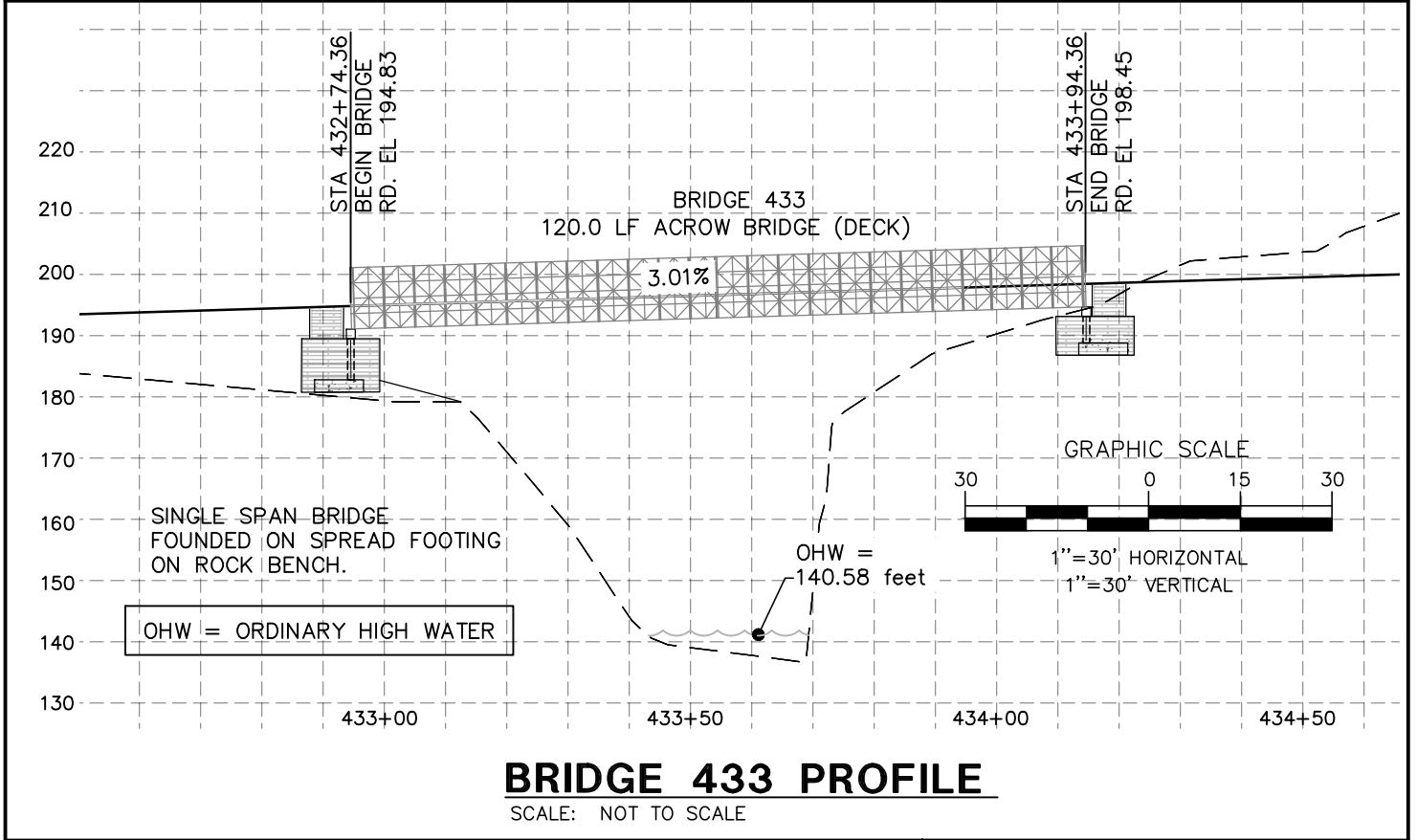
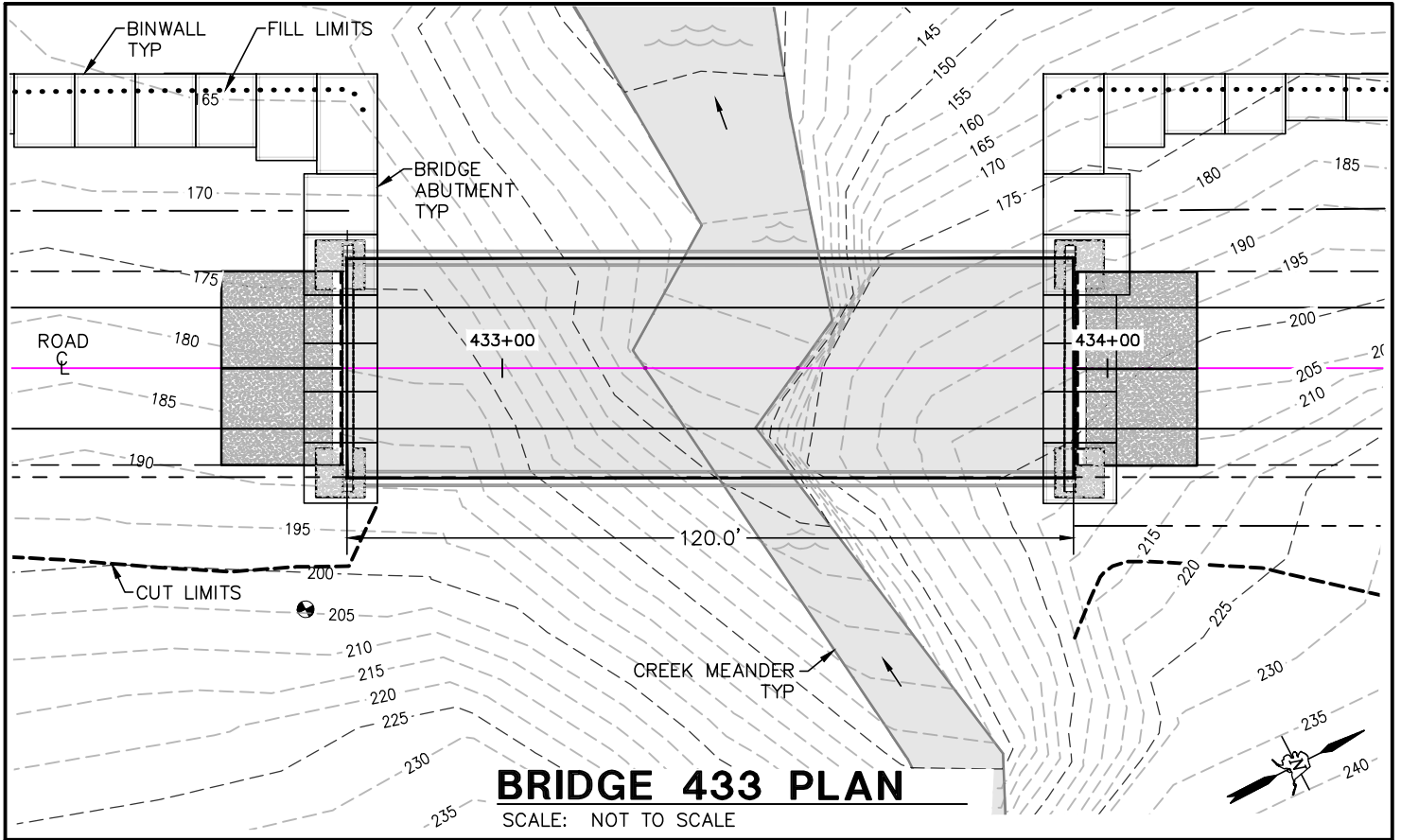
Project: Shepard Point Oil Spill Response Facility

Waterway: ORCA INLET

Proposed Activity: Linear Transportation Project

Location: Shepard Point, Cordova Alaska

Date: 10/24/2018

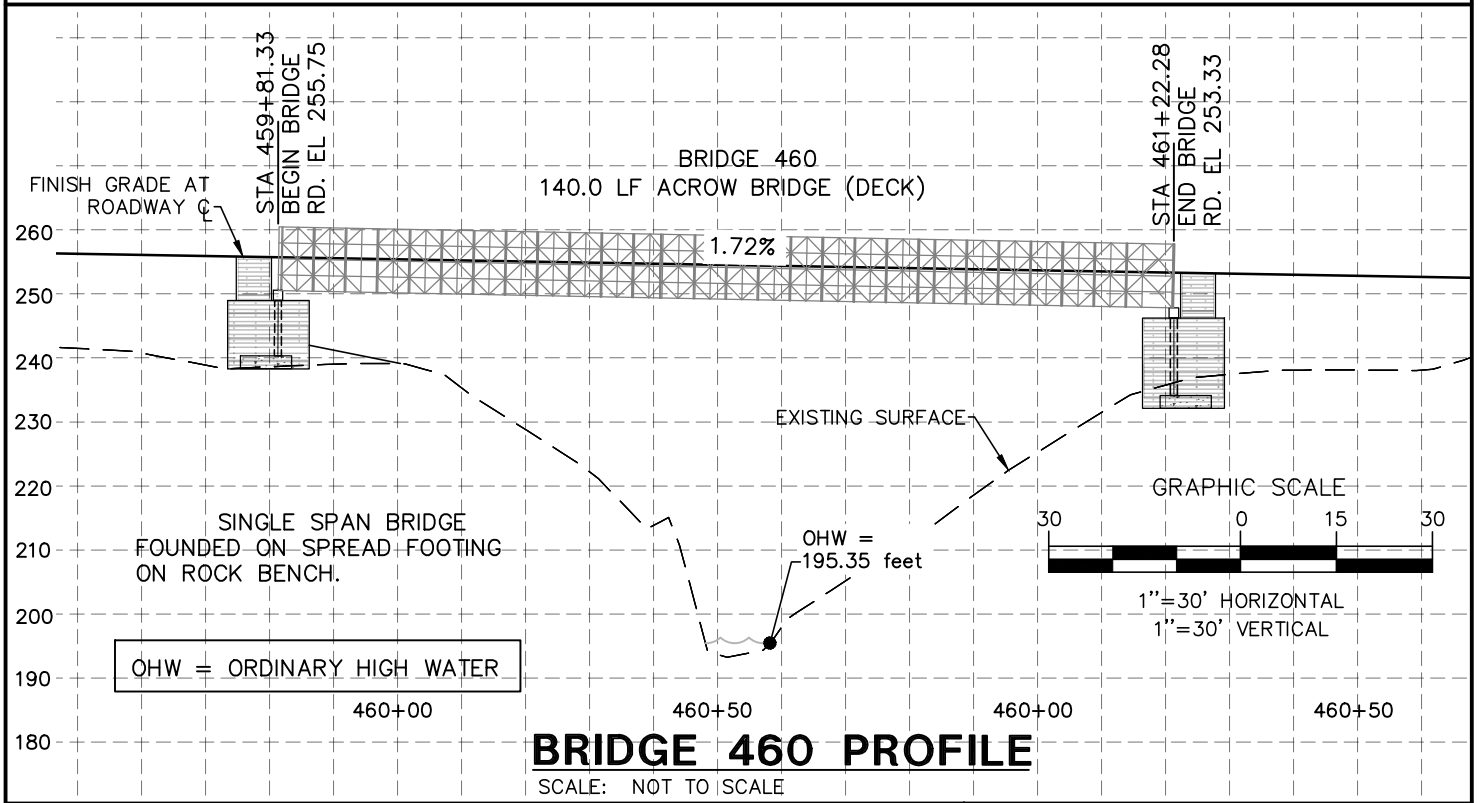
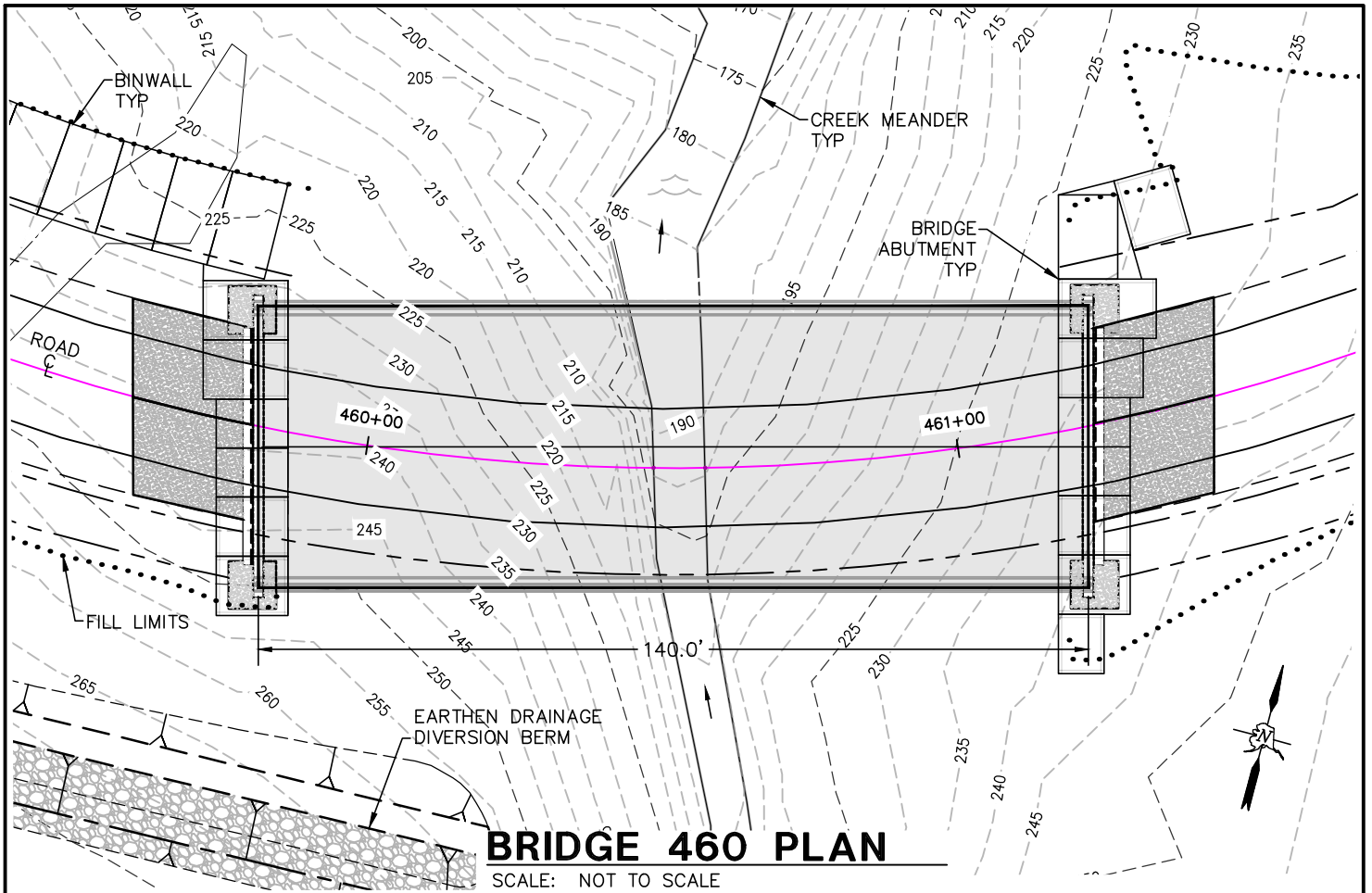


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THIS SHEET  
BRIDGE 433 PLAN & PROFILE

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: Creek at roadway STA 433  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018

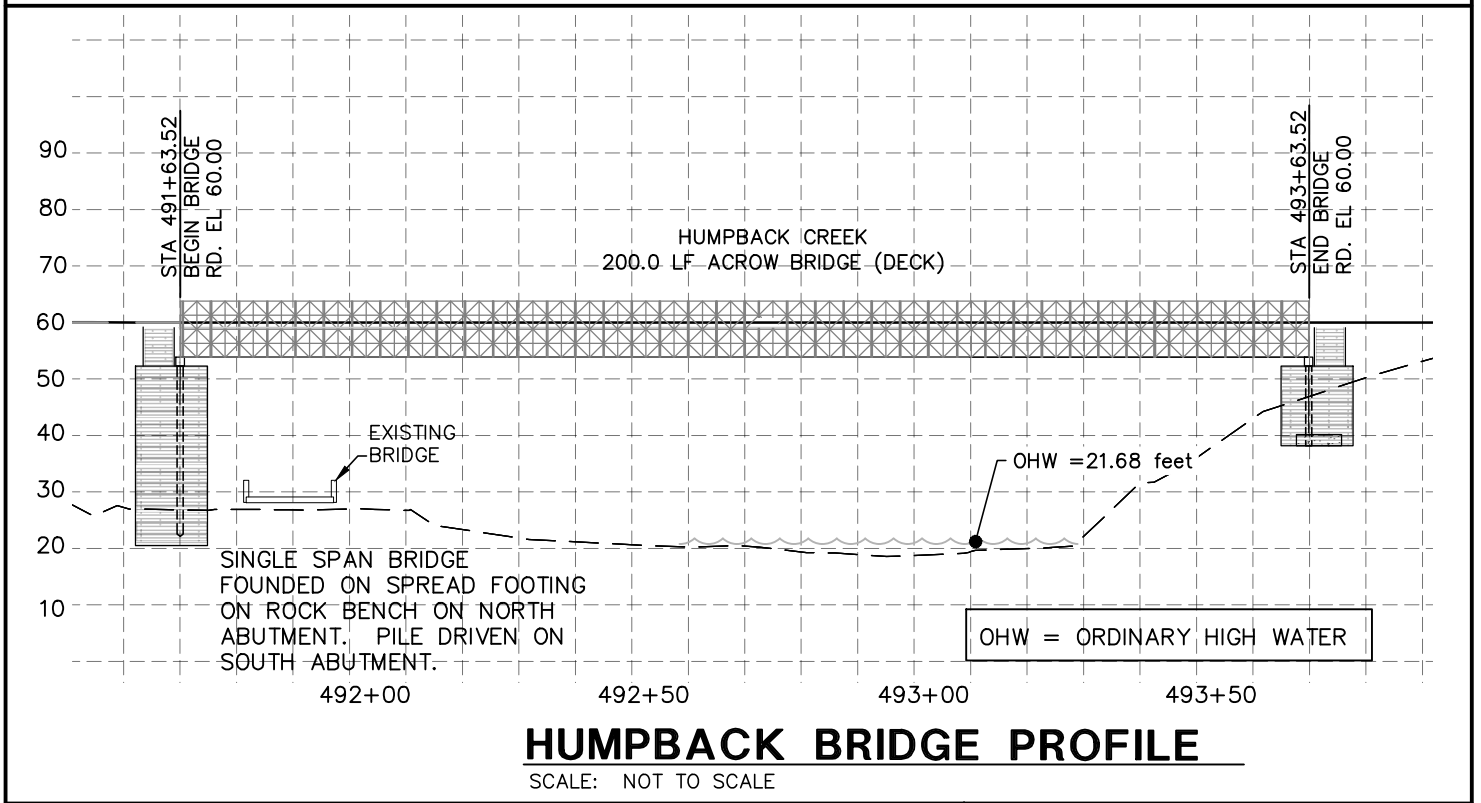
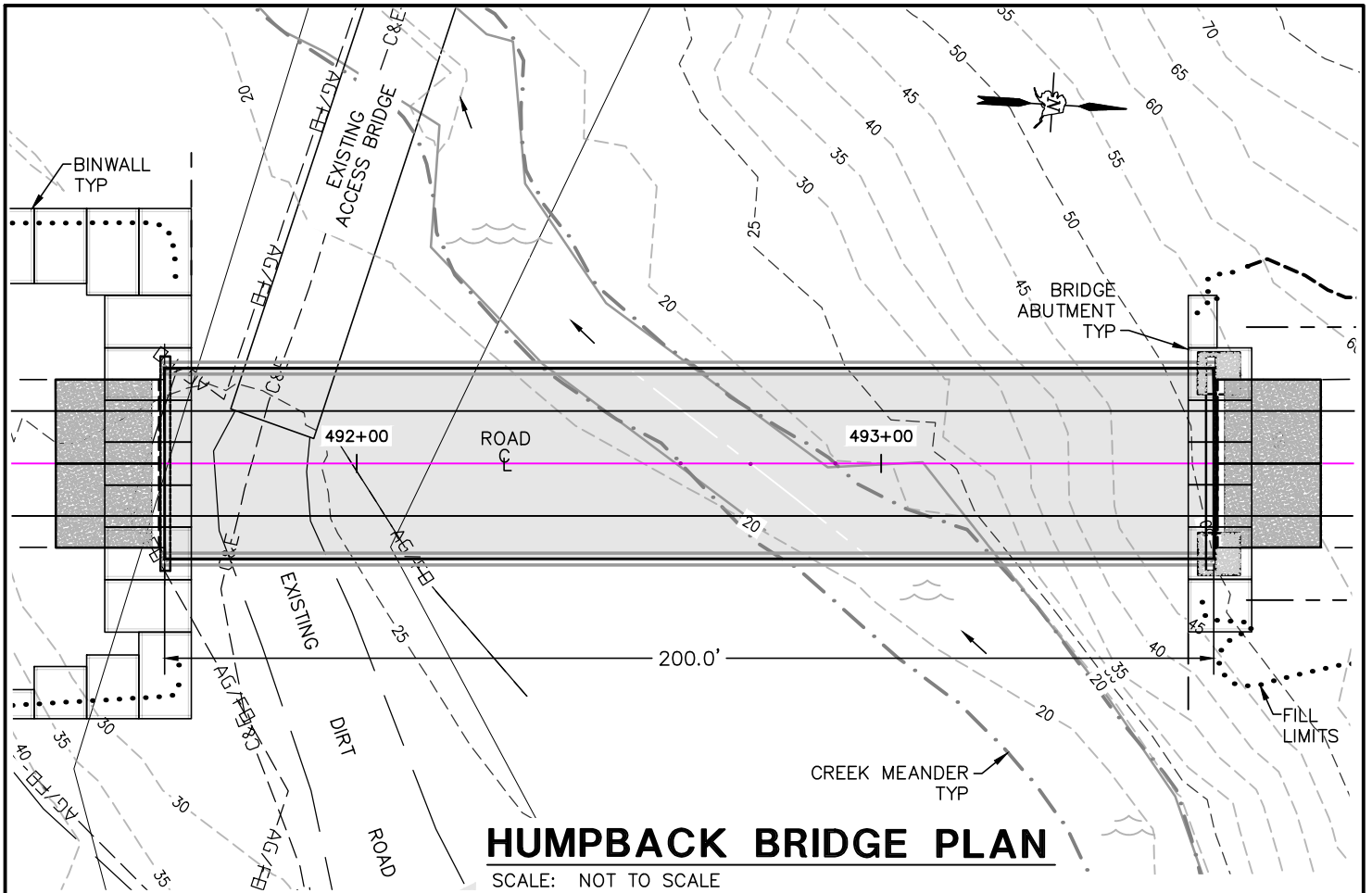




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THIS SHEET  
BRIDGE 460 PLAN & PROFILE

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: Creek at roadway STA 460  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018



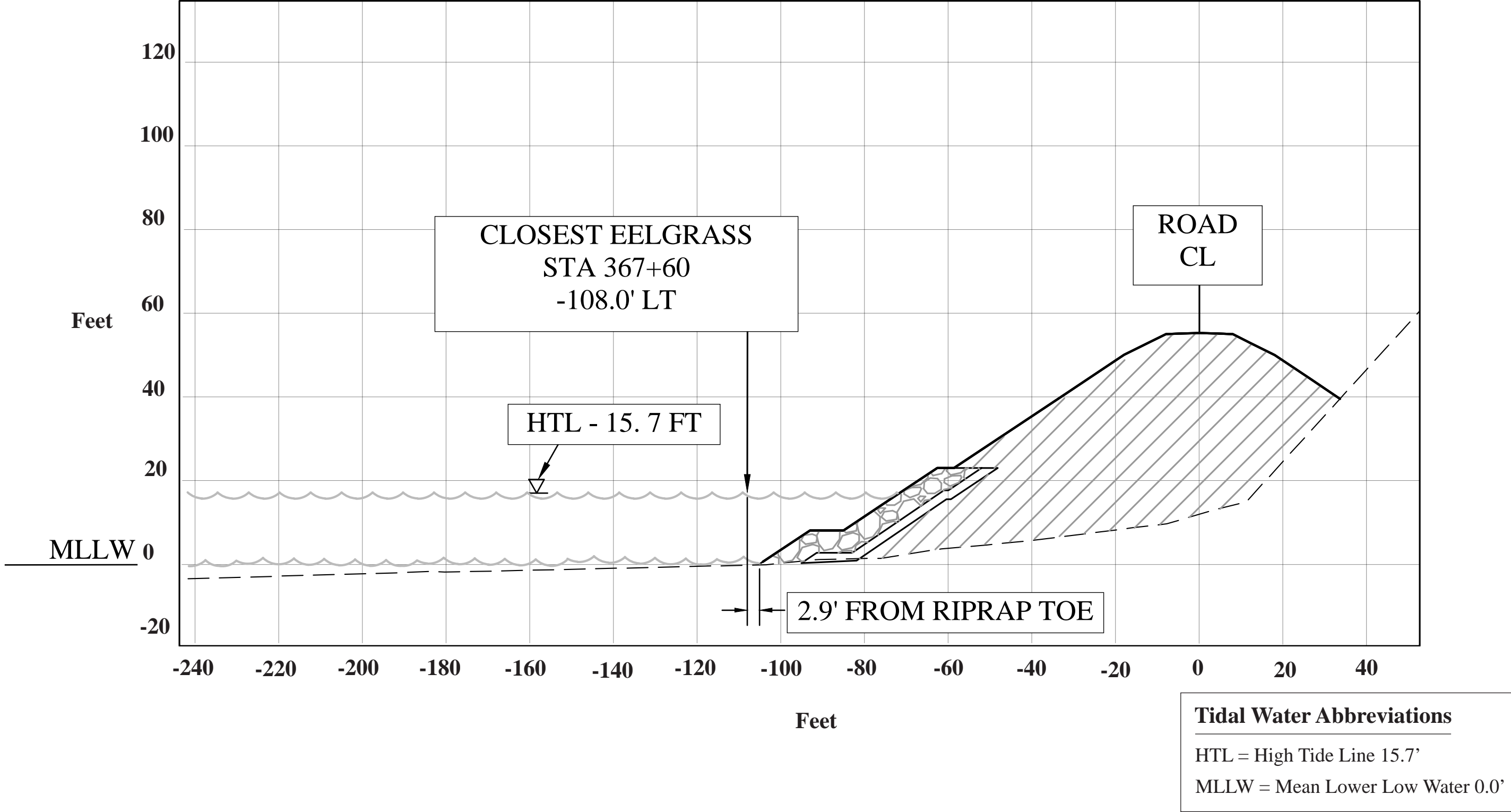
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THIS SHEET  
HUMPBACK CREEK BRIDGE PLAN & PROFILE

Sheet 29 of 36

POA# 1994-1014  
Applicant: THE NATIVE VILLAGE OF EYAK  
Project: Shepard Point Oil Spill Response Facility  
Waterway: Humpback Creek  
Proposed Activity: Linear Transportation Project  
Location: Shepard Point, Cordova Alaska  
Date: 10/24/2018

**Closest Location to Eelgrass in Intertidal Region 1  
Station 367+60**



**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY**

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



Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W

**Sheet 30 of 36 Proximity to Eelgrass  
Intertidal Region 1**

December 2021

**Legend**

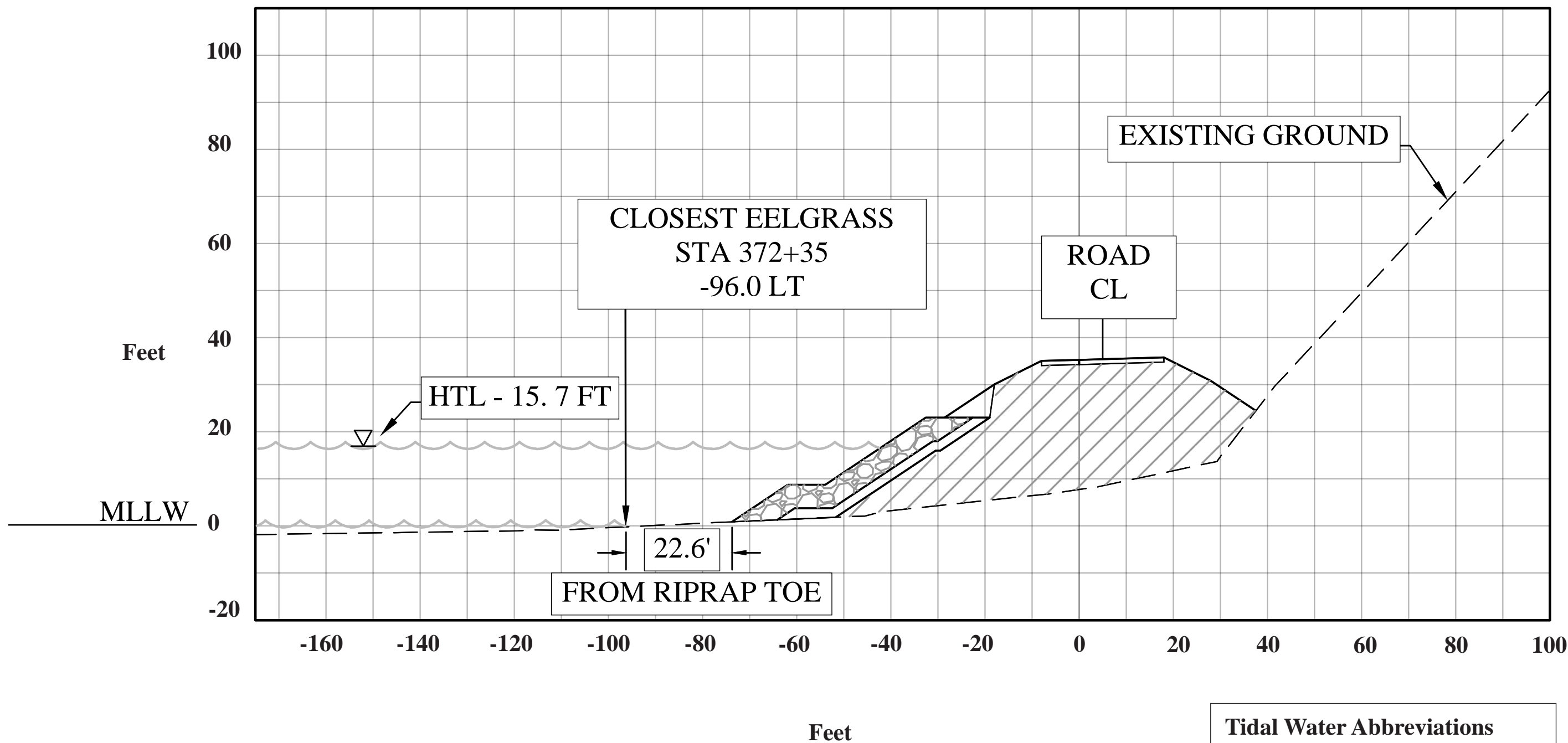
Existing Ground

Roadway Finish Grade

Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**

**Closest Location to Eelgrass in Intertidal Region 2  
Station 372+35**






**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY**  
 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



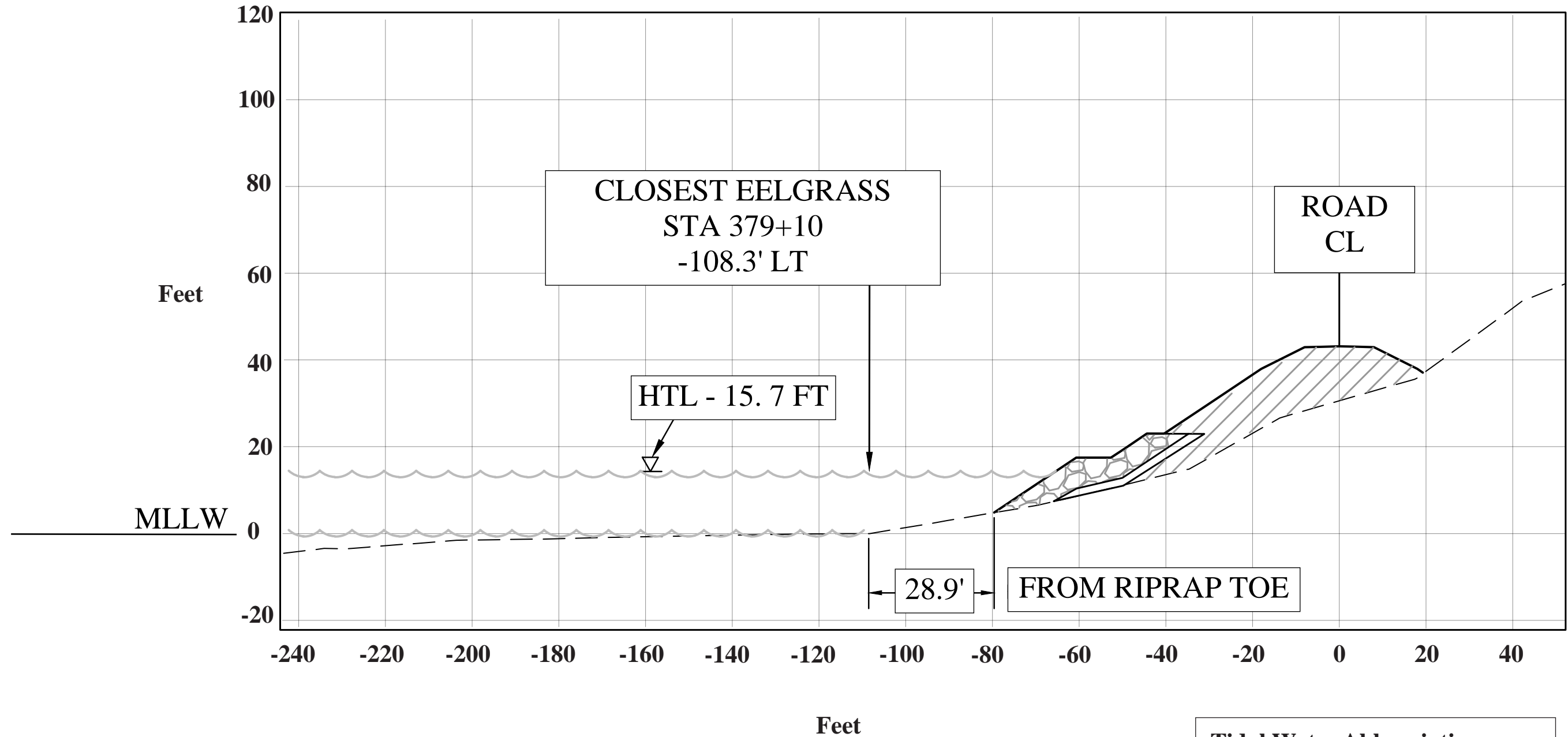
Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W  
**Sheet 31 of 36 Proximity to Eelgrass  
Intertidal Region 2**  
 December 2021

**Legend**

Existing Ground   
 Roadway Finish Grade   
 Riprap Constructed Erosion Shoreline Protection 

**SCALE: 1" = 20'**

# Closest Location to Eelgrass in Intertidal Region 3 Station 379+10



**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL RESPONSE FACILITY**  
 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



Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W  
**Sheet 32 of 36 Proximity to Eelgrass Intertidal Region 3**  
 December 2021

**Legend**

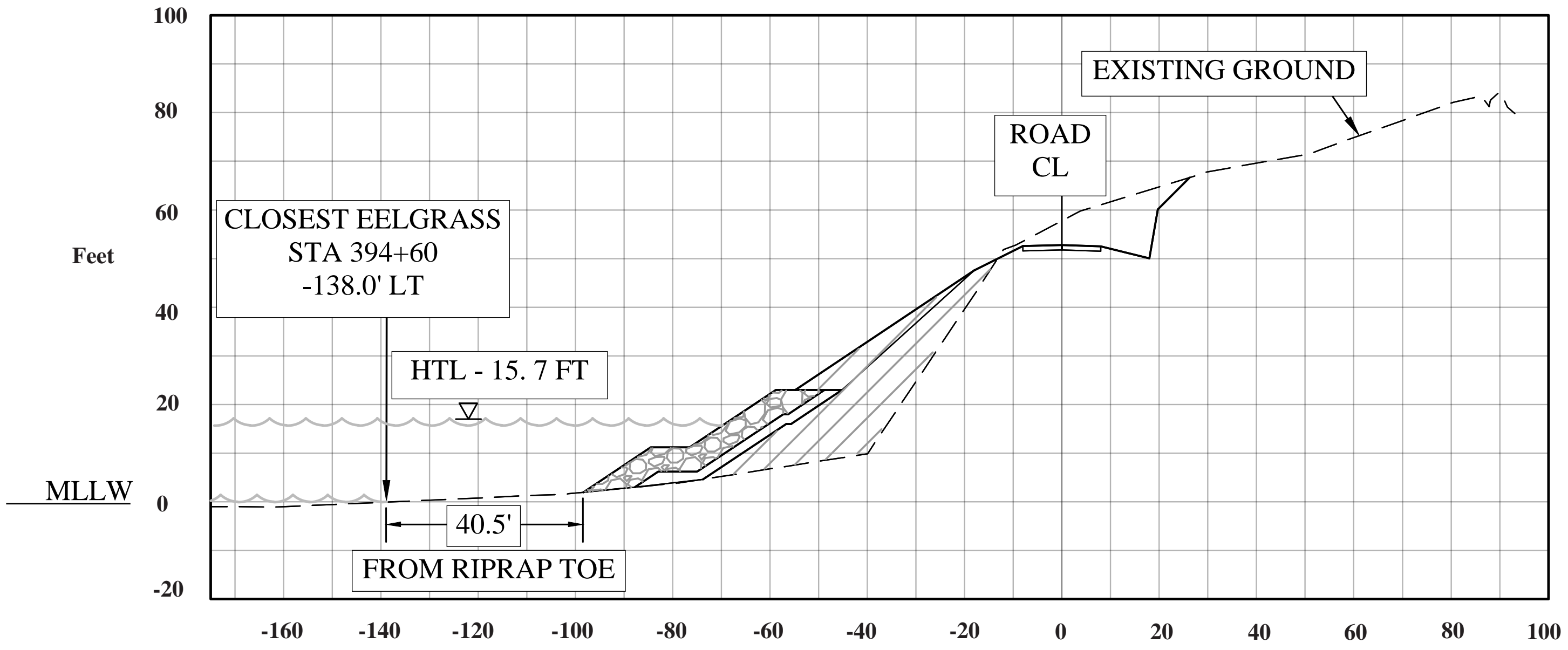
Existing Ground

Roadway Finish Grade

Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**

**Closest Location to Eelgrass in Intertidal Region 4  
Station 394+60**



**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL  
RESPONSE FACILITY**  
 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



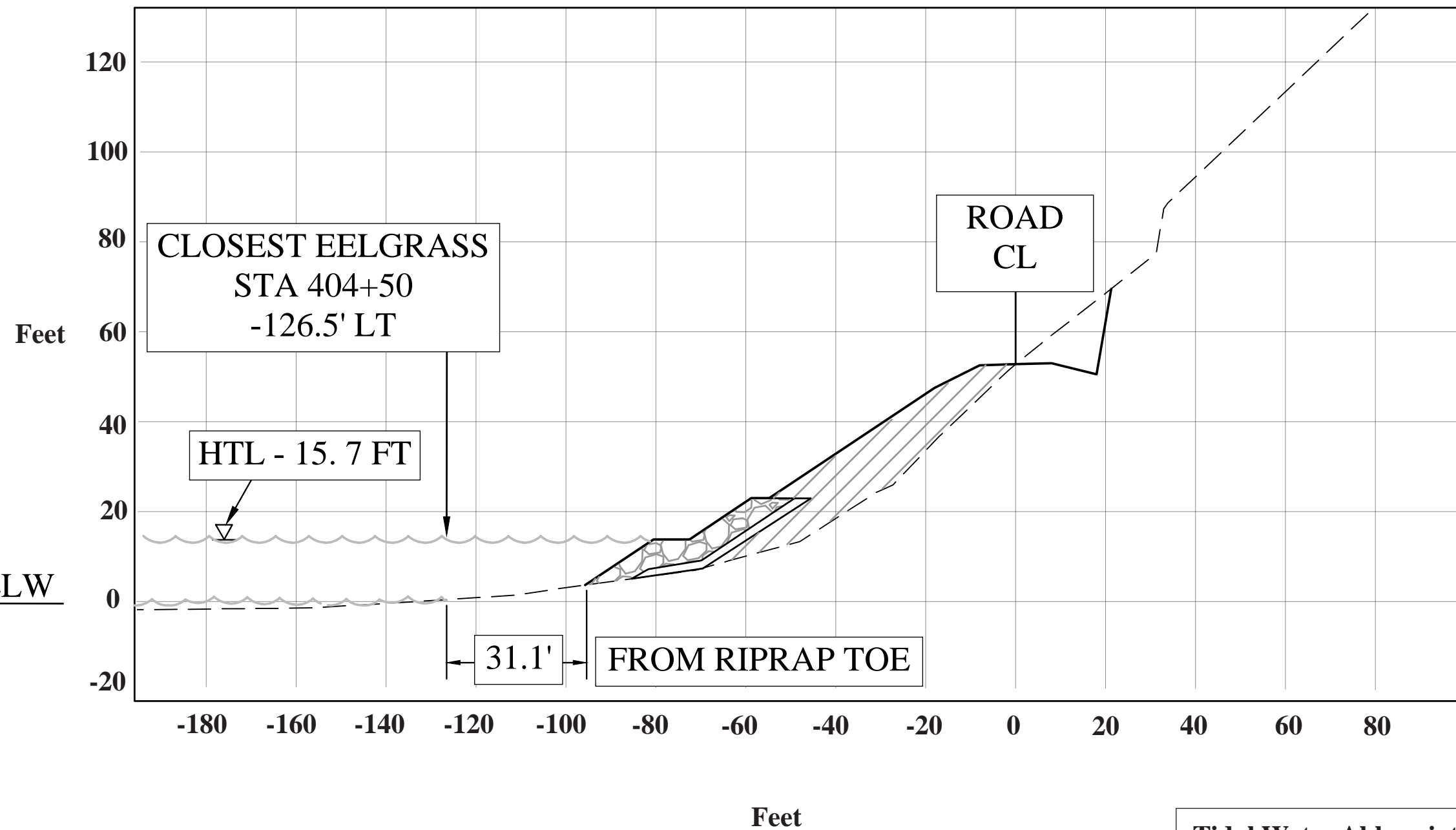
Lat., Long. of Shepard Point:  
**60 37' 51.45" N**  
**145 40' 18.82" W**  
**Sheet 33 of 36 Proximity to Eelgrass**  
**Intertidal Region 4**  
 December 2021

**Legend**

- Existing Ground
- Roadway Finish Grade
- Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**

## Closest Location to Eelgrass in Intertidal Region 7 Station 404+50



**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL  
 RESPONSE FACILITY**

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



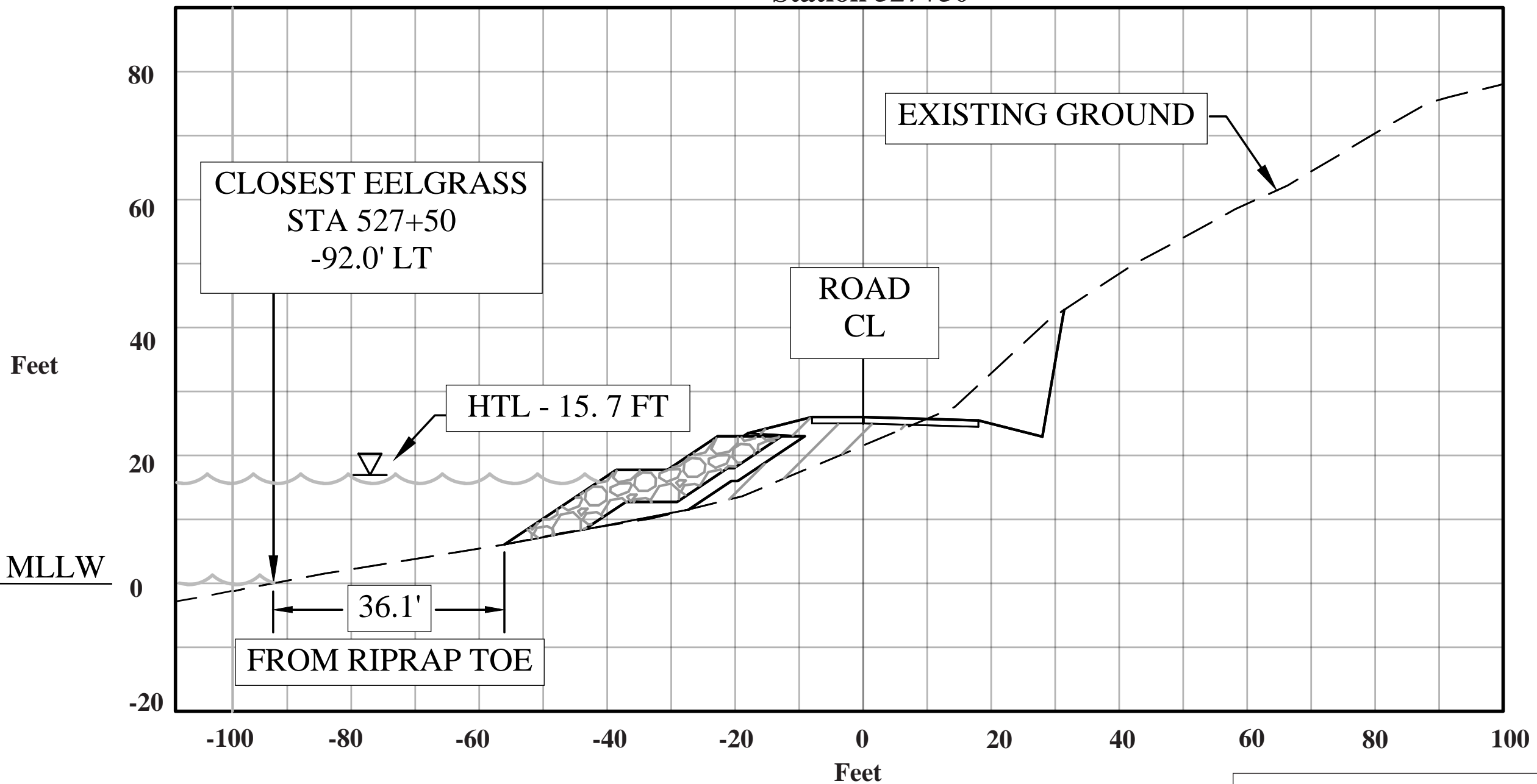
Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W  
**Sheet 34 of 36 Proximity to Eelgrass**  
**Intertidal Region 7**  
 December 2021

**Legend**

Existing Ground   
 Roadway Finish Grade   
 Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**

**Closest Location to Eelgrass in Intertidal Region 9  
Station 527+50**



**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL RESPONSE FACILITY**  
 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



Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W  
**Sheet 35 of 36 Proximity to Eelgrass Intertidal Region 9**  
 December 2021

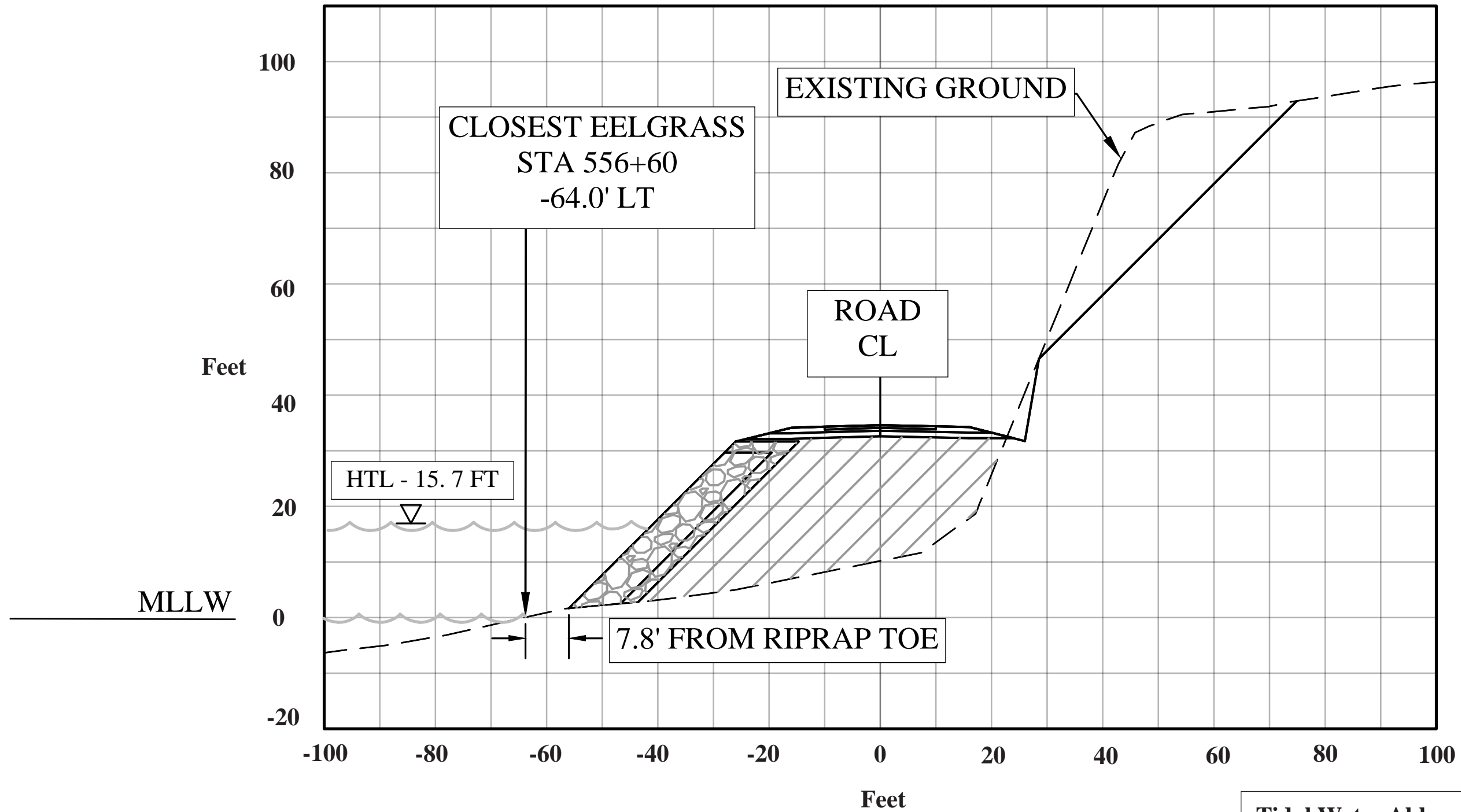
**Legend**

- Existing Ground
- Roadway Finish Grade
- Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**



### Closest Location to Eelgrass in Intertidal Region 11 Station 556+60



**Tidal Water Abbreviations**  
 HTL = High Tide Line 15.7'  
 MLLW = Mean Lower Low Water 0.0'

**SHEPARD POINT OIL SPILL  
 RESPONSE FACILITY**

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



Lat., Long. of Shepard Point:  
 60 37' 51.45" N  
 145 40' 18.82" W  
**Sheet 36 of 36 Proximity to Eelgrass**  
**Intertidal Region 11**  
 December 2021

**Legend**

Existing Ground   
 Roadway Finish Grade   
 Riprap Constructed Erosion Shoreline Protection

**SCALE: 1" = 20'**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Environmental  
Conservation  
DIVISION OF WATER

Wastewater Discharge Authorization  
Program

March 25, 2022

Bertrand Adams  
The Native Village of Eyak  
PO BOX 1388  
Cordova AK 99574

555 Cordova Street  
Anchorage, Alaska 99501-2617  
Main: 907.269.6285  
Fax: 907.334.2415  
[www.dec.alaska.gov/water/wwdp](http://www.dec.alaska.gov/water/wwdp)

Re: Village of Eyak, Shepard Point Oil Spill Response Facility  
POA-1994-01014, Orca Inlet

Mr. Adams:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is re-issuing the enclosed water quality certification that the discharge from the proposed project will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the development of the Shepard Point Oil Spill Response Facility. The Native Village of Eyak was previously issued a CWA §401 Certificate of Reasonable Assurance for this project on April 17, 2017.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 20 days of the permit decision. Visit <http://dec.alaska.gov/commish/review-guidance/> for information on Administrative Appeals of Department decisions.

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

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

Sincerely,

Handwritten signature of James Rypkema in black ink.

James Rypkema  
Program Manager, Storm Water and Wetlands

Enclosure: 401 Water Quality Certificate

cc: (with enclosure)  
Bryan Herczeg, USACE, Anchorage  
Brian Kovol Agent, Midnight Sun  
Environmental, LLC

Kate Kanouse, ADF&G/Habitat,  
Juneau USFWS Field Office  
Matthew LaCorix, 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 is reissued to The Native Village of Eyak, Attention: Bertrand Adams at PO BOX 1388 Cordova Alaska 99574. The discharge from the Shepard Point Oil Spill Response Facility will comply with water quality requirements for the placement of dredged and/or fill material in waters of the U.S. including wetlands and streams. The Native Village of Eyak was previously issued a CWA §401 Certificate of Reasonable Assurance for this project on April 17, 2017.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-1994-01014) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Joint Public Notice POA-1994-01014 posted from February 4, 2022, to March 7, 2022.

**Project Description and Location**

The applicant's stated purpose has not changed from that described in Section 1.2 of the 2006 FEIS. The project purpose is to:

- Construct an oil spill response facility and deep-water port in the Cordova area that could receive oil spill equipment from any location at all tides, via an air-to-ground-to response-vessel or cargo vessel-to-response-vessel transportation sequence,
- Accommodate existing and foreseeable future oil spill response vessels and oil spill response-related cargo vessels with deeper drafts than can be accommodated by existing facilities in the area, and
- Include an adequately sized area, contiguous to the dock, for staging and storing response equipment.

Project Description: Permit POA-1994-01014 was originally issued to the Native Village of Eyak on October 16, 2017. The authorization permitted the 4.5-mile extension of the New England Cannery Road to Shepard Point, construction of a deep-water dock with mooring dolphins and trestle, a small boat launch; and a 3.5-acre staging area for oil spill response equipment and facilities.

Design updates to the project have resulted in changes to the Shepard Point access road, bridge crossings, and staging area. The proposed permit modifications include:

- 1) Road realignment near Humpback Creek: The road alignment was adjusted to go around Humpback Mountain to the west rather than the east to avoid potential impacts on the Cordova Electric Cooperative (CEC) penstock tunnel. The realigned road will now cross Humpback Creek via a 200-foot clear span bridge downstream of the CEC powerhouse tailrace.
- 2) Reduce road length from 4.5 miles to 4.32 miles: Remove approximately 1,000 feet of the road near Orca Cannery. The proposed new road length is now 4.32 miles. Excluding a short double lane section of road near the start of the project, the road will be single lane with a gravel surface. It will include intervisible passing lanes spaced a maximum distance of 1,000 feet and placed as road geometry dictates (23 turnouts total) throughout the entire corridor. The typical lane width of the roadway will be 16-feet, with an additional width of ten feet at passing lanes.
- 3) Bridge crossings at No-name Creek: plans changed to add new modular, prefabricated steel truss bridges at No-name Creek. The Orca Creek stream crossing is now proposed as a culvert. Also, bridges over Little Humpback Creek and Humpback Creek that are shown on the 2017 permit plans are proposed as modular, prefabricated steel truss bridges and moved to the new crossing locations for the new road alignment.

- 4) Shepard Point pad and staging area increased from 3.5 acres to 5.5 acres: The Shepard Point pad and staging area was originally proposed that a minimum size of 3.5 acres was needed to operate an oil spill response facility. Operational analysis showed the design limited the area available for storage of oil spill response materials and equipment and was highly inefficient due to the narrow width and location of the small boat launch ramp. The analysis determined that the new design would allow for more efficient use of the staging area with a pad size of roughly 5.5 acres necessary for oil spill response capabilities.
- 5) Install interlocking steel sheet pile retaining wall at Shepard Point pad and staging area:
- 6) The proposed redesign would use a 908-linear foot sheet pile sea wall (z-shaped interlocking steel sheet pile) adjacent to the seaward boundary of Shepard Point and at the access road terminus. Incorporating the sea wall into the project design reduces the fill quantities in subtidal areas below the boat ramp and intertidal areas above the Mean Higher High Water (MHHW) line or elevation 12.59-feet. Using the sheet pile sea wall will alleviate the need to place riprap at Shepard Point and increase the usable pad space for spill response activities.
- 7) Boat ramp configuration change: the 2017 authorization included a 200-foot by 35-foot boat ramp. The proposed modification includes 187.5-foot by 60-foot boat ramp at the Shepard Point pad and staging area.
- 8) Remove 2017 DA Permit POA-1994-01014 Special Condition 5: The Native Village of Eyak (NVE) requests the Removal of Special Condition 5 from POA-1994-01014, which prevents impacts on two properties eligible for the National Register of Historic Places (NRHP), the Shepard Point Mess Hall (COR-428) and the Shepard Point Oriental Mess Hall (COR-429). In 2018, the NVE anticipated the two historic mess halls would need to be demolished and removed to expand the Shepard Point pad and staging area. The NVE approached the Bureau of Indian Affairs (BIA) to mitigate these NRHP-eligible sites. The BIA prepared and circulated a Memorandum of Agreement (MOA) to the State Historic Preservation Office (SHPO), the Eyak Corporation (TEC), the Chugach Alaska Corporation (CAC), and NVE, detailing the mitigation plan. A comprehensive Archaeological Survey (Cultural Resources Survey) of the project area at Shepard Point was completed in the summer of 2018. After completing data recovery fieldwork and the final report, the SHPO concluded that the work outlined in the MOA was complete. SHPO issued a closeout letter on July 13, 2021, and the BIA agreed with the SHPO assessment and formally closed the MOA letter to all signatories dated July 22, 2021.

The proposed activity is located within the project site is located within Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian, USGS Quad Map: AK Cordova C-5; between Latitude 60.578259° N. Longitude 145.721472° W.; and Latitude 60.630286° N., Longitude 145.671076° W., along Orca Inlet in Prince William Sound, near Cordova, Alaska.

### **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 which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided 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 contact by telephone the DEC Area Response Team for Southeast Alaska 907-465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high-water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log 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.
5. Contact DEC's Contaminated Sites Program Evonne Reese if historical contamination is found during the project (email: [Evonne.reese@alaska.gov](mailto:Evonne.reese@alaska.gov), (907) 465-5229) for permission before proceeding.

### ***Turbidity, Erosion and Sediment Control***

6. 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 prior to construction along with the Notice of Intent (NOI). For more information see DEC's website for the CGP at <http://dec.alaska.gov/water/wastewater/stormwater/construction>, or call 907-269-6285.
7. 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.
8. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
  - a. Divert storm water 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 storm water 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 water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

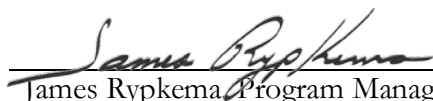
### ***Vegetation Protection and Restoration***

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 in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.
10. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly 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 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 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: 3/25/2022

  
\_\_\_\_\_  
James Rypkema Program Manager  
Storm Water and Wetlands