



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

KENAI FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE:	June 25, 2014
EXPIRATION DATE:	July 25, 2014
REFERENCE NUMBER:	POA-1993-425-M8
WATERWAY:	St. Herman Bay

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.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Michael Setering at (907) 283-3518, by fax at (907) 283-3981, or by email at Michael.t.setering@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Dave Wicks, Pacific Pile and Marine, L.P., 620 East Whitney Road, Suite B, Anchorage Alaska 99501. Telephone and E-mail: (907) 276-3973, davew@pacificpile.com

AGENT: Ms. Kate Arduser, Solstice Alaska Consulting, Inc., 2607 Fairbanks Street, Suite B, Anchorage Alaska 99503. Telephone and E-mail: (907) 929-5960, kate@solticeak.com

LOCATION: The project site is located within Section 6, Township 28 S., Range 19 W., Seward Meridian; USGS Quad Map AK-Kodiak D-2; Latitude 57.775° N., Longitude -152.414° W.; on Near Island; Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to provide safe and efficient transport of material from the City of Kodiak's Near Island Quarry.

PROPOSED WORK: The applicant proposes to construct a new steel barge ramp (80 feet in length by 14 feet in width) in St. Herman Bay. The barge ramp would be secured into the existing concrete curb at the Near Island shoreline. A total of twelve 24-inch diameter steel piles would be installed below Mean High Water (approximate elevation +7.9 feet above the 0.0 foot contour); two individual piles would support the barge ramp, while two 3-pile breasting dolphins and two 2-pile breasting dolphins would facilitate berthing of barge vessels loading and unloading quarry material. Post-construction, the height of the piles would extend 8 feet above Mean High Water.

Proposed work would be completed from a crane barge (160 feet in length by 50 feet in width); piles would be driven into the substrate via vibratory hammer. Each pile would require 2 hours of vibratory pile driving, and all 12 piles would be installed consecutively; no more than 24 hours to complete all vibratory pile driving. The applicant has proposed to utilize an impact hammer to clear isolated obstructions (only if encountered). In this unanticipated scenario, impact pile driving would last no more than 6 hours. The applicant anticipates starting work in August, 2014; construction is expected to last 7 days. There is no filling, blasting, or dredging proposed by this permit application. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated June 19, 2014.

ADDITIONAL INFORMATION: On July 13, 2007, the City of Kodiak received authorization under DA permit POA-1993-425-S to construct a bulkhead facility that included a boat lift, wash down area, and bulkhead dock. The boat lift and wash down area were constructed; however, the City of Kodiak was unable to construct the bulkhead dock prior to the expiration of DA permit POA-1993-425-S. The applicant proposes to construct the barge ramp at the same location as the bulkhead dock previously authorized by POA-1993-425-S.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

THREATENED (T) or ENDANGERED SPECIES (E): The project area is within the known or historic range of the (T) Northern Sea Otter (*Enhydra lutris kenyoni*), (E) Steller Sea Lion (*Eumatopia jubatus*), (E) Humpback whale (*Megaptera novaeangliae*), (E) North Pacific right whale (*Eubalaena japonica*), (E) Sperm whale (*Physeter macrocephalus*), (T) Steller's Eider (*Polystica stelleri*), and the (E) Short-tailed albatross (*Phoebastria albatrus*).

We have determined the described activity would have no effect on (T) Steller's Eider (*Polystica stelleri*) or (E) Short-tailed albatross (*Phoebastria albatrus*), and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

We have determined the described activity may affect the (T) Northern Sea Otter (*Enhydra lutris kenyoni*), (E) Steller Sea Lion (*Eumatopia jubatus*), (E) Humpback whale (*Megaptera novaeangliae*), (E) North Pacific right whale (*Eubalaena japonica*), (E) Sperm whale (*Physeter macrocephalus*), or their designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of the Chum salmon (*Oncorhynchus keta*), Pink salmon (*Oncorhynchus gorbuscha*), Coho salmon (*Oncorhynchus kisutch*), Sockeye salmon (*Oncorhynchus nerka*), and Chinook salmon (*Oncorhynchus tshawytscha*).

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

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

District Commander
U.S. Army, Corps of Engineers

Enclosures