US Army Corps of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	**December 1, 2014**
EXPIRATION DATE:	**December 31, 2014**
REFERENCE NUMBER:	**POA-2006-597-M1**
WATERWAY:	**Berners Bay/Lynn Canal**

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

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 Randal Vigil at (907) 790-4490, by mail at the address above, or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF), 6860 Glacier Highway, Juneau, AK 99811. Point of Contact: Jane Gendron

LOCATION: The project site begins 40.5 miles northwest of Juneau near Echo Cove at Latitude 58.663344º N., Longitude 134.903281º W.; and continues 50.8 miles along the eastern coast of Lynn Canal ending at the proposed ferry terminal just north of the Katzehin River delta near Haines, Alaska at Latitude 59.227191º N., Longitude 135.327309º W.

SPECIAL AREA DESIGNATION: The project is located within Berners Bay, Tongass National Forest.

PURPOSE: The applicant's stated purpose is: "To provide improved surface transportation to and from Juneau within the Lynn Canal corridor, that will provide the capacity to meet the transportation demand in the corridor, provide flexibility and improve opportunity for travel, reduce travel time between the Lynn Canal communities of Juneau, Haines, and Skagway, reduce State and user costs for transportation in the corridor." See the Juneau Access Improvements Project Draft Supplemental Environmental Impact Statement, Section 1.4 for more information on the applicant's stated purpose for the proposed project.

PROPOSED WORK: The applicant requests authorization for the following work in waters of the United States, (U.S.) including navigable waters:

Road Construction

- Discharge 531,100 cubic yards of rock, sand, and gravel fill material into waters of the U.S. to construct a 50.8 mile long by 30-feet wide two-lane highway (47.9 miles of new highway from Cascade Point to the

Katzehin River and widening of 2.9 miles of the existing Glacier Highway from Echo Cove to Cascade Point). The discharge would impact 60.7 acres of palustrine forested wetlands and 25.5 acres of marine waters below the High Tide Line (approximately elevation +21.2 feet above the 0.0 foot contour) (HTL) consisting primarily of rocky shore. The discharge below the HTL would include three bridge crossings including Independence Creek (Bridge 9E), Katzehin River and an unnamed stream (Bridge 27E).

- Discharge 5,968 cubic yards of gravel, riprap and concrete fill material below the ordinary high water mark of 2.9 acres of stream channel for the installation of approximately 266 culverts to provide highway cross drainage and maintain natural flow patterns for surface water and wetlands.

Katzehin Terminal

- Dredge approximately 40,000 cubic yards of silt and sand from approximately 4.4 acres below the mean high water mark (approximate elevation +15.8 feet above the 0.0 foot contour) (MHW) to construct a ferry mooring basin to -25-feet below the 0.0 foot contour.

- Discharge 110,600 cubic yards of rock and dredged material (silt and sand) into approximately 6.6 acres below the HTL to construct a new ferry terminal two miles north of the Katzehin River consisting of:
    - one terminal pad approximately 640-feet long by 450-feet wide;
    - one terminal area breakwater approximately 500-feet long by 180-feet wide, and;
    - one northwest breakwater approximately 400-feet long by 180-feet wide.

- Construct below the MHW a vessel mooring facility that would include a stern berth consisting of:
    - one 60-feet wide by 80-feet long steel float;
    - one 20-feet by 143-feet long steel transfer bridge;
    - four pile-supported (4 total 30-inch diameter steel) mooring dolphins;
    - two pile-supported (6 total 30-inch diameter steel) mooring dolphins;
    - one pile-supported (3 total 24-inch diameter steel) sheetpile wave barrier end;
    - one pile-supported (6 total 30-inch diameter steel) float restraint, and;
    - one pile-supported (3 total 24-inch diameter steel) bridge abutment.

Skagway Terminal

- Construct at the existing Skagway Ferry Terminal below the MHW a new end berth to moor a new conventional monohull ferry that would operate between Haines and Skagway that would consist of:
    - three (30-inch diameter steel) four-pile dolphins;
    - one 6 pile (30-inch diameter steel) dolphin
    - one (8-feet wide by 42-feet long)
    - two (8-feet wide by 54-feet long) catwalk spans,
    - one (6-feet wide by 42-feet long) gangway.

Facilities	**Surface Area To Be Filled or Dredged (Acres)**	**Volume (cubic yards)**
Roadway Fill/Slope Stabilization	60.7 (palustrine wetlands)	531,100 rock, sand, and gravel
Channel Work	2.9 (stream channel)	5,968 gravel, riprap & concrete
Roadway Marine Fill	25.5 (marine waters)	Captured in roadway fill quantity
Ferry Terminal Pad/Breakwaters	6.6 (marine waters)	110,600 rock & dredged material
Ferry Terminal Dredging	4.4 (marine waters)	40,000 silt and sand
TOTAL	100.1	687,668

All work would be performed in accordance with the enclosed plan (sheets 1-93), dated October 2014.

ADDITIONAL INFORMATION: Excavation of soil and grubbing within the cut and fill limits would be conducted with a bulldozer and tracked excavator. No mechanized land clearing would occur in wetlands outside the cut and fill limits. Clearing in wetlands beyond the toe slope would be conducted by hand (chain saw) or brush hog on the roadbed.

Pile driving at the Katzehin Ferry Terminal would use a vibratory hammer to the extent practicable. Dredging at the terminal would be completed by suction or clam shell scoop. The riprap outer walls of the terminal fill pad would be placed first, during low tide stages, and dredged material would be contained within the riprap fill.

Rock excavation would be by dozer ripping or drilling and blasting. No blasting is anticipated within waters of the U.S. All blasting near waters of the U.S. would be controlled to avoid incidental discharge of blasted materials into those waters (including wetlands) adjacent to the project.

Construction camps, borrow pits, and waste areas would be sited in uplands and stabilized during and after use to avoid and minimize impacts to water quality.

The following approvals are being applied for in the same timeframe as this application, and are pending:

- U.S. Forest Service, Special Use Permit.
- National Marine Fisheries Service, Marine Mammal Protection Act Incidental Harassment Authorization for marine mammals.
- Alaska Pollutant Discharge Elimination System (APDES), Alaska General Permit for Stormwater During Construction.
- Alaska Department of Environmental Conservation (ADEC) review of the Storm Water Pollution Prevention Plan under the APDES General Permit.
- ADEC authorization for treated wastewater discharge from the proposed Katzehin Ferry Terminal.
- Alaska Department of Natural Resources Division of Mining, Land and Water Interagency Land Management Assignment for use of tidelands at the proposed Katzehin Ferry Terminal and easements for proposed highway segments below the mean high water mark.

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: "Suitable upland-only build alternatives cannot be defined because of the length and landscape complexity of the Juneau Access Improvement Project area. The proposed alternative crosses several large rivers, numerous wetland complexes, and many unnamed streams. Total avoidance of wetlands with this project is unachievable. Various project alignments have been adjusted during the environmental evaluation and preliminary engineering phases of the project. Under the current design concept for Alternative 2B, all Category I wetlands, palustrine emergent wetlands, and estuarine emergent wetlands have been avoided and the need for deepwater disposal has been eliminated. This has resulted in a footprint reduction of 14.5 acres over what was originally authorized by USACE permit number POA-2006-597-2."

b. Minimization: "Within wetlands and other sensitive areas, the roadway is designed with a low-profile embankment to limit embankment heights and side slopes so that the fill footprint is minimized. This height may be different based upon location and underlying substrate. The overall profile designed for this project minimized embankment height as much as possible while still providing adequate clearance for stream crossings. Whenever possible the embankment profile follows the profile of the original ground and uses the minimum necessary embankment material. Culverts are proposed in appropriate locations to maintain natural flow patterns for surface water, and roadside swales are designed to keep surface water within the natural drainage basins.

All known anadromous fish streams are crossed by bridges to avoid fill in streams and adjacent riparian habitat, where practicable. A number of parameters were used in determining the most appropriate structures for each stream crossing. Adjacent riparian wetlands were preserved to the extent practicable- weighed in part with other issues of logistics (abutment placement, span length, and locations of piers), cost, and approach curvature and gradient. Bridges are considerably more expensive than any other project feature. For that reason, span lengths had to be evaluated both individually and within context of the total overall project cost. Each crossing was rigorously evaluated by project scientists and engineers to determine the longest span(s) that could be used that avoids open water, preserves riparian habitats, considers overall project cost, and accounts for logistical concerns. Anadromous fish streams that can be crossed with 130-foot or shorter bridges would not have any structure or fill in the stream channel. To reduce impacts to riparian wetlands, the Lace and Antler rivers both have 50-foot bridge extensions on each side, and an additional 100-foot section has been added to the north side of the

Katzehin River bridge. During final design, ADOT &PF will investigate additional measures to reduce impacts, including whether additional alignment changes can be made.

During construction, slope limits in wetlands areas would be separately identified to ensure that workers are aware of wetlands and the need to avoid impacts beyond the slope and clearing limits. Construction camps, borrow pits, and waste areas would be located in upland areas and stabilized during and after use to avoid and minimize water quality impacts to nearby aquatic resources. The construction contractor would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan that describes the Best Management Practices (BMPs) to be used to minimize water quality impacts. The SWPPP would include procedures for locating and installing specific erosion control measures (e.g., silt fences, straw waddles, etc.), sediment basins, and installation of temporary erosion controls such as mulching and hydroseeding. Construction equipment would be power washed prior to use on the project to reduce the potential for introducing invasive species."

c. Compensatory Mitigation: The ADOT&PF proposes the purchase of in-lieu-fee credits and permittee responsible compensatory mitigation to offset impacts to waters of the United States, including wetlands. The permittee-responsible mitigation would include the existing Yankee Cove artificial reef project, and the proposed riprap breakwater for the Katzehin Ferry Terminal. A compensatory mitigation plan would outline the elements required by 33 CFR 332 for the proposed permittee-responsible compensatory mitigation projects. A determination of credits for the two proposed permittee-responsible mitigation projects, as well as the amount of credits to be purchased from an ILF provider would be detailed in the proposed compensatory mitigation plan.

The DOT&PF proposes the use of the mitigation ratios outlined in the table below to offset the direct loss of 92.8 acres of waters of the United States, including wetlands that would result from construction of the proposed project.

Impact Types and Mitigation Ratios

Category[1]	NWI Type	Water of the U.S.Type	Impact (acres)	Proposed Compensatory Mitigation	ILF Mitigation Debits
II	Palustrine Wetland	Special Aquatic	13.5	2:1	27.0
III	Palustrine Wetland	Special Aquatic	47.2	1.5:1	70.8
III	Marine Area	Water of the U.S.	32.1	1.5:1	48.2
		Totals	*92.8*		*146.0*

No compensatory mitigation is proposed for the 4.4 acres of dredging associated with the Katzehin Ferry Terminal or the 2.9 acres of fill associated with the proposed stream channel work.

WATER QUALITY CERTIFICATION: A Section 401 certification was issued by the Alaska Department of Environmental Conservation on May 18, 2011. The certification is valid for five years from the date of issuance.

CULTURAL RESOURCES: A Supplemental Environmental Impact Statement (SEIS) is being prepared for the proposed project. The lead Federal agency, Federal Highway Administration (FHWA), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A permit for the described work will not be issued until the Section 106 process has been completed.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae),* and Steller Sea Lion *(Eumetopias jubatus)* Western Distinct Population Segment.

[1] ADOT&PF has classified wetlands and waterbodies into the following four categories: Category I – High-functioning, Category II – High–to moderate–functioning, Category III – Moderate-to low-functioning, and Category IV – Degraded and low-functioning. See the Juneau Access Improvements Project Draft SEIS, Appendices Volume 6, Appendix Z – Technical Report Update to Appendix X.

We have determined the described activity may affect the endangered Humpback whale (*Megaptera novaeangliae),* and Steller Sea Lion *(Eumetopias jubatus)* Western Distinct Population Segment. The FHWA as lead Federal agency in preparation of the SEIS has initiated the appropriate consultation procedures under Section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, 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 Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

We have determined the described activity may adversely affect EFH in the project area for the following species the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon. In a Draft EFH assessment prepared for the proposed project dated May 2014, the applicant on behalf of FHWA determined that the described activity would have temporary and permanent adverse affects on EFH during construction. The applicant proposes EFH conservation measures. Refer to the Draft SEIS, 2014 Update to Appendix N. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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)(l) 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 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).

District Commander
U.S. Army, Corps of Engineers

Enclosures