



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

**PUBLIC NOTICE DATE:** November 9, 2012  
**EXPIRATION DATE:** December 10, 2012  
**REFERENCE NUMBER:** POA-2011-757  
**WATERWAY:** Woody Island Channel

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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 **Roberta K. Budnik** at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [roberta.k.budnik@usace.army.mil](mailto:roberta.k.budnik@usace.army.mil) if further information is desired concerning this notice.

APPLICANT: Federal Aviation Administration, 222 West 7th Avenue, Suite 14, Anchorage, Alaska 99513.

LOCATION: The project site is located within Section 4, T. 28 S., R. 19 W., Seward Meridian; USGS Quad Map Kodiak D-2; Latitude 57.7822° N., Longitude 152.3583° W.; on Woody Island, near Kodiak, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Alaska Maritime National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to construct a new boat ramp in order to ensure continuous operations for essential Federal Aviation Administration (FAA) air navigation systems on Woody Island.

PROPOSED WORK: Excavate 1,180 cubic yards of material from a 243-foot long by 58-foot wide area (0.3235-acre) and then discharge a total of 1059.5 cubic yards of fill materials below High Tide Line (HTL) in order to construct a new 228-foot long by 28-foot wide (toe-to-toe) boat ramp. Up to 180 feet of the boat ramp's length would be below HTL; therefore 0.1157-acre of waters of the U.S. would be filled. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated February 7, 2011.

ADDITIONAL INFORMATION: The proposed boat ramp would replace an existing wooden dock, constructed in 1964, that is deteriorating and becoming unsafe to use. The wooden dock was built shortly after the 1964 Great Alaska earthquake, and is deteriorating and is becoming unsafe to use. The FAA had an engineering survey of the dock completed and determined that it would be impractical to repair the dock due to the deteriorating nature of the wood and concrete.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The proposed project purpose is for boat access to the island, and complete avoidance of waters of the U.S. is therefore not possible.

b. Minimization: The FAA will plan and carry out the proposed project using best management practices and take the necessary steps to minimize impacts to aquatic resources to the greatest extent possible. The proposed project site was selected because of its proximity to the existing dock, and due to the site being an already somewhat developed area. This minimizes impacts to previously undisturbed areas, and is also the site at the entrance to the existing roadway that leads to the FAA facilities. All excavated material would be removed to upland areas.

c. Compensatory Mitigation: The FAA has not proposed any compensatory mitigation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The lead Federal agency, the Federal Aviation Administration, 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 North American breeding Steller's eider (*Polysticta stelleri*), and the southwest distinct population segment of northern sea otter (*Enhydra lutris kenyoni*). The proposed project area is also with sea otter critical habitat. The lead Federal agency, the Federal Aviation Administration, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. A permit for the described work will not be issued until the Section 7 process has been completed.

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 salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), and pink salmon (*Oncorhynchus gorbuscha*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the

described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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)(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 authorities:

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

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

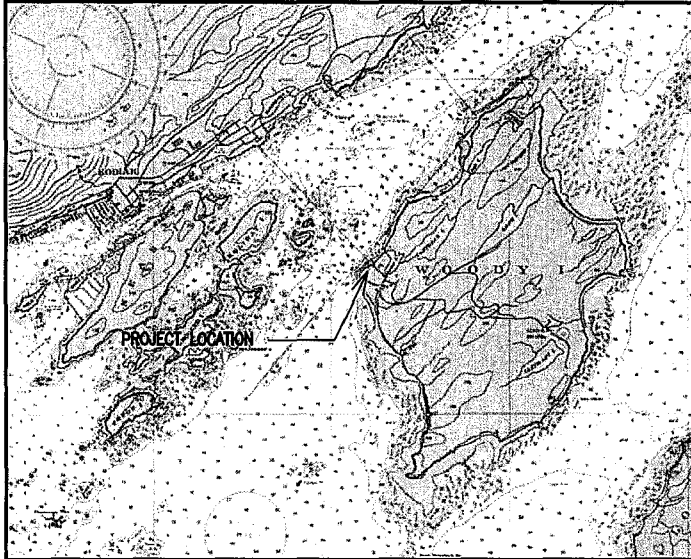
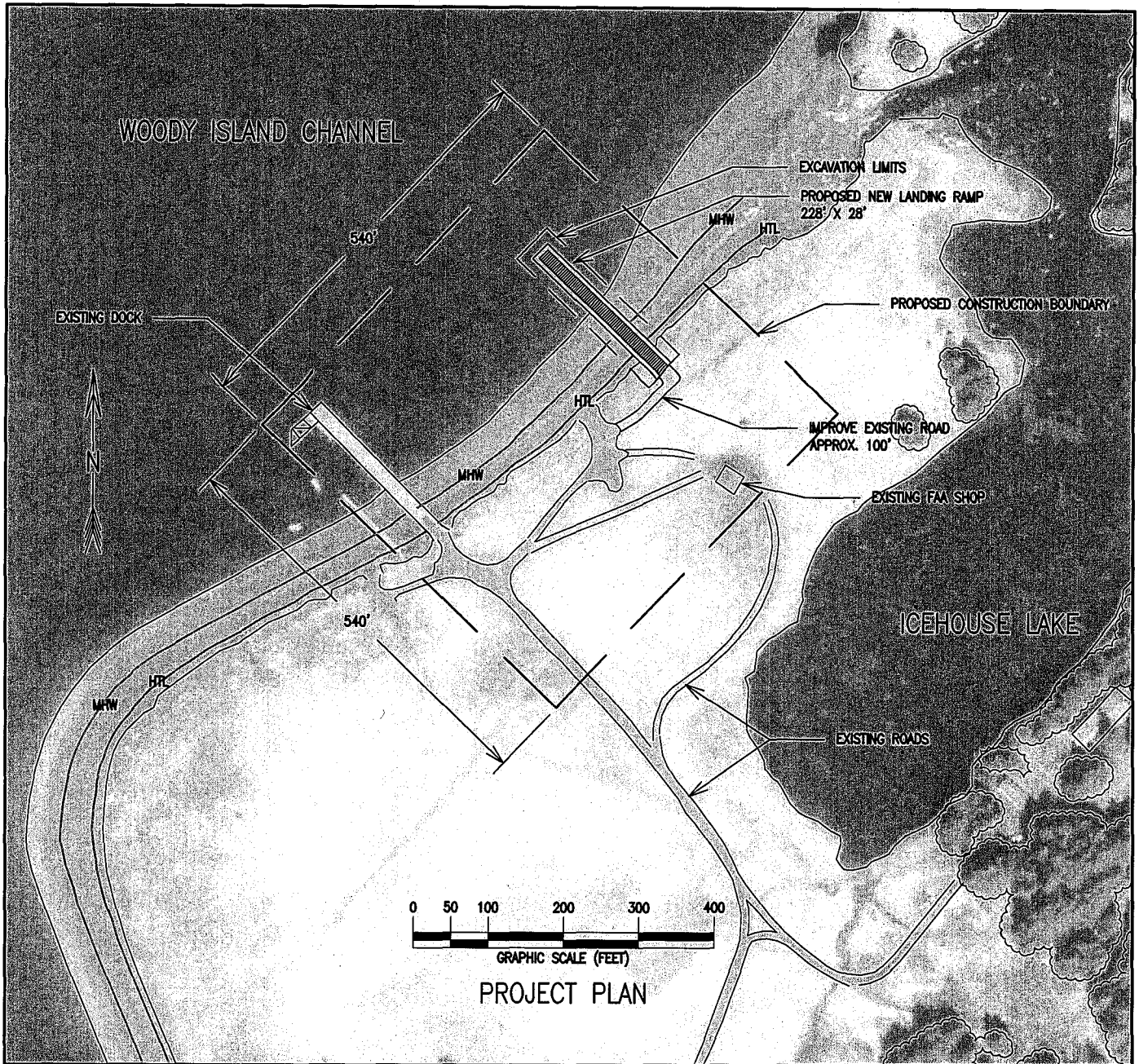
NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2011-757, Woody Island Channel, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



**WOODY ISLAND ACCESS IMPROVEMENTS**

DATE OF PREPARATION:  
07 FEB 2011

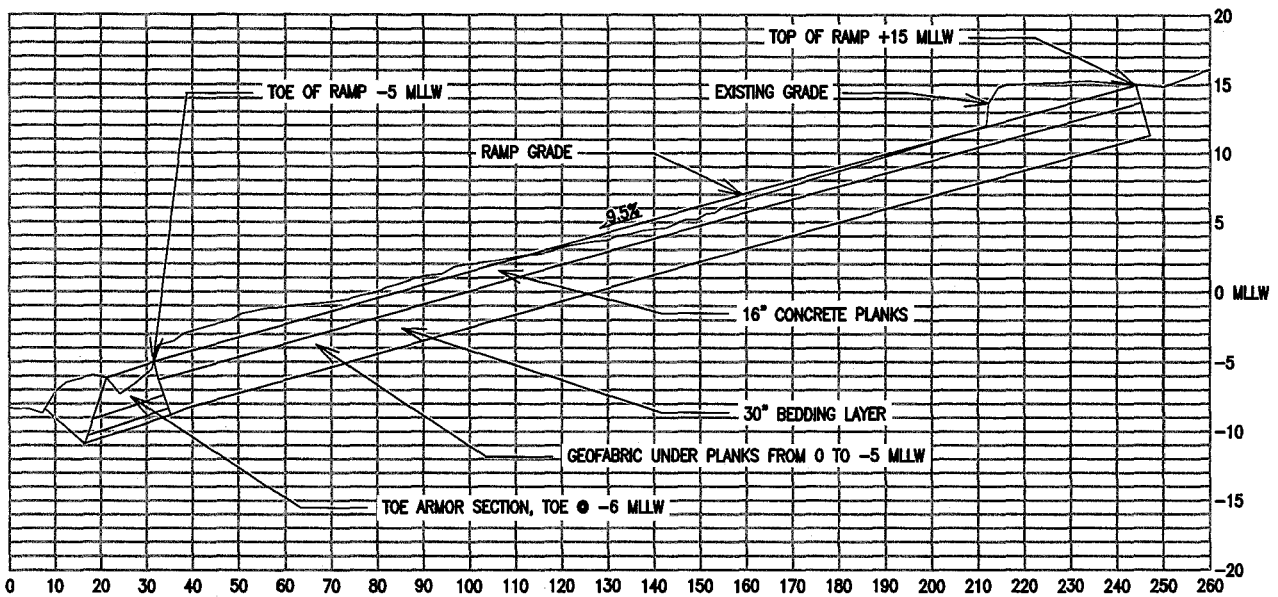
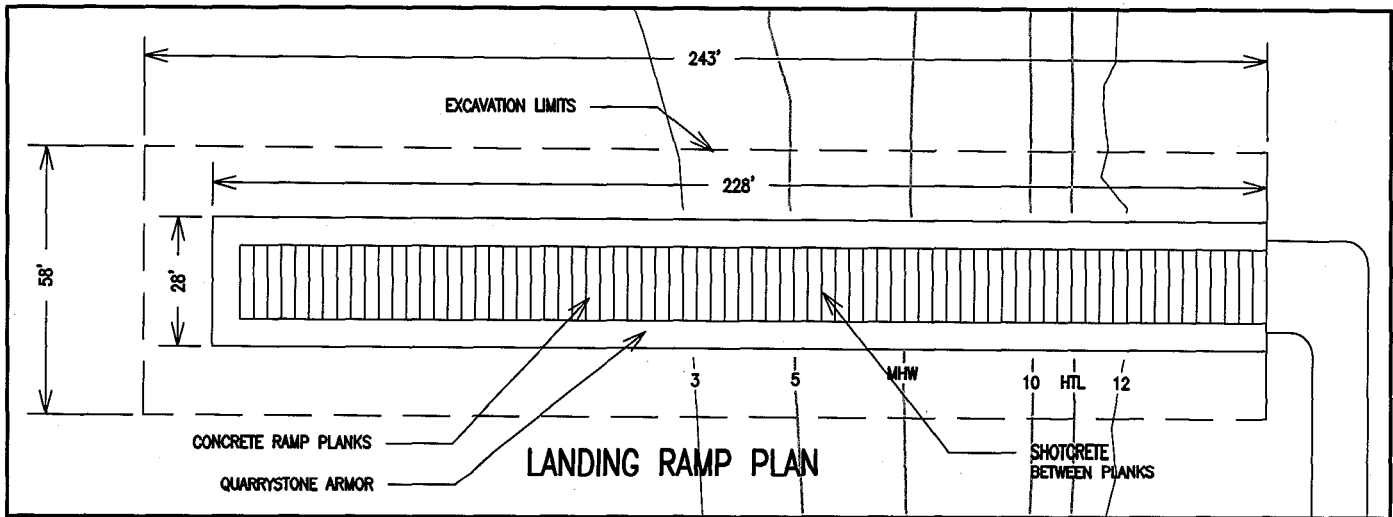
APPLICANT'S NAME:  
FEDERAL AVIATION ADMINISTRATION

ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, WATER-S.E. REGION

LAND USE PERMIT DIAGRAM (TIDELANDS)

SEWARD MERIDIAN, T.028S, R.019W

SHEET 1 OF 3



LANDING RAMP PROFILE



HORIZONTAL SCALE (FEET)



VERTICAL SCALE (FEET)

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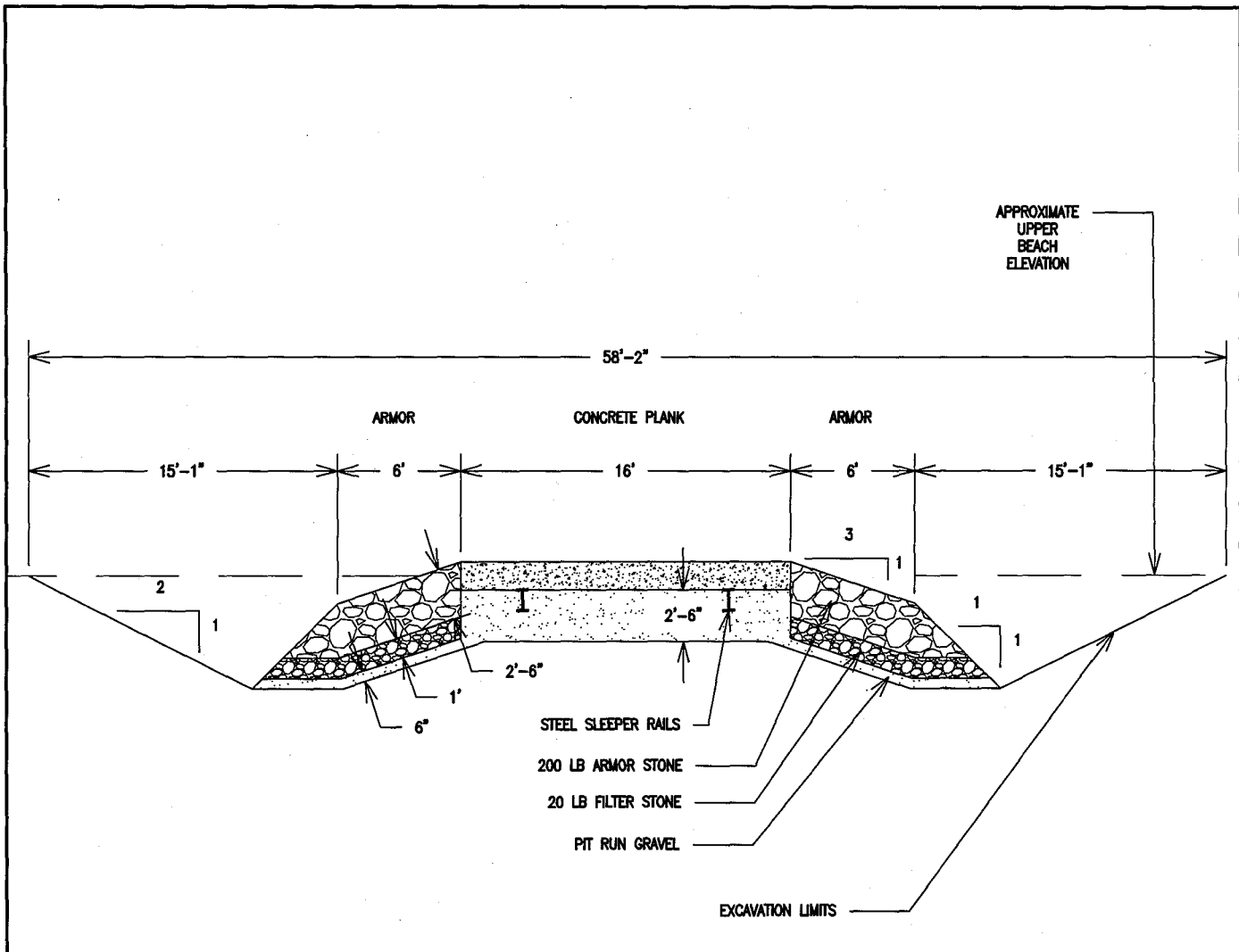
APPLICANT'S NAME:  
FEDERAL AVIATION ADMINISTRATION

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DIVISION OF MINING, LAND, WATER-S.E. REGION

LAND USE PERMIT DIAGRAM (TIDELANDS)

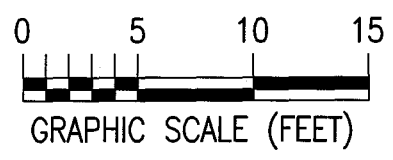
SEWARD MERIDIAN, T.028S, R.019W

SHEET 2 OF 3



TYPICAL RAMP SECTION

NOTE:  
 CONCRETE PLANK DIMENSIONS ARE NOMINALLY 16" x 36" x 192"



<b>WOODY ISLAND ACCESS IMPROVEMENTS</b>	
DATE OF PREPARATION: 07 FEB 2011	APPLICANT'S NAME: FEDERAL AVIATION ADMINISTRATION
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, WATER-S.E. REGION	
LAND USE PERMIT DIAGRAM (TIDELANDS)	
SEWARD MERIDIAN, T.028S, R.019W	
SHEET 3 OF 3	