



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: March 4, 2013
EXPIRATION DATE: March 18, 2013
REFERENCE NUMBER: POA-2011-924-M1
WATERWAY: Gastineau Channel

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) 790-4491 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City and Borough of Juneau, Docks and Harbors Department, 155 South Seward Street, Juneau, Alaska 99801.

AGENT: PND Engineers, Inc., 9360 Glacier Highway, Suite 100, Juneau, Alaska 99801.

LOCATION: The project site is located within Section 23, T. 41 S., R. 67 E., Copper Meridian; USGS Quad Map Juneau B-2; Latitude 58.296° N., Longitude 134.402° W.; Alaska Tidelands Survey 3; at the Smokeries dock, the Alaska Steamship Wharf and the Cruise Ship Terminal, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to expand the "Smokeries dock, and improve access, security, berthing capacity, and safety at the City and Borough of Juneau's Downtown Cruise Ship Docks."

PROPOSED WORK: The applicant requests authorization for the following work in waters and navigable waters of the United States: 1. Discharge approximately 270 cubic yards of fill material into approximately 0.049 acres below the high tide line (approximate elevation +20.8 feet above the 0.0 foot contour) to construction a retaining wall. 2. Construct below the Mean High Water mark (approximate elevation +15.4 feet above the 0.0 foot contour) (MHW) two offshore cruise ship berths, and the Taku Smokeries new work deck addition. Work would include the removal of the existing South Ferry Dock, transfer bridge, and associated dolphins and catwalks. All work would be performed in accordance with the enclosed plan (sheets 1-15), dated January 2013.

ADDITIONAL INFORMATION: The previous permit was issued on March 30, 2012 to the City and Borough of Juneau, to: 1. Discharge 270 cubic yards of fill material into 0.049 acres below the high tide line (approximate elevation +20.8 feet above the 0.0 foot contour) (HTL) to construct a retaining wall. 2. Construct below the Mean High Water mark (approximate elevation +15.4 feet above the 0.0 foot contour) two offshore cruise ship berths, including the removal of the existing South Ferry Dock, transfer bridge, and associated dolphins and catwalks. Refer to the below impact tables for details, including the removal of the existing South Ferry Dock, transfer bridge, and associated dolphins and catwalks.

Phase 1 – Retaining Wall, Moorage Float, Taku Smokeries

Table 1 Demolition Plan

<u>Structural Element</u>	<u>Size (+/- 10%)</u>	<u>Number of Piles</u>	<u>Pile Ø</u>
Transfer Bridge	2,600 SF	12(Steel)	12” – (8), 24” – (4)
South Ferry Dock	7,250 SF	120 (Timber)	12”
Dolphins and Catwalks	6 EA, 300 LF	22	varies

Table 2 Retaining Wall, Moorage Float and Taku Smokeries Design Elements

<u>Structural Element</u>	<u>Size (+/- 10%)</u>	<u>Number of Piles</u>	<u>Pile Ø</u>
Concrete Retaining Wall (Fill Quantities Below)	75 LF x 1'-3" wide	9	24"
New South Ferry Dock Replacement and Addition	11,000 SF	2; 34	16" ; 12.75"
Concrete Moorage Float	16' x 250'	9	16"
Gangway	8' x 120'	-	-
Taku Smokeries Work Deck Addition and Mooring Pile	1,000 SF	8	16"

Table 3 Retaining Wall Fill Quantities

<u>Material</u>	<u>Qty Below HTL</u>
Fill	200 CY
Base Course	20 CY
Rip Rap	50 CY
Excavation	0 CY
Total Area Impacted	0.049 AC (2,134.44 SF)

Phase 2 – South Berth

Table 4 South Berth Design Elements

<u>Structural Element</u>	<u>Size (+/- 10%)</u>	<u>Number of Piles</u>	<u>Pile Ø</u>
Approach Dock	7,000 SF	36	16"
Vehicle Transfer Bridge	140' x 24'	8	16"
Bridge Support Float	25' x 30'	-	-
Bridge Landing	50' x 40'	-	-
Concrete Floating Dock	50' x 400'	10	48"
Mooring and Breasting Dolphins and Catwalks	6 EA	27	48"

Phase 3 – North Berth

Table 5 North Berth Design Elements

<u>Structural Element</u>	<u>Size (+/- 10%)</u>	<u>Number of Piles</u>	<u>Pile Ø</u>
Approach Dock	4,200 SF	16	16"
Vehicle Transfer Bridge	140' x 24'	8	16"

Bridge Support Float	25' x 30'	-	-
Bridge Landing	50' x 40'	-	-
Concrete Floating Dock	50' x 300'	10	48"
Mooring and Breasting Dolphins and Catwalks	6 EA	24	48"

The currently proposed project would rotate the dock offshore at the south end, reposition the 400 feet long concrete pontoon to the north berth, and reposition the 300 feet long concrete pontoon to the south berth. Pontoon restraint dolphins and breasting dolphins would also be relocated. The approach docks would be extended as a result of the revised dock alignment and modifications would be made to the transfer bridge landings. A navigational boom would be added at the south berth to aid vessels approaching or departing the Taku Fisheries Dock. Additionally, the Taku Fisheries Dock would be redesigned to allow for safer access and moorage.

The proposed project design is a combination of fixed and floating docks, both of which require steel piles to support or anchor these structures. The floating docks would be manufactured offsite, towed to the site and field installed. The overall in-water work would be significantly shortened by this process. The primary type of pile that would be used at the site would be hollow steel pipe piles. The means of installation would vary with specific locations and would include rock anchors, pin piles, or rock sockets as necessary. The piles would be driven to bedrock or as deep into existing soils as necessary to resist the design loads. Rock anchor and pin pile installation would be similar in that a smaller diameter hole would be drilled into the bedrock underneath the pile, and an anchor rod or small diameter pin pile would be grouted into the hole. Then the annulus between the pile and the anchor rod or pin pile would be also grouted to transfer load between the pile and the anchor rod or pin pile. A rock socket consists of a hole drilled into bedrock. The structural pile would then be driven into the hole to provide a stable base and provide a higher level of uplift and lateral resistance. The means with which piles would be installed would need to be evaluated on a case-by-case basis. The applicant supports the use of vibratory pile driving equipment as the primary installation method for the project, impact hammers would only be allowed for piles that encounter soils too dense to penetrate with the vibratory equipment, however, bedrock conditions are anticipated.

APPLICANT PROPOSED MITIGATION: The applicant has made the following statements concerning 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: This project utilizes pile supported and floating structures to the maximum extent possible. Complete avoidance is not possible.

b. Minimization: The design has been optimized to minimize any impacts beyond what is required to construct the retaining wall associated with the CBJ Downtown Cruise Ship Docks project. While the existing fill slope at the site varies from approximately 1:4 to 1:9 (H:V), the project design incorporates the use of a concrete retaining wall with a rip rap slope at the base of the wall designed at 1.5:1 to minimize fill quantities as much as practicable while still meeting the intended purpose and need.

c. Compensatory Mitigation: No compensatory mitigation is proposed.

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 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 is an unevaluated property in the vicinity of the worksite. It has been designated JUN-314. There are also registered or eligible properties in the vicinity of the worksite. They have been designated JUN-00376, JUN-00118, JUN-00374, JUN-00212, and JUN-00373. Because these properties have been determined to be outside of the project area, we have determined that there would be no effect to historic properties. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae*) and Steller sea lion (*Eumetopias jubatus*).

We have determined the described activity would have no effect on the Humpback whale or the Steller sea lion, 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 or the National Marine Fisheries 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.

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 pink salmon. The proposed project location is near-shore habitat primarily for adult and juvenile salmon migration, which provides refuge from predators and opportunity to rest. The proposed project would involve pile driving, which may increase the potential for injury or mortality to salmon from pressure waves generated from pile driving. 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)(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