



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: JANUARY 16, 2013
EXPIRATION DATE: FEBRUARY 14, 2013
REFERENCE NUMBER: POA-2012-951
WATERWAY: HUMBOLDT HARBOR

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 **Blake Romero** at (907) 753-2735, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Blake.A.Romero@usace.army.mil**, if further information is desired concerning this notice.

APPLICANT: The City of Sand Point

LOCATION: The project site is located within Section 17, T. 56 S., R. 74 W., Seward Meridian; USGS Quad Map Port Moller B-2; Latitude 55.3336° N., Longitude 160.498° W.; in Sand Point, Alaska.

PURPOSE: The applicant's stated purpose is to renovate the Robert E. Galovin Small Boat Harbor.

PROPOSED WORK: The City of Sand Point proposes to renovate the Robert E. Galovin small boat harbor by replacing all of the existing structures and replacing them with longer aluminum gangways, high quality, heavy-duty timber mooring floats, and galvanized steel pilings with sacrificial anodes. Specifically, this work would include the removal of 40,000-square feet of floating docks and 165 piles, and replacing them with approximately 76,500-square feet of new floating docks and 242 new piles. Five existing pile dolphins on the western side of the harbor will also be removed but not replaced and approximately 7,000-square feet of existing timber dock and timber trestle will be removed along with related support piling which will also not be replaced. All work would be performed in accordance with the enclosed plan (sheets 1-9), dated January 10, 2013.

ADDITIONAL INFORMATION:

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: No fill material is proposed. The footprint of the structures is the least necessary to best meet the harbor needs.

b. Minimization: No fill material is proposed. The footprint of the structures is the least necessary to best meet the harbor needs. Steel piles would be used rather than treated wood piles to minimize water quality impacts.

c. Compensatory Mitigation: No fill material is proposed with this project and no compensatory mitigation has been proposed by the applicant.

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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Stellar sea lion (*Eumetopias jubatus*), northern sea otter (*Enhydra lutris kenyoni*), blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), north pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*), sei whale (*Balaenoptera borealis*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*).

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, or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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 yellowfin sole (*Pleuronectes asper*), arrowtooth flounder (*Atheresthes stomias*), rock sole (*Lepidopsetta polyxystra* and *L. bilineata*), flathead sole (*Hippoglossoides elassodon*), sculpin, pacific cod (*Gadus macrocephalus*), walleye pollock (*Theragra chalcogramma*), 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).

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures