



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	October 13, 2017
EXPIRATION DATE:	November 13, 2017
REFERENCE NUMBER:	POA-1953-36-M4
WATERWAY:	Symonds Bay

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.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

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 Mr. Jamie Hyslop at (907) 753-2670, by fax at (907) 420-0813, or by email at Jamie.R.Hyslop@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. John Louie, Federal Aviation Administration

AGENT: Kristi McLean, R&M Consultants, Inc.

LOCATION: The project site is located within Section 8, T. 58 S., R. 62 E., Copper River Meridian; USGS Quad Map Port Alexander D-5; Latitude 56.8540° N., Longitude 135.5213° W.; located near Sitka, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Tongass National Forest.

PURPOSE: The applicant's stated purpose is to reconstruct a dock and barge landing for continued safe and improved access to the existing facilities on Biorka Island.

PROPOSED WORK: The applicant requests authorization for the following work over and below the high tide line (HTL, approximate elevation +12.7 feet above the 0.0 foot contour) and the mean high water mark (MHW, approximate elevation +9.1 feet above the 0.0 foot contour) in Symonds Bay, a navigable water of the United States (U.S.):

Dock Demolition:

1. Disassemble and remove the existing 5,910 square foot dock. Demolition of the dock would include removal of 14 each 8 inch diameter steel piles, 8 each 10 inch diameter steel piles, 14 each 12.75 inch diameter steel piles, 7 each 14 inch tapered to 8 inch diameter timber piles. Removal of piles would be accomplished by either direct pull with a clam shell bucket, crane/sling and/or with a vibratory hammer.

New Dock Construction:

2. Install a new pile supported 35 foot by 54 foot dock and 200 foot approach trestle up to 25 foot wide totaling up to 8,217 square feet of surface area.
3. In support of the pile supported dock, dolphin fenders, and associated wave barrier, up to 64 each steel H and/or pipe piles 12 inches in diameter would be temporarily installed by vibratory hammer and removed after the construction is complete.
4. The new dock would be supported by up to 43 each 18 inch diameter steel piles driven by a combination of vibratory, impact, and down the hole (DTH) drilling and/or hammer installation methods.
5. Construct a 90 linear feet wave barrier around the north and east side of the dock consisting of 32 each sheet piles and 16 each steel H type (W40 x 199) piles by either vibratory or impact pile driving methods.
6. Construct two dolphin fenders consisting of 4 each 18 inch diameter steel piles and 2 each 30 inch diameter steel piles by a combination of vibratory, impact, and DTH drilling and/or hammer installation methods.
7. Install internal support tension anchors on up to eight of the dock piles and the six dolphin piles.
8. To facilitate the new dock construction up to 2,400 cubic yards of the existing rubble mound breakwater would be dredged and relocated to an upland area while the dock is constructed. Once the pilings for the new dock are installed, the rubble mound breakwater would be reconstructed to the original dimensions.
9. It is anticipated that the existing rock substrate may obstruct pile driving for the new dock. Up to 50 cubic yards of rock would be dredged, staged near the pile work, and returned to its original location or removed to an upland area after pile installation is completed.

Barge Landing:

10. Expand the existing barge landing to a 30 foot by 90 foot precast concrete plank landing over fill. The perimeter of the landing would include the installation of 240 linear feet of sheet pile consisting of 34 each sheet piles and 35 each 18 inch diameter steel piles using a combination of vibratory, impact and DTH drilling and/or hammer installation methods. It would then be filled with 610 cubic yards of granular fill and topped with 50 cubic yards of precast concrete panels.
11. In support of barge landing construction up to 20 each steel H and/or pipe piles 12 inches in diameter would be temporarily installed by vibratory hammer and removed after construction is complete.

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated August 2017.

ADDITIONAL INFORMATION: The U.S. Coast Guard (USCG) is the first permittee the Corps of Engineers (Corps) has on record for this project. This permit was originally authorized on December 11, 1953, to the USCG to rebuild an existing pier and construct a float.

The DA permit was modified on October 9, 1956, to remove the floating dock and extend the pier by 87 feet with a 50 feet wide by 35 feet long pile supported dock at the end of the pier.

On October 27, 1994, the permit was transferred from the USCG to the Federal Aviation Administration (FAA).

The DA permit was modified on May 21, 1996, authorizing the construction of a 5 feet wide by 43 feet long ramp and a 32 feet wide by 29 feet long floating dock, secured in place with four 6,000 pound navy anchors.

The DA permit was modified on July 7, 1997, to discharge 5,000 cubic yards of rock into 1,800 square yards of navigable waters of the U.S., underneath an existing permitted pile dock and relocate the floating dock to the south side of the pile dock.

The DA permit was again modified on August 14, 1997, and reduced the previous discharge down to approximately 3,200 cubic yards of rock into 1,050 square yards of navigable waters of the U.S., underneath an existing permitted pile dock and relocate the floating dock to the south side of the pile dock.

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: Efforts to avoid impacts were incorporated to the maximum extent practicable into the design for the proposed action. The ultimate location for the proposed project is dictated by the existing Biorka Island facilities. No other site would avoid impacts to waters of the U.S. while meeting the purpose and need for the proposed action. Proposed improvements are highly dependent on the local marine topography. Wetland impacts have been completely avoided.

b. Minimization: The proposed action meets the project purpose and need while minimizing impacts to the greatest extent practical. Utilizing the existing dock location for the replacement facility minimizes impacts. The lengths and widths of the proposed structures have been minimized while providing structural integrity. Construction within waters of the U.S. is a critical component of the proposed action; each considered alternative would incur similar impacts.

c. Compensatory Mitigation: There is no practicable way to completely avoid impacts to waters of the U.S. given the existence, location, and function of the Biorka Dock facility. The project area is a previously disturbed site consisting of an existing, developed facility and basin frequented by vessel traffic and harbor operations. Mitigation in the form of avoidance and minimization measures has been included throughout project design. The current barge landing area is reinforced seasonally by grading fill into the area which leads to an increase in

the amount of sediments entering Symonds Bay. The proposed barge landing improvements would remove the need to reinforce the landing area seasonally and thereby protect the water quality of Symonds Bay. Compensatory mitigation is not proposed for unavoidable impacts given the proposed and incorporated avoidance, minimization, and mitigation measures.

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 FAA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps will review the FAA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with the FAA's work or documentation.

ENDANGERED SPECIES: The project area is within the known or historic range of the Western Distinct Population Segment (DPS) of Steller sea lions (*Eumetopias jubatus*), Mexico DPS humpback whales (*Megaptera novaeangliae*), and Western North Pacific DPS gray whales (*Eschrichtius robustus*).

The lead Federal agency, the FAA is responsible for compliance with the requirements of Section 7 of the Endangered Species Act (ESA). The FAA has submitted an Incidental Harassment Authorization application to the National Marine Fisheries Service (NMFS) Office of Protected Resources (OPR), which was deemed complete on August 4, 2017, and is currently under review by NMFS. The FAA also initiated formal consultation with NMFS ESA on August 15, 2017, for impacts to ESA listed marine mammals. The FAA recommended the Proposed Action may affect, and is likely to adversely affect the western DPS of Steller sea lions and the Mexico DPS humpback whales and would have no effect on the North Pacific DPS gray whale. The recommendation for critical habitat impacts is that the proposed Project would have no effect to designated critical habitat for western DPS Steller sea lions. Critical habitat has not been designated for the humpback whale or gray whale.

The Corps will review the FAA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 7 process has been completed and the Corps concurs with the FAA's work or documentation.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSA), 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 for all life stages of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbusha*), and sockeye (*Oncorhynchus nerka*) salmon. This project is also considered EFH for Gulf of Alaska groundfish species.

The lead Federal agency, the FAA is responsible for compliance with the requirements of the MSA. The FAA has determined the described activity not adversely affect EFH resources or fish species in the project area. The Corps concurs with the FAA EFH determination.

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
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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-1953-36, Symonds Bay**, 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.