



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:	August 3, 2018
EXPIRATION DATE:	August 20, 2018
REFERENCE NUMBER:	POA-2018-00276
WATERWAY:	Auke 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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 PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN 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: Mr. Jim Erickson, 1676 Fritz Cove Road, Juneau, AK 99801.

AGENT: Mr. Harold Moser, Water Tech Services, 4113 Taku Blvd, Juneau AK 99801.

LOCATION: The project site is located within Section 35, T. 40 S., R. 65 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.356436° N., Longitude 134.646890° W.; USS 1547, TR 1A; 1676 Fritz Cove Road; in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to "replace an old and deteriorated private moorage facility with a safe, more accessible and secure dock for the resident owner".

PROPOSED WORK: The applicant requests authorization for the following work below the High Tide Line (approximate elevation +20.6 feet above the 0.0 foot contour) (HTL) and the Mean High Water Mark (approximate elevation +15.4 feet above the 0.0 foot contour) (MHW)

1. Remove from below MHW an existing 10 foot wide by 36 foot long timber approach, 30 foot long aluminum gangway, 135 linear feet of sectional hinged beach floats, and a 10 foot wide by 40 foot wide mooring float and six timber piles.
2. Install below MHW a 107 foot long (over two spans of 67 feet and 40 feet in length) elevated aluminum truss approach structure on two bents, each bent supported by two 10.75-inch diameter steel piles with a total of four steel support piles with minimum of 15 feet of embedment;
3. Install below MHW one new 20 foot wide by 60 foot long timber decked, pile-supported (two each 24-inch diameter) float on poly pipe pontoons connected to a six foot wide by 60 foot long steel gangway. The float would be outfitted with domestic water and shore power. Piles would be driven to depth with a vibratory hammer;
4. Place 0.58 cubic yards of concrete and 0.29 cubic yards of clean rock armor rock side slope fill material into 52.2 square feet below the HTL to construct a 4.5 feet wide by 10 feet long retaining wall bulkhead;

All work would be performed in accordance with the enclosed plan (sheets 1-2), dated 7-20-2018.

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

a. Avoidance: Other alternatives considered included retreating shoreward with fill slopes, block walls or concrete retaining walls to balancing structure lengths, wall heights and fill requirements. The final proposal includes a vertical concrete wall as the abutment with sidewall to contain the fill which balances wall area, fill and structure lengths while significantly reducing the impacted surface area by about 90% of the largest fill considered.

b. Minimization: Minimization of unavoidable impact has been accomplished by combining functions (contain fill and support structure) by landing the proposed elevated approach structure on the concrete wall which significantly reduces the surface area impacted below the HTL. As described above, the actual impacted area and volumes have been minimized to significantly less than one cubic yard of concrete and rock slope placement below the HTL. To further avoid impact, all forming, and concrete pouring and rock fill activity will be completed in the dry with tides below the 18 foot contour. There are 15 days (7: AM-6: PM) of tides predicted to rise above that elevation during the Sept 1-Nov 15 period. Concrete and fill placement will be stopped and resumed as the tide falls when that occurs

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 are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

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

We have determined the described activity may affect the threatened Humpback Whale in the Mexico DPS and the endangered Steller Sea Lion in the Western DPS. We will initiate 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 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 PN 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 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 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

**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.

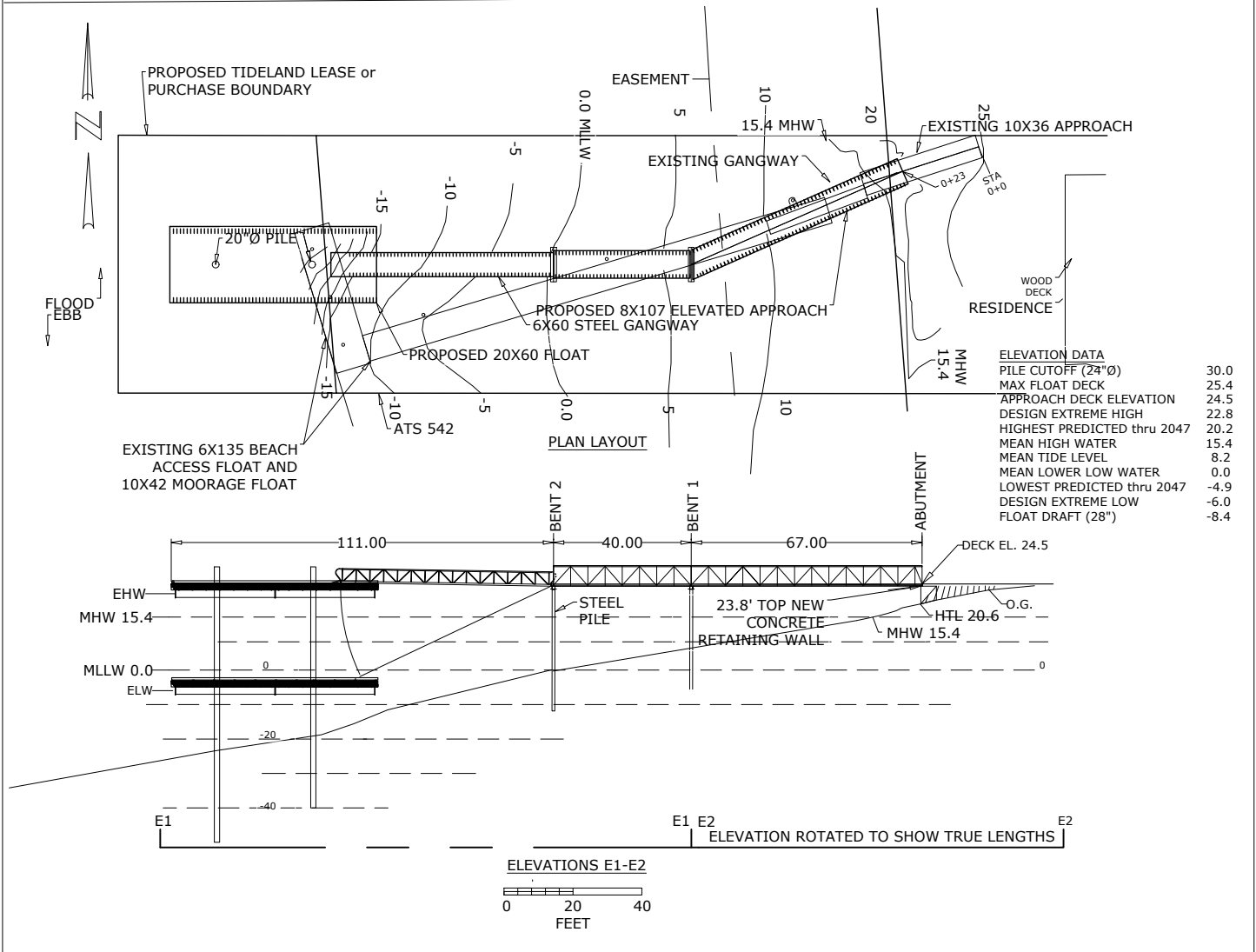
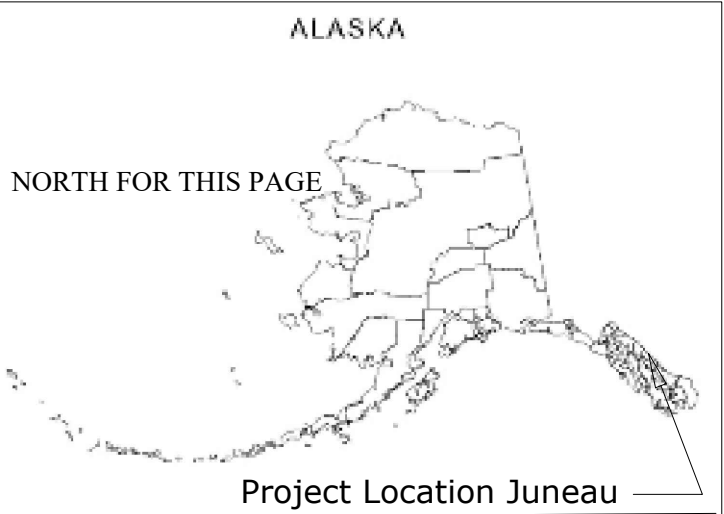
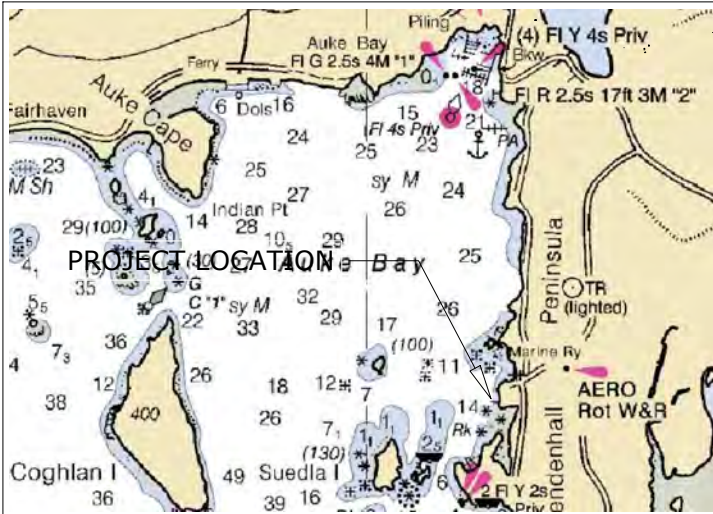
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2018-00276, Auke Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



City and Borough of Juneau, Alaska
Project site is located at 1676 FRITZ COVE ROAD

Applicant: JIM ERICKSON
1676 FRITZ COVE ROAD, JUNEAU, ALASKA 99801
File No.: POA 2018-276
Waterway: Auke Bay 126
Proposed Activity: PRIVATE DOCK
Section 35 Township 40 S R 65 E CRM
Lat: 58°21.3738' N Long: 134°38.7591'W
Sheet 1 of 2 Date: 7-20-2018

City and Borough of Juneau, Alaska
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