



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:	December 23, 2019
EXPIRATION DATE:	January 22, 2020
REFERENCE NUMBER:	POA-2019-00642
WATERWAY:	Sitka Western 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 (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 Bryan Herczeg at (907) 753-2772, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: bryan.a.herczeg@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Romar Holdings LLC

AGENT: R & M Engineering-Ketchikan, Inc.

LOCATION: The project site is located at Section 36, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.052° N., Longitude 135.345° W.; in Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to develop the existing property with a commercial building by adding retail, office, gear storage, café dining, kitchen, and nine apartment units with caretaker unit and associated facilities. Parking will be added adjacent to the building with shared access and usage with neighboring property. The replacement dock and gangway will renew the existing facilities for boat moorage of six charter boats and one 90-foot yacht.

PROPOSED WORK: Demolish an existing pile supported building and dock, removing the existing creosote pilings. Discharge 4,000 cubic yards (CY) of shot rock, 150 CY D-1 gravel, and place 525 concrete blocks below the high tide line into 7,675 square feet (sf) of intertidal area to construct a solid fill pad to support a new commercial building and a combined access shared parking lot. Construct a 754 sf steel pile supported wood parking deck and a 613 sf steel pile supported commercial building. Construct a 6-foot x 55-foot gangway and a 2,521 sf concrete floating dock with finger piers. Piling removal within the intertidal area will be done during low tide with track mounted excavator. Pile removal in subtidal waters and installation of new steel piles will utilize a vibratory hammer. If rock is encountered during installation, drilling a socket will be required before vibratory hammer is used. All work would be performed in accordance with the enclosed plan (sheets 1-6).

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: The footprint of the fill pad was reduced and the last 20 feet of the parking deck and building were designed as pile supported structures to avoid impacts to the existing eelgrass.

b. Minimization: The proposed facility is the minimum necessary to conduct the commercial operations and support multiple boat moorages. Minimization was achieved by combining access and shared parking with the adjacent property. Additionally, a precast concrete block wall chosen to reduce the toe of slope impacts and the proposed fill was reduced to completely avoid existing eelgrass. The gangway will be constructed of grating material to allow for greater light penetration for eelgrass.

c. Compensatory Mitigation: The applicant is not proposing 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 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, however there are cultural resources within the vicinity of the permit area. The permit area has been determined to be all waters of the U.S. that will be directly impacted which includes the area approximately 300 feet waterward of the existing retaining wall located at 435 Katlian Avenue in Sitka, Alaska (state tax parcel ID 1-6835-000) between Fisherman's Quay (473 and 475 Katlian Ave.) and the Seaplane Float (427 Katlian Ave). 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 Humpback whale (*Megaptera novaeangliae*) Mexico Distinct Population Segment (DPS) and the Steller sea lion (*Eumetopias jubatus*) Western DPS.

We have determined the described activity may affect the endangered Steller sea lion Western DPS and threatened Humpback whale Mexican 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 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 these species: Alaska plaice (*Pleuronectes quadrituberculatus*), Alaska skate (*Bathyraja parmifera*), Arrowtooth flounder (*Atheresthes stomias*), Bigmouth sculpin (*Hemitripterus bolini*), Black rockfish (*Sebastes melanops*), Dover sole (*Microstomus pacificus*), Dusky rockfish (*Sebastes variabilis*), Great sculpin (*Myoxocephalus polyacanthocephalus*), Greenstriped rockfish (*Sebastes elongates*), Longspine thornyhead rockfish (*Sebastolobus altivelis*), Northern rockfish (*Sebastes polyspinis*), Octopus (*unidentified*), Quillback rockfish (*Sebastes maliger*), Redbanded rockfish (*Sebastes babcocki*), Redstriped rockfish (*Sebastes proriger*), Rosethorn rockfish (*Sebastes helvomaculatus*), Shortspine thornyhead rockfish (*Sebastolobus alascanus*), Walleye pollock (*Gadus chalcogrammus*), Yellow Irish lord (*Hemilepidotus jordani*), and Yellowfin sole (*Limanda aspera*) and Chinook salmon (*Oncorhynchus tshawytscha*), Chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), Pink salmon (*Oncorhynchus gorbuscha*), Sockeye salmon (*Oncorhynchus nerka*).

We have determined the described activity may adversely affect EFH in the project area for the above listed species and provide the following EFH Assessment:

The action that adversely affecting EFH is described in detail above under the proposed work and shown on the attached plans. The potential adverse effects to EFH from the discharge of fill material include: 1) loss of habitat functions and 2) changes to hydrologic patterns.

The existing site conditions include a seawall (retaining) along the shoreline and an existing creosote pile supported building and wood pier over the intertidal area and a floating pier over the subtidal area which contains approximately 455 sf of eelgrass. The site is located along Sitka's commercial and industrial waterfront and has been heavily developed for many years. A site visit conducted on November 20, 2019 found an existing outfall at the retaining wall discharging stormwater into the intertidal zone near the proposed site. The intertidal substrate appeared to be primarily gravel and sand with some medium to large boulders. Debris including cables, pilings, concrete blocks, and metal pieces were observed lying on the intertidal substrate. Brown algae and barnacles were observed colonizing the substrate and pilings.

The proposed fill material will permanently eliminate shallow low gradient intertidal habitat and the native substrate that may provide feeding habitat, shelter from high currents, and shelter from predators for juvenile salmonids and other EFH species. The proposed fill will likely increase current velocity and may change circulation patterns which may affect erosion and deposition rates along the shoreline, particulate suspension, and mixing of dissolved and suspended nutrients and chemical constituents. The change in current patterns may also adversely affect availability of food sources such as zooplankton.

Suspension of sediments and the release of contaminants in the sediments may occur during removal of the existing creosote pilings. The adverse effects on EFH due to suspension of sediments are expected to be temporary in nature. Replacement of the creosote pilings with steel pilings may benefit EFH by eliminating a chronic source of contamination associated with creosote pilings. Pile driving associated with the proposed new structures will generate intense underwater sound pressure waves that may injure and or kill fish, adversely affecting EFH. Fish may leave feeding areas or avoid natural migration areas due to noise disturbances associated with pile driving activities. Adverse effects of underwater noise associated with pile driving will be temporary.

Although EFH is present and adverse effects are anticipated, the existing quality of the site for providing all necessary EFH habitat functions is likely marginal given the current site conditions and the heavy commercial and industrial uses of the Sitka waterfront. The proposed discharge of fill will permanently eliminate 7,675 sf (0.18 acre) of intertidal habitat that may be used by some or all the EFH listed species above or used by their prey species during various life stages for spawning, breeding, feeding, and growth. Due to the existing condition of the site, the loss of this intertidal area would result in a minor adverse impact to EFH and would not be expected to result in a significant loss of EFH or cause a measurable decline in local EFH managed species populations.

The applicant has proposed the following mitigation to reduce impacts to EFH: 1) the footprint of the fill pad was reduced to the minimum necessary and the last 20 feet of the parking deck and building were designed as pile supported structures to avoid impacts to the existing eelgrass 2) impacts to EFH were further minimized by combining both access and shared parking with the adjacent property, 3) a precast concrete block wall is proposed to reduce the toe of slope impacts, 4) the gangway will be constructed of grating material to allow for greater

light penetration for eelgrass, 5) creosote pilings in the intertidal area will be removed with a track mounted excavator at low tide eliminating suspension of sediments in the water, 6) pilings in submerged tidelands will be removed using a vibratory hammer with a crane minimizing the chance for injury and or mortality to fish and minimizing the amount of suspended sediments and contaminants released, 7) new steel pilings will be installed with a vibratory hammer to minimize the potential exposure to harmful sound pressure waves associated with impact hammers.

This PN initiates EFH consultation with the NMFS pursuant to the use of existing environmental review procedures in 50 CFR § 600.920(f). Any comments or recommendations of additional mitigation measures 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 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.

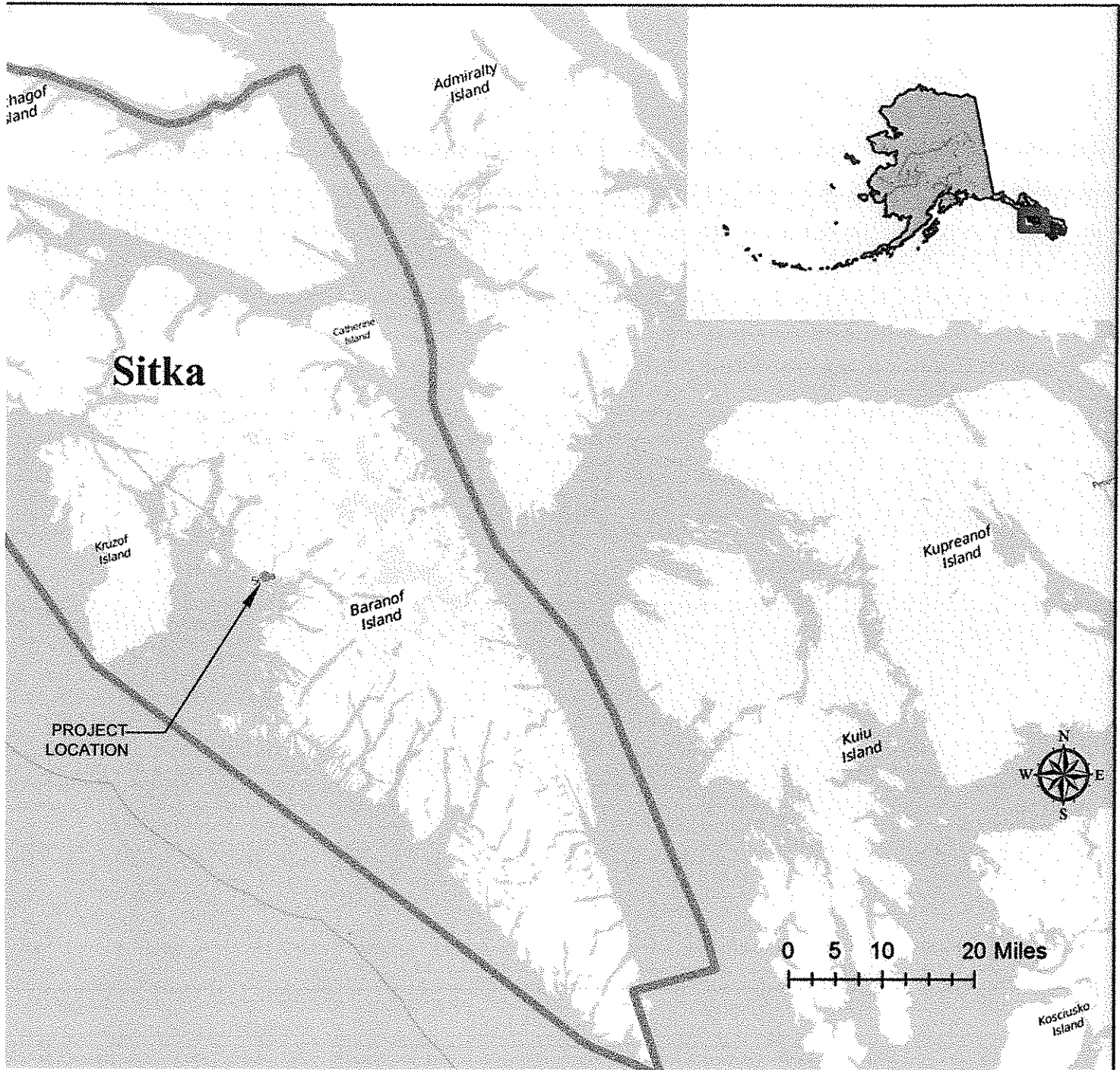
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00642, Sitka Western Channel**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 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.



PROJECT LOCATION

APPLICATION BY:
ROMAR HOLDINGS LLC
435 KATLIAN STREET

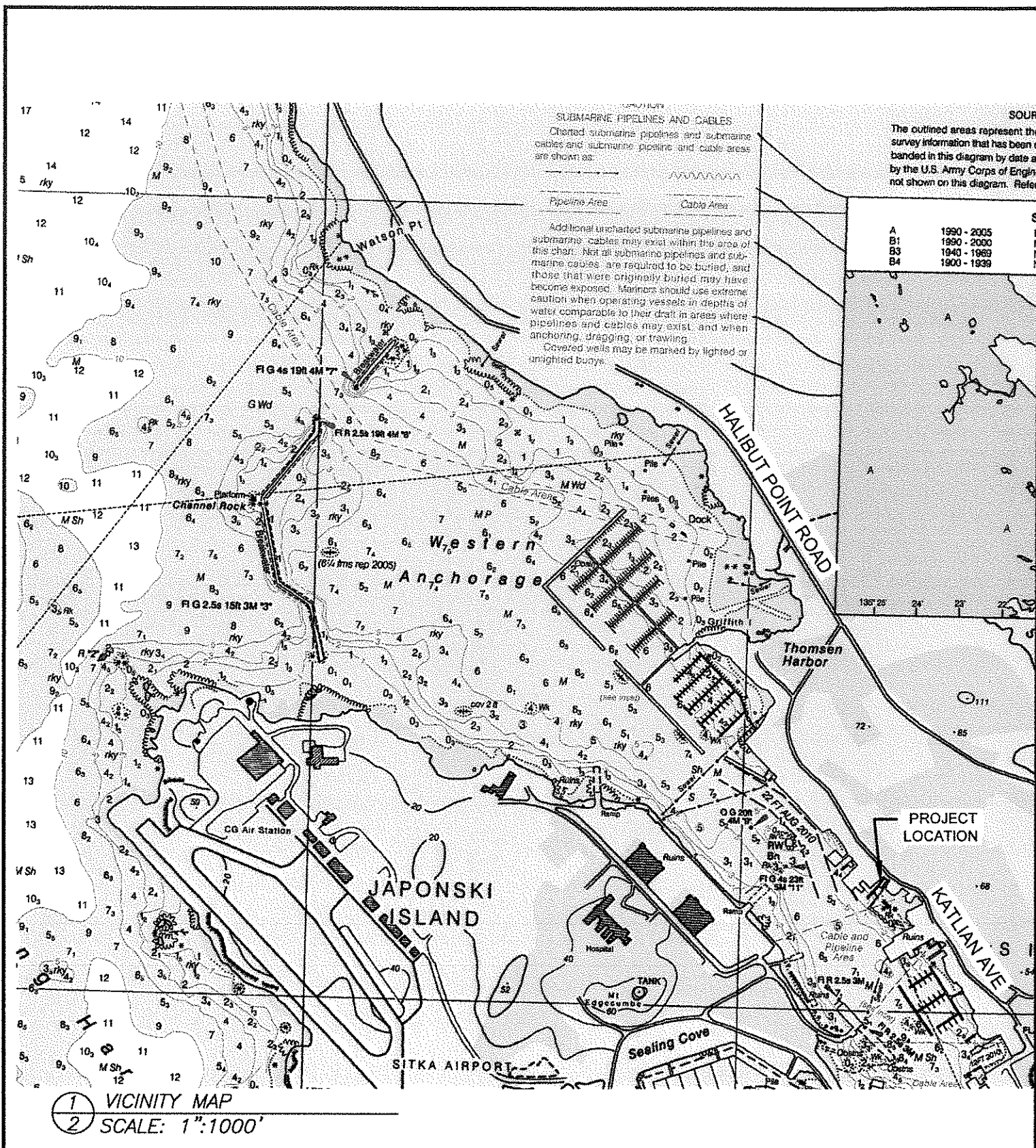
ROMAR HOLDINGS LLC
PROPERTY
DEVELOPMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36
Lat 57°3.146'N, Long. 135°20.707'W

DATE: 11-19-19

SHEET **1** OF **6**



TIDAL DATA SOURCE: NOAA
 NAUTICAL CHART SITKA
 HARBOR ENTRANCES

VICINITY MAP

APPLICATION BY:
 ROMAR HOLDINGS LLC
 435 KATLIAN STREET

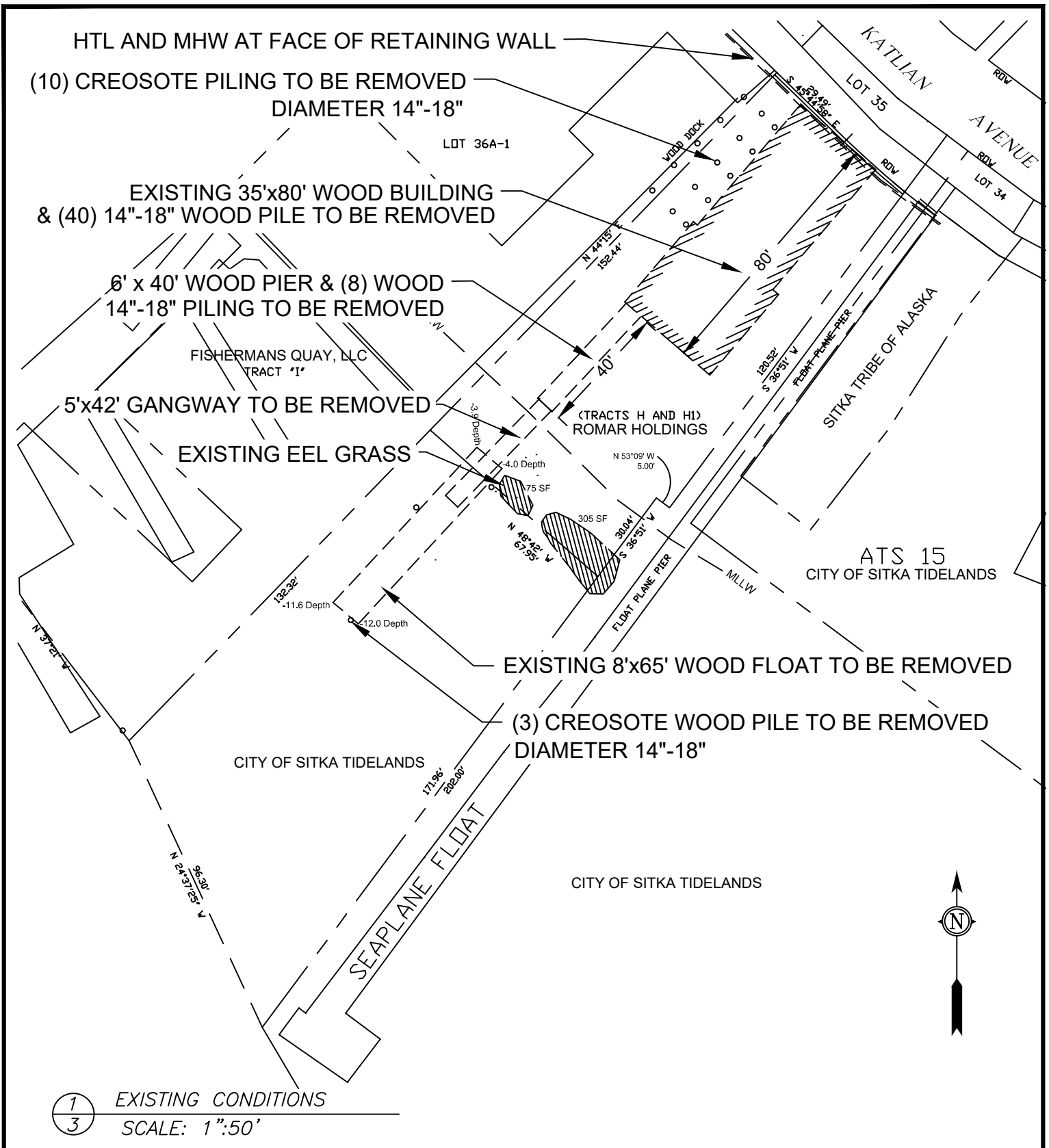
ROMAR HOLDINGS LLC
 PROPERTY
 DEVELOPMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36
 Lat 57°3.146'N, Long. 135°20.707'W

DATE: 11-19-19

SHEET **2** OF **6**



TIDAL DATA SOURCE: NOAA
NAUTICAL CHART SITKA
HARBOR ENTRANCES

EXISTING CONDITIONS

APPLICATION BY:
ROMAR HOLDINGS LLC
435 KATLIAN STREET

ROMAR HOLDINGS LLC
PROPERTY
DEVELOPMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36
Lat 57°3.146'N, Long. 135°20.707'W

DATE: 12-14-19

SHEET **3** OF **6**

HTL AND MHW AT FACE OF RETAINING WALL

CONCRETE BLOCK RETAINING WALL

PILE SUPPORTED
WOOD PARKING DECK
6'x55' ALUMINUM
GANGWAY

NEW PARKING AREA ON
SHOT ROCK FILL

NEW COMMERCIAL BUILDING ON ROCK FILL

12" STEEL PILING (12 TOTAL)

PILE SUPPORTED
COMMERCIAL BUILDING
EXISTING EEL GRASS

12" STEEL ANCHOR PILING (6 TOTAL)



①
3 PIER AND FLOAT PLAN VIEW
SCALE: 1"=50'

TIDAL DATA SOURCE: NOAA
NAUTICAL CHART SITKA
HARBOR ENTRANCES

PIER AND FLOAT PLAN VIEW

APPLICATION BY:
ROMAR HOLDINGS LLC
435 KATLIAN STREET

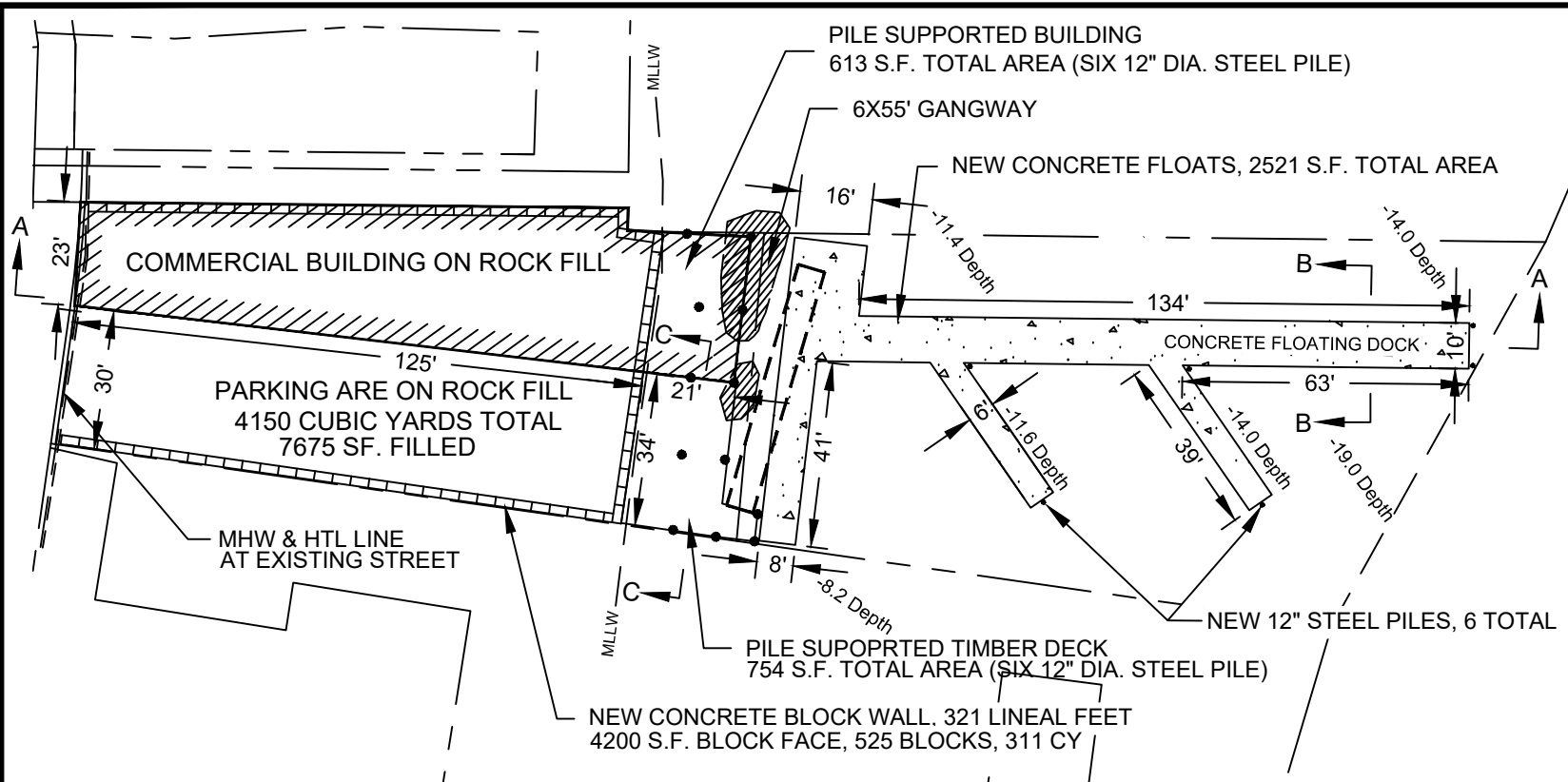
ROMAR HOLDINGS LLC
PROPERTY
DEVELOPMENT

AT: SITKA

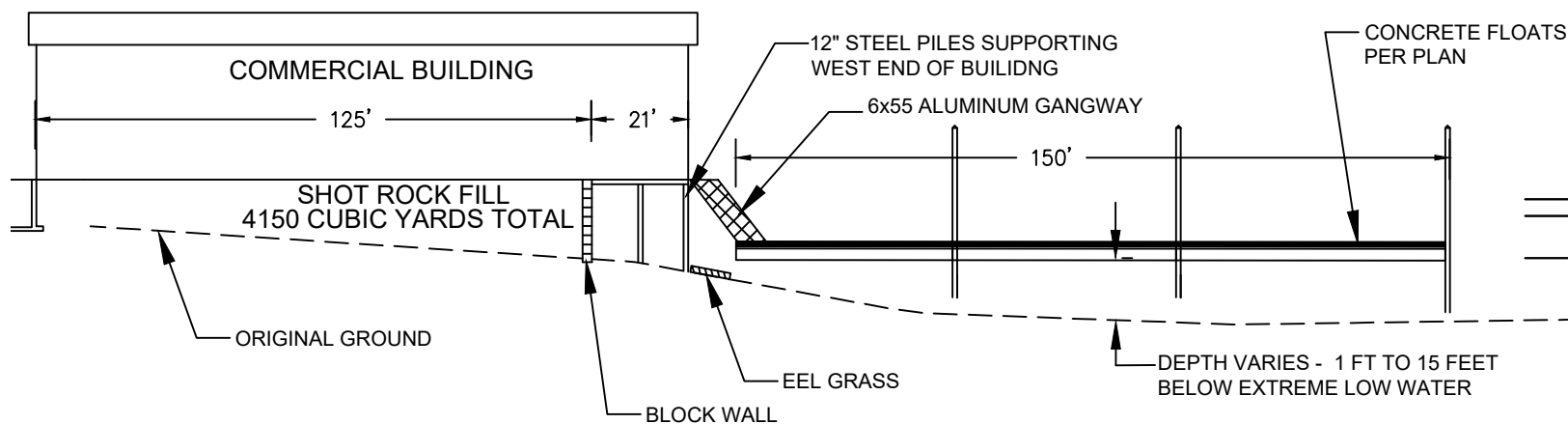
LOCATED IN: T.55S., R.63E., SECTION 36
Lat 57°3.146'N, Long. 135°20.707'W

DATE: 12-14-19

SHEET **4** OF **6**



1
5 RAMP AND FLOAT PLAN VIEW
1"=40'



2
5 SECTION A - A RAMP AND FLOAT ELEVATION VIEW
1"=40'

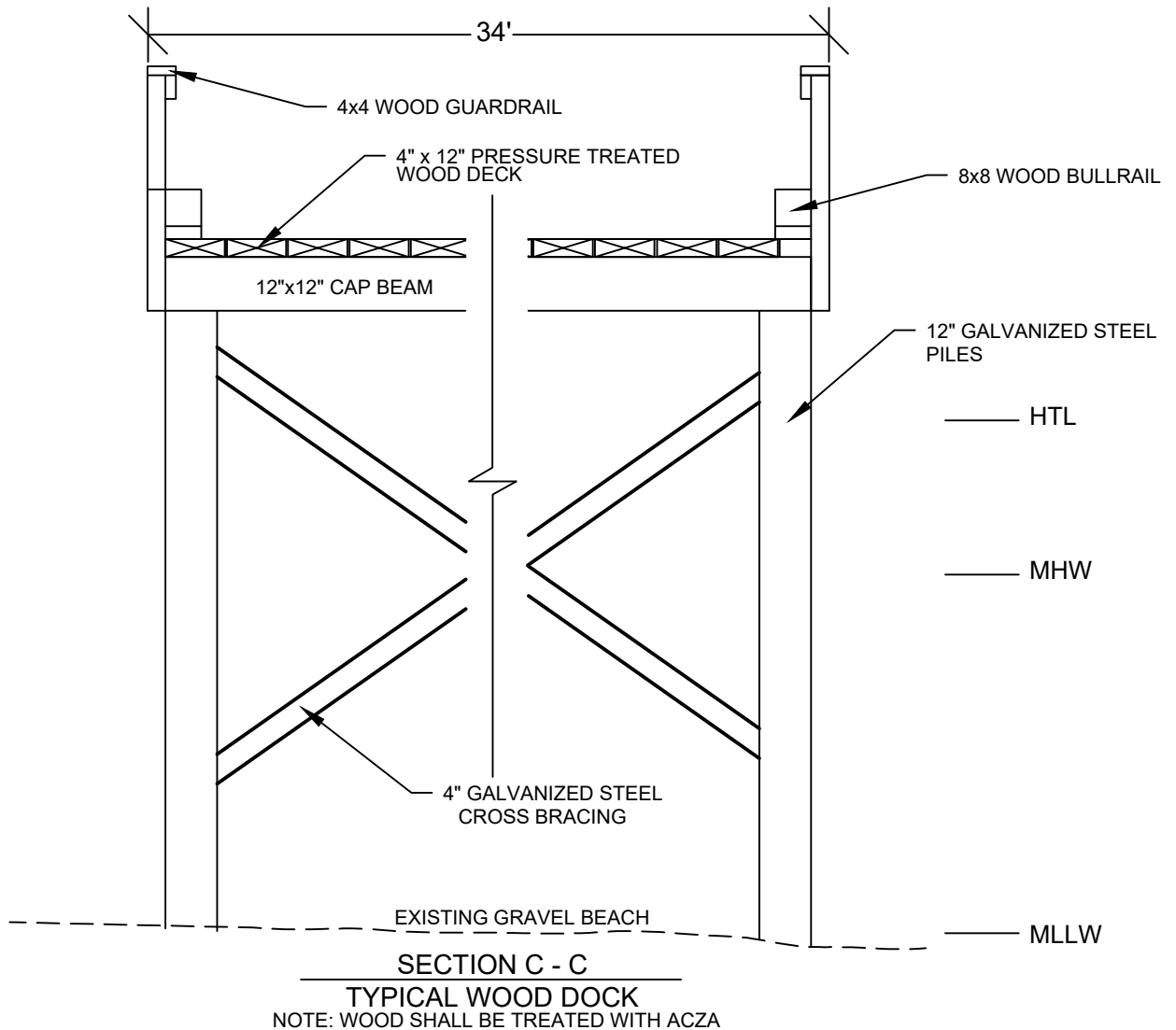
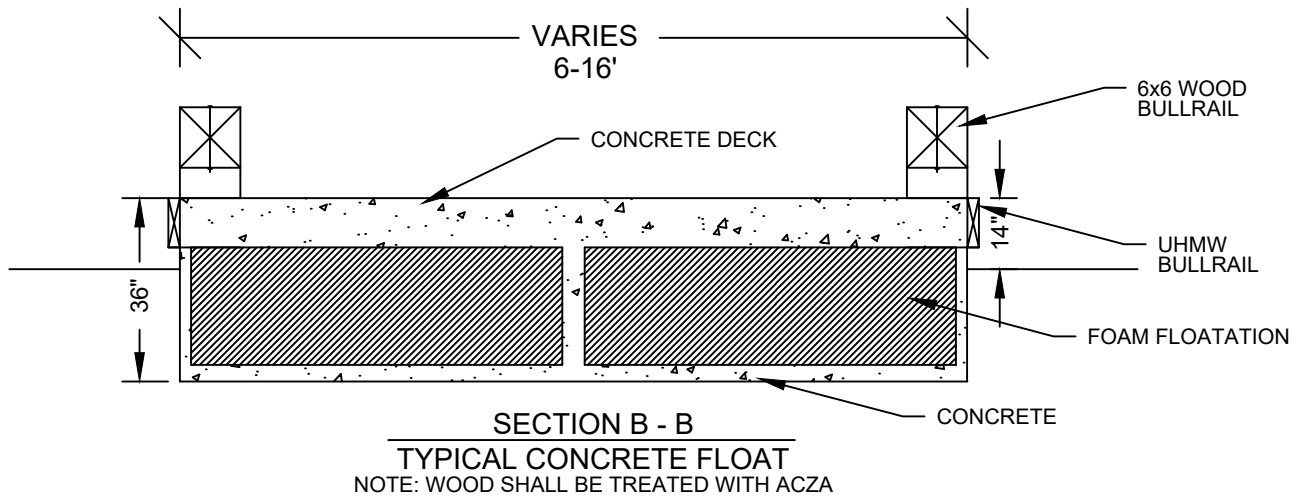
ROMAR HOLDINGS LLC
PROPERTY
DEVELOPMENT

AT: SITKA
 LOCATED IN: T.55S., R.63E., SECTION 36
 Lat 57°3.146'N, Long. 135°20.707'W

DATE: 12-14-19 SHEET **5** OF **6**

TYPICAL SECTIONS

APPLICATION BY:
 ROMAR HOLDINGS LLC
 435 KATLIAN STREET



TIDAL DATA SOURCE: NOAA
NAUTICAL CHART SITKA
HARBOR EXTRANCES

PIER AND FLOAT CROSS SECTION VIEW

APPLICATION BY:
ROMAR HOLDINGS LLC
435 KATLIAN STREET

ROMAR HOLDINGS LLC
PROPERTY
DEVELOPMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36
Lat 57°3.146'N, Long. 135°20.707'W

DATE: 9-24-19

SHEET **6** OF **6**