



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:	June 25, 2020
EXPIRATION DATE:	July 10, 2020
REFERENCE NUMBER:	POA-2002-00100-M2
WATERWAY:	Kachemak Bay

Interested parties are hereby notified that a Department of the Army (DA) 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. 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 Ms. Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at: jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Homer, 3573 Heath Street, Homer, Alaska 99603

LOCATION: The project site is located within Sections 20, 21, 28, and 29, T. 6 S., R. 13 W., Seward Meridian; Latitude 59.6346° N., Longitude 151.5203° W.; Kenai Peninsula Borough; in Kachemak Bay, south of Ocean Drive Loop, in Homer, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Kachemak Bay National Estuarine Research Reserve.

PURPOSE: The applicant's stated purpose is to protect the toe of the existing seawall from erosion which would eliminate the potential for catastrophic failure, significantly reduce maintenance costs and extend wall life.

PROPOSED WORK: The City of Homer proposes to discharge 9,300 cubic yards of stone fill material, underlain by geotextile fabric, into 1,700 linear foot (0.98 acre) below the High Tide Line (HTL, 23.4 foot above the mean lower low water elevation of 0.0 foot) and Mean High Water Mark (MHWM, 17.3 foot above the Mean Lower Low Water elevation of 0.0 foot) of Kachemak Bay, a navigable water of the U.S., to stabilize the toe of an existing sheetpile seawall. Fill would extend up to 25-foot waterward of the existing seawall. All work would occur while the site is de-watered.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated June 9, 2020.

ADDITIONAL INFORMATION: A DA permit (POA-2002-00100, Kachemak Bay) was issued to the City of Homer on July 5, 2002, which authorized the installation of a 2,000 linear foot sheet pile seawall, backfilled with 7,030 cubic yards of dredged material, over a 0.46-acre area below the high tide line of Kachemak Bay.

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 purpose of the project is to reduce erosion of the tidal area in front of the seawall to protect the wall and the homes/properties behind it. The impact from the placement of armor rock (below the HTL) is unavoidable.

b. Minimization: The impact to tidally influenced areas has been minimized by reducing the volume of protective armor rock placement below the high tide line to the minimum practical volume.

c. Compensatory Mitigation: The project has been designed to have minimal impacts to waters of the U.S. No mitigation has been 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 0.98-acre project footprint, as described above. 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 Steller sea lion Western Distinct Population Segment (*Eumetopias jubatus*), Cook Inlet Beluga whale (*Delphinapterus leucas*), Fin whale (*Balaenoptera physalus*), western North Pacific and Mexican Distinct Population Segments of Humpback whale (*Megaptera novaeangliae*), Steller's eider (*Polysticta stelleri*) and Short-Tailed albatross (*Phoebastria (=Diomedea) albatrus*). Additionally, there is designated critical habitat (Area 2) for the Cook Inlet Beluga whale below the MHW of Kachemak Bay.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would not adversely modify 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 (NMFS) 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 Flathead sole (*Hippoglossoides elassodon*), Sculpins (cottidae), Pacific cod (*Gadus macrocephalus*), Skates (Rajidae), Pink salmon (*Oncorhynchus gorbuscha*), Chum salmon (*Oncorhynchus keta*), Sockeye salmon (*Oncorhynchus nerka*), Chinook salmon (*Oncorhynchus tshawytscha*) and Coho salmon (*Oncorhynchus kisutch*).

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-2002-00100-M2, Kachemak 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.

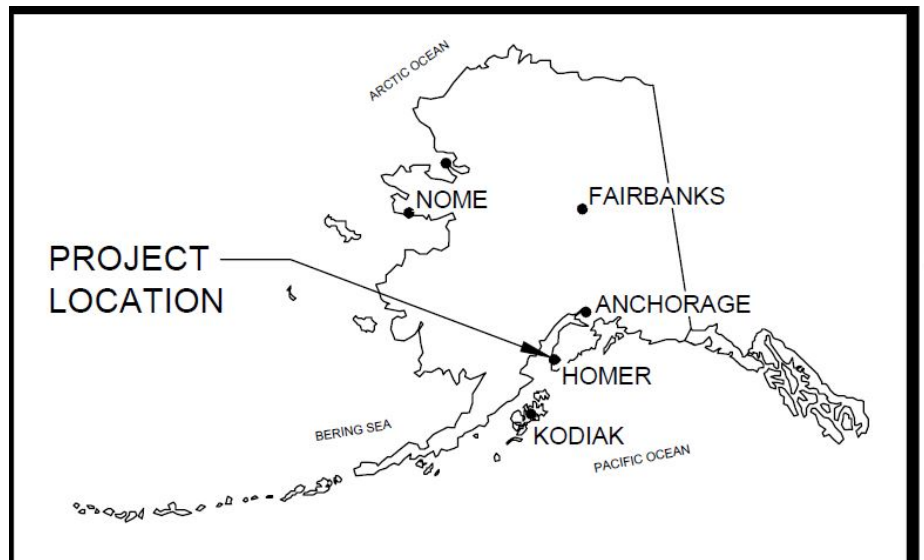
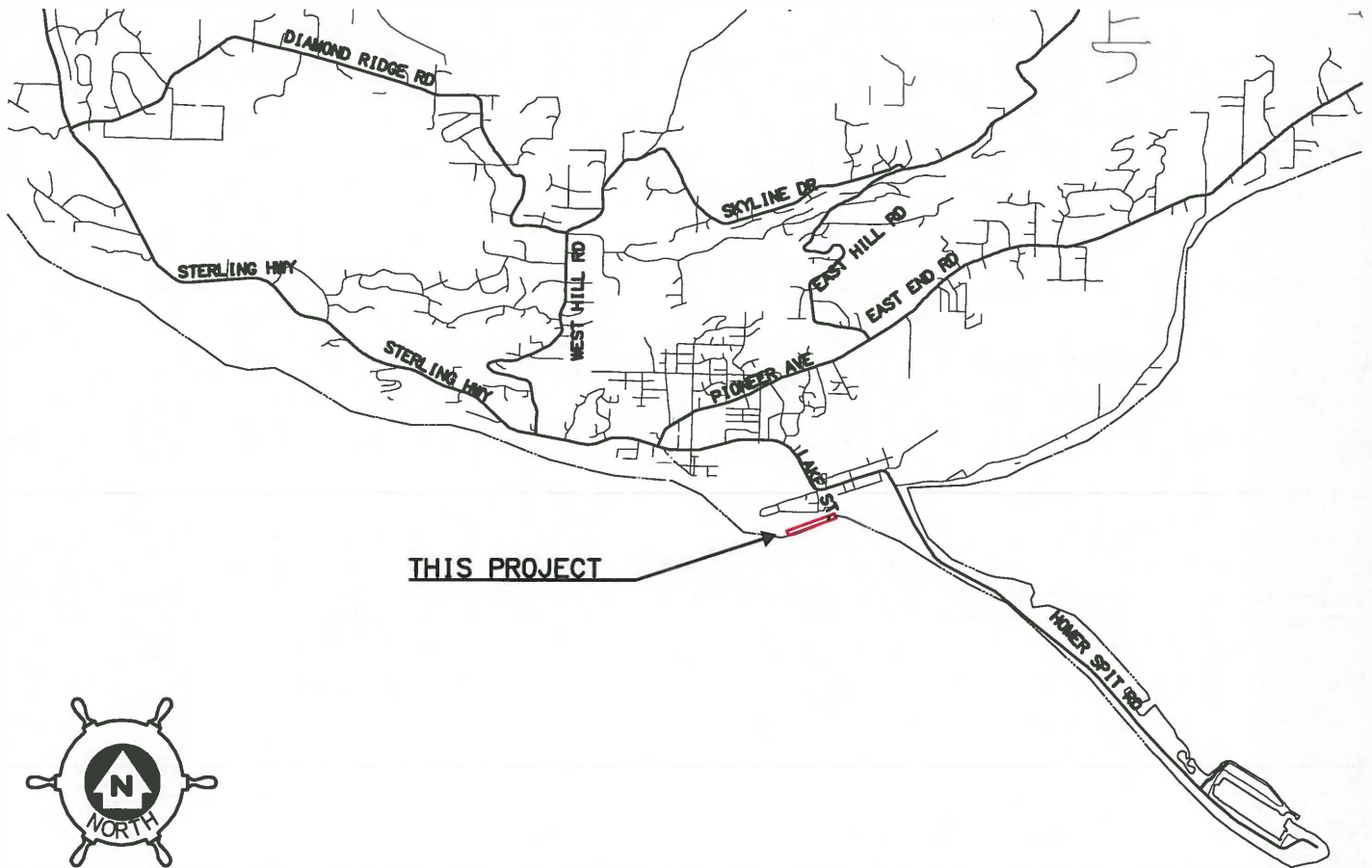
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

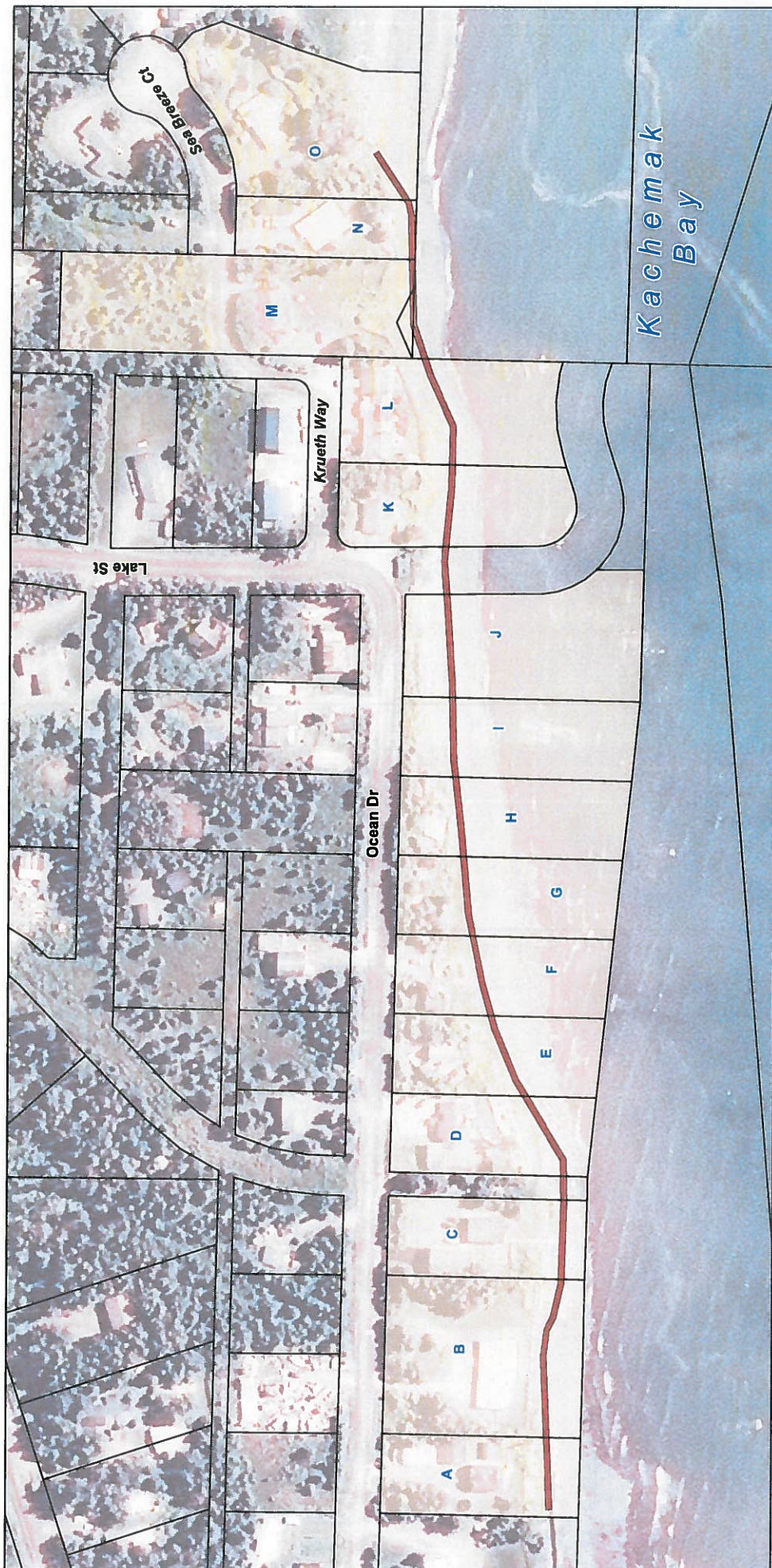
Disability Reasonable Accommodation Notice

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 Kate Orozco 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.

VICINITY MAP

HOMER SEAWALL ARMOR ROCK INSTALLATION





MAP SHOWING ADJACENT PROPERTIES AJOINING THE WATER BODY
 (SEE SEPARATE LIST FOR PROPERTY OWNERS/ADDRESSES)

EXISTING CONDITIONS

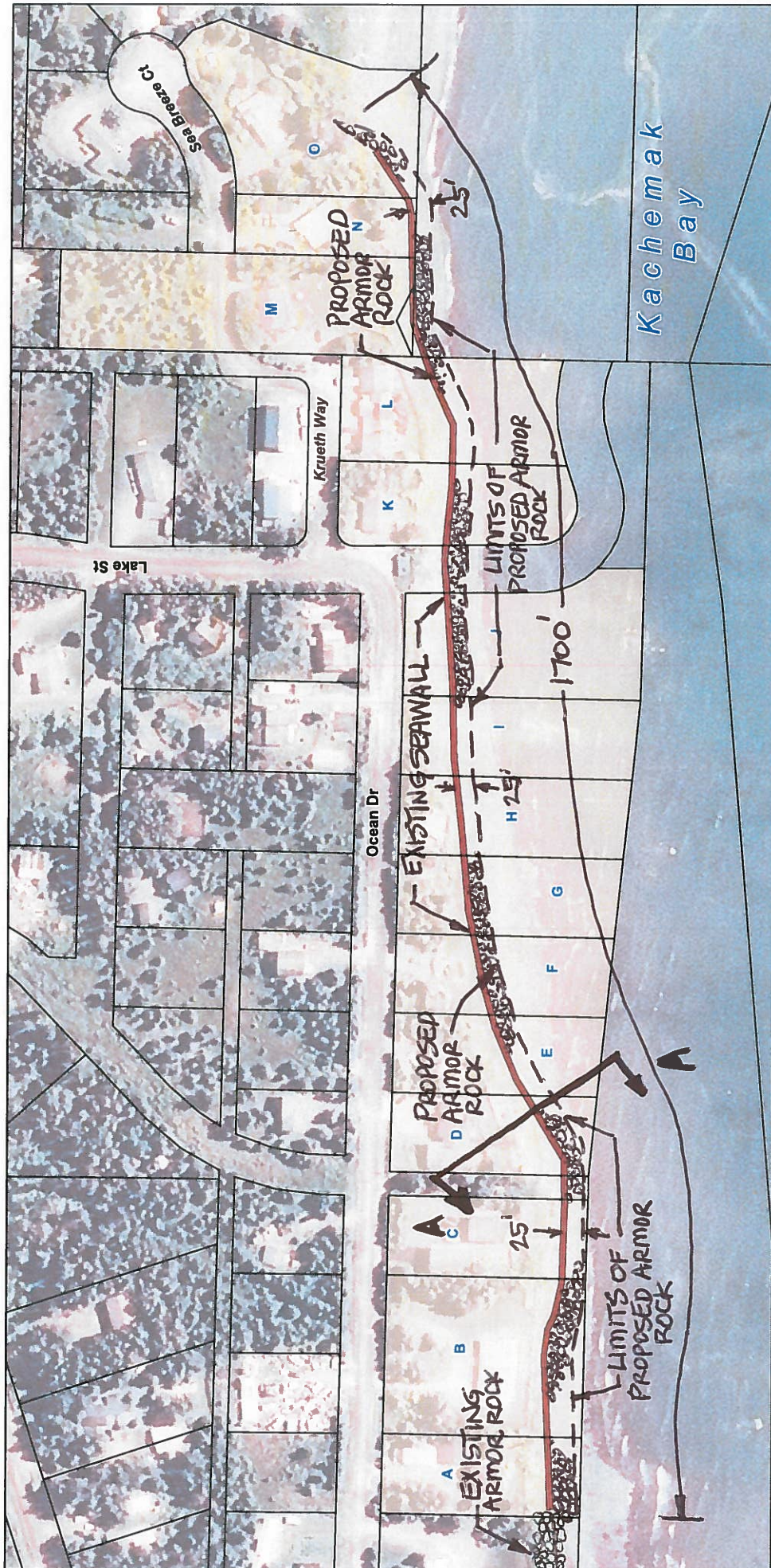
- Legend**
- Seawall - Sheet Pile
 - Original Construction LID



Dept. of Public Works
 Date: 09/2020

Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

PARCEL ID	KPB PARCEL_ID	OWNER	MAILING ADDRESS	CITY, STATE, ZIP CODE
A	17718013	MARTIN & HEATHER RENNER	811 OCEAN DRIVE LOOP	Homer, Alaska 99603
B	17718019	NEWBY REVOCABLE TRUST	829 OCEAN DRIVE LOOP	Homer, Alaska 99603
C	17718016	JOHN J & JANET L SZAJKOWSKI	869 OCEAN DRIVE LOOP	Homer, Alaska 99603
D	17717701	MARILYN AND PAUL HUEPER	895 OCEAN DRIVE LOOP	Homer, Alaska 99603
E	17717702	2016 NORMAN W SCHUMACHER REVOCABLE TRUST	917 OCEAN DRIVE LOOP	Homer, Alaska 99603
F	17717703	PATRICK & KATHLEEN IRWIN	939 OCEAN DRIVE LOOP	Homer, Alaska 99603
G	17717704	GREEN MAN TRUST	957 OCEAN DRIVE LOOP	Homer, Alaska 99603
H	17717705	FINDLAY ABBOTT	979 OCEAN DRIVE LOOP	Homer, Alaska 99603
I	17717706	CITY OF HOMER	997 OCEAN DRIVE LOOP	Homer, Alaska 99603
J	17717707	CITY OF HOMER	1017 OCEAN DRIVE LOOP	Homer, Alaska 99603
K	17717904	CHARLENE A JUMP	3102 LAKE ST	Homer, Alaska 99603
L	17717903	LARRY JACK GOODE LIVING TRUST	1065 KRUETH WAY	Homer, Alaska 99603
M	17923036	LAWRENCE A & SHARON S. KING	1103 KRUETH WAY	Homer, Alaska 99603
N	17923026	VICTORIA WILSON & CLARK WINNE	1121 SEA BREEZE CT	Homer, Alaska 99603
O	17923028	DAVID A & ROXANNA E LAWER	1137 SEA BREEZE CT	Homer, Alaska 99603



Plan View of Proposed Seawall Armor Rock Erosion Protection



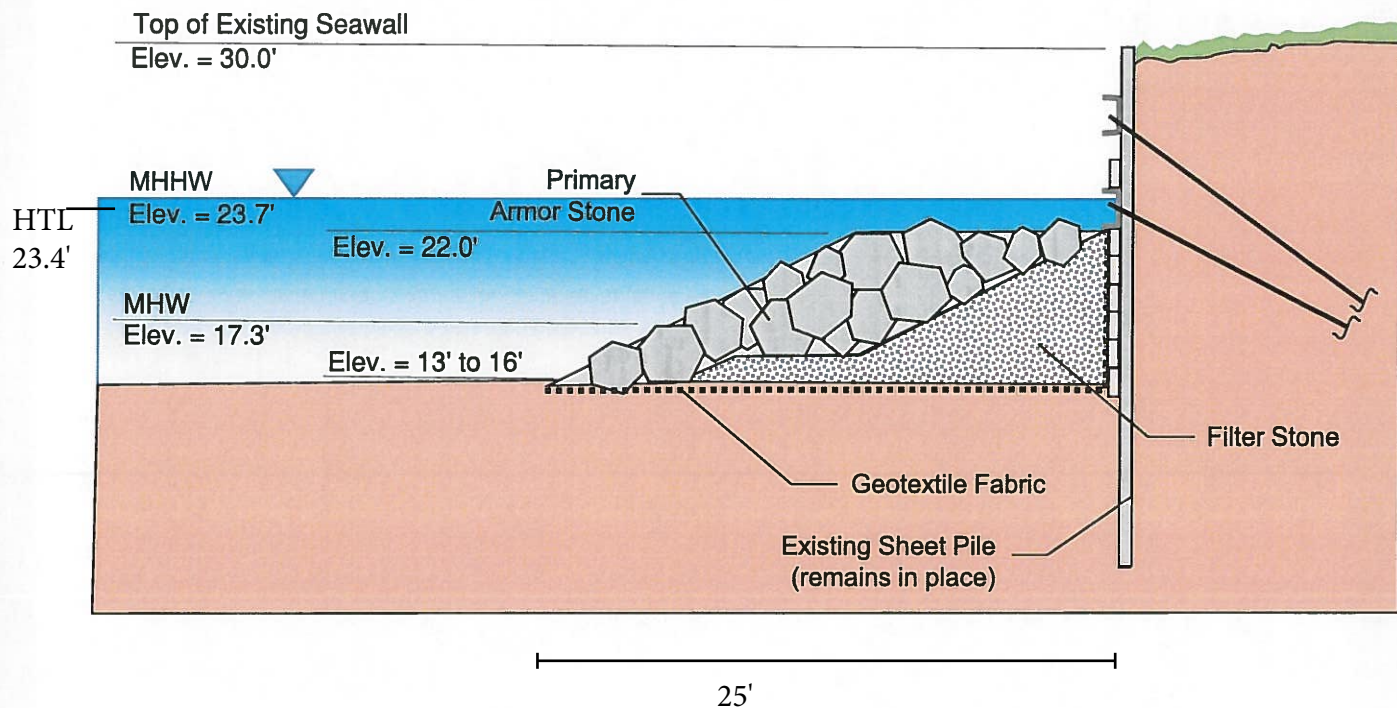
Dept. of Public Works
Date: 6/8/2020

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Legend

- Seawall - Sheet Pile
- Original Construction LID





Typical Section A-A Proposed Armor Rock Placement Homer Seawall

Filter stone	4,300 cubic yards
(200lb. average weight)	
Armor Stone	1,000 cubic yards
(1,500lb. average weight)	
Armor Stone	4,000 cubic yards
(2,000lb. average weight)	
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Total fill volume	9,300 cubic yards