

Juneau Field Office Regulatory Division (1145) CEPOA-RD Post Office Box 22270 Juneau, Alaska 99802-2270

## Public Notice of Application for Permit

PUBLIC NOTICE DATE: April 28, 2020

**EXPIRATION DATE:** May 13, 2020

REFERENCE NUMBER: POA-2013-00111-M1

WATERWAY: Katlian 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. 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.

<u>APPLICANT</u>: Alaska Department of Transportation and Public Facilities (Alaska DOT&PF), PO Box 112506, Juneau, AK 99811.

<u>LOCATION</u>: The project site is located within Section 25, T. 54 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-4 and A-5; Latitude 57.155258° N., Longitude 135.330064° W.; proposed project begins at the terminus of Halibut Point Road for the construction of 9.3 miles of new road and the reconditioning of 2.2 miles of existing National Forest Road, near Sitka, Alaska.

<u>SPECIAL AREA DESIGNATION</u>: The project is located within the Tongass National Forest.

<u>PURPOSE</u>: The applicant's stated purpose is to provide increased recreational and subsistence opportunities on Baranof Island within National Forest System (NFS) lands of the Tongass National Forest, Sitka Ranger District, land access to Native Corporation Public Notice of Application for Permit (Shee Atiká and Sealaska) lands by shareholders, and opportunity for development of new material sources on State, Federal, and Native Corporation lands.

<u>PROPOSED WORK</u>: The applicant requests authorization for the following proposed discharge of fill material into waters of the U.S., including wetlands:

Additional Wetlands Impacts					
Wetland No.	Approximate	Cowardin	Wetland Type	Impact Area	Fill Volume
	Station	Class		(acres)	(cubic yards)
9	113+00	PF04B	Forested Peatland	0.11	1,755
12	234+00	PF04B	Forested Peatland	0.40	9,680
Not numbered	320+00	PF04B		0.60	9,355
13	325+00	PF04A/B	Forested Peatland/	0.09	1,777
			Floodplain		
15	345+00	PF04/PEM1B	Open Peatland	0.60	11,616
15	345+00	PF04/PEM1B	Open Peatland	0.45	7,260
21	378+00	PF04B	Floodplain	0.55	8,873
21	378+00	PF04B	Floodplain	0.19	2,452
Total:				2.99	52,788

Proposed Fill Material: Grubbing material (stumps, brush, roots, moss, turf, organic matter) and Muck Excavation (soils and organic matter not suitable for foundation material)

Work would also include re-routing a total of 370 linear feet of stream reach from five stream channels. The streams would be returned to the natural drainage route down-gradient of the proposed re-routed stream reaches.

All work would be performed in accordance with the enclosed plan (sheets 1-22), dated April 23, 2020.

<u>ADDITIONAL INFORMATION</u>: In order to conduct the proposed work the applicant must receive a Title 16 Fish Habitat permit from the Alaska Department of Fish and Game.

ADOT&PF received the following Fish Habitat Permits from ADF&G for the original authorized work: FH18-I-0131 and FH18-I-0132, September 28, 2018; FH18-I-0133 and FH18-I-0134, September 28, 2018; FH18-I-0135 through FH18-I-0138, September 28, 2018; FH18-I-0140 through FH18-I-0152, September 28, 2018; and FH18-I-0153, September 28, 2018.

<u>APPLICANT PROPOSED MITIGATION</u>: 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: Field reconnaissance and preliminary delineations of wetlands and waters of the U.S. were used to adjust the proposed project away from wetlands and fish streams where practicable in order to reduce impacts.
- b. Minimization: Waste was hauled off the project until off-site waste disposal areas were filled.

On-site waste disposal locations on the road-connected work front and on one remote work front were selected and developed in uplands areas within the project limits where space was available and terrain allowed.

The Contractor referred to terrain observations made during tree clearing efforts along the alignment in 2019 and made a first pass at selecting uplands and low impact locations along the entire alignment

c. Compensatory Mitigation: No compensatory mitigation is proposed.

<u>WATER QUALITY CERTIFICATION</u>: 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 propose activity. 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. Also, in a letter to the applicant dated November 2, 2015, the State Historic Preservation Office (SHPO) made a finding of No Historic Properties Affected for the proposed project (Katlian Bay Road State Project # Z-67672-0000). 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.

<u>ENDANGERED SPECIES</u>: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on 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 chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*) 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.

<u>PUBLIC HEARING</u>: 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)(l) 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 authority:

(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.

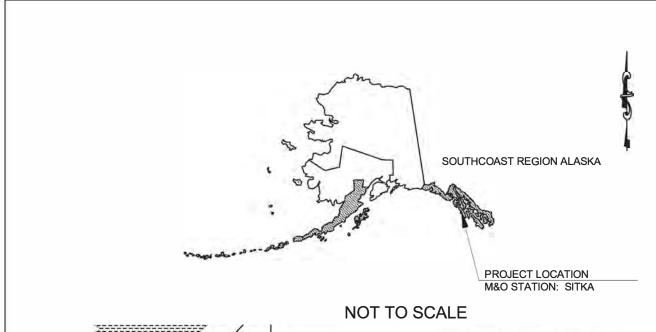
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2013-00111-M1**, **Katlian Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

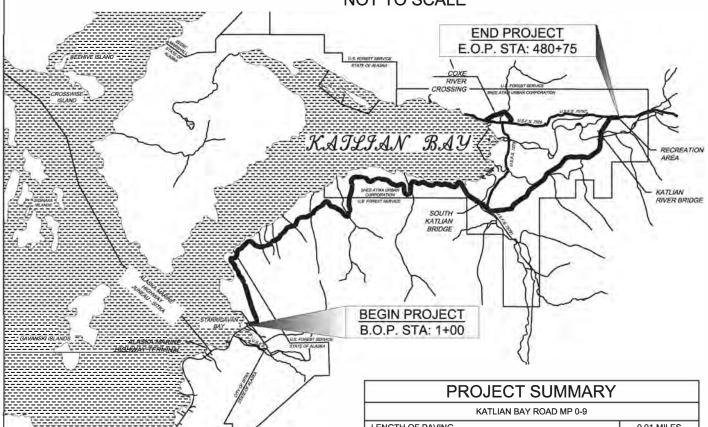
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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 <a href="dec-401cert@alaska.gov">dec-401cert@alaska.gov</a> 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.





PROJECT SUMMARY				
KATLIAN BAY ROAD MP 0-9				
LENGTH OF PAVING	0.01 MILES			
LENGTH OF NEW ROAD (KBR)	8.8 MILES			
LENGTH OF RECONDITIONED ROAD (NFR 75797/AT1)	0.5 MILES			
LENGTH OF NEW ACCESS ROAD (COXE)	0.5 MILES			
LENGTH OF ACCESS ROAD (NFR 7579 AND 75797)	1.67 MILES			
TOTAL LENGTH OF PROJECT	11.5 MILES			

ADJACENT PROPERTY OWNERS: US FOREST SERVICE STATE OF ALASKA SHEE ATIKA URBAN CORPORATION CITY OF SITKA

SITKA

WATER BODY: KATLIAN BAY POA-2013-00111-M1

VICINITY MAP

APPLICATION BY:
STATE OF ALASKA DEPARTMENT
OF TRANSPORTATION AND
PUBLIC FACILITIES
SOUTHCOAST REGION ALASKA

SITKA: KATLIAN BAY ROAD ROAD CONSTRUCTION STATE PROJECT NUMBER: 67672

NEAR: SITKA, ALASKA

LOCATED IN: T55S-R63E & 64E and T54S-R63E & 64E SHEET 1 of 22

DATE: 04/23/2020

