



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** DECEMBER 15, 2008  
**EXPIRATION DATE:** JANUARY 15, 2009  
**REFERENCE NUMBER:** POA-2008-1183  
**WATERWAY:** SALMON RIVER

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.

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. Richard G. Jackson at (907) 753-5646, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Richard.G.Jackson@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Gustavus, Post Office Box 1, Gustavus, Alaska 99826

AGENT: Ms. Kim Ney, Post Office Box 32, Gustavus, Alaska 99826

LOCATION: The project site is located within Section 18, T. 40 S., R. 59 E., Copper River Meridian; USGS Quadrangle Map Juneau B-6; Latitude 58.410,288° N, Longitude 135.735,655° W; Approximately ¼ mile downstream from the Salmon River Bridge on the east side of the river, in Gustavus, Alaska.

PURPOSE: The applicant's stated purpose is to remove old plastic sheet piling that is failing along approximately 400 feet of the river bank to address localized collapse, erosion issues, and removal of an eyesore. The project purpose is not for bank stabilization.

PROPOSED WORK: The applicant proposes to "remove approximately 400 linear feet of plastic sheetpile which is currently falling into the lower Salmon River. Work would be conducted at a low tide cycle, and is anticipated to take no more than three days. Work would occur from east bank of river, with equipment operating from adjacent City owned uplands. Any vertical faces of exposed, native riverbank will be regraded to approximately 2:1 slope." The applicant proposes to remove the

failing sheet piling by extracting it with an excavator and estimates that up to one cubic yard of material per linear yard of sheet pile could collapse into the river, resulting in an unavoidable discharge of up to 133 cubic yards of native sand and silt into the Salmon River below the High Tide Line and /or the Mean High Water line. The applicant has proposed to concurrently perform mechanical and manual reshaping of the bank after the sheetpile segments are removed to reduce the incidental movement of native sand and silt into the river. All work would be performed in accordance with the enclosed plans (sheet 1 of 1 dated 11/18/2008, sheets 1-3 of 3 dated 8/02/2008, and sheets 1-2 of 2 dated 11/20/2008).

ADDITIONAL INFORMATION: Please contact Ms. Kim Ney, authorized agent for City of Gustavus, by mail at Post Office Box 32, Gustavus, Alaska 99826, by telephone at (907) 697-2423, or by email at [lacajita@gustavus.ak.us](mailto:lacajita@gustavus.ak.us).

MITIGATION: The applicant has stated that there is no intended placement of dredged or fill material into waters of the United States, and that any fill sloughing into the river after removal of the sheet pile is incidental to the activity; therefore no mitigation activities have been proposed. The applicant has indicated that "mechanically and manually reshaping the streambank slope after sheetpile removal may reduce this discharge substantially" which would provide some minimization of impacts to U.S. waters.

Habitat areas below the high tide line should improve where sheet pile removal takes place.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

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

Preliminarily, the described activity may affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and 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).

Preliminarily, the described activity may affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations 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 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:

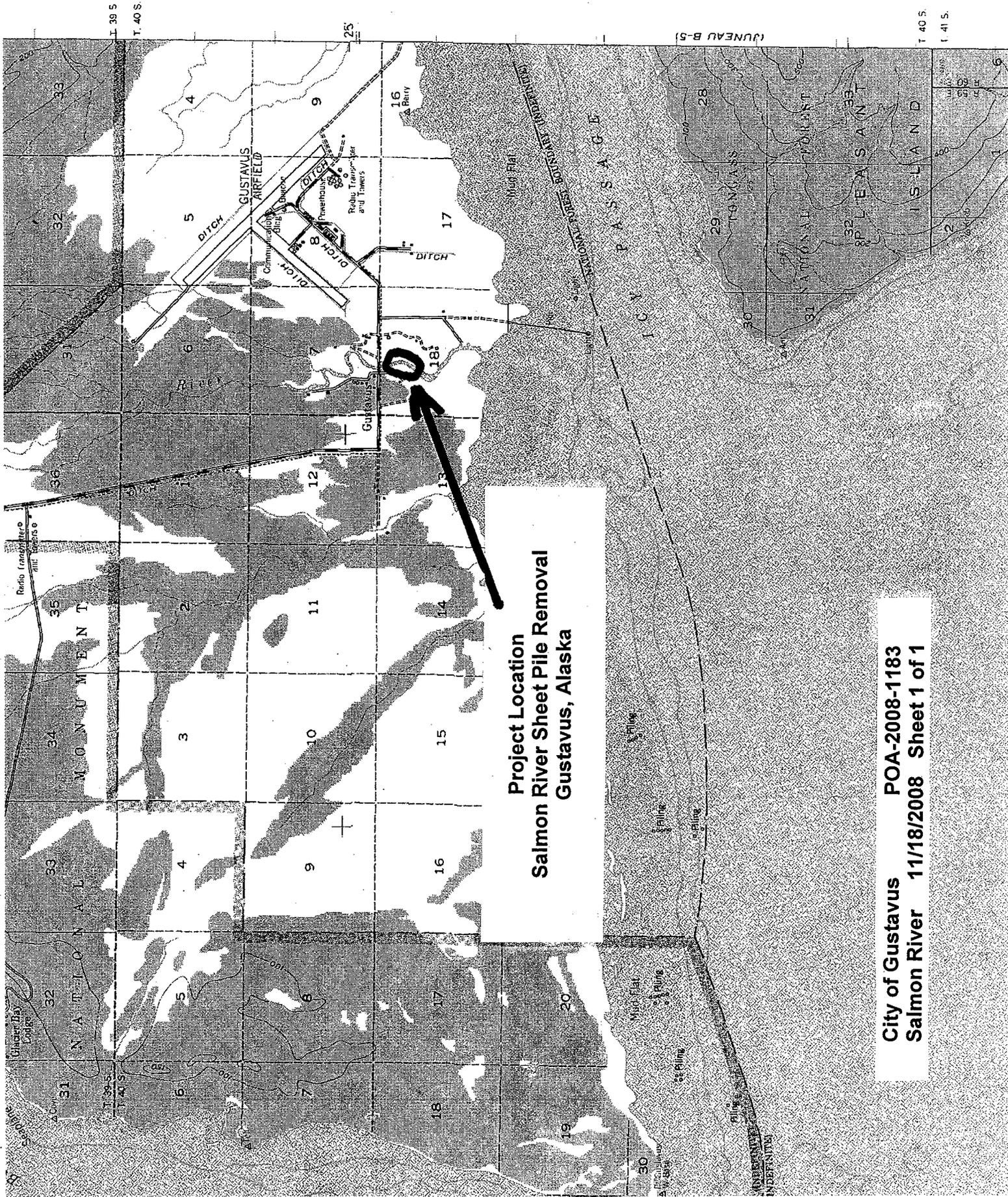
(X) Perform work in or affecting navigable waters of the United States -  
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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, Notice of Application for Certification of Consistency with the  
Alaska Coastal Management Program, and Notice of Application for State Water  
Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures



**Project Location**  
**Salmon River Sheet Pile Removal**  
**Gustavus, Alaska**

**City of Gustavus** POA-2008-1183  
**Salmon River** 11/18/2008 Sheet 1 of 1

T. 39 S.

T. 40 S.

25

(JUNEAU B-5)

T. 40 S.

T. 41 S.

**Lower Salmon River Sheet Pile  
Removal, Gustavus, AK**

City of Gustavus will:

Remove approximately 400lf of plastic sheetpile which is currently failing into the lower Salmon River. Work will be conducted at a low tide cycle, and is anticipated to take no more than 3 days. Work will occur from east bank of river, with equipment operating from adjacent City owned uplands. Any vertical faces of exposed, native riverbank will be regraded to approximately 2:1 slope.

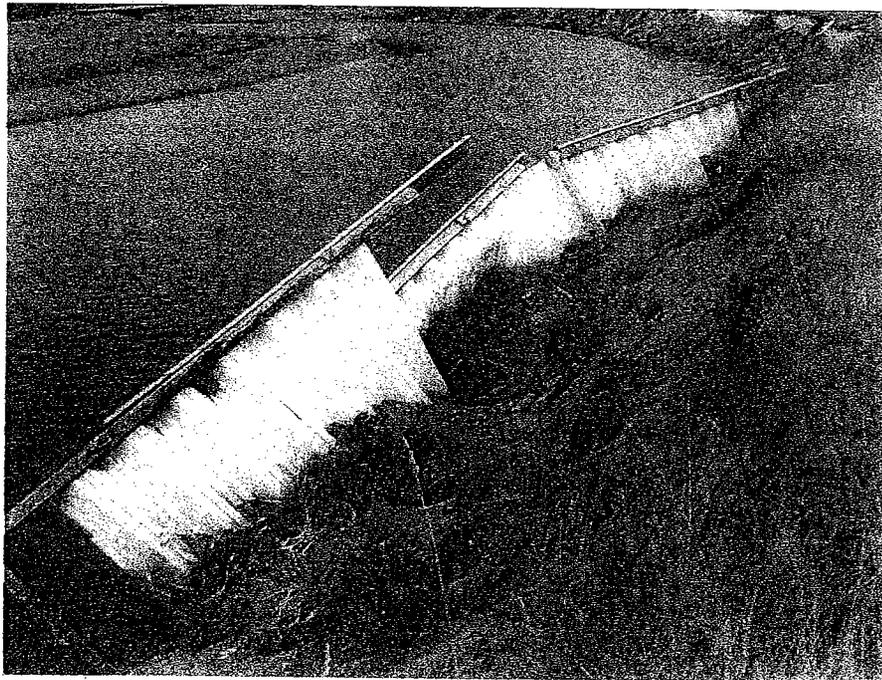
Remove 400 lf of sheetpile



**Gustavus Salmon River Sheetpile Removal Project  
August 2008**

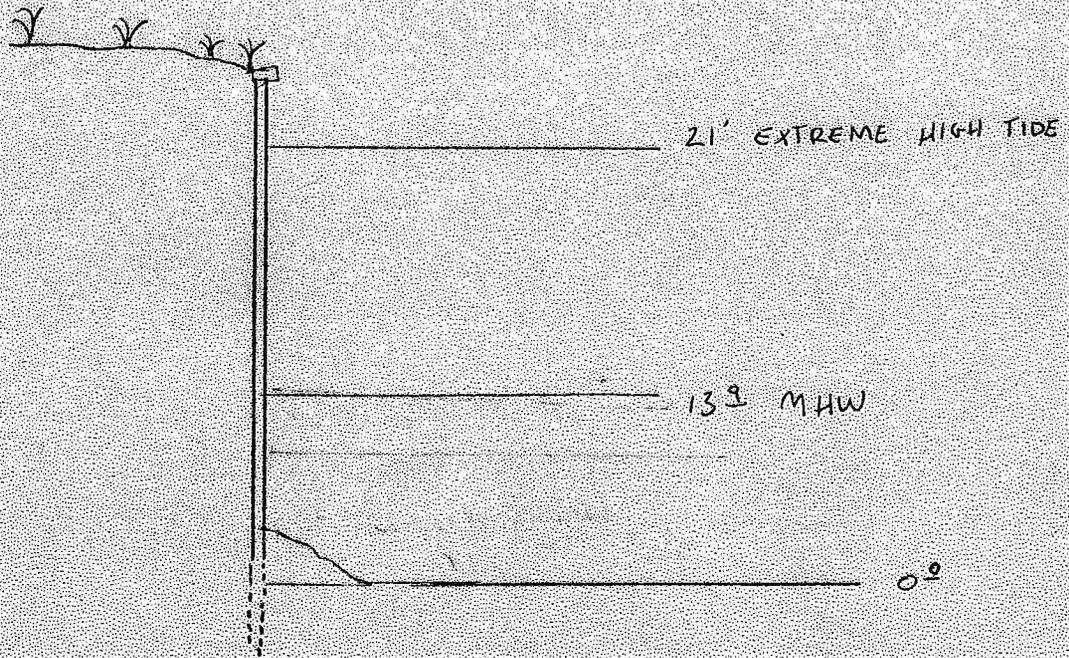


**Overview of failing sheetpile  
Looking upstream (north)**

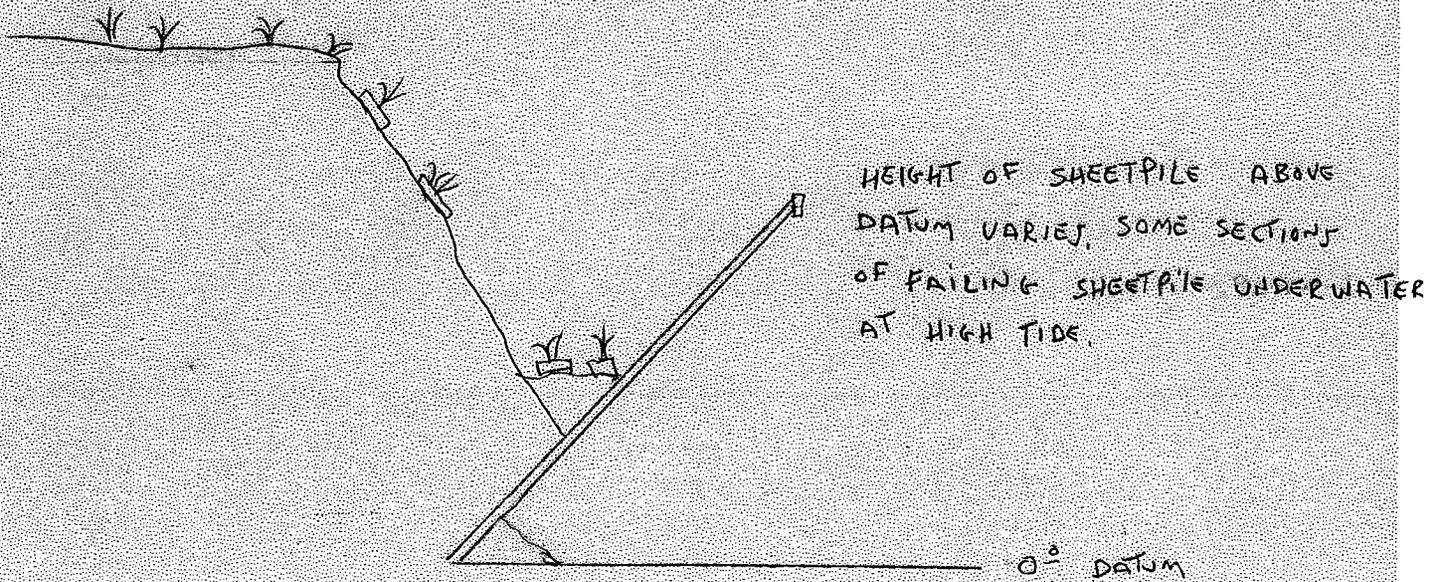


**Close-up of section of failing sheetpile.**

INTACT SHEET PILE



FAILING SHEET PILE





**City of Gustavus**  
P.O. Box 1  
Gustavus, AK 99826  
Phone: (907) 697-2451

USACE  
AK REGULATORY  
NOV 25 2008  
RECEIVED

Mr. Richard G. Jackson  
Project Manager  
Department of the Army  
U.S. Army Engineer District, Alaska  
Juneau Regulatory Field Office  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

20 November 2008

Dear Mr. Jackson: POA-2008-1183

This is the response to your letter of October 21, 2008 in which you requested a cross section drawing showing the anticipated shoreline configuration following removal of the sheet piling on the east bank of the Salmon River, showing the toe of the slope relative to the High Tide and Mean High water lines. Enclosed please find two such profiles, one from the shoreline just north of the north end of the sheet pile wall, the other from just south of the south end of the sheet pile wall. The natural shorelines north and south of these two points conform to these slopes for some distance in each direction, and when the sheet pile is removed it is anticipated the newly exposed shoreline will naturally conform to these slopes. The slopes are slightly less than the 2:1 slope approximated in our application, and the northern slope is a bit gentler than the one to the south; that is because the ground surface slopes gently north-to-south in this area. In each profile the sheet pile is indicated in order to show the relationship of the sheet pile wall to the natural slopes.

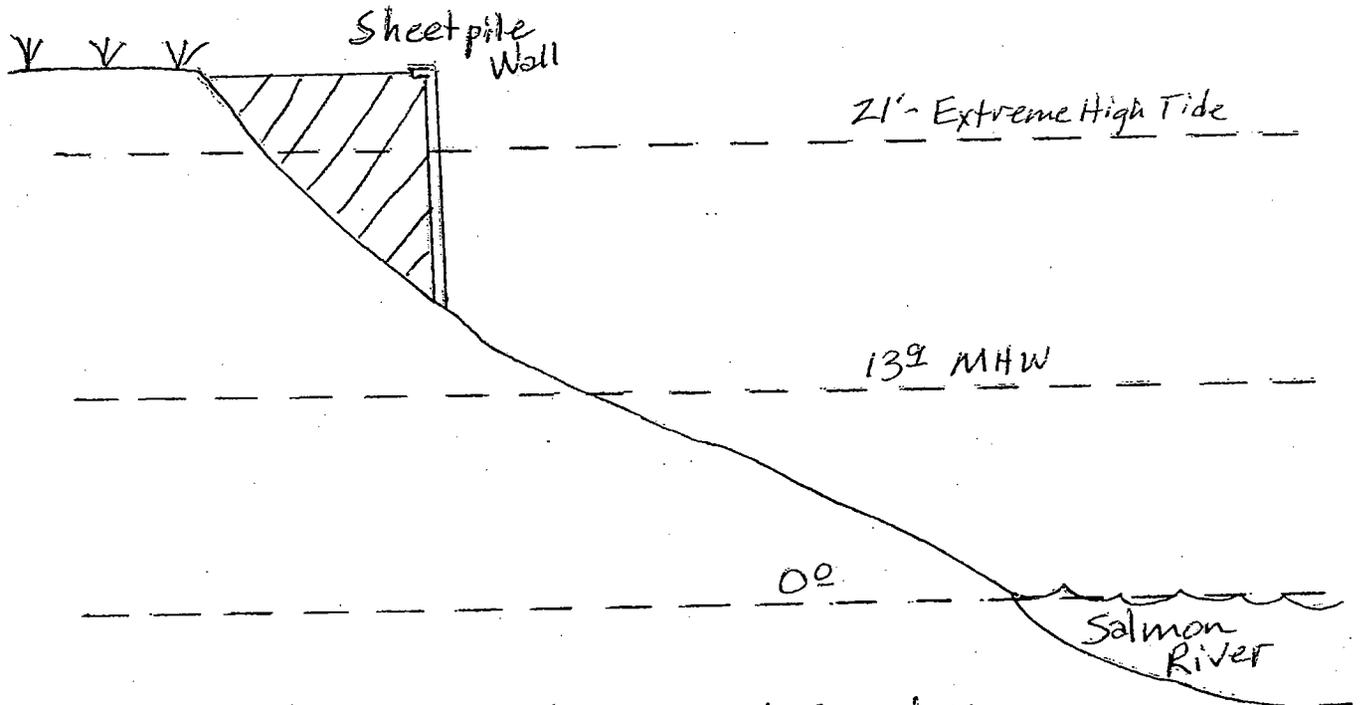
Please don't hesitate to contact us if you have questions or need more information.

Sincerely,

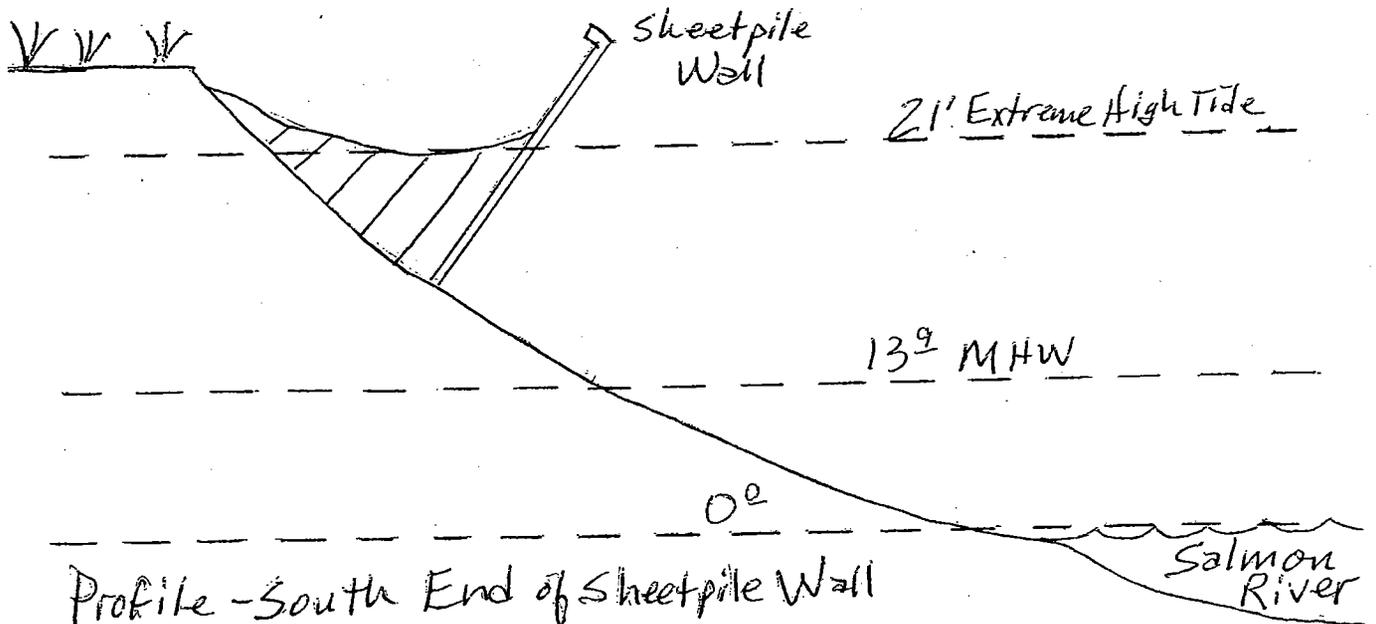
William L. Unkel  
Mayor  
City of Gustavus

Enclosure: Shoreline Profiles

**City of Gustavus** POA-2008-1183  
**Salmon River** 11/20/2008 Sheet 1 of 2



Profile - North End of Sheetpile Wall  
Slope is @ 1.6:1



Profile - South End of Sheetpile Wall  
Slope is @ 1.8:1

*SARAH PALIN, GOVERNOR*

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT  
POST OFFICE BOX 111030, MS 1030  
JUNEAU, ALASKA 99811-1030  
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2008-1183, SALMON RIVER**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.

# 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-2008-1183, SALMON RIVER**, 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.