



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: JULY 16, 2008
EXPIRATION DATE: AUGUST 14, 2008
REFERENCE NUMBER: POA-2008-236
WATERWAY: JAMESTOWN 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 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. John Klutz at (907) 753-5553; toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at john.r.klutz@usace.army.mil, if further information is desired concerning this notice.

APPLICANT: Allen Marine, Inc., 1512 Sawmill Creek Road, Sitka, Alaska 99835.

AGENT: Mr. Richard Smith, 7866 South Tongass Highway, Ketchikan, Alaska 99901.

LOCATION: The project site is located within Section 6, T. 56 S., R. 64 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.047° N., Longitude -135.298° W.; Allen Marine property, 1512 Sawmill Creek Road in Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to relocate an existing boat lift facility associated with their property.

PROPOSED WORK:

The following structures would be removed from navigable waters of the U.S.:

- The existing east trestle metal travel way, 4-foot by 90-foot consisting of 15 pilings and bracing.
- A portion (40 feet by 16 feet) of the sheet piled center berm travel way.
- An existing section (27.5-foot average by 28 feet) of a deteriorated barge that extends beyond the current shoreline.

The following areas would be dredged:

- Remove up to 200 cubic yards (CY) of the rock filled portions of the deteriorated barge. Materials would be excavated to match the existing nearby shoreline slopes.
- Remove approximately 400 CY of stone and gravel material from a 40-foot long by 16-foot wide, steel sheet piling perimeter earthen filled travel lift berm. Bottom of dredged slope would match adjacent slopes within the existing lift wells. The 400 CY of materials removed would be used to re-grade upland areas that approach the proposed project.
- Remove approximately 40 CY of riprap at the shoreline where the existing east trestle meets land. Redistribute that riprap material after the proposed new trestle is constructed.

The following structures would be placed in navigable waters of the U.S.:

- A 100-foot by 12-foot trestle platform on top of support pilings.
- Approximately 132 linear feet of steel sheet piling along the proposed perimeter to a height of +18 feet Mean Lower Low Water.

The following material would be discharged below the high tide line:

- Approximately 200 CY of new clean riprap materials at the removed barge location. Some riprap materials removed by dredging, which has established aquatic habitat, will be reset as riprap in the waterway.
- Approximately 1,800 CY of clean shot rock material into an area of 0.068-acre behind the proposed sheet piling.

ADDITIONAL INFORMATION:

- A site inspection of 24 June 2008, found the Allen Marine lift facility in poor condition, with the middle berm's sheet piling and the waterward end of the barge and its exposed sidewalls deteriorated and collapsing.
- The area is not considered a special aquatic site, eelgrass was not observed and only a sparse amount of fucus was observed in the proposed project area designated for fill.
- The proposed work would result in an approximate net gain of 0.068-acre of usable lands for the applicant.
- All work would be performed in accordance with the enclosed plan (sheets 1-3A), revisions dated June 6, 2008.

MITIGATION: The applicant has proposed the following mitigation measures to reduce impacts to the aquatic environment:

- Remove materials that are in intertidal waters during periods of low tides to minimize the suspension of sediments and turbidity.
- Use clean shot rock stone (no fines or gravel) for fill and clean stone riprap to minimize turbidity to the greatest extent.

- Install the proposed steel sheet piling and then place the proposed 1,800 CY of shot rock fill materials behind the piling.
- Remove a protruding sheet piled berm (travelway), and replace it with an open trestle structure. Remove the end of the barge and return the area to match the existing shoreline.

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.

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

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-2008-236, Jamestown Bay 18**, 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-2008-236, Jamestown Bay 18**, 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.

FILE NUMBER: POA-2008-236
WATERWAY NAME: JAMESTOWN BAY

APPLICANT:

ALLEN MARINE INC
ATTN: MR DAVID ALLEN
1512 SAWMILL CREEK ROAD
SITKA AK 99835

AGENT:

MR RICHARD SMITH
7866 SOUTH TONGASS HIGHWAY
KETCHIKAN AK 99901

ADJACENT PROPERTY OWNERS:

CITY AND BOROUGH OF SITKA
100 LINCOLN STREET
SITKA AK 99835

STATE OF ALASKA - ADNR
400 WILLOUGHBY AVENUE
JUNEAU AK 99811

MUNICIPAL OFFICIALS: Sitka, City of and SITKA BOROUGH

PUBLIC WORKS DIRECTOR
CITY AND BOROUGH OF SITKA
100 LINCOLN STREET
SITKA AK 99835-7540

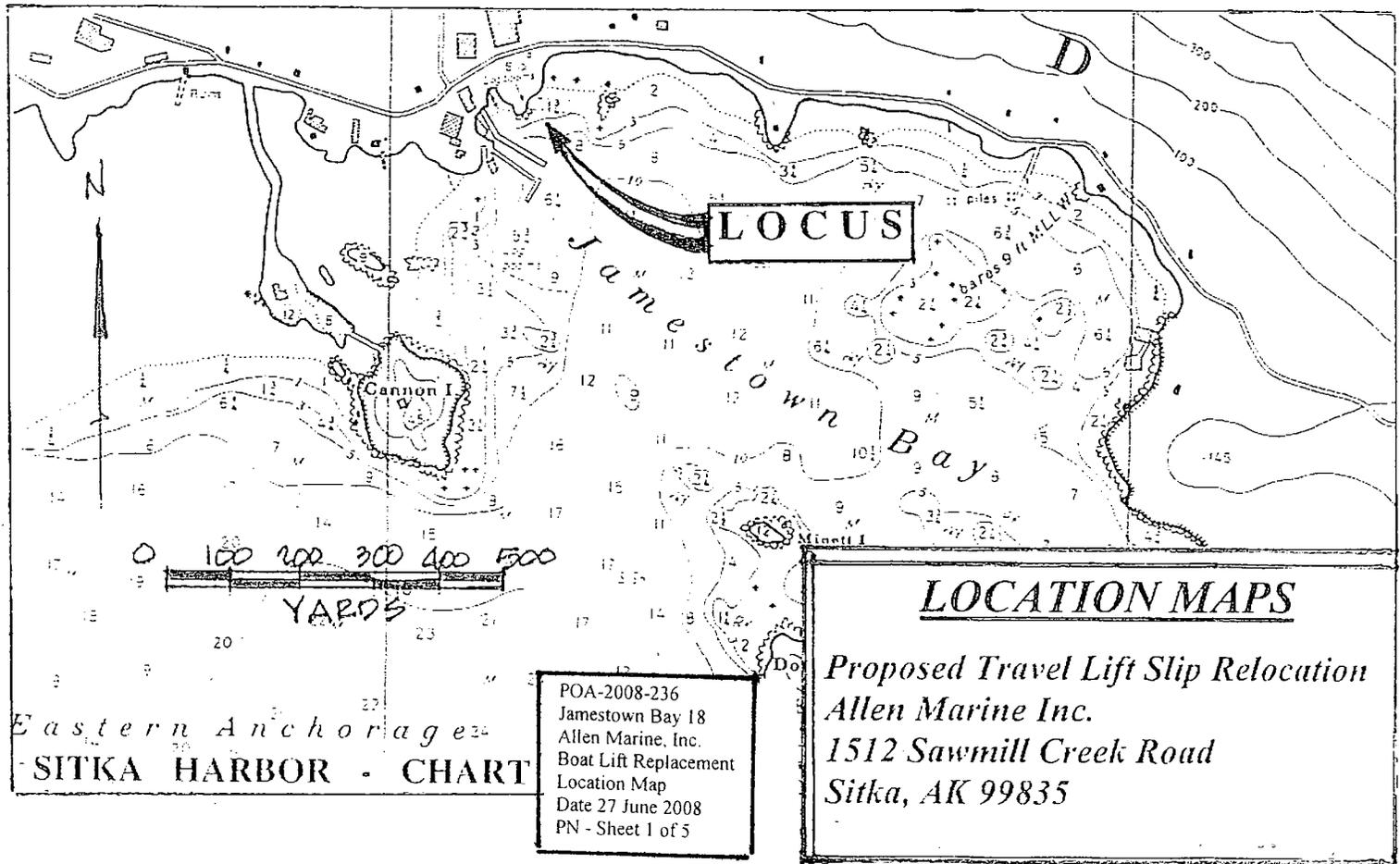
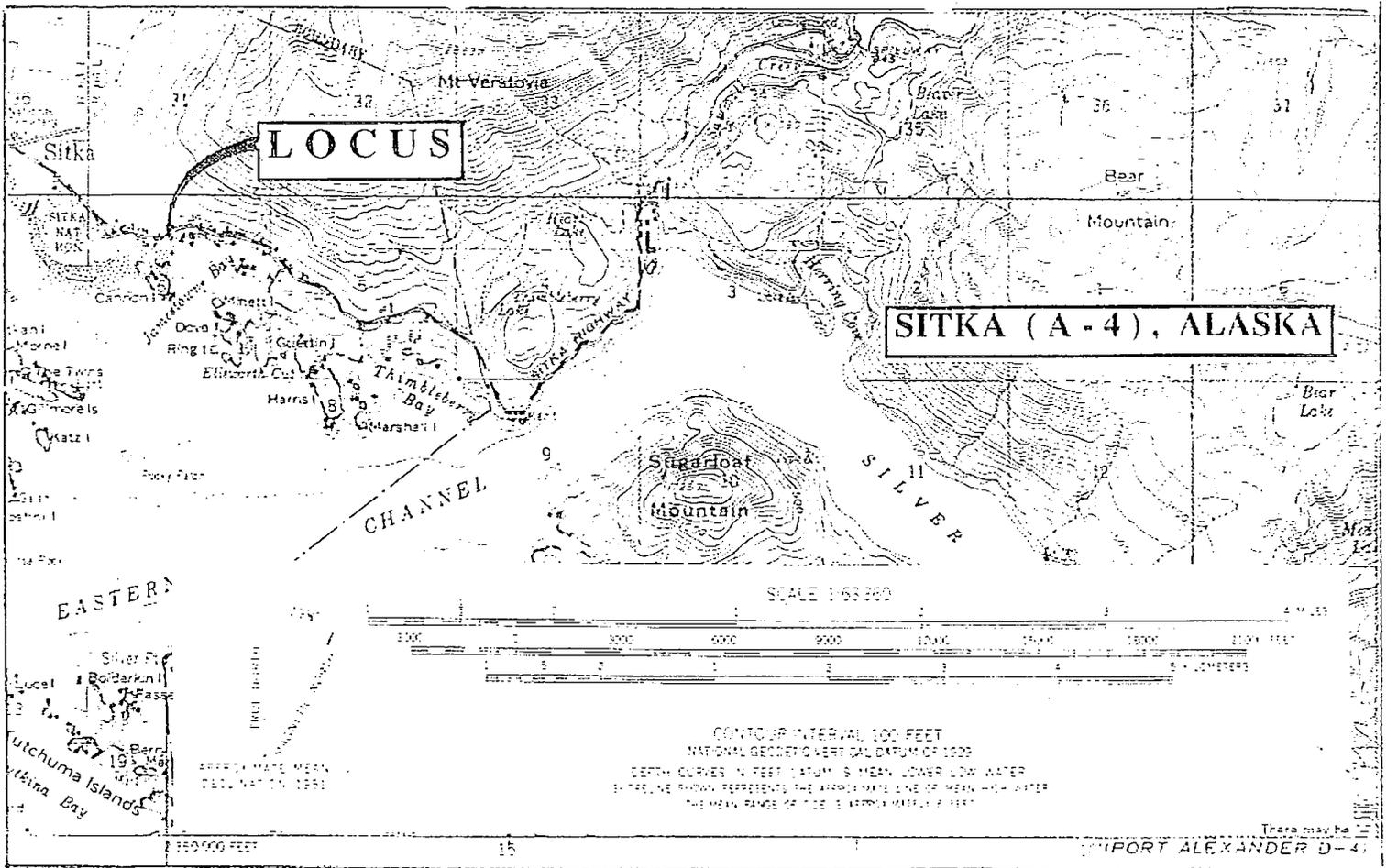
MS MARLENE CAMPBELL
COASTAL MANAGEMENT COORDINATOR
CITY AND BOROUGH OF SITKA
100 LINCOLN STREET
SITKA AK 99835-7540

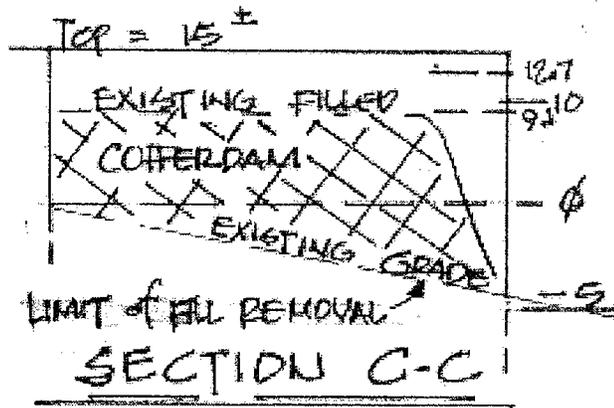
POSTMASTER
SITKA AK 99835-9998

SITKA TRIBE OF AK
456 KATLIAN STREET
SITKA AK 99835-7505

MAILING LISTS USED:

List Used	Date of list used	# on list
Master list	(Dated 13 August 2007)	14
Southeast list	(Dated 22 May 2006)	10
Docks (46)	(Dated 15 Nov 2006)	09





BUILDING

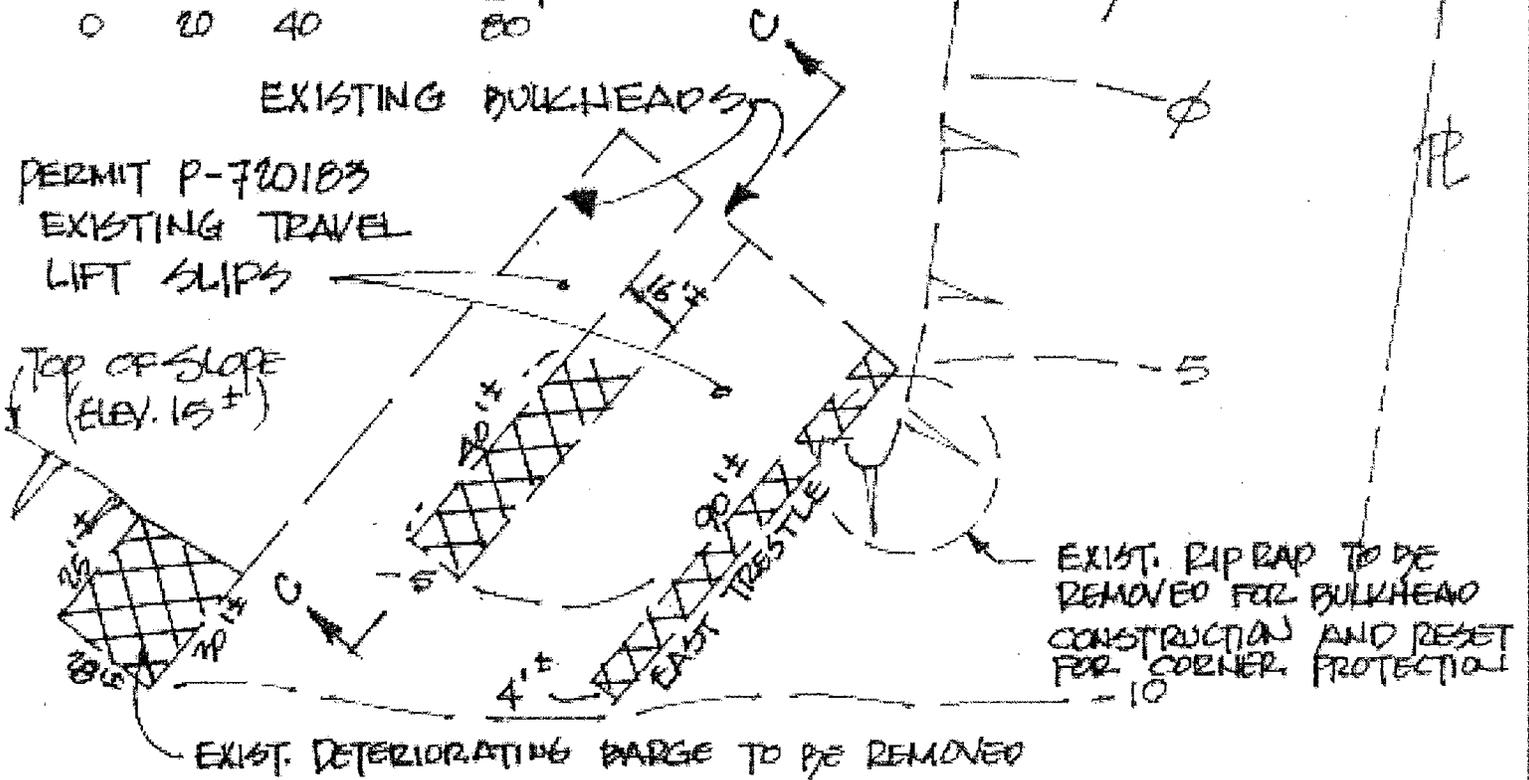
ATS 297



EXISTING BULKHEADS

PERMIT P-720183
EXISTING TRAVEL
LIFT SLIPS

TOP OF SLOPE
(ELEV. 15 ±)



~~XXX~~ = STRUCTURES TO BE REMOVED:

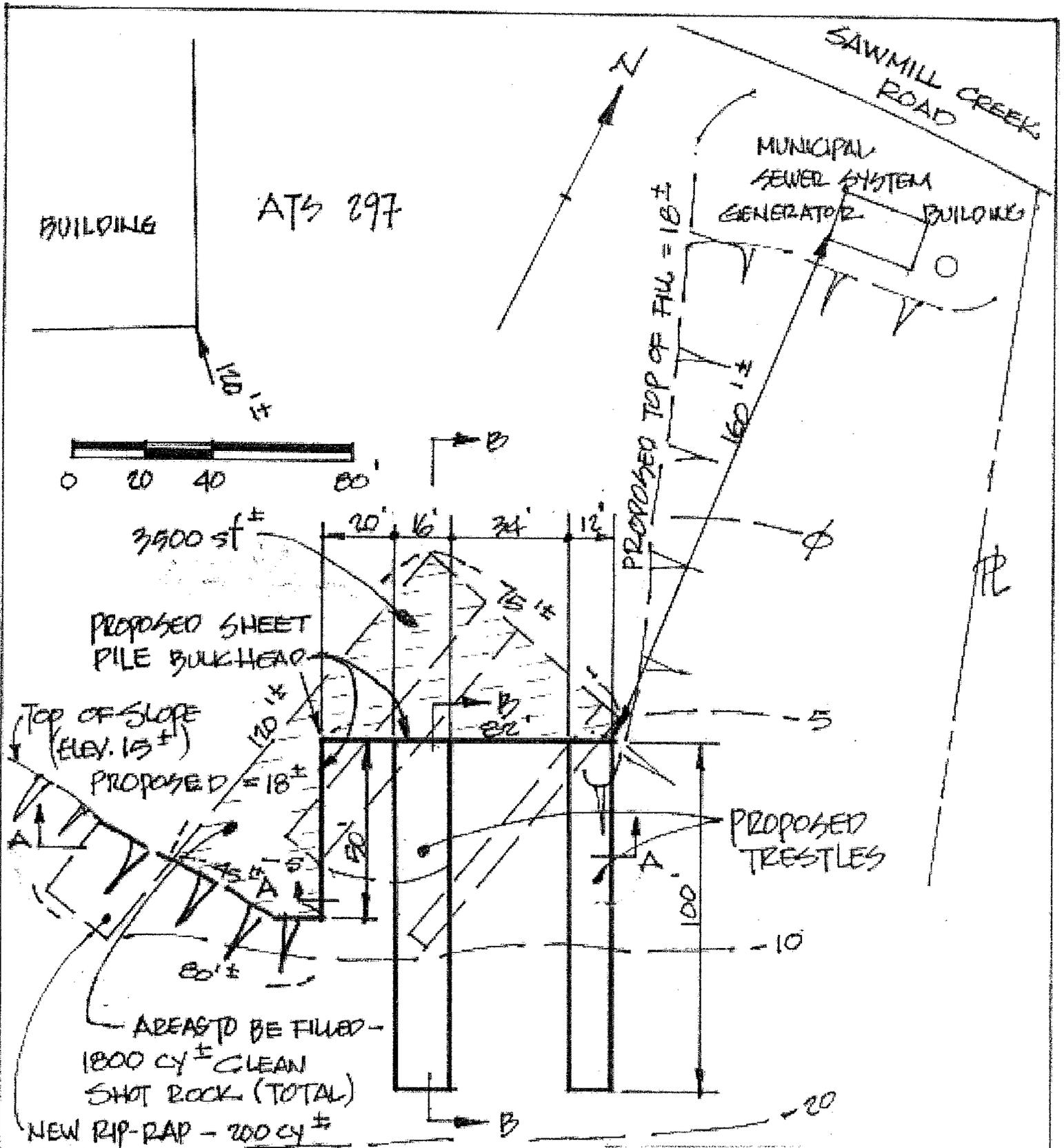
- 400 CY ± FROM COFFERDAM
- 15 PILES & BRACING FROM E. TRESTLE

JAMESTOWN BAY

HTL = 12.7'
MHW = 9.1'
MLLW = 0
Est. Lowest Tide = -4.0'

POA-2008-236
Jamestown Bay 18
Allen Marine, Inc.
Boat Lift Replacement
Demolition Plan
Date 27 June 2008
PN - Sheet 2 of 5

Demolition PLAN
Proposed Travel Lift Slip Relocation
Allen Marine Inc.
1512 Sawmill Creek Road
Sitka, AK 99835



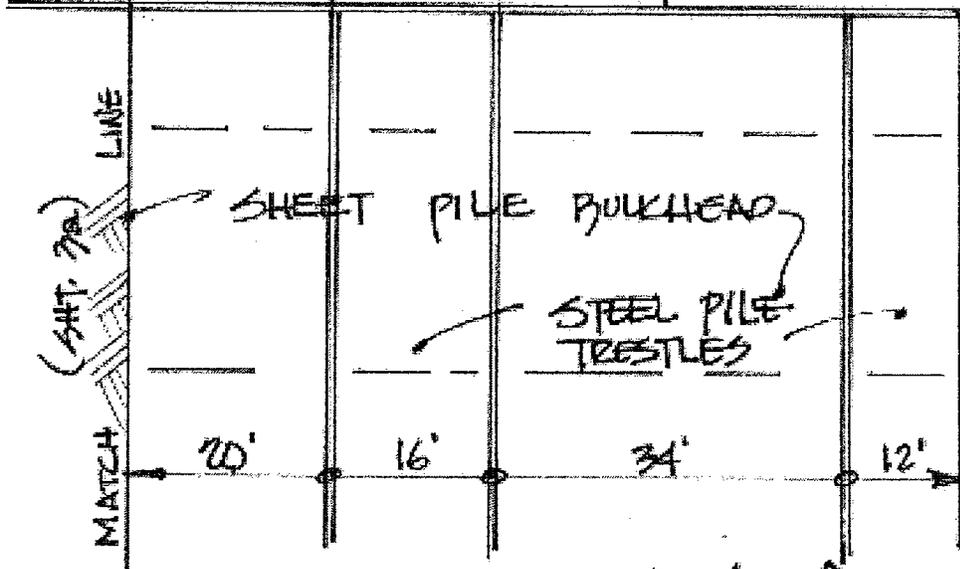
HTL = 12.7'
 MHW = 9.1'
 MLLW = 0
 Est. Lowest Tide = -4.0'

JAMESTOWN BAY

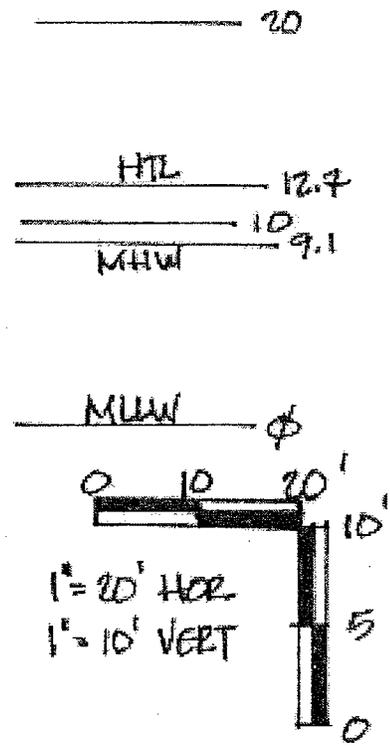
POA-2008-236
 Jamestown Bay 18
 Allen Marine, Inc.
 Boat Lift Replacement
 Fill and Design Plan
 Date 27 June 2008
 PN - Sheet 3 of 5

PLAN
 Proposed Travel Lift Slip Relocation
 Allen Marine Inc.
 1512 Sawmill Creek Road
 Sitka, AK 99835

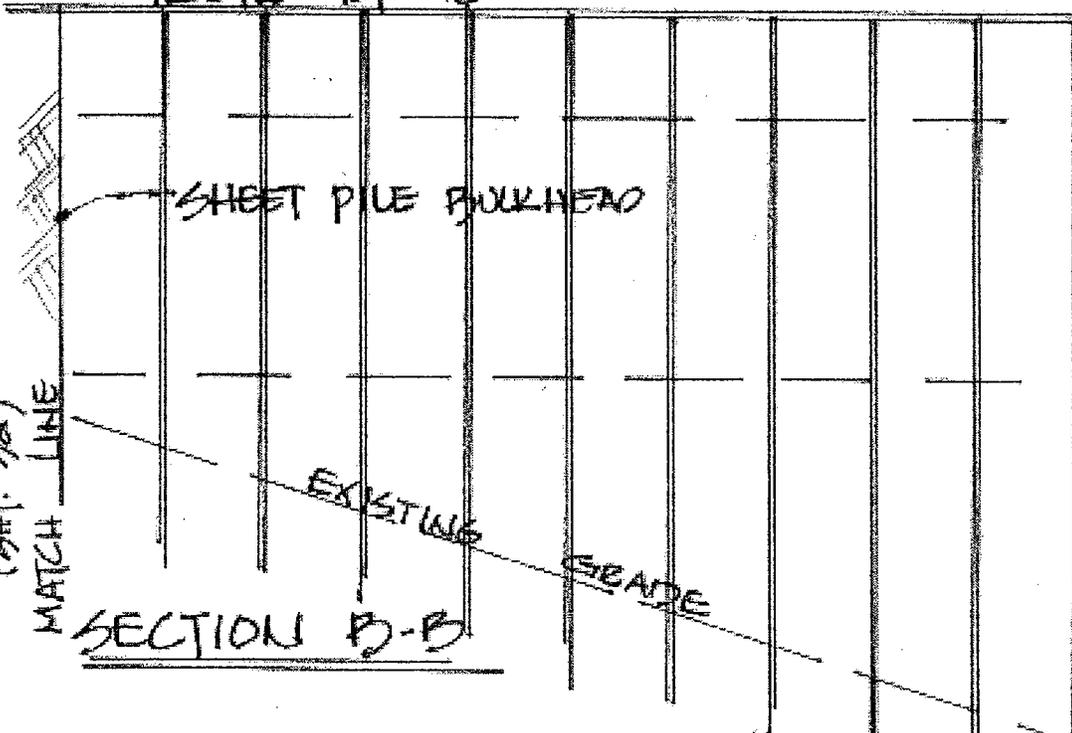
BULKHEAD & TRESTLE TOP = 18



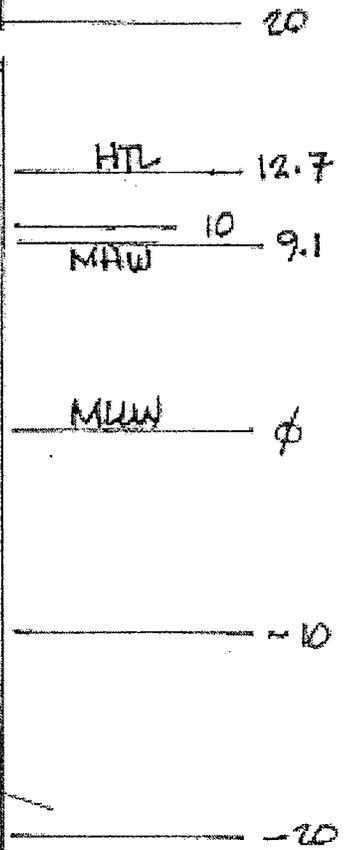
SECTION A-A



10 PENTS @ 10' OC (100') 20 PILES / TRESTLE
(40 PILES TOTAL)
TRESTLE TOP = 18



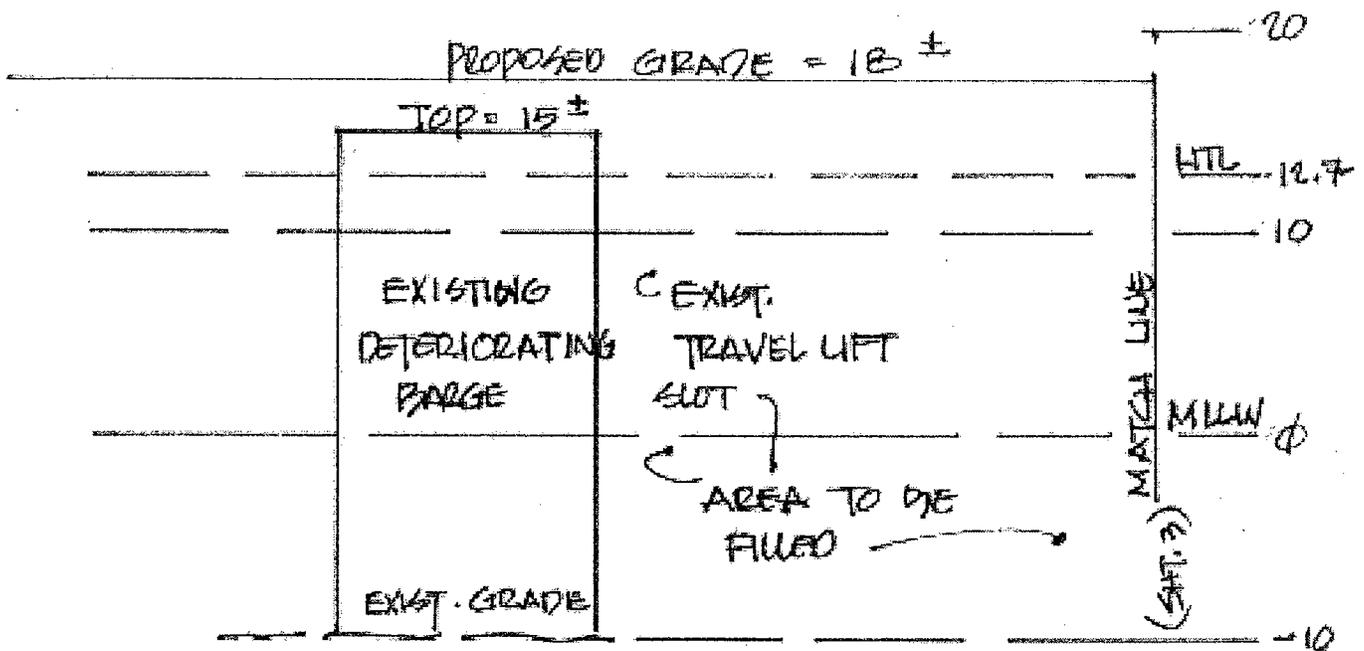
SECTION B-B



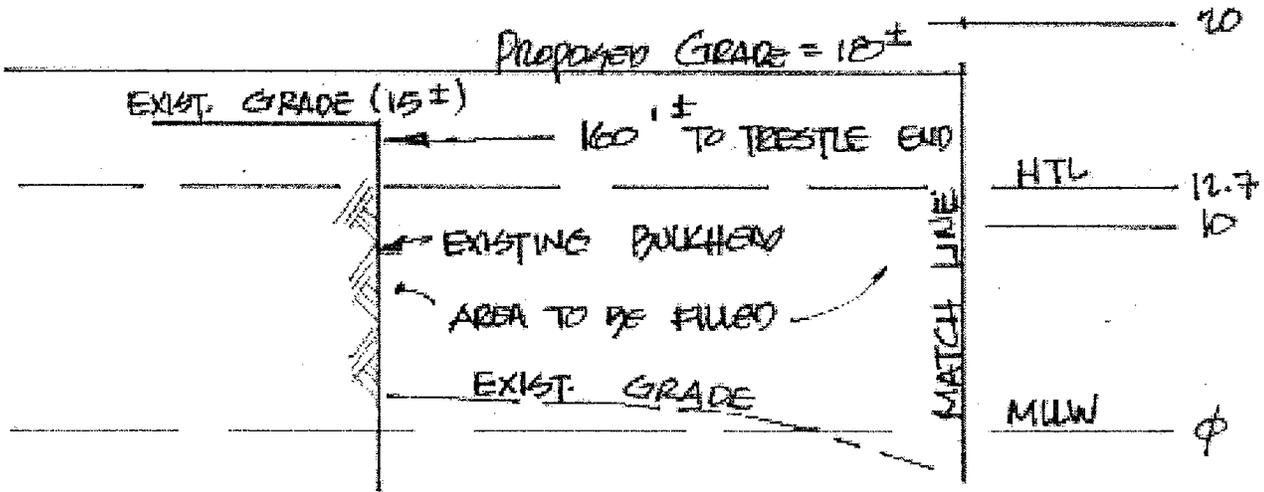
SECTIONS

Proposed Travel Lift Slip Relocation
Allen Marine Inc.
1512 Sawmill Creek Road
Sitka, AK 99835

POA-2008-236
Jamestown Bay 18
Allen Marine, Inc.
Boat Lift Replacement
Cross-Section Plan
Date 27 June 2008
PN - Sheet 4 of 5



SECTION A-A (EXTENDED)



SECTION B-B (EXTENDED)

POA-2008-236
 Jamestown Bay 18
 Allen Marine, Inc.
 Boat Lift Replacement
 Demolition Plan
 Extended Cross-Section Plans
 Date 24 June 2008
 PN - Sheet 5 of 5

EXTENDED SECTIONS
Proposed Travel Lift Slip Relocation
 Allen Marine Inc.
 1512 Sawmill Creek Road
 Sitka, AK 99835