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: **NOVEMBER 15, 2008**

EXPIRATION DATE: **DECEMBER 15, 2008**

REFERENCE NUMBER: **POA-1983-465-M7**

WATERWAY: **THORNE 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 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. If further information is desired concerning this notice, please contact Mr. Steve Lindamood at (907) 753-2796; toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Steve.D.Lindamood@usace.army.mil.

APPLICANT: City of Thorne Bay, Administrator Mr. Justin Sornsin, Post Office Box 19110, Thorne Bay, Alaska 99919, POC (907) 828-3380.

LOCATION: The project site is located within Section 34, T. 71 S., R. 84 E., Copper River Meridian; USGS Quad Map Craig C-2; Latitude 55.670º N., Longitude 132.522º W.; Davidson Landing, in Thorne Bay, Alaska.

PURPOSE: The applicant's stated purpose is to reconstruct a small municipal boat harbor to accommodate a growing population base and eliminate safety and environmental hazards associated with the existing facility.

PROPOSED WORK: The applicant proposes to modify a project previously authorized by DA permits POA-1983-465-M6 and POA-1983-465-2. The applicant proposes to change the slope and width of the rock fill embankment approach to the ramp and pier. The slope would be changed from 1:1 to 1-1/2:1. As a result the surface width of the embankment approach would increase from 20-feet wide to 24-feet wide. The proposed boat launch ramp would be relocated from the north side of the pier and ramp approach to the south side. The dock and piling configuration would be increased in size by 2,956 square feet, for a total impact to intertidal area of 0.24-acre. In addition, 28 new steel pilings would be added to the proposed dock configuration to secure the structures in place. A new Multi-purpose parking would be constructed along the east shore between the pier approach and the proposed boat launch ramp which would result in placement of

8,108 cubic yards (CY) of 24 inch minus clean fill in 0.19-acre of intertidal and subtidal habitat. In total the proposed project would place approximately 3383 cubic yards of 24 inch minus clean shot rock between the Mean High Water (MHW) and the High Tide Line (HTL) in 0.474-acre as intertidal fill. In addition, approximately 8130 cubic yards of 24 inch minus clean shot rock will be placed seaward of the MHW in 0.480-acre as subtidal fill for a total impact of 0.954-acre of fill in intertidal and subtidal areas for the entire project. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated October 19, 2008.

MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material: The applicant proposes to modify existing permitted facilities that have safety and design issues that are being addressed within this modification request. The proposed boat launch was relocated to an area within the site in which the substrate type decreased the amount of fill necessary to construct the launch ramp. Removal of the stiff-leg structure and replacement with inert rock fill would greatly reduce the turbidity generated by continuous disturbance of beach silts associated with the stiff-leg structure. Design, public safety, and site selection were all considered for the vehicles with trailers parking area. The City of Thorne Bay is managing the construction of Davidson Landing in conjunction with two other projects: South Thorne Bay Roads improvements and Choker Setter Circle Road reconstruction. The roads leading into and away from Davidson Landing are riddled with drainage problems, plugged and non-existent culverts, "blind corners" and safety concerns, that when cumulatively addressed, have an impact on drainage and sediment loading into the project area and adjacent U.S waters. The proposed project would mitigate for the impacts to waters of the U.S., including wetlands by the following methods. The City proposes to lengthen 12 culverts, decrease storm water impacts through proper ditch installation, eliminate blind corners (expanding the road away from the intertidal zone) and continually maintain and improve the haul roads associated with the Davidson landing project. In addition to the above methods and activities the City will continue to remove tens of thousands of pounds of scrap industrial metals, fiberglass, log materials, and wood hulls existing in the intertidal zone within and around the Davidson Landing Harbor.

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 will not 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).

( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

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-1983-465-M7, THORNE BAY**, 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

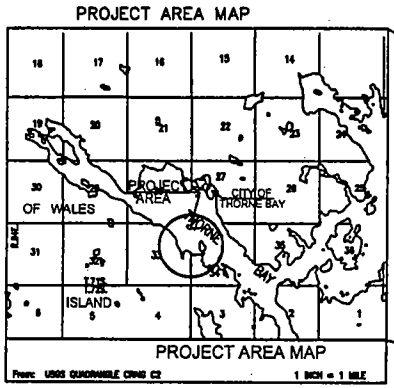
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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.

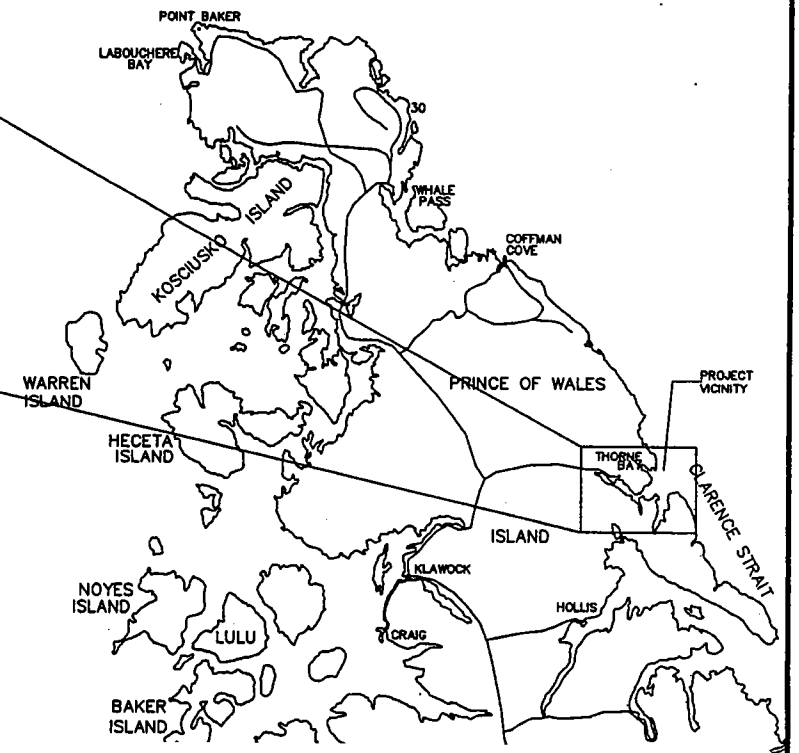
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1983-465-M7, THORNE BAY**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 by the expiration date of the Corps of Engineer's Public Notice.

DAVIDSON LANDING HARBOR IMPROVEMENTS





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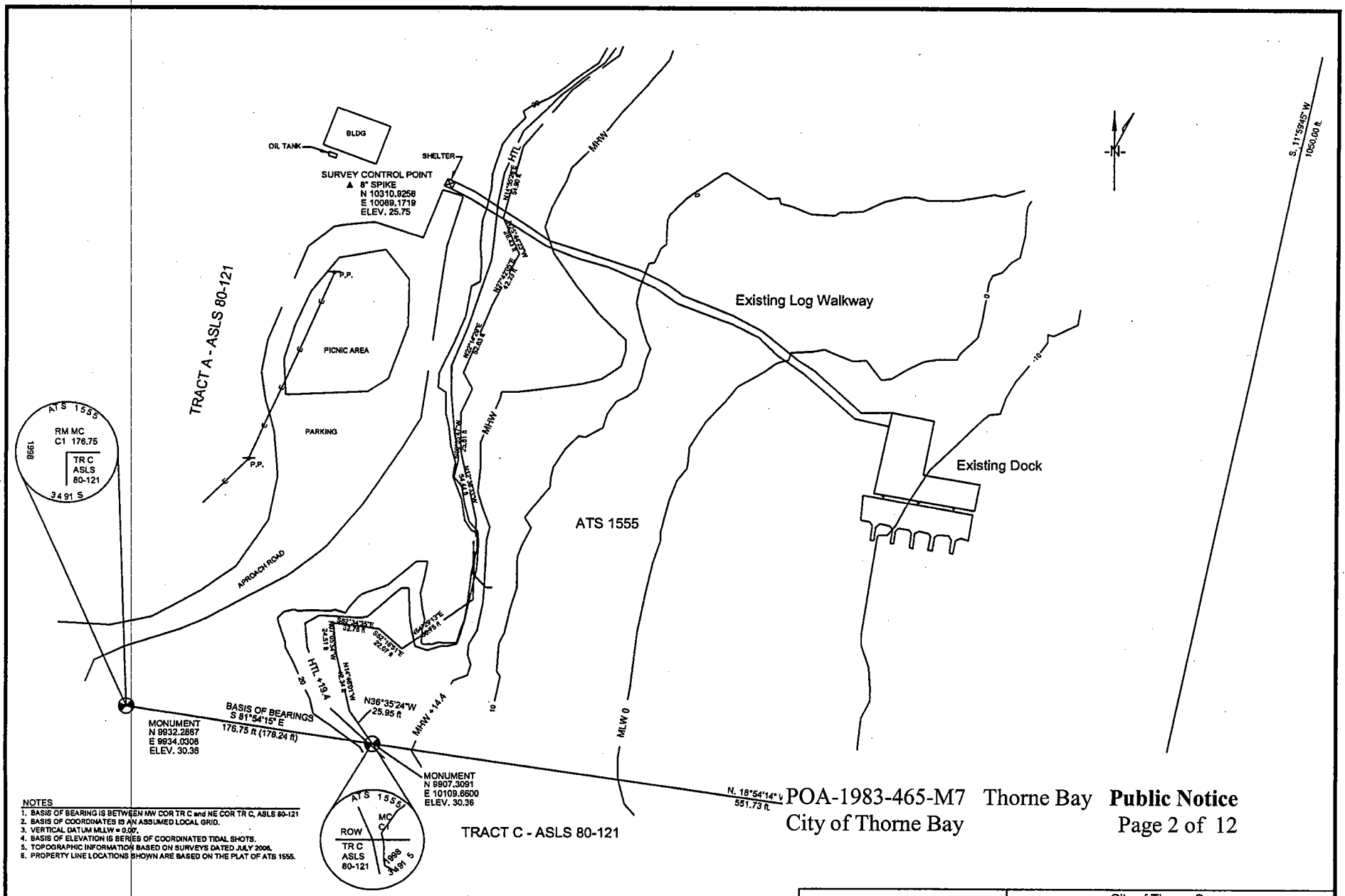
ARMY CORP. OF ENGINEERS APPLICATION City of Thorne Bay P.O. Box 19110 Thorne Bay, AK 99919	City of Thorne Bay DAVIDSON LANDING HARBOR IMPROVEMENT COVER - TITLE - INDEX Date: 10/19/08 Page 1 of 8



NOTES
1. BASIS OF BEARING IS BETWEEN NW COR TR C and NE COR TR C, ASLS 80-121
2. BASIS OF COORDINATES IS AN ASSUMED LOCAL GRID.
3. VERTICAL DATUM MLLW = 0.00'.
4. BASIS OF ELEVATION IS BERIES OF COORDINATED TIDAL SHOTS.
5. TOPOGRAPHIC INFORMATION BASED ON SURVEYS DATED JULY 2006.
6. PROPERTY LINE LOCATIONS SHOWN ARE BASED ON THE PLAT OF ATS 1555.

ARMY CORP. OF ENGINEERS APPLICATION
City of Thorne Bay
P.O. Box 19110
Thorne Bay, AK 99919

City of Thorne Bay
DAVIDSON LANDING
HARBOR IMPROVEMENT
EXISTING SITE
Date: 10/19/08
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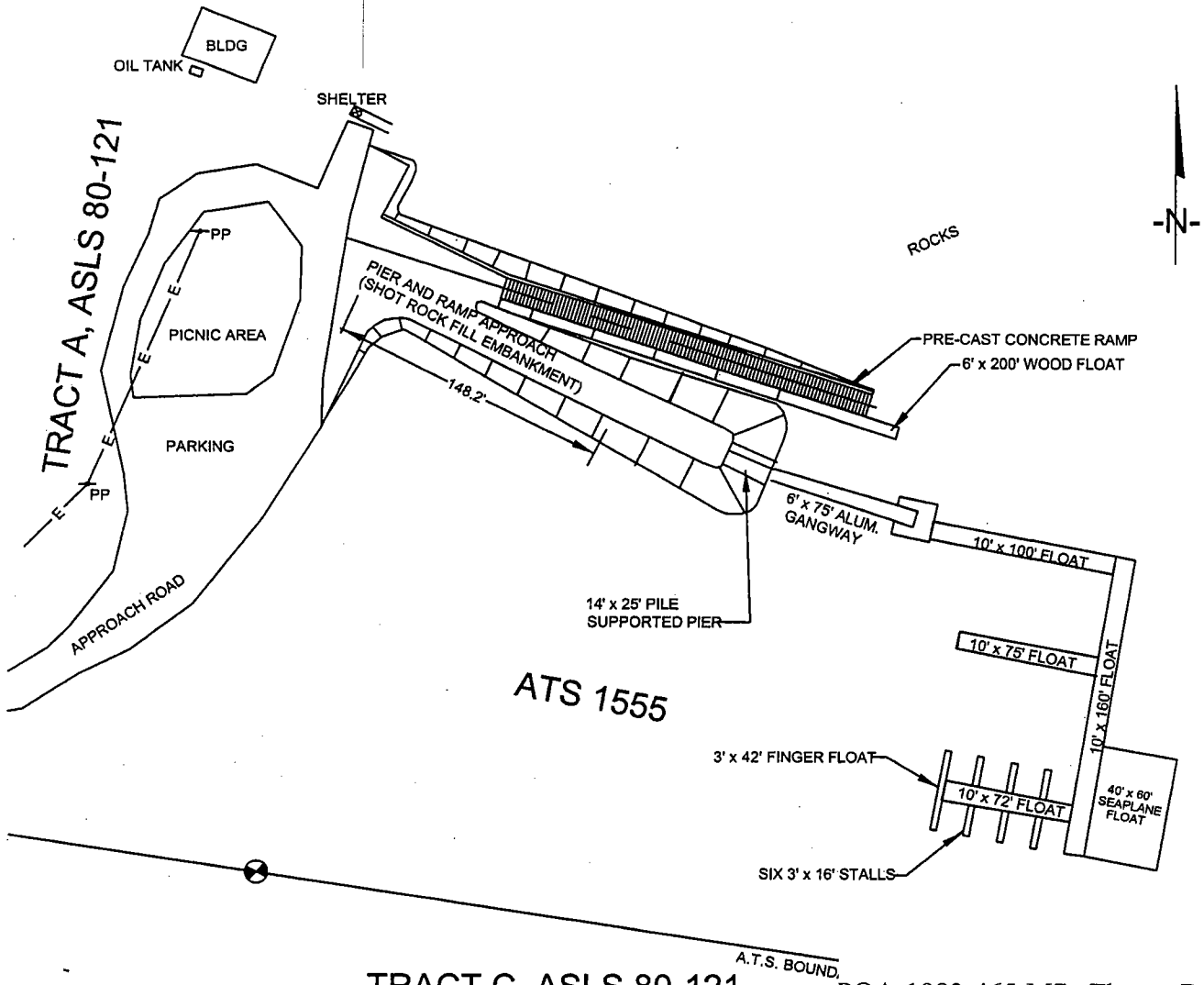
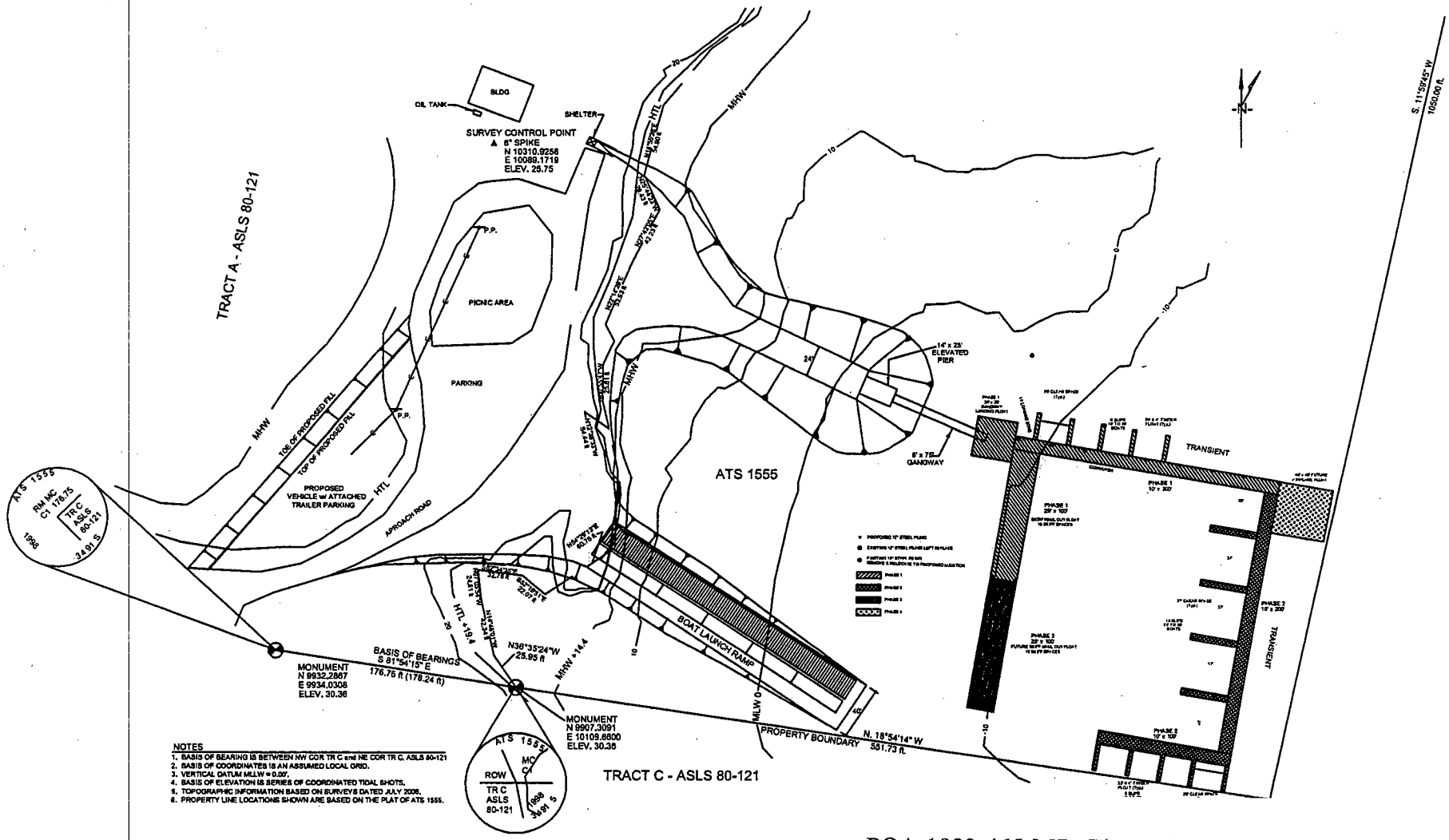


0 40' 80'

ARMY CORP. OF ENGINEERS APPLICATION City of Thorne Bay P.O. Box 19110 Thorne Bay, AK 99919	City of Thorne Bay DAVIDSON LANDING HARBOR IMPROVEMENT PREVIOUOUSLY APPROVED SITE PLAN Date: 10/19/08 Page 3 of 8



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City of Thorne Bay
P.O. Box 19110
Thorne Bay, AK 99919

City of Thorne Bay
DAVIDSON LANDING
HARBOR IMPROVEMENT
PROPOSED SITE PLAN
AMENDMENT 2
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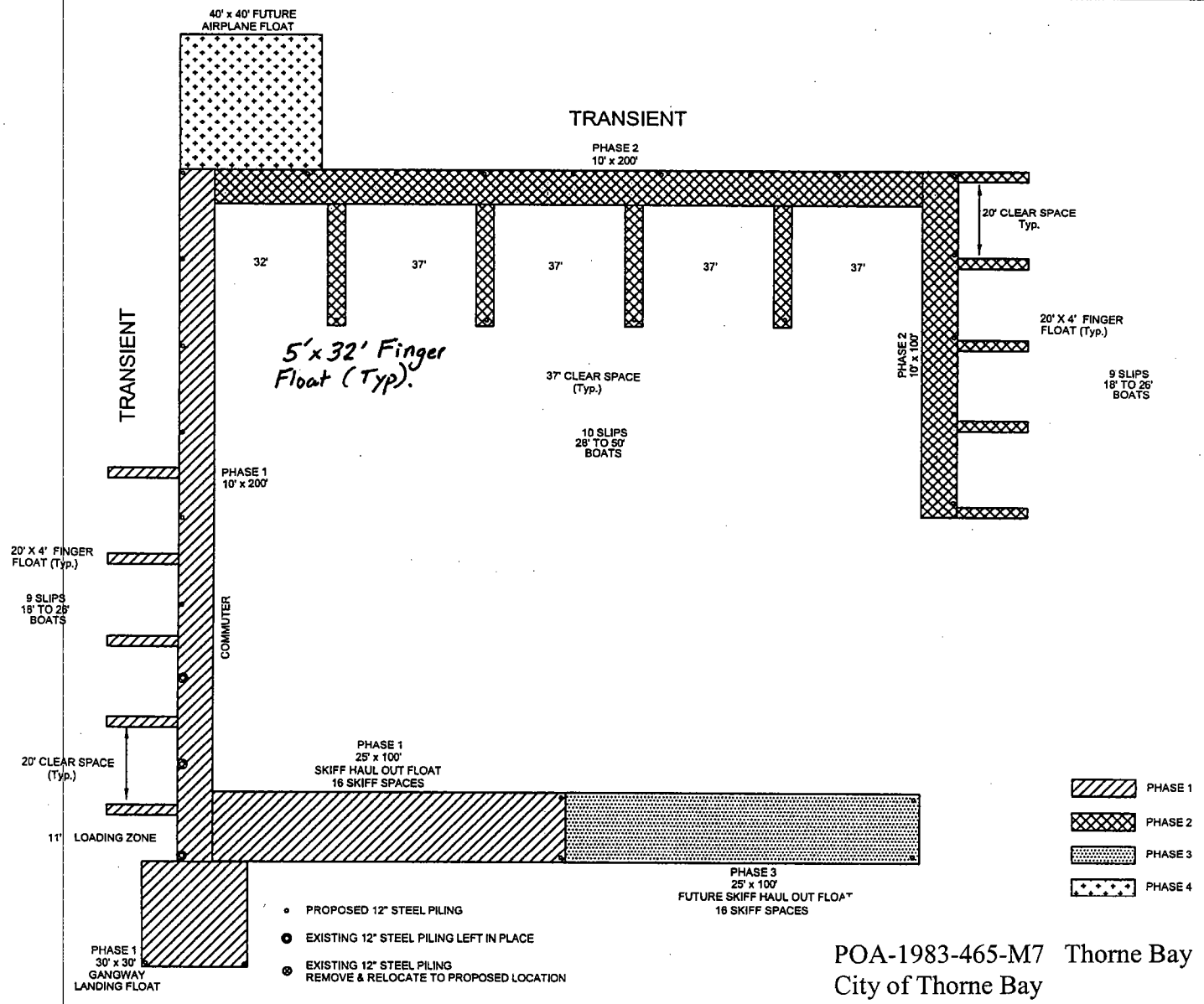

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ARMY CORP. OF ENGINEERS
APPLICATION

City of Thorne Bay
P.O. Box 19110
Thorne Bay, AK 99919

DAVIDSON LANDING
HARBOR IMPROVEMENT
DOCK PLAN

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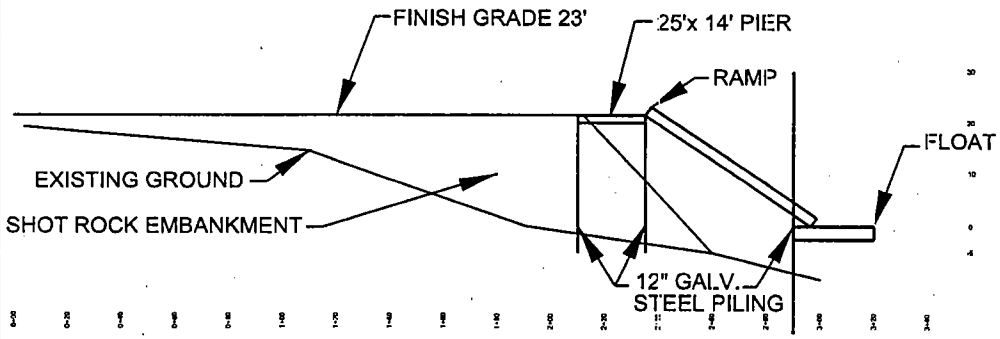
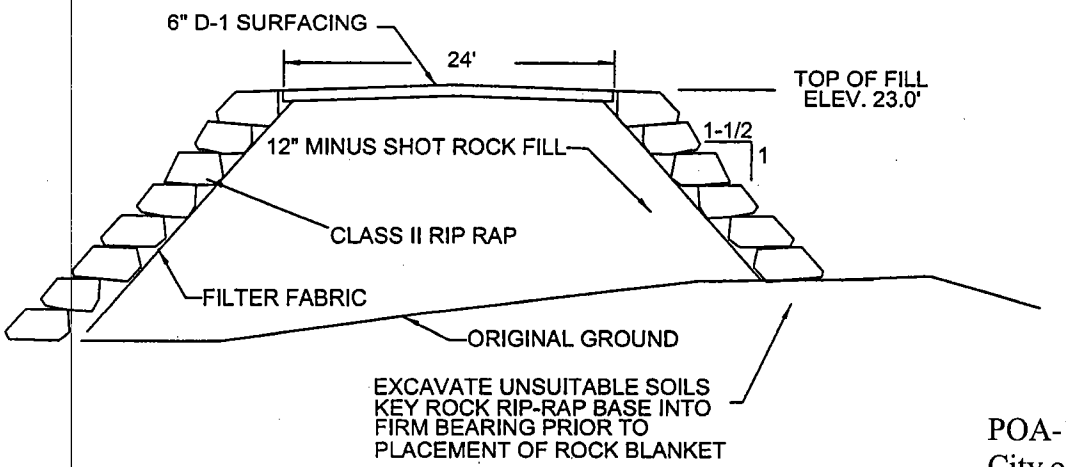


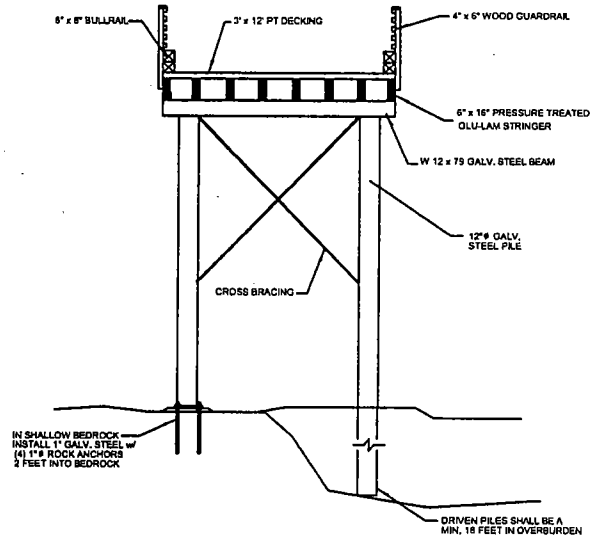
PROFILE VIEW

ROCK FILL AT PIER/GANGWAY APPROACH



SECTION VIEW

ROCK FILL AT PIER/GANGWAY APPROACH

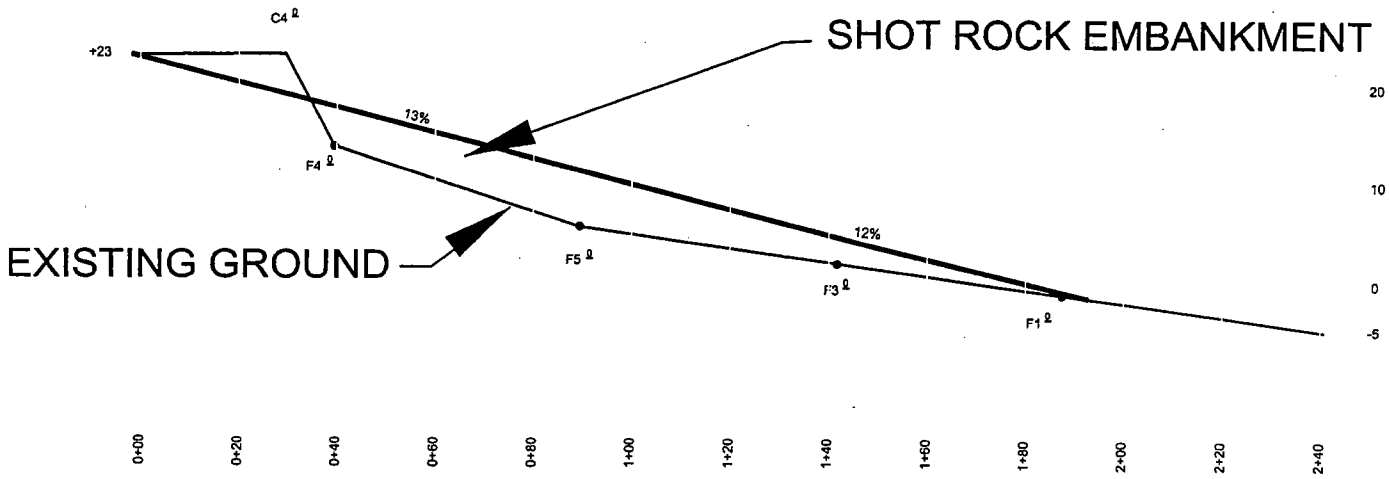


SECTION VIEW

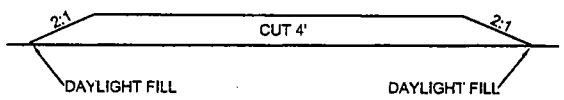
14' WIDE PIER

- NO SCALE -

ARMY CORP. OF ENGINEERS APPLICATION City of Thorne Bay P.O. Box 19110 Thorne Bay, AK 99919	City of Thorne Bay DAVIDSON LANDING HARBOR IMPROVEMENT DOCK FILL - SECTIONS Date: 10/19/08 Page 6 of 8



LAUNCH/RAMP PROFILE



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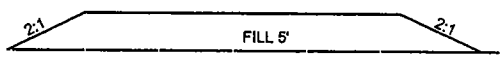

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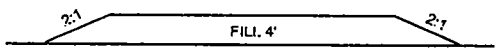

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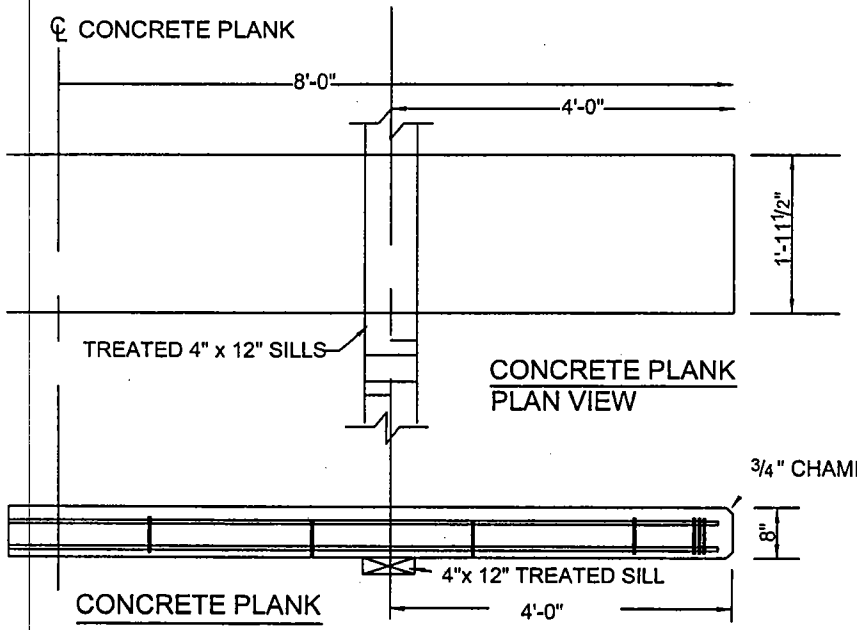
1+40

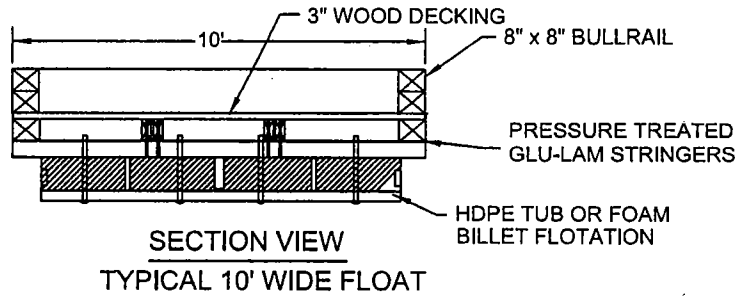
LAUNCH/RAMP CROSS SECTIONS

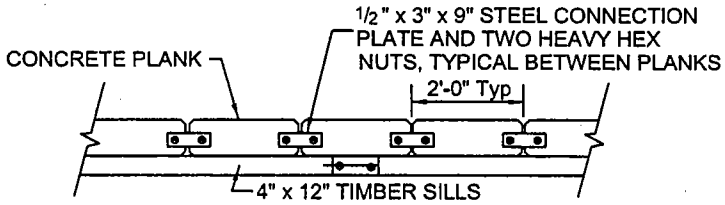
- NO SCALE -

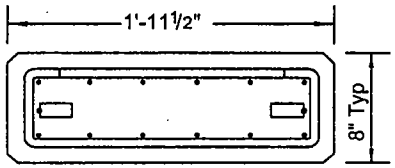
ARMY CORP. OF ENGINEERS APPLICATION
City of Thorne Bay
P.O. Box 19110
Thorne Bay, AK 99919

City of Thorne Bay
DAVIDSON LANDING
HARBOR IMPROVEMENT
LAUNCH/RAMP PROFILE and CROSS SECTIONS
Date: 10/19/08









- NO SCALE -

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ARMY CORP. OF ENGINEERS APPLICATION City of Thorne Bay P.O. Box 19110 Thorne Bay, AK 99919	City of Thorne Bay DAVIDSON LANDING HARBOR IMPROVEMENT LAUNCH/RAMP DETAILS Date: 10/19/08 Page 8 of 8

TRACT A ASLS 80-121 Excavation, Embankment & Structures Quantity Sheets

	Area Impacted Sq. Feet	Depth Feet	Volume Cubic Yds	Units Each	Length Feet
Proposed Impact, Marine Work @ Dock Approach Fill above MHW, seaward of HTL					
Excavation Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	0	0	0		
Embankment Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	11,350	5	2,102		
Total Marine Impacts between MHW & HTL)	**11,350**		**2,102**		
Proposed Impact, Marine Work @ Small Boat Launch Ramp above MHW seaward of HTL					
Excavation Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	662	2	49		
Embankment Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	250	4	37		
Total Marine Impacts between MHW & HTL)	**912**		**86**		
Proposed Impact, Marine Work @ vehicle w/attached trailer fill above MHW seaward of HTL					
Excavation Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	0	0	0		
Embankment Surface Area & Volume Impact in Marine areas above MHW, seaward of HTL	8,400	4	1,244		
Total Marine Impacts between MHW & HTL)	**8,400**		**1,244**		

TRACT A ASLS 80-121 Excavation, Embankment & Structures Quantity Sheets

	Area Impacted Sq. Feet	Depth Feet	Volume Cubic Yds	Units Each	Length Feet
Proposed Impact, Marine Work @ vehicle w/attached trailer fill above MHW seaward of HTL					
Excavation Surface Area & Volume Impact in Marine areas seaward of MHW	0	0	0		
Embankment Surface Area & Volume Impact in Marine areas seaward of MHW	12,355	15	6,864		
Total Marine Impacts seaward of MHW)	**12,355**		**6,864**		
Proposed Impact, Marine Work at Small Boat Launch Ramp seaward of MHW					
Excavation Surface Area & Volume Impact in Marine areas seaward of MHW	0	0	0		
Embankment Surface Area & Volume Impact in Marine areas seaward of MHW	8,546	4	1,266		
Total Marine Impacts seaward of MHW)	**8,546**		**1,266**		
Proposed Impact, Marine Work at vehicle w/attached trailer fill seaward of MHW					
Excavation Surface Area & Volume Impact in Marine areas seaward of MHW	0	0	0		
Embankment Surface Area & Volume Impact in Marine areas seaward of MHW	0	0	0		
Total Marine Impacts seaward of MHW)	**0**		**0**		

TRACT A ASLS 80-121 Excavation, Embankment & Structures Quantity Sheets

	Area Impacted Sq. Feet	Depth Feet	Volume Cubic Yds	Units Each	Length Feet
Total Volume of Embankment Seaward of MHW			8,130		
Total Volume of Embankment Seaward of HTL but above MHW			3,383		
Total Square Footage of Embankment Seaward of MHW	20,901				
Total Square Footage of Embankment Seaward of HTL but above MHW	20,662				
Total Square Footage Impacted on this Project	41,563				
Total Project Improvements (Including Structures)					
Precast Concrete Launch Planks (110 each 2' X 16')	3520				
6 inch D-1 Gravel Surfacing (210' X 24') + (210' X 40')	13,440		83		
Steel Pile Caps for pier floor beam supports				2	
12" X 1/2" wall thickness galvanized steel piling				47	2800
6' X 75' Aluminum Gangway	450			1	
30' X 30' Gangway Landing - Timber & Polyethylene Float	900			1	
10' X 500' Main Dock - Timber & Polyethylene Floats	5000			1	
25' X 100' - Timber & Polyethylene Skiff Haul out Floats	5000			2	
4' X 20' - Timber & Polyethylene Finger Floats	800			10	
5' X 30' - Timber & Polyethylene Finger Floats	600			4	

The proposed rock fill involves excavation, haul, embankment, and compaction with a variety of construction equipment including 10 to 15 CY dump trucks, a spread dozer, track excavators, and a grid roller/compactor. The piling and dock construction will be accomplished with the use of a barge mounted crane with appropriate pile driving equipment.

If this application is successful, 3,383 cubic yards of 24 inch minus clean shot rock will be filled on a total of 20,662 square feet of marine lands between the MHW and HTL; 8,130 cubic yards of 24 inch minus clean shot rock will be filled on a total 20,901 square feet of marine lands below the MHW line for a total impact of 41,563 square feet on the project.

The final constructed dock fill and associated driving surfaces will be fairly flat and sloped to provide positive drainage at all points. The boat launch ramp will be constructed on a 12% to 13% slope which is considered ideal for small boat launching activities. An earthwork summary spreadsheet has been prepared to supplement this narrative and provide additional detail if necessary.

The project also includes a series of floats pinned to the ocean floor with 47 twelve inch diameter galvanized steel piling. A rock bulkhead has been constructed (in conformance with POA-1983-465-M6) in the inter-tidal area which then leads to a proposed galvanized steel pile supported pier which will support an aluminum ramp that will land on a new polyethylene float to avoid floating stiff legs setting down of the beach during the daily tide cycles. The aggregate square footage of all proposed floats is 12,300 square feet once all phases of the work are complete.

Ideally, all excavation and embankment will be complete and Phase I piling and floats will be installed before March of 2009.