US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 27 May 2004

EXPIRATION DATE: 11 June 2004

REFERENCE NUMBER: POA-1979-412-Y

WATERWAY NUMBER: Knik Arm

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Matanuska-Susitna Borough, 350 East Dahlia Avenue, Palmer Alaska 99645, Contact Mr. Marc Van Dongen, Port Director at telephone number (907) 746-7414.

LOCATION: Section 24, T. 14 N., R. 4 W., Seward Meridian, Port MacKenzie. Latitude: 61-16-05; Longitude: 149-55-01

WORK: Place approximately 145,000 Cubic Yards of clean fill into 13.2 acres of intertidal mudflats, to construct a boat ramp, staging area, and parking lot.

PURPOSE: provide parking for approximately 850 vehicles, a boat launch for private vessels, and the storage of the boat trailers, along with the ability to stage trucks and other vehicles for work associated with the operations of Port MacKenzie.

ADDITIONAL INFORMATION: This area would also be used for parking vehicles waiting to use the ferry, when it comes into service.

MITIGATION: The Matanuska-Susitna Borough has agreed to fund a salmon smolt study in Upper Cook Inlet ($10,000-$15,000) to help determine the affects of further development of the area on migrating salmon fry.

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 that 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 Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

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.

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 Engineer 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 Engineer during the public comment period.

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 their critical habitat designated as endangered or threatened, 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. 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 proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process.

That 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 Engineer 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.

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. Skip Joy** at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at irvin.t.joy@poa02.usace.army.mil if further information is desired concerning this notice.

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.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

MATANUSKA-SUSITNA BOROUGH
Borough Manager's Office
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9688 • Fax (907) 745-9669
jduffy@matsugov.us

Celebrating 40 *Years!*
1964-2004

March 31, 2004

Attn: Irvin T. Joy
U.S. Army Engineer District, Alaska
Regulatory Branch, South Section
P.O. Box 898
Anchorage, AK 99506-0898

Reference: Permit No. W-1979-0412, Knik Arm 51, Port MacKenzie, Section 24, Township 14 North, Range 4 West, Seward Meridian, Permittee: Matanuska-Susitna Borough

Dear Mr. Joy:

The above-referenced permit is scheduled to expire October 31, 2004. We would like to request a three-year extension to the permit, as well as a modification described below.

The modification is to add approximately 13.2 acres of fill in the tidelands immediately to the north of the existing barge dock and adjacent to the Beach Road. The fill will be placed in two phases. Phase One fill will come from a previously permitted cut in the hill leading down to the Beach Road. Phase Two fill will come from a cut in a hill near the end of the Point MacKenzie Road. Both hills currently have a slope of approximately 10%. We need to reduce these slopes to approximately 5% to enable traffic from the Port and future ferry operation to safely climb these hills in the winter.

Purpose and Need:

This project would provide a boat ramp and parking area which will enable the public to launch and recover private vessels without interfering with the commercial portion of the barge dock. We have received numerous requests from the public to provide this capability at Port MacKenzie which would enable privately owned vessels from the Matanuska-Susitna Borough to more efficiently reach locations such as Ship Creek, the Little Susitna River, lower Susitna River, Alexander Creek and Fish Creek for salmon fishing and the Susitna Flats for waterfowl hunting and access to cabins. The proposed 13.2 acres of fill will provide enough space for launching and recovering vessels from a 280' boat ramp and parking for forty (40) vehicles with boat trailers. This area would also be used for parking for the ferry between Anchorage and Port MacKenzie and as a staging area for the commercial dock. As a comparison, the Deshka Landing has a parking area that can accommodate approximately 850 vehicles and trailers. In

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MacKenzie and as a staging area for the commercial dock. As a comparison, the Deshka Landing has a parking area that can accommodate approximately 850 vehicles and trailers. In the summer, the Deshka Landing averages 400-500 vehicles per day for boaters to primarily access the Susitna and Yentna Rivers to the south. This project would provide a similar service for the public to access the locations listed above.

The tidelands immediately north of the barge dock and along the Beach Road have silted in significantly since the construction of the barge dock. Enclosed are some photographs for your review. The fill which we are proposing to place will strengthen this area and provide a boat launch service to the public. The existing armor and filter rock along the dock and Beach Road will be moved to the outside slopes of the fill. The shape of the new fill area will provide a smoother transition for the out-migration of salmon smolt and will help maintain scouring at the face of the barge dock to preclude any future dredging. The armor and filter rock will also provide a sanctuary and habitat for sculpin, rock fish and aquatic life.

Per our discussion with Matt LaCroix, State Division of Natural Resources, the Matanuska-Susitna Borough proposes to fund between $10,000-$15,000 for a salmon smolt study in Upper Cook Inlet. As mitigation for placing fill in the tidelands along the Beach Road this study would focus on determining whether salmon smolt out-migrate across the full width of the Inlet or primarily along the shoreline. It would also analyze whether the existing barge dock and currents pose as obstacles to the smolt and whether the proposed fill would improve this situation. This information would be beneficial in the analysis of the proposed Knik Arm Crossing as well.

Also enclosed are a map, Coastal Project Questionnaire and Certificate Statement, plan and section drawings of our proposed modification and a table of estimated quantities. The Matanuska-Susitna Borough has title to both the uplands and the tidelands affected by this project. Point of contact for this request is Marc Van Dongen, Port Director, at (907) 746-7414, email: marc.vandongen@matsugov.us.

Sincerely,

John Duffy
Borough Manager

Enclosures

MATANUSKA-SUSITNA BOROUGH

DEPARTMENT OF PUBLIC WORKS

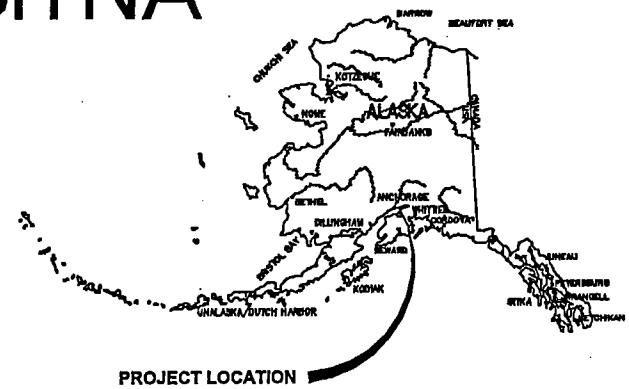
XXXX

BOROUGH PROJECT NO. XX-XX
PORT MACKENZIE

YEAR	STATE	PROJECT DESIGNATION	SHEET NO.	TOTAL SHEETS
2001	ALASKA	??-RR-???	??	??
2001	ALASKA	??-RR-???	??	??

REVISIONS

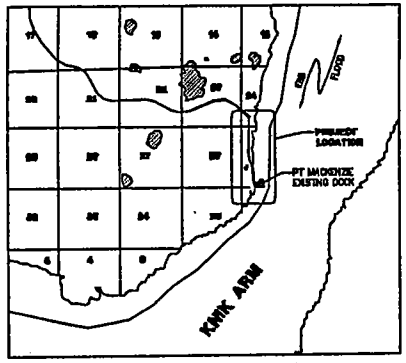
NO.	DATE	DESCRIPTION



STATE MAP

PROJECT SUMMARY	
XXXX	XXX
XXX	XXX

SHEET INDEX



VICINITY MAP

GRAPHIC SCALE

1 MILE 0 1 MILE 2 MILES 3 MILES

MATANUSKA-SUSITNA BOROUGH
DEPARTMENT OF PUBLIC WORKS
PALMER, ALASKA

RECOMMENDED FOR APPROVAL:

_____ DATE _____
ENGINEER

APPROVED:

_____ DATE _____
DIRECTOR, PUBLIC WORKS

CERTIFIED TRUE & CORRECT AS-BUILT OF ACTUAL FIELD CONDITIONS:

_____ DATE _____
CONSTRUCTION PROJECT MANAGER

PRELIMINARY
12/1/03

POA-1979-412-Y, Knik Arm
Page 1 of 3
Dated: April 10, 2004

Pentabrooks, Northphem, and Drage, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not noted out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

1506 West 36th Avenue
Anchorage, Alaska 99503
Phone: 907.561.1011
Fax: 907.563.4220
www.pndengineers.com

P N D Incorporated
CONSULTING ENGINEERS

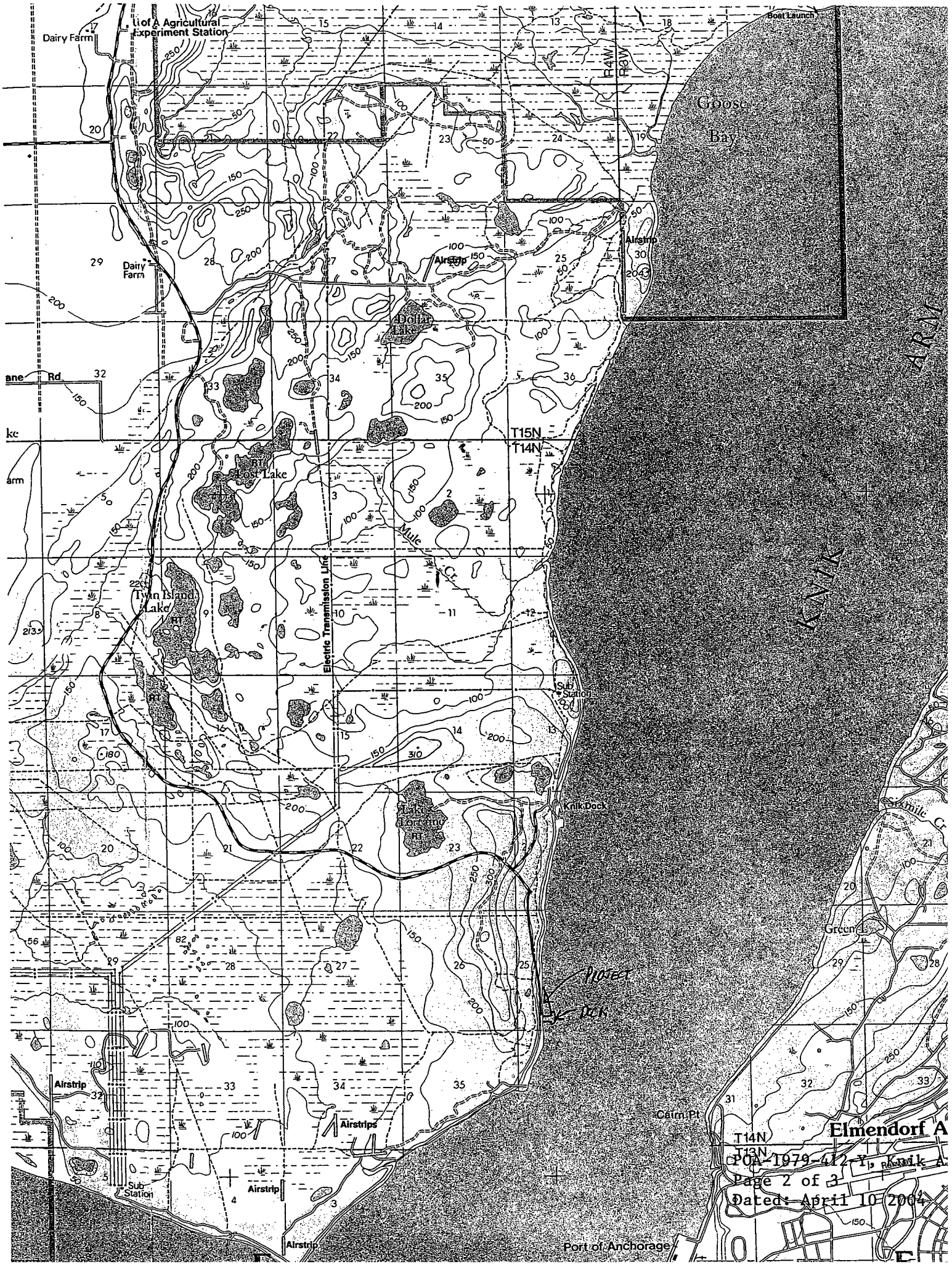
PROJECT LINE 1
PROJECT LINE 2

TITLE
TITLE SHEET

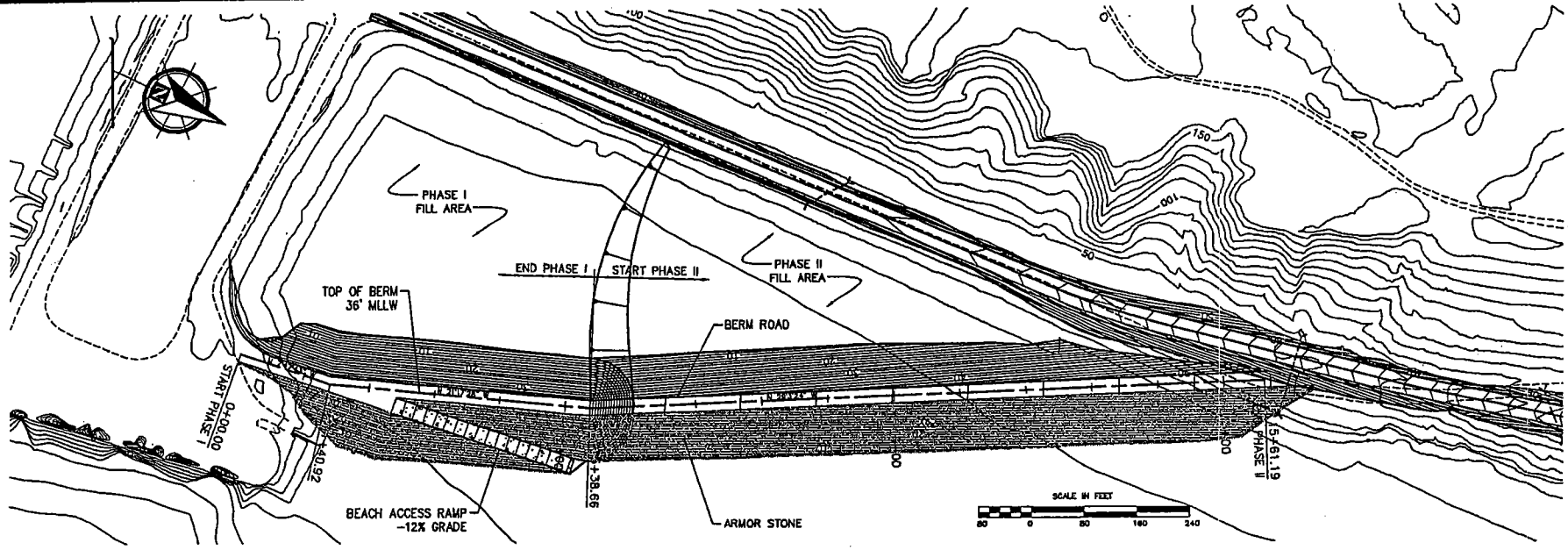
DRAWN BY:	WRJ		
DESIGNED BY:	BL	DATE:	DEC '03
CHECKED BY:	DH	PROJECT NO:	831135

SHEET NO. X OF XX

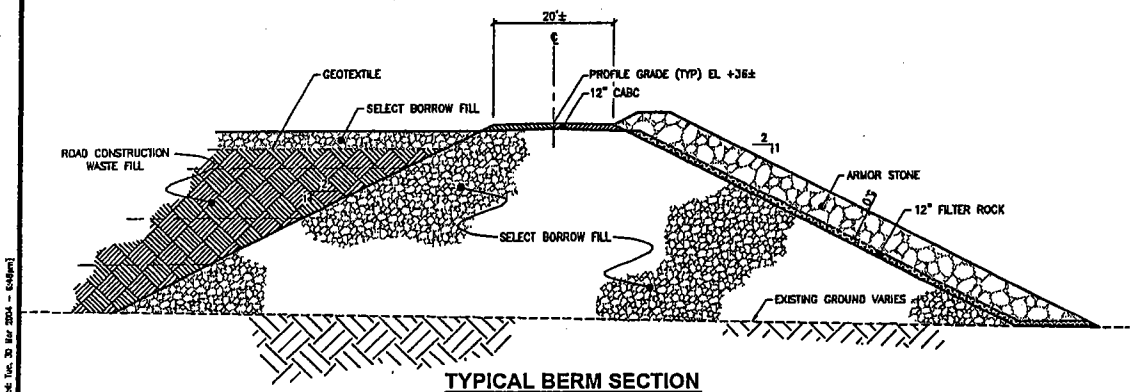
DO File: X:\0831135\Port Mackenzie Area\Drawings\Title Sheet.dwg Layout: 11 Jan 2003 - 10:06 Plotted: 11 Jan 2003 - 10:06



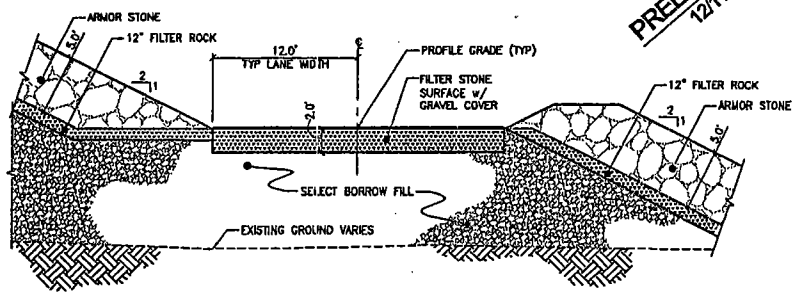
POA-1979-412-Y, Knik A
Page 2 of 3
Dated: April 10 2004



PRELIMINARY
12/11/03



TYPICAL BERM SECTION
NTS



TYPICAL BEACH ACCESS RAMP SECTION
NTS

Pentelovich, Nelsinghem, and Dreger, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

1506 West 36th Avenue
Anchorage, Alaska 99503
Phone: 907.561.1011
Fax: 907.563.4220
www.pndengineers.com

P | N | D
Incorporated
CONSULTING ENGINEERS

PROJECT LINE 1
PROJECT LINE 2

BEACH OVERVIEW
PLAN AND SECTIONS

DRAWN BY:	WRJ		
DESIGNED BY:	WL	DATE:	DEC '03
CHECKED BY:	DN	PROJECT NO:	031130

SHEET NO. X or XX

CAD file: K:\temp\BEACH OVERVIEW.dwg, [Partial: Tue, 30 Mar 2004 - 8:48pm]

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

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-1979-412-Y Knik Arm,** serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that 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 within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

Attachment 2

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

JOINT PIPELINE OFFICE
411 WEST 4TH AVENUE, SUITE C
ANCHORAGE, ALASKA 99501-2343
PHONE: (907) 257-1351/FAX: (907) 272-3829

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 Office of Project Management and Permitting 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-1979-412-Y Knik Arm,** 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 Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 257-1351, or visit the ACMP web site at http://www.alaskacoast.state.ak.us.

Attachment 3