



Special Public Notice

**US Army Corps
of Engineers**

Alaska District
Regulatory Division (1145)
CEPOA-RD
KENAI FIELD OFFICE
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669
(907) 753-2689

Date:

December 9, 2019

Identification No:

RGP POA-1987-00003-M7

In reply refer to above Identification Number

Expiration Date: January 8 2020

**PROPOSED REISSUANCE OF REGIONAL GENERAL PERMIT (RGP) POA-1987-00003-M7
PREVIOUSLY IDENTIFIED AS GP 1987-00003-M6
MOORING BUOYS ON THE KASILOF RIVER**

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (USACE) is proposing to reissue General Permit (GP) 1987-00003-M6, previously issued under authority of Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), to authorize the seasonal placement of mooring buoys in the Kasilof River.

We are soliciting and accepting comments for the next 30 days on our intent to re-issue this RGP. Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice (PN) to become part of the record and be considered in the decision. Please contact Mr. Ben Polley at (907) 753-2689, by fax at (907) 420-0813, or by email at Benjamin.L.Polley@usace.army.mil if further information is desired concerning this notice.

GPs are considered appropriate for activities which are substantially similar in nature, cause only minimal adverse environmental impacts when performed separately, have only a minor cumulative effect on water quality, and provide more effective administration of the Rivers and Harbors Act without creating an undue burden on the public.

If reissued, this RGP would be in effect for five additional years and **would be renamed RGP POA-1987-00003-M7**. The activities intended for reauthorization under this RGP are essentially the same and have the same project identification names, identification numbers, and buoy numbers as in GP 1987-3-M6. A copy of the Draft Proposed RGP POA-1987-00003-M7 is attached. We are soliciting and accepting comments on our intent to re-issue this RGP for the next 30 days.

The USACE has provisionally determined the proposed activities are in compliance with the requirements for issuance of a general permit. A copy of this Provisional Determination is available upon request from the letterhead contact information, or by email at: **Benjamin.L.Polley@usace.army.mil**.

BACKGROUND: The first 2.8 miles of the Kasilof River are used heavily during the commercial fishing season by commercial fishermen for boat moorage and by the various processing plants and weighing stations. Due to this heavy commercial use and to eliminate the need for a formal 60 to 90 day permit processing period for each mooring buoy, the USACE first authorized the placement of mooring buoys in the Kasilof River via GP on June 20, 1986, with GP 86-1. On April 27, 1987, GP 87-3 was issued for mooring buoys on the Kasilof River, which superseded GP 86-1. Subsequent modifications of GP 87-3 were issued on January 28, 1988 (GP 87-3M), May 16, 1993 (GP 87-3N), August 24, 1999 (GP 87-3O), February 8, 2005 (GP 87-3P), April 21, 2010 (GP 1987-00003-M5), and February 6, 2015 (GP 1987-00003-M6). The most recent authorization for 120 mooring buoys on the Kasilof River, GP 1987-00003-M6, will expire on February 28, 2020. These modifications resulted in only minor changes in the General Permit. Throughout the 32 years the GP has been in existence, the number of mooring buoys authorized has increased from 109 mooring buoys to 121 mooring buoys, located on the first 2.8 miles of the Kasilof River. In the February 8, 2005 issuance of GP 87-3P, the number of mooring buoys was reduced to 120 because buoy 57 was determined to be an unacceptable hazard to navigation.

PROPOSED ACTIVITY: The USACE proposes to reauthorize and rename GP 1987-00003-M6 (Mooring Buoys on the Kasilof River) and change the administrative number to RGP POA-1987-00003-M7. Additionally, the list of permittees would be updated to reflect all permit transfers that have occurred since GP 1986-00003-M6 was issued and the requirement for biennial re-verification has been removed. See attached Draft Proposed RGP POA-1987-00003-M7 for additional information.

ACTIVITIES EXCLUDED FROM THIS RGP:

1. The placement of any dredged and/or fill material into waters of the United States, including wetlands.
2. The placement of non-commercial mooring buoys.
3. The placement of commercial mooring buoys not assigned by the USACE.

GENERAL PERMIT BOUNDARY: The RGP boundary is the first 2.8 miles of the Kasilof River, as specifically shown on the attached maps.

MITIGATION: None proposed. However, the RGP incorporates permit conditions to avoid or reduce potential impacts.

ENDANGERED SPECIES: Portions of the Kasilof River are within the vicinity of the known range of the endangered Cook Inlet Beluga whale (*Delphinapterus leucas*), the endangered Western DPS of Steller Sea Lion (*Eumetopias jubatus*), and the endangered Short-tailed Albatross (*Phoebastria albatrus*). The USACE has 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 (USFWS) 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 or near the known range of the Pink Salmon (*Oncorhynchus gorbuscha*), Sockeye Salmon (*Oncorhynchus nerka*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Flathead sole (*Hippoglossoides elassodon*) and Northern rock sole (*Lepidopsetta polyxystra*).

The USACE has determined the described activity would not adversely affect EFH in the project area.

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 anchors and the area within the swing arc of the buoys. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The USACE has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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 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.

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. Subject to any other applicable 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 USACE 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 USACE 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 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 PN to become part of the record and be considered in the decision. Please contact **Mr. Ben Polley** at (907) 753-2689, or by email at **Benjamin.L.Polley@usace.army.mil** if further information is desired concerning this notice.

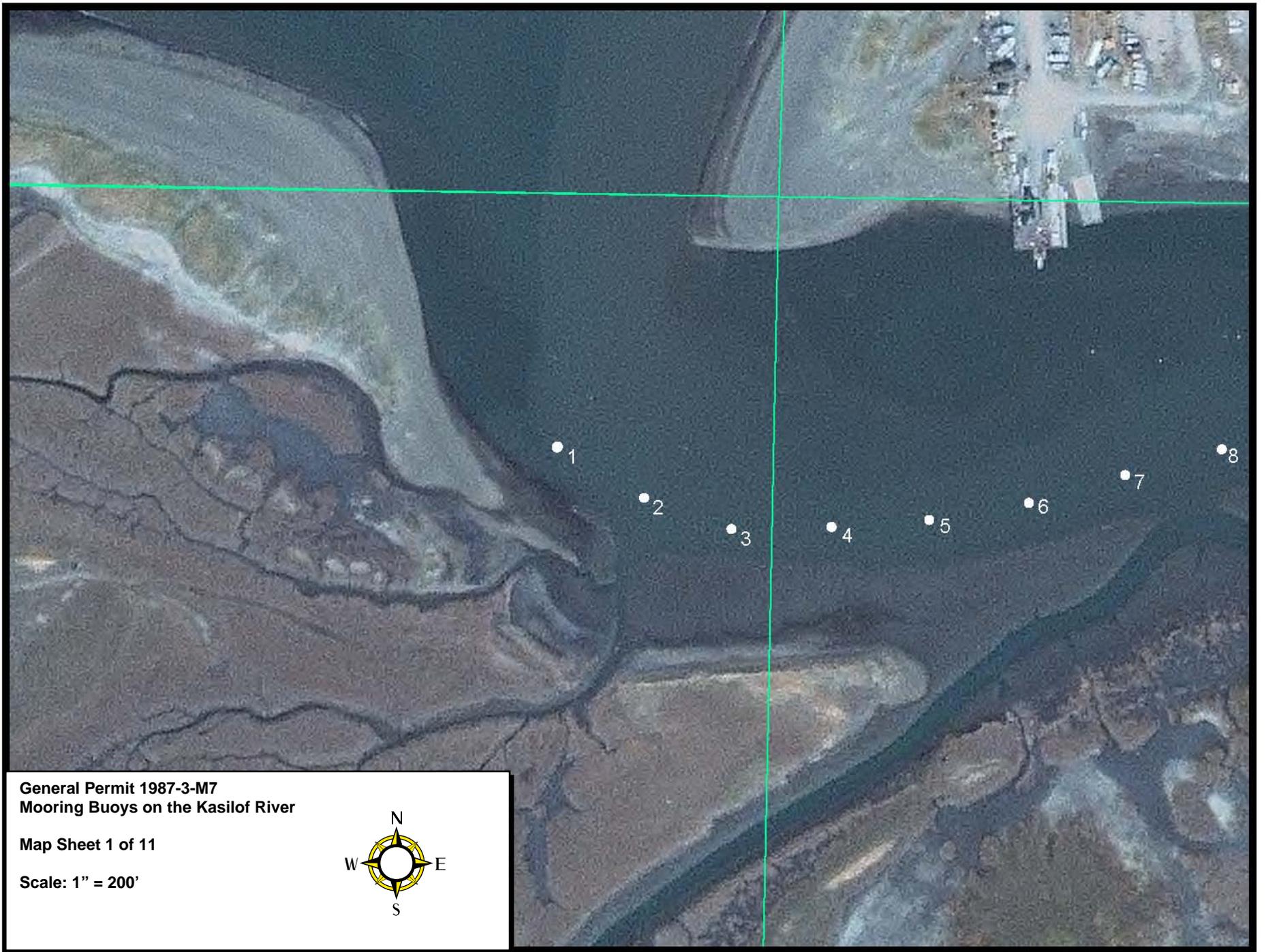
AUTHORITY: This permit will be issued or denied under the following authority:

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

The Draft Proposed RGP POA-1987-3-M7 is attached to this Public Notice.

District Commander
U.S. Army, Corps of Engineers

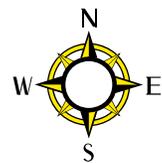
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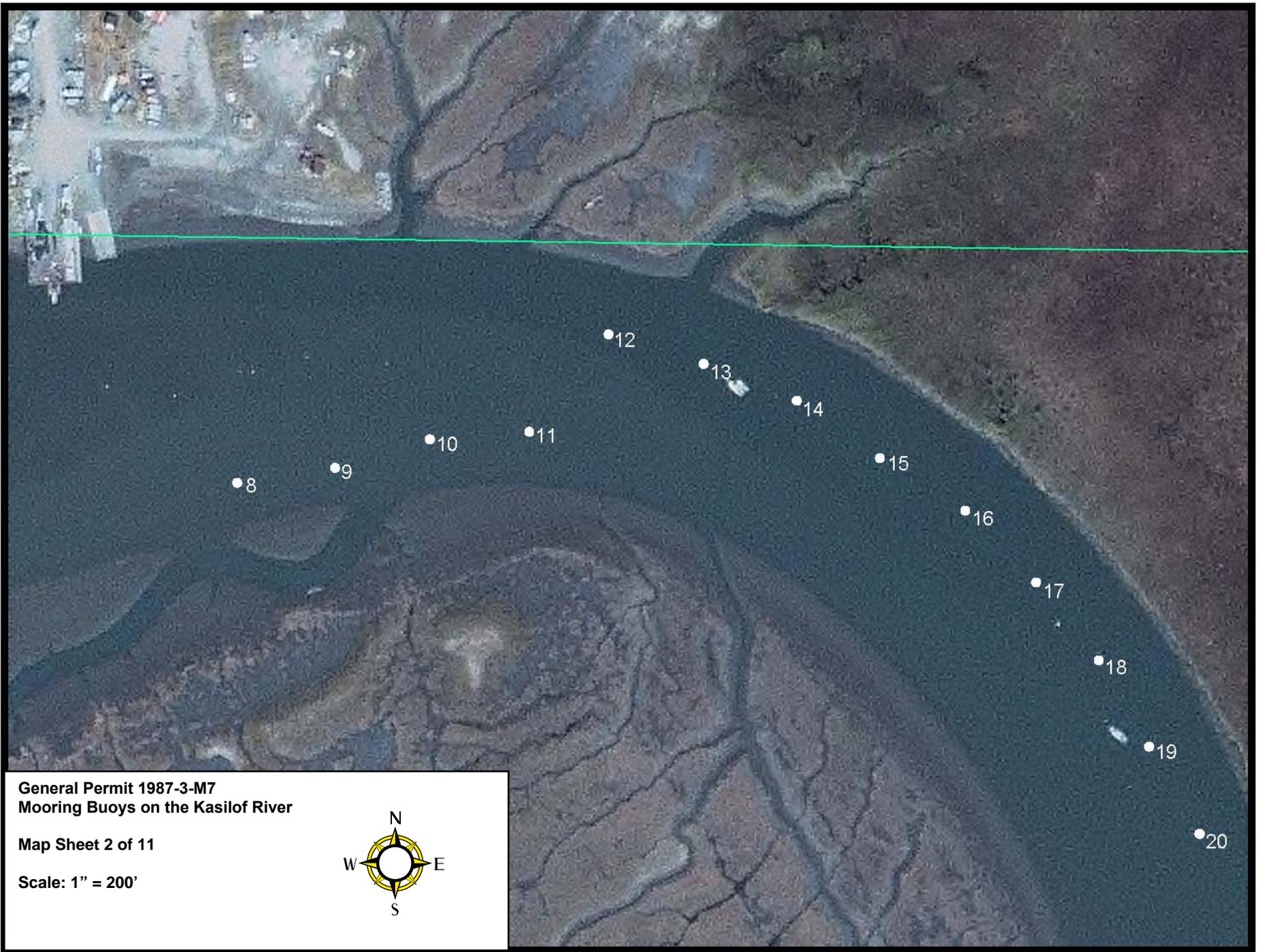


General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 1 of 11

Scale: 1" = 200'

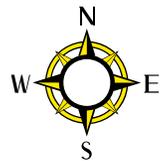




General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 2 of 11

Scale: 1" = 200'

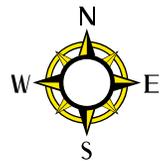




General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 3 of 11

Scale: 1" = 200'



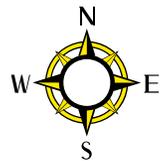
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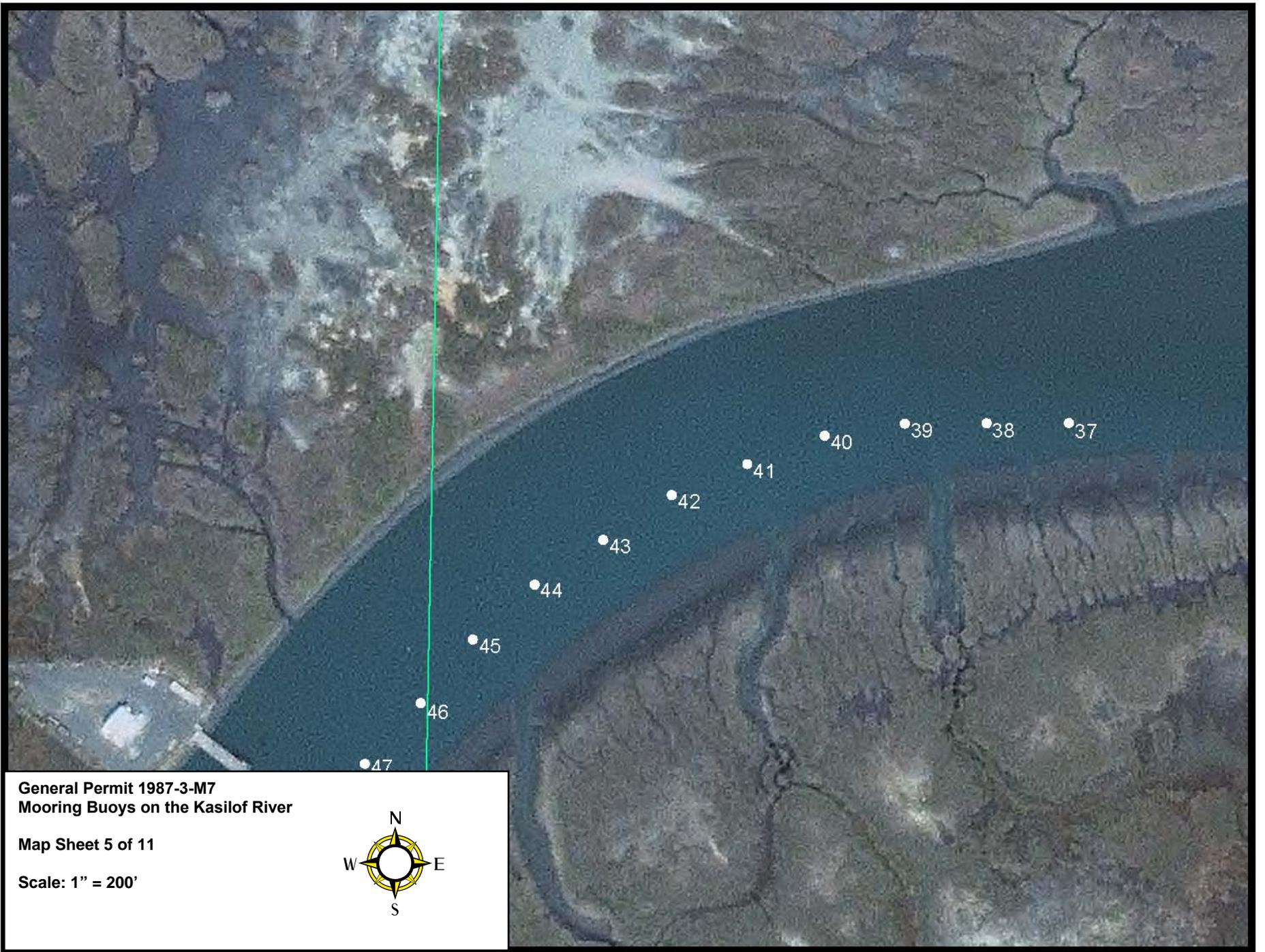


General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 4 of 11

Scale: 1" = 200'

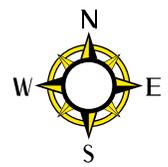


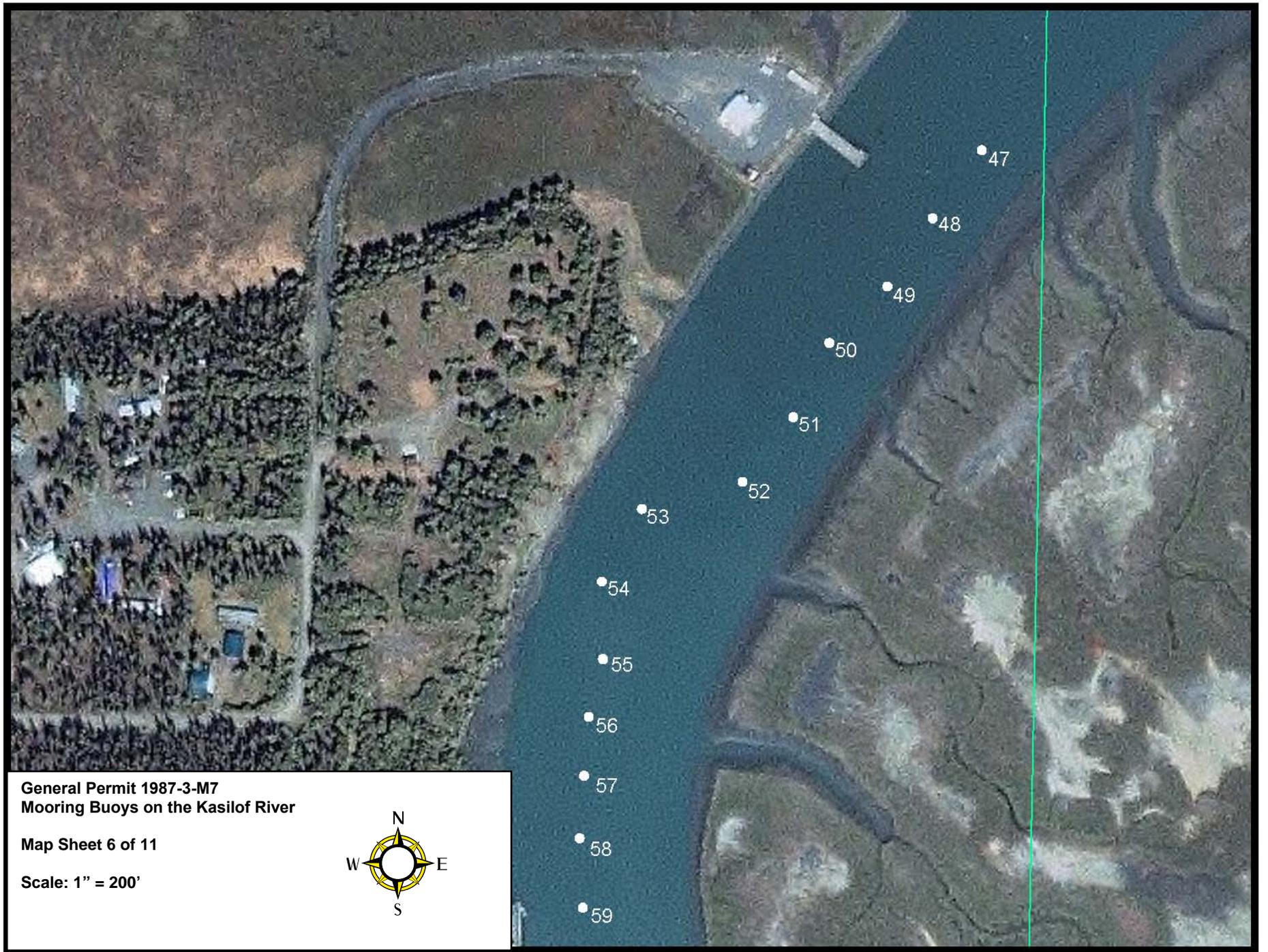


General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 5 of 11

Scale: 1" = 200'

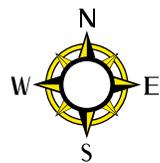




General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 6 of 11

Scale: 1" = 200'





General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 7 of 11

Scale: 1" = 200'

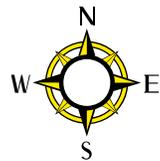




General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 8 of 11

Scale: 1" = 200'

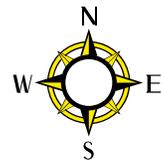




General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 9 of 11

Scale: 1" = 200'

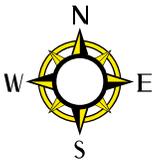


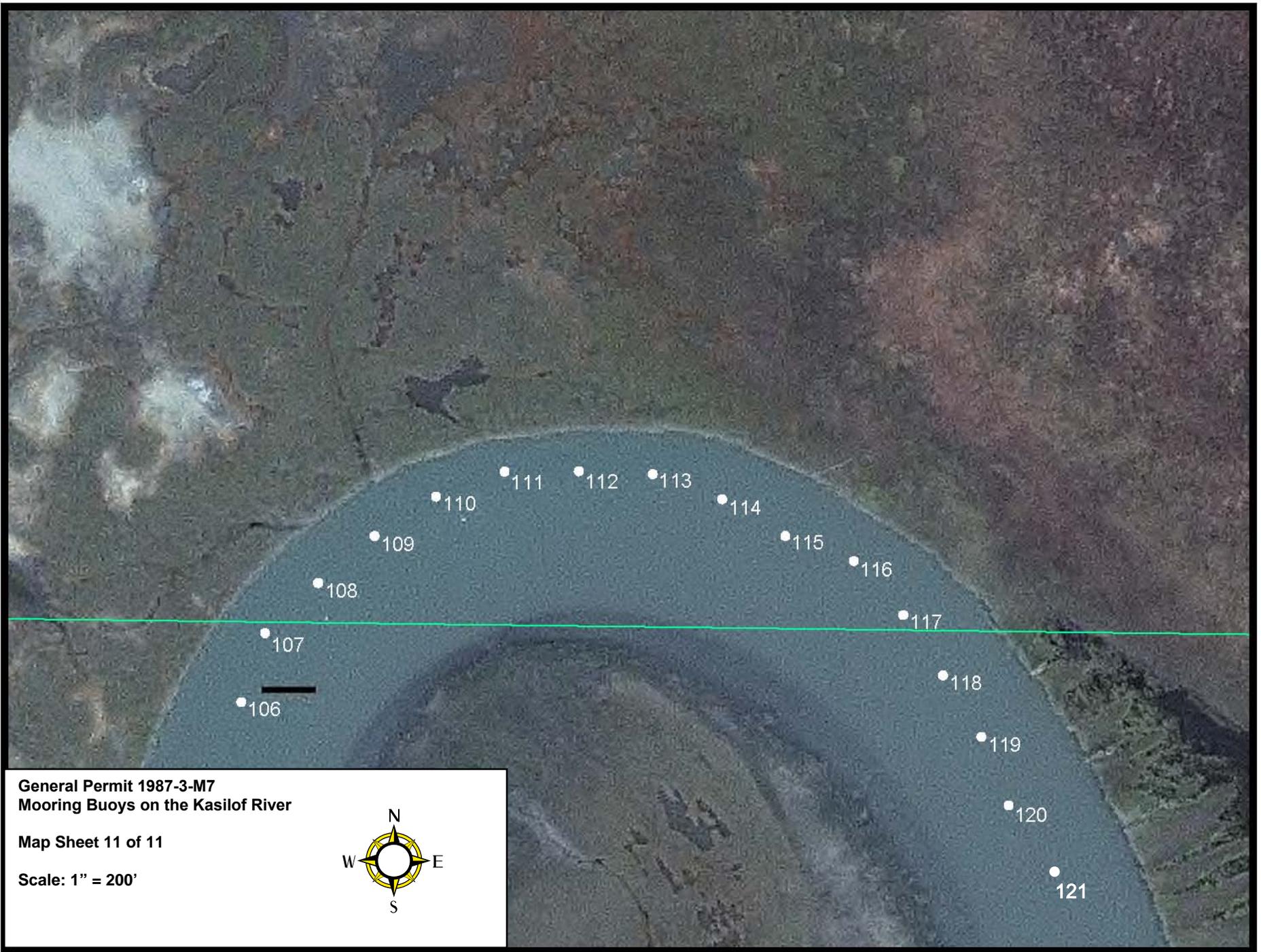


General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 10 of 11

Scale: 1" = 200'





General Permit 1987-3-M7
Mooring Buoys on the Kasilof River

Map Sheet 11 of 11

Scale: 1" = 200'

