



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	September 1, 2017
EXPIRATION DATE:	October 2, 2017
REFERENCE NUMBER:	POA-1981-376
WATERWAY:	Kenai 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 Ms. Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Chester Ferhmann, Alaska Department of Natural Resources –Department of Parks and Outdoor Recreation (ADNR-DPOR), 550 West 7th Avenue, Suite 1340, Anchorage, Alaska 99501

LOCATION: The project site is located within Section 6, T. 5 N., R. 10 W., Seward Meridian; USGS Quad Map Kenai C-3; Latitude 60.5479° N., Longitude 151.1112° W.; Kenai Peninsula Borough (KPB); Poore Subdivision, Tract A; Eagle Rock Boat Launch Facility, 4306 Eagle Rock Drive, in Kenai, Alaska; portion of KPB Parcel # 049-060-88.

SPECIAL AREA DESIGNATION: The project is located within the Kenai River Special Management Area (KRSMA), and the Kenai River is a State Park.

PURPOSE: The applicant's stated purpose is to improve the Kenai River Special Management Area-Eagle Rock Facility as a public boat launch access and parking area along the Kenai River to better accommodate the intended use of the facility.

PROPOSED WORK: The applicant proposes to remove, dredge and replace an existing concrete boat ramp, dredge a 0.443-acre area below the high tide line (HTL, 20.7 feet) and mean high water mark (MHW, 14.6 feet) of the Kenai River, a navigable water of the U.S.,

install 214 linear foot of boat ramp and floating docks and discharge up to 524 cubic yards (cy) of fill material into 0.13-acre of waters of the U.S. for the construction of a camping pad, parking area and bank stabilization.

The applicant specifically proposes to (see Sheet 4 of 18 for locations):

- (a) dredge 15.2 cy of concrete and 123.7 cy of silt (138.9 cy total) from 0.023-acre below the HTL of the Kenai River to remove the 50-foot by 24-foot existing boat launch ramp, and discharge 90 cy (timber, rock and reinforced concrete) into 0.056-acre for construction of the new boat launch ramp, which would extend 92-foot below the HTL of the Kenai River, with a width of 32-foot;
- (b) dredge 1,650 cy of silt from 0.443-acre below the HTL and MHWL of the Kenai River adjacent to the boat ramp to accommodate boat access;
- (c) install a 6-foot by 100-foot ADA boat ramp dock connected to an 8-foot by 100-foot floating dock with an 8-foot by 14-foot landing ramp accessed by an 18-foot gangway, leading to an elevated, light penetrating grate walk for parking lot access;
- (d) discharge 350 cy of fill material into 0.075-acre of wetlands for construction of a host camping pad adjacent to the existing western parking area;
- (e) discharge 100 cy of fill material into 0.046-acre of wetlands to expand the eastern parking area with further defined parking boundaries and parking bumpers;
- (f) discharge 30 cy of gravel and 44 cy of topsoil into 0.009-acre below the HTL for installation of 100 linear foot of brush layering and coir logs for bank stabilization between the existing bank and the floating dock.

All work would be performed in accordance with the enclosed plan (sheets 1-18), dated July 3, 2017.

ADDITIONAL INFORMATION: Other permits/authorizations pending include KPB Floodplain/Habitat, City of Kenai, and Alaska Department of Fish and Game Habitat.

APPLICANT PROPOSED 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.

- a. Avoidance: The parking lot improvements keep to the original impacted footprint, avoiding expansion into undisturbed wetlands. The camp host facility was originally sited on the west end of the parking area, into the intertidal channel that parallels the edge of the parking lot. The camp host facility was relocated to a scrub-shrub/forested area as close to uplands as possible while still providing some level of privacy, avoiding impacting wetlands with surface water.

The boat launch will be replaced in the existing location, avoiding impacting new areas of the river. Other launch sites were considered on the property, but they would all result in further disturbance of wetlands, riparian habitat and fill below the high tide line. The dock and gangway will be placed on piles near the boat launch to avoid direct user disturbance of the lands adjacent to the boat ramp. An ELP walkway will protect the vegetation along the shore from user impact and increased erosion.

b. Minimization: The parking lot wetland fill is limited to the disturbed limits of current impact from boat trailers. The area is void of shrub vegetation, rutted and muddy from users backing their boat trailers over it. Undisturbed wetlands will not be filled for the parking lot expansion.

The camp host facility was designed to the minimum size necessary, thereby minimizing the impacts to wetlands. The associated holding tank was placed in the uplands adjacent to the host site instead of into the wetlands on the other side.

The boat launch will be a standard single ramp, not expanding the size of the launch facility other than to meet current design standards. The dredging is designed to provide boat access to the Kenai River at low tide. The ramp is located in a deposition zone of the river, likely requiring long-term maintenance, but also minimizing the erosion potential from the ramp construction.

c. Compensatory Mitigation: The parking lot improvements will incorporate installing concrete parking bumpers, thereby preventing trailers from backing off the gravel lot and damaging wetlands.

The cut bank between the boat ramp and parking areas will receive willow staking revetment to prevent further erosion and stabilize the bank. This will not only protect the facility, but will ultimately protect the wetlands from the need to expand the parking areas inland due to unmaintained streambank erosion. ADNRP-DPDR D&C believes that the nature of this activity, to improve the facility while protecting the natural features and avoiding and minimizing wetland impacts as much as practicable, should not require compensatory mitigation. Wetland fill areas in the parking lot are associated with the installation of parking bumpers that should prevent further wetland impacts beyond the project boundary.

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.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRP) 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 3.48 acre area, which includes the existing facility and surrounding waters of the U.S. Consultation of the AHRP constitutes the extent of cultural

resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

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 National Marine Fisheries Service (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 the known range of the Pink Salmon (*O. gorbuscha*), Chum Salmon (*O. keta*), Sockeye Salmon (*O. nerka*), Chinook Salmon (*O. tshawytscha*) and Coho Salmon (*O. kisutch*).

We have determined the described activity would not adversely affect EFH in the project area.

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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

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
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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-1981-376, Kenai 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.