



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	July 23, 2018
EXPIRATION DATE:	August 7, 2018
REFERENCE NUMBER:	POA-2018-00262
WATERWAY:	Nushagak 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

All comments 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 Jason Brewer at (907) 753-2823, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jason.D.Brewer@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Dillingham, Post Office Box 889, Dillingham, Alaska 99576. POC: Tod Larson

AGENT: PND Engineers, Incorporated, 1506 W. 36th Avenue, Anchorage, Alaska 99503.
POC: Brenna Hughes, 907-561-1011.

LOCATION: The project site is located near Latitude 59.03916° N., Longitude -158.47689° W.; at the small boat harbor in Dillingham, Alaska.

PURPOSE: The applicant's stated purpose is to replace the thirty year old float system in the Dillingham Small Boat Harbor in order to continue operation.

PROPOSED WORK: Remove six 18-inch diameter steel anchor pipe piles securing the existing removable float systems using vibratory hammer extraction.

Install approximately 90 sheet piles total, including 50 below high tide line (HTL), using a vibratory hammer at three locations to form sheetpile abutments that would serve as supports for the new catwalks. The toe of Ramp 1 and most of the sheet piles for Ramp 3 would be installed below HTL and the rest of the sheet piles would be above HTL.

Install 17 new steel 30-inch diameter anchor piles using vibratory and impact (if required) driving to support the new dock floats. Gangways, catwalks, and floats would support water utility lines for seasonal potable water and fire service. New utility connections would be made in the adjacent uplands.

Discharge 90 cubic yards (CY) total, including 40 CY into 0.01-acres below HTL, to construct access ramps to the new float systems.

Project construction is planned between August (after commercial salmon fishing season) and October (prior to freeze up), to avoid the salmon runs and avoid conflict with the local fishing fleet.

All work would be performed in accordance with the enclosed plan (Sheets 1-7), dated March 16, 2018.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: Waters of the US could not be entirely avoided for this project because this project replaces an existing dock and is dependent on marine access. This project does not seek to significantly expand the existing footprint.

b. Minimization: Construction will be limited to the months of August through October to limit impacts to fish runs and the local fishing industry.

c. Compensatory Mitigation: No new impacts to waters of the US are proposed, so compensatory mitigation is not planned.

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 (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 cultural resources within the vicinity of the permit area. The permit area has been determined to be the footprint of the discharge of fill material into waters of the U.S., and includes areas immediately adjacent to the footprint where heavy equipment would operate to construct the project. Consultation of the AHRs 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 small boat harbor was constructed by the Corps between 1960 and 1961, and it has been dredged on multiple occasions since. The site is highly disturbed. 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.

We have 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 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 is within the known range of the chinook (*Oncorhynchus tshawytscha*), chum (*O. keta*), coho (*O. kisutch*), pink (*O. gorbuscha*), and sockeye (*O. nerka*) salmon.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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 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 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

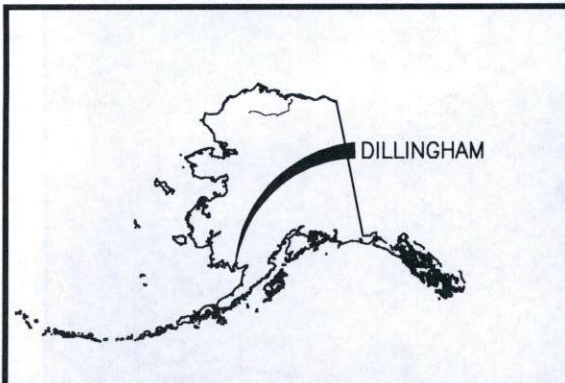
**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

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 (PN) Reference Number **POA-2018-00262, Nushagak 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.

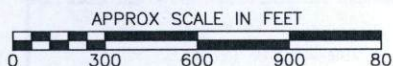
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.



LOCATION MAP



PROJECT LOCATION



TIDAL LEVELS

HIGH TIDE LINE (HTL)	+24.2 FT
MEAN HIGHER WATER (MHW)	+18.9 FT
MEAN LOWER LOW WATER (MLLW)	+0.0 FT

PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

VICINITY MAP

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

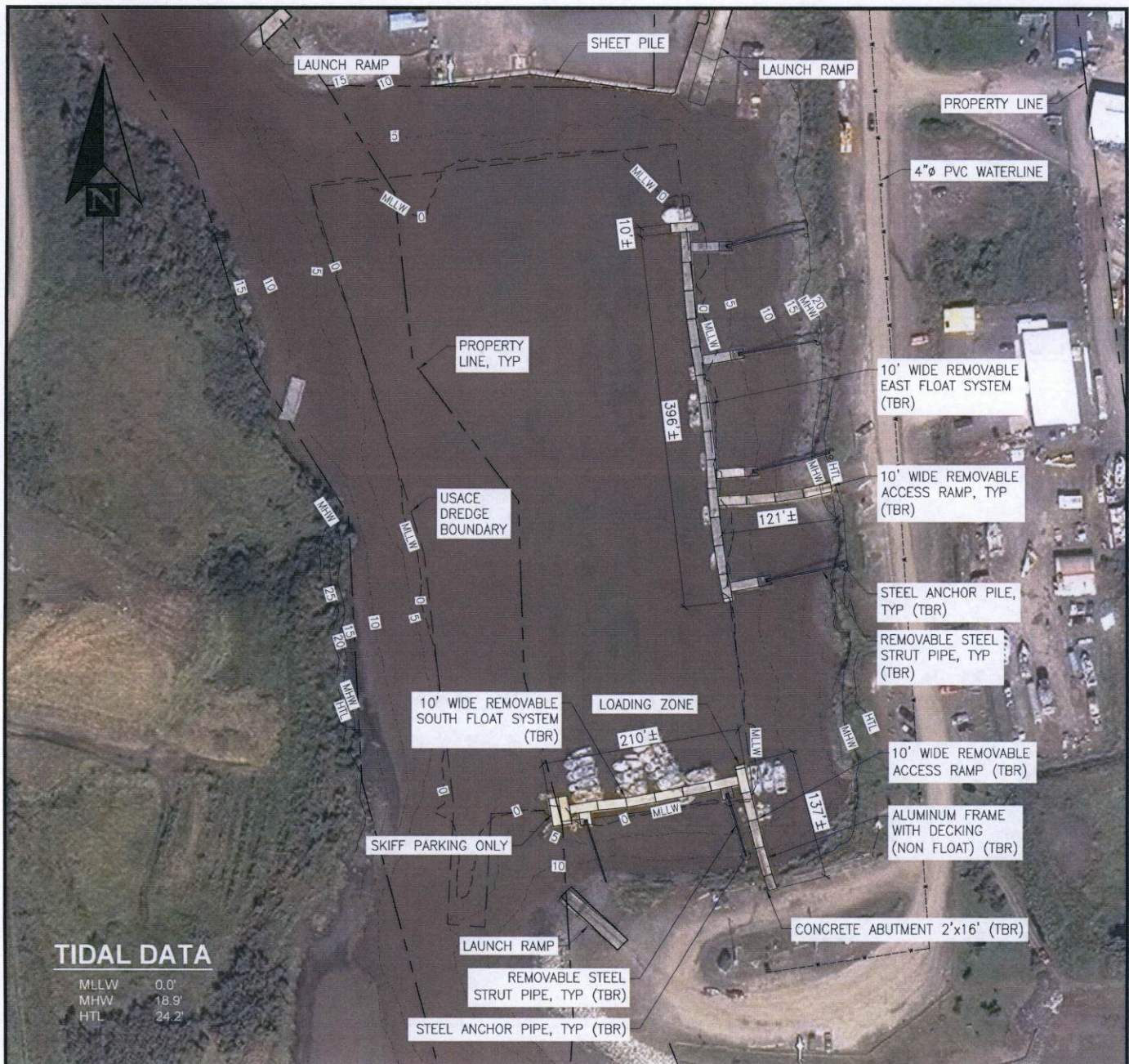
**DILLINGHAM SMALL
BOAT HARBOR**

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

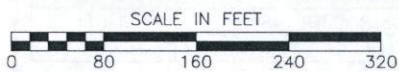
3/16/2018

SHEET **1** of **7**



TIDAL DATA

MLLW 0.0'
MHW 18.9'
HTL 24.2'



TBR = TO BE REMOVED

PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

EXISTING SITE PLAN

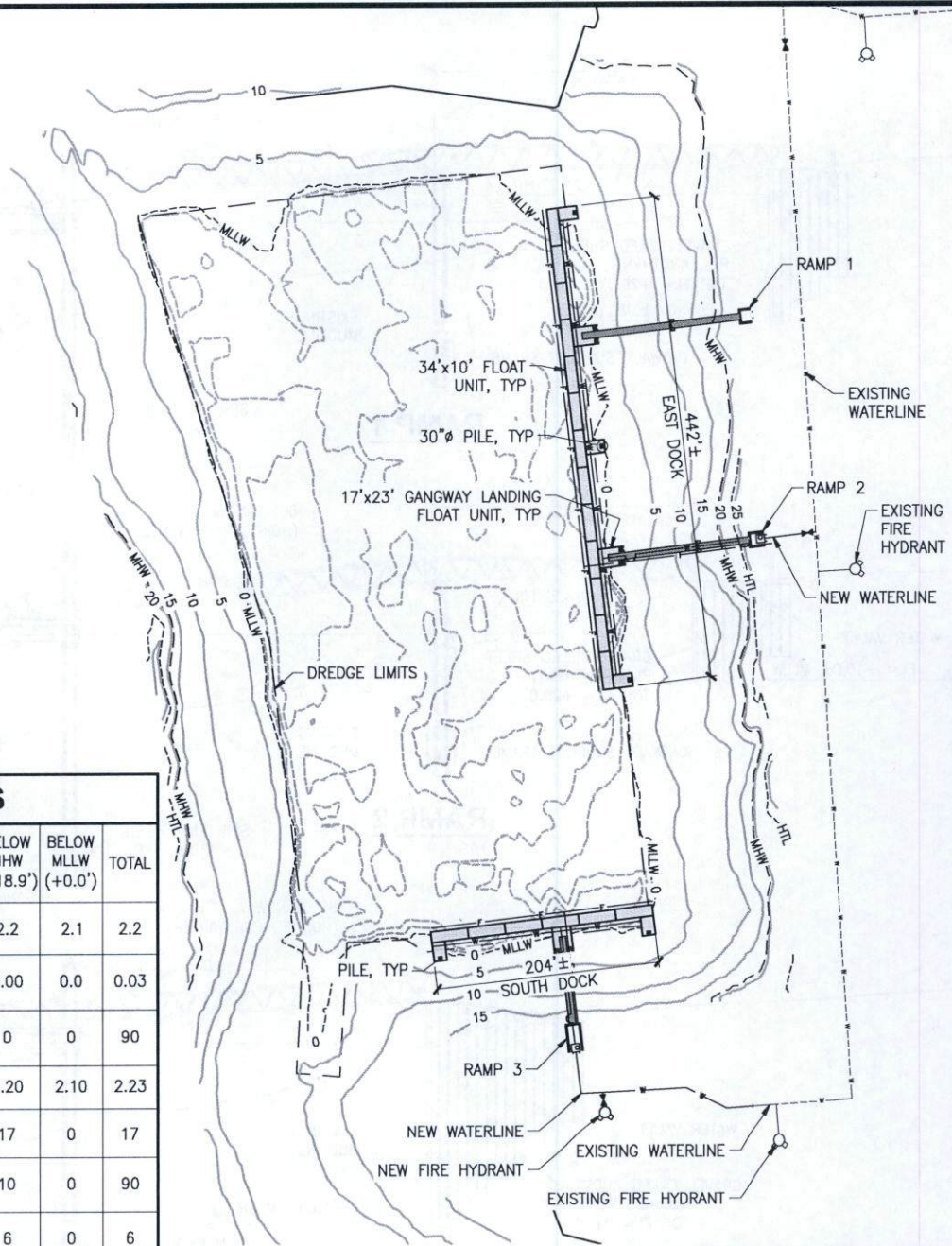
CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

3/16/2018

SHEET **2** of **7**



QUANTITIES

ITEM	BELOW HTL (+24.2')	BELOW MHW (+18.9')	BELOW MLLW (+0.0')	TOTAL
FOOTPRINT OF FLOATS (ACRES)	2.2	2.2	2.1	2.2
FOOTPRINT OF NEW ACCESS RAMPS (ACRES)	0.01	0.00	0.0	0.03
ACCESS RAMP FILL (CUBIC YARDS)	40	0	0	90
TOTAL IMPACTED AREA (ACRES)	2.21	2.20	2.10	2.23
STEEL PIPE PILES TO BE ADDED 30"x0.50"t (EACH)	17	17	0	17
STEEL Z SHEET PILES TO BE ADDED (EACH)	50	10	0	90
STEEL PIPE PILES TO BE REMOVED 18" (EACH)	6	6	0	6

PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

NEW SITE PLAN

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

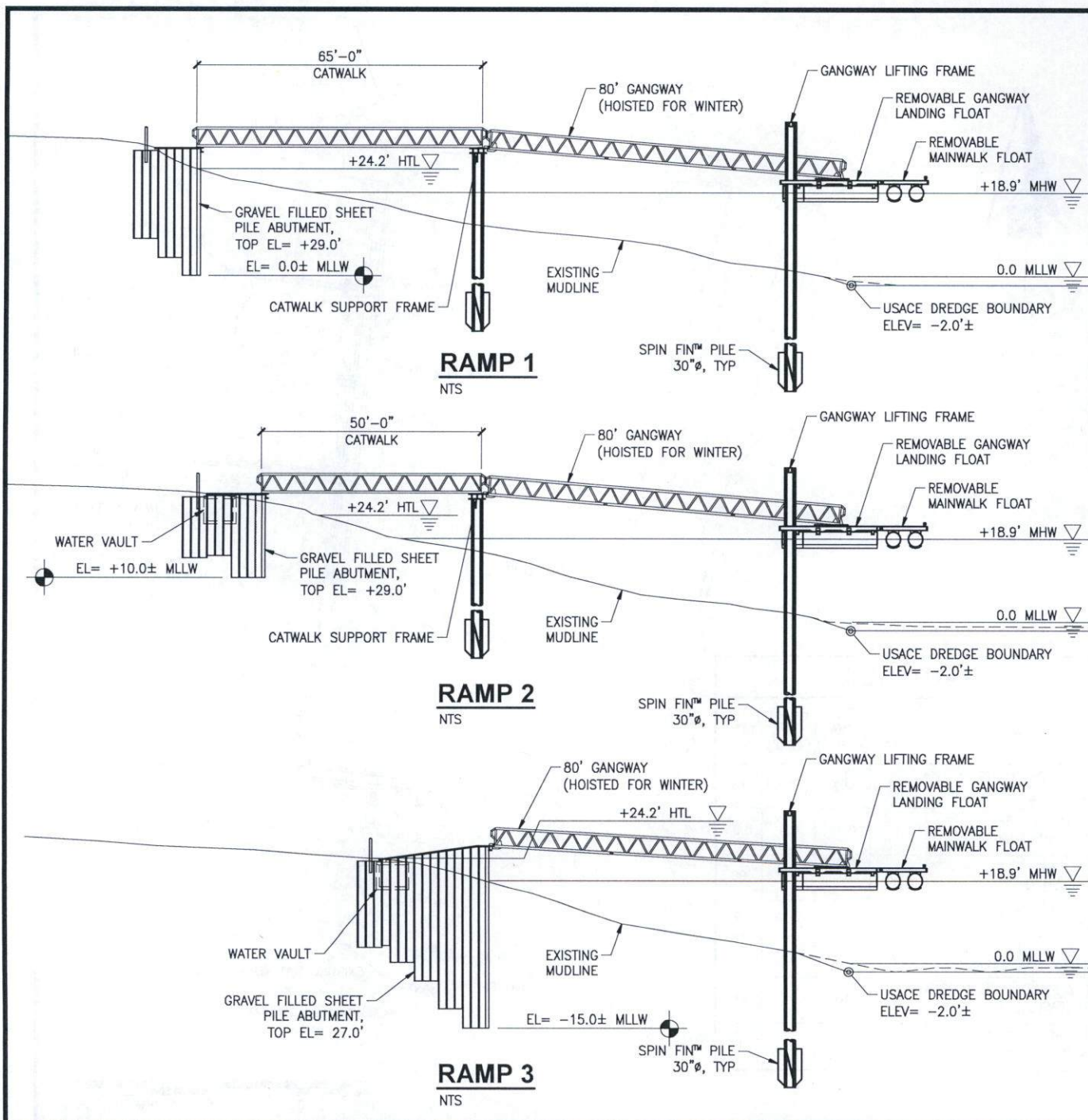
DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

3/16/2018

SHEET **3** of **7**



PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

ACCESS RAMP SECTIONS

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

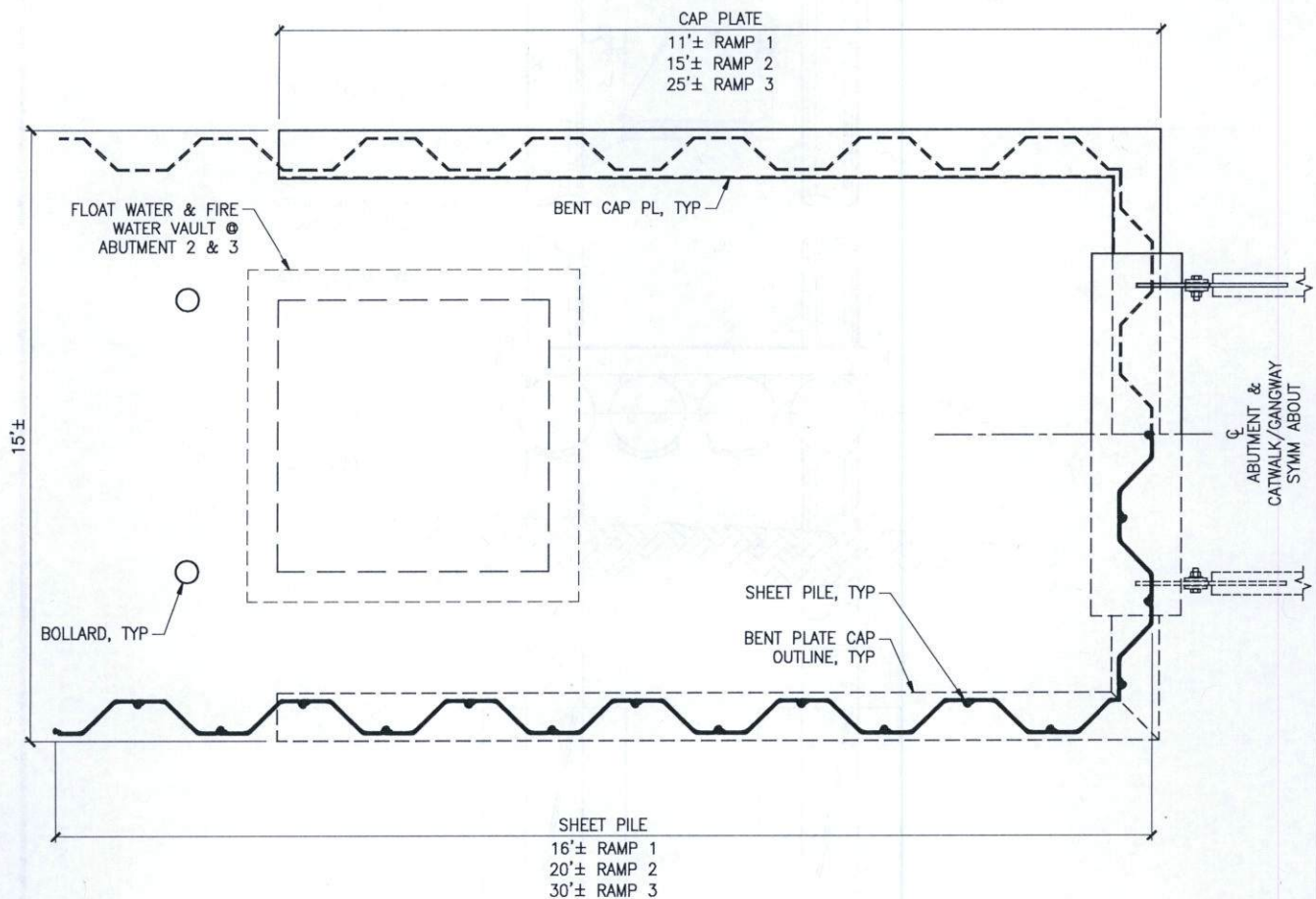
DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

3/16/2018

SHEET **4** of **7**



ABUTMENT PLAN

NTS

PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

SHEET PILE ABUTMENT DETAILS

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

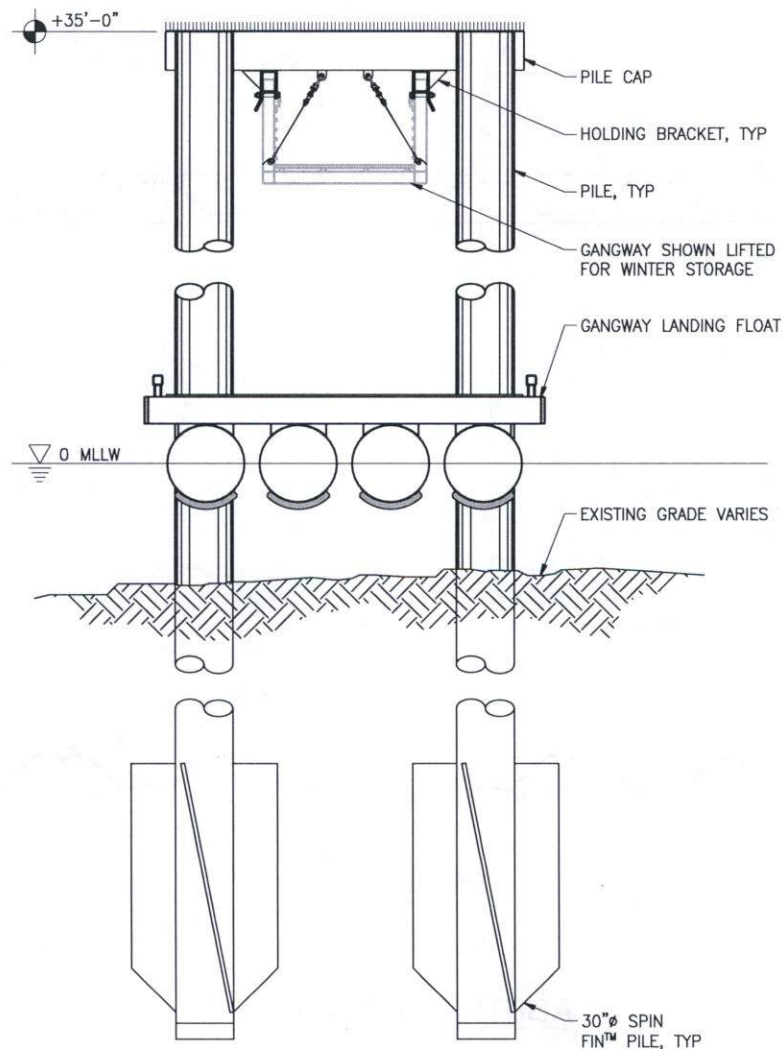
DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

3/16/2018

SHEET **5** of **7**



GANGWAY LIFTING FRAME

NTS

PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

GANGWAY SUPPORT PILES DETAILS

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

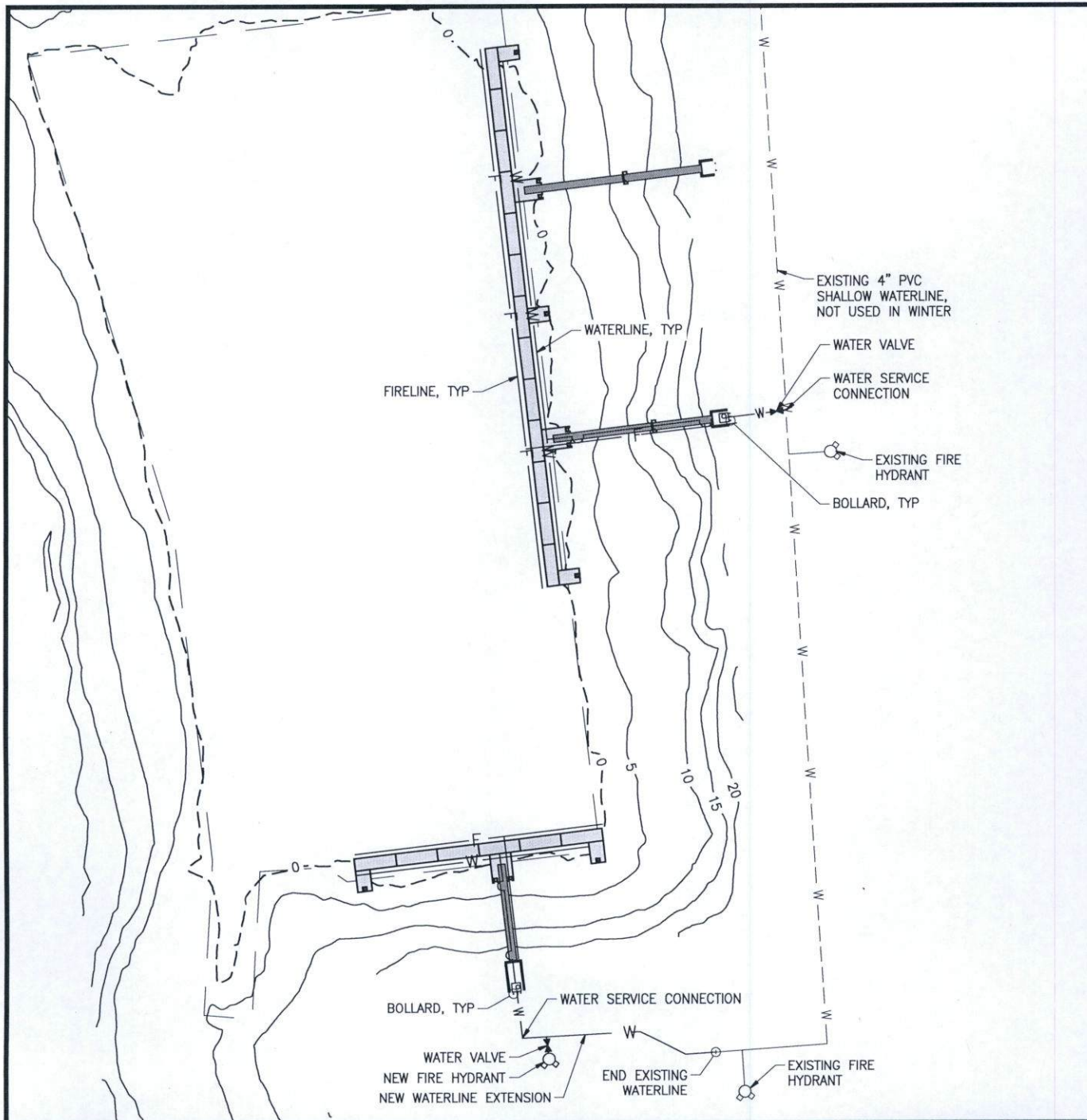
DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

3/16/2018

SHEET **6** of **7**



PURPOSE:
REPLACE EXISTING
DETERIORATING FLOAT
SYSTEM

ADJACENT PROPERTY OWNER:
CITY OF DILLINGHAM

WATER SYSTEM PLAN

CITY OF DILLINGHAM
PO BOX 889
DILLINGHAM, AK 99576

DILLINGHAM SMALL BOAT HARBOR

POA-2018-00262 Nushagak River
Lat: 59.0392°N., Long: -158.47689°W.

NUSHAGAK RIVER

3/16/2018

SHEET **7** of **7**