



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	March 2, 2018
EXPIRATION DATE:	April 2, 2018
REFERENCE NUMBER:	POA-2013-111
WATERWAY:	Katlian Bay

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.

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 Randal Vigil at (907) 790-4490 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (Alaska DOT&PF), PO Box 112506, Juneau, AK 99811.

LOCATION: The project site is located within Section 25, T. 54 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-4 and A-5; Latitude 57.155258° N., Longitude 135.330064° W.; proposed project begins at the terminus of Halibut Point Road, near Sitka, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Tongass National Forest.

PURPOSE: The applicant's stated purpose is to provide increased recreational and subsistence opportunities on Baranof Island within National Forest System (NFS) lands of the Tongass National Forest, Sitka Ranger District, land access to Native Corporation

(Shee Atiká and Sealaska) lands by shareholders, and opportunity for development of new material sources on State, Federal, and Native Corporation lands.

PROPOSED WORK: The applicant requests authorization for the following work in waters of the United States: **1.** The discharge 59,849 cubic yards of sand, gravel, rock, and concrete fill material into 5.2 acres of palustrine wetlands for the construction of 9.3 miles of new road and the reconditioning of 2.2 miles of existing National Forest Road; **2.** The discharge of 1,540 cubic yards of riprap, sand, gravel, rock, and concrete fill material into 1.17 acres below the Ordinary High Water Mark of riverine waters for the installation of 248 corrugated aluminum pipe (CAP) culverts ranging in diameter from 2 to 12 feet, 5 Structural Pipe Arches (SPA) culverts with spans ranging from 6 feet to 26 feet, 14 Structural Plate Pipe Arch (SPPA) culverts with spans ranging from 6 feet 8 inches to 19 feet 6 inches, and 3 bridges consisting of pre-engineered structures with spans of approximately 66, 120, and 150 feet; **3.** The mechanical land clearing of 1.06 acres of palustrine wetlands.

All work would be performed in accordance with the enclosed plan (sheets 1-44), dated December 11, 2017.

ADDITIONAL INFORMATION: In order to conduct the proposed work the applicant must receive a Title 16 Fish Habitat permit from the Alaska Department of Fish and Game, and a permit from the U.S. Fish and Wildlife Service pursuant to the Bald and Golden Eagle Protection Act.

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 selection of the preferred route for the Katlian Bay Road commenced with four alternative routes: Marine Route, Original Route, Option 1, and Option 2, which are described in detail and mapped in the Katlian Bay Environmental Document in Appendix B, which is available at http://dot.alaska.gov/sereg/projects/sitka_katlianbayroad/project_docs.shtml. The preferred route, Option 2, is the farthest inland of all route options and was designed to minimize route length and wetland/estuary disturbance. Field reconnaissance and preliminary delineations of wetlands and waters of the U.S. were used to adjust the preferred route away from wetlands where practicable and further reduce impacts.

b. Minimization: Unavoidable impacts to wetlands and streams were minimized by designing the road improvements with minimum widths and sight distance requirements necessary to achieve federal and state safety standards. The following minimization measures were incorporated into the project design:

- Road alignment was designed to impact edges of wetlands rather than bisecting entire wetland habitats;
- Stream crossings were located at the narrowest part of the stream within the overall road alignment vicinity;
- Stream and seep wetland crossings were designed to be perpendicular to the direction of flowing water, to the extent practicable;
- Natural flow patterns were maintained through use of culverts and cross-drainage structures;

- Timing restrictions for in-water work will be developed in coordination with Alaska Department of Fish and Game and U.S. Fish and Wildlife Services to minimize impacts to fish and other aquatic species during critical life stages;
- Applying the following BMPs
 - Phase clearing and grading to the extent practicable to prevent exposed inactive areas from becoming a source of erosion,
 - Revegetate temporarily disturbed areas,
 - Install sediment barriers around the perimeter of the construction areas at water crossings,
 - Install rock check dams along ditch lines with slopes greater than 8% to trap sediment and minimize sediment entering streams,
 - Install turbidity curtains in stream and rivers to protect water quality and minimize sediment from entering aquatic habitats and associated wetlands,
 - Contractor will develop and implement a Stormwater Pollution Prevention Plan to address erosion and sediment control as required by the ADEC APDES Construction General Permit.

c. **Compensatory Mitigation:** To compensate for the unavoidable loss of 5.20 acres of wetlands, Alaska DOT&PF is proposing watershed-based permittee-responsible mitigation and has developed an agreement-in-concept with the US Forest Service, Sitka Ranger District, to fund three restoration/reclamation projects that have been identified in the immediate vicinity of the Katlian Bay Road. These compensatory wetland mitigation projects are intended to restore water quality and wetland, fish, and aquatic habitats:

- **Starrigavan Valley Stream Stabilization and Aquatic Habitat Restoration** – Reconstruct 0.5 mile of Starrigavan Creek and create 4 rearing ponds (1.5 acres) located in an area that was impacted by a landslide in 2014. New large woody debris (LWD) and new stream banks and floodplain benches will be created to stabilize the channel. Effort includes completion of National Environmental Policy Act (NEPA) assessment and 3 years of monitoring.
- **Katlian Watershed Restoration** – Restore 1 mile of Class 1 stream and associated riparian and instream habitats (i.e., anadromous or high-quality resident fish habitat) from past management activities including 25 acres of riparian thinning to improve growth and restore habitat. Effort includes new LWD to be installed, completion of NEPA assessment, and 3 years of monitoring.
- **Nakwasina Watershed Restoration** – Restore 1 mile of class 1 stream and associated riparian and instream habitats from past management activities including 25 acres of riparian thinning to improve growth and restore habitat. Effort includes new LWD to be installed, completion of NEPA assessment and 3 years of monitoring.

ADOT&PF will provide a Compensatory Mitigation Plan for the proposal that will include timelines and designs, maintenance plans, performance standards, monitoring requirements, long-term management plan, and adaptive management plans.

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 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 proposed activity. 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. Also, in a letter to the applicant dated November 2, 2015, the State Historic Preservation Office (SHPO) made a finding of No Historic Properties Affected for the proposed project. 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 area is within the known range of the chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*) salmon.

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 authority:

(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
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-2013-111, Katlian 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.