



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	August 31, 2018
EXPIRATION DATE:	October 1, 2018
REFERENCE NUMBER:	POA-2005-1813-M2
WATERWAY:	Sitka Sound

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 (PN) 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 PN reference number listed above.

All comments 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 Andy Mitzel at (907) 753-2673, by fax at (907) 420-0813, or by email at andy.mitzel@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Halibut Point Marine Services LLC, Attention: Chris McGraw, PO Box 718, Sitka, AK, 99835

LOCATION: The project site is located within Section 9, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.1153° N., Longitude 135.3928° W.; approximately 3/4 of a mile north of the Sitka Ferry Terminal at Halibut Point Marine, north of Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new shore bollard for the existing multi-use dock at Halibut Point Marine to accommodate larger cruise ships docking in Sitka.

PROPOSED WORK: The applicant is proposing to discharge 1,100 cubic yards (CY) of clean shot rock fill/riprap and 18 CY of concrete into 2,600 square feet (sf) of tidal waters below the

high tide line (HTL) (12.8 feet above the 0.0 feet contour) and below the mean high (MHW) (9.2 feet above the 0.0 feet contour) of Sitka Sound, down to the -4.0 feet elevation for the construction of a new pad to install a shore bollard.

The concrete would be used to construct a 10 feet x 8 feet x 6 feet thick pad with a steel reinforced concrete foundation. Six 3-inch threaded IBO rods would be drilled through the concrete foundation and shot rock fill into bedrock and grouted. These would be post tensioned and secure the concrete foundation in place. A new steel shore bollard would be cast into the concrete foundation.

The work is proposed to be done while the site is de-watered.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated August 1, 2018.

ADDITIONAL INFORMATION: This is the second modification to the original permit. The original permit, issued February 17, 2006 authorized the following:

- Construct a 50-foot wide x 80-foot long concrete dock with vessel unloading area, which will replace a currently unserviceable bulkhead dock and be supported by (10) 16-inch diameter driven steel piles.
- Place an 8-foot wide x 60-foot long fuel dock consisting of plastic encapsulated foam and wood decks and held in place by five 14-inch diameter steel piles. The dock will be accessed by using a 4-foot wide x 25-foot long gangway.
- Place a 66-foot long log breakwater, held in place by three 4000 pound anchors. The breakwater will be formed of three parallel rows of tapered logs. The base diameter of each log will not exceed 16-inches and the tip diameter will be no smaller than 8-inches.
- Place a total of two steel fender piles and four steel dolphins to support the existing barge facility and the new dock.

The first modification of this permit was issued September 1, 2009 and authorized the following:

- Re-construct the boat lift area by:
 - Removing the existing travel lift piers and steel piling, deteriorated steel sheet pile bulkhead, damaged sheet pile cell and 960 CY of shot rock/riprap.
 - Place a 90-foot x 4-foot travel lift pier and associated support piling and a second travel lift pier combined with a 3,800-sf platform/wharf with support pilings;
 - A concrete retaining wall approximately 75-feet long containing 86 CY of concrete;
 - Place 330 CY of clean earthen materials behind the concrete retaining wall.
 - Place 100 linear feet of steel sheet piling where steel bulkhead was removed.

- Place the following for the new 1,000-foot long facility:
 - A 120-foot long x 16-foot wide steel transfer ramp.
 - A 1600 sf transfer float.
 - A 40-foot x 300-foot floating concrete platform with associated pilings.
 - Four berthing dolphins.
 - Twelve 65-foot x 10-foot concrete floating breakwaters with associated pilings.
 - Four mooring dolphins and two additional berthing dolphins.
 - Utilities, power and water services would be run through the transfer ramp and the floating docks to accommodate vessels and to power lighting fixtures.
 - One three inch diesel fuel line from the existing storage tanks to the float dispensers.
 - Four fuel (diesel) dispensers with hose reels and meters.

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: The applicant has stated the following regarding avoidance:

“The project fill is being placed primarily on existing solid rock and existing fill from previous projects which avoids disruption to native tidal surface areas. All eel grass beds are being avoided. A work window would be conditioned to avoid interference with herring spawning activities and migration of other marine fish and mammals.”

- b. Minimization: The applicant has stated the following regarding minimization:

“The project has been designed to minimize the footprint required to construct the mooring bollard required to provide an additional adequate ship mooring point. Only .06 acres of tidelands surface area of waters of the U.S. are impacted. The clean shot rock fill would be placed with a track excavator at low tide which would minimize any turbidity resulting from the project.”

- c. Compensatory Mitigation: The applicant has stated the following regarding compensatory mitigation:

“Given the location of the proposed Project, the minimal scope, and the identified avoidance and minimization steps, compensatory mitigation has not been proposed. Long-term impacts are not anticipated and any short-term impacts (noise and water turbidity from construction) will be temporary and minor in nature.”

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 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 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 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: The project area is within the known or historic range of the following species:

Common Name	Scientific Name	DPS	Status	Critical Habitat Present
Fin Whale	<i>Balaenoptera physalus</i>	-	E	N
Humpback Whale	<i>Megaptera novaeangliae</i>	Mexico DPS	T	N
		Western North Pacific	E	N
North Pacific Right Whale	<i>Eubalaena japonica</i>	-	E	N
Sperm Whale	<i>Physeter macrocephalus</i>	-	E	N
Steller sea lion	<i>Eumetopias jubatus</i>	Western	E	Y

We have determined the described activity may affect the Fin Whale, Humpback Whale, North Pacific Right Whale, Sperm Whale, Steller sea lion and its designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). 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 Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) 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 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. 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.

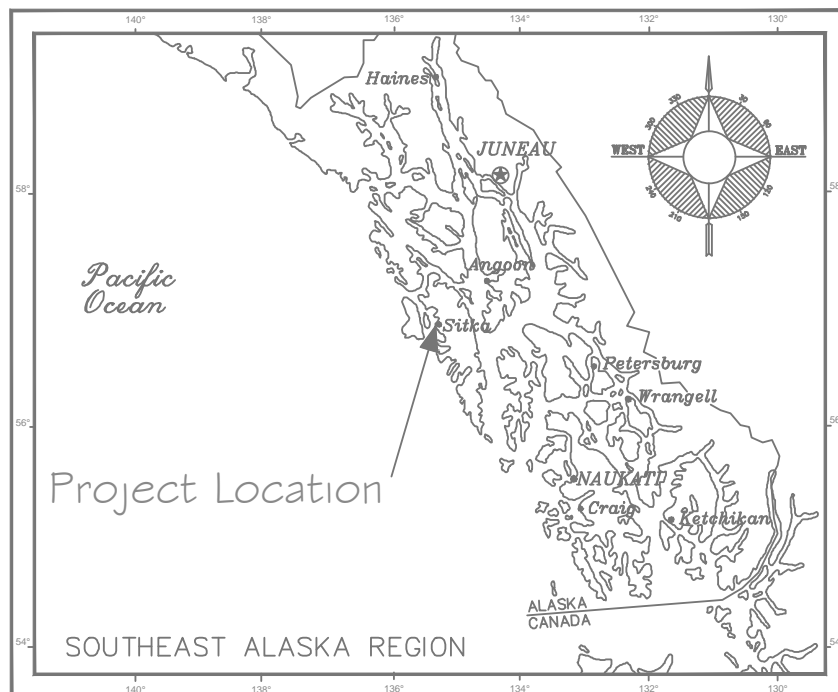
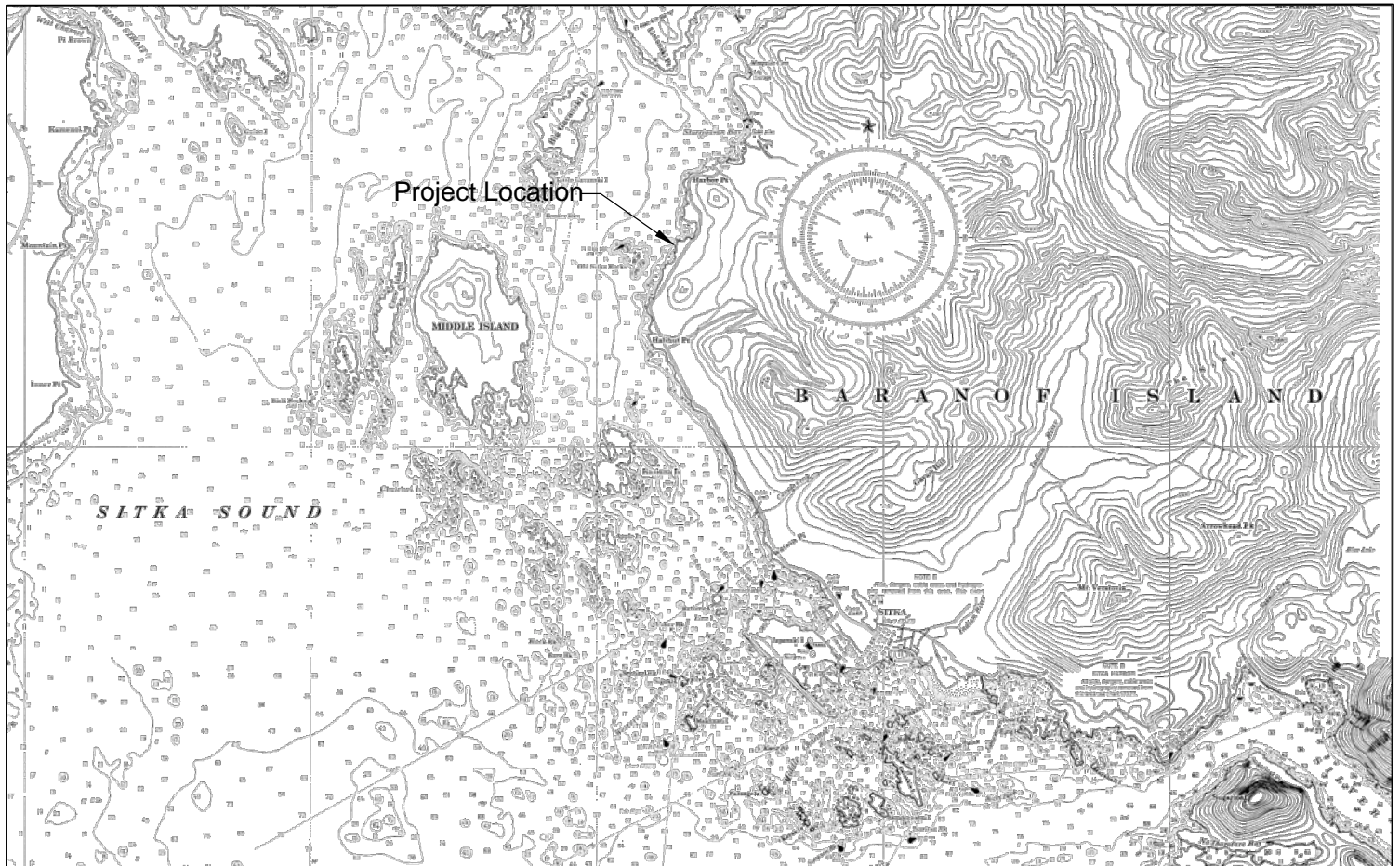
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2005-1813-M2, Sitka Sound**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



Purpose: Place Fill and Install New Shore
Bollard for Deep Water Dock
Sec: 9 Township: 55 South, Range: 63 East
Copper River Meridian
Location: Sitka Sound
Local Government: City and Borough of Sitka, Alaska
Datum: 0.0' M.L.L.W

**Old Sitka Dock
South Shore Bollard**

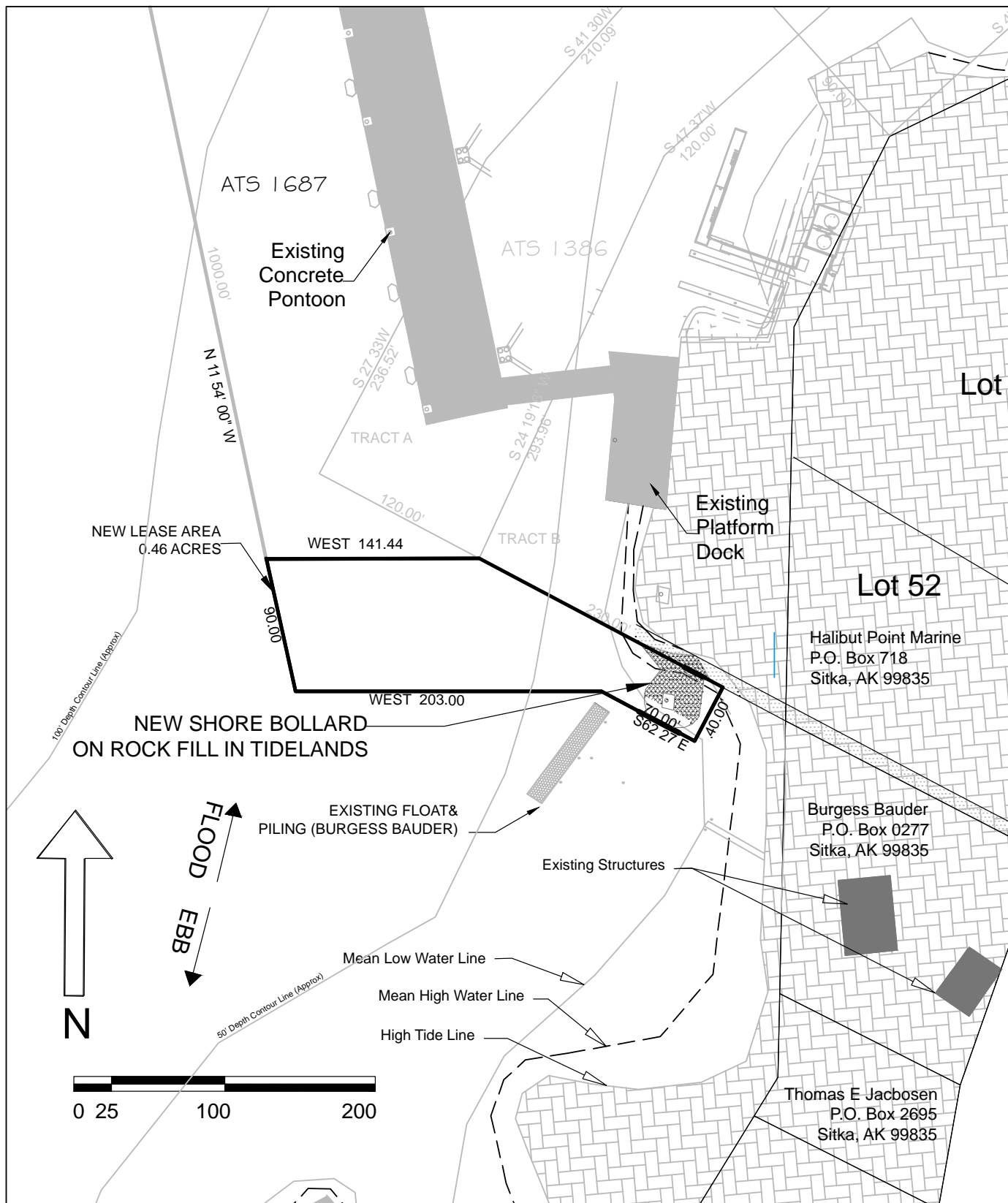
PROJECT LOCATION

Application By
Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'
MHW: 9.1'
HTL: 12.7'
Lat 57 06' 55"
Lon 135 23' 34"

Revision:
Date: 8-1-2018
Sheet 1 of 4



Purpose: Place Fill and Install New Shore Bollard for Deep Water Dock

Sec: 9 Township: 55 South, Range: 63 East

Copper River Meridian

Location: Sitka Sound

Local Government: City and Borough of Sitka, Alaska

Datum: 0.0' M.L.L.W

Old Sitka Dock South Shore Bollard

PROJECT OVERVIEW

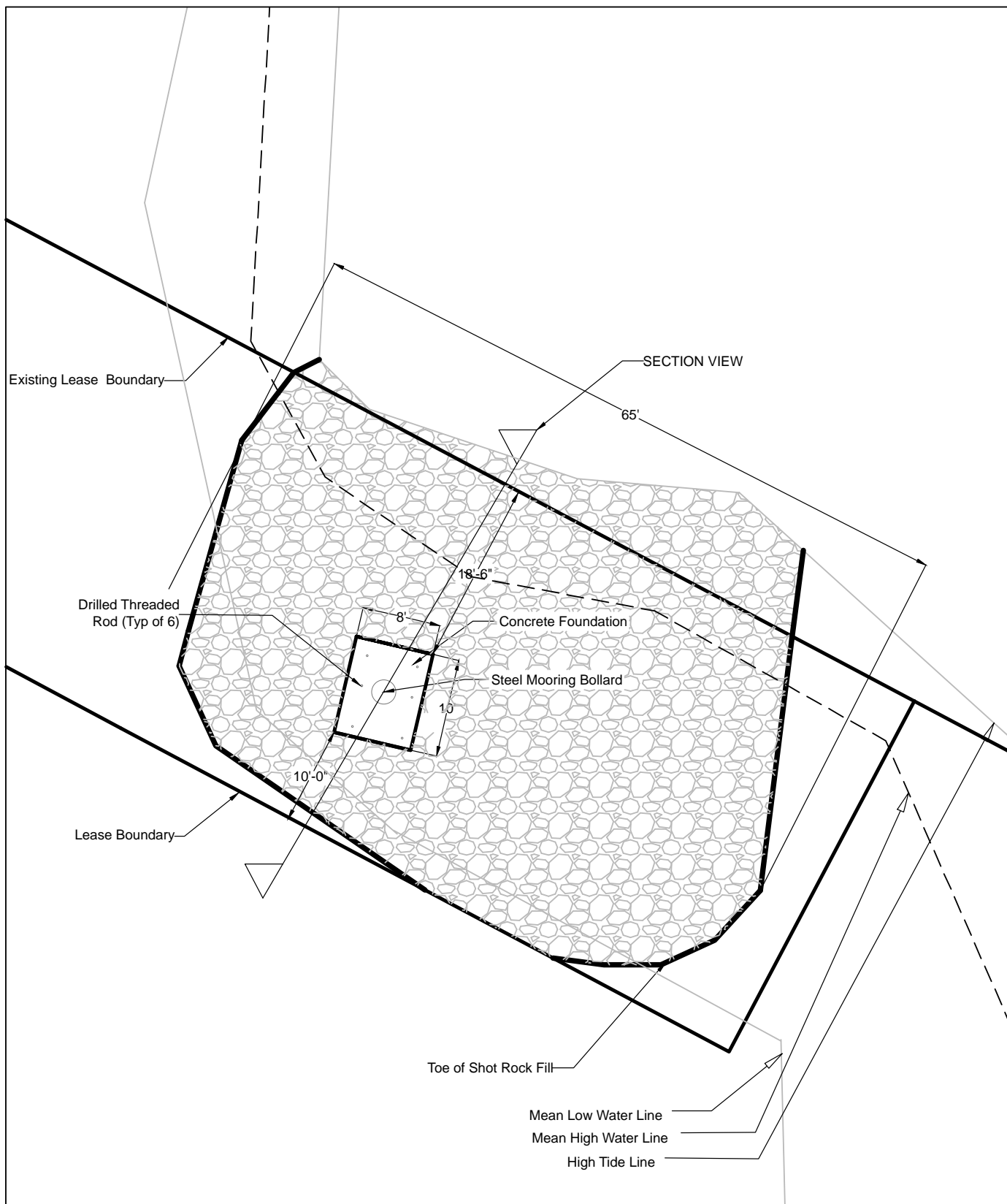
Application By
Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'
MHW: 9.1'
HTL: 12.7'
Lat: 57° 06' 55"
Lon: 135° 23' 34"

Revision:
Date: 8-1-2018

Sheet 2 of 4



Purpose: Place Fill and Install New Shore
Bollard for Deep Water Dock

Sec: 9 Township: 55 South, Range: 63 East

Copper River Meridian

Location: Sitka Sound

Local Government: City and Borough of Sitka, Alaska

Datum: 0.0' M.L.L.W

Old Sitka Dock South Shore Bollard

PLAN VIEW

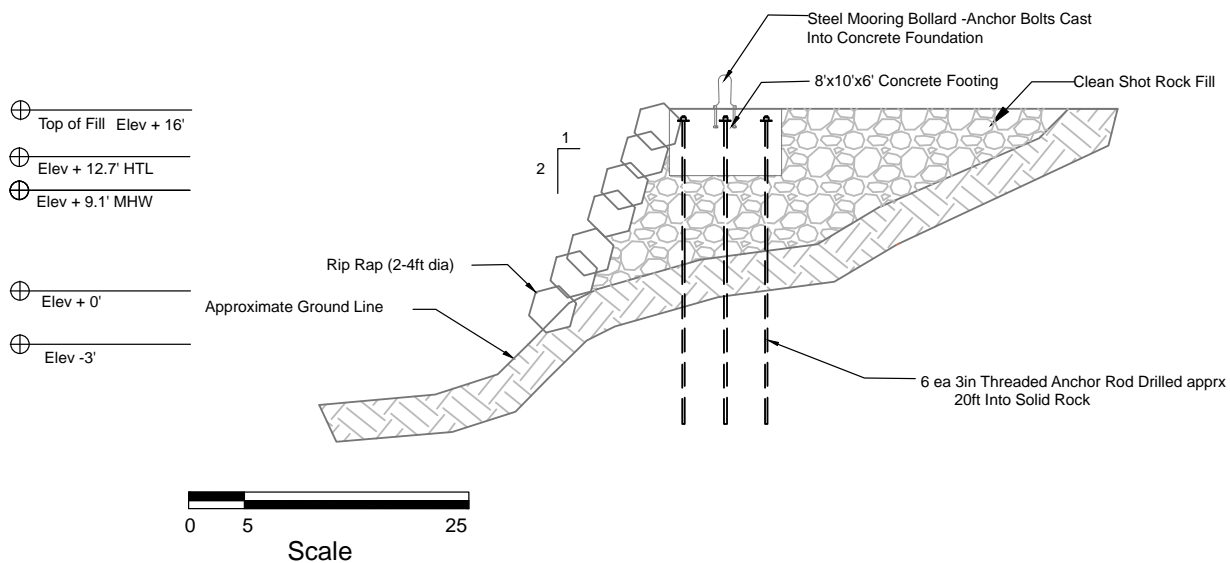
Application By
Halibut Point Marine Services

Sitka, AK 99835

MLLW: 0.0'
MHW: 9.1'
HTL: 12.7'
Lat 57 06' 55"
Lon 135 23' 34"

Revision:
Date: 8-1-2018

Sheet 3 of 4



<p>Purpose: Place Fill and Install New Shore Bollard for Deep Water Dock</p> <p>Sec: 9 Township: 55 South, Range: 63 East</p> <p>Copper River Meridian</p> <p>Location: Sitka Sound</p> <p>Local Government: City and Borough of Sitka, Alaska</p> <p>Datum: 0.0' M.L.L.W</p>	<p>Old Sitka Dock</p> <p>South Shore Bollard</p> <p>SECTION VIEW</p> <p>Application By Halibut Point Marine Services</p> <p>Sitka, AK 99835</p>	<p>MLLW: 0.0'</p> <p>MHW: 9.1'</p> <p>HTL: 12.7'</p> <p>Lat 57 06' 55"</p> <p>Lon 135 23' 34"</p> <p>Revision:</p> <p>Date: 8-1-2018</p> <p>Sheet 4 of 4</p>
---	--	--