



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:	May 10, 2018
EXPIRATION DATE:	June 8, 2018
REFERENCE NUMBER:	POA-2012-00097
WATERWAY:	Kachemak 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 (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 Gray at (907) 753-2722, or by email at Andrew.a.gray@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Homer, Carey Meyer; City Engineer

LOCATION: The project site is located within Section 22, T. 6 S., R. 13 W., Seward Meridian; USGS Quad Map Seldovia C-4; Latitude 59.6087° N., Longitude 151.4343° W.; off Homer Spit Road in Homer, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Kachemak Bay National Estuarine Research Reserve and the Kachemak Bay Critical Habitat Area

PURPOSE: The applicant's stated purpose is to provide a mooring facility for barges and staging of vessels preparing to enter the haul-out facility located above the High Tide Line (HTL).

PROPOSED WORK: The applicant proposed to drive 19 steel piles below the Mean High Water (MHW) of Kachemak Bay, 17.3' above the 0.0' contour, to create a staging area for vessels preparing to enter a proposed haul-out facility located above the High Tide Line (HTL). Five 48-inch piles would be driven to a depth of 55' below the 0.0' contour to create one staging area, and fourteen 36-inch piles would be driven to a depth of 55' below the 0.0' contour to create an additional adjacent staging area. All piles would be 0.5-inch wall thick galvanized steel, and would be filled with 2000 PSI concrete.

As part of the upland facilities, a storm water drain system needs to be constructed to direct water from five concrete wash-down pads. The outfall for this drain would be located below the HTL of Kachemak Bay, and would involve the discharge of 30 cubic yards of rip-rap over 500 square feet.

There are two options regarding timing of the proposed work. The first option includes pile driving occurring between September 1, 2018, and October 31, 2018, and storm drain construction between September 15, 2018 and October 15, 2018; and the second option includes pile driving from March 1, 2018 and April 15, 2018, and storm drain construction between April 1, 2018 and April 15, 2018.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated April 29, 2018.

ADDITIONAL INFORMATION: A NPDES Section 402 permit will be required from Alaska Department of Environmental Conservation for the storm water outfall.

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: Impacts from the construction of the storm water outfall are unavoidable as the rip-rap is required to protect the outfall pipe.

b. Minimization: Impacts have been minimized by combining drain pipe in the uplands which results in a single outfall pipe being located in waters of the U.S.

c. Compensatory Mitigation: Mitigation is not proposed.

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 cross-sectional foot print of the proposed piles, the footprint of the rip-rap at the drain-outfall, and those upland areas proposed to be developed with the associated construction of the wash down pads. 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: We have determined the described activity may affect the Steller Sea Lion (*Eumetopias jubatus*), Cook Inlet Beluga whale (*Delphinapterus leucas*) and its designated critical habitat, Fin whale (*Balaenoptera physalus*), Mexico and WNP DPS - Humpback whale (*Megaptera novaeangliae*), and Steller's Eider (*Polysticta stelleri*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and 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 pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), chinook salmon, (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), flathead sole (*Hippoglossoides elassodon*), sculpins (*Cottidae*), pacific cod (*Gadus macrocephalus*), and skates (*Rajidae*).

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
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

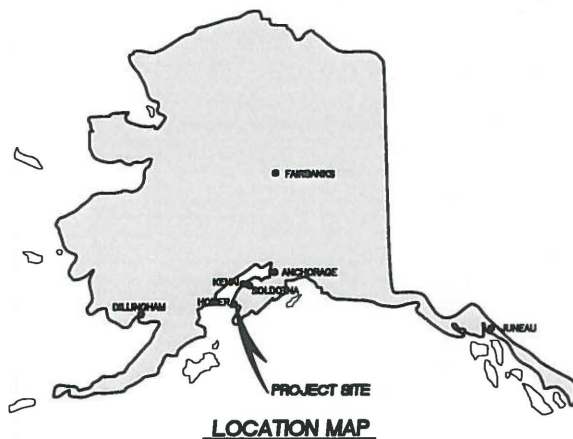
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2012-00097, Kachemak 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.



CITY COUNCIL MEMBERS

DONNA ADERHOLD
SHELLEY ERICKSON
RACHEL LORD
HEATH SMITH
TOM STROOZAS
CAROLINE VENUTI

MAYOR

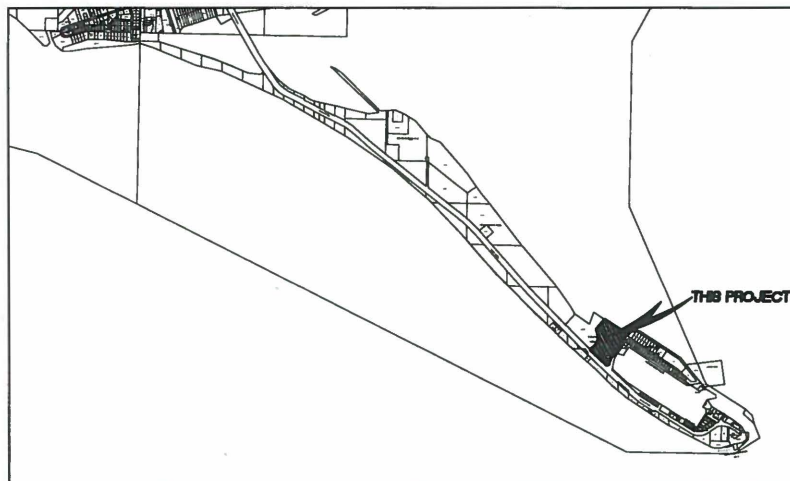
BRYAN ZAK

CITY MANAGER

KATIE KOESTER

PUBLIC WORKS DIRECTOR

CAREY S. MEYER, P.E.



VICINITY MAP
SCALE: NOT TO SCALE



DRAWING INDEX

DRAWING	SHEET
TITLE SHEET AND LOCATION MAP	C1
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UTILITY PLAN	C4
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FOR PERMIT
REVIEW

NO.	REVISION	DATE

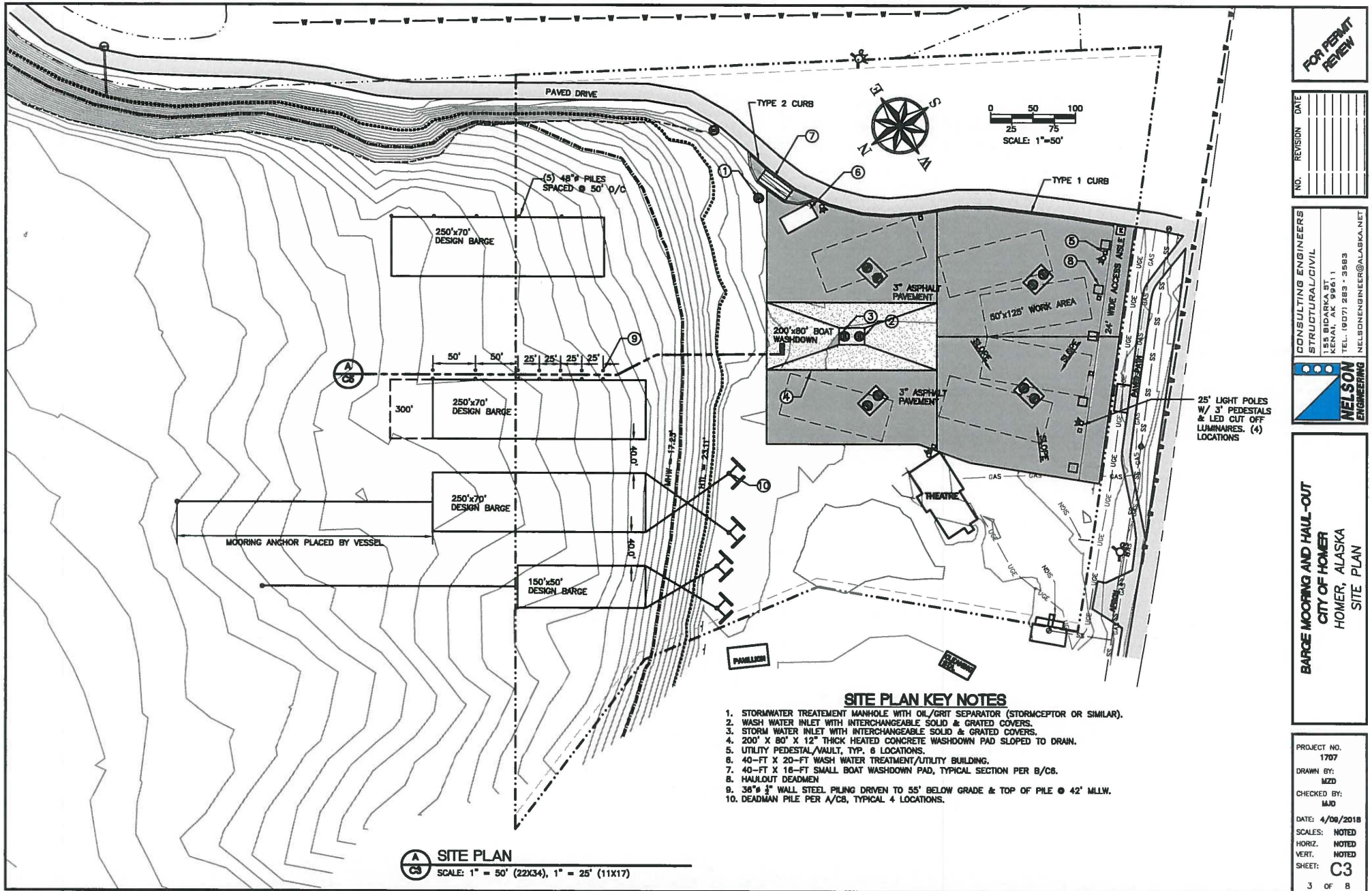
CONSULTING ENGINEERS
STRUCTURAL/CIVIL
155 BIDAKA ST.
KENAI, AK 99511
TEL. (907) 283-3583
NELSONENGINEER@ALASKA.NET



BARGE MOORING AND HAUL-OUT
CITY OF HOMER
HOMER, ALASKA
TITLE SHEET AND LOCATION MAP

PROJECT NO.
1707
DRAWN BY:
MZD
CHECKED BY:
MAJ
DATE: 4/08/2018
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: C1





FOR PERMIT
REVIEW

NO.	REVISION	DATE

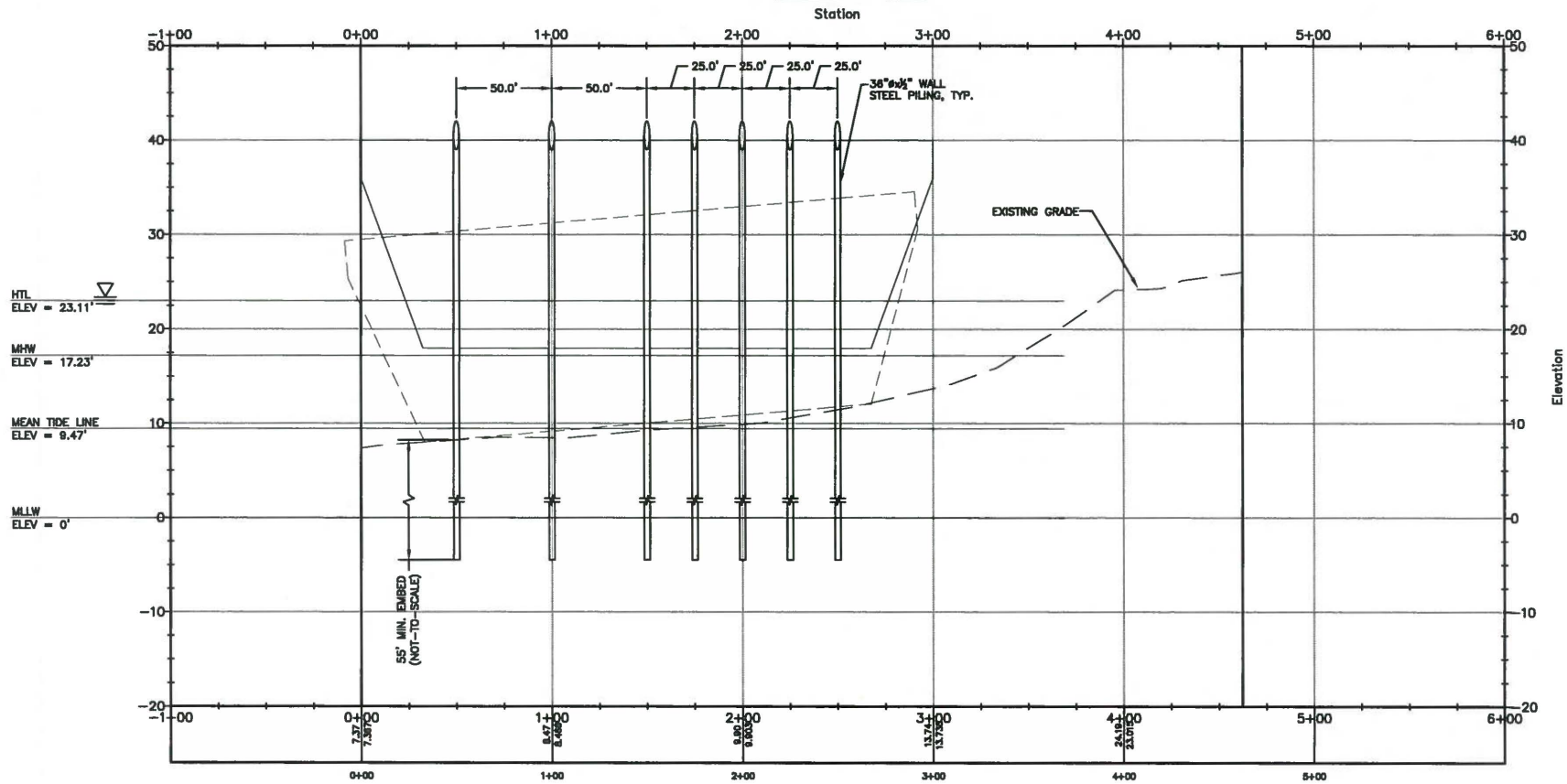
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NELSON
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BARGE MOORING AND HULL-OUT
CITY OF HOMER
HOMER, ALASKA
SITE SECTION - PILING

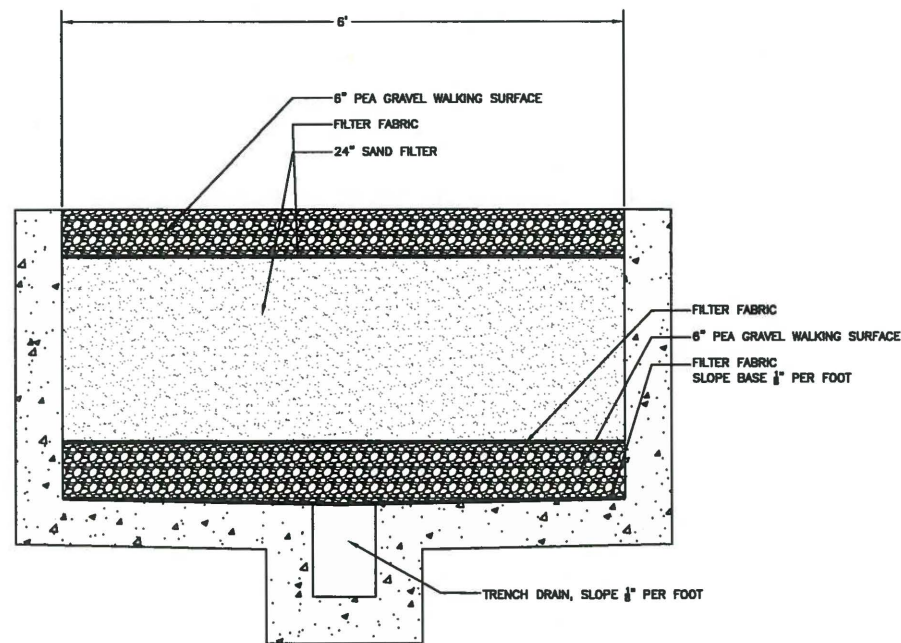
PROJECT NO.
1707
DRAWN BY:
MZD
CHECKED BY:
MAJ
DATE: 4/08/2018
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET:
C5
5 OF 8

PILING PROFILE

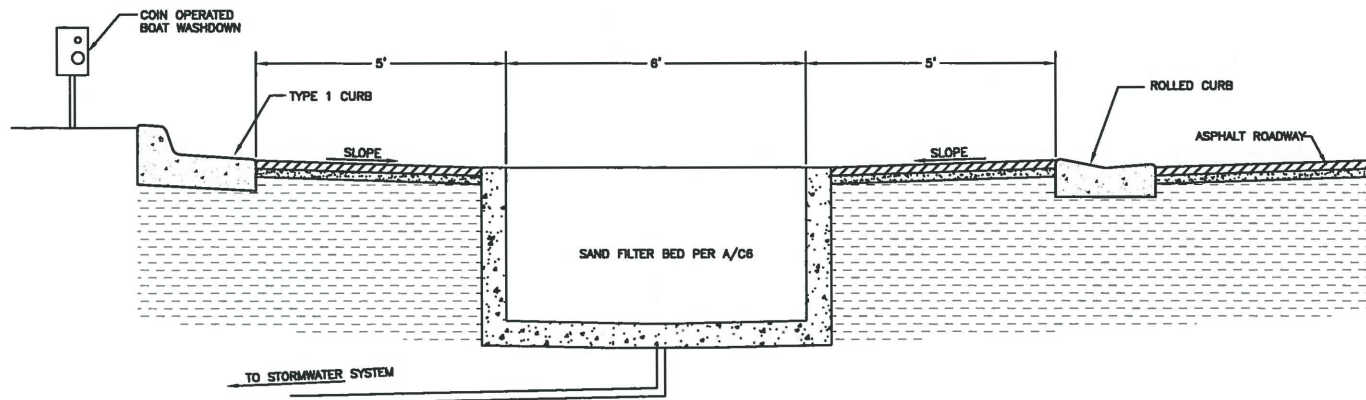


SITE SECTION • PILING

SCALE: 1" = 30' (22X34), 1" = 15' (11X17), VERTICAL SCALE EXAGGERATION = 5x



A
C6 **SMALL BOAT WASHDOWN SAND FILTER BED**
GRAPHIC SCALE: NTS



B
C6 **TYPICAL SMALL BOAT WASHDOWN SECTION**
GRAPHIC SCALE: NTS

FOR PERMIT REVIEW

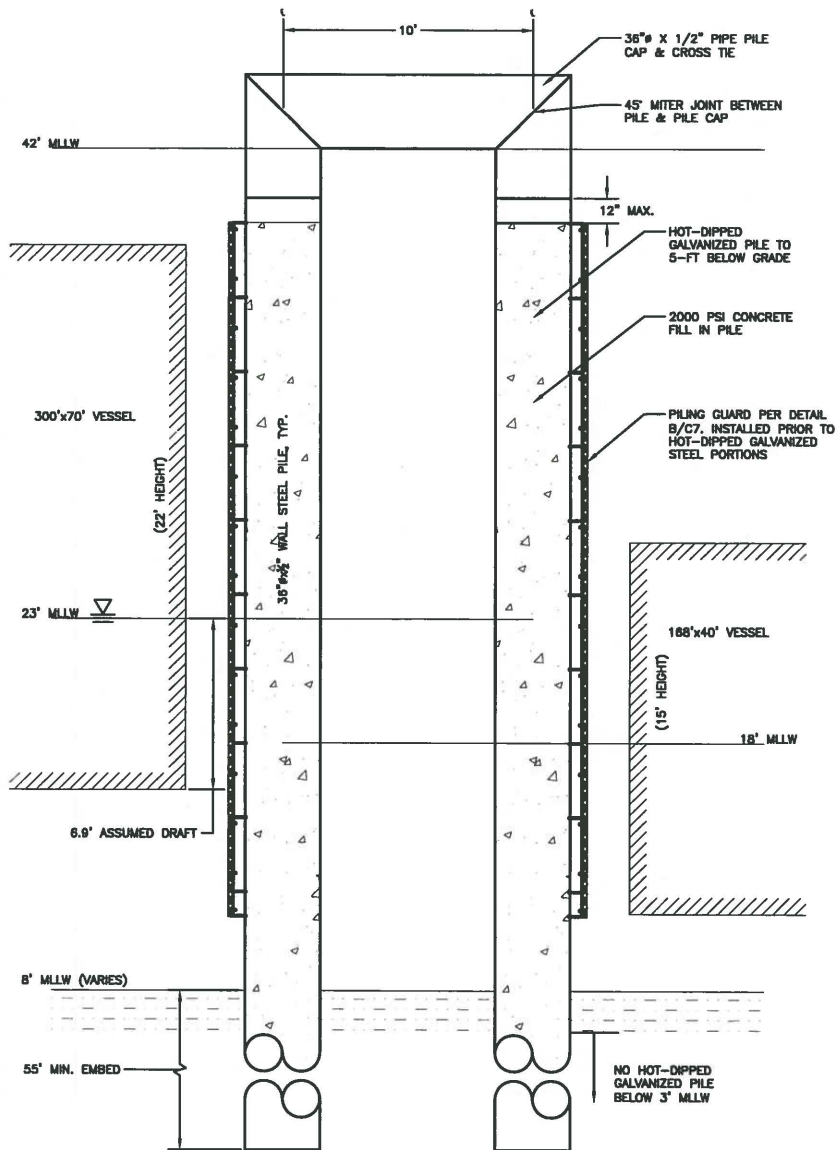
NO.	REVISION	DATE

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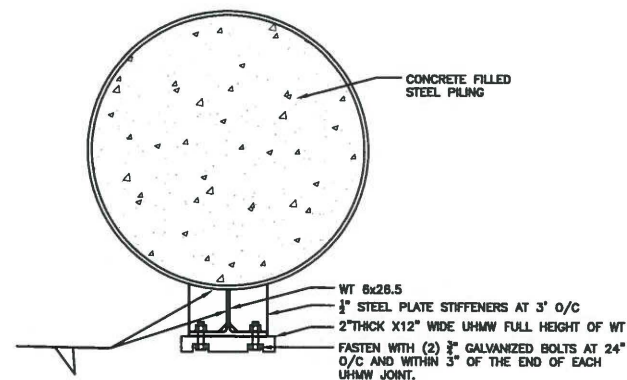


BARGE MOORING AND HAUL-OUT
CITY OF HOMER
HOMER, ALASKA
SMALL BOAT WASHDOWN SECTION

PROJECT NO.
1707
DRAWN BY:
MZD
CHECKED BY:
MZD
DATE: 4/08/2018
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: **C6**



A
C7 TYPICAL PILING SECTION
GRAPHIC SCALE: NTS



B
C7 TYPICAL PILING GUARD
GRAPHIC SCALE: NTS

FOR PERMIT
REVIEW

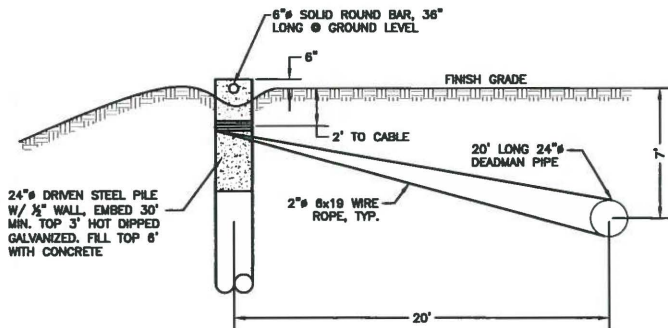
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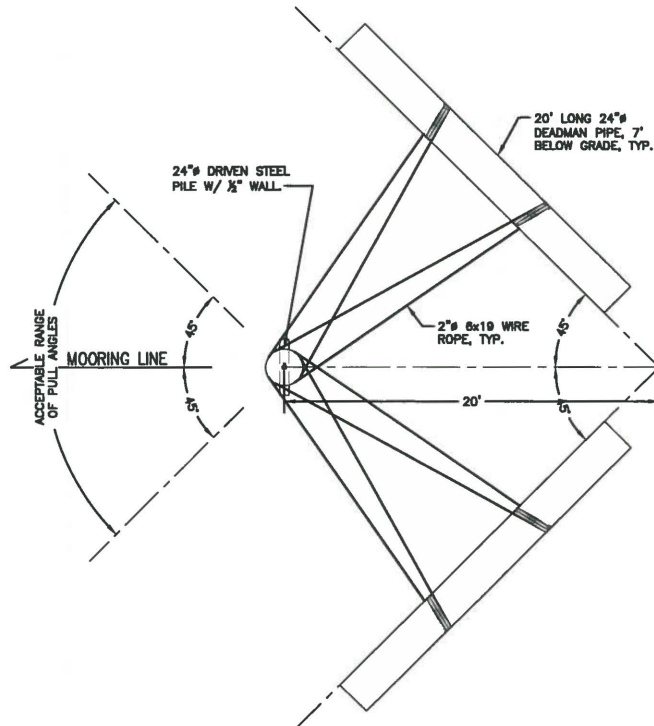
NELSON
ENGINEERING

BARGE MOORING AND HALL-OUT
CITY OF HOMER
HOMER, ALASKA
TYPICAL DETAILS

PROJECT NO.
1707
DRAWN BY:
MZD
CHECKED BY:
LMD
DATE: 4/06/2018
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: **C7**



SECTION 'A-A'



PLAN

TYPICAL DEADMAN PILE
GRAPHIC SCALE: NTS

FOR PERMIT
REVIEW

NO.	REVISION	DATE

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BARGE MOORING AND HULL-OUT
CITY OF HOMER
HOMER, ALASKA
TYPICAL DETAILS

PROJECT NO.
1707
DRAWN BY:
MZD
CHECKED BY:
MAD

DATE: 4/08/2018
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: C8

8 OF 8