



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	February 5, 2021
EXPIRATION DATE:	March 5, 2021
REFERENCE NUMBER:	POA-2020-00553
WATERWAY:	Latouche Passage

Interested parties are hereby notified that a Department of the Army (DA) 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 Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Estrella.f.campellone@usace.army.mil if further information is desired concerning this notice.

APPLICANT: David Burlingame, 3305 Arctic Blvd., Suite 201; Anchorage, Alaska 99503; Email: dburlingame@epsinc.com; Tel. (907) 646-5103.

AGENT: Michael Travis; Travis/Peterson Environmental Consulting, Inc. 3305 Arctic Blvd., Suite 102; Anchorage, Alaska 99503; Email: mtravis@tpeci.com; Tel. (907) 522-4337.

LOCATION: The project site is located within Section 33, T. 2 S., R. 9 E., Seward Meridian; USGS Quad Map Seward A-3; Latitude 60.0515° N., Longitude 147.9088° W.; Latouche Island Townsite Subdivision, Prince William Sound, 75 miles southeast of Whittier, Latouched Island, Alaska.

PURPOSE: The applicant's stated purpose is to construct a sheltered harbor and boat slips for recreational watercraft, which would improve access to the Latouche Island Townsite Subdivision by private landowners. The closest sheltered area is less than 2 miles away (Horseshoe Bay) in Horseshoe Bay State Marine Park, but this site lacks access to the Latouche Island Townsite Subdivision, hence, access involves chartering a commercial landing craft from Whittier.

PROPOSED WORK: Construction of a sheltered harbor comprising of the following components: 1) two seawalls located at the north and south end of the harbor; 2) a two-pronged float supported boat slip within the harbor; and 3) a 40-foot dock ramp connecting the floating boat slip with an anchored dock on land.

The project would be completed in three phases: 1) Drilling and blasting bedrock to -10 feet MSL depth for an estimated 3,000 cubic yards (CY) of bedrock; 2) Extraction of fractured cut rock to construct the north and south seawalls (constructed to plan specs and feature 1:1.3 slope); and 3) Drilling and anchoring of two 6-inch steel piers to a depth of -10 feet MSL followed by installation of the float-supported boat slip. The north seawall would require 2,810 CY of cut rock and would be constructed to an elevation of 20 feet mean sea level (MSL) and the south seawall would require 190 CY of cut rock and would be constructed to an elevation of 12 feet level (MSL). A qualified explosive-handler would drill and blast bedrock within an approximately 5,400 square foot area to an elevation of -10 feet below mean sea level (MSL) elevation. All blasting and excavation would occur during low tides (-3.00 to -3.49-feet MSL) between April 27-29, or May 23-June 3, 2021, (+0.35 to -3.96-feet MSL).

All work would be performed in accordance with the enclosed plan (sheet 1 dated December 11, 2020, and sheets 2-3, dated January 7, 2021).

ADDITIONAL INFORMATION: National Marine Fisheries Service (NMFS) Essential Fish Habitat (EFH) consultation, NMFS Endangered Species Act (ESA) consultation, and request for a Water Quality Certification pending.

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: This project avoids impacts to waters of the U.S. by using blasting in an area that dries out during low tides. Only one blast would occur in-water conditions. This proposed technique would ensure that overall impact to marine life within Latouche Passage is minimized. Additionally, potential impacts to navigation would be minimized by designing a harbor layout and selecting a location on Latouche Island that would not interfere with Horseshoe Bay State Marine Park (less than 2 miles away). Any dredged material not used in the construction of the wall would be placed in uplands.

b. Minimization: The construction of the two seawalls (north and south) would create a harbor within a rocky inter-tidal zone at Powder Point on Latouche Island. By design, construction involve filling waters of the U.S., however, unavoidable impacts have been minimized by limiting the size of the harbor and associated dock system to a maximum capacity of three recreational watercrafts. Since blasting would occur during periods of seasonally low tides, only one blast would occur in-water conditions (only 5-feet deep).

c. Compensatory Mitigation: The applicant considers that compensatory mitigation should not be required for this project because it would involve filling a small area (0.22-acre) of marine waters of the U.S. located in an infrequently trafficked remote area of Prince William Sound. Additionally, the proposed harbor would provide a valuable service to property owners within the Latouche Island Townsite Subdivision by significantly improving access to their properties.

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 project and immediately adjacent areas. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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 of Engineers (Corps) is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the endangered Western Distinct Population Segment (DPS) Steller sea lion (*Eumetopias jubatus*), designated Steller sea lion critical habitat, the Western North Pacific DPS humpback whale (*Megaptera novaeangliae*), and the threatened Mexico DPS humpback whale (*Megaptera Novaeangliae*) and within its proposed critical habitat.

We have determined that the described activity may affect the endangered Western DPS Steller sea lion and/or its designated critical habitat, the Western North Pacific DPS humpback whale and the threatened Mexico DPS humpback whale and/or its proposed critical habitat. We will initiate the appropriate consultation procedures under section 7 of the ESA with the 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 EFH.

The project area is within the known range of all five species of Pacific salmon: chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and chinook salmon (*Oncorhynchus tshawytscha*) Stream AWC Code: 226-40-16772, which provides spawning habitat to pink salmon, is at approximately 1,600 feet from the proposed project site.

The project site is in designated EFH for pink salmon and coho salmon in both juvenile and mature life stages, sockeye salmon and chum salmon in juvenile, immature, and mature life stages, and chinook in the immature life stage. Several salmon hatcheries are located in Prince William Sound with the Armin F. Koernig (AFK) hatchery being the closest to the project site. Owned and operated by the Prince William Sound Aquaculture Corporation (PWSAC), the AFK hatchery is located in Sawmill Bay, on Evans Island approximately 5.5 miles due west of the project site. According to PWSAC, the AFK hatchery is permitted to collect 190 million pink salmon eggs per year. Pink salmon fries are subsequently released into Sawmill Bay on a seasonal basis.

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 NMFS may have concerning EFH 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 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 U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the U.S. – 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

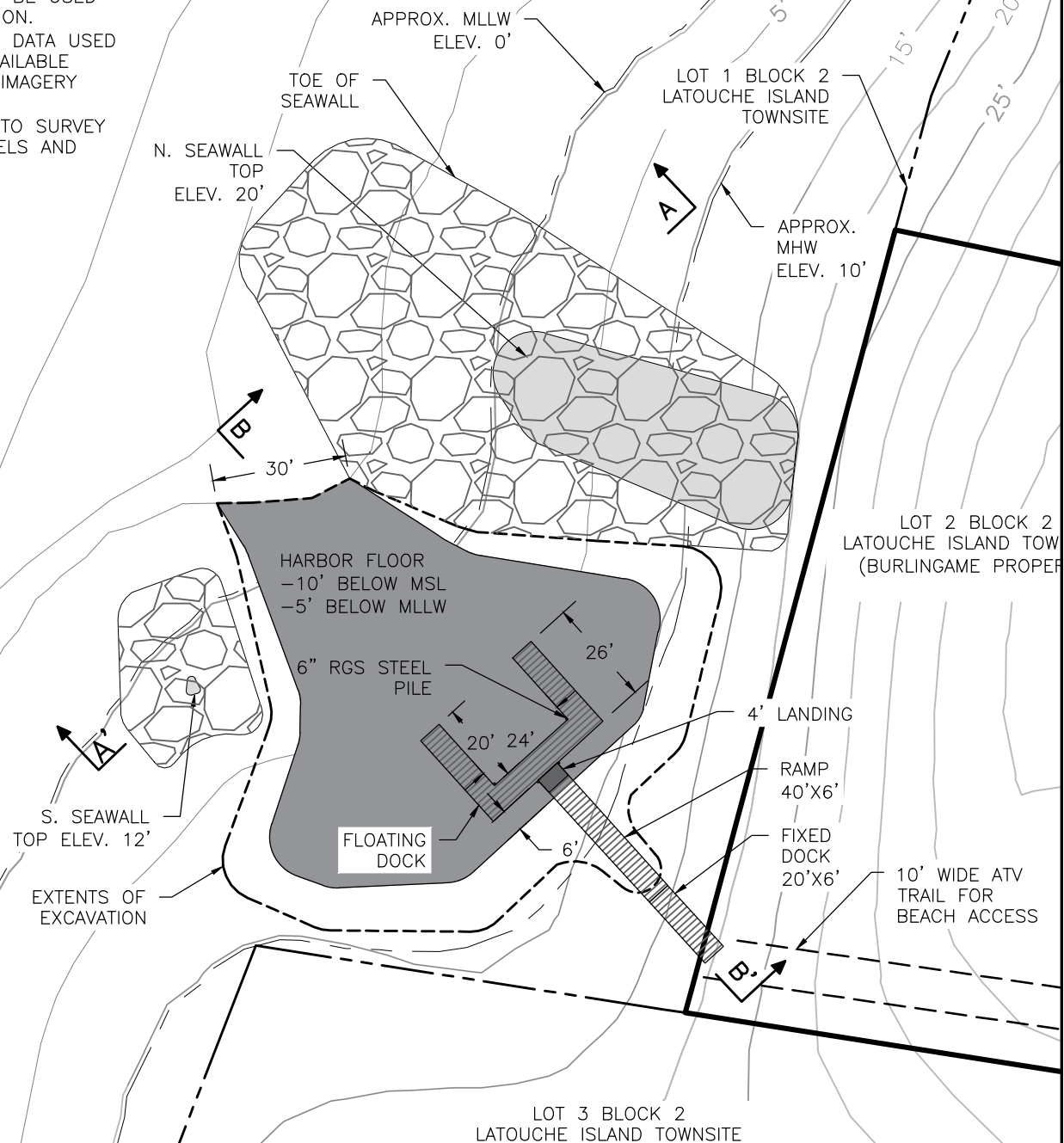
Enclosure

NOTES:

1. CONTOUR LINES WERE DEVELOPED FROM PUBLICLY AVAILABLE STATE OF ALASKA IFSAR DATA.
2. CONTOURS BELOW, AND INCLUDING, 0' ELEV. HAVE BEEN INTERPOLATED BASED ON EXISTING IMAGERY AND ELEVATION DATA.
3. APPROX. MATERIAL TO BE EXCAVATED IS 3,000 CYDS. N. SEAWALL TO REQUIRE APPROX. 2,810 CYDS. S. SEAWALL TO REQUIRE APPROX. 190 CYDS. ALL EXCAVATED MATERIAL TO BE USED IN SEAWALL CONSTRUCTION.
4. IMAGERY AND ELEVATION DATA USED ARE FROM PUBLICLY AVAILABLE SOURCES; ESRI WORLD IMAGERY AND STATE OF ALASKA.
5. FINAL DESIGN SUBJECT TO SURVEY TO ESTABLISH TIDE LEVELS AND BATHYMETRY.



1" = 40'



PREPARED BY: RECON LLC
565 W. RECON CIR.
PALMER, AK 99645

POWDER POINT HARBOR
SEC. 33, T.2S., R9E., SM

DRAFT

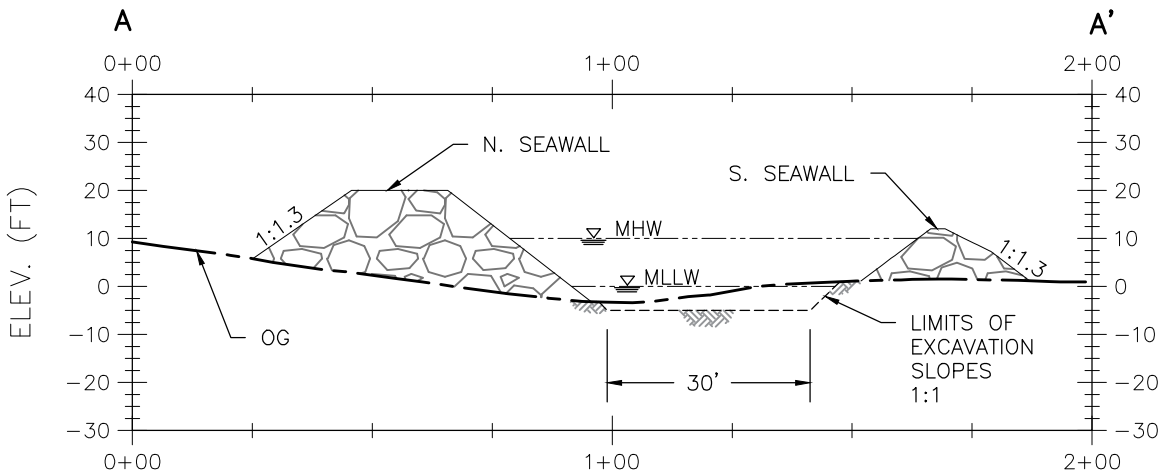
APPLICANT: DAVE BURLINGAME
3305 ARCTIC BLVD. SUITE 201
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1/7/2021

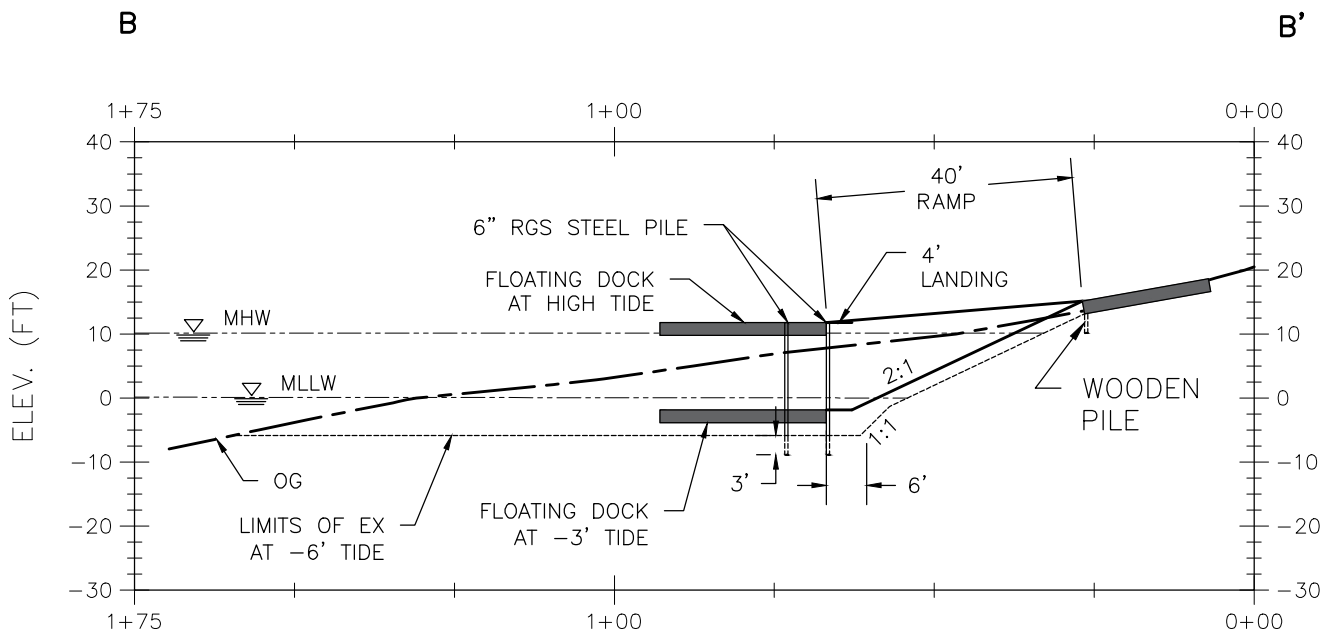
ACAD FILE: Burlingame_Harbor.dwg

8.5" x 11"

SHEET 2 OF 3



1" = 40'



1" = 30'

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POWDER POINT HARBOR
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SHEET 3 OF 3

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