



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:	September 13, 2021
EXPIRATION DATE:	October 11, 2021
REFERENCE NUMBER:	POA-2015-00197-M2
WATERWAY:	Portage Cove

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 at: Benjamin.L.Polley@usace.army.mil. All comments should include the PN reference number listed above and 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 Mr. Polley by email or at 907-753-2627 if further information is desired concerning this notice.

APPLICANT: Front Street LLC, Mr. Greg Schlachter, PO Box 1129, Haines, AK 99827

LOCATION: The project site is located within Section 35, T. 30 S., R. 59 E., Copper River Meridian; USGS Quad Map Skagway A-2; Haines Townsite, Front Street Subdivision 2, Lot 3, Haines Borough, near the intersection of Front Street and Union Street, in Haines, Alaska

PURPOSE: The applicant's stated purpose is to address the need for upland marine vessel storage in Haines and to provide close proximity vessel storage for the marine repair facility on Lot 2, Front Street.

PROPOSED WORK: To discharge 13,000 cubic yards of 12-inch minus and 800 cubic yards of coarse shot rock into 0.61 acres below the High Tide Line (HTL, +21.2 feet above the 0.00-foot contour) of Portage Cove, a navigable water of the U.S., for the purpose of expanding a currently existing pad for upland marine vessel storage and maintenance. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated April 28, 2021.

ADDITIONAL INFORMATION: The applicant reports that a Conditional Use Permit from the Haines Borough was applied for in September 2020 and received in March 2021.

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 applicant states that proximity to Haines Small Boat Harbor and the new marine facility on Lot 2 Front Street is integral to a well-functioning boat storage yard; that there is very little privately owned property in close proximity to the Haines Harbor; and that there is no appropriate property for sale within a 1 mile radius of the proposed marine facility that would be suitable for boat storage.

b. Minimization measures listed in the application:

- The applicant states that they have arranged a land exchange with neighboring parcels that this would reduce impacts to waters of the U.S. by 0.11 acres.
- Of the 0.61 acres of fill, approximately 0.09 acre will remain below the High Tide Line and will remain waters of the U.S. Only 0.52 acres will be converted from waters of the U.S. to upland.
- Erosion of the core fill (dredged material) will be mitigated by constructing a berm which will be placed around the perimeter of the core fill. The berm will be constructed using class I riprap as the inner lens with class III riprap as the outer lens (a total of 4 ft thick). This rock will contain the material from escaping the fill area. Depending upon the material encountered, if additional protection is necessary with use of a riprap liner, it will be provided/installed. A riprap liner will be available and on-site during construction.
- Armor rock, used in the rubble mound, has been known to improve marine habitat and will be the preferred alternative over concrete blocks or sheet pile construction.
- Work in waters of the U.S. will be conducted in accordance with the terms and conditions of the Corps of Engineers (Corps) permit.
- In order to minimize impacts to ESA-listed species and reduce turbidity and sedimentation surrounding construction, placement of armor rock and fill will occur during low tide to avoid in-water work.
- Armor rock used for the authorized work will be clean, free from pollution in toxic amounts. Armor rock will be free of fine sediments to the extent practicable, to reduce suspended material from entering the water column during tidal cycles.
- A Hazardous Materials Control plan (HCMP) for handling, storage, cleanup, and disposal of petroleum products and hazardous materials needed for the project. Front Street will provide and maintain a hazardous waste clean-up kit on-site at all times.

c. Compensatory Mitigation: The applicant does not propose compensatory mitigation. The applicant stated that

The 0.61 acres of intertidal area impacted by the project is unvegetated with sand and gravel bottom. The filled area is not a special aquatic site. The riprap used in the armor rock provides a medium for marine vegetation to grow, and interstitial spaces for migrating salmonids, thus creating 0.09 acres of high value marine habitat. Overall, only 0.52 acres of waters of the U.S. would be converted to upland.

Front Street LLC has worked diligently to avoid and minimize impacts to waters of the U.S. to the maximum extent practicable. We have organized a land exchange between multiple parties in order to co-locate the proposed project with existing operations and disturbance. We have reduced the overall impact to water of the U.S. by 15 percent and designed the project to provide interstitial spaces for migrating salmonids. We have agreed to perform construction activities during low tides in order to eliminate in-water work thereby greatly reducing impacts to turbidity and ESA-listed species. Due to the extensive avoidance and minimization activities and considering the area is not a special aquatic site and is located adjacent to Haines Harbor, Front Street is not proposing compensatory mitigation.

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 and within the vicinity of the permit area. We are currently gathering information regarding these cultural resources and have yet to make a determination of effect. Should we find that the described activity has the potential to affect historic properties, we will follow the appropriate course of action under Section 106 of the National Historic Preservation Act. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. Any comments 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae*), Short-tailed Albatross (*Phoebastria (=Diomedea) albatrus*), and Western Distinct Population Segment of Steller sea lions (*Eumetopias jubatus*).

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, or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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 known EFH for Pacific 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 NMFS 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 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 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

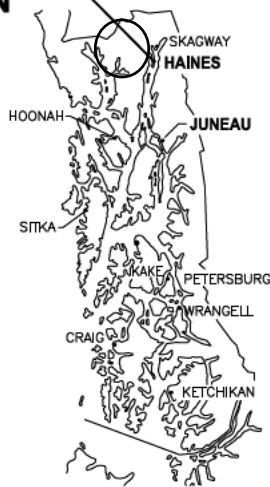
Enclosures

HAINES

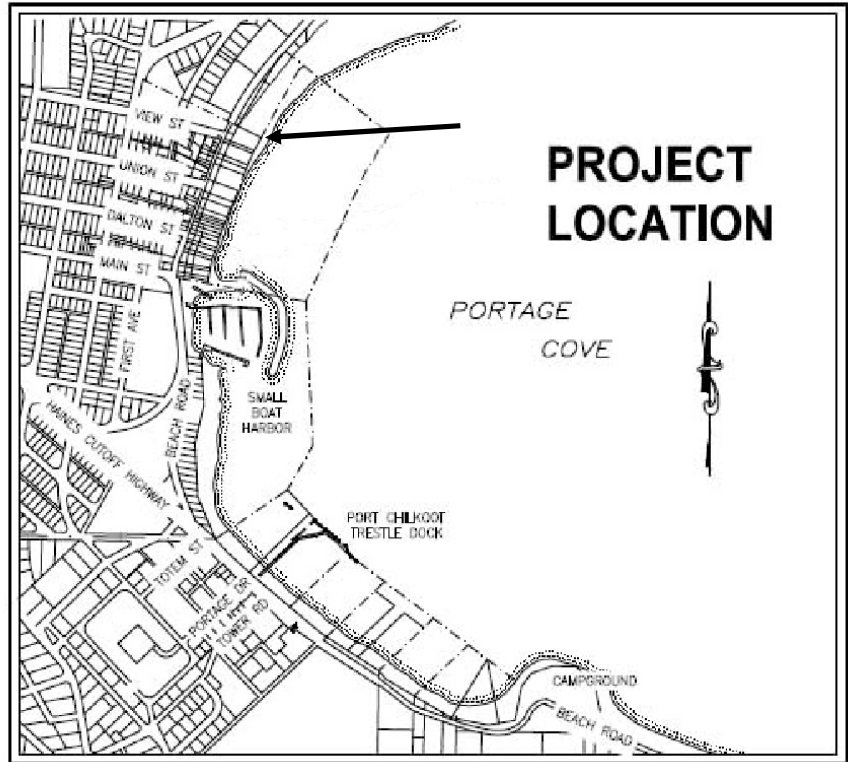


LOCATION MAP

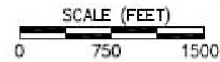
PROJECT LOCATION



SOUTHEAST ALASKA



VICINITY MAP



TIDAL DATA

HIGHEST OBSERVED WATER LEVEL (APPROX.) = 26.1 FEET

EXTREME HIGH WATER = 22.5 FEET

HIGH TIDE LINE = 21.2 FEET

MEAN HIGH WATER = 15.8 FEET

MEAN LOWER WATER = 1.6 FEET

MEAN LOWER LOW WATER = 0 FEET

MEAN LOWER LOW WATER (MLLW)

LOWEST OBSERVED WATER LEVEL (APPROX.) = -6.7 FEET

SOURCE: NOAA NOS/CO-OPS STATION ID: 9452400 SKAGWAY, ALASKA

Project Purpose:
Marine Vessel Storage Yard

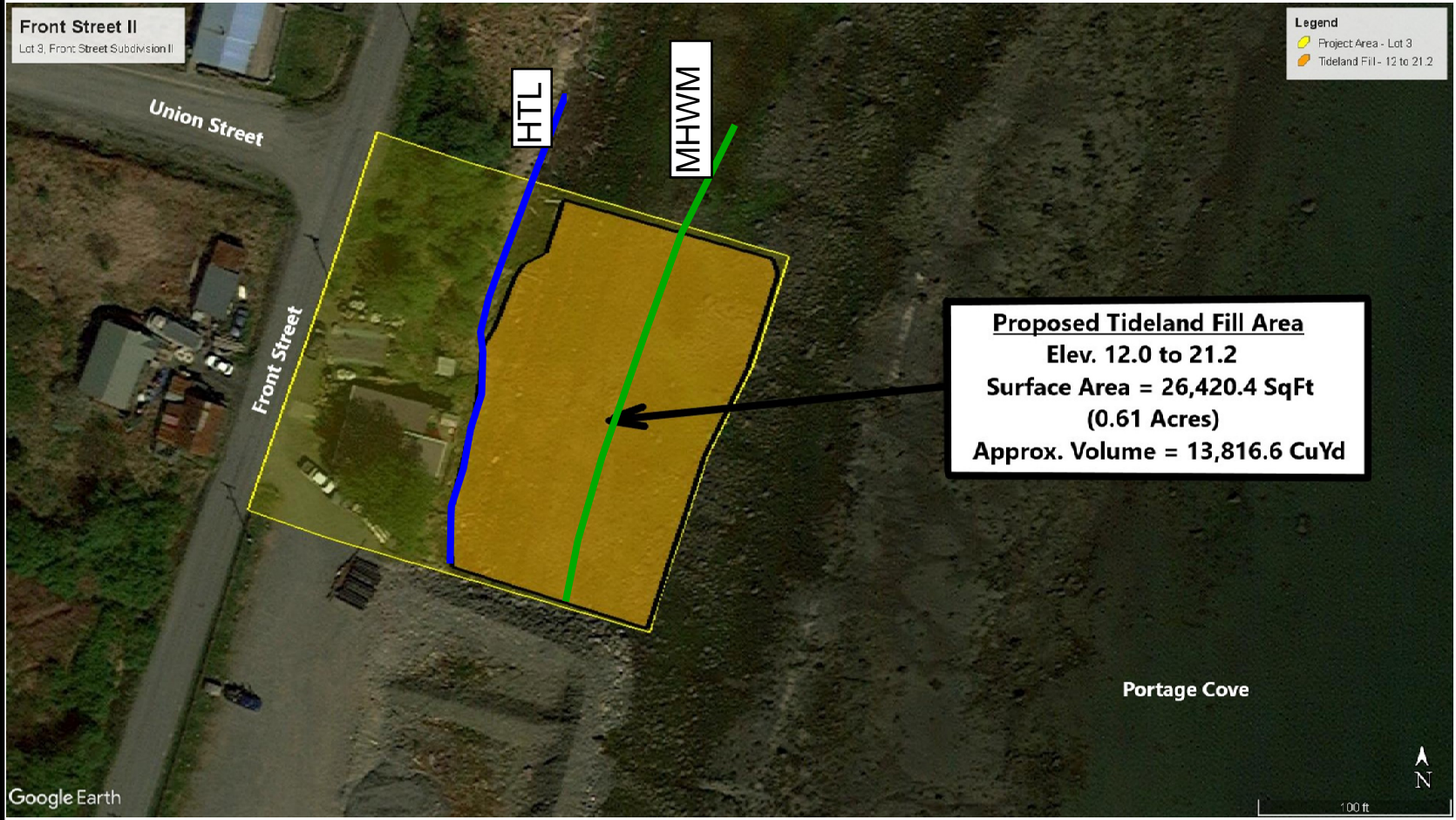
Adjacent Property Owners:
Hannon

Map of Project

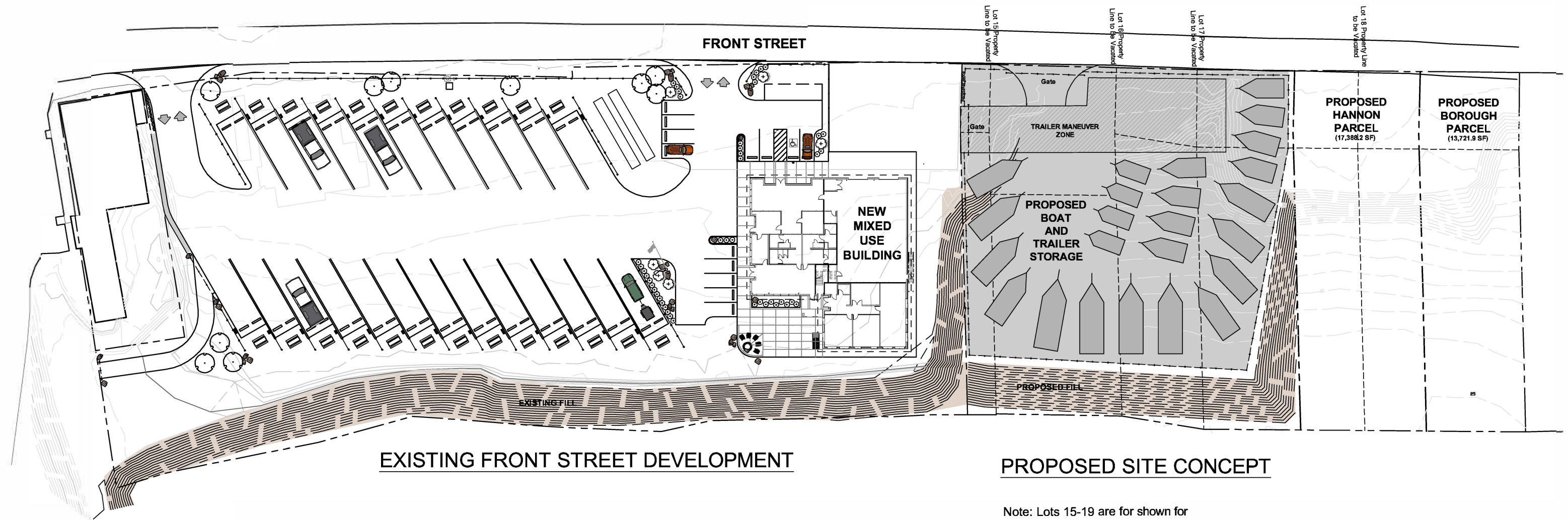
Application By:
Front Street LLC

Front Street II Project

At: Haines, Alaska
Located In: Portage Cove
Date: April 28, 2021
Page 1 of 8



Project Purpose: Marine Vessel Storage Yard	Aerial Site Photo	Front Street II Project At: Haines, Alaska Located In: Portage Cove Date: April 28, 2021 Page: 2 of 8
Adjacent Property Owners: Hannon	Application By: Front Street LLC	



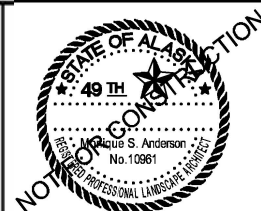
Note: Lots 15-19 are for shown for illustrative purposes (not surveyed).

At: Haines, Alaska
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0 30 60 90 feet
 SCALE: 1" = 30' at 22"x34"; 1" = 60' at 11"x17"



MONIQUE ANDERSON
 Landscape Architect
ANDERSON LAND PLANNING
 473 Katlian Street, #151A | PO Box 6078
 Sitka, AK 99835 :: 907-230-6003



MARK	DATE	DESCRIPTION	BY

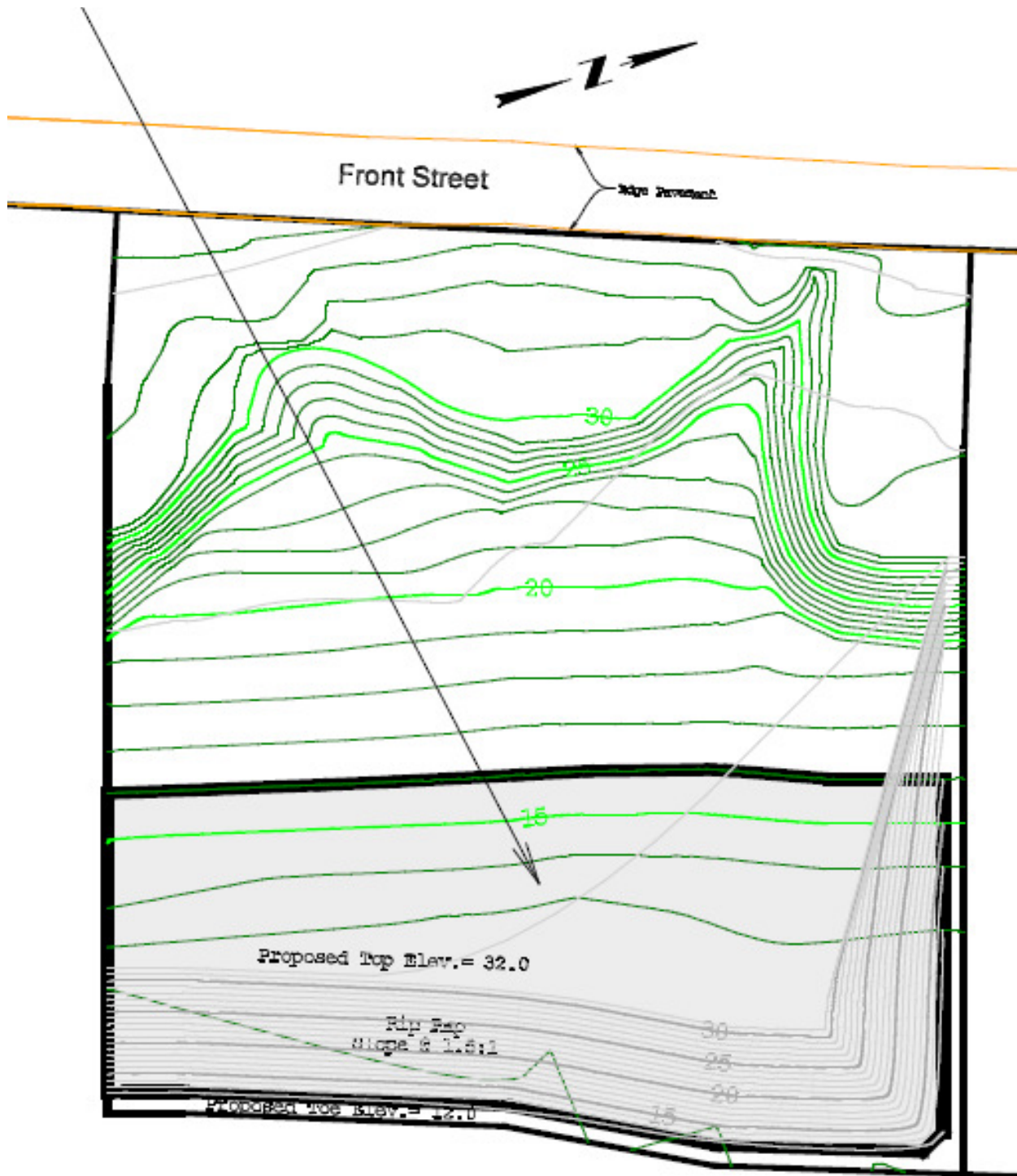
Front Street II Project

LOTS 15-19
PROPOSED SITE CONCEPT
SITE PLAN

Project No: HAN 1702
 Date: 03-0120
 Design/Drawn By: MA
 Checked By:
 Site Concept

AREA FILLED FROM 12.0' TO 15.8'

Surface Area = 16,483.5 Sq Ft (0.38 acres)



Adjacent Property: Front Street LLC, PO Box 1129, Haines, AK 99827

Adjacent Property: Timothy Hannon, PO Box 47, Haines, Alaska 99827

Project Purpose:
Marine Vessel Storage Yard

Adjacent Property Owners:
Hannon

Area Filled from 12.0' to 15.8'

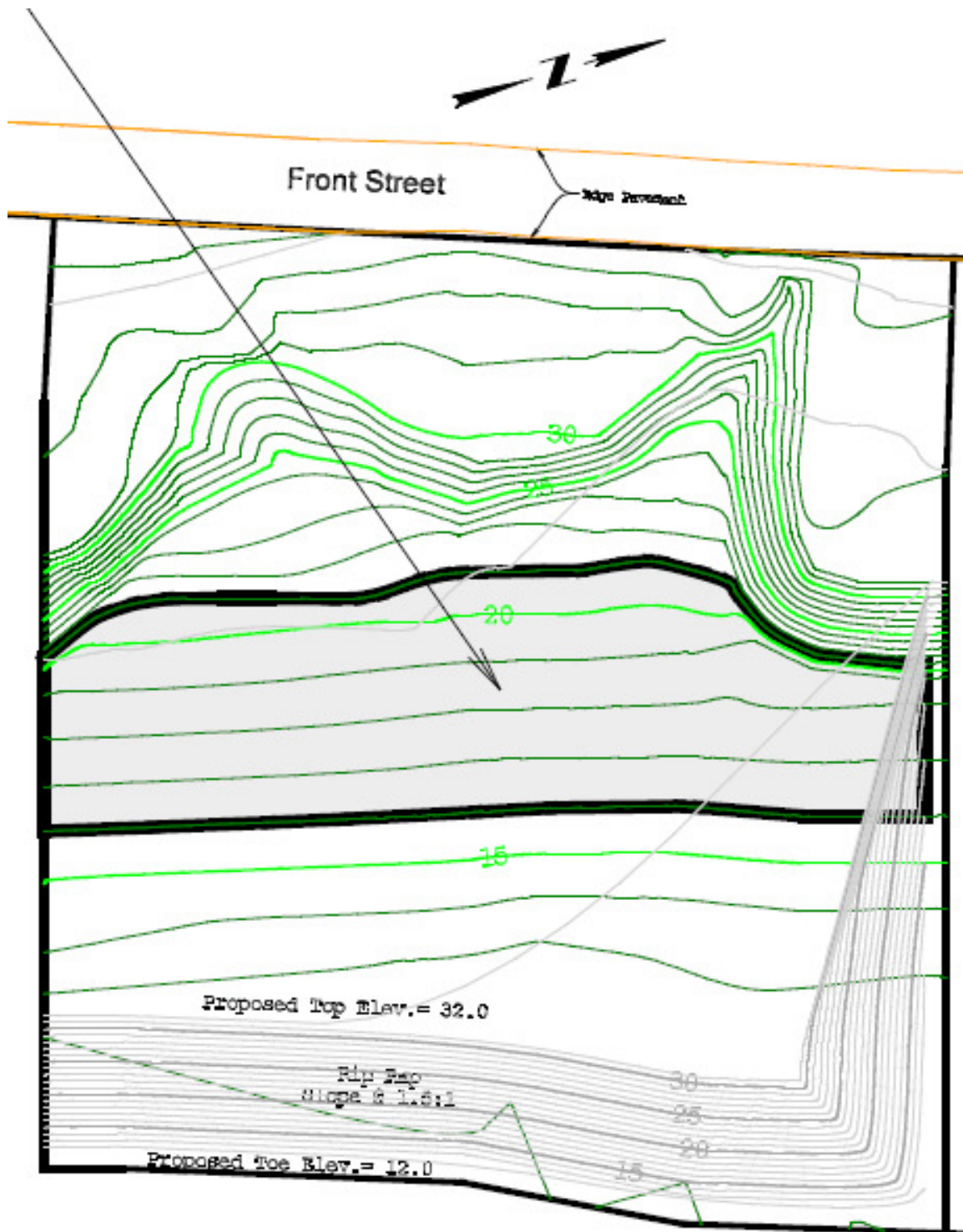
Application By:
Front Street LLC

Front Street II Project

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AREA FILLED FROM 15.8' to 21.2'

Surface Area = 9,937.3 Sq Ft (0.23 acres)



Adjacent Property: Front Street LLC, PO Box 1129, Haines, AK 99827

Adjacent Property: David & Carol Pahl, HC 60 Box 2818, Haines, Alaska 99827

Project Purpose:
Marine Vessel Storage Yard

Adjacent Property Owners:
Hannon

Area Filled from 15.8' to 21.2'

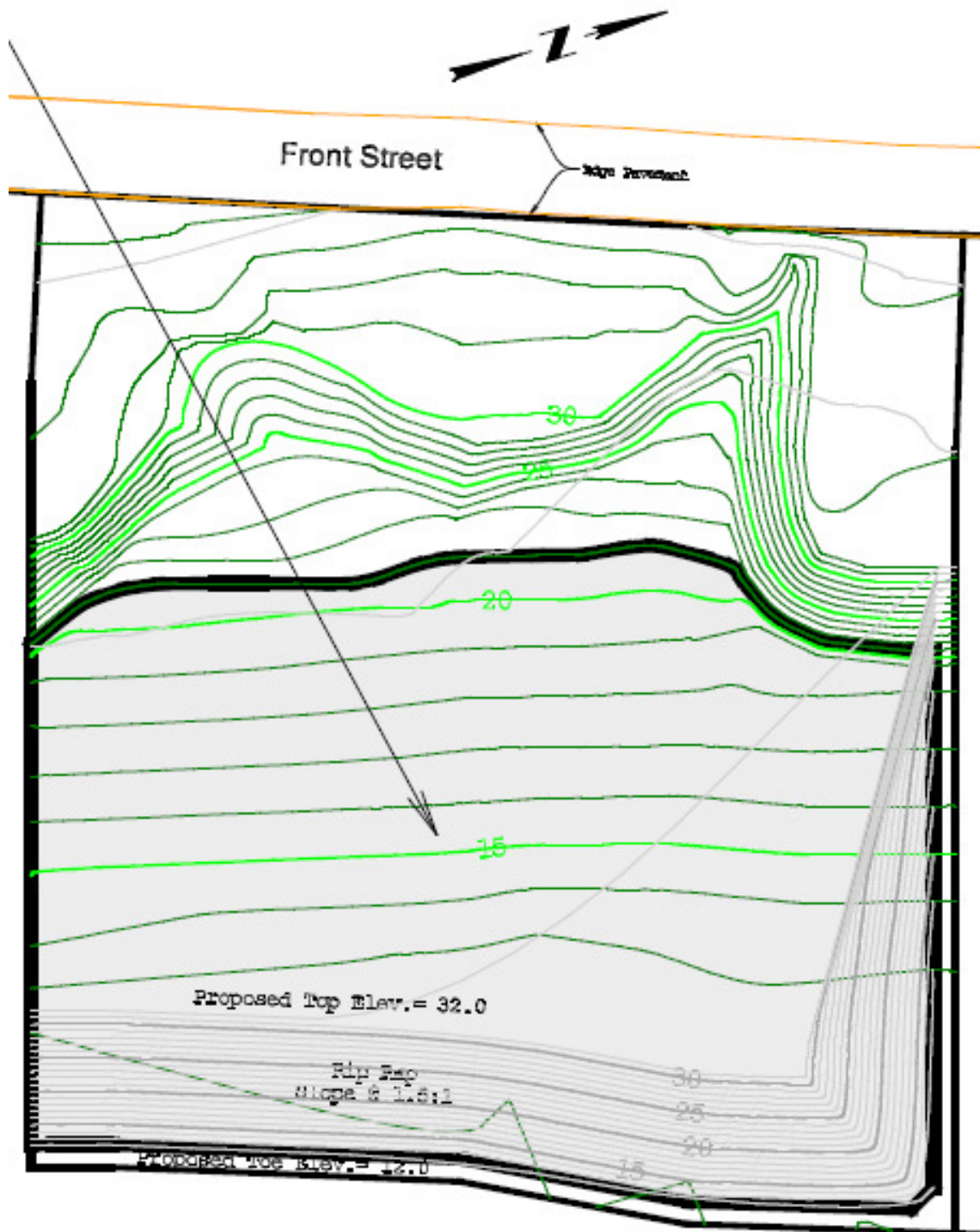
Application By:
Front Street LLC

Front Street II Project

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AREA FILLED FROM 12.0' to 21.2'

Surface Area = 26,420.4 Sq Ft (0.61 acres)



Adjacent Property: Front Street LLC, PO Box 1129, Haines, AK 99827

Adjacent Property: Timothy Hannon, PO Box 47, Haines, Alaska 99827

Project Purpose:
Marine Vessel Storage Yard

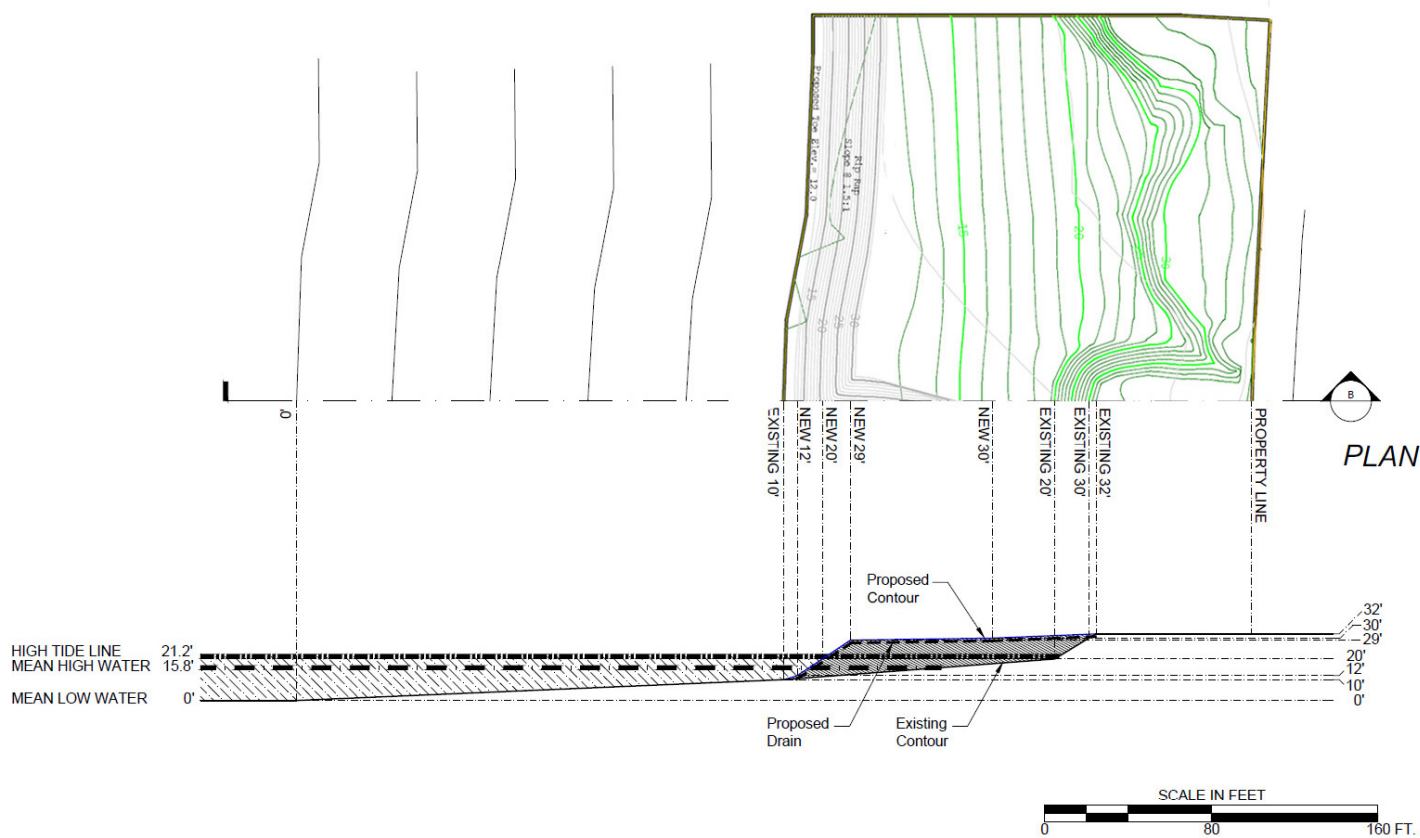
Adjacent Property Owners:
Hannon

Area Filled from 12.0' to 21.2'

Application By:
Front Street LLC

Front Street II Project

At: Haines, Alaska
Located In: Portage Cove
Date: April 28, 2021
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LEGEND

	HIGH TIDE LINE (21.2')
	MEAN HIGH WATER LINE (15.8')

Project Purpose:
Marine Vessel Storage Yard

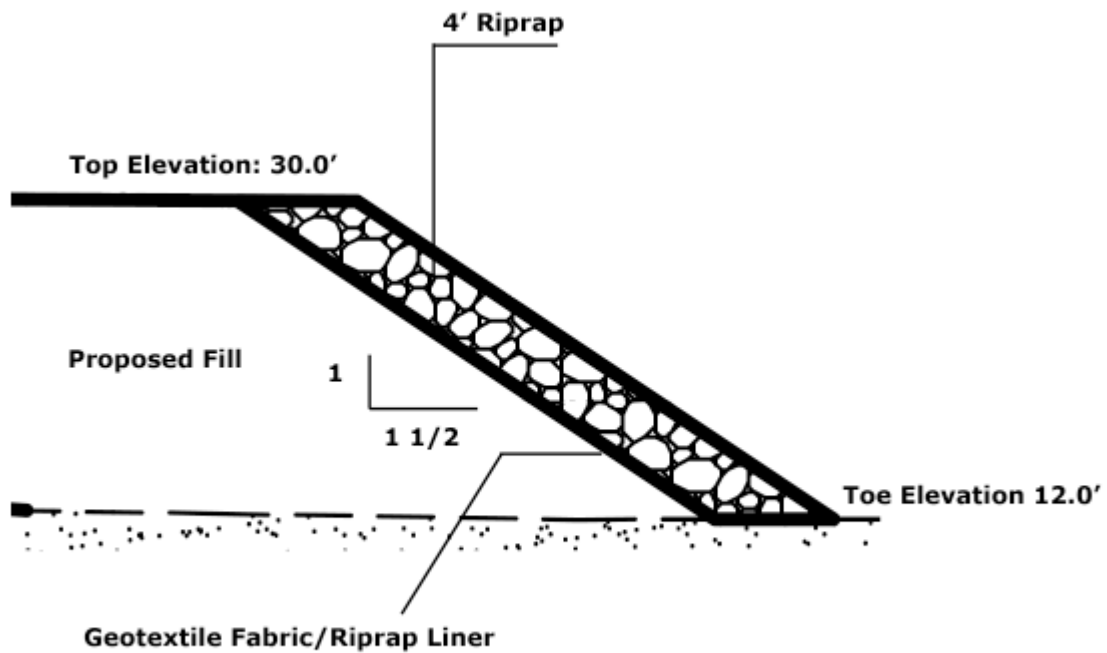
Adjacent Property Owners:
Hannon

Site Cross Section

Application By:
Front Street LLC

Front Street II Project

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Project Purpose:
Marine Vessel Storage Yard

Adjacent Property Owners:
Hannon

Typical Riprap Slope

Application By:
Front Street LLC

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