

US Army Corps of Engineers Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	November 14, 2023
EXPIRATION DATE:	November 30 , 2023
REFERENCE NUMBER:	POA-2023-00433
WATERWAY:	Sitka Harbor

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 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 Nicholas Baggett at (907) 753-2670, or by email at nicholas.s.baggett@usace.army.mil if further information is desired concerning this public notice.

<u>APPLICANT</u>: Michael Harmon, City of Sitka, 100 Lincoln Street, Sitka, Alaska, 9983

AGENT: Josh Grabel, DOWL, 5015 Business Park Blvd #4000, Anchorage, Alaska, 9950

<u>LOCATION</u>: The project site is located on Japonski Island in Sitka Channel within Section 34 & 35, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.0568° N., Longitude -135.3595° W.; at 1190 Seward Avenue, in Sitka, Alaska. Directions: From the Sitka Airport, follow Airport Road toward the City Center, Tum left on Tongass Drive, Tum left on Seward Avenue and follow to the end of the road. Project is located north of the dead-end cul-de-sac.

<u>PURPOSE</u>: The applicant's stated purpose is to construct a new sea plane base (SPB) on Japonski Island in Sitka Channel and address capacity, safety, operational, and condition deficiencies at the existing Sitka SPB. This project is needed to support critical seaplane operations and transportation in Southeast Alaska, to resolve existing seaplane and boat conflicts, and to replace the existing base which is 65 years old and in poor condition. The current Sitka SPB located off Katlian Street is at the end of its useful life and has several shortcomings, including limited docking capacity. The current Sitka SPB has only eight spaces, four of which cannot be accessed during low tide. The facility also is expensive to maintain, has wildlife conflicts with a nearby seafood processing plant, and requires pilots to navigate a busy channel with ship traffic.

<u>PROPOSED WORK</u>: The project would construct a 2.6 acres pad in uplands, wetlands, and waters of the U.S. including bridge abutment, approach, vehicle turnaround, parking, basic amenities, curb, vehicle driveway, security fencing, and landscape buffer. All work would be performed in accordance with the enclosed plan (Attachment 1 and 2), dated July 6, 2023.

<u>ADDITIONAL INFORMATION:</u> Certifications and/or approvals needed for the project would include: a Tideland Conveyance by the Alaska Department of Natural Resources, Section 401 and Section 402 Certification by the Alaska Department of Environmental Conservation, Zoning, Building, & Floodplain Permits by the City and Borough of Sitka Alaska, Section 106 Review/Concurrence by the Alaska State Historic Preservation Office, Section 7 Review/Concurrence by the National Marine Fisheries Service (NMFS), Essential Fish Habitat Review/Concurrence by NMFS, and a Fish Habitat Permit by the Alaska Department of Fish & Game.

<u>APPLICANT PROPOSED MITIGATION</u>: 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: Avoiding impacts to waters of the U.S. is not practicable. Wetlands and tidal waters are unavoidable due to the size requirements of the fill pad in proximity to deeper waters to meet the project purpose and need. In addition, the existing parcel size above the High Tide Line is not sufficient to accommodate project infrastructure and must be expanded into Sitka Harbor.

b. Minimization: Emphasis has been placed on minimizing unavoidable impacts to waters of the U.S. by limiting fill discharges to the minimum amount and size necessary to achieve the project purpose.

c. Compensatory Mitigation: Approximately 1.46 acres of Section 404 wetlands and waters of the U.S. would be impacted by the proposed fill and excavation activities. Compensatory mitigation would be provided by purchasing credits from a mitigation bank or inlieu fee program to replace functions lost from impacts to the aquatic resources.

<u>WATER QUALITY CERTIFICATION</u>: 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.

<u>CULTURAL RESOURCES</u>: The lead Federal agency, the U.S. Department of Transportation Federal Aviation Administration is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The U.S. Army Corps of Engineers (Corps) will review the U.S. Department of Transportation Federal Aviation Administration's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with the U.S. Department of Transportation Federal Aviation Administration's work or documentation.

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the Steller Sea Lion (Eumetopias jubatus), Fin Whale (Balaenoptera physalus) Humpback Whale (Megaptera novaeangliae), North Pacific Right *Whale (*E. japonica*),* and the Sperm Whale, (Physeter macrocephalus).

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, and/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 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.

<u>ESSENTIAL FISH HABITAT</u>: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens 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 mapped EFH for Chinook Salmon, (*Oncorhynchus tshawytscha*), Pink Salmon (*Oncorhynchus gorbuscha*), and Sockeye Salmon (*Oncorhynchus nerka*).

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 adversely affect EFH for 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.

<u>TRIBAL CONSULTATION</u>: The Corps fully supports tribal self-governance and government-togovernment 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 Corps, 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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. If applicable this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

<u>PUBLIC HEARING</u>: 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 description are enclosed with this public notice.

District Commander U.S. Army, Corps

Enclosures

ATTACHMENT1 – Proposed Project

Proposed Project

Nature of Activity

The project would construct a 2.6 acres pad in uplands, wetlands, and waters of the U.S. including bridge abutment, approach, vehicle turnaround, parking, basic amenities, curb, vehicle driveway, security fencing, and landscape buffer (Figure 2) (Note: certain components would be installed out of the water). Material would be excavated from the side slopes above Sitka Channel to level the proposed fill pad, including from a wetland mapped during the 2020 wetland delineation.

Excavation and fill material in waters of the U.S. for construction includes (Figure 3A):

- Above mean high water (MHW)- excavation of 0.06 acre of wetland for pad leveling and placement of fill (Figure 3B)
- Between High Tide Line (HTL) and MHW- discharge of 0.06 acres of fill between HTL (+13 feet) and MHW (+9.16 feet relative to mean lower low water [MLLW])
- Below MHW- Discharge of 1.3 acres of fill
 - Side slopes of fill would have ratio of 2 horizontal to 1 vertical (2H:1V) slopes with heavy open graded armor rock and interstitial spaces.
- Rock blasting and excavation of about 10,100 cubic yards of material would occur, extending from about 16 to 60 vertical feet above MLLW (0.00 datum) located at the end of the Seward Avenue in the southwest corner of the project.
 - All blasting and excavating would occur above HTL (+13 feet).
 - Rock blasting and excavation would extend from shoreline approximately 200 horizontal feet inland.
 - Following blasting and excavating, excavated materials, armor rock, and underlayment would be placed on land to develop the SPB bridge abutment, approach, vehicle turnaround, parking, basic amenities, curb, and vehicle driveway totaling 34,650 cubic yards. The fill would be placed using an excavator and dozer and then compacted using a vibratory soil compactor.

The proposed project would construct the following structures in Sitka Channel, a Section 10 water of the U.S. (Figure 2; Table 1):

- Construct and install the following **pile-supported components**:
 - 80-foot by 24-foot approach dock
 - o 120-foot by 12-foot pedestrian and vehicle transfer bridge
 - 128-foot by 68-foot bridge landing and drive-down float
 - 417-foot by 46-foot seaplane ramp float to support 10 Cessna and 4 Beaver seaplane berths
- Install and remove 12 temporary 16-inch-diameter steel piles as templates to guide proper installation of permanent piles (these temporary piles would be removed prior to project completion) (Table 2).
- Install 10 permanent 16-inch-diameter galvanized steel piles and 16 permanent 24-inchdiameter galvanized steel piles to support the approach dock, pedestrian and vehicle transfer bridge, bridge landing and drive-down float, and seaplane ramp float (Table 2).
- Install other SPB float components such as electricity connections, waterlines, lighting, passenger walkway, handrail, and mast lights.

Table 1. Sitka SPB Project Construction Co	omponents
--	-----------

Construction Component	Material	Dimensions (feet)
Approach Dock	Treated timber and galvanized steel	80 x 24
Pedestrian and Vehicle Transfer Bridge	Painted steel w/ galvanized steel grating	120 x 12
Bridge Landing and Drive Down Float	Treated timber, galvanized steel, coated polystyrene billets, and polyethylene floatation tubs	128 x 68
Seaplane Ramp Float	Treated timber, galvanized steel, coated polystyrene billets, and polyethylene floatation tubs	417 x 46
Parking Area	Gravel, concrete, riprap	2.6 (acres)
Piles	Galvanized Steel	See Table 2

Project Component	Temp. Pile Install (Steel)	Temp. Pile Remove (Steel)	Permanent (Ste	
Diameter of Piles (inches)	16	16	16	24
Approach Dock (count)	12		6	
Bridge Abutment (count)		12	4	
Drive Down Float (count)		12		6
Ramp Floats (count)				10
Total	12	12	10	16

Type of Material Being Discharged and the Amount of Each Type in Cubic Yards

1	Construction Area Total Volume (CY)*			
	Component	Cut/Fill Type	(Acres)	rotarvolume (Cr)
	Excavation of Wetland	Cut	0.06	Cut
	Fill in intertidal waters (Section 404: Area Between HTL ~13' and MHW ~9.16')	Armor Rock, Underlayment, and Class B Shot Rock	0.06	330
	Fill in marine waters (Sections 10/404: Area below MHW ~9.16')	Armor Rock, Underlayment, and Class B Shot Rock	1.34	21,340
	Total		1.46	21,370
	Structures below MHW	Transfer Bridge, Seaplane Ramp Float	0.62	

Table 3. Approximate Fill and Structure Quantities

Description of Avoidance, Minimization, and Compensation

Site selection alternatives: Several design alternatives were considered. FAA seaplane base planning criteria and aviation user input were used to evaluate 12 sites in 2002 for a safe takeoff, landing, taxiing, and docking operations and to accommodate facility needs to adequately address forecast operations capacity.

The 2002 study evaluated sites in four steps:

- Site identification
- Fatal Flaw Screening (including topography, wind characteristics, wave characteristics)
- Conceptual Layouts and Evaluation
- Preferred Alternative Recommendation

Nine sites were determined to have fatal flaw due to topography, wind and wave conditions, and other marine traffic congestion issues. Three sites were identified as reasonable alternatives all located on Japonski Island's northeast shore. Additional site selection analyses conducted in 2012 and 2016 recommended the site at the northeast end of Japonski Island as the Proposed Alternative (DOWL HKM).

Design alternatives:

On-site fill pad alternatives included (Figure 4):

Concept A- is a large fill pad footprint at approximately 2.4 acres in overall size. Concept A included a 2,400 square feet office, waiting shelter, restrooms, and shop. Also included was a 2,400 square feet building expansion option and 20 vehicle parking stalls. Concept A consists of 0.06 acre of wetland and 1.0 acre of waters of the U.S. Impacts.

Concept B- is the smallest fill pad footprint at approximately 1.1 acres in overall size. The majority of the fill footprint is restricted to the existing parcel with the exception of the seaplane haulout ramp. This concept avoided impacts to the historic bunker. Concept B included only 9 vehicle parking stalls and no waiting shelter. Concept A consists of 0.05 acre of wetland and 0.2 acre of waters of the U.S. Impacts.

Concept C- is a mid-range development footprint at approximately 2.0 acres in overall size. Concept C included a 2,400 square feet office, waiting shelter, restrooms, and shop. Also included was a 2,400 square feet building expansion option and 11 vehicle parking stalls. Concept A consists of 0.06 acre of wetland and 0.9 acre of waters of the U.S. Impacts.

Concept D- is the largest upland development footprint at approximately 3.1 acres in overall size. Concept D included a 600 square feet terminal building with covered shelter, waiting, and restrooms. It included 30 vehicle parking stalls. Concept A consists of 0.06 acre of wetland and 2.1 acres of waters of the U.S. Impacts.

Concept E is the 2nd largest footprint at approximately 2.6 acres in overall size. Concept E included a 200 square feet covered shelter and 15 vehicle parking stalls. Concept A consists of 0.06 acre of wetland and 1.5 acres of waters of the U.S. Impacts.

Concept F is the preferred alternative with 2.6 acres in overall size. Concept F consists of 0.06 acre of wetland and 1.4 acres of waters of the U.S. Impacts. The preferred alternative is the only practicable

alternative that meets the project purpose and need, minimizes impacts to intertidal waters between the HTL and MHW, and reaches deeper water necessary for seaplane access. The preferred alternative would improve the safety of seaplane operation in the channel, along with reducing traffic and congestion in Sitka Channel. The preferred alternative would reduce conflicts with marine vessels during landing and takeoff with a relocated seaplane lane. The relocated seaplane lane moves taxi operations into a wider, less congested section of Sitka Channel. Concept F would balance excavation and fill and expand into the channel to shorten the required marine elements, reducing the costs of site development and maximizing the operational and cost efficiency of the site as a self-sustaining SPB.

Different marine concepts included (Figure 5):

Marine Concept 1- was originally prepared in 2016 prior to more recent wind and wave studies, thus no wave protection included in concept. Concept 1 consists of 1.35 acres of waters of the U.S. footprint.

Marine Concept 2- entire facility moved offshore into deeper water to eliminate dredging requirement. Floating wave attenuators added. Concept 2 consists of 1.54 acres of waters of the U.S. footprint.

Marine Concept 3- facility has been rotated and located in deeper water to eliminate dredging. Contains floating wave attenuators. Concept 3 consists of 1.97 acres of waters of the U.S. footprint.

Marine Concept 4- is similar to marine concept 3, but with the north wave attenuator detached and moved further from the seaplane float. Concept 4 consists of 1.65 acres of waters of the U.S. footprint.

Marine Concept 5- is similar to marine concept 4, but facility located closer to shore to reduce the access trestle length. Concept 5 consists of 2.44 acres of waters of the U.S. footprint.

Marine Concept 6- is similar to marine concept 4, but transient float relocated to the west side of the facility. Concept 6 consists of 1.67 acres of waters of the U.S. footprint.

Marine Concept 7- is similar to marine concept 6 with a longer and narrower trestle to avoid dredging and north and west floating wave attenuators. Concept 7 consists of 1.65 acres of waters of the U.S. footprint.

Marine Concept 8- is the preferred alternative. This is the 2023 65% design. Concept 8 consists of 0.62 acres of waters of the U.S. footprint. Concept 8 has the smallest structure footprint in Section 404/10 waters and removes the use of wave attenuators.

The 2018 Memorandum of Agreement between USACE and EPA is being followed for avoidance, minimization, and compensation in Alaska for the proposed project.

Avoidance: Avoiding impacts to waters of the U.S. is not practicable. Wetlands and tidal waters are unavoidable due to the size requirements of the fill pad in proximity to deeper waters to meet the project purpose and need. In addition, the existing parcel size above the High Tide Line is not sufficient to accommodate project infrastructure and must be expanded into Sitka Harbor.

- The gravel topped fill pad size requirement is based on the proposed seaplane parking, vehicle parking, and maneuvering requirements of multiple vehicles with seaplane operations.
- The wetlands identified during the 2020 wetland delineation are centrally located within the parcel and avoidance is not practical.

- FAA planning criteria for seaplane bases recommends at least 4 feet of water for seaplane bases, necessitating structures out to the required depth in Sitka Harbor.
- Designs included 6 fill pad concepts and 8 marine concepts. No design alterative completely avoided waters of the U.S.

Minimization: Emphasis has been placed on minimizing unavoidable impacts to waters of the U.S. by limiting fill discharges to the minimum amount and size necessary to achieve the project purpose.

Design Methods

- The proposed fill material and seaplane floats in Sitka Harbor are the minimum fill and structures needed to meet the project purpose.
- For fill pad concepts, Concept D had the largest fill footprint in waters of the U.S. while concept B had the smallest fill footprint in waters of the U.S. Ultimately, Concept F was selected based on the size and layout of the fill pad features required to meet the project purpose. All of the features would not fit within a smaller landward footprint and still meet FAA requirements.
- Concept F removed a 2,400 square feet building and covered shelter from the fill pad to reduce impacts to Sitka Harbor. This design change further reduced the fill footprint in waters of the U.S.
- The majority of the parcel 19208000 at 1190 Seward Avenue is uplands except for 0.06 acres of wetlands.
- Marine Concept 8 removed breakwater features and minimized structures in Sitka Harbor.

Construction Methods

• Construction activities would be conducted according to the APDES Alaska Construction General Permit including a SWPPP identifying appropriate BMPs to use during construction to prevent erosion and untreated runoff from reaching nearby waterbodies.

Compensation: The project has been designed to minimize impacts to waters of the U.S. to meet the project purpose and site selection criteria.

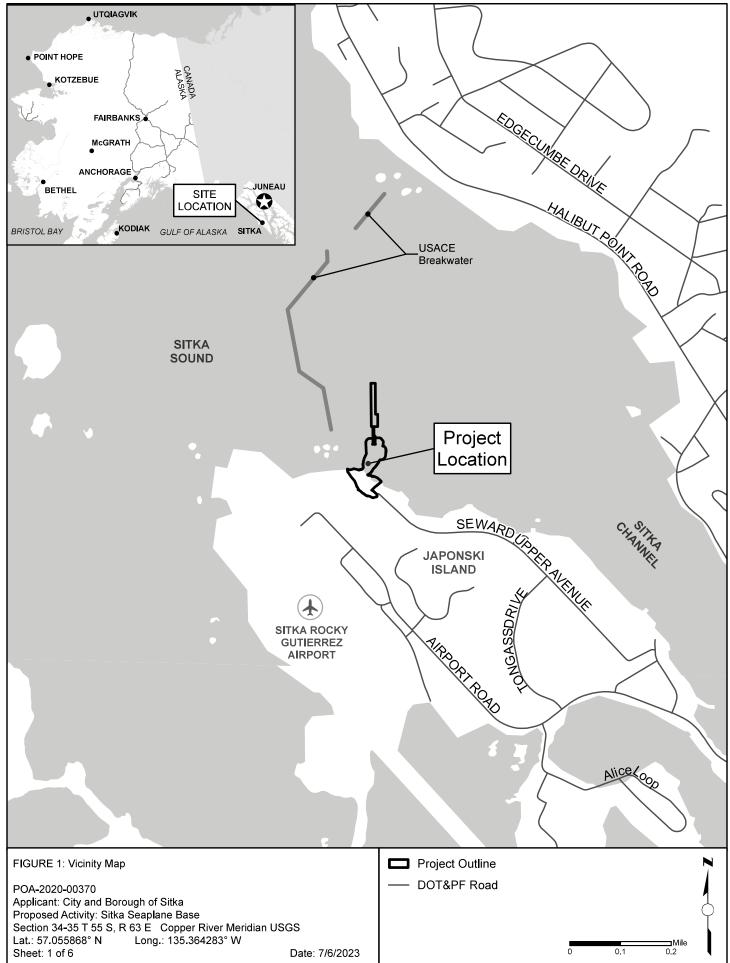
- Approximately 1.46 acres of Section 404 wetlands and waters of the U.S. would be impacted by the proposed fill and excavation activities.
- Compensatory mitigation would be provided by purchasing credits from a mitigation bank or inlieu fee program to replace functions lost from aquatic resources.

References

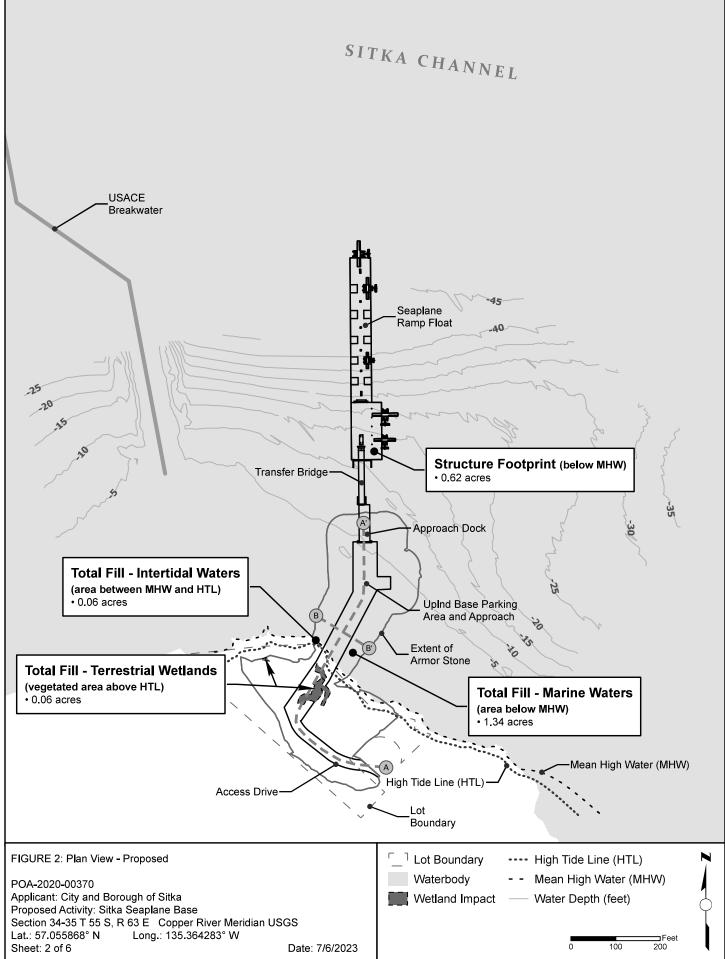
DOWL HKM. 2012. Sitka Seaplane Base. Siting Analysis. Sitka, Alaska. Prepared for City and Borough of Sitka.

DOWL. 2016. Sitka Seaplane Base. Siting Analysis. Sitka, Alaska. Prepared for City and Borough of Sitka.

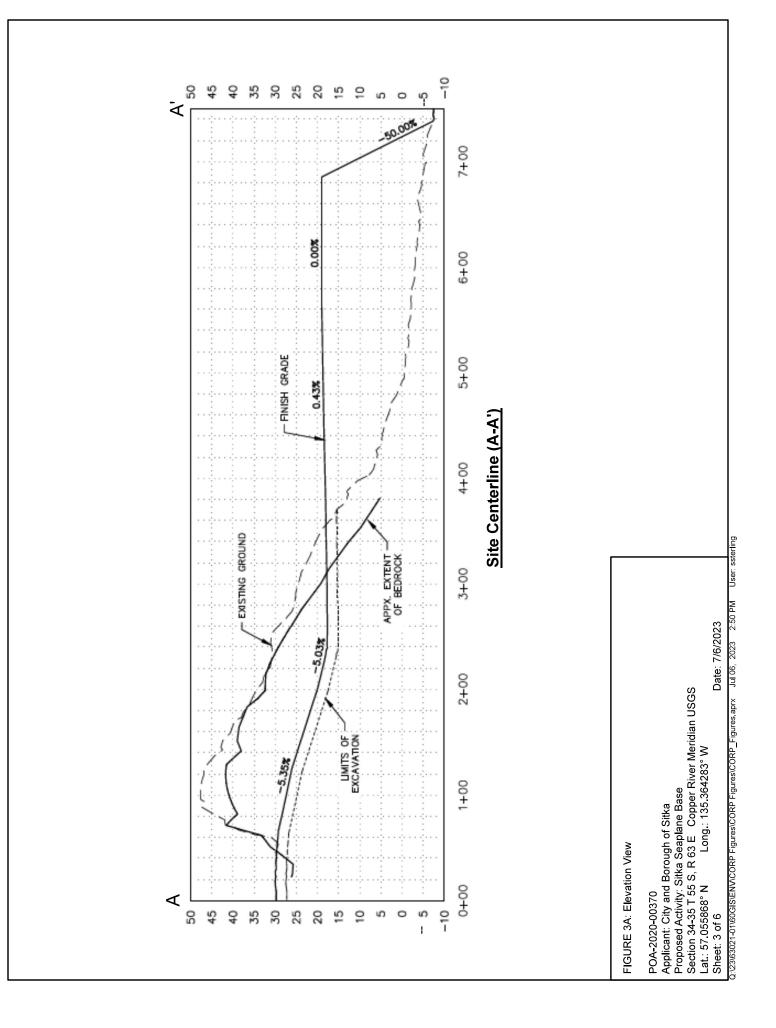
ATTACHMENT 2 – FIGURES

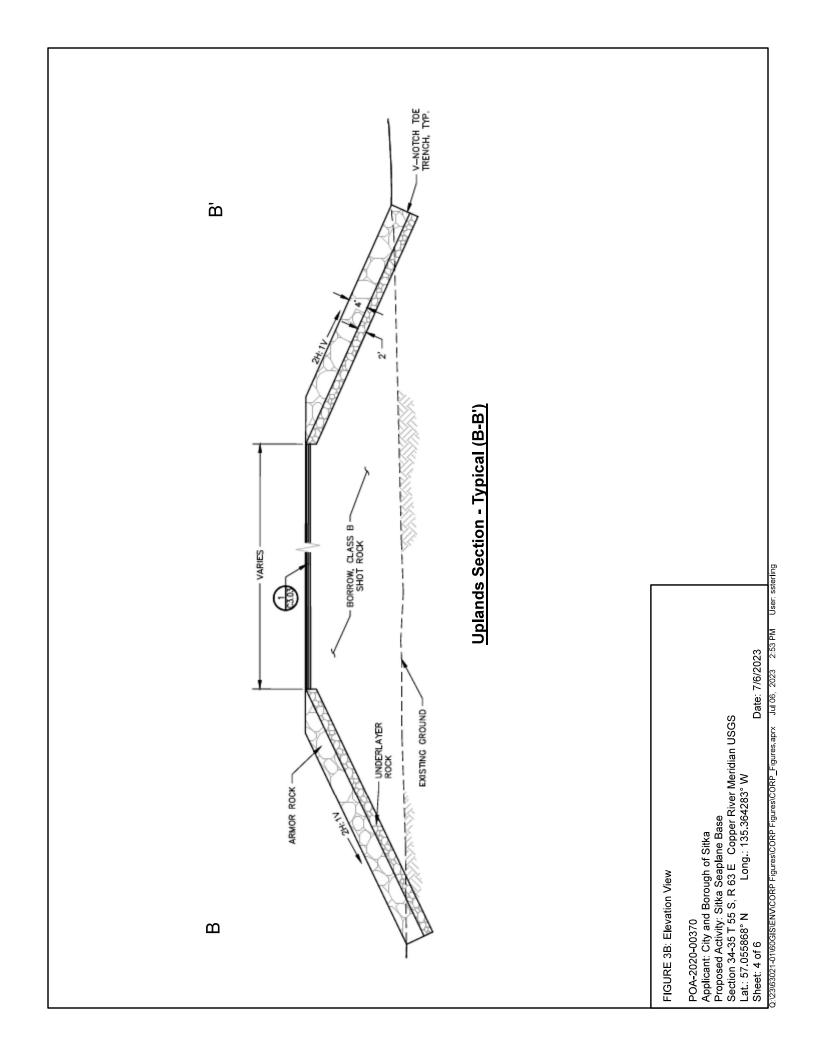


Q:\23\63021-01\60GIS\ENV\CORP Figures\CORP Figures\CORP_Figures.aprx Jul 06, 2023 2:53 PM User: ssterling



Q:\23\63021-01\60GIS\ENV\CORP Figures\CORP Figures\CORP_Figures.aprx Jul 06, 2023 2:50 PM User: ssterling





Concept A Marine Waters Impact: 0.8 acres Intertidal Waters İmpact: 0.16 acres Wetlands Impact: 0.06 acres



Concept C Marine Waters Impact: 0.76 acres Intertidal Waters Impact: 0.16 acres Wetlands Impact: 0.06 acres







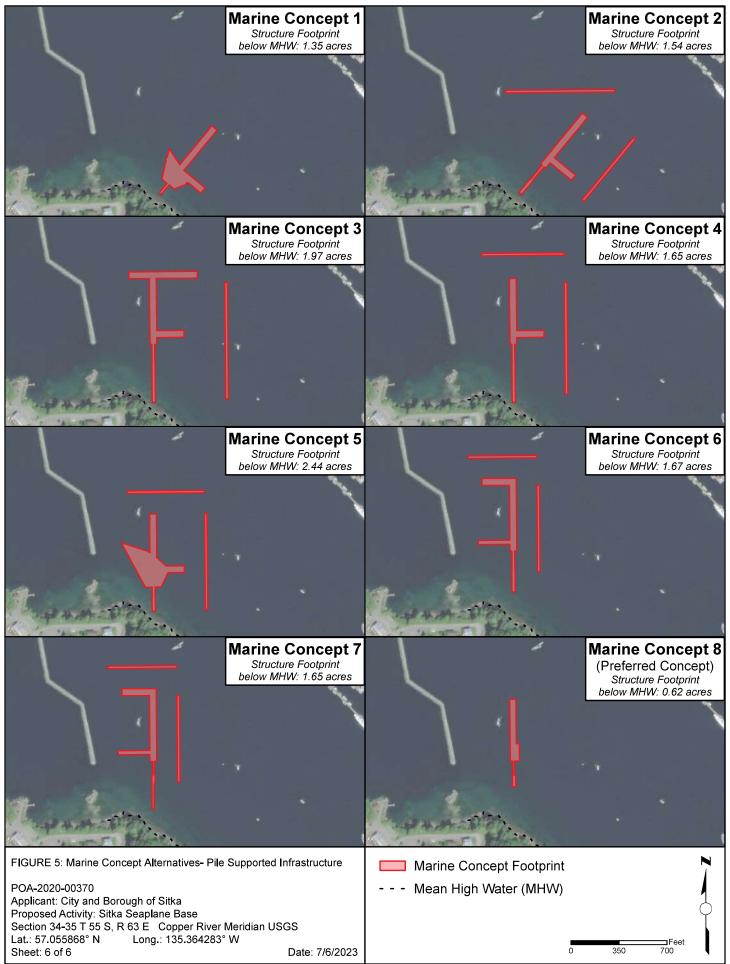
Concept D Marine Waters Impact: 1.87 acres Intertidal Waters İmpact: 0.21 acres Wetlands Impact: 0.06 acres

Concept F (Preferred Concept) Marine Waters Impact: 1.34 acres Intertidal Waters Impact: 0.06 acres Wetlands Impact: 0.06 acres

FIGURE 4: Concept Alternatives POA-2020-00370

Applicant: City and Borough of Sitka Proposed Activity: Sitka Seaplane Base Section 34-35 T 55 S, R 63 E Copper River Meridian USGS Lat.: 57.055868° N Long : 135 364283° W Sheet: 5 of 6 Date: 7/6/2023 Concept Footprint Wetland Boundary High Tide Line (HTL) Mean High Water (MHW) ⊐Feet 150 300

Q:\23\63021-01\60GIS\ENV\CORP Figures\CORP Figures\CORP_Figures.aprx Jul 06, 2023 2:53 PM User: ssterling



Q:\23\63021-01\60GIS\ENV\CORP Figures\CORP Figures\CORP_Figures.aprx Jul 06, 2023 2:53 PM User: ssterling