US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	**October 23, 2018**
EXPIRATION DATE:	**November 23, 2018**
REFERENCE NUMBER:	**POA-2018-00407**
WATERWAY:	**Keku Straight**

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 Public Notice 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 Mr. Michael R. Gala at (907) 753-2821, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at michael.r.gala@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Kake, Post Office Box 500, Kake, Alaska 907-785-3804

AGENT: PND Engineers, Inc., 9360 Glacier Highway, Suite 100, Juneau, Alaska 99801

LOCATION: The project site is located within Section 34, T. 56 S., R. 72 E., Copper River Meridian; Latitude 56.9725° N., Longitude 133.9456° W.; from the Kake Airport head northwest on Airport Road towards Keku Road, turn right onto Keku Road and continue on Spike Road, in Kake, Alaska.

PURPOSE: The applicant's stated purpose is to upgrade and maintain access to the existing seaplane float while providing wave protection for the seaplane float and public safety.

PROPOSED WORK: The City of Kake is proposing improvements to the Kake City Dock in Keku Straight in Kake, Alaska to maintain access to the existing seaplane float while providing wave protection for the seaplane float. This project will increase safety of users by demolishing the existing cargo dock, which is no longer in use due to its poor condition and loss of capacity. Cargo activities now take place at the Alaska Marine Lines dock so this portion of the structure will not be replaced at this time. The existing City Dock will be demolished and replaced with a reconfigured, upgraded facility.

Demolition of the old City Dock will include removal of a 6-foot x 65-foot (1.83 m x 19.8 m) steel gangway and 4,952 square feet of timber dock and crib wall including (86) 12-inch (31-cm) creosote treated timber piles. Demolition would also include removal of 1,332 square feet of existing floats nine 12.75-inch diameter steel piles. The existing seaplane float will be salvaged and reinstalled. The timber dock will be replaced with a 12-foot x 140-foot (3.66-meter x 42.7-meter) access road with an 18-foot x 30-foot (5.5-meter x 9.2-meter) turnout on a rubble mound breakwater with a gravel driving surface for access to the existing floats. The existing seaplane plane float will be salvaged and reinstalled in the new configuration.

A new float system (2,560 square feet) would be constructed in a new, more functional configuration, including vibratory driving three 12.75-inch (33-cm) and six 18-inch (51-cm) steel piles. This would increase the total overwater by 1,228 square feet (114 square meters) from the existing conditions. A total of 0.72 acres (0.29 hectares) or 1,800 cubic yards (1,376 cubic meters) of marine sediment would be dredged to improve vessel navigation and safety. Dredge material will be disposed of at an approved uplands facility.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated September 2018.

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 fill footprint has been minimized to the greatest extent practicable, while still meeting the purpose of the project.

- Avoid migration barriers to salmonids. At no time will the construction activities result in a migration barrier to salmonids.

- Avoid introduction of contaminated material during construction. Contaminant-free, clean shot rock embankment and surface materials will be used during all aspects of construction. Material used for construction or discharge will not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).

- Preparation of Fill Site. Placement of clean shot rock fill materials will be utilized so that entry of fine sediment and other suspendable material into Keku Straight/Fredrick Sound is kept to the minimum practicable.

- Placement of Fill. Proper equipment will be used to place all fill material to ensure it is placed and stays in its intended and permitted location. Large armor rock will be placed over the core rock.

- This will keep all rock in its intended and permitted location. Additionally, the large size of the armor rock will create void spaces in which fish are able to hide creating additional fish habitat.

- Avoid impacts to water quality. The contractor will comply with water quality restrictions as required by law and implement corrective measures if water quality standards are exceeded. Increased turbidity from construction activities will be temporary in nature and is not anticipated to have any long term impact on water quality.

- Avoid impacts from potential spills during construction. To prevent spills or leakage of hazardous material during construction, standard spill-prevention measures including on-site spill kits will be implemented. The contractor will be responsible for the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) plan to be used for the duration of the project as required by permitting agencies.

- Prevent petroleum and hazardous materials from entering waters of the U.S. during construction. Care will be taken to prevent any petroleum products or other toxic or deleterious materials from entering the waters of the U.S. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly on secondary containment pallets to prevent spills.

Impacts to wetlands and other waters of the U.S. have been avoided to the greatest extent possible. However, due to fill placement, there would be unavoidable impacts.

b) Minimization:

- Minimization of potential impacts to salmonids and Essential Fish Habitat species during critical life stage.

    - Timing windows will be incorporated if deemed necessary and strictly observed during construction activities for all in-water work to minimize potential adverse effects to salmon during critical life stages. In-water work will be timed to avoid those times when eggs are in the gravel and juvenile salmon are out-migrating as stipulated in the permit special conditions. Once construction has ceased, the proposed project is not expected to measurably impact EFH-listed fish populations at the project site.

- Minimization of impacts to estuarine intertidal/subtidal habitat. The configuration and extent of the intertidal fill was kept at that necessary to achieve the project

purpose to minimize the amount of fill that would be placed in estuarine intertidal and sub-tidal habitats. The project will be constructed over the existing footprint of the Kake City Dock, thereby reducing the overall impact of the project on estuarine intertidal and sub-tidal habitats.

- Minimization of turbidity. To minimize impacts from dredging all dredging will be done during low tidal stages, defined as a six hour period beginning three hours before low tide and ending 3 hours after low tide. The barge on which dredge material is placed will be lined to minimize sediment returning to waters of the U.S. off of the barge.

- Minimization of impacts to bald eagles and migratory birds. Pile driving has been minimized to the extent practicable, minimizing potential impacts to bald eagles and migratory birds through the reduction of construction noise.

    - If active bird nests, eggs, or nestlings are observed during construction, USFWS agency personnel will be contacted for guidance.

    - If a bald eagles nest is located in the vicinity of the project area during construction, agencies will be contacted and a bald eagle permit will be obtained, if needed, in accordance with 50 CFR Part 22.

c) Compensatory Mitigation: The City of Kake recognizes that the fill for the rubble mound will result in permanent loss of habitat. The impacts of the project have been avoided and minimized to the extent practicable. The project additionally provides environmental benefit through the removal of 86 creosote treated piles and the creation of fish habitat. The project will result in the creation of rocky habitat through the placement of large, loosely graded armor rock which contains void spaces in which fish are able to hide. Rocky habitat that will be created by the project to stabilize harbor slopes will ultimately be colonized by an assemblage of plants and animals similar to those at similar elevations on existing hard substrates in the harbor.

Based on the above discussion of avoidance, minimization and mitigation efforts the City of Kake believes no additional compensatory mitigation is necessary.

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. The project is located within PET-00005, with multiple other listed resources in the general vicinity.

The permit area has been determined to be within the projects footprint within waters of the U.S. 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. There were two core samples taken within the new impacts areas which identified roughly two feet of silt/sand/gravel mix with the remaining depth down to 24+ feet as clay with no change and no variants in the sample which would suggest historic resources would be present. 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 threatened Mexico DPS Humpback whale (*Megaptera novaeangliae*) and the endangered western DPS Steller sea lion (*Eumetopias jubatus*) may occur in the action area.

We have determined the described activity may affect the threatened or endangered Humpback whale and Steller sea lion. 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).

We have determined the described activity will result in no more than minimal adverse effects to EFH in the project area for the following species chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), Big Skate (*Raja binoculata*), Longnose skate (*Raja rhina*), Octopus (*Octopoda spp.*), and Shallow Water Flatfish Complex. Any comments the National Marine Fisheries Service or Alaska Department of Fish and Game may have concerning essential fish habitat will be considered in our final assessment of the described work.

Other species that could also be affected by the work in the intertidal zone are forage species including herring and sand lance. The project and surrounding area is not a known herring spawning site.

The current nearshore habitat in the proposed project area consists of poorly graded 50% sand with 10% silt, and 40% sub angular gravel. The maximum estimated depth at high tide is approximately 18 foot and negative 10 foot at low tide for the project location.

The loss of 0.47-acre habitat for EFH species would be the loss of tidally dependent foraging habitat and near shore areas used as escapement from larger aquatic predator species. The riprap replacing the current nearly flat near shore habitat, could provide replacement escapement areas as well as foraging habitat for salmonids during their juvenile life stage. During the construction period additional in water sediment is also possible within the immediate area of the project; however, all work would be conducted while the site is de-watered which should limit excess sediment entering Tongass Narrows. There is no known eelgrass within the project's proposed footprint. There is no known eel grass at the project location.

There are two anadromous streams identified in the vicinity of the project area.

- Unnamed stream #1 (distance ≈1113m) - ADFG# 109-42-10036- Coho rearing
- Gunnuk Creek (distance ≈1098m) - ADFG# 109-42-10040- Chinook/Coho/Pink/Steelhead presence
- Little Gunnuk Creek (distance ≈1210m)- ADFG# 109-42-10041- Pink Presence

The proposed action will result in no more than minimal adverse effects to EFH within the proposed 0.47-acre project area. However, we believe the proposed project would cause minimal overall impacts to the project location and temporary impacts to the broader area if proper Best Management Practices (BMP) are utilized, as well as the other proposed mitigation measures are followed. Impacts to the juvenile salmon primary food source (crustaceans, insects, and other small fish) would be minor and temporary, due to the proposed project. The project will result in the creation of rocky habitat through the placement of large, loosely graded armor rock which contains void spaces in which fish are able to hide. Rocky habitat that will be created by the project to stabilize harbor slopes will ultimately be colonized by an assemblage of plants and animals similar to those at similar elevations on existing hard substrates in the harbor.

In order to minimize impacts to EFH, the applicant would conduct dredging three hours before and after low tide, use BMPs to limit any additional sediment within the water column during construction, and perform work outside of the salmon migration window within Tongass Narrows.

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

BILL WALKER, GOVERNOR

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-2018-00407, Keku Straight**, 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.

LOCATION MAP

KAKE

SOUTHEAST ALASKA

PROJECT LOCATION

VICINITY MAP

SCALE IN FEET

0 10,000 20,000 FT.

TO REPLACE AN EXISTING DETERIORATED FACILITY & IMPROVE ACCESSIBILITY & SAFETY AT THE CITY OF KAKE'S CITY DOCK

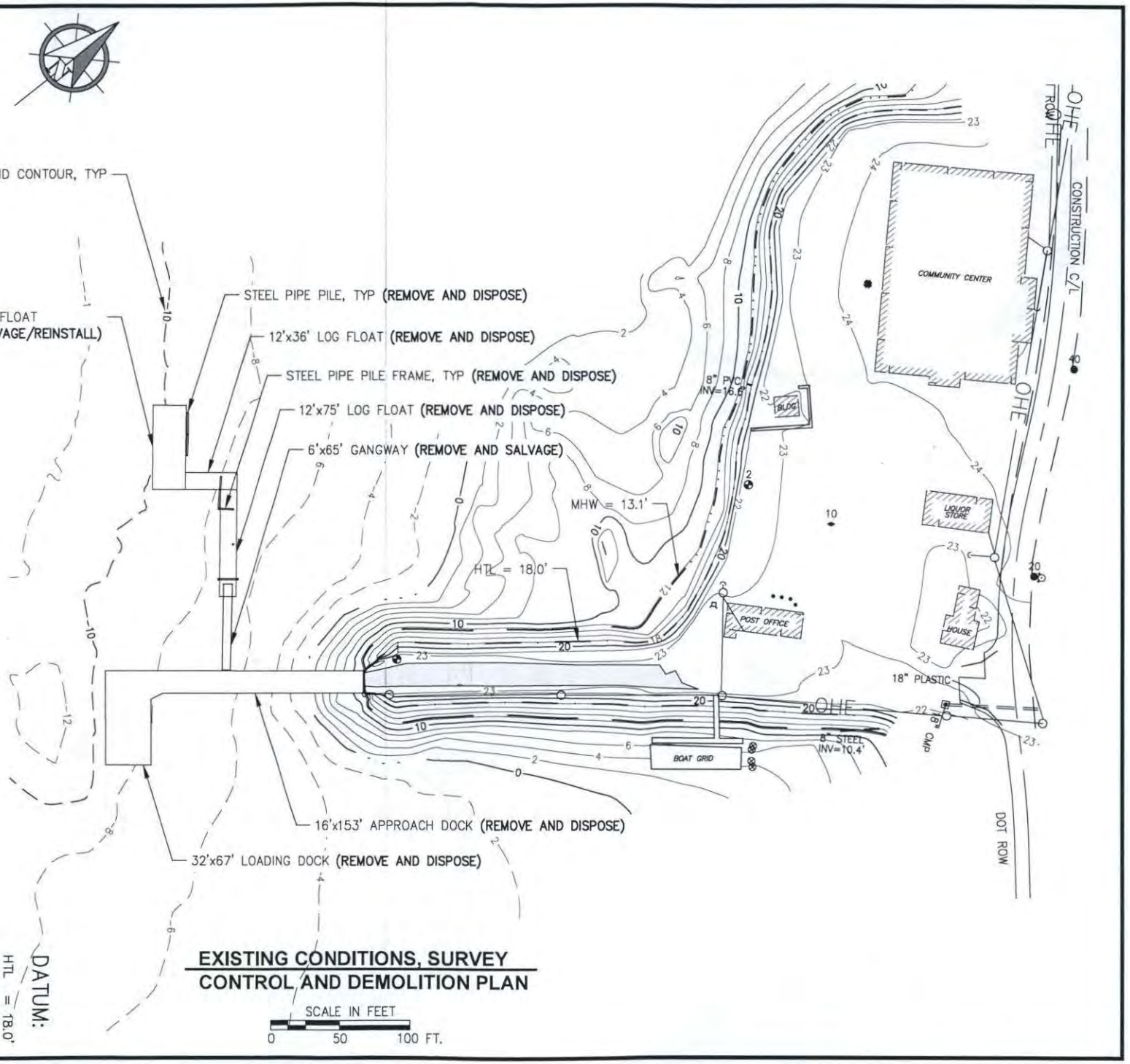
DATUM: MLLW = 0.0 FT

HTL = 18.0'
MHW = 13.1'
MLLW = 0.0'

KAKE CITY DOCK IMPROVEMENTS VICINITY MAP

PND PROJECT NO. 172085.01

APPLICANT: CITY OF KAKE
FILE NO.:
WATERWAY: KEKU STRAIT
PROPOSED ACTIVITY:
SEC. 10 **T.** 57S **R.** 72E **M** COPPER RIVER
LAT.: 56.97°N **LONG.:** 133.94°W
DATE: SEPT. 2018



EXISTING CONDITIONS, SURVEY
CONTROL AND DEMOLITION PLAN

SCALE IN FEET
0 50 100 FT.

DATUM:
HTL = 18.0'
MHW = 13.1'
MLLW = 0.0'

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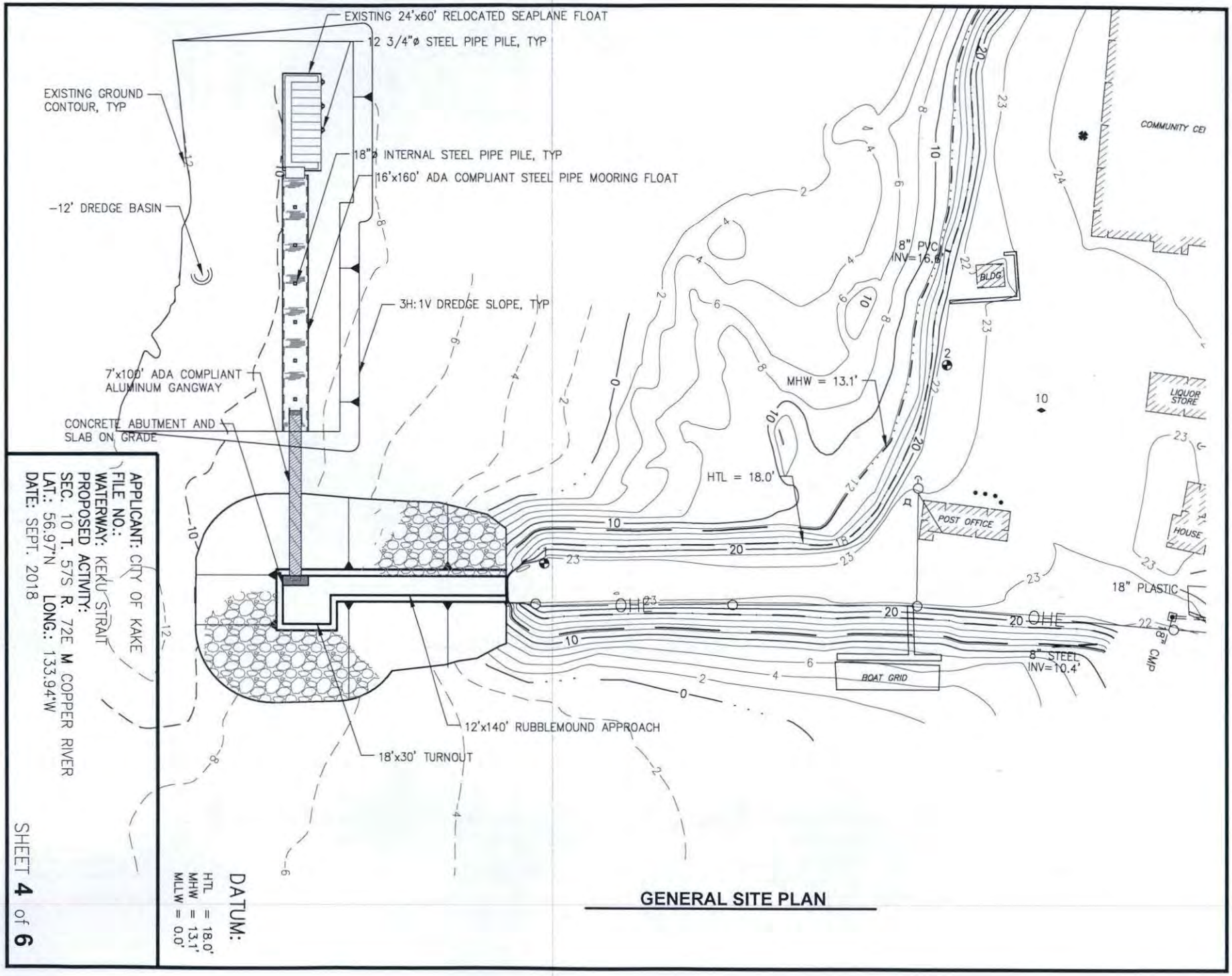

GENERAL SITE PLAN

DATUM:
HTL = 18.0'
MHW = 13.1'
MLLW = 0.0'

APPLICANT: CITY OF KAKE
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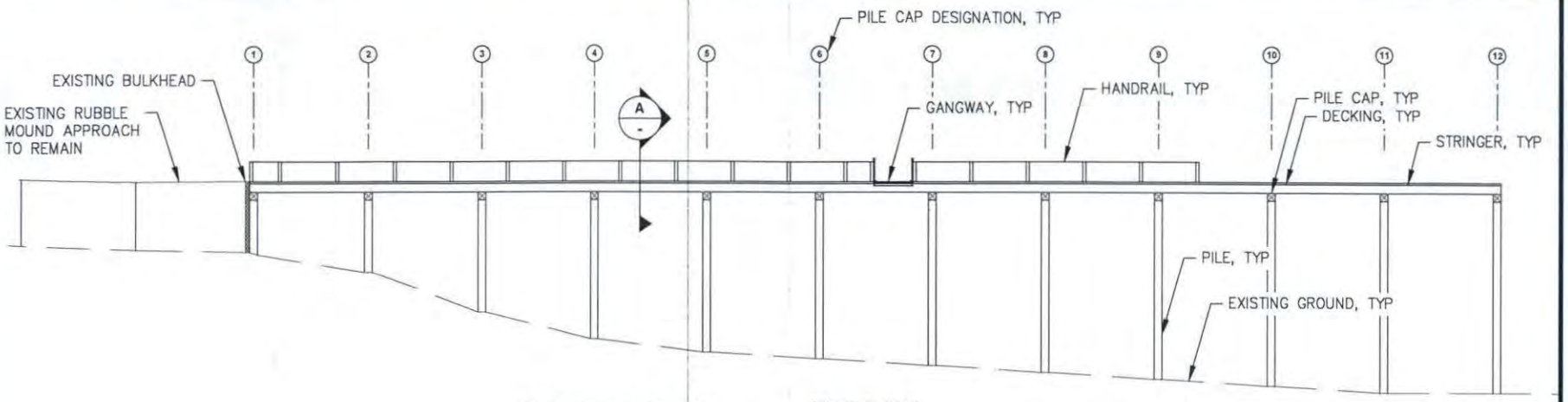
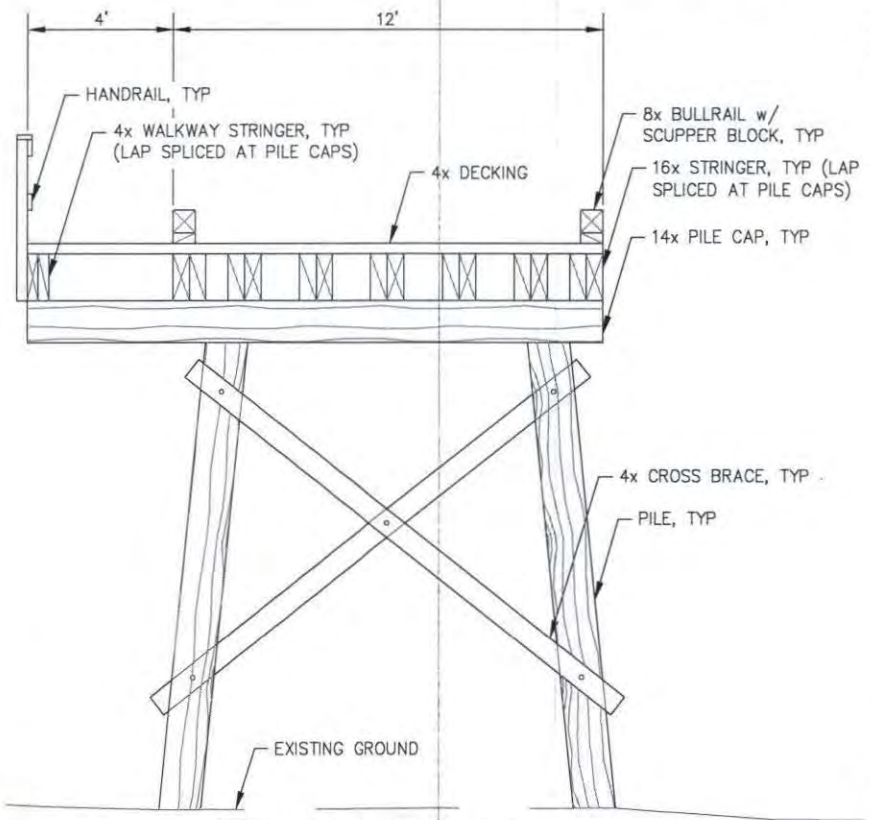


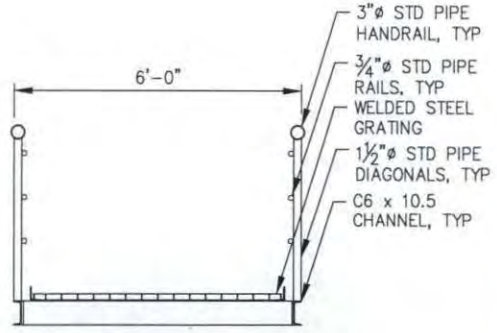
DISPOSAL PLAN

SCALE IN FEET
0 150 300 FT.

REMOVE AND DISPOSE ALL EXISTING ITEMS IN THEIR ENTIRETY



A - TYPICAL SECTION EXISTING DOCK



B - TYPICAL SECTION EXISTING GANGWAY

APPLICANT: CITY OF KAKE
FILE NO.:
WATERWAY: KEKU STRAIT
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SEC. 10 **T.** 57S **R.** 72E **M** COPPER RIVER
LAT.: 56.97°N **LONG.:** 133.94°W
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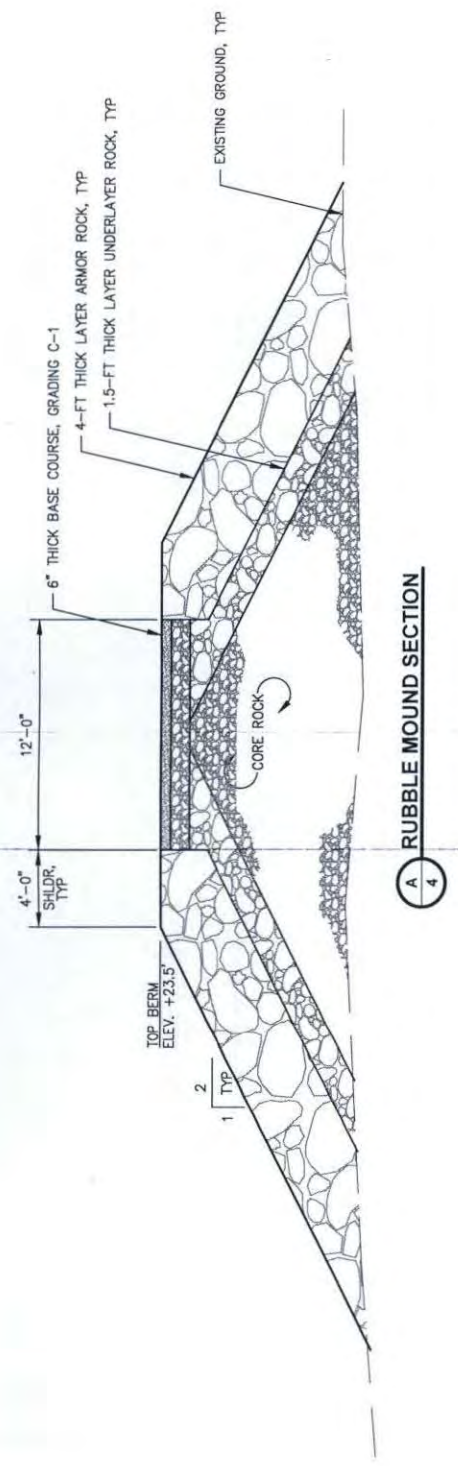
DATUM:
HTL = 18.0'
MHW = 13.1'
MLLW = 0.0'



A/4 RUBBLE MOUND SECTION

DATUM:

HTL = 18.0'
MHW = 13.1'
MLLW = 0.0'

APPLICANT: CITY OF KAKE
FILE NO.:
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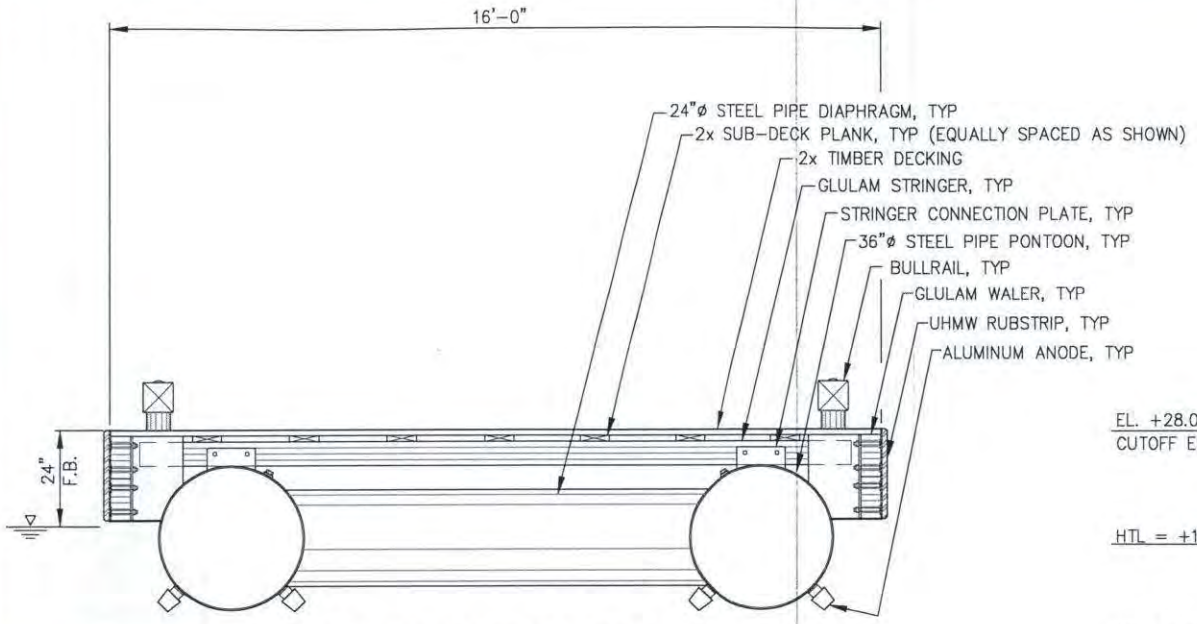
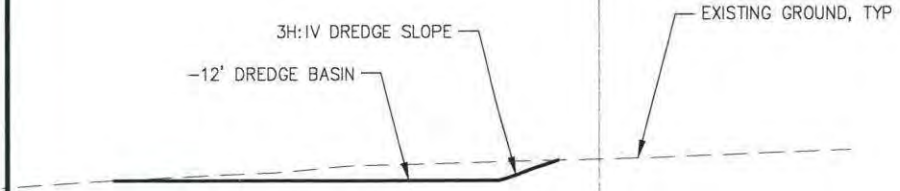
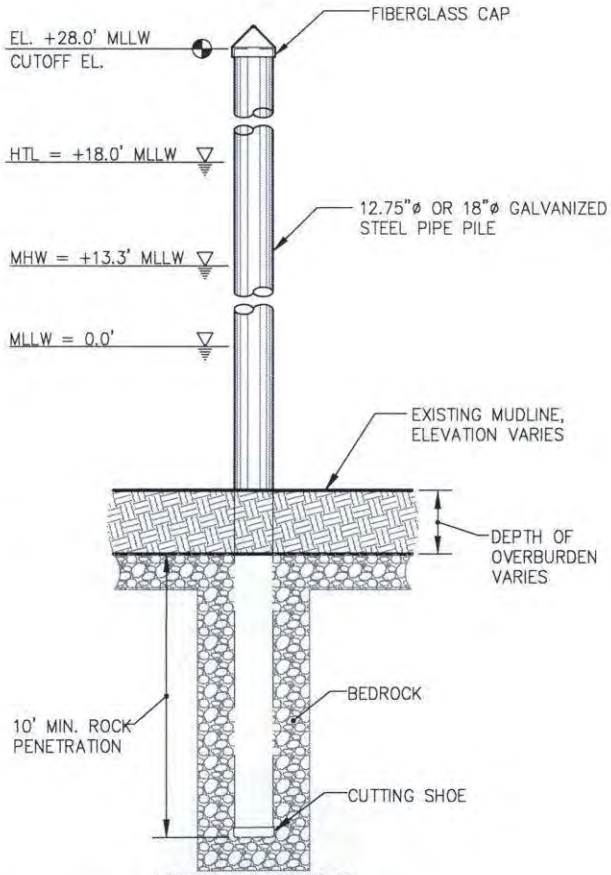


A - **TYPICAL SECTION**



DREDGE BASIN



PILE DETAIL

SOCKETED INSTALLATION

NOTE:

1. THE FOLLOWING ARE PROPOSED SOCKETING TECHNIQUES:
   A. DRILL SOCKET, CLEAN OUT HOLE, DRIVE TO BOTTOM OF SOCKET.

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Antidegradation Form 2G

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)
Wastewater Discharge Authorization Program
555 Cordova Street, AK 99501
907-269-6285

All discharges that require a permit under 18 AAC 83 Alaska Pollutant Discharge Elimination System (APDES) or an application for state certification of a federal permit under Section 401 of the Clean Water Act (CWA) are subject to antidegradation regulatory requirements under 18 AAC 70.016. [18 AAC 70.016(a)(1)(A & B)].

Form 2G must be completed by all applicants for APDES individual permits and 401 certifications. The applicant shall submit sufficient information for the department to complete an antidegradation analysis and make findings under 18 AAC 70.016 (b), (c), and (d). DEC may request additional information as necessary.

Antidegradation analysis is tier-specific and the department findings for Tier 1 and Tier 2 are on a parameter-by-parameter basis. Analysis and department findings for Tier 3 water are on a basis of a designated water.

The antidegradation review procedure is based on:

- The level of protection (i.e. Tier 1, 2, or 3) assigned to the pollutants of concern within the receiving water,
- The type of receiving water,
- Existing water quality of the receiving water,
- The necessity of degradation, and
- The social and economic importance of the regulated activity.

Submit completed form to DEC Division of Water to the address above, or via email to either of the following email addresses depending on the type of permit:

- 401 Certification for 404 CWA, or other federal permits: DEC-401Cert@alaska.gov
- APDES Permits: DEC.Water.WQPermit@alaska.gov
- Or, via other means as coordinated with DEC Division of Water.

Section 1- Facility Information [18 AAC 70.016(a)(5)(A – G)]

Facility Name: Kake City Dock **Permit Number**: _____

1. Provide a list of Parameters of Concern in the discharge, the respective concentrations, persistence, and potential impacts to the receiving water.
2. Identify which Tier protection level should apply for each Parameter of Concern.

(For multiple parameters or if additional space is needed, attach separate sheet)

Receiving Waterbody or Wetland:

Sediment

Parameter of Concern:	Concentrations:	Tier* Protection Level: *(*Note, complete this entry after completing the rest of the form)*
Sediment	Unknown	2

Persistence:

Short Term

Potential Impacts:

During dredging and fill placement the project has the potential to temporarily increase turbidity. The rock for the breakwater is 2-inches or larger and will not contain fines, though some sediment may be suspended during placement and some fines may wash off the rock.

If applicable, data is attached on the parameters that may alter the effects of the discharge to the receiving water. ☐ Yes, ☐ No, ☐ N/A

Section 2- Baseline Water Quality Provisions [18 AAC 70.016(a)(6)(A – C)]

If determined necessary and requested by the Department, submit sufficient and credible baseline water quality information for the receiving water which meets the requirements of 18 AAC 70.016(a)(6)(A – C).

Section 3- Tier 1 analysis of existing use protection [18 AAC 70.016(b)]

1. Does a discharge of any parameter identified in Section 1 occur to a Category 4 [305(b)] or Category 5 [303(d)] waterbody listed in the current approved Alaska's Integrated Water Quality Monitoring and Assessment Report?
   See http://dec.alaska.gov/water/water-quality/impaired-waters.aspx for the most recently approved integrated report and category listings.

   ☐ Yes ☑ No

   a. If yes, list parameters from Section 1 that are present in the proposed discharge that will be included in the Tier 1 analysis in the following table.

Receiving Water and Wetlands Information (if additional space is needed, attach separate sheet):							
a. Name of waterbodies or wetlands to which you discharge:	**Impaired Waters**						
	b. Is the proposed discharge(s) directly to any segment of a Category 4 or 5 waterbody?		If you answered yes to b, then answer the following three questions (c, d, and e).				
			c. What parameter(s) are causing the Category 4 or 5 water degradation?	**d.** Are the parameter(s) causing the degradation present in the proposed discharge?		**e.** Is the discharge consistent with the assumptions and requirements of applicable EPA approved or established Total Maximum Daily Load (TMDL)?	
	Yes	No		Yes	No	Yes	No
	☐	☐		☐	☐	☐	☐
	☐	☐		☐	☐	☐	☐

Section 4- Tier 2 analysis of existing use protection [18 AAC 70.016(c)]

If not identified as requiring only Tier 1 level of protection, Tier 2 is presumed for all water as the default protection level for all parameters [18 AAC 70.016(c)(1)].

1. Is the application for a *(Check all that apply)*:

   ☑ New Discharge* ☐ Existing Discharge ☐ Expanded Discharge*

   * *"new or expanded," with respect to discharges, means discharges that are regulated for the first time or discharges that are expanded such that they could result in an increase in permitted parameter load or concentration or other changes in discharge characteristics that could lower water quality or have other adverse environmental impacts.*

2. Does a discharge of any parameter identified in **Section 1 – Facility Information** require Tier 2 analysis as defined under 18 AAC 70.016(c)(2)(A) – (E)?

   ☐ **Yes**, proceed to **Question 3**

   ☑ **No**, please **explain below** and proceed to **Section 5**

A small amount of dredging will be conducted over approximately one work week. Dredging operations and fill placement may briefly increase turbidity, but suspended sediments are expected to redeposit fairly quickly and spoils will be disposed at an approved uplands site and sampled prior to disposal. No long term effects on water quality are anticipated.

3. For each parameter requiring a Tier 2 analysis, provide a description per discharge (e.g., parameter specific per outfall) and an analysis of a range of practicable alternatives that have the potential to prevent or lessen the degradation associated with the proposed discharge [18 AAC 70.016(c)(4)] (*if additional space is needed, attach separate sheet*). Include:

   A. Identify receiving water quality and accompanying environmental impacts on the receiving water for each of the practicable alternatives;

Section 6. Certification Information

An Alaska Pollutant Discharge Elimination System (APDES) permit application must be signed by an individual with the appropriate authority per 18 AAC 83.385 or 401 certification of 404 permits, or other federal permits, per 18 AAC 15.030.

APDES Permits	
Corporate Executive Officer 18 AAC 83.385 (a)(1)(A)	For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
Corporate Operations Manager 18 AAC 83.385 (a)(1)(B)	For a corporation, the manager of one or more manufacturing, production, or operating facilities, if (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations; (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
Sole Proprietor or General Partner 18 AAC 83.385 (a)(2)	For a partnership or sole proprietorship, the general partner or the proprietor respectively.
Public Agency, Chief Executive Officer 18 AAC 83.385 (a)(3)(A)	For a municipality, state, or other public agency, the chief executive officer of the agency.
Public Agency, Senior Executive Officer 18 AAC 83.385 (a)(3)(B)	For a municipality, state, or other public agency, a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
401 Certifications	
Corporations 18 AAC 15.030(1)	In the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation.
Partnerships 18 AAC 15.030(2)	in the case of a partnership, by a general partner
Proprietorship 18 AAC 15.030(3)	in the case of a sole proprietorship, by the proprietor
Public Agency 18 AAC 15.030(4)	in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Organization:	Name:	Title:
City of Kake	Rudy Bean	City Manager

Phone:	Fax (optional):	Email:
907.785.3804		citymanager@cityofkake.org

Mailing Address:	Street (PO Box):		
	PO Box 500		
	City:	State:	Zip:
	Kake	AK	99830

Signature/Responsible Official

10-9-18
Date

Section 7. Form 2G Preparer *(Complete if Form 2G was prepared by someone other than the certifier.)*

Organization:	Name:	Title:
PND Engineers, Inc.	Bre Lambert	Staff Engineer

Phone:	Fax (optional):	Email:
907.586.2093	907.586.2099	blambert@pndengineers.com

Mailing Address: ☐ Check if same as Certifiers Information	Street (PO Box):		
	9360 Glacier Highway, Suite 100		
	City:	State:	Zip:
	Juneau	AK	99801

B. Evaluate the cost for each of the practicable alternatives, relative to the degree of water quality degradation;

The alternative to fill placement for the rubblemound breakwater is to replace the existing pile supported dock in-kind. However, this alternative does not meet the project need of providing wave protection. Use of a vertical sheet pile wave barrier is not feasible as it would not provide access to the float system. In order to avoid dredging the entire rubblemound would have to be extended further offshore into deeper water for the floats, which would result in greater losses of waters of the United States and would significantly increase the cost due to soft soil conditions found further offshore. The proposed project is the only practicable alternative meeting the project purpose.

C. Identify a proposed practicable alternative that prevents or lessens water quality degradation while also considering accompanying cross-media environmental impacts. (*If the applicant has selected a non-degrading alternative, the social or economic importance analysis in Question 4 is not required.*

As discussed above there are no other practicable alternatives to the proposed project that meet the purpose and need. Further, no long-term effects on water quality are anticipated and thus is considered to be a non-degrading alternative. In order to minimize turbidity during construction dredging will occur at low tidal stages, defined as a 6-hour period starting 3 hours before low tide and ending 3 hours after low tide.

4. Social or Economic Importance [18 AAC 70.016(c)(5)]

Provide information that demonstrates the accommodation of important social or economic development. The applicant shall complete either a social OR economic importance analysis (or both) for each affected community in the area where the receiving water for the proposed discharge is located. *(if additional space is needed, attach separate sheet)*

(A) Social Importance Analysis: *(select one or more areas, and describe below)*	**(B) Economic Importance Analysis**: *(select one or more areas, and describe below)*:
☐ community services provided; ☐ public health or safety improvements; ☐ infrastructure improvements; ☐ education and training; ☐ cultural amenities; ☐ recreational opportunities	☐ employment, job availability, and salary impacts; ☐ tax base impacts; ☐ expanded leases and royalties; ☐ commercial activities; ☐ access to resources; ☐ access to a transportation network
Describe (checked items above or attach as separate document)	

Section 5- Tier 3 analysis of existing use protection [18 AAC 70.016(d)]

1. Is the discharge to a designated Tier 3 water? ☐ Yes ☑ No

(Currently, the State of Alaska has not designated any Tier 3 waters).
See http://dec.alaska.gov/water/water-quality/standards/antidegradation.aspx for Tier 3 for further information.)