

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

## Public Notice of Application for Permit

PUBLIC NOTICE DATE:

June 15, 2018

**EXPIRATION DATE:** 

July 16, 2018

REFERENCE NUMBER:

POA-2006-2015, M4

WATERWAY:

Sandpoint 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 (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Andy Mitzel at (907) 753-2689, by fax at (907) 420-0813, or by email at andy.mitzel@usace.army.mil if further information is desired concerning this notice.

<u>APPLICANT</u>: Aleutians East Borough, Attention: Ms. Anne Bailey, 3380 C St., Ste. 205, Anchorage, AK 99503.

<u>AGENT</u>: Moffatt & Nichol, Attention: Ms. Margaret Schwertner, 880 H St., Ste. 208, Anchorage, AK 99501.

<u>LOCATION</u>: The project site is located within Section 17, T. 56 S., R. 73 W., Seward Meridian; USGS Quad Map Port Moller B-2; Latitude 55.329828° N., Longitude 160.504203° W.; at the southwest end of Boat Harbor Road, in Sand Point, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to provide vessel mooring in an existing harbor by installing floating docks which will provide local and regional economic benefits by alleviating moorage demand and improving safety for residents, the commercial and subsistence fishing fleets, and transient vessels, especially during the frequent Aleutian storms.

<u>PROPOSED WORK</u>: The applicant is proposing to discharge up to 60 cubic yards (CY) of clean fill and rock riprap into 360 square feet (sf) of tidal waters below the high tide line ( HTL), (approximate elevation +9.5 feet above the 0.0 foot contour) for the installation . The applicant is also proposing to install up to 88 new galvanized steel pipe piles (24-inch diameter or less) below the mean high water mark (MHW, approximate elevation +6.5 feet above the 0.0 foot contour).

The proposed project would involve the following regulated activities:

- Installation of a new float system, which would encompass individual float sections (materials include treated timber decking and plastic flotation material) connected into a single system. The entire float system would be approximately 12,648 sf in area, with a width of 12 feet and a total length of 1,054 linear feet (If). The float system would be secured in place with up to 88 new galvanized steel pipe piles (all 24-inches in diameter).
  - Float decking would consist of 3-inch thick sawn timber planks treated with ammoniacal copper zinc arsenate (ACZA). Float framing would consist of creosote—treated glue laminated beam stringers with a marine plywood shear diaphragm. Bullrails would be glue laminated beams and rubboards would be made of sawn timber, both would be treated with ACZA. All treated timber materials would be treated as specified by the American Wood Preservers Association (AWPA). Flotation tubs would have closed-cell expanded polystyrene cores and would be encased in rotationally molded polyethylene shells.
- Installation of three new, prefabricated transformer floats (12' in length and 6' in width each) to support the electrical system upgrades for the main float. They would connect directly to the main float. Each float would be approximately 72 sf in area for a total area of 216 sf.
- Installation of a new, prefabricated, ADA compliant gangway landing float (20' in length and 20' in width) for float access, secured by up to two new galvanized steel pipe piles (all 24-inches in diameter) to stabilize the float.
- Installation of a new, prefabricated, aluminum gangway (80' in length and 6' in width) for float access.
- Construction of a treated timber-decked, steel pile-supported access trestle from the top
  of the existing harbor bulkhead wall to the gangway. The trestle deck would be 20' long
  and 12' wide, and supported by up to six new galvanized steel pipe piles
  (16-inches in diameter). Two of these six piles would be installed above the high tide

line HTL. Up to 15 CY of existing rock rip rap along the shoreline may need to be moved to the side, reworked, and possibly replaced (with up to 5 CY of clean rock) once the trestle support piles have been installed. A 6' x 16' concrete apron and minor quantities of fill would also be placed in the uplands, above the HTL, to grade the approach to the new trestle. It is anticipated that the quantity of this fill material would not exceed 25 CY.

- Construction of a 5' wide by 8' long concrete utility pad adjacent to the proposed trestle, above the HTL. A backflow preventer would be installed on the pad inside a heated enclosure and connected to the existing water main. A fire hydrant, intended to be connected to the dry fire protection system in the event of a fire, would also be installed on the pad and connected to the existing water main.
- Installation of supporting utilities onto the new float system (potable water, fire protection, power, and lighting). Power and lighting cables would run from the new access trestle, down the gangway and into the float system's chaseways. The fire protection line would run from a dry standpipe attached to the trestle, down the gangway to a submerged support system under the floats. The potable water line would run from the backflow preventer, through a 6' deep (average of 4' wide) trench to the shoreline. The trench for the water line is anticipated to displace up to a total of 20 CY of fill material and 7 CY of armor rock below the HTL.
  - The new water line would daylight from the shoreline slope at an elevation of -2' below mean lower low water (MLLW). Up to two concrete anchor blocks (2' x 2' x 2' in size) would hold the line in place at this daylight location and near the transition from HDPE pipe to flexible hose. The flexible hose would connect the buried lines to the floating docks. Chains may be used to weigh down the hoses so that they remain submerged until they connect to the float system. The water line would continue
  - The potable water and fire protection systems would submerge approximately 1,100 lf of 3-inch and 4-inch high density polyethylene (HDPE) pipe, and 60 lf of 3-inch and 4-inch flexible hose below MHHW.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated October 18, 2017.

ADDITIONAL INFORMATION: The proposed project would be located in the New Harbor located south of the Robert E Galovin Small Boat Harbor. The authorized harbor plan was issued a consistency determination on March 22, 1998, State I.D. No. AK 9802-01AA. Corps of Engineers Civil Works previous notice was ER-05-09. The Sand Point Navigational Improvements Feasibility Report and Environmental Assessment for the authorized harbor plan was circulated for review, and a Finding of No Significant Impact was signed in April 1998.

DA permit POA-2006-2015-2, issued on April 3, 2007, authorized the installation of 1,805 lf of timber floats, including marginal and finger floats, access trestle, gangways, and gangway landing floats and a 350 foot long sheet pile wharf constructed with approximately 4,550 CY of fill material. Dredging along the face of this wharf was also authorized to be done within the footprint already designated to be dredged inside the constructed harbor.

The applicant shortly thereafter requested a permit modification, hereby designated as POA-2006-2015-M1. This modification request was cancelled on July 9, 2007, per the applicant's request.

Permit modification POA-2006-2015-M2, issued on December 2, 2009, amended the permit to authorize placing 1,307 lf of timber floats, two gangway floats, two gangways; supported by 108 steel pipe piles. Finger floats were not included in this design amendment; marginal float width was increased from 10.5' to 12', and the piling spacing was decreased. Additionally, an 11 month time extension for the permit that was being modified.

Permit modification POA-2006-2015-M3, issued on December 2, 2009, amended the permit to authorize the construction of a small 10' by 10' pile supported gangway access platform in lieu of the gangway directly connecting to the abutment, and the installation of water lines to the Phase I and II floats. Water line installation would include excavation and backfill below the high tide line of 11.6'. These plans replaced the plans in the DA modification POA-2006-2015-M2 in their entirety. The phased work included:

Phase 1 included the fabrication and installation a 10' x 10' pile supported gangway access platform, a 5' x 50' aluminum gangway, a 16' x 16' gangway landing float, and approximately 254 lf of 12' wide marginal floats. The construction of phase 1 will require 30 steel pipe piles to be driven in the harbor basin, below the high tide line. The float system will be serviced by a short section of buried water line. The water line will be run in a trench from the uplands, and down the side of the harbor basin.

Phase 2 of the project is to install approximately 1050 If of marginal mooring floats and a 20' x 20' gangway landing float accessed by a 6' x 80' aluminum gangway secured to a small pile supported access trestle. The completion of phase 2 will require a total of 91 steel pipe piles to be driven below the high tide line inside the harbor basin. The float system will be serviced by a short section of buried water line. The water line will be run in a trench from the uplands, and down the side of the harbor basin. The water line will come out at the toe of the basin slope, and run along the bottom of the basin, connecting to the floating dock system via a flexible hose.

<u>APPLICANT PROPOSED MITIGATION</u>: 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 applicant has stated the following as methods to avoid impacts:
  - The enclosed nature of the harbor (New Harbor is surrounded on all sides, except for the entrance, by the shoreline or a solid rock riprap breakwater) provides safe moorage to users and also confines temporary construction impacts (some in-air and in-water noise, minor water turbidity from pile driving.
  - The square footage of the float system and proposed number of piles are the minimal necessary to provide adequate and safe moorage facilities.

- Float installation is proposed for the south end of the harbor, the end furthest away from the entrance.
- b. Minimization: The applicant has stated the following as methods to minimize impacts:
  - Construction of the floats would take place at an upland offsite location and the new floats would be barged into the harbor for installation, minimizing the potential for construction debris to enter the water.
  - While the project proposes to increase total overwater cover, all of this proposed work would be within an enclosed commercial harbor away from more natural areas, including stream and rivers.
  - Construction of the project will comply with the following conditions and Best Management Practices to minimize impacts to the surrounding environment.
  - The new utility lines to the floats would be installed beneath the new approach trestle, reducing the potential for construction impacts to the shoreline.
  - All proposed piles are steel. The quantity of creosote-treated timber is minimized to the maximum extent practicable given the harsh nature of the existing marine environment. Any treated timber will meet all applicable wood preservative conditions.
- c. Compensatory Mitigation: The applicant has stated the following regarding compensatory mitigation:

Given the location of the proposed Project, the scope, and the identified avoidance and minimization steps, compensatory mitigation has not been proposed. Long-term impacts are not anticipated and any short-term impacts (noise and water turbidity from construction) will be temporary and minor in nature.

<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.

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 applicant's proposed project, which consists mostly of the marine waters in the area. 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 is requesting the SHPO's concurrence with this determination.

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the species listed below and the designated critical habitat.

Common Name	Scientific Name	DPS	Status	Critical Habitat Present	Agency
Fin Whale	Balaenoptera physalus	-	Е	N	NMFS
Humpback Whale	Megaptera novaeangliae	Mexico DPS	T	N	NMFS
		Western North Pacific	E	N	NMFS
North Pacific Right Whale	Eubalaena japonica	-	Е	N	NMFS
Steller sea lion	Eumetopias jubatus	Western	E	Y	NMFS
Northern Sea Otter	Enhydra lutris kenyoni	A-5	τ	Υ	USFWS
Short-tailed Albatross	Phoebastria (=Diomedea) albatrus	-	E	N	USFWS
Steller's Eider	Polysticta stelleri	-	T	N	USFWS

We have determined the described activity may affect the Fin Whale, Humpback Whale, North Pacific Right Whale, Steller's Eider, Steller sea lion and the designated critical habitat, and the Northern Sea Otter and the designated critical habitat. We have determined the described activity would have no effect to the Short-tailed Albatross. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This PN serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

<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)(l) 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.

<u>AUTHORITY</u>: This permit will be issued or denied under the following authorities:

- (X) Perform work in or affecting navigable waters of the United States Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).
- (X) Discharge dredged or fill material into waters of the United States Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander U.S. Army, Corps of Engineers

**Enclosures** 

## STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER 401 Certification Program Non-Point Source Water Pollution Control Program

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

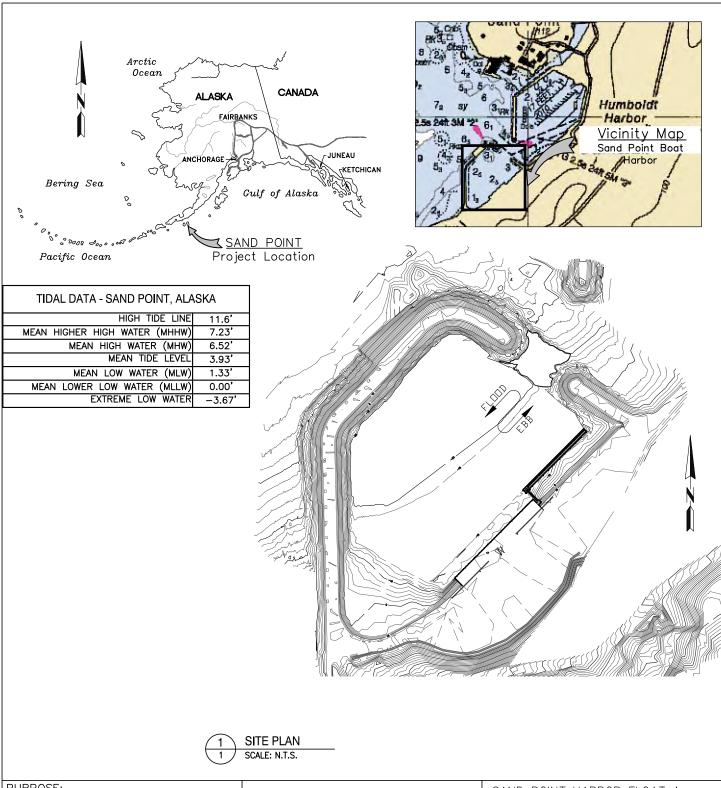
## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. <u>POA-2006-2015</u>, <u>Sandpoint Harbor</u>, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



PURPOSE:

INSTALL FLOAT SYSTEM A INTO THE **NEW HARBOR** 

PERMIT: POA-2006-2015-M3,

SAND POINT

DATUM: M.L.L.W. = 0.0ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SAND POINT

OFFSHORE: ADNR

ALEUTIANS EAST BOROUGH P.O. BOX 349 SAND POINT, AK 99661

SCALE:

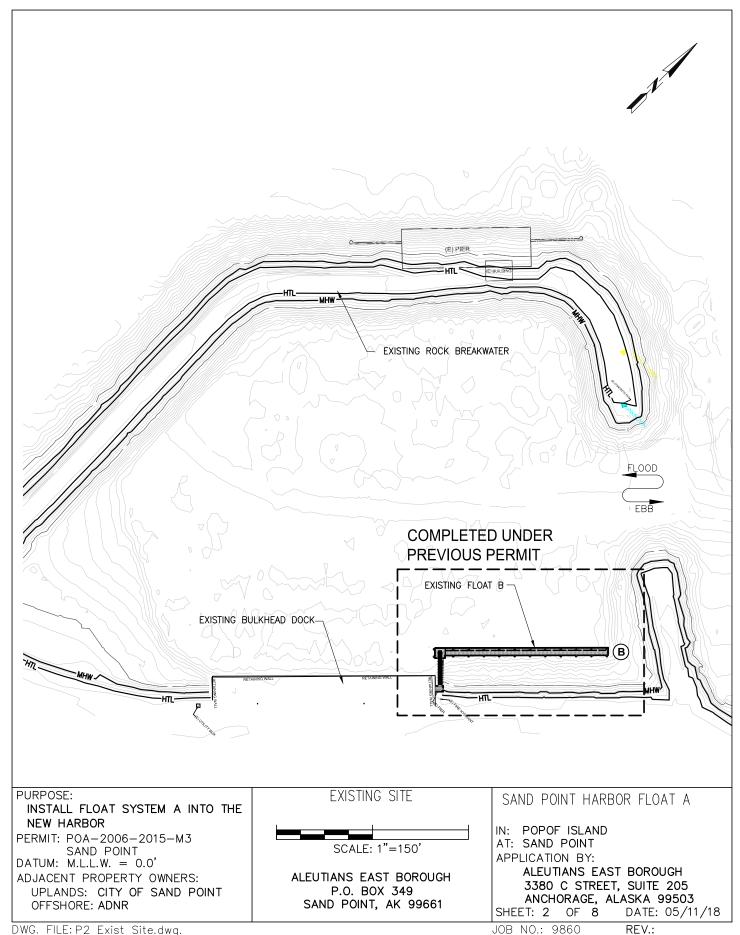
VICINITY MAP

SAND POINT HARBOR FLOAT A

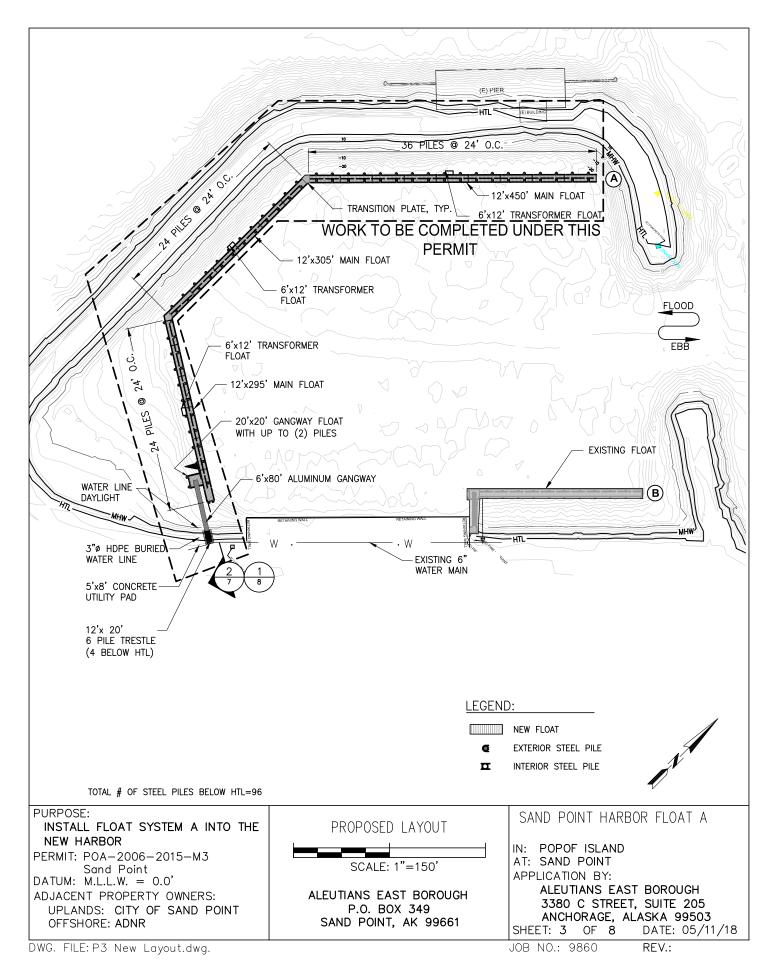
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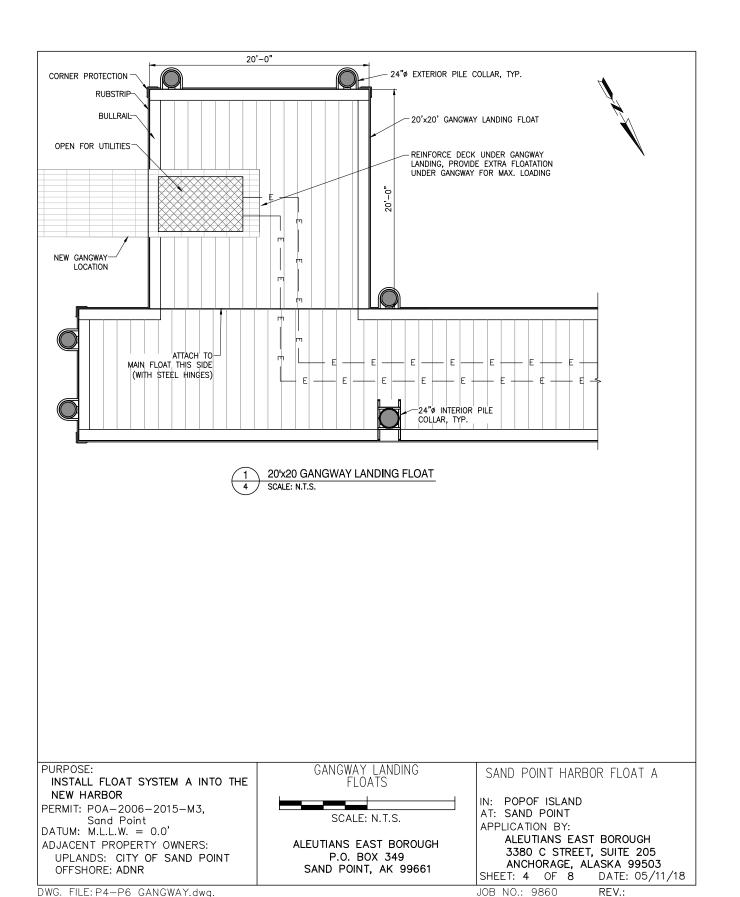
ALEUTIANS EAST BOROUGH 3380 C STREET, SUITE 205 ANCHORAGE, ALASKA 99503 DATE: 05/14/18 SHEET: 1 OF 8

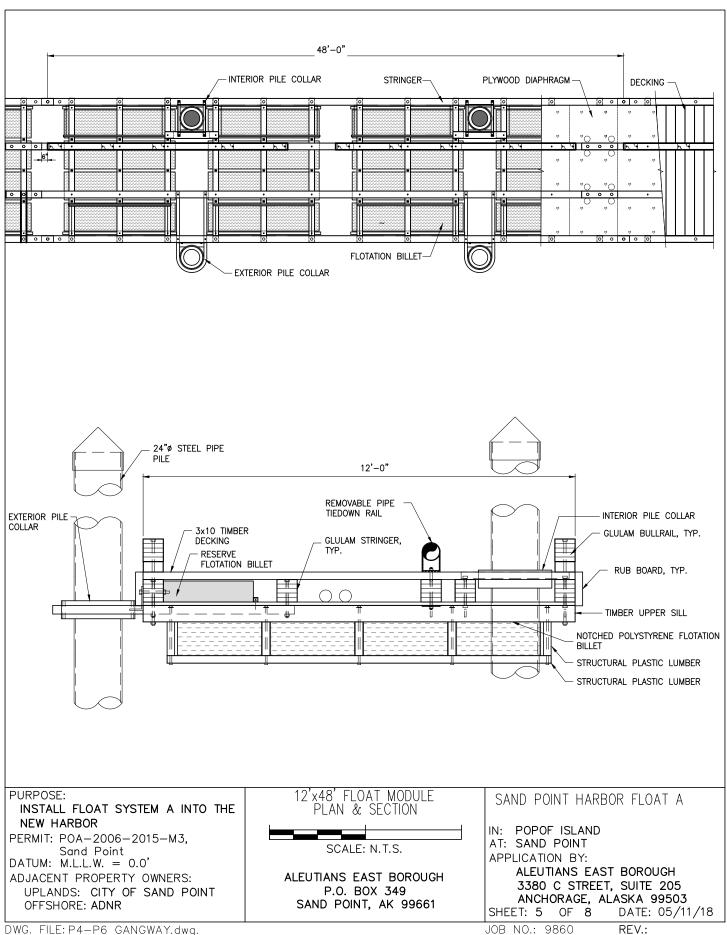
JOB NO.: 9860 REV.:



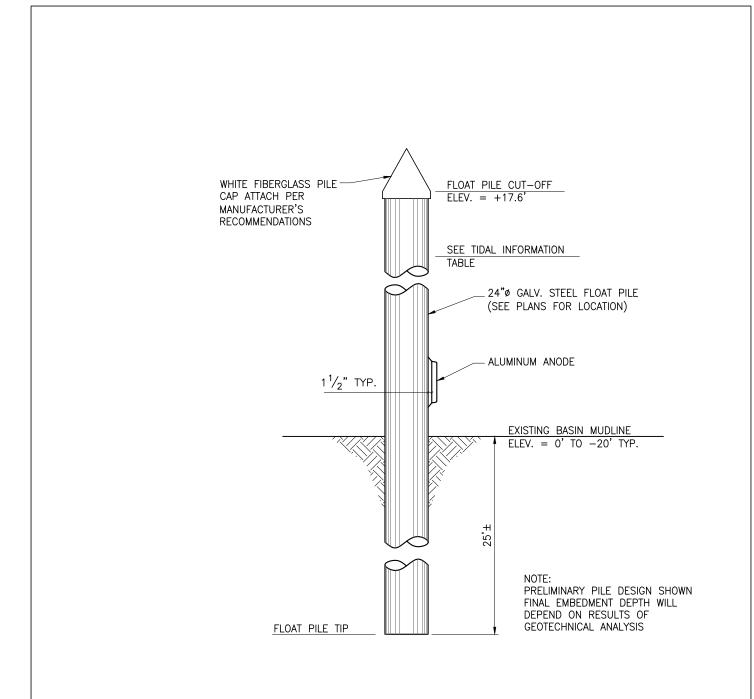
DWG. FILE: P2 Exist Site.dwg.







DWG. FILE: P4-P6 GANGWAY.dwg.



PURPOSE:

INSTALL FLOAT SYSTEM A INTO THE NEW HARBOR

PERMIT: POA-2006-2015-M3,

Sand Point
• MIIW = 0

DATUM: M.L.L.W. = 0.0' ADJACENT PROPERTY OWNERS:

UPLANDS: CITY OF SAND POINT

OFFSHORE: ADNR

STEEL PILE DETAIL

SCALE: N.T.S.

ALEUTIANS EAST BOROUGH P.O. BOX 349 SAND POINT, AK 99661 SAND POINT HARBOR FLOAT A

IN: POPOF ISLAND AT: SAND POINT APPLICATION BY:

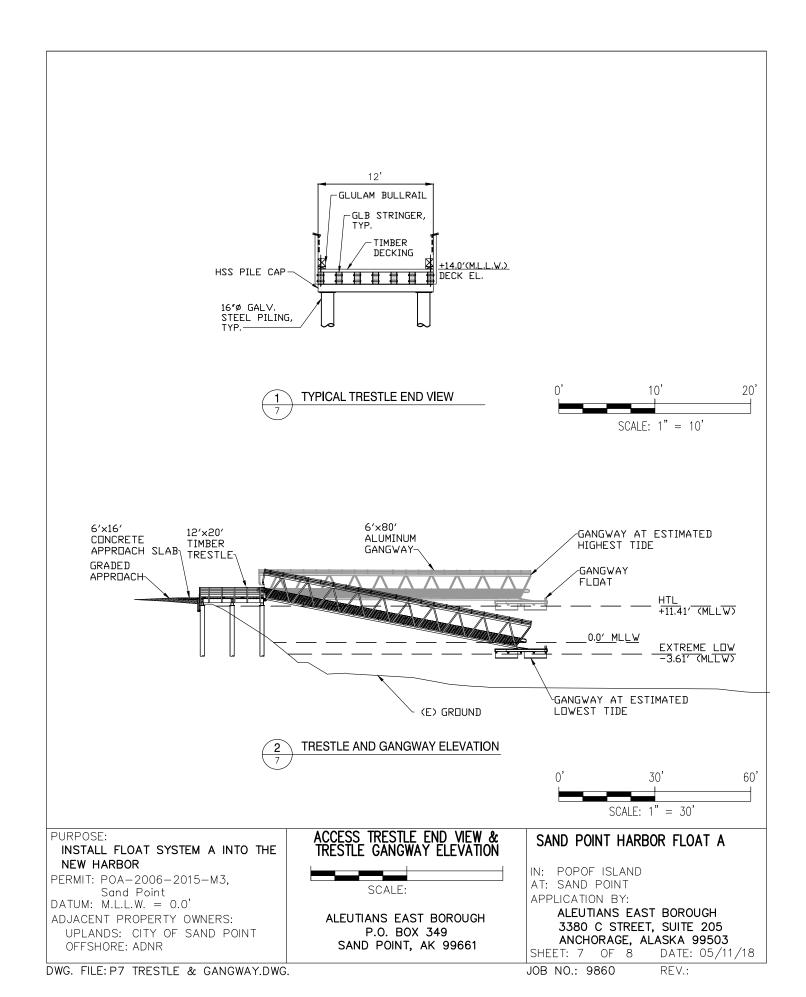
ALEUTIANS EAST BOROUGH 3380 C STREET, SUITE 205

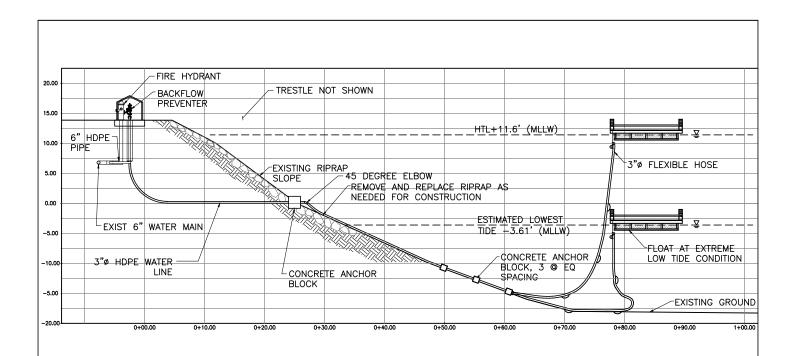
ANCHORAGE, ALASKA 99503 SHEET: 6 OF 8 DATE: 05/11/18

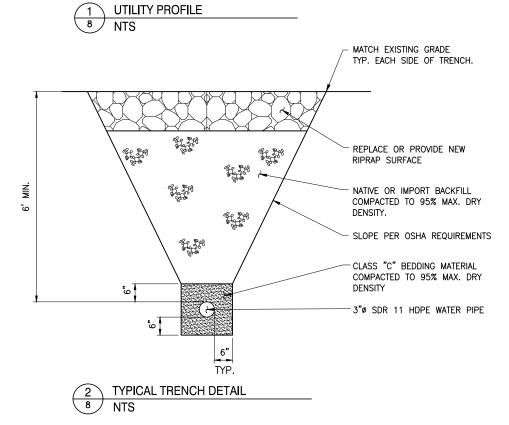
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REV.:

DWG. FILE: P4-P6 GANGWAY.dwg.







PURPOSE:

INSTALL FLOAT SYSTEM A INTO THE NEW HARBOR

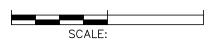
PERMIT: POA-2006-2015-M3,

Sand Point DATUM: M.L.L.W. = 0.0'

ADJACENT PROPERTY OWNERS: UPLANDS: CITY OF SAND POINT

OFFSHORE: ADNR

WATER SERVICE DETAILS



ALEUTIANS EAST BOROUGH P.O. BOX 349 SAND POINT, AK 99661 SAND POINT HARBOR FLOAT A

IN: POPOF ISLAND AT: SAND POINT APPLICATION BY:

ALEUTIANS EAST BOROUGH 3380 C STREET, SUITE 205 ANCHORAGE, ALASKA 99503 SHEET: 8 OF 8 DATE: 05/11/18

JOB NO.: 9860 REV.:

DWG. FILE: P8 UTILITY.DWG.