



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Juneau Field Office  
Regulatory Division (1145)  
CEPOA-RD  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

<b>PUBLIC NOTICE DATE:</b>	<b>March 25, 2014</b>
<b>EXPIRATION DATE:</b>	<b>April 9, 2014</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2000-495-M3</b>
<b>WATERWAY:</b>	<b>Gastineau Channel</b>

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Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, 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 Randal Vigil at (907) 790-4491, by mail at the address above, or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** City and Borough of Juneau; ATTN: Carl Uchtyl, Port Director; Docks and Harbors Department; 155 South Seward Street, Juneau, Alaska 99801.

**LOCATION:** The project site is located within Section 36, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.275° N., Longitude 134.388° W.; at the Douglas Small Boat Harbor, in Juneau, Alaska.

**PURPOSE:** The applicant's stated purpose is to renovate the existing Douglas Harbor in order to meet changing moorage demand in Juneau. Furthermore, the applicant has stated that the depth in the basin has decreased by several feet over that last several decades, primarily due to glacial rebound, which has resulted in many vessels contacting the sea floor due to insufficient depths.

**PROPOSED WORK:** The existing Douglas Harbor facility includes a 5.2 acre dredged basin and is protected from Gastineau Channel by the Juneau Island Causeway, Juneau Island itself, a rock breakwater on the southeast side of the harbor entrance, and the Dock Street fill. Douglas Harbor was originally created in the 1940's with updates, expansions and modification throughout until approximately 2003. Previous dredging has occurred in the Harbor which included disposal within open water of the Gastineau Channel; just outside the Harbor entrance; within the Harbor area to create a boat ramp; and upland disposal for use in adjacent roads, parks and recreational areas. The applicant is currently proposing the following work:

1) The removal of approximately 18,000 square feet of existing moorage floats and all associated finger floats, 55 creosote timber piles, a boat launch ramp and boarding float, boat repair grid, and steel gangway. The applicant has stated that this would most likely occur using a barge and crane, and that the materials would be disposed of in accordance with applicable law.

- 2) The installation of approximately 21,000 square feet of treated timber moorage floats with 61 galvanized steel piers and a 7-foot by 80-foot covered aluminum gangway. The installation of the new structures would also occur using a barge and crane and/or transferred to the site via the boat launch.
- 3) The installation of filter rock and riprap to stabilize the banks. A total of 4,500 cubic yards would be discharged below the High Tide Line (HTL) along 770 linear feet of shoreline.
- 4) The installation of electrical and water services on the floats to serve boaters. This would include domestic water system, electric power for boats, heating, lighting, and a fire suppressions system. All structures for this would be attached to the floats, either within the float or attached to it below the water line.
- 5) The dredging of approximately 39,635 cubic yards of material from the harbor to return the harbor to its original depth of -14 ft MLLW (Mean Lower Low Water).

The applicant is proposing to perform the dredging with a combination of clam shell and bucket excavators. Dredge material would be deposited in a barge, with return flow, for transport to the disposal site. Dredging would be performed outside the boating season which runs from May to September. The applicant is proposing confined disposal of the dredged material within Gastineau Channel.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated 06/14/07 and (sheets 1-2), dated 1/13/14.

**ADDITIONAL INFORMATION:** Harbor sediments were evaluated using federal guidelines for discharge of dredged material into waters of the United States provided in the "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S." (EPA/USACE). The sediment from Douglas Harbor has elevated levels of mercury. The proposed sediment cap design was formulated using criteria outlined in the Department of the Army's technical guidance entitled, "Guidance for Subaqueous Dredged Material Capping" (US Army Corps of Engineers, Technical Report DOER-1, June 1998).

**APPLICANT PROPOSED MITIGATION:** The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant has stated that the use of the disposal area in Gastineau Channel would result in avoidance of impacts in that the area has been subject to similar use in the past (the applicant has stated that the proposed disposal area has been utilized during two prior dredging events within Douglas Harbor - once in 1997 and again in 2002).

b. Minimization: Measures that the applicant is planning on undertaking which would minimize impacts to the aquatic environment include the use of galvanized steel pipe and ACZA-treated timber in lieu of creosote-treated timber piles and floats, respectively. In addition, where practical, a vibratory hammer would be used to drive the piles. A silt containment boom would be used within the inner harbor during dredging operations to contain suspended sediments during the dredging operation.

c. Compensatory Mitigation: The applicant has stated that because the project is being performed primarily for purposes of a maintenance effort and that the removal of the creosote-treated structures with the resulting increase in the footprint size of the basin footprint, compensatory mitigation should not be required.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, 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 may adversely affect EFH in the project area for the following species the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon. The proposed project location is near-shore habitat primarily for adult and juvenile salmon migration, which provides refuge from predators and opportunity to rest. The proposed project would involve pile driving, which may increase the potential for injury or mortality to salmon from pressure waves generated from pile driving. Elevated levels of suspended particulates and turbidity would result from the proposed discharge of dredged and/or fill material or from erosion of improperly stabilized embankments. Settled particulate matter can smother aquatic life forms. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings 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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

## 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. **POA-2000-495-M3, Gastineau Channel**, 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.