



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
PO Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	September 16, 2014
EXPIRATION DATE:	October 16, 2014
REFERENCE NUMBER:	POA-2012-404
WATERWAY:	Icy Strait

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 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Huna Totem Corporation, 9301 Glacier Highway, STE 200, Juneau, AK 99801.

AGENT: Victoria England, BergerABAM, 33301 9th Ave. South, STE 300, Federal Way, WA 98003.

LOCATION: The project site is located within Section 20, T. 43 S., R. 61 E., Copper River Meridian; USGS Quad Map Juneau A-5; Latitude 58.130° N., Longitude 135.464 ° W.; 108 Cannery Road, in Hoonah, Alaska.

PURPOSE: The applicant's stated purpose is to streamline cruise ship operations at the site by constructing a fixed cruise ship berth, renovating existing tourist facilities, and constructing additional tourist facilities to support cruise ship terminal operations at the site and projected increases to tourist traffic.

PROPOSED WORK: The applicant requests authorization to construct the following structures below the Mean High Water mark (approximate elevation +13.9 feet above the 0.0 foot contour) (MHW) in navigable waters of the United States:

- Two pile-supported (15 total 42-inch diameter steel) mooring dolphins.
- Two pile-supported (20 total 42-inch diameter steel) breasting dolphins.
- Eight (5-foot wide by 820-foot long), pile-supported (10 total 24-inch diameter steel) catwalk spans.
- One 400-foot long by 50-foot wide offshore floating cruise ship mooring pontoon secured by three pile-supported (18 total 42-inch diameter steel and 5 total 60-inch diameter steel) reaction dolphins.
- One 173-foot long by 18-foot wide steel transfer span, and one 482-foot long by 18-foot wide steel trestle supported by 15 total 24-diameter and 21 total 30-inch diameter steel piles.

In addition, the applicant proposes to discharge 275 cubic yards of clean imported fill material into 0.08 acres of waters of the United States consisting of palustrine wetlands to construct an early excursion departure/welcome center, gravel access road, and culinary attraction at the Icy Strait Point tourist facility.

All work would be performed in accordance with the enclosed plan (sheets 1-24), dated 8/4/14.

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 project has been designed to improve berth accessibility, as well as improve upland tourist facilities and avoid adverse environmental effects. Three build alternatives were considered. The proposed project (preferred alternative) was chosen because the location is easier to access for cruise ships and allows for a more direct flow of traffic to and from the cruise arrival facilities.”

b. Minimization: “The project was designed to minimize impacts to the aquatic environment by:

- The floating pier construction will minimize the number of piling needed in association with the cruise ship berth, as compared to a fixed pier. A pile-supported berth of similar design would require up to 200 additional piling. The floating pontoon design effectively minimizes the amount of benthic impact resulting from pile installation associated with the project.
- The elimination of the use of lightering vessels will greatly reduce the number of small vessel trips transporting passengers from the cruise ship to the shore during the summer cruise season. More than 100 small vessel trips per day will be eliminated.
- The project will reduce fuel consumption and emissions associated with lightering operations.
- The completed project will reduce noise and in-water disturbances associated with current lightering operations.
- The floating pier design allows the cruise ships to tie off at the pier without dropping anchor. This will eliminate approximately 80 square feet benthic impact from the anchor (typically one anchor, 8 feet by 10 feet) and a minimum of 100 square feet of benthic impact from the anchor chain (100 feet in length by 1 foot wide) each time a cruise ship visits the site. There are approximately 72 cruise ship visits per year so that the project will eliminate a minimum of approximately 13,000 square feet of benthic impact from anchoring each year. Actual impact from existing cruise anchoring is significantly higher as vessels typically swing on the anchor chain, causing the anchor chain to drag across the seabed.
- The project will eliminate the need for cruise vessels to operate side thrusters and the main engines to maintain the station and orientation of the cruise ship during lightering operations. This will further reduce fuel use, emissions, and in-water noise while the cruise ships are on dock at the new terminal.
- Planning upland structure, infrastructure, and roadway locations to minimize impacts to wetlands at and near the site.
- Using permeable surface material in roadways, parking areas, and arrival areas to minimize the increase in impervious surfaces at the site and subsequent increases to stormwater sheet flow across the surface of the site.
- All equipment (except for anchors, spuds, etc. required to place piling) will be kept out of the water, above the water line, to minimize and prevent contaminant releases.
- Properly sized tugs and support equipment will be used.
- Oil booms will be readily available for containment should any releases occur.
- Work barges will not be allowed to ground out or rest on the substrate, or be over or within 25 feet of vegetated shallows.

- Barges will not be anchored over vegetated shallows for more than four consecutive days.
- Project construction will be completed in compliance with Alaska State Water Quality Standards (18 AAC 70).
- A spill prevention, control, and countermeasures (SPCC) plan will be prepared by the contractor and used during all construction operations. A copy of the plan with any updates will be maintained at the work site.
- Vessel personnel will be trained in hazardous material handling and spill response and will be equipped with all necessary response tools, including absorbent oil booms. In the event of a spill, spill cleanup and containment efforts will begin immediately and will take precedence over normal work.
- The vessel contractors will regularly inspect fuel hoses and oil or fuel transfer valves and fittings on the equipment for drips or leaks in order to prevent spills into the surface water.
- The contractor will be required to prepare and implement a Temporary Erosion and Sediment Control plan during construction to minimize the potential for impacts to water quality from upland construction activities.
- Marine mammal monitoring will be conducted during pile installation activities to reduce the potential for impacts to ESA - listed marine mammals.
- Best management practices (BMPs) will be implemented during all project work (in-water and upland) to control and minimize impacts to the aquatic environment.

Erosion control measures will also be in place during excavation and fill activities at the site. These measures will include the use of silt fences, erosion control blankets, and dust control measures. Erosion control BMPs listed in the permits will be in place at all times during those activities.

BMPs will be in place to prevent and control spills and releases from equipment that will be used during construction. A spill prevention and control plan will be completed for the site and will be adhered to by all on-site contractors. BMPs include, but are not limited to, daily inspection of construction equipment for signs of leaks and on-site spill kits will be readily available and will include absorbent material and booms to capture and contain any materials that may be released during construction.”

c. Compensatory Mitigation: “The elimination of the need for cruise ship anchoring will effectively remove a minimum of 0.3 acre of benthic impact annually from ship anchors and chains. This will mitigate the unavoidable benthic impacts (0.02 acre) resulting from pile installation associated with the project. Approximately 1 ton of man-made debris will also be removed from the west shoreline of Icy Strait and the shore of Halibut Island as mitigation. The debris consists of derelict boats, log booms and chains, steel cables, garbage (plastic bottles, pieces of foam, etc.), timber floats, and other derelict timber structures. This debris removal will mitigate for potential impacts to aquatic habitat that could occur associated with new overwater structure. The proposed shoreline and intertidal debris removal will remove potential sources of contamination (e.g., derelict boats, oil cans, etc.) and debris that could negatively affect water quality, and that could also endanger marine mammals and other aquatic life if it is remobilized by tidal surges or storms. The proposed debris removal will return the shoreline and intertidal areas in these locations to their natural state by removing obstacles to shorebirds and marine animals that may visit the shore in these areas.”

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 is a registered or eligible property in the vicinity of the worksite. It has been designated Hoonah Salmon Cannery (**JUN-00384**). Because it has been determined to be within the project area, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. 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: The project area is within the known or historic range of the Humpback Whale (*Megaptera novaeangliae*), and Steller Sea Lion (*Eumetopias jubatus*) Western Distinct Population Segment.

In a Biological Evaluation prepared for the proposed project dated August 2014, the applicant determined the described activity may affect the endangered Humpback Whale (*Megaptera novaeangliae*), and Steller Sea Lion (*Eumetopias jubatus*) Western Distinct Population Segment. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service. 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 Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*). The proposed project would involve pile driving, and construction of over water covering structures, which may increase the potential for injury or mortality to salmon from pressure waves generated from pile driving, elevation of suspended particulates within the water column, and/or loss of habitat. 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).

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-2012-404, Icy Strait**, 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.