



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	March 24, 2014
EXPIRATION DATE:	April 22, 2014
REFERENCE NUMBER:	POA-2014-076
WATERWAY:	Edna Bay

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 Marcia L. Heer at (907) 753-5759, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Marcia.L.Heer@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Natural Resources (ADNR), Division of Forestry, 2417 Tongass Avenue, Suite 213, Ketchikan, Alaska 99901, (907) 225-3070

LOCATION: The project site is located within Section 34, T. 68 S., R. 76 E., Copper River Meridian; USGS Quad Map Craig D-5; Latitude 55.937183° N., Longitude -133.64743° W.; on the southwest side of Edna Bay on Kosciusko Island, Alaska. It has been assigned number POA-2014-076, Edna Bay, which should be referred to in all correspondence with us.

PURPOSE: The applicant's stated purpose is to construct a facility that would be used to sort, process, store, and transport logs (from the sort yard to tidal waters) to the commercial timber market from nearby forests that include State of Alaska land and potentially other landowners.

PROPOSED WORK:

1. Placement of 50 cubic yards of clean shot rock material within 0.15-acres below the high tide line (HTL) of Edna Bay to construct a 60-foot by 100-foot drive down log transfer ramp;
2. Placement of a 46-foot by 42-foot concrete or timber framed HDPE float below the mean high water (MHW) line that includes a 6-foot by 75-foot metal ramp to allow upland access without grounding the float at all tidal stages;
3. Construction of a log rafting and storage area within 10 acres below the MHW of Edna Bay. The proposed intertidal rafting area includes placement of a 500-foot double-log stiff leg and a 1,000-foot of single-log bag boom and the proposed intertidal log storage area includes a 900-foot double-log standing boom, all anchored in place;
4. Placement of 10,980 cubic yards of fill material into 1.09 acres of forested wetlands to construct a log storage and sort yard. The five acre log storage and sort yard also contains uplands and would include a

drainage swale (with check dams and a sediment pond) and a 300-foot culvert with an inlet sump and energy dissipater outlet.

All work would be performed in accordance with the enclosed plan (sheets 1-13), dated March 12, 2014.

ADDITIONAL INFORMATION: The ADNR Division of Forestry conservatively estimates that over 100 MMBF (million board feet) feet of timber from various ownerships would be harvested on Kosciusko Island within the next 25 five years. The State of Alaska ADNR harvestable timber land is within an approximate 3,000 acre area adjacent to the proposed log transfer facility site. Other land owners could potentially also use the log transfer facility site.

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: Due to the amount of timber anticipated to be harvested within the next 25 years and market conditions, ADNR Division of Forestry stated that in-water rafting and storage are economically desirable. They looked at four potential log transfer facility sites on Kosciusko Island to determine which site offered the least environmental impact, was economical to develop, and could provide safe and efficient operating factors. Their alternatives analysis utilized the National Pollution Discharge Elimination System (NPDES) permit Appendix B Log Transfer Facility Siting, Construction, Operation, and Monitoring/Reporting Guidelines (October 21, 1985) as the minimum site standard in conjunction with the ADNR Prince of Wales Island Plan to focus the site selection and avoid known habitat and social issues.

b. Minimization: Intertidal fill and disturbance is minimized because the proposed drive down log transfer ramp is sited in a limestone bedrock outcrop location that provides an existing solid foundation and the natural grade of the bedrock surface is close to the desired grade of the ramp. In addition, the proposed fill material would be clean shot rock which resembles existing conditions. Other methods of placing log bundles in water such as an A-frame or bulkhead with a crane would have required much more intertidal fill material.

Dive surveys were conducted at the proposed and alternative sites to gather baseline intertidal resource information and to avoid known sensitive habitat areas such as eelgrass.

The proposed development in the forested wetland has been minimized to the extent possible in conjunction with ensuring the facility meets capacity and safety requirements.

The drainage pattern of the proposed facility would utilize portions of the forested wetland area to mitigate surface runoff from the yard and its potential effect on the adjacent tidelands and the grading of the sort yard would utilize engineered sumps and ditches to precipitate sediments. An existing surface flow seep area would be intercepted and routed underneath the yard in a culvert to maintain the existing drainage pattern.

c. Compensatory Mitigation: ADNR Division of Forestry stated that they should be recognized as having preserved significant wetland habitat beyond what would be considered as, "normal compensation" for the proposed wetland use through the designation of the newly formed Southeast State Forest. The Alaska Legislature established the State Forest System under AS 41.17 titled the Alaska Forest Resources Act (FRPA). That act was amended in 2010 and 2011 to include approximately 48,000 acres in Southern Southeast Alaska of which 3,300 acres are located on Kosciusko Island. Prior to this, these lands were designated as General Use lands and subject to a variety of public land and resources. Since they are now designated as State Forest, the land is now subject in perpetuity to the FRPA requirements for the protection of riparian habitat and other best management requirements that mandate the protection of water quality at a significant higher level than if they were left in their existing status as community grant lands.

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: The project area is within the known or historic range of the endangered humpback whale (*Megaptera novaeangliae*). We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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 juvenile and adult coho (*Oncorhynchus kisutch*), chum (*O. keta*), pink (*O. gorbuscha*), chinook (*O. tshawytscha*) and sockeye salmon (*O. nerka*) and Pacific cod (*Gadus macrocephalus*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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-2014-076, Edna Bay** 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.