



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	June 24, 2015
EXPIRATION DATE:	July 23, 2015
REFERENCE NUMBER:	POA-2005-1406-M2
WATERWAY:	Anchorage 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 Michael Setering at (907) 753-2627 or by email at Michael.t.setering@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Richard Sharpe (City of Chignik), Mayor, City Of Chignik, Po Box 110 Chignik Ak 99564

AGENT: Ms. Lisa Baughman (PND Engineers, Inc.), Pnd Engineers Inc., 1506 West 36th Avenue, Anchorage Ak 99503

LOCATION: The project site is located within Section 8, Township 45 S., Range 58 W., Seward Meridian; USGS Quad Map AK-CHIGNIK B-2; Latitude 56.3041° N., Longitude 158.3792° W.; in Chignik, Alaska.

PURPOSE: The applicant's stated purpose is to expand the existing harbor facilities within the Chignik harbor basin to meet the needs of the City of Chignik and regional communities.

PROPOSED WORK: The City of Chignik proposes to discharge 7,600 cubic yards of gravel fill in 0.34 acre below the high tide line (approximate elevation +11.2 feet above the 0.0 foot contour) of Anchorage Bay to facilitate installation of a new float system, expansion of the existing float system, construction of a new bulkhead (sheet pile) dock, boat lift, and a boat washdown and water treatment system.

The proposed timber floats are comprised of timber and steel (structural) sections. Timber situated below the float deck would be “glulam” sections (creosote treated glue laminate); exposed sections above the water would be treated with ammoniacal copper zinc arsenate (ACZA).

The proposed steel floats consist of a fabricated steel frame supported by steel floatation pontoons and coated polystyrene floatation units. All steel members would be galvanized, while the floatation pontoons would receive a separate coating of polyurethane.

All (proposed) floats would be secured to the bay bottom by driven steel piles (16-inch to 18-inch). The applicant proposes to use an APE-200 vibratory hammer (or equivalent) to drive the piles; however, if a restrictive layer is encountered while using the vibratory hammer, the applicant proposes to utilize an impact hammer.

A new, ADA (Americans with Disabilities Act) compliant gangway (80-ft in length) would be installed linking the new float system to the new bulkhead (sheet pile) dock.

Existing Float System:

At the southern portion of the Chignik harbor basin, the applicant proposes to expand the existing float system to accommodate additional slips and install a “seiner float” to be used for repairing seine nets. For the purposes of this Public Notice, the existing float sections will be identified as Sections A, B and C (see enclosures for illustration). Proposed work as follows:

Section A: The existing timber float main (10-ft wide) would be extended by 56-ft in length, leading to a proposed (timber) seiner float (87-ft in width by 84-ft in length). There would be two lateral (timber) finger floats installed off the float main extension (5-ft in width by 38-ft in length, and 5-ft in width by 50-ft in length).

Section B: No work or structures proposed on Section B.

Section C: There would be three lateral (timber) finger floats installed off the existing float main. Each finger float would be 6-ft in width by 52-ft in length.

New Float System:

Immediately north of the existing float system, the applicant proposes to install a new float system to accommodate additional slips. The new float system would include a timber float main, 10-ft in width by 163-ft in length. There would be four lateral (timber) finger floats (6-ft in width by 58-ft in length) and two end finger floats (8-ft in width by 58-ft in length).

New Steel Float (Independent from systems described above):

Adjacent to the proposed boat lift (described below), the applicant proposes to install a new steel float (12-ft in width by 360-ft in length) to provide additional vessel moorage, etc.

Bulkhead (sheet pile) Dock:

The proposed dock structure consists of a sheet pile face (80-ft) backfilled with granular fill and six 24-inch steel fender piles. The existing rock revetment in the footprint of the proposed dock would be relocated and utilized in other project features to the greatest extent practicable. Fill material for the structure would be obtained from the boat lift excavation (described below) and partially from an existing stockpile leftover from the previously authorized access road, permitted under POA-2005-1406. The bulkhead dock would service the proposed boat lift, immediately adjacent to the dock.

Boat Lift:

The proposed boat lift is comprised of two fabricated steel piers supported by eight 24-inch driven steel piles. There would be two floating donut fenders located at the end of the piers; the face of the piers will have ACZA treated timber fender piles.

Washdown and Water Treatment System:

Immediately north of the boat lift and steel float, there would be a concrete washdown pad and water treatment system. The pad would provide a wash area for vessels coming off the adjacent boat lift. All wash water would runoff the pad into a catchment basin to be retained for recycling and disposal. A separate catchment basin would be utilized when the washdown facility is not in use, thereby allowing storm water to be discharged into the storm drain and passing through an oil/sediment separator before being discharged into the harbor.

All work would be performed in accordance with the enclosed plan (sheets 1-12), dated April, 2015.

ADDITIONAL INFORMATION: The City of Chignik received Department of the Army permit POA-2005-1406 on June 20, 2006, authorizing construction of an access road to the Chignik harbor, a boat launch ramp, and installation of float systems. Only a portion of the authorized work was completed prior to the original permit expiration. On October 20, 2010, the City of Chignik received a time extension to complete authorized work. The Department of the Army permit application POA-2005-1406-M2 seeks to modify and expand the existing harbor facilities authorized under POA-2005-1406 and POA-2005-1406-M1.

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 impacts to waters of the United States have been avoided as much as practicable.
- b. Minimization: The applicant has stated that impacts have been minimized by limiting structures or fill to only what is needed for beneficial use by the local community.
- c. Compensatory Mitigation: The applicant has not proposed compensatory mitigation.

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. We have determined there is no potential to cause effects. 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 range of the Steller sea lion (*Eumetopias jubatus*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*), short tailed albatross (*Phoebastria albatrus*), stellers eider (*Polysticta stelleri*), northern sea otter (*Enhydra lutris kenyoni*) and its critical habitat.

We have determined the described activities would have no effect on the fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*), and short tailed albatross (*Phoebastria albatrus*).

We have determined the described activities may affect, but not likely to adversely affect the Steller sea lion (*Eumetopias jubatus*), Steller's eider (*Polysticta stelleri*) and northern sea otter (*Enhydra lutris kenyoni*) and its critical habitat. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and 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 Arrowtooth flounder (*Atheresthes stomias*), Rock sole (*Lepidopsetta bilineata*), sculpins (*Cottoidea spp.*), flathead sole (*Hippoglossoides elassodon*), pacific cod (*Gadus macrocephalus*), walleye Pollack (*Theragra chalcogramma*), skates (*Rajidae spp.*), Chinook salmon (*Oncorhynchus tshawytscha*), Chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), pink salmon (*Oncorhynchus gorbuscha*), Alaska plaice (*Pleuronectes quadrituberculatus*).

We have determined the described activity may affect, but not likely to adversely affect EFH in the project area. The proposed bulkhead dock would result in the discharge of gravel fill in 0.34 acre below the high tide line (approximate elevation +11.2 feet above the 0.0 foot contour) of Anchorage Bay, which may contribute to habitat loss. 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

ANCHORAGE

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. **POA-2005-1406-M2, Anchorage 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.