



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
P.O. Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	March 27, 2015
EXPIRATION DATE:	April 10, 2015
REFERENCE NUMBER:	POA-2015-23
WATERWAY:	Gastineau Channel

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 Matthew Brody at (907) 790-4493, by email at Matthew.T.Brody@usace.army.mil, or by mail at the address listed above if further information is desired concerning this notice.

APPLICANT: Marine Exchange of Alaska

AGENT: Chris Gianotti, PND Engineers, Inc.

LOCATION: The project site is located within Section 22, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.30146° N., Longitude -134.42598° W.; located at 1050 Harbor Way, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to construct a three story office building for the Marine Exchange of Alaska with on-site access to the vessel M/V Cleat.

PROPOSED WORK: The applicant requests authorization for the following work in waters and navigable waters of the United States (U.S.):

1. Demolish an existing treated timber retaining wall in 9 feet² of waters of the U.S. below the mean high water (MHW) (+15.4 feet above the 0.0 foot contour line) of Gastineau

Channel. Approximately 10 cubic yards of material would be excavated below the MHW temporarily impacting 102 square feet of substrate within the Corps jurisdiction. Additional excavation would occur above the MHW. The material would be stockpiled on uplands and reused as backfill for the excavated area to support the new retaining wall.

2. Install a new cast in place reinforced concrete retaining wall measuring approximately 49 feet long and 6 feet wide. Twenty-five feet of the proposed wall would be located a below the high tide line (HTL) (+20.8 feet above the 0.0 foot contour line) impacting approximately 137 square feet of intertidal substrate.
3. A total of (14) 24-inch diameter steel pipe piles would be installed below the MHW using a land based, crane mounted vibratory hammer. Final proofing using an impact hammer would ensure embedment.
4. A concrete slab measuring 2850 feet² would be installed atop the pilings and retaining wall of which 983 feet² would be seaward of the mean high water.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated December 2014.

ADDITIONAL INFORMATION: The applicant has acquired a setback variance from the City and Borough of Juneau for the proposed structure and work.

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 stated that situating the proposed structure with onsite access is necessary to the efficient operation of the Marine Exchange as their vessel is moored onsite and is frequently loaded with materials stored at the office and is used to test electronic devices built onsite. The proposed structure was situated to utilize as much of the upland portion of the property as possible.

b. Minimization: The applicant stated that the removal of the existing treated timber retaining wall would reduce impacts to water quality from the treatment chemicals. All work is proposed to take place during low tides in the dry in order to avoid impacts water quality and wildlife from construction noise. All equipment access, delivery of materials and operations of equipment would be conducted from the adjacent uplands.

c. Compensatory Mitigation: The applicant has proposed no 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. 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. The Corps has determined that the project has no potential to cause effects to historic properties.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback Whale (*Megaptera novaeangliae*) and the Western Steller Sea Lion (*Eumetopias jubatus*).

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 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 the Coho Salmon (*Oncorhynchus kisutch*), Sockeye salmon (*Oncorhynchus nerka*), Chinook salmon, (*Oncorhynchus tshawytscha*), chum salmon, (*Oncorhynchus keta*), Pink salmon, (*Oncorhynchus gorbuscha*).

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-2015-23, 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.