



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:	January 20, 2017
EXPIRATION DATE:	February 21, 2017
REFERENCE NUMBER:	POA-2016-576
WATERWAY:	Sawmill Cove

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 Mr. Jamie Hyslop at (907) 753-2670, toll free from within Alaska at (800) 478-2712, or by email at Jamie.R.Hyslop@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Dan Tadic, City and Borough of Sitka, Department of Public Works

AGENT: Ms. Robin Reich, Solstice Alaska Consulting, Inc.

LOCATION: The project site is located within Section 3, T. 56 S., R. 64 E., Copper River Meridian; USGS Quad Map Sitka A-4; Latitude 57.0463° N., Longitude 135.2290° W.; from the City of Sitka travel east approximately 5.5 miles on Sawmill Creek Road to the Gary Paxton Industrial Park (GPIP), Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to construct a multipurpose dock that will serve a wide variety of vessels, provide deep water port access to the GPIP, meet modern standards for safety, and promote marine commerce in the region.

PROPOSED WORK: The applicant requests authorization for the following work in waters of the United States.

1. Discharge 1,700 cubic yards of clean rock fill material into 0.02 acres below the high tide line (HTL approximate elevation +12.7 feet above the 0.0 foot contour) and the mean high water mark (MHW +9.1 feet above the 0.0 foot contour) to construct an abutment (figure 3 of 5);
2. Install a 250 foot by 74 foot by 19 foot floating dock, a 12 foot by 100 foot small craft float and gangway, and a 90 foot by 25 foot transfer bridge over and below the MHW (figure 3 of 5);
3. Install 12 temporary 30-inch diameter steel piles, over and below the MHW, that would be removed prior to project completion;
4. Permanently install 2- 48-inch vertical piles, and 4- 30-inch batter piles over and below the MHW (figure 5 of 5);
5. Remove up to 280 abandoned creosote treated piles together with 5 dock structures over and below the MHW as funding allows (figures 2 and 3 of 5).

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated January 2017.

ADDITIONAL INFORMATION: The Corps is not aware of any additional authorizations (state local or federal) the applicant is required to obtain.

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: To meet the project purpose and need the project must be constructed in and over waters of the United States and a small amount of fill must be placed in waters of the U.S. The applicant has avoided undeveloped shoreline and choose to locate the proposed dock within the GPIIP, in an area designated for commercial docks. Steel piles are proposed to be used as opposed to wood piles that has been surface or pressure-treated with creosote or treated with pentachlorophenol. If treated wood must be used, any wood that comes in contact with water will be treated with waterborne preservatives in accordance with Best Management Practices developed by the Western Wood Preservers Institute. Additionally, the project uses a design that does not require dredging.

b. Minimization: The project uses the most compact design and few piles and a very small amount of fill to minimize impacts to waters of the United States. Plans for avoiding, minimizing, and responding to releases of sediments, contaminants, fuels, oil, and other pollutants would be developed and implemented. Spill response equipment will be kept on-site during construction and operation. The project has been designed so that floats or barges would not be grounded at any tidal stage.

c. Compensatory Mitigation: Compensatory mitigation is not proposed.

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 unevaluated properties in the vicinity of the worksite. Because these properties have been determined to lie within the project area, a determination of eligibility and, if needed, 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. This application is being coordinated with 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 threatened humpback whale (Mexico DPS; *Megaptera novaeangliae*), and the endangered Steller sea lion (Western DPS; *Eumatopia jubatus*), N. Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*).

We have determined the described activity may affect the threatened humpback whale in the Mexico DPS, the endangered Steller sea lion in the Western DPS, N. Pacific right whale, and sperm whale. We believe consultation under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS) is required for these species. On December 28, 2016, the Corps notified NMFS that we designated the City and Borough of Sitka, as represented by Ms. Robin Reich/Solstice Alaska Consulting, Inc., as our non-Federal representative to conduct section 7 consultation. 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.

Sawmill Creek, which empties into Sawmill Cove just east of the proposed dock site, is an anadromous stream. Sawmill Creek provides spawning and rearing habitat for chum, pink, coho, and sockeye salmon.

The applicant proposes in-water work pile driving would not be conducted between March 15 and June 15 (of any year) to protect migrating Pacific salmon smolts.

Because fill and piles would be placed in a previously disturbed industrial area, and because of the applicant proposed in-water work timing window we have determined the described activity would not adversely affect EFH in the project area.

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-2016-576, Sawmill Cove**, 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.

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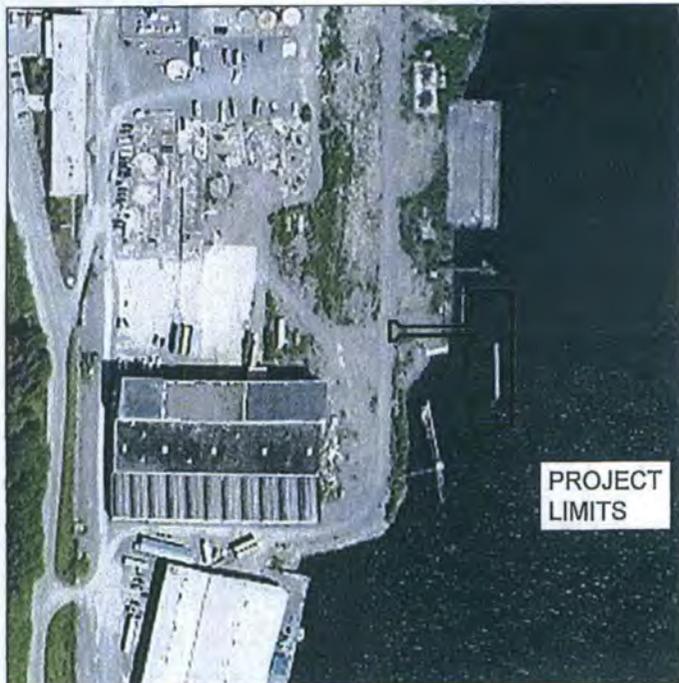
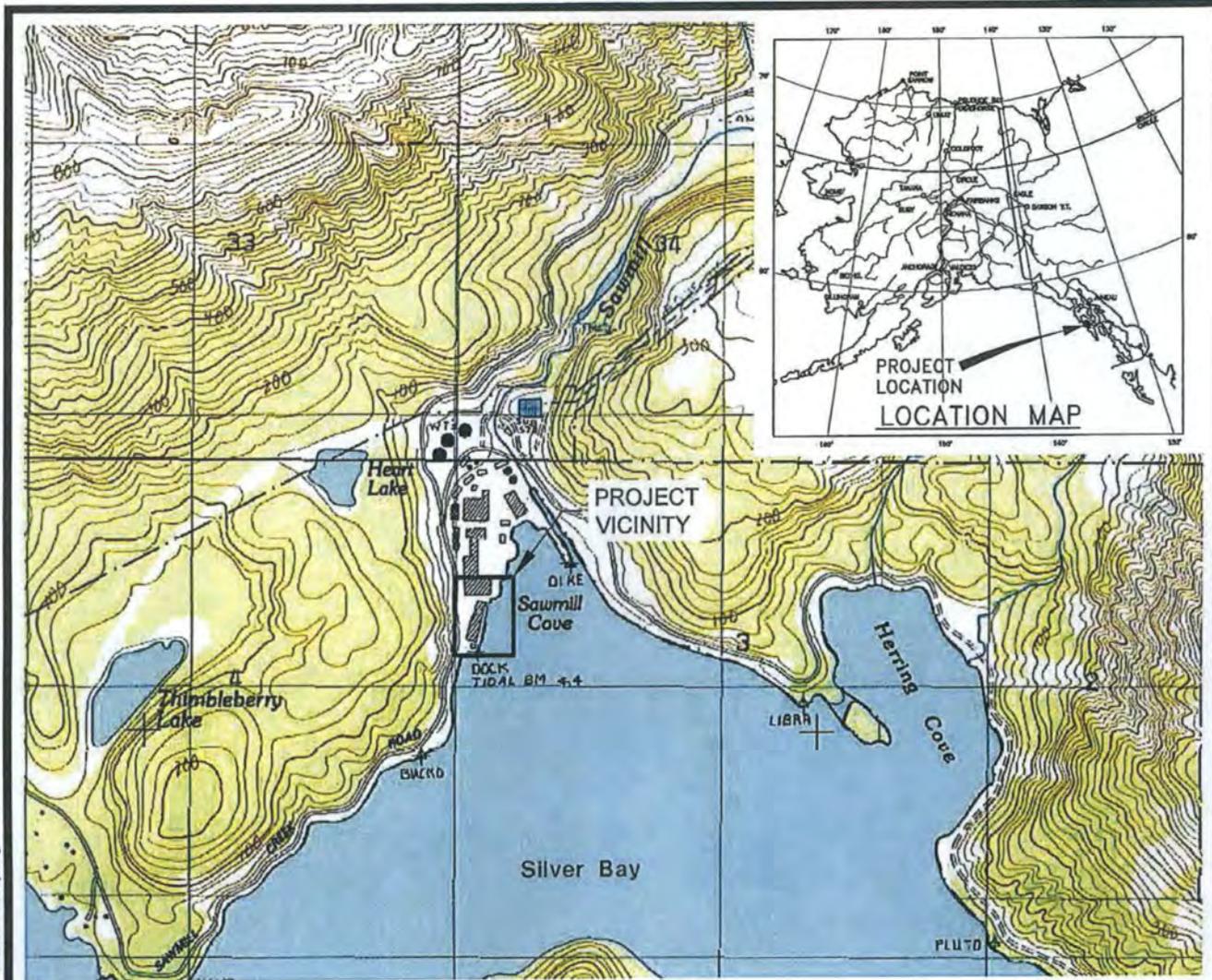
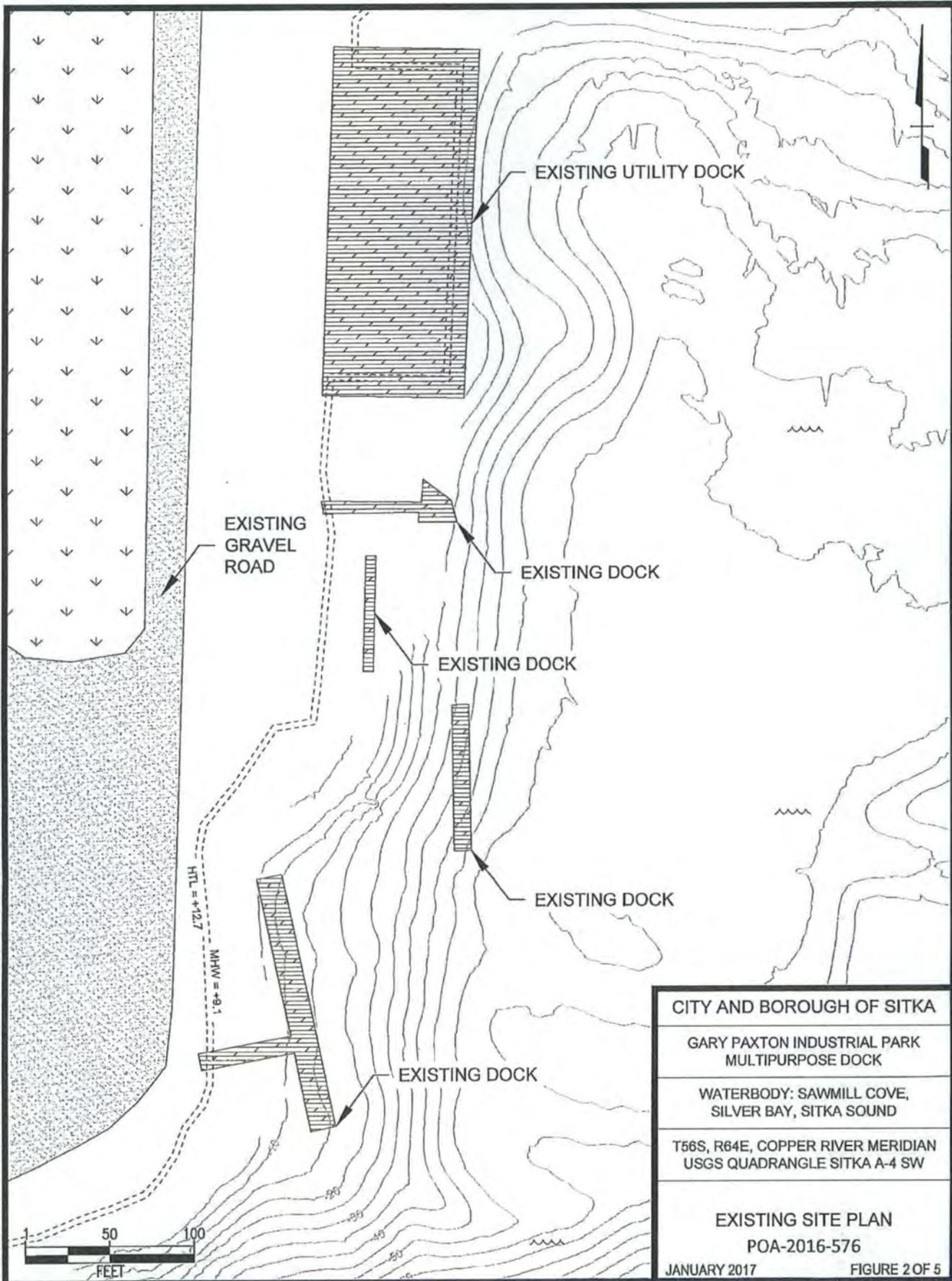


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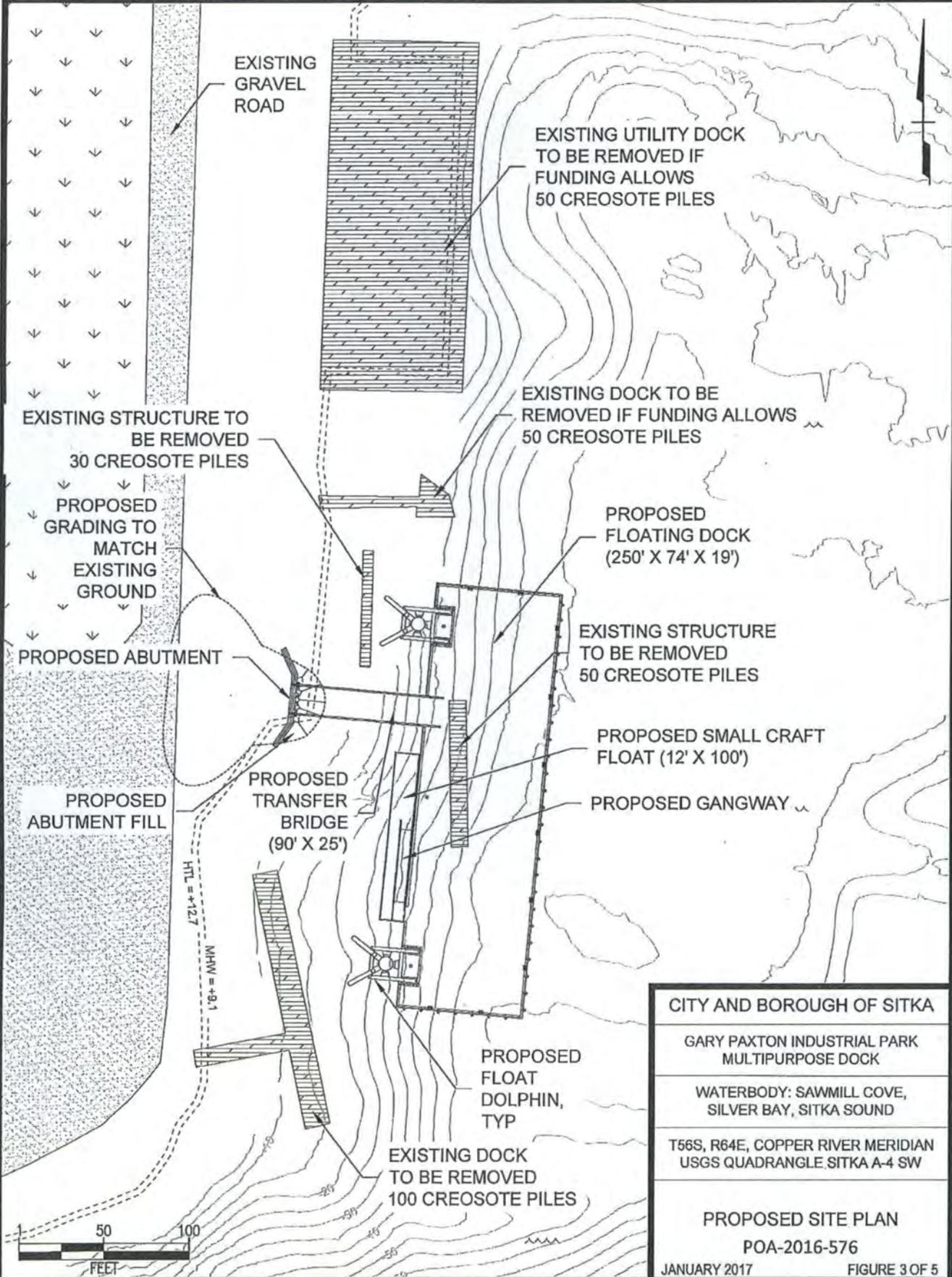
CITY AND BOROUGH OF SITKA	
GARY PAXTON INDUSTRIAL PARK MULTIPURPOSE DOCK	
WATERBODY: SAWMILL COVE, SILVER BAY, SITKA SOUND	
T56S, R64E, COPPER RIVER MERIDIAN USGS QUADRANGLE SITKA A-4 SW	
LOCATION & VICINITY MAP	
POA-2016-576	
JANUARY 2017	FIGURE 1 OF 5

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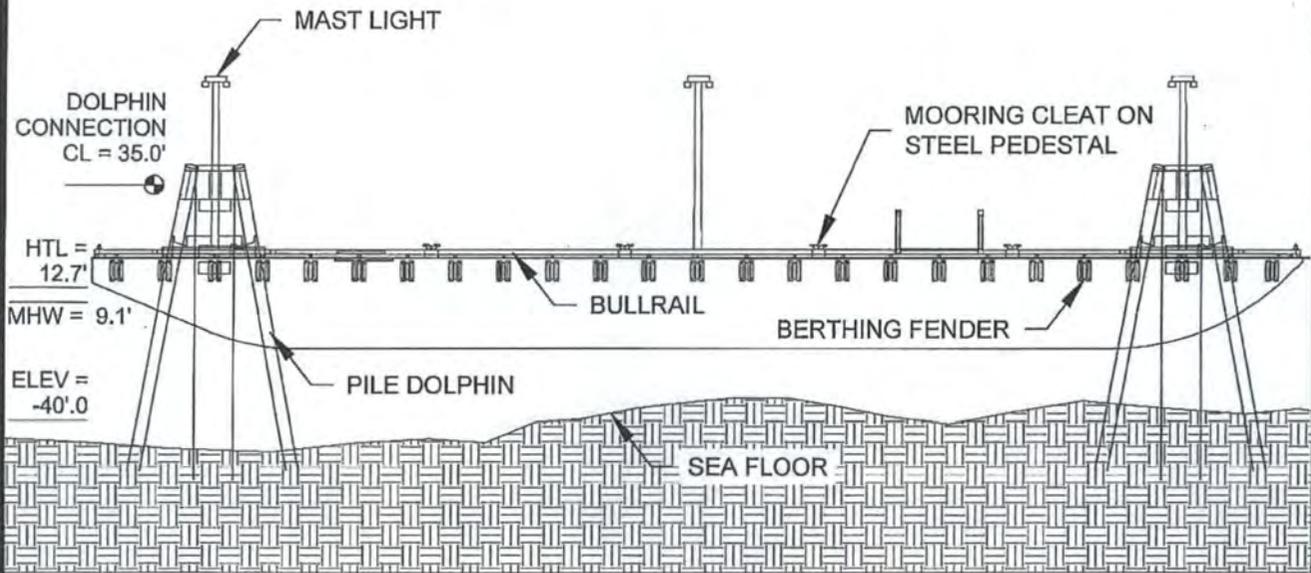
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GARY PAXTON INDUSTRIAL PARK MULTIPURPOSE DOCK
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T56S, R64E, COPPER RIVER MERIDIAN USGS QUADRANGLE SITKA A-4 SW
EXISTING SITE PLAN POA-2016-576
JANUARY 2017
FIGURE 2 OF 5

Z:\project\2409.01 CB SITKA Gary Paxton Industrial Park Multi Purpose Dock\Civil\ACAD\Permits\Permit02-SitePlans.dwg



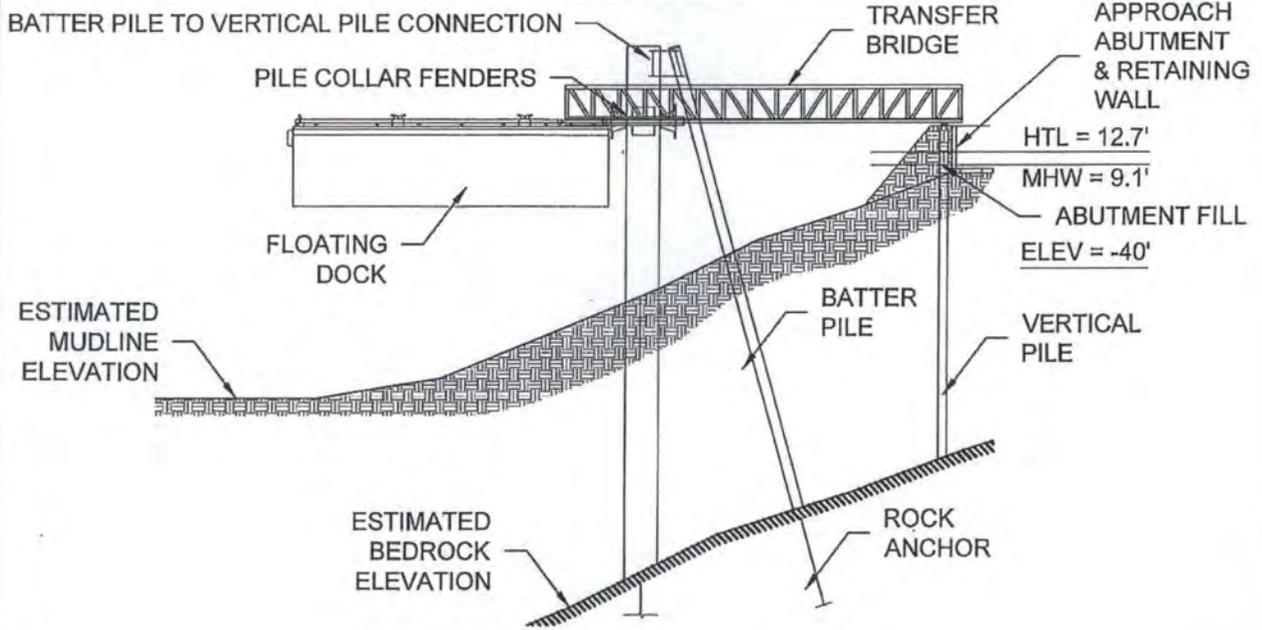
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WATERBODY: SAWMILL COVE, SILVER BAY, SITKA SOUND	
T56S, R64E, COPPER RIVER MERIDIAN USGS QUADRANGLE SITKA A-4 SW	
PROPOSED SITE PLAN	
POA-2016-576	
JANUARY 2017	FIGURE 3 OF 5

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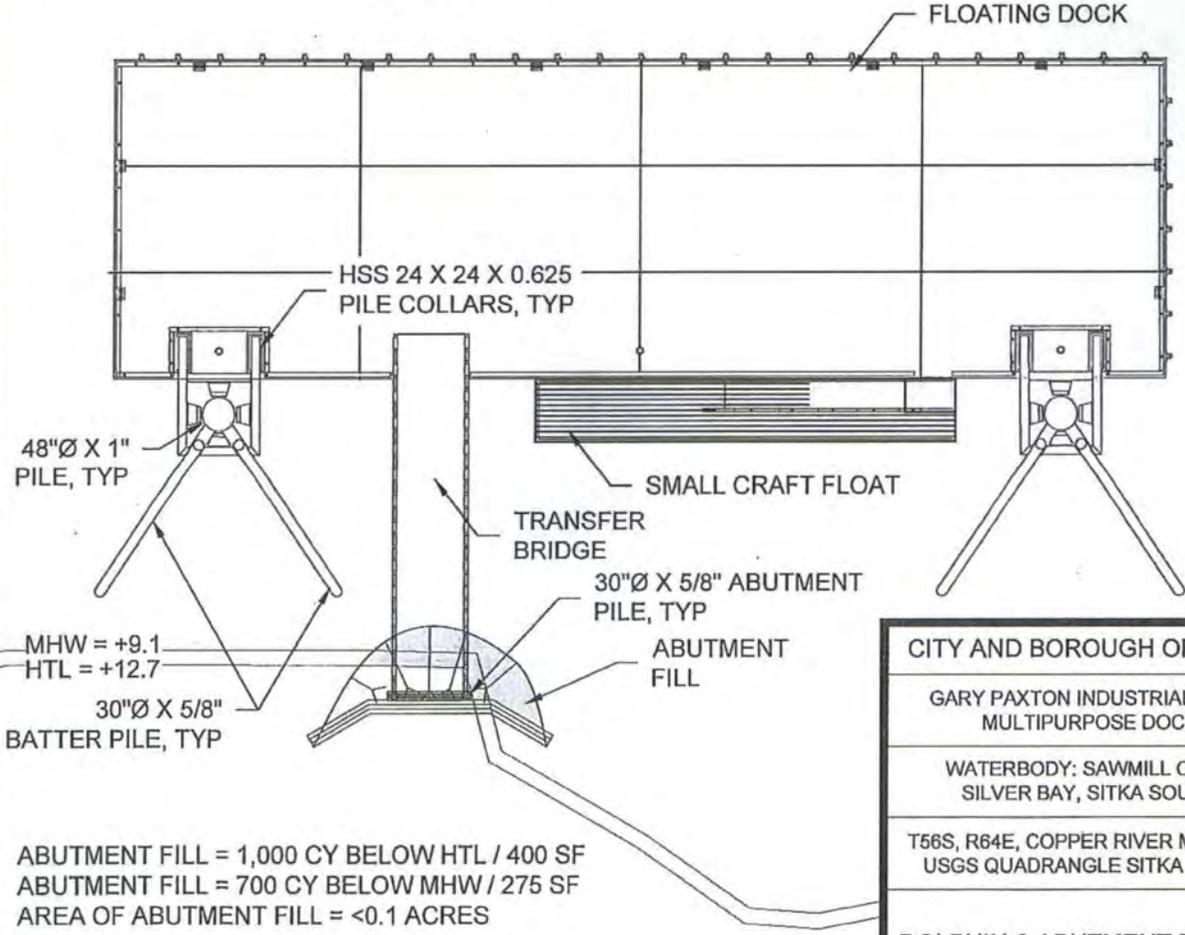


① PROPOSED FLOAT DOCK
N.T.S.

CITY AND BOROUGH OF SITKA
GARY PAXTON INDUSTRIAL PARK MULTIPURPOSE DOCK
WATERBODY: SAWMILL COVE, SILVER BAY, SITKA SOUND
T56S, R64E, COPPER RIVER MERIDIAN USGS QUADRANGLE SITKA A-4 SW
FLOATING DOCK DETAILS POA-2016-576
JANUARY 2017 FIGURE 4 OF 5



① DOLPHIN & ABUTMENT PROFILE
N.T.S.



ABUTMENT FILL = 1,000 CY BELOW HTL / 400 SF
 ABUTMENT FILL = 700 CY BELOW MHW / 275 SF
 AREA OF ABUTMENT FILL = <0.1 ACRES

② DOLPHIN & ABUTMENT PLAN
N.T.S.

CITY AND BOROUGH OF SITKA	
GARY PAXTON INDUSTRIAL PARK MULTIPURPOSE DOCK	
WATERBODY: SAWMILL COVE, SILVER BAY, SITKA SOUND	
T56S, R64E, COPPER RIVER MERIDIAN USGS QUADRANGLE SITKA A-4 SW	
DOLPHIN & ABUTMENT DETAILS	
POA-2016-576	
JANUARY 2017	FIGURE 5 OF 5

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