



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	OCTOBER 9, 2018
EXPIRATION DATE:	OCTOBER 24, 2018
REFERENCE NUMBER:	POA-2012-00275-M3
WATERWAY:	LUTAK INLET

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.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below. All comments should include the Public Notice reference number listed above.

All comments 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 Ms. Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: John Barnett, Alaska Department of Transportation and Public Facilities, 6860 Glacier Highway, Juneau, Alaska 99811.

LOCATION: The project site is located within Section 10, T. 30 S., R. 59 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.2817° N., Longitude 135.4650° W.; 2112 Lutak Road, Alaska Marine Highway System (AMHS) Haines Ferry Terminal End Berth Facility; Haines Borough; in Haines, Alaska.

PURPOSE: The applicant's stated purpose is to provide safe and efficient berthing, mooring and transfer of vehicles and pedestrians for existing and proposed new ferry vessels. The facility has been designed to accommodate multiple vessels simultaneously.

PROPOSED WORK: The proposed project would involve the dredging of 9,000 cubic yards of marine sediment from 1.2 acres below the mean high water mark (MHW, approximate elevation +15.8 feet above the 0.0 foot contour) of Lutak Inlet to a depth of -30 feet below

mean lower low water (0.0 feet) to provide sufficient water depth to accommodate end loading of AMHS ferry vessels at all tidal ranges. The dredged material is proposed to be disposed of by discharge over 18 acres of the seafloor in water approximately 900 feet deep, at Latitude 59.2894° N., Longitude 135.3833° W., approximately three miles northeast of the proposed dredging site, in Taiya Inlet (see Sheet 11 of 11). Upon completion of dredging, 7,000 cubic yards of riprap would be discharged into 1.2 acres below the high tide line (HTL, approximate elevation +21.2 feet above the 0.0 foot contour) and MHW of Lutak Inlet for slope protection of new berths.

Additional work, over, and below the MHW of Lutak Inlet, would include:

- Removal of an existing 4-pile dolphin structure and catwalk (see Sheet 3 of 11)
- Installation of a floating concrete mooring and vehicle transfer float (150 feet by 120 feet) moored by two 4-pile north float restraint structures (each includes four 36-inch diameter steel piles; two vertical and two battered) and one 8-pile south float restraint structure (eight 36-inch diameter steel piles; four vertical and four battered). See Sheet 7 and 8 of 11. All piles would be installed with tension pile anchors.
- Installation of two steel transfer bridges (25 feet by 141.5 feet) each terminating at a bridge seat supported by three 24-inch steel piles, in addition to a west end abutment supported by five 24-inch diameter steel piles and an east end abutment supported by four 24-inch diameter steel piles (see Sheet 5 and 6 of 11).
- Installation of four 4-pile mooring dolphins (each includes four 30-inch diameter steel piles; two vertical, two battered) and one 6-pile mooring dolphin (six 30-inch diameter steel piles; three vertical and three battered), with a catwalk (265 feet by 4 feet). All piles would be installed with tension pile anchors.
- Installation of a west access gangway (65.5 feet by 3.6 feet) from the existing western dolphin (E3) to the new concrete float and an east access gangway (55.5 feet by 3.6 feet) from the new eastern (D1) dolphin to the new concrete float.
- Additional work would occur on fill authorized July 17, 2013, (ferry vehicle staging area) including construction of a new passenger wait shelter with covered walkways leading to both steel transfer bridges, improvements to electrical components and paving/stripping two vehicle staging areas.

All work would be performed in accordance with the enclosed plan (sheets 1-11), dated October 2, 2018.

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 the project has incorporated the following measures to avoid impacts -

Minimal project footprint by placing the project adjacent to the existing ferry terminal and impacting only those marine waters necessary to complete the work.

b. Minimization: The applicant has stated that the project has incorporated the following measures to minimize impacts –

- Project activities would not affect wetlands as defined by the USACE. DOT&PF would include Best Management Practices to protect water quality, including a Hazardous Material Control Plan. Riprap would create rocky shore habitat.
- Minimization to EFH - to minimize substrate disturbance and sediment suspension when removing piles, a vibratory hammer would be used, if practicable.
- Minimization during dredging activities:
 - Efforts to reduce benthic disturbance in the action area would be made. Specifically, a) no dredge material would be stockpiled on the seafloor; and b) no seafloor leveling by dragging the bucket or other device would occur.
 - Turbidity and other water quality parameters would be visually monitored at the project site to ensure construction activities are in compliance with ADEC standards.
 - Dredging activities would be shut down if humpback whales or Steller sea lions are seen within 200 meters (219 yards) to reduce potential acoustic disturbance associated with dredging.

c. Compensatory Mitigation: The applicant has stated the following in regards to compensatory mitigation –

There would be a temporary loss of habitat, but based upon observations at the Sitka Rocky Gutierrez International Airport, which had adequate vegetation by year two, the rocky shore habitat would revegetate over time and there would be no net loss of habitat.

The applicant is not proposing any 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 lead Federal agency, Federal Highway Administration (FHWA), is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. FHWA has stated that the project activities qualify as Tier 2 allowances in Appendix B of the FHWA Alaska Division Section 106 Programmatic Agreement (PA), effective November 1, 2014. Updates to the original project were evaluated under the new 106 PA Streamlined Project Review Screening as set forth November 1, 2017 (First Amended). The Corps of Engineers (Corps) has reviewed the Section 106 documentation from FHWA and concurs with their findings and/or determinations.

ENDANGERED SPECIES: The project is located in marine waters and within the known or historic range of the National Marine Fisheries Service (NMFS) listed species of the endangered western distinct population segment (DPS) of the Steller sea lion (*Eumetopias jubatus*) and the threatened Mexico DPS of the humpback whale (*Megaptera novaeangliae*).

The lead Federal agency, FHWA, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. The FHWA has concluded consultations with NMFS regarding the listed species.

The NMFS's biological opinion was issued on October 20, 2017 to the FHWA for the proposed Haines Ferry Terminal improvements in Haines, Alaska, and the Permits Division's issuance of an Incidental Harassment Authorization to FHWA/AKDOT&PF for the proposed project states that the action is not likely to result in jeopardy to western DPS Steller sea lions or Mexico DPS humpback whales.

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.

FHWA and AKDOT has proposed the following minimization measures to minimize impacts to EFH during construction, and intends to implement the following measures:

- To minimize substrate disturbance and sediment suspension when removing piles, a vibratory hammer would be used, if practicable.
- To avoid harm to EFH species during pile driving, the steel piles would be driven with a vibratory hammer, as practicable, except for final proofing which would require use of an impact hammer.
- To avoid harm to EFH species during pile driving, pile driving activities would occur intermittently during daylight hours, for a total driving time of about four hours per day. This would ensure the noise disturbance would not act as a barrier to fish passage or change fish distribution, as migrating fish would be able to traverse the area without disturbance for approximately 20 hours per 24-hour time period.

The lead Federal agency, FHWA, is responsible for compliance with the requirements of Section 305(b)(2) of the Magnuson-Stevens Act. FHWA has determined that the described activity would not adversely affect EFH in the project area. The Corps has reviewed the EFH documentation from FHWA and concurs with their findings and/or determinations.

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 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 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

**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.

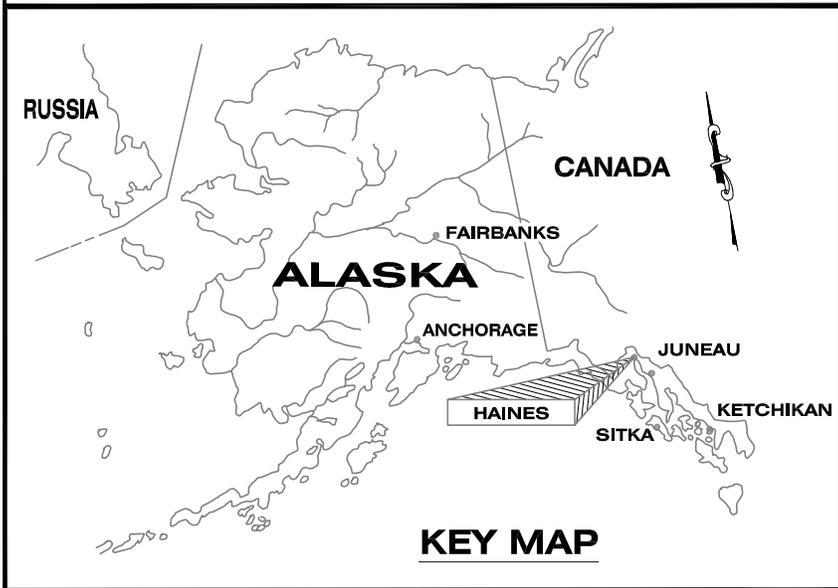
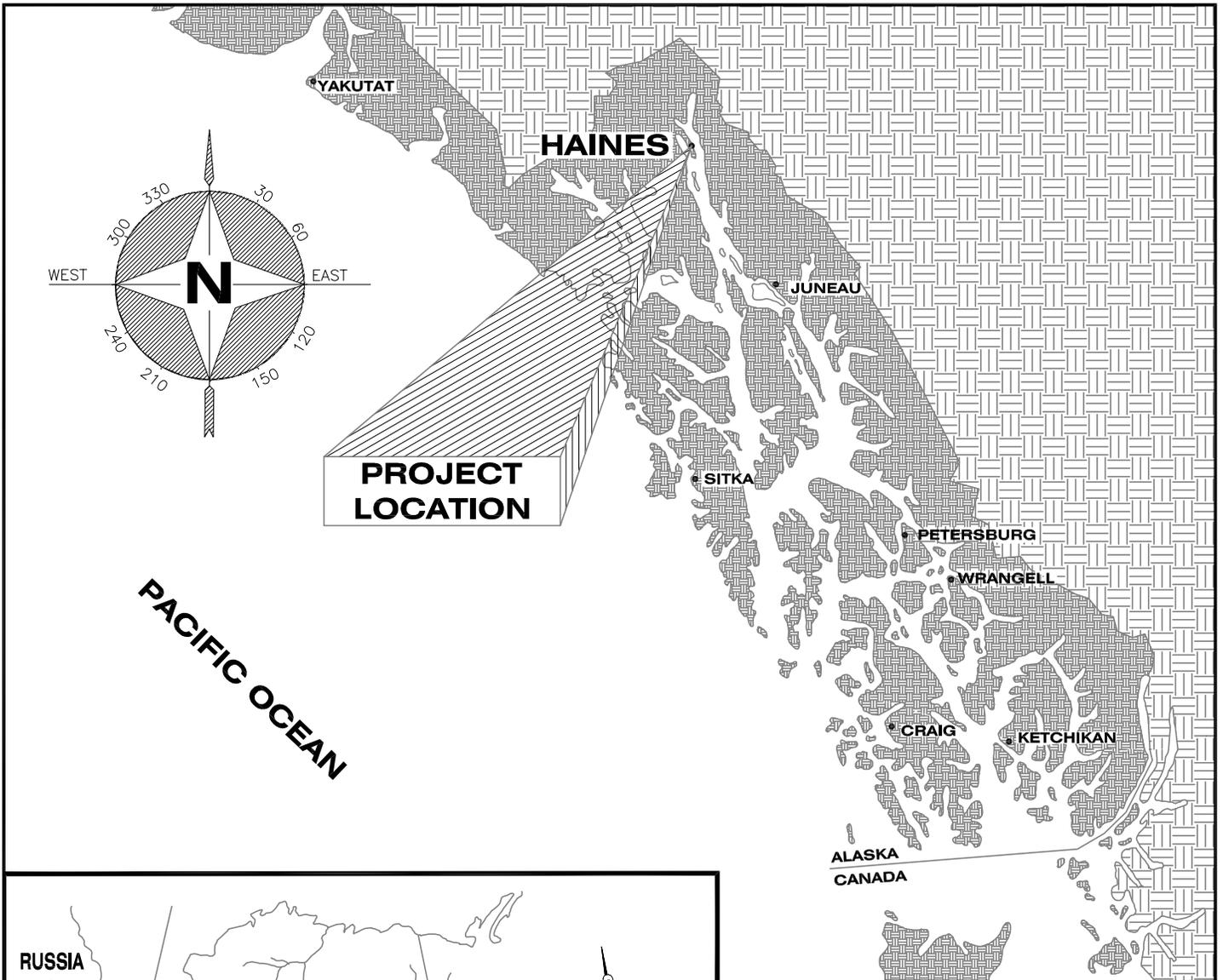
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2012-00275-M3, Lutak Inlet**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



REGIONAL MAP

TIDAL DATA	
EHW	+22.5'
HTL	+21.2'
MHW	+15.8'
MLLW	0.0
ELW	-6.0'

PROJECT PURPOSE:
 FERRY TERMINAL EXPANSION TO ADD BERTHS 2 AND 3 FOR THE ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

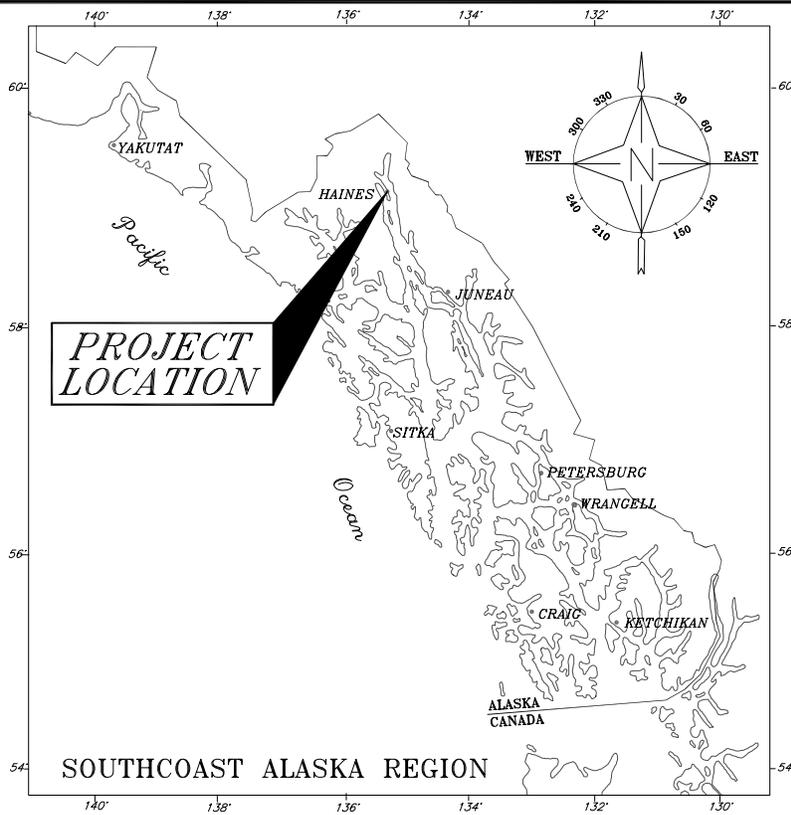
KEY & REGIONAL MAPS

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

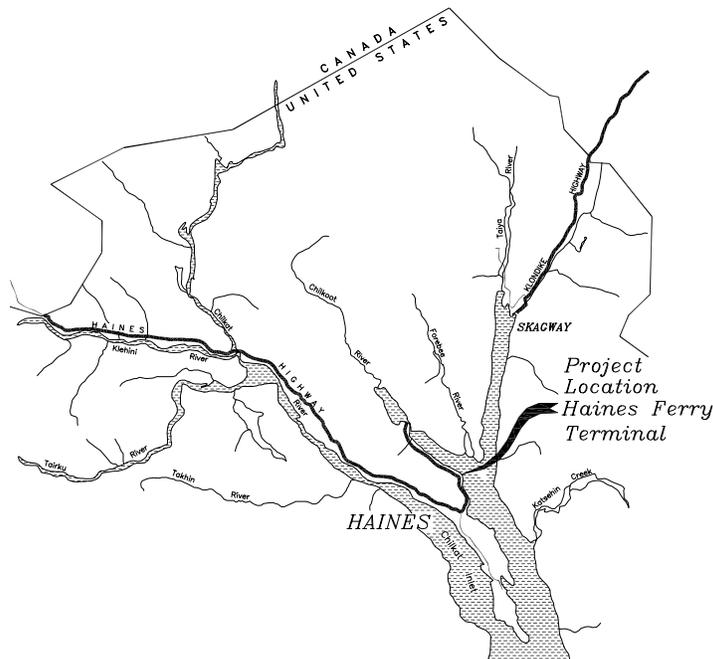
AMHS HAINES FERRY TERMINAL END BERTH FACILITY PROJECT NO. 0955017

AT: LUTAK INLET
 LOCATED IN: S19 T30S R59E CRM
 LAT: 59°16'53.2"
 LONG: 135°27'39.6"

DATE: JANUARY 2018 SHEET **1** OF **10**



HAINES LOCATION MAP



HAINES VICINITY MAP

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 STATE OF ALASKA

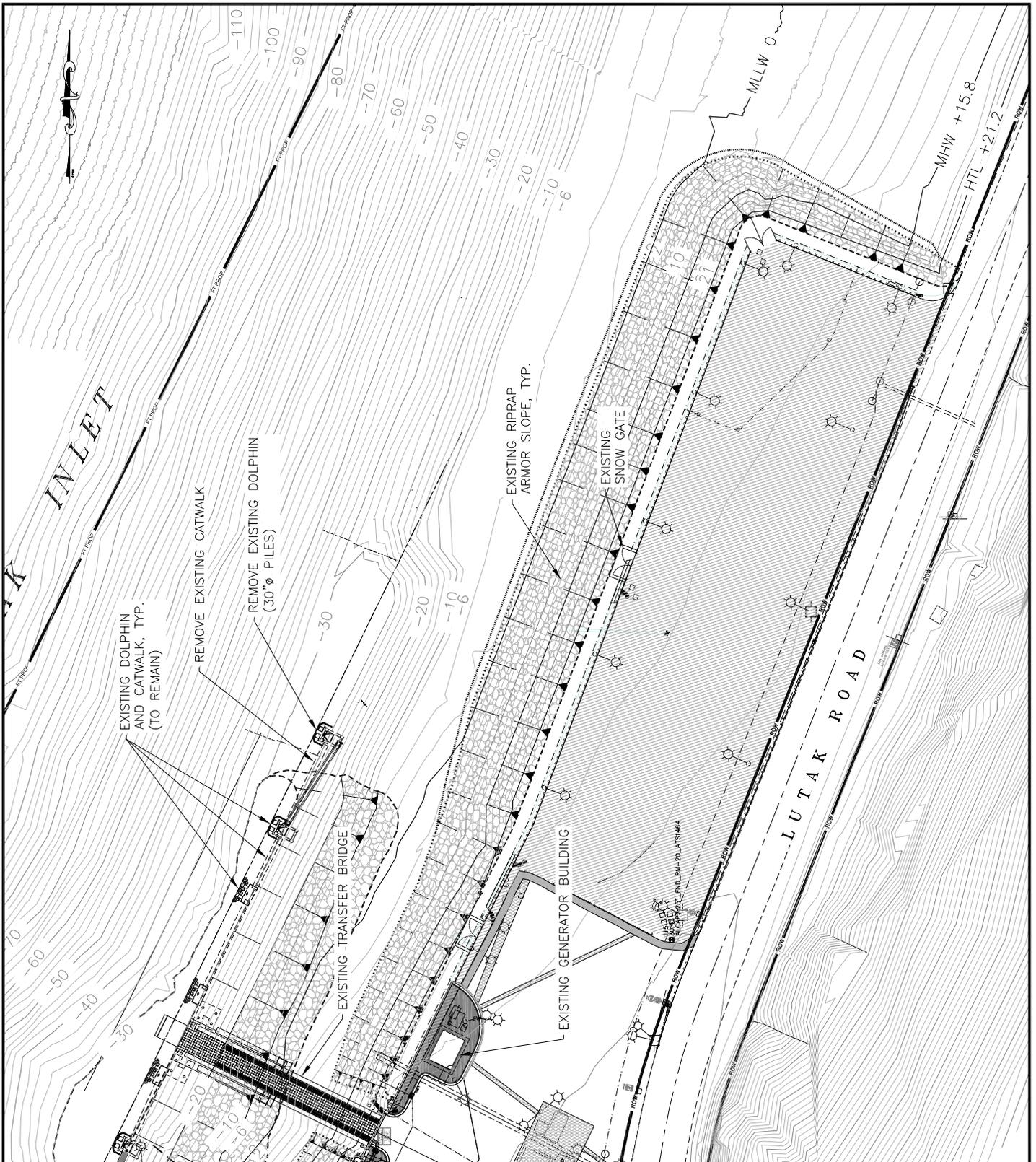
KEY & REGIONAL MAPS

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOST REGION
 DESIGN & ENGINEERING SERVICES

**AMHS HAINES FERRY TERMINAL
 END BERTH FACILITY
 PROJECT NO. 0955017**

AT: LUTAK INLET
 LOCATED IN: S19 T30S R59E CRM
 LAT: 59°16'53.2"
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 DATE: JANUARY 2018

SHEET **2** OF **10**



PROJECT PURPOSE:
 FERRY TERMINAL EXPANSION TO ADD
 BERTHS 2 AND 3 FOR THE
 ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

EXISTING SITE PLAN

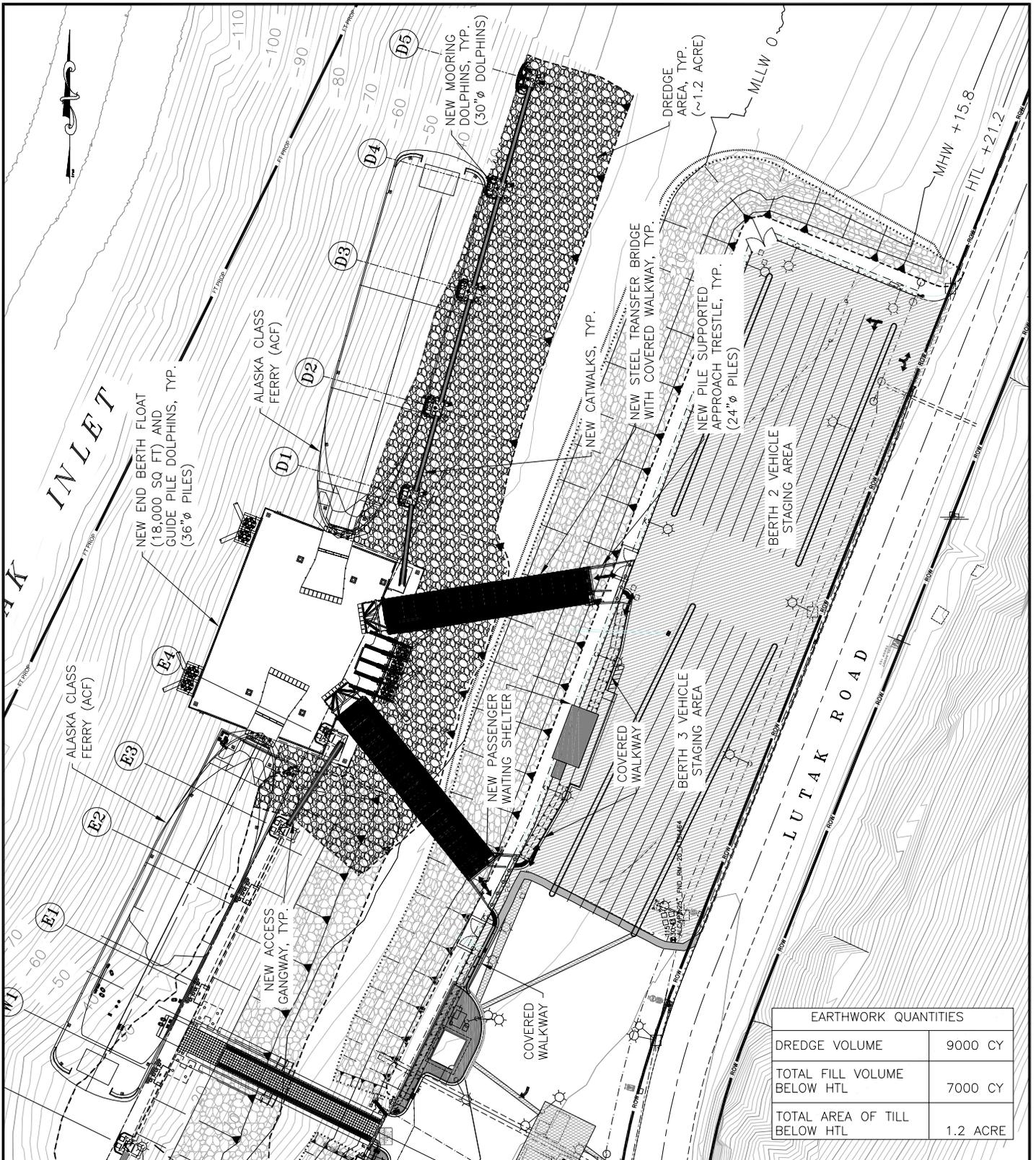
APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

**AMHES HAINES FERRY TERMINAL
 END BERTH FACILITY
 PROJECT NO. 0955017**

AT: LUTAK INLET
 LOCATED IN: S19 T30S R59E CRM
 LAT: 59°16'53.2"
 LONG: 135°27'39.6"

DATE: JANUARY 2018 SHEET **3** OF **10**

Tuesday, October 02, 2018 9:59:31 AM



PROJECT PURPOSE:
 FERRY TERMINAL EXPANSION TO ADD BERTHS 2 AND 3 FOR THE ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

PROPOSED SITE PLAN

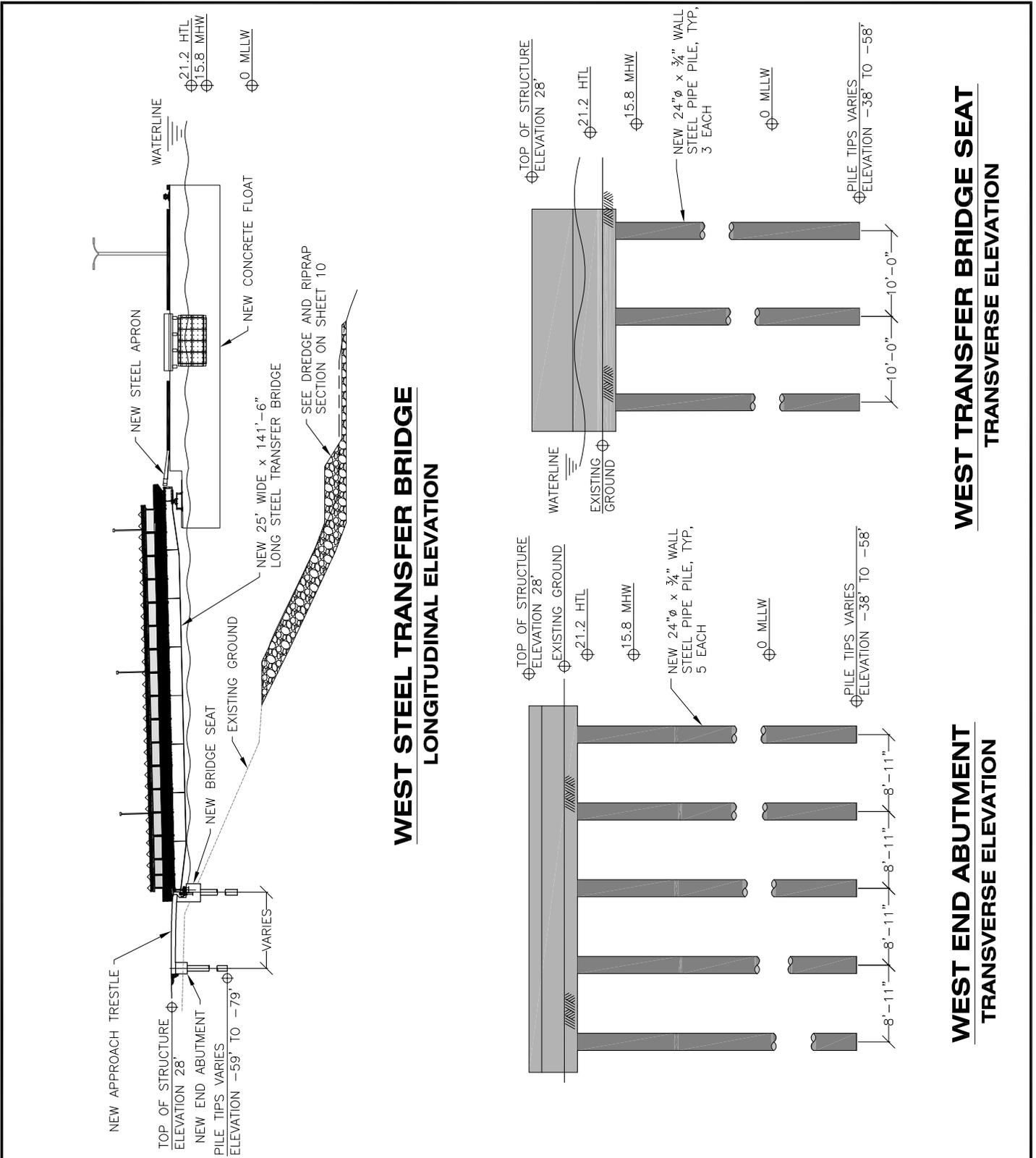
APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

**AMHS HAINES FERRY TERMINAL
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 PROJECT NO. 0955017**

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 LAT: 59°16'53.2"
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DATE: JANUARY 2018 SHEET **4** OF **10**

Tuesday, October 02, 2018 9:49:18 AM



**WEST STEEL TRANSFER BRIDGE
LONGITUDINAL ELEVATION**

**WEST TRANSFER BRIDGE SEAT
TRANSVERSE ELEVATION**

**WEST END ABUTMENT
TRANSVERSE ELEVATION**

PROJECT PURPOSE:
 FERRY TERMINAL EXPANSION TO ADD
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 ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

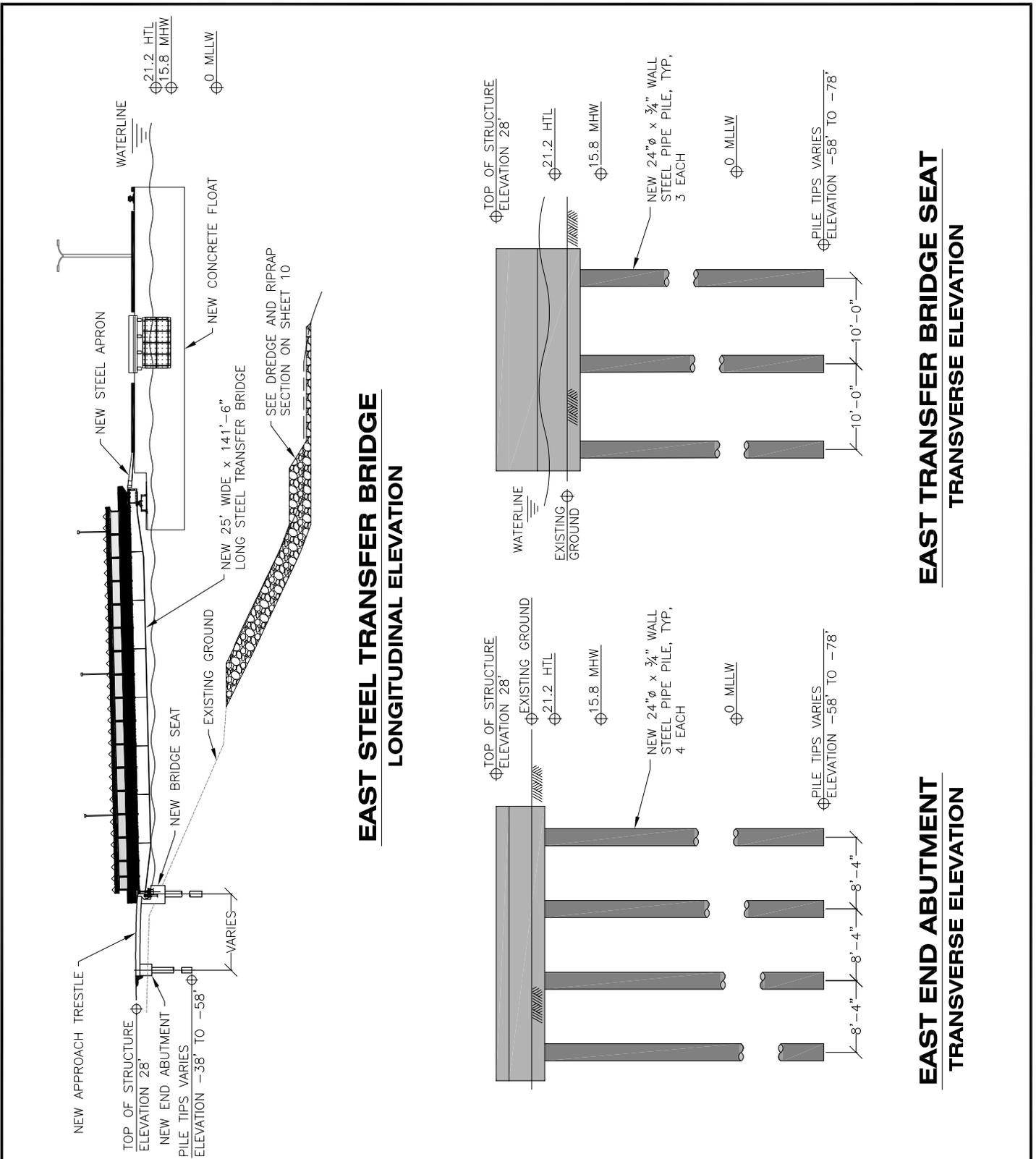
**APPROACH TRESTLE
SECTIONS (1)**

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

**AMHS HAINES FERRY TERMINAL
END BERTH FACILITY
PROJECT NO. 0955017**

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PROJECT PURPOSE:
FERRY TERMINAL EXPANSION TO ADD BERTHS 2 AND 3 FOR THE ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

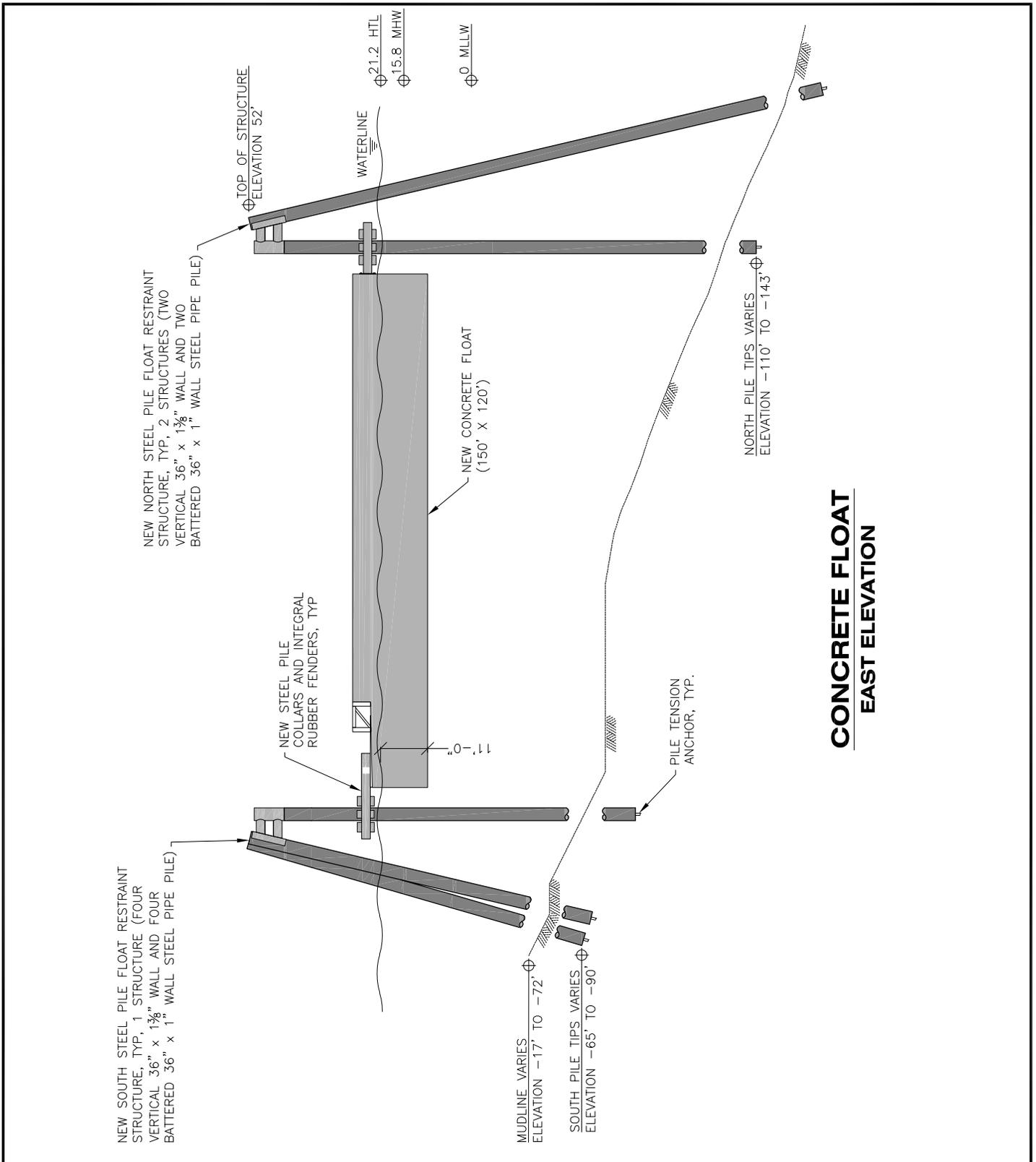
APPROACH TRESTLE SECTIONS (2)

APPLICATION BY:
STATE OF ALASKA
DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES

AMHS HAINES FERRY TERMINAL END BERTH FACILITY
PROJECT NO. 0955017

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DATE: JANUARY 2018 SHEET **6** OF **10**



PROJECT PURPOSE:
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ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

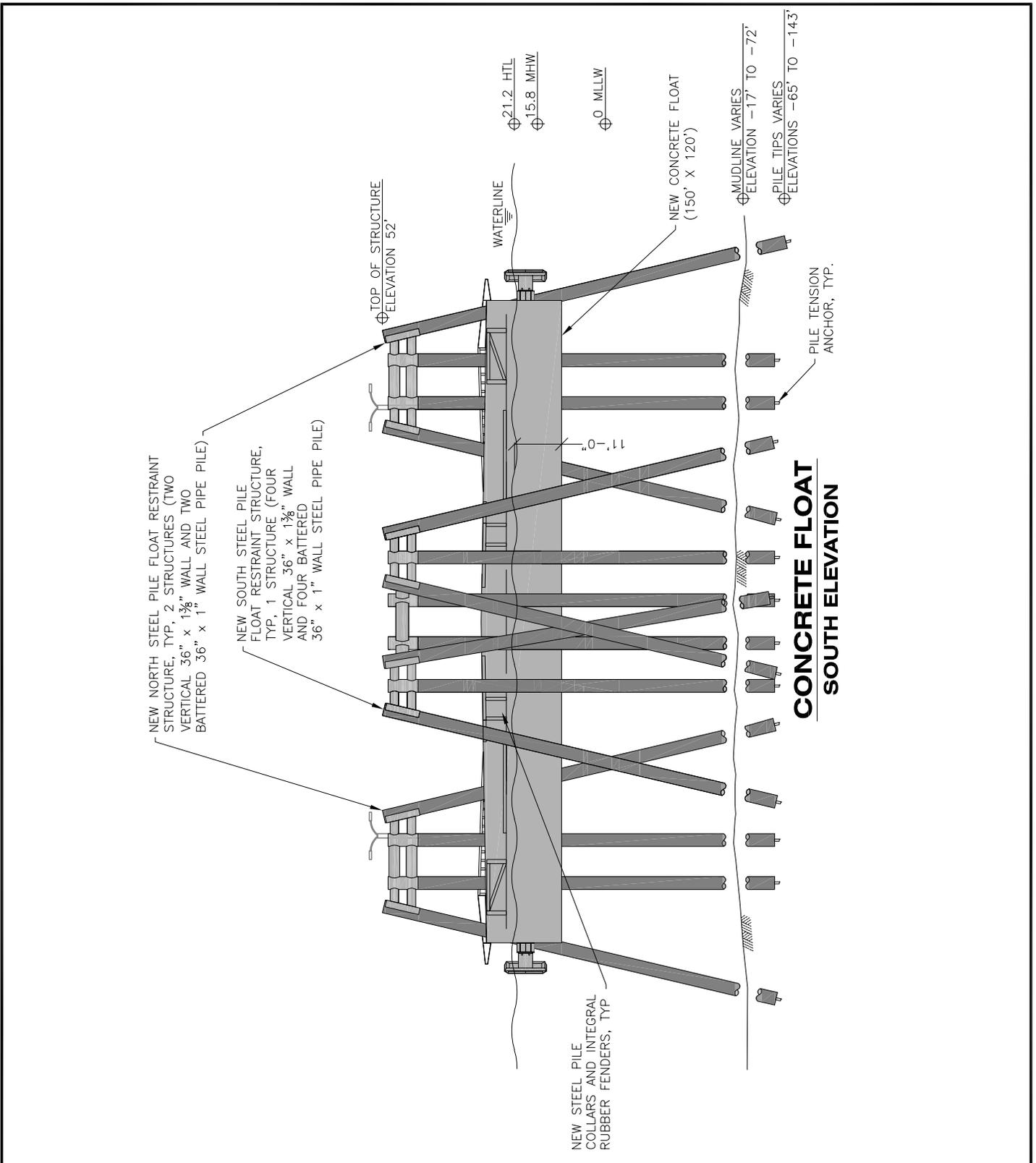
FLOAT RESTRAINT STRUCTURE SECTIONS (1)

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

AMHS HAINES FERRY TERMINAL END BERTH FACILITY PROJECT NO. 0955017

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DATE: JANUARY 2018 SHEET **7** OF **10**



PROJECT PURPOSE:
 FERRY TERMINAL EXPANSION TO ADD BERTHS 2 AND 3 FOR THE ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

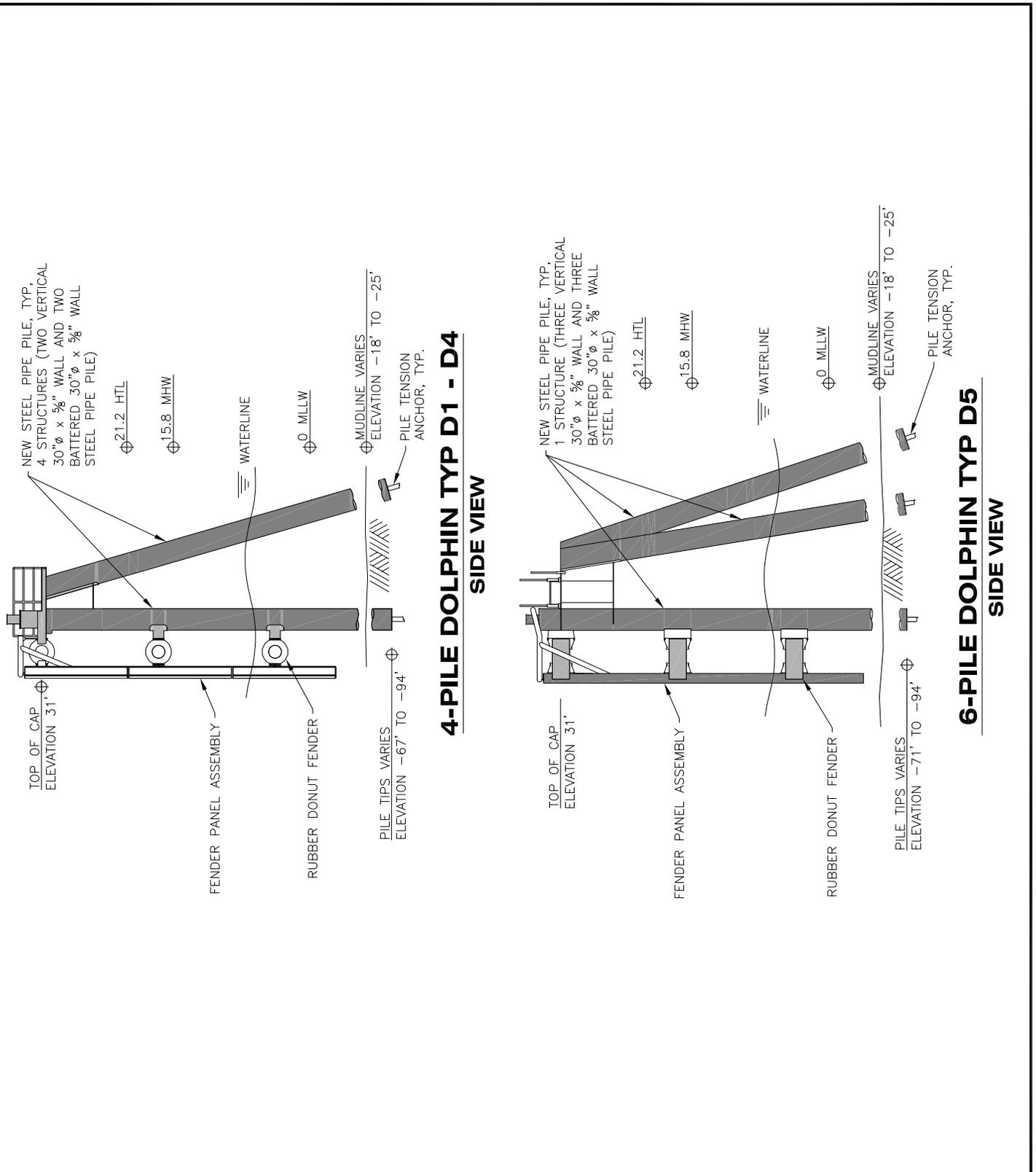
FLOAT RESTRAINT STRUCTURE SECTIONS (2)

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOAST REGION
 DESIGN & ENGINEERING SERVICES

AMHS HAINES FERRY TERMINAL END BERTH FACILITY PROJECT NO. 0955017

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DATE: JANUARY 2018 SHEET **8** OF **10**



PROJECT PURPOSE:
FERRY TERMINAL EXPANSION TO ADD
BERTHS 2 AND 3 FOR THE
ALASKA CLASS FERRY (ACF)

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

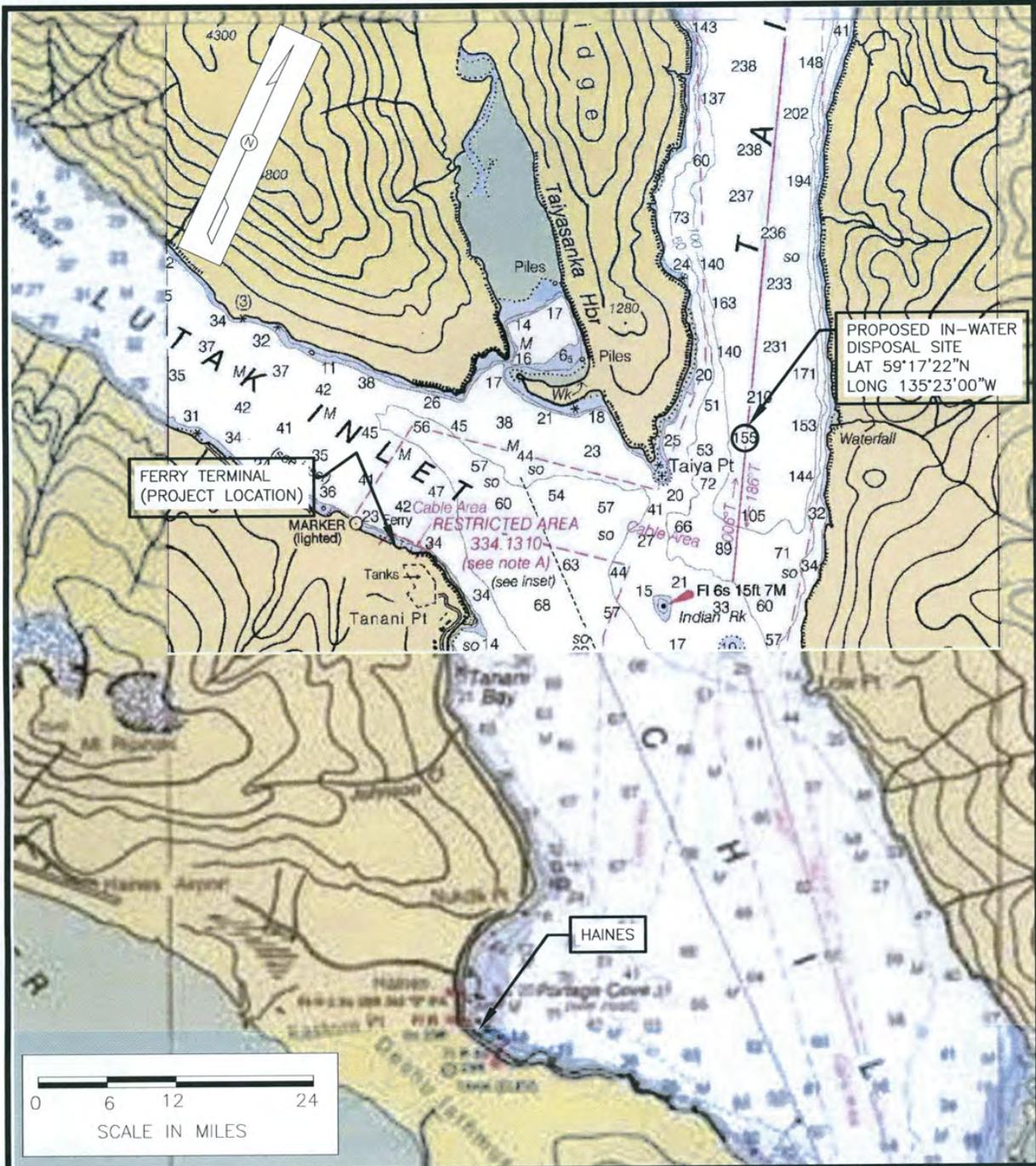
DOLPHIN SECTIONS

APPLICATION BY:
STATE OF ALASKA
DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES

**AMHS HAINES FERRY TERMINAL
END BERTH FACILITY
PROJECT NO. 0955017**

AT: LUTAK INLET
LOCATED IN: S19 T30S R59E CRM
LAT: 59°16'53.2"
LONG: 135°27'39.6"

DATE: JANUARY 2018 SHEET **9** OF **10**



PROJECT PURPOSE:
 FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNER(S):
 STATE OF ALASKA
 HAINES BOROUGH
 HERTZ/SCHAFFER

PROPOSED IN-WATER DREDGE DISPOSAL SITE

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHEAST REGION

HAINES FERRY TERMINAL IMPROVEMENTS
 PROJECT NO. 68433

AT: Haines, Alaska
LOCATED IN: Lutak Inlet
 Lat. 59° 16' 54.7" N
 Lng. 135° 27' 44.6 W

DATE: MARCH 2013 **SHEET** 9 **OF** 9