



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:	December 7, 2022
EXPIRATION DATE:	January 6, 2023
REFERENCE NUMBER:	POA-1982-00033-M1
WATERWAY:	Naknek River

Interested parties are hereby notified that a Department of the Army (DA) 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 or to CEPOA-RD-Kenai@usace.army.mil. 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 or by email at jen.l.martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Daniel Moss, Deputy Refuge Manager, United States Fish and Wildlife Service (USFWS) Alaska Peninsula/Becharof National Wildlife Refuge, Post Office Box 277, King Salmon, Alaska 99613

AGENT: Schuyler Roskam, PND Engineers, Inc., 1506 West 36th Avenue, Anchorage, Alaska 99503

LOCATION: The project site is located within Section 26, T. 17 S., R. 45 W., Seward Meridian; USGS Quad Map Naknek C-3; Latitude 58.6795° N., Longitude 156.6741° W.; Bristol Bay Borough; USS 4688, Lot 9; Fish and Wildlife Access Road, in King Salmon, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the USFWS Alaska Peninsula/Becharof National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to replace the floating dock at the Refuge King Salmon Facility to improve its' level of service and ensure continued safe access for boats on the Naknek River and for floatplanes to the surrounding Bristol Bay region.

PROPOSED WORK: The applicant proposes to demolish and remove 824 square foot of existing floats, aluminum gangway, in-water anchors and chains, wooden approach platform and two H-type steel piles, and construct a new facility upstream, to include: installation of a new boat launch ramp, an Open Cell Sheet Pile bulkhead abutment, a 50-foot by 6-foot aluminum gangway with three 16-inch diameter steel piles, and 1,648 square foot of new floats held in place with a new anchor and chain system. The work would occur over, and below, the high tide line (HTL, 16.4 foot above the 0.0 foot contour) and mean high water mark (MHW, 14.0 foot above the 0.0 foot contour) of the Naknek River, a navigable water of the U.S.

Removal:

- a. Remove 824-square-feet of existing modular, polyethylene floats by hand from onshore.
- b. Existing below-water concrete deadman anchors would be completely removed, if possible, or cut off at mudline. All chains would be removed completely.
- c. Removal of the 20-foot-long by 6-foot-wide gangway and 25-foot-long wooden approach platform.
- d. Two existing 8-inch by 14-inch-diameter H-type steel gangway piles would be removed using a crane and vibratory pile driver from on-shore.
- e. The existing boat launch would be excavated and graded to pre-existing contours above the HTL.

New construction:

- a. New abutment: An Open Cell Sheet Pile bulkhead abutment would be constructed, consisting of 79 sheet piles, up to six 18-inch-diameter steel temporary template piles, backfilled with 88 cubic yards of subbase fill material into a 0.018-acre area below the HTL, of which 0.009-acre would be below the MHW. The backfill would be capped with concrete and nine bollards and a fuel tank would be installed on top of the new structure.
- b. Installation of gangway lifting frame and gangway: A 50-foot by 6-foot aluminum gangway would connect the abutment to the floating dock. A gangway lifting frame 50-foot from the edge of the abutment composed of three 16-inch diameter steel pipe piles (two vertical and one batter), caps, and superstructure would secure the shore-most end of the float system and be used to hoist, and support, the 50-foot aluminum gangway when not in use. Piles would be driven to refusal using a shore-based crane and vibratory pile driver, with final proofing of piles conducted using an impact pile driver.
- c. Installation of floats: The new floating dock would consist of 1,648 square foot of EZ-Dock, molded polystyrene floats. A gangway landing float would access the main float, which would include four finger floats.
- d. Installation of chains and anchors: Floats would be secured by six anchor chains, which would be tethered to offshore mooring buoys during the winter when not in use.

- e. Construction of new gravel surface ramp: A new launch ramp would be constructed which would include 204 cubic yards of excavation of native material and the discharge of 185 cubic yards of fill into 0.053-acre below the HTL, of which 139 cubic yards would be discharged into 0.040-acre below the MHW. Of this fill material, up to 25 cubic yards of material excavated from the original boat ramp would be re-used. The launch ramp would have a 16-foot lane with 2-foot shoulders. See Sheet 7 of 7 for fill volumes broken down by type and location.

All demolished materials would be removed from the site to an upland location.

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated November 17, 2022.

ADDITIONAL INFORMATION: Alaska Department of Fish & Game, Fish Habitat, Permit and Bristol Bay Borough Development Permit required.

A DA permit was issued to USFWS on August 17, 1982, for the original facility. The current modification would replace the facility in its' entirety.

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: By using a previously permitted site, the applicant avoided additional impacts to navigable waters of the U.S. to the maximum extent practicable.

b. Minimization: The width of the ramp footprint, required fill, and excavation are minimized as practicable to safely maintain access. The following project Best Management Practices (BMPs) will avoid or minimize other potential negative effects from construction:

1. Industry standard BMPs would be used to ensure that less creosote residue would be left on the surface of the wood and best construction practices would be used to reduce the transfer of polycyclic aromatic hydrocarbons (PAHs) from the wood to the environment. These practices would decrease the impact of creosote treated wood on marine environments. The small levels of PAHs that could be released into the nearby marine environment combined with the small amount of creosote treated wood being used for this project are not expected to cause harm to the wildlife in the area.
2. The dock would be maintained in a manner that would not introduce any pollutants or debris into the river or cause a migration barrier for fish.
3. Fuels, lubricants, and other hazardous substances would not be stored below the high tide line mark.
4. All manmade construction debris would be collected and not allowed to enter navigable waters of the U.S. and/or State.
5. Project construction would be completed in compliance with state water quality standards.

6. Contractor would check equipment for leaks and other problems that could result in discharge of petroleum-based products, hydraulic fluid, or other material to the waterway.
7. The contractor would have a spill containment kit, including oil-absorbent materials, on site to be used in the event of a spill or if any oil product is observed in the water.
8. Piles would be removed using vibratory extraction to greatest extent possible. Piles which cannot be extracted would be cut below the mudline.
9. All demolition materials and construction-related trash would be disposed of at an appropriate upland facility.
10. New piles would be installed using a vibratory hammer with the exception of the gangway frame piles which would require proofing with an impact hammer.
11. All in-water work would occur during daylight hours only.

c. Compensatory Mitigation: Since the project consists of the replacement of several existing aging components as well as upgrading to meet current design standards and supports the Refuge mission and public lands and the project impacts are low, 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 lead Federal agency, USFWS, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The U.S. Army Corps of Engineers (Corps) will review USFWS's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with USFWS's work or documentation.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened Steller's eider (*Polysticta stelleri*).

The lead Federal agency, USFWS, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. The Corps will review USFWS's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 7 process has been completed and the Corps concurs with USFWS's work or documentation

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 National Marine Fisheries Service (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 chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), Chinook (*Oncorhynchus tshawytscha*), pink (*Oncorhynchus gorbusha*), and sockeye salmon (*Oncorhynchus nerka*), in addition to Arctic char (*Salvelinus alpinus*), Dolly Varden (*Salvelinus malma*), rainbow smelt (*Osmerus mordax*), and Pacific lamprey (*Lampetra tridentata*).

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Corps 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 Corps, 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; Alaska Native 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 are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosure