



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, AK 99802-2270

<b>PUBLIC NOTICE DATE:</b>	<b>August 4, 2023</b>
<b>EXPIRATION DATE:</b>	<b>August 19, 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2023-00357</b>
<b>WATERWAY:</b>	<b>Lutak Inlet</b>

---

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 or to [regpagemaster@usace.army.mil](mailto:regpagemaster@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. Delana Wilks at (907) 201-5021 or by email at [Delana.P.Wilks@usace.army.mil](mailto:Delana.P.Wilks@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Haines Borough, 103 Third Avenue South, Haines, AK 99827

**AGENT:** Solstice Alaska Consulting, Inc., 2607 Fairbanks Street, Suite B, Anchorage, AK 99503

**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 59.2827° N, Longitude 135.4660° W; within Lutak Inlet at the Lutak Dock, in Haines, Alaska.

**PURPOSE:** The applicant's stated purpose is to maintain existing freight and cargo capacities at Lutak Dock so the Haines area has reliable, safe, and economical barge service for the foreseeable future.

**PROPOSED WORK:** The proposed project would include the following components below the High Tide Line (HTL; approximate elevation +21.2 feet above the 0.0 foot contour) and the mean high water (MHW; approximate elevation +15.78 feet above the 0.0 foot contour) line in waters of the United States, including navigable waters.

In-water construction components:

- a. Removal of twenty-four (24) 16-inch diameter piles associated with four existing mooring dolphins.
- b. Removal of one (1) 24-inch diameter pile.
- c. Installation and removal of forty-two (42) 36-inch diameter steel piles to guide permanent piles into place.
- d. Installation of one hundred eighty (180) 42-inch diameter steel piles.
- e. Installation of forty (40) 55.5-inch steel sheet piles as part of the combi wall.
- f. Fill below HTL and MHW for construction the dock face (combi wall) and shore protection.

	Surface Area (ft <sup>2</sup> )	Volume (yd <sup>3</sup> )
<b>Fill in Intertidal Waters<sup>1</sup></b>		
Type C Fill	17,500	4,255
Riprap Total	9,655	275
<b>Total:</b>	<b>27,155</b>	<b>4,530</b>
<b>Fill in Marine Waters (below MHW)</b>		
Type C Fill	16,500	14,000
Riprap Total	9,655	3,136
<b>Total:</b>	<b>26,155</b>	<b>17,136</b>
<b>Grand Total</b>		
	<b>53,310</b>	<b>21,666</b>

<sup>1</sup>Between MHW and HTL

Additional project components include:

- a. Installation of forty (40) 55.5-inch steel sheet piles to form the barge loading slip.
- b. Installation of twenty-three (23) 42-inch diameter steel batter piles.
- c. Installation of dock components such as fenders and bollards.

All work would be performed in accordance with the enclosed plan (sheets 1–11), dated June 2023.

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’s purpose and need construction must occur within waters of the United States. The project would be located within Lutak Inlet and adjacent uplands.
- b. Minimization: The project uses the minimum amount of fill needed to retain the function of the dock and minimize impacts to waters of the United States. The project also uses the most compact design practicable (with the least number of piles and smallest pile sizes) to minimize impacts to waters of the United States.
- c. Compensatory Mitigation: The total in-water fill for the proposed project would be minimal (approximately 53,310 square feet [1.2 acres]) in comparison to the available waters in Lutak Inlet. A review of the U.S. Army Corps of Engineers (USACE) Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) shows that there are no wetlands banks with available credits in this watershed. There are also no nearby available wetlands credits with the same classification as those that would be impacted by the proposed project. A search for in-lieu fee programs in this watershed using RIBITS returned no results for programs with available credits (USACE 2023). The project footprint is within a previously developed area, and the dock would be repaired to maintain its current function. To compensate for the unavoidable loss of wetlands, Haines Borough will develop a wetlands mitigation plan.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project. Consultation of the AHRs constitutes the extent of cultural resource investigations by USACE at this time, and we are otherwise unaware of the presence of such resources. USACE has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State

Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties is not required. However, any comments SHPO, Federally recognized Tribes, and other consulting parties 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 Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*), the endangered Western DPS of Steller sea lions (*Eumetopias jubatus*), and the proposed threatened sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect the threatened humpback whale, the endangered Steller sea lion, and the proposed threatened sunflower sea star. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). 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 (Magnuson-Stevens 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 mapped EFH for Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), pink salmon (*Oncorhynchus gorbuscha*), and sockeye salmon (*Oncorhynchus nerka*).

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

**TRIBAL CONSULTATION:** USACE 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 USACE, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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.

USACE 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 USACE 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:

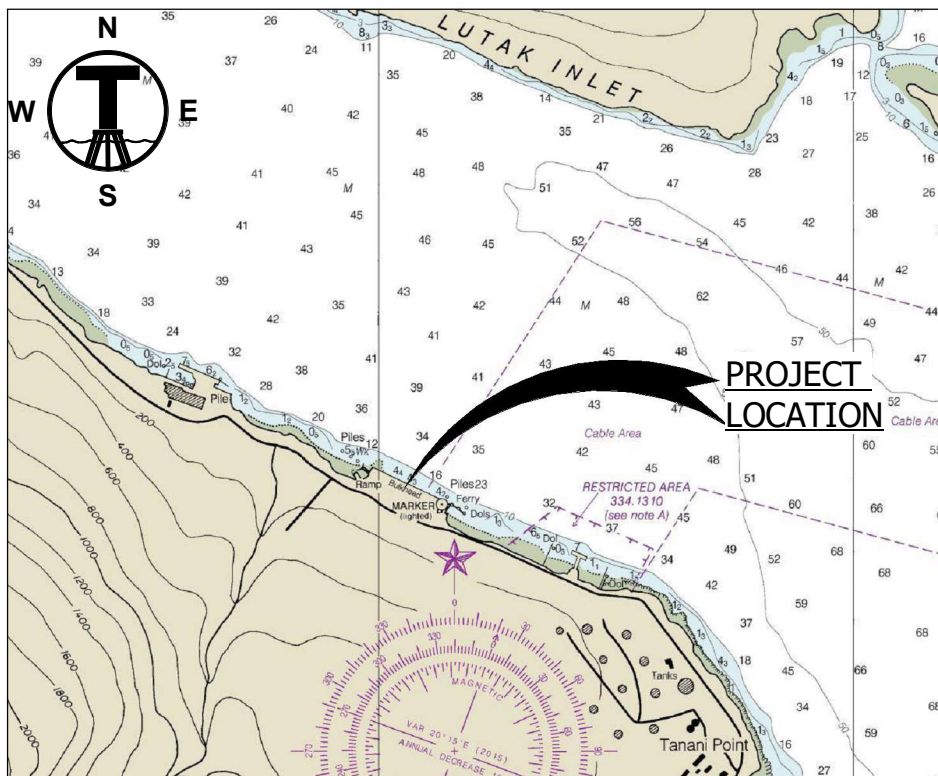
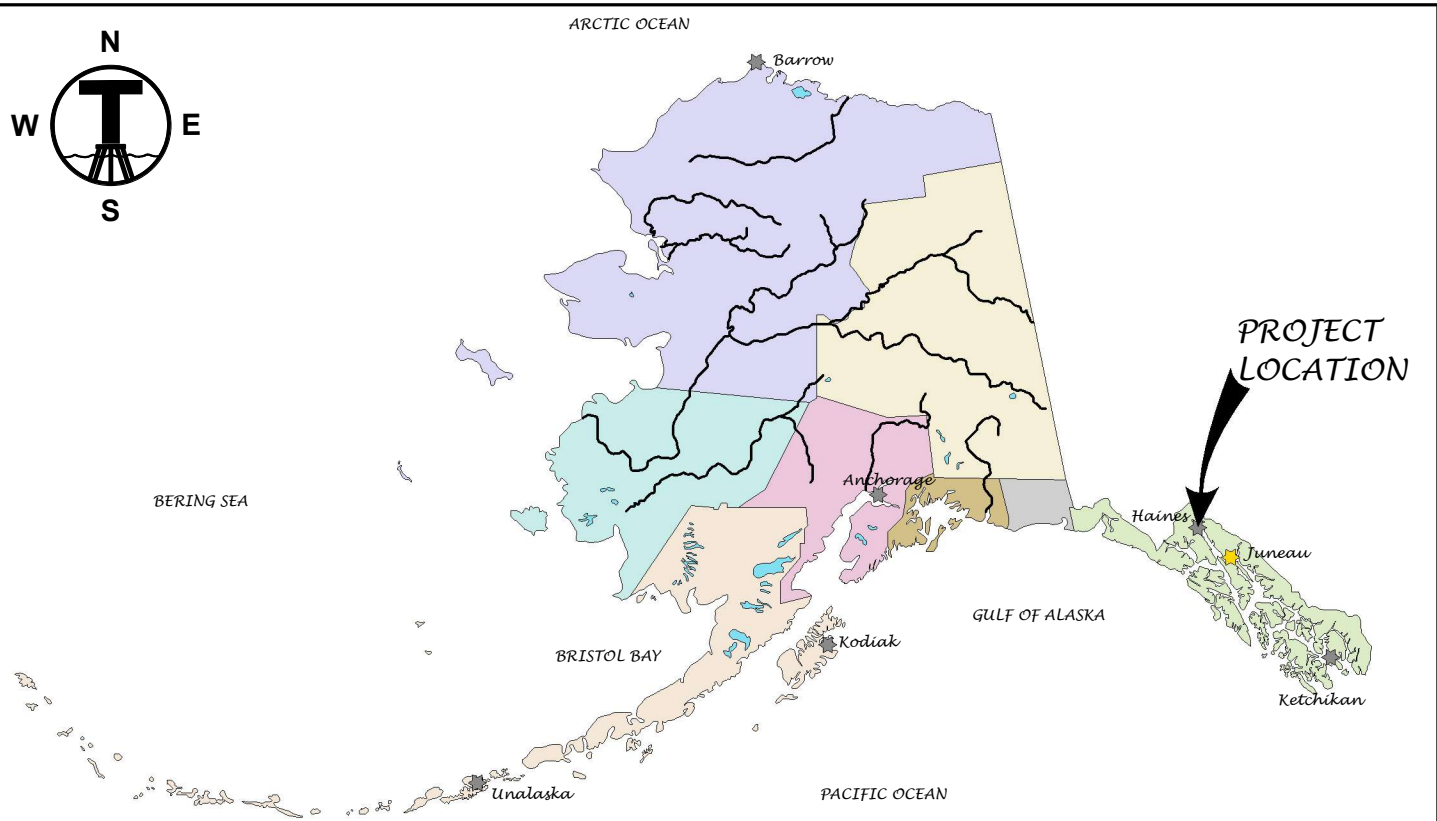
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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 of Engineers

Enclosure

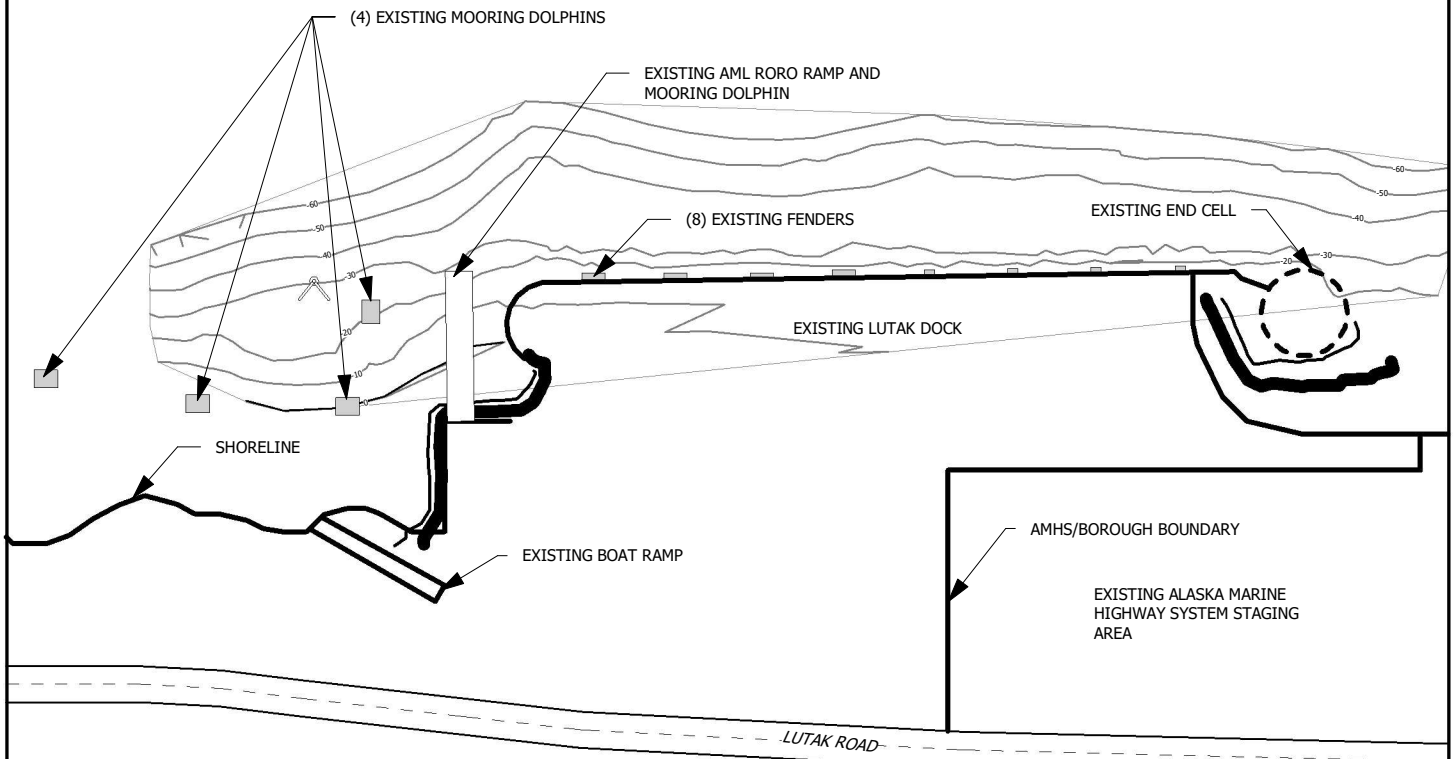


TIDAL DATA	
HTL	+21.00'
MHHW	+16.74'
*MHW	+15.78'
MLW	+1.62'
MLLW	0.00'

TIDAL DATA BASED OFF OF NOAA STATION #9452400 - SKAGWAY, TAIYA INLET AK  
 \*MHW BASED OFF OF NOAA STATION #9452434 - TAIYASANKA HARBOR AK

**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282° **Long.:** -135.467°  
**Sheet:** 1 of 11 **Date:** June 2023

LUTAK INLET

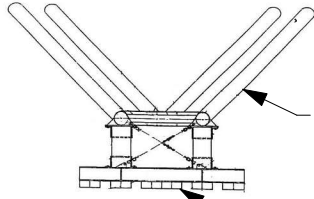


TIDAL DATA

- HTL +21.00'
- MHW +15.78'
- MLLW 0.00'

**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 2 of 11      **Date:** June 2023





EXISTING 16" DIA PILES  
TO BE DEMOLISHED

EXISTING FENDER PANEL TO BE  
DEMOLISHED

LUTAK INLET

### EXISTING MOORING DOLPHINS

(4) EXISTING MOORING DOLPHINS  
TO BE DEMOLISHED AS PART OF  
THE DOCK IMPROVEMENTS

EXISTING EAST GUIDE BATTER  
PILE TO BE DEMOLISHED

(8) EXISTING FENDERS TO  
BE DEMOLISHED

EXISTING LUTAK DOCK

SHORELINE

EXISTING AML RORO RAMP AND  
MOORING DOLPHIN

AMHS/BOROUGH BOUNDARY

EXISTING ALASKA MARINE  
HIGHWAY SYSTEM STAGING  
AREA

LUTAK ROAD

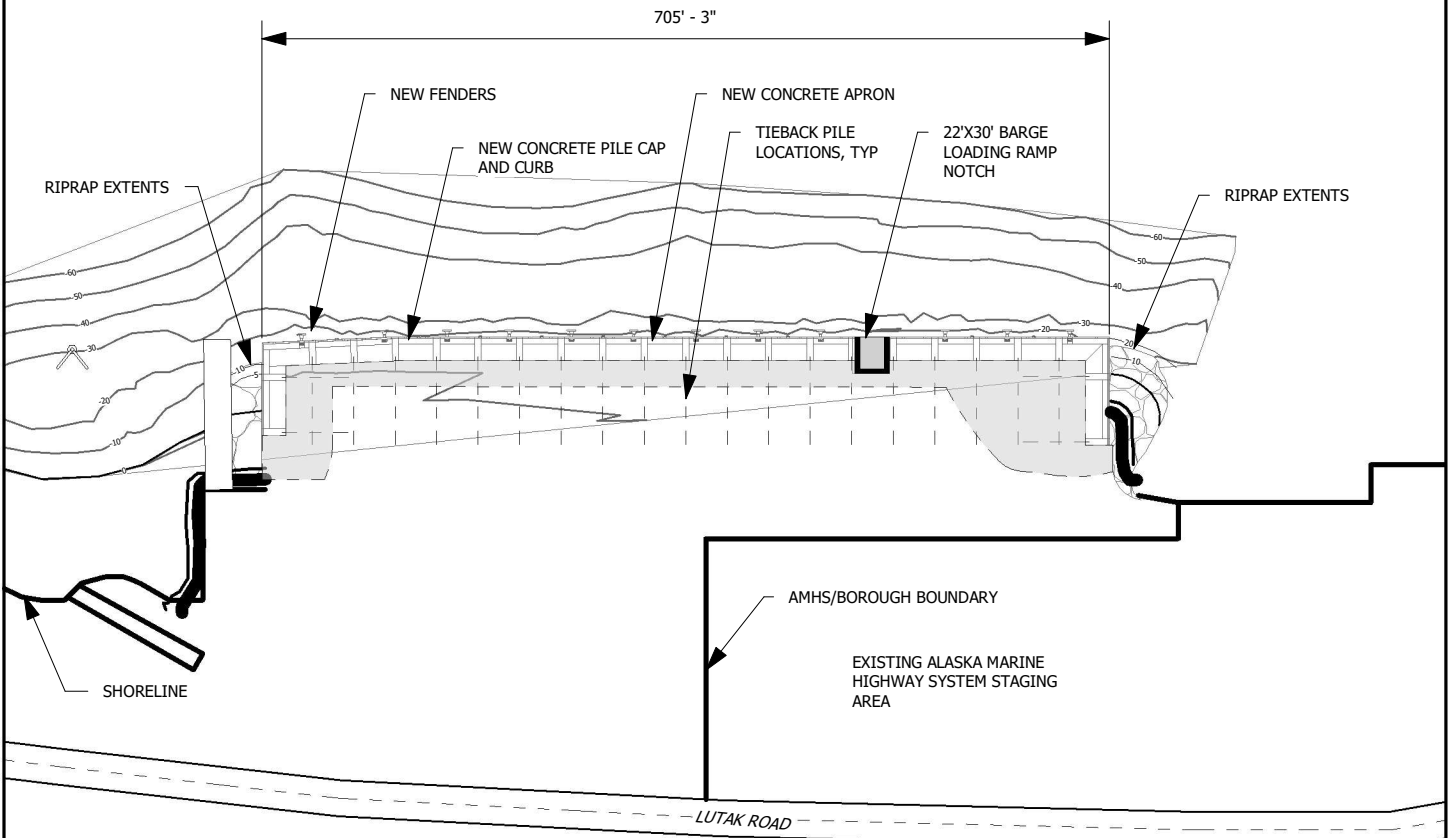
#### TIDAL DATA

- HTL +21.00'
- MHW +15.78'
- MLLW 0.00'

**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282° **Long.:** -135.467°  
**Sheet:** 3 of 11 **Date:** June 2023



LUTAK INLET



TIDAL DATA

- HTL +21.00'
- MHW +15.78'
- MLLW 0.00'

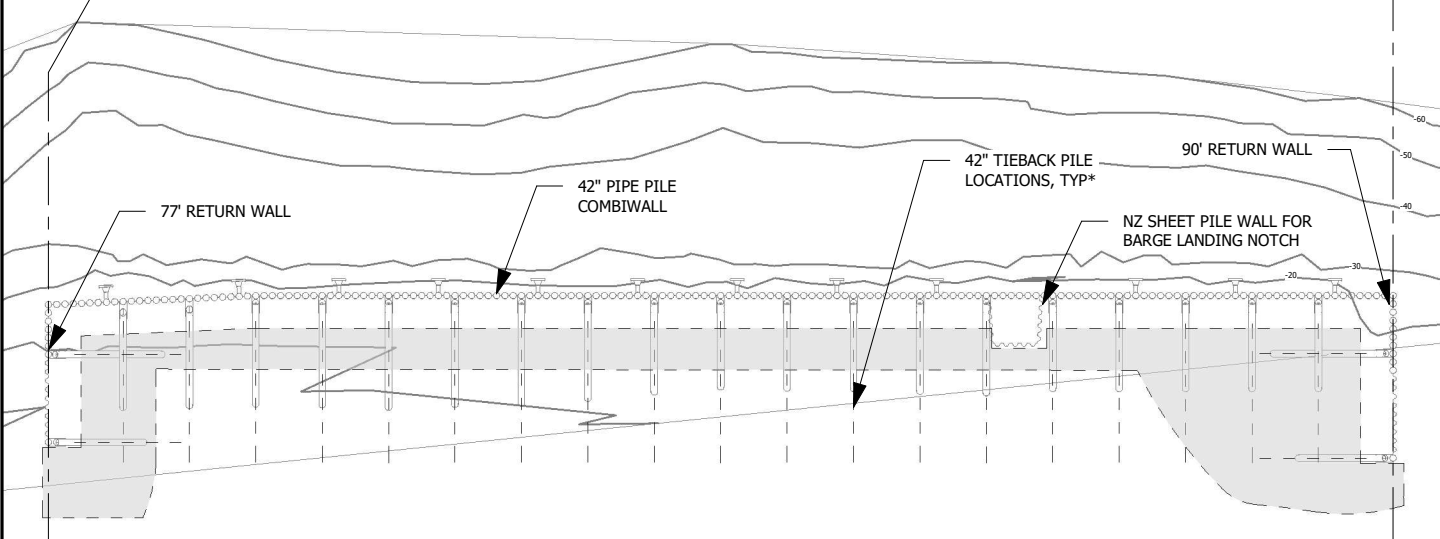
**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 4 of 11      **Date:** June 2023



LUTAK INLET

1

2



\*NOTE: ALL 42" TIEBACK PILES ARE INSTALLED UPLAND IN THE DRY.

AMHS/BOROUGH BOUNDARY

EXISTING ALASKA MARINE HIGHWAY SYSTEM STAGING AREA

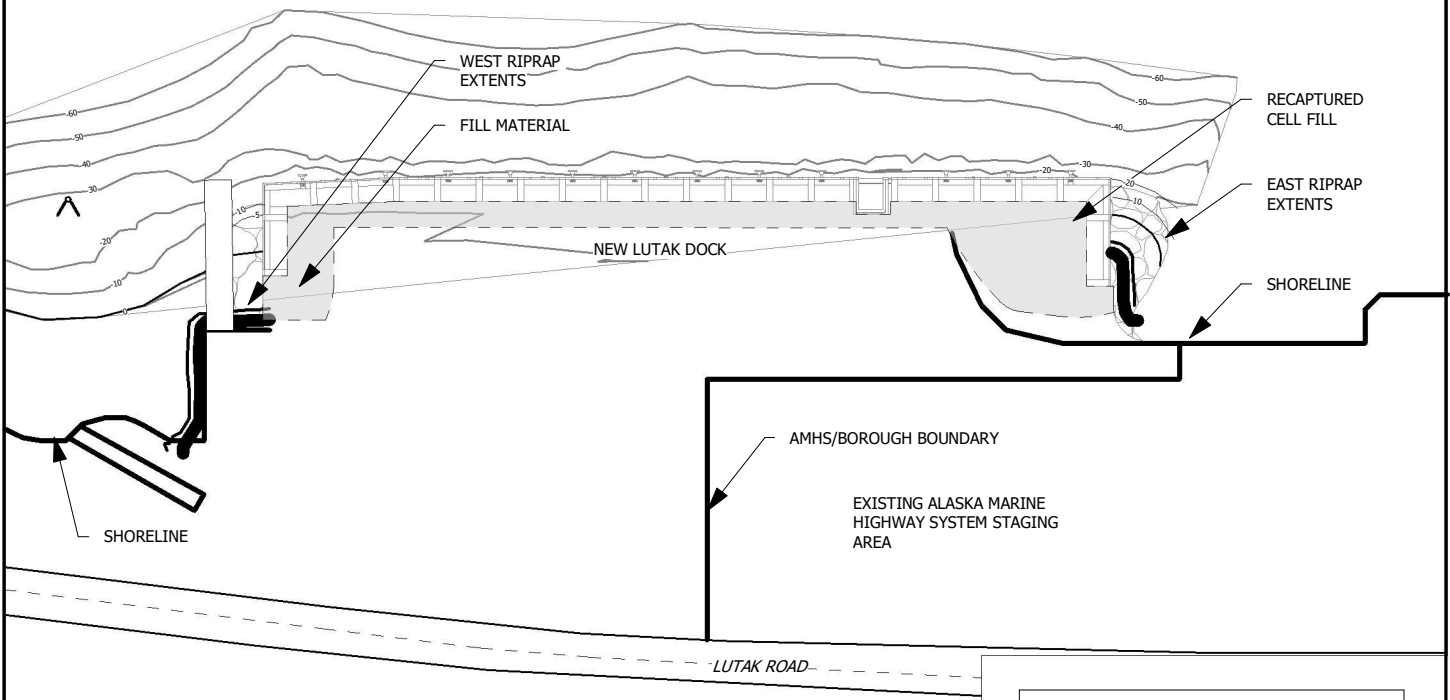
LUTAK ROAD

PILE SCHEDULE	
42" DIAMETER TIEBACK	23
42" DIAMETER COMBIWALL	180
NZ 38 PAIRS	

**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282° **Long.:** -135.467°  
**Sheet:** 5 of 11 **Date:** June 2023



LUTAK INLET



**TIDAL DATA**

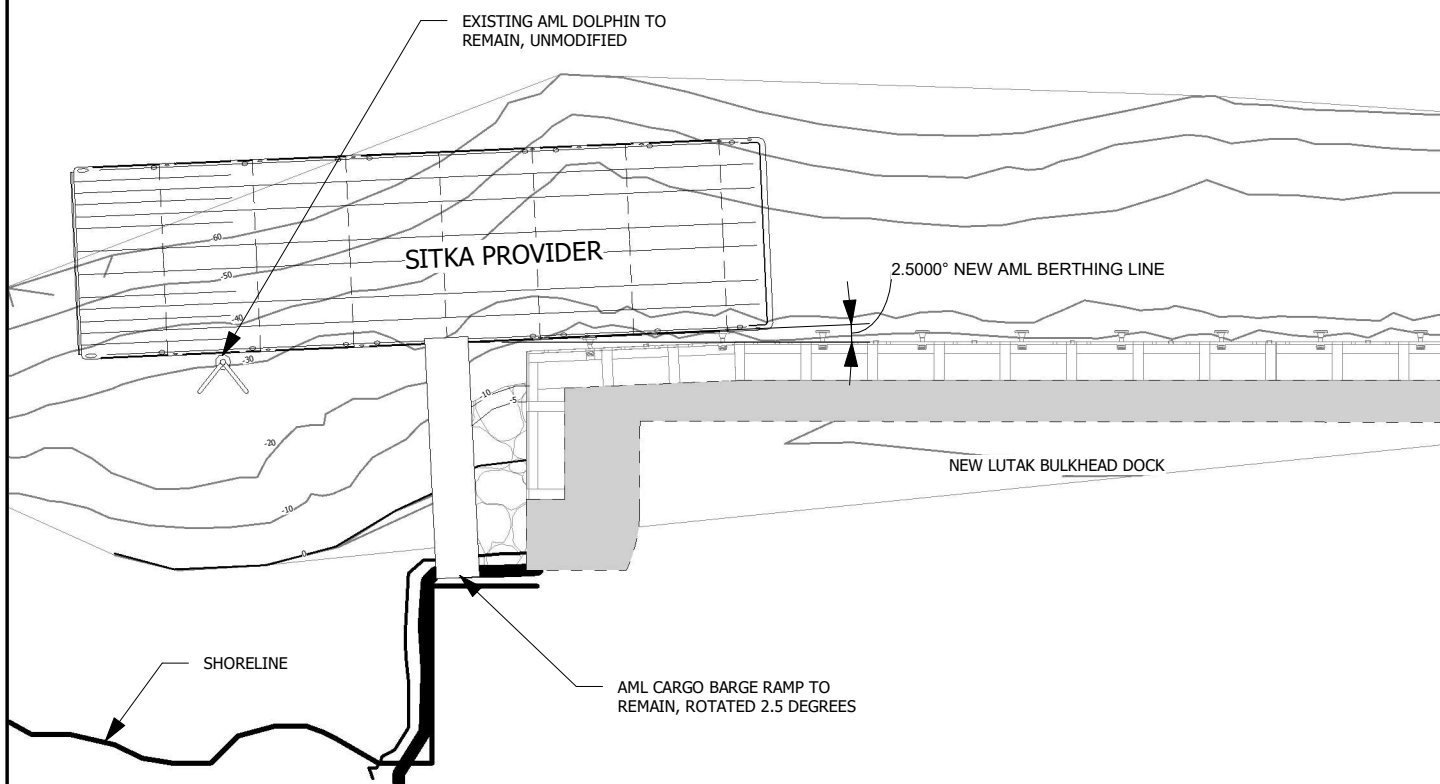
	HTL +21.00'
	MHW +15.78'
	MLLW 0.00'

FILL SCHEDULE	
TYPE C TOTAL	22304 CY
GRAVEL TOTAL	2000 CY
RIP RAP TOTAL	3538 CY

**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 6 of 11      **Date:** June 2023



LUTAK INLET



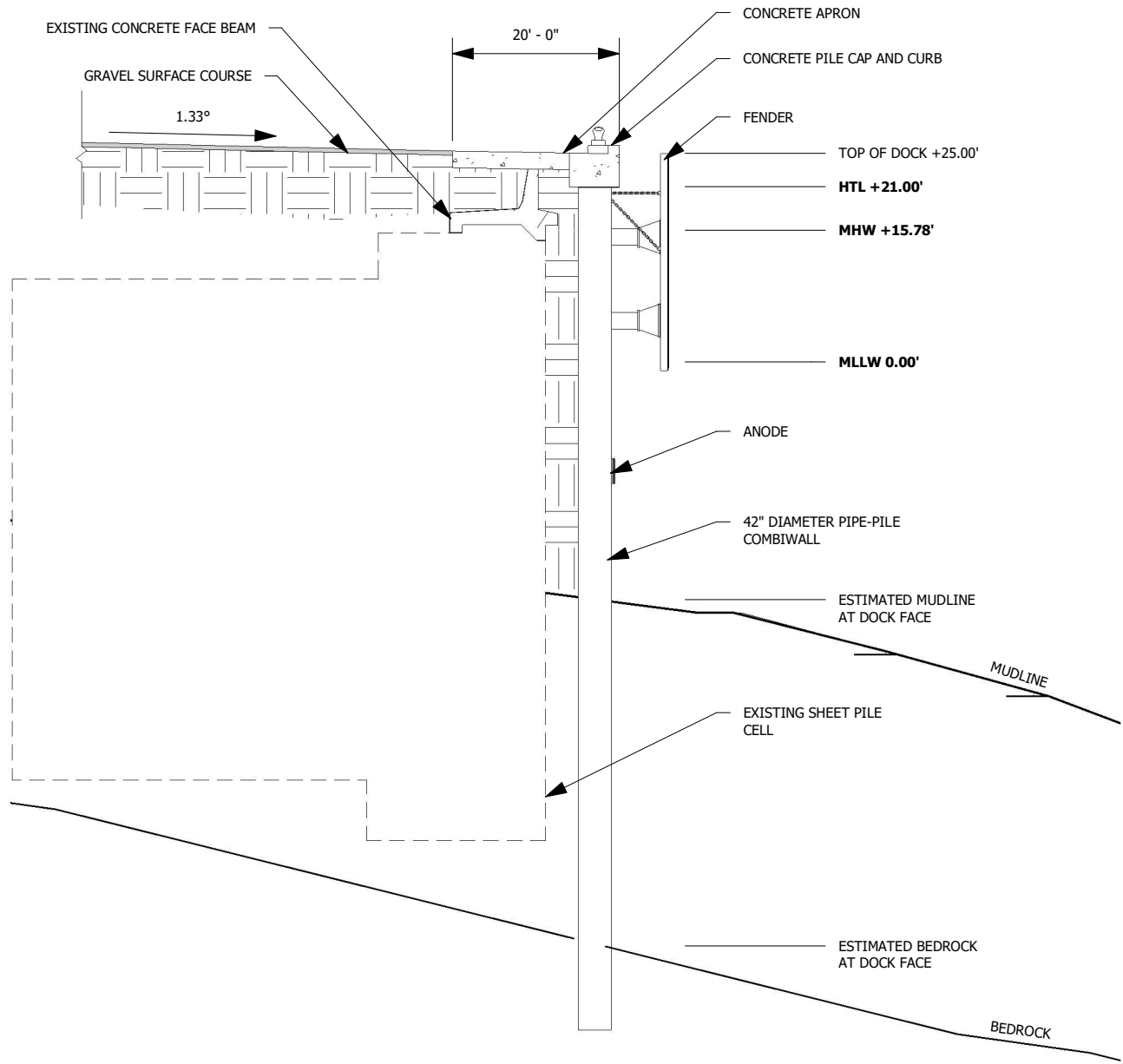
TIDAL DATA

	HTL +21.00'
	MHW +15.78'
	MLLW 0.00'

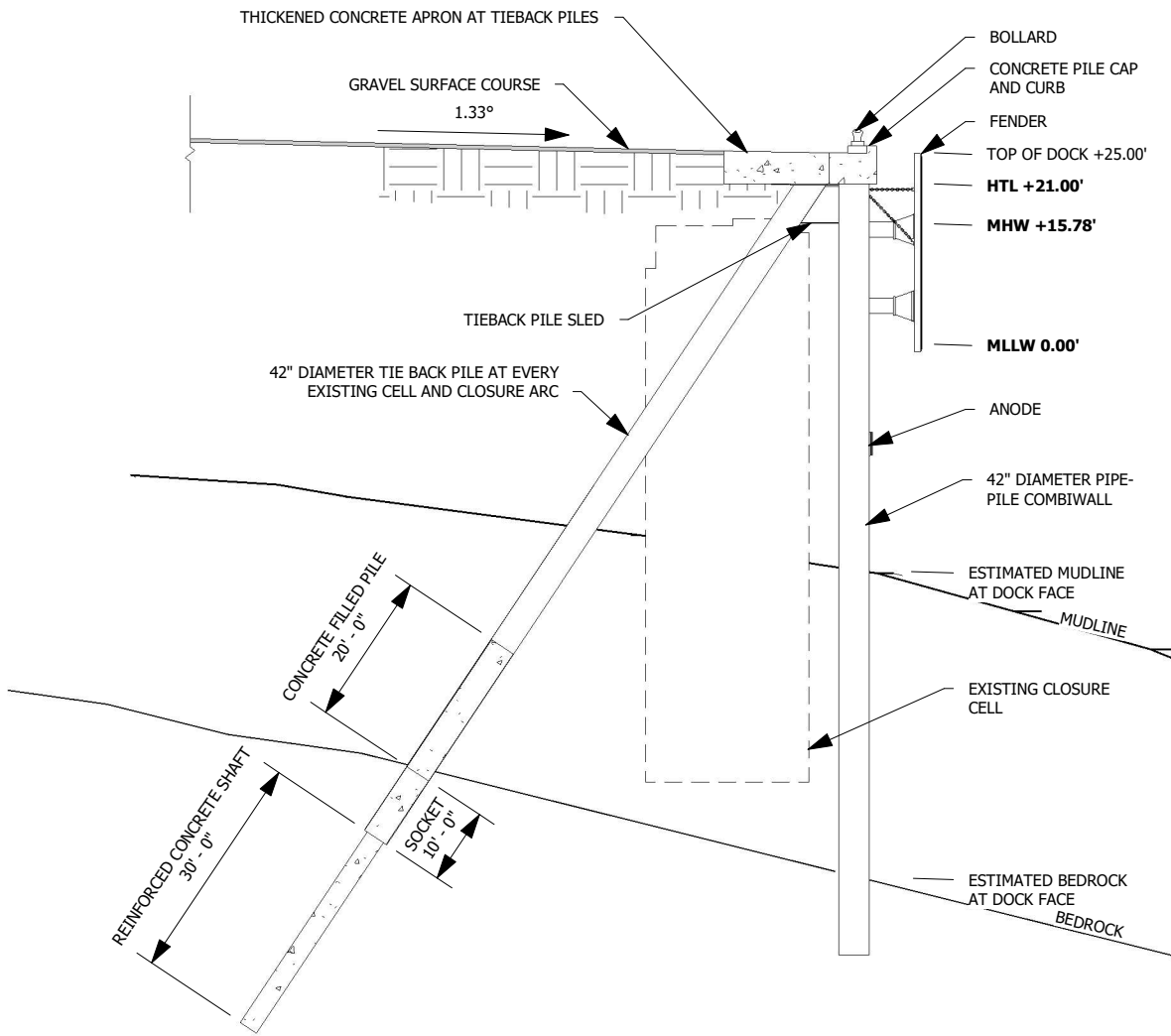
NOTE:

THE OFFSHORE END OF RAMP WILL UTILIZE THE EXISTING GUIDE DOLPHINS (WITH THE EXCEPTION OF THE DEMOLISHED BATTER), WHILE THE UPLANDS END OF THE RAMP WILL BE ROTATED TO ACCOMMODATE THE 2.5 DEGREE SHIFT.

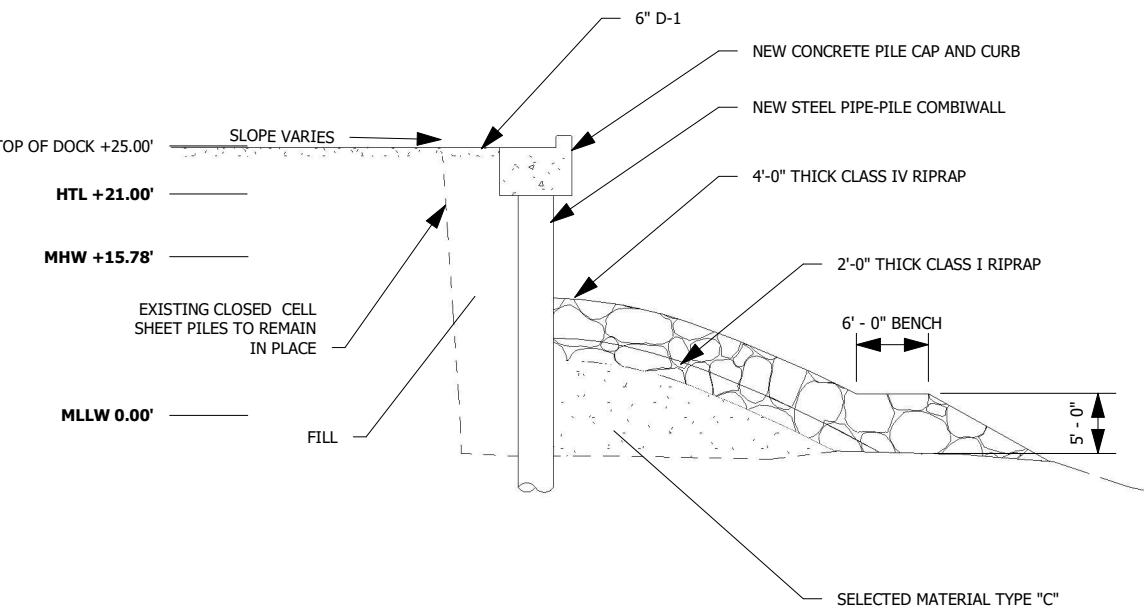
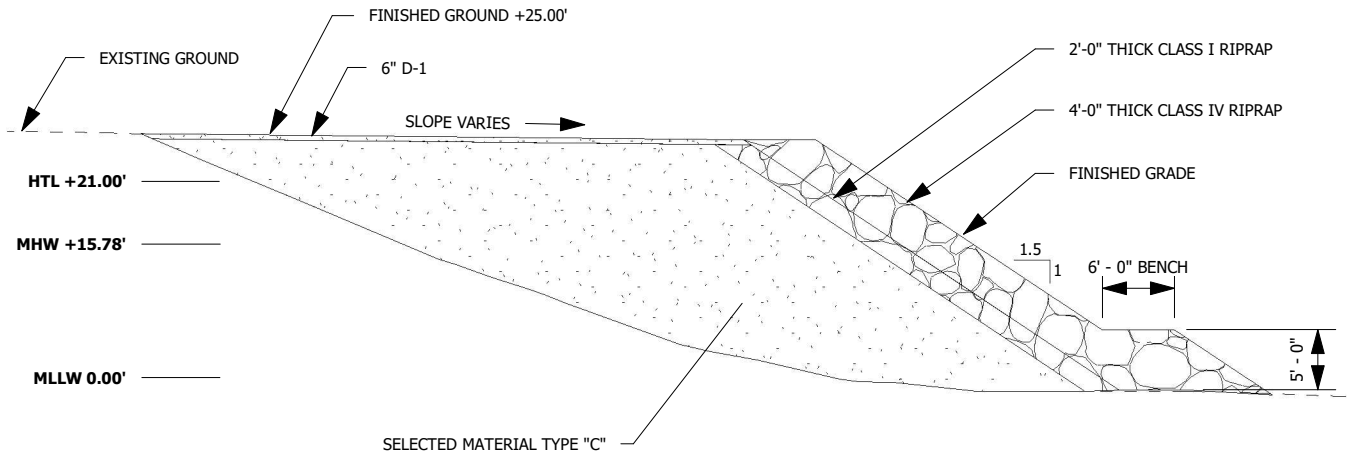
**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282° **Long.:** -135.467°  
**Sheet:** 7 of 11 **Date:** June 2023



**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 8 of 11      **Date:** June 2023

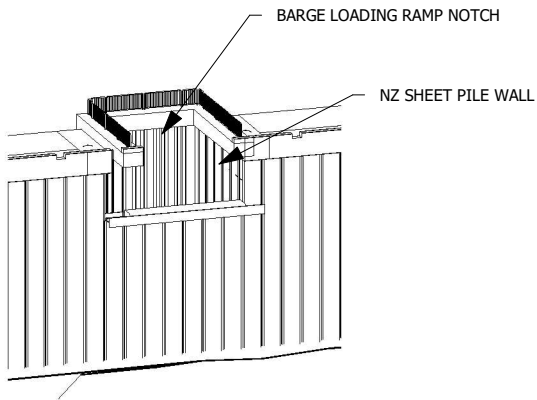
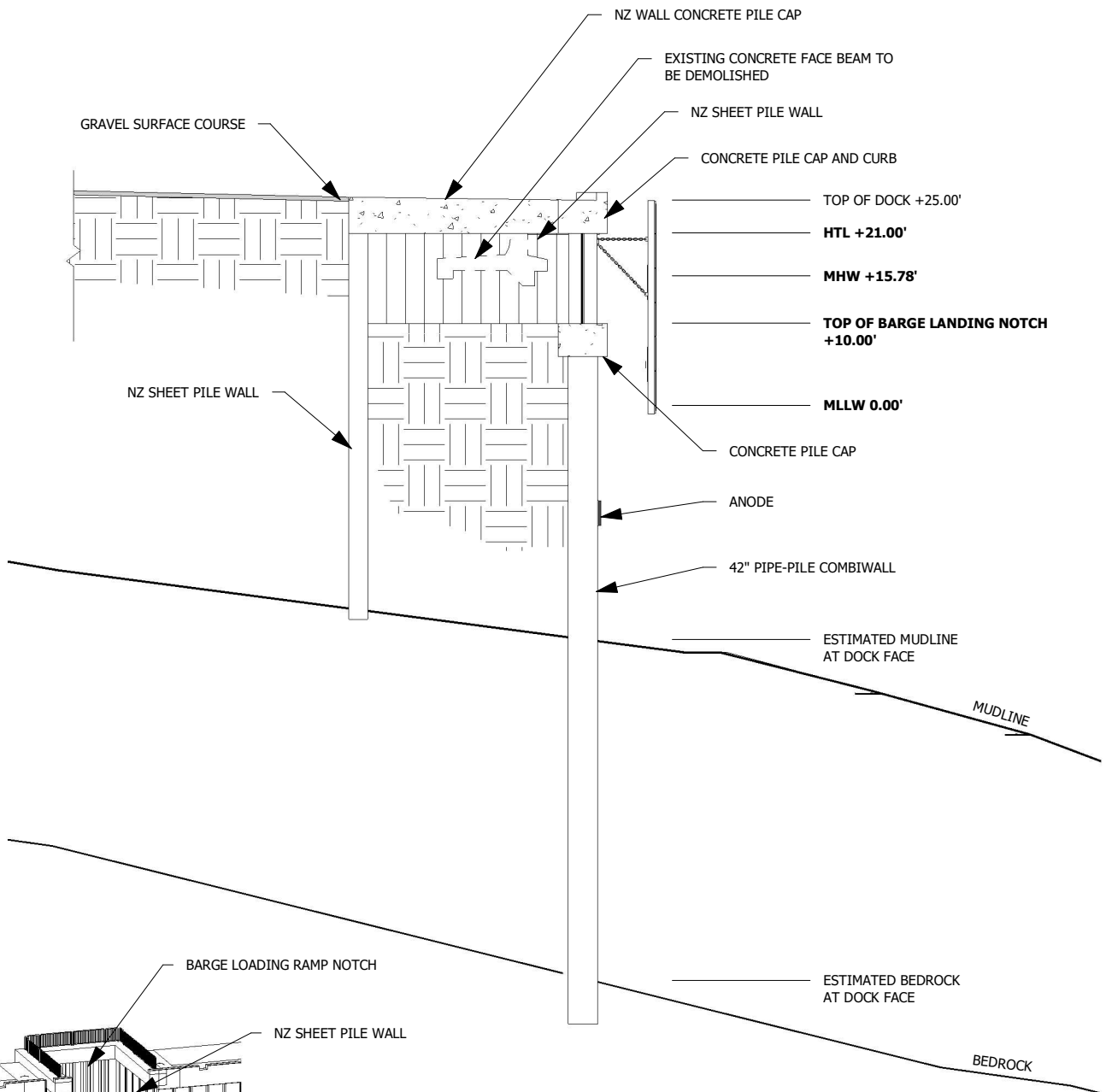


**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 9 of 11      **Date:** June 2023



**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 10 of 11      **Date:** June 2023





**Applicant:** Haines Borough  
**File No.:** POA-2023-00357  
**Waterway:** Lutak Inlet  
**Proposed Activity:** Dock Replacement  
**Section:** 10, **Township:** 30S, **Range:** 59E  
**Meridian:** Copper River  
**Lat.:** 59.282°      **Long.:** -135.467°  
**Sheet:** 11 of 11      **Date:** June 2023