



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>September 04, 2024</b>
<b>EXPIRATION DATE:</b>	<b>October 03, 2024</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2024-00475</b>
<b>WATERWAY:</b>	<b>Kitoi Bay</b>

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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 Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, or by email at [Estrella.f.campellone@usace.army.mil](mailto:Estrella.f.campellone@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Tina Fairbanks, Kodiak Regional Aquacultural Association; 104 Center Street, Suite 205; Kodiak, Alaska 99615. Telephone: 907-486-6555. Email: [tina.fairbanks@kraa.org](mailto:tina.fairbanks@kraa.org)

**AGENT:** Trevor Sande, R&M Engineering-Ketchikan, Inc. 7180 Revilla Road, Suite 300; Ketchikan, Alaska 99901. Telephone: 907-225-7917. Email: [trevorsande@rmkethikan.com](mailto:trevorsande@rmkethikan.com)

**LOCATION:** The project site is located within Section 15, T. 23 S., R. 19 W., Seward Meridian; USGS Quad Afognak A-2; Latitude 58.190871° N., Longitude 152.370967° W.; Kitoi Bay Fish Hatchery, Afognak Island, near Kodiak, Alaska.

SPECIAL AREA DESIGNATION: The project is in lands owned by the Afognak Native Corporation.

PURPOSE: The applicant's stated purpose is to replace the Kitoi Bay Fish Hatchery dock that has exceeded its useful life. About 33% of the project would include discharge of fill; this would facilitate construction as it would be extremely difficult to try to remove and replace the existing wood bulkhead. The new retaining wall made of pre-cast concrete blocks would be constructed seaward of the existing bulkhead so that it can remain in place. The proposed fill would also allow some of the building components for fish delivery, storm water management and utilities to be protected instead of exposed on elevated platforms below the dock.

PROPOSED WORK: The project consists of removing approximately 1,455 square feet of an obsolete dock, including a failing wood bulkhead, and approximately 26 existing wood piles. After the removal of the obsolete dock, a 106-foot-long retaining wall to support a new dock would be built. This retaining wall would be constructed by placing 159 2-foot by 2-foot by 4-foot precast concrete blocks. The retaining wall would have a cement foundation made on-site by pouring approximately 6 cubic yards of cement at the base of the wall, this would be done during low tides and dewatered conditions. An area of approximately 900 square feet behind the retaining wall would be filled with 462 cubic yards of shot rock (from the retaining wall to where the failing wood bulkhead was located), for a total of 242 cubic yards of shot rock below the High Tide Line (HTL). The area of fill below the HTL, including the area occupied by the retaining wall foundation, would be 0.03-acre.

The new structure would consist of an 1,800 square feet concrete dock built seaward of the retaining wall. It would require driving ten (10) steel piles 12-inch in diameter to support the dock, as well as ten (10) 12-inch diameter steel fender piles attached to the face of the dock.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated August 20, 2024.

ADDITIONAL INFORMATION: NOAA's National Marine Fisheries Service and State Historic Property Office concurrence with Corps' determinations would be required.

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 proposed dock would replace an existing marine facility that has been in place since 1996 and that has exceeded its useful life (see pictures attached). Fill material would occur at the HTL to avoid filling the intertidal zone to the extent possible.

b. Minimization: This is a replacement of an obsolete dock. A small area below the HTL would be filled to facilitate higher building loads, as well as to bury key components of the facility such as fish transfer pipes and utilities. The fill would also facilitate replacement of the existing wood bulkhead without deconstructing the entire structure and allow construction in phases which is necessary because of the narrow fish windows (mid-May to June), which

constrain construction times. Restricted construction time windows would minimize impacts to fish.

c. Compensatory Mitigation: The applicant did not propose 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project footprint and immediately adjacent wetlands. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the endangered Steller Sea Lion (*Eumetopias jubatus*) and its designated critical habitat, the endangered Western North Pacific DPS Humpback whale (*Megaptera novaeangliae*) and its designated critical habitat, the threatened Mexico DPS Humpback Whale (*Megaptera novaeangliae*) and its designated critical habitat, the endangered North Pacific Right Whale (*Eubalaena japonica*), the endangered Fin Whale (*Balaenoptera physalus*), as well as the proposed as threatened sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect these proposed threatened, threatened, or endangered species and/or their designated critical habitat. 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 several fish species. Information collected from EFH mapper indicates that the site provide EFH for all five species of salmon (Chinook salmon, chum salmon, coho salmon, pink salmon, and sockeye salmon), as well as northern rock sole, southern rock sole, Pacific ocean perch, flathead sole, redbanded rockfish, pigmy rockfish, blackspotted rockfish, rougheyeye rockfish, dusky rockfish, shortraker rockfish, Alaska skate, yellow Irish lord, dover sole, Pacific cod, rex sole, yellowfin sole, longnose skate, bigmouth sculpin, great sculpin, harlequin rockfish, sharpchin rockfish, longspine thornyhead rockfish, northern rockfish, black rockfish, sablefish, walleye pollock, and Atka mackerel, among others.

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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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:

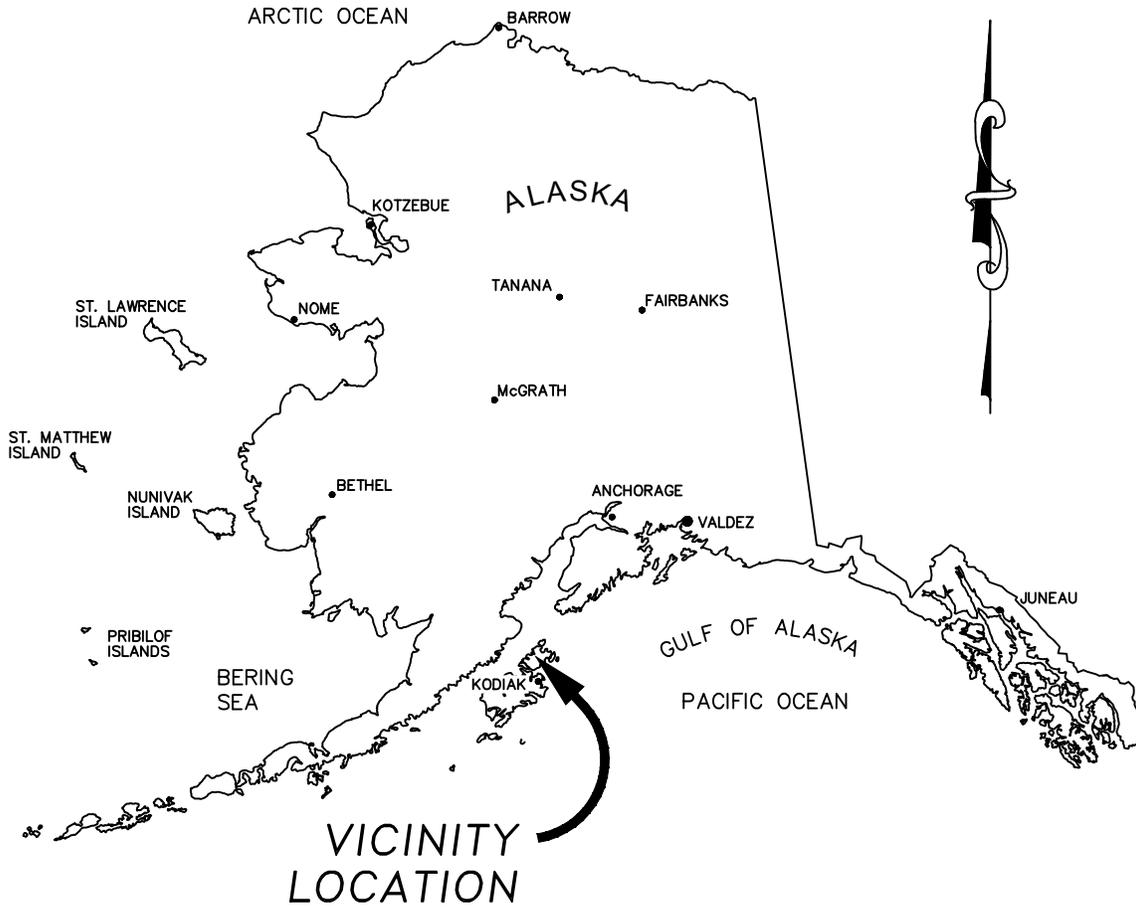
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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 are enclosed with this public notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures



<i>SHEET INDEX</i>	
C1	TITLE & LOCATION MAP
C2	VICINITY MAP
C3	EXISTING CONDITIONS
C4	PROPOSED DOCK REPAIRS

MEAN HIGH WATER ELEV. 7.6 FEET  
HIGH TIDE LINE ELEV. 10.7 FEET

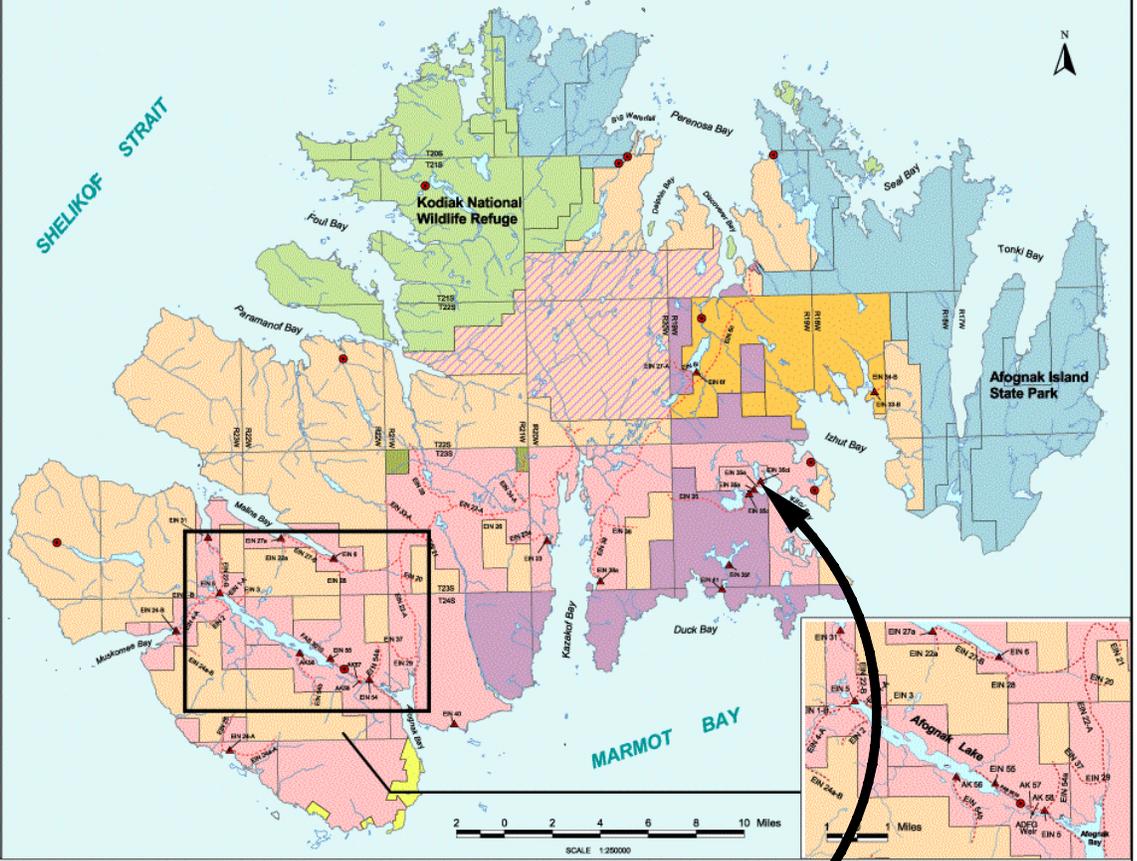
<b>KITOI BAY HATCHERY DOCK REPAIR</b>	
LOCATION MAP SCALE: AS NOTED	
APPLICANT: KODIAK REGIONAL AQUA-CULTURE ASSOCIATION 104 CENTER AVE, SUITE 205 KODIAK, AK 99615	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA ROAD ROAD KETCHIKAN, AK 99901
DATE: 8/20/24 SHEET: 1	AFOGNAK ISLAND, AK WATER BODY: KITOI BAY

**AFOGNAK ISLAND  
LAND STATUS &  
PUBLIC ACCESS**

- Federal**
- BLM
  - Kodiak NWR
- State**
- Afognak Island State Park
- Private**
- Afognak Joint Venture
  - Afognak Native Corporation
  - Natives of Kodiak
  - Ouzinkie Native Corporation
  - Ouzinkie NC w/ Public Access
  - Other Private
- Trail Easements
- ADF&G Sites
  - Site Easements



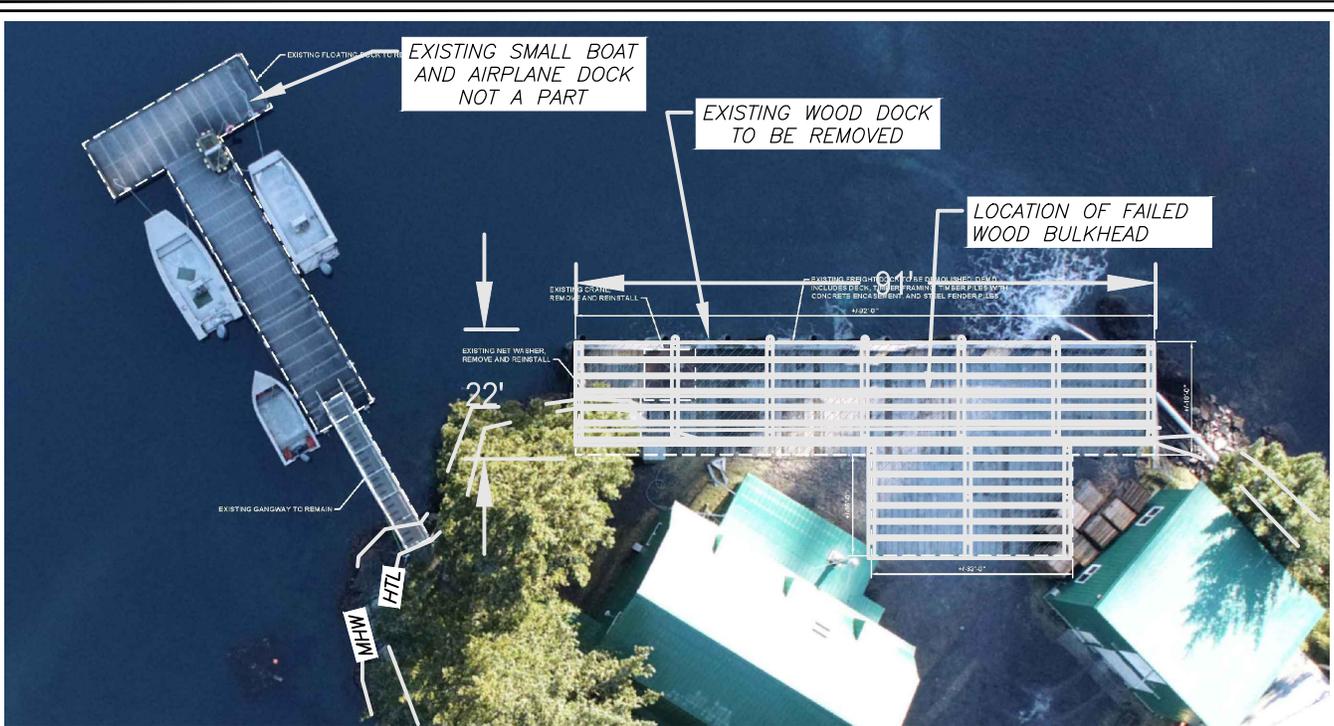
AK DEPT. OF  
FISH AND GAME  
July 2000  
Minor Revisions  
August 2004



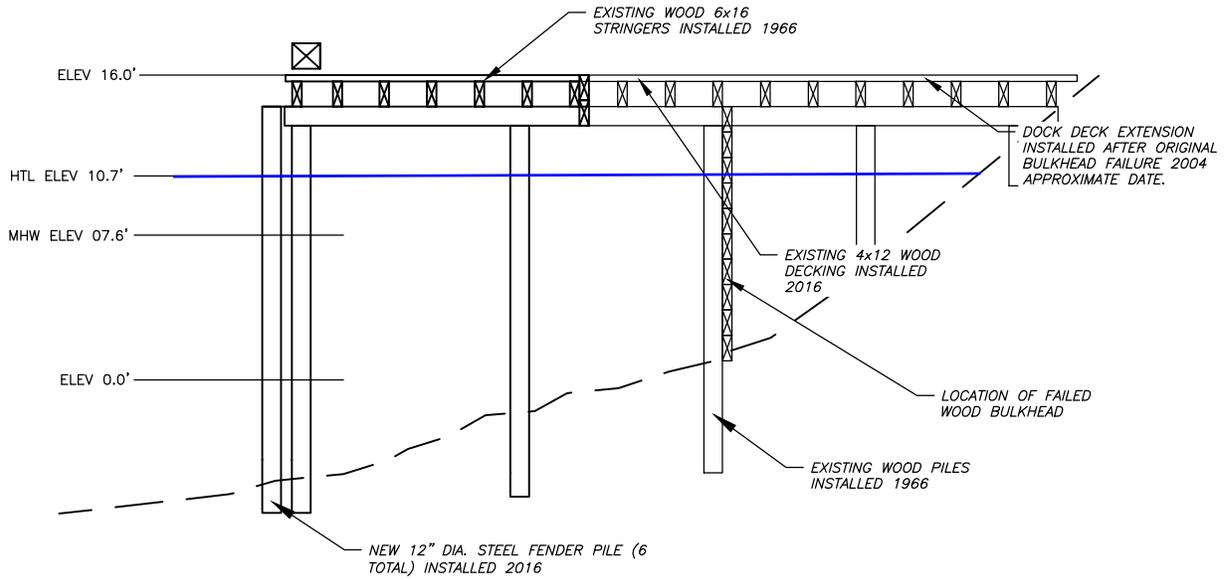
**SITE  
LOCATION**

MEAN HIGH WATER ELEV. 7.6 FEET  
HIGH TIDE LINE ELEV. 10.7 FEET

<b>KITOI BAY HATCHERY DOCK REPAIR</b>	
SITE MAP SCALE: AS NOTED	
APPLICANT: KODIAK REGIONAL AQUA- CULTURE ASSOCIATION 104 CENTER AVE, SUITE 205 KODIAK, AK 99615	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA ROAD ROAD KETCHIKAN, AK 99901
DATE: 8/20/24 SHEET: 2	AFOGNAK ISLAND, AK WATER BODY: KITOI BAY



PLAN VIEW



SECTION VIEW

MEAN HIGH WATER ELEV. 7.6 FEET  
HIGH TIDE LINE ELEV. 10.7 FEET

**KITOI BAY HATCHERY DOCK REPAIR**

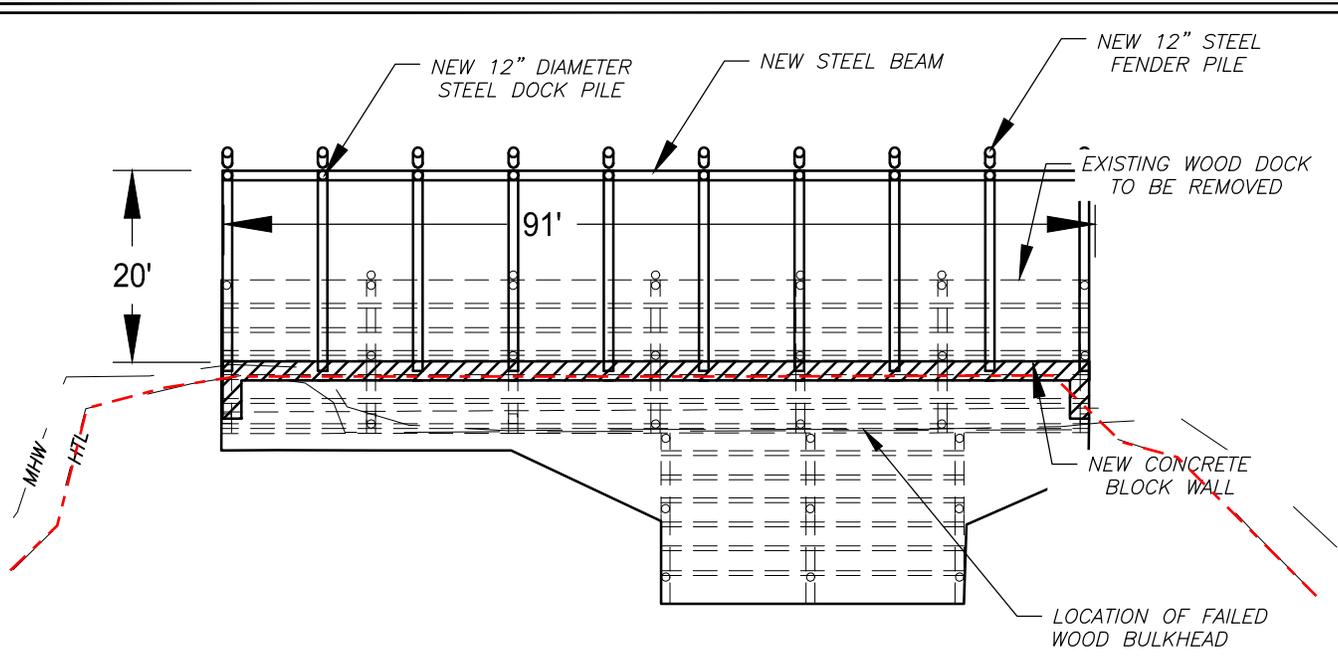
EXISTING CONDITIONS  
SCALE: AS NOTED

APPLICANT:  
KODIAK REGIONAL AQUA-  
CULTURE ASSOCIATION  
104 CENTER AVE, SUITE 205  
KODIAK, AK 99615

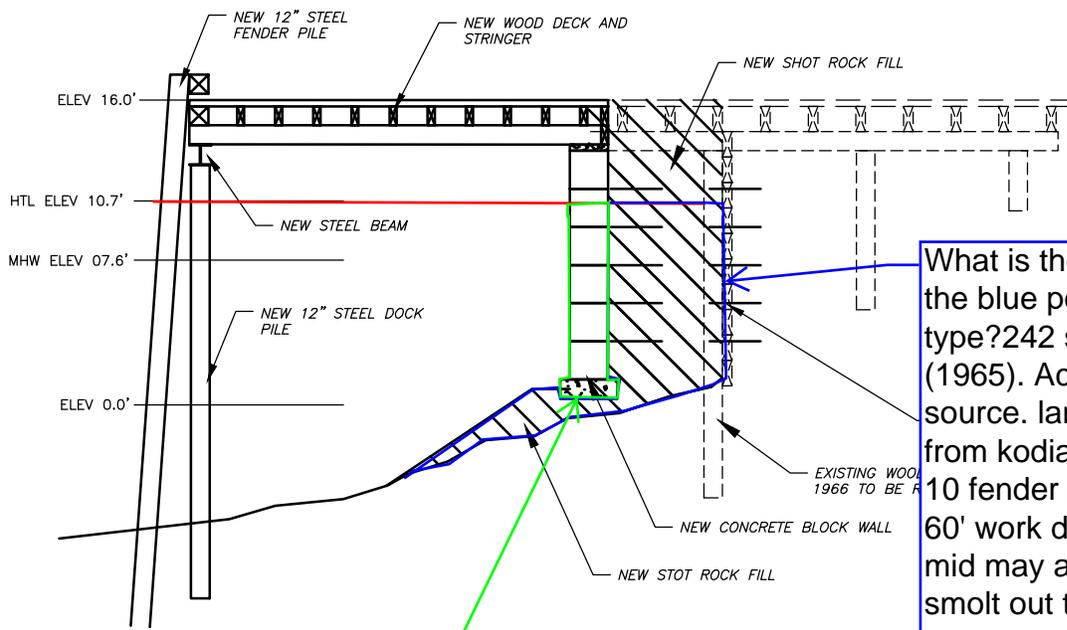
AGENT:  
R&M ENGINEERING-KETCHIKAN  
7180 REVILLA ROAD ROAD  
KETCHIKAN, AK 99901

DATE: 8/20/24  
SHEET: 2

AFOGNAK ISLAND, AK  
WATER BODY: KITOI BAY



PLAN VIEW



SECTION VIEW

What is the amount of fill within the blue polygon and what type? 242 shot rock old quarry (1965). Actively used as rock source. landing craft comes from Kodiak. 10 12" support piles 10 fender piles 12" I c8 25' wide 60' work done in wen fish is out mid may and june fish window smolt out to see. spawning in july.

What is the amount of concrete you will be pouring into this area? 6 cys liquid in dry conditions

MEAN HIGH WATER ELEV. 7.6 FEET  
HIGH TIDE LINE ELEV. 10.7 FEET

**KITOI BAY HATCHERY DOCK REPAIR**

PROPOSED NEW DOCK  
SCALE: AS NOTED

APPLICANT:  
KODIAK REGIONAL AQUA-  
CULTURE ASSOCIATION  
104 CENTER AVE, SUITE 205  
KODIAK, AK 99615

AGENT:  
R&M ENGINEERING-KETCHIKAN  
7180 REVILLA ROAD ROAD  
KETCHIKAN, AK 99901

DATE: 8/20/24  
SHEET: 3

AFOGNAK ISLAND, AK  
WATER BODY: KITOI BAY



**R&M ENGINEERING-KETCHIKAN, INC.**  
ENGINEERS ARCHITECTS SURVEYORS

7180 REVILLA ROAD, SUITE 300, KETCHIKAN, ALASKA 99901  
PHONE: 907-225-7917 FAX: 907-225-3441 www.ketchikanengineer.com

August 26<sup>th</sup>, 2024

U. S. Army Corp of Engineers  
P.O. Box 6898  
JBER, AK 99506-0898

RE: Permit Request, Kodiak Regional Aquaculture Association, Kitoi Hatchery Dock

To whom it may concern:

Attached is the original signed copy of the COE application, drawings, and mitigation statement for the proposed project.

The project is located at Kitoi Bay fish hatchery on Afognak Island, Alaska. The hatchery was constructed by the State of Alaska in the mid-1960's and the dock structured is the original structure now 60 years old. Our firm performed a structural inspection on the dock earlier in the year and determined that a full replacement of the dock would be required since the structural elements were beyond repair. The work consists of removing existing wood retaining wall bulkhead and replacing with a new concrete block wall bulkhead, removing the steel beams, steel piles and wood decking and replacing in kind. We propose to move the seaward face of the dock out 10' with this repair to get the dock in slightly deeper water. Vessels currently ground at the existing dock during low tides.

The following documents are included in the submittal packet as follows:

Completed corp permit  
Mitigation statement  
Permit Drawings  
Original construction drawings for reference

Please call if you have any further questions or need additional information to start your review.

Sincerely,

R&M ENGINEERING-KETCHIKAN, INC.



**R&M ENGINEERING-KETCHIKAN, INC.**  
ENGINEERS ARCHITECTS SURVEYORS

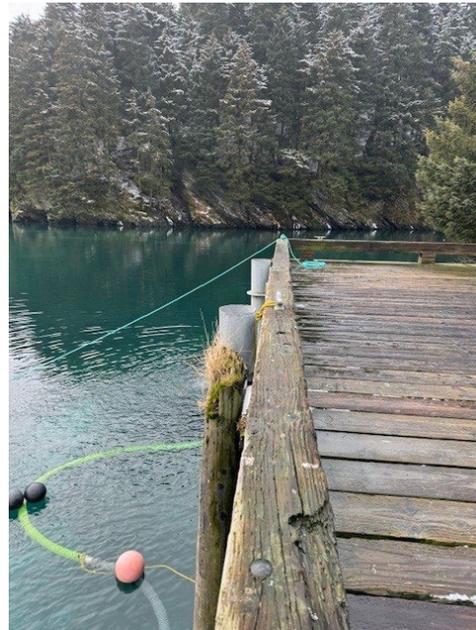
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PHONE: 907-225-7917 FAX: 907-225-3441 www.ketchikanengineer.com

Trevor Sande, PE

Photos of existing conditions:



Existing wood bulkhead





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