



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	February 05, 2024
EXPIRATION DATE:	March 6 2024
REFERENCE NUMBER:	POA-2024-00038
WATERWAY:	Port Frederick

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. 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 if further information is desired concerning this public notice.

APPLICANT: City of Hoonah, 300 Front Street, Hoonah, Alaska, 99829; Contact: Dennis Gray, (907) 945-3663, dgray@cityofhoonah.org

AGENT: Solstice Alaska Consulting, Inc, Incorporated, 2607 Fairbanks Street, Suite B, Anchorage, Alaska 99503; Contact: Robin Reich, (907) 929-5960, robin@solsticeak.com

LOCATION: The project site is located within Section 28, T. 43 S., R. 61 E., Copper River Meridian; USGS Quad Map JUN A-5; Latitude 58.108° N., Longitude -135.446° W.; in Hoonah, Alaska.

SPECIAL AREA DESIGNATION: The project is located within Hoonah Harbor, which is a Federally maintained harbor, on the northeast shore of Port Frederick in Southeastern Alaska.

Hoonah Harbor was authorized under Section 201 of the Flood Control Act of 1965, and by resolutions of the Senate and House Public Works Committees adopted in 1972. Construction commenced in 1979 and completed in 1980. The harbor's main Federal features are an entrance/maneuvering channel approximately 100 to 150 feet wide dredged to -16 feet mean lower low water, three rubble mound breakwaters, and rubble mound diversion dikes. The U.S. Army Corps of Engineers (USACE) maintains the Federal features whereas the City of Hoonah, as the non-Federal sponsor of the harbor, is responsible for the mooring basin and associated mooring facilities.

PURPOSE: The applicant's stated purpose is to construct retail and commercial buildings along the Hoonah waterfront to support economic growth and development in a town impacted by seasonal cruise ship tourism.

PROPOSED WORK: The proposed project would install below the Mean High Water Mark (approximate elevation +13.9 feet above the 0.0 foot contour) MHW of Port Frederick/Hoonah Harbor the following in-water components:

- One hundred twenty (120) 18-inch diameter temporary steel piles to guide the permanent piles into place;
- Three hundred sixty (360) 18-inch diameter permanent steel piles
- Placement of electrical conduit

Additional project components include:

- Concrete pile caps
- Pre-cast concrete wharf deck and associated buildings (note: these components would be installed out of water)
- Water and sewer utility in insulated arctic pipe placed above ground along north and south side of breakwater, anchored in place (note: these components would be installed out of water)

The proposed project also would involve the discharge of 900 cubic yards of drill cuttings below the High Tide Line (approximate elevation +19.3 feet above the 0.0 foot contour).

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated December 12, 2023.

ALTERATION OR OCCUPATION OF A FEDERAL CIVIL WORKS PROJECT: Section 408 authorizes USACE to grant permission for the alteration, occupation, or use of a USACE Civil Works Project provided it is determined that the activity would not be injurious to the public interest and would not impair the usefulness of the Federal project. The applicant's proposed project would alter/occupy the north Federal breakwater of Hoonah Harbor. This feature was previously altered by an Alaska Department of Transportation and Public Facilities (ADOT&PF) project in 2005 which added fill as well as a roadway to convert a portion of the breakwater into a causeway and then constructed a new seaplane float facility seaward of the breakwater. The applicant's proposed project would be in approximately the same location as the previous alteration by ADOT&PF. Comments received as a result of this public notice would help inform the determinations required under Section 408.

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: Avoidance of impacts to waters of the United States (U.S.) is not possible to meet the project purpose and need. The project would be located within Port Frederick, within an already disturbed area within and just outside the existing boat harbor.

b. Minimization: The project uses the most compact design practicable (with the least number of piles and smallest size of piles) to minimize impacts to waters of the U.S. while meeting the project purpose and need. The project does not involve the placement of fill; however, the discharge of a small amount of drill cuttings (900 cubic yards) from DTH drilling would occur.

c. Compensatory Mitigation: The only discharge into marine waters expected for this project are a small amount of drill cuttings during DTH drilling. Considering the minimal discharge and that the project footprint is within a previously developed area, no compensatory mitigation is proposed for this project.

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 cultural resources within the vicinity of the permit area. Consultation of the AHRS constitutes the extent of cultural resource investigations by the USACE at this time. The USACE has made a No Adverse Effect determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO) and Federally recognized Tribes. Any comments SHPO and Federally recognized Tribes 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 sperm whale (*Physeter macrocephalus*), Mexico distinct population segment (DPS) humpback whale (*Megaptera novaeangliae*), western DPS (WDPS) Steller sea lion (*Eumetopias jubatus*), and endangered short-tailed albatross (*Phoebastria albatrus*). One proposed ESA-listed species, the sunflower sea star (*Pycnopodia helianthoides*), may occur in the action area.

We have determined the described activity may affect the sperm whale (*Physeter macrocephalus*), Mexico distinct population segment (DPS) humpback whale (*Megaptera novaeangliae*), western DPS (WDPS) Steller sea lion (*Eumetopias jubatus*), and endangered

short-tailed albatross (*Phoebastria albatrus*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and 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*), Coho Salmon (*Oncorhynchus kisutch*), Pink Salmon (*Oncorhynchus gorbuscha*), Chum Salmon (*Oncorhynchus keta*), and Sockeye Salmon (*Oncorhynchus nerka*).

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

TRIBAL CONSULTATION: The 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 the 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. If applicable this application will be coordinated with Federally recognized tribes and other consulting parties. Any comments Federally 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 USACE 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 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).

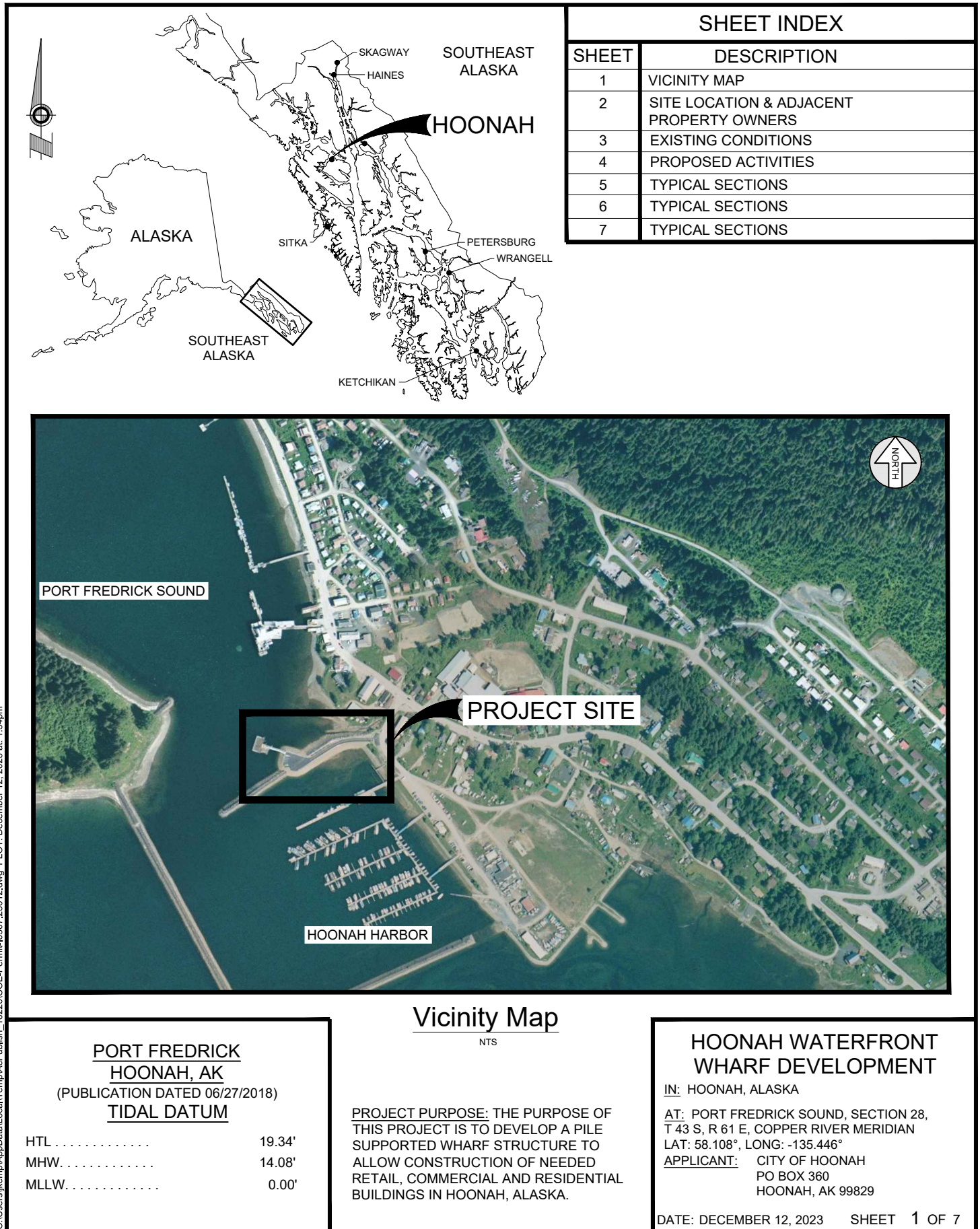
(X) Request to Alter or Occupy a Federal Civil Works Project – Section 14 Rivers and Harbors Act 1899 (33 U.S.C. 408)

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

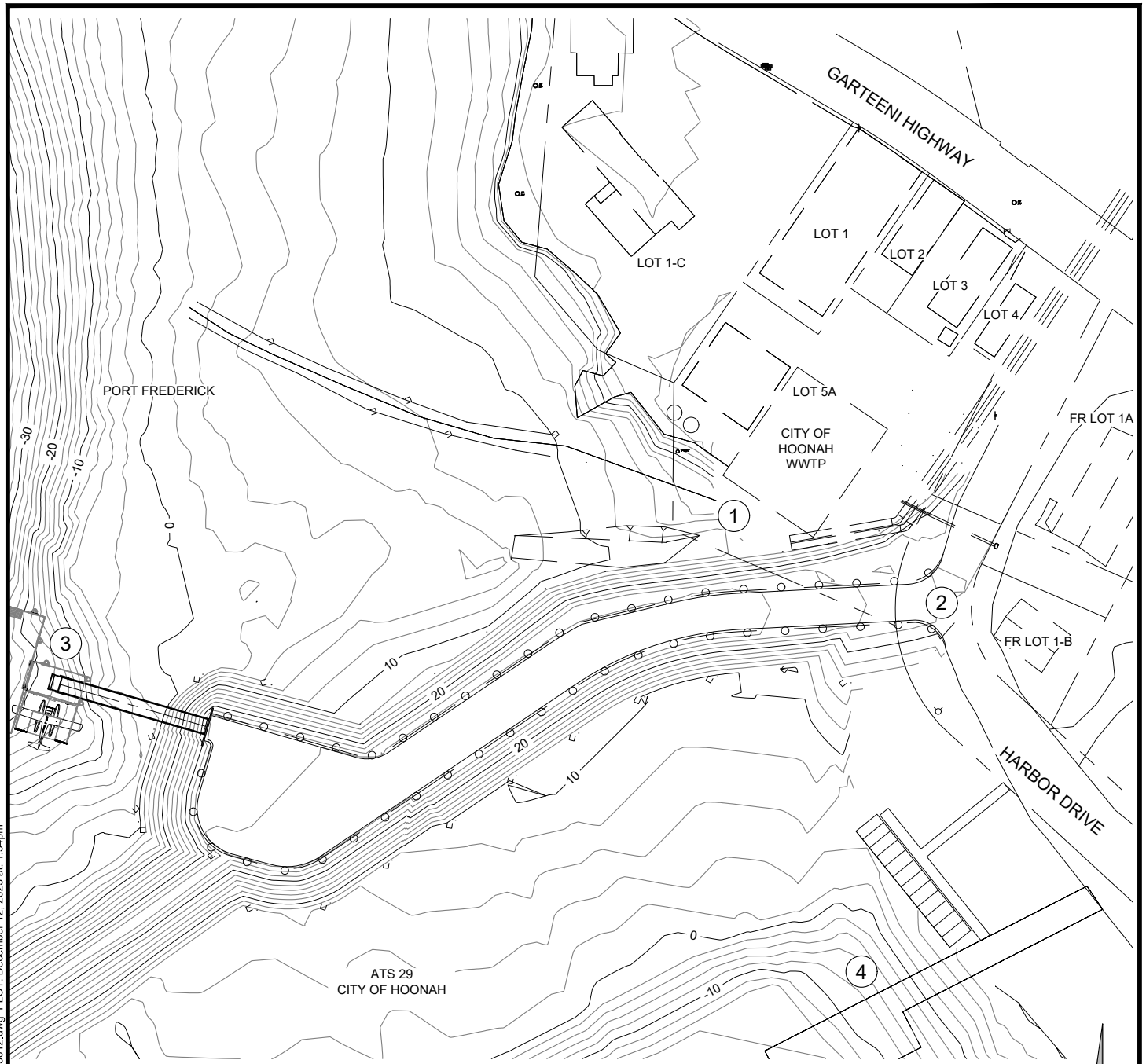
Enclosures

Figure 1. Vicinity Map

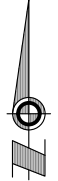
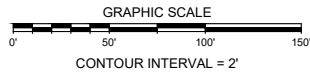


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Figure 2. Site Location & Adjacent Property Owners



SITE LOCATION MAP



ADJACENT PROPERTY OWNERS

- ① CITY OF HOONAH - WASTE WATER TREATMENT PLANT
- ② CITY OF HOONAH (HARBOR DRIVE RIGHT-OF-WAY)
- ③ STATE OF ALASKA - FLOAT PLANE DOCK
- ④ CITY OF HOONAH HARBOR

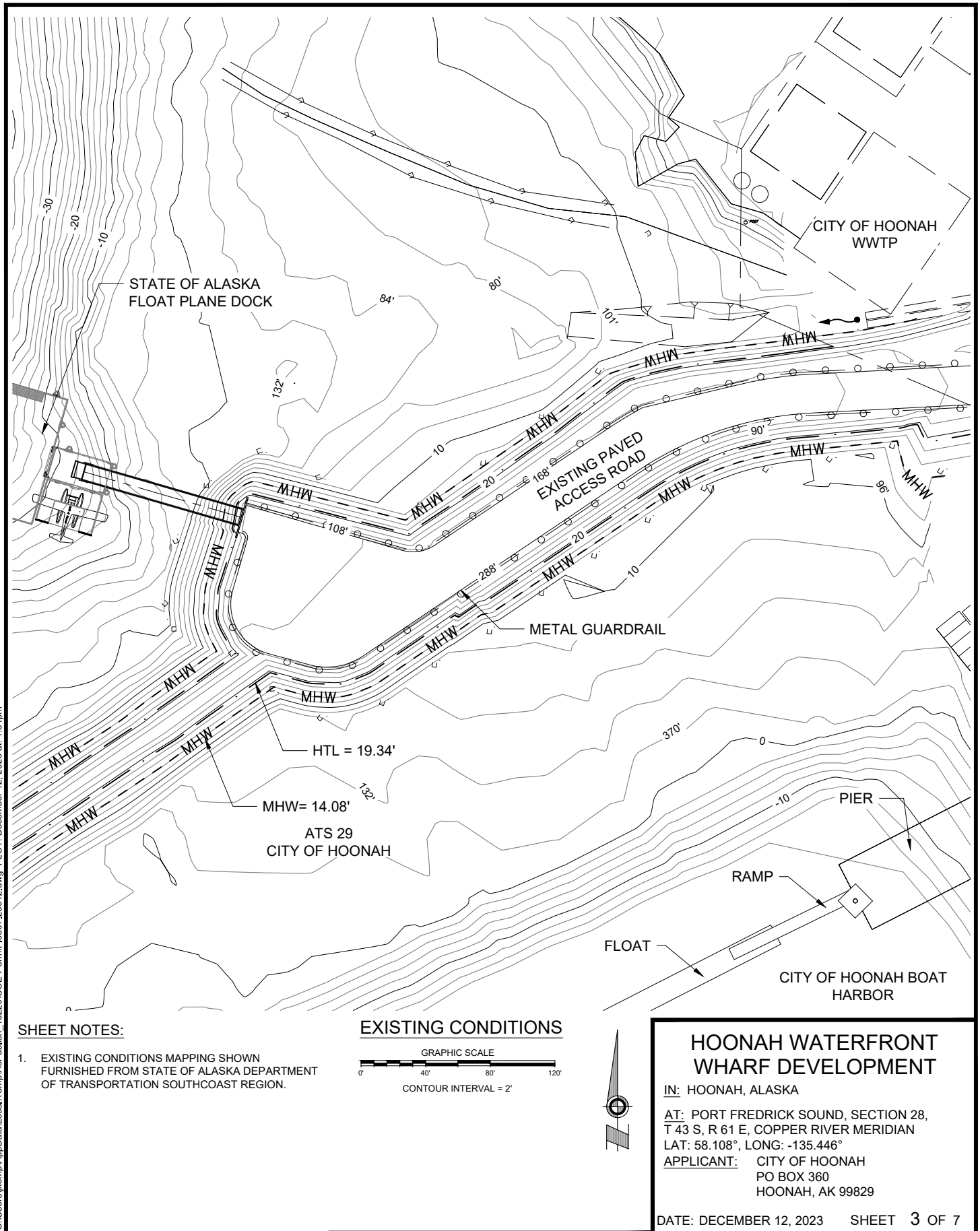
HOONAH WATERFRONT WHARF DEVELOPMENT

IN: HOONAH, ALASKA
 AT: PORT FREDERICK SOUND, SECTION 28,
 T 43 S, R 61 E, COPPER RIVER MERIDIAN
 LAT: 58.108°, LONG: -135.446°
 APPLICANT: CITY OF HOONAH
 PO BOX 360
 HOONAH, AK 99829

DATE: DECEMBER 12, 2023 SHEET 2 OF 7

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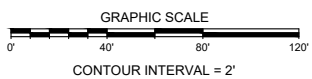
Figure 3. Existing Conditions



SHEET NOTES:

1. EXISTING CONDITIONS MAPPING SHOWN FURNISHED FROM STATE OF ALASKA DEPARTMENT OF TRANSPORTATION SOUTHCOAST REGION.

EXISTING CONDITIONS



HOONAH WATERFRONT WHARF DEVELOPMENT

IN: HOONAH, ALASKA

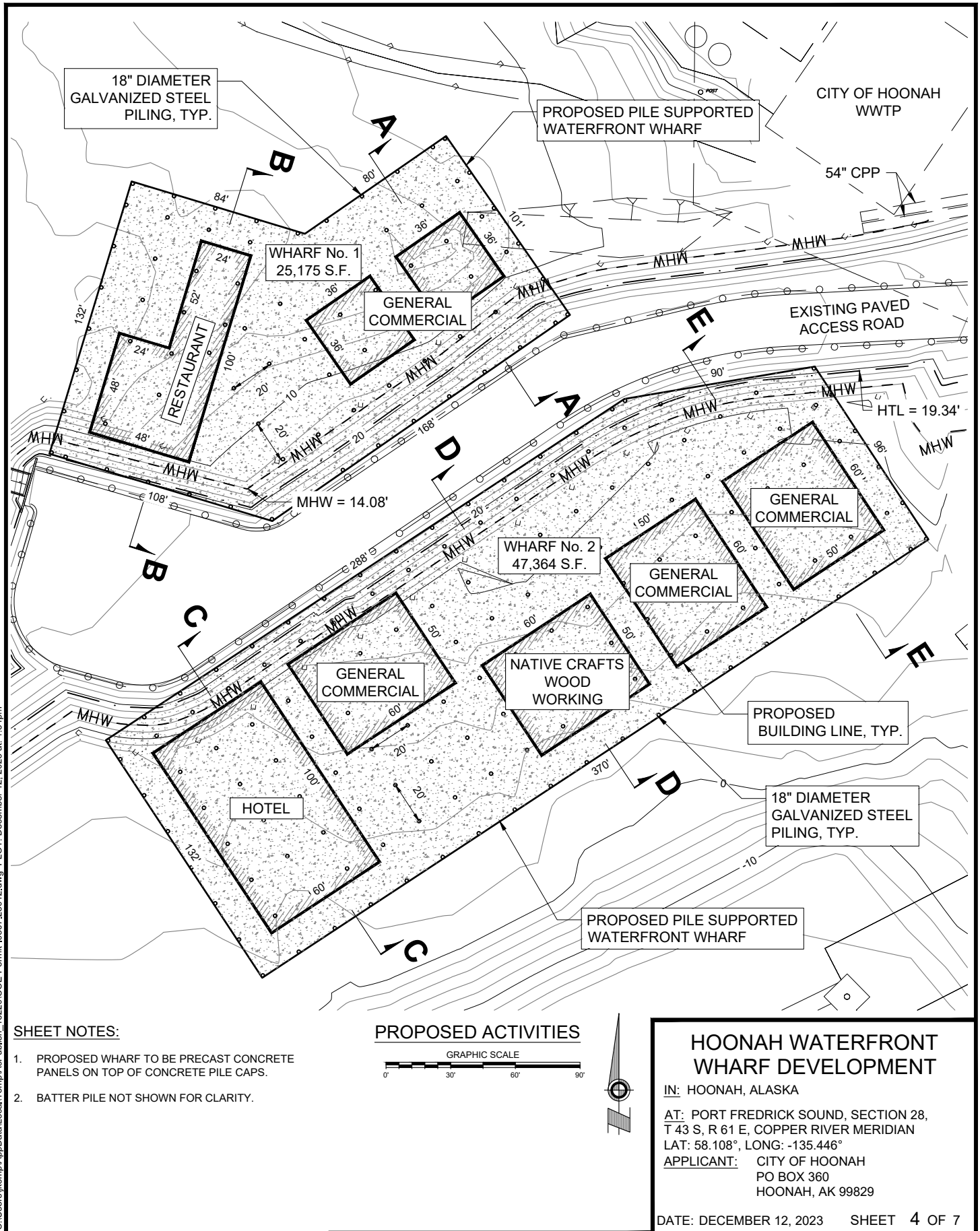
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APPLICANT: CITY OF HOONAH
PO BOX 360
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DATE: DECEMBER 12, 2023 SHEET 3 OF 7

RESPEC PROJ. No. I0307.23012

Figure 4. Proposed Activities



SHEET NOTES:

1. PROPOSED WHARF TO BE PRECAST CONCRETE PANELS ON TOP OF CONCRETE PILE CAPS.
2. BATTER PILE NOT SHOWN FOR CLARITY.

PROPOSED ACTIVITIES



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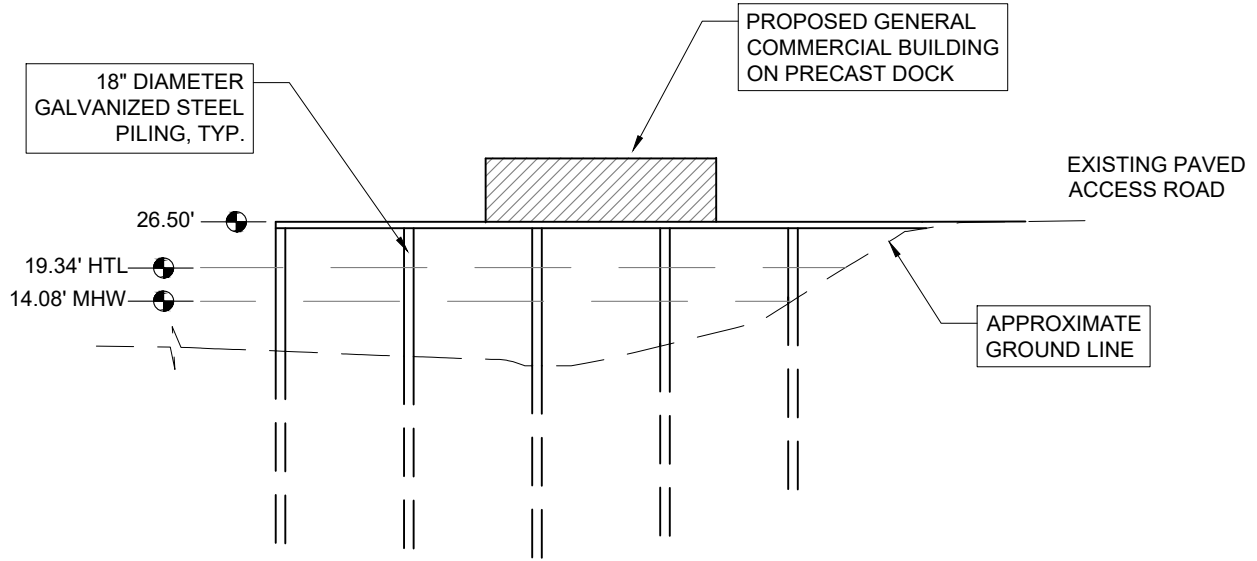
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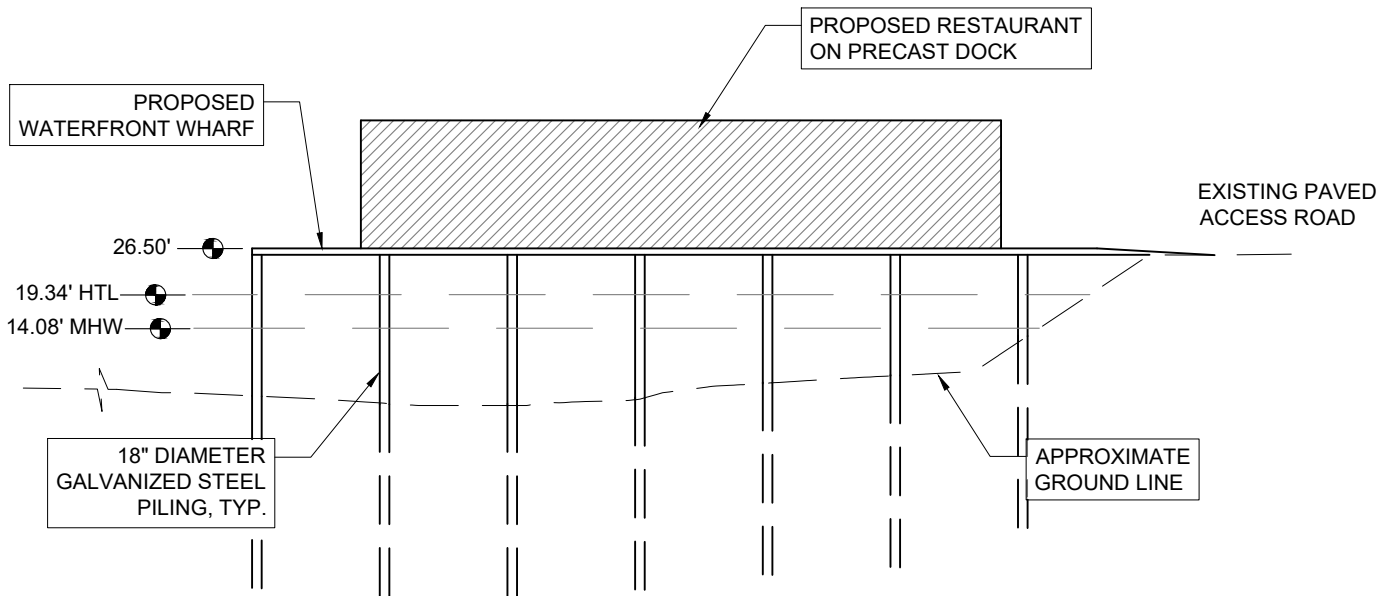
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Figure 5. Typical Sections



SECTION A-A



SECTION B-B

NOTE:

1. SEE SHEET 4 OF 7 FOR CROSS SECTION LOCATIONS.

HOONAH WATERFRONT WHARF DEVELOPMENT

IN: HOONAH, ALASKA

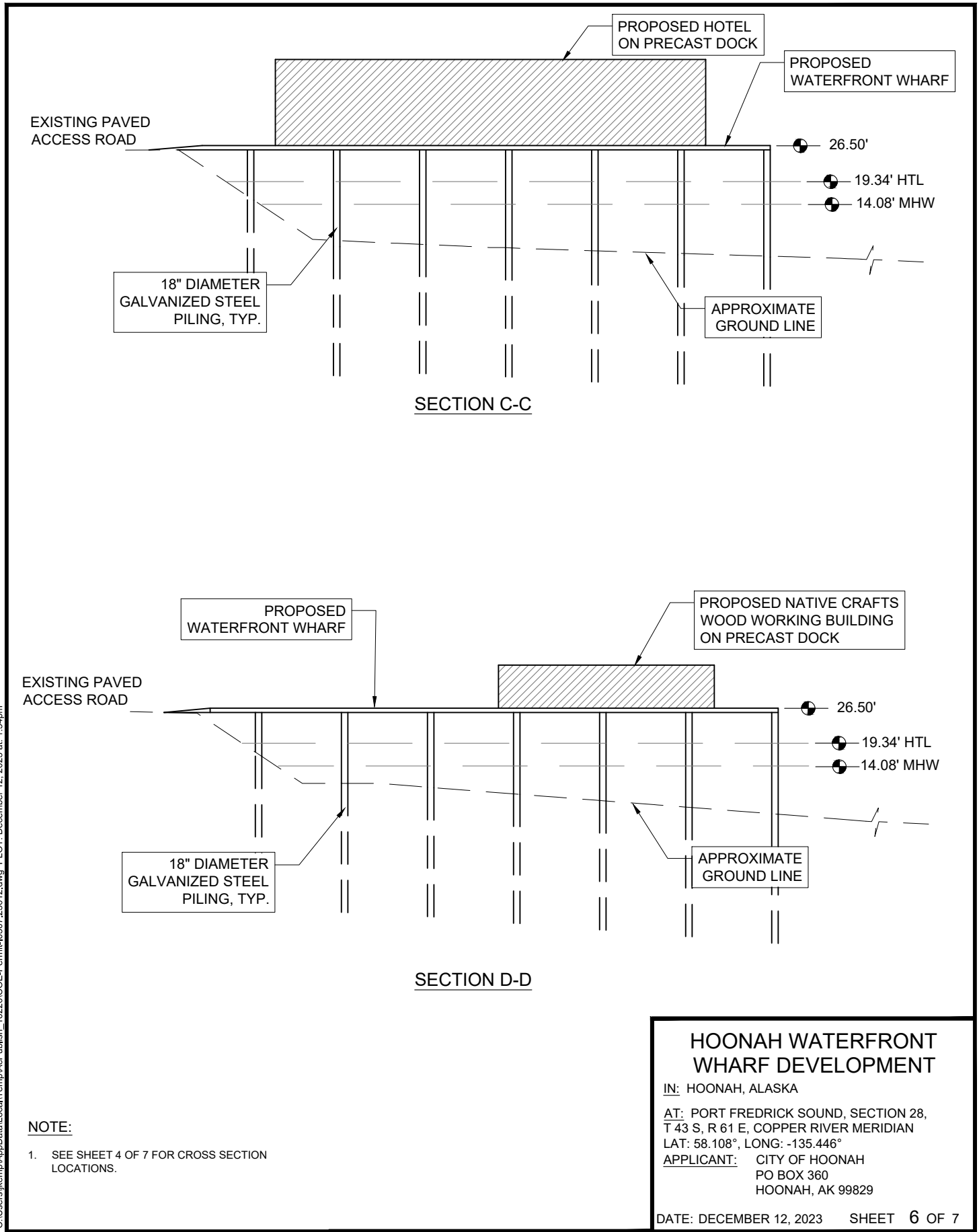
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DATE: DECEMBER 12, 2023 SHEET 5 OF 7

RESPEC PROJ. No. I0307.23012

Figure 6. Typical Sections



NOTE:

1. SEE SHEET 4 OF 7 FOR CROSS SECTION LOCATIONS.

HOONAH WATERFRONT WHARF DEVELOPMENT

IN: HOONAH, ALASKA

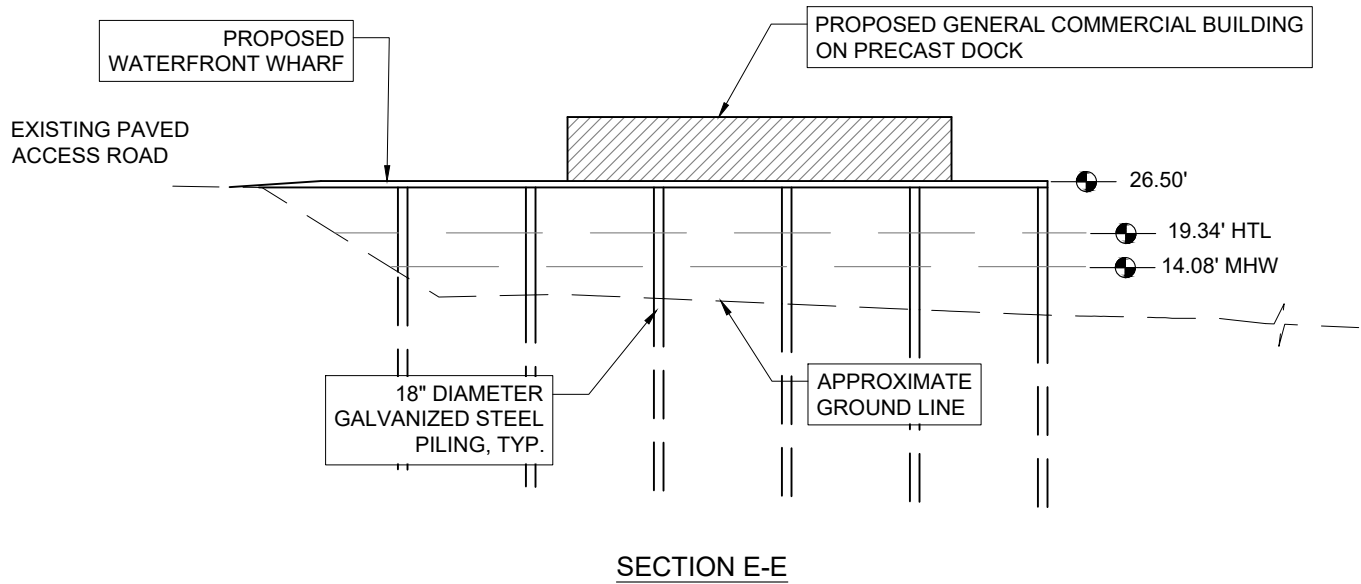
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RESPEC PROJ. No. I0307.23012

Figure 7. Typical Sections



NOTE:

1. SEE SHEET 4 OF 7 FOR CROSS SECTION LOCATIONS.

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RESPEC PROJ. No. I0307.23012



Water and Sewer Utilities



Power Utility