



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1600 A Street, Suite 110
Anchorage, AK 99501-5146

PUBLIC NOTICE DATE: August 16, 2012
EXPIRATION DATE: September 17, 2012
REFERENCE NUMBER: POA-1975-180-M9
WATERWAY: Wrangell Narrows

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 project drawings located at the Regulatory Division website: www.poa.usace.army.mil/reg/PNNNew.htm.

Comments on the described work, with the reference number, 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, by fax at (907) 753-5567, or by email at **Estrella.F.Campellone@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: City of Petersburg, Alaska, Steve Giesbrecht, City Manager, (907) 772-4519

AGENT: PND Engineers, Inc., Dick Somerville, P.E., Vice President, (907) 586-2093

LOCATION: The project site is located within Section 27, Township 58 South, Range 79 East of the Copper River Meridian; USGS Quad Map Petersburg D-3; Latitude 56.8091° North, Longitude 132.9679° West; ATS 9 Tidelands Addition to Petersburg 64-176; in Petersburg, Alaska. The project site is accessible via Nordic Drive.

PURPOSE: The applicant's stated purpose is to provide a safe and efficient marine loading facility to support the commercial fleet and local economy.

PROPOSED WORK: Place 45,050 cubic yards (cy) of fill material in 1.51 acres of marine waters of the U.S., contained behind a 325 LF sheet pile bulkhead, to construct a loading dock/staging area with hydraulic loading cranes. Additionally, the applicant proposes to demolish an existing timber fuel trestle and float and construct the following: a 30' x 180' pile-supported, open grate approach dock; a 17' x 140' heavy duty vehicle transfer bridge with a support float; and a 64' x 180' drive down float with a 16' x 60' transition float.

All work would be performed in accordance with the plan (sheets 1-9), dated May 2012 located at website: www.poa.usace.army.mil/reg/PNNNew.htm.

ADDITIONAL INFORMATION: According to the applicant, Petersburg's existing infrastructure is severely limited in its ability to accommodate existing commercial fishing fleet demand, as well as tour ship and recreational marine vessels. The proposed work would provide dock infrastructure for loading and unloading operations associated with maritime commerce equivalent to that available elsewhere in Southeast Alaska.

In 1996 the City of Petersburg was issued Department of the Army permit M-750180, Wrangell Narrows 2, authorizing a harbor expansion project, this permit authorization was modified in 1998 (N-750180, Wrangell Narrows 2) and allowed for the 'removal of existing timber structures, construction of a sheetpile bulkhead dock with fenders and shore cranes, harbor dredging and offshore disposal at the shore containment within the designated Frederick Sound disposal area for clean spoils, dredging and near shore containment within the proposed footprint of the sheetpile bulkhead for any contaminated spoils, reconfiguration/expansion of concrete mooring float systems, two gangways, four staging and parking areas including three geotextile-lined retaining walls constructed of shot rock embankment and slope protection armor.'

In 2000 (O-750180, Wrangell Narrows 2) was modified because work had not begun on the project due to funding restraints. The permit authorization extended the time limit for completing the activity and allowed for work adjacent to the South Harbor associated with the Petersburg Marine Terminal including a pile supported dock, construction of the commercial dock and staging area and partial removal of Alaska Fuel Service, Inc. (AFSI) Fuel Dock. The permit also authorized a vehicle accessible float and gangway.

In 2001, as part of the South Harbor Expansion - Phase II Dredging and Dock Demolition project, the City of Petersburg dredged portions of South Harbor to -16'. Dredge spoils from this operation designated for near shore confined disposal were placed at the proposed project site for creation of the existing uplands area known as the Petersburg Marine Terminal Phase I. The project also included demolition and disposed of a portion of the timber approach dock as well as associated utilities. A new platform dock was constructed to connect the existing timber fuel trestle to the uplands.

In June 2010, the Petersburg Harbormaster removed the gangway access from the timber fuel dock to the floating dock below. The facility is severely deteriorated and has been condemned by the City. Access is currently blocked from the platform dock seaward to ensure public safety.

The remaining project elements, including additional fill, the sheet pile bulkhead, and the drive down float were not completed due to funding restraints. Modification R-1975-0180 was issued on May 8, 2002 extending the time limit for completion until May 31, 2005. This project would continue with the same project goals.

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: This project utilizes pile supported and floating structures to the maximum extent possible. Inherently, impacts to the waters of the U.S. would

occur by placing fill, however, greater impacts are avoided by use of a sheetpile wall.

b. Minimization: The design has been optimized to minimize any impacts beyond what is required to construct the Petersburg Marine Terminal. Measures to avoid impact to jurisdictional wetlands and waters of the U.S. include the following actions:

- o Avoid dredging activities: The project has been redesigned to avoid extensive dredging by extending a pile supported approach dock into deeper water to the drive down dock location. Only minor dredging is required at the face of the proposed loading dock to achieve suitable depth at the berth. Uplands disposal is proposed for this small volume of dredge spoils.
- o Avoid migration barriers to salmonids: At no time would the construction activities result in a migration barrier to salmonids.
- o Avoid introduction of contaminated material during construction: Contaminant-free, clean shot rock embankment and surface materials would be used during all aspects of construction.
- o Preparation of Fill Site: Placement of clean shot rock fill materials would be utilized so that entry of fine sediment and other suspendible material into Wrangell Narrows is kept to the minimum practicable.
- o Avoid potential water quality impacts to Wrangell Narrows by controlling surface water run-off: Surface water runoff would be directed away from Wrangell Narrows through a storm drain system and oil/water separator treatment system prior to discharge.
- o Avoid impacts from potential spills during construction: To prevent spills or leakage of hazardous material during construction, standard spill-prevention measures including on-site spill kits would be implemented during construction.
- o Avoid impacts to marine mammals: A marine mammal monitor would be assigned to the project during pile driving operations. Driving piles can generate underwater sound pressure waves that have the potential to disrupt migration and harass or injure marine mammals. The following measures would be taken:
 - o An observer would begin to observe 15 minutes prior to pile driving and throughout the duration of each pile driving event.
 - o If marine mammals are observed within a 200-meter (656-foot) radius of the pile being driven, driving would cease until the animal is clear of the zone.
 - o If the marine mammal is observed during pile driving and appears to be disturbed by the noise/activity, pile driving would be discontinued and not resumed until the marine mammal is no longer observed.
 - o Methods would be confirmed through consultation with NOAA.
- o Impacts to wetlands and other waters of the U.S. and other resources that depend on other wildlife that depend on aquatic ecosystems have been avoided to the greatest extent practicable. However, due to fill placement, there would be unavoidable impacts. The following measures would be implemented to minimize unavoidable impacts associated with the proposed project:
 - o Minimization of potential impacts to salmonids and EFH species during critical life stage: Timing windows would be incorporated during construction activities for all in-water work to minimize potential adverse effects to salmon during critical life stages. In-water work would be timed to avoid those times when eggs are in the gravel and

juvenile salmon are out-migrating as stipulated in the permit special conditions. Post-construction, the proposed project would not be expected to measurably impact EFH-listed fish populations at the Petersburg Marine Terminal site.

- o Minimization of potential water quality and run-off impacts during construction: A Storm Water Pollution Prevention Plan will be prepared for the project. Best management practices (BMPs) would be used during construction to prevent erosion and runoff from entering Wrangell Narrows. BMPs would include installing temporary erosion control measures such as wood excelsior mats, straw bales, and/or silt fencing, until re-vegetated plants can bind the soil and/or installing diversion dikes to channel rain water away from the disturbed soils.
- o Minimization of impacts to estuarine intertidal/subtidal habitat: The configuration of the intertidal fill was reduced and pile supported structures were added to minimize the amount of fill that would be placed in estuarine intertidal and subtidal habitats.
- o Minimization of potential turbidity impacts during construction: Potential impacts to Wrangell Narrows during construction, such as increased turbidity, excavation near stream banks, potential in-stream scaffolding, and substrate disturbance would be temporary in nature and minimized through implementation of construction techniques and BMPs. For example, floating silt curtains would be used around fill areas during construction to minimize potential turbidity impacts. Sheet pile cells would encapsulate fill on one side of the loading dock.
- o Minimization of noise impacts from pile driving: The City of Petersburg would specify the use of vibratory pile driving equipment as the primary installation method for the project.
- o Impact hammers would only be allowed for piles that encounter soils too dense to penetrate with the vibratory equipment.
- o The specifications would require the use of cushion blocks for all impact hammers. Use of a pile cushion between the impact hammer and the piling would help to attenuate sound.
- o The impact hammer energy would be limited to approximately 60,000 foot-pounds (ft-lbs) to minimize driving energy.
- o Timing for the installation of all piles would consider sensitive fish habitat periods for juvenile salmon.
- o Steel piles, 24" in diameter or less would be used, when possible, to minimize potential harm to fish.
- o Driving would occur at lower tidal stages in an effort to minimize potential impacts to fish.
 - o Minimization of impacts to bald eagles and migratory birds: The Proposed Action is not expected to have impacts on bald eagles or migratory birds in the project area; however, the following measures would be taken to minimize potential impacts.
 - If active bird nests, eggs, or nestlings are observed during construction, USFWS agency personnel would be contacted for guidance.
 - If a bald eagles nest is located in the vicinity of the project area during construction, agencies would be contacted and a bald

eagle permit will be obtained, if needed, in accordance with 50 CFR Part 22.

- o Minimization of impacts from invasive species: Revegetation and planting activities are not anticipated for this work. Should it be necessary, the prevention and establishment of invasive plants during planting and revegetation activities would be accomplished by following the Cooperative Extension Service's "DON'T plant in Alaska" list.

c. Compensatory Mitigation The City of Petersburg stated, "The City of Petersburg will provide compensatory mitigation for unavoidable impacts to wetlands and waters of the U.S., following the 2008 *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* and in accordance with the USACE Section 404 Permit. The City of Petersburg will work closely with USACE, the Southeast Alaska Watershed Coalition, and other agencies and organizations involved in the management and stewardship of aquatic resources in the greater Petersburg area, to develop a plan to compensate for the unavoidable impacts to aquatic resources and their functions.

The lack of available approved Mitigation Banks in the state of Alaska and the desire to complete a local project led the City of Petersburg to work with the Southeast Alaska Watershed Coalition. Together they worked to identify possible mitigation sites in Petersburg and to determine the most appropriate site to offset unavoidable impacts resulting from the project and to best suit the needs of the Petersburg community and to meet the economic and time restraints of the available project funding.

This project was permitted in 1995 and partially completed in 2002 and has been on hold due to lack of available funding for the remaining project elements since that time. Currently available funding has time restraints to ensure all project elements are completed in a timely manner to provide economic growth within the community and improve access and public safety.

The City of Petersburg proposes to place 3.4 acres of estuarine, riverine and upland habitat into a conservation easement.

Please refer to the Draft Compensatory Mitigation Plan and the City Creek Functional Assessment for further information regarding the proposed 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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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: No threatened or endangered species are known to use the project area.

Preliminarily, we have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated 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, 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). All species of salmon are listed, as well as the following groundfish listed for the Gulf of Alaska: big skate, longnose skate, octopus, sharks, and shallow water flatfish complex.

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 of Engineers 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 of Engineers 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).

Notice of Application for State Water Quality Certification is enclosed with this Public Notice and Project drawings are located at the Regulatory Division website: www.poa.usace.army.mil/reg/PNNNew.htm.

District Commander
U.S. Army, Corps of Engineers

Enclosure

****NOTICE TO EDITORS:** This public notice is provided as background information and is not a request or contract for publication.

****NOTICE TO POSTMASTERS:** It is requested that this notice be conspicuously and continually placed for 30 days from the date of issuance of this notice.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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 No. POA-1975-180-M9, Wrangell Narrows, 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 by the expiration date of the Corps of Engineer's Public Notice.