



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

SITKA FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 16
Sitka, Alaska 99835

PUBLIC NOTICE DATE: June 21, 2012

EXPIRATION DATE: July 23, 2012

REFERENCE NUMBER: POA-2012-0343

WATERWAY: Kasnyku Bay

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.

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 **Linda Speerstra** at (907) 747-0658, or by email at linda.speerstra@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Scott Wagner, Northern Southeast Regional Aquaculture Association, Inc. (NSRAA), 1308 Sawmill Creek Road, Sitka, Alaska 99835.

LOCATION: The project site is located within Section 2, T. 54 S., R. 66 E., Copper River Meridian; USGS Quad Map Sitka A-3; Latitude 57.2161° N., Longitude 134.8696° W.; in Kasnyku Bay on Baranof Island.

PURPOSE: The applicant's stated purpose is to: maintain and improve access and safety at the Hidden Falls Hatchery with the following improvements:

1. Improve safety and access for freight loading and off-loading area by constructing a pile supported pier with associated gangways, float and piles.
2. Increase and reconfigure boat moorage by relocating existing floats, adding one new float and installing additional piles.
3. Reconstruct the existing barge ramp by dredging old materials and installing new concrete ramp planks to improve access by barge and landing crafts at all tidal stages.

PROPOSED WORK: The applicant proposes the following work and placement of structures below the plane of the High Tide Line (HTL) (approximate elevation +18.4

feet above the 0.0 foot contour) and Mean High Water (MHW) (approximate elevation +12.9 feet above the 0.0 foot contour) within a total of 0.34 acres of waters of the United States (U.S.).

Barge Ramp Reconstruction & Electrical Line Relocation

- Dredge 300 cubic yards (cy) of gravel material below the HTL (approximate footprint 0.09 acres) to provide an evenly sloped surface for a new concrete ramp. Any surplus dredged materials would be placed in an upland site.
- Discharge 40 cy of Class II riprap material, 96 cy of precast concrete planks, 160 cy of reclaimed gravel, and 79 cy of clean gravel and sand.
- Place three 6-inch x 12-inch x 130-foot treated timber sleepers.
- Relocate an existing electrical line adjacent to concrete planks.
- Remove treated timber bulkhead (30-feet x 4-feet x 6-inches).

Overall barge ramp impacts would result in the permanent loss of 0.142 acres of marine intertidal substrate.

Pier Construction and Boat Moorage Reconfiguration

- Removal of:
 - o Two galvanized steel piles
 - o Thirteen creosote piles
 - o One steel framed pier (50' x 25')
 - o One steel framed gangway (277 square feet (sf))
 - o One elevated treated timber walkway (376 sf)
 - o concrete footings at existing pier base
- Relocation of:
 - o One wood framed foam float (25' x 40')
 - o One concrete float (25' x 48')
 - o Three wood framed foam finger floats (8' x 20')
- Construction, Installation and/or moorage of:
 - o One pipe pontoon or concrete float (25' x 48')
 - o One pipe pontoon or concrete float (33' x 46')
 - o One gangway approach pier (14' x 38')
 - o One covered gangway approach to float (8' x 85')
 - o One pile supported pier (14' x 158')
 - o Six 16-inch steel float piles
 - o Six 12-inch steel fender piles
 - o Eighteen 16-inch steel pier piles
- Discharge of:
 - o 70 cy of clean gravel and sand to support the pier approach

Overall pier construction and float impacts would result in the permanent loss of 0.04 acres of marine intertidal substrate and the use of 0.16 acres of marine waters.

All work would be performed in accordance with the enclosed plan (sheets 1-10), dated June 2012.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States (U.S.) from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant states: "The fill footprint for the boat ramp has been designed to utilize the existing ramp to avoid additional impacts to waters of the U.S. Additionally, no grounding of floating structure will occur at any tidal stage."

b. Minimization: The applicant states: "To minimize impacts to Essential Fish Habitat (EFH) during construction, NSRAA intends to implement the following minimization measures:

- A vibratory hammer shall be used to drive piles to the maximum extent practicable, except under those conditions where an impact hammer is required to adequately install the piles.
- Fill material shall be free of fine sediments and contaminants.
- In-water pile driving shall occur between June 1 - July 31.

c. Compensatory Mitigation: The applicant states: "No compensatory mitigation is proposed due to the minor impacts to waters of the U.S.

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 is a registered or eligible property in the vicinity of the worksite. It has been designated SIT-00119. Because it has been determined to be outside of the project area, no further action is required.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae*), and Steller sea lion (*Eumetopias jubatus*).

Preliminarily, we have determined the described activity may affect but is not likely to adversely affect the threatened Humpback whale or the endangered Steller sea lion. We have also preliminarily determined the activity would have no effect on the species' designated 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).

The project area is within the known range of the The project area is within the known range of the five Pacific Salmon species, *Oncorhynchus tshawytscha*, (King Salmon), *Oncorhynchus kisutch*, (Coho Salmon), *Oncorhynchus nerka*, (Sockeye Salmon), *Oncorhynchus keta*, (Chum Salmon) and *Oncorhynchus gorbuscha* (Pink Salmon).

Preliminarily, we have determined the described activity would not adversely affect EFH in the project area with the implementation of the mitigation measures described above.

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).

Project drawings, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures
Siteplans
401 Certification

STATE OF ALASKA

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

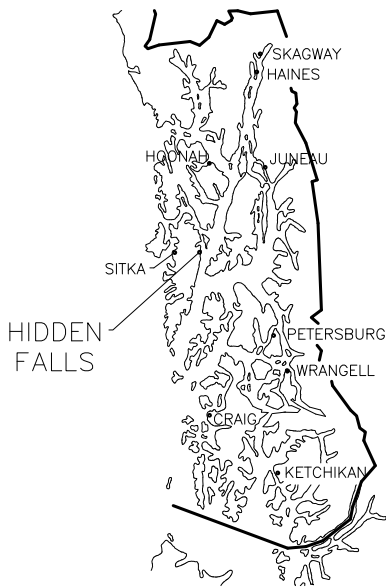
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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.

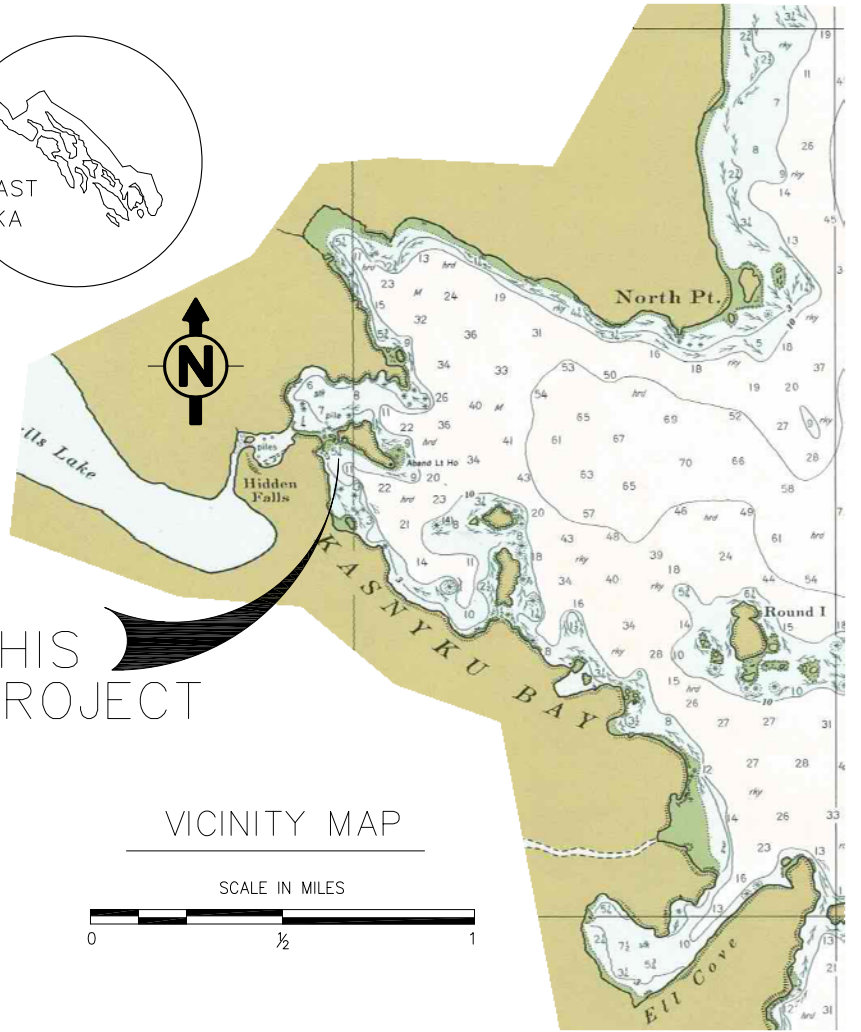
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2012-0343, Kasnyku Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



THIS PROJECT



FROM:
NOAA 17337, HARBORS IN
CHATHAM STRAIT AND VICINITY

CITY AND BOROUGH OF
SITKA

FROM ANGOON TRAVEL SSW
APPROXIMATELY 20 MILES
TO KASNYKU BAY, GO WEST
TO HEAD OF KASNYKU BAY

DATUM: HTL = 18.4'
MLLW = 0.0 FT MHW = 12.9'
MLLW = 0.0'

HIDDEN FALLS
HATCHERY
VICINITY MAP

PND PROJECT NO. 112081

APPLICANT: NORTHERN SOUTHEAST AQUACULTURE ASSOCIATION
FILE NO.:

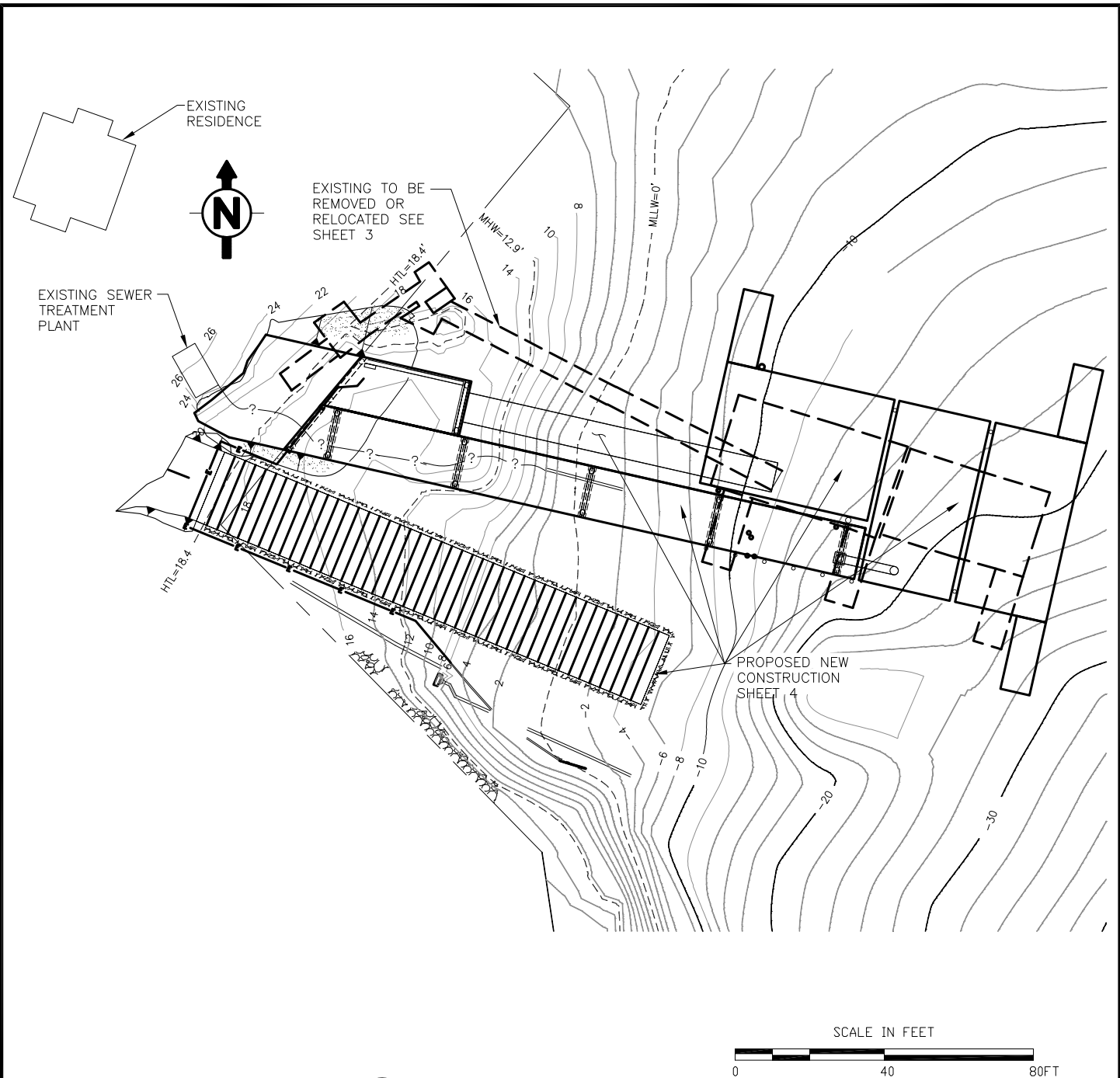
WATERWAY: KASNYKU BAY/CHATHAM STRAIT
PROPOSED ACTIVITY: DOCK

SEC. 2 T. 54S R. 66E M COPPER RIVER

LAT.: 57°-13'N LONG.: 134°-52'W

DATE: **JUNE 2012**

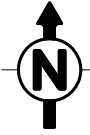
SHEET 1 of 10



**1 PROJECT OVERALL
SITE PLAN**

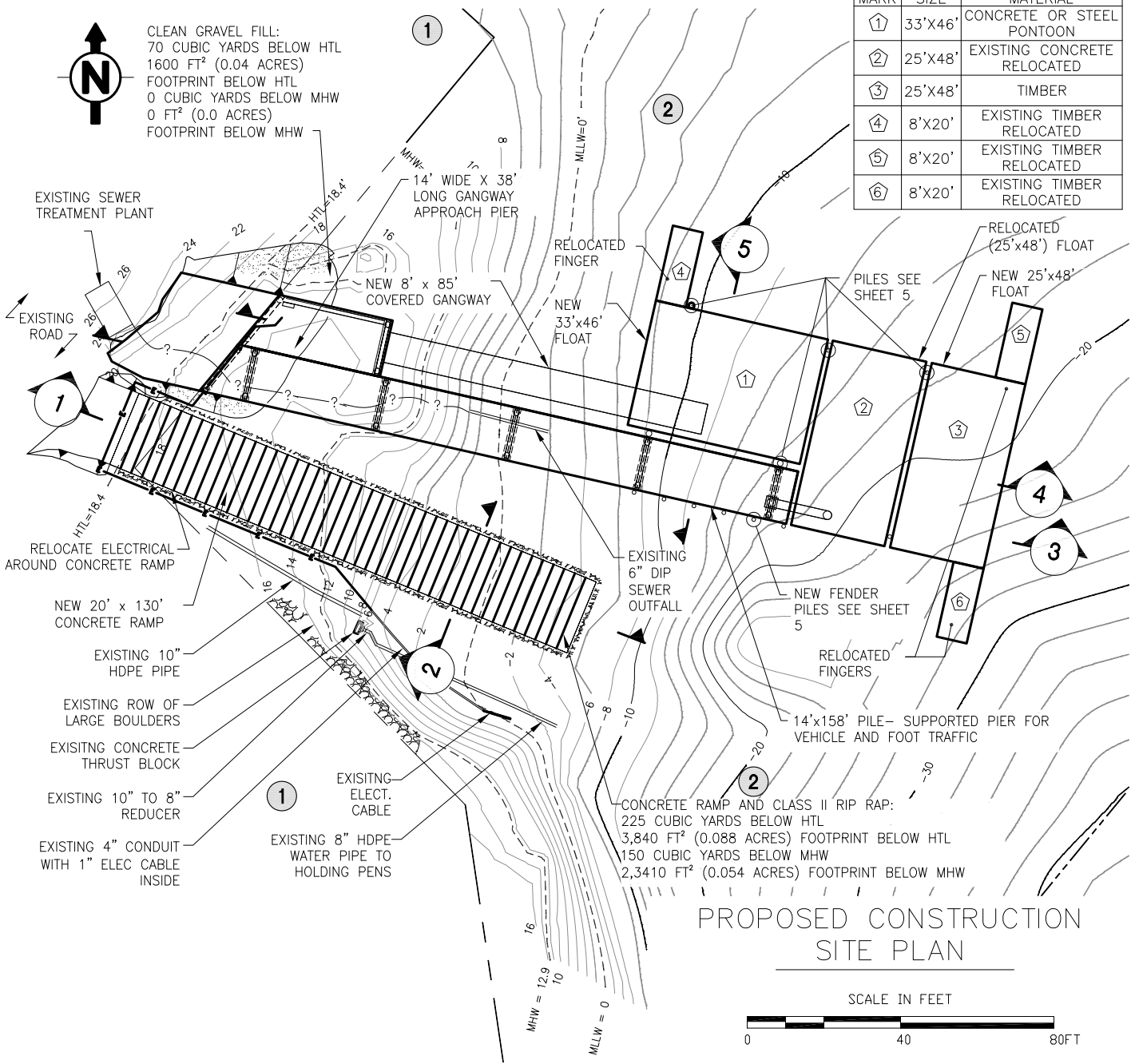
DATUM:
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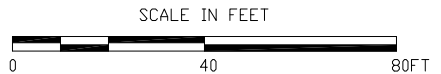


CLEAN GRAVEL FILL:
 70 CUBIC YARDS BELOW HTL
 1600 FT² (0.04 ACRES)
 FOOTPRINT BELOW HTL
 0 CUBIC YARDS BELOW MHW
 0 FT² (0.0 ACRES)
 FOOTPRINT BELOW MHW

FLOAT TABLE		
MARK	SIZE	MATERIAL
①	33'x46'	CONCRETE OR STEEL PONTON
②	25'x48'	EXISTING CONCRETE RELOCATED
③	25'x48'	TIMBER
④	8'x20'	EXISTING TIMBER RELOCATED
⑤	8'x20'	EXISTING TIMBER RELOCATED
⑥	8'x20'	EXISTING TIMBER RELOCATED



PROPOSED CONSTRUCTION
 SITE PLAN



PIER AND FLOAT FOOTPRINT		
	BELOW HTL	MHW
GANGWAY APPROACH PIER	476 SF	0 SF
MAIN PIER	2128 SF	1470 SF
FLOAT ①	1518 SF	1518 SF
FLOAT ②	1200 SF	1200 SF
FLOAT ③	1200 SF	1200 SF
FINGER ④	160 SF	160 SF
FINGER ⑤	160 SF	160 SF
FINGER ⑥	160 SF	160 SF
	7002 SF (0.16 ACRES)	5868 SF (0.14 ACRES)

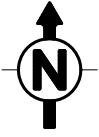
PROPERTY OWNERSHIP

- ① US FOREST SERVICE
- ② ALASKA DEPT. OF FISH AND GAME

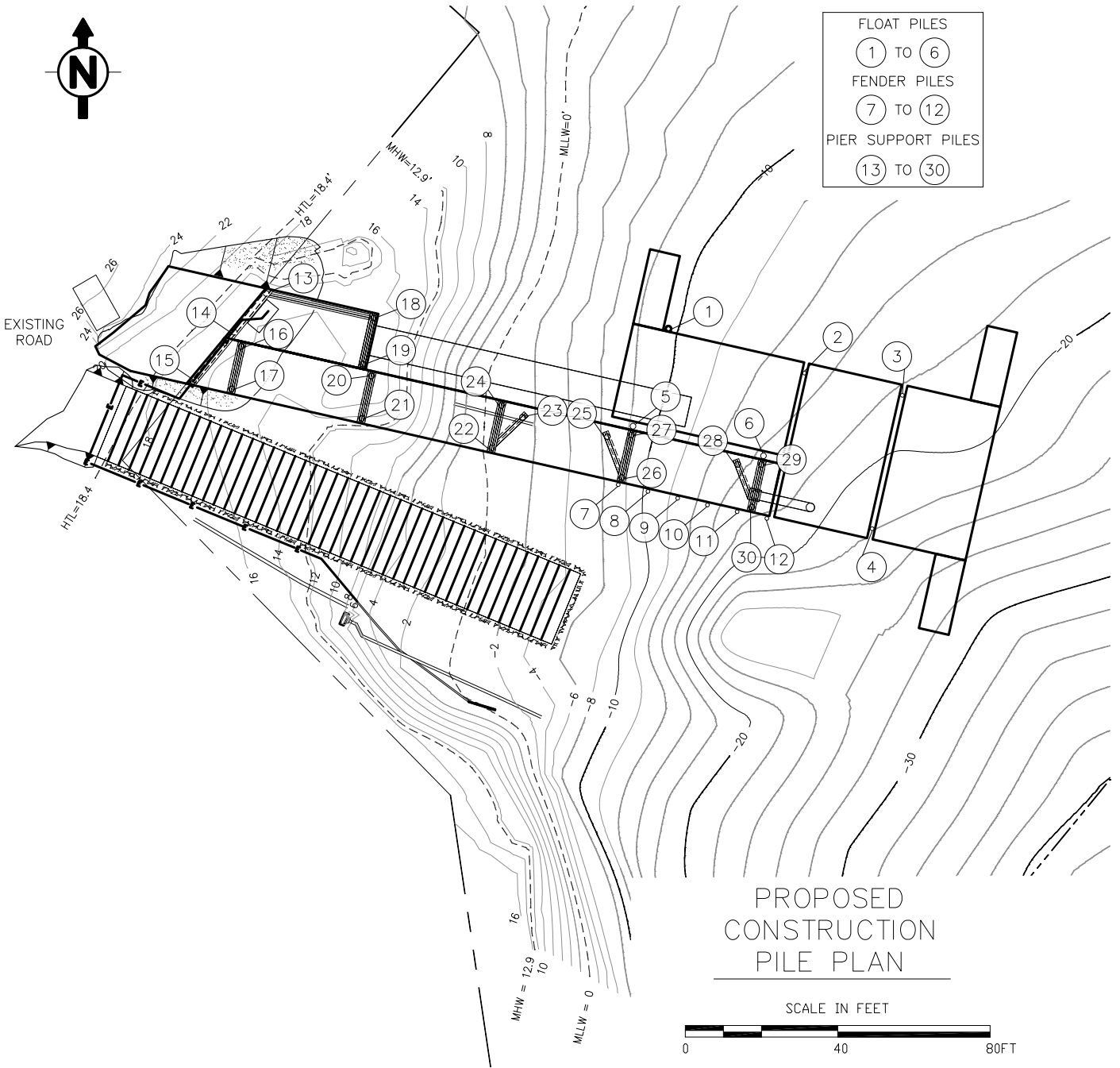
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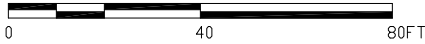


- FLOAT PILES
① TO ⑥
- FENDER PILES
⑦ TO ⑫
- PIER SUPPORT PILES
⑬ TO ⑳



PROPOSED
CONSTRUCTION
PILE PLAN

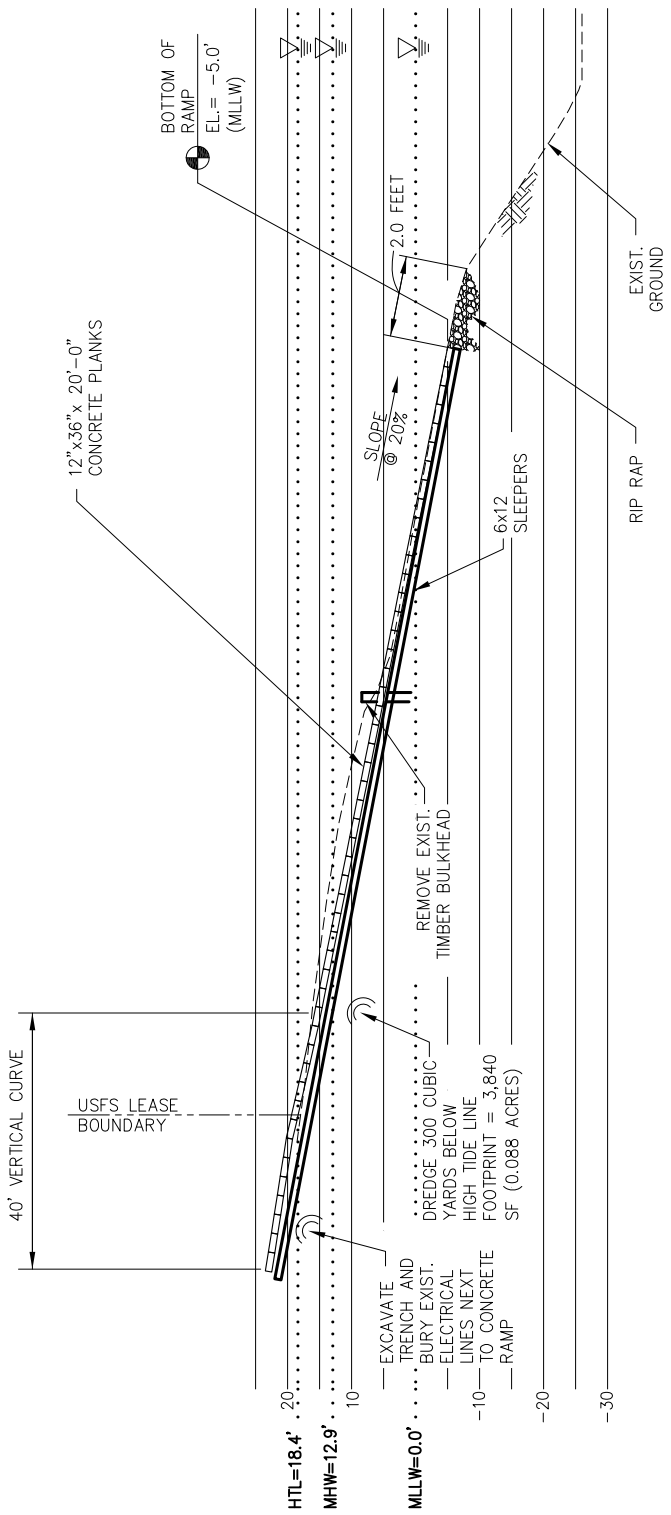
SCALE IN FEET



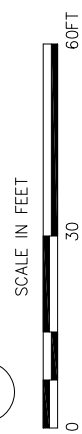
DATUM:

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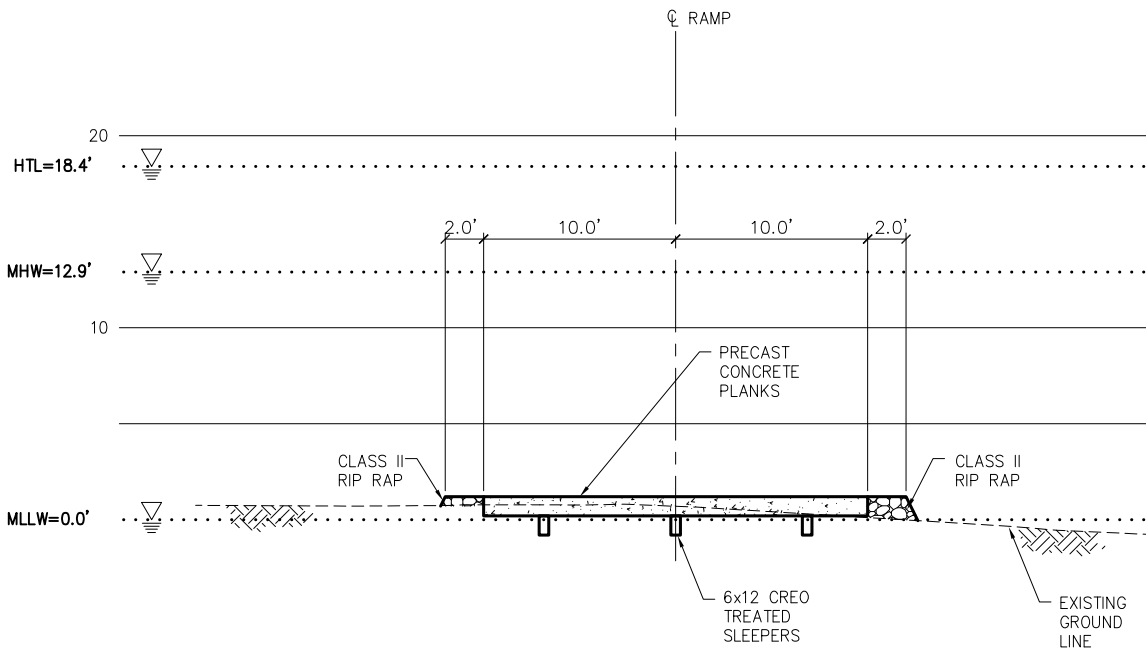


1 RAMP PROFILE



DATUM:
 HTL = 18.4'
 MHW = 12.9'
 MLLW = 0.0'

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 DATE: **JUNE 2012**



2
RAMP SECTION

SCALE IN FEET

DATUM:

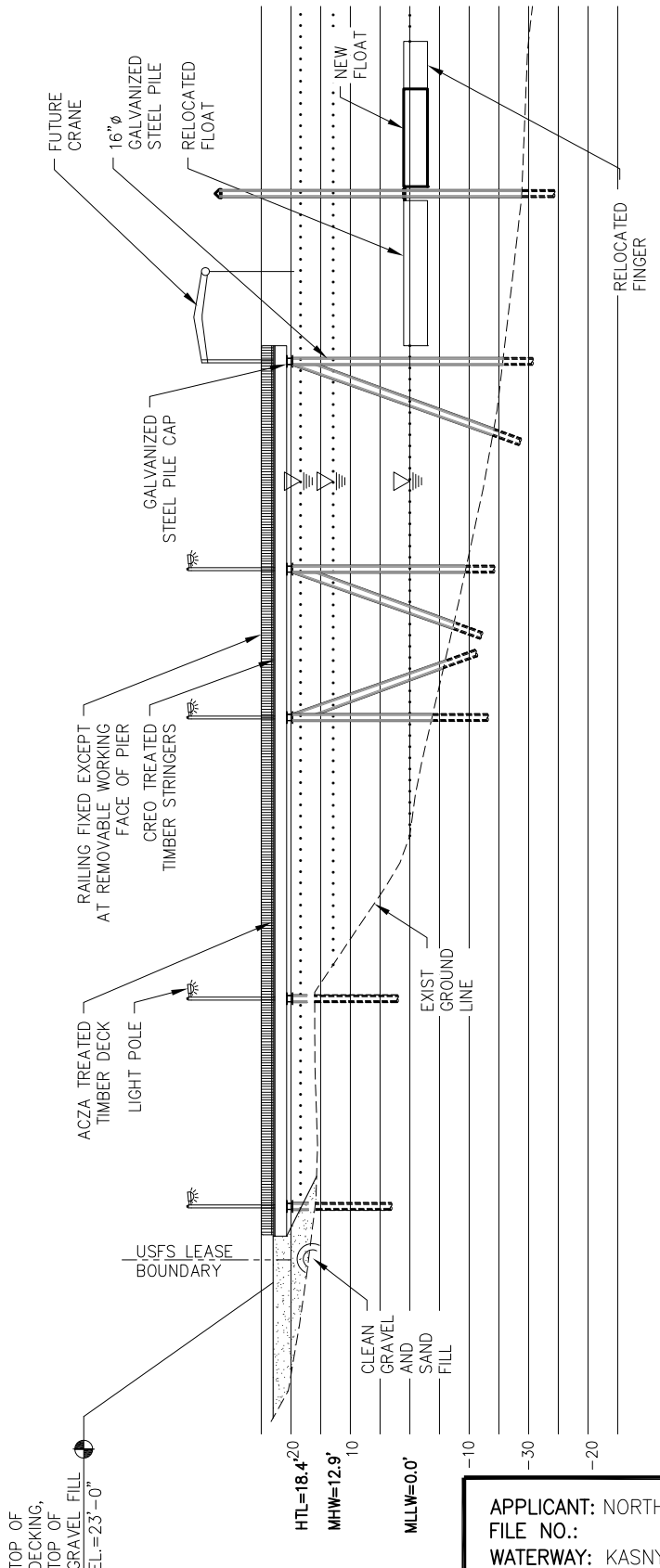
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MHW = 12.9'

MLLW = 0.0'

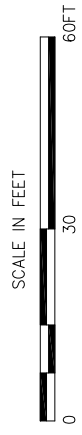
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 PROPOSED ACTIVITY: DOCK
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 DATE: JUNE 2012

SHEET 7 of 10



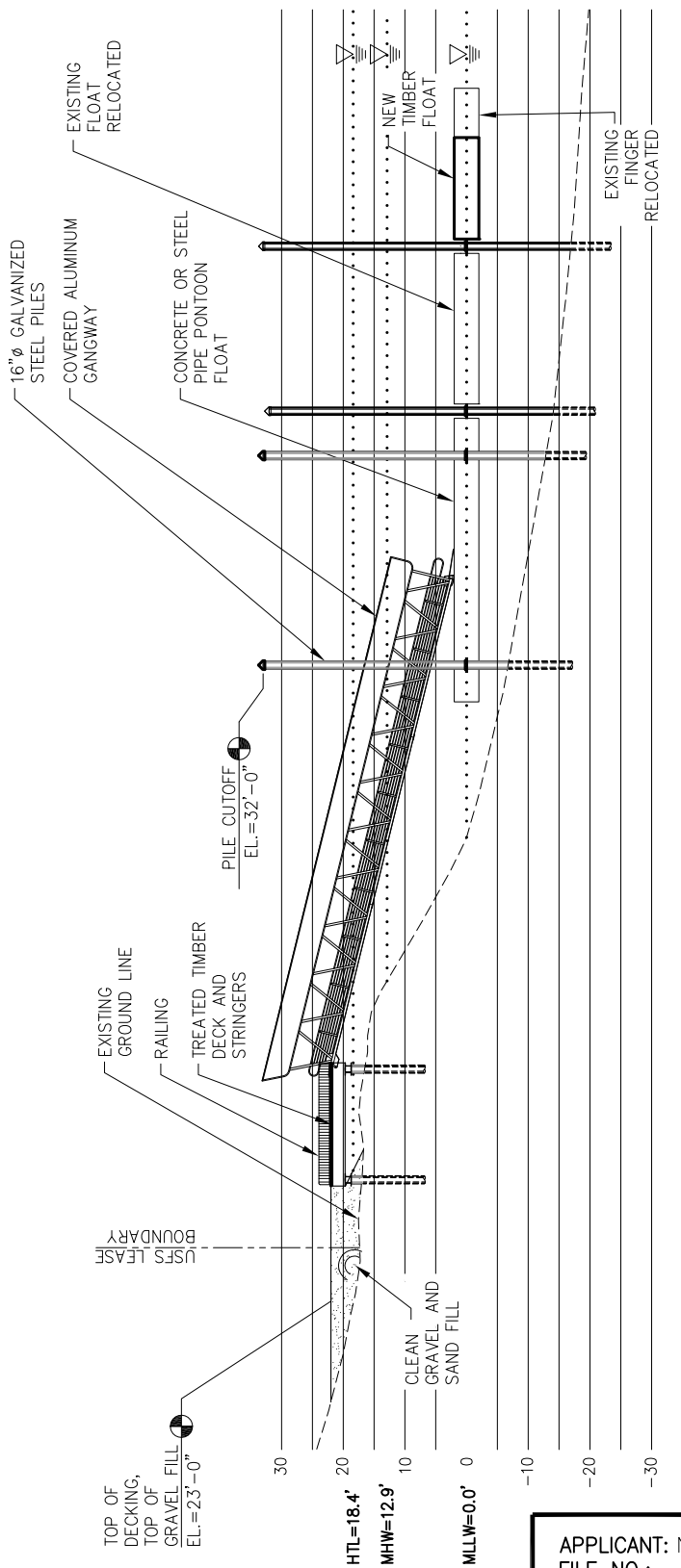
PIER CENTERLINE PROFILE

3



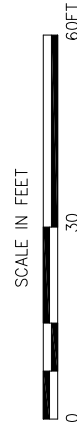
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GANGWAY CENTERLINE PROFILE

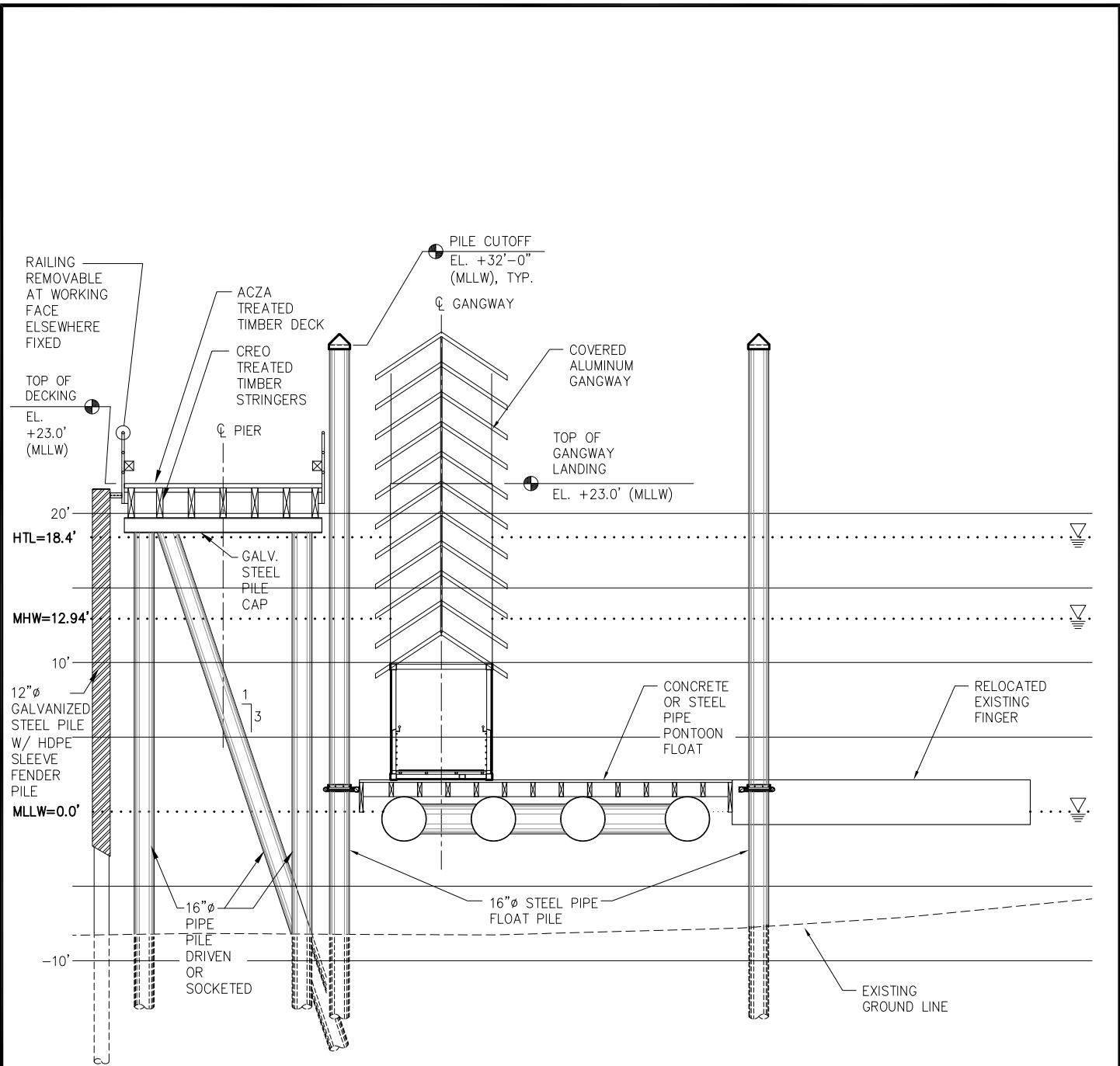
4



DATUM:

HTL = 18.4'
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 MLLW = 0.0'

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5 SECTION THRU PIER/GANGWAY FLOATS



DATUM:
 HTL = 18.4'
 MHW = 12.94'
 MLLW = 0.0'

APPLICANT: NORTHERN SOUTHEAST AQUACULTURE ASSOCIATION
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