**US Army Corps
of Engineers
Alaska District**

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	**November 5, 2013**
EXPIRATION DATE:	**December 6, 2013**
REFERENCE NUMBER:	**POA-2013-23**
WATERWAY:	**Chiniak 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 **Ms. Amanda Whittier** by email at **Amanda.L.Whittier@usace.army.mil** or by phone (907) 753-5582, toll free from within Alaska at (800) 478-2712, or by fax at (907) 753-5567, if further information is desired concerning this notice.

APPLICANT: City of Kodiak, 710 Mill Bay Rd., Kodiak, AK 99615; (907) 486-8640; Point-of-Contact: Ms. Amiee Kniaziowski.

AGENT: PND Engineers, Inc., 1506 W. 36th St., Anchorage, AK 99503; (907) 561-1011; Point-of-Contact: Ms. Lisa Baughman.

LOCATION: The project site is located within Section 1, T. 28 S., R. 20 W., Seward Meridian; USGS Quad Map Kodiak D-2; Latitude 57.7819º N., Longitude 152.4384º W.; in Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to replace the existing Pier 3 located on Rezanof Drive W. near the foot of Pillar Mountain.

PROPOSED WORK: The proposed project would place 36,000 cubic yards (CY) of fill and 10,500 CY of rock into 1.60 acres below High Tide Line (HTL). The proposed project would be constructed adjacent to the east end of the existing Pier 3 and would be 115 feet wide by 420 feet long, utilizing 120 piles. Minor dredging of the ocean floor would allow for water depths of approximately -45 ft MLLW at the face of the new pier. To the greatest extent possible, dredged materials would be reused in the areas on the eastern side of the new pier where fill would be required.

The proposed back wall would be constructed utilizing a high-capacity sheet pile bulkhead system. A rock revetment would be installed below mean low water and above the mean high water level to dissipate wave action at the pier face and protect and stabilize the underlying fill slopes.

The proposed pier would be constructed utilizing a concrete deck and high-capacity steel framing on steel piles. A fender pile system, dock face beam, bullrails and heavy duty bollards would be planned along the entire face of the new section of pier. The seaward 10 feet of the dock face would be utilized for the line handling during ship berthing and would not be utilized for cargo or day to day traffic. This section of the dock would be designed to drain either through crane electrical cable trench drains or directly off of the end of the pier. The remainder of the new pier would be sloped so that the storm water drains into an on-shore oil/water/grit separator prior to the storm water being discharged. The electrical, potable water, firewater and sewage disposal systems would tie into the existing utilities. The lighting would meet Occupational Health and Safety Administration (OSHA) requirements at all ship unloading and yard areas.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated September 16, 2013.

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 applicant stated that though it is necessary to extend fill seaward for this project all areas of new armor rock are to be placed in areas where armor rock slope protection has already existed for some time. No virgin beachfront or tidelands would be impacted by the project. The existing beachfront slope would be altered to provide a shallower slope.

b. Minimization: The applicant state that... Use of a sheet pile back wall and pile-supported pier would minimize the amount of fill below the Mean Low Lower Water (MLLW).

New armor rock, filter rock and fill would be placed at 2:1 slope angle to minimize the amount of fill.

Placement of armor rock and fill would occur during lower tidal cycles to avoid or minimize in-water work. Armor rock used for the authorized work would be clean, free from pollution intoxic amounts. Armor rock and filter rock would be free of fine sediments to the extent practicable, to reduce suspended material from entering the water column during tidal cycles.

Larger diameter piles have been designed to reduce the number of piles, reduce the amount of time affecting the aquatic organisms during construction and reduce post construction effects on the aquatic ecosystem by increasing the pile spacing.

The final installation method for the support pile is unknown at the time of permit submission. Several possibilities for installation are listed below:

1. Impact Hammer – Drill an oversized pilot hole for support pile into bedrock. Drive steel support piles as deep as practicable with vibratory hammer into the pilot hole. Using an impact hammer with a pile cushion between the hammer and pile to attenuate sound, drive pile to required capacity into bedrock.

2. Down Hole Drill – Install down hole hammer/drill onto pile tip. Drill pile into bedrock foundation to required depth leaving drill bit in place at bottom of hole. This method would not require sound attenuation as the pile is installed at a much lower energy level than a typical driven pile. Additionally, energy input into the pile through installation is located at the pile tip elevation, as opposed to the pile top elevation, allowing sound energy to dissipate through the soil.

Steel sheet piling on this project are not expected to require installation into bed rock. In case of shallow bed rock, holes would be drilled in to the rock to ease the installation of the piles into the rock.

To minimize unavoidable environmental impacts, Best Management Practices (BMPs) would be used to minimize impacts on water quality, aquatic life, and the environmental during construction. Such practices include:

Impact driving would be required on all bearing piles. Vibratory methods may be used for initial setting and driving of all of the piles. Fender pin piles may be installed using a vibratory hammer exclusively, if possible.

1. Excess of waste materials would not be allowed to enter the waters. All such materials would be collected and recycled or disposed of at an approved facility.

2. Care would be taken to prevent any petroleum products or other toxic or deleterious materials from entering the waters. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., would be checked regularly for drips or leaks, and shall be maintained and stored properly on secondary containment pallets to prevent spills.

3. The contractor would have a spill kit with oil absorbent materials on site to be used in the event of a spill or if any oil product is observed in the water.

4. The contractor is responsible for the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) plan to be used for the duration of the project as required by permitting agencies.

5. The construction contractor is responsible for devising and utilizing ramp up procedures for equipment that would be used on the project site."

c. Compensatory Mitigation: The applicant has not proposed any 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 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: The project area is within the known or historic range of the Northern Sea Otter (*Enhydra lutris kenyoni*), Steller's Eider (*Polysticta stelleri*), Steller Sea Lions (*Eumetopias jubatas*), Fin Whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), North Pacific Right Whale (*Eubalaena japonica*) and Sperm Whale (*Physeter macrocephalus)*. We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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). No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

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)(l) 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 a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

SEAN PARNELL, GOVERNOR

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-2013-23, Chiniak 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.