



Special Public Notice

US Army Corps of Engineers

Alaska District
Regulatory Division (1145)
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Kenai, Alaska 99611-7755
(907) 283-3519

Date:

October 6, 2014

Identification No:

GP-1987-3-M6

In reply refer to above Identification Number

Expiration Date: November 5, 2014

PROPOSED REISSUANCE OF GENERAL PERMIT (GP) 1987-3-M5

MOORING BUOYS ON THE KASILOF RIVER

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) is proposing to reissue General Permit (GP) 1987-3-M5, previously issued under authority of Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), to authorize the seasonal placement of mooring buoys in the Kasilof River.

GPs are considered appropriate for activities which are substantially similar in nature, and cause only minimal adverse environmental impacts when performed separately, would have only minor cumulative effect on water quality, and would provide more effective administration of the Rivers and Harbors Act without creating an undue burden on the public.

If reissued, this GP would be in effect for five more years and would be renamed GP 1987-3-M6. The activities intended for reauthorization under this GP are essentially the same, with the inclusion of updated project identification names, identification numbers, and buoy numbers. A copy of the Draft Proposed GP 1987-3-M6 is attached. We are soliciting and accepting comments on our intent to re-issue this GP for the next 30 days.

The Corps has completed a Preliminary Determination that the proposed activities are in compliance with the requirements for issuance of a general permit. A copy of this Preliminary Determination is available upon request from the letterhead contact information, or by e-mail at: denise.koopman@usace.army.mil.

BACKGROUND: The first 2.8 miles of the Kasilof River are used heavily by commercial fishermen for boat moorage during the commercial fishing season, as well as by the various processing plants and weighing stations. Because of this heavy commercial use, and to eliminate the need for a formal 60 to 90 day permit processing period for each mooring buoy, the Corps first authorized the placement of mooring buoys in the Kasilof River on June 20, 1986, with GP 86-1. On April 27, 1987, GP 87-3 was issued for mooring buoys on the Kasilof River, which superseded GP 86-1. Subsequent modifications of GP 87-3 were issued on January 28, 1988 (GP 87-3M), May 16, 1993 (GP 87-3N), August 24, 1999 (GP 87-3O), November 15, 2004 (GP 87-3P), November 15, 2009 (GP 87-3P) and April 21, 2010 (GP 1987-3-M5). The most recent authorization for 121 mooring buoys on the Kasilof River, GP 1987-3-M5, will expire on April 21, 2015. These modifications resulted in only minor changes in the General Permit. Throughout the 28 years the GP has been in existence, the number of mooring buoys authorized has increased from 109 mooring buoys to 121 mooring buoys, located on the first 2.8 miles of the Kasilof River.

PROPOSED ACTIVITY: The Corps of Engineers proposes to reauthorize and rename GP 1987-3-M5 (Mooring Buoys on the Kasilof River) and change the administrative number to GP 1987-3-M6. With the exception of an updated permit identification list for buoy users, no changes are proposed from the previous GP authorization. See attached Draft Proposed GP 1987-3-M6 for additional information. This GP would authorize buoy moorage, provided the District Commander (DC), or his designee, determines that the proposed class of activities would be

minor, and would not have more than minimal, individual, or cumulative adverse impacts on the human environment, and the DC has conducted consultation with appropriate Federal and State regulatory agencies.

ACTIVITIES EXCLUDED FROM THIS GP:

1. The placement of any dredged and/or fill material into waters of the U.S., including wetlands.
2. The placement of non-commercial mooring buoys.
3. The placement of commercial mooring buoys not assigned by the Corps.

GENERAL PERMIT BOUNDARY: The GP boundary is the first 2.8 miles of the Kasilof River, as specifically shown on the attached maps.

MITIGATION: None proposed. However, the GP incorporates permit conditions to avoid or reduce potential impacts.

ENDANGERED SPECIES: 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). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, 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 Pink Salmon (*Oncorhynchus gorbuscha*), Sockeye Salmon (*Oncorhynchus nerka*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Dolly Varden (*Salvelinus marmoratus* Walbaum), Pacific Lamprey (*Lampetra tridentata*), and Steelhead trout (*Oncorhynchus mykiss*).

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

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.

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. Subject to any other applicable 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.

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. Denise Koopman at (907) 753-2537, or by email at denise.koopman@usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

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

This Special Public Notice can also be accessed online at:
<http://www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.aspx>

District Commander
U.S. Army, Corps of Engineers