

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

## Public Notice of Application for Permit

PUBLIC NOTICE DATE:

March 6, 2025

**EXPIRATION DATE:** 

**30 DAY** 

**REFERENCE NUMBER:** 

POA-1993-00425

**WATERWAY:** 

St. Herman 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.

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 Carolyn Farmer at (561) 785-5634 or by email at <a href="mailto:carolyn.h.farmer@usace.army.mil">carolyn.h.farmer@usace.army.mil</a> if further information is desired concerning this public notice.

<u>APPLICANT</u>: City of Kodiak, Josie Bahnke, Acting City Manager, 710 Mill Bay Road, Kodiak, AK 99615

<u>AGENT</u>: Solstice Alaska Consulting, Inc., Carrie Connaker, 2607 Fairbanks Street, Suite B, Anchorage, AK 99517

<u>LOCATION</u>: The project site is located at 289-175 Alimaq Drive, within Section 5 & 6, T. 28 S., R. 19 W., Seward Meridian; USGS Quadrangle Kodiak D-2 SE; Latitude 57.778935° N., Longitude 152.412030° W.; From the Kodiak Benny Benson State Airport (ADQ), turn right onto Rezanof Dr. west towards Kodiak. Take Rezanof Dr. west for 5.9 miles and then turn right onto E Rezanof Dr. Take E Rezanof Dr. for 0.2 miles and turn right on Alimaq Dr. to go over

the bridge to Near Island. Take Alimaq Dr. for approximately 1 mile and it will end at St. Herman Harbor, Kodiak, Alaska.

BACKGROUND: The harbor was originally constructed in 1982 by the State of Alaska. The harbor has 15 main floats, 13 of which are the original floats installed in 1982. The U.S. Army Corps of Engineers (USACE) installed a rubble-mound breakwater in 1997, maintains a navigation channel through the harbor, and performs maintenance dredging as needed in the harbor to keep the harbor and navigation lane clear of obstructions and avoid vessel groundings.

<u>PURPOSE</u>: The applicant's stated purpose is to reconstruct the deteriorating St. Herman Harbor on the southwestern shore of Near Island.

PROPOSED WORK: The project would involve removing and replacing existing floats and piling, reconfiguration of the harbor, and addition of new floats and a drive-down dock. The project would remove 12 of St. Herman Harbor's existing concrete headwalks, mainwalks, and slip floats (EE, E, F, G, H, I, J, K, L, Q, R, and S) and associated 656 steel and timber piles. These components would not be reused or repurposed as a part of this project. These components would be replaced with 14 new floats and associated piles. Other float components such as bull rails, fenders, mooring cleats, pre-cast concrete dock surface, and utilities would also be installed (note: these components would be installed out of water). The existing M and N mainwalk and floats and headwalk P would remain in place and would not be modified or removed.

In-water components to be installed (to support the harbor floats):

- One hundred (100) 24-inch diameter temporary steel piles to guide the permanent piles into place;
- Forty-one (41) 16-inch diameter permanent steel piles;
- Seventy-eight (78) 18-inch diameter permanent steel piles;
- Twenty-two (22) 20-inch-diameter permanent steel piles;
- One hundred twenty-five (125) 24-inch-diameter permanent steel piles; and
- Fifty-two (52) 30-inch diameter permanent steel piles.

The proposed project would use a hydraulic hammer and excavator to dredge approximately 1,900 cubic yards (CY) of material from the shoal to an elevation of 12 ft below MLLW to maintain appropriate depths for vessel maneuvering and mooring. Based on reports from the USACE's navigation channel dredging project in 2013 where the USACE was able to successfully remove bedrock from the navigation channel without blasting, it is expected that the material will be able to be removed without the need for blasting. The dredged material is planned to be loaded onto a barge and disposed of in the adjacent quarry on Near Island.

All work would be performed in accordance with the enclosed plan (sheets 1-10), dated October 22, 2024.

ADDITIONAL INFORMATION: The City plans to request an Incidental Harassment Authorization (IHA) from NMFS for take of two ESA-listed species (humpback whale and Steller sea lion) and four MMPA-listed species (Dall's porpoise, harbor porpoise, killer whales, harbor seals) by harassment from in-water construction noise. The City would also request an IHA from USFWS for take of two ESA-listed species (northern sea otter and Steller's eider). There is no plan to request take of any other species because the project will implement shutdowns during in-water construction if any other protected bird or marine mammal species appears likely to enter their level B harassment zone.

<u>APPLICANT PROPOSED MITIGATION</u>: 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: To meet the project purpose and need construction must occur within waters of the United States.
- b. Minimization: The project will be located within St. Herman Harbor and adjacent uplands. The project used the most compact design practicable (with the least number of piles and smallest size of piles) to minimize impacts to waters of the United States.

**General Construction Mitigation Measures:** 

The project uses the most compact design possible, while meeting the demands of the vessels City of Kodiak St. Herman Harbor Infrastructure Replacement Project October 2024; Updated January 2025 that would use the facility.

- Wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol will not be used. If treated wood must be used, any wood that comes in contact with water will be treated with waterborne preservatives in accordance with Best Management Practices developed by the Western Wood Preservers Institute. Treated wood will be inspected before installation to ensure that no superficial deposits of preservative material remain on the wood.
- Plans for avoiding, minimizing, and responding to releases of sediments, contaminants, fuels, oil, and other pollutants will be developed and implemented.
- Spill response equipment will be kept on-site during construction and operation.
- Floats or barges will not be grounded at any tidal stage.
- The project uses a design that incorporates the smallest-diameter piles practicable while still minimizing the overall number of piles.
- Noise associated with in-water pile driving will be localized and temporary.
- c. Compensatory Mitigation: Compensatory mitigation is not proposed for the project because the project does not involve the placement of fill in waters of the U.S. The proposed dredging in the harbor would occur in the marine environment only and would be a very small area of the harbor and short duration (20 days of active dredging).

<u>WATER QUALITY CERTIFICATION</u>: 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: We have defined our scope of analysis under Appendix C of 33 CFR 325 (permit area) to be the footprint of the activities described in the section entitled "Proposed Work," above. The Corps is currently gathering and evaluating information regarding this project and the permit area and has yet to make an effect determination for the proposed project. If applicable, this application will be coordinated with the State Historic Preservation Office (SHPO), Federally recognized Tribes, and other consulting parties. Any comments SHPO, federally recognized Tribes, and other consulting parties 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 fin whales (*Balaenoptera physalus*), endangered Western North Pacific (WNP) and their designated critical habitat, threatened Mexico distinct population segments (DPS) humpback whales (*Megaptera novaeangliae*) and their designated critical habitat, endangered western DPS (WDPS), endangered North Pacific right whales (*Eubalaena japonica*) and their designated critical habitat, endangered sperm whales (*Physeter macrocephalus*) and their designated critical habitat, endangered Western DPS of Steller sea lions (*Eumetopias jubatus*) and their designated critical habitat, endangered short-tailed albatross (*Phoebastria albatrus*), threatened Steller's eider (*Polysticta stelleri*), threatened Southwest Alaska distinct population segment (DPS) of northern sea otters (*Enhydra lutris kenyoni*). The proposed activity is also within the known range of the sunflower sea star (Pycnopodia helianthoides), which the National Marine Fisheries Service (NMFS) has proposed for listing on March 16, 2023, under the Endangered Species Act (ESA) as a threatened species (88 FR 16212).

The ESA requires federal agencies to consult with NMFS and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated or proposed critical habitat. We have determined the described activity may affect but is not likely to adversely affect the North Pacific right whale, sperm whale, northern sea otters, Steller's eider. Additionally, we have determined the proposed activity may affect and is likely to adversely affect the Western North Pacific and Mexico DPS of humpback whale, the fin whale, the Western DPS of Steller sea lion, and the sunflower sea star. Also, we have determined the described activity would have no effect to the short-tailed albatross. The non-federal representative role for section 7 of the Endangered Species Act has been assigned to Solstice Alaska Consulting, Inc. They 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.

<u>ESSENTIAL FISH HABITAT</u>: 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 42 species including all 5 species of Pacific salmon (National Marine Fisheries Service [NMFS] 2025; Table 1).

We have determined the described activity may adversely affect EFH in the project area for the species listed in the Table 1. below. The Corps will initiate EFH consultation with a separate consultation letter to the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

Table 1. Fish Species with Designated Essential Fish Habitat in St. Herman Harbor

Species	Life stage(s) Found at Location
Alaska Plaice (Pleuronectes quadrituberculatus)	egg, larvae, and adult (summer)
Alaska Skate (Bathyraja parmifera)	juvenile (summer); adult (summer, fall, winter)
Arrowtooth Flounder (Atheresthes stomias)	juvenile (summer); adult (summer, fall, winter)
Atka Mackerel ( <i>Pleurogrammus</i> monopterygius)	adult (spring, winter)
Bering Skate ( <i>B. interrupta</i> )	adult (summer)
Bigmouth Sculpin (Hemitripterus bolini)	juvenile (summer); adult (spring, summer, winter)
Black Rockfish (Sebastes melonops)	adult (summer)
Blackspotted Rockfish (S. melanostictus)	juvenile and adult (summer)
Chinook Salmon (Oncorhynchus tshawytscha)	immature, juvenile, and mature
Chum Salmon ( <i>O. keta</i> )	immature, juvenile, and mature
Coho Salmon (O. kisutch)	juvenile and mature
Dark Rockfish (S. ciliates)	adult (summer)
Dover Sole (Solea solea)	egg, larvae, and juvenile (summer); adult (winter)
Dusky Rockfish ( <i>S. variabilis</i> )	juvenile (summer); adult (winter)
Flathead Sole (Hippoglossoides elassodon)	egg, larvae, and juvenile (summer); adult (year-round)
Great Sculpin (Myoxocephalus polyacanthocephalus)	juvenile and adult (summer)
Greenstriped Rockfish (S. elongatus)	adult (summer)
Halibut (Hippoglossus stenolepis)	juvenile and adult (summer)

Species	Life stage(s) Found at Location
Harlequin Rockfish (S. variegatus)	juvenile (summer); adult (spring)
Kamchatka Flounder ( <i>Atheresthes</i> evermanni)	adult (spring)
Longspine Thornyhead Rockfish (Sebastolobus altivelis)	adult (spring, summer)
Northern Rock Sole (Lepidopsetta polyxystra)	larvae and juvenile (summer); adult (spring, summer, winter)
Northern Rockfish (S. polyspinis)	juvenile (summer), adult (winter)
Octopus (Enteroctopus dofleini)	spring, winter
Pacific Cod (Gadus macrocephalus)	larvae and juvenile (summer); adult (fall, summer, winter)
Pacific Ocean Perch (S. alutus)	larvae (summer); adult (fall)
Pink Salmon (O. gorbuscha)	juvenile and mature
Pygmy Rockfish (S. wilsoni)	adult (summer)
Quillback Rockfish (S. maliger)	adult (summer)
Redbanded Rockfish (S. babcocki)	adult (spring, summer)
Redstriped Rockfish (S. proriger)	juvenile and adult (summer)
Rex Sole (Glyptocephalus zachirus)	adult (winter)
Rougheye Rockfish (S. aleutianus)	adult (spring, summer, winter)
Sablefish (Anoplopoma fimbria)	adult (spring)
Sharpchin Rockfish (S. zacentrus)	adult (spring)
Silvergrey Rockfish (S. brevispinis)	juvenile (summer)
Sockeye Salmon (O. nerka)	immature, juvenile, and mature
Southern Rock Sole (L. bilineata)	larvae, juvenile, and adult (summer)
Walleye Pollock (Gadus chalcogrammus)	egg, larvae, and juvenile (summer); adult (year-round)
Yellow Irish Lord (Hemilepidotus Jordani)	juvenile (summer); adult (year-round)
Yelloweye Rockfish (S. ruberrimus)	juvenile (summer)
Yellowfin Sole (Limanda aspera)	egg, juvenile, and adult (summer)

TRIBAL CONSULTATION: The Corps 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 Corps, 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 federal 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 Corps final assessment of the described work.

<u>PUBLIC HEARING</u>: 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 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 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.

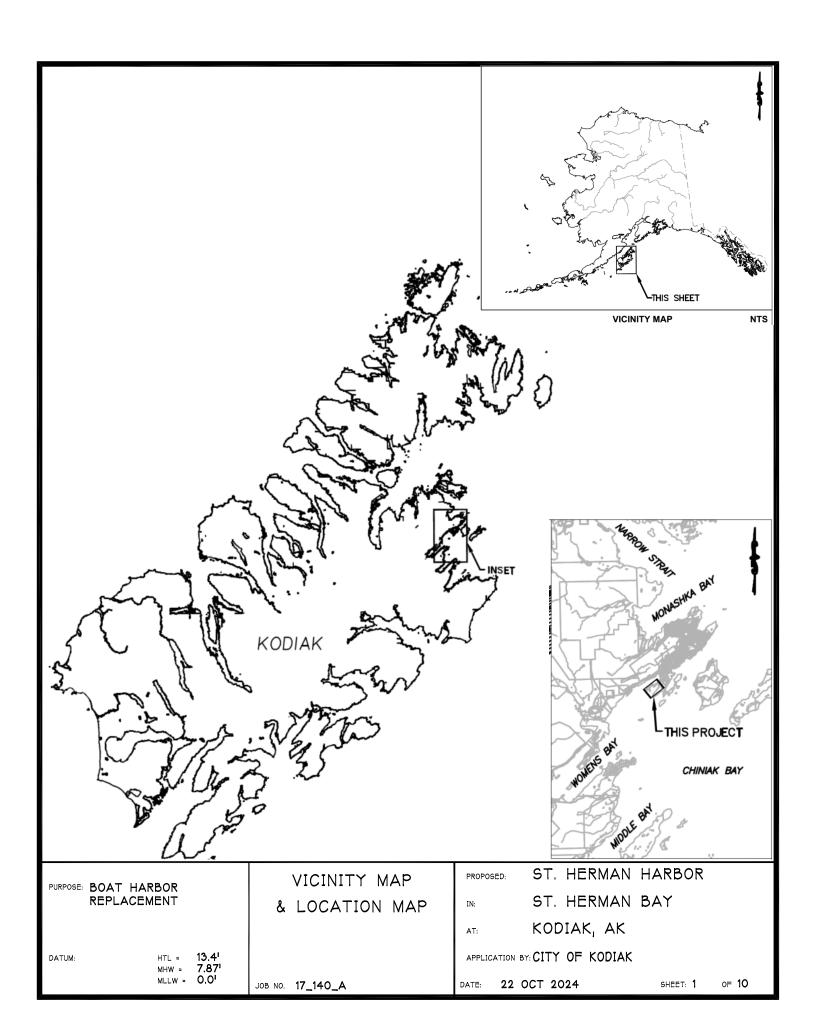
<u>AUTHORITY</u>: This permit will be issued or denied under the following authorities:

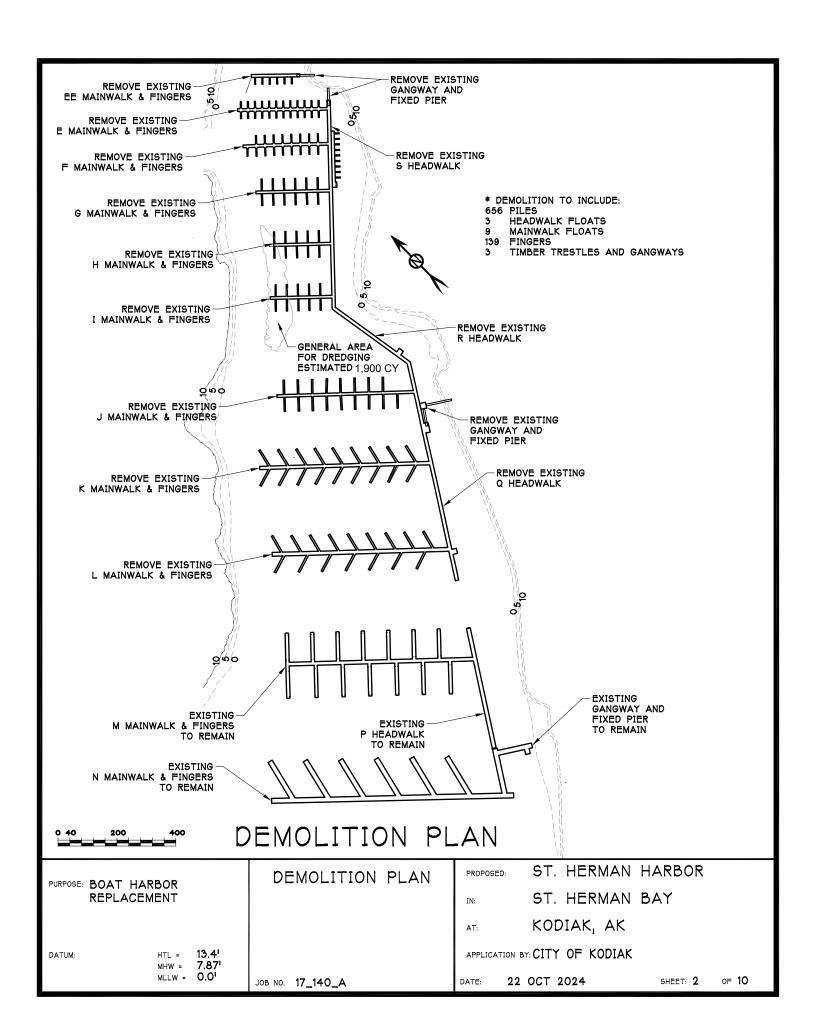
- (X) Perform work in or affecting navigable waters of the United States Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).
- (X) Discharge dredged or fill material into waters of the United States Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

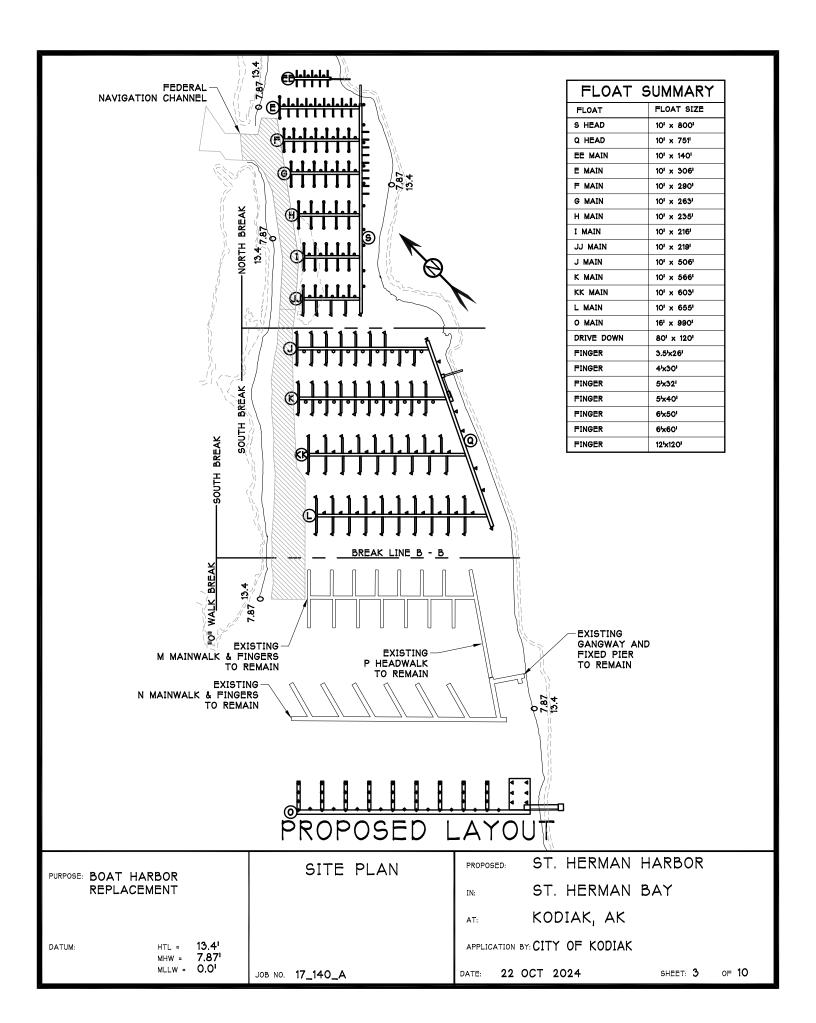
Project drawings are enclosed with this public notice.

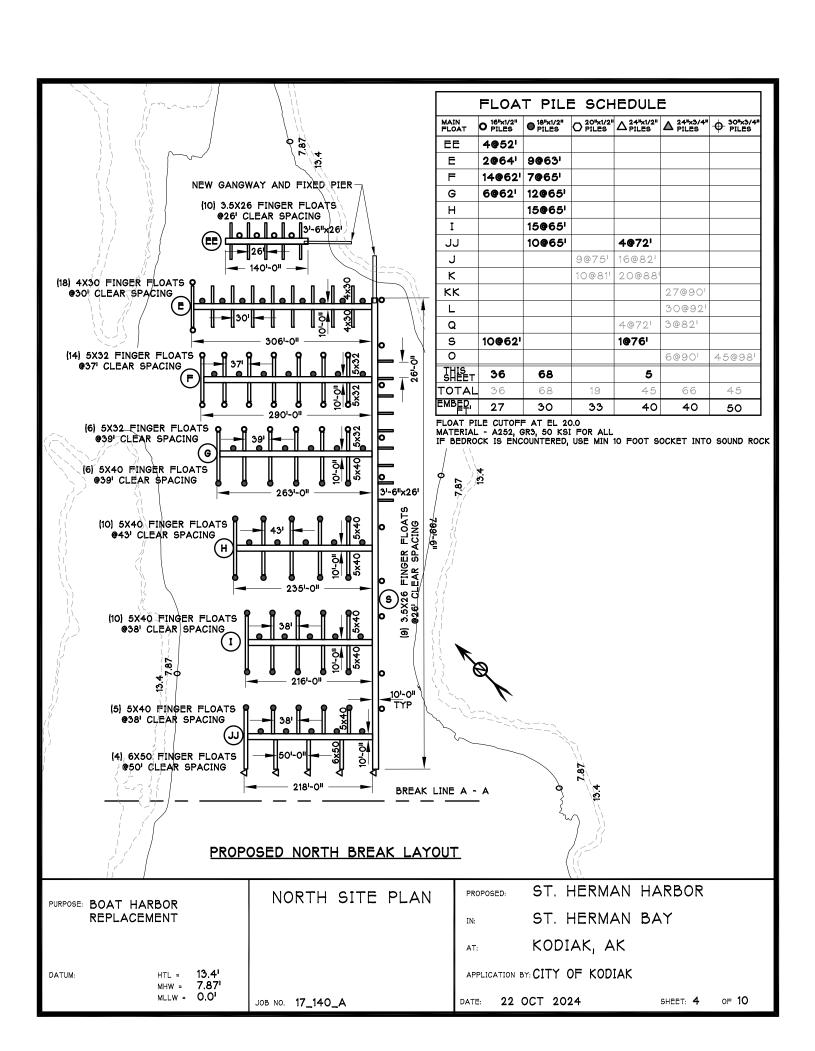
District Commander U.S. Army, Corps of Engineers

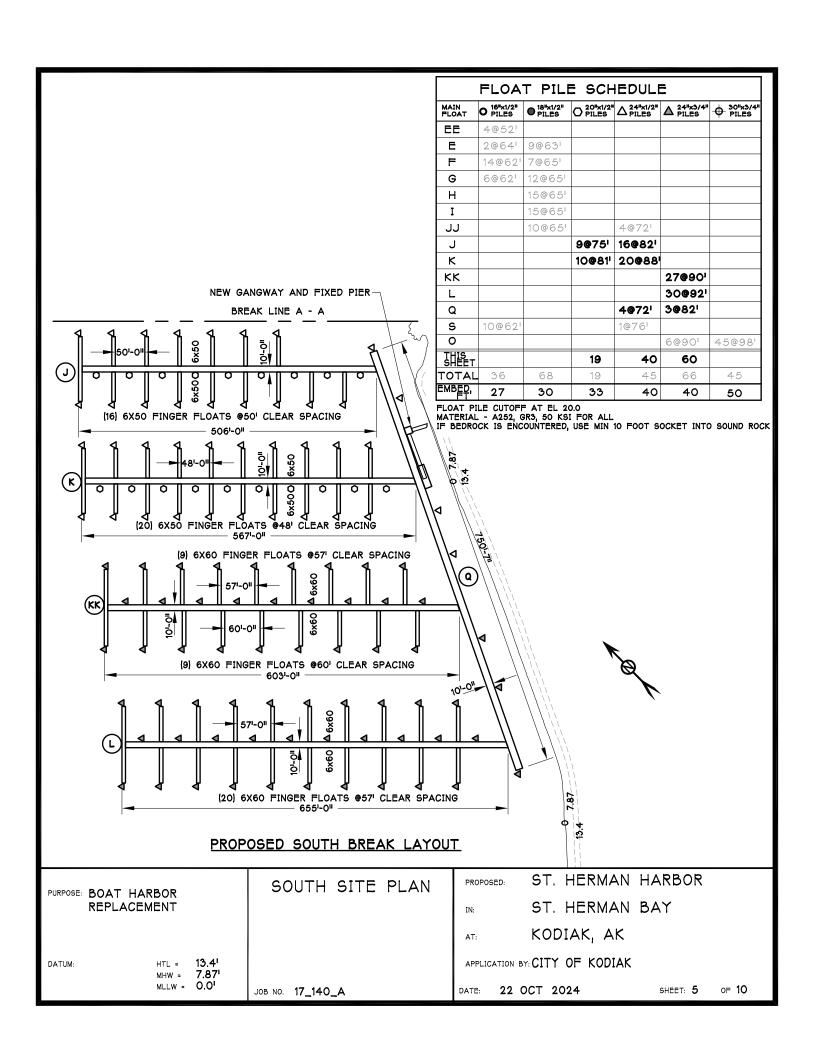
**Enclosures** 

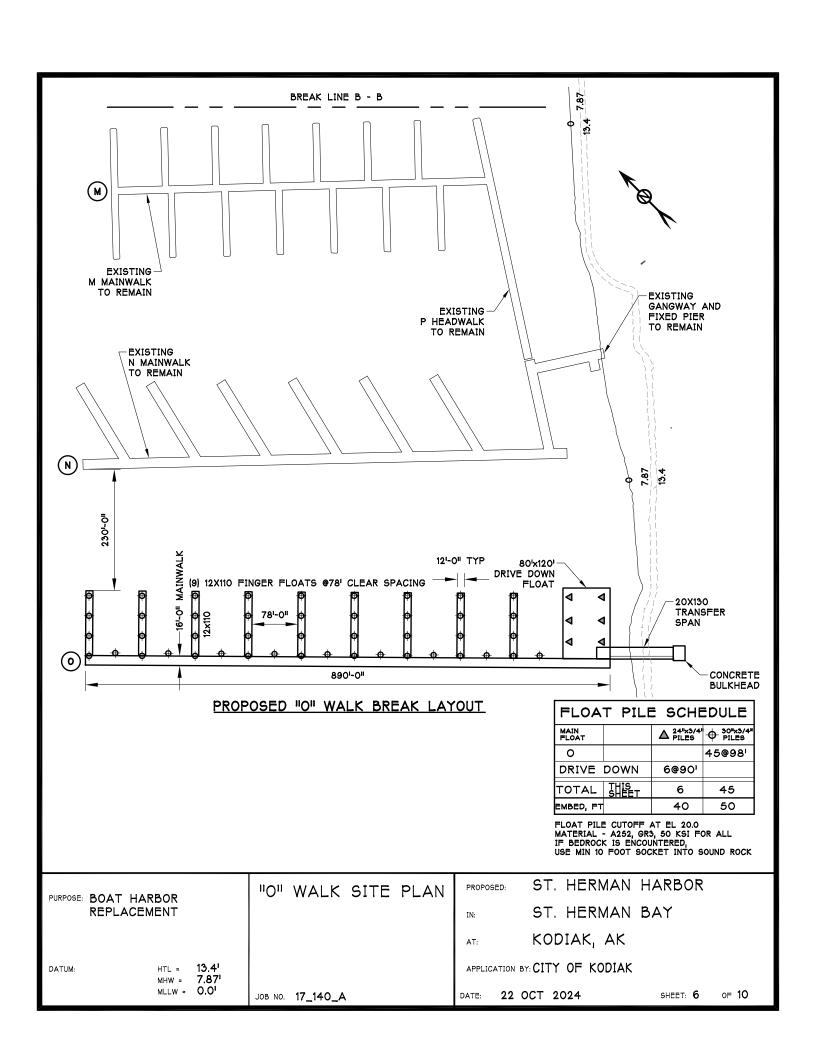


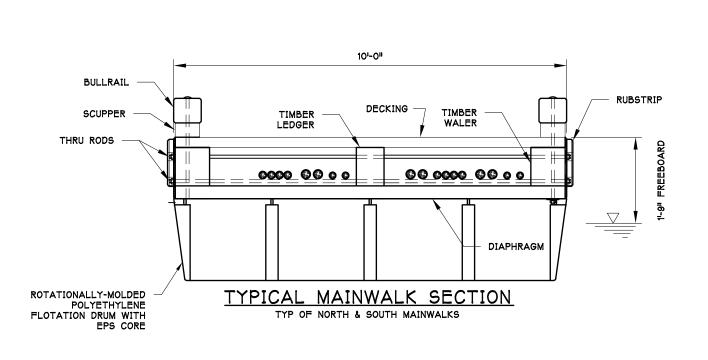


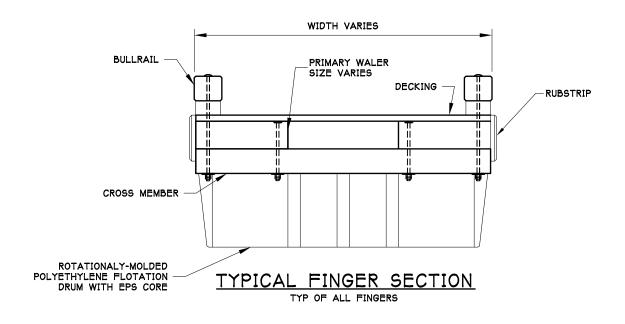




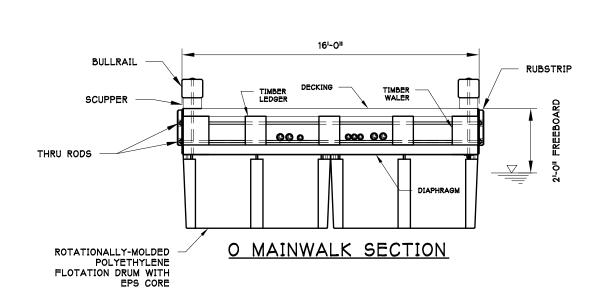


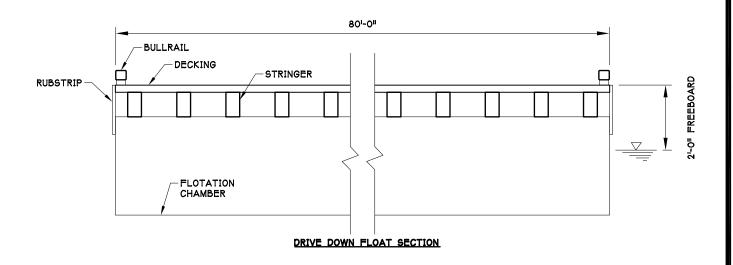






ST. HERMAN HARBOR PROPOSED: FLOAT SECTIONS PURPOSE: BOAT HARBOR REPLACEMENT ST. HERMAN BAY KODIAK, AK APPLICATION BY: CITY OF KODIAK DATUM: HTL = 13.41 7.87 MHW = MLLW = 0.01 oF 10 22 OCT 2024 SHEET: 7 JOB NO. 17\_140\_A DATE:





PURPOSE: BOAT HARBOR REPLACEMENT

DATUM:

HTL = 13.4'
MHW = 7.87'
MLLW = 0.0'

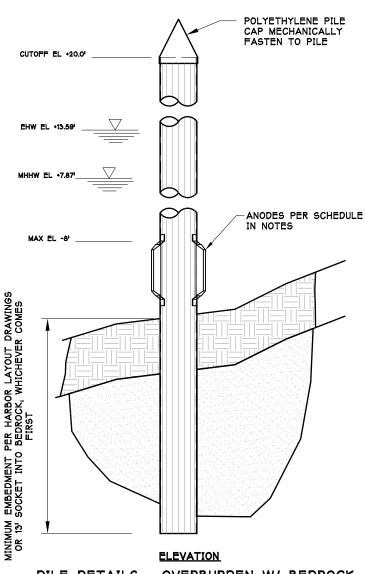
HO I FLOAT SECTION

PROPOSED: ST. HERMAN HARBOR
IN: ST. HERMAN BAY

AT: KODIAK, AK

APPLICATION BY: CITY OF KODIAK

DATE: 22 OCT 2024 SHEET: 8 OF 10



## PILE DETAILS - OVERBURDEN W/ BEDROCK 16", 18", 20", 24" PILES

## NOTES:

1. USE A252 GR 3, MIN Fy = 50 KSI FOR 16"x1/2" WALL, 18" AND 24" PILE 2. USE A252 GR 2, MIN Fy = 36 KSI OR BETTER FOR 16"x3/8" WALL 3. HOT DIP GALVANIZE PILE 4. SEE SHEET 4, 5, 6, FOR PILE SCHEDULE.

PURPOSE: BOAT HARBOR REPLACEMENT

DATUM:

DATU

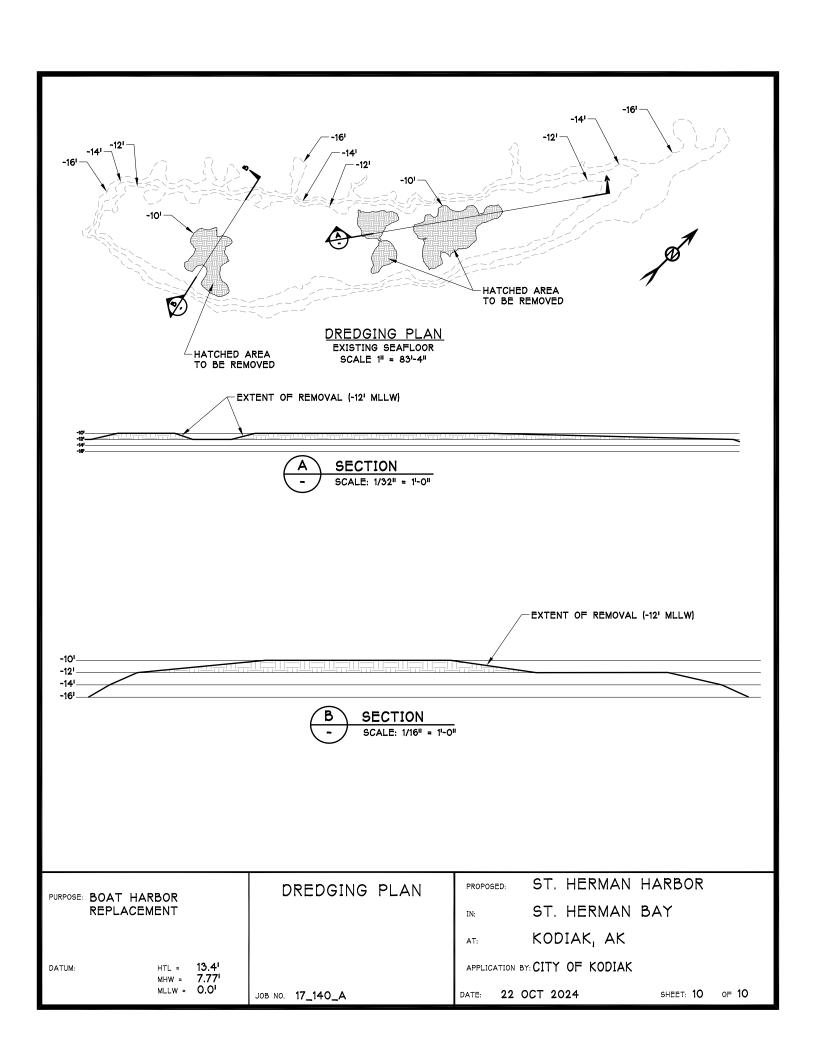




Figure 2. St. Herman Harbor Infrastructure Replacement Project Location

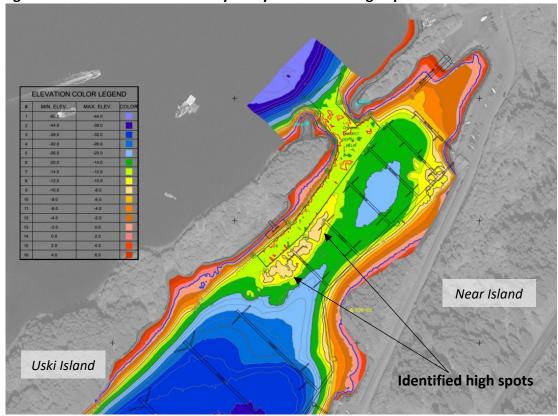


Figure 5. St. Herman Harbor Bathymetry and Harbor High Spots

Source: USACE 2015

Figure 6. St. Herman Harbor Infrastructure Replacement Dredged Material Proposed Disposal Location

