

SOUND

Activities associated with the proposed project are expected to generate sounds that are similar in level and duration when compared to current sounds experienced in the area. The primary sounds likely to be generated at the site are from vehicles entering and maneuvering about the site; the launching and retrieving of boats; boat engines preparing to leave the boarding float; and boats coming and going to the facility. Since this ramp replaces an existing ramp the general sound level in the area is not expected to change significantly. The duration of sounds generated at the site are anticipated to vary seasonally with the most activity being during the daylight hours of summer.

During the EA process a sound study was performed. Ambient sounds were recorded to establish background levels. Ambient sound levels observed at the site were generated from vehicular traffic, overhead air traffic, boats coming and going from the harbor, and launching boats. Generally these sounds were in the range from 48dba to 70dba. Occasional sound levels rose above 70dba when there were higher volumes of traffic, truck traffic, or aircraft above combined with traffic sounds. Short sound bursts lasting less than 5 seconds, on average, were observed primarily attributed to slight wind gusts, birds, wind chimes, and passing vehicular traffic.

Sound level readings were also recorded during boat launch and retrieval operations at the existing Statter Harbor. To assess sound level impacts from launch and retrieve activities on the ABTC site, the sound level meter was placed a distance from the launch activities reflective of the distance from the proposed launch ramp to the ABTC site. Generally the study showed that sound levels at the ABTC site would not be higher than the current ambient sound levels observed at the site. The full sound study is included in the final EA (Attached by reference).

During construction it is anticipated that sound levels would increase in daily duration compared to current conditions. Some of the highest existing sound levels are from traffic on Glacier Highway. Trucks and equipment performing construction of the facility would be expected to increase the duration of sound but the levels would likely not rise significantly. Two distinct sound generators during construction would be the hauling and placing of rock for the fill and the driving of piles for the loading float. Probably the highest level of sound during construction would be the back-up signals on equipment and trucks. These signals are required by OSHA and must not be disconnected.

Measures would be taken to minimize generation of sound during construction. Piling would be vibrated or drilled first then only driven with impact hammers for the last portion to reach final loading capacity. CBJ code provides guidance on working hours for certain sound generating activities¹ and it is planned that work would take place within these hours.

CULTURAL RESOURCES

The EA process stipulates that projects requiring federal permits or receiving federal funds must consider potential impacts of the project on cultural resources that are eligible to be listed on the National Register of Historic Places (NRHP). HDR Alaska, Inc. (HDR) conducted a cultural resources survey of the project area on behalf of D&H.

The first step was to identify potential historic properties that could be affected by the proposed undertaking. The Juneau Historic Resources Advisory Committee (HRAC) was made aware of the project and consulted for knowledge of historic properties in the area at two of its public meetings (November 5, 2008 & March 4, 2009). HDR conducted a survey of the project area and performed a literature review, archival research, and consultation that provided an overview of the project area's prehistory and history which was used for assessing NRHP eligibility of potential historic properties.

Cultural resources identified during in the project study area include three historic buildings; the Lehnhart Residence (JUN-01090 built in 1935); DeHart's Convenience Store (JUN-01091 built in 1940); and Squires Rest (JUN-01092 built in 1950). None of the historic buildings were determined eligible for listing on the NRHP because they lacked association with significant events of the past; did not have association with significant persons; or did not have distinctive architectural characteristics. Therefore it was found that no NRHP eligible historic properties would be affected by the proposed project. The Alaska State Historic Preservation Officer concurred with the finding. The HRAC reviewed the project and potential impacts to historic resources at its January 9, 2013 public meeting and concurred with the findings that no impacts are anticipated to NRHP eligible properties as a result of the proposed project.

LIGHTING

The proposed launch ramp facility will include site lighting to allow for safe operations under dark conditions. The lighting design has not been completed at this time but the overall concept is to provide adequate lighting for safe and convenient operations during dark periods of the day.

Lighting would be controlled by photo cells thus only lit when dark conditions occur. D&H embraces a concept of adequate but not over lighting a facility. Luminaires would be mounted on light standards at a height for adequate light distribution and would be focused downward so not to cause glare beyond the areas to be illuminated. Light standards would be painted flat black so not to be overly visible and cause undesirable aesthetic impacts. Specific fixtures have not been selected at this point in the design process but will be submitted with a building permit for the facility.

NEIGHBORHOOD HARMONY

The proposed launch ramp project is allowed with a conditional use permit and found in the Table of Permissible Uses at 9.600 - Marine commercial facilities including fisheries support, commercial freight, and passenger traffic. One of the conditional use permit standards of review for development projects is whether the project substantially decreases the value of or is out of harmony with property in the neighboring area.

The proposed project is within an area that has a land use designation of Marine Mixed Use (M/MU). The Comprehensive Plan identifies these lands as being characterized by high density residential and nonresidential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. The proposed launch ramp facility is consistent with the MMU land use designation of the Comprehensive Plan.

Zoning of the project property is Waterfront Commercial (WC) which encompasses all properties water side of Glacier Highway extending from the UAS Anderson Building (adjacent to NOAA

Lab) to two properties beyond the former Fishermen's Bend Store. Generally uses in this zoning district require a conditional use permit approved by the Planning Commission and must be water-dependent, water-related, or water-oriented. The proposed launch ramp facility is consistent with the WC zoning district.

D&H consulted with the CBJ Assessor's Office to consider the potential impact of the proposed project on property value. Upon review of the project and in consideration of the neighboring residential properties the Assessor's Office determined that the proposed launch ramp project would have little to no discernible negative impact on the value of surrounding properties. An e-mail report of the Assessor's Office review on this subject is included in this document as Attachment K.

COASTAL MANAGEMENT

The proposed project is within a Special Waterfront Area as described by the Juneau Coastal Management Plan (JCMP) and shown on Map 3K included in this document as Attachment L. The boat launch ramp planned at Statter Harbor is an allowed use under the JCMP at 49.70.960 (b)(1)(H)ⁱⁱ Public access facilities, including boat ramps. The associated uplands parking and landscaping development is also authorized in the JCMP at (b)(1)(T)ⁱⁱⁱ.

The general standards section of the JCMP gives guidance for development in special waterfront areas regarding issues pertaining to fill, protection of habitat, and maintaining water quality. The EA performed for the proposed project addressed these issues in great detail. The EA is an appropriate document for evaluating the project against the guidelines of the JCMP. The issuance of a FONSI by the US Fish and Wildlife Service; issuance of a clean water certification by the Alaska Department of Environmental Conservation; issuance of a Fish Habitat Permit by the Alaska Department of Fish and Game; and the issuance of an Army Corps of Engineers permit for the project support the development of the proposed project as appropriate in the Special Waterfront Area.

SCHEDULE

Scheduling of the proposed project is dependent upon receipt of the remaining permits. The project is ready for final design and development of construction and bid documents. Assuming the conditional use permit is approved in early 2013 the bid documents could be ready by late 2013. Bidding would take place in late 2013 or early 2014 with construction to begin in 2014 and completion anticipated in 2015.

ATTACHMENTS

- A. Current Statter Harbor Master Plan
- B. 2005 Statter Harbor Master Plan
- C. 2008 Launch Ramp Concept 1
- D. Proposed Action Alternative of the EA
- E. Proposed Project – Subject of Conditional Use Permit
- F. Environmental Assessment Finding of No Significant Impact
- G. Army Corps of Engineers Permit – POA-2008-782
- H. Alaska Department of Environmental Conservation Clean Water Certification
- I. Alaska Department of Fish and Game Fish Habitat Permit
- J. Photos and Digital Enhancements of Proposed Project
- K. CBJ Assessor’s Office Review
- L. Special Waterfront Area Map

ATTACHED BY REFERENCE

The Environmental Assessment document is voluminous and therefore difficult to attach to this document. It and its many related studies are pertinent to the project thus are attached by reference. The documents may be viewed on the CBJ Docks and Harbors web page at www.juneau.org/harbors/hot_issues.php. Look for Design Projects; Statter Harbor Master Plan Improvements; Phase II – New Launch Ramp. Hard copies are available for review at Juneau’s three libraries in Downtown, Mendenhall Mall, and Douglas.

ⁱ 42.20.095 - Disturbing the peace. (b) *Construction of buildings and projects*. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

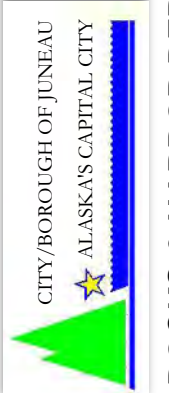
ⁱⁱ 49.70.960 - Special waterfront areas (b)(1)(H) Public access facilities, including boat ramps, parks, promenades, sidewalks, viewing areas, benches, plazas, and other forms of public open spaces.

ⁱⁱⁱ 49.70.960 - Special waterfront areas (b)(1)(T) The following accessory uses when associated with the uses set forth above: parking lots, spaces and structures, driveways, sidewalks, entrance structures, decorative structures, benches, landscaping features, awnings and similar improvements, and utility facilities.

ATTACHMENT A

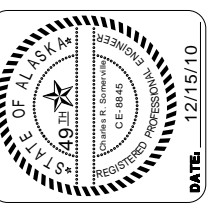


| PARKING SUMMARY | |
|-----------------|-----|
| TRAILER PARKING | 100 |
| VEHICLE PARKING | 84 |
| BUS PARKING | 4 |



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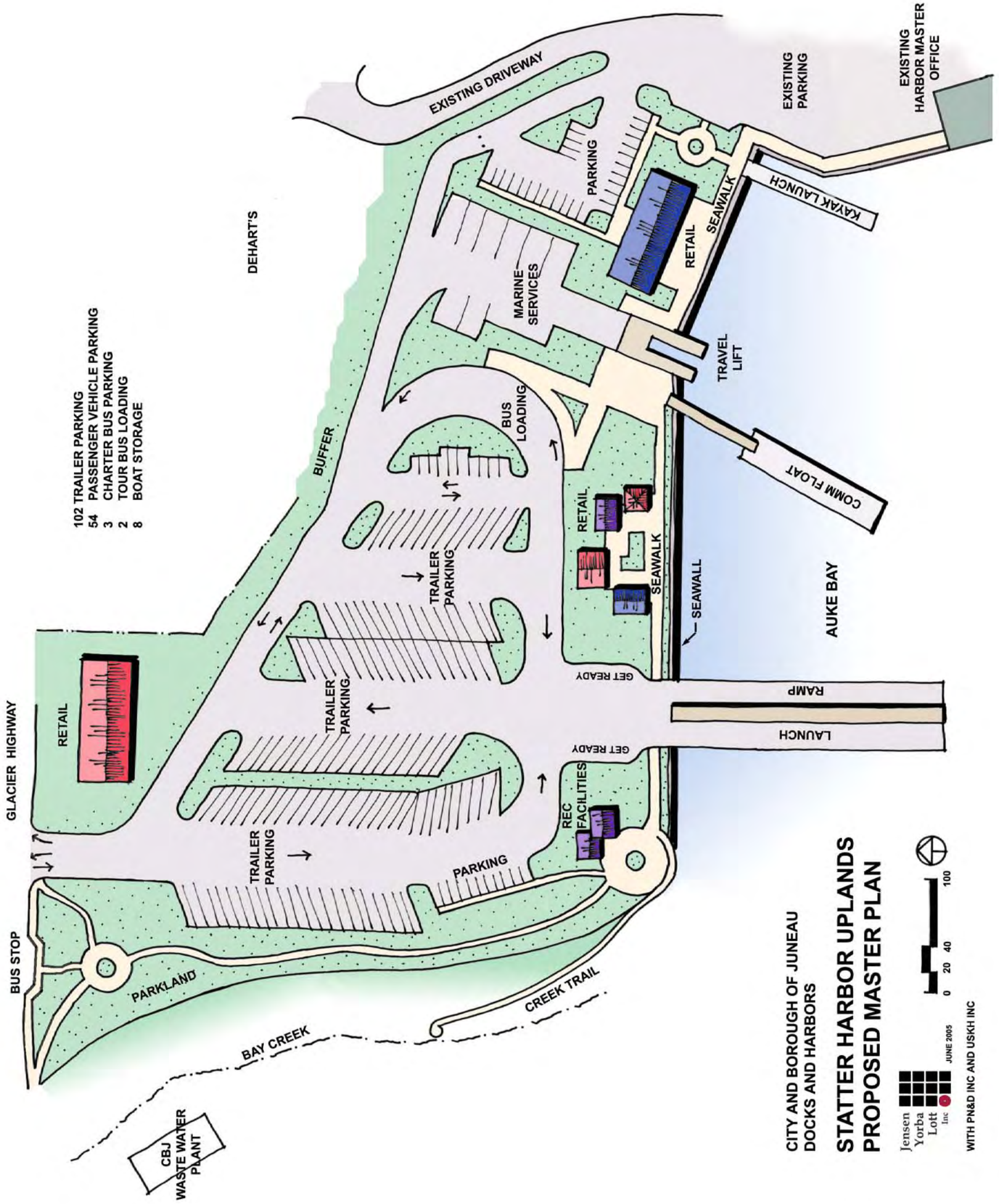


**CITY & BOROUGH OF JUNEAU
 STATTER HARBOR IMPROVEMENTS**

SHEET TITLE: **PROPOSED ACTION ALTERNATIVE
 CONCEPT 9 MASTER PLAN**

SHEET NO. **3** OF 3
 PND PROJECT NO. 082015 DWG. FILE

ATTACHMENT B



- 102 TRAILER PARKING
- 54 PASSENGER VEHICLE PARKING
- 3 CHARTER BUS PARKING
- 2 TOUR BUS LOADING
- 8 BOAT STORAGE

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS
STATTER HARBOR UPLANDS
PROPOSED MASTER PLAN**

Jensen
Yorba
Lott
Inc

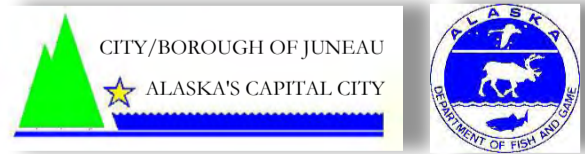
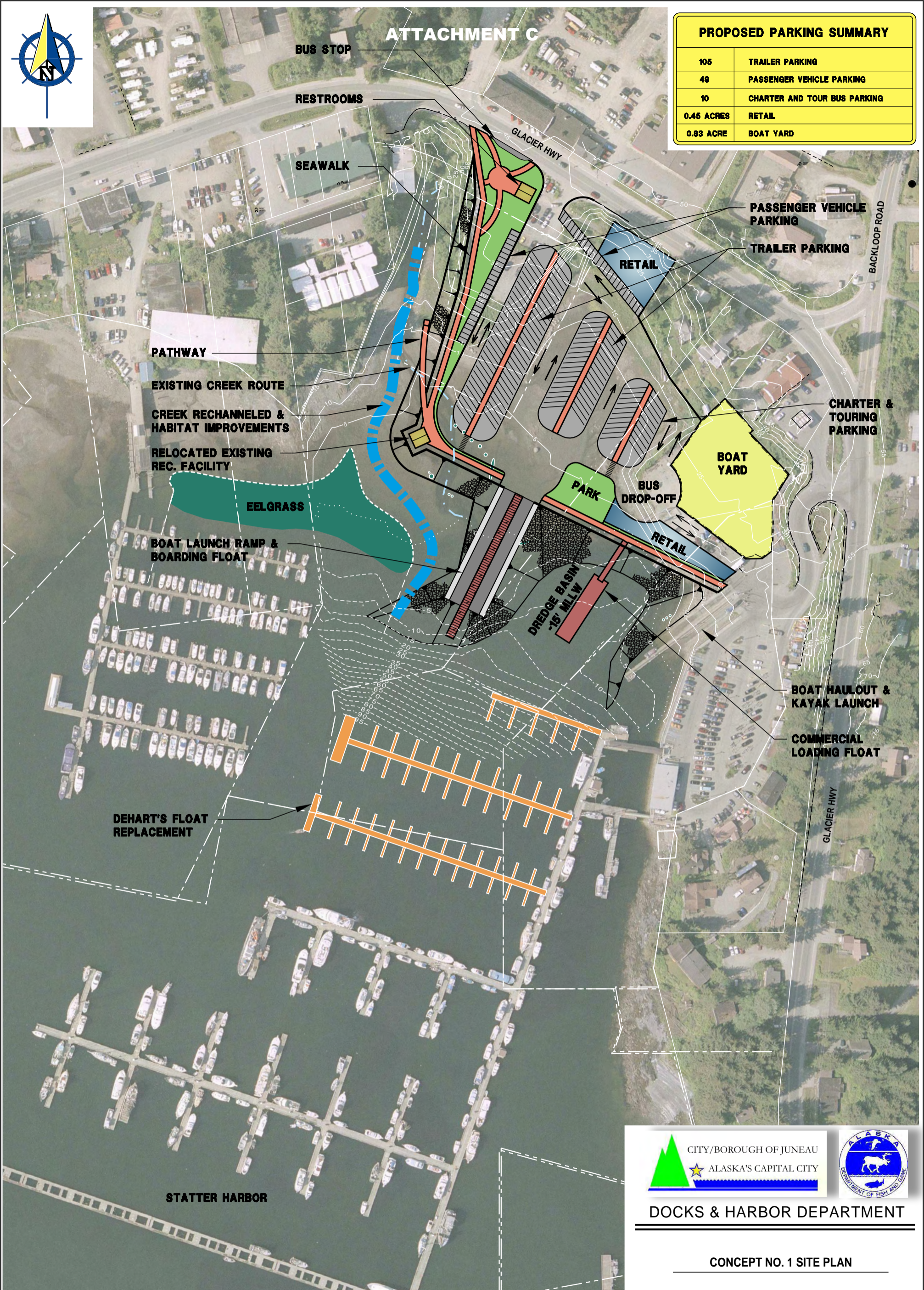
JUNE 2005

WITH P&D, INC AND USKH, INC



ATTACHMENT C

| PROPOSED PARKING SUMMARY | |
|--------------------------|------------------------------|
| 105 | TRAILER PARKING |
| 49 | PASSENGER VEHICLE PARKING |
| 10 | CHARTER AND TOUR BUS PARKING |
| 0.45 ACRES | RETAIL |
| 0.83 ACRE | BOAT YARD |



DOCKS & HARBOR DEPARTMENT

CONCEPT NO. 1 SITE PLAN



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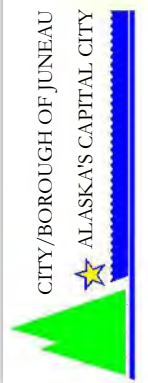
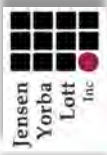
CITY & BOROUGH OF JUNEAU
 STATTER HARBOR IMPROVEMENTS

SHEET TITLE:
 CONCEPT NO. 1 SITE PLAN
 SHEET - OF X
 PWD PROJECT NO.: 082015 DWS. FILE:

ATTACHMENT D



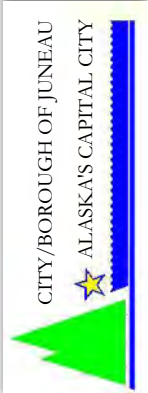
| PARKING SUMMARY | |
|-----------------|-----|
| TRAILER PARKING | 100 |
| VEHICLE PARKING | 84 |



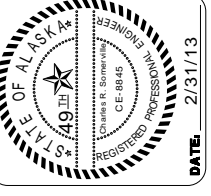
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CITY & BOROUGH OF JUNEAU
 STATER HARBOR IMPROVEMENTS
 SHEET TITLE: PROPOSED ACTION ALTERNATIVE CONCEPT 9
 PND PROJECT NO.: 082015 DWG. FILE:
 DATE: 4/28/11
 2 SHEET 2 OF 3

ATTACHMENT E



ENGINEERS, INC



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**CITY & BOROUGH OF JUNEAU
STATER HARBOR IMPROVEMENTS**

SHEET TITLE: **PROPOSED PROJECT FOR
CONDITIONAL USE PERMIT**

DATE: 2/31/13

PND PROJECT NO.: 082015 DWG. FILE:

2
SHEET
2 OF 2

ATTACHMENT F



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



DEC 07 2012

DECISION NOTICE FINDING OF NO SIGNIFICANT IMPACT

This notice documents my decision concerning the proposed Statter Harbor Improvements Project in Juneau, Alaska and my finding of no significant impact.

Project Background

The City and Borough of Juneau (CBJ) seeks to improve the safety and efficiency of its harbor operations by constructing a modern, double-lane boat launch ramp and boarding float, 100 trailer parking spaces, and 79 vehicle parking spaces at Statter Harbor in Auke Bay near Juneau, Alaska. The CBJ and Alaska Department of Fish and Game (ADF&G), Division of Sport Fish (Sport Fish) have entered into a cooperative agreement to fund the project with a Sport Fish Restoration Act (SFRA) grant to develop a boat launch ramp, parking for vehicles with boat trailers, and other associated improvements on CBJ-owned and managed lands. The SFRA requires the U.S. Fish and Wildlife Service (USFWS) to administer 15% of the excise taxes paid by anglers and boaters to states for recreational boating access facilities. The proposed Statter Harbor Boat Launch is the type of facility project envisioned for fishing and recreational boating access when Congress passed the Act. The proposed action is further supported by Executive Order 12962 – Recreational Fisheries, the Wildlife and Sport Fish Restoration Strategic Plan, ADF&G's Division of Sport Fish Strategic Plan, and the CBJ's Statter Harbor Master Plan.

Since federal funding is involved, the CBJ prepared an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and in accordance with USFWS *NEPA Guidance to States Participating in The Federal Aid Program*. The EA presents and screens a full range of alternatives (also identified as concepts) developed as a result of comments received during scoping. Eight of ten alternatives considered were screened and dismissed from more detailed analyses for either not being feasible to build, or not meeting the project's intended purpose and need.

Purpose and Need for Action

The purpose of the proposed Statter Harbor Improvements Project is to improve safety and reduce congestion by increasing harbor efficiency through incorporation of improvements identified in the Statter Harbor Master Plan. The project's purpose to improve safety and efficiency is driven by the needs for:



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- Safe access to the harbor
- Improved pedestrian access
- Adequate onsite parking
- Increased boat launch capacity and efficiency
- Reduced congestion
- Separated user groups

Satisfying these needs would act to meet existing user demand. Under existing conditions, commercial boats, recreational motorboats, and kayaks share a deteriorated two-lane boat launch in a congested area, which creates unsafe conditions and results in long waiting times. The use of the existing launch facility is limited during low tides because the concrete ramp surface does not extend to sufficient water depth. The inability for boat launch operations to occur during extreme low tides causes traffic backups in the parking lot. Additionally, some of the harbor's older moorage facilities are in need of repair or replacement.

The Statter Harbor Improvements Project purpose, need, and related concerns are summarized in Table 1. A detailed discussion of the improvement needs as identified during the planning process is summarized in Chapter 2 of the Final EA.

Table 1. Summary of Purpose of and Need for Proposed Statter Harbor Improvements

| Purpose | Need | Concern |
|---|-------------------------------------|---|
| Improve Safety | Provide safe access to harbor | Existing access drive from Glacier Highway is unsafe. |
| | Improve safety of pedestrian access | The existing parking and facility layout does not provide adequate pedestrian walkways to separate automobile and pedestrian traffic and therefore presents safety concerns. |
| | Provide adequate onsite parking | Existing users are often forced to park offsite in potentially unsafe areas, such as along Glacier Highway, along the Back Loop Road, and across the highway at the Auke Bay Elementary School. |
| Reduce Congestion/ Increase Efficiency | Increase boat launch capacity | Existing users experience long wait times to use the existing boat launch, due to high use and inability to conduct boat launch operations during extreme low tides. |
| | Separate user groups | Conflicts between light commercial users and recreational users often arise; separation would minimize this problem. |

A launch ramp user survey conducted in 2010 documents the need for the project. Eighty percent of users agreed that the Statter Harbor launch ramp is overcrowded, and 67% of the respondents ranked Statter Harbor as the most crowded launch facility. Seventy-three percent of users reported that Statter Harbor needed much more parking, the highest of seven harbors surveyed. Sixty-three percent of the respondents reported that at least sometimes, they use a different ramp than their preferred ramp because of overcrowding at Statter Harbor.

Alternatives Considered and Analyzed

The EA describes the No-Action and Proposed Action alternatives in detail, and analyzes impacts for both alternatives. Each of the alternatives analyzed in detail in the Final EA is summarized below. Chapter 3 of the Final EA also presents a discussion of nine design concepts considered. Eight of these additional concepts were deemed infeasible so were not carried forward for detailed impacts analysis.

No-Action Alternative

Under the No-Action Alternative, no changes would be made to Statter Harbor and the purpose and need would not be met. This alternative would not meet the needs for: safe access to the harbor, improved pedestrian access, adequate onsite parking, increased boat launch capacity and efficiency, reduced congestion, and separated user groups. Only 22 trailer spaces would be available for onsite parking, and offsite parking will be further reduced due to recent parking prohibitions by Auke Bay Elementary School and the Alaska Department of Transportation and Public Facilities. Access to the boat launch ramp would continue to be congested and inefficient, and users would continue to cross a highway between the ramp and offsite parking. Considerable work would need to be done to the existing facility in order for it to remain operational. Chapter 4 (Section 4.1) of the Final EA presents additional detail on the No-Action alternative.

Proposed Action Alternative

The project proposes to develop a boat launch ramp, boarding float and parking for vehicles with boat trailers and implement other associated improvements identified by the Statter Harbor Master Plan on CBJ-owned and managed lands. The purpose of the project is to improve safety and reduce congestion by increasing harbor efficiency.

The Proposed Action would meet the needs for: safe access to harbor; improved pedestrian access; adequate onsite parking; increased boat launch capacity and efficiency; reduced congestion; and separated user groups. The Proposed Action includes many components identified in the Statter Harbor Master Plan by proposing to:

1. Construct an armored slope and marine seawall to retain intertidal fill;
2. Construct a double-lane boat launch ramp and expand parking to meet ADF&G Sport Fish design guidelines;
3. Construct a new access driveway from Glacier Highway for vehicles with trailers;
4. Construct a sea walk along the harbor frontage and trail access to Bay Creek;
5. Reconfigure vehicular access and traffic circulation in the harbor;
6. Segregate launch and retrieve operations (non-motorized boats [e.g., kayaks] would use the existing boat launch and motorized boats would use the new, double-lane boat launch ramp);

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7. Demolish existing shelter and provide scenic viewing opportunities along sea walk;
8. Install landscaped buffer areas near adjacent properties.

Chapter 4 (Section 4.2) of the Final EA provides additional detail for components of the Proposed Action alternative.

Public Outreach, Review, and Comment

The preparation of the EA occurred over a five-year period during which time considerable consultation, public and agency outreach, and design was conducted. Scoping activities were undertaken by PND Engineers, Inc. on behalf of the CBJ and Sport Fish in 2008. Scoping activities were designed to provide an opportunity for the public, local governments, and interested agencies to discuss the proposed project with project staff and participate in project development and review.

During the formal scoping period, the two initial build concepts (Concepts 1 and 2) and a No-Action concept (Concept 3) were presented to agencies and the public for comment. These two build concepts were developed during planning that occurred prior to initiation of the NEPA process. The project team met with agencies, local residents, and business owners to solicit their input and a public open house was held to discuss the project. Additionally, written and verbal comments were accepted during a 30-day comment period. A Scoping Summary Report that contains detailed results of the project's scoping effort was released in September 2008.

In response to comments received during scoping, the project team met with NOAA Fisheries, ADF&G, and USFWS in December 2008 and August 2009 to identify and discuss additional design options that would minimize impacts to eelgrass beds and Bay Creek. As a result, the project team developed seven additional build concepts designed to minimize or avoid impacts to Bay Creek and eelgrass beds and address comments received during the scoping period and subsequent meetings.

The Draft EA was released on April 1, 2010. Chapter 3 (Section 3.1) of the Draft EA presented eight build concepts and a no-build concept. The build concept determined to be feasible was further analyzed in the Draft EA as the Proposed Action Alternative, alongside the No-Action Alternative. The project team received 99 comment submittals (letter, comment forms, or e-mails) during the comment period for the Draft EA. More than 330 issue-specific comments were identified. A Comment Summary document that summarizes all comments received, describes how comments were classified, and provides written responses for each comment classified as substantive, as defined in Appendix A of the Final EA.

The Final EA was completed on October 17, 2012. During development of the Final EA, a number of revisions were made as a direct result of comments received on the Draft EA. The CBJ collected and analyzed additional data, developed screening criteria based on project need and design guidelines, included and analyzed four additional impact categories, and revised the

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layout of the Proposed Action Alternative. The additional studies conducted to address public and agency comments are summarized in Table 2 below and further described in the Final EA.

Table 2. Summary of revisions and additional data collected for Final EA

| Revision/Additional Information | Purpose/Rationale |
|---|--|
| Launch Ramp Capacity and Efficiency Study | Collected boat launch demand, capacity, and efficiency data to ensure Statter Harbor improvements would meet current demand. |
| CBJ Launch Ramp User Survey and Demand Forecast | Collected Juneau boat launch ramp use data and incorporates with capacity data to estimate current launch ramp capacity. |
| Uplands Alternative Analysis | Conducted comprehensive analysis to address agencies' concerns regarding 1) alternative locations for the proposed project and 2) offsite upland locations in the vicinity of the proposed project for non-water-dependent activities. |
| Wetland and Intertidal Area Functional Assessment | Collected field data to identify ecological functions and values for wetlands and intertidal habitats in project area. Provides numeric estimates that may be used to assess potential mitigation sites during permitting. |
| Mudflat delineation | Collected field data to delineate mudflat habitat in the immediate project area and in the greater Auke Bay area. |
| Circulation Numerical Modeling | Developed numerical circulation modeling to assess the potential hydrodynamic impacts of the placing fill in estuarine habitat. |
| Scenery Resources Report | Collected and analyzed data to assess visual impacts from Proposed Action. |
| Design Criteria and Concept Screening | Established design criteria based on state and Corps guidelines, studies conducted for this project, and publically available data for concept screening to ensure project components would meet project purpose and need. |
| Additional Impact Categories Analyzed | Analyzed Land Use; Recreation and Public Use; and Air Quality in response to agency comments. |
| Changes to Proposed Action | Shifted driveway entrance due to DOT&PF request; and revised vehicle-trailer parking stalls to include two size dimensions to meet design criteria. Intertidal fill footprint: 4.07 acres. |

Environmental Consequences

Chapter 6 of the Final EA includes a detailed impact analysis for both alternatives.

The Proposed Action would eliminate approximately 4.1 acres of estuarine habitat and its functions (includes 0.11 acres of mapped eelgrass beds and 0.95 acres of mud flats) due to fill

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placement. Estuarine habitats adjacent to Bay Creek likely provide refuge and rearing habitat for juvenile salmon during their out-migration to coastal waters and support food sources for other fish and wildlife. Eelgrass has been identified as important habitat for other fish, such as Pacific herring.

The habitat and its functions that would be eliminated by the fill footprint are not unique to Auke Bay or the project area. Nearby habitats capable of providing similar functions would remain. The Proposed Action avoids impacting the adjacent estuarine habitat west of Bay Creek, which encompasses the largest stand of eelgrass habitat (1.4 acres) mapped in Auke Bay. Although estuarine habitat in the project area would be eliminated, the Proposed Action would not impact habitat to the point of causing major adverse impacts to wildlife populations.

The fill footprint would extend into a relatively small portion of Bay Creek's existing channel complex between +1.0 foot and +0 foot elevation (mean lower low water). This is well below the level at which successful salmon spawning is known to occur (Glynn 2009; National Academy of Sciences 1971; Noerenberg et al. 1964). The flow of Bay Creek near the toe of fill for the boat launch ramp would be expected to remain along the base of the fill, where it currently has an entrenched channel. This portion of Bay Creek's intertidal channel is usually submerged, and tidal processes dominate (HDR 2010).

A numerical circulation model was developed to assess the potential hydrodynamic impacts of a double-lane boat ramp and associated parking area (HDR 2011). The model predicts that the addition of fill will concentrate Bay Creek flow, and slightly increase velocities. Although the model predicts that the proposed fill will redirect tidal circulation patterns in the vicinity of the Bay Creek channel, the magnitude of the velocities are predicted to change very minimally, thus no changes in erosion or deposition are expected outside of the Bay Creek channel (HDR 2011).

Cumulative Effects

Over the last 50 years roughly seven acres of intertidal estuarine habitat have been eliminated in the assessment area (based on review of imagery dating back to 1959). Additionally, an estimated 8.3 acres of overwater structures have either altered or eliminated intertidal and subtidal estuarine habitat in the assessment area. The Proposed Action Alternative would eliminate an additional 4.1 acres of estuarine habitat, or roughly 12% of the available estuarine habitat within the inner Auke Bay area's intertidal zone. An estimated 138 acres of estuarine intertidal habitat and 1,680 acres of estuarine subtidal habitat, all of which is listed as Essential Fish Habitat (EFH) for Pacific salmon, currently exist in the greater Auke Bay area. The Proposed Action Alternative would eliminate approximately 3% of the available estuarine habitat within the greater Auke Bay area's intertidal zone. An additional two acres of fill is anticipated in the foreseeable future.

Although EFH would be permanently eliminated due to the placement of fill, the project is not likely to adversely impact EFH fish species at the population level. The project will have little if any effect on intertidal spawning of Bay Creek salmon. After construction, the proposed project

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is not expected to impact anadromous fish populations in the harbor or the Bay Creek drainage, or the marine mammals or birds in the project area that prey on these fish.

Mitigation

Over 50 measures to avoid, minimize or mitigate impacts are summarized in Chapter 7 of the Final EA. Measures address freshwater, marine terrestrial and essential fish habitats; fish, marine mammals and birds; threatened and endangered species and species of concern; wetlands, water quality, cultural resources, sound, visual, land use, recreation and air quality.

The U.S. Corps of Engineers issued a permit for the proposed project on September 19, 2012. The permit requires the CBJ to provide compensatory mitigation for the unavoidable impacts to waters of the United States, within six months of the issuance date of the permit. The CBJ shall pay an In-lieu-Fee to the Southeast Alaska Land Trust, within USGS Hydrologic Unit Code 19010301. The amount of compensatory mitigation is as follows:

1. The permanent filling of 0.11 acres of high functionally-rated estuarine waters consisting of eelgrass beds shall be mitigated at a 6:1 ratio.
2. The permanent filling of 0.95 acres of high functionally-rated estuarine waters consisting of mudflats shall be mitigated for at a 3:1 ratio.
3. The permanent filling of 0.61 acres of moderate to high functionally-rated waters consisting of estuarine and palustrine wetlands shall be mitigated for at a 2.5:1 ratio.
4. The permanent filling of 2.62 acres of moderate functionally-rated estuarine waters shall be mitigated for at a 2:1 ratio.

Conclusion and Rationale for Decision

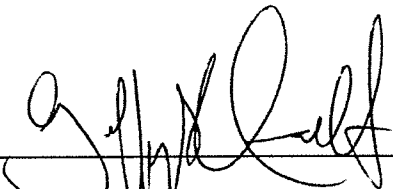
Based on information presented in this document and the analysis contained in the supporting EA and related documents prepared for the Statter Harbor Improvements Project in Juneau, Alaska, it is hereby determined that the Proposed Action would not have significant effects on the quality of the human environment within the meaning of Section 102(2) (C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement is not required. Reasons for this decision include:

1. No threatened or endangered species would be affected by the proposed development. Direct impacts to fish and wildlife would be minor.
2. Approximately 4.1 acres of estuarine habitat would be filled by the proposed development, a more than 30% reduction from the Statter Harbor Master Plan, after incorporation of measures to avoid and minimize impacts. Compensatory mitigation in the form of in-lieu fees will be provided to offset remaining, unavoidable impacts to estuarine habitat.

ATTACHMENT F

8

3. The Proposed Action would not impact habitat to the point of causing major adverse impacts to wildlife populations.
4. Installation of an armored slope and marine seawall minimizes impacts to Bay Creek and eelgrass.
5. The proposed project improves the human environment by providing safe access to the harbor; improving safety of pedestrian access; providing adequate onsite parking; increasing boat launch capacity and efficiency; and reducing congestion.



Regional Director

12-6-12

Date

References

- Glynn, Brian. 2009. Email communication between Brian Glynn (ADF&G) and Kate Mickelson (PND), Valerie Blajeski (ADF&G), and Paul Cyr (ADF&G) regarding pink salmon spawning success and Bay Creek fish habitat, December 04, 2009.
- HDR Alaska, Inc. 2010 Statter Harbor Improvements Project Bay Creek Channel Change Analysis. Prepared for PND Engineers for CBJ.
- HDR Alaska, Inc. 2011. Circulation Numerical Modeling for Statter Harbor Improvements Project. Prepared for PND Engineers for CBJ.
- National Academy of Sciences. 1971. The Great Alaska Earthquake of 1964 – Biology. Prepared by the Committee on the Alaska Earthquake of the Division of Earth Sciences National Research Council. National Academy of Sciences, Washington D.C., 1971.
- Noerenberg, Wallace, Robert S. Roys, Theodore C. Hoffman, Asa T. Wright, and Allen S. Davis, 1964. Forecast Research on 1964 Alaska Pink Salmon Fisheries, Information Leaflet 36. Alaska Department of Fish and Game.

ATTACHMENT G



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
JUNEAU REGULATORY FIELD OFFICE
8800 GLACIER HIGHWAY, SUITE 106
JUNEAU, ALASKA 99801-8079

SEP 17 2012

Regulatory Division
POA-2008-782

Carl Uchytel
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Dear Mr. Uchytel:

Enclosed is the signed Department of the Army permit, file number POA-2008-782, Auke Bay, which authorizes the installation of structures and the discharge of fill material into waters and navigable waters of the United States to facilitate the construction of a vehicle/boat trailer parking facility and boat launch ramp. The project site is located within Section 23, T. 40 S., R. 65 E., Copper River Meridian; USGS Quad Map B2; Latitude 58.384°N, Longitude 134.647°W; State Tax Parcel ID - 4B230 Alaska Tidelands Survey 16, 121, 756, 758; at Statter Harbor, in Juneau, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, or by phone at (907) 790-4491, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", written over a circular stamp or mark.

Randal P. Vigil
Project Manager

Enclosures

ATTACHMENT G

DEPARTMENT OF THE ARMY PERMIT

Permittee: City and Borough of Juneau

Permit No.: POA-2008-782 (Auke Bay)

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

1. To facilitate the construction of a vehicle/boat trailer parking facility and boat launch ramp, discharge 99,900 cubic yards of sand/gravel/rock and 905 cubic yards of concrete fill into waters of the United States consisting of: a. 0.19 acres of palustrine emergent wetlands, and b. 4.1 acres of waters, including special aquatic sites, below the high tide line (approximate elevation +20.3 feet above the 0.0 foot contour).
2. Install below the mean high water mark (approximate elevation +14.8 above the 0.0 foot contour) one 8 feet wide by 320 feet long, pile supported (8 each galvanized steel), pressure treated glue-laminated timber boarding float.

All work will be performed in accordance with the attached plan, sheets 1-5, dated 9/27/11.

Project Location: Section 23, T. 40 S., R. 65 E., Copper River Meridian; USGS Quad Map B2; Latitude 58.384°N, Longitude 134.647°W; State Tax Parcel ID – 4B230 Alaska Tidelands Survey 16, 121, 756, 758; at Statter Harbor, in Juneau, Alaska.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on September 30, 2017.

If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

ATTACHMENT G

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. To provide compensatory mitigation for the unavoidable impacts to waters of the United States, within 6 months of the issuance date of this permit, the permittee shall pay an In-lieu-Fee (ILF), to the Southeast Alaska Land Trust (SEAL Trust), (telephone: 907-586-3100), and submit proof of the ILF payment to the Corps of Engineers, Juneau Regulatory Field Office, Attn: Randal P. Vigil, 8800 Glacier HWY, STE 106, Juneau, AK 99081. The ILF payment shall fund a SEAL Trust compensatory mitigation project within the watershed designated by USGS Hydrologic 8-digit Unit Code as 19010301. The amount of compensatory mitigation is as follows:
 - a. The permanent filling of 0.11 acres of high functionally-rated estuarine waters consisting of eelgrass beds shall be mitigated for at a 6:1 ratio.
 - b. The permanent filling of 0.95 acres of high functionally-rated estuarine waters consisting of mudflats shall be mitigated for at a 3:1 ratio.
 - c. The permanent filling of 0.61 acres of moderate to high functionally-rated waters consisting of estuarine and palustrine wetlands shall be mitigated for at a 2.5:1 ratio.
 - d. The permanent filling of 2.62 acres of moderate functionally-rated estuarine waters shall be mitigated for at a 2:1 ratio.
2. All in-water work below the plane of the high tide line (approximate elevation +19.7 feet above the 0.0 foot contour) shall only be performed during low tidal stages (a six hour period beginning three hours before low tide and ending three hours past low tide).
3. Effective erosion control measures shall be installed and maintained before, during, and after construction to prevent erosion and the introduction of sediments and/or contaminants into adjacent waters of the United States. These structures shall remain in place until all fills (including side slopes) or other disturbed areas subject to potential erosion have been permanently stabilized.
4. The permittee shall ensure that all synthetic erosion control features (e.g., floating silt curtain, silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.
5. Project boundaries shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to site clearing and construction to ensure avoidance of impacts to waters of the United States, including wetlands, beyond the authorized project footprint.
6. All fill material for the authorized work shall be clean, free from toxic pollutants in toxic amounts. Material used for construction or discharge shall not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).
7. Excess fill material shall not be disposed within wetlands or other waters of the United States.

ATTACHMENT G

8. This permit does not authorize any impacts to waters of the United States, temporary or otherwise, other than that described in the work description and on the attached drawings. If it is determined necessary by the permittee or any contractor that additional impacts to waters may be necessary to accomplish the activity, either within the project site, or for any activities related to the construction of the Statter Harbor Improvements Project, then the permittee shall apply to the Corps of Engineers for any necessary authorization.

9. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

10. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (dpw), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.

11. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

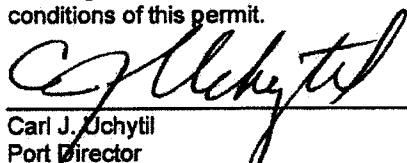
ATTACHMENT G

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.


Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



Carl J. Uchytel
Port Director
City and Borough of Juneau

17 SEPT 2012
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



FOR (DISTRICT COMMANDER)
Colonel Christopher D. Lestochi
Randal P. Vigil
South Branch, Regulatory Division

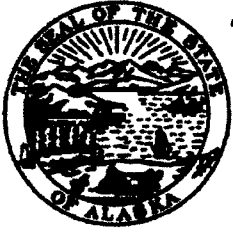
09/17/2012
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFEREE)

(DATE)

ATTACHMENT G



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

August 15, 2012

Certified Mail: 7009-2820-0001-7169-3124

City and Borough of Juneau
Docks and Harbor Department
155 South Seward Street
Juneau, Alaska 99801
Attn: Carl Uchytel, Port Director

Re: Auke Bay Statter Harbor Facility
Reference No. POA-2008-782

RECEIVED

AUG 20 2012

CENPA - CO - R - E - JFD
Alaska District Corps of Engineers

Dear Mr. Uchytel:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for POA-2008-782.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,


James Rypkema, Section Manager
Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Randy Vigil, USACE, Juneau
Agent: PND Engineers, Inc.

Jackie Timothy, ADF&G/Habitat, Juneau
Chris Meade, EPA, AK Operations

ATTACHMENT G

STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to City and Borough of Juneau (CBJ) and Docks and Harbors Department, 155 South Seward Street, Juneau, Alaska 99801 to facilitate the construction of a vehicle/boat trailer parking facility and boat launch ramp:

1. Discharge fill material into approximately 0.19 acres of palustrine emergent wetlands.
2. Discharge fill material into approximately 4.1 acres of waters of the United States, which would include 1.48 acres of special aquatic site consisting of wetlands, mudflats, and eelgrass beds.
3. Install below the mean high water mark, one 8 foot wide by 320 feet long, supported by galvanized steel piles and composed of pressure treated, glue-laminated timber.

The proposed activity is located within Section 23, T. 40 S., R. 65 E., Copper River Meridian in Juneau, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2008-782, and a discharge may result from the proposed activity.

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.


- 1) Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff or water bodies.
- 2) During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). Most importantly, the applicant must contact by telephone the DEC Area Response Team for Central Alaska at (907) 269-3063 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802. Report all spills.
- 3) Sorbent boom sufficient in size to enclose footprint in-water construction site shall be kept at work area or close enough to work area to be deployed within 30 minutes should surface sheen be evidenced.

ATTACHMENT G

- 4) Fill material consisting of rock fill and riprap shall be free from fines and suspendible material. Fill must be placed on tidelands during low tide when the area is dewatered.
- 5) No equipment shall be operated in the water.
- 6) The timber and decking used to build the dock shall not be treated with a preservative containing pentachlorophenol and if treated with creosote, the creosote shall be applied via a pressure treatment that inhibits leaching at a rate which causes a sheen to form on the water.
- 7) The parking area shall drain toward a central location, away from tidelands, and be collected and drained to a storm water collection and treatment system.
- 8) Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC (William Ashton, 907-269-6283) prior to construction.

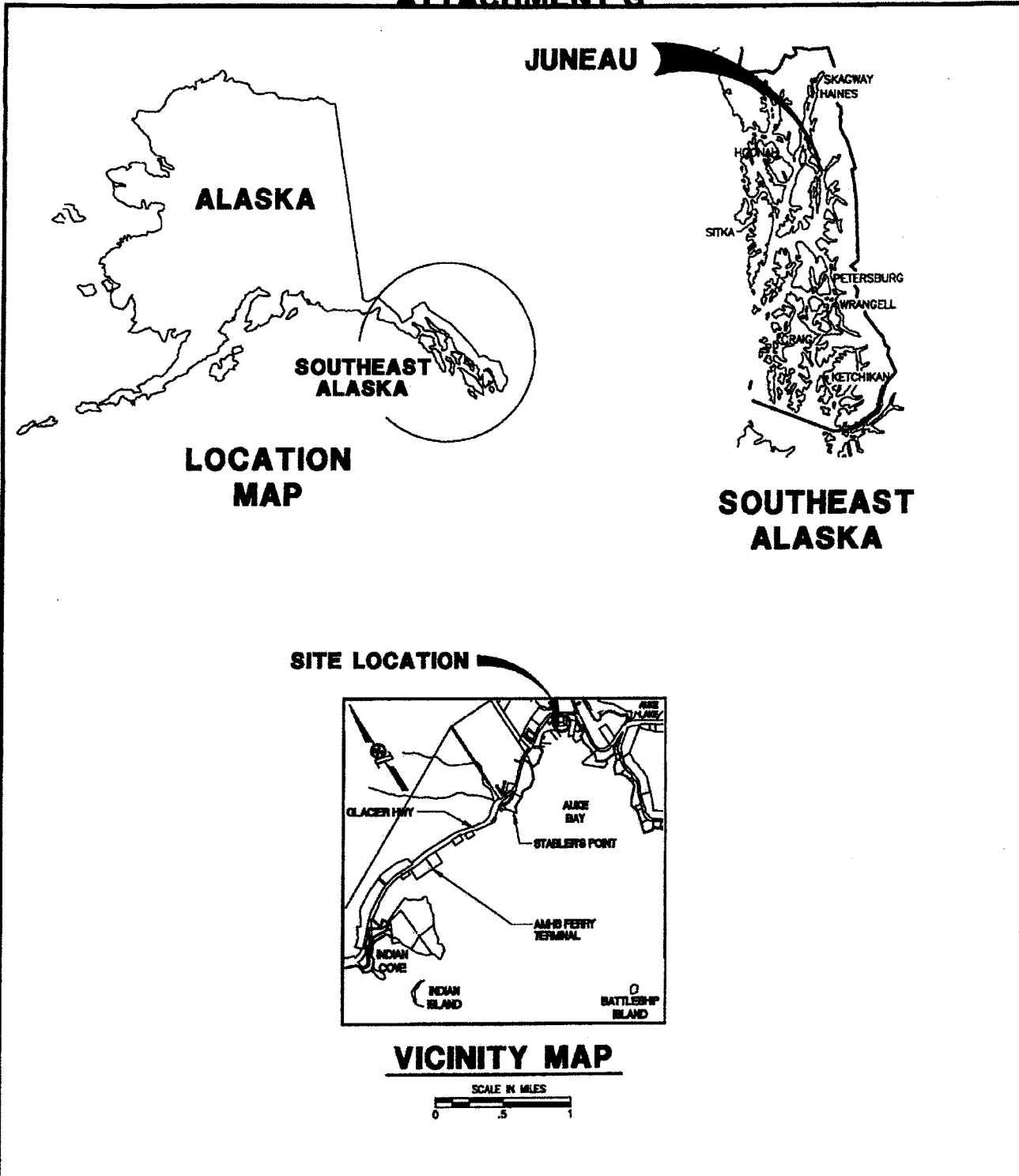
This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: August 15, 2012



James Rypkema, Section Manager
Storm Water and Wetlands

ATTACHMENT G



PURPOSE:

THE PURPOSE OF THE PROPOSED STATTER HARBOR IMPROVEMENTS PROJECT IS TO IMPROVE SAFETY AND REDUCE CONGESTION BY INCREASING HARBOR EFFICIENCY THROUGH INCORPORATION OF IMPROVEMENT PLANS IDENTIFIED IN THE STATTER HARBOR MASTER PLAN.

DATUM:

MLLW = 0.0 FT

EHW = 22.0'
HTL = 20.3'
MHW = 14.8'
MLLW = 0.0'
ELLW = -5.0'

VICINITY MAPS

APPLICANT ADDRESS:
CITY & BOROUGH OF JUNEAU
155 S. SEWARD ST.
JUNEAU, ALASKA 99801

PND#: 082015.01

**STATTER HARBOR IMPROVEMENTS
BOAT LAUNCH RAMP**

IN: AUKE BAY
NEAR: JUNEAU
AT: STATTER HARBOR

APPLICATION BY: CITY & BOROUGH OF JUNEAU

DATE: 09/27/11


ATTACHMENT G


Statter Harbor Improvements Project


Biotic Resources
in the Project Area


Figure 5-2


LEGEND


 Mapped Wetlands
(NVL 2008)


 Eelgrass Beds


 Mud Flats (PND 2011)


 Uplands

 Intertidal/Subtidal Line
(elev. = -5 ft)

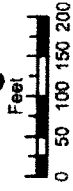
 6-foot Intertidal
Elevation Line

 Mean High Water
(elev. = +14.8 ft)

 Extreme High Water
(elev. = +22 ft)

 Bay Creek

Notes: The intertidal zone extends between the extreme high water line (22 ft) and the low water line (-5 ft). The boundary of the intertidal and subtidal zones is at an elevation of approximately -5 ft. Elevation contours are only shown for the immediate project area.



Date: NAD 1983
Coordinate System: AK State Plane Zone 1
Source: PND, HDR, NOAA
Author: HDR Alaska, Inc.
Date: Mar 19, 2011

