

Approved	Denied
Public Hearing:	10/22/2018
Date Action Taken:	10/22/2018
Attest: Heidi Geagel, City Clerk	

CITY OF SELDOVIA

ACTION MEMORANDUM 19-01

AN ACTION MEMORANDUM OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA IN NON-OBJECTION OF THE ARMY CORP OF ENGINEERS LETTER OF PERMISSION FOR POA-2018-304 AND IN APPROVAL OF CISPRI TIDELANDS APPLICATION PERMIT 07/10/2018- FLOATING DOCK

Originator: Heidi Geagel, City Clerk

Agenda of: October 22, 2018

Date: 10/22/2018

Route to:	Department Head	Signature	Date
X	City Clerk	Heidi Geagel	10/22/2018
X	City Manager	Carrie Cameron	10/22/2018
X	Finance Officer		
X	Harbormaster	Jayla Smith-Poehler	10/22/18

Reviewed by City Manager:

Carrie Cameron

Attachment(s):

- Tidelands Permit Application
- Site Plan
- Army Corp of Engineers POA-2018-304- Letter for Comment
- Floating Docks Proposal's
- Special Area Permit 18-V-0203-SA- ADF&G
- Floodplain Development Permit
- Kenai Peninsula Borough- Habitat Protection District
- River Center Letter of Permitted Projects- 12253

Summary Statement:

Cook Inlet Spill Prevention and Response, Inc. (CISPRI) has applied for a Tidelands Permit by filing an application with the City of Seldovia on 07/10/2018 according to Seldovia Municipal Code 14.16.030.

All required permits through the Kenai River Center and state have been approved and submitted to the City of Seldovia and the Army Corp of Engineers has sent a letter asking for comment from the City on their determination to submit a letter of permission for the proposed floating dock.

A review of the required permits has been completed by the appropriate city departments. This permit request is for a duration of five years.

Administration recommendation: Approve Action Memorandum 19-01



City of Seldovia

P.O. Drawer B, Seldovia, Alaska 99663
Phone: (907) 234-7643, Fax: (907) 234-7430
email: cityclerk@cityofseldovia.com
website: www.cityofseldovia.com

APPLICANT INFORMATION

Applicant (please print): CISPRI
Mailing Address: 51377 Kenai Spur WHY
City: KENAI State: AK Zip: 99611
Phone: 907-776-5129 Email: jyeager@cispri.org

PERMIT INFORMATION

TYPE OF PERMIT REQUESTED: Preference Right Lease Utility Easement Right of Way

Detailed Description of Improvements: Temporary dock located below the SORC facility to be used in the summer months (see map) dock will be held by 4 anchors Dock will be deployed 2 times a year and removed during Hoildays

This would be a 5 year permit application

Itemized Value of Improvements: 0

Legal Description of Tidelands: Dock Lat Long 59 26 479 N 151 43 193 W for main platform of dock end of walk way Lat Long 59 26 492 N 151 43 174 W

Are you the uplands Owner: NO If yes what is the legal Description: _____

Desired Construction Start Date: Spring Fall

Anticipated Construction End Date: September 30 of each year

BEFORE SUBMITTING THIS APPLICATION HAVE YOU:

Provided all required documentation?
Attached an application fee?
Signed application?
Site Plan Attached?:

Note: The City of Seldovia reserves the right to return incomplete applications or require additional information.

APPLICANT CERTIFICATION

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate.

Applicant Signature: Joan Yeager Date: 7/10/2018

Print Name and Title: Joan Yeager Planning Coordinator

FOR CITY USE ONLY

DATE RECEIVED: _____ RECEIVED BY: _____
RECEIPT NO: _____ APPROVED: _____ DENIED: _____

IF YOU HAVE ANY QUESTIONS, CONTACT THE CITY OF SELDOVIA 907-234-7643

59° 26.492 N 151° 43.174 W End of Dock Walk Way

59° 26.479 N 151° 43.193 W Main Section Of Dock





DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
44669 STERLING HIGHWAY, SUITE B
SOLDOTNA, AK 99669-7915

October 12, 2018

Regulatory Division
POA-2018-304

Dear Reviewer:

This letter concerns an application by Cook Inlet Spill Prevention & Response, Inc. (CISPRI), file number POA-2018-304, Seldovia Bay, for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to temporarily install a 24-foot by 24-foot floating dock attached to a 72-foot by 6-foot causeway, as needed during spill response and training sessions for the Sea Otter Rehabilitation Center (SORC). The dock would be located over, and below, the mean high water mark (MHW, approximate elevation of 17.0' above the 0.0 foot contour) of Seldovia Bay, a navigable water of the U.S. The dock and ramp would be anchored with six 1-inch poly lines attached to six air driven duck bill anchors with eyelets. When the dock is removed, the poly lines would be attached to marker buoys. Two water intake structures would be mounted within the floating dock, which would supply fresh seawater to the SORC. There would be one outfall structure installed which would contain overflow from the seawater recirculation system (no fresh or gray water would be discharged). The 3-inch diameter outfall/intake lines would extend approximately 84-foot from the shoreline (see Sheet 3 of 3). Outfall/intake lines would only be deployed during spill response or training sessions. The project site is located within Section 31, T. 8 S., R. 14 W., Seward Meridian; USGS Quad Map Seldovia B-5; Latitude 59.4413° N., Longitude 151.7199° W.; Kenai Peninsula Borough (KPB); Waterfront Resubdivision, No. 1, Block 4, Lot 3; KPB Parcel # 192-019-07; 339 Main Street, in Seldovia, Alaska.

Preliminary determinations indicate the proposed work would be minor, would not have significant individual or cumulative impact on environmental values, and should encounter no appreciable opposition. This project has been reviewed for impacts to species listed under the Endangered Species Act (ESA), to essential fish habitat (EFH), and to historic properties. It has been determined there would be no adverse effect to EFH and no effect to any species protected under ESA. In addition, there is no effect to historic properties.

We have determined that a Letter of Permission is the most appropriate form of authorization to be issued in this case. The decision whether to issue the Letter of Permission will depend on comments received from Federal and State resource agencies, as well as adjacent property owners. Enclosed is a copy of the plans and/or application received.

Your comments concerning this proposal must be received within 15 days of the date of this letter. If no comments are received, it will be presumed that you have no substantive objections to the issuance of the Letter of Permission.

Please contact me via email at jen.l.martin@usace.army.mil, by mail at the address above or by phone at (907) 753-2730 if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



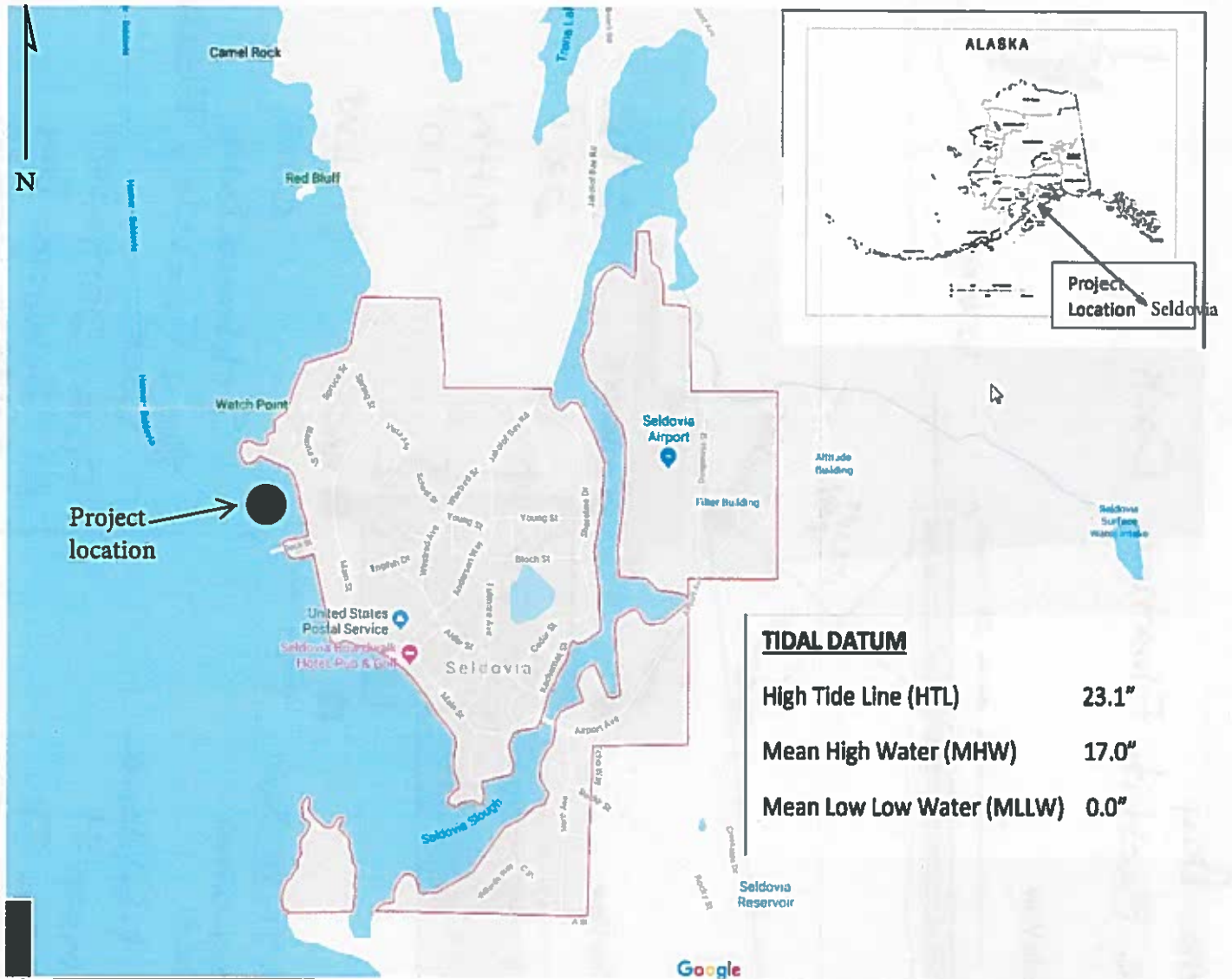
Jen Martin
Project Manager

Enclosures

CF:

ADEC: james.rypkema@alaska.gov
ADEC: shannon.dewandel@alaska.gov
ADF&G-DH (Kenai R. Center): lucas.byker@alaska.gov
ADF&G-DH (Kenai R. Center): brian.blossom@alaska.gov
ADNR-DMLW: Clifford.larson@alaska.gov
ADNR-DMLW: michael.walton@alaska.gov
ADNR-Parks & Rec: pamela.russell@alaska.gov
SHPO-ADNR OHA: oha.revcomp@alaska.gov
EPA: AOOARU.R10@epamail.epa.gov
NMFS, Anchorage: HCD.Anchorage@noaa.gov
USFWS, Kenai: R7_Kenai_Fish_Comment@fws.gov
Kenai Peninsula Borough: KenaiRivCenter@borough.kenai.ak.us
U.S. Coast Guard-Anchorage box: anchorage.waterways@uscg.mil
NOAA-Marine Chart Div: John.Whiddon@noaa.gov
Seldovia Village Tribe: svt@svt.org
Applicant: jyeager@cispri.org

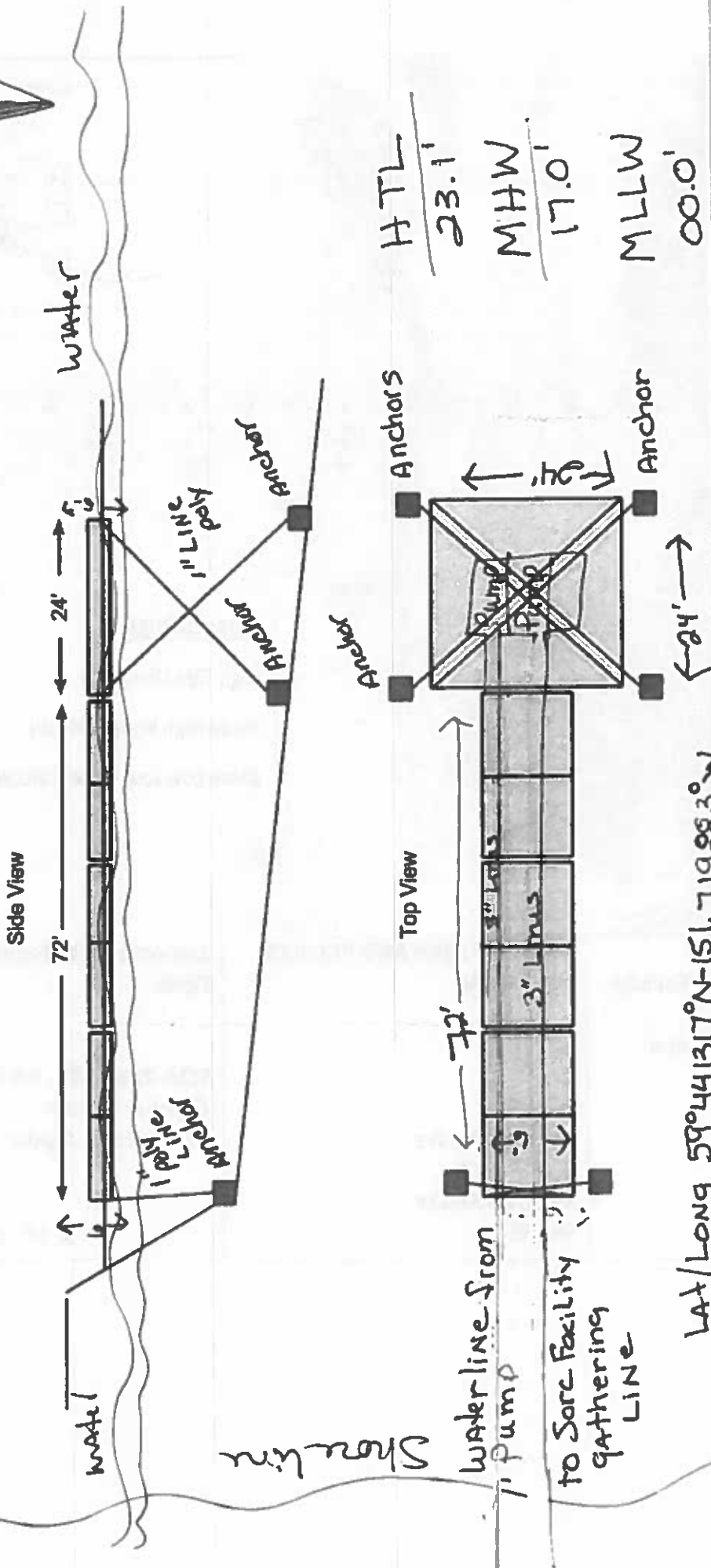
Adjacent Property Owners:
City of Seldovia
Drawer B
Seldovia, AK 99663-0149



<p>Proposed Activity: Floating Dock For SORC Facility</p> <p>Adjacent Property Owners: City of Seldovia</p> <p>Datum: 0.0' MLLW</p> <p>Project Location: Sec 31 T 8S R14 W SM</p>	<p>VACINITY MAP AND PROJECT LOCATION:</p> <p>Seldovia Alaska 339 Mail St Seldovia Alaska 99663</p>	<p>Seldovia SORC Facility Floating Dock</p> <p>POA-2018-304, Seldovia Bay October 2, 2018 AT: Seldovia Alaska</p> <p style="text-align: right;">SHEET <u>1</u> of <u>3</u></p>
---	---	---

Seldovia Bay Sorc Facility Floating Dock

Stone
LINE



HTL
23.1'
MHW
17.0'
MLLW
00.0'

Lat/Long 59°41'31.7\"/>

PROPOSED Activity
Floating Dock for
Sorc Facility

Adjacent Property Owners
City of Seldovia
Datum: 0.0' MLLW

Project Location
Section 31, T8S, R14W54

Elevation and
Section

City of Seldovia
339 Main St
Seldovia AK
99763

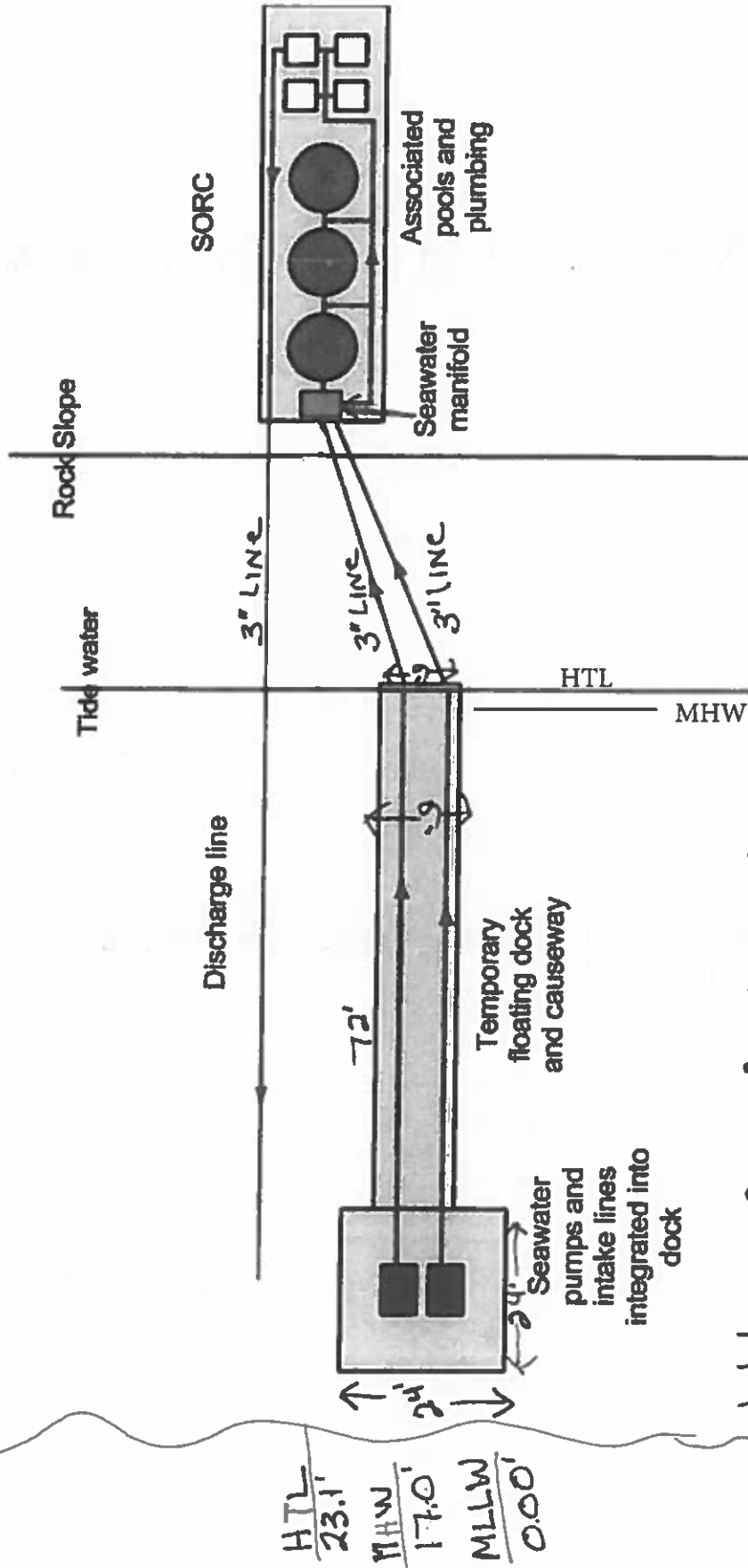
P 907.776.5129 Fx 907.776.7494

Seldovia Bay
Sorc Facility Floating
Dock

POA - 2018 - 304
At: Seldovia Bay
Seldovia Alaska

October 2, 2018, Sheet 1 of 3

Seldovia Bay Sorc Floating Dock



HTL
23.1'
MHW
17.0'
MLLW
0.00'

Lat-Long 59.441317°N-151.719583°W

Proposed Activity
Floating Dock
for Sorc facility

ADJACENT PROPERTY OWNERS
City of Seldovia
Datum: 0.0' MLLW
Project Location
Section 31 T.8S., R.14W 5M

Elevation And
Section

City of Seldovia
339 Main St
Seldovia AK
99663
FX 907-776-7494
PHONE 907-776-5129

Seldovia Bay
Sorc Facility Floating
Dock

POA-2018304
At: Seldovia Bay
Seldovia Alaska

October 2, 2018

Sheet 3 of 3



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF HABITAT
Southcentral Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

SPECIAL AREA PERMIT 18-V-0203-SA

ISSUED: August 3, 2018
EXPIRES: December 31, 2023

CISPRI
Joan Yeager
51377 Kenai Spur Highway
Nikiski, Alaska 99635

Dear Ms. Yeager:

Re: Floating dock
Seldovia Bay - Kachemak Bay Critical Habitat Area
Section 31, T 8S, R 14W, S.M.
River Center Tracking No. 12253

Pursuant to 5 AAC 95, the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has reviewed your proposal to install and maintain a seasonal floating dock at the referenced location in Seldovia Bay within the boundaries of the Kachemak Bay Critical Habitat Area (KBCHA).

Project Description

The floating dock will measure 24-foot by 24-foot and will be accessed by a 72-foot walkway. The dock will have sealed float drums filled with polyethylene foam for flotation and aluminum decking. The dock will be in the referenced location from approximately April through September annually.

The KBCHA was established by the Alaska legislature in 1974 through the enactment of AS 16.20.590 to "...protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose". (AS 16.20.500). The Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (Management Plan) was adopted by the ADF&G in 1993. Activities that occur within the KBCHA must meet the goals and policies of the Management Plan, which have been adopted into regulation and are binding on department actions, including the issuance of Special Area Permits. The management plan provides that KBCHA be managed to maintain and enhance public use of fish, wildlife and critical habitat area lands and water. The proposed project is not expected

to adversely impact habitat values or fish and wildlife populations provided the stipulations cited below are followed.

In accordance with 5 AAC 95, project approval is hereby given subject to the project description above and the following stipulations:

1. All facilities and in-water structures shall be maintained in a manner that does not interfere with or restrict navigation or public access within the KBCHA.
2. The wooden portions of rafts or docks shall not be treated with any preservative containing pentachlorophenol or creosote. Pressure-treated lumber is preferred, however, after market, topical wood preservatives may be used provided they adhere to the above guidelines and are applied in an upland location and allowed to fully cure prior to placement in or over the KBCHA.
3. On all new docks, closed cell (extruded) expanded polystyrene or equivalent material of good quality and manufactured for marine use is required. Foam bead flotation shall be encapsulated within a durable outer containment liner that prevents fractured beads or fragments of foam from releasing into the KBCHA. Existing foam flotation will be authorized until it is severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it no longer complies with this stipulation.
4. The permittee shall be responsible for the removal of all structures and associated material in the KBCHA should the dock no longer be in usable condition.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the project site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of 5 AAC 95 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be emailed to lucas.byker@alaska.gov or call (907) 714-2478.

Sincerely,

Sam Cotten, Commissioner

Brian Blossom

By: Brian Blossom
Kenai Peninsula Area Manager
ADF&G, Division of Habitat

cc: KRC File

By email only:

AWT Homer
ADF&G Homer

COE - KFO



Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax



A Division of the Planning Department

Charlie Pierce
Borough Mayor

FLOODPLAIN DEVELOPMENT PERMIT

8/9/2018

RC Number: 12253
Issued: 8/9/2018
Expires: 12/31/2023

CISPRI
51377 Kenai Spur Hwy
Kenai, AK 99611

Dear CISPRI:

Pursuant to KPB Chapter 21.06, Floodplain Management, this is the approved floodplain development permit for your proposed project. Please review the entire document, as you are responsible for meeting all terms and conditions contained herein.

Project Location

Legal Description: Seldovia Bay
59.2648,-151.4319S31, T8S, R14W,S.M.0670030
Waterfront 1, Lot 3, Block 4

Floodplain Determination

Map Panel: 020012-5045A
Effective Date: 5/19/1981
Flood Zone(s): V16

Project Description

This permit authorizes the applicant to install a seasonal floating dock in the coastal high hazard area of Seldovia Bay. The floating dock will measure 24-foot by 24-foot and will be accessed by a 72-foot walkway. The dock will have sealed float drums filled with polyethylene foam for flotation and aluminum decking. The dock will be in the referenced location from approximately April through September annually.

Permit Conditions

The proposed project within the special flood hazard area must be built to the following minimum requirements, in accordance with KPB Chapter 21.06.050:

All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage and with materials and utility equipment that are resistant to flood damage.

All new construction and substantial improvements must be anchored to prevent unintended flotation, collapse, or lateral movement of the structure during flood events.

Advisories

Federal regulation 44 CFR §59 states that this floodplain development permit is valid until the expiration date above, provided that work on this project begins within 180 days of the issue date. If work does not begin within 180 days, this permit will expire at the end of that period and you will be required to resubmit your application.

KPB Chapter 21.06 states that all proposed construction or development in the flood hazard areas of the Kenai Peninsula requires a floodplain development permit. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

All encroachments in the regulatory floodway, including fill, new construction, substantial improvements, and other development are prohibited unless certification by an engineer or architect, licensed and registered in the State of Alaska, is provided demonstrating, through hydrologic and hydraulic analyses, that these encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. This certification is known as a conveyance calculation or a "no-rise" certification and must be submitted and verified before a floodplain development permit will be issued.

The permittee named above is responsible for the actions of the contractors, agents, and any other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

Compliance with the conditions and stipulations of all other necessary local, state and federal permits is required. The permittee is solely responsible for obtaining all necessary local, state, and federal permits before beginning work.

Flood information used to issue this permit is based on the regulatory floodplain maps for the Kenai Peninsula Borough. This permit does not imply the referenced project areas will or will not be free from flooding or damage. Larger floods can and will occur on rare occasions. This information does not create liability on the part of the Borough, its officers or employees, or the Federal Insurance Administration, for any damage that results from reliance on this information.

Please contact me with any questions or modifications to the permitted project activities at (907) 714-2464 or bharris@kpb.us.

Sincerely,



Bryr Harris
Floodplain Administrator, CFM



Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax



A Division of the Planning Department

Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH – HABITAT PROTECTION DISTRICT

8/1/2018

RC Number: 12253

CISPRI

51377 Kenai Spur Hwy
Kenai, AK 99611

Dear Applicant:

Pursuant to KP.B 21.18, the Kenai Peninsula Borough (KP.B) River Center has reviewed your permit application and finds that your project is not within the borough's Anadromous Waterbody Habitat Protection District and therefore no habitat review is required. Other borough, state and federal permits may be required.

The location of the work is as follows:

Parcel ID:
Legal Description: Seldovia Bay
59.2648,-151.4319
S31, T8S, R14W,S.M.
0670030 Waterfront 1, Lot 3, Block 4

Waterbody: Seldovia Slough

Applicant's Project Description

Applicant has submitted an application to install a seasonal floating dock, that will be installed two (2) times a year. The dock will be permanently out of the water by September 30th.

Permitted Activity within the Habitat Protection District

The project is located outside the Borough's 50-foot Habitat Protection District. No habitat permit is required. Minimize disturbance of any bank vegetation and storage of fuel is prohibited within 50-feet of any waterbody.

Please call me if you have questions regarding this No Review determination at 907-714-2463.

Sincerely,

Nancy Carver
Resource Planner
Donald E. Gilman River Center

PLEASE DISPLAY THIS SIGN SO IT IS VISIBLE FROM THE RIVER. THIS SIGN SHOULD BE POSTED DURING ALL PHASES OF CONSTRUCTION.



12253

RC#

RIVER CENTER PERMITTED PROJECT

Applicant **CISPRI**

Legal Description : Seldovia Bay
59.2648,-151.4319
S31, T8S, R14W,S.M.
0670030 Waterfront 1, Lot 3, Block 4

Authorized Work: Applicant has submitted an application to install a seasonal floating dock, that will be installed two (2) times a year. The dock will be permanently out of the water by September 30th.

Permits Issued:	Expiration:
KPB Floodplain	12/31/2023
KPB Habitat Protection	Not Required
ADFG Division of Habitat	12/31/2023

Questions regarding this permit should be directed to the Gilman River Center, (907) 714-2460



514 Funny River Road • Soldotna, AK 99669 • (907) 714-2460 • Fax: (907) 260-5992

Dear CISPRI:

PARCEL ID: [Parcel ID]

PROJECT DESCRIPTION: Applicant has submitted an application to install a seasonal floating dock, that will be installed two (2) times a year. The dock will be permanently out of the water by September 30th.

Enclosed please find the individual permits from the following River Center Agencies:

Expiration	Agency
<input type="checkbox"/> Not required	Kenai Peninsula Borough, Habitat Protection
<input type="checkbox"/> 12/31/2023	Kenai Peninsula Borough, Floodplain Development
<input type="checkbox"/> 12/31/2023	State of Alaska, Department of Fish & Game Habitat Division

Each of these permits have expiration dates. Please review them carefully. If you are unable to complete your project by the expiration dates, you must apply for an extension to your permits.

The permittee is responsible for the actions of the contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

If you have any questions regarding your project, please contact the River Center at (907) 714-2460.

