



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	April 19, 2017
EXPIRATION DATE:	May 19, 2017
REFERENCE NUMBER:	POA-1983-508
WATERWAY:	Wrangell Narrows

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Richard Aho, Post Office Box 1272, Petersburg, Alaska 99833

AGENT: Reid Brothers Construction, Ms. Tracey Reid, Post Office Box 1187, Petersburg, Alaska 99833; (907) 772-3755.

LOCATION: The project site is located within Section 4, T. 59 S., R. 79 E., Copper River Meridian; USGS Quad Map Petersburg D-3; Latitude 56.7877° N., Longitude 132.9782° W.; 242B Mitkof Highway, in Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new residence.

PROPOSED WORK: Discharge up to 4,100 cubic yards (CY) of clean fill material (2,800 CY of shot rock, 300 CY of wall rock, and 1,000 CY of crushed rock) into 0.053-acre below the High Tide Line (HTL; 19.5 feet) for the construction of a residential house pad. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated March 23, 2017.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The lot is very small, and on the coast of Mitkof Island. In order to construct a home on the lot a small amount of intertidal fill is necessary.

b. Minimization: The lot has existing fill left over from the construction of the Mitkof Highway. The applicant has worked with an engineer to utilize this old fill for their residential pad.

c. Compensatory Mitigation: No compensatory mitigation was proposed by the applicant.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the applicant's lot at 242B Mitkof Highway, Petersburg, Alaska. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the Mexico Distinct Population Segment (DPS) of humpback whales (*Megaptera novaeangliae*) and the Western DPS of Steller sea lions (*Eumetopias jubatus*). We have determined the described activity would have no effect on humpback whales and Steller sea lions, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The project area is within

the known range of the chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*O. nerka*), chum salmon (*O. keta*), coho salmon (*O. kisutch*), and pink salmon (*O. gorbuscha*). We have determined the described activity would not adversely affect EFH in the project area. Any comments or recommendations the NMFS may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. 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 of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered

species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

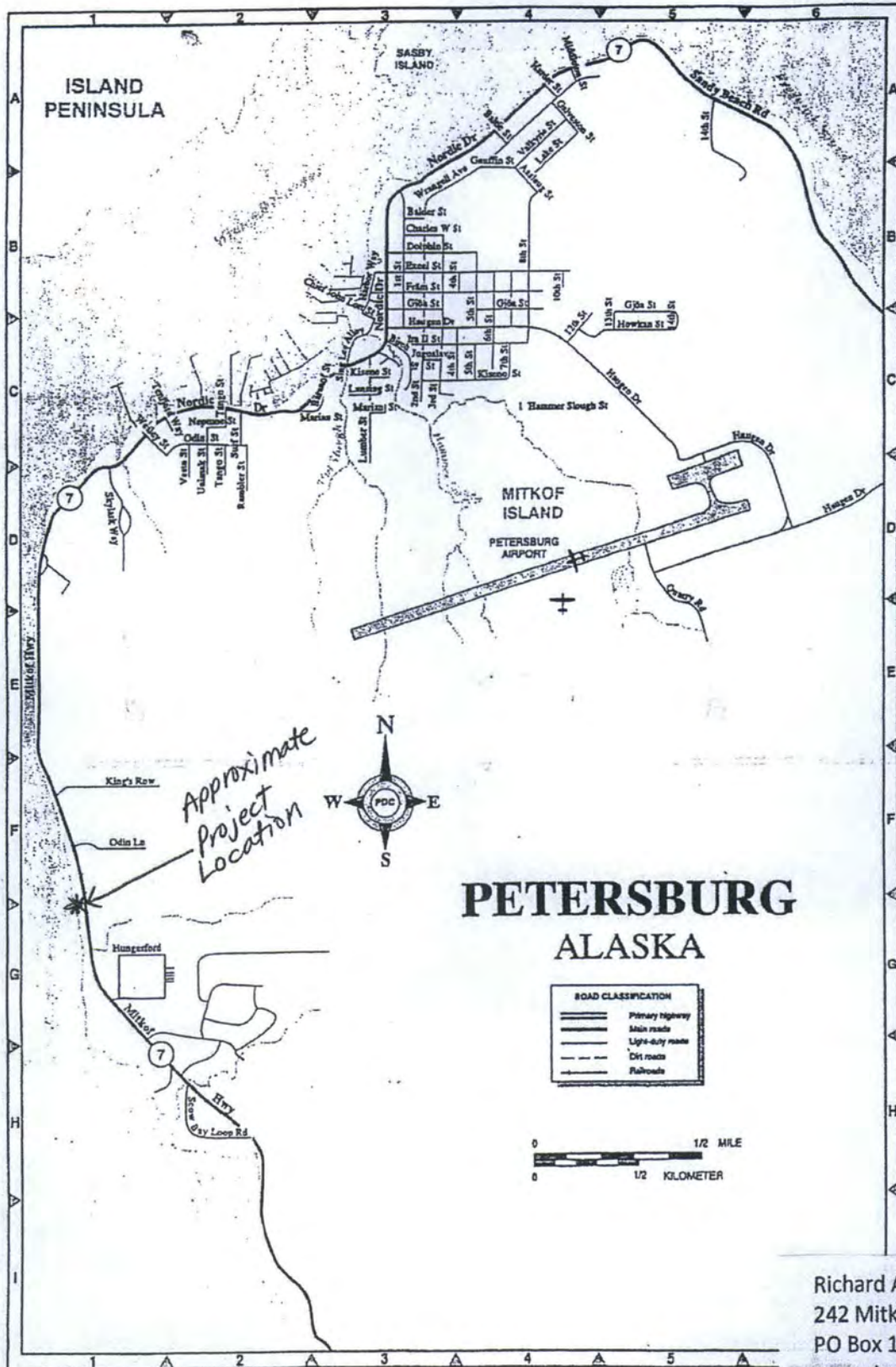
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1983-508, Wrangell Narrows**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

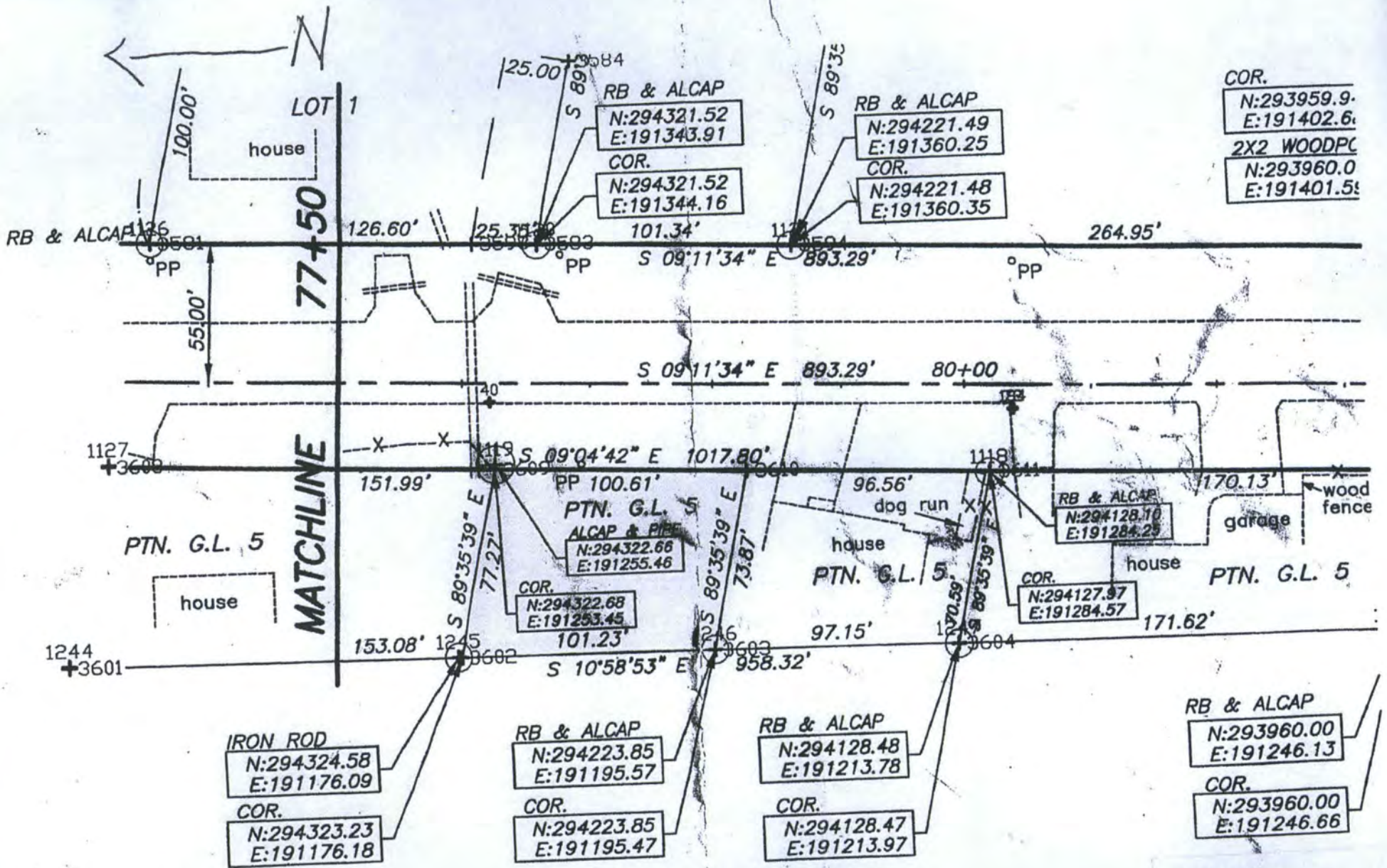
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



POA-1983-508, Wrangell Narrows, Richard Aho
 Residential Development
 Lat. 56.7877 N., Long. 132.9782 W.
 Sheet 1 of 4, March 23, 2017

Richard Aho
 242 Mitkof Highway
 PO Box 1272
 Petersburg, Alaska 99833
 Wrangell Narrows



POA-1983-508, Wrangell Narrows, Richard Aho
Residential Development
Lat. 56.7877 N., Long. 132.9782 W.
Sheet 2 of 4, March 23, 2017

Richard Aho
242 Mitkof Highway
PO Box 1272
Petersburg, Alaska 99833
Wrangell Narrows

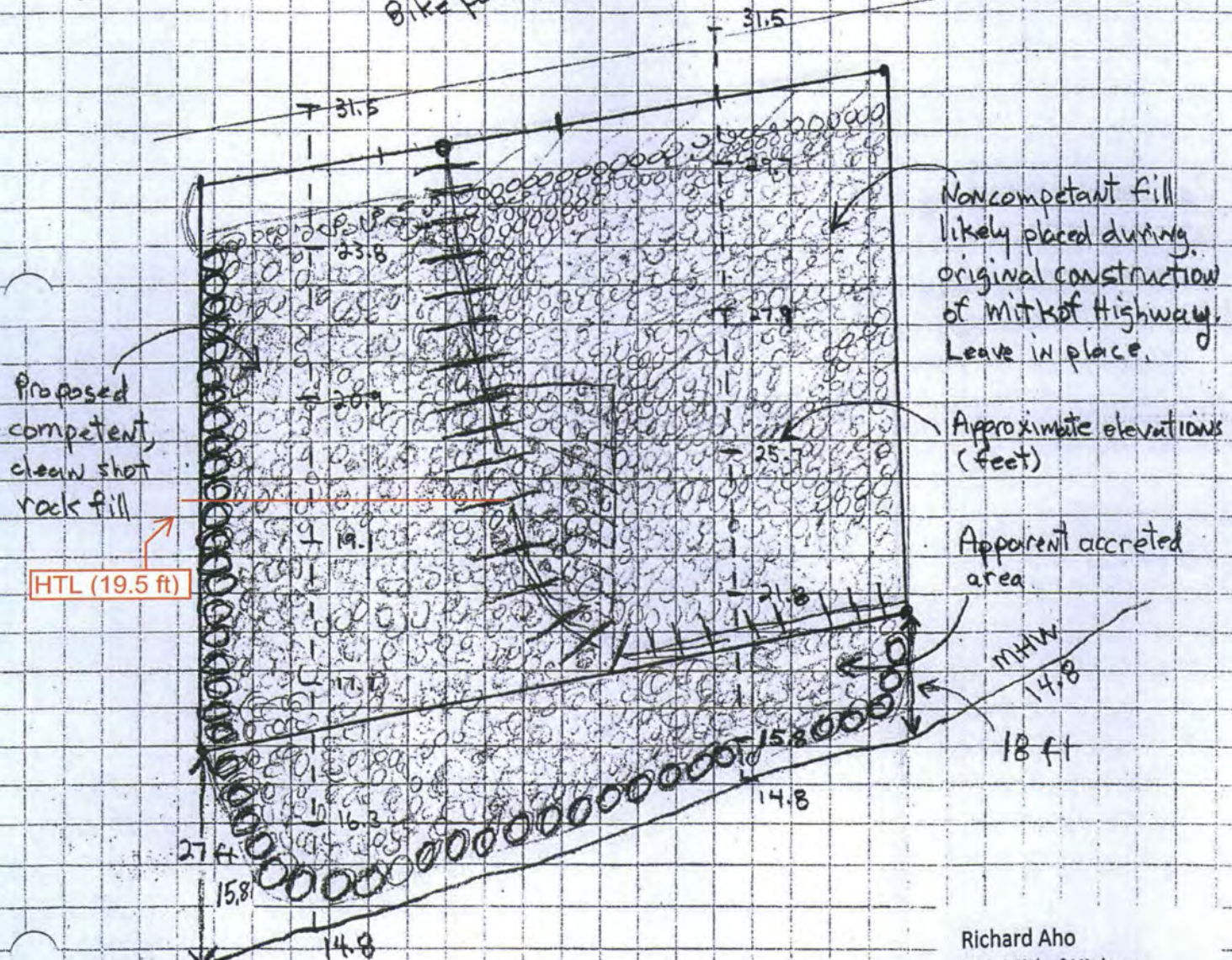
Plan View

Project: mile 2.4 mitkof Highway

Applicant: Richard S. Aho and Gail Henrich-Aho

Mitkof Highway

Bike path and highway shoulder



Proposed competent, clean shot rock fill
HTL (19.5 ft)

Noncompetant fill likely placed during original construction of Mitkof Highway. Leave in place.

Approximate elevations (feet)

Apparent accreted area

MH/W
14.8
18 ft

POA-1983-508; Wrangell Narrows, Richard Aho Residential Development
Lat: 56.7877.N, Long: 132.9782 W
Sheet 3 of 4, March 23, 2017

Wrangell Narrows

Richard Aho
242 Mitkof Highway
PO Box 1272
Petersburg, Alaska 99833
Wrangell Narrows

Typical cross section

Project: mile 2.4 Mitkof Highway

Applicant: Richard S. Aho and Gail Herlick-Aho

