



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
44669 Sterling Highway, Suite B  
Soldotna, Alaska 99669-7915

<b>PUBLIC NOTICE DATE:</b>	<b>April 10, 2017</b>
<b>EXPIRATION DATE:</b>	<b>May 10, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2014-382</b>
<b>WATERWAY:</b>	<b>Jamestown Bay</b>

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 Katherine A. McCafferty at (907) 753-2692, by fax at (907) 420-0813, or by email at Katherine.a.mccafferty2@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Ms. Blanca Hernandez, 108 Lincoln Street, Sitka, Alaska 99835

**AGENT:** Mr. Daniel G. Jones, 719 Sirstad Street, Sitka, Alaska 99835

**LOCATION:** The project site is located within Section 6, T. 56 S., R. 64 E., Copper River Meridian; USGS Quad Map AK-Sitka A-4; Latitude 57.04658° N., Longitude 135.29193° W.; at 1618 Sawmill Creek Road, Sitka, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide residential parking and a trail to the adjacent parcel.

**PROPOSED WORK:** The applicant proposes to dredge up to 12 cubic yards of native substrate from below the mean high water mark (MHW, +9.1 feet above mean lower low water) of Jamestown Bay and to discharge 40 cubic yards (CY) of precast block, 80 CY of two inch drain rock, and 700 CY of graded sand, gravel and shot rock up to 12 inches in diameter, including the 12 CY of dredged material, into an 0.03 acre area below the high tide line (HTL, +12.7 feet above mean lower low water) of Jamestown Bay, which is a navigable water of the U.S., for the purpose of creating uplands for residential parking.

The dredged material would be removed from a 65 foot long by 2.5 foot wide by 2 foot deep trench for the footer of the precast concrete block. The dredge material would be used as fill behind the proposed block wall.

The south side of the proposed fill would be contained behind a precast block, Mechanically Stabilized Earth wall. The west side of the proposed fill would be contained by an existing slope. The east side of the proposed fill would be placed at a slope, and extend on to the adjacent parcel at 1703 Sawmill Creek Road. The fill behind the wall would be placed in lifts interspersed with geogrid or geotextile fabric. All fill would be placed while the tide is out and the area is dewatered. An excavator would work within the proposed fill footprint.

Work is scheduled to begin the week of July 10, 2017, and would take approximately two weeks to complete.

All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 23, 2017, and (sheet 4 of 4), dated March 27, 2017.

#### ADDITIONAL INFORMATION:

The applicant would also need a Grading and Building Permit from the City of Sitka.

Previous activities requiring DA authorization on this parcel include the placement of 80 cubic yards of armor rock below the plane of the HTL to stabilize the shoreline.

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 proposed fill would be supported at the property line adjoining the State of Alaska's tidelands in Jamestown Bay by a mechanically stabilized earth (MSE) wall to avoid a fill slope into the Bay.

b. Minimization: The boundaries of the approved fill would be clearly marked before and during construction to ensure fill placement did not exceed the authorized placement. All work would be completed when the tide was out and the area dewatered. The drain rock behind the MSE block, and MSE block, would act as a filter system to keep the fines in the placed fill within the project area.

c. Compensatory Mitigation: The land below HTL is mixed gravel and cobbles and exhibits no apparent growth of marine flora or fauna. Prior to the early 1970's the area was the location of a neighborhood raw sewage outfall. For that reason no compensatory mitigation is proposed. If it is determined that compensatory mitigation is required, the owner would purchase mitigation credits, with value as determined by the Corps of Engineers (Corps).

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 permit area for the proposed project is the footprint of the proposed dredging and fill in waters of the US, as well as the footprint of the proposed fill in uplands. The total size of the project is 0.06 acres.

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 is one cultural resource in the vicinity of the permit area. The site is designated SIT-00228. This site was previously determined eligible by another agency. Consultation of the AHRs and the document repository constitutes the extent of cultural resource investigations by the Corps at this time.

The site has been disturbed by the construction of two residences and a garage. Within the permit area, there is an existing home, a pile supported deck, and at least 80 CY of rock has been placed along the promontory shoreline to prevent erosion. The erosion protection was placed both above and below the HTL. The Corps has made a No Adverse Effect determination for the proposed project.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened humpback whale (Mexico DPS; *Megaptera novaeangliae*), and the endangered Steller sea lion (Western DPS; *Eumatopia jubatus*), North Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*).

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (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 pink salmon (*Oncorhynchus gorbuscha*), the chum salmon (*Oncorhynchus keta*), the sockeye salmon (*Oncorhynchus nerka*), the chinook salmon (*Oncorhynchus tshawytscha*), and the coho salmon (*Oncorhynchus kisutch*).

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

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 authorities:

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

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

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

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# 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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

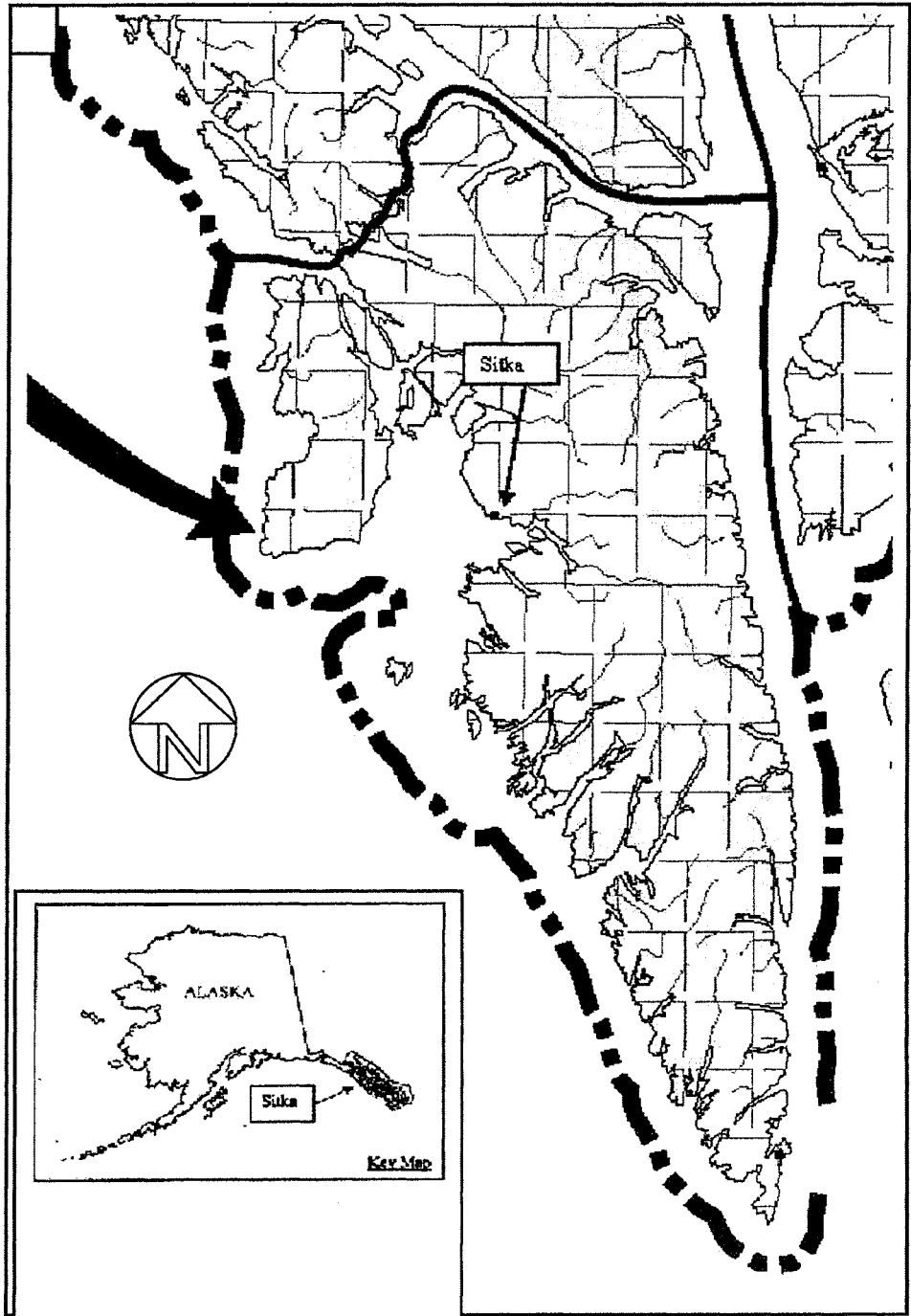
## **NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION**

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-2014-382, Jamestown Bay, 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.

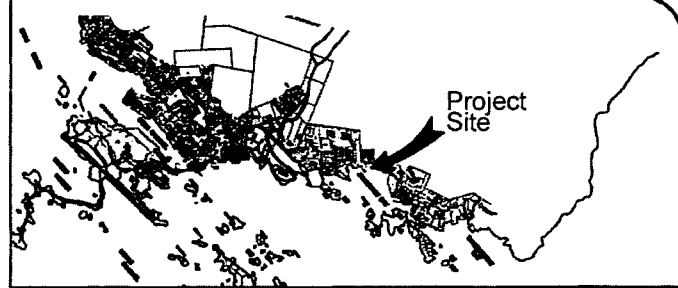


Applicant: Blanca Hernandez  
 File Number: POA-2014-0382  
 Waterway: Jamestown Bay, Sitka, Alaska  
 Proposed Activity: Residential Parking  
 Sec. 6, T.56S, R. 64E, CRM  
 Lat. N57.04658, Long. W135.29193  
 Sheet: 1 of 4      Date: 23 March 2017

Daniel G. Jones, P.E., LLC  
 719 Sirstad Street  
 Sitka, Alaska 99835  
 (907)-738-6998  
 E-mail: danielgjonspes@gci.net

Drawn: DGJ

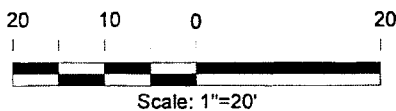
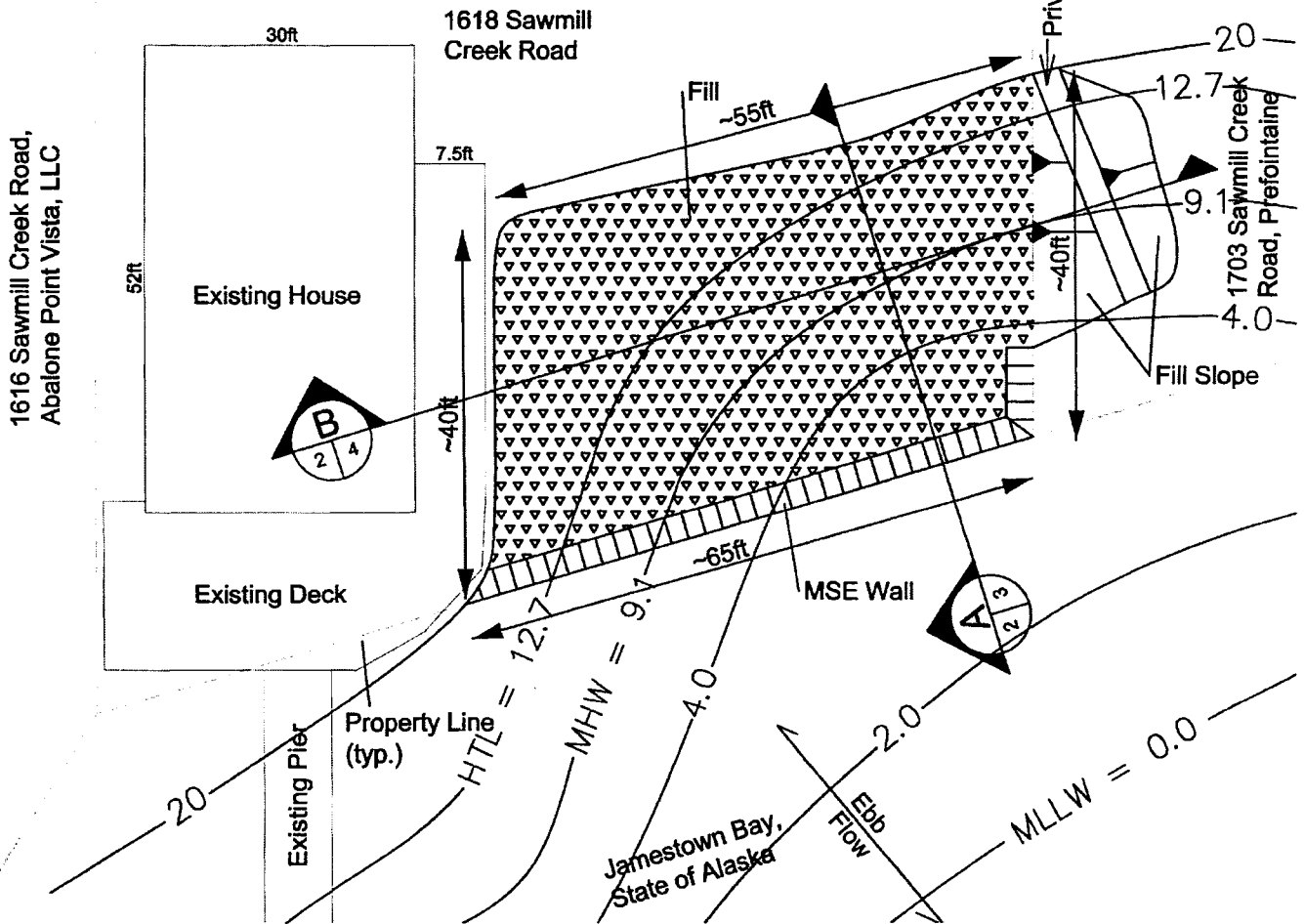
Checked: dgj



Vicinity Map  
1" = 10,000'

Sawmill Creek Road, State of Alaska

Private Beach Access

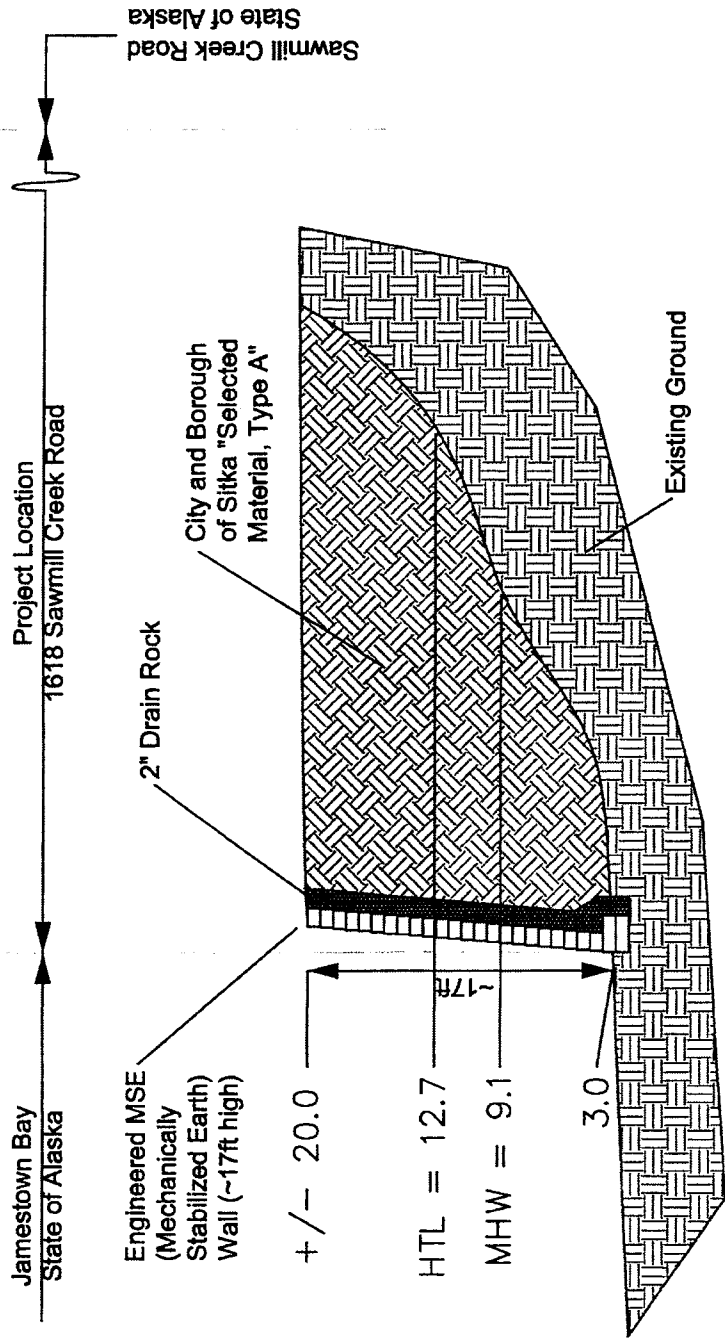


Applicant: Blanca Hernandez  
 File Number: POA-2014-0382  
 Waterway: Jamestown Bay, Sitka, Alaska  
 Proposed Activity: Residential Parking  
 Sec. 6, T.56S, R. 64E, CRM  
 Lat. N57.04658, Long. W135.29193  
 Sheet: 2 of 4  
 Date: 23 March 2017

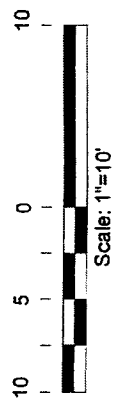
Daniel G. Jones, P.E., LLC  
 719 Sirstad Street  
 Sitka, Alaska 99835  
 (907)-738-6998  
 E-mail: danielgjonsp@gci.net

Drawn: DGJ  
 Checked: dgj





Section A-A



Daniel G. Jones, P.E., LLC  
 719 Sirstad Street  
 Sitka, Alaska 99835  
 (907)-738-6998  
 E-mail: danielgjonespe@gci.net

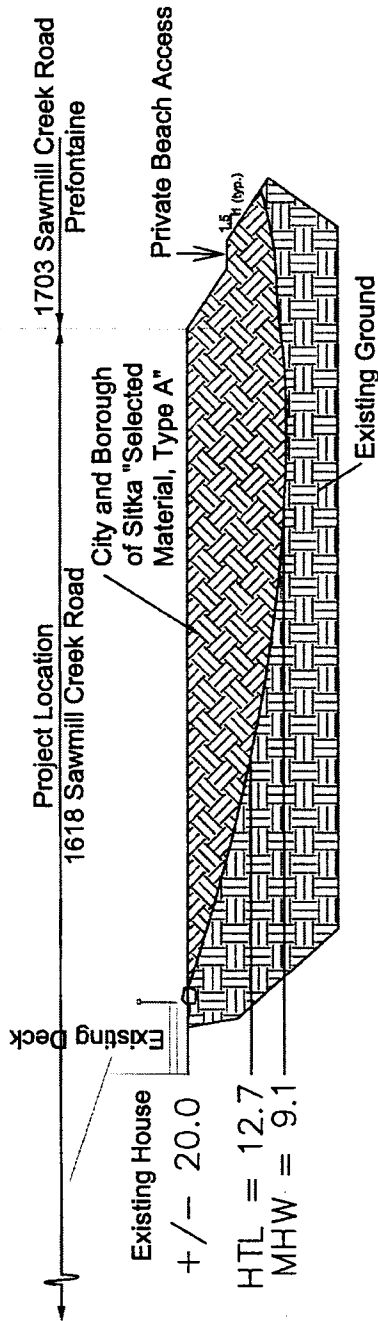
Drawn: DGJ

Checked: dgj

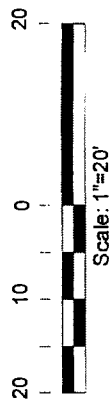
Applicant: Blanca Hernandez  
 File Number: POA-2014-0382  
 Waterway: Jamestown Bay, Sitka, Alaska  
 Proposed Activity: Residential Parking  
 Sec. 6, T.56S, R. 64E, CRM  
 Lat. N57.04658, Long. W135.29193

Sheet: 3 of 4

Date: 23 March 2017



Section B-B



Daniel G. Jones, P.E., LLC  
719 Sirstad Street  
Sitka, Alaska 99835  
(907)-738-6998  
E-mail: danielgjonesspe@gci.net

Drawn: DGJ

Checked: dgj

Applicant: Blanca Hernandez  
File Number: POA-2014-0382  
Waterway: Jamestown Bay, Sitka, Alaska  
Proposed Activity: Residential Parking  
Sec. 6, T.56S, R. 64E, CRM  
Lat. N57.04658, Long. W135.29193

Sheet: 4 of 4

Date: 27 March 2017