



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	February 23, 2017
EXPIRATION DATE:	March 24, 2017
REFERENCE NUMBER:	POA-2017-77
WATERWAY:	Ward Cove

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

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 Ms. Amanda Whittier at (907) 753-5582, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Amanda.L.Whittier@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Boyer Towing; POC: Mr. Kent Halvorson; Phone: 907-225-2090; Post Office Box 8000, Ketchikan, Alaska 99901.

AGENT: Western Dock and Bridge; POC: Mr. Sever Paulson; Phone: 907-254-6426; Email: Sever.wdab@gmail.com; 777 Main Street, Ketchikan, Alaska 99901.

LOCATION: The project site is located within Section 34, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.4039° N., Longitude 131.7192° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to improve site access and develop the property for the owner's tug and barge business.

PROPOSED WORK: Boyer Towing is proposing to install a mooring/loading facility. The proposed project would install (3) 30-inch steel pilings, (1) 24-inch steel piling, (10) 16-inch steel pilings, a mooring dolphin composed of a 30-inch vertical piling, a 6-foot by 70-foot aluminum gangway and a 20-foot by 20-foot floating dock. The pilings would be installed by

vibratory hammer to the extent possible. The proposed project would also discharge 1500 cubic yards (CY) of shot rock and 200 cubic yards of armor stone behind a 30-foot long concrete abutment for an impact of 0.02-acre of waters of the U.S. to allow for the facility to be at the needed operation depth of -15-foot Mean Lower Low Water (MLLW) without dredging. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated January 3, 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: To meet the proposed project's purpose, complete avoidance of waters of the U.S. would not be feasible.

b. Minimization: The applicant has stated that the use of a longer gangway eliminates the need for additional piling supported bents that are typical of this type of construction.

c. Compensatory Mitigation: The applicant has stated that due to the minimal impacts and footprint of the proposed project, they believe that compensatory mitigation should be waived.

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 Corps has determined that the permit area under the National Historic Preservation Act (NHPA) is limited to the footprint of the proposed project in waters of the U.S. 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. No listed or eligible properties are within the permit area. The Corps has determined that the proposed project would have no effect to historic properties. This application is being coordinated with the State Historic Preservation Office (SHPO), and 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 humpback whales (*Megaptera novaeangliae*).

We have determined the described activity may affect the humpback whales. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife 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 Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), sockeye (*Oncorhynchus nerka*) and pink salmon (*Oncorhynchus gorbuscha*). 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

ANCHORAGE

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-2017-77, Ward Cove**, 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.



PROPOSED ACTIVITY:
CONSTRUCT MOORING/LOADING
DOCK

VICINITY MAP

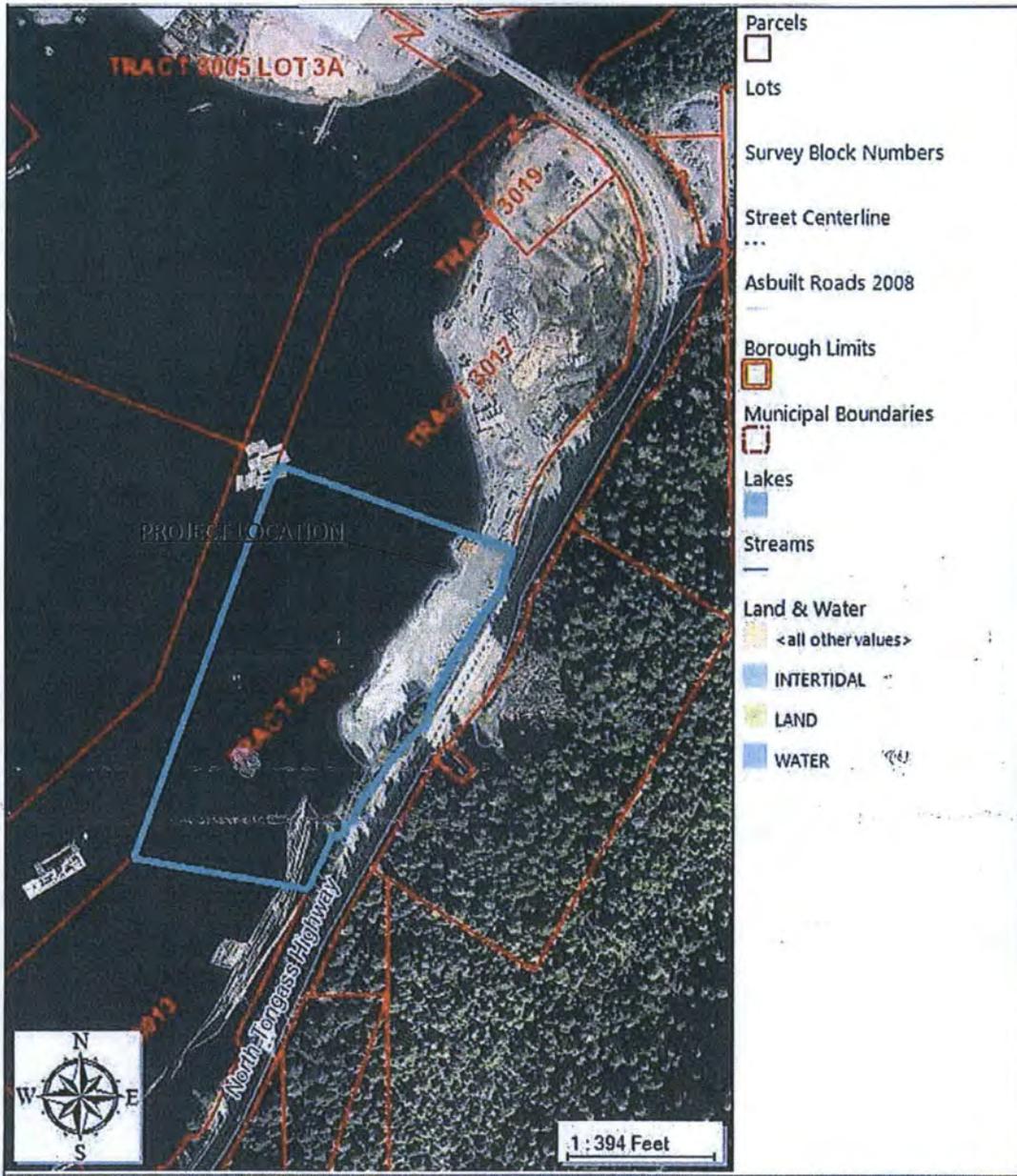
APPLICANT: BOYER TOWING

FILE NO:

WATERWAY: WARD COVE

LOCATED: T74S, R90E, SECTION 33

SHEET 1 OF 6 DATE 1.3.2017



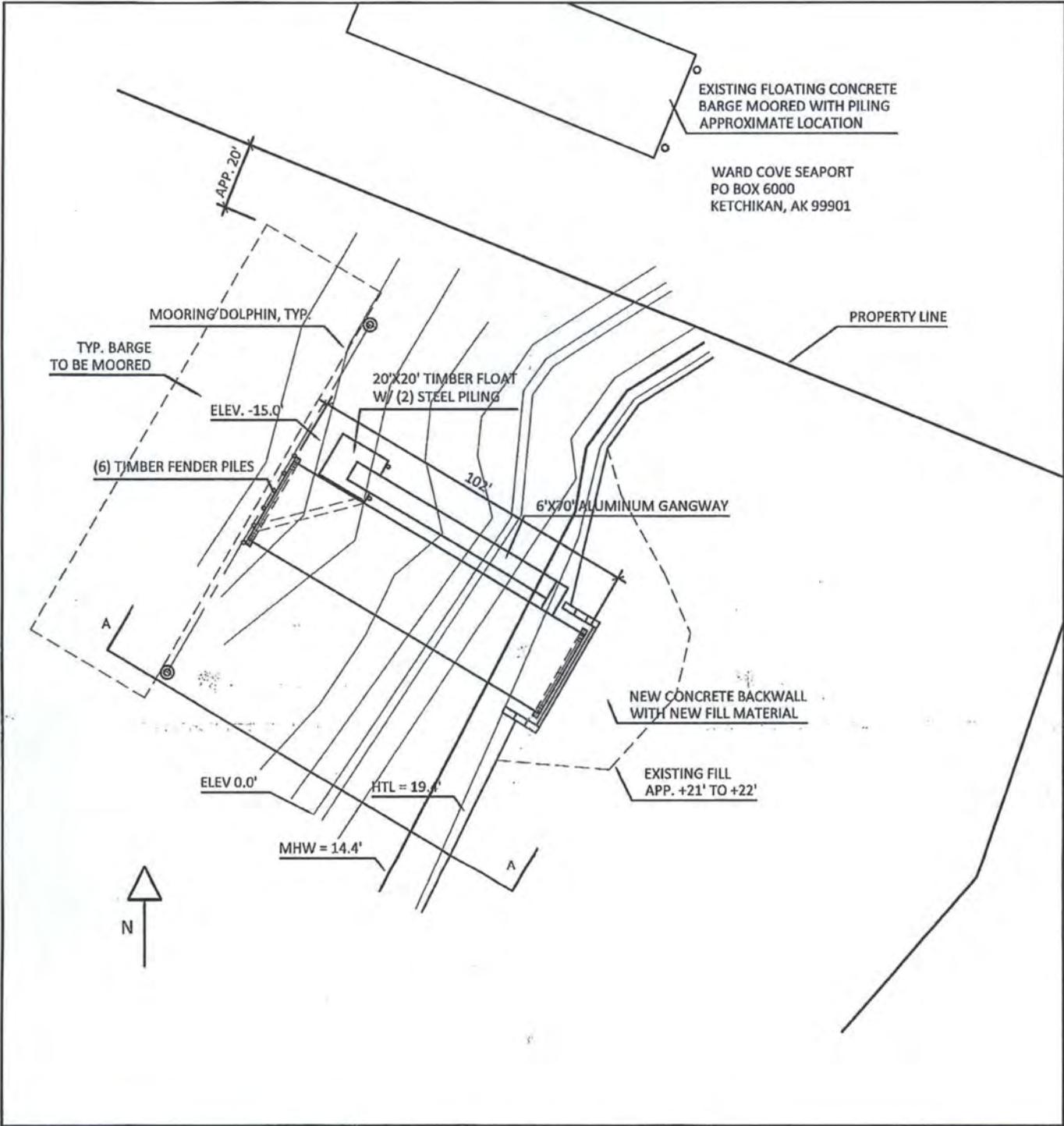
GIS information shown is for informational purposes only based on best available information, but not field verified. The Ketchikan Gateway Borough makes no warranty to the accuracy or veracity of the information shown herein.

PROPOSED ACTIVITY:
CONSTRUCT MOORING/LOADING
DOCK

LOCATION MAP

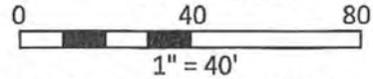
APPLICANT: BOYER TOWING

FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION 33
SHEET 2 OF 6 DATE 1.3.2017



PROPOSED ACTIVITY:
CONSTRUCT MOORING/LOADING DOCK

PLAN VIEW



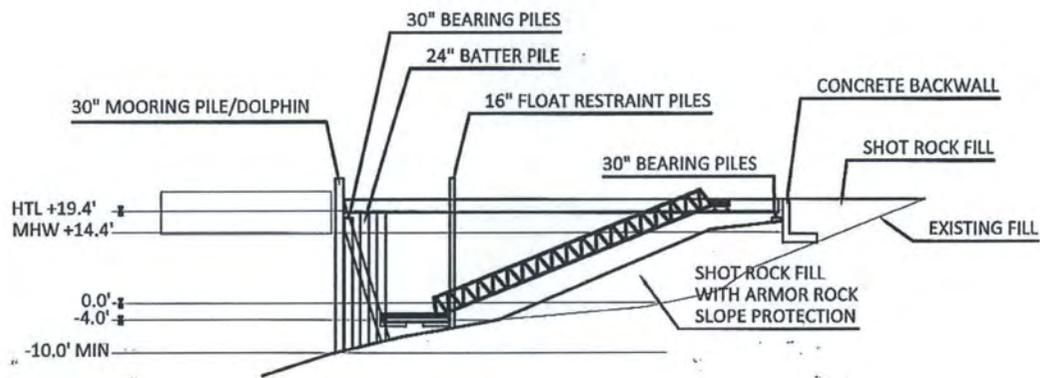
APPLICANT: BOYER TOWING

FILE NO:

WATERWAY: WARD COVE

LOCATED: T74S, R90E, SECTION 33

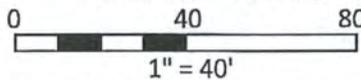
SHEET 3 OF 6 DATE 1.3.2017



SECTION A-A - MOORING/LOADING DOCK

PROPOSED ACTIVITY:
CONSTRUCT MOORING/LOADING DOCK

PLAN VIEW



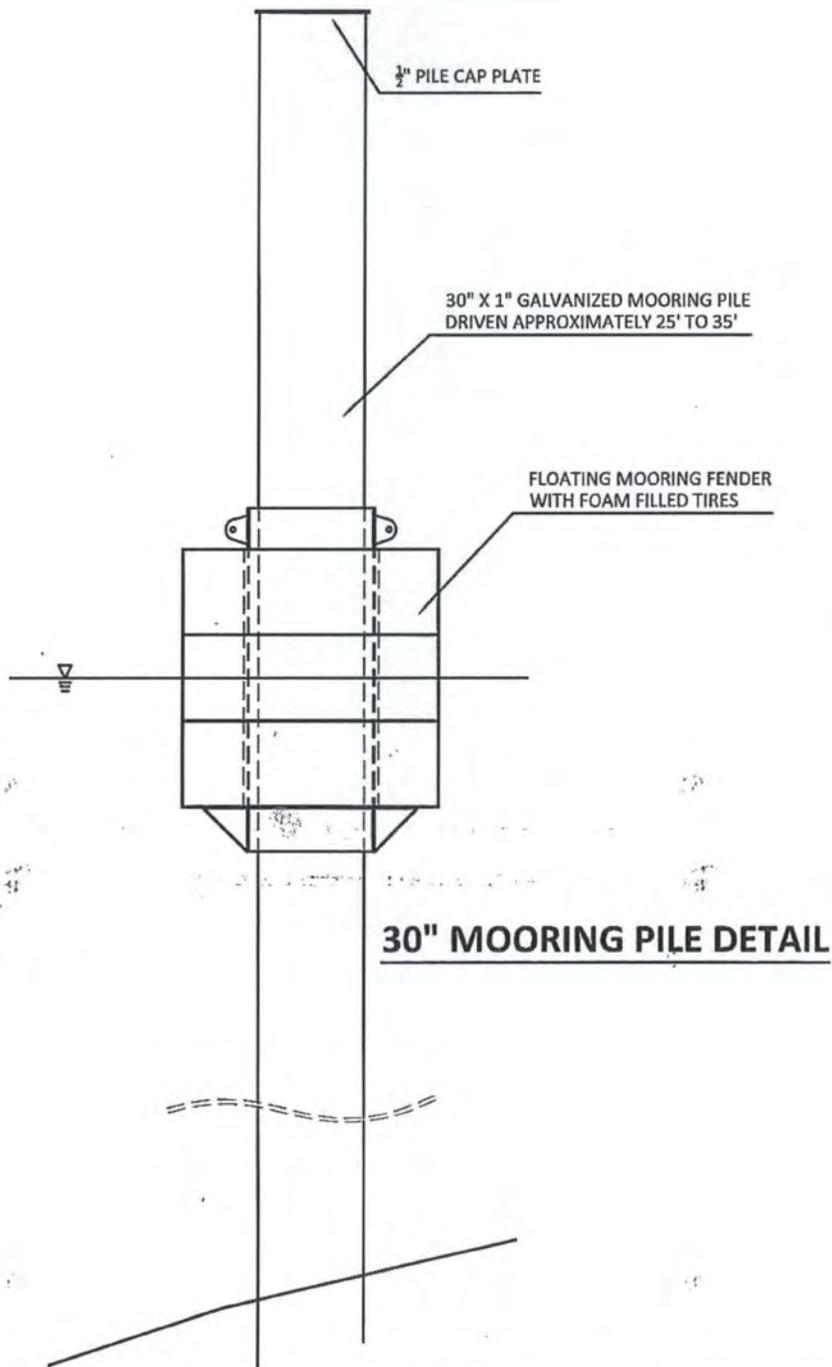
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FILE NO:

WATERWAY: WARD COVE

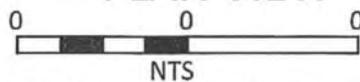
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SHEET 4 OF 6 DATE 1.3.2017



PROPOSED ACTIVITY:
 CONSTRUCT MOORING/LOADING DOCK

PLAN VIEW



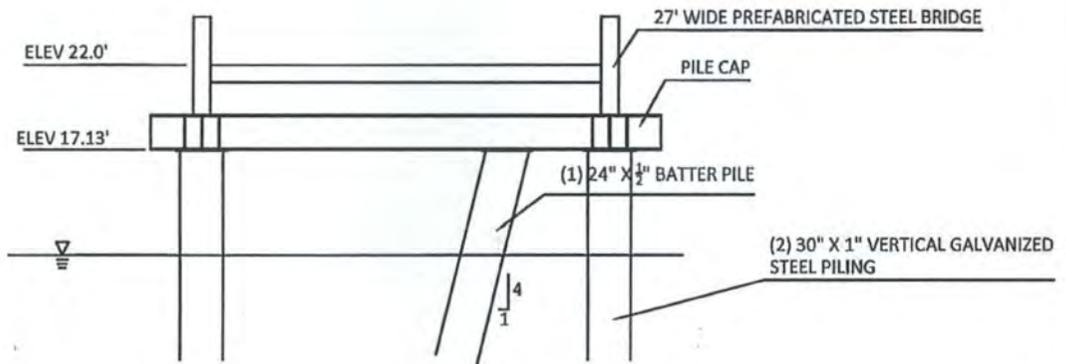
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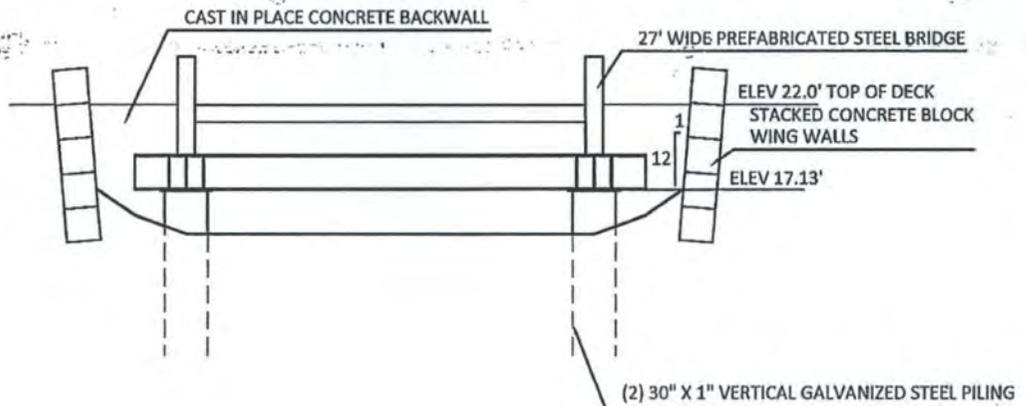
WATERWAY: WARD COVE

LOCATED: T74S, R90E, SECTION 33

SHEET 5 OF 6 DATE 1.3.2017



OFFSHORE BRIDGE END SECTION



ONSHORE BRIDGE END SECTION

PROPOSED ACTIVITY:
CONSTRUCT MOORING/LOADING DOCK



FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION 33
SHEET 6 OF 6 DATE 1.3.16