



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: December 4, 2012
EXPIRATION DATE: January 4, 2013
REFERENCE NUMBER: POA-2010-180
WATERWAY: Tongass Narrows

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 **Heather Boyer** at (907) 753-2877, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at heather.l.boyer@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Anthony Knuteson, Post Office Box 9062, Ketchikan, Alaska 99901

AGENT: Fred Monrean, Post Office Box 9343, Ketchikan, Alaska 99901

LOCATION: The project site is located within Section 33, T. 75 S., R. 91 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.3199° N., Longitude 131.6001° W.; Ketchikan Gateway Borough, 2587 S. Tongass Highway, in Saxman, Alaska.

PURPOSE: The applicant's stated purpose is to upgrade and expand an existing vessel repair facility.

PROPOSED WORK: The applicant proposes to construct a 4,970 square foot steel and concrete dock and a 640 square foot (16-foot by 40-foot) deck and vessel lift, all supported by 28, 8-inch steel piles. The existing residence and office building would be relocated and the existing boat shed would be demolished. The new boat repair building includes placing 580 cubic yards (CY) of clean shot rock and 130 CY of riprap in a 0.028-acre area below the high tide line to support the building and to provide erosion protection along the shoreline. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated May 15, 2012.

ADDITIONAL INFORMATION: The applicant owns the property and is a charter and commercial fisherman who rebuilds and repairs vessels when not fishing. The site was a former fishing vessel construction and repair facility. The project site has been subject to past development and similar use. There are no wetlands or waters of the U.S. above the high tide line.

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 project would use a steel and concrete dock as the main working surface for the boat haul out and repair facility. This is more expensive than fill, but avoids impacts to the environment. The only fill is near shore above the mean high water and an irregular shape that would be very expensive to do in a steel and concrete dock.

b. Minimization: The fill would be contained by a stacked rock wall. This minimizes the impact for the fill by reducing the sloped bank from 2:1 to 1:6. The void spaces in the stacked rock wall create pockets for vegetation and small animals to grow as opposed to a concrete wall that has less surface area and little chance for life to flourish.

c. Compensatory Mitigation: The applicant feels that the avoidance and minimization measures adequately reduce any potential impacts and have not proposed compensatory mitigation.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened Steller sea lion eastern DPS (*Eumetopias jubatus*), and the following endangered whale species; fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), sperm whale (*Physeter macrocephalus*), blue whale (*Balaenoptera musculus*), and north Pacific right whale (*Eubalaena japonica*). There is no designated critical habitat for any listed species in the project area. We have determined the described activity would have no effect on any of the above listed 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 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 dover sole (*Microstomus pacificus*) Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and pink salmon (*Oncorhynchus gorbuscha*). We have determined the described activity would not adversely affect EFH in the project area. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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 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) 465-52

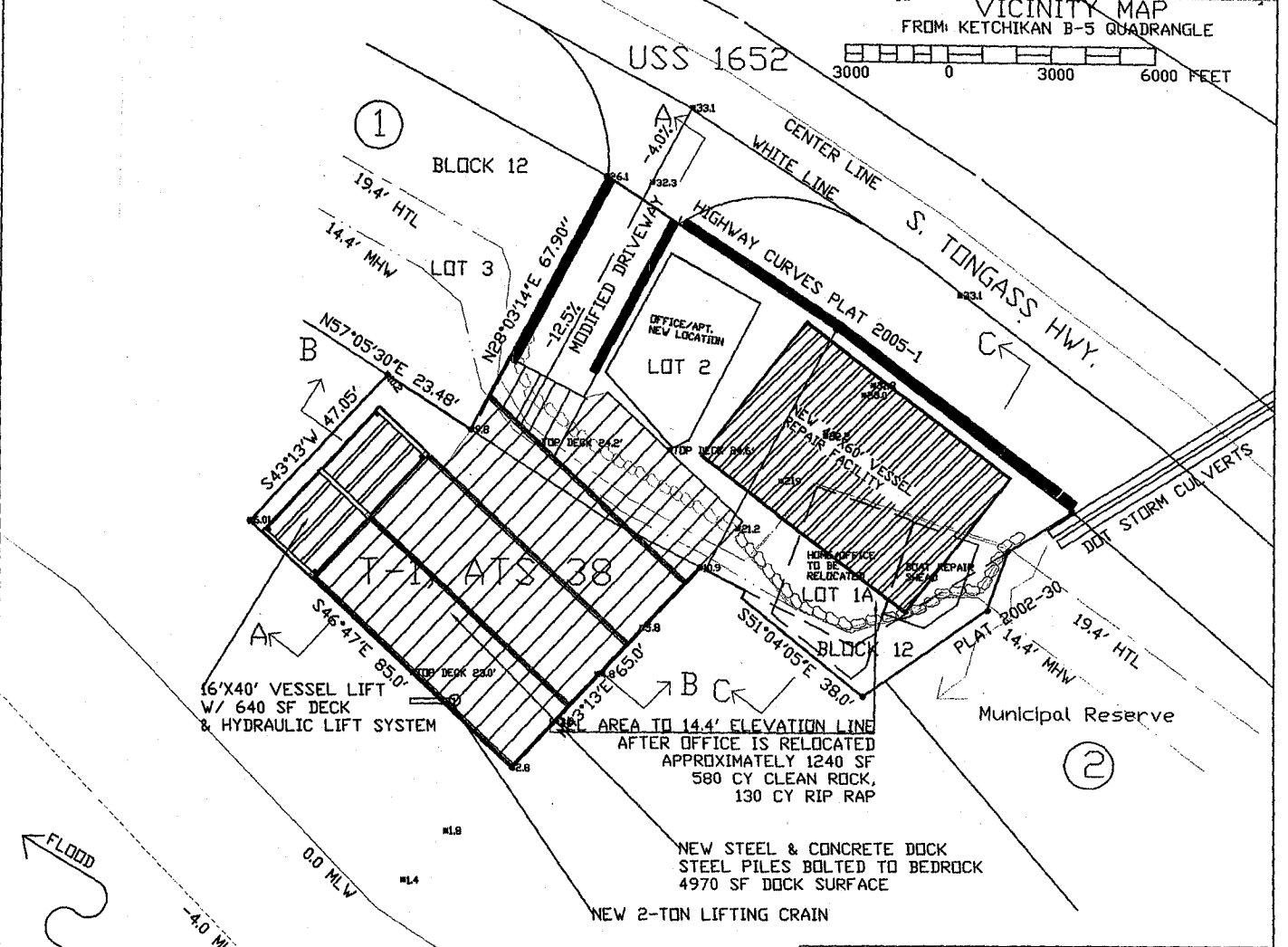
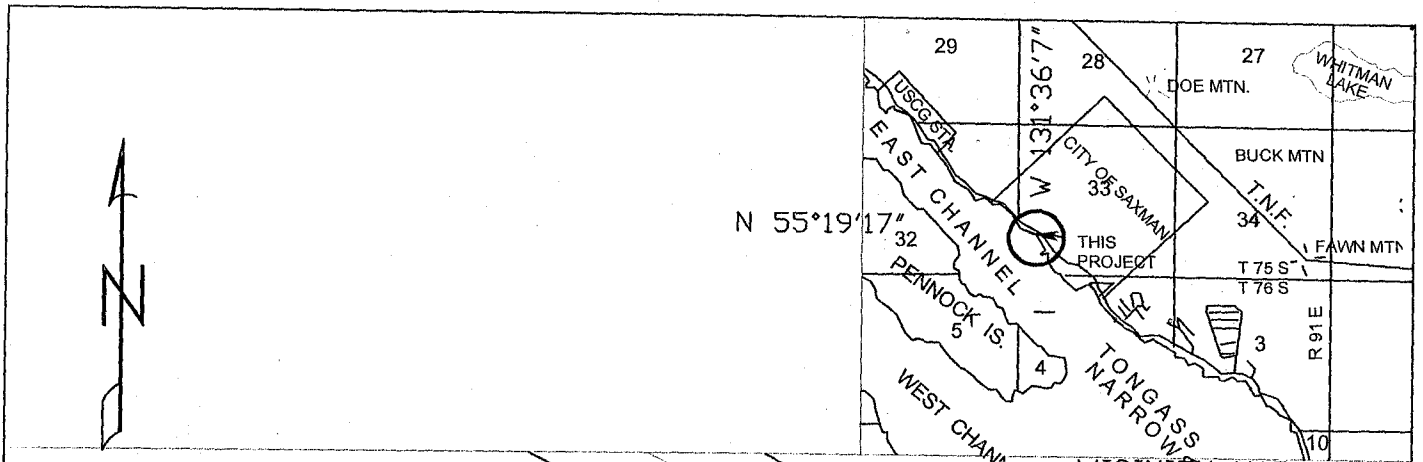
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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-2010-180, Tongass 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.



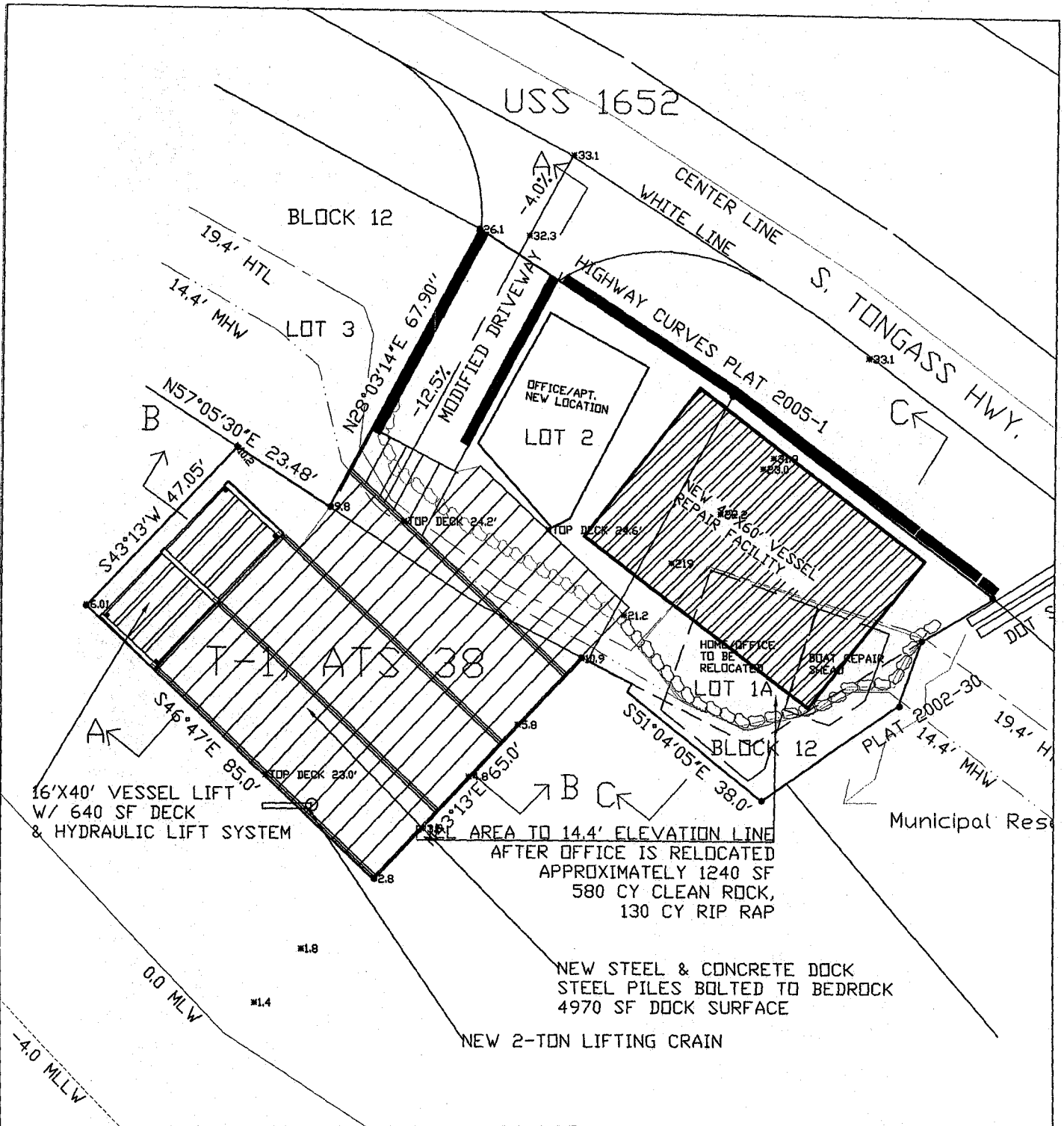
ADJACENT PROPERTY OWNERS:
1. LAWRENCE STEWART
2. CITY OF SAXMAN

PURPOSE:
CONST. MARINE BOAT HAULOUT & REPAIR FACILITY
WITH FISH PROCESSING CAPACITY

DATUM: MLLW = 0.0'

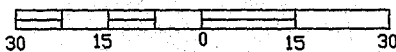
PROPOSED DOCK AND BOAT LIFT
MODIFICATION TO POA-2010-0180
IN: TONGASS NARROWS
AT: SAXMAN
KETCHIKAN GATEWAY BOROUGH
APPLICATION BY:
ANTHONY KNUTESON
SHEET 1 of 4 DATE 5-15-12

POA-2010-180



SITE PLAN

SCALE 1"=30'

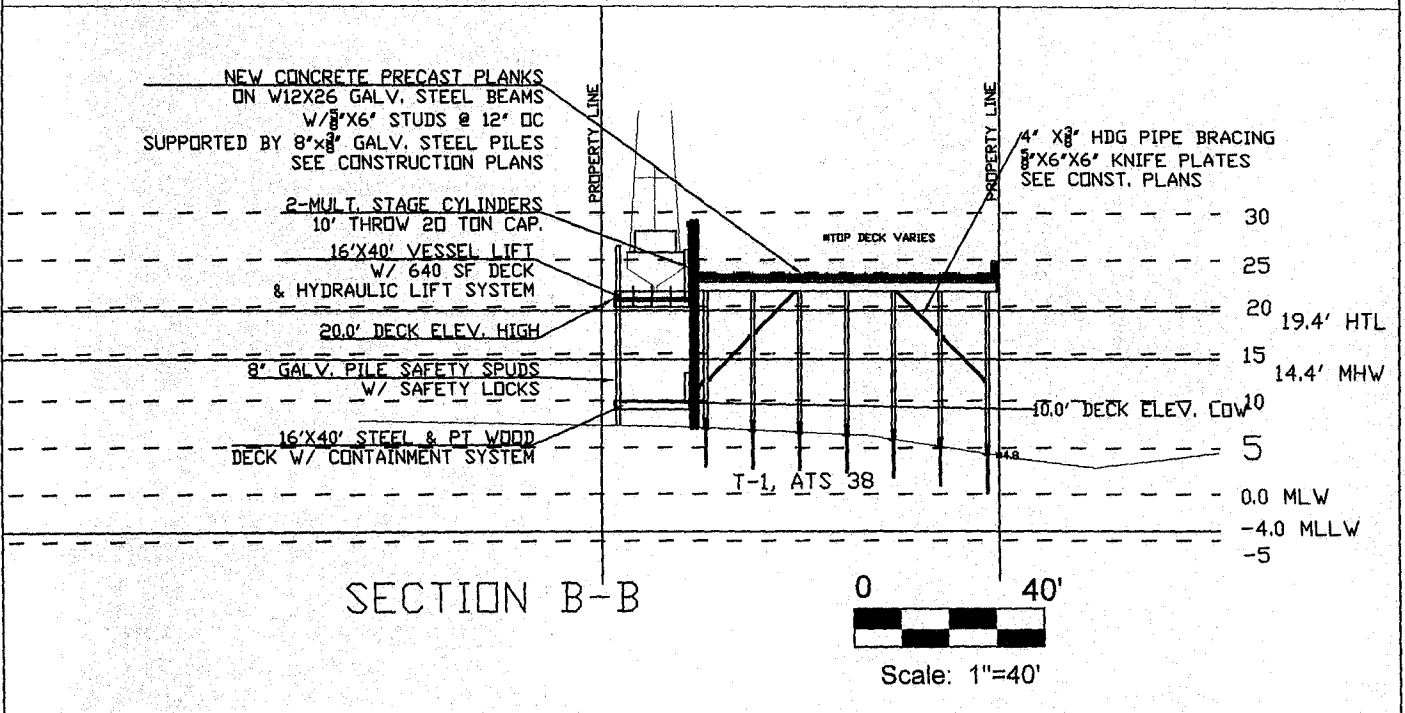
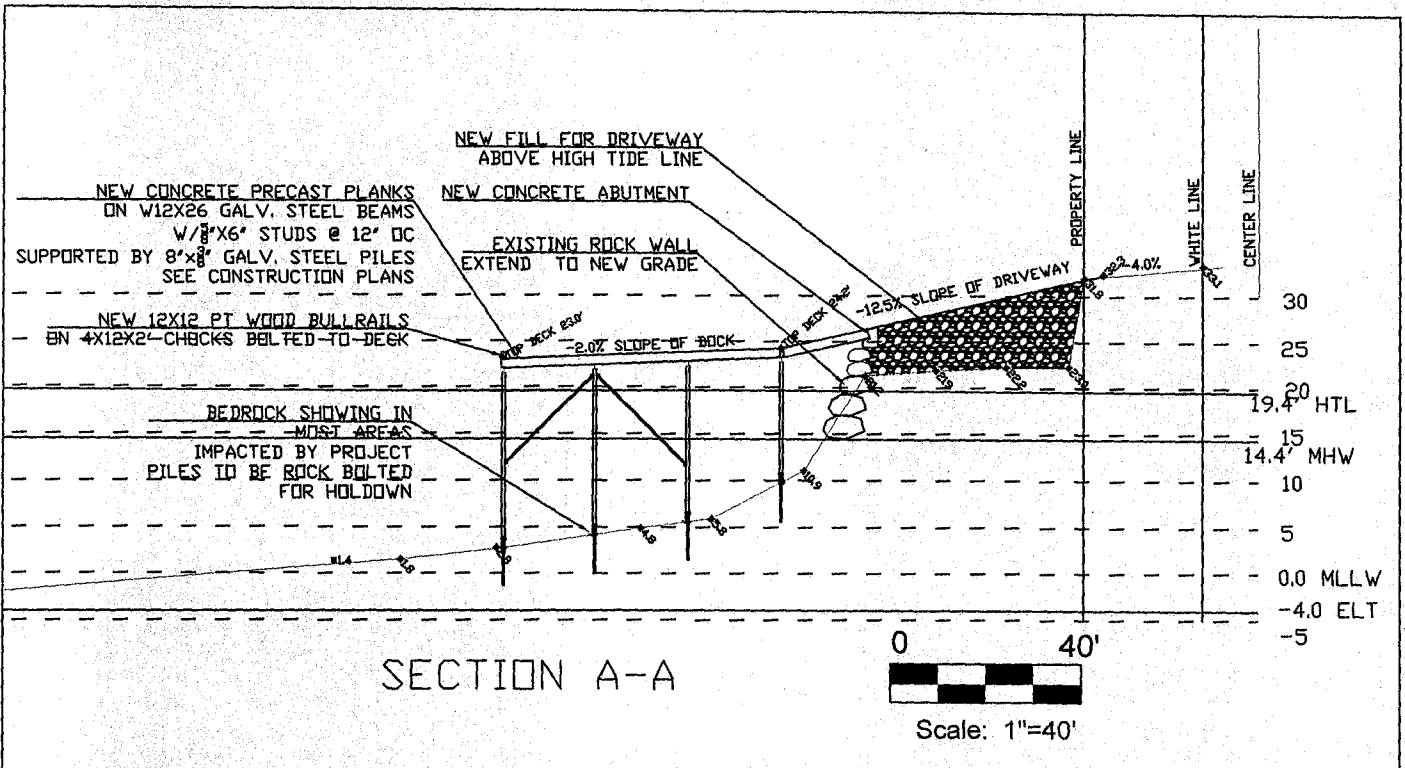


PROPOSED DOCK AND BOAT LIFT
 MODIFICATION TO POA-2010-0180
 IN: TONGASS NARROWS
 AT: SAXMAN
 KETCHIKAN GATEWAY BOROUGH
 APPLICATION BY:

ANTHONY KNUTESON

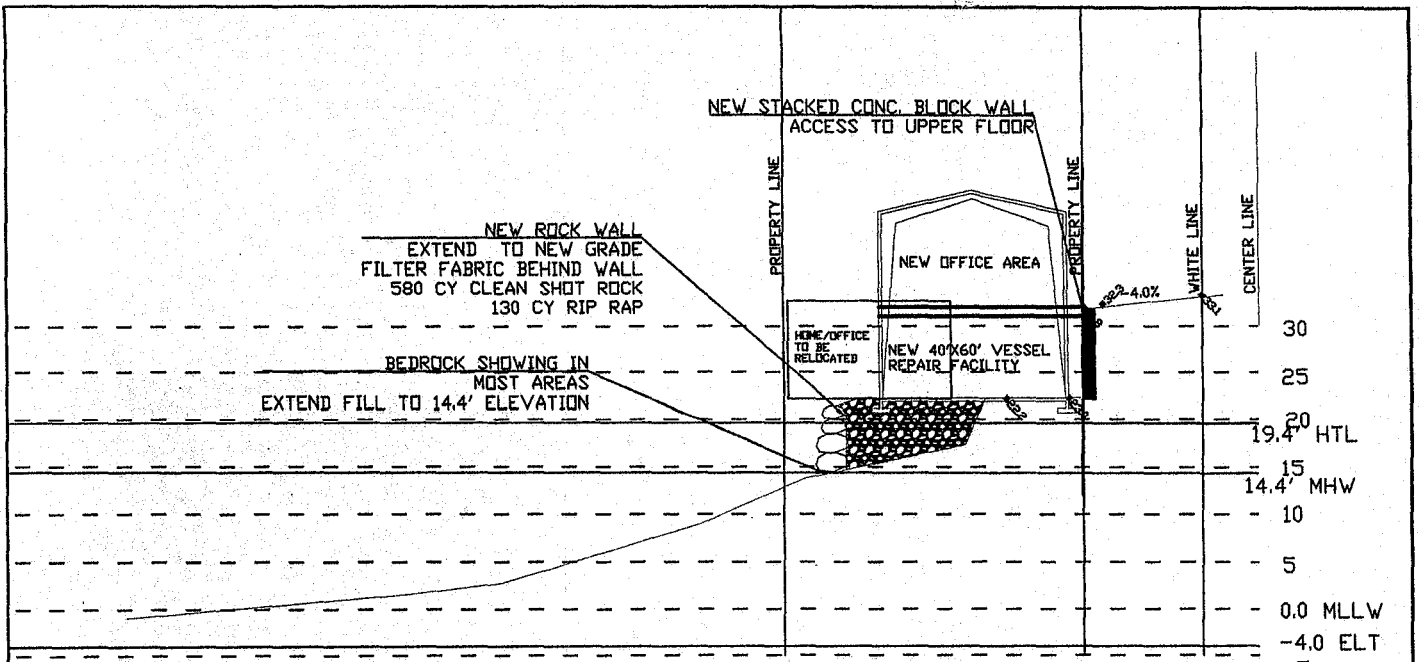
SHEET 2 of 4 DATE 5-15-12

POA-2010-180



PROPOSED DOCK AND BOAT LIFT MODIFICATION TO POA-2010-0180 IN: TONGASS NARROWS AT: SAXMAN KETCHIKAN GATEWAY BOROUGH APPLICATION BY: ANTHONY KNUTESON SHEET 3 of 4 DATE 5-15-12

POA-2010-180



SECTION C-C

8" X 8" GALV. STEEL PILES
1" X 10" DIA. COMPRESSION PLATES
WELDED TO 12" PILE THEN HDG
LOCK NUT ON PLATE
FIELD WELD PILE TO COMP. PLATE
SEE CONST. PLANS

H.D.G. ANCHOR RODS LIKE
DYWIDAG THREADBAR
1" DIA. GROUT INTO 4' X 2" HOLE

PILE HOLDOWN
NO SCALE

PROPOSED DOCK AND BOAT LIFT
MODIFICATION TO POA-2010-0180
IN TONGASS NARROWS
AT SAXMAN
KETCHIKAN GATEWAY BOROUGH
APPLICATION BY:

ANTHONY KNUTESON

SHEET 4 of 4 DATE 5-15-12

POA-2010-180