



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

| | |
|----------------------------|--------------------------|
| PUBLIC NOTICE DATE: | November 1, 2013 |
| EXPIRATION DATE: | November 30, 2013 |
| REFERENCE NUMBER: | POA-2013-565 |
| WATERWAY: | Chilkat River |

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 Randal Vigil at (907) 790-4491, or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. John Floreske Jr., PO Box 489 Haines, AK 99827.

AGENT: Mr. Darrell Maple, Lynn Canal Professional Services, 660 S. Oregon St., Jacksonville, OR 97530.

LOCATION: The project site is located within Section 8, T. 30 S., R. 58 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.282° N., Longitude 135.678° W.; Milepost 10 Haines Highway; near Haines, Alaska.

PURPOSE: The applicant's stated purpose is to "provide for the private use of visual flight rules and prior permission required helicopter take off and landings."

PROPOSED WORK: The applicant request authorization for the following work in waters of the United States:

Discharge 1,437 cubic yards of fill material into 0.34 acres of palustrine emergent wetlands to construct 3 helipads each 59 feet long by 59 feet wide with 3 approach-ways each 39 feet long by 59 feet wide.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated September 1, 2013.

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: "We could not identify any other alternative sites that were practical, available, feasible or cost effective that met the basic or overall project purpose."

b. Minimization: "The applicant, after applying the avoidance measures shown above, has taken the following steps in which to minimize the potential adverse impacts of our discharges on the aquatic ecosystem. Items that we considered were: changing the location of the discharge; changing the material to be discharged; controlling the material after discharge; changing the method of dispersion; changing the technology used; and changing the effects on plants, animals and human uses.

This resulted in location changes; engineered slope considerations; and turbidity controls. The applicant would consider guidance from the agencies on additional measures that can be taken to minimize any adverse impacts of the proposed discharges in the wetlands.

Specifically, we placed the pads at a distance from each other to obtain the necessary FAA recommended VFR, (Visual Flight Rule)s, FATO, (Final Approach and Take Off), and TLOF, (Touch and Lift Off Area) design standards under FAA Part 157. The bare minimum separation for the pad and approach lengths and widths were designed. In addition, we show a fill, (3' +/-), necessary only to accomplish a stable base and are using a grass finished surface. We also used a side slope with a 1 to 1.5 ratio decreasing the overall footprint. All fills are located away from any streams, lakes or ponds to avoid construction activity and turbidity issues. Operational and safety issues were reviewed to design the location, separation and fills to ensure minimal discharge.

The applicant took several actions to avoid impacts by moving/designing the helipad approaches to come off of an existing interior roadway thereby decreasing substantially the length that would have been required to have access from Haines Highway by over 200' for each approach.

In addition, we did not provide for any parking or storage areas on the approaches as are typical of other designs and approved projects. This materially decreased the fill and wetlands footprint.

We will also use the best practical construction methods in placing the fill, working with the agencies to be certain that we construct within any recommended "windows", and to be certain no siltation issues arise.

c. Compensatory Mitigation: The applicant does not propose any 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 is an unevaluated property in the vicinity of the worksite. It has been designated **SKG-00206**. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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: No threatened or endangered species are known to use the project area.

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 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).

No EFH species are known to use the project area. 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 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

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

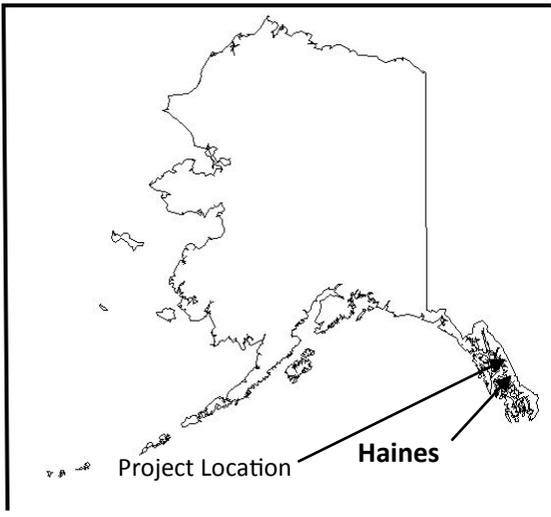
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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.

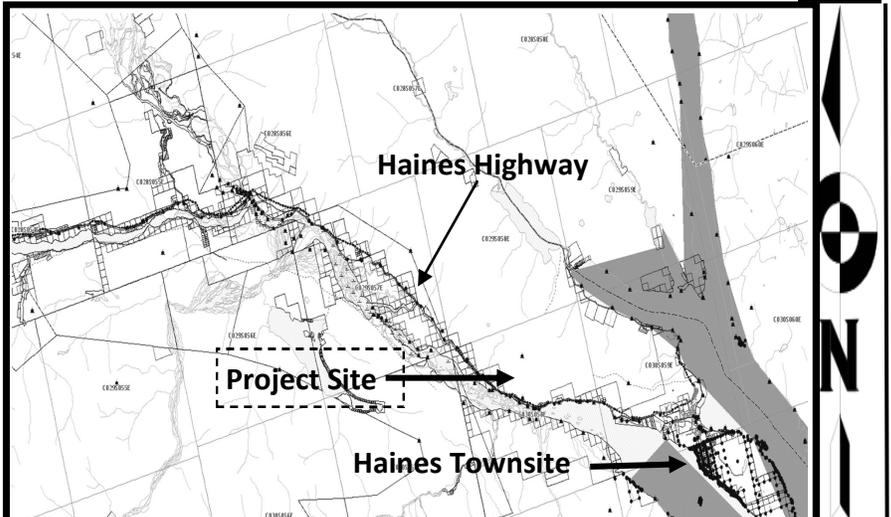
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2013-565, Chilkat River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

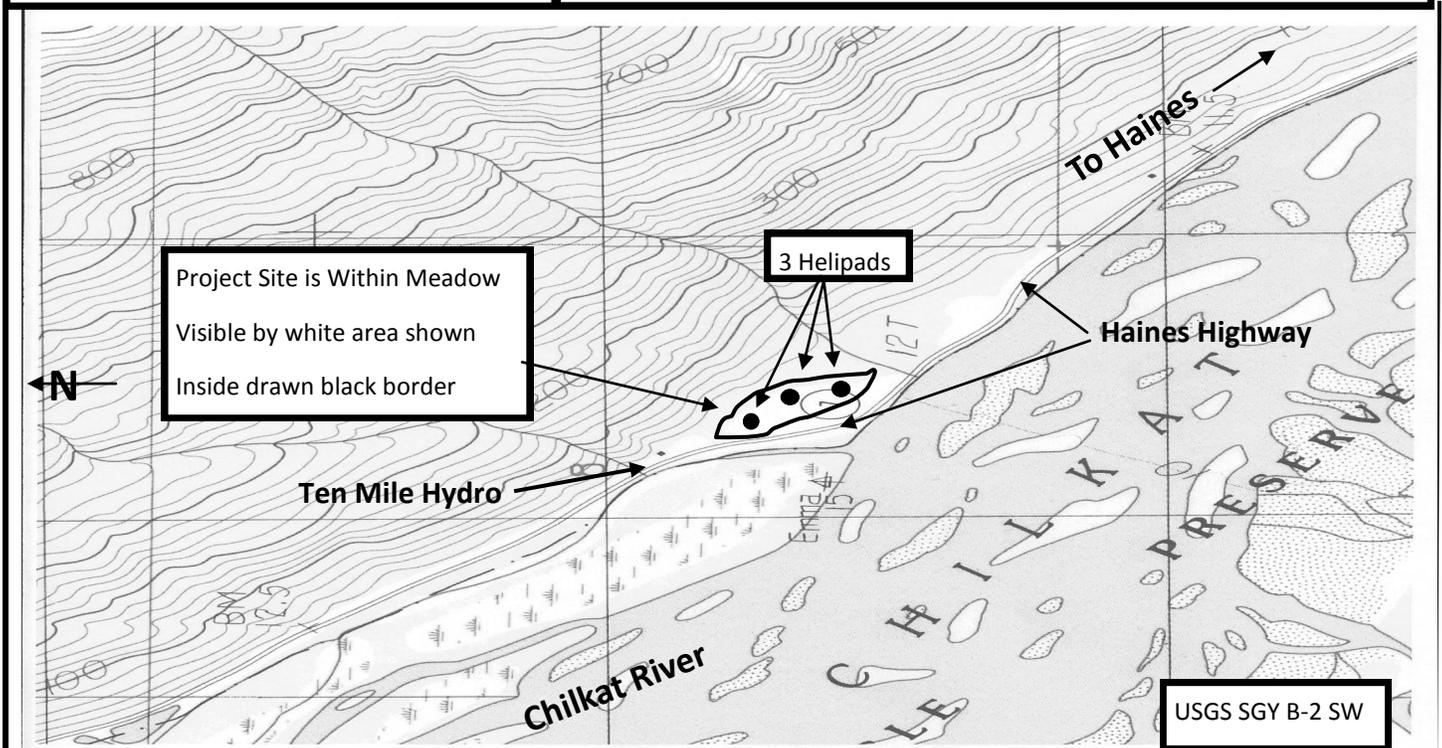
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



State of Alaska Location Map



Vicinity Map



PROJECT LOCATION MAP /PLAN VIEW

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
 P.O. Box 489, Haines, AK 99827
 (907) 766-2899

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
 Lat: N 59°28'35"; Long.: W 135°67'98"
 Project Land Ownership: All on applicants land

Date: September 1st, 2013

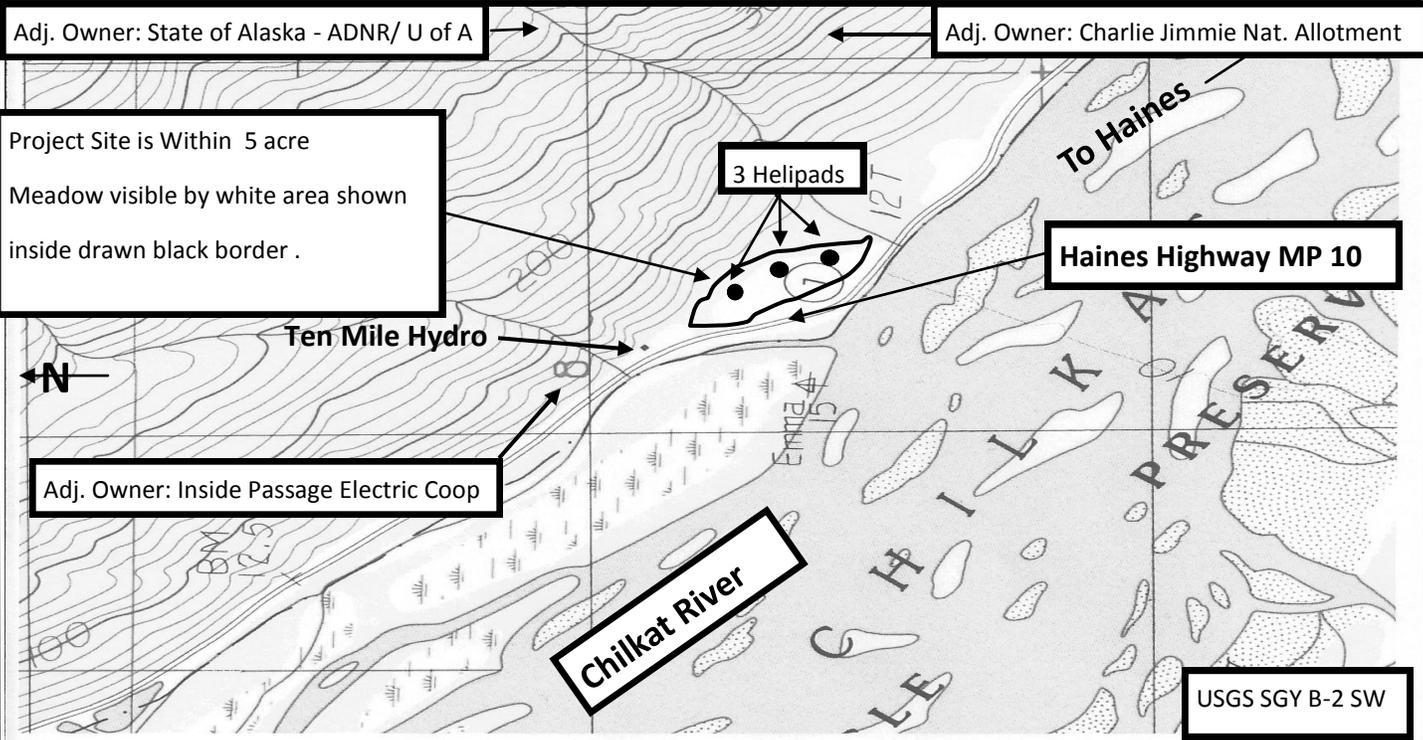
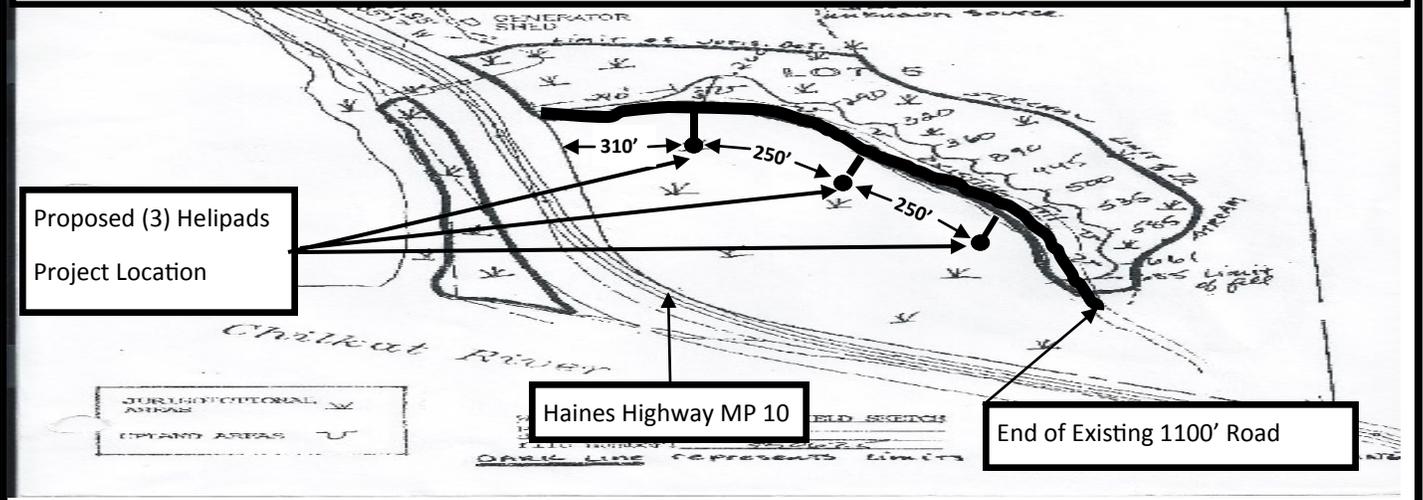
Waterway: Unnamed meadow/wetlands

Scale: 1" = 1000'

Sheet: 1 of 5

COE Wetlands Determination on Project Site/Meadow Area

June 10th, 1996/ File Number 950625/Related Permit: COE # 4-960822 June 13, 1997



PLAN VIEW/ADJACENT OWNERS

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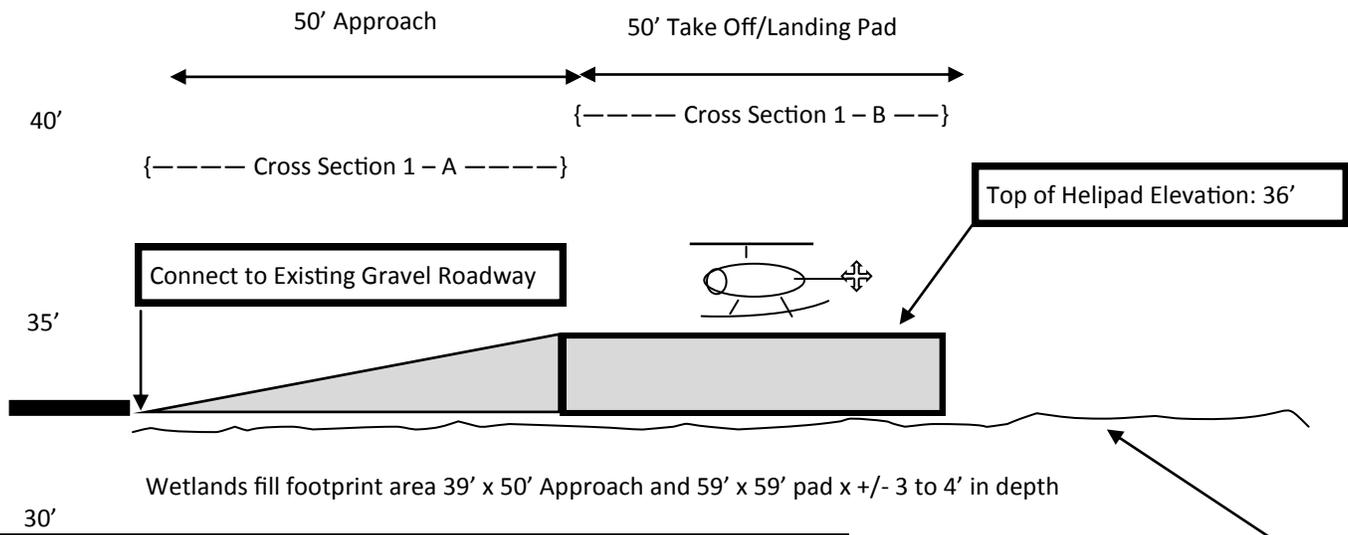
Scale: 1" = 1000'

Waterway: Unnamed meadow/wetlands

Sheet: 2 of 5

Detailed Proposed Helipad Construction and Fill Information. The applicant proposes to construct three Helipads. Each helipad will connect to the existing gravel perimeter roadway on the East side of the Meadow thru a 50' long x 25' top approachway. The approachway will then be integrated with the 50' x 50', (top surface), fill for the take off and landing pads. A 1 to 1 1/2 side slope will be used on the entire perimeter of both the approach fill and the takeoff and landing pads. All fill to be to a depth of approximately 3 to 4' in the wetlands/meadow area. (Meadow has undulating features/grass clumps). The first two feet of fill is with 6" to 8" pit run, topped with 1' of 1 1/2" to 2" minus gravel, and compacted. The top of the takeoff and landing site will be surfaced with 4" of top soil and turf in the TLOF zone. Total Footprint is .34 acres. Total Fill is 1437 cyds of which 958 cyds is pit run material, (6 to 8" minus), and 479 cyds is 1 and 1/2" minus gravel, (with a 4" topsoil/turf cap in TLOF area).

Helipad Design Criteria. Designed for Engstrom F28F Helicopter. TLOF is RD, (18.25'), x 2 = 36 1/2' (min). FATO is OL, (28.5') x 1.5 = 42.75' (min). Safety Zone is RD, (18.25) x 1/3 = 6.08'. Thus the TLOF of 36' 1/2' is surrounded by the FATO of 42.75' which is itself surrounded by an additional 6.08' of Safety Zone. Thus the overall pad width of 50' accommodates these zones which total 48.83'. Distances between FATO's with multiple helipads are min. of 200'. Airspace separation N/A.



- Special Notes:**
1. All Elevations in USGL Tidal MSL/OHWM is: 27.6'
 2. Approach is 50' long x 25' wide at top/pad is 50' square on top.
 3. The bottom 2' of the 3' Fill is 6 to 8" Pit Run with 1: 1 1/2 Side Slopes
 4. Top 1' of Fill is 1 1/2" minus gravel/pad is topped with 4" of topsoil/turf

Meadow Bottom Elevation: 33.0" +/- 1'

FILL SECTION 1 . Helipads & Fill: Cross Section View

Proposed Activity: Ten Mile Helipads (3)

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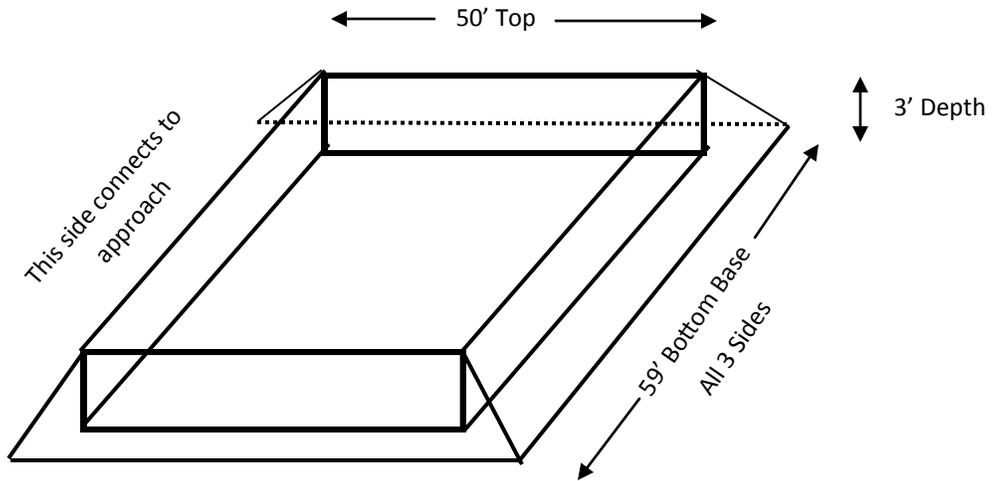
Waterway: Unnamed meadow/wetlands

Scale: 1" = 25' Horizontal; 1" = 5' Vertical

Sheet: 3 of 5

Special Notes

Base Pad Top is: 50' x 50'
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'

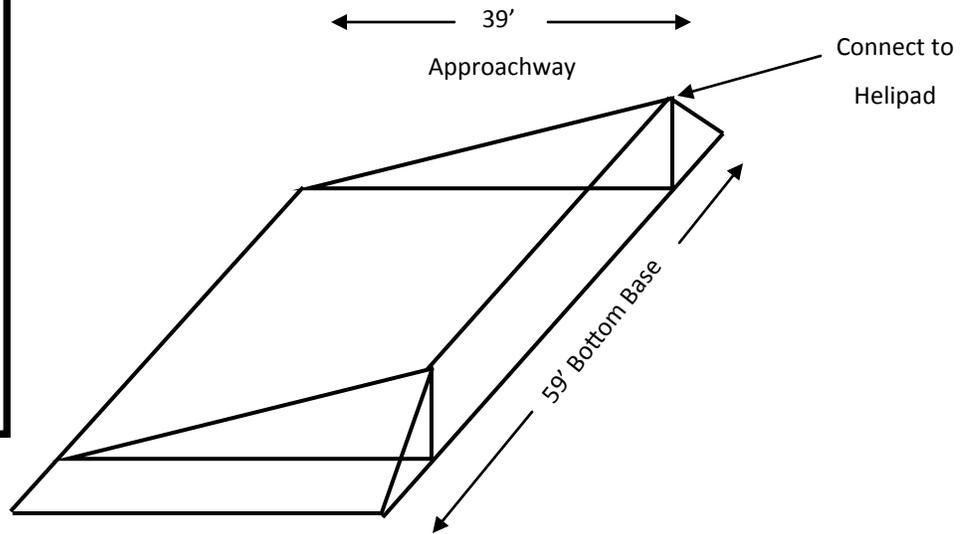


Cross Section 1 - A

Typical (3) 50' Take Off/Landing Pads

Special Notes

Approach is: 39' x 50''
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'



Cross Section 1 - B

Typical (3) Approachway

FILL SECTION 1 . Helipads & Fill: Cross Sectional Views 1A & 1B

Proposed Activity: Ten Mile Helipads (3 each)

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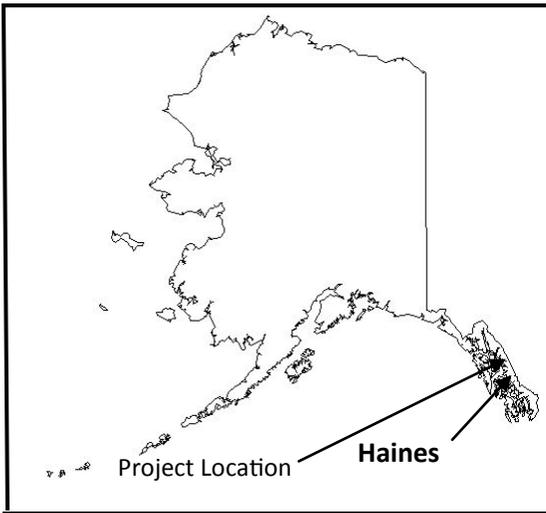
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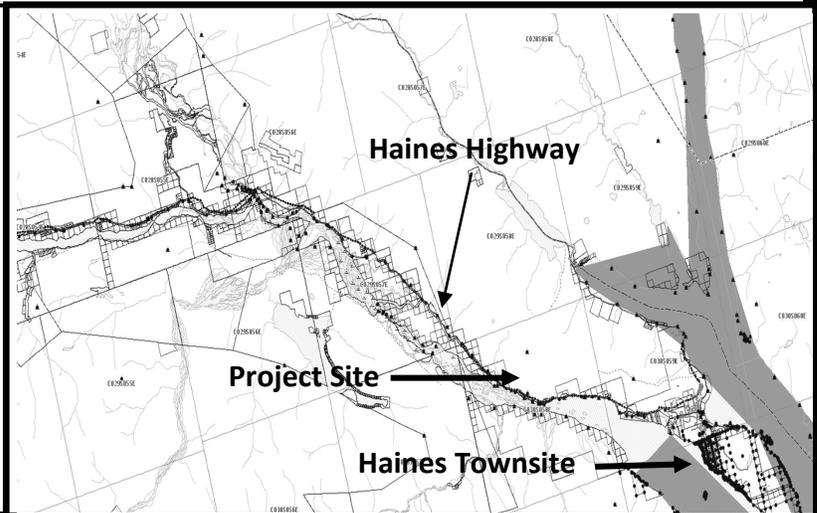
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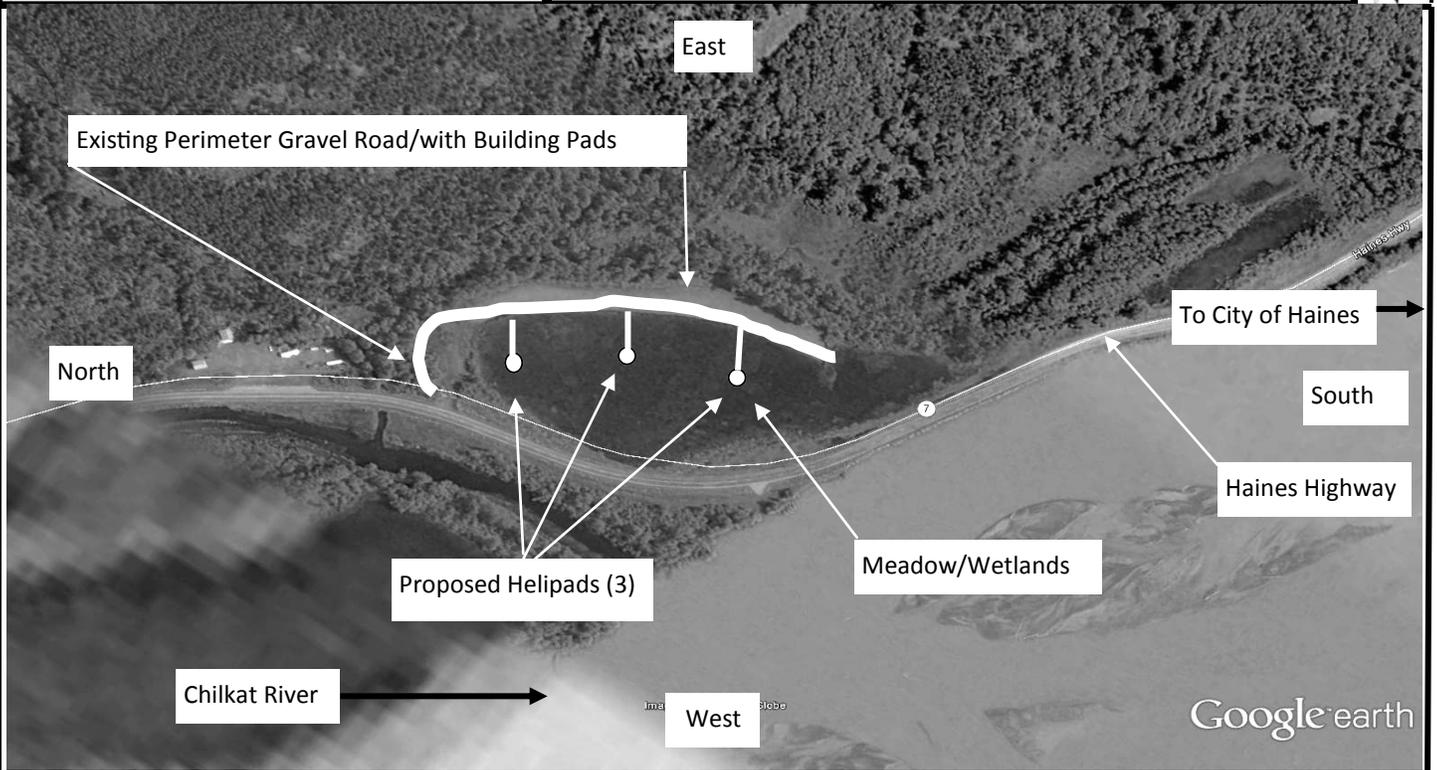
Sheet: 4 of 5



State of Alaska Location Map



Vicinity Map



PROJECT LOCATION MAP /Google Earth Plan View

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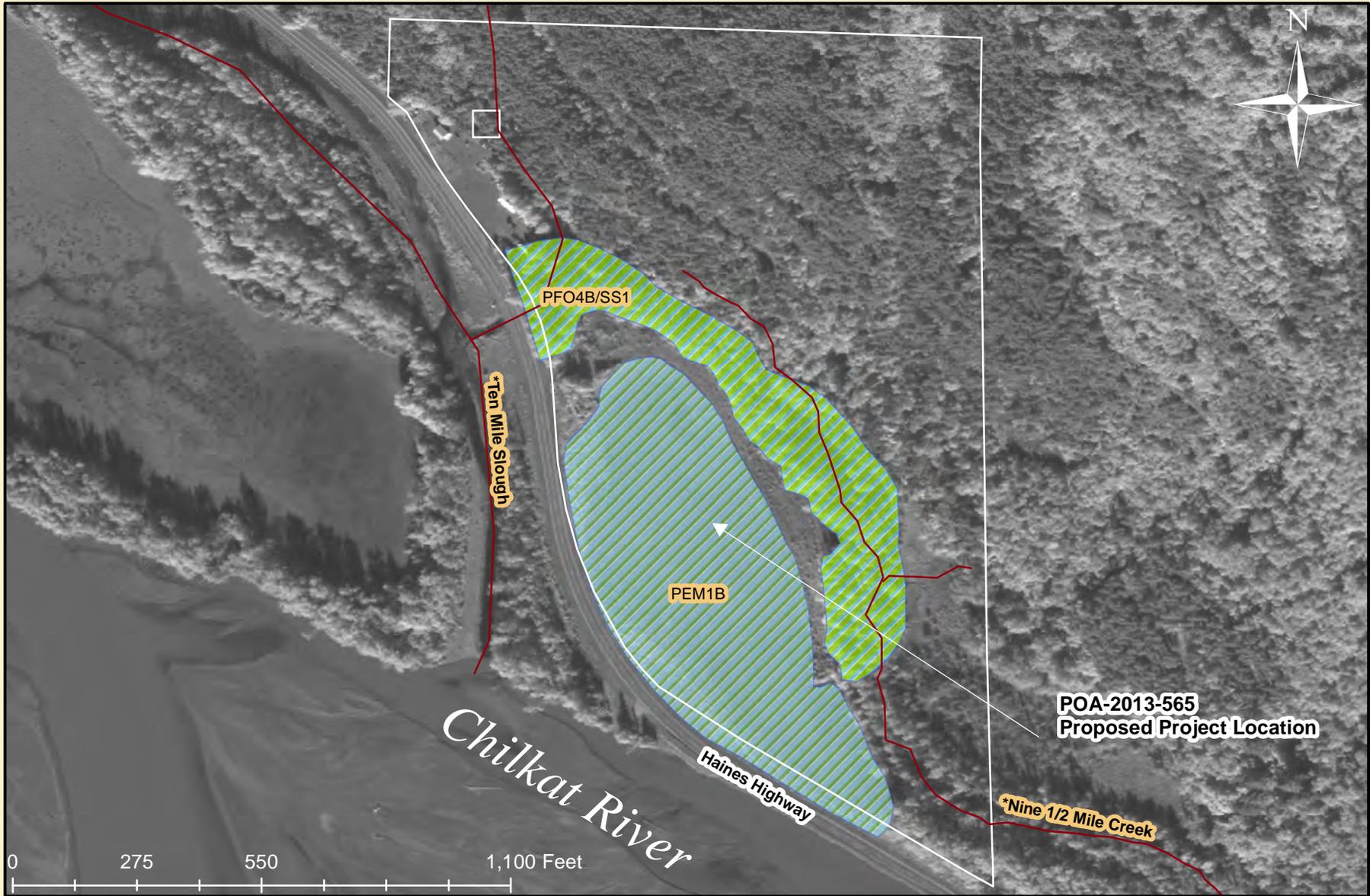
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Sheet: 5 of 5



Orthographic Aerial Photo
24SEP08WV011400008SEP24200740-P1BS-005763459010_05_P006
Waters of the United States

POA-2013-565, Chilkat River
John Floreske Jr.
Helipads