



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:	March 17, 2021
EXPIRATION DATE:	April 16, 2021
REFERENCE NUMBER:	POA-2021-00057
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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Kendra Holman at (907) 753-5693, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Kendra.B.Holman@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Ketchikan

LOCATION: The project site is located within Section 23, Township 75 South, Range 90 East, Copper River Meridian; Latitude 55.350999 ° North, Longitude 131.681233 ° West; 2813 Tongass Avenue, in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to construct a parking lot that will be combined with the adjacent parking lot.

PROPOSED WORK: Placement of fill in the inter tidal zone located on LOT 9A (Parcel # 011242009300) and 9B (Parcel # 011242009400) to construct a parking lot. The fill area is proposed to be 0.28 acre. The area would be filled in with 6,000 cubic yards of clean shot rock. The proposed fill area would have a retaining wall along the seaward side. The proposed wall would be constructed of large boulders, ranging from 18-inches to 54-inches in diameter. The proposed wall would be 32 feet long, 23 feet high, and 4 feet wide. Currently there is an 18-inch high density polyethylene storm pipe that ends in Lot 9B. This storm pipe would be extended 140 feet to go through the proposed retaining wall. All the activity is proposed to take place during low tide. At a later point in time, pavement would be placed over the area for parking.

Lot 9A currently has a structure on a pier, while Lot 9B, currently has a wooden trestle used to access Bar Harbor ramp 2 and the boat stalls below. Removal is proposed for all structures currently on lots 9A. The trestle on lot 9B would have 153 linear feet removed, starting at Tongass Avenue and leaving the 47 feet by 47 feet parking area portion in place. The piles would be removed with an excavator by pulling them vertically. Holes left from the removal would be filled by the material described above. Alternatively, if removal is unsuccessful, the piles will be cut off flush to the ground and abandoned in place. To ensure a 6 feet elevation difference between the finished parking lot grade and the top of the piles, excavation would take place around the piles closest to Tongass Avenue (should they not pull out). After excavation, the piles would be cut off, and all material excavated would be put back.

All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 1, 2021.

ADDITIONAL INFORMATION:

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

a. Avoidance: Construction is to take place during low tide when most of the site does not have tidal water over it.

b. Minimization: The design of the proposed activity mimics the neighboring lots, with a stacked rip rap stone retaining wall that will tie into the two existing retaining walls on each side. Construction is to take place between tidal shifts when the site is dry. Backfill material will be placed and compacted prior to the incoming tide, and the site will be cleared to minimize sediment runoff into Tongass Narrows.

c. Compensatory Mitigation: Compensatory mitigation is not proposed for this project.

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 cultural resources in the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time. The Corps has made an Adverse Effect determination for the proposed project. This application is being coordinated with the State of Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. 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 Humpback Whale (*Megaptera novaeangliae*) (Mexico DPS).

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 following species:

	Species Common Name	Species Latin Name		Species Common Name	Species Latin Name
1	Coho Salmon	<i>Oncorhynchus kisutch</i>	11	Flathead Sole	<i>Hippoglossoides elassodon</i>
2	Pink Salmon	<i>Onchorhynchus gorbuscha</i>	12	Rougheye Rockfish	<i>Sebastes aleutianus</i>
3	Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	13	Dusky Rockfish	<i>Sebastes variabilis</i>
4	Chum Salmon	<i>Oncorhynchus keta</i>	14	Walleye Pollock	<i>Theragra calcogramma</i>
5	Sockeye Salmon	<i>Oncorhynchus nerka</i>	15	Alaska Plaice	<i>Pleuronectes quadrituberculatus</i>

We have determined the described activity may adversely affect EFH in the project area for the above listed species and provide the following EFH assessment:

The action that will adversely affect EFH is described in detail above under the proposed work and shown on the attached plans. The potential adverse effects to EFH from the discharge of fill material include: 1) loss of habitat functions and 2) changes in hydrologic patterns.

The existing site condition consists of structures on pilings. There is a trestle style drivable area on lot 9B. Lot 9A has a deck and building on the pilings. These structures would be removed as part of the proposed project at low tide when they are above the waterline. The proposed retaining wall and fill material would be made to match the adjacent properties on either side. The property is adjacent to the Bar Harbor marina, which encounters a large amount of vessel traffic and disturbance.

The proposed fill material will permanently eliminate shallow low gradient intertidal habitat, which provides shelter from high currents.

The fill material would be placed at low tide minimizing the potential impacts. Suspension of sediments may occur during placement of the fill material and during tidal exchange. The adverse effects on EFH due to suspension of sediment are expected to be temporary. Sediment suspension should be kept to a minimum with construction taking place at low tide.

Although EFH is present and adverse effects are anticipated, the existing quality of the site for providing all necessary EFH habitat functions is likely marginal given the current site conditions and the heavy use of the waterfront. Removal of the creosote piles would eliminate a chronic source of contamination for the area. The potential benefit to the marine environment would be determined by the number of piles they are able to remove. The proposed discharge of fill will permanently eliminate 0.28 acre of intertidal habitat that may be used by some of all the EFH listed species above or used by their prey species during various life stages for spawning, breeding, feeding, and growth. Due to the existing condition of the site, potential benefits from creosote removal, and the loss of the intertidal area would result in a minor adverse impact to EFH and would not be expected to result in a significant loss of EFH or cause a measurable decline in local EFH managed species populations.

This PN initiates EFH consultation with the NMFS pursuant to the use of existing environmental review procedures in 50 CFR §600.920(f). Any comments or recommendations they 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 PN 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 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 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:
Perform work in or affecting navigable waters of the U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

Discharge dredged or fill material into waters of the U.S. – 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



SCALE IN FEET
 50 0 100

Ketchikan, Ketchikan Gateway Borough, Alaska

Project is located on the 2800 block of Tongass Avenue in Ketchikan, Alaska

Applicant: City of Ketchikan

File No: POA-XXXX-XXXX

Waterway: Tongass Narrows

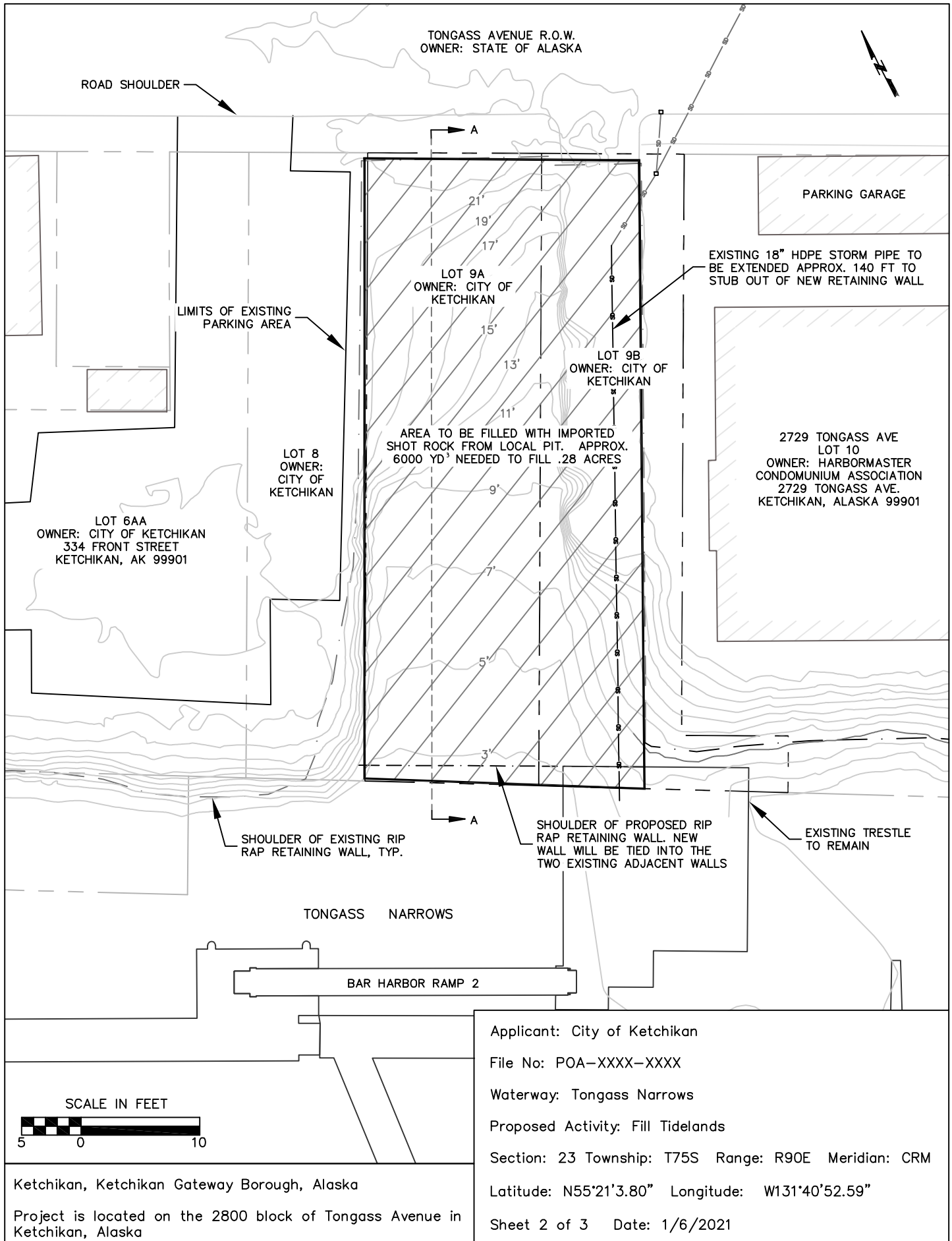
Proposed Activity: Fill Tidelands

Section: 23 Township: T75S Range: R90E Meridian: CRM

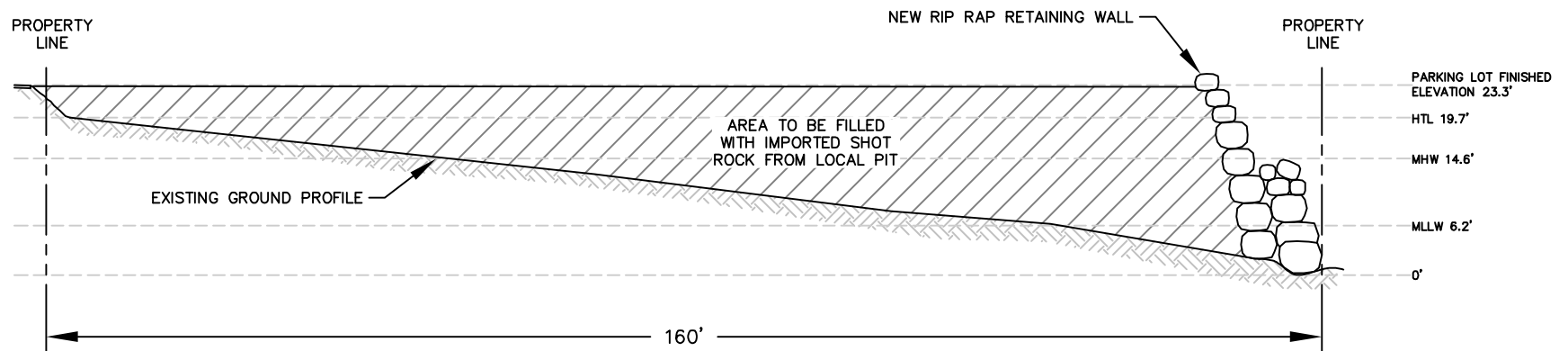
Latitude: N55°21'3.80" Longitude: W-131°40'52.59"

Sheet: 1 of 3

Date: 1/6/2021



SECTION A-A



SCALE IN FEET



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Applicant: City of Ketchikan

File No: POA-XXXX-XXXX

Waterway: Tongass Narrows

Proposed Activity: Fill Tidlands

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Sheet: 3 of 3

Date: 1/6/2021