



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: | April 16, 2021 |
| EXPIRATION DATE: | May 17, 2021 |
| REFERENCE NUMBER: | POA-2012-00921 |
| 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 Catherine Beatty at (907) 753-2554, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Catherine.E.Beatty@usace.army.mil, if further information is desired concerning this notice.

APPLICANT: Mr. Ray Perin

AGENT: Mr. James Peters and Mr. Joe May

LOCATION: The project site is located within Section 29, T. 74 S., R. 90 E., Copper River Meridian; Latitude 55.423611° N., Longitude 131.777778° W.; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to increase the stable building area on the lot to construct a residential home, parking area and yard.

PROPOSED WORK: The applicant is proposing to place 242 cubic yards (CY) of econo blocks (pre-made interlocking blocks that are uniform in width, length and height) into 0.02

acres to construct a concrete block wall and behind the wall place 3,056 CY of clean shot rock into 0.25 acres below the high tide line (HTL). Work is expected to take between six and eight months starting in Spring 2021. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated April 2021.

The applicant is also proposing to install a wastewater outfall, which will likely be reviewed under a Nationwide 7 (Outfall Structures and Associated Intake Structures) once a complete application is received.

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 would be done during low tide when the site is free from tidal water.

b. Minimization: The design of the proposed activity would be similar to the neighboring lot and the State of Alaska road fill. Construction would be done during low tides to minimize exposure to the waters of Tongass Narrows. The econo blocks would be place during the low tide and backfill material will be placed and compacted prior to the incoming tide, filter fabric would also be used to minimize sediment runoff into Tongass Narrows.

c. Compensatory Mitigation: There is no compensatory mitigation 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 within the vicinity of the permit area. The permit area has been determined to be the limits of the project area below the high tide line (HTL) as well as the surrounding uplands on the applicant's property (Lot 1-A). Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. 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 Mexico DPS humpback whale (*Megaptera novaeangliae*) and fin whale (*Balaenoptera physalus*).

We have determined the described activity would have no effect on the Mexico DPS humpback whale (*Megaptera novaeangliae*) and fin whale (*Balaenoptera physalus*) 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 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).

According to the NMFS Alaska EFH Mapper, the project area is within the known range of the Chinook salmon (*Oncorhynchus tshawytsch*), Chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), Pink salmon, (*Oncorhynchus gorbuscha*), and Sockeye salmon (*Oncorhynchus nerka*).

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 may 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 to hydrologic patterns.

The existing site conditions include a rocky shoreline deprived of marine vegetation. The area is exposed to heavy winds, large tide variations and natural erosion of the rock surface. Any marine vegetation would be below low tide and all work is proposed to be above low tide. The site is located within Tongass Narrows, between a rock out crop and the toe of North Tongass Highway. According to the agent, no marine vegetation is present in the area of the proposed fill. According to National Oceanic and Atmospheric Administration Shorezone, the coastal class for the area is platform gravel and sand beach wide.

The proposed fill material will permanently eliminate shallow low gradient intertidal habitat and the native substrate that may provide feeding habitat, shelter from high currents, and shelter from predators for juvenile salmonids. The proposed fill will likely increase current velocity and may change circulation patterns which may affect erosion and deposition rates along the shoreline, particulate suspension, and mixing of dissolved and suspended nutrients and chemical constituents. The change in current patterns may also adversely affect availability of food sources such as zooplankton.

Suspension of sediments may temporarily occur during fill placement, however, the project would take place during low tide to reduce the possibility of turbidity. Fill placement may generate temporary underwater sound, adversely affecting EFH. Fish may leave feeding areas or avoid natural migration areas due to noise disturbances associated with fill placement activities. Adverse effects of underwater noise associated with fill placement would be temporary.

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 high vessel traffic area within Tongass Narrows. The proposed discharge of fill would permanently eliminate 0.27 acres of intertidal habitat that may be used by some or 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, the loss of this 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.

The applicant has proposed the following mitigation to reduce impacts to EFH: 1) all work would be done during low tide to reduce suspension of sediments and direct noise in the water, 2) the fill amount is the minimum needed to meet the 20-foot setback for local building codes plus a splash zone buffer for high winds and waves during winter storms (designed for 120 miles per hour, 3 second gusts and exposure D), 3) a concrete block wall would reduce the toe of slope impacts.

This PN initiates EFH consultation with the NMFS. 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 of Engineers (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:

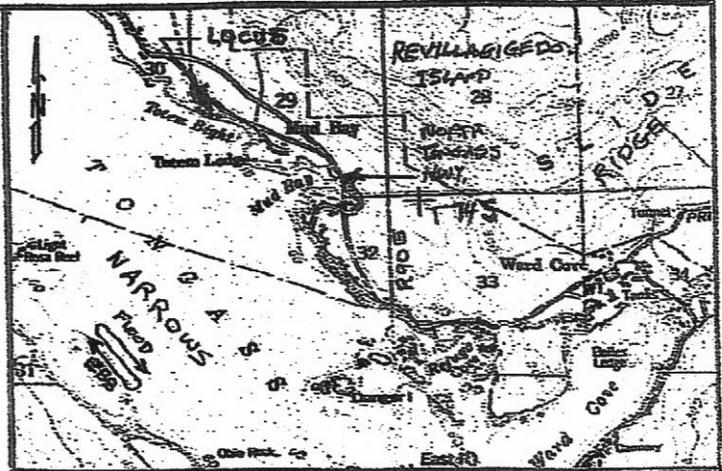
(X) Perform work in or affecting navigable waters of the U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) 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).

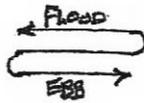
Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

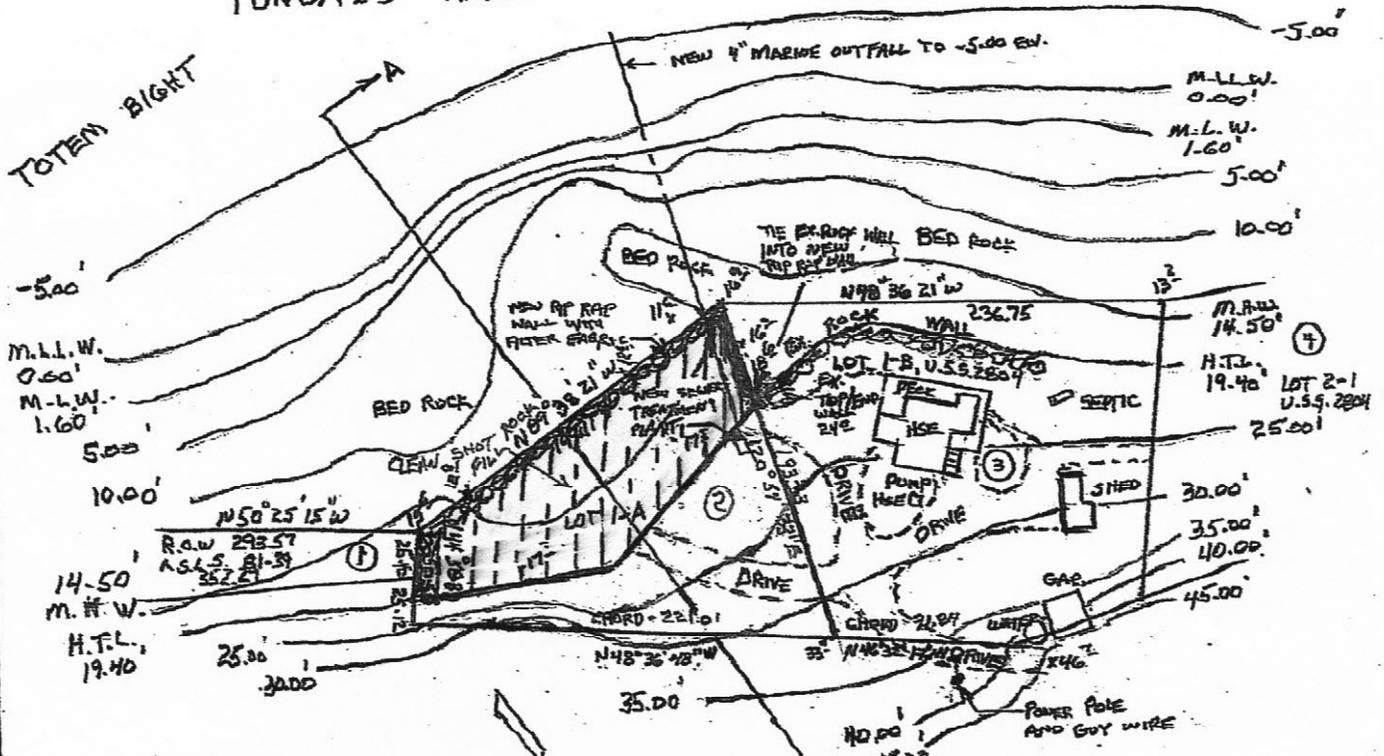
Enclosures



SOURCE: KETCHIKAN B-C, ALASKA MSP
SCALE: 1" = 1 MILE



TONGASS NARROWS



LEGEND

ELEVATION = VERTICAL CONTROL ESTABLISHED FROM HIGH TIDE OF 11.70' AT 8:58 AM ON 9/25/20

= RUP RAP / CONC. BLOCK WALL AND CLEAN SHOT ROCK FILL IN THIS AREA. SEE ENGINEERS PLANS FOR NEW MARINE OUTFALL.

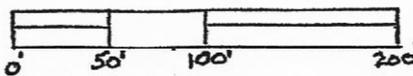
NORTH TONGASS HIGHWAY (10 MILE)

REVISED: 1/20/21
PROJECT NAME: PERIN'S DEVELOPMENT SECTION 29, T11S, R90E, COPPER RIVER MERIDIAN
LAT: 55°25'N, LONG: 131°46'W

ADJACENT PROPERTY OWNERS

- ① STATE OF ALASKA, R.O.W.
- ② RAY PERIN, P.O. BOX 8716, KETCHIKAN, AK 99901
- ③ RAY PERIN, P.O. BOX 8716, KETCHIKAN, AK 99901
- ④ BRIAN NICHOLAS, P.O. BOX 5218, KETCHIKAN, AK 99901

PLAN VIEW



SCALE: 1" = 100'

PROPOSED FILL, SEWER OUTFALL AND CONCRETE BLOCK/ROCK WALL TO HOLD FILL

IN: KETCHIKAN, ALASKA 99901
LOT 1-A, U.S.S. 2804
MILE 10, NORTH TONGASS HWY.
APPLICATION BY: RAY PERIN, P.O. BOX 8716, KETCHIKAN, AK 99901
DATE: 11/11/20 SHEET 1 OF 2 SHEETS

NO HARBOR LINES ESTABLISHED

HIGH TIDE LINE = 19.4'

MEAN HIGHER HIGH TIDE = 15.4'

MEAN HIGH TIDE = 14.5'

MEAN LOW TIDE = 1.6'

MEAN LOW LOW TIDE = 0.0'

1 - NEW SEPTIC TANK WITH 4" MARINE OUTFALL AND 23' L.F. OF 4" HEAVY DUTY PLASTE PIPE WILL BE USED FROM TANK TO -5.0' ELEV.
SEPTIC TANK WILL BE PLACED ON THE GRANDS (SEE PLAN VIEW SHEET 1)

EARTH WORK QUANTITIES

RIP RAP ROCK FOR WALL = 290 L.F., 242 C.Y., 0.02 ACRES

FILTER FABRIC BEHIND ROCK WALL

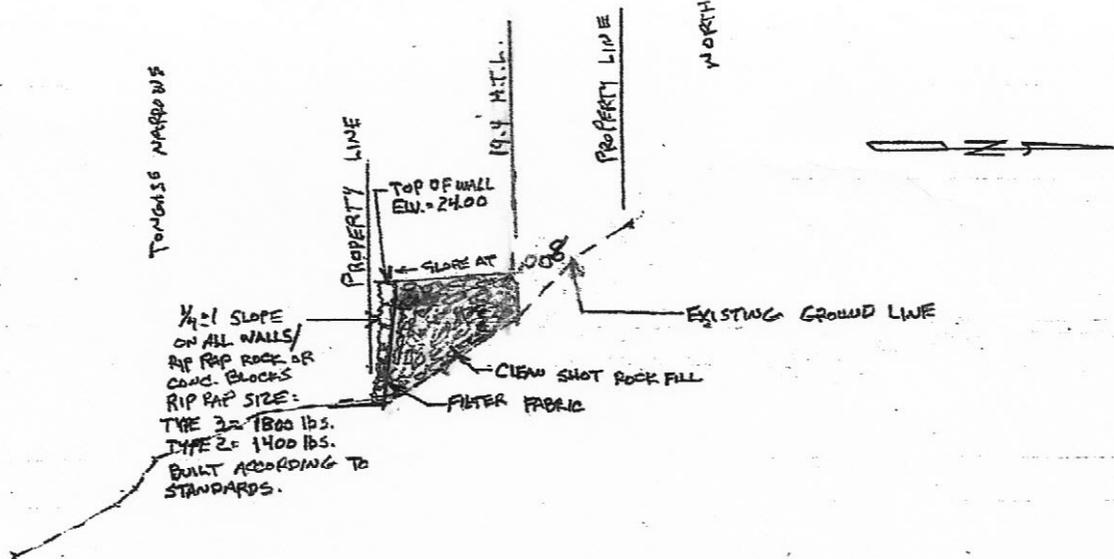
CLEAN SHOT ROCK BEHIND ROCK WALL = 3,056 CUBIC YARDS - ROCK WALL TO 19.4' ELEV.

11,000 SQ. FT.

0.25 ACRES

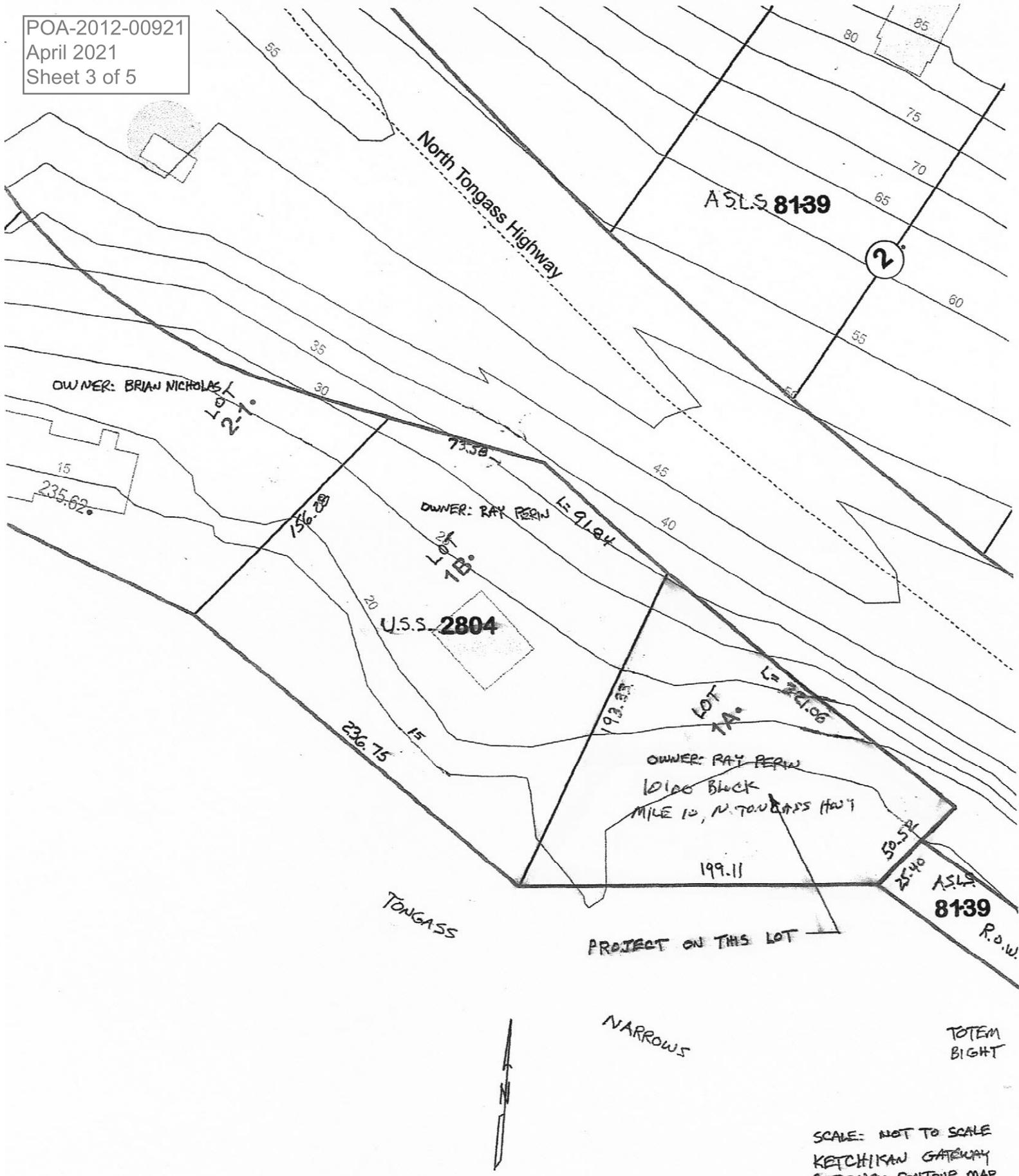
NORTH TOWARDS HWY.

| |
|----------------|
| ELV = 45.00' |
| 40.00' |
| 35.00' |
| 30.00' |
| 25.00' |
| H.T.L. 19.40' |
| M.H.W. 14.50' |
| 10.00' |
| 5.00' |
| M.L.W. 1.60' |
| M.L.L.W. 0.00' |
| -5.00' |



SECTION A-A

SCALE: HOR. 1" = 100'
VERT. 1" = 20'



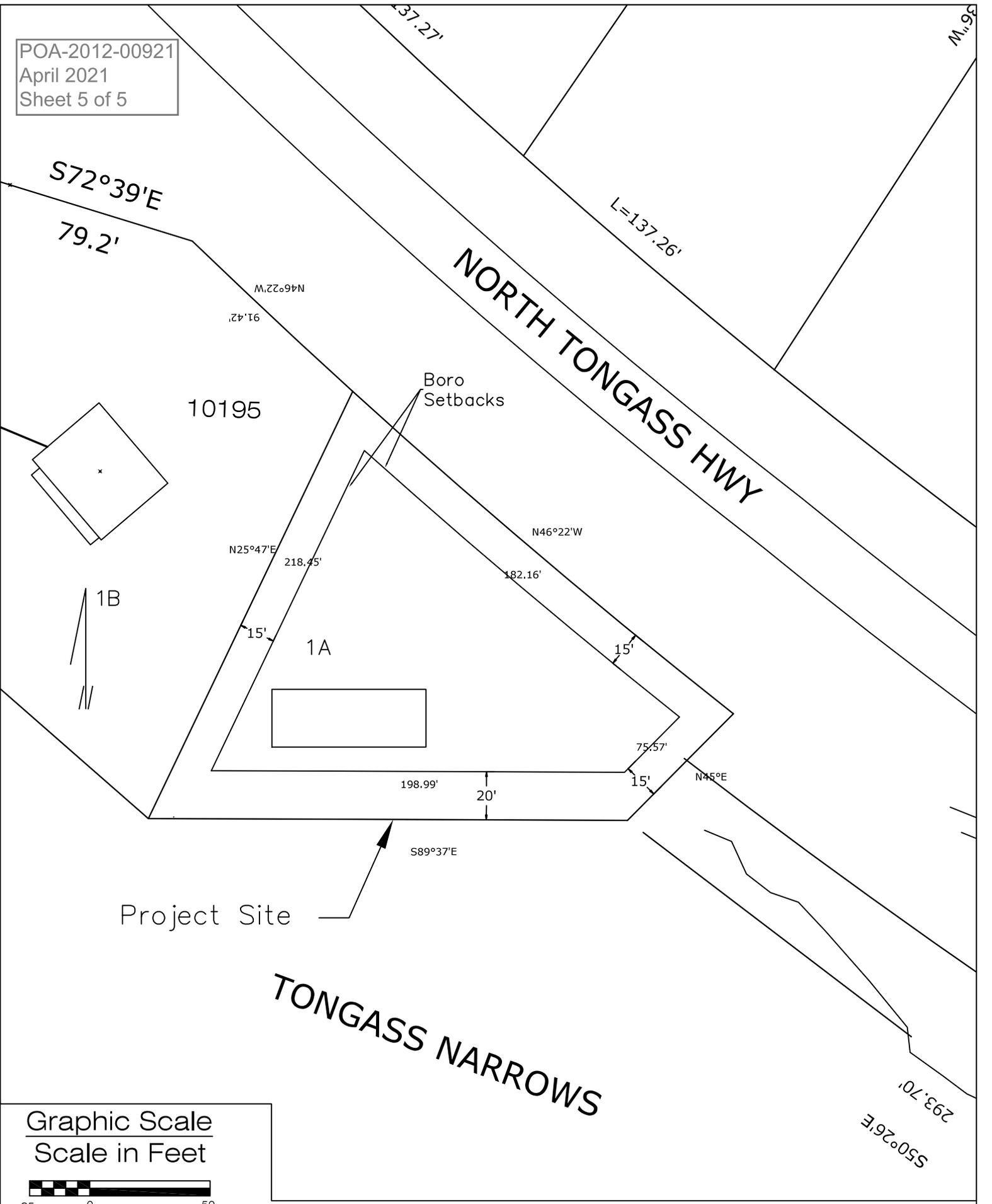
SCALE: NOT TO SCALE
KETCHIKAN GATEWAY
BOROUGH CONTOUR MAP



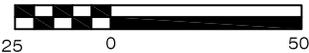
SHOT
ROCK
SOURCES
FOR
PROJECT

(KETCHIKAN B-5)

POA-2012-00921
 April 2021
 Sheet 5 of 5



Graphic Scale
 Scale in Feet



| BY | DATE |
|----|------|
| | |
| | |
| | |

RECORD OF REVISIONS

May Engineering Services, LLC
 PO Box 1273
 Ward Cove, AK 99928

Project Site Perin's Lot 1A
In Ketchikan, AK

| | |
|--------------------------------|-------------------|
| DESIGNED BY: <i>Joe May</i> | PROJECT No. |
| DRAWN BY: <i>JGM</i> | DATE: |
| SCALE: <i>1"=50'</i> | SHEET <u> </u> |