



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: | October 18, 2023 |
| EXPIRATION DATE: | November 02, 2023 |
| REFERENCE NUMBER: | POA-2023-00240 |
| WATERWAY: | George Inlet |

*****Public Notice Reissued*****

This notice was originally sent by the Alaska District Corps of Engineers Regulatory Division directly to all agencies and other interested parties who have requested to be included on our Public Notice distribution list. However, it has recently come to our attention that, through an administrative error, some public notices have been omitted from our public website beginning in August 2023. This public notice was unfortunately affected by the error, and therefore is now being posted to our public website to allow for a 15-day public comment period. We apologize for any confusion or inconvenience this may have caused and thank you for your interest in the Corps of Engineers Regulatory Division public notices and encourage your comments on proposed projects. 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. 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.

All comments regarding this public notice 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 public notice reference number listed above.

All comments 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 Emily Vullo at (907) 753-2704, toll free from within Alaska at (800) 478-2712, or by email at Emily.N.Vullo@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Cape Fox Corporation, POC: Timothy Lewis, Address: 620 Dock Street, Ketchikan, AK 99901,
Email: tlewis@capefoxlodge.com

AGENT: Fred Monrean, Address: Post Office Box 9343, Ketchikan, AK 99901
Email: fmonrean@kpunet.net

LOCATION: The project site is located near Latitude 55.3828° N., Longitude 131.4695° W.; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide bus and truck access for the 1912 cannery structure, upgrade and repair the cannery as a tourist destination, and create an economic engine for the Cape Fox Corporation and employment for the shareholders.

PROPOSED WORK: The applicant would construct new parking lots, a road, a bridge, a new harbor area including dredging, and perform maintenance on existing structures. Work requiring a permit from the Corps would include the following:

- Removal of approximately 41 visible damaged piles as well as removal of any piles broken off by wire dragging to -8 feet.
- Replacement of 35 cannery support piles using the previously removed piles from other locations.
- Construction of a 6-foot by 80-foot aluminum ramp leading to a float system consisting of a 12-foot by 280-foot float, an 8-foot by 100-foot float and an 8-foot by 200-foot float with sixteen 16-inch steel piles in the north harbor area.
- Construction of a 20-foot by 40-foot float, an 18-foot by 62-foot removable float, an 18-foot by 146-foot float, a 28-foot by 80-foot fuel float, and a 6-foot by 80-foot aluminum ramp, with eleven 16-inch steel piles in the south harbor area.
- Construction of a 24-foot by 140-foot pier with twenty-four 12-inch piles.
- Construction of a 28-foot by 40-foot store with twelve 12-inch steel piles.
- Driving and removal of two test piles
- Removal of the current foot bridge over Beaver Falls Creek.
- Installation of a new 16-foot by 140-foot vehicle access bridge over Beaver Creek. The bridge would include two abutments and six 16-inch steel piles and concrete erosion protection systems. The north abutment would include the discharge of fill material into 0.0433-acre of waters below the high tide line (HTL). The center bridge abutment would include the discharge of fill material into 0.00046-acre of waters below the HTL.

-Construction of a new floating break water/shellfish rearing area system. The three break water structures would be 20-feet wide by 60-feet long by 4-feet deep with foam filled concrete. They would be held in place with twenty-four 12 ton concrete anchors and ¾-inch galvanized chain. There would be 24 pens to rear oysters attached to the breakwaters. The baskets would be suspended at a depth of no more than 30 feet.

-Dredging would occur within two separate areas for a new harbor area. The north area would be dredged to -8 feet removing 4,469 cubic yards of material and the south area would be dredged to -8 feet removing 1,612 cubic yards of material. In total, up to 6,100 cubic yards of material would be removed and used for parking lots and road construction.

-Construction of tidal pool interpretative features consisting of four 35-foot by 45-foot pools below the mean high water mark. One pool would have a replica of a native fish trap structure. Construction would consist of excavating to 12.7 feet for pool four, to 8 feet for pool three, to 4.7 feet for pool two, and to 1.8 feet for pool one with a track hoe. Discharge of 35 cubic yards of large rocks into 35 square feet of waters below the HTL per pool would be completed to be used as the downstream edge of the ponds to reinforce the berm from wave action.

-Discharge of 520 cubic yards of dredged material in 0.0036-acre of waters below the HTL for construction of the north parking area.

-Discharge of 730 cubic yards of clean shot rock fill material in 0.0752-acre of waters below the HTL for construction of the south abutment bulkhead to the new dock.

All work would be performed in accordance with the enclosed plan (sheets 1-9), dated August 2023.

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: Complete avoidance of waters of the U.S. is not possible to meet the project purpose of upgrading the existing area to become a tourist destination as it is located below the high tide line. The applicant has stated, "Damage to tidal areas is avoided by construction of docks, bridges, floats and a floating breakwater in lieu of fill." The applicant has avoided all impacts to wetlands and has avoided impacts to other waters of the US to the maximum extent possible.
- b. Minimization: Impacts to waters of the U.S., including wetlands, would be minimized by only placing the minimal amount of fill necessary to stabilize the bridge, provide adequate parking based on a parking study, and to reinforce the tide pools.
- c. Compensatory Mitigation: The applicant has proposed no compensatory mitigation for the project because they have minimized and avoided impacts through the design of the 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 and within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army 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 Historic Preservation Office (SHPO), Federally recognized Tribes, other consulting parties, and the Advisory Council on Historic Preservation (ACHP). Any comments SHPO, Federally recognized Tribes, other consulting parties, and ACHP 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. Further coordination to develop a Memorandum of Agreement will occur.

ENDANGERED SPECIES: The project area is within the known or historic range of the threatened Humpback whale (*Megaptera novaeangliae*) Mexico Distinct Population Segment as well as the proposed threatened Sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect the threatened and proposed species listed above. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). 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 (Magnuson-Stevens 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 mapped EFH for chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), and sockeye salmon (*Oncorhynchus nerka*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The potential environmental effects of dredging on managed species and designated EFH include the direct removal/burial of organisms; increased turbidity and siltation, including decreasing light attenuation; contaminant release and uptake, including nutrients, metals, and organics; the release of oxygen-consuming substances (e.g., chemicals and bacteria); entrainment in suction and clamshell dredges; noise disturbances, injury, and mortality; and alterations to hydrodynamic regimes and physical habitat.

Pile driving and fill placement would occur at low tide and turbidity would be minimal and temporary. Piles that need to be replaced under the cannery would be the recycled creosote pilings from the north harbor area. However, these are the same pilings that have been in the area since 1912 and it is expected that the leach rate has declined exponentially if not entirely in the past 100 years. Replacement of the existing pilings with the like is necessary to maintain the historic integrity of the site. Any new piles would be steel to reduce any effects on the environment. Dredging would only occur in the two areas necessary to facilitate safe navigation of vessels.

Additionally, the area has been surveyed at three negative low tide events and there is no eel grass in the area. Dredging would occur this fall if the permit is issued. There would also be four tide pool areas constructed to provide rearing areas for small crabs, fish, mussels, barnacles, aquatic vegetation, etc.

This public notice 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 Corps 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 Corps, 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. 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:

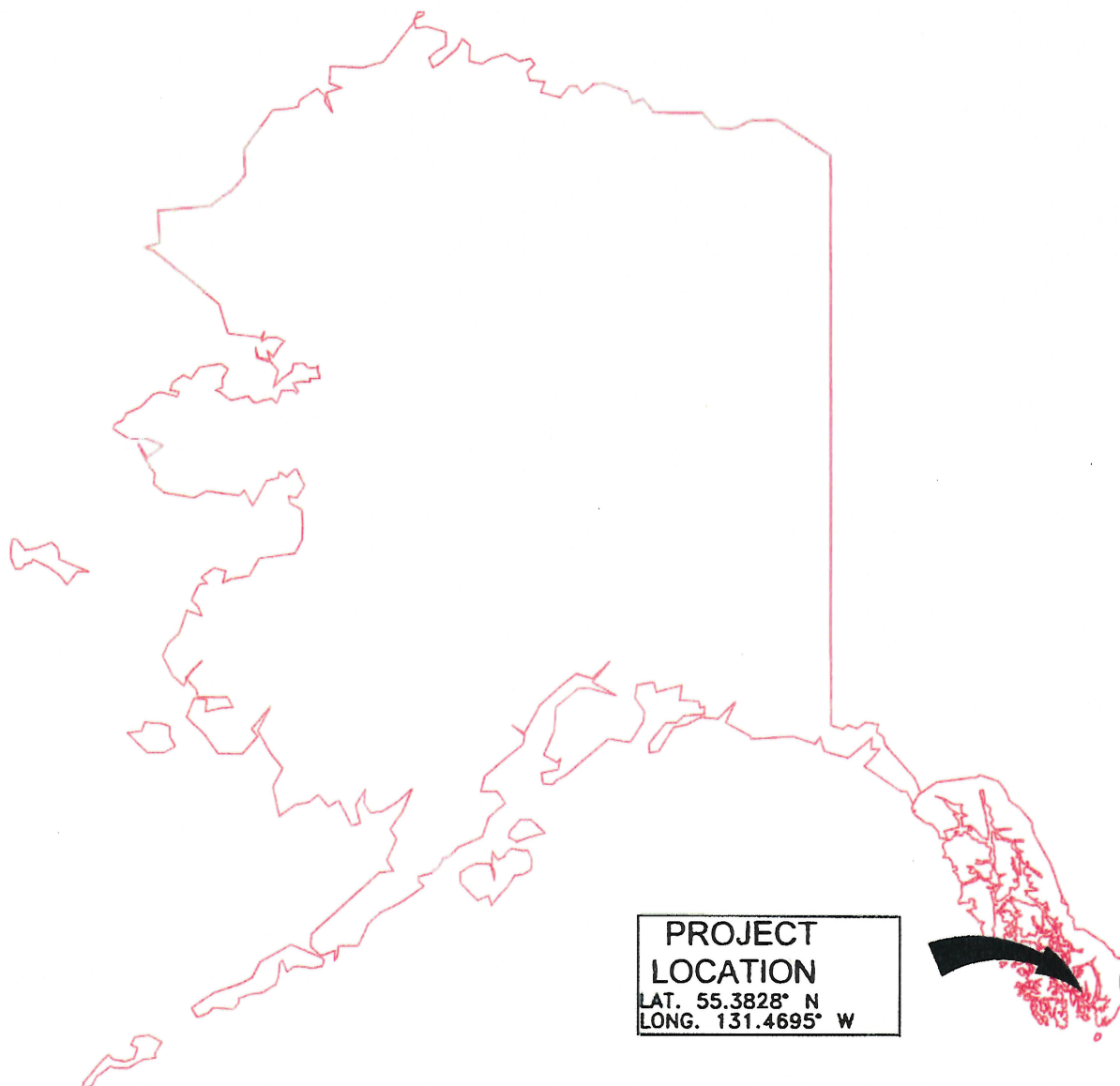
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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 are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosures



SCALE NONE

PURPOSE: EXTEND LIFE OF
1912 CANNERY, NEW
ACCESS, MAINTENANCE
AND UPGRADES

DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

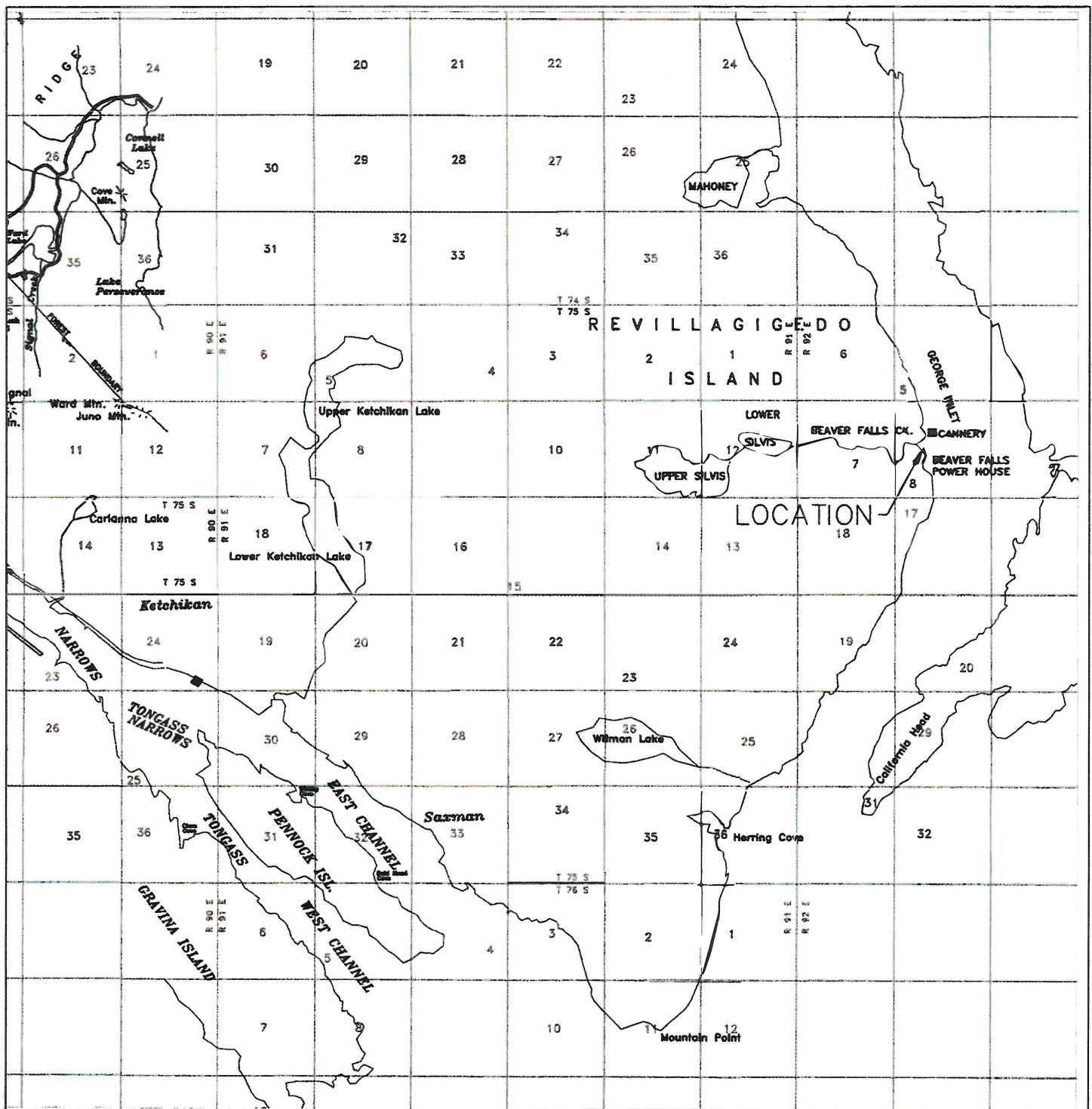
LOCATION MAP
REFERENCE: POA-2023-00240
GEORGE INLET CANNERY
REPAIRS AND UPGRADES

CAPE FOX CORP.
620 DOCK ST.
KETCHIKAN, ALASKA 99901

PROPOSED:
REPAIR CIRCA 1912 CANNERY
ADD HARBOR, FLOATS, DOCK, NEW
ACCESS BRIDGE AND ROAD, DREDGE,
REMOVE ABANDON PILES NEW FLOATING
BREAKWATER

KETCHIKAN GATEWAY BOROUGH
STATE OF: AK

APPLICATION BY: TIMOTHY LEWIS
SHEET 1 of 9 DATE 8-1-2023



FROM: KETCHIKAN B-6 QUADRANGLE

3000 0 3000 6000 FEET

SCALE 1"=1 Mile

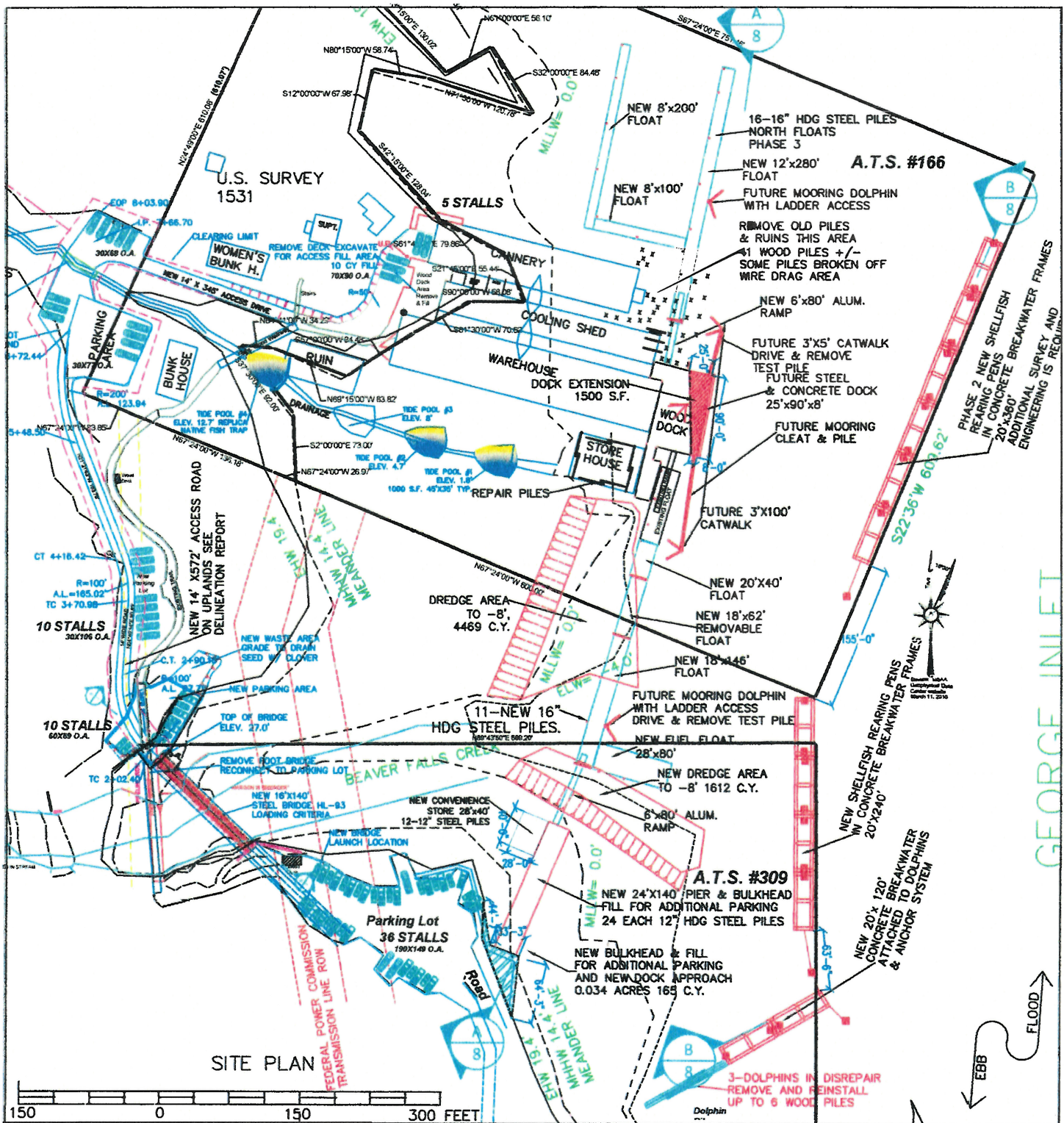
PURPOSE: EXTEND LIFE OF
1912 CANNERY, NEW
ACCESS, MAINTENANCE
AND UPGRADES

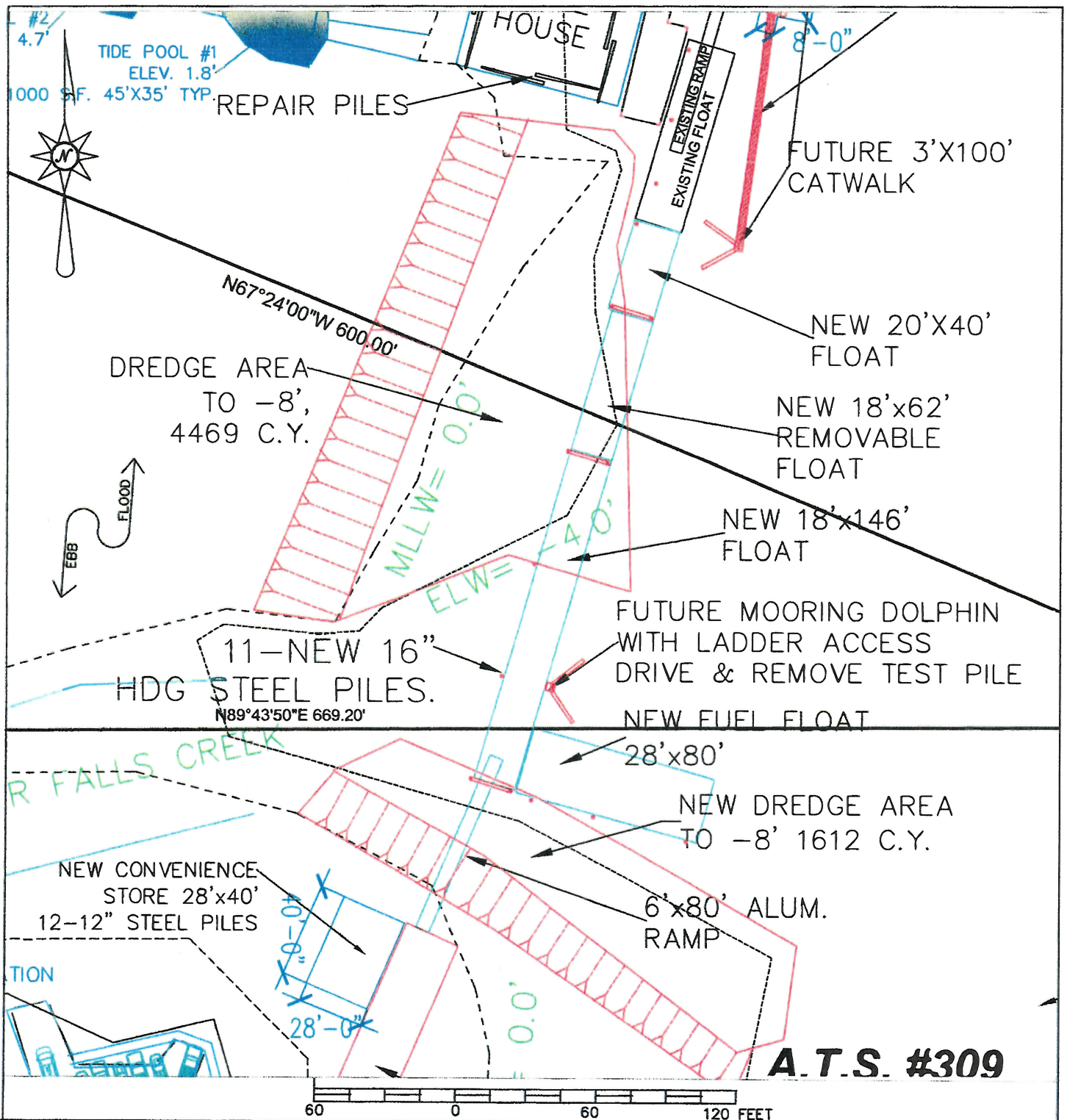
DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

VICINITY MAP
REFERENCE: POA-2023-00240
GEORGE INLET CANNERY
REPAIRS AND UPGRADES

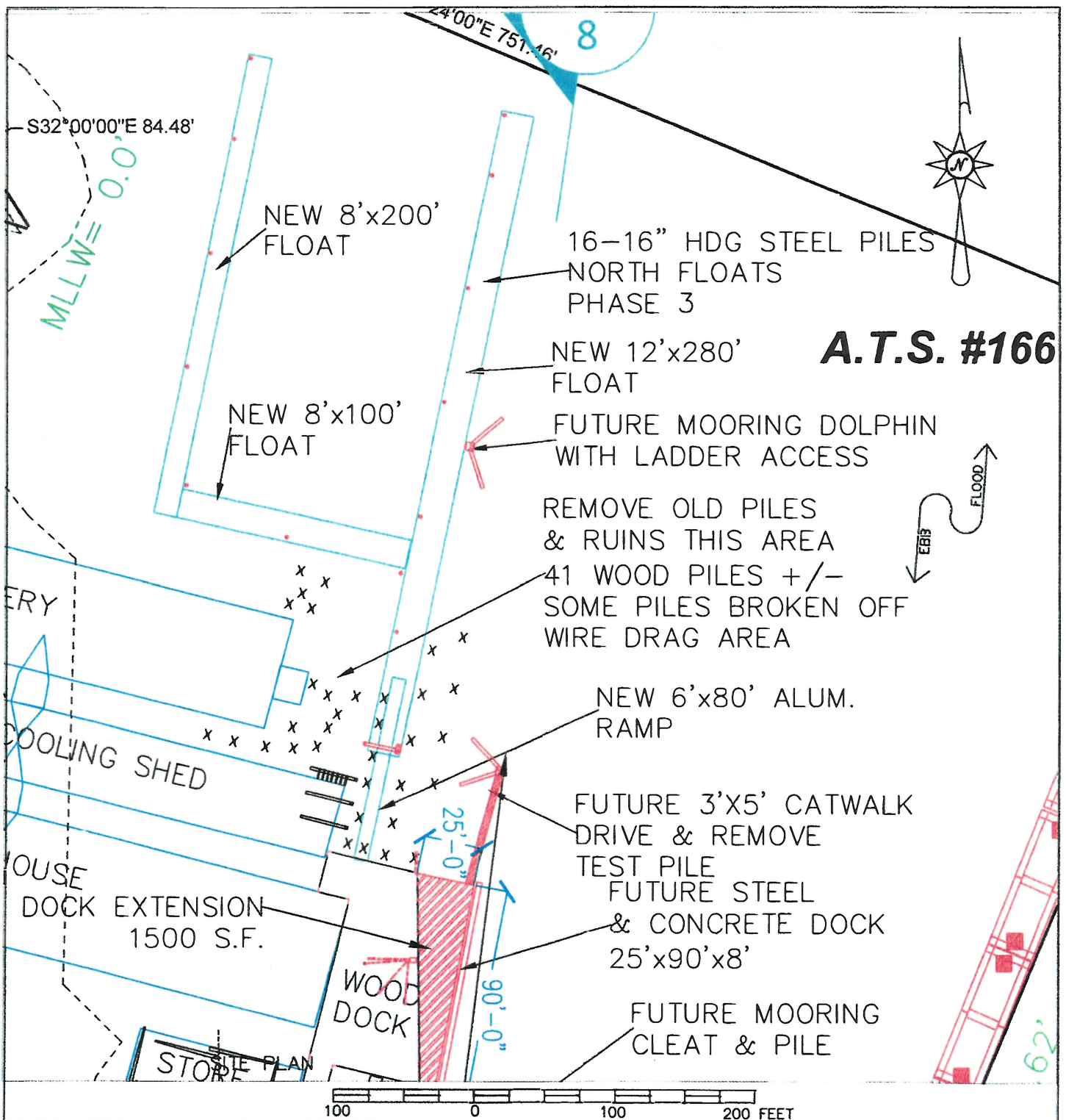
CAPE FOX CORP.
620 DOCK ST.
KETCHIKAN, ALASKA 99901

PROPOSED:
REPAIR CIRCA 1912 CANNERY
ADD HARBOR, FLOATS, DOCK, NEW
ACCESS BRIDGE AND ROAD, DREDGE,
REMOVE ABANDON PILES NEW FLOATING
BREAKWATER
KETCHIKAN GATEWAY BOROUGH
STATE OF: AK
APPLICATION BY: TIMOTHY LEWIS
SHEET 2 of 9 DATE 8-1-2023





| | | |
|---|--|--|
| <p>PURPOSE: EXTEND LIFE OF 1912 CANNERY, NEW ACCESS, MAINTENANCE AND UPGRADES</p> <p>DATUM: HORIZONTAL :NAD. 83/91 VERTICAL N.G.V.D. 29</p> | <p>SOUTH FLOAT & DREDGE PLAN</p> <p>REFERENCE: POA-2023-00240</p> <p>GEORGE INLET CANNERY</p> <p>REPAIRS AND UPGRADES</p> <p>CAPE FOX CORP. 620 DOCK ST. KETCHIKAN, ALASKA 99901</p> | <p>PROPOSED: REPAIR CIRCA 1912 CANNERY ADD HARBOR, FLOATS, DOCK, NEW ACCESS BRIDGE AND ROAD, DREDGE, REMOVE ABANDON PILES NEW FLOATING BREAKWATER</p> <p>KETCHIKAN GATEWAY BOROUGH STATE OF: AK</p> <p>APPLICATION BY: TIMOTHY LEWIS SHEET 4 of 9 DATE 8-1-2023</p> |
|---|--|--|



A.T.S. #166

PURPOSE: EXTEND LIFE OF
1912 CANNERY, NEW
ACCESS, MAINTENANCE
AND UPGRADES

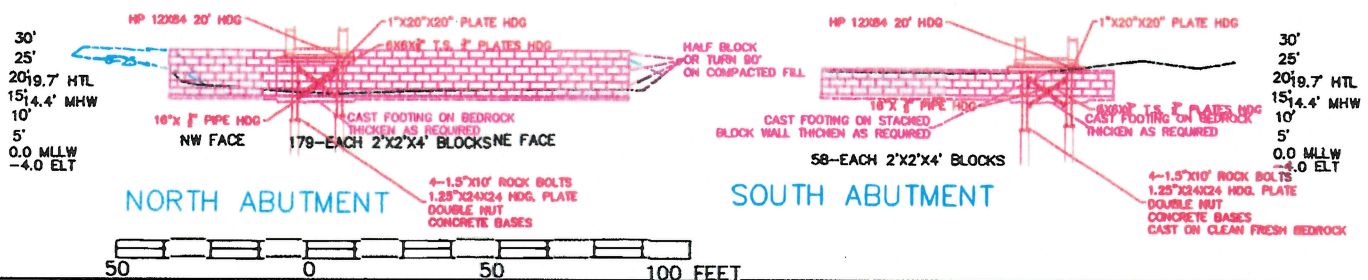
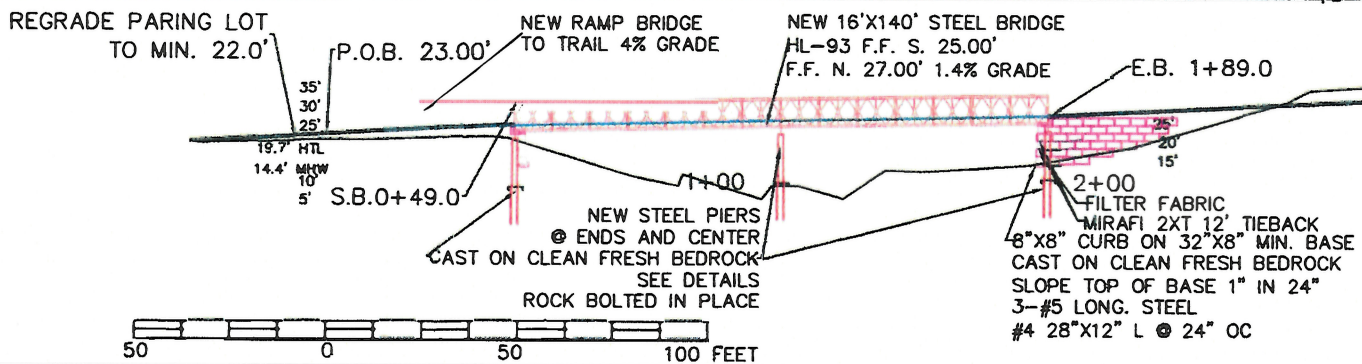
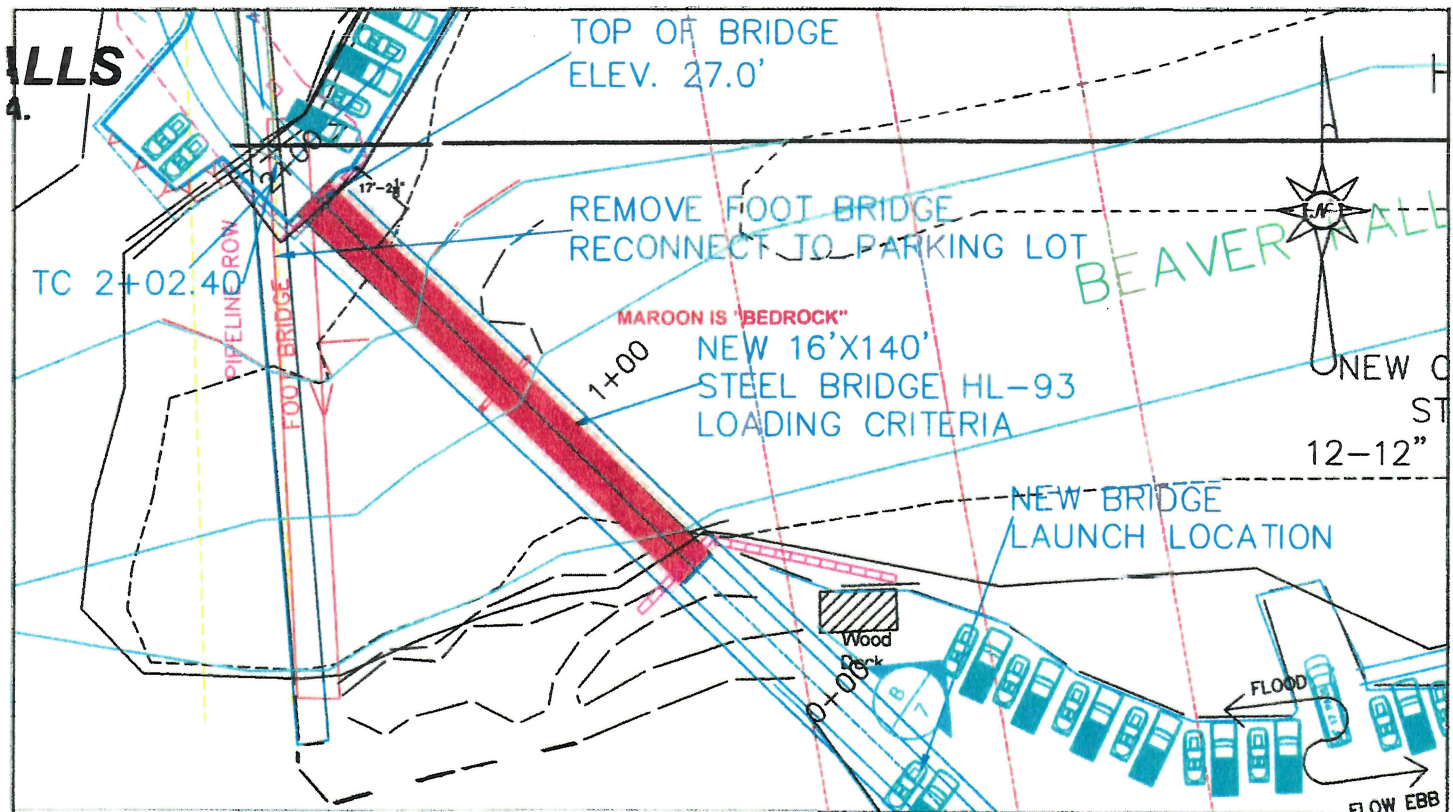
DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

NORTH FLOAT PLAN

REFERENCE: POA-2023-00240
GEORGE INLET CANNERY
REPAIRS AND UPGRADES

CAPE FOX CORP.
620 DOCK ST.
KETCHIKAN, ALASKA 99901

PROPOSED:
REPAIR CIRCA 1912 CANNERY
ADD HARBOR, FLOATS, DOCK, NEW
ACCESS BRIDGE AND ROAD, DREDGE,
REMOVE ABANDON PILES NEW FLOATING
BREAKWATER
KETCHIKAN GATEWAY BOROUGH
STATE OF: AK
APPLICATION BY: TIMOTHY LEWS
SHEET 5 of 9 DATE 8-1-2023



PURPOSE: EXTEND LIFE OF 1912 CANNERY, NEW ACCESS, MAINTENANCE AND UPGRADES

DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

NEW BRIDGE PLAN & PROFILE
REFERENCE: POA-2023-00240
GEORGE INLET CANNERY
REPAIRS AND UPGRADES

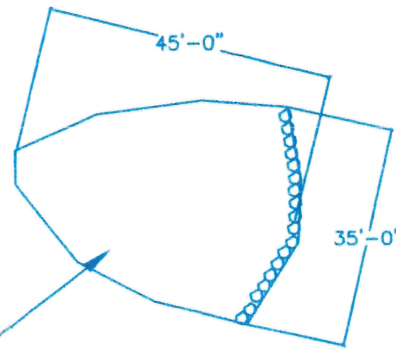
CAPE FOX CORP.
620 DOCK ST.
KETCHIKAN, ALASKA 99901

PROPOSED:
REPAIR CIRCA 1912 CANNERY
ADD HARBOR, FLOATS, DOCK, NEW
ACCESS BRIDGE AND ROAD, DREDGE,
REMOVE ABANDON PILES NEW FLOATING
BREAKWATER

KETCHIKAN GATEWAY BOROUGH
STATE OF: AK

APPLICATION BY: TIMOTHY LEWIS
SHEET 6 of 9 DATE 8-1-2023

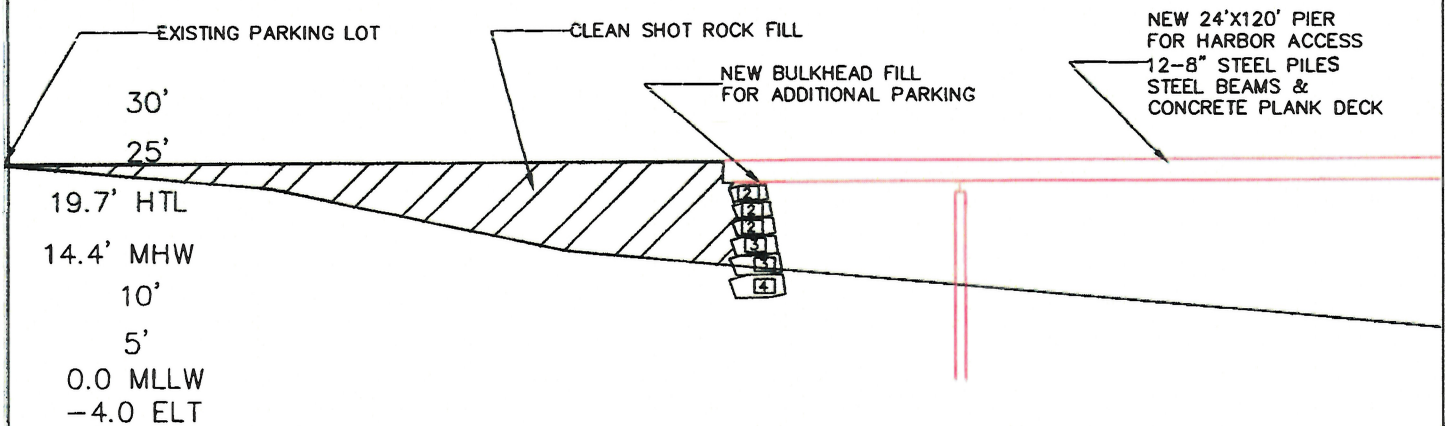
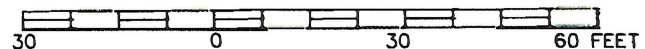
TIDE POOL
INTERPRETIVE AREA
1000 S.F. 45'X35' TYP.
DEPTH UP TO 24"



9

TIDE POOL TYP PLAN

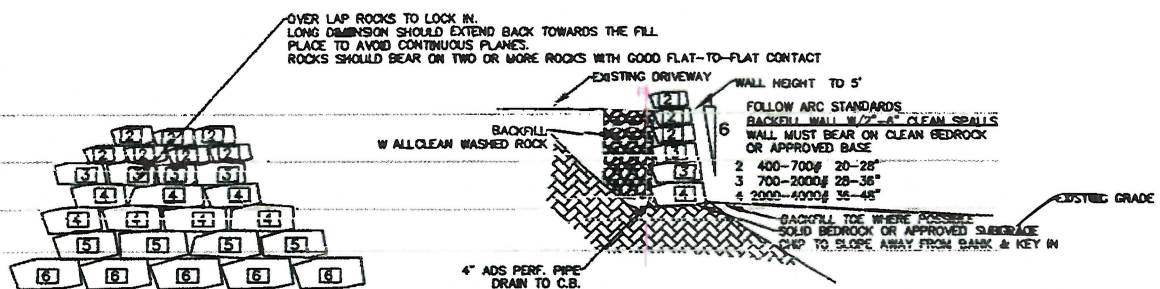
Scale 1"=30'



9

APPROACH BULKHEAD DETAIL

Scale 1"=30'



PURPOSE: EXTEND LIFE OF
1912 CANNERY, NEW
ACCESS, MAINTENANCE
AND UPGRADES

DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

CANNERY PILE REPLACEMENT
REFERENCE: POA-2023-00240
GEORGE INLET CANNERY
REPAIRS AND UPGRADES

CAPE FOX CORP.
620 DOCK ST.
KETCHIKAN, ALASKA 99901

PROPOSED:
REPAIR CIRCA 1912 CANNERY
ADD HARBOR, FLOATS, DOCK, NEW
ACCESS BRIDGE AND ROAD, DREDGE,
REMOVE ABANDON PILES NEW FLOATING
BREAKWATER

KETCHIKAN GATEWAY BOROUGH
STATE OF: AK

APPLICATION BY: TIMOTHY LEWIS
SHEET 9 of 9 DATE 8-1-2023