



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

<b>PUBLIC NOTICE DATE:</b>	<b>April 23, 2021</b>
<b>EXPIRATION DATE:</b>	<b>May 24, 2021</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2021-00194</b>
<b>WATERWAY:</b>	<b>Clover Passage</b>

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Interested parties are hereby notified that a Department of the Army (DA) 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](mailto: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 Bryan Herczeg at (907) 753-2772, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: [Bryan.A.Herczeg@usace.army.mil](mailto:Bryan.A.Herczeg@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. Trevor Sande

**AGENT:** R&M Engineering-Ketchikan, Inc.

**LOCATION:** The project site is located within Section 5, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.4812° N., Longitude 131.7766° W.; Lot 1, U.S.S. 3767, 15541 North Tongass Highway, Ketchikan, Alaska.

**PURPOSE:** The applicant's stated purpose is to build a new single-family residence on the lot. The seawall and placement of fill into jurisdictional waters is necessary due to the geometry of the lot which is substandard lot geometry and is very long and extremely narrow.

**PROPOSED WORK:** Construct a seawall and building pad for a new single family residence on Lot 1, U.S.S. 3767 in Ketchikan, Alaska. The lot is 337 feet by 55 feet and the proposed seawall will be 337 feet long along the water with 18-foot long returns on each side terminating into the land. Seawall construction will require excavation of 80 CY and the placement of 200 cubic yards (CY) of concrete. A total of 1,250 CY of shot rock will be placed behind the seawall for the building pad. The bottom of the seawall will be constructed at the mean high water (MHW) line at 14.5 feet and the top of the wall be at 23-feet in elevation. A house, garage, parking, and on-site wastewater system with drain field will be constructed on the building pad. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated April 8, April 11, and February 16, 2021.

**ADDITIONAL INFORMATION:** According to the applicant the Ketchikan Planning Department has approved a variance to allow structures to encroach into the normal front yard setback.

**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: It is not practical to avoid fill on the beach because of the geometry of the property. The property was subdivided prior to Alaska Statehood and the geometry of the lot is non-conforming with a very long narrow lot with about ½ of the lot on uplands and ½ of the lot between the mean high water and the high tide line.
- b. Minimization: It is not possible to minimize the impacts to waters of the U.S. because of the unusual geometry of this property. None of the impacts are within sensitive ecological areas and much of the area of impact is solid rock beach with very little habitat value and no aquatic organisms.
- c. Compensatory Mitigation: No compensation is proposed. Disturbance will be minimal, localized and there are no areas with aquatic vegetation or any sort. Much of the area is exposed solid rock with some beach gravel.

**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 cultural resources in the permit area or 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. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (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*).

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

We have determined the described activity may adversely affect EFH in the project area for the following species: Chinook salmon (*Oncorhynchus tshawytscha*), 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 primary adverse effects to EFH from the discharge of fill material includes: 1) loss of habitat functions and 2) changes to hydrologic patterns.

A description of the project area found in NOAA Fisheries Shore Zone ([https://alaskafisheries.noaa.gov/mapping/sz\\_js/index.html?tab=sz&layout=h2](https://alaskafisheries.noaa.gov/mapping/sz_js/index.html?tab=sz&layout=h2)) indicates the existing site conditions include the following habitat and coastal classifications and resources:

Habitat Class: Protected/Partially Mobile/Sediment or Rock & Sediment  
Coastal Class: Ramp w gravel & sand beach wide  
Biological Wave Exposure: protected  
Environmental Sensitivity Index (ESI): Mixed sand and gravel beaches  
Dune Grass: Patchy  
Splash Zone: Narrow  
Barnacles: Patchy  
Green Algae: Continuous  
Bleached Red Algae: Patchy  
Eel Grass: Patchy  
Soft Brown Kelps: Continuous  
Rockweed: Continuous

The proposed seawall and 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 occur during fill placement, however, the project would take place during periods of low tide to reduce the possibility of turbidity.

The proposed discharge of fill will permanently eliminate 6,066 square feet (0.14 acre) 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. 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 EFH managed species populations.

The applicant has proposed the following mitigation to reduce impacts to EFH: 1) the footprint of the fill pad is reduced to the minimum necessary for a residence and garage and the code required parking and on-site wastewater treatment and disposal areas, 2) a seawall is proposed to reduce the project footprint avoiding fill below MHW and minimizing toe slope impacts.

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:

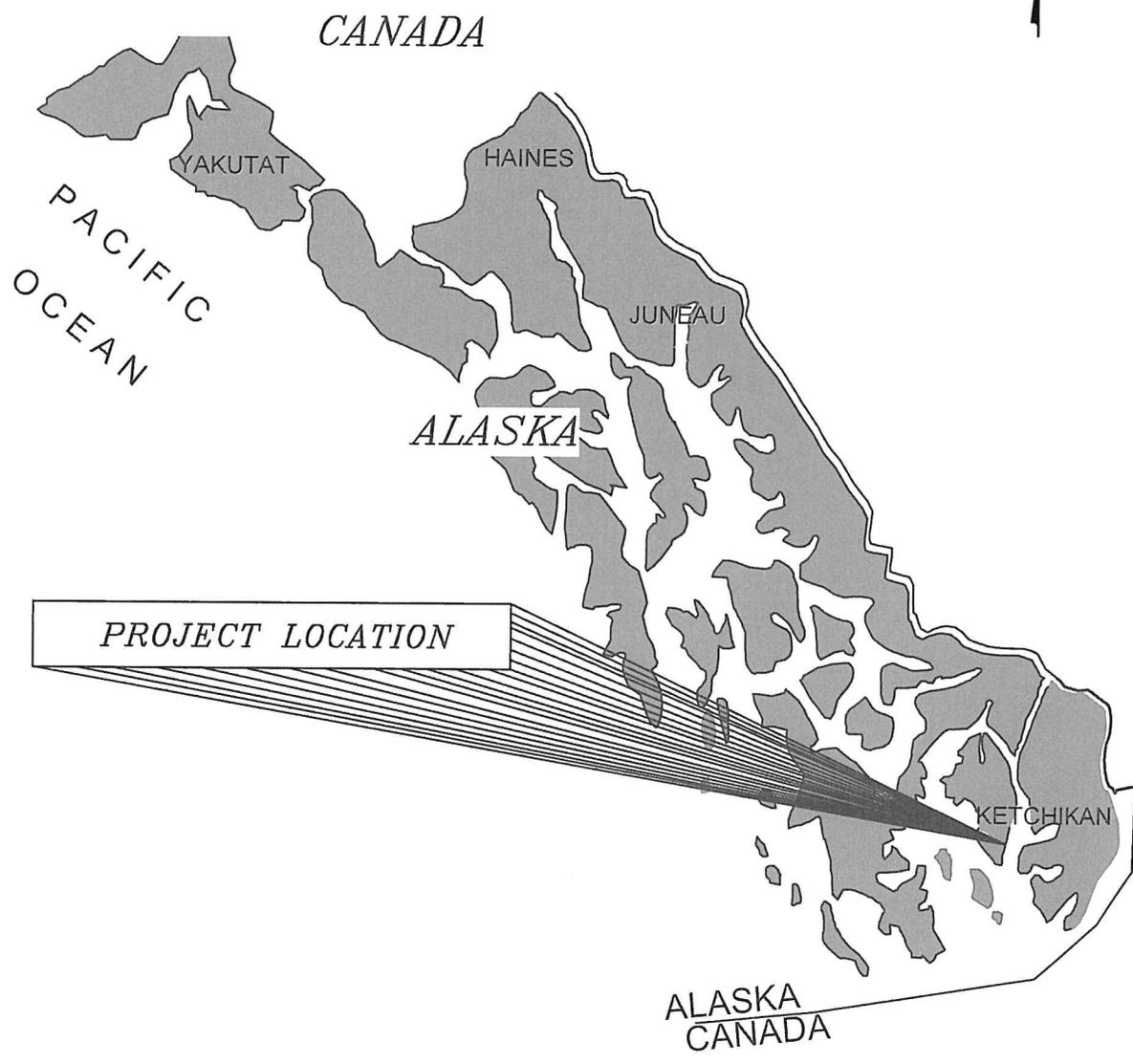
(X) Perform work in or affecting navigable waters of the U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

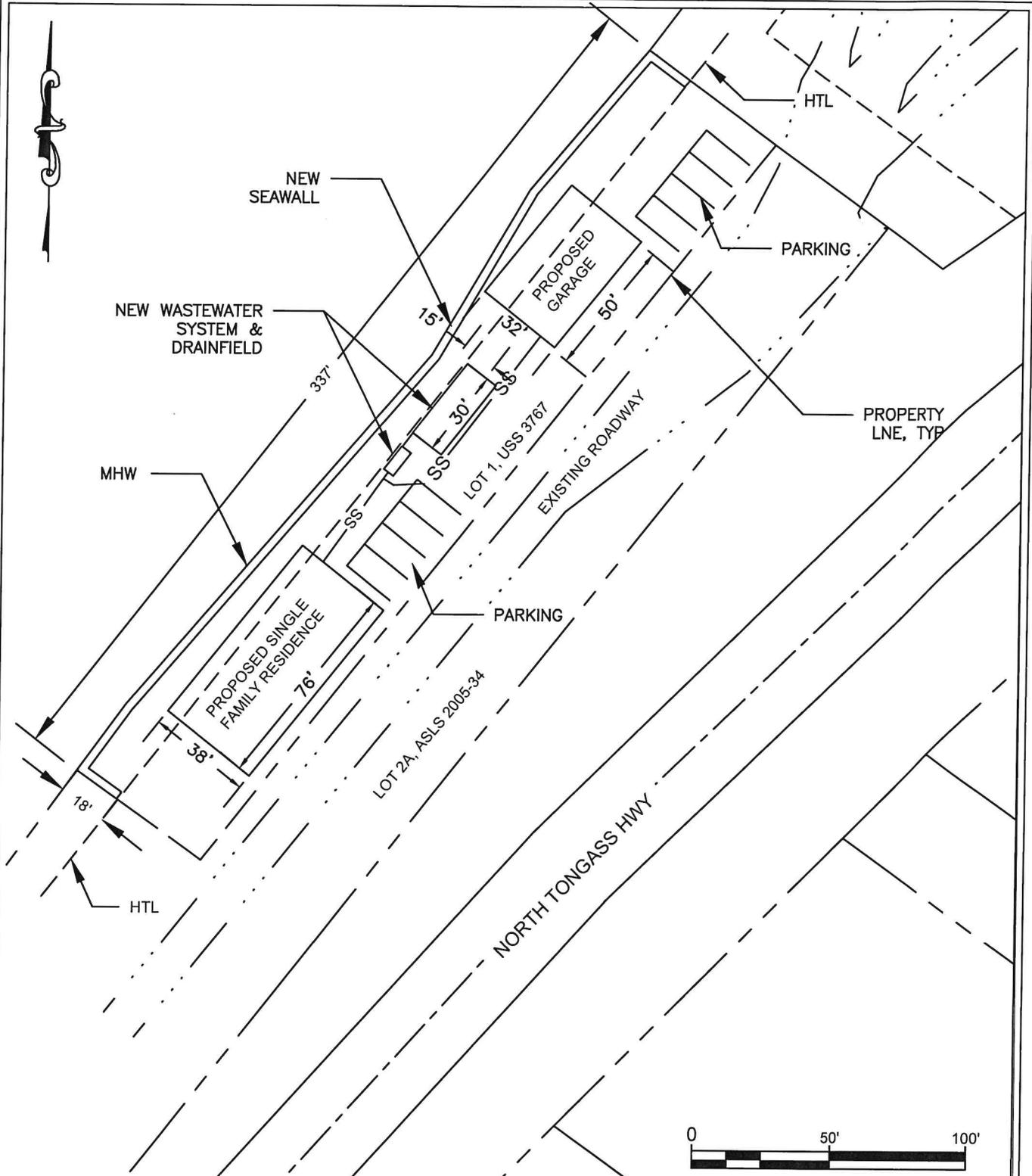
Enclosures



# REGION MAP

PROJECT LOCATION  
LAT. 55.4813°, LONG. -131.7766°

<b>SANDE RESIDENCE LOT DEVELOPMENT</b>	
LOCATION MAP	
APPLICANT: TREVOR SANDE 15639 NORTH TONGASS KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA ROAD ROAD KETCHIKAN, AK 99901
DATE: 4-8-21 SHEET: 1 OF 4	Ketchikan, Alaska WATER BODY: Clover Pass



**PROJECT QUANTITIES**

CONCRETE SEAWALL	373 LINEAL FEET
EXCAVATION FOR FOOTING	80 CY
VOLUME OF CONCRETE WALL	200 CY
SHOT ROCK EMBANKMENT	1250 CY

**SANDE RESIDENCE LOT DEVELOPMENT**

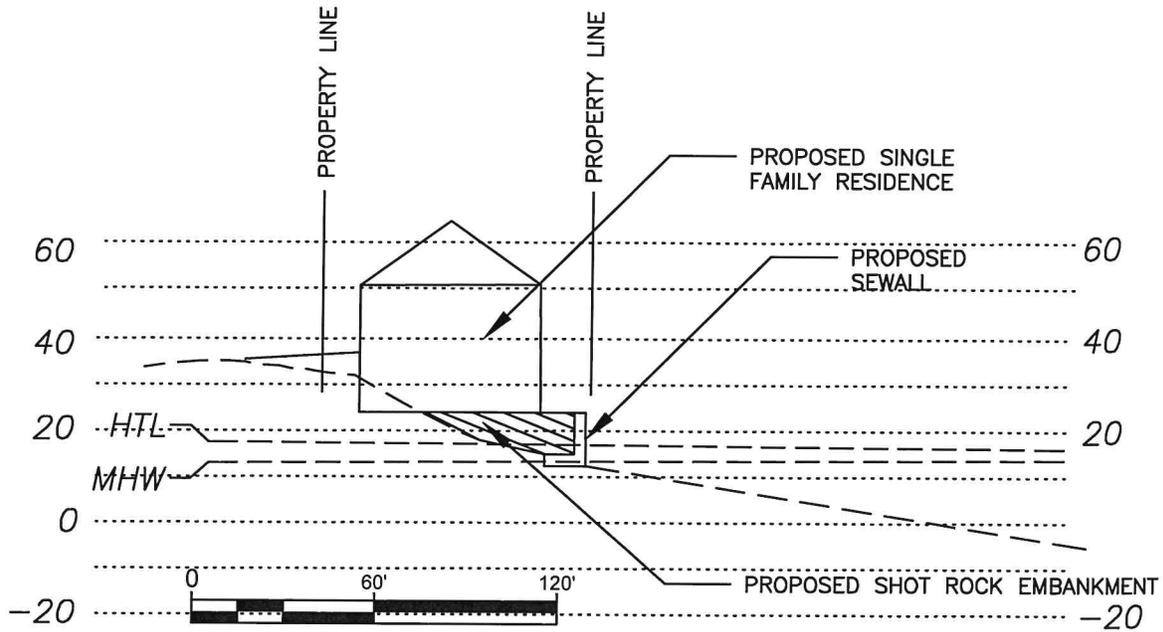
SITE PLAN

APPLICANT:  
Trevor Sande  
7180 Revilla Road  
Ketchikan, AK 99901

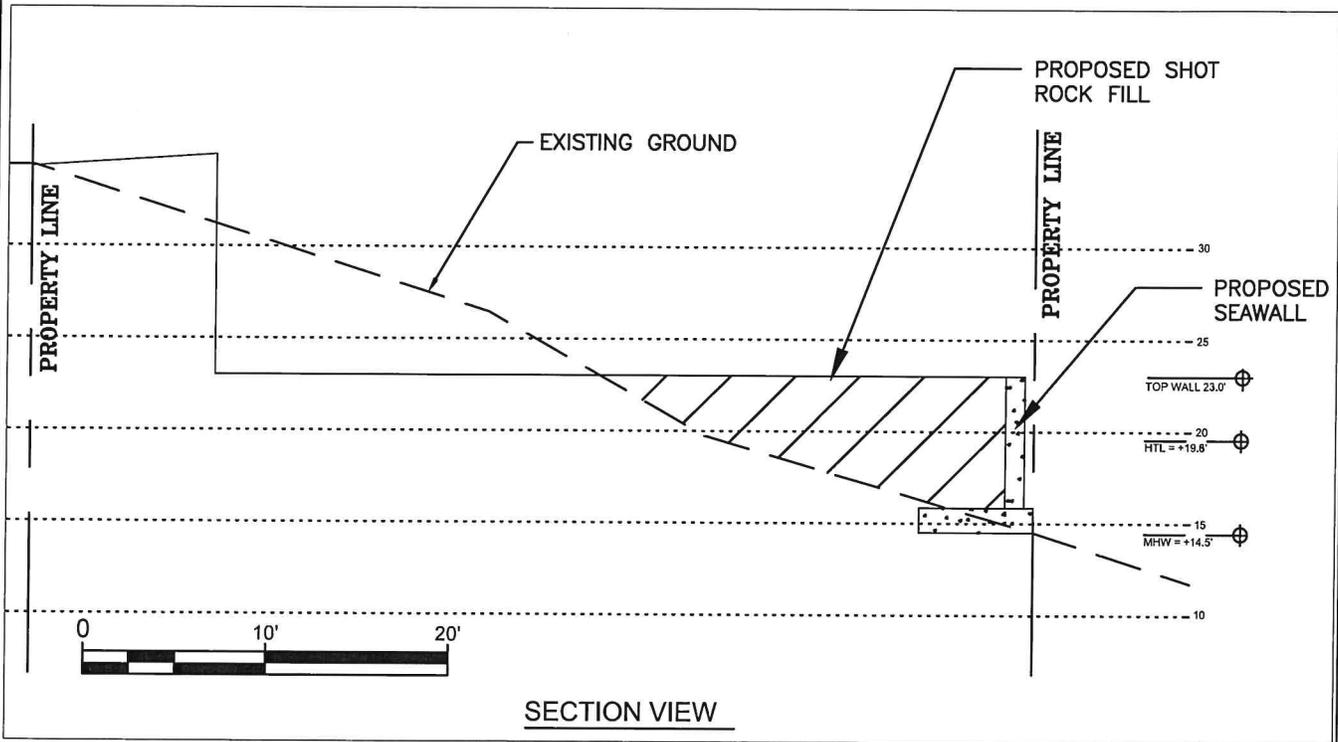
AGENT:  
R&M ENGINEERING-KETCHIKAN  
7180 REVILLA ROAD ROAD  
KETCHIKAN, AK 99901

DATE: 4-11-21  
SHEET: 2 OF 4

Ketchikan, Alaska  
WATER BODY: Clover Pass



SECTION VIEW



SECTION VIEW

**SANDE RESIDENCE LOT DEVELOPMENT**

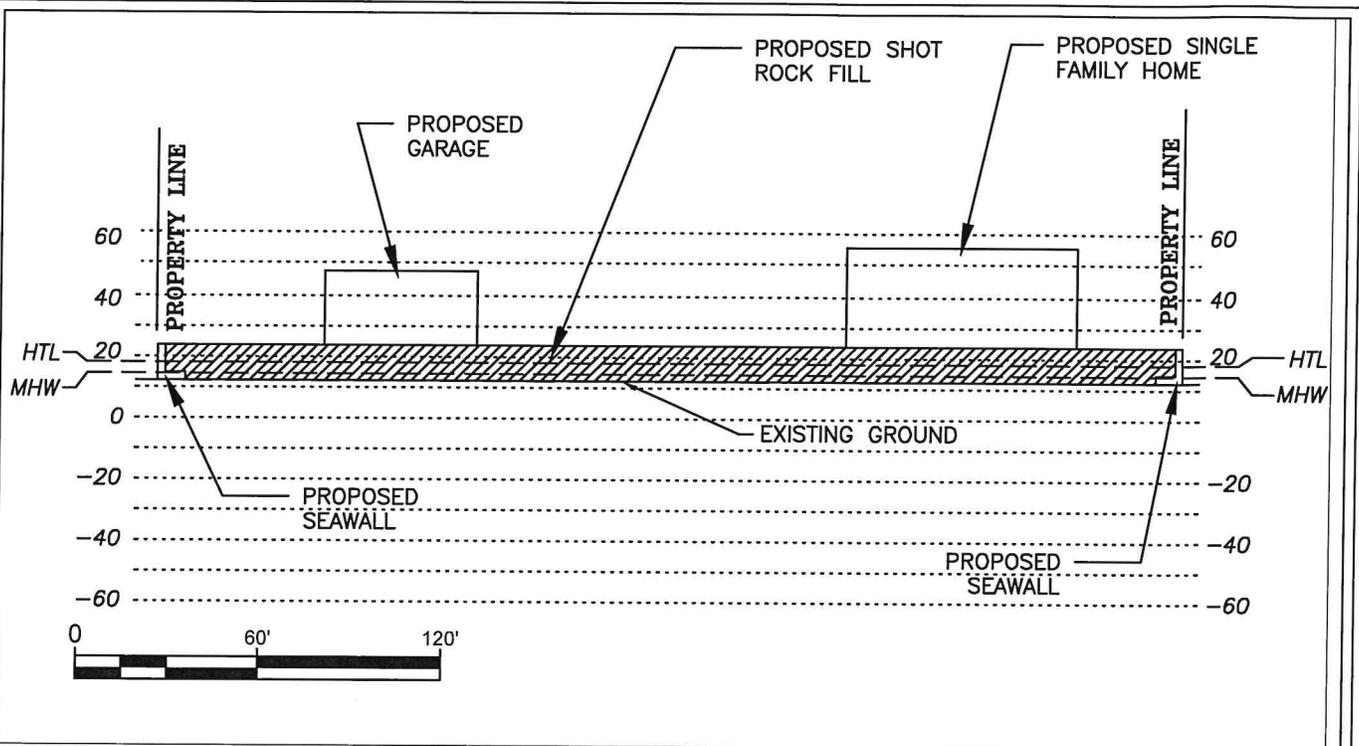
SEAWALL AND FILL SECTION VIEW  
SCALE: AS NOTED

APPLICANT:  
Trevor Sande  
7180 Revilla Rd  
Ketchikan, AK 99901

AGENT:  
R&M ENGINEERING-KETCHIKAN  
7180 REVILLA ROAD ROAD  
KETCHIKAN, AK 99901

DATE: 2-16-21  
SHEET: 3 OF 4

Ketchikan, Alaska  
WATER BODY: Clover Pass



<b>SANDE RESIDENCE SEAWALL &amp; PAD DEVELOPMENT</b>	
RETAINING WALL PROFILE SCALE: AS NOTED	
APPLICANT: Trevor Sande 7180 Revilla Rd Ketchikan, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA ROAD ROAD KETCHIKAN, AK 99901
DATE: 2-16-21 SHEET: 4 OF 4	Ketchikan, Alaska WATER BODY: Clover Pass