



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	August 03, 2021
EXPIRATION DATE:	August 18, 2021
REFERENCE NUMBER:	POA-2021-00266
WATERWAY:	Nichols Passage

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. 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 Mrs. Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Roberta.K.Budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Strauss Family Trust, P.O. Box 1905, Beverly Hills, California 90213

AGENT: Mr. Scot Menzies, Menzies Engineering Group, Inc., 9737 Mud Bay Road, Suite 301, Ketchikan, Alaska 99901

LOCATION: The project site is located at Latitude 55.3138° N., Longitude 131.5904° W.; 2954 South Tongass Highway, in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to enclose and protect the existing support posts for the outer wall of the house and to allow reconfiguring of support of the deck and foundation. The house foundation is within one to two feet of the existing stacked rock

seawall/retaining wall. The close proximity of the house to the wall puts the house's stability at risk due to concerns regarding soil mechanics and deficiencies of the existing wall.

PROPOSED WORK: Discharge eight (8) cubic yards (CY) of concrete, 320 CY of three inch minus backfill gravel, and place 65 CY of precast concrete blocks into 0.0225-acre of waters of the U.S. below the high tide line of Nichols Passage in order to create a new backfilled seawall at the existing home. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated May 17, 2021.

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: Avoidance of waters of the U.S. is not achievable as the home and attendant structures which require support exist within and adjacent to waters of the U.S.

b. Minimization: The area of fill proposed is the minimum needed to provide support for the house. The applicant is not proposing their preferred alternative, which would be to fill to the outermost property boundary at the west side resulting in double the acreage of impact and fill volume.

c. Compensatory Mitigation: The applicant has not proposed 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 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 footprint of the proposed project within waters of the U.S. (Nichols Passage) and the small area above high tide line which would be filled but for the proposed new seawall. 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), federally recognized tribes, and other consulting parties. 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 fin whale (*Balaenoptera physalus*) and the Mexico distinct population segment of humpback whale (*Megaptera novaeangliae*). The project area is not within any designated critical habitat. We have determined the proposed project 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 chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*O. keta*), pink salmon (*O. gorbuscha*), sockeye salmon (*O. nerka*), and coho salmon (*O. kisutch*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning the 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.

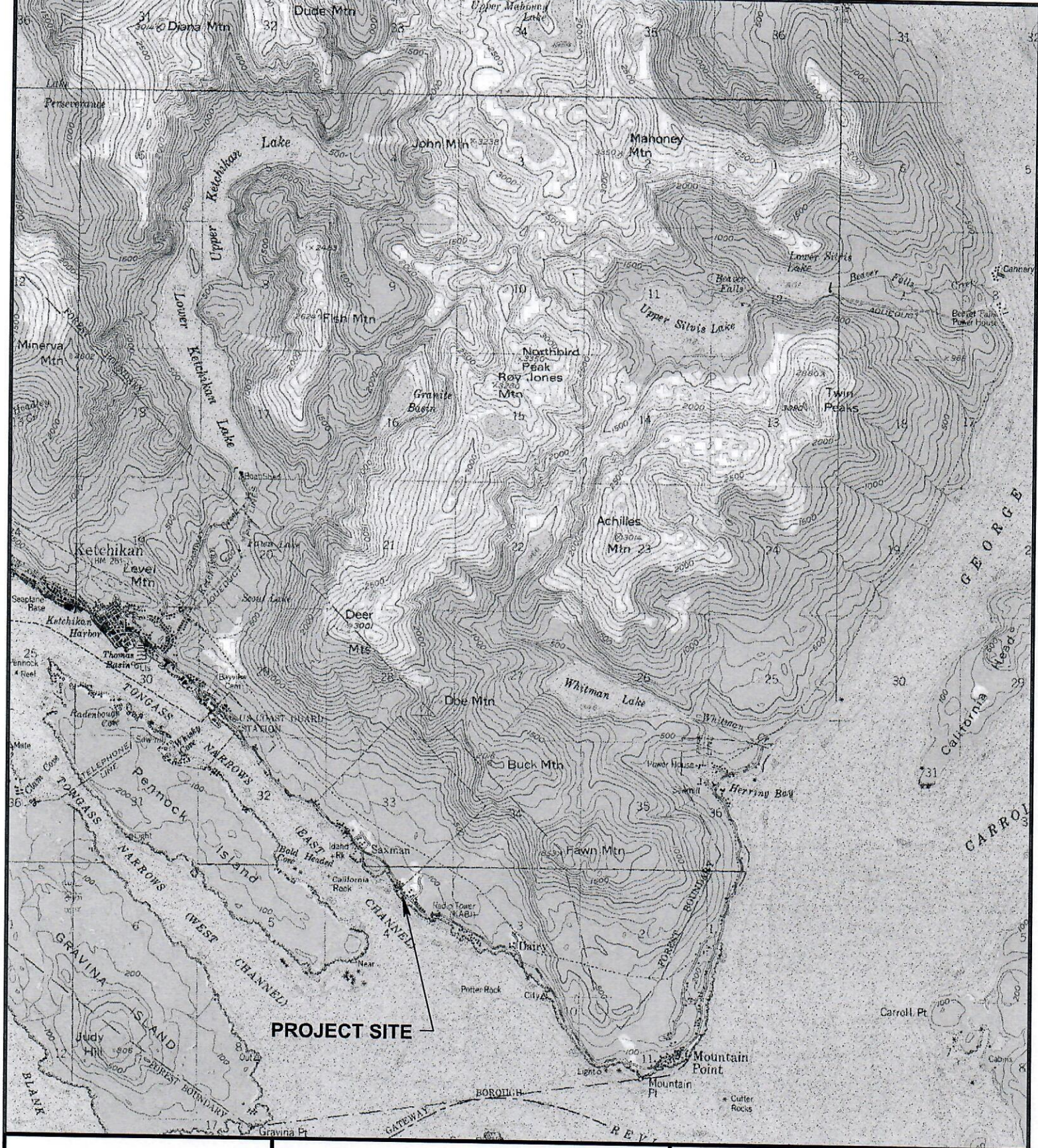
AUTHORITY: This permit will be issued or denied under the following authority:

(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



NOTE: MAPPING SHOWN IS
USGS QUAD KETCHIKAN B-5

GRAPHIC SCALE:

1" = 1 MILE

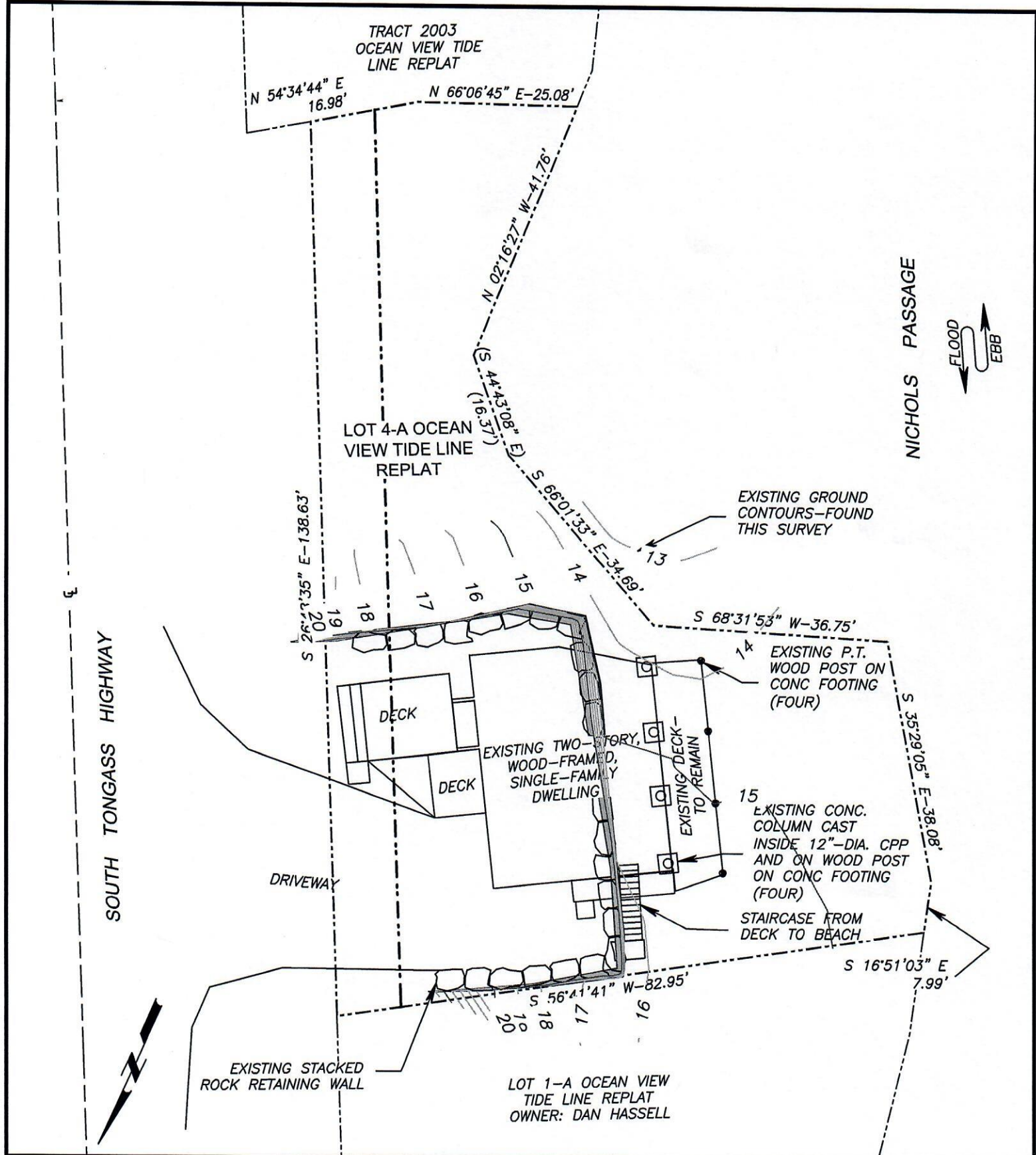


LOCAL VICINITY MAP

APPLICANT:
STRAUSS FAMILY TRUST
P.O. BOX 1905
BEVERLY HILLS, CA 90213

**STRAUSS RESIDENCE SEAWALL
AND FOUNDATION IMPROVEMENTS**
2954 SOUTH TONGASS HIGHWAY
LOT 4-A, OCEANVIEW TIDE LINE REPLAT
POA-2021-00266

AT: KETCHIKAN
LOCATED IN: T.76S., R.91E., SECTION 4
DATE: 5-17-21 SHEET **1** OF **4**



GRAPHIC SCALE:

1" = 20 FEET



SITE PLAN EXISTING CONDITIONS

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SHEET **2** OF **4**

PROJECT QUANTITIES

TOTAL SURFACE AREA FILLED	980 SQ. FT. (0.0225 ACRES)
CAST-IN-PLACE CONCRETE	8 YD ³
PRE-CAST CONCRETE BLOCK SEA WALL	65 YD ³
(2'X2'X4' BLOCKS	APPROX. 110 BLOCKS)
3" MINUS BACKFILL GRAVEL	320 YD ³

LOT 1-A OCEAN
VIEW TIDE LINE
REPLAT
OWNER: DAN
HASSELL

LOT 4-A OCEAN
VIEW TIDE LINE
REPLAT

EXISTING STACKED
ROCK RETAINING WALL
TO REMAIN IN PLACE

EXISTING TWO-STORY,
WOOD-FRAMED,
SINGLE-FAMILY
DWELLING

CONC. COLS &
FOOTINGS TO
REMAIN IN PLACE

EXISTING DECK TO REMAIN
(DECK ELEV. 29.0')

DECK POSTS SHALL
BE CUT AND
RESUPPORTED AT TOP
OF NEW FILL W/NEW
CONC. FOOTINGS

BACKFILL INSIDE NEW
SEAWALL W/ WELL-
GRADED 3"-MINUS
GRAVEL-COMPACT TO
95% OF MAX.
DENSITY IN 12" LIFTS

NEW MRE RETAINING WALL
(PRE-CAST CONC. BLOCKS
2'X4', EA.)-TOP OF WALL
ELEV. 26.0', APPROX.

C.I.P. CONC. BASE/FOOTING
UNDER FULL LENGTH OF NEW
RETAINING WALL/SEA WALL

FINISHED GROUND
CONTOURS

FLOOD

EBB

NICHOLS PASSAGE

SITE DETAIL

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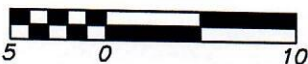
LOCATED IN: T.76S., R.91E., SECTION 4

DATE: 5-17-21

SHEET 3 OF 4

GRAPHIC SCALE:

1" = 10 FEET





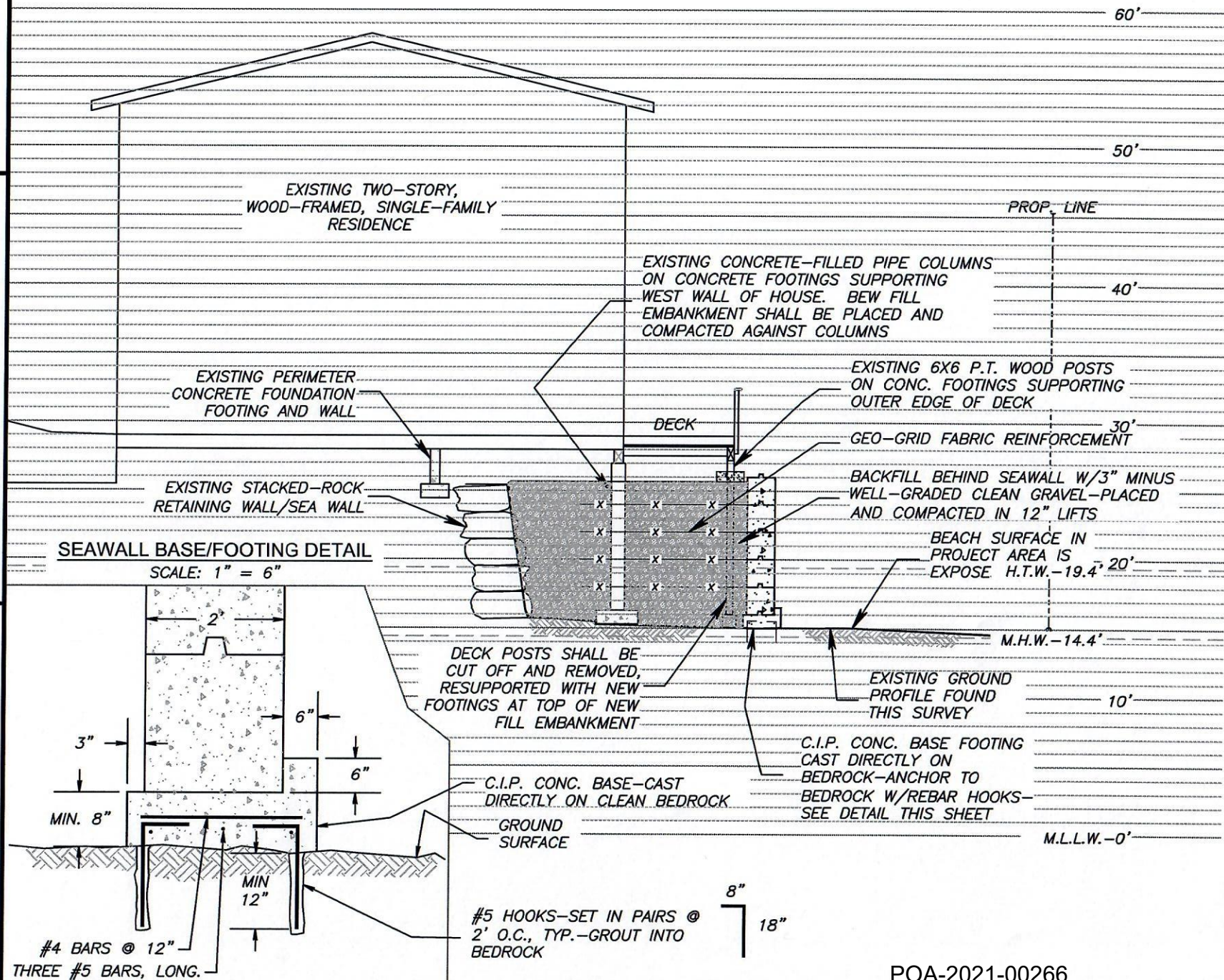
GRAPHIC SCALE:
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SITE SECTION

AT: KETCHIKAN
LOCATED IN: T.76S., R.91E., SECTION 4.
DATE: 5-17-21 SHEET 4 OF 4

STRAUSS RESIDENCE SEAWALL
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2954 SOUTH TONGASS HIGHWAY
LOT 4A, OCEANVIEW TIDE LINE REPLAT



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