



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 4, 2016
Expiration Date:	May 3 2016
Reference Number:	POA-2014-109
Waterway:	Zimovia Strait

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.

Comments on the described work, with the reference number, 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 Jack Hewitt at (907) 753-2708, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at jack.j.hewitt@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Big Bites Fishing, Post Office Box 80, Wrangell, Alaska 99929.

AGENT: R&M Engineering-Ketchikan, Inc., 355 Carlanna Lake Road, Ketchikan, Alaska 99901.

LOCATION: The project site is located within Section 20, T. 63 S., R. 84 E., Copper River Meridian, USGS Quad Map: Petersburg B-2, Latitude 56.3984° N., Longitude 132.3388° W., 5.5 miles south of the Wrangell Airport on the Zimovia Highway, adjacent to the Silver Bay Mill Site property, in Wrangell, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Tongass National Forest.

PURPOSE: The applicant's stated purpose is to construct a facility to moor boats and planes used for commercial activities associated with Big Bites Fishing. The bulkhead would facilitate loading and unloading of commercial gear, and the harbor would provide moorage for the applicant's seaplane and vessels, as well as the vessels of the adjacent lodge.

PROPOSED WORK: Construct a 580' long causeway/breakwater with a 10' wide top and a base that varies in width from 46' at the high tide line (HTL) and 62' at the seaward end. The end of the breakwater would have a 20' wide by 100' long top surface, with a 50' wide base, to be used as a turn-around/loading/unloading area. The causeway would have a 1.5:1 slopes and be armored with rip rap, except on the seaward side which would have a vertical pile supported bulkhead. Dredge a 20' by 120' basin in front of the bulkhead, and a 120' by 180' boat basin with a 17' wide by 300' long entrance channel, to a depth of -6' mean low low water (MLLW). The dredged material would be used to construct the core of the causeway, which would then be capped with shot rock and armored with rip rap. Construct a 30' by 60' boat/seaplane ramp, and 60' by 80' pad adjacent to the ramp for vessel/aircraft maintenance and winter storage. Install a 5' wide by 70' long aluminum gangway, a 10' by 70' concrete float, and a 10' by 50' concrete t-float within the boat basin. The gangway and floats would be anchored with eight 12" diameter steel piles. A total of 11,345 cubic yards (cy) of substrate would be dredged from a 39,200 square feet (0.90 acre) area. All of the dredged material, 7,500 cy of shot rock, and 6,000 cy of rip rap, for a total fill volume of 24,845 cy, would be discharged into a 1.25 acre footprint below the HTL. All work would be performed in accordance with the enclosed plan, 8 sheets, dated 1-21-16.

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: The overall project footprint has been designed to be the smallest practicable area that fulfills the project purpose and need. The reduced footprint results in avoiding the placement of additional fill into waters of the U.S.

b. Minimization: The proposed fill footprint has been designed to be the smallest practicable area for the proposed operation. Fabric would be placed between the rip rap and shot rock to minimize movement of fine sediments. Construction activities would occur from the upland side of the project, during low tidal stages, to reduce the potential for disturbance beyond the fill area.

The breakwater has been designed to the minimum width necessary to allow access to the loading/unloading area. The dredged area adjacent to the loading/unloading area is the minimum size necessary to safely navigate vessels. The proposed harbor design minimizes the basin area and reduces impacts to aquatic resources. All dredging activities would be coordinated with ADF&G recommended work windows.

c. Compensatory Mitigation: No compensatory mitigation is 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 is a report of a petroglyph site at Shoemaker Bay, in the vicinity of the worksite. Because the property has been determined to lie within the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO).

Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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.

ENDANGERED SPECIES: The project area is within the known or historic range of humpback whales (*Megaptera novaeangliae*). We have determined the described activity may affect this threatened species and the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS) will be initiated. 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 Pacific salmon: pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and chinook salmon (*Oncorhynchus tshawytscha*).

The Corps has determined that the described activity may adversely affect the species listed above. The project would place fill into 1.25 acres of intertidal and subtidal habitat, and the proposed dredging activity would alter bottom elevations over a 0.90 acre area. This work could affect migration patterns and survival rates of smolt within the project area. We will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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 Public Notice 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 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 of Engineers 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 United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

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).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2014-109, Zimovia Strait**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.