



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:	July 5, 2018
EXPIRATION DATE:	August 6, 2018
REFERENCE NUMBER:	POA-1986-00204
WATERWAY:	Saltery Cove

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 Michael R. Gala at (907) 753-2821, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at michael.r.gala@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Allison Miller
3604 134 Street
Urbandale, Iowa 50323

AGENT: James Shoemaker
Post Office Box 8500
Ketchikan, Alaska 99901

LOCATION: The project site is located within Section 3, T. 75 S., R. 86 E., Copper River Meridian; Latitude 55.4007° N., Longitude 132.3268° W.; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to upgrade an existing dock to modern standards and address safety concerns.

PROPOSED WORK: To install one 50 feet x 18 feet floating dock extension, one 30 feet x 16 feet float, one 70 feet x 6 feet aluminum ramp, one 20 feet by 16 feet ramp float dock, and one 460 feet long by 7 feet wide pile supported pier. The project would include the installation of two 16 inch steel pipe piles, seven 12 inch galvanized steel pipe piles, and forty-one recycled creosote piles. Piles will be installed utilizing an MKT#7 impact hammer mounted on a spud barge and an excavator, the excavator will use mats to drive on tidelands during low tides when the site is dewatered. For the creosote piles the excavator will remove approximately 1.03 cubic yards (CY) of material per hole and discharge 44 CY of the excavated material as backfill. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated May 30, 2018.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States (U.S.) from activities involving discharges of dredged or fill material.

- a) Avoidance: Selected excavation and placement method for installing recycled timber piling was necessary because the required barge with driving equipment would be unable to reach the area due to lack of water depth at any time during the tide cycle. The barge would ground before reaching the work area.
- b) Minimization: Recycled creosote timber piling are proposed to minimize possible leaching, in place of new timber piling to be considered. Utilization of rubber mats (used Rock crushing belts) are proposed to minimize ground erosion due to metal tracks on the proposed excavator to use on timber piling installation.
- c) Compensatory Mitigation: The applicant is not proposing any compensatory mitigation as they are only planning on using native soil excavated and discharged into the same hole.

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 proposed projects footprint within waters of the U.S. 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 Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*).

We have determined the described activity may affect the threatened or endangered humpback whale. We have initiated 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, 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 chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), Big Skate (*Raja binoculata*), Longnose skate (*Raja rhina*), Octopus (*Octopoda spp.*), shark (*Selachimorpha spp.*), and Gulf of Alaska Shallow Water Flatfish Complex.

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 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 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 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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

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) 269-6285 | EMAIL: dec-401cert@alaska.gov

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 (PN) Reference Number **POA-1986-00204, Saltery Cove**, 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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.

[FILL THIS OUT]

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Waterway Name: Saltery Cove

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Charles E. Wonder
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Prince of Wales-Hyder Census Area

Postmaster, Hyder, Alaska 99923-9998

CONGRESSIONAL OFFICES:

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Senator Sullivan Office – carrie_keil@sullivan.senate.gov

Senator Murkowski Office – services@murkowski.senate.gov

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Klawock Cooperative Association
Craig Community Association (IRA)
Hydaburg Cooperative Assn. (IRA)
Metlakatla
Organized Village of Saxman (IRA)
Ketchikan Indian Corporation

Organized Village of Kasaan (IRA)
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PO. Box 26
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Klawock Cooperative Association
President: Archie Demmert
PO. Box 430
Klawack, AK 99925-0430

Craig Community Association (IRA)
President: Clinton Cook
PO. Box 828
Craig, AK 99921

Hydaburg Cooperative Association (IRA)
President: Sidney Edenshaw
PO. Box 349
Hydaburg, AK 99922

Metlakatla
Mayor: Audrey Hudson
PO. Box 8
Metlakatla, AK 99926

Organized Village of Saxman (IRA)
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Ketchikan Indian Corporation
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32970 Alvarado Niles Road, Suite 736
Union City, California 94587

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3320 Fritz Cove Road
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(Dated 3 March 2016)

03

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PN South East

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