



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: | December 8, 2022 |
| EXPIRATION DATE: | January 6, 2022 |
| REFERENCE NUMBER: | POA-2017-00077 |
| WATERWAY: | Ward 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 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 Carolyn Farmer at (561) 785-5634, or by email at Carolyn.h.farmer@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Boyer Towing, point of contact: Mike Cloudy; Phone: 907-225-2090;
Post Office Box 8000, Ketchikan, Alaska 99901.

AGENT: Western Dock and Bridge; point of contact: Mr. Sever Paulson;
Phone: 907-254-6426; Email: sever@westerndockandbridge.com; 777 Main Street, Ketchikan,
Alaska 99901

LOCATION: The project site is located at 6579 North Tongass Highway within Section 33/34,
T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6;
Latitude 55.4033° N., Longitude 131.7204° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to continue improvements to the owners' property in support of their barge and tugboat business.

PROPOSED WORK: The applicant proposes to improve mooring and erosion control in support of a mooring/loading facility. This will be accomplished through the installation of 1) an additional five (5) 24-inch or 36-inch dolphins to continue the pier line along the property, 2) up to seven (7) 16-inch piles to secure a 6-foot by 180-foot floating dock on the shoreside of the mooring piles, 3) approximately 35-foot wide by 25-foot deep barge loading bulkhead, which will consist of sixteen (16) 12-inch steel H piles installed in drilled rock sockets, a poured concrete backwall and approximately 400 cubic yards of backfill (350 cubic yards clean shot rock and 50 cubic yards stacked rip rap), 4) twelve (12) concrete and steel bridge deck panels to prevent further erosion of the ramp and 5) a 6-foot by 70-foot aluminum gangway and 20-foot by 20-foot floating dock.

All work would be performed in accordance with the enclosed plan (sheets 1-10), dated October 17, 2022.

ADDITIONAL INFORMATION: On June 19, 2017, the U.S. Army Corps of Engineers (Corps) issued authorization under POA-2017-00077, to install three (3) 30-inch steel pilings, one (1) 24-inch steel piling, ten (10) 16-inch steel pilings, a mooring dolphin composed of a 30-inch vertical piling, a 6-foot by 70-foot aluminum gangway, and a 20-foot by 20-foot floating dock, and discharge 1500 cubic yards of shot rock and 200 cubic yards of armor stone into 0.02-acre of waters of the U.S. The authorized work was completed except the installation of the 6-foot by 70-foot aluminum gangway and 20-foot by 20-foot floating dock. The authorization expired June 30, 2022.

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: To meet the proposed project's purpose, complete avoidance of waters of the U.S. would not be feasible.

b. Minimization: Impacts to the waters of the US are minimized through the use of piling. Large pile diameters are required due to the size of barges that will be moored, but this also allows for minimizing the quantity of piles required.

c. Compensatory Mitigation: The applicant does not propose compensatory mitigation due to the minimal impacts of the proposed 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 Corps has determined that the permit area under the National Historic Preservation Act (NHPA) is limited to the footprint of the proposed project in waters of the U.S. and uplands immediately adjacent to the proposed project for staging and access. 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. No known historic properties are within the permit area. Based on this information and the scope and location of the proposed work, the Corps has determined that the federal undertaking would have no effect to historic properties. This application is being coordinated with the State Historic Preservation Office (SHPO), and the Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of Mexico Distinct Population Segment (DPS) humpback whales (*Megaptera novaeangliae*).

We have determined the described activity may affect the endangered humpback whales and/or its designated critical habitat. 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, 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 all five (5) species of salmon Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), sockeye (*Oncorhynchus nerka*) and pink (*Oncorhynchus gorbuscha*).

We have determined the described activity would not adversely affect EFH in the project area.

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. 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 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:

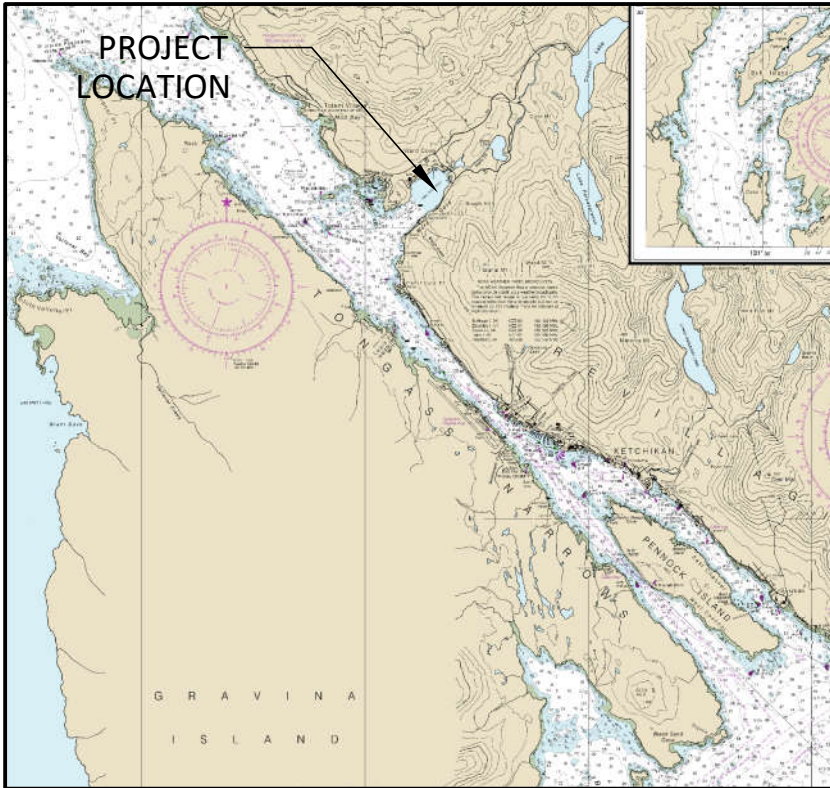
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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).

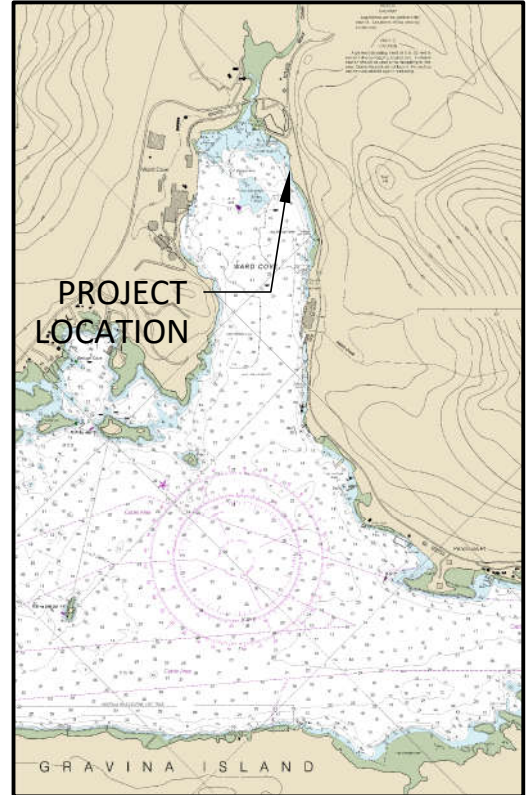
Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps

Enclosures



KETCHIKAN AREA



PROJECT AREA

NOTES:

- PROPERTY WATERFRONT: 55.40328° N, -131.72045° W
- PROPERTY HAS AN EXISTING BARGE MOORING DOCK
- LOCATED IN WARD COVE
- PROPERTY IS TRACT 3015 OF WARD COVE SE REPLAT

PROPOSED ACTIVITY:
 ADDITION TO EXISTING PERMITTED
 BARGE MOORING FACILITY
 ADJACENT PROPERTY OWNERS:
 1. WARD COVE SEAPORT
 2. JOERGEN SCHADE

VICINITY MAP

APPLICANT: BOYER TOWING
 PO BOX 8000
 KETCHIKAN, AK 99901

FILE NO:

WATERWAY: WARD COVE

LOCATED: T74S, R90E, SECTION
 33/34
 SHEET 1 OF 10 DATE 10.17.22



NOTE: SHOWN PROPERTY LINES ARE AN APPROXIMATE OVERLAY.
 LINES APPEAR TO BE SHIFTED TO THE NORTH EAST BY APPROXIMATELY 100'.

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LOCATION MAP

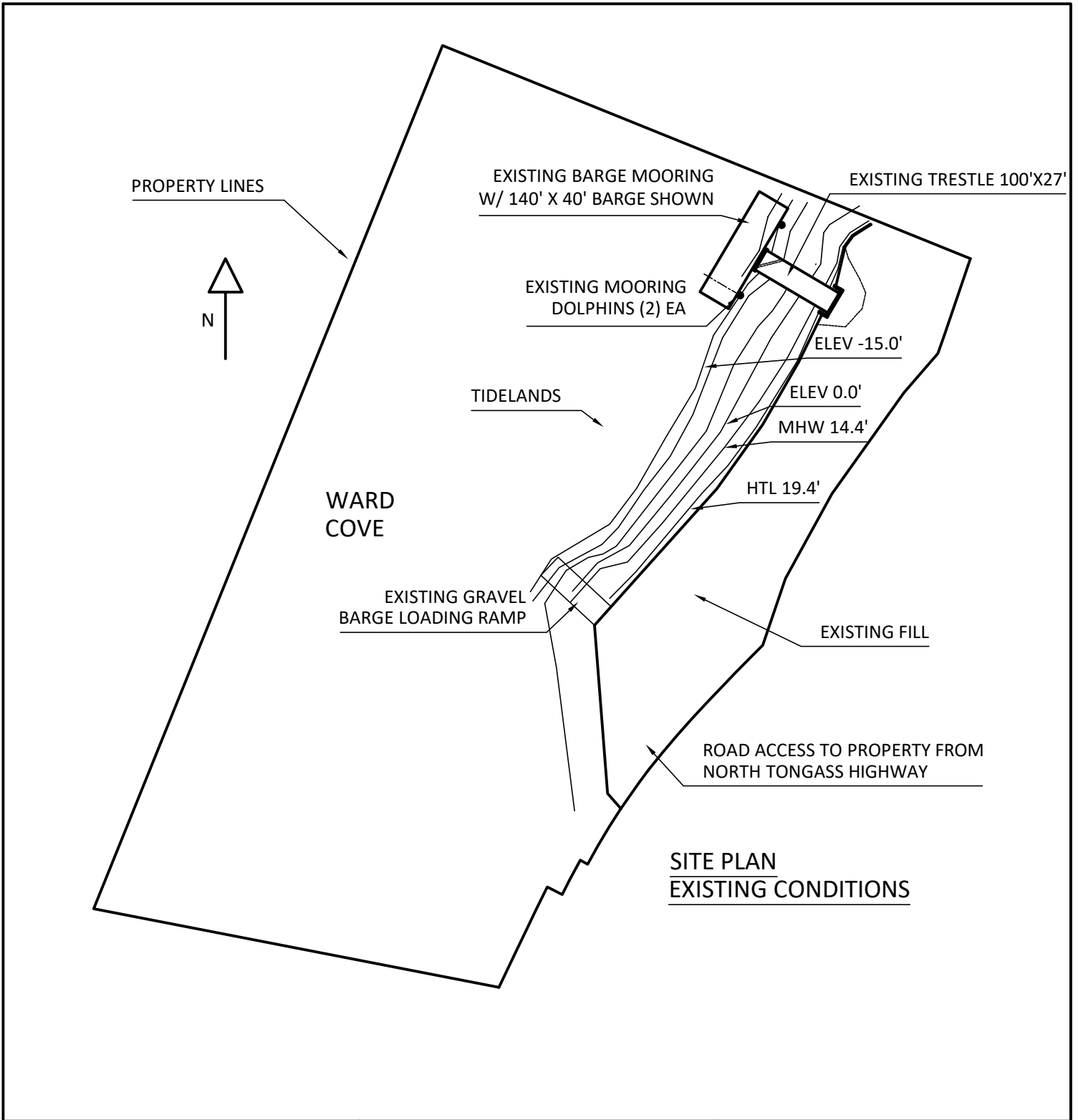
APPLICANT: BOYER TOWING
 PO BOX 8000
 KETCHIKAN, AK 99901

FILE NO:

WATERWAY: WARD COVE

LOCATED: T74S, R90E, SECTION
 33/34

SHEET 2 OF 10 DATE 10.17.22



PROPOSED ACTIVITY:
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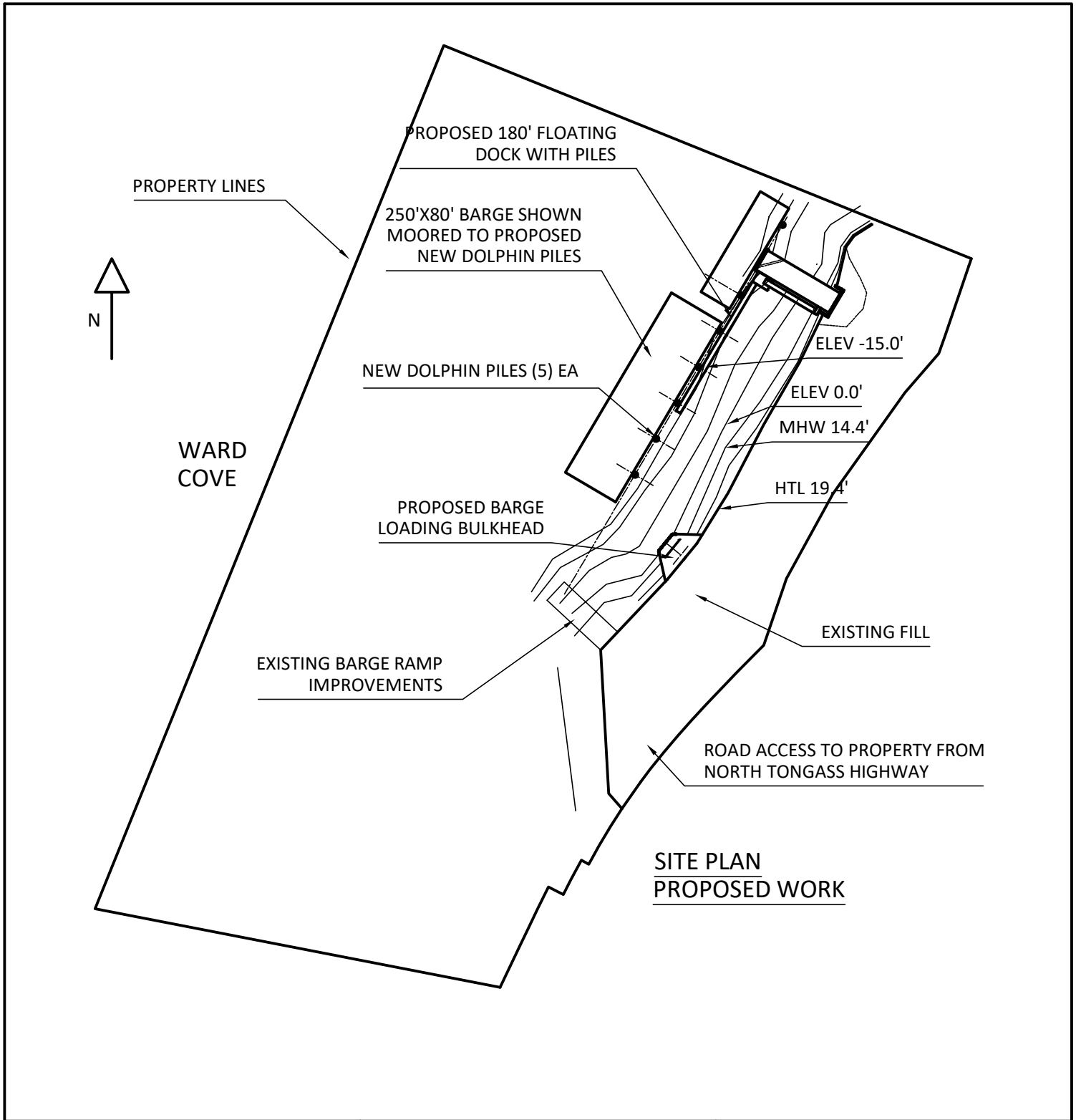
SITE PLAN

0 160 320

1" = 160'

APPLICANT: BOYER TOWING
PO BOX 8000
KETCHIKAN, AK 99901

FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION
33/34
SHEET 3 OF 10 DATE 10.17.22



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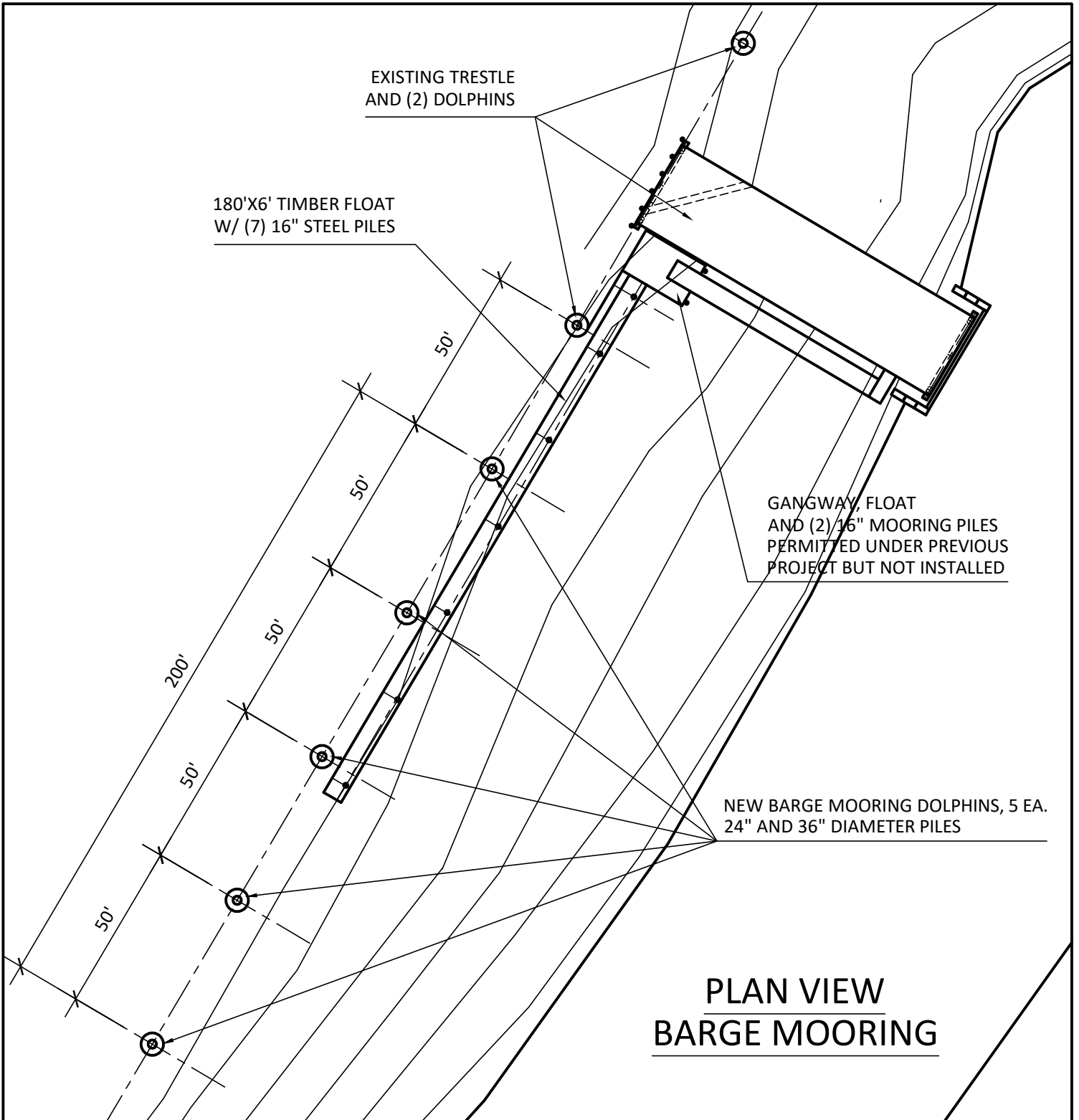
SITE PLAN

0 160 320

1" = 160'

APPLICANT: BOYER TOWING
 PO BOX 8000
 KETCHIKAN, AK 99901

FILE NO:
 WATERWAY: WARD COVE
 LOCATED: T74S, R90E, SECTION
 33/34
 SHEET 4 OF 10 DATE 10.17.22



PROPOSED ACTIVITY:
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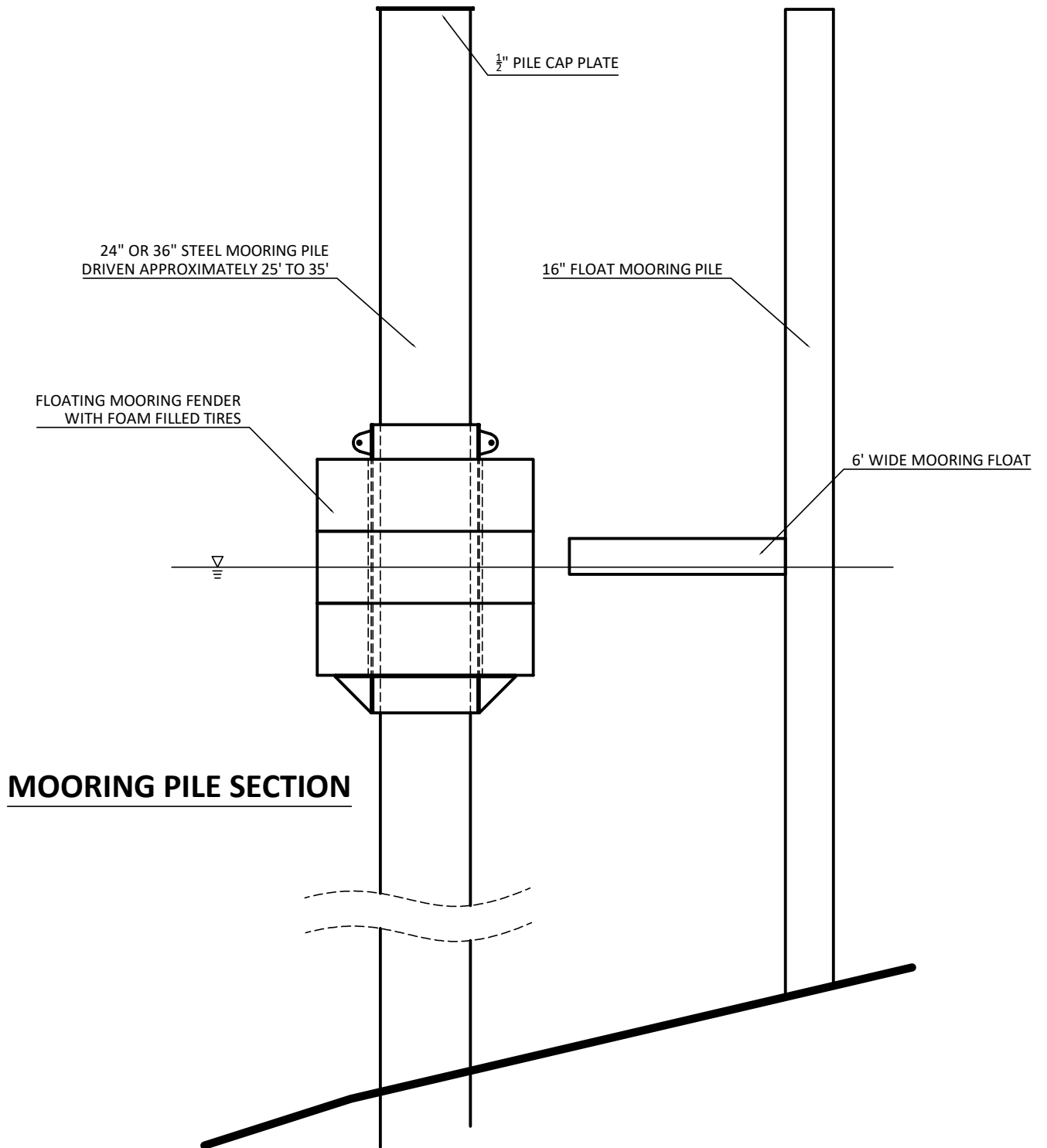
PLAN VIEW

0 40' 80'

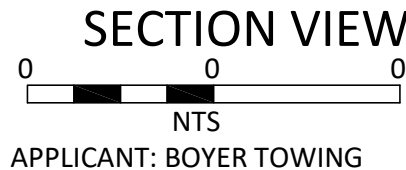
1" = 40'

APPLICANT: BOYER TOWING
PO BOX 8000
KETCHIKAN, AK 99901

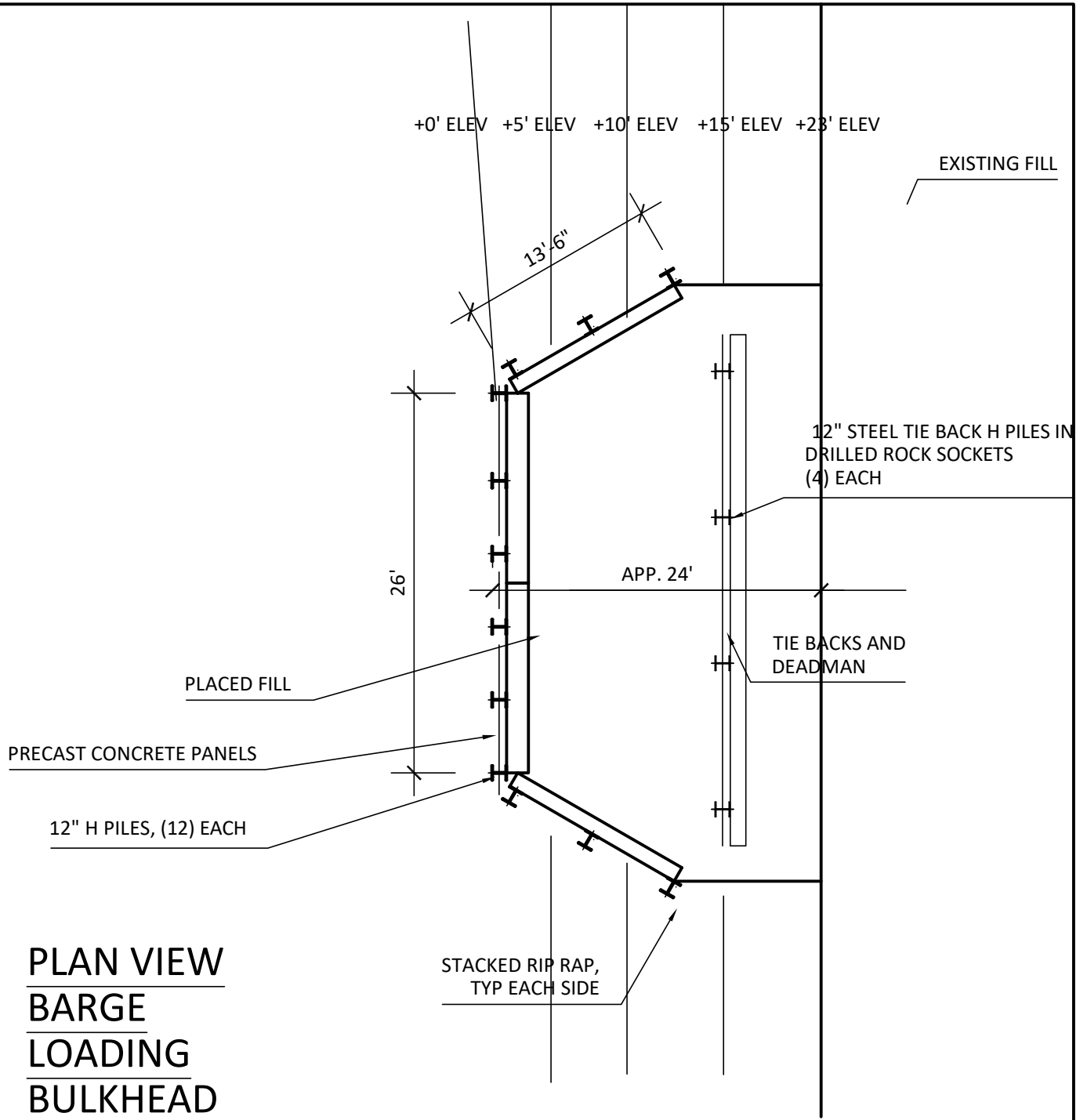
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WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION
33/34
SHEET 5 OF 10 DATE 10.17.22



PROPOSED ACTIVITY:
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FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION
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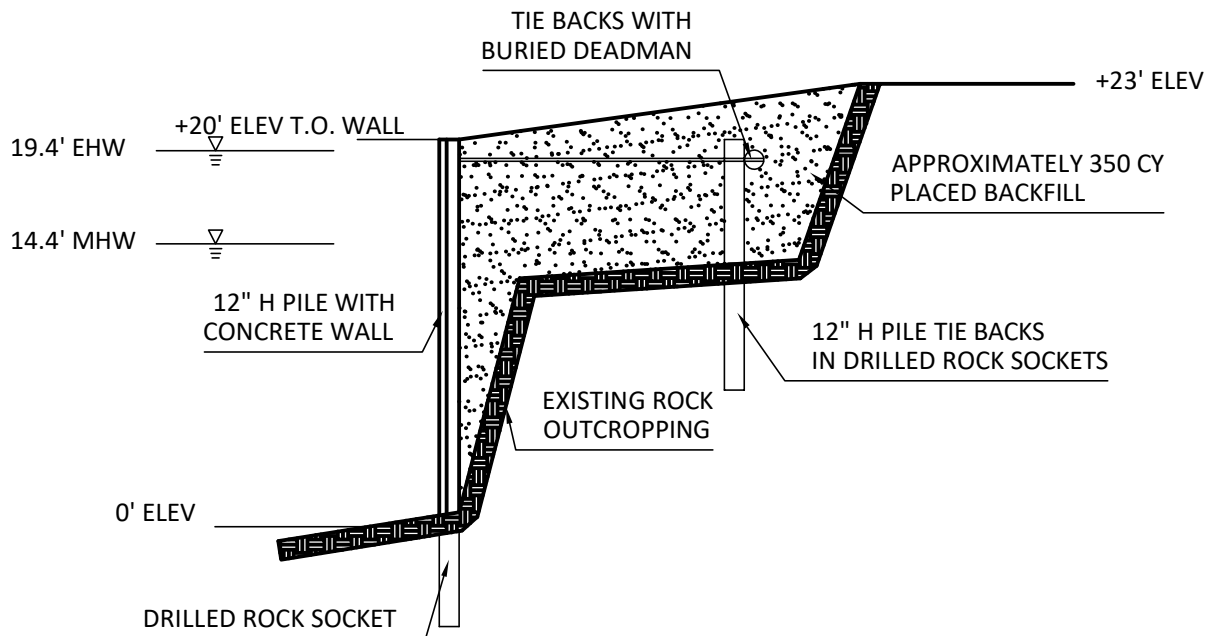
PLAN VIEW
BARGE
LOADING
BULKHEAD

PROPOSED ACTIVITY:
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PLAN VIEW

APPLICANT: BOYER TOWING
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FILE NO:
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**SECTION VIEW
BARGE LOADING
BULKHEAD**

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SECTION VIEW
0 10' 20'
1" = 10'
APPLICANT: BOYER TOWING
PO BOX 8000
KETCHIKAN, AK 99901

FILE NO:
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LOCATED: T74S, R90E, SECTION
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APPROXIMATE OUTLINE OF EXISTING GRAVEL BARGE RAMP. PROPOSED IMPROVEMENTS WOULD PREVENT FUTURE EROSION OF THE EXISTING RAMP DUE TO WAVE ACTION AND VEHICLE TRAVEL.

4.75'X10.5' CONCRETE DECK PANELS - (8) EACH

4.25'X13.75' STEEL DECK PANELS - (4) EACH

APPROXIMATELY 70'

**PLAN VIEW
BARGE RAMP
IMPROVEMENTS**

-5' +0' +5' +10' +15'

EXISTING FILL

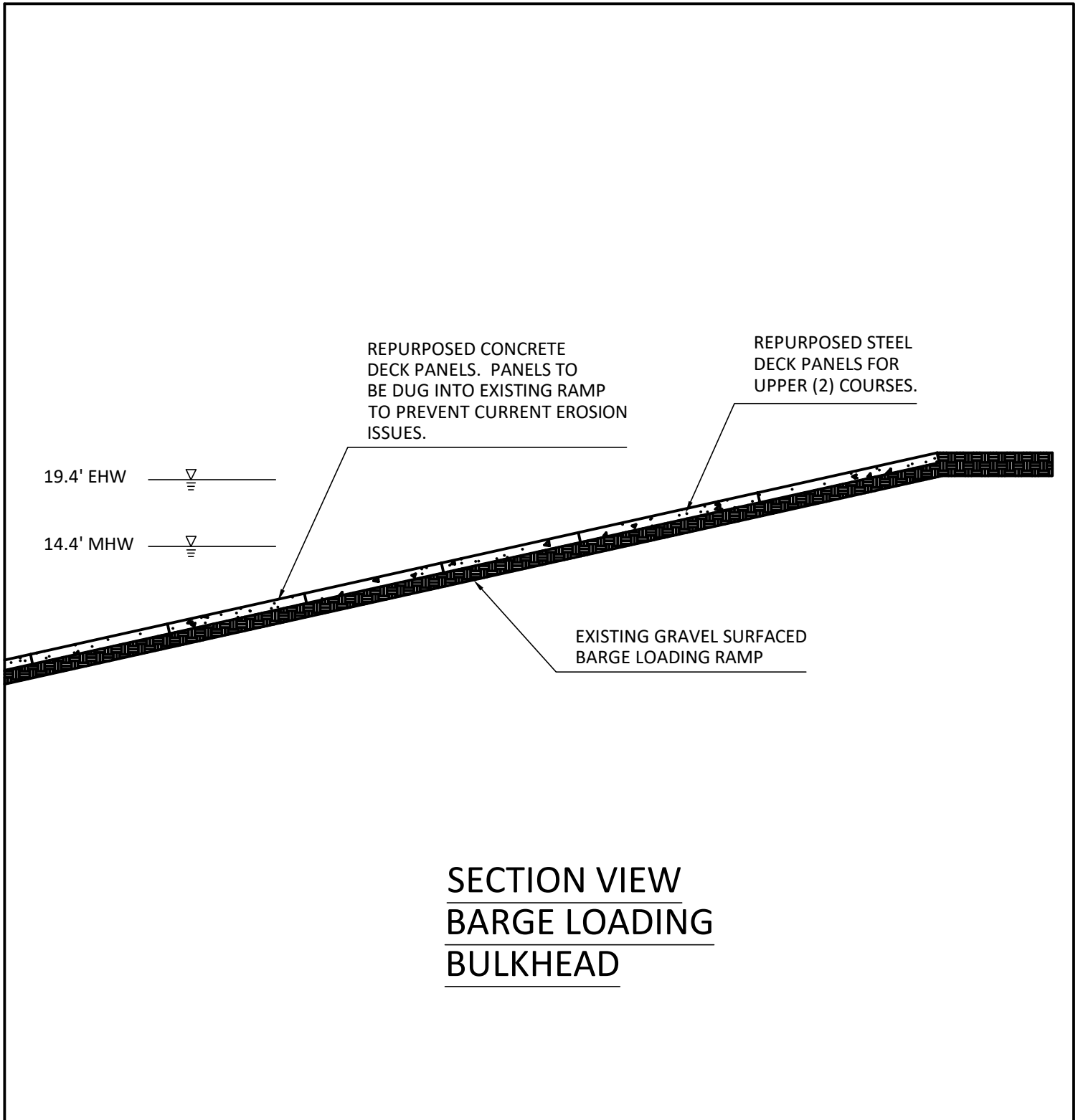
PROPOSED ACTIVITY:
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PLAN VIEW

1" = 20'

APPLICANT: BOYER TOWING
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KETCHIKAN, AK 99901

FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION 33/34
SHEET 9 OF 10 DATE 10.17.22



**SECTION VIEW
BARGE LOADING
BULKHEAD**

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SECTION VIEW
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1" = 10'
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FILE NO:
WATERWAY: WARD COVE
LOCATED: T74S, R90E, SECTION
33/34
SHEET 10 OF 10 DATE 10.17.22