US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Juneau Regulatory Field Office
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: June 22, 2007

EXPIRATION DATE: July 23, 2007

REFERENCE NUMBER: POA-2007-857-2

WATERWAY: Yankee Cove, Favorite Channel

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.

APPLICANT: National Marine Fisheries Service

AGENT: Ms. Susan Walker, National Marine Fisheries Service, Post Office Box 21668, Juneau, Alaska 99802-1668

LOCATION: The proposed project is located in the minus 25 foot area below the 0.0 contour, in Section 7, T. 38 S., R. 64 E., Copper River Meridian; Latitude 58.589° N., Longitude 134.900° W., Juneau C-3 Quadrangle; below the High Tide Line in Yankee Cove, Lynn Canal, Inside Passage, within the City and Borough of Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to construct two artificial reefs for improvement of Essential Fish Habitat in navigable waters of the U.S.

PROPOSED WORK: Place approximately 640 cubic yards of rock fill materials into approximately two areas 100 feet by 30 feet by 5 feet, comprising approximately 0.14 acres of Intertidal tidelands, for the purpose of construction of two artificial reefs.

All work would be accomplished in accordance with the attached plans and drawings, sheets 1-3, dated June 8, 2007.

ADDITIONAL INFORMATION: For additional information concerning this proposed project, please contact Ms. Susan Walker, National Marine Fisheries Service, Post Office Box 21668, Juneau, Alaska 99802-1668, at (907) 586-7646, or by email at susan.walker@noaa.gov.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback whale and the Stellar sea lion.

Preliminarily, the described activity would not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and 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).

Preliminarily, the described activity may not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. 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 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.

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 Garth Zimbelman at (907) 790-4490, or by email at Garth.A.Zimbelman@poa02.usace.army.mil if further information is desired concerning this notice.

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).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

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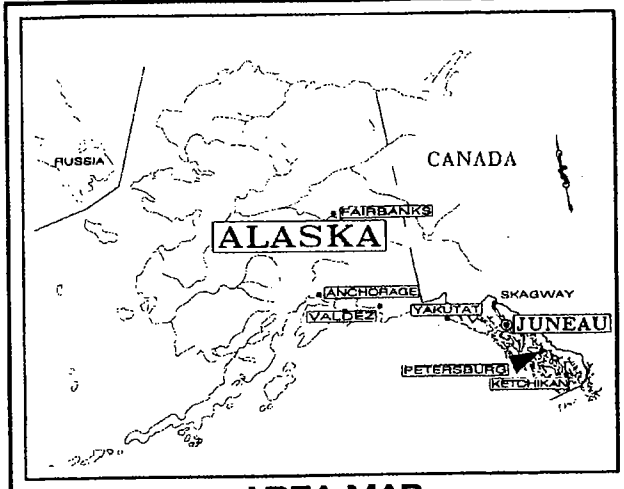
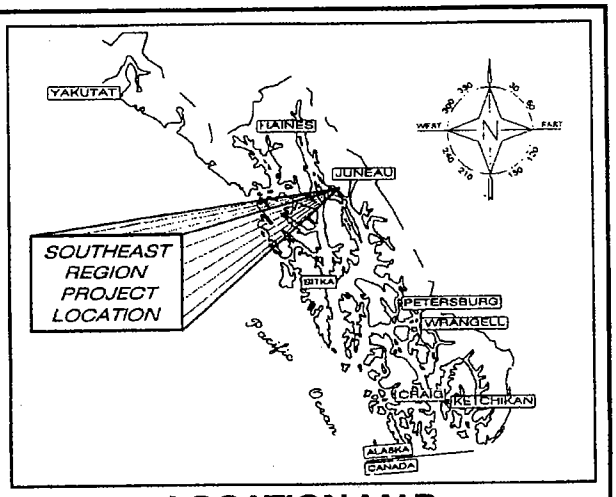
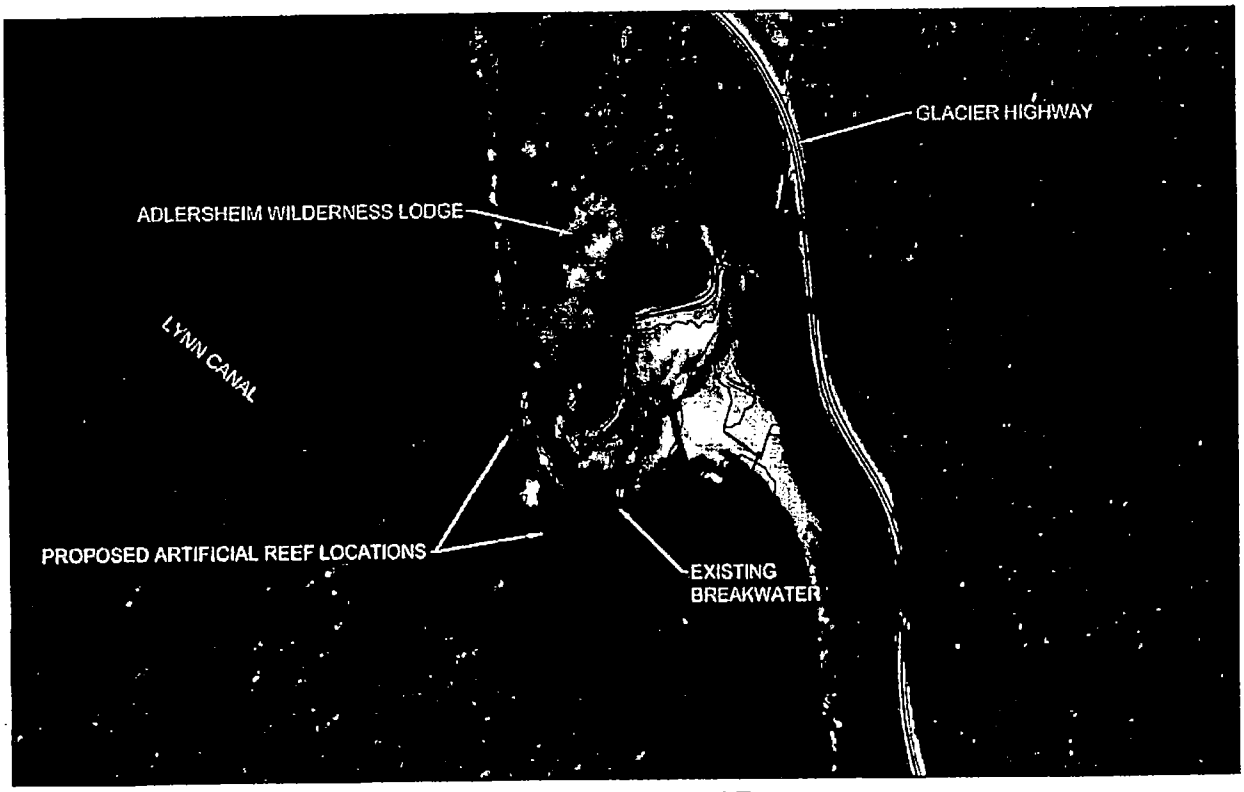


AREA MAP



LOCATION MAP



VICINITY MAP

ADJACENT PROPERTY OWNERS:

1. MARION HOBBS
   P.O. BOX 210447
   AUKE BAY, AK 99821

WATER BODY:

FAVORITE CHANNEL

Area, Location, & Vicinity Maps

APPLICATION BY:
NATIONAL MARINE FISHERIES SERVICE
P.O. BOX 21668
JUNEAU, AK 99802-1668

ADLERSHEIM REEF

AT: JUNEAU, ALASKA

LOCATED IN: TOWNSHIP 38 SOUTH,
RANGE 64 EAST
SECTION 7

NMFS - Walker
Yankee Cove
06/08/07

POA-2007-857-2-D
Sheet 1 of 3

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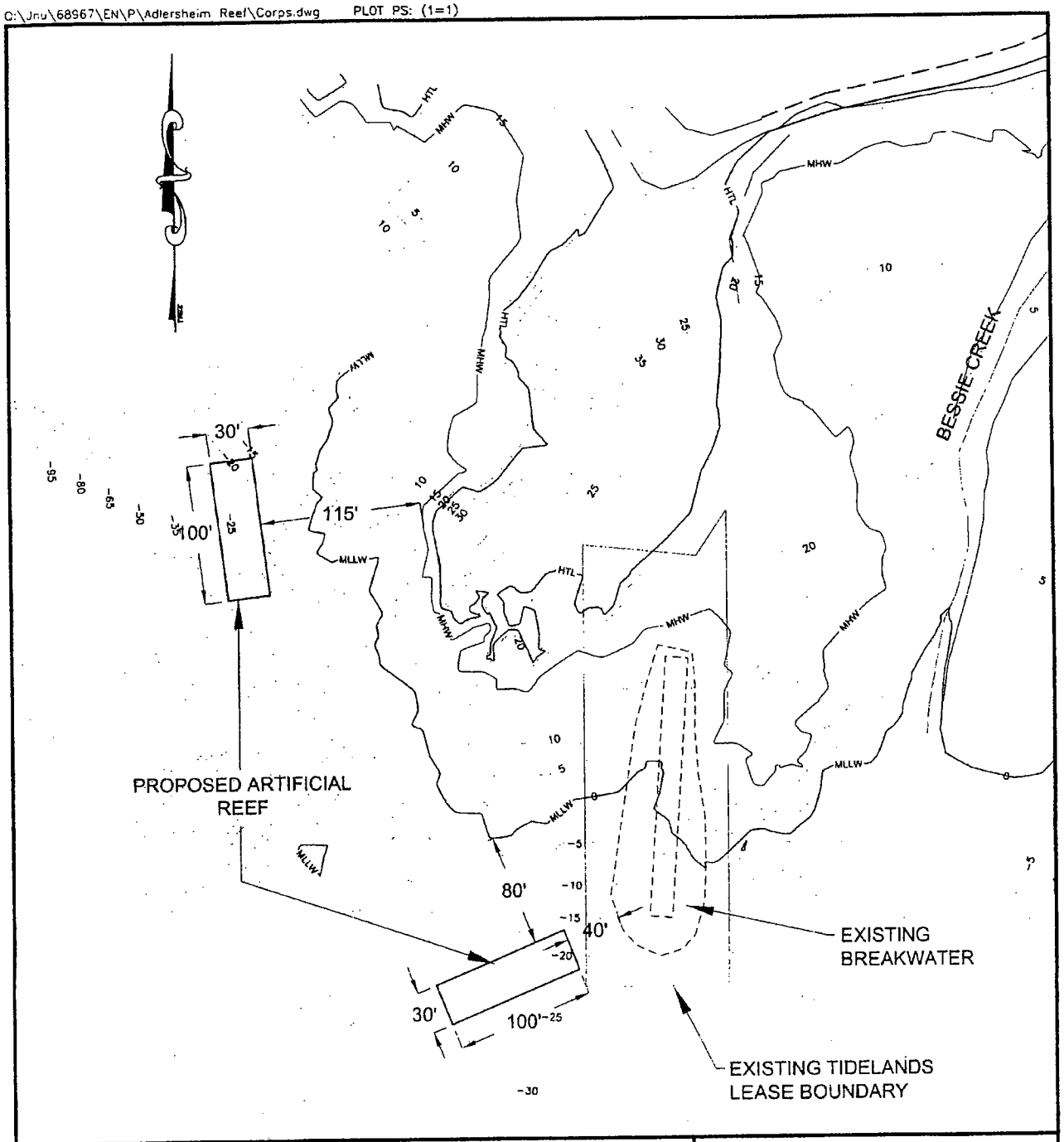


ADJACENT PROPERTY OWNERS:

1. MARION HOBBS
P.O. BOX 210447
AUKE BAY, AK 99821

WATER BODY:

FAVORITE CHANNEL

Plan

APPLICATION BY:
NATIONAL MARINE FISHERIES SERVICE
P.O. BOX 21668
JUNEAU, AK 99802-1668

ADLERSHEIM REEF

AT: JUNEAU, ALASKA

LOCATED IN: TOWNSHIP 38 SOUTH,
RANGE 64 EAST
SECTION 7
C.R.M.

NMFS - Walker
Yankee Cove
06/08/07

POA-2007-857-2-D
Sheet 2 of 3

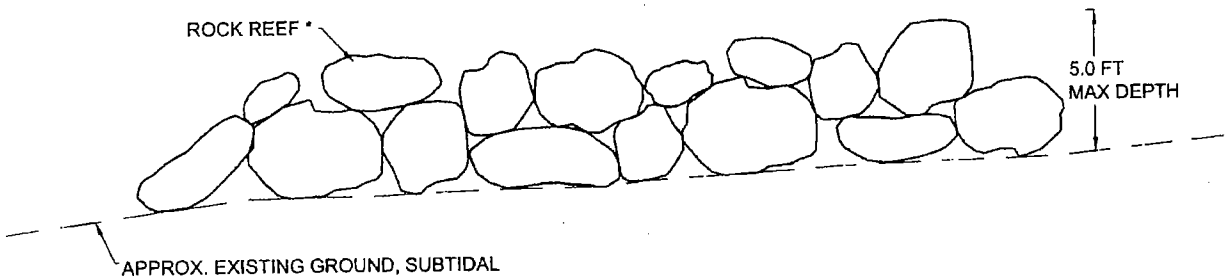
HTL ELEV = 20.8'

MEAN HIGH WATER (MHW) = 15.4'

MEAN LOWER LOW WATER (MLLW) = 0.0'

ARTIFICIAL REEF VOLUME	
LENGTH	100'
WIDTH	30'
AVG THICKNESS	4'
ROCK VOL. PERCENTAGE	70%
ROCK VOL. PER REEF	320 CY
TOTAL ROCK VOL.	640 CY
IMPACT AREA	0.14 ACRE

* ARTIFICIAL REEF WILL CONSIST OF NATURAL ROCK RANGING IN SIZE FROM 1.6 FT TO 3.3 FT DIAMETER. ROCK WILL BE STACKED TWO LAYERS THICK TO MAINTAIN A FLAT TOP ACROSS THE REEF.



ARTIFICIAL REEF

ADJACENT PROPERTY OWNERS:

1. MARION HOBBS
   P.O. BOX 210447
   AUKE BAY, AK 99821

WATER BODY:

FAVORITE CHANNEL

Elevation

APPLICATION BY:
NATIONAL MARINE FISHERIES SERVICE
P.O. BOX 21668
JUNEAU, AK 99802-1668

ADLERSHEIM REEF

AT: JUNEAU, ALASKA

LOCATED IN: TOWNSHIP 38 SOUTH.
RANGE 64 EAST
SECTION 7
C.R.M.

NMFS - Walker
Yankee Cove
06/08/07

POA-2007-857-2-D
Sheet 3 of 3

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2007-857-2, Yankee Cove**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at http://www.alaskacoast.state.ak.us//Projects/projects.html.

SARAH PALIN, GOVERNOR

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
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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-2007-857-2, Yankee 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 by the expiration date of the Corps of Engineer's Public Notice.