



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: August 11, 2008
EXPIRATION DATE: September 10, 2008
REFERENCE NUMBER: POA-2002-768
WATERWAY: Herring Bay

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 Shannon Morgan at (907) 753-5555, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at shannon.r.morgan@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Ron Fitzgerald, 1201 S. Point Higgins Road, Ketchikan, AK 99901.

AGENT: R&M Engineering, Attn: Mr. Trevor Sande, 335 Carlanna Lake Road, Ketchikan, AK 99901; telephone (907) 225-7917.

LOCATION: The project site is located within Section 36, T. 75 S., R. 91 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.316° N., Longitude 131.516° W.; USS 2404, Lot 76; approximate location is 8 mile of South Tongass Highway, near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is: "To facilitate the lodge that is being developed on the uplands. The pier and float will house small skiffs available to guests as well as a point for larger vessels to land. The pier will allow marine access to and from the lodge."

PROPOSED WORK: The applicant proposes to:

- Construct a new 331-foot long by 14-foot wide pile supported pier, supported by 34 count 12-inch diameter steel pilings;
- Install a 395-foot long by 4-inch diameter sewer outfall pipe, terminating below extreme low water, involving the following: excavation and replacement of as much as 118 cubic yards of native substrate in 0.03 acre of area below the high tide line, with additional placement of as much as 10 cubic yards of clean, non-native bedding material, and 11 cubic yards of mounded rocks;
- Construct a 75-foot long by 6-foot wide ramp;

- Construct an 80-foot long by 40-foot wide floating dock, secured with four steel pilings.

All work would be performed in accordance with the enclosed plan (sheets 1-8), sheets 1 and 3-8 dated May 13, 2008, and sheet 2 undated.

ADDITIONAL INFORMATION: The applicant has eliminated the fill proposed in previous permit applications, and has aligned the proposed pier and float as far out of Herring Bay as possible. The adjacent parcel (ATS 509) has been used in the past for a sawmill site, has had a rail system for pulling airplanes from the water and the tidelands have been used for log raft storage.

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: The applicant has eliminated the fill proposed in previous permit applications, and has aligned the proposed pier and float as far out of Herring Bay as possible.

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 Division of Coastal and Ocean Management, 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. Additionally, a cultural resources survey was conducted by Corps of Engineers archeologist Mr. Robert Jobson on July 28, 2004. Results of that survey confirmed no properties are present within the project site (ADNR file No. 3130-1R). Consultation of the AHRS, together with survey information from 2004, 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 (*Megaptera novaeangliae*) and the Steller sea lion (*Eumetopias jubatus*), listed as endangered and threatened under the Endangered Species Act (ESA), respectively. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the ESA 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).

EFH for 10 species and four life stages for one species was identified near the project area: arrowtooth flounder, dusky rockfish, pacific cod, pacific ocean perch, shorttraker roughey rockfish, sablefish, sculpins, skates, walleye Pollock (eg, ma, ju, la), and yelloweye rockfish. In addition, the project is located adjacent to a catalogued anadromous stream 101-45-10070, which provides habitat for Chinook, coho and pink salmon. Preliminarily, the described activity may 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.

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

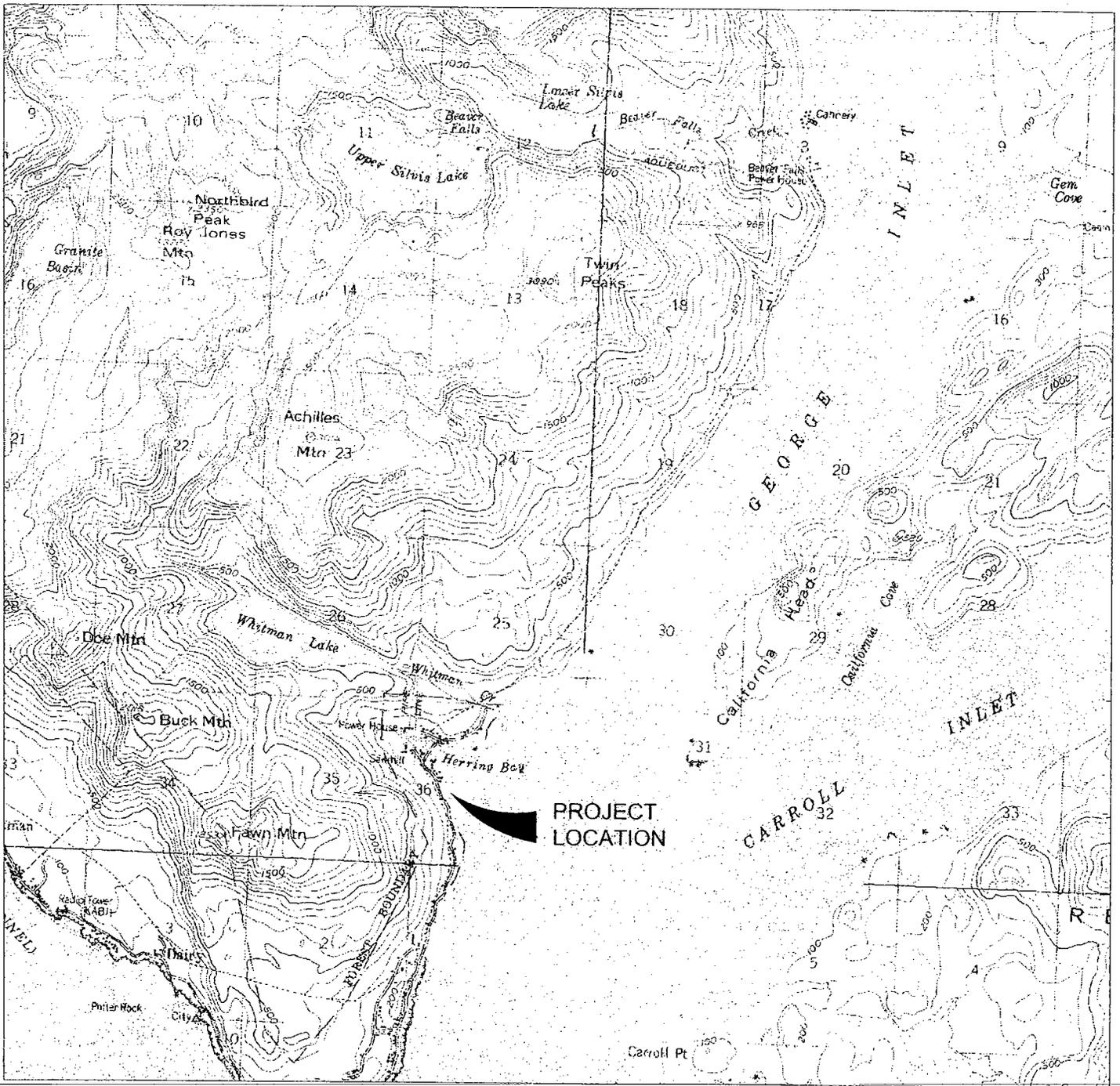
(X) Perform work in or affecting navigable waters of the United States -
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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, 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.

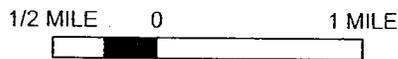
District Commander
U.S. Army, Corps of Engineers

Enclosures



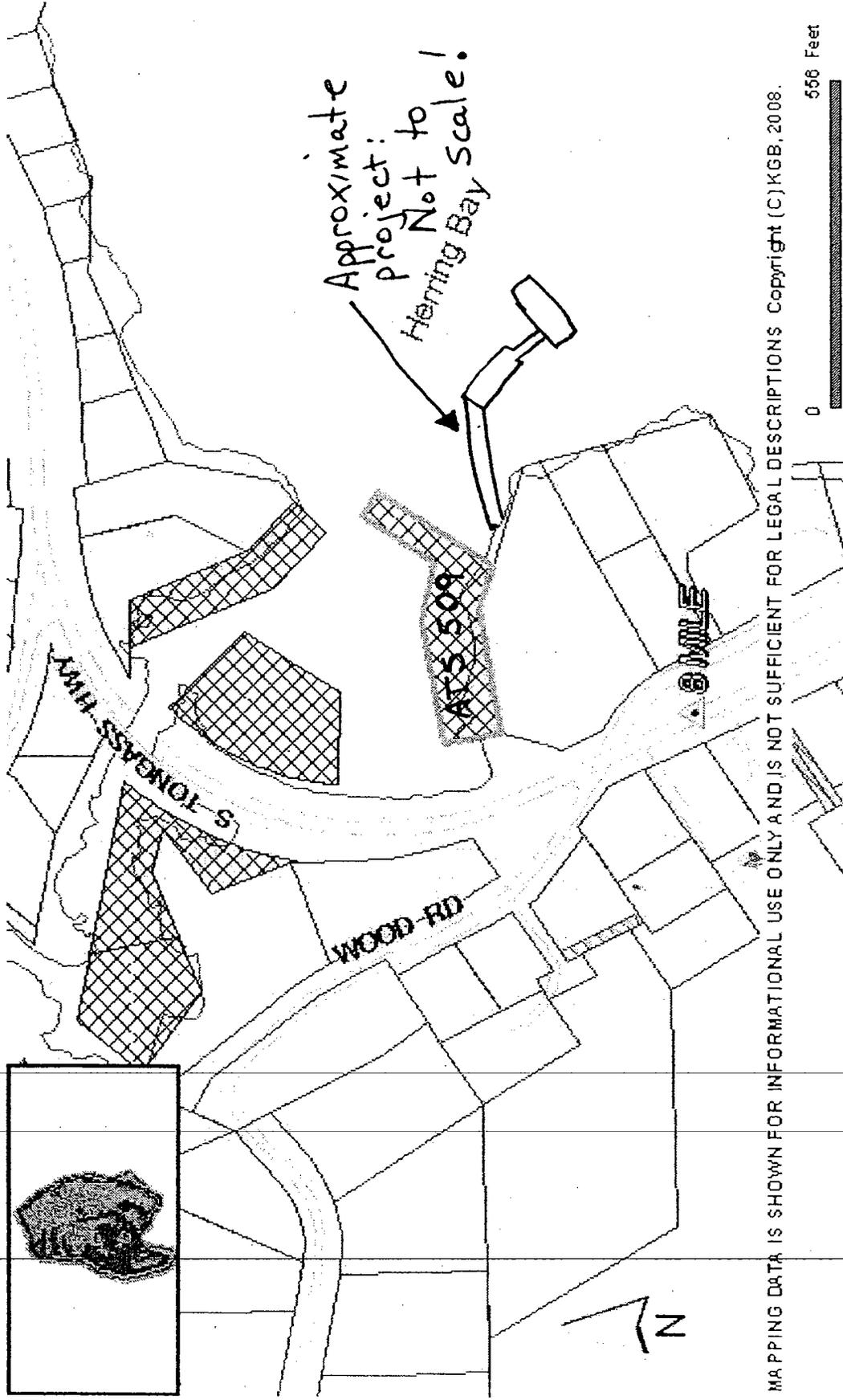
VICINITY MAP

KETCHIKAN (B-5) QUADRANGLE



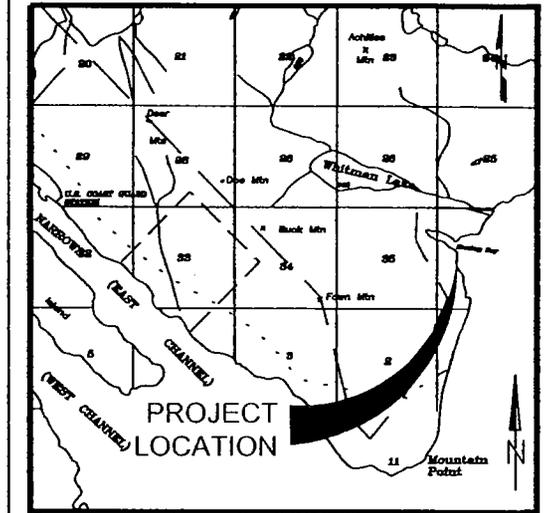
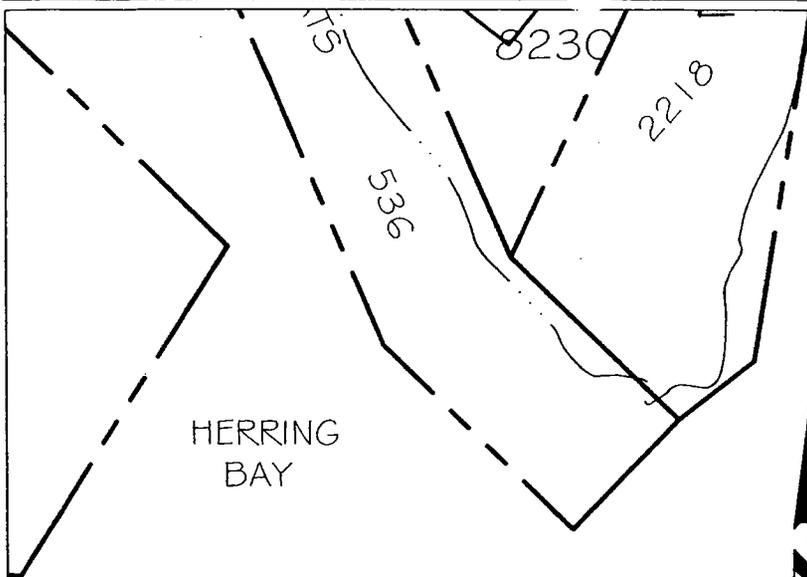
POA-2002-768

FITZGERALD COMMERCIAL DEVELOPMENT SEWER DESIGN	
VICINITY MAP SCALE: 1" = 1 MILE	
APPLICANT: RON FITZGERALD 1201 S. PT HIGGINS RD KETCHIKAN, AK 99901	AGENT: R#M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 05/13/08 SHEET: 1 OF 8	LOCATION: HERRING BAY WATER BODY: GEORGE INLET

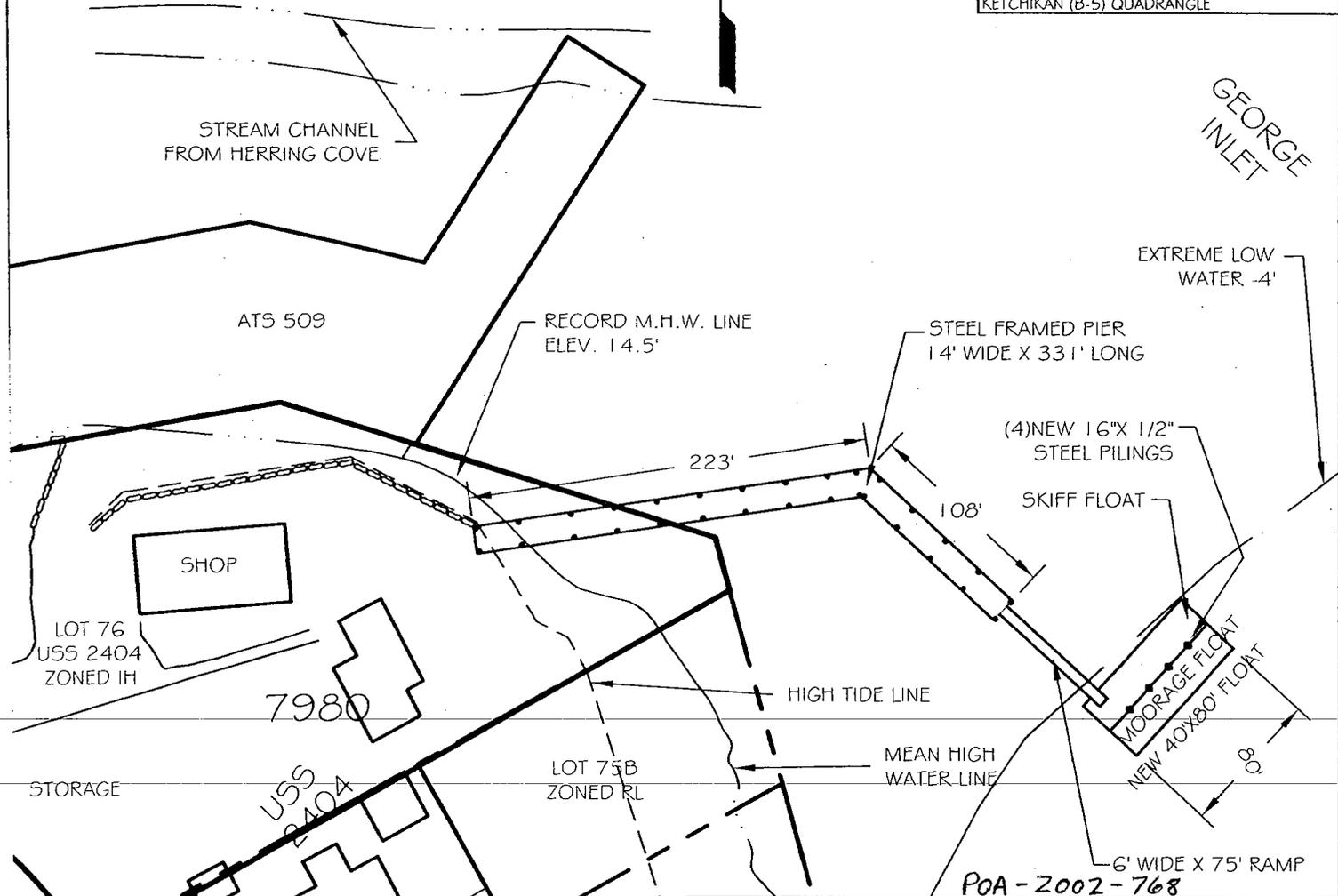


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POA - 2002 - 768
Herring Bay
Sheet 2 of 8

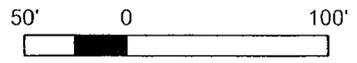


VICINITY MAP
 SCALE: 1" = 1 MILE
 KETCHIKAN (B-5) QUADRANGLE

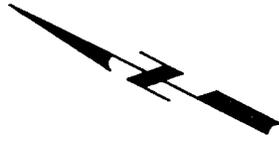


POA-2002-768

CONSTRUCT FLOAT & BOAT STORAGE	
OVERALL SITE PLAN SCALE: 1" = 100'	
APPLICANT: RON FITZGERALD 1201 S. PT HIGGINS RD KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 05/13/08 SHEET: 3 OF 8	LOCATION: HERRING BAY WATER BODY: GEORGE INLET



GEORGE
INLET



SKIFF FLOAT

20'

80'

108'

STEEL FRAMED
PIER

6' WIDE
X 75' RAMP

1 2" DIAMETER
STEEL PILING

NEW 4" DIAMETER
SEWER OUTFALL

Extreme
Low Water

14'

PROPERTY LINE

MEAN HIGH
WATER LINE

PROPERTY LINE

223'

HIGH TIDE
LINE

POA-2002-768

CONSTRUCT FLOAT & BOAT STORAGE

SITE PLAN
SCALE: 1"=50'

APPLICANT:
RON FITZGERALD
1201 S. PT HIGGINS RD
KETCHIKAN, AK 99901

AGENT:
R#M ENGINEERING-KETCHIKAN
355 CARLANNA LAKE ROAD
KETCHIKAN, AK 99901

DATE: 05/13/08
SHEET: 4 OF 8

LOCATION: HERRING BAY
WATER BODY: GEORGE INLET



LOT 75B
D RI

SS

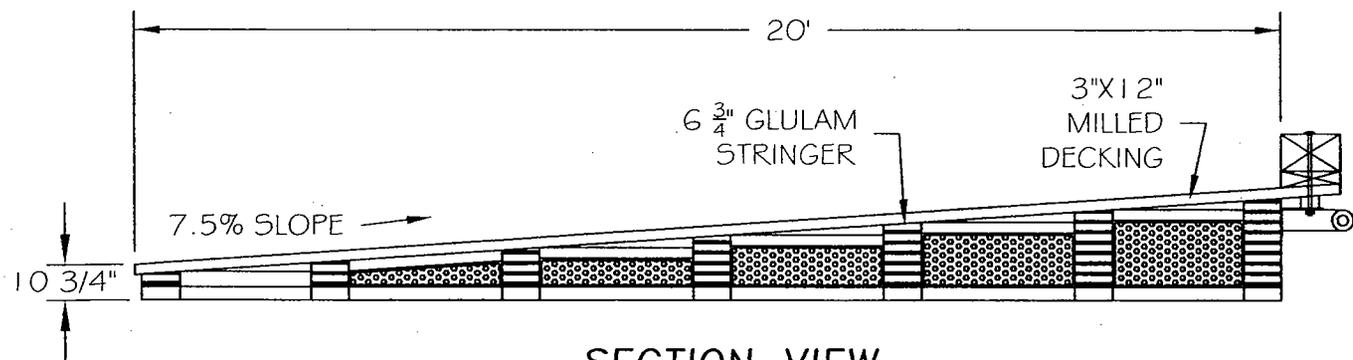
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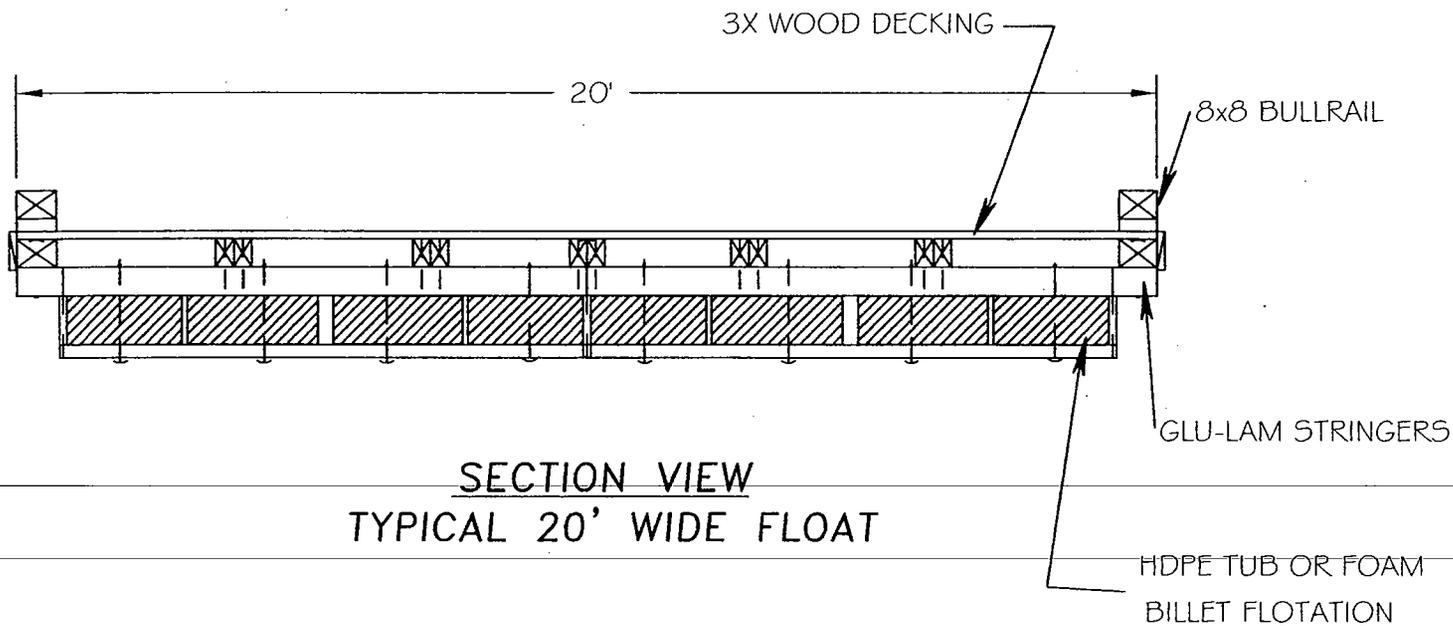
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SECTION VIEW
TYPICAL 20' WIDE SKIFF FLOAT

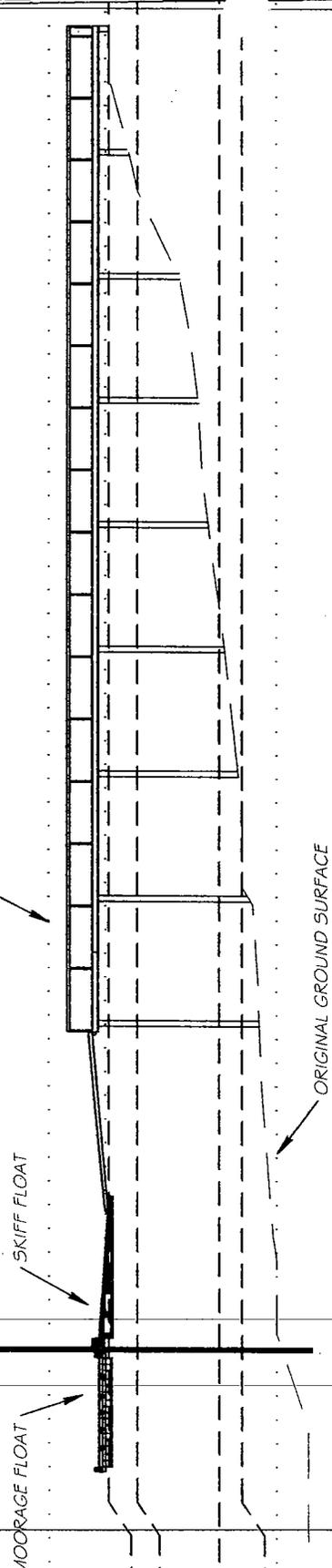


SECTION VIEW
TYPICAL 20' WIDE FLOAT

POA - 2002 - 768

CONSTRUCT FLOAT & BOAT STORAGE	
DETAIL & SECTION VIEW SCALE: AS NOTED	
APPLICANT: RON FITZGERALD 1201 S. PT HIGGINS RD KETCHIKAN, AK 99901	AGENT: R#M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 05/13/08 SHEET: 5 OF 8	LOCATION: HERRING BAY WATER BODY: GEORGE INLET

STEEL-FRAMED PIER



SKIFF FLOAT

ORIGINAL GROUND SURFACE

MOORAGE FLOAT

20
 E.H.W. 19.4
 M.H.W. 14.4
 M.L.L.W. 0
 E.L.W. -4.0

SECTION VIEW
 TYPICAL 20' WIDE FLOAT

POA - 2002 - 768

CONSTRUCT FLOAT & BOAT STORAGE

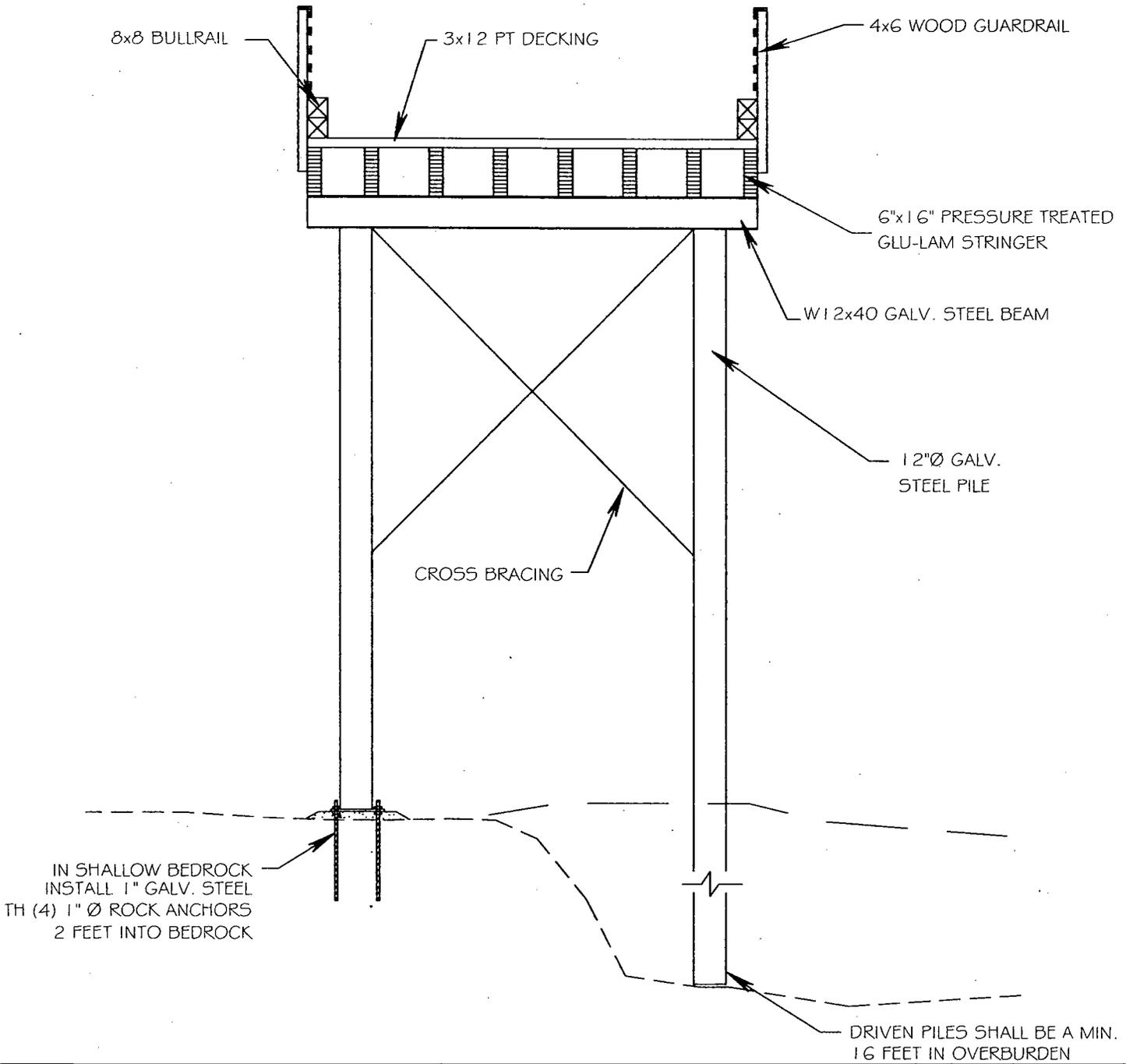
TYPICAL ELEVATIONS
SCALE: NONE

APPLICANT:
 RON FITZGERALD
 1201 S. PT HIGGINS RD.
 KETCHIKAN, AK 99901

AGENT:
 R&M ENGINEERING-KETCHIKAN
 355 CARLANNA LAKE ROAD
 KETCHIKAN, AK 99901

DATE: 05/13/08
 SHEET: 6 OF 8

LOCATION: HERRING BAY
 WATER BODY: GEORGE INLET



**SECTION VIEW
TYPICAL 14' WIDE PIER**

POA-2002-768

NOT TO SCALE

CONSTRUCT FLOAT & BOAT STORAGE

ELEVATION & SECTION VIEW
SCALE: AS NOTED

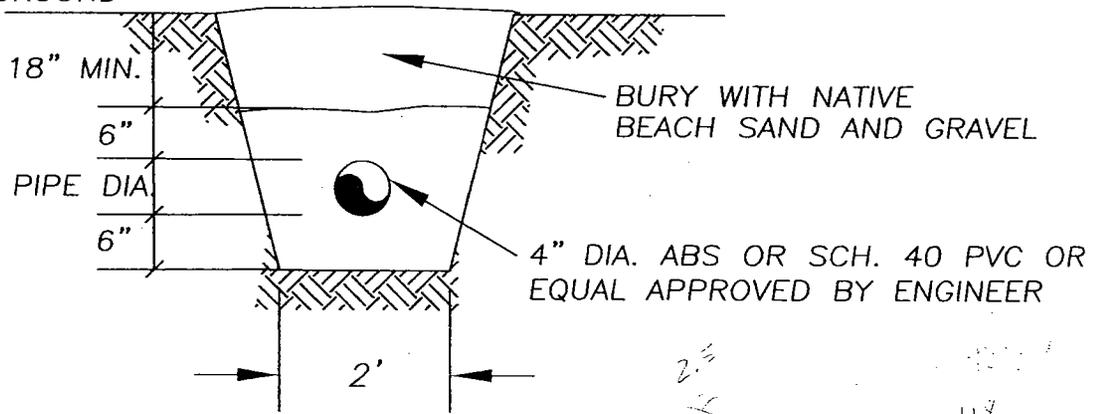
APPLICANT:
RON FITZGERALD
1201 S. PT HIGGINS RD
KETCHIKAN, AK 99901

AGENT:
R#M ENGINEERING-KETCHIKAN
355 CARLANNA LAKE ROAD
KETCHIKAN, AK 99901

DATE: 05/13/08
SHEET: 7 OF 8

LOCATION: HERRING BAY
WATER BODY: GEORGE INLET

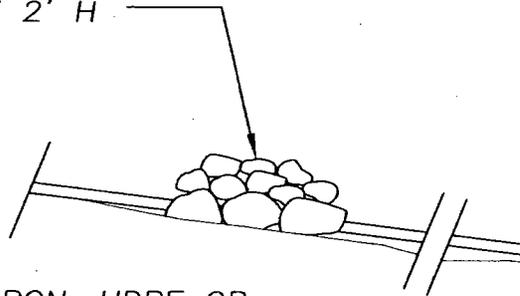
EXISTING
GROUND



PIPE TRENCH SECTION

NOT TO SCALE

IF COMPLETE BURIAL IS NOT POSSIBLE
MOUND ROCKS OVER PIPE JOINTS,
3' L X 2' W X 2' H



USE DUCTILE IRON, HDPE OR
SCHEDULE 80 PVC WHERE PIPE
CANNOT BE BURIED AT LEAST
TWO FEET.

PROFILE VIEW PIPE

NOT TO SCALE

POA - 2002 - 768

NOT TO SCALE

CONSTRUCT FLOAT & BOAT STORAGE

DETAIL & SECTION VIEW
SCALE: AS NOTED

APPLICANT:
RON FITZGERALD
1201 S. PT HIGGINS RD
KETCHIKAN, AK 99901

AGENT:
R#M ENGINEERING-KETCHIKAN
355 CARLANNA LAKE ROAD
KETCHIKAN, AK 99901

DATE: 05/13/08
SHEET: 8 OF 8

LOCATION: HERRING BAY
WATER BODY: GEORGE INLET

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-2002-768, Herring Bay**, 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.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99811-1030
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 Division of Coastal and Ocean Management 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-2002-768, Herring Bay**, 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 Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.
