US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE: April 2, 2007

EXPIRATION DATE: May 2, 2007

REFERENCE NUMBER: POA-2007-516-1

WATERWAY: Mendenhall River

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States (U.S.) as described below and shown on the attached plan.

APPLICANT: Mr. Robert Deering, 2319 Meadow Lane, Juneau, Alaska.

AGENT: None

LOCATION: The proposed project is located in the SW ¼, SE ¼ of Section 25, T. 40 S., R. 66 E., Copper River Meridian; Latitude 58.366° North, Longitude 134.597° West, Juneau B-2 Alaska Quadrangle; on tidelands adjacent to 2319 Meadow Lane, Juneau, Alaska.

PURPOSE: Install a pile supported dock and walkway to provide foot access across the Mendenhall River tidelands to access a seasonal float for mooring a private vessel.

WORK: Install a structure that would be composed of twenty two wooden, CCA pressure treated piles supporting an elevated walkway approximately 5 feet wide and 90 feet long, and a 6 foot by 20 foot dock float anchored by four wooden piles. The dock float would be installed lengthwise along the riverbank seasonally, and would be removed and stored on adjacent private property during the winter months. The dock float would utilize a commercial, water-tight flotation, and the decking materials would be the same materials as used on the walkway decking (2x6 Trex). The elevated walkway would be installed permanently. The proposed piles would be set into the tidelands approximately 4 to 5 feet deep, and the walkway would be set approximately 5 feet above ground. Additionally, the plans call for a stairway access on either side of the walkway, so as to allow the public access across the walkway. All excavated materials removed from the pile holes would be hauled away and disposed of at an upland location.

All work would be done in accordance with the attached plans and drawings, Sheets 1-8, dated March 25, 2007.

ADDITIONAL INFORMATION: For additional information on the proposed project, please contact the applicant, Mr. Robert Deering, Post Office Box 22891, Juneau, Alaska 99802-2891, email deering@ak.net, telephone (907) 790-2947.

MITIGATION: None proposed.

WATER QUALITY CERTIFICATION: Because the proposed project would not involve the discharge of any fill materials into a navigable water or a water of the U.S., including wetlands, a Section 401 Water Quality Certification by the Alaska Department of Environmental Conservation is not required.

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 that 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.

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.

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 Engineer 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area; however, the proposed project is within the historical range of the Stellar sea lion.

Preliminarily, the described activity will 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 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.

SPECIAL AREA DESIGNATION:

The project is located on State tidelands and in a navigable water of the U.S.

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. That 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 Engineer 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 Mr. 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 U.S. - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

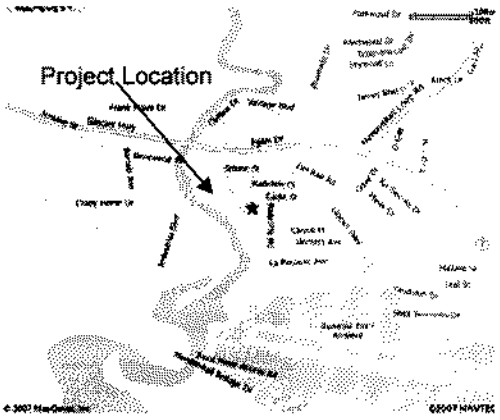
( ) Discharge dredged or fill material into waters of the U.S. - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

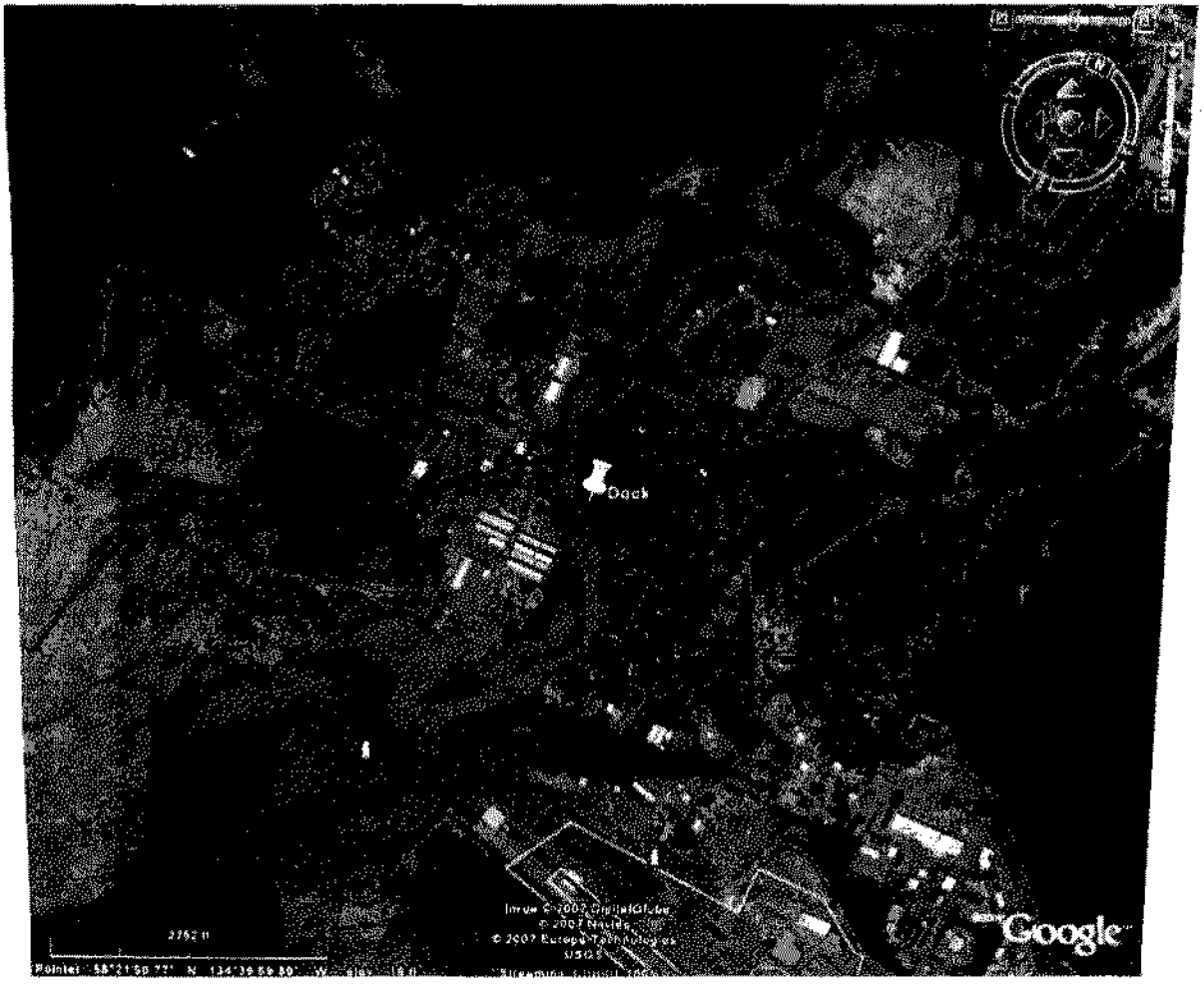
( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection,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

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

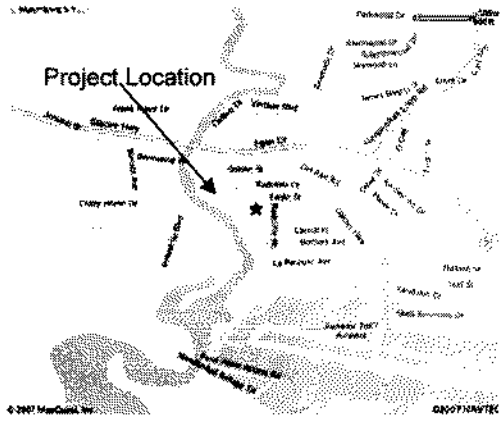
District Engineer
U.S. Army, Corps of Engineers

Attachments





Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 1 of 8 Aerial View 1
Date: 25 March 2007



Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 2 of 8 Aerial View 2
Date: 25 March 2007

Robert Deering
Mendenhall River
03/25/07

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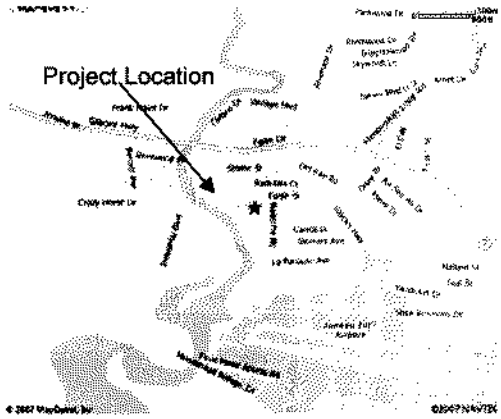

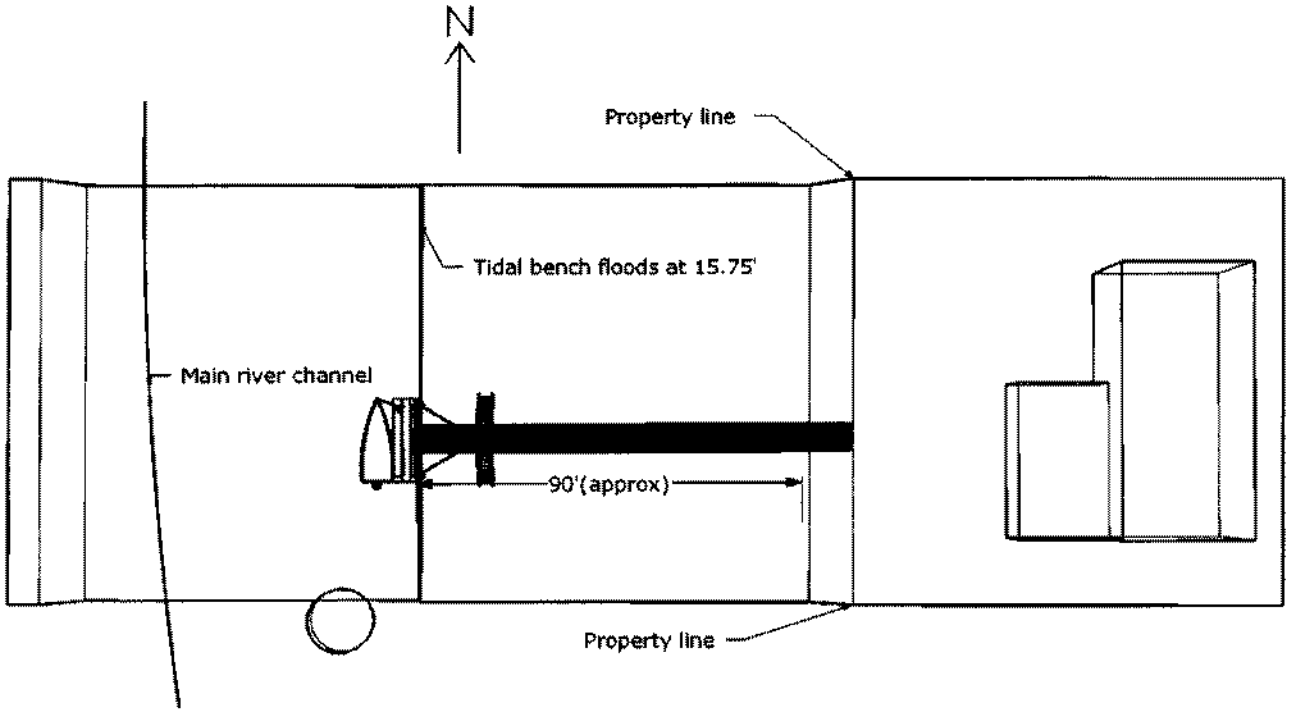

Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 3 of 8 Plan View Diagram
Date: 25 March 2007

Robert Deering
Mendenhall River
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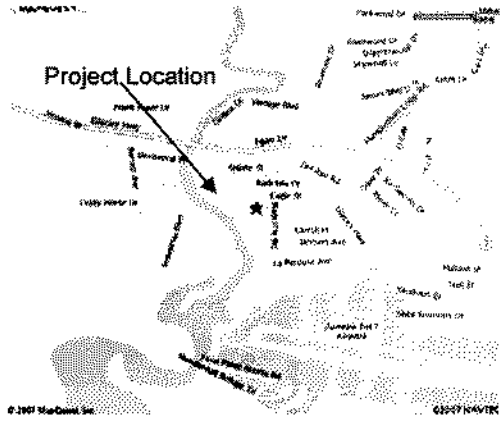

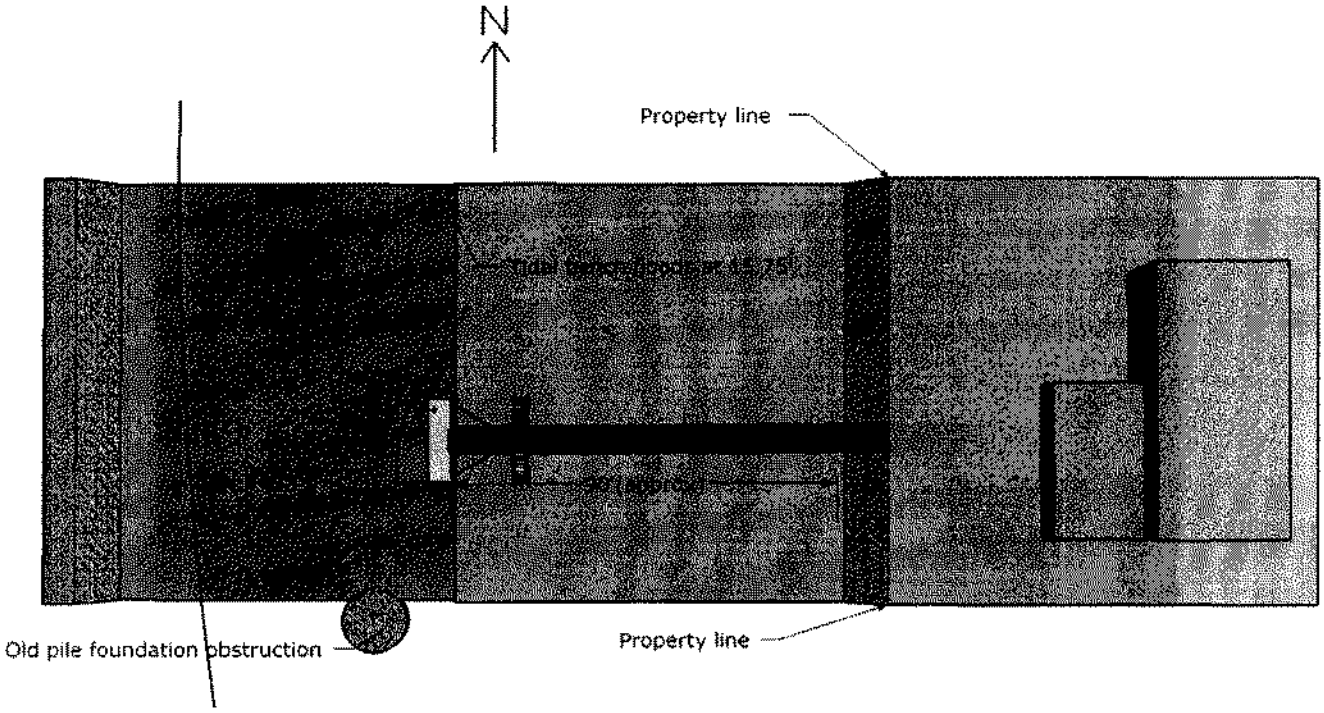

Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 4 of 8 Plan View Rendering
Date: 25 March 2007

Robert Deering
Mendenhall River
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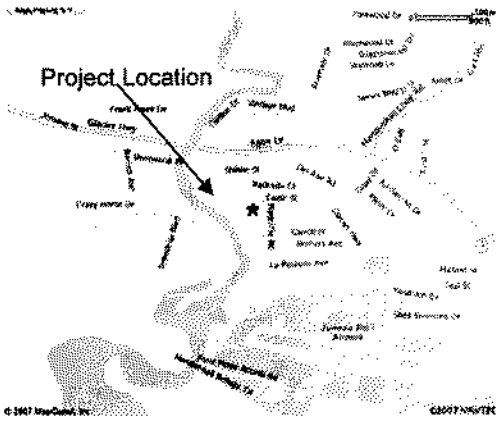

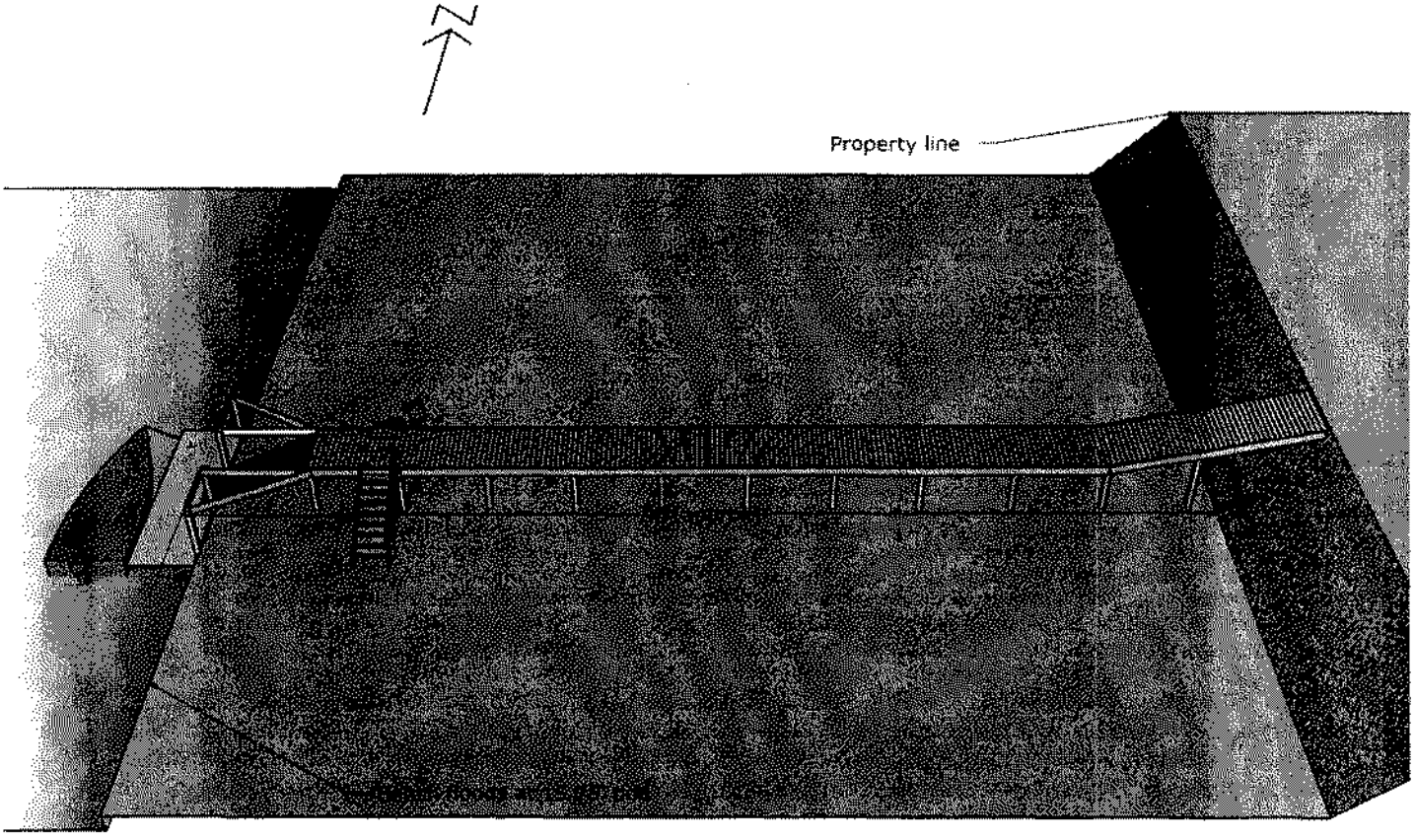

Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 5 of 8 Oblique View
Date: 25 March 2007

Robert Deering
Mendenhall River
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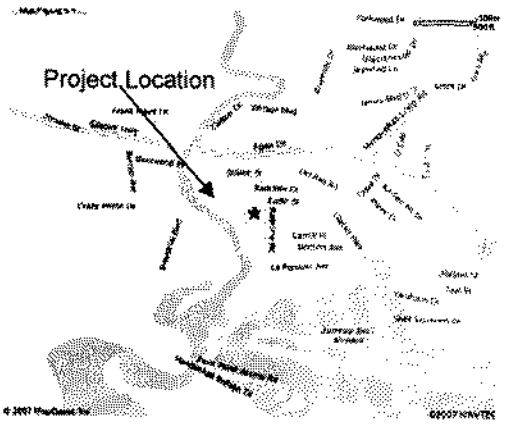

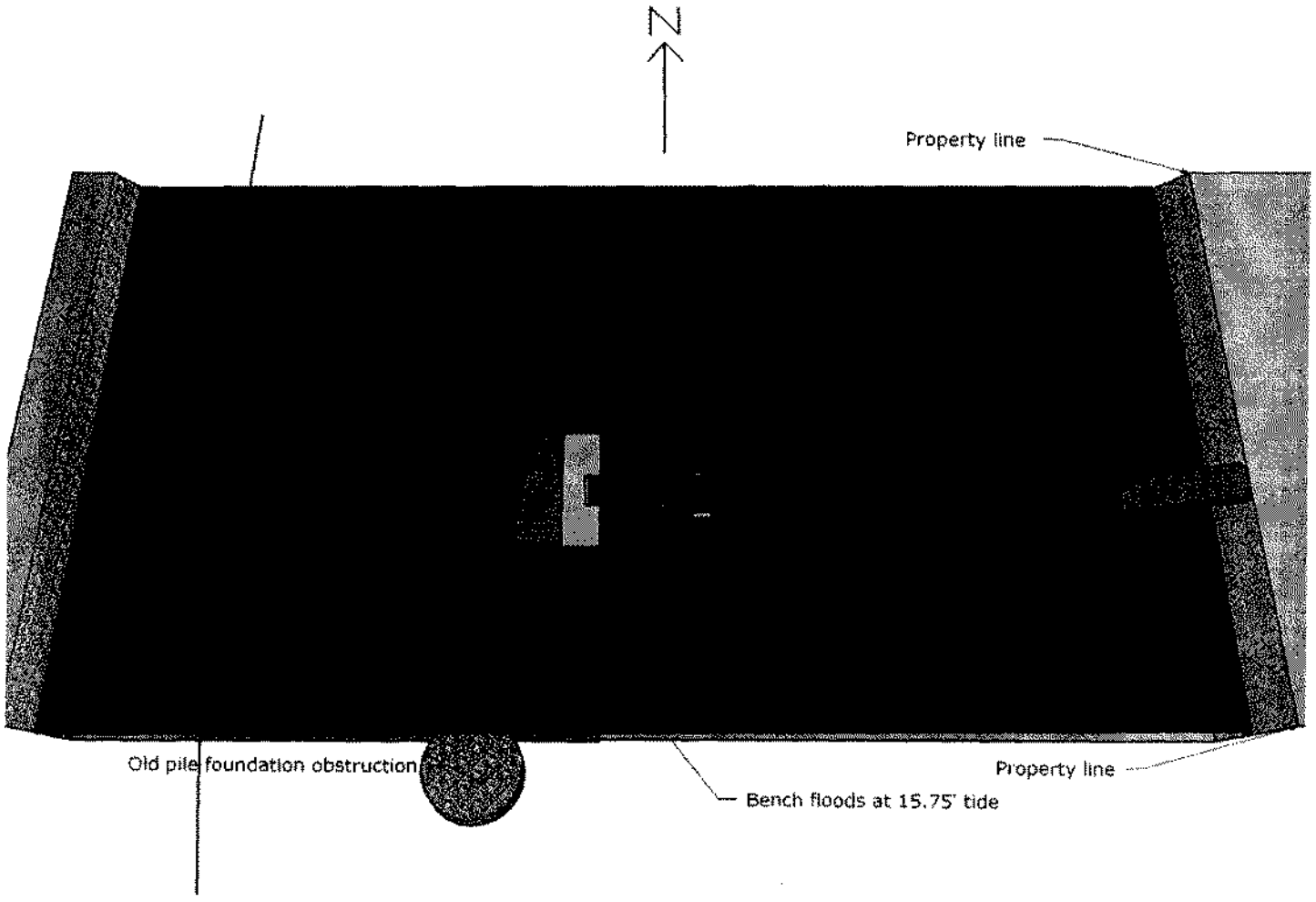

Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 6 of 8 Extreme Hide Tide (20.8')
Date: 25 March 2007

Robert Deering
Mendenhall River
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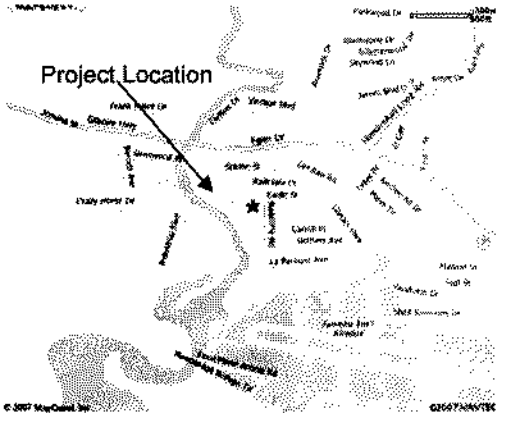
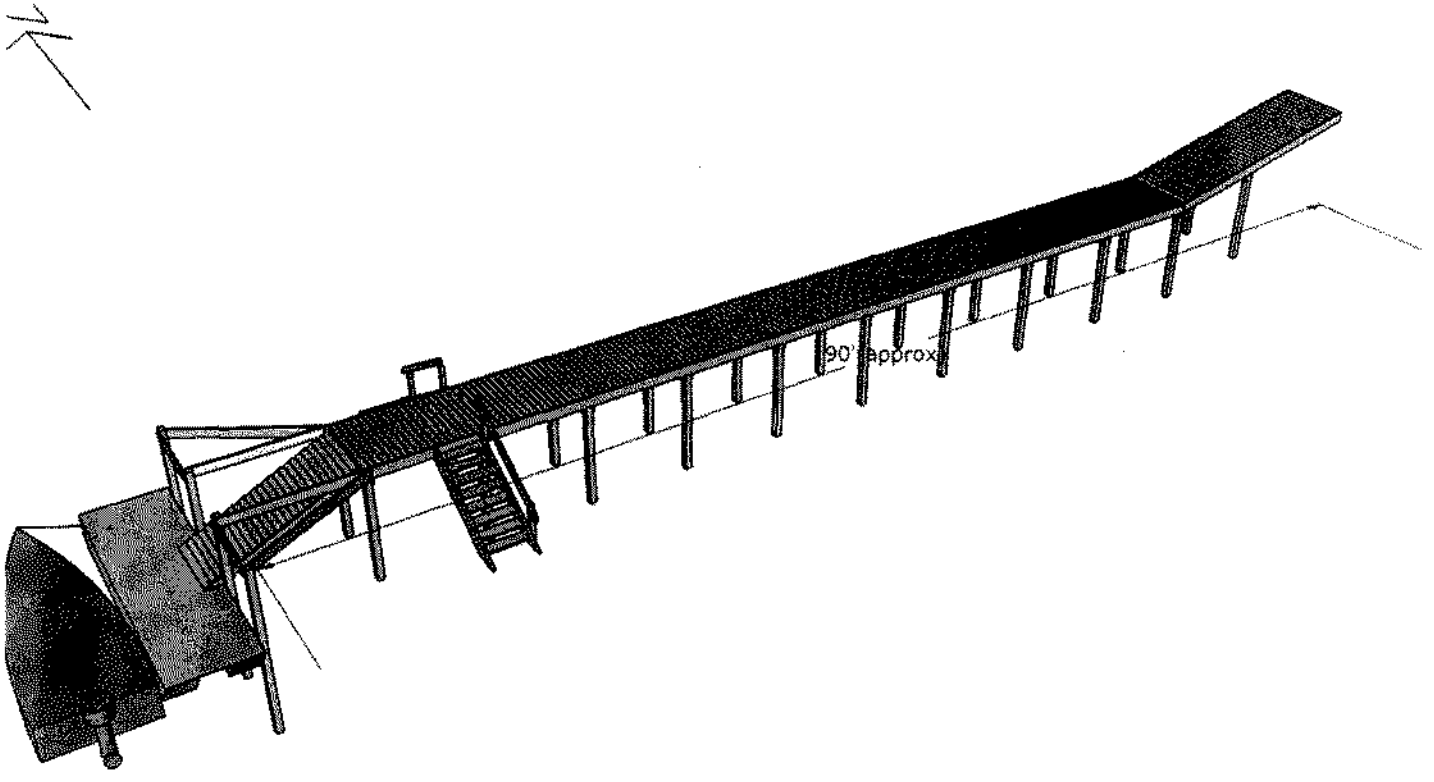
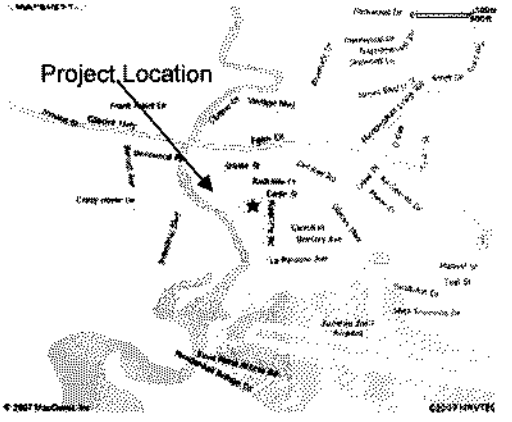
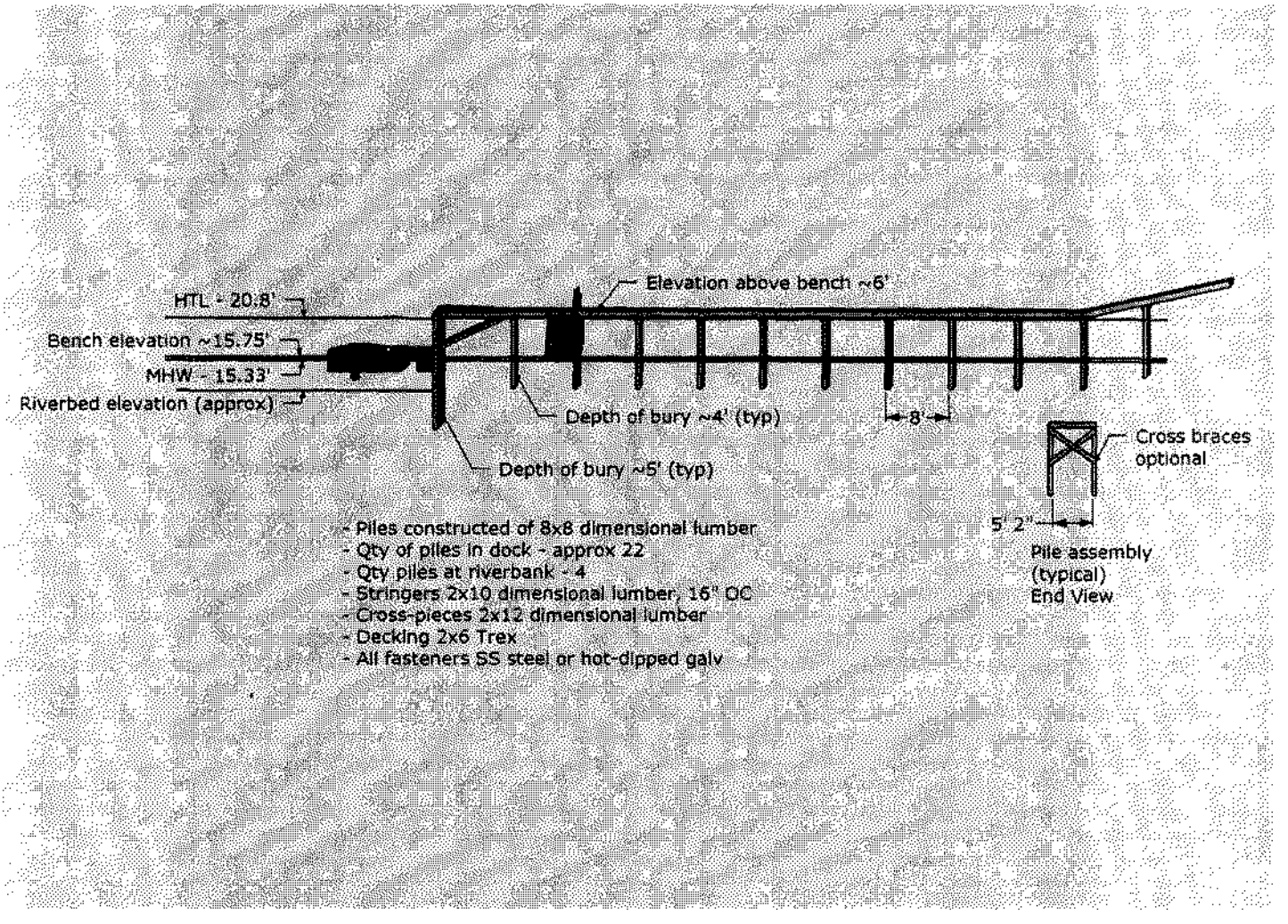




Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River ¼ mile downstream of Brotherhood Bridge
Sheet 7 of 8 Dock Structure
Date: 25 March 2007





Name: Robert Deering
Project: Private Dock
Location: 2319 Meadow Lane
Waterbody: Mendenhall River¼ mile downstream of Brotherhood Bridge
Sheet: 8 of 8 - Dock Cross Section & Dimensions
Date: 25 March 2007

Robert Deering
Mendenhall River
03/25/07

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SARAH PALIN, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
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-2007-516-1**, 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. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment 1