



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 9 August 2004  
EXPIRATION DATE: 8 September 2004  
REFERENCE NUMBER: POA-2004-1053  
WATERWAY NUMBER: Port Chester

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

APPLICANT: Metlakatla Housing Authority (MHA), Post Office Box 59, Metlakatla, Alaska 99926-0059.

LOCATION: At the intersection of Aurial Street and Clinic Drive within section 8, T. 78 S., R. 92 E., Copper River Meridian, USGS Ketchikan A-5, latitude 55 07' 45" N., longitude 131 34' 30" W. in Metlakatla, Alaska.

WORK: MHA proposes to place 5,450 cubic yards of shot rock and riprap on an approximately 0.7-acre lot to create a building pad for a 8,300 square foot (SF) building with a 3,100 SF area for building expansion and 9,000 SF for driveway and parking.

PURPOSE: Develop an Assisted Living Facility for the elderly in the community.

ADDITIONAL INFORMATION: Shot rock and riprap will be obtained from the local quarry. Overburden will be disposed of in a designated area at the rock quarry.

MITIGATION: Construction would occur in an area already developed on all sides, which would minimize the loss of wetlands on the island.

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 U.S. Environmental Protection Agency.

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 Annette Island Coastal Management Program (CMP). A permit will not be issued until the Metlakatla Indian Community Council 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. This application is being coordinated with the 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

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, 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. 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 proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources because it is a Palustrine wetland located some distance from any water with fish in it.

SPECIAL AREA DESIGNATION: The project is located within the Annette Island Indian Reservation.

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. 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 Ms. Shannon Hansen at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by e-mail at [dennis.a.stone@poa02.usace.army.mil](mailto:dennis.a.stone@poa02.usace.army.mil), if further information is desired concerning this notice.

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

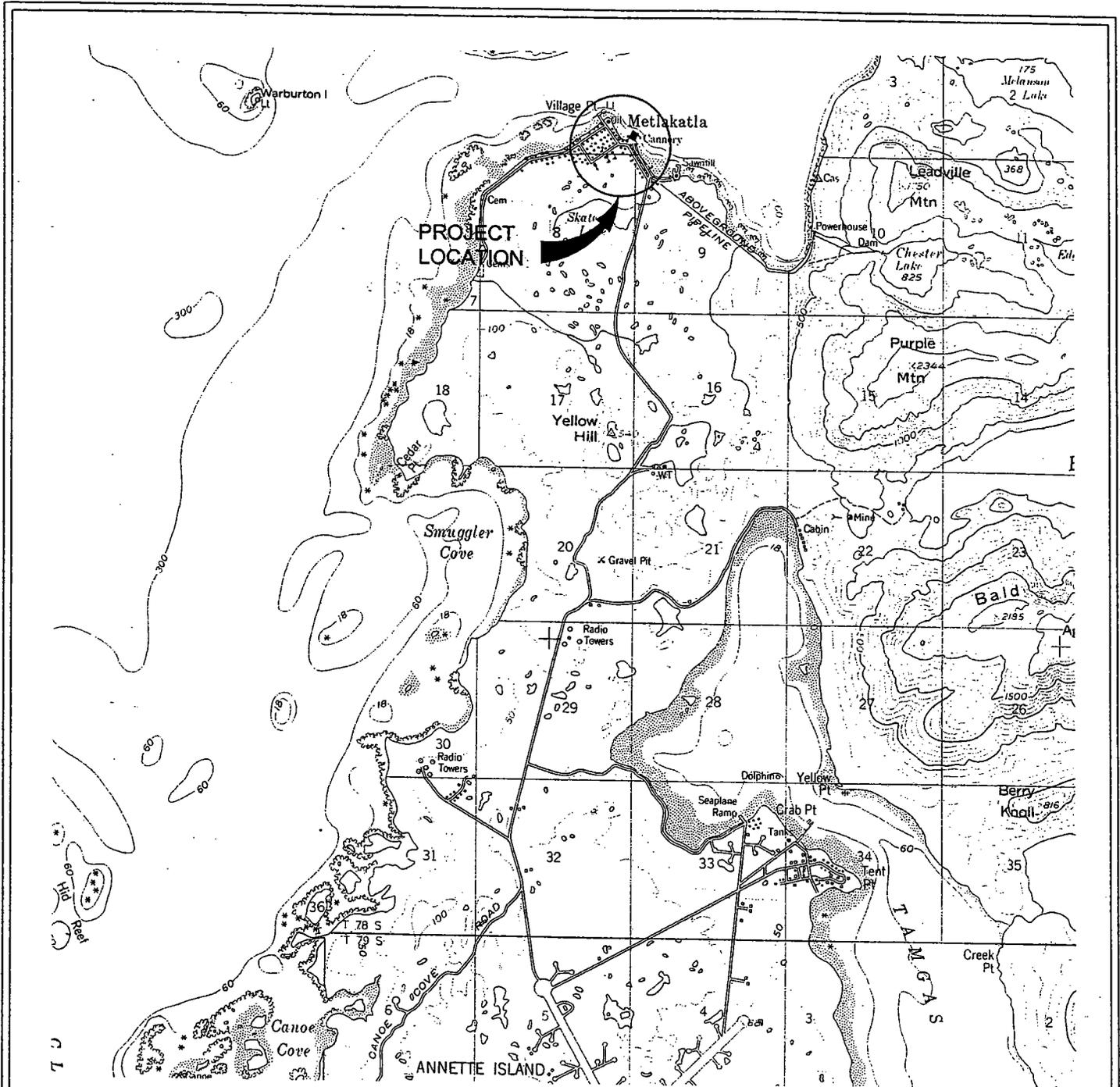
( ) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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).

A plan and Notice of Application for Water Quality Certification are attached to this Public Notice.

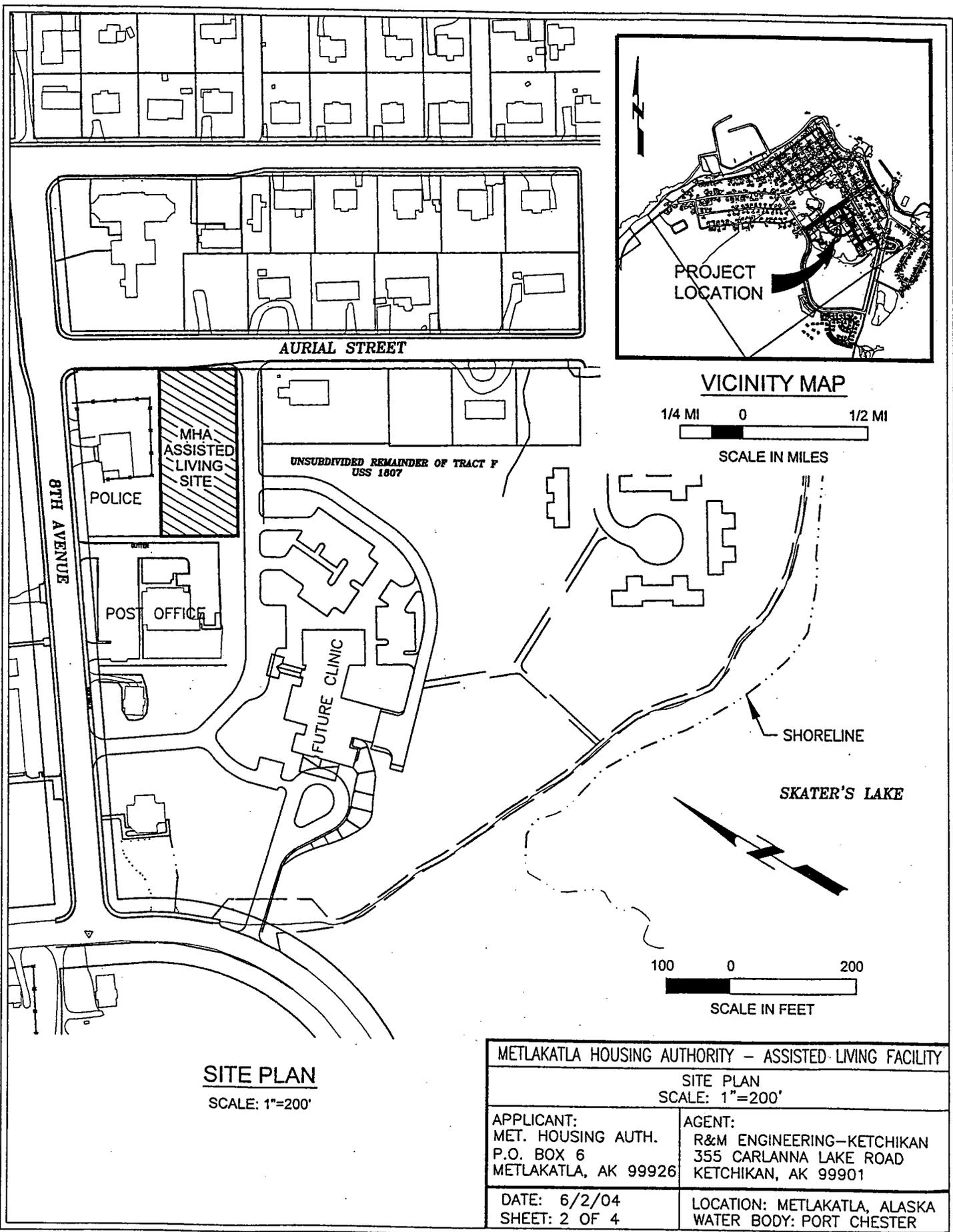
District Engineer  
U.S. Army, Corps of Engineers

Attachments



FROM KETCHIKAN A-5 QUADRANGLE  
N 55°00', W 131°20'

METLAKATLA HOUSING AUTHORITY - ASSISTED LIVING FACILITY	
VICINITY MAP SCALE: 1" = 1 MILE	
APPLICANT: MET. HOUSING AUTH. P.O. BOX 6 METLAKATLA, AK 99926	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/2/04 SHEET: 1 OF 4	LOCATION: METLAKATLA, ALASKA WATER BODY: PORT CHESTER



AIRIAL STREET

8TH AVENUE

MHA ASSISTED LIVING SITE

POLICE

POST OFFICE

UNSUBDIVIDED REMAINDER OF TRACT F  
USS 1807

FUTURE CLINIC

PROJECT LOCATION

VICINITY MAP

1/4 MI 0 1/2 MI

SCALE IN MILES

SHORELINE

SKATER'S LAKE

100 0 200

SCALE IN FEET

**SITE PLAN**

SCALE: 1"=200'

**METLAKATLA HOUSING AUTHORITY - ASSISTED LIVING FACILITY**

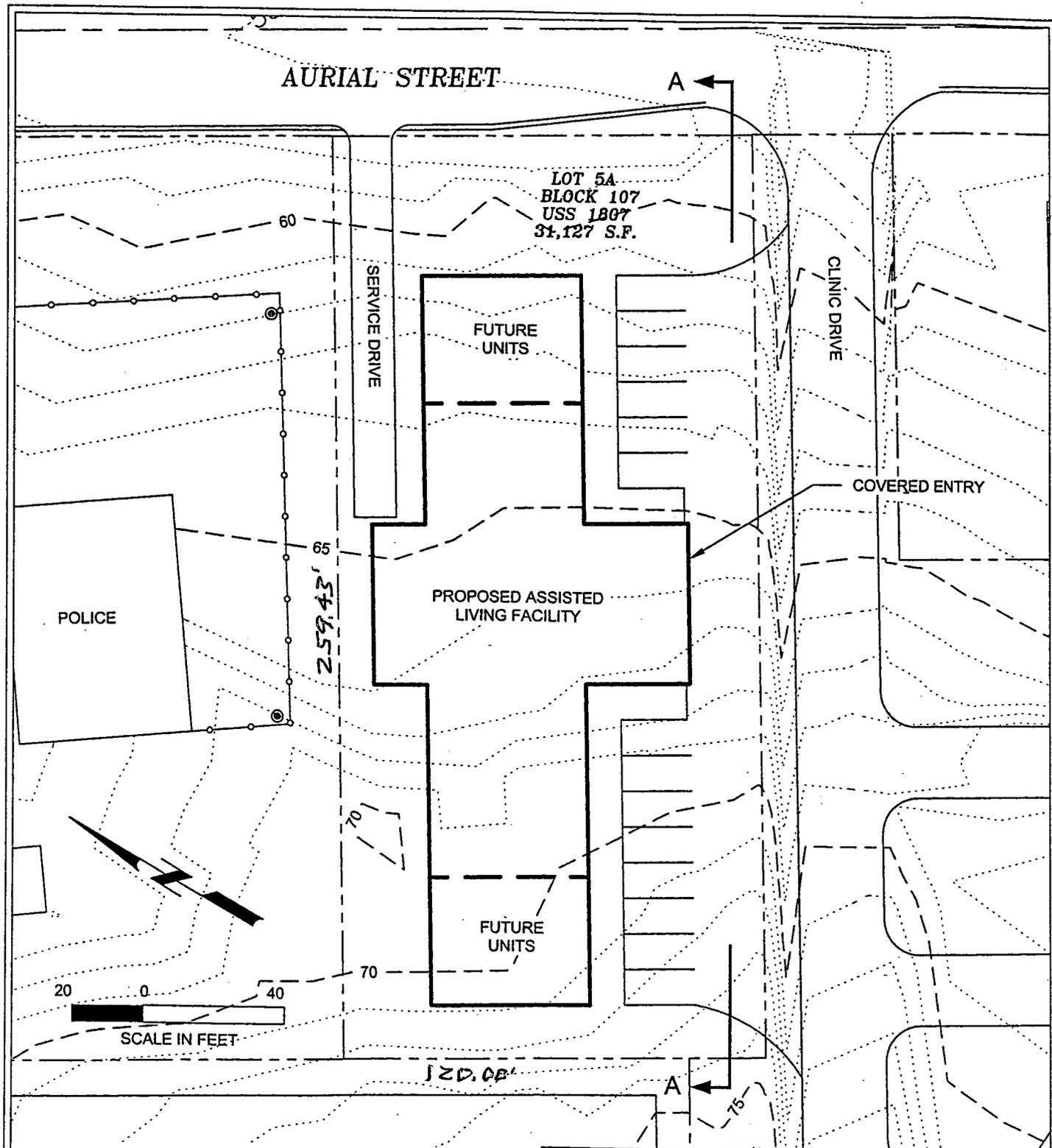
SITE PLAN  
SCALE: 1"=200'

APPLICANT:  
MET. HOUSING AUTH.  
P.O. BOX 6  
METLAKATLA, AK 99926

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

DATE: 6/2/04  
SHEET: 2 OF 4

LOCATION: METLAKATLA, ALASKA  
WATER BODY: PORT CHESTER



LOT 5A  
BLOCK 107  
USS 1807  
31,127 S.F.

SERVICE DRIVE

FUTURE UNITS

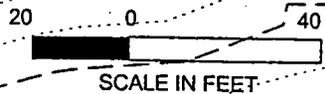
CLINIC DRIVE

COVERED ENTRY

POLICE

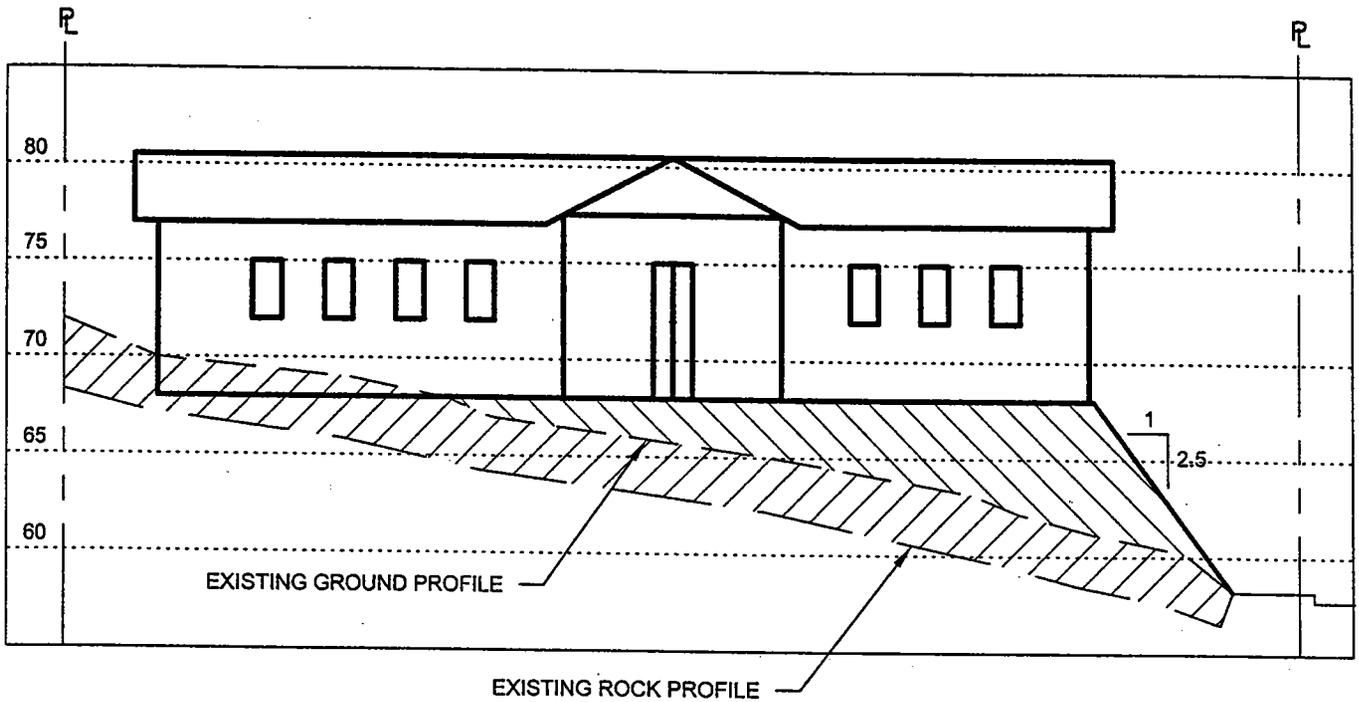
PROPOSED ASSISTED LIVING FACILITY

FUTURE UNITS



**PLAN VIEW**  
SCALE: 1"=40'

METLAKATLA HOUSING AUTHORITY - ASSISTED LIVING FACILITY	
PLAN VIEW SCALE: 1"=40'	
APPLICANT: MET. HOUSING AUTH. P.O. BOX 6 METLAKATLA, AK 99926	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/2/04 SHEET: 3 OF 4	LOCATION: METLAKATLA, ALASKA WATER BODY: PORT CHESTER



**SECTION A-A**

HORIZ. SCALE: 1"=40'  
 VERT. SCALE: 1"=4'

 MUSKEG TO BE REMOVED: 3,400 CY

 ROCK EMBANKMENT

MUSKEG REPLACEMENT: 2,700 CY  
 BUILDING PAD CONSTRUCTION: 2,500 CY  
 TOTAL: = 5,200 CY

METLAKATLA HOUSING AUTHORITY - ASSISTED LIVING FACILITY	
SECTION SCALE: 1"=40'	
APPLICANT: MET. HOUSING AUTH. P.O. BOX 6 METLAKATLA, AK 99926	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/2/04 SHEET: 4 OF 4	LOCATION: METLAKATLA, ALASKA WATER BODY: PORT CHESTER



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue  
Seattle, WA 98101

**NOTICE OF REQUEST**  
For  
**WATER QUALITY CERTIFICATION**

**Metlakatla Indian Community**  
**Annette Islands Reserve, Alaska**

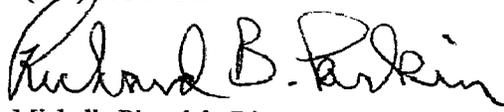
Notice is hereby given that a request has been filed with the U.S. Environmental Protection Agency (EPA) to certify, pursuant to Section 401 of the Federal Clean Water Act of 1977, PL 95-217, that there is reasonable assurance that the project described in the Corps of Engineers Public Notice No. POA-2004-1053, will not violate the Clean Water Act, and applicable water quality standards in the Metlakatla Indian Community, Annette Islands Reserve, Alaska.

For Federal permits allowing discharges into waters of the United States, including wetlands, Section 401 of the Clean Water Act requires that Tribes obtain certification that the discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307, of the Clean Water Act. Since the State of Alaska does not have jurisdiction over activities occurring in the Metlakatla Indian Community, Annette Islands Reserve, the U.S. EPA will provide such certification where a State has no authority [33 U.S.C. Section 1341(a)].

The U.S. EPA is soliciting comments regarding potential water quality effects of the proposed federal activity in the Metlakatla Community, Annette Islands Reserve. All interested parties are encouraged to provide written comments within 45 days to:

**U.S. Environmental Protection Agency**  
**Alaska Operations Office - Juneau**  
P.O. Box 20370  
Juneau, AK 99802-0370  
ATTN: Chris Meade

After the public comment period has closed, U.S. EPA will review the application and all comments received. The U.S. EPA may certify that there is a reasonable assurance that the activity and any discharge that might result, will comply with the Clean Water Act and applicable water quality standards. The U.S. EPA also may deny or waive certification. For additional information, please contact (907) 271-3411.

*For*   
Michelle Pirzadeh, Director  
Office of Ecosystems and Communities

FRANK H. MURKOWSKI,  
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-2004-1053, Port Chester**, 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>.