



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	February 4, 2020
EXPIRATION DATE:	March 5, 2020
REFERENCE NUMBER:	POA-2010-00650-M4
WATERWAY:	Tongass Narrows

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

All comments regarding this Public Notice (PN) 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 PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Kendra Holman at (907) 753-5693, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Kendra.B.Holman@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Olson Marine, Inc.

AGENT: MEA Inc.

LOCATION: The project site is located at Section 9, Township 75 South, Range 90 East, Copper River Meridian; Latitude 55.387028° North, Longitude -131.738739° West; in Ward Cove, Alaska.

PURPOSE: The applicant's stated purpose is to provide home port for a barge and tug operation, upgrade float design and increase uplands support area.

PROPOSED WORK: Fill in a barge ramp that is located at the south end of Lot 27-32 (USS 1417, Plat P-3), ATS 78 Tract B, and ATS 1641 Tract B. This fill area is proposed to be 3,696 square feet (0.0848 acre). The barge ramp will be filled in with 1200 cubic yards of clean shot rock and material that has been removed from the Berth II pinnacle removal project. The barge ramp fill area, will have a retaining wall along the seaward side. The wall will be constructed of 320 cubic yards of riprap. The wall will be 121-feet long, with a total area of 664 square feet. Tie back and erosion fabric will be used as necessary with the construction of the wall. At the north part of the property, within Tract A, a 10-foot x 90-foot float (float 4) is proposed to be supported by the existing piles from the removed hanger. Float 4 will run parallel to the existing seawall. The previously permitted float (float 3) is proposed to be modified to 16-foot x 100-foot. The modification of float 3 will include the placement of three new 16 inch HDG steel piles, along with the use of the existing five piles. Float 3 will be perpendicular to the seawall. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated January 31, 2020.

ADDITIONAL INFORMATION: City of Ketchikan, Site Development, 2019-00010054, approved 11/7/2019

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: Avoidance of the impact to waters is achieved by utilization of a location that has been previously impacted by past owners of the property.

b. Minimization: Minimization is achieved by placing the fill behind a stacked rock retaining wall, minimizing the footprint of the fill.

c. Compensatory Mitigation: Compensation is thought unnecessary due to the proposed impacts occurring in areas that have previously be impacted.

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 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the area of waters of the U.S. and the immediately adjacent uplands that will be directly impacted by the proposed work; which includes, the area approximately 100 feet water ward of the existing retaining wall located along ATS 78 Tract A, ATS 78 tract B, and ATS 1641 Tract B.

Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the Humpback Whale (*Megaptera novaeangliae*) (Mexico DPS).

We have determined the described activity may affect the threatened Humpback Whale (*Megaptera novaeangliae*) (Mexico DPS). 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 the following species:

	Species Common Name	Species Latin Name		Species Common Name	Species Latin Name
1	Coho Salmon	<i>Oncorhynchus kisutch</i>	11	Flathead Sole	<i>Hippoglossoides elassodon</i>
2	Pink Salmon	<i>Onchorhynchus gorbuscha</i>	12	Rougheye Rockfish	<i>Sebastes aleutianus</i>
3	Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	13	Dusky Rockfish	<i>Sebastes variabilis</i>
4	Chum Salmon	<i>Oncorhynchus keta</i>	14	Walleye Pollock	<i>Theragra calcogramma</i>
5	Sockeye Salmon	<i>Oncorhynchus nerka</i>	15	Alaska Plaice	<i>Pleuronectes quadrituberculatus</i>
6	Pacific Ocean Perch	<i>Sebastes slutus</i>	16	Sablefish	<i>Anoplopoma fimbria</i>
7	Yelloweye Rockfish	<i>Sebastes ruberrimus</i>	17	Pacific Cod	<i>Gadus macrocephalus</i>
8	Shortraker	<i>Sebastes borealis</i>	18	Arrowtooth Flounder	<i>Atheresthes stomias</i>
9	Southern Rock Sole	<i>Lepidopsetta bilineata</i>	19	Sculpin spp.	<i>Cottidae</i>
10	Dover Sole	<i>Microstomus pacificus</i>	20	Skates spp.	<i>Rajidae</i>

We have determined the described activity may adversely affect EFH in the project area for the above listed species and provide the following EFH assessment:

The action that will adversely affect EFH is described in detail above under the proposed work and shown on the attached plans. The potential adverse effects to EFH from the discharge of fill material include: 1) loss of habitat functions and 2) changes in hydrologic patterns.

The existing site condition include a seawall (retaining) along the shoreline with three 16-inch steel piles running parallel to seawall and an existing float that is 10-foot x 100-foot with five 16-inch steel piles. The southern part of the project existing site conditions consisted of a graveled barge ramp that was previously permitted.

The proposed fill material will permanently eliminate shallow low gradient intertidal habitat, which provides shelter from high currents

Suspension of sediments may occur during placement of the fill material. The adverse effects on EFH due to suspension of sediment are expected to be temporary. Pile driving associated with the proposed new structures will generate intense underwater sound pressure waves that may injure and / or kill fish, adversely effecting EFH. Fish may leave feeding areas or avoid natural migration areas due to noise disturbances associated with pile driving activities. Adverse effects of underwater noise associated with pile driving will be temporary.

Although EFH is present and adverse effects are anticipated, the existing quality of the site for providing all necessary EFH habitat functions is likely marginal given the current site conditions and the heavy commercial and industrial uses of the waterfront. The proposed discharge of fill will permanently eliminate 3,696 square feet (0.0848 acre) of intertidal habitat that may be used by some of all the EFH listed species above or used by their prey species during various life stages for spawning, breeding, feeding, and growth. Due to the existing condition of the site, the loss of this intertidal area would result in a minor adverse impact to EFH and would not be expected to result in a significant loss of EFH or cause a measurable decline in local EFH managed species populations.

The applicant has proposed that mitigation is not necessary due to the previous impacts to the fill pad area.

This PN initiates EFH consultation with the NMFS pursuant to the use of existing environmental review procedures in 50 CFR §600.920(f). 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 PN 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:
Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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.

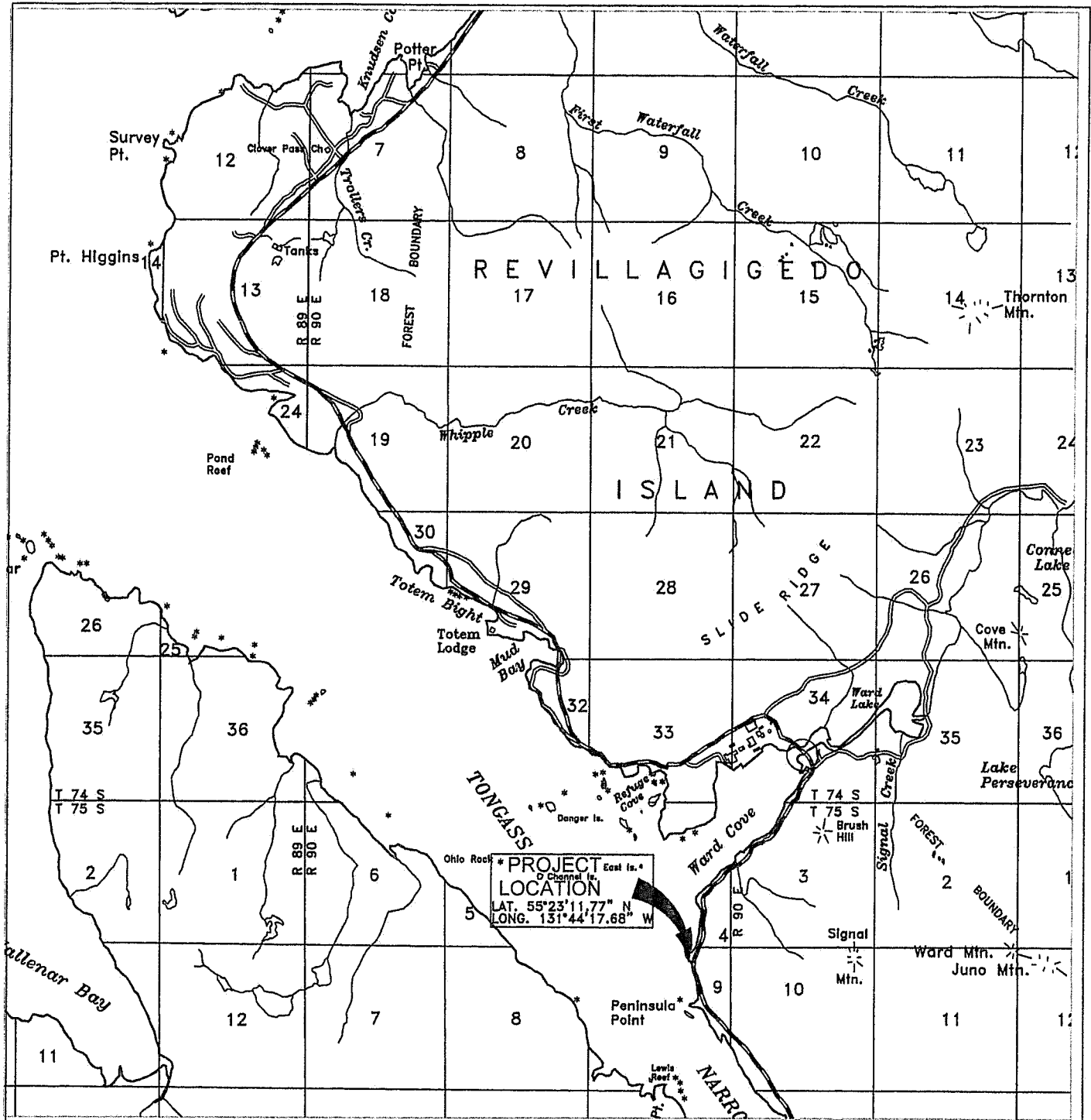
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2010-00650-M4, Tongass Narrows**, and serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

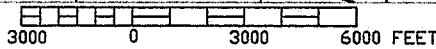
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Kate Orozco at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

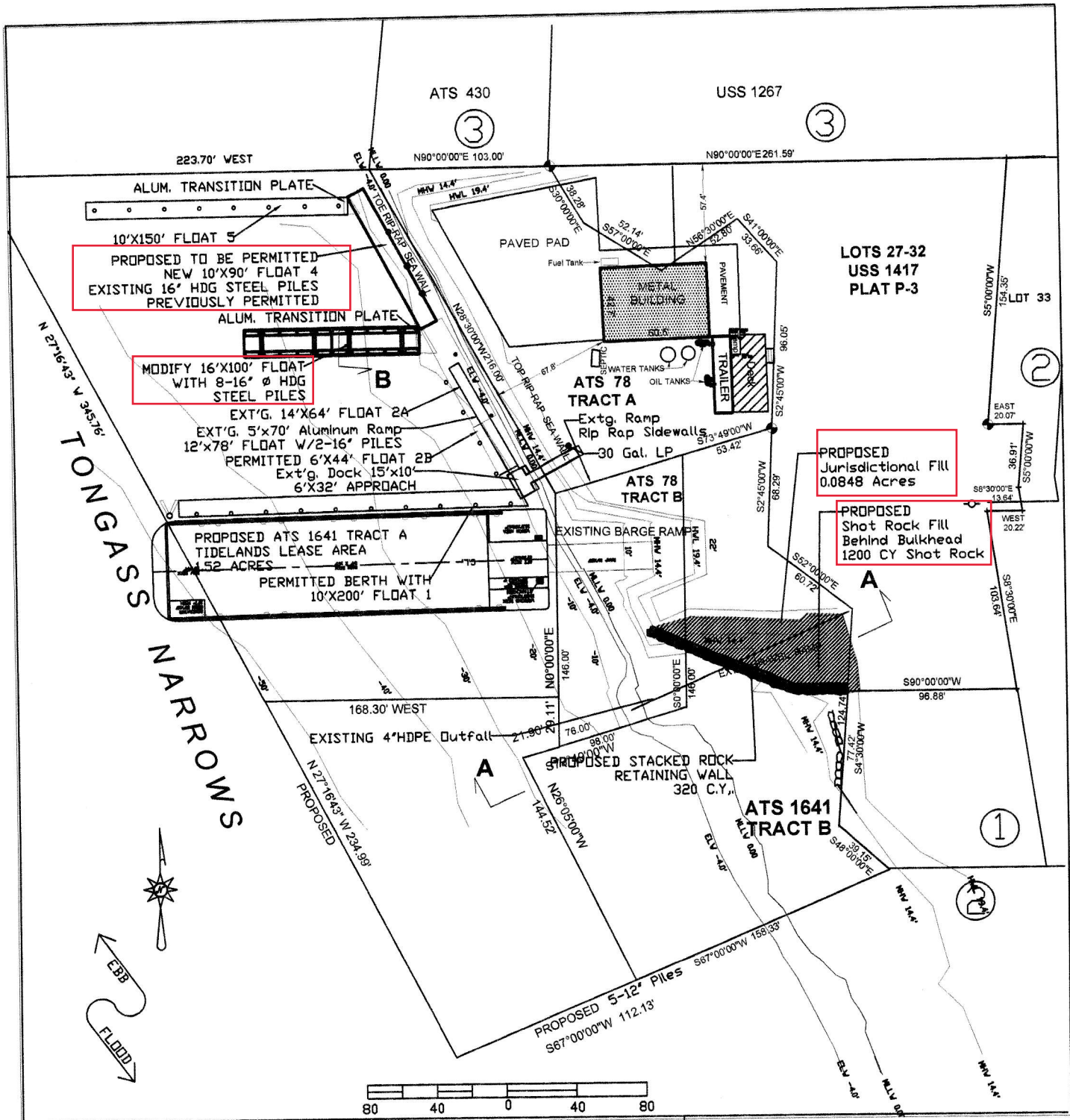


FROM: KETCHIKAN B-6 QUADRANGLE



SCALE 1"=1 Mile

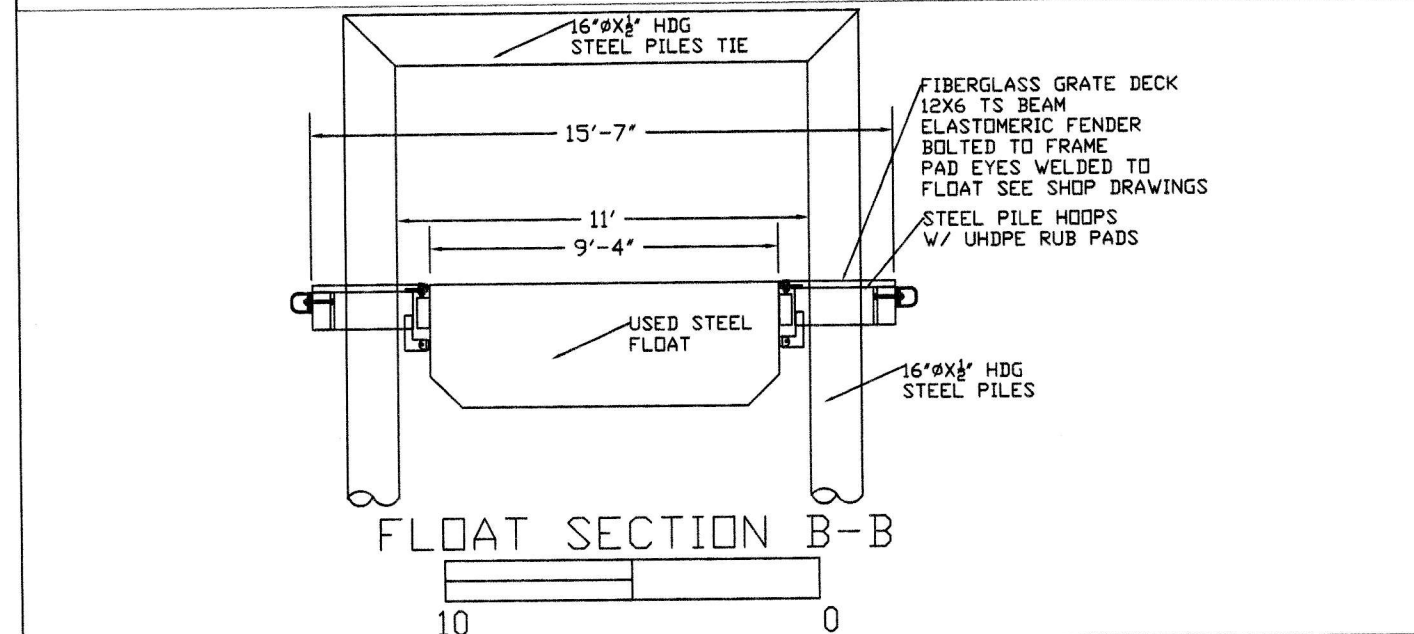
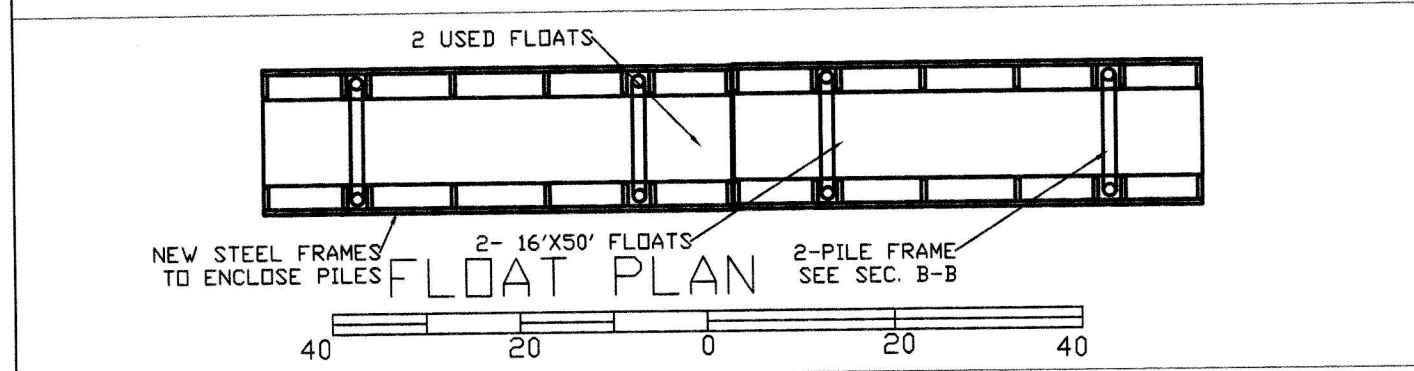
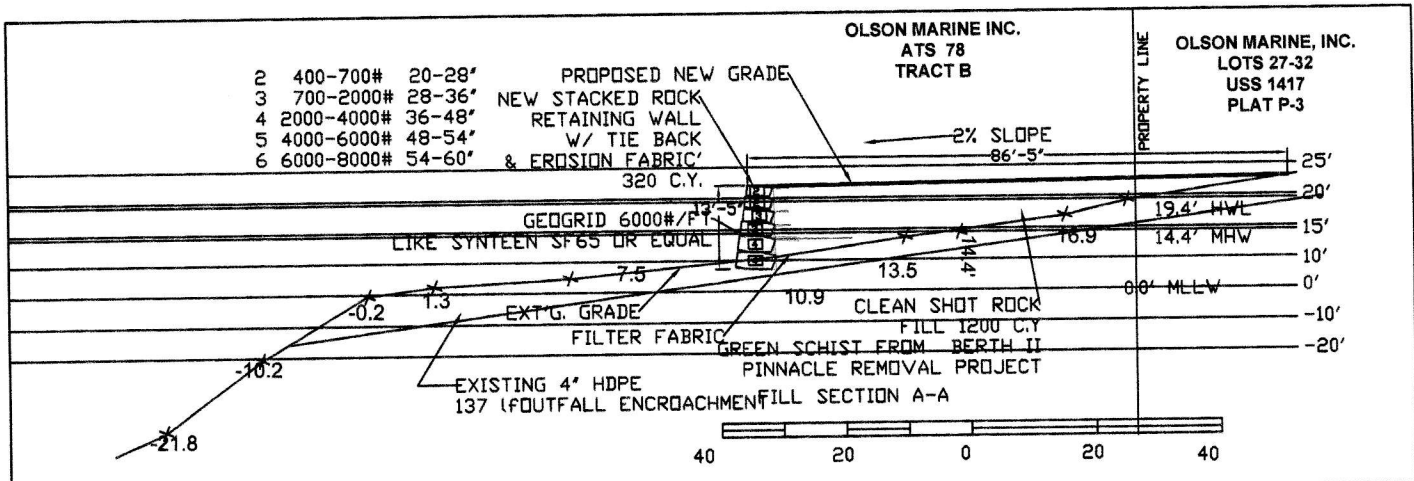
<p>PURPOSE: PROVIDE HOME PORT FOR BARGE & TUG OPERATION BARGE LOADING FACILITY DATUM: HORIZONTAL: NAD. 83/91 VERTICAL N.G.V.D. 29</p>	<p>VICINITY MAP REFERENCE: POA-2010-650 M-3 OLSON MARINE, INC PO BOX 1417 WARD COVE, ALASKA 99928</p>	<p>PROPOSED: FILL OLD BARGE LANDING FOR LAYDOWN YARD. STRENGTHEN PROPOSED FLOAT FOR LARGE TUGS CITY OF: KETCHIKAN STATE OF: AK APPLICATION BY: RICK & WENDY OLSON SHEET 2 of 4 DATE 11-29-2019</p>
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ADJACENT PROPERTY OWNERS:
 1. M. GUYMON
 2. JIM CHURCH
 3. RON PORTER & MARYANN LINDEMANN

PROPOSED PLAN VIEW
 POA-2010-650 M-4
 REFERENCE: POA-2010-650 M-3
 OLSON MARINE, INC
 PO BOX 1417
 WARD COVE, ALASKA 99928

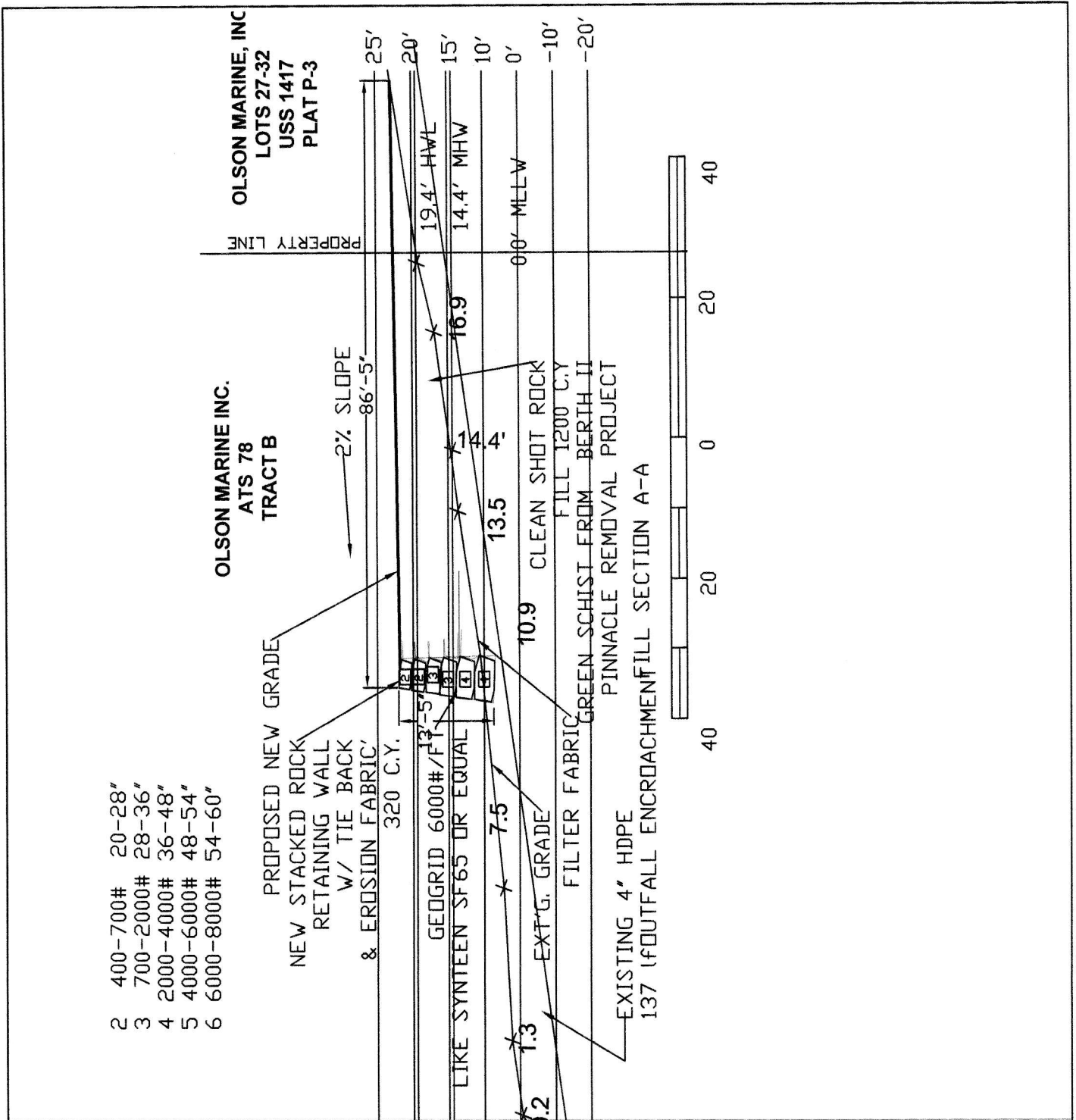
FILL OLD BARGE LANDING FOR LAYDOWN YARD. STRENGTHEN PROPOSED FLOAT FOR LARGE TUGS
 CITY OF: KETCHIKAN STATE OF: AK
 APPLICATION BY: RICK & WENDY OLSON
 SHEET 3 of 7 DATE 12-19-2019



PURPOSE:
PROVIDE HOME PORT FOR
BARGE & TUG OPERATION
BARGE LOADING FACILITY
DATUM:
HORIZONTAL: NAD. 83/91
VERTICAL N.G.V.D. 29

SECTIONS
POA-2010-650 M-4
REFERENCE: POA-2010-650 M-3
OLSON MARINE, INC
PO BOX 1417
WARD COVE, ALASKA 99928

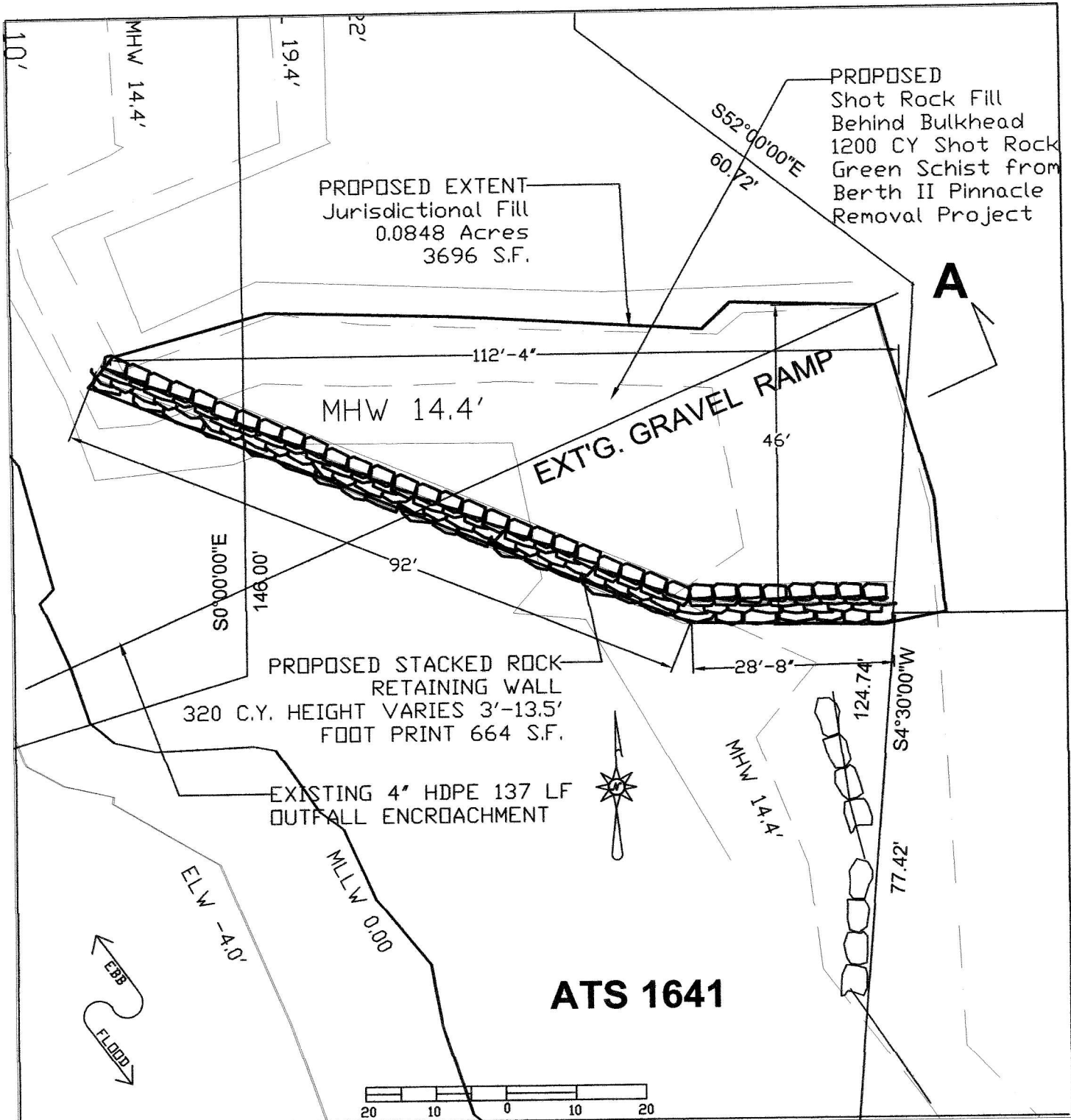
PROPOSED:
FILL OLD BARGE LANDING FOR
LAYDOWN YARD. STRENGTHEN
PROPOSED FLOAT FOR LARGE TUGS
CITY OF: KETCHIKAN STATE OF: AK
APPLICATION BY: RICK & WENDY OLSON
SHEET 4 of 7 DATE 12-19-2019



PURPOSE:
 PROVIDE HOME PORT FOR
 BARGE & TUG OPERATION
 BARGE LOADING FACILITY
 DATUM:
 HORIZONTAL: NAD. 83/91
 VERTICAL N.G.V.D. 29

PROPOSED FILL SECTION
 POA-2010-650 M-4
 REFERENCE: POA-2010-650 M-3
 OLSON MARINE, INC
 PO BOX 1417
 WARD COVE, ALASKA 99928

PROPOSED:
 FILL OLD BARGE LANDING FOR
 LAYDOWN YARD. STRENGTHEN
 PROPOSED FLOAT FOR LARGE TUGS
 CITY OF: KETCHIKAN STATE OF: AK
 APPLICATION BY: RICK & WENDY OLSON
 SHEET 6 of 7 DATE 12-19-2019



ATS 1641

PURPOSE:
 PROVIDE HOME PORT FOR
 BARGE & TUG OPERATION
 BARGE LOADING FACILITY
 DATUM:
 HORIZONTAL: NAD. 83/91
 VERTICAL N.G.V.D. 29

PROPOSED FILL PLAN
 POA-2010-650 M-4
 REFERENCE: POA-2010-650 M-3
 OLSON MARINE, INC
 PO BOX 1417
 WARD COVE, ALASKA 99928

FILL OLD BARGE LANDING FOR
 LAYDOWN YARD. STRENGTHEN
 PROPOSED FLOAT FOR LARGE TUGS
 CITY OF: KETCHIKAN STATE OF: AK
 APPLICATION BY: RICK & WENDY OLSON
 SHEET 7 of 7 DATE 12-19-2019