



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

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| <b>PUBLIC NOTICE DATE:</b> | <b>November 22, 2017</b> |
| <b>EXPIRATION DATE:</b>    | <b>December 22, 2017</b> |
| <b>REFERENCE NUMBER:</b>   | <b>POA-2006-1418-M7</b>  |
| <b>WATERWAY:</b>           | <b>Tongass Narrows</b>   |

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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.

All comments regarding this Public Notice 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](mailto:regpagemaster@usace.army.mil). All comments should include the Public Notice reference number listed above.

All comments 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. Amanda Heath at (907) 753-5582, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Amanda.L.Heath@usace.army.mil](mailto:Amanda.L.Heath@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Ketchikan Dock Company, LLC; POC: Mr. Ethan Berto; 55 Shoenbar Court, Ketchikan, Alaska 99901; Phone: (907) 225-6157; Email: [EBerto@surveypt.com](mailto:EBerto@surveypt.com).

**AGENT:** Solstice Alaska Consulting, Inc.; POC: Ms. Robin Reich; 2607 Fairbanks Street, Suite B, Anchorage, Alaska 99503; Phone: (907) 929-5960; Email: [Robin@solsticeak.com](mailto:Robin@solsticeak.com).

**LOCATION:** The project site is located within Section 25, T. 75 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.3442° N., Longitude 131.6567° W.; in Ketchikan, Alaska.

**PURPOSE:** The applicant's stated purpose is to reconfigure Berth IV so that it can accommodate larger cruise ships, which are expected to require docking facilities in Ketchikan in 2019.

**PROPOSED WORK:** The proposed project would be the seventh modification to the original permit and would be for the replacement of the current Berth IV with a larger facility. The proposed project would include:

- Permanently removing the 34-foot by 124-foot existing floating barge dock, float, and associated three dolphins comprised of 12 steel piles (two 24-inch, six 30-inch, and four 36-inch diameter);
- Temporarily removing the existing transfer bridge and reinstall it as part of the new facility;
- Install sixteen temporary 30-inch diameter steel piles as templates to guide proper installation of permanent piles (these piles would be removed prior to project completion);
- Install one 4-pile pontoon dolphin (made up of 48-inch diameter piles) and one 5-pile pontoon dolphin (made up of 48-inch diameter piles) and the new 10-foot by 40-foot by 285-foot floating pontoon dock (Transpac Marinas) and its attached 12-foot by 220-foot small craft float (Figure 4, Sheet 2);
- Install four 48-inch diameter piles to expanded offshore mooring dolphin No. 1;
- Install four 48-inch diameter piles and one 30-inch diameter pile to expand shore bollard No. 2; and,
- Install bull rail, floating fenders, mooring cleats, and three mast lights.

A complete Project Description is enclosed. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated October 30, 2017.

**ADDITIONAL INFORMATION:** The applicant will be submitting an application for an Incidental Harassment Authorization (IHA) under the Marine Mammal Protection Act (MMPA) from the National Marine Fisheries Service (NMFS).

**APPLICANT PROPOSED 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.

a. Avoidance: The applicant states that, "To meet the project purpose and need the project must be constructed in and over waters of the United States."

b. Minimization: The applicant states that, "The project uses the most compact design practicable (with the least amount of piles and smallest size of piles) to minimize impacts to waters of the United States."

c. Compensatory Mitigation: The applicant states that, "Compensatory mitigation is not proposed for this project because no fill would be placed within waters of the U.S."

**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 footprint of the proposed project within the waters of the U.S. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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 Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*). We have determined the described activity may affect the endangered Mexico DPS of humpback whale. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the NMFS. Any comments they may have concerning endangered or threatened wildlife 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 project area is within the known range of Chinook (*Oncorhynchus tshawytscha*), chum (*O. keta*), coho (*O. kisutch*), sockeye (*O. nerka*) and pink salmon (*O. salmon (O. gorbuscha)*). We have determined the described activity would not adversely affect EFH in the project area.

**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 authority:

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

Project Description and drawings are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures