



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:	March 24, 2020
EXPIRATION DATE:	April 24, 2020
REFERENCE NUMBER:	POA-2013-00669
WATERWAY:	Narrows Tongass

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 Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Estrella.f.campellone@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alex W. Peura, Ketchikan Gateway Borough; 1900 1ST Avenue; Ketchikan, Alaska 99901; (907) 228-6670; alex@kgbak.us

AGENT: Fred Monrean; MEA Inc.; PO Box 9343; Ketchikan, Alaska 99901; (907) 247-5920; fmonrean@kpunet.net.

LOCATION: The project site is located within Section 4, T. 76 S., R. 91 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.3098° N., Longitude 131.5796° W.; to access the site drive 3.6 miles S. Tongass Highway; Ketchikan Parcel ID 702240021000, Rotary Beach, in Ketchikan, Alaska.

SPECIAL AREA DESIGNATION: The proposed project is located in Ketchikan Gateway Borough property.

PURPOSE: The applicant's stated purpose is to improve public recreation facilities at the Rotary Club Beach. Proposed work would minimize erosion, provide a safe access along the beach and improved swimming conditions at the beach wading pool.

PROPOSED WORK: To construct a 12-foot x 16-foot concrete landing (38 cubic yards of concrete), a new 260 linear foot erosion control seawall (60 cubic yards), 20 linear feet of concrete log deflector benches (0.82-cubic yard), a new 100-square foot access ramp (2 cubic yards), for a total of 100.82 cubic yards of fill material, of which 36.32 cubic yards would be placed in a 0.03-acre area below the High Tide Line (HTL):

Feature	Project Total Fill	Fill below HTL	Area below HTL
16 foot long x 12 foot wide (0.5-foot thick) concrete landing	38 cubic yards	3.5 cubic yards	192 square feet
260 foot long x 4 foot wide concrete block seawall	60 cubic yards	30.0 cubic yards	1,040 square feet
20 linear foot x 16 inch wide concrete log deflector benches	0.82-cubic yard	0.82-cubic yard	27 square feet
New 10 foot x 10 foot access ramp	2 cubic yards	2.0 cubic yards	100 square feet
Total	100.82 cubic yards	36.32 cubic yards	1,359 square feet (0.03-acre)

The proposed work also includes dredging approximately 600 cubic yards of mud and silt accumulated overtime at the beach wading pool (approximately 0.73-acre) and replace the old pool draining valve with a new PCV ball valve (see vicinity map attached). Dredging would be conducted using construction equipment, a loader, and trucks to haul off dredged material to be disposed of at a permitted uplands area, most likely the Ketchikan Land fill.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated February 5, 2020.

ADDITIONAL INFORMATION: 401 Certification is required.

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: The applicant has designed the project to place the minimum amount of

fill material below the HTL.

b. Minimization: Dredged material would not be placed in marine waters, but in a permitted upland site.

c. Compensatory Mitigation: The applicant did not propose compensatory mitigation as they consider the impacts to the marine environment would be less than 0.10-acre.

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 two cultural resources KET-01412 and KET-00851 in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the project. 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 threatened Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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 various species of salmon, including pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), chinook Salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*).

Other fish species that can be found in the project area are Dover sole (*Microstomus pacificus*), rock sole (*Lepidopsetta bilineatus*), yellowfin sole (*Limanda aspera*), Rex sole (*Glyptocephalus zachirus*), flathead sole (*Hippoglossoides elassodon*), Arrowtooth flounder (*Atheresthes stomias*), skates (*Rajidae*), squid (*Cephalopoda*, *Teuthida*), octopus (*Octopoda*), Longnose skate (*Beringraja rhina*), big skate (*Raja binoculata*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work. This PN 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 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:

(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 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-2013-00669, Tongass Narrows**, 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.

POA-2013-00699, Tongass Narrows - Vicinity Map



Rotary Beach

Wadding Pool Dredging

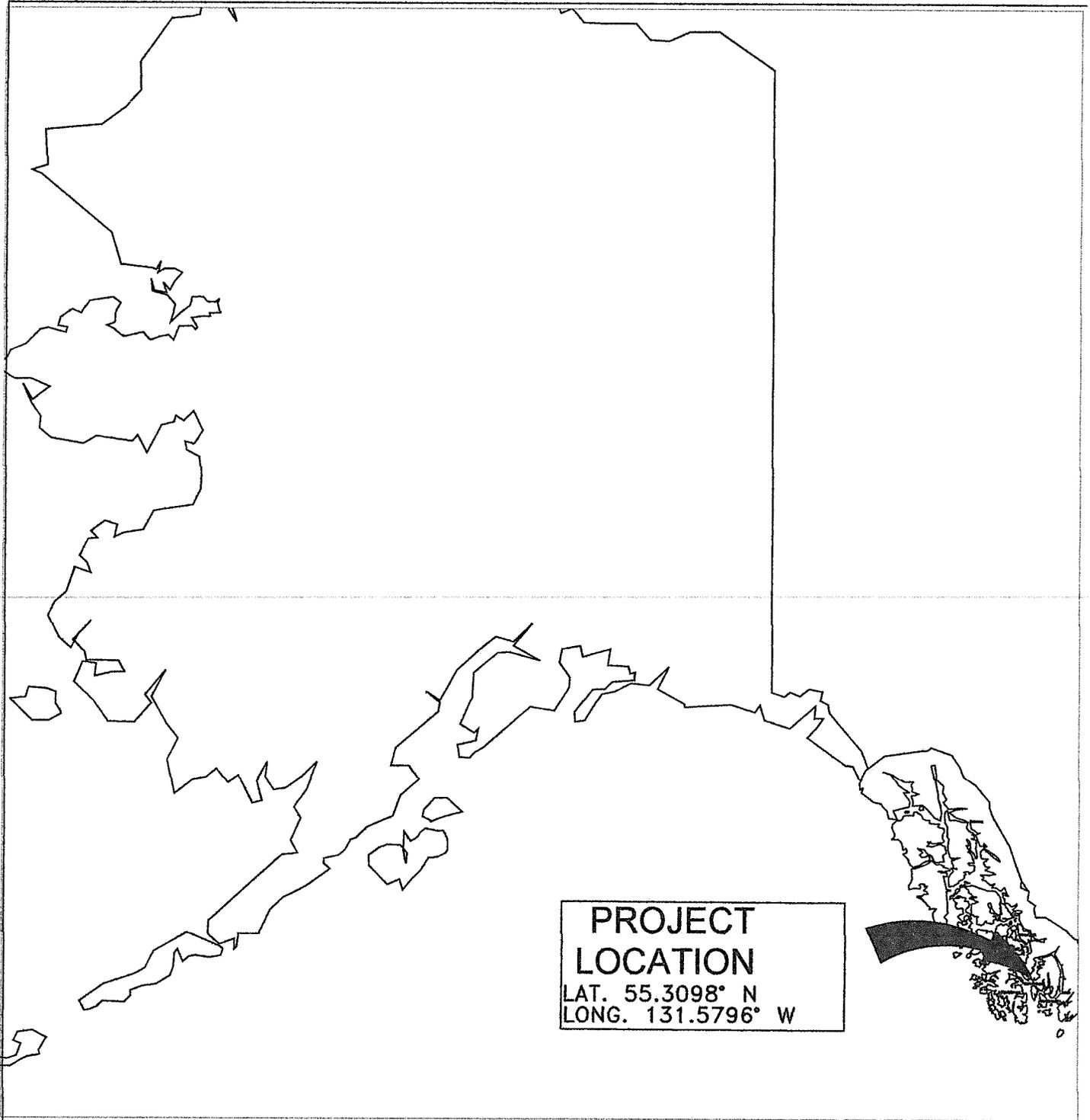
Image © 2020 Maxar Technologies

Image © 2020 CNES / Airbus

433 ft

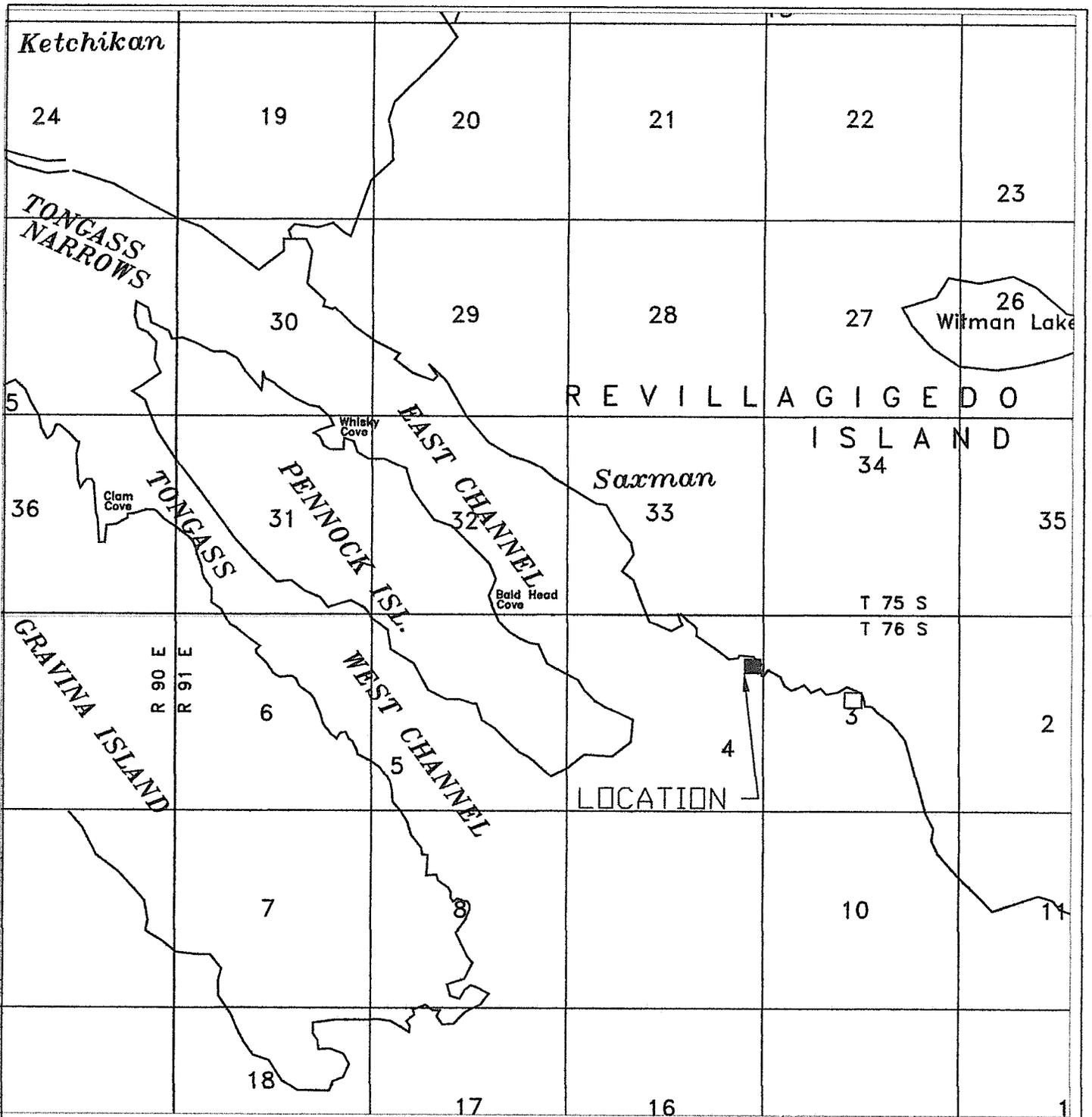
2005

lat 55.310587° lon -131.575753°



SCALE NONE

<p>PURPOSE: PROVIDE RECREATION OPPORTUNITIES FOR ALL</p> <p>DATUM: HORIZONTAL NAD. 83/91 VERTICAL N.G.V.D. 29</p>	<p>LOCATION MAP</p> <p>REFERENCE: POA-2013-669 TONGASS NARROWS</p> <p>KETCHIKAN GATEWAY BOROUGH 1900 FIRST AVE. KETCHIKAN, ALASKA 99901</p>	<p>PROPOSED: INSTALL NEW WALKWAY, REPLACE VALVE FOR DRAINING EXISTING SWIMMING AREA, DREDGE BEHIND EXISTING DAM TO REMOVE MUD KETCHIKAN, STATE OF: AK</p> <p>APPLICATION BY: KETCHIKAN GATEWAY BOROUGH SHEET 1 of 5 DATE 2-5-2020</p>
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FROM: KETCHIKAN B-6 QUADRANGLE

3000 0 3000 6000 FEET

SCALE 1"=1 Mile

PURPOSE:
PROVIDE RECREATION
OPPORTUNITIES FOR ALL

DATUM:
HORIZONTAL NAD. 83/91
VERTICAL N.G.V.D. 29

VICINITY MAP

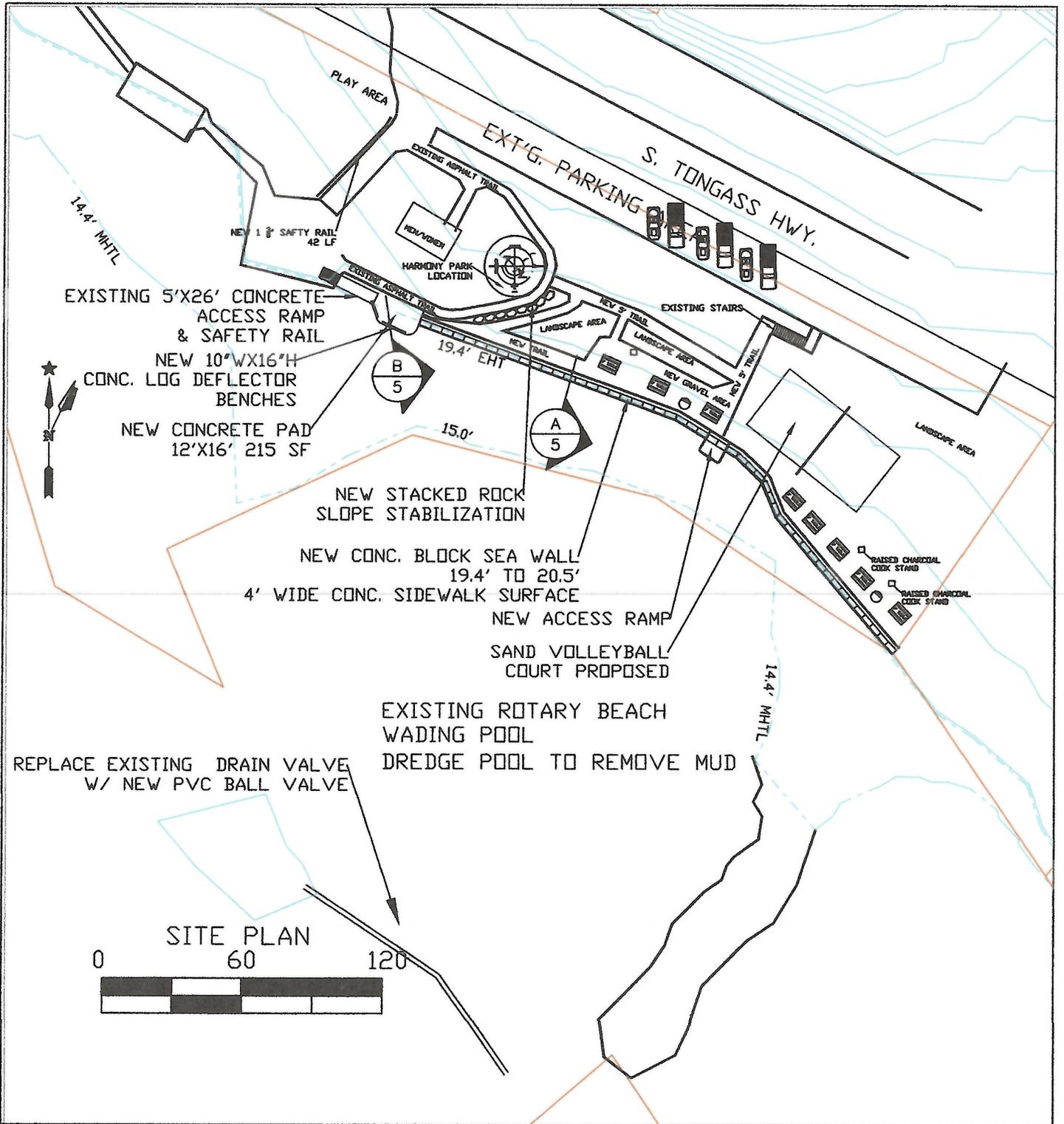
REFERENCE: POA-2013-669
TONGASS NARROWS

KETCHIKAN GATEWAY BOROUGH
1900 FIRST AVE.
KETCHIKAN, ALASKA 99901
Sec. 3 & 4 T. 76S R. 91E M CRM

PROPOSED:

INSTALL NEW WALKWAY, REPLACE
VALVE FOR DRAINING EXISTING
SWIMMING AREA, DREDGE BEHIND
EXISTING DAM TO REMOVE MUD
KETCHIKAN, STATE OF: AK

APPLICATION BY:
KETCHIKAN GATEWAY BOROUGH
SHEET 2 of 5 DATE 2-5-2020



PURPOSE:
 PROVIDE RECREATION OPPORTUNITIES FOR ALL

DATUM:
 HORIZONTAL NAD. 83/91
 VERTICAL N.G.V.D. 29

PROJECT PLAN

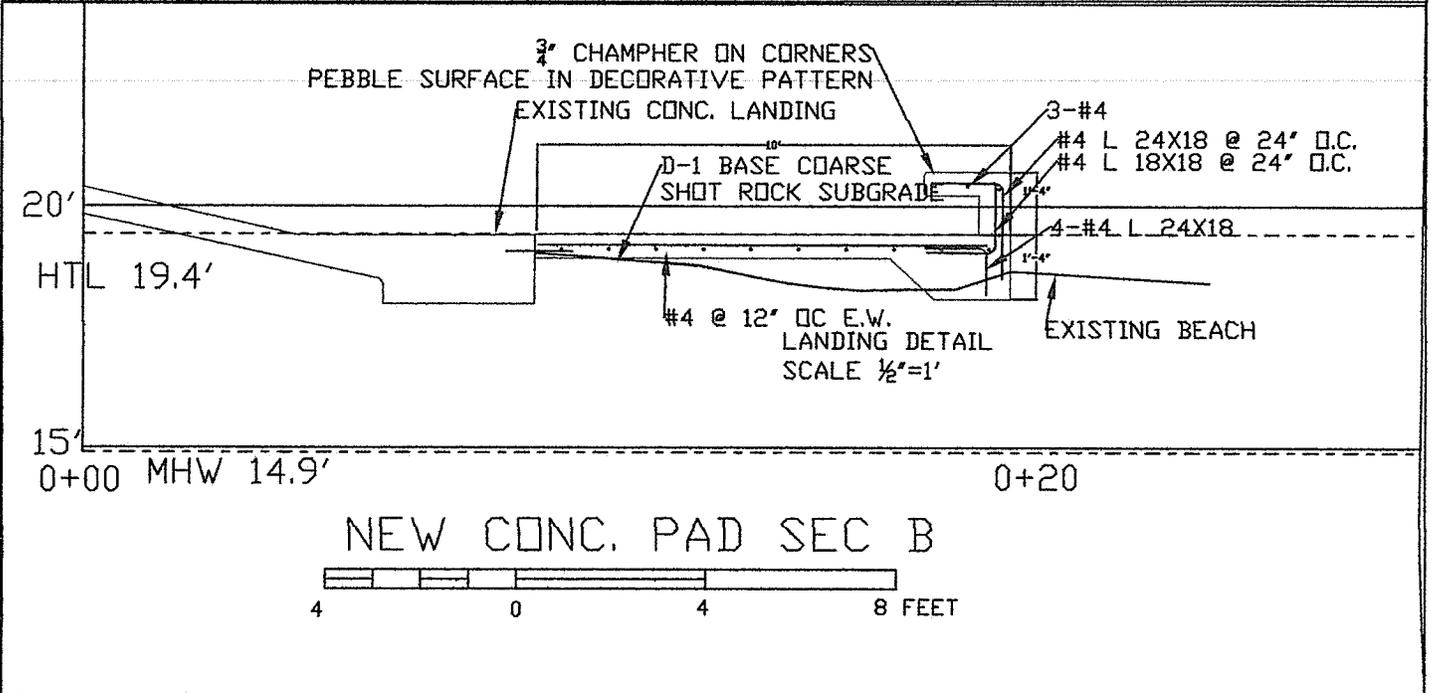
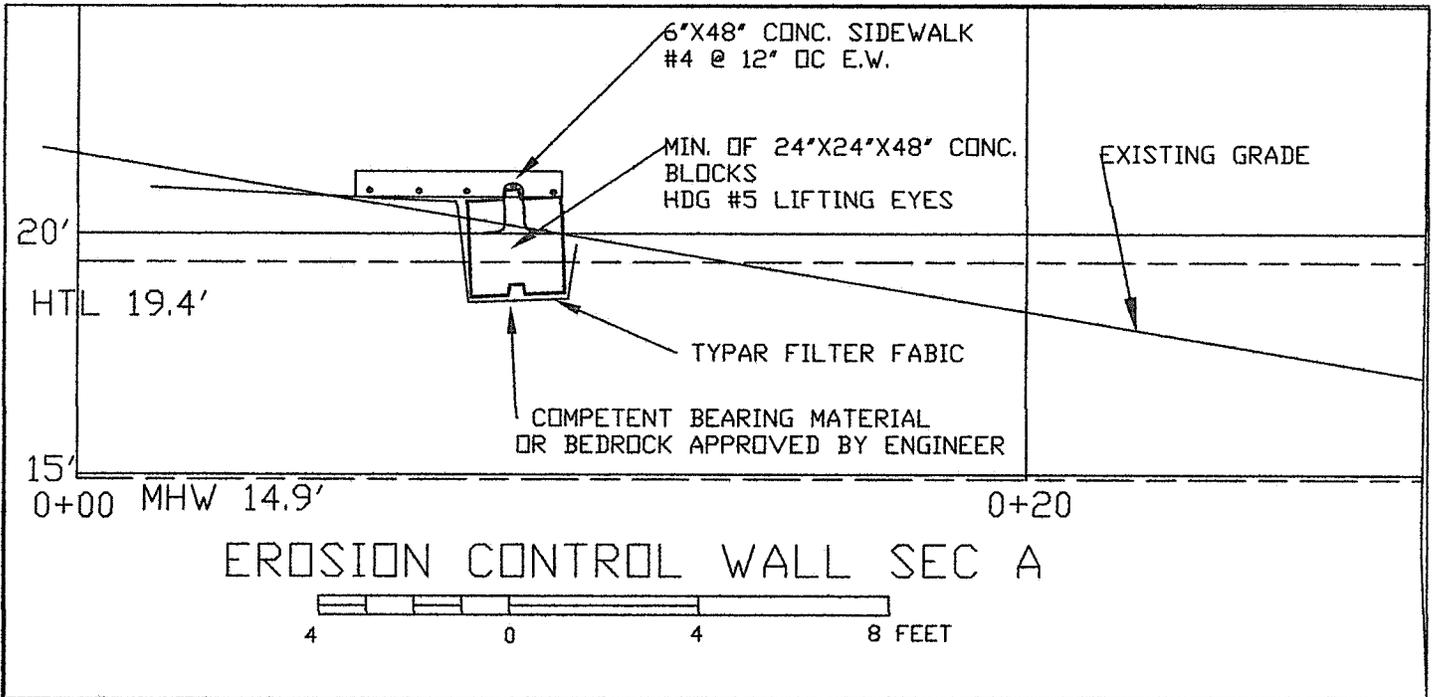
REFERENCE: POA-2013-669
 TONGASS NARROWS

KETCHIKAN GATEWAY BOROUGH
 1900 FIRST AVE.
 KETCHIKAN, ALASKA 99901
 Sec. 3 & 4 T. 76S R. 91E M CRM

PROPOSED:
 INSTALL NEW WALKWAY, REPLACE VALVE FOR DRAINING EXISTING SWIMMING AREA, DREDGE BEHIND EXISTING DAM TO REMOVE MUD

KETCHIKAN, STATE OF: AK

APPLICATION BY:
 KETCHIKAN GATEWAY BOROUGH
 SHEET 4 of 5 DATE 2-5-2020



PURPOSE:
PROVIDE RECREATION OPPORTUNITIES FOR ALL

DATUM:
HORIZONTAL NAD, 83/91
VERTICAL N.G.V.D. 29

SITE PLAN

REFERENCE: POA-2013-669
TONGASS NARROWS

KETCHIKAN GATEWAY BOROUGH
1900 FIRST AVE.
KETCHIKAN, ALASKA 99901

PROPOSED:
INSTALL NEW WALKWAY, REPLACE VALVE FOR DRAINING EXISTING SWIMMING AREA, DREDGE BEHIND EXISTING DAM TO REMOVE MUD

KETCHIKAN, STATE OF: AK

APPLICATION BY:
KETCHIKAN GATEWAY BOROUGH
SHEET 5 of 5 DATE 2-5-2020