



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:	August 30, 2017
Expiration Date:	September 29, 2017
Reference Number:	POA-2017-425
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 as described below and shown on the enclosed project drawings.

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 Jack Hewitt at (907) 753-2708, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at jack.j.hewitt@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Southeast Stevedoring, Post Office Box 8080, Ketchikan, Alaska 99901.

AGENT: R&M Engineering-Ketchikan, Inc., Attention: Trevor Sande, 355 Carlanna Lake Road, Ketchikan, Alaska 99901.

LOCATION: The project site is located within Section 33, T. 75 S., R. 91 E., Copper River Meridian; USGS Quad Map: Ketchikan B-5, Latitude 55.3158° N., Longitude 131.5972° W.; physical address: 2712 Bear Clan Street, Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to construct a pad to provide additional yard space for marine vessel storage adjacent to the existing launch ramp. The fill would increase the usability of the launch ramp by creating a bulkhead on the southeast side. This would allow shore assistance from both sides when moving boats, barges, or other marine structures such as buoys or floats. The breakwater would attenuate waves at the facility.

PROPOSED WORK: Discharge 18,900 cubic yards (CY) of shot rock and 600 CY of rip rap below high tide line, to construct a 42,600 square feet (0.98-acre) pad. Install a 200 linear feet floating breakwater, anchored by two 6,000-pound Danforth anchors and marked with

two 58-inch diameter buoys. Install a 6-foot by 70-foot aluminum gangway and a 10-foot by 140-foot wood float anchored (pinned) by six 16-inch diameter steel piles. All work would be performed in accordance with the enclosed plan, 9 sheets, dated July 26, 2017.

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: There are no practical alternatives for avoidance due to the use of the property which serves marine related services, such as the SEAFAC Navy base services contract, barge loading and unloading, and boat storage and repair. The property, which is previously filled tidelands, lacks sufficient room for operations at the facility and is poorly designed relative to the vessel haul out ramp. Additionally, the property has severe exposure from the southeast prevailing winds and the breakwater will greatly increase the function of the haul out ramp. The new launch float is located in line with the existing ramps.

b. Minimization: The proposal represents the required size of fill to both create additional upland storage space as well as provide wave attenuation for the Saxman Harbor and the Seaport haul out ramp.

c. Compensatory: No compensatory mitigation is proposed for this project. The applicant believes the project will not significantly change impacts to waters of the U.S. with very little of the project inundated with aquatic plants and only minor changes to the marine ecosystem for marine mammals and fish.

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 footprint of the proposed pad, floating breakwater, gangway, and wood float. 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 humpback whales, (*Megaptera novaeangliae*), Mexico Distinct Population Segment (DPS), which are listed as threatened under the Endangered Species Act of 1973 (ESA). There is no designated critical habitat in the action area. We have determined the described activity may

affect this species and will initiate appropriate consultation procedures under section 7 of the ESA 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 Pacific salmon: pink (*Oncorhynchus gorbuscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), sockeye (*Oncorhynchus nerka*), and chinook (*Oncorhynchus tshawytscha*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The proposed fill pad would directly impact approximately one acre of intertidal marine habitat. On site observations at low tide show the gently sloped beach is composed of sand, gravel, and cobble substrate. The area supports sparse aquatic vegetation and few organisms. Project impacts to EFH would primarily affect sheltering migrating juvenile fish from currents and predators. 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.

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 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
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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 No. **POA-2017-425, 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 by the expiration date of the Corps of Engineer's Public Notice.