



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: November 17, 2020

EXPIRATION DATE: December 17, 2020

REFERENCE NUMBER: POA-2020-00462

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 Estrella Campellone at (907) 753-753, 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: Mr. William Smart; PO Box 8200; Ketchikan, Alaska 99901; Email: smartconstruction@kpunet.net; Tel.: (907) 225-5520.

AGENT: Mr. Joel Teune, R&M Engineering, Ketchikan, Inc.; 7180 Revilla Road, Suite 300; Ketchikan, Alaska 99901; Email: jteune@rmketchikan.com; Tel.: (907) 225-7917

LOCATION: The project site is located within Section 8, T. 75 S., R. 90 E., NAME Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.382342° N., Longitude 131.759019° W.; Subdivision Name, parcel #305410004000, 5 miles from the Ketchikan International Airport on Gravina Island Highway, near the City of Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to develop his privately-owned industrial barge landing facility by expanding their current location (Lot 35A) into adjacent Lot 35B, which is also owned by the applicant. The applicant also sells shot-rock materials to local construction business. The proposed project would expand the loading/uploading barge operations into Lot 35B, but the landing area would remain only through Lot 35A.

PROPOSED WORK: To place 3,841 cubic yards (CY) of fill in 1.03 acres of palustrine forested wetlands in Lot 35B. Work would include clearing and grubbing overburden from the 1.03 acres of wetlands, then drilling and blasting 24,435 CY of bedrock to expand existing Lot 35A's loading/uploading pad for barge and shot rock operations. A 25-foot access road would be constructed along the width of the property above the bedrock excavation area (97 CY of shot rock fill), and overburden/spoils from the rock excavation would be stockpiled in a filled area above the access road (3,744 CY). The entire property has been designated as palustrine forested wetlands (PFO4B and PFO4/EM1B). Work is planned to start during 2021 spring and last up to three months. All work would be performed in accordance with the enclosed plans (sheets 1-4) dated September 9, 2020.

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: Adverse impacts would be minimized as follows: 1) In general, the site is composed primarily of bedrock with a thin layer of organics that supports wetlands. 2) Only the front area of the lot is proposed for blasting of shot rock; this is the minimum area required for expansion of the barge landing operation area. 3) The elevation of the pad would be above the High Tide Line (HTL).

Unavoidable impacts to wetlands and waters of the U.S. would be minimized by constructing only in an area sufficiently large to support the needed barge operations expansion. Hence, the finished grade elevation of the pad was designed to avoid work below the HTL, avoiding impacts to marine waters and marine aquatic life.

- b. Minimization: The owner would be required to implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) during construction to minimize storm water impacts. This would include: 1) The contractor would be required to survey-stake the property boundary and fill/excavation areas as needed to ensure development is contained within the project limits. 2) This development exceeds one acre of area disturbed; therefore, the contractor would be required to file a Notice of Intent with the State of Alaska and implement the SWPPP. Although the SWPPP has not been completed, it is expected to contain the following BMPs as deemed necessary: a) Project Phasing: The development would begin on the South end of the lot. This would leave vegetative buffers intact for the longest amount possible, thus reducing impacts to marine waters to the North and adjacent wetlands. b) Straw Waddles: they would be installed along watershed perimeters as needed. c) Silt Fencing: they would be installed along project boundary as needed. d) Rock Removal: this would occur from existing stabilized rock pads and roads on the Northwest and South portions of the proposed project area. This would minimize impacts to adjacent wetlands and reduce storm water pollution.

- c. Compensatory Mitigation: No compensatory mitigation was proposed; the applicant considers the proposed project would not adversely impact waters of the U.S., given the nature of the wetlands (shallow bedrock).

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. The agent submitted a Pre-application Meeting Request on November 16, 2020.

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 project and immediate adjacent lands. 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: No threatened or endangered species are known to use the project area. Although the proposed project would occur near Tongass Narrows, we have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844) because there would be no work below the HTL. Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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 500 feet of the Tongass Narrows, which is known range of all five species of pacific salmon species: chum salmon (*Oncorhynchus keta*), Chinook salmon (*O. tshawytscha*), Pink Salmon (*O. gorbuscha*), Coho Salmon (*O. kisutch*), and sockeye salmon (*O. nerka*). Other fish species known to occur in Tongass Narrows include Pacific Herring (*Clupea pallasii*) and Pacific Halibut (*Hippoglossus stenolepis*). There are no streams within or immediately adjacent to the proposed project site; there is an anadromous stream at 0.55-mile from the project site cataloged as AWC 101-47-10490 that provides spawning habitat for chum salmon and pink salmon. However, no EFH species are known to use the project area. 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 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.

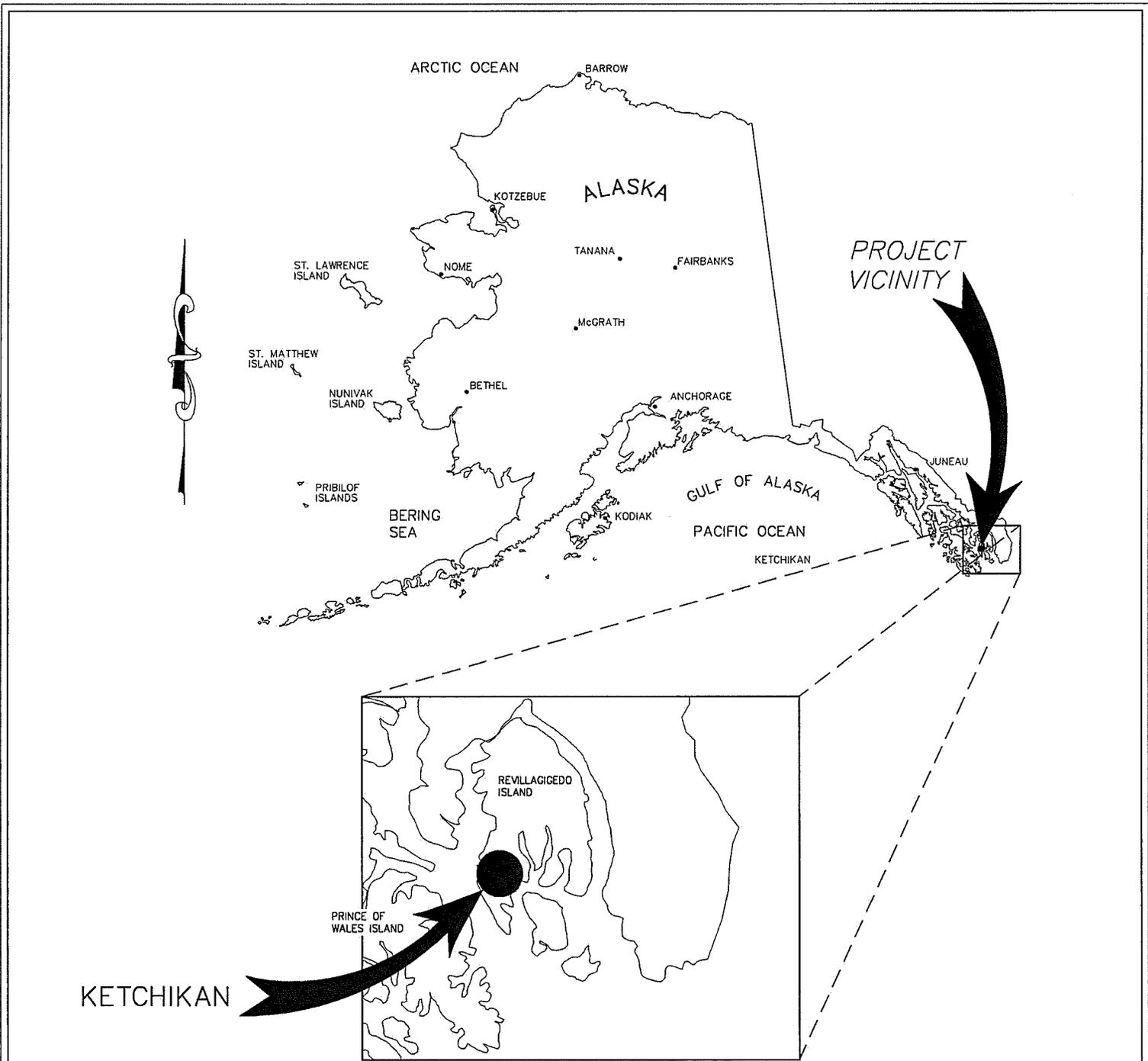
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) 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 are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure



KETCHIKAN

SMART GRAVINA LOT 35B DEVELOPMENT	
LOCATION MAP	
APPLICANT: WILLIAM SMART	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA RD SUITE 300 KETCHIKAN, AK 99901
FILE NO:	
PROPOSED ACTIVITY: BEDROCK EXCAVATION, CONSTRUCTION OF ACCESS ROAD, AND FILL AREA ON PRIVATELY OWNED LOT ON GRAVINA ISLAND.	
LOCATION: T 75S, R 90E, SEC 8, COPPER RIVER MERIDIAN LAT: N 55° 22' 56.43' LONG: W 131° 45' 32.47'	
KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, AK DIRECTIONS TO SITE: BEGIN AT THE KTN INT. AIRPORT ON GRAVINA. PROGRESS NORTH ON THE GRAVINA ISLAND HIGHWAY FOR 5 MILES	DATE: SEPT. 9, 2020 LOCATION: GRAVINA ISL., AK SHEET: 1 WATER WAY: TONGASS NRWS



SMART GRAVINA LOT 35B DEVELOPMENT

VICINITY MAP

APPLICANT:
WILLIAM SMART

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA RD SUITE 300
KETCHIKAN, AK 99901

FILE NO:

PROPOSED ACTIVITY:
BEDROCK EXCAVATION, CONSTRUCTION OF ACCESS ROAD, AND FILL AREA ON PRIVATELY OWNED LOT ON GRAVINA ISLAND.

LOCATION:
T 75S, R 90E, SEC 8, COPPER RIVER MERIDIAN
LAT: N 55° 22' 56.43" LONG: W 131° 45' 32.47"

KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, AK

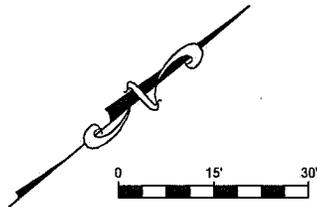
DIRECTIONS TO SITE:
BEGIN AT THE KTN INT. AIRPORT ON GRAVINA. PROGRESS NORTH ON THE GRAVINA ISLAND HIGHWAY FOR 5 MILES

DATE: SEPT. 9, 2020 LOCATION: GRAVINA ISL., AK
SHEET: 2 WATER WAY: TONGASS NRWS

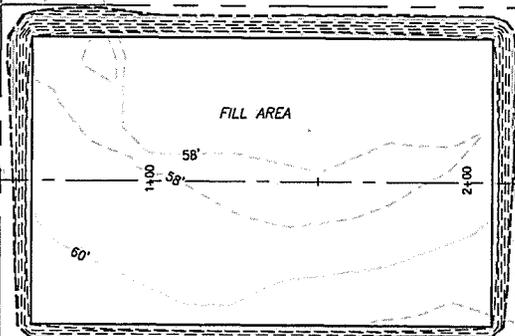
LOT 35A

PROPERTY LINE, TYP.

EXISTING SHOTROCK PAD



LOT 35B



ACCESS ROAD

BEDROCK EXCAVATION AREA

FINISH GRADE CONTOURS, TYP.

LOT 36

EXISTING GRADE CONTOURS, TYP.

HIGH TIDE LINE

TONGASS NARROWS

SMART GRAVINA LOT 35B DEVELOPMENT

SITE PLAN

APPLICANT:
WILLIAM SMART

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA RD SUITE 300
KETCHIKAN, AK 99901

FILE NO:

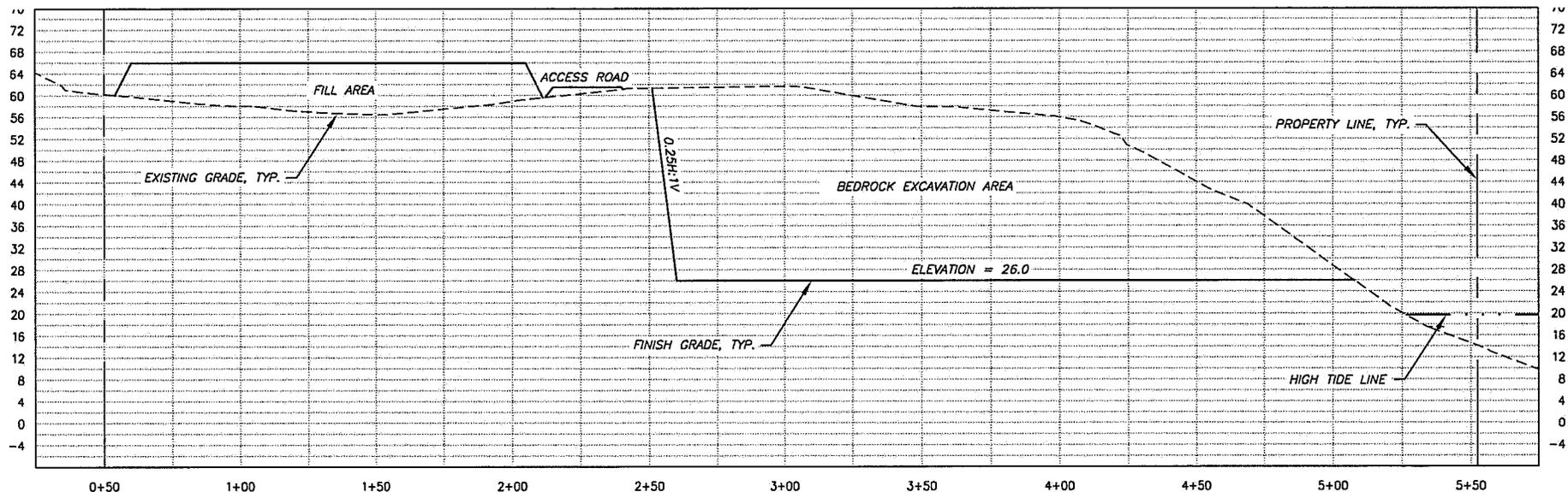
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T 75S, R 90E, SEC 8, COPPER RIVER MERIDIAN
LAT: N 55° 22' 56.43" LONG: W 131° 45' 32.47"

DATE: SEPT. 9, 2020 LOCATION: GRAVINA ISL., AK
SHEET: 3 WATER WAY: TONGASS NRWS

KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, AK

DIRECTIONS TO SITE:
BEGIN AT THE KTN INT. AIRPORT ON GRAVINA. PROGRESS
NORTH ON THE GRAVINA ISLAND HIGHWAY FOR 5 MILES



SMART GRAVINA LOT 35B DEVELOPMENT

SECTION

APPLICANT:
WILLIAM SMART

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA RD SUITE 300
KETCHIKAN, AK 99901

FILE NO:

PROPOSED ACTIVITY:
BEDROCK EXCAVATION, CONSTRUCTION OF ACCESS ROAD, AND FILL AREA ON PRIVATELY OWNED LOT ON GRAVINA ISLAND.

LOCATION:
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DATE: SEPT. 9, 2020 LOCATION: GRAVINA ISL., AK
SHEET: 4 WATER WAY: TONGASS NRWS

KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, AK

DIRECTIONS TO SITE:
BEGIN AT THE KTN INT. AIRPORT ON GRAVINA. PROGRESS
NORTH ON THE GRAVINA ISLAND HIGHWAY FOR 5 MILES