



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

JUNEAU FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 22270  
Juneau, Alaska 99802-2270

<b>PUBLIC NOTICE DATE:</b>	<b>January 23, 2020</b>
<b>EXPIRATION DATE:</b>	<b>February 7, 2020</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2019-00536</b>
<b>WATERWAY:</b>	<b>Sitka Harbor</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 (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](mailto: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 Delana Wilks at (907) 790-4494 or by email at: [Delana.P.Wilks@usace.army.mil](mailto:Delana.P.Wilks@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** John Hardwick.  
107A Toivo Circle  
Sitka, AK 99835

**AGENT:** Trevor Sande (R&M Engineering-Ketchikan, Inc).  
7180 Revilla Rd, Suite 300  
Ketchikan, AK 99901

LOCATION: The project site is located within Section 35, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.06225° N., Longitude -135.359667° W.; From downtown Sitka, Head west on Biorka St toward Baranof St. Turn Right onto Baranof Street. Turn left at the first cross street onto S-933/ Sawmill Creek Blvd. At the traffic circle, take the second exit onto Halibut Point Road. Site will be on the left, in Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to build a single family residence and a multi-family rental unit.

PROPOSED WORK: The entire project would involve both wetlands and uplands, with the majority of the work occurring in uplands. The work would involve the discharge of 856 cubic yards (CY) of shot rock and 143 CY of D-1 gravel in 0.177 acres of wetlands in conjunction with the work in uplands to construct a building pad for a single residence and a multi-family residence. All work would be performed in accordance with the enclosed plan (sheets 1-9), dated December 18, 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: Avoiding wetlands in Sitka is impossible due to the high percentage of forested wetlands in the region. In addition, much of the planned expansion for residential land by the City and Borough of Sitka was recently deemed unsafe due to landslide studies creating a severe shortage of buildable lots. As a result of this land crisis, the City and Borough of Sitka has recently amended the zoning ordinances to allow higher density development on existing property that is suitable for building. This property has multiple dwelling units planned on a single lot to maximize density. This presumably preserves other wetland areas in Sitka that are currently not able to be developed due to landslide hazards.

b. Minimization: Minimization was achieved by sharing a driveway between two dwelling units and reducing the driveway and building pads to the maximum extent practical. Existing standing water as noted in the attached wetlands mapping was preserved to the extent possible as a water feature for the property. Development was pushed onto upland property to the maximum extent.

c. Compensatory Mitigation: Compensatory mitigation is proposed for this project through the Southeast Alaska Land Trust.

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 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 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.

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). 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).

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:

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](mailto: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-2019-00536, Sitka Harbor**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

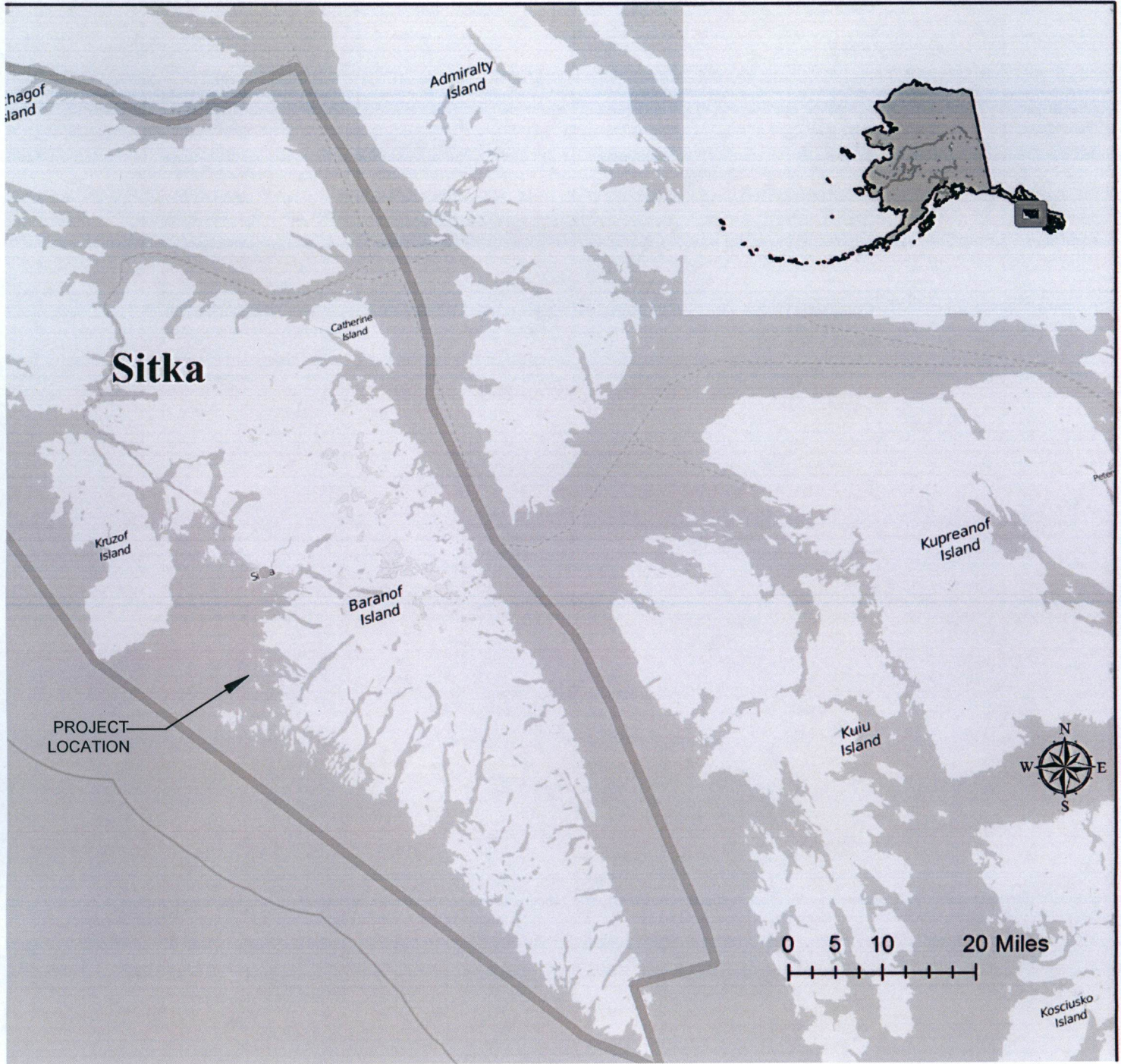
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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](mailto: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.





① PIER PLAN VIEW  
 ② SCALE: 1"=100'

**VICINITY MAP**

APPLICATION BY:  
 JOHN HARDWICK & RAL WEST  
 1401 HALIBUT POINT ROAD  
 SITKA, AK 99835

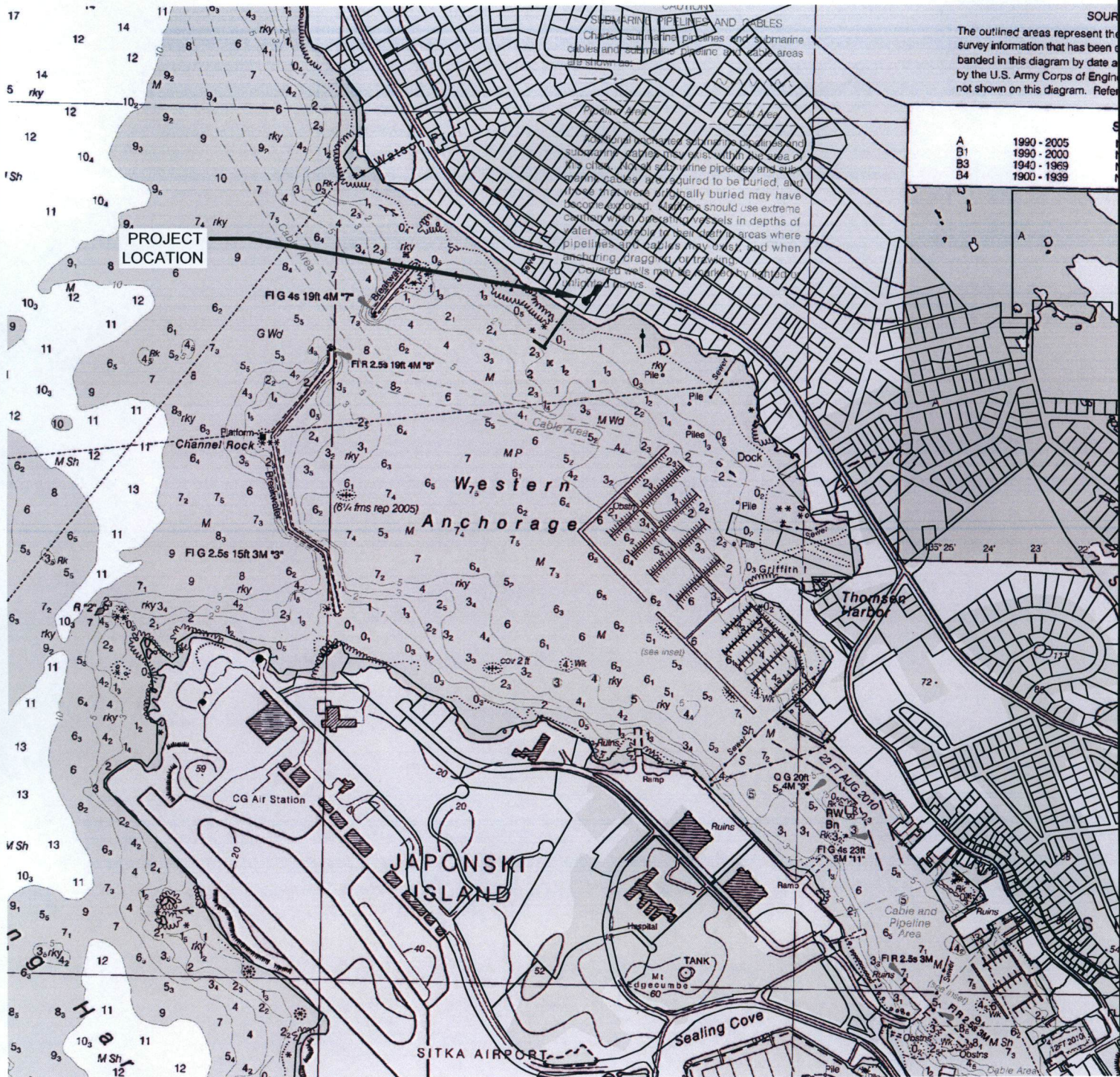
1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 12-18-19

SHEET **1** OF **7**





The outlined areas represent the survey information that has been banded in this diagram by date as by the U.S. Army Corps of Engineers not shown on this diagram. Refer

A	1990 - 2005
B1	1990 - 2000
B3	1940 - 1969
B4	1900 - 1939

- 1 VICINITY MAP
- 2 SCALE: 1"=1000'

TIDAL DATA SOURCE: NOAA  
 NAUTICAL CHART SITKA  
 HARBOR ENTRANCES

### LOCATION MAP

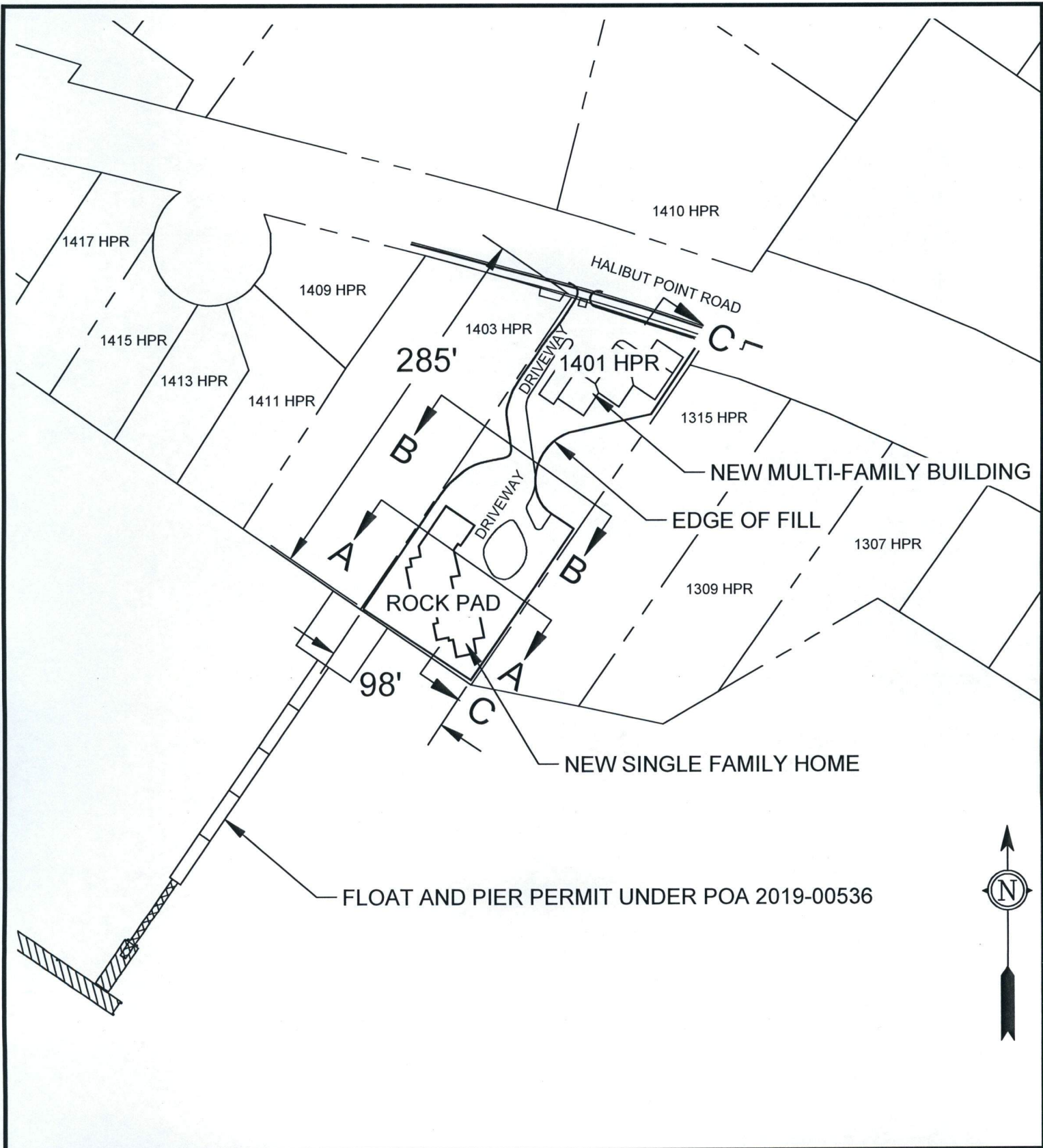
APPLICATION BY:  
 JOHN HARDWICK & RAL WEST  
 1401 HALIBUT POINT ROAD  
 SITKA, AK 99835

1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 12-18-19 SHEET **2** OF **7**





**EARTHWORK VOLUMES**  
 AREA OF FILL 24,400 S.F.  
 TOTAL EXCAVATION 2,700 CY  
 ROCK FILL 4,066 CY  
 D-1 SURFACING 450 CY

**SITE PLAN**

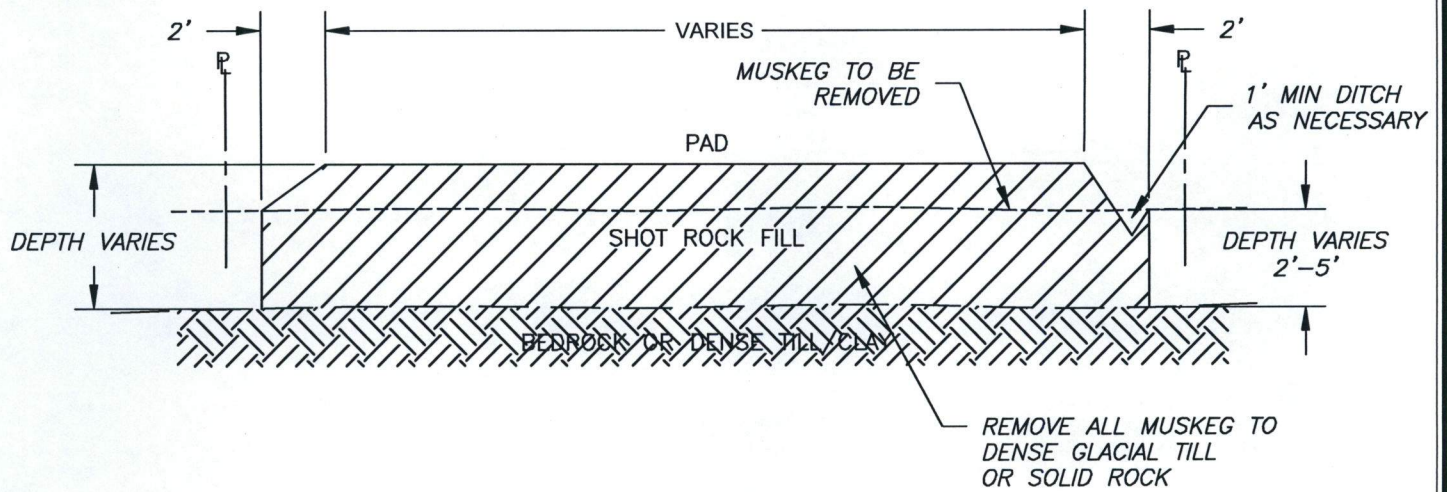
APPLICATION BY:  
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1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

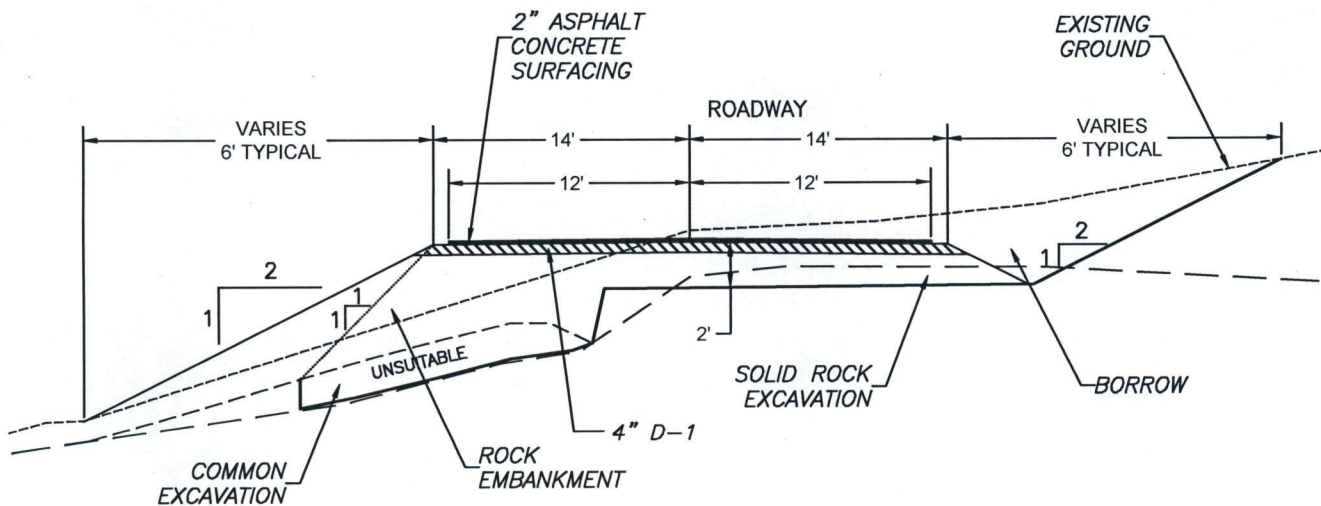
AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 12-18-19 SHEET **3** OF **7**





**TYPICAL BUILDING PAD**



**TYPICAL DRIVEWAY SECTION**

**TYPICAL SECTIONS**

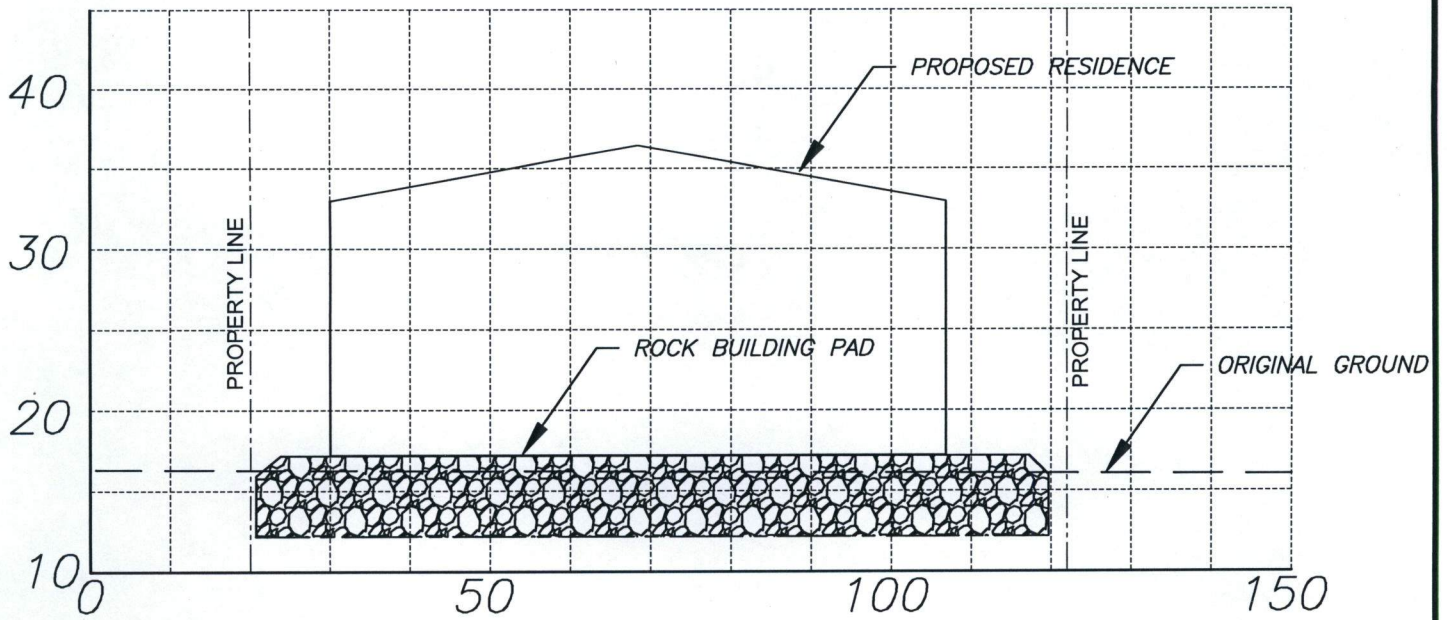
APPLICATION BY:  
 JOHN HARDWICK & RAL WEST  
 1401 HALIBUT POINT ROAD  
 SITKA, AK 99835

1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

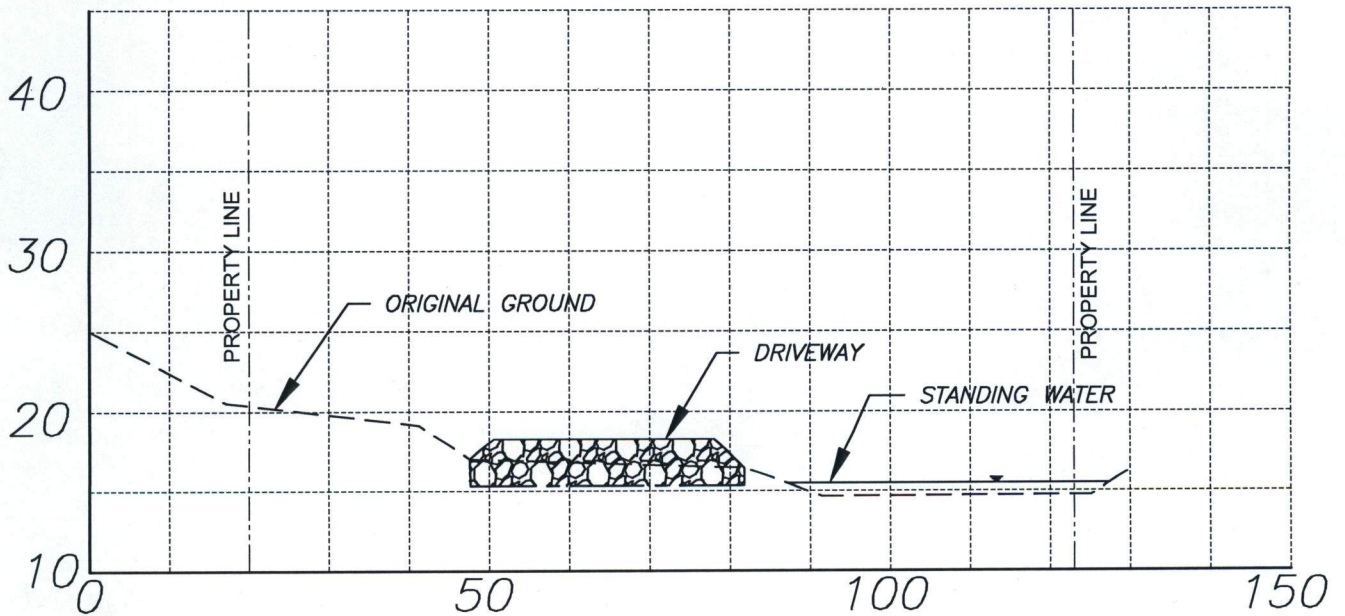
AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 12/18/19

SHEET **7** OF **7**



SECTION A-A



SECTION B-B

**SECTION VIEWS**

APPLICATION BY:  
 JOHN HARDWICK & RAL WEST  
 1401 HALIBUT POINT ROAD  
 SITKA, AK 99835

1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 12/18/19

SHEET **5** OF **7**



**SECTION VIEWS**

APPLICATION BY:  
JOHN HARDWICK & RAL WEST  
1401 HALIBUT POINT ROAD  
SITKA, AK 99835

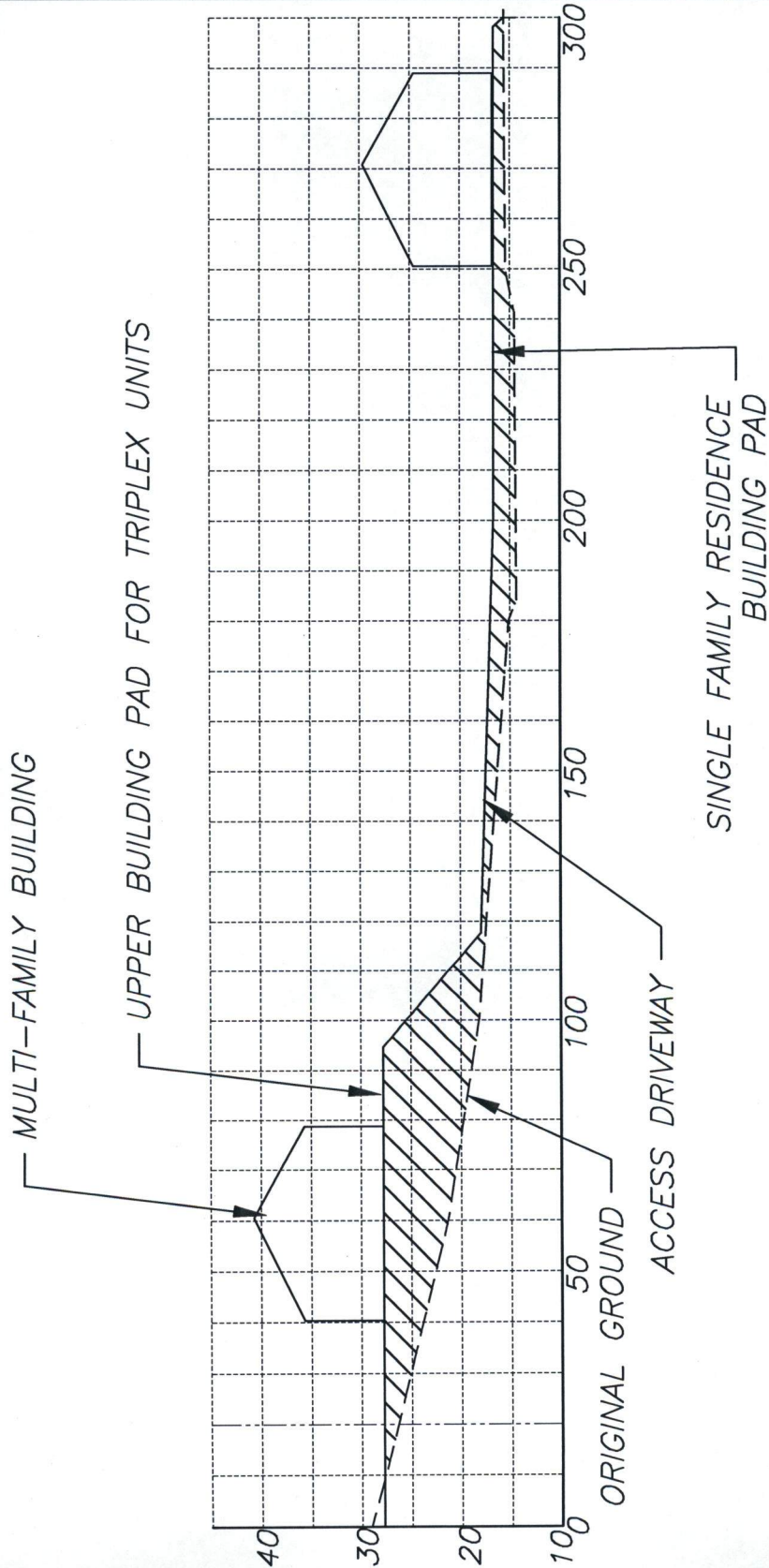
1401 HALIBUT POINT ROAD  
HOUSE DEVELOPMENT

AT: SITKA

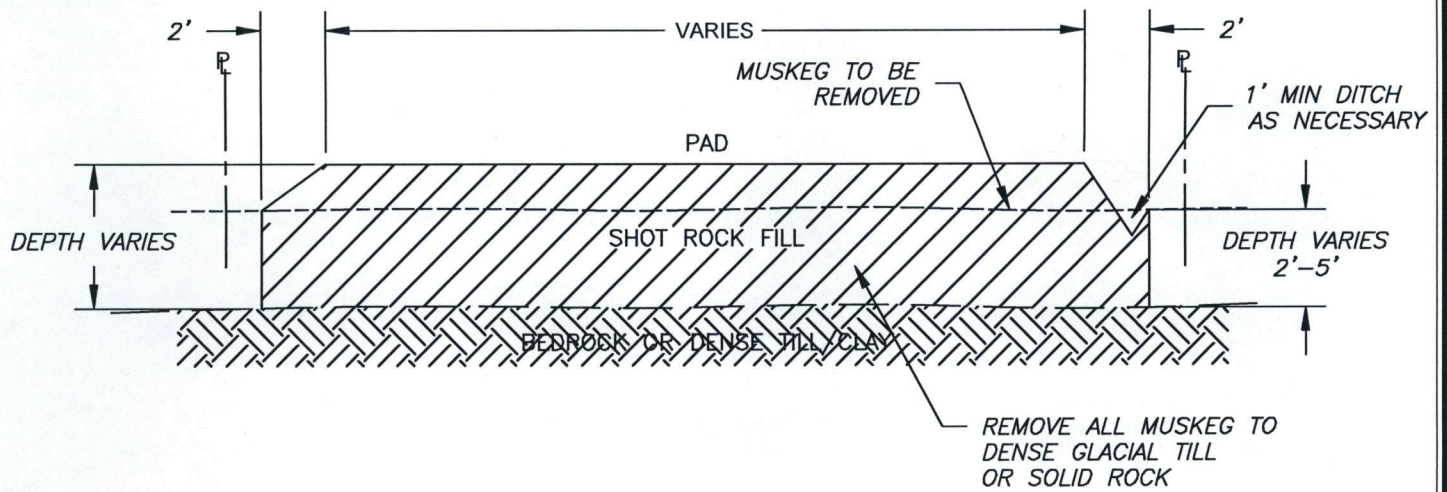
LOCATED IN: T.55S., R.63E., SECTION 36  
Lot 57.3'44.1"N, Long. 135.21'28.7"W

DATE: 12/18/19

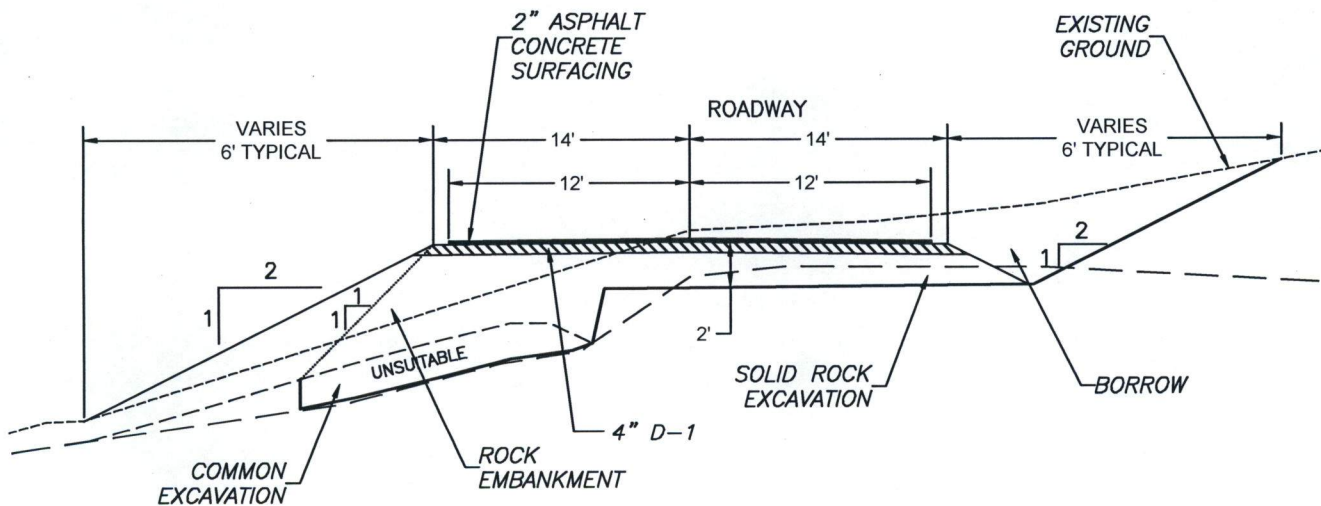
SHEET 6 OF 7



SECTION C-C



**TYPICAL BUILDING PAD**



**TYPICAL DRIVEWAY SECTION**

**TYPICAL SECTIONS**

APPLICATION BY:  
 JOHN HARDWICK & RAL WEST  
 1401 HALIBUT POINT ROAD  
 SITKA, AK 99835

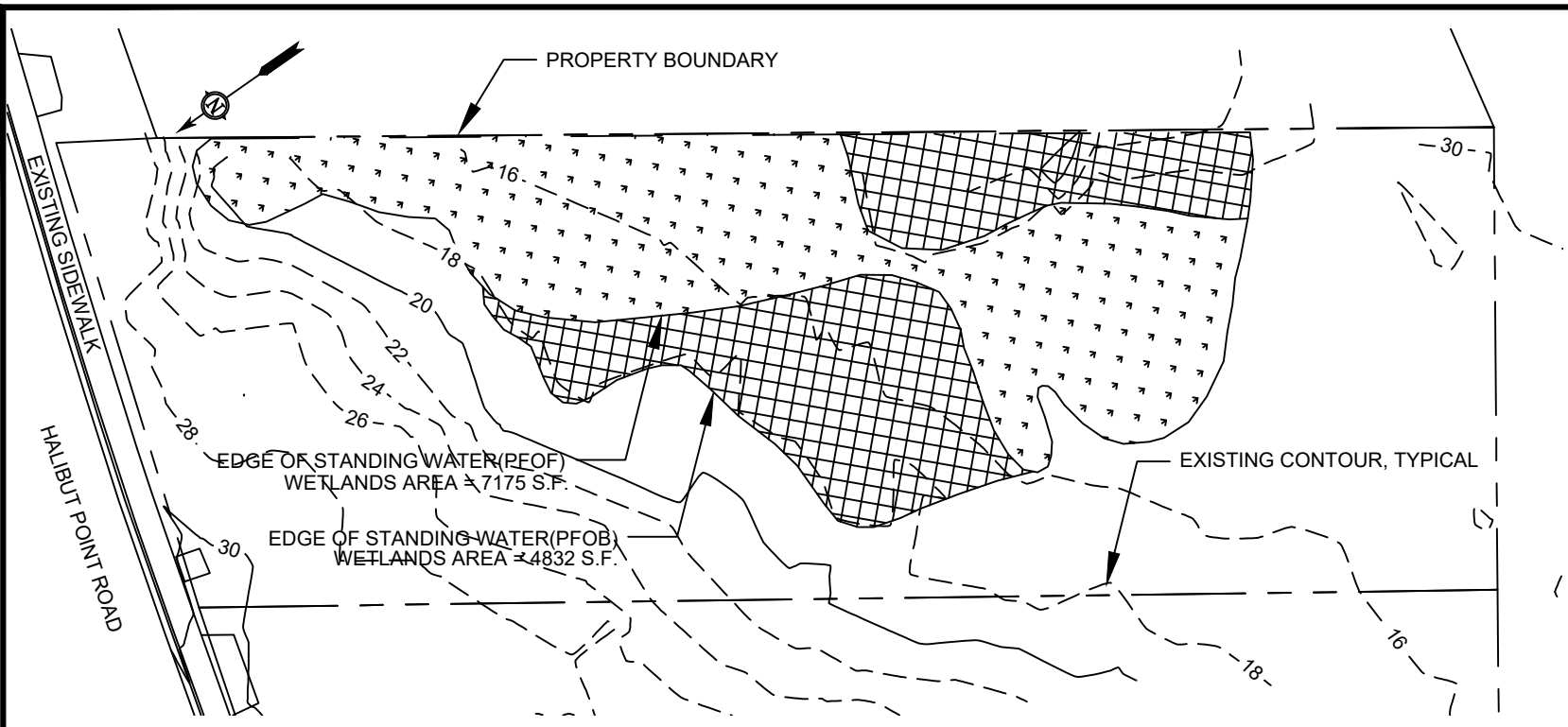
1401 HALIBUT POINT ROAD  
 HOUSE DEVELOPMENT

AT: SITKA  
 LOCATED IN: T.55S., R.63E., SECTION 36  
 Lat 57°3'44.1"N, Long. 135°21'28.7"W

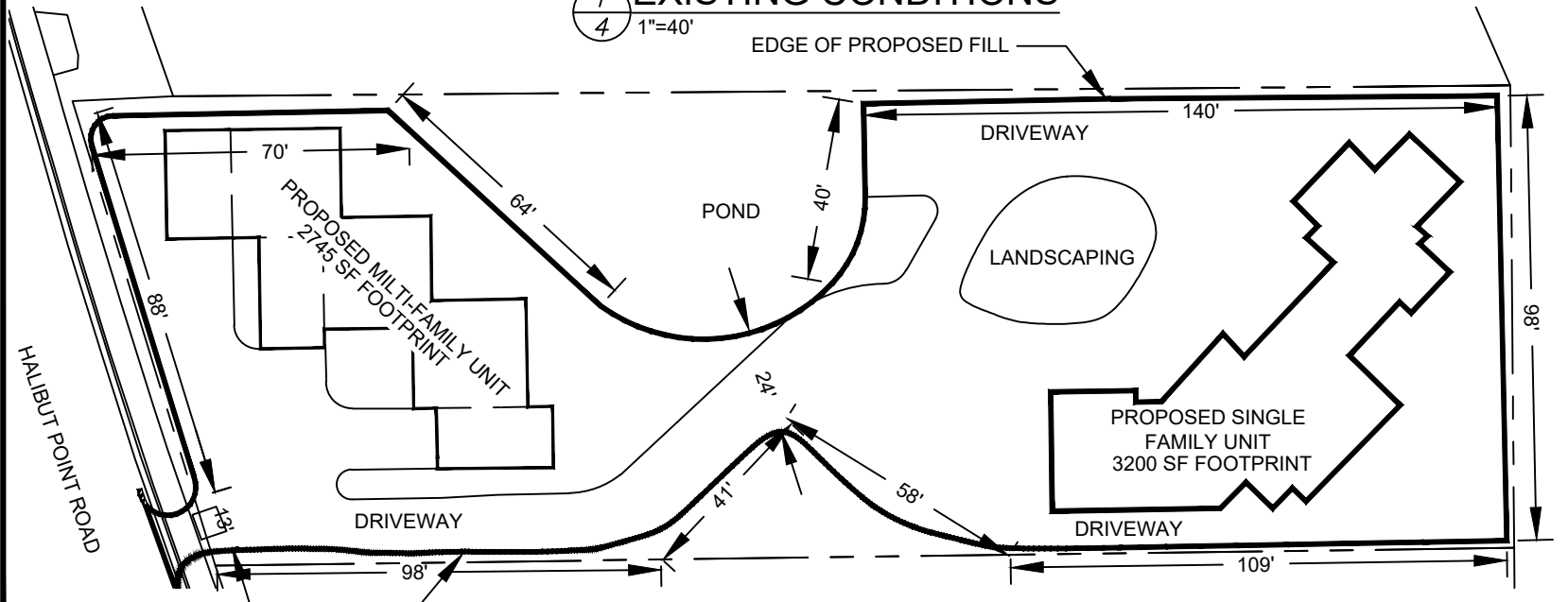
DATE: 12/18/19

SHEET **7** OF **7**





**1** EXISTING CONDITIONS  
1"=40'



**2** PROPOSED DEVELOPMENT  
1"=40'

**TYPICAL SECTIONS**

1401 HALIBUT POINT ROAD  
HOUSE DEVELOPMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36  
Lat 57°3'44.1"N, Long. 135°21'28.7"W

DATE: 1-6-20 SHEET **4** OF **7**

APPLICATION BY:  
JOHN HARDWICK & RAL WEST  
1401 HALIBUT POINT ROAD  
SITKA, AK 99835

AREA OF WETLANDS  
DISTURBED = 7,708 S.F.

OR 0.177 ACRES

VOLUME OF EXCAVATION  
IN WETLANDS 570 C.Y.

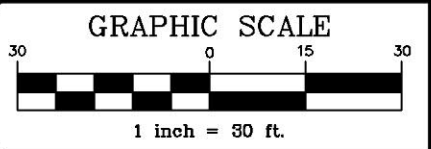
VOLUME OF ROCK FILL IN  
WETLANDS 856 C.Y.





**LEGEND**

- PFOF
- PFOB
- 443 SURVEY POINT



SITKA, ALASKA

1403 HALIBUT POINT ROAD

WETLANDS MAP

DESIGNED BY:	—
DRAWN BY:	JLD
APPROVED BY:	—
DATE:	OCTOBER 09, 2019
SCALE:	1"=100'

SHEET 1