



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

PUBLIC NOTICE DATE:	January 17, 2018
EXPIRATION DATE:	February 16, 2018
REFERENCE NUMBER:	POA-2017-581
WATERWAY:	Wrangell 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.

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. 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. Emily Vullo at (907) 753-2704, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Emily.N.Vullo@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Roger Sampson; 213 Eagle Drive, Polson, Montana 59860;
Phone: (907) 240-4473; Email: r_sampson53@hotmail.com

AGENT: Reid Brothers Construction; POC: Ms. Brittini Caulum; Post Office Box 1187,
Petersburg, Alaska 99833; Phone: (907) 772-3755; Email: reidbros@aptalaska.net

LOCATION: The project site is located within Section 4, T. 59 S., R. 79 E.
Copper River Meridian; USGS Quad Map Petersburg D-3; Latitude 56.7919° N.,
Longitude 132.9805° W.; Olson/MacDonald Subdivision, Lot 2A. To get to the site: beginning
from Petersburg, drive south on Mitkof Highway approximately two miles and on the west is the
location of the property (208 Mitkof Highway, near Petersburg, Alaska).

PURPOSE: The applicant's stated purpose is to install a rock pad with a rip rap bulkhead that would skirt the water's edge of the property to allow the space and level ground to construct a home, garage, and space for parking while meeting the Alaska Department of Transportation (ADOT) residential set back requirement.

PROPOSED WORK: Fill an area below the high tide line (HTL) but above mean high water (MHW) that would be 100 feet wide by 25 feet long by 12 feet high (2,500 square feet or 0.057-acre) with approximately 400 cubic yards of rip rap and 800 cubic yards of shot rock. The source of the fill material would be from Reid Brothers Construction's quarry at 339 Mitkof Highway. The excess material from the work site would be hauled and dumped at the Petersburg Borough Mud Dump. The equipment used for the project would be 10 yard dump trucks to haul in the fill material and to haul out any backfill, and the machine used for the excavation would primarily be a Kobelco 140 excavator, and a Komatsu 200 could be used for some aspects of the work. All work would be performed in accordance with the enclosed plan (sheets 1-5, dated January 2018). Work would occur in March or April of 2018 and would last approximately 5-8 days.

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: Complete avoidance to waters of the US is not possible due to the nature of the proposed project.
- b. Minimization: The applicant would only place the minimal amount of fill necessary to fulfill the proposed project purpose. At the beginning of the project, the fill would be placed at low tide when there is no water present in the project area. No fill would be placed below mean high water.
- c. Compensatory Mitigation: The applicant is not proposing any compensatory mitigation due to the small scale of the project which would have a minimal impact on the surrounding area.

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 under the Appendix C (33 CFR 325) has been determined to be the direct foot print of the project in waters of the U.S. and the immediate uplands adjacent to the footprint. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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 of Engineers is requesting the SHPO's concurrence with this determination.

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 have determined the described activity would have no effect on the Mexico DPS Humpback whale, 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).

We have determined the described activity may adversely affect EFH in the project area for the following species Chinook (*Oncorhynchus tshawytscha*), chum (*O. keta*), coho (*O. kisutch*), sockeye (*O. nerka*) and pink salmon (*O. gorbuscha*). The proposed project may adversely affect EFH quantity for the above listed species. 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 authority:

(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-2017-581, Wrangell 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.

Petersburg Map Viewer



<https://petersburgak.maps.arcgis.com/apps/webappviewer/index.html?id=0a87e0c211184d80a2434df9d72e4052>

3-4-87 *11 of Mr. Donald*

3-7-87 *Judy MacDonald*

3-11-87 *Judy MacDonald*

4th Mand

Chie Jeff

8-11-87

2-23-87 *Randy P. Olson*

2-27-87 *Mary MacDonald*

25 February

Chie Jeff

3-10-87

Chie Jeff

Judy MacDonald

Judy MacDonald

Judy MacDonald

Judy MacDonald

Judy MacDonald

Judy MacDonald

SECTION 4

SECTION 3

SECTION 2

SECTION 1

SECTION 10

SECTION 9

SECTION 8

SECTION 7

SECTION 6

SECTION 5

SECTION 4

SECTION 3

SECTION 2

SECTION 1

NOTES

- THE MEASUREMENTS HAVE A 1:100000 SCALE EXCEPT WHERE SHOWN OTHERWISE.
- THE ORIGINAL SUBDIVISION TO WHICH THIS SURVEY IS REFERRED IS RECORDED IN BOOK 10482, PAGE 225.
- ALL MEASUREMENTS WILL BE MADE IN LOT 1A IN LOT 2A.

LEGEND

- ⊙ ROCK MONUMENT DISCOVERED
- ⊙ IRON PIPE DISCOVERED
- ⊙ IRON PIPE AND GUY WIRE
- ⊙ PNEUMATIC AND GUY WIRE
- ⊙ PNEUMATIC
- ▲ WIRELESS ALUMINUM CAP (E-1)
- ▲ LEAD IN SINK TACK (E-2)

CURVE DATA

REC'D 1/14/87	1/14/87	1/14/87	1/14/87
1/14/87	1/14/87	1/14/87	1/14/87
1/14/87	1/14/87	1/14/87	1/14/87
1/14/87	1/14/87	1/14/87	1/14/87

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered surveyor licensed in the State of Alaska, and that on OCTOBER, 1988 a survey of the herein described lands was conducted under my direct supervision and that this plan is a true and accurate representation of the field notes of said survey and that all dimensions and other data are correct according to said field notes.

Greg Scheff

Olson/MacDonald Resubdivision

PORTION OF THE NORTH 1/2 OF THE NORTH 1/2 U.S.S. 285

CLIENTS: NEIL & JUDY MACDONALD; GARY & MARY ANN TILSON; PETERSBURG, AK 99833; PETERSBURG, AK 99833

GREG SCHEFF & ASSOCIATES

LAND SURVEYORS

PETERSBURG, AK 99833

BOOK 850

DATE: 10/18/88

NAME OF SURVEYOR PROJECT NUMBER

SCALE: AS SHOWN ON DRAWING

DRAWN BY: M.S.

RECORDED - FILED AS 87-9

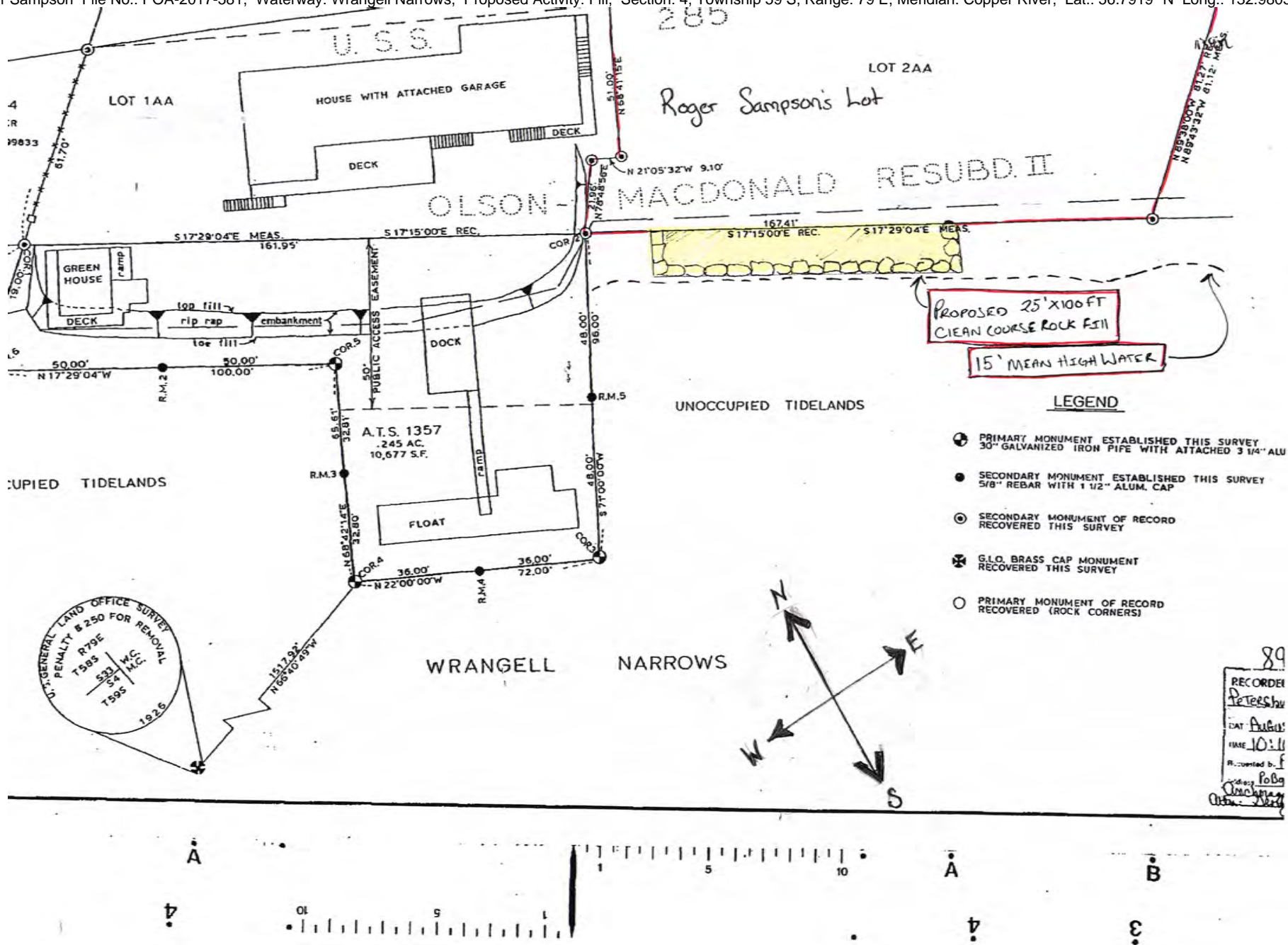
DATE 3-7-87

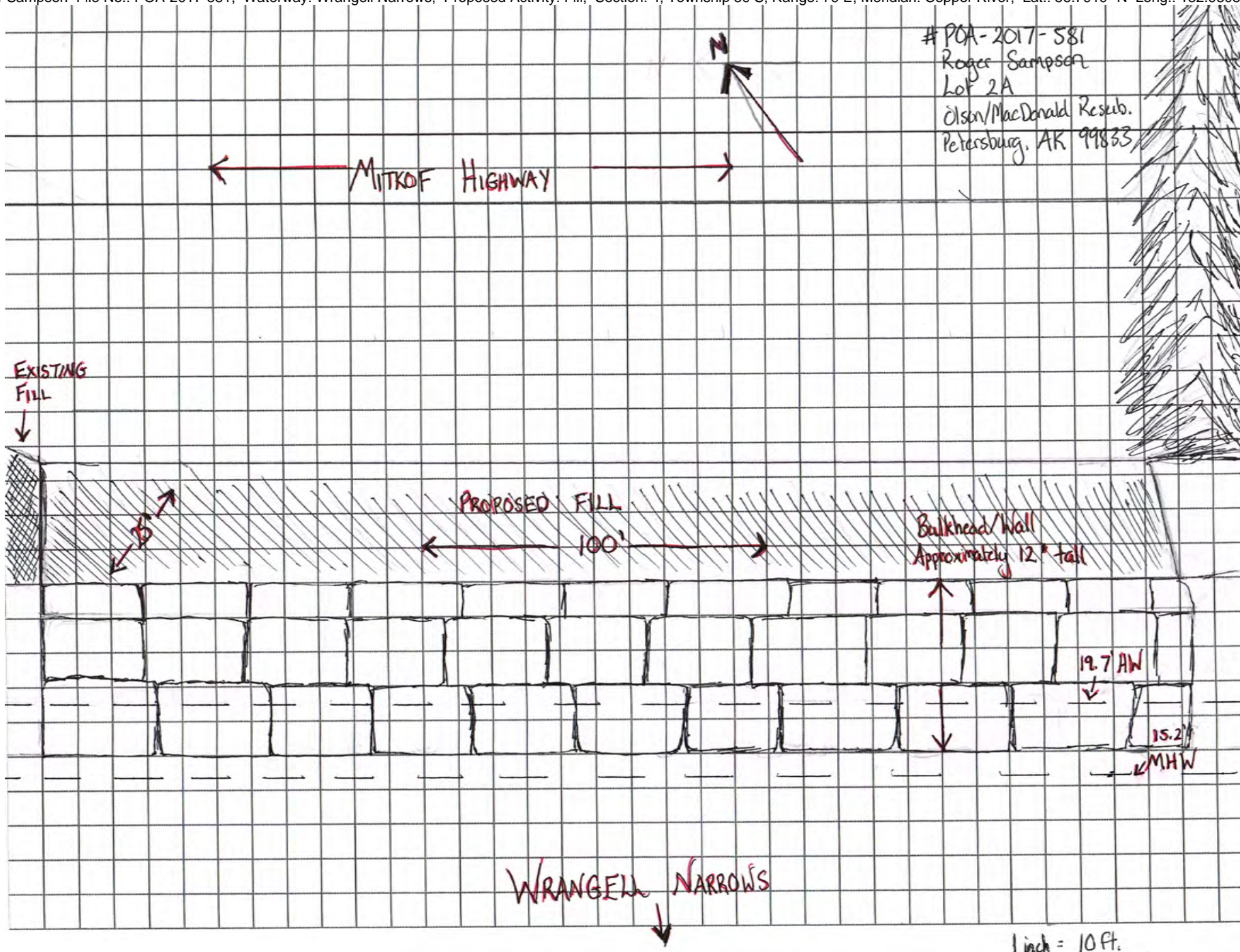
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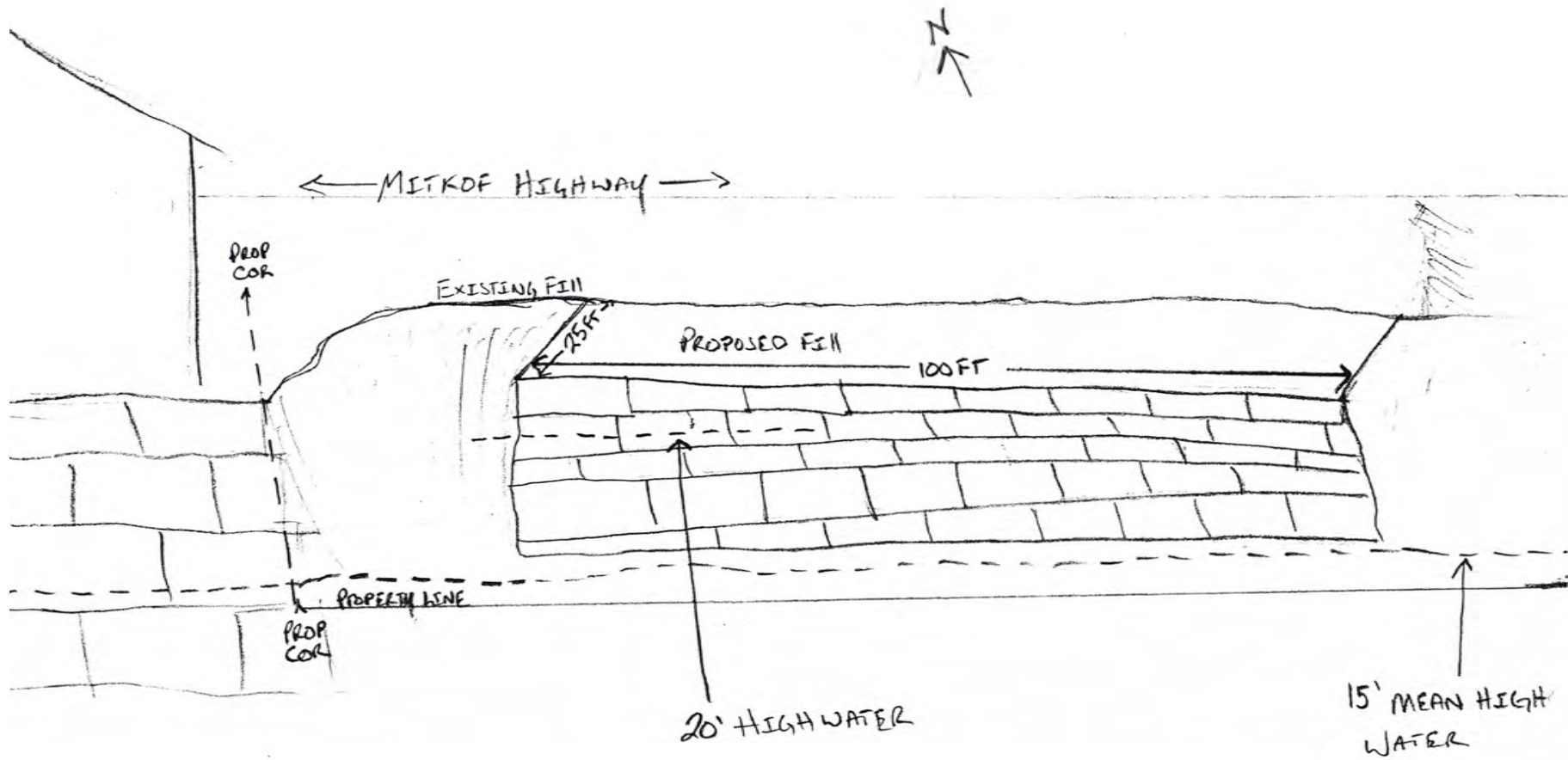
PREPARED BY Greg Scheff

CLERK: R. PROR

PETERSBURG 87-9







WRANGELL NARROWS