



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:	September 13, 2018
EXPIRATION DATE:	October 15, 2018
REFERENCE NUMBER:	POA-2018-00319
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 Mr. Michael R. Gala at (907) 753-2821, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at michael.r.gala@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Bradford R. Roman, 8572 North Tongass Highway, Ketchikan, Alaska 99901.

LOCATION: The project site is located within Section 5, T. 74 S., R. 81 E., Copper River Meridian; USGS Quad Map AK-Craig B-4; Latitude 55.4071° N., Longitude 131.7551° W.; 8500 N Tongass Hwy, Mud Bay Home sites, Ketchikan Gateway Borough, in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to build a single family residence.

PROPOSED WORK: The proposed project would place up to 1000 cubic yards (CY) of riprap, 2000 CY of D1 gravel, and 2000 CY of Pit Run gravel into 0.09-acre below the High Tide Line (19.7', above the 0' contour of MLLW) of Tongass Narrows to construct a new residential

structure and associated features. The project would include a 10 foot wide driveway and a 130 feet wide x 50 feet long housing pad with varying depths of gravel. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated August 18, 2018.

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: Construction of a building pad would be limited to the rock shelf on the property to avoid any unnecessary excess of fill discharges.

b. Minimization: This site was selected because of its baroness and development would have minimal impact on aquatic life. The determination to construct a rock rip-rap bank instead of a cement wall will establish new safe habitat for crustaceans, octopus, mollusks, and other sea creatures as these creatures do not currently have many protected places to live on the property.

c. Compensatory Mitigation: The applicant is not proposing any compensatory mitigation.

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 eligible cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be projects footprint within waters of the U.S. and the immediate area. 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: The project area is within the known or historic range of the Humpback whale (*Megaptera novaeangliae*).

We have determined the described activity would have no effect on 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

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 will result in no more than minimal adverse effects to EFH in the project area for the following species chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), Big Skate (*Raja binoculata*), Longnose skate (*Raja rhina*), Octopus (*Octopoda spp.*), and Shallow Water Flatfish Complex. Any comments the National Marine Fisheries Service or Alaska Department of Fish and Game may have concerning essential fish habitat will be considered in our final assessment of the described work.

Other species that could also be affected by the work in the intertidal zone are forage species including herring and sand lance. The project and surrounding area is not a known herring spawning site.

The current nearshore habitat in the proposed project area consists of solid rock substrate; human debris was recently cleaned up within the proposed housing pad site, and a riprap wall along the current road. The maximum estimated depth at high tide is approximately seven foot for the project location. The loss of 0.09-acre habitat for EFH species would be the loss of tidally dependent foraging habitat and near shore areas used as escapement from larger aquatic predator species. The riprap replacing the current nearly flat near shore habitat, could provide replacement escapement areas as well as foraging habitat for salmonids during their juvenile life stage. The current area de-waters roughly 12 hours each day. During the construction period additional in water sediment is also possible within the immediate area of the project; however, all work would be conducted while the site is dewatered which should limit excess sediment entering Tongass Narrows. There is no known eelgrass within the project's proposed footprint. The absence of eelgrass was verified by the Corps during a site visit on August 22, 2018.

There are two anadromous streams identified in the vicinity of the project area.

- Unnamed stream #1 (distance ≈1113m) - ADFG# 101-47-10120- Coho rearing, Pink Presence
- Unnamed stream #2 (distance ≈1098m) - ADFG# 101-47-10124- Coho rearing, Pink Presence

The proposed action will result in no more than minimal adverse effects to EFH within the proposed 0.09-acre project area. However, we believe the proposed project would cause

minimal overall impacts to the project location and temporary impacts to the broader area if proper Best Management Practices (BMP) are utilized, as well as the other proposed mitigation measures are followed. Impacts to the juvenile salmon primary food source (crustaceans, insects, and other small fish) would be minor and temporary, due to the proposed project and work would be conducted while the site is de-watered when they are not likely to be present.

In order to minimize impacts to EFH, the applicant would conduct all in water work when the site is de-watered, use BMPs to limit any additional sediment within the water column during construction, and perform work outside of the salmon migration window within Tongass Narrows.

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-2018-00319, Tongass Narrows, and 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 Theresa Zimmerman 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.

CITY, BOROUGH, STATE
KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, ALASKA
DIRECTIONS TO SITE
1/2 MILE NORTH TONGASS HWY

APPLICANT: BRADFORD R ROMAN
FILE NO.: POA-
WATERWAY: TONGASS NARROWS
PROPOSED ACTIVITY: TIDELAND RESIDENTIAL FILL
SEC. T. R. M.
LAT.: N 55.407193 LONG.: W -131.755197
SHEET: OF 9 AUGUST 2018



* EACH BLOCK REPRESENTS A 5' X 5' SECTION OF LAND

* NUMERICAL VALUES INDICATE AT WHICH FOOT OF THE TIDE, THAT SECTION OF THE GRID IS SUBMERGED

CITY, BOROUGH, STATE
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SHEET 1 OF 1 9 AUGUST 2018

TONGASS NARROWS

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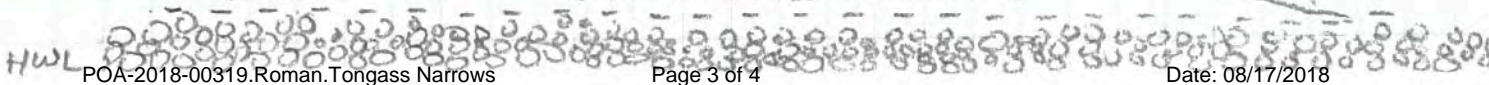
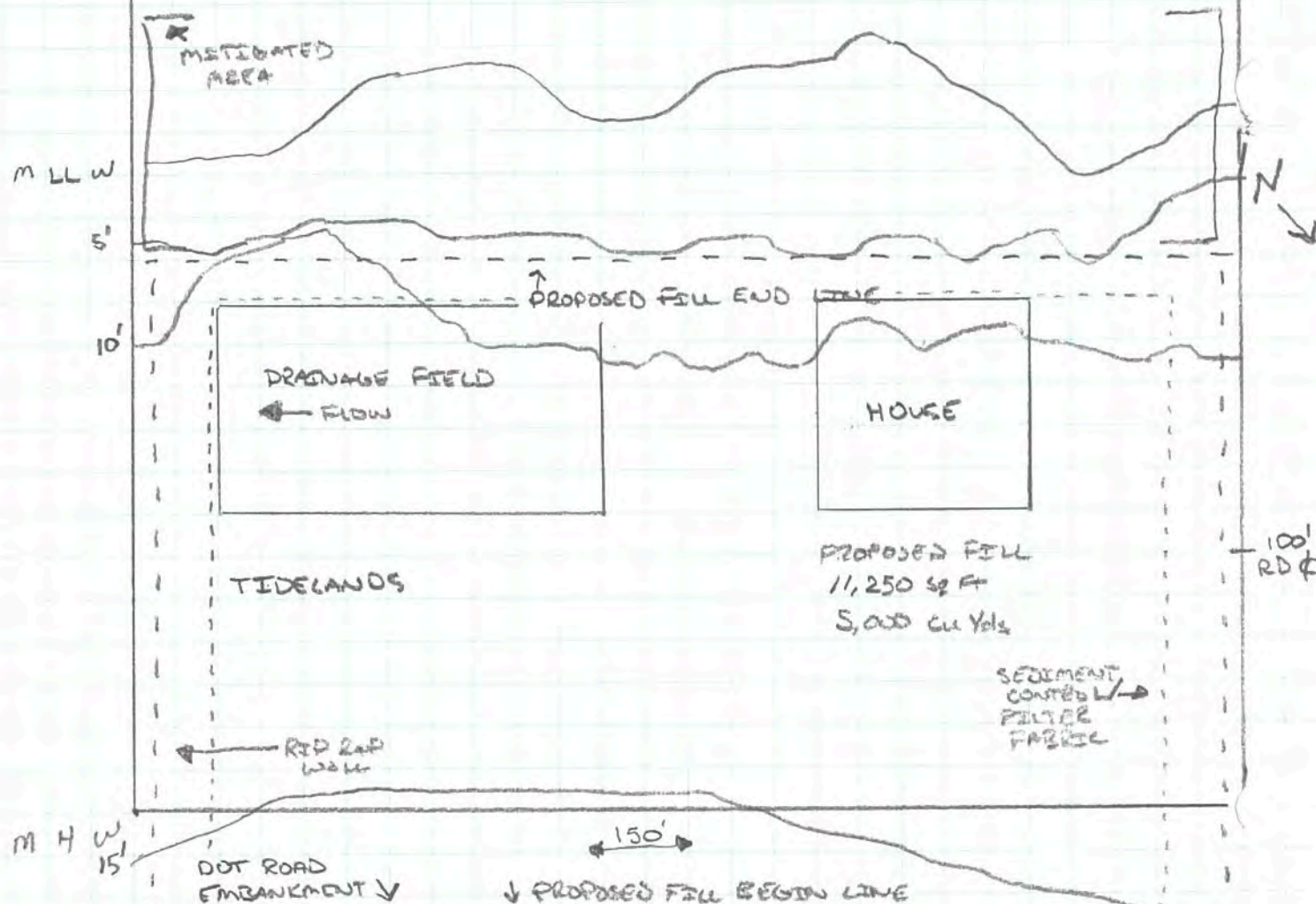


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 SHEET 2 OF 4 9 AUGUST 2018

SCALE
 20'

TONGASS NARROWS



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CROSS SECTION VIEW

