



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

<b>PUBLIC NOTICE DATE:</b>	<b>December 3, 2020</b>
<b>EXPIRATION DATE:</b>	<b>January 4, 2021</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2020-00447</b>
<b>WATERWAY:</b>	<b>Zimovia Strait</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 Ms. Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Roberta.K.Budnik@usace.army.mil](mailto:Roberta.K.Budnik@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. Rolland Curtis, Post Office Box 140, Wrangell, Alaska 99929

**AGENT:** Mr. George Woodbury, Woodbury Enterprise, Post Office Box 1934, Wrangell, Alaska 99929

**LOCATION:** The project site is located at Latitude 56.4652° N., Longitude 132.3849° W.; 1448 Peninsula Boulevard, in Wrangell, Alaska.

**PURPOSE:** The applicant's stated purpose is to restore a piling supported floating dock and contain the property with a stacked rock wall with fill.

**PROPOSED WORK:** The applicant proposes to discharge up to 4,520 cubic yards (CY) of fill material into 0.04-acre below the High Tide Line (HTL) of Zimovia Strait in order to create a stacked rock wall (273 CY) and fill behind the wall to level the ground with the top of the wall (4,247 CY shot rock). Additionally, six 13-inch diameter galvanized steel piles would be installed along the face of the rock wall to support a 10-foot wide by 130-foot long dock. Piles would be driven from the constructed fill pad at low tide, when the area is completely dewatered. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated November 24, 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: There is an existing home at the proposed project location. In order to construct a dock and pad, avoidance of impacts to tidal waters is not possible.
- b. Minimization: The proposed project would fill a minimal area below HTL of Zimovia Strait. All work would be performed during low tide. Impacts to adjacent intertidal areas would be minimized by placing new fill from existing filled areas.
- c. Compensatory Mitigation: The applicant has not proposed any compensatory mitigation for the proposed project.

**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 (ADEC) and the applicant is working directly with ADEC on this matter.

**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 known 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 within jurisdictional waters of the U.S. 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 the Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*). We have determined the described activity would have no effect on the humpback whale, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with 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 the known range of the chum salmon (*Oncorhynchus keta*), Chinook salmon (*O. tshawytscha*), sockeye salmon (*O. nerka*), pink salmon (*O. gorbuscha*), and Coho salmon (*O. kisutch*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning essential fish habitat 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 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 U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the U.S. – 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



**POA-2020-00447**

Project Location

**Legend**

● POA-2020-00447

POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis

Rock wall, fill, and dock

Lat. 56.4652 N., Long. 132.3849 W.

Sheet 1 of 3, November 24, 2020

POA-2020-00447

Ocean View Dr

Sunset Blvd

Peninsula St

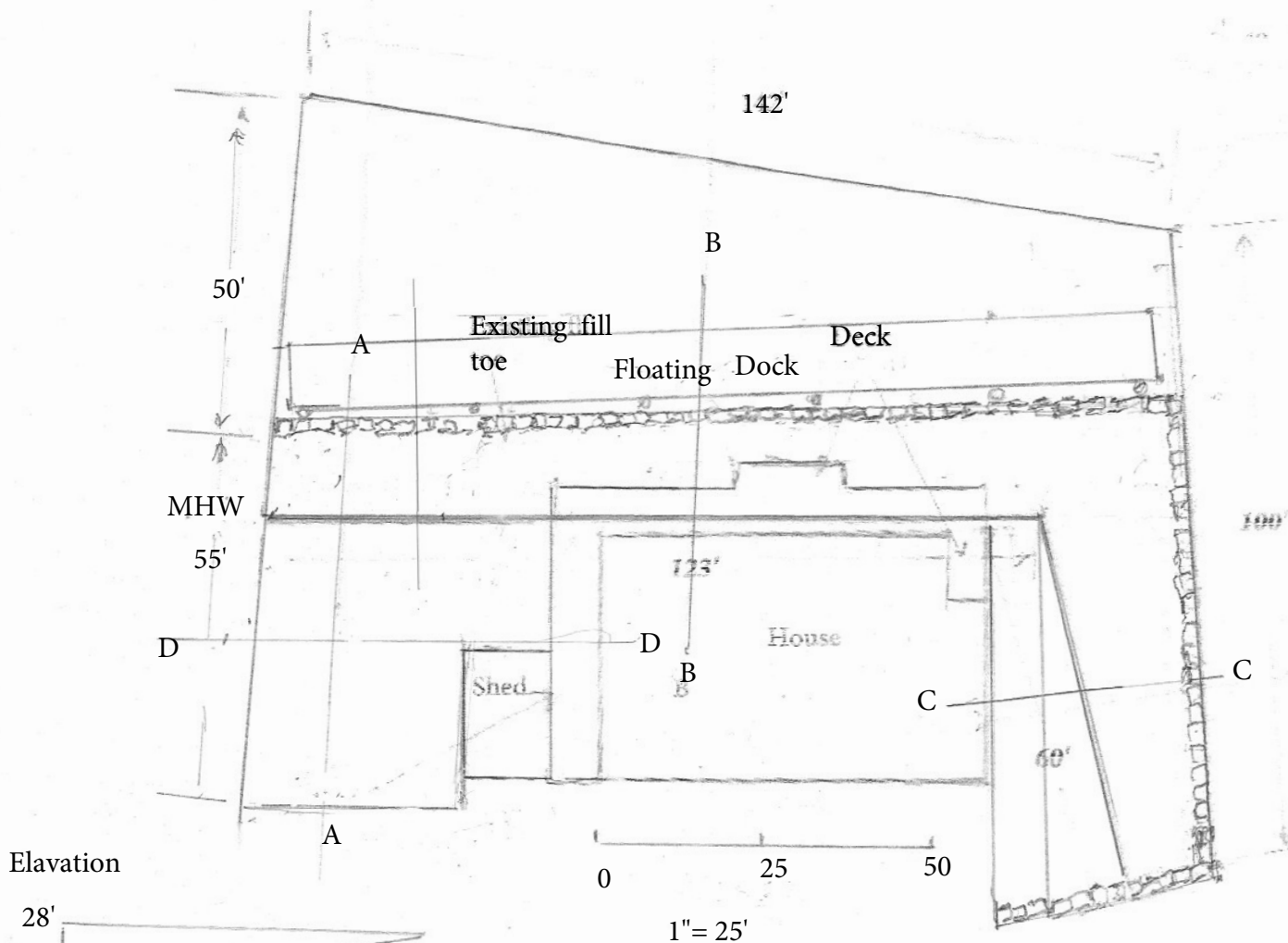
Google Earth

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Image © 2020 CNES / Airbus

N

300 ft



Elevation

28'

10'

Section A

28'

Secton B

19'

28'

Section C

15'

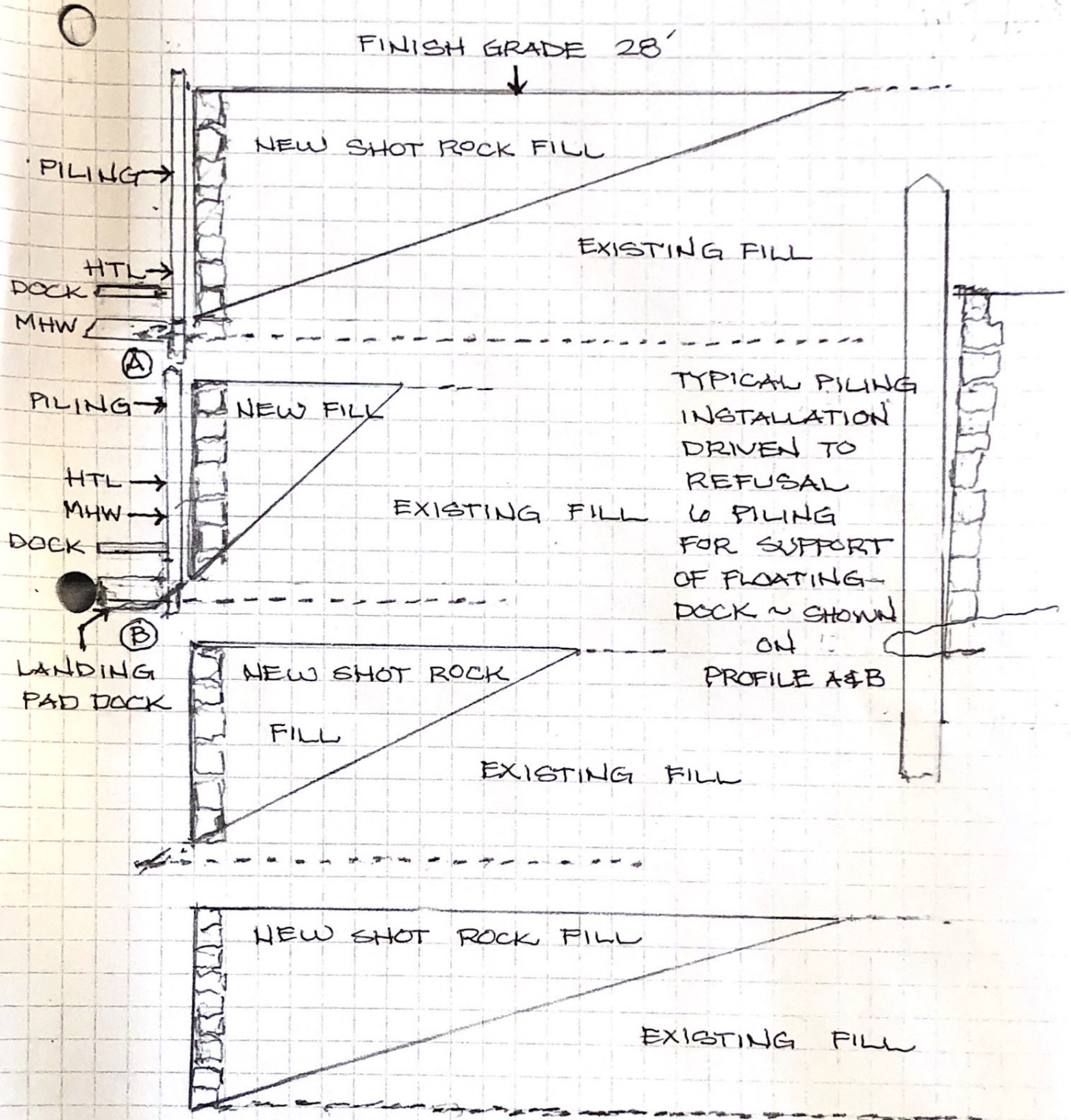
28'

Section D

15'

POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis  
 Rock wall, fill, and dock  
 Lat. 56.4652 N., Long. 132.3849 W.  
 Sheet 2 of 3, November 24, 2020





PROFILES FOR BENW CURTIS FILL  
POA - 2020 - 00447 - ZIMOVIA ST.  
AGENT GEORGE WOODBURY  
11/24/2020