



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:	May 21, 2018
EXPIRATION DATE:	June 21, 2018
REFERENCE NUMBER:	POA-2018-00029
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 Ms. Danielle Knight at (907) 753-2728, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Danielle.g.knight@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Steve Seley, 9915 Mud Bay Road, Ketchikan, Alaska 99901

LOCATION: The project site is located within Section 29, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Cape Flattery; Latitude 55.4194° N., Longitude 131.7675° W.; in Ketchikan, Alaska

PURPOSE: The applicant's stated purpose is to allow safe passage around existing structures and/or properties not owned or leased by the applicant, with barges that have been extracted

from the waterway for repairs and/or storage. This is to allow repairs and/or storage to be conducted on property owned by the applicant.

PROPOSED WORK: Discharge 1,950-cubic yards of shot rock and armor rock below mean high water in Mud Bay, place 220-cubic yards of clean shot rock and armor rock above mean high water as well as install a 24 inch by 20 foot section of culvert pipe to extend an existing ground water drainage pipe. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated April 27, 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: The project is water dependent in that it needs to be located next to a waterway for removal and re-entry of the water vessels being repaired and/or stored.

b. Minimization: The applicant stated amount of fill material placed is the minimum amount that will allow for safe passage of equipment for access from one parcel to another.

c. Compensatory Mitigation: The applicant has not proposed 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be those areas comprising waters of the U.S. that will be directly affect by the proposed work. 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 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.

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
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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-2018-00029, Tongass Narrows/Mud Bay**, 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.



KETCHIKAN B-6

PROJECT LOCATION

BOROUGH: KETCHIKAN GATEWAY, ALASKA

FROM KETCHIKAN PROPER DRIVE NORTH ON
NORTH TONGASS HWY TO MUD BAY ROAD.
MUD BAY ROAD ENTERS SEABORNE MARINE
COMPLEX.

APPLICANT: SELEY PROPERTIES

FILE No.

WATERWAY: TONGASS NARROWS

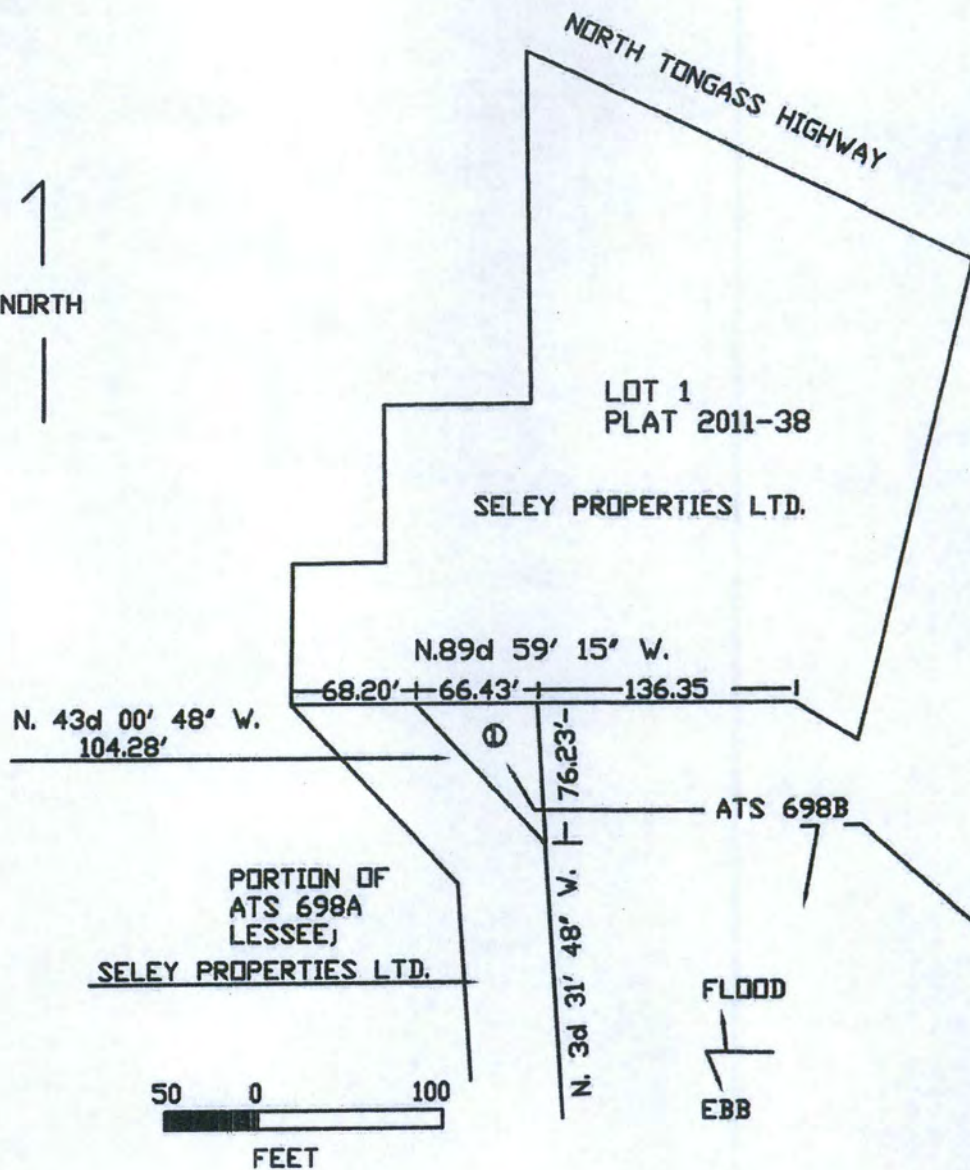
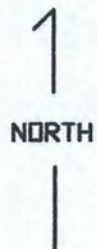
PROPOSED ACTIVITY: BARGE MOVING

SEC. 29, T. 74S., R. 90E., CRM

LAT: 55d 25' 10" N.

LONG: 131d 46' 03" W.

SHEET 1 OF 4, DATE: 03/27/2018



① -- PORTION OF 698B

BOROUGH: KETCHIKAN GATEWAY, ALASKA
FROM KETCHIKAN PROPER DRIVE NORTH ON
NORTH TONGASS HWY TO MUD BAY ROAD
MUD BAY ROAD ENTERS SELEY PROPERTIES

APPLICANT: SELEY PROPERTIES LTD.

FILE No.

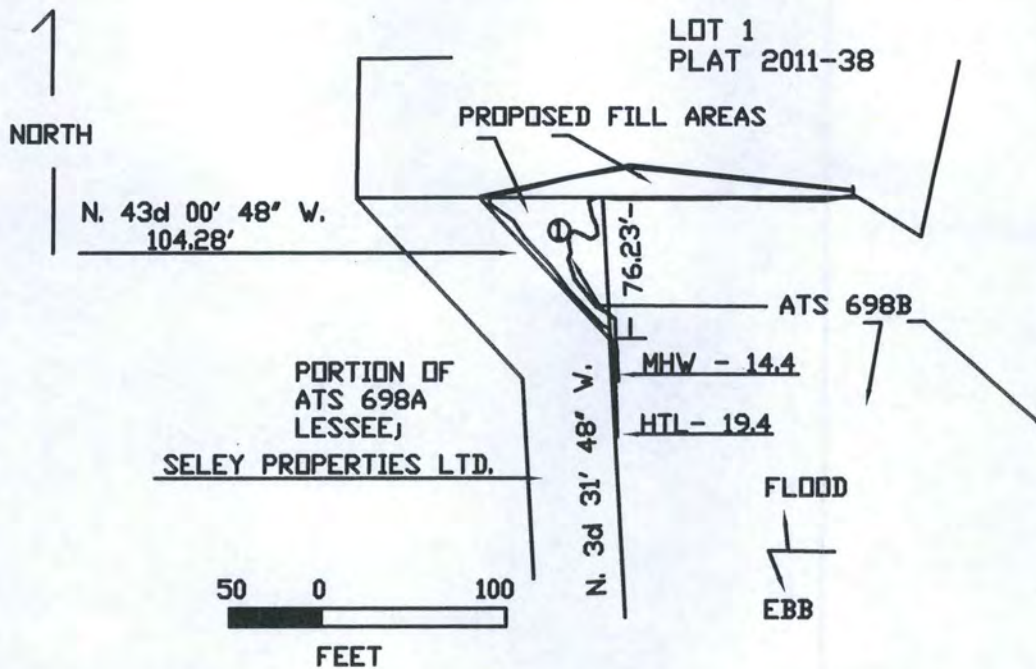
WATERWAY: TONGASS NARROWS
MUD BAY

PROPOSED ACTIVITY: BARGE
MOVEMENT

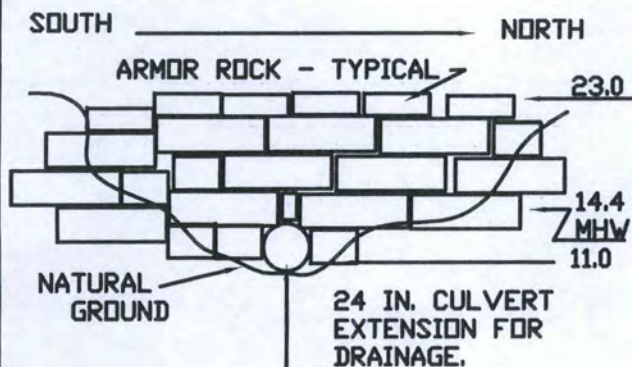
SEC. 29, T. 74S., R. 90E., CRM

LAT. 55d 25' 10" N.
LONG. 131d 46' 03" W.

SHEET 2 OF DATE: 03/27/2018



AREA ① OF ATS 698B



TYPICAL FILL AND ARMOR
FOR PORTION OF 698B.

FILL MATERIAL - CLEAN SHOT ROCK

ARMOR ROCK - CLEAN RIP - RAP

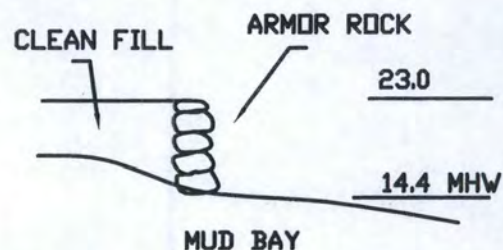
734 YDS SHOT ROCK
160 YDS ARMOR ROCK

NO SCALE

BOROUGH: KETCHIKAN GATEWAY, ALASKA

FROM KETCHIKAN PROPER DRIVE NORTH ON
NORTH TONGASS HWY TO MUD BAY ROAD
MUD BAY ROAD ENTERS SELEY PROPERTIES

TYPICAL FILL FOR LOT 1



TYPICAL FILL AND ARMOR
LOT 1
1155 YDS CLEAN SHOT ROCK
120 YDS ARMOR ROCK

NO SCALE

APPLICANT: SELEY PROPERTIES LTD.

FILE No.

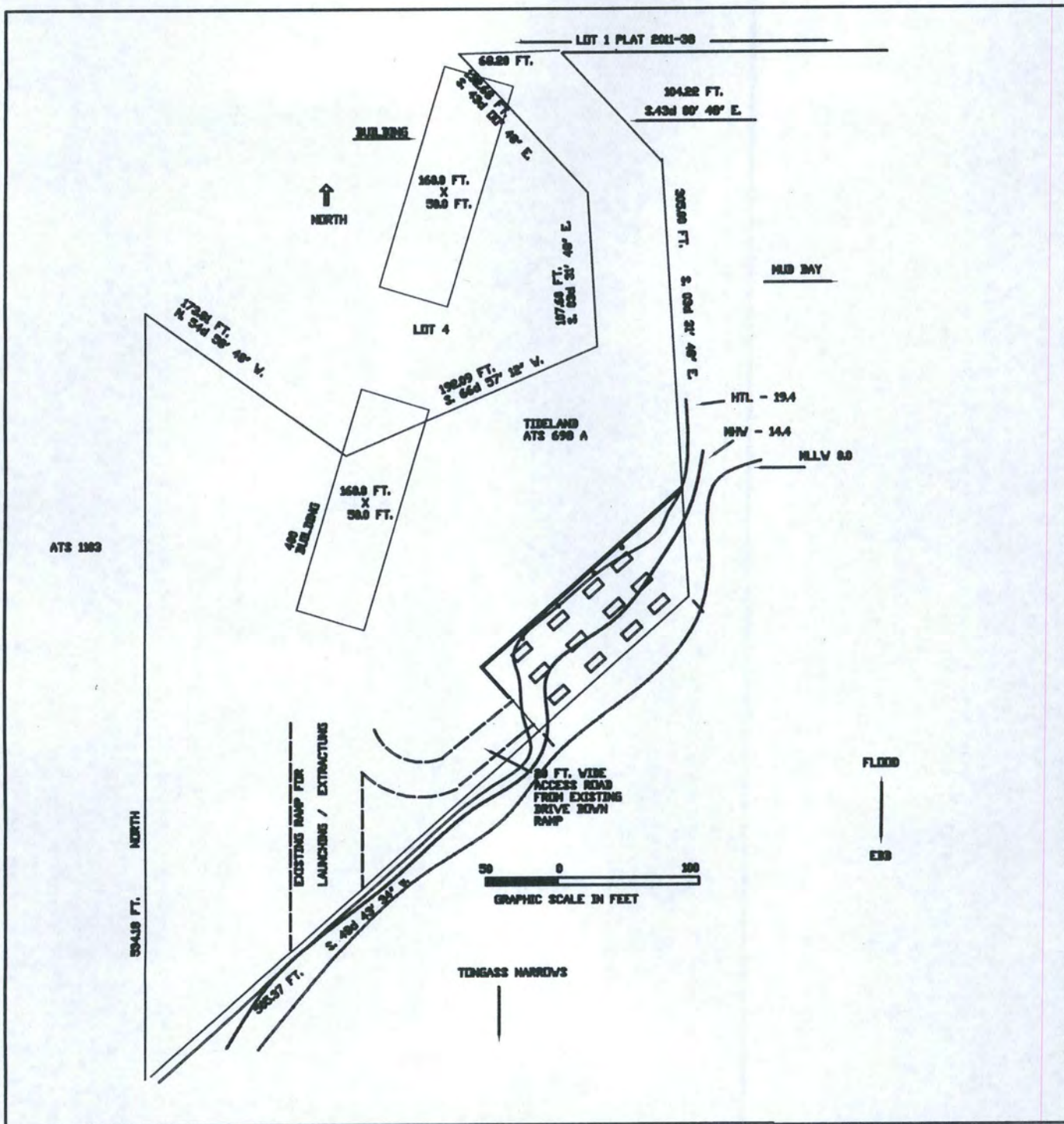
WATERWAY: TONGASS NARROWS
MUD BAY

PROPOSED ACTIVITY: BARGE
MOVEMENT

SEC. 29, T. 74S., R. 90E., CRM

LAT. 55d 25' 10" N.
LONG. 131d 46' 03" W.

SHEET 3 OF 4, DATE: 03/27/2018



BOROUGH: KETCHIKAN GATEWAY BOROUGH
FROM KETCHIKAN PROPER DRIVE NORTH ON
NORTH TONGASS HWY TO MUD BAY ROAD
MUD BAY ROAD ENTERS SELEY PROPERTIES

APPLICANT: SELEY PROPERTIES
FILE No:
WATERWAY: TONGASS NARROWS
PROPOSED ACTIVITY: BARGE GRID
SEC. 29, T. 74S., R. 90E., CRN
LAT: 55d 25' 10"
LONG: 131d 46' 03"
SHEET 4 OF 4 DATE: 3/27/2010