



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: April 18, 2018

EXPIRATION DATE: May 18, 2018

REFERENCE NUMBER: POA-2018-00085

WATERWAY: Ward Cove

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. 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: Byron Construction; POC: Mr. James Byron; Post Office Box 678, Ward Cove, Alaska 99928; Phone: 907-254-1976; Email: jamesbyron42@yahoo.com

AGENT: Byron Construction; POC: Mr. Joseph Miller; Post Office Box 1710, Ward Cove, Alaska 99928; Phone: 907-254-1976; Email: Karlee.Joe.Miller@gmail.com

LOCATION: The project site is located within Section 33, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.4107° N., Longitude 131.7543° W. To reach the site off of North Tongass Highway, turn onto Rhea Road, then turn right on Heron Lane. Follow Heron Lane to the end of the road and construction would begin where the road currently ends. The project location would be in Ward Cove, Alaska.

PURPOSE: The applicant's stated purpose is to expand Heron Lane so there would be road access to the lots on Loon Avenue so that homes can be built on the properties.

PROPOSED WORK: The applicant proposes to discharge 4300 cubic yards (CY) of fill material into 1.2 acres of waters of the U.S., including wetlands for residential development. The applicant would excavate overburden and construct a 26 foot wide road leading to four residential lots on Loon Ave. The total length of the road to be constructed would be 1200 linear feet with a total surface disturbance of approximately 0.73-acre. The overburden depth at the road centerline varies from roughly 12 inches to 60 inches. Once the road would be excavated to bed rock, it would then be filled with one foot minus pit run shot rock. The approximate fill height would vary from roughly 30 inches to 108 inches. It is anticipated that there would be five culvert crossings in the road for storm water runoff, but location and number would be evaluated once construction has begun. Along with the road, there would also be four residential lots developed. Each lot would consist of a driveway and house pad. Driveways would be approximately 14 feet wide by 40 feet long. House pads would be approximately 60 feet by 80 feet in order to create enough room for the structure and vehicles. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated March 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: Complete avoidance to waters of the US is not possible due to the location of the proposed project.
- b. Minimization: The applicant would only place the minimal amount of fill necessary to fulfil the proposed project purpose. Work would only be conducted in the road and house pad areas. No areas outside of the road would be disturbed. The road would not have any turn arounds or pull outs to minimize the amount of fill placed. The house pads would be kept as small as possible to allow for a house and vehicle parking. The applicant would also use straw wattles or rock check dams to control storm water so that no sediment can leave the site after a storm event.
- c. Compensatory Mitigation: No compensatory mitigation has been proposed by the applicant.

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. to include the road, driveway, and house pads areas. 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 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

JUNEAU
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.

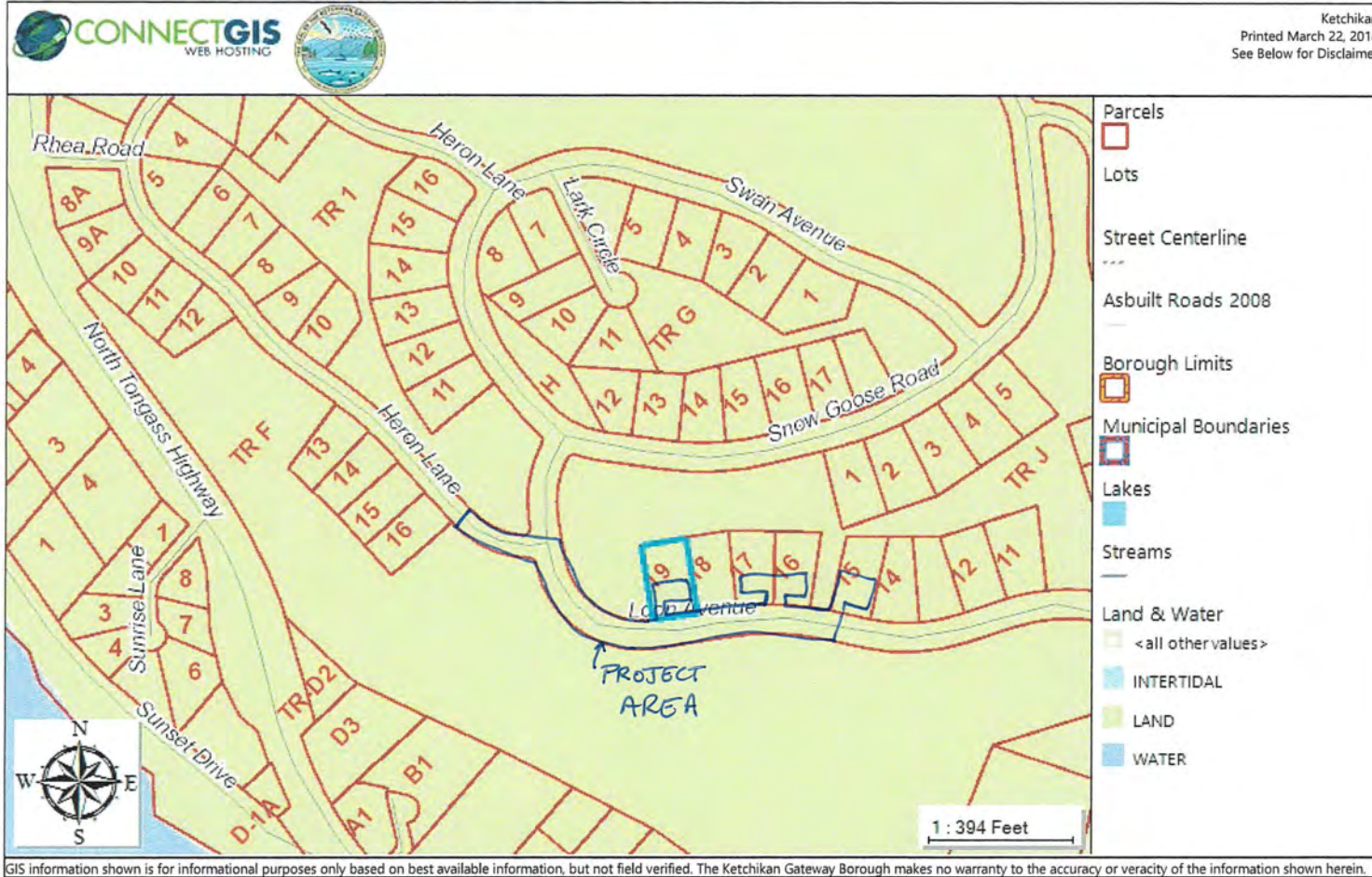
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2018-00085, Ward Cove**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

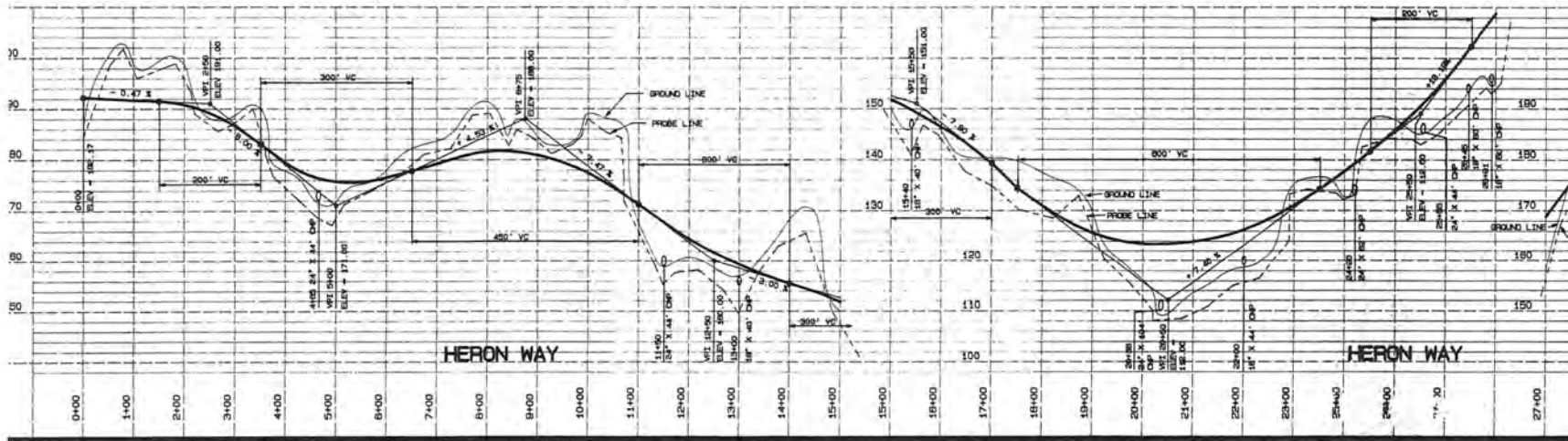
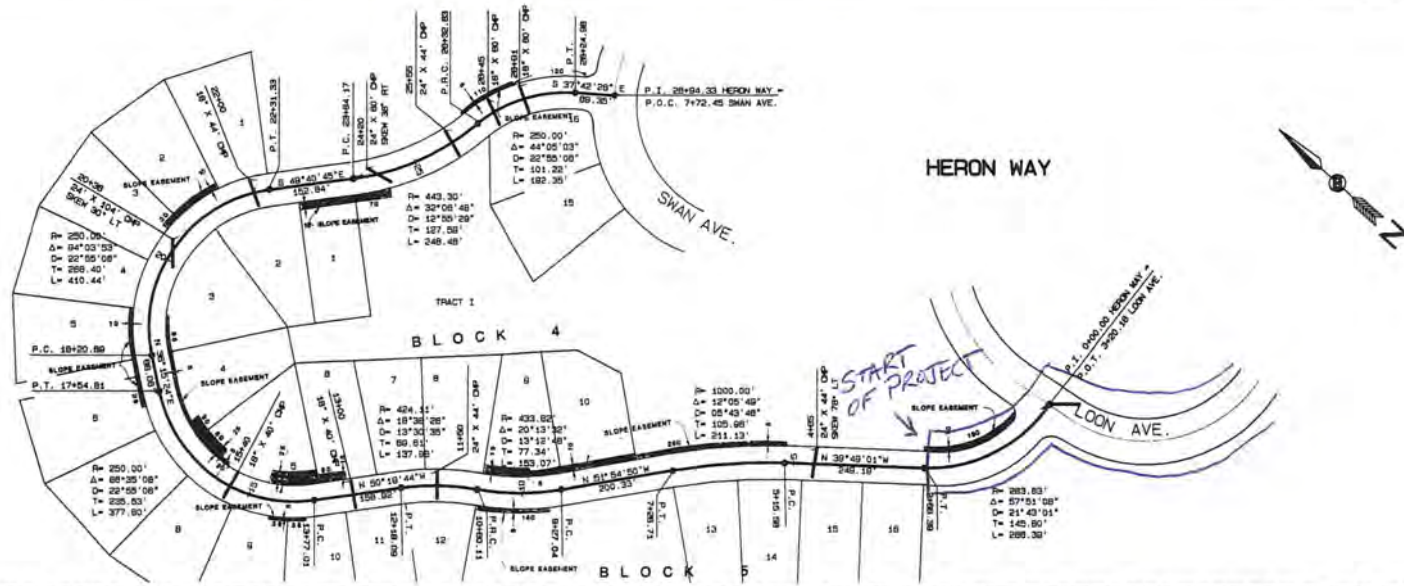
3/22/2018

FIGURE 1: VICINITY MAP ConnectGIS Feature Report



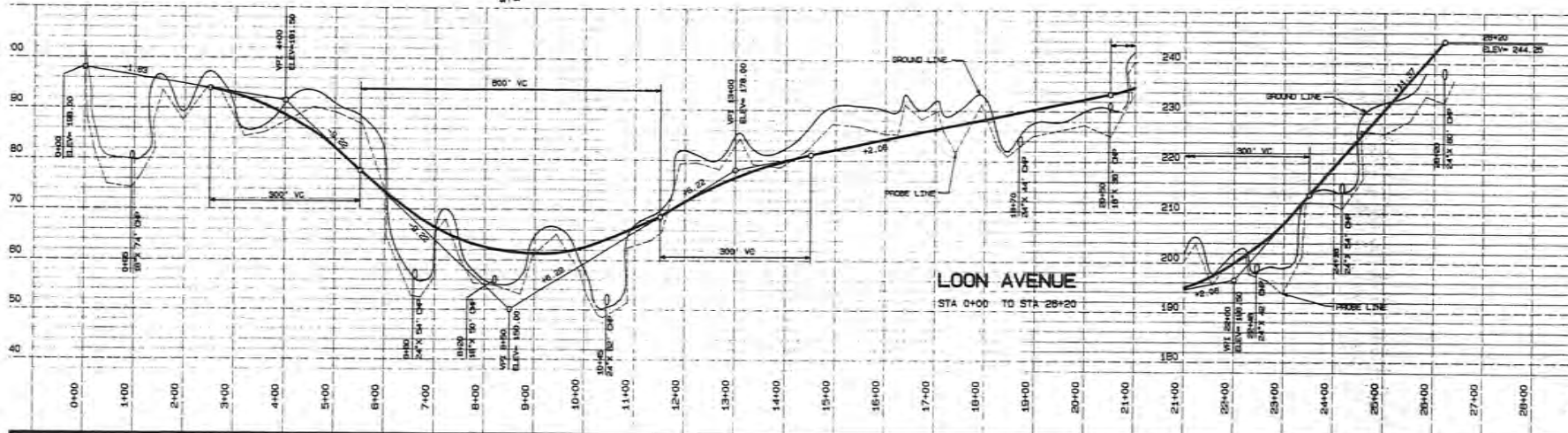
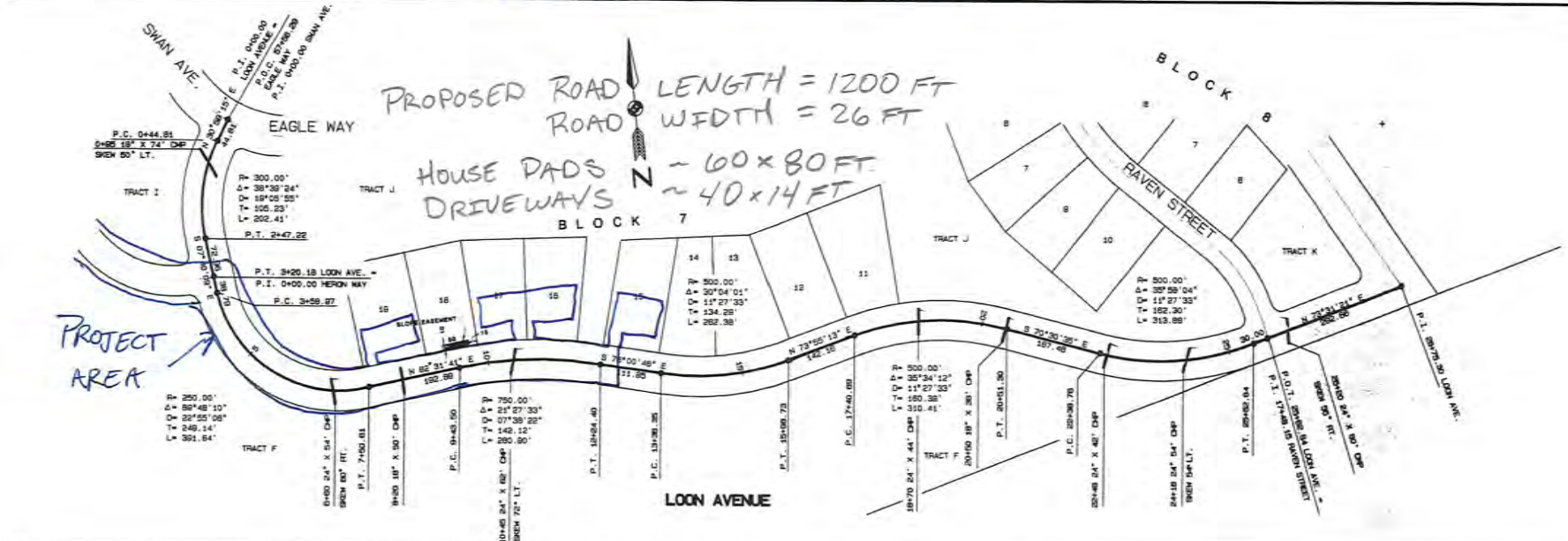
GIS information shown is for informational purposes only based on best available information, but not field verified. The Ketchikan Gateway Borough makes no warranty to the accuracy or veracity of the information shown herein.

FIGURE 2: PLAN VIEW 1



ATLIS		DATE PRINTED		SLOPE EASEMENT ACQUISITION MAP			ROADWAY PLAN & PROFILE			PREPARED FOR KETCHIKAN GATEWAY BOROUGH 344 FRONT STREET KETCHIKAN, ALASKA 99901			HERON WAY MUD BIGHT SUBDIVISION		
DATE	REVISIONS	BY													

FIGURE 3: PLAN VIEW 2

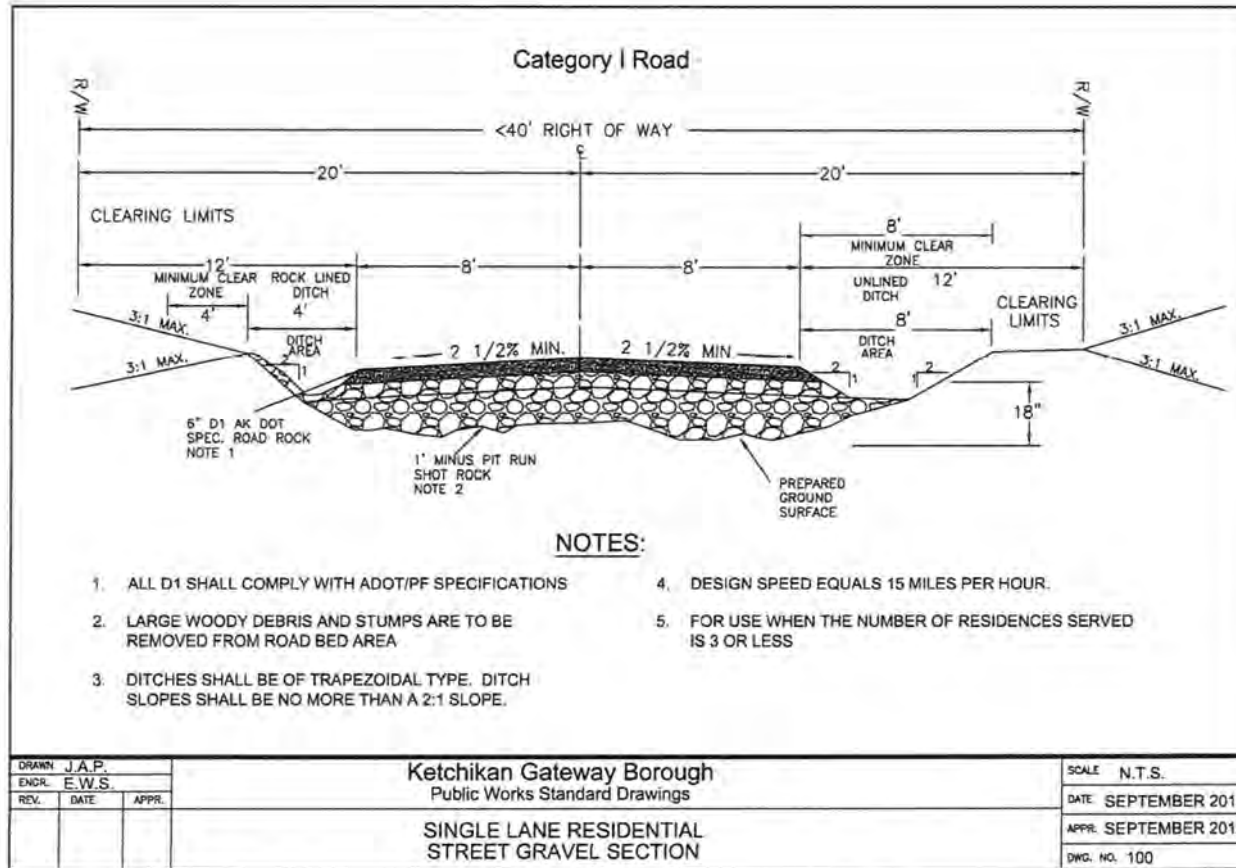


DATE PRINTED		SLOPE EASEMENT ACQUISITION MAP		ROADWAY PLAN & PROFILE		PREPARED FOR: KETCHIKAN GATEWAY BOROUGH 344 FRONT STREET KETCHIKAN, ALASKA 99901		LOON AVENUE STA. 0+00 TO STA. 28+20 MUD BIGHT SUBDIVISION	
DATE	REVISIONS								
BY	DESIGNED BY:	DESIGNED BY:	DESIGNED BY:	DESIGNED BY:	DESIGNED BY:	DATE: JUNE 1984	JOB NO.	SCALE: 1" = 100'	

FIGURE 4 : CROSS SECTION

Appendix A – Typical Standard Drawings

Category 1 Typical Section Diagram

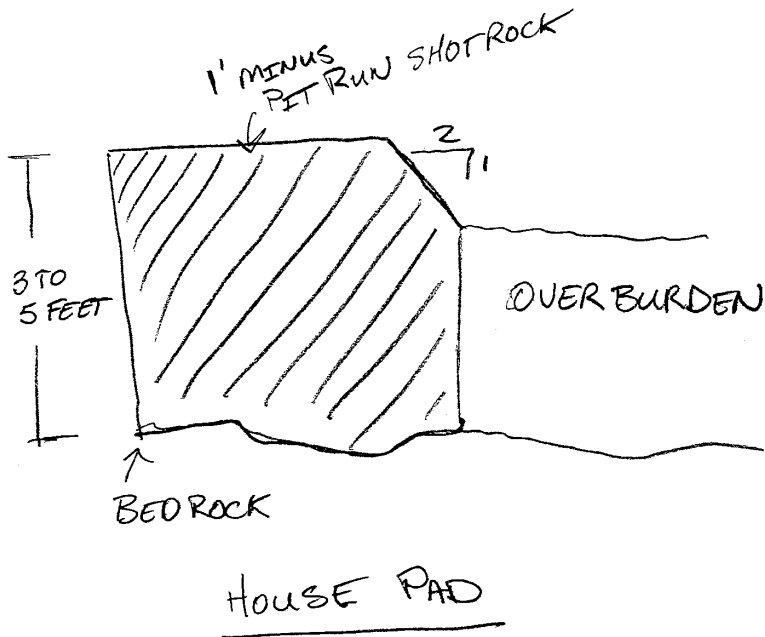


10/15/2012

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Approved KGB Road Standards

FIGURE 5: HOUSE PAD CROSS SECTION



- NOTES:- AREA WHERE HOUSE WILL SIT WILL BE EXCAVATED FULL DEPTH.
- WIDTH OF PADS WILL BE ABOUT 60 BY 80
 - DRIVEWAYS WILL BE EXCAVATED FULL DEPTH. CROSS CULVERTS WILL BE INSTALLED IN EACH DRIVEWAY.