



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:	October 25, 2017
EXPIRATION DATE:	November 24, 2017
REFERENCE NUMBER:	POA-1990-00114-M8
WATERWAY:	Wrangell Harbor

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.

Comments on the described work, with the reference number, 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 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: City and Borough of Wrangell, Post Office Box 531, Wrangell, Alaska 99929

LOCATION: The project site is located within Section 25, T. 62 S., R. 83 E., Copper River Meridian; USGS Quad Map Petersburg B-2; Latitude 56.4703° N., Longitude 132.3849° W.; in Wrangell, Alaska.

PURPOSE: The applicant's stated purpose is to increase the City of Wrangell's port staging area to provide additional space were the barge companies operate. The fill will also provide space for the Marine Travel Lift and Vessel Repair Facility.

PROPOSED WORK: To discharge 90,464 cubic yards (CY) of clean shot rock and 1,765 cy of rip rap into 2.46 acres below the high tide line of Wrangell Harbor. All work would be performed in accordance with the enclosed plan (sheets 1-2), dated October 20, 2017.

ADDITIONAL INFORMATION: A portion of this work (0.93-acres of the proposed work) was previously authorized by permit POA-1990-00114. The permit for that work expires October 31, 2017. The following is the permit history for this project:

File Number	Date	Work Authorized
POA-1990-114-2	September 21, 1993	Placement of 113,000 cy of material necessary to construct two containment dikes and fill area. In addition, place 17,000 cy of dredge material.
POA-1990-114-M	December 15, 1993	Dredge approximately 18,000 cy of sediment material from the Wrangell small boat harbor and dispose of at previously authorized site.
POA-1990-114-N	June 3, 1994	A letter was sent verifying the use of a clam-shell dredge, opposed to a suction dredge for the work authorized under POA-1990-114-M.
POA-1990-114-O	October 31, 1995	Placement of 121,000 cy of material for the expansion of the existing City of Wrangell port staging area. Install approximately 150 wood pilings for a new wood approach to the existing dock and extend the existing storm drains.
POA-1990-114-P	February 23, 2000	Authorized a 3 year time extension for POA-1990-114-Q.
POA-1990-114-Q	October 23, 2001	Place 5,000 cy of concrete as a portion of the fill material for the existing permitted area.
POA-1990-114-M7	November 2, 2012	Place 123,923 cy of fill material into 3.4-acres for port staging area expansion.

APPLICANT PROPOSED MITIGATION: The applicant set aside 9.3 acres of tide lands plat #2008-1 in 2008 for this 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.

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 within the project's footprint within 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 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) because of the location within a busy small harbor, and the work being conducted when the site is dewatered. 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).

The project area is within the known range of the 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.*), Sharks (*Selachimorpha spp.*), and Gulf of Alaska Shallow Water Flatfish Complex.

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 National Marine Fisheries Service 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 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 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

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-1990-00114-M8, Wrangell Harbor**, 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.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT I HAVE THE RIGHT TO MAKE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO BE PRIVATE USE AS NOTED.

Tom Os
 MAYOR, CITY OF WRANGELL

NOTARY'S ACKNOWLEDGMENT

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY QUALIFIED AND COMMISSIONED TO EXERCISE THE FUNCTIONS OF THE OFFICE OF A NOTARY PUBLIC, DO HEREBY ACKNOWLEDGE TO ME THAT ALAS SIGNED THE SAME AND THAT THE SIGNATURES WERE MADE BY THE PERSONS WHOSE NAMES ARE SET FORTH FOR THE USES AND PURPOSES THEREIN SPECIFIED.
 MY COMMISSION EXPIRES ON THE DAY AND YEAR IN THE ATTACHED FIRST WRITEN CERTIFICATE.

Greg Scheff
 NOTARY PUBLIC
 7-2-2010

CERTIFICATE STATE OF ALASKA

(FIRST JUDICIAL DISTRICT)
 WRANGELL BEING ONLY APPROVED AND QUALIFIED AND IN ALASKA, RESIDING IN WRANGELL, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY OFFICE, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAP OF THE CITY OF WRANGELL IN THE NAME OF The City of Wrangell.
 ACCORDING TO THE RECORDS IN MY OFFICE, ALL TAXES ASSESSED TO SAID PROPERTY HAVE BEEN PAID IN FULL THROUGH THE DATE OF THIS CERTIFICATE.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SIGNED AND SEALED THIS CERTIFICATE OF OWNERSHIP AND DEDICATION ON THIS 10th DAY OF January, 2010, AT WRANGELL, ALASKA.

DECLARATION OF APPROVAL BY THE PLANNING COMMISSION
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WRANGELL, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT NO. 190-125-SF, DATED 10/20/2010, AND THAT THE PLAT SHOWN ON SAID RECORDS IS THE SAME AS THAT ON FILE IN THE OFFICE OF THE DISTRICT CLERK OF THE DISTRICT OF ALASKA, WRANGELL, ALASKA.

CERTIFICATE OF APPROVAL BY THE COUNCIL
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WRANGELL, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COUNCIL BY PLAT NO. 190-125-SF, DATED 10/20/2010, AND THAT THE PLAT SHOWN ON SAID RECORDS IS THE SAME AS THAT ON FILE IN THE OFFICE OF THE DISTRICT CLERK OF THE DISTRICT OF ALASKA, WRANGELL, ALASKA.

Greg Scheff
 MAYOR, CITY OF WRANGELL

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 CITY CLERK, CITY OF WRANGELL

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LINE DATA	71.06	145.62	119.91	313.27	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14	
S 29° 24' 57" W	71.06	145.62	119.91	313.27	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14	
S 38° 31' 12" W	145.62	119.91	313.27	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14		
N 56° 51' 30" E	119.91	313.27	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14			
N 66° 04' 31" E	313.27	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14				
S 15° 55' 03" W	150.68	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14					
N 47° 21' 01" W	209.77	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14						
N 71° 18' 19" E	248.39	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14							
S 16° 02' 00" W	211.70	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14								
S 32° 21' 00" E	48.20	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14									
S 33° 51' 00" W	71.30	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14										
N 69° 29' 00" E	95.66 (C)	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14											
S 85° 07' 21" E	95.70 (R)	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14												
S 85° 12' 00" E	125.22	187.82	204.70	379.76	320.09	92.29	131.09	357.14													
N 22° 44' 33" W	187.82	204.70	379.76	320.09	92.29	131.09	357.14														
S 00° 09' 16" W	204.70	379.76	320.09	92.29	131.09	357.14															
S 16° 05' 55" W	379.76	320.09	92.29	131.09	357.14																
S 11° 39' 58" E	320.09	92.29	131.09	357.14																	
S 25° 39' 50" E	92.29	131.09	357.14																		
S 42° 30' 06" E	131.09	357.14																			
S 42° 34' 24" E	357.14																				
S 34° 23' 14" E																					

(C) = DATA CALCULATED
 (R) = DATA OF RECORD



U.S. Survey 1518
 U.S. Survey 3402
 A.T.S. 81
 A.T.S. 1209
 U.S.S. 1336

LOT 1
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LOT 2A TRACT C
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LOT 2B TRACT C
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LOT 2C TRACT C
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PROPOSED MITIGATION AREA

UTILITY EASEMENT
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 39,933 S.F. 0.917 ACRES
 SEE PLAT NOTE 3

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OWNER: CITY OF WRANGELL

A.T.S. 424

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