



US Army Corps
of Engineers
Alaska District

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	February 28, 2018
EXPIRATION DATE:	April 2, 2018
REFERENCE NUMBER:	POA-1986-00428
WATERWAY:	Clover Pass

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.

All comments 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: Clover Pass Resorts, POC: Mr. Russel Thomas, Post Office Box 8331, Ketchikan, Alaska 99901

AGENT: MEA, Inc., POC: Mr. Fred Monrean, Post Office Box 9343, Ketchikan, Alaska 99901

LOCATION: The project site is located within Section 12, T. 74 S., R. 89 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.4742° N., Longitude 131.8142° W.; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide additional slips for 24 boats and recreational equipment.

PROPOSED WORK: The proposed project would authorize the expansion of the current Clover Pass Resort Marina and include the following work:

1. Drill 240 3-inch holes in order to place explosives in order to remove approximately 4,070 cubic yards (CY) bedrock, and to excavate 930 CY of gravel and miscellaneous substrate to a minus 7-foot Mean Lower Low Water.
2. Installation of one new 10-foot by 220-foot wood float, which would include twelve new 4-foot by 16-foot wood finger floats. All floats would use marine treated wood with foam floats.
3. Install three new 16-inch galvanized steel piles utilizing an impact hammer.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated January 16, 2018, and February 27, 2018.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

- a. Avoidance: Damage to tidal areas are being avoided by removing bedrock and gravel creating new bottom areas for marine life to grow.
- b. Minimization: The project footprint and impacts are being minimized using steel piles in lieu of concrete or rock fill.
- c. Compensatory Mitigation: The applicant is not proposing any compensatory mitigation due to extreme effort in minimization and avoidance.

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 projects 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 Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*).

We have determined the described activity may affect the endangered Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). 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.*), shark (*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 NMFS may have concerning essential fish habitat will be considered in our final assessment of the described work.

The original plans dated December 31, 1998, indicated eel grass in the shallow waters adjacent to the current docks. The area was inspected for eel grass at low tide on August 29, 2017 out to approximately 175 feet from the current retaining wall where the work would be conducted with no eel grass visible within the proposed project area. The applicant stated the only eel Grass they were aware of is approximately 350 feet to the northwest of the proposed 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 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).

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

BILL WALKER, GOVERNOR

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-1986-00428-M5, Clover Pass**, 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.

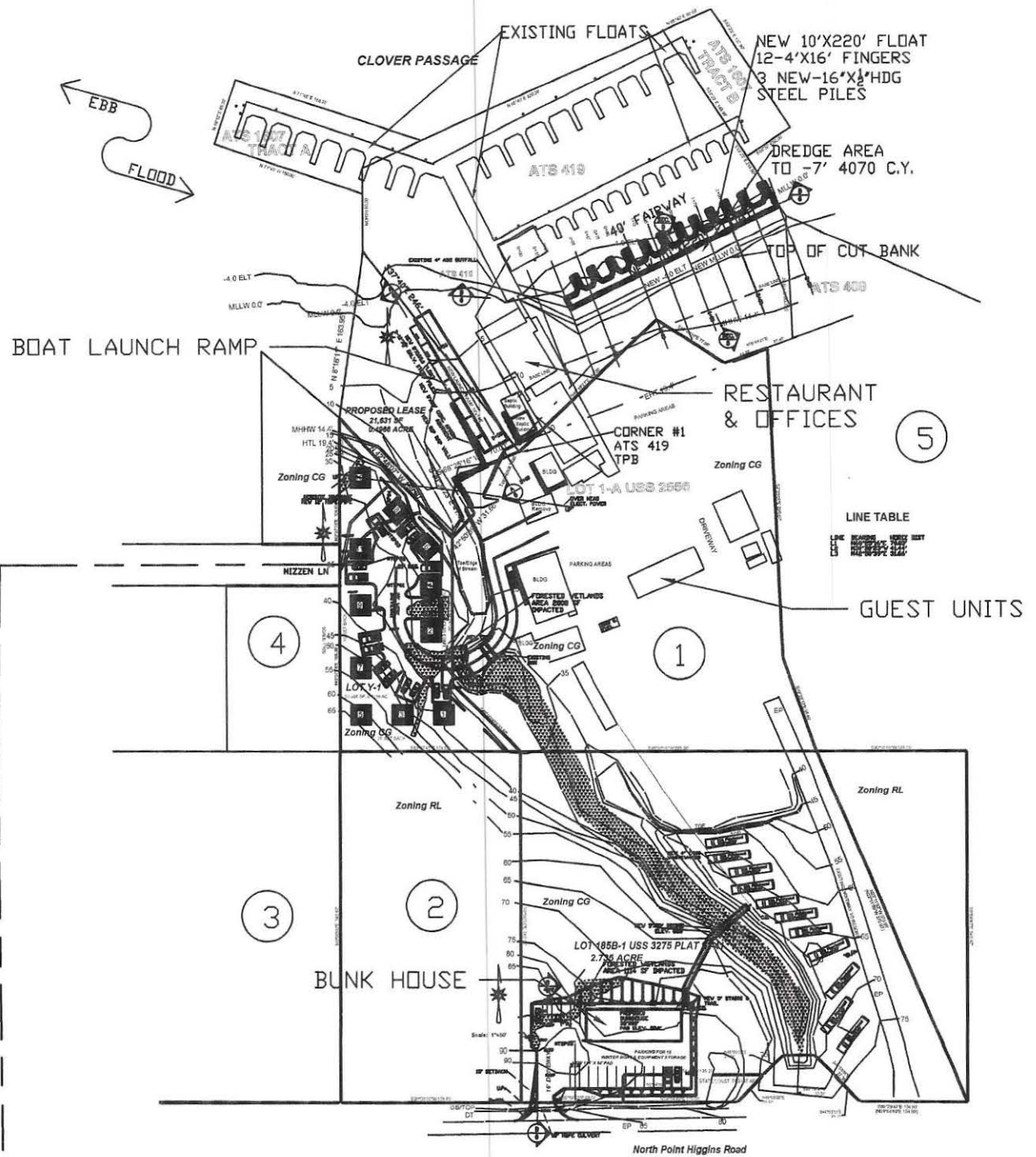
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



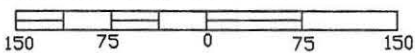
PROJECT LOCATION
KETCHIKAN GATEWAY BOROUGH

PURPOSE: PROVIDE ADDITIONAL SMALL BOAT
MOORAGE FOR EXISTING RESORT

CLOVER PASS RESORT	
POA-1986-428 MOD. 5 CLOVER PASSAGE 30	
APPLICANT: CLOVER PASS RESORT PO BOX 8331 KETCHIKAN, ALASKA 99901	AGENT: MONREAN ENGINEERING & ASSOC. PO BOX 9343 KETCHIKAN, ALASKA 99901
DATE: JAN. 16, 2018 SHEET: 1 OF 6	CLOVER PASS WATER BODY:



OVERALL PLAN VIEW



ADJACENT PROPERTY OWNERS:

1. CLOVER PASS RESORT
2. MARK & MARY HILLBERRY
3. JOHN & ANGEL POOL
4. EMEFCO LLC
5. BILL & ANITA MORAN

CLOVER PASS RESORT

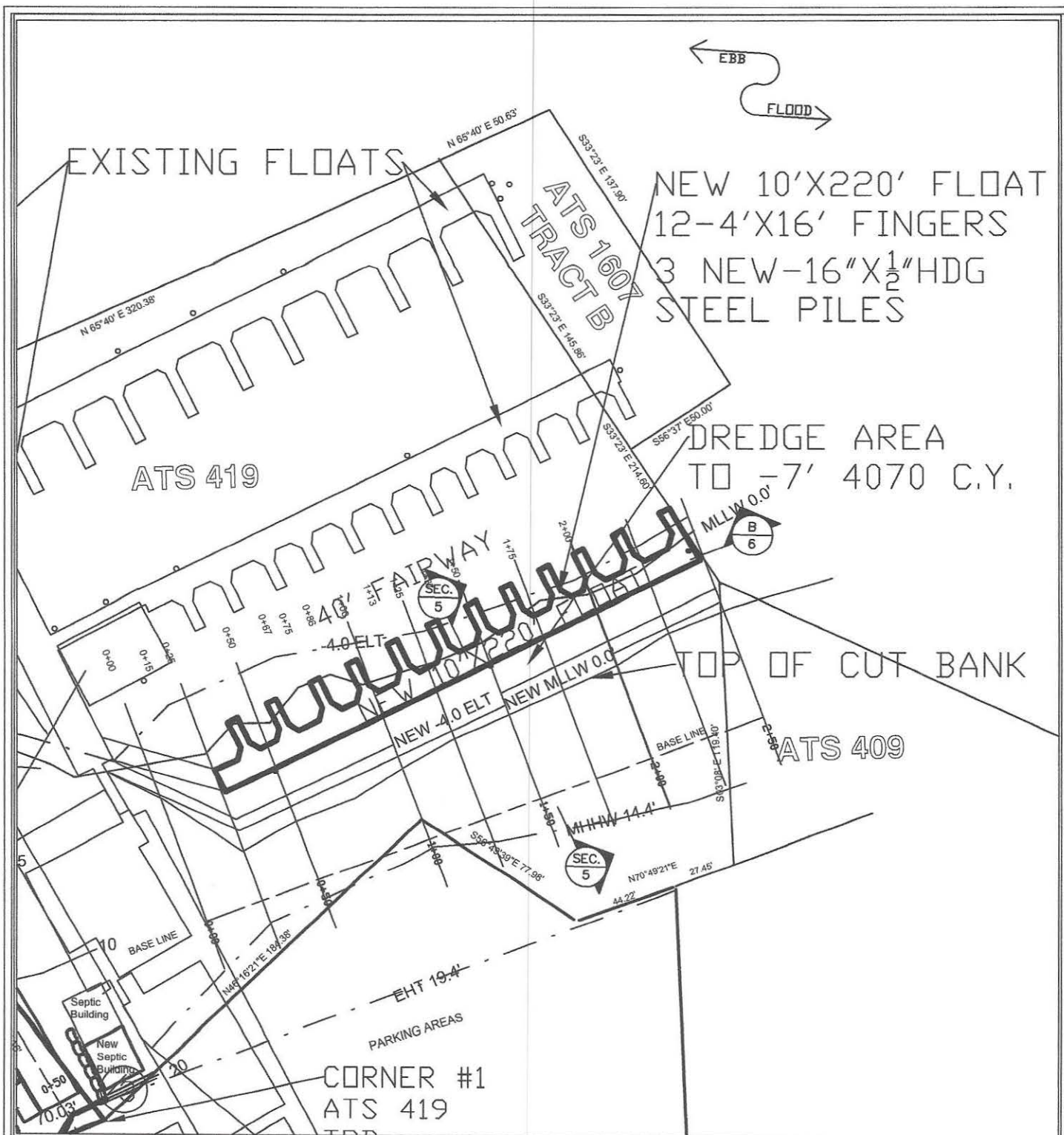
POA-1986-428 MOD. 5 CLOVER PASSAGE 30

APPLICANT:
CLOVER PASS RESORT
PO BOX 8331
KETCHIKAN, ALASKA 99901

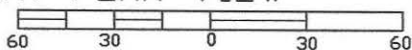
AGENT:
MONREAN ENGINEERING & ASSOC.
PO BOX 9343
KETCHIKAN, ALASKA 99901

DATE: FEB. 27, 2018
SHEET: 3 OF 6

WATER BODY: CLOVER PASS



NEW FLOAT PLAN VIEW



CLOVER PASS RESORT

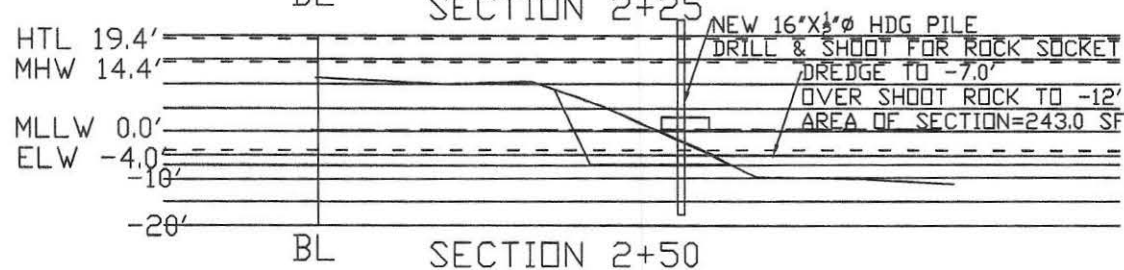
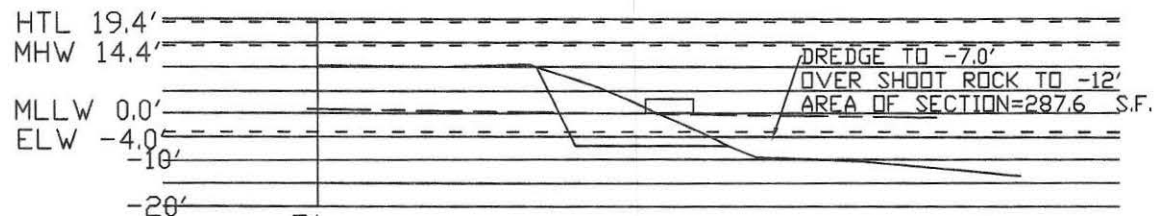
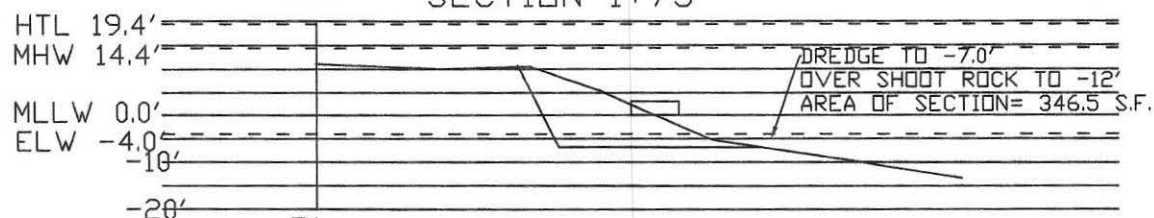
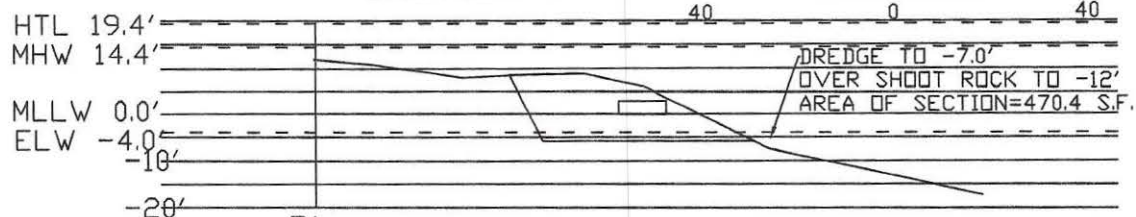
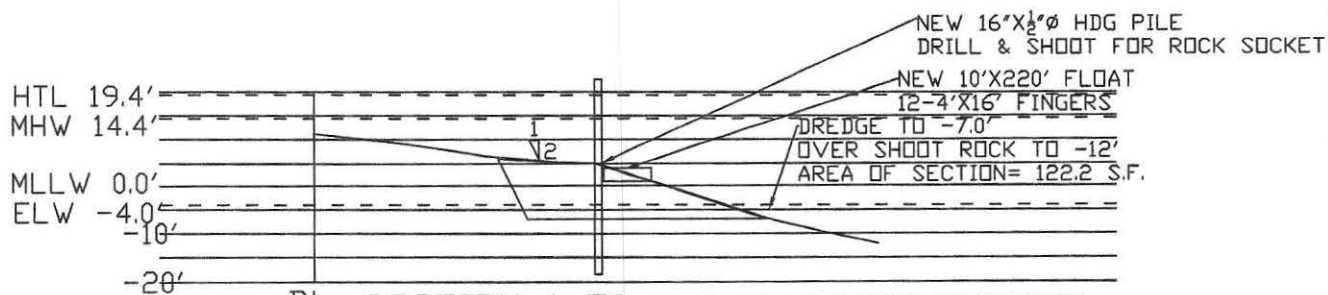
POA-1986-428 MOD. 5 CLOVER PASSAGE 30

APPLICANT:
CLOVER PASS RESORT
PO BOX 8495
KETCHIKAN, ALASKA 99901

AGENT:
MONREAN ENGINEERING & ASSOC.
PO BOX 9343
KETCHIKAN, ALASKA 99901

DATE: FEB. 27, 2018
SHEET: 4 OF 6

CLOVER PASS
WATER BODY:



CLOVER PASS RESORT
POA-1986-428 MOD. 5 CLOVER PASSAGE 30

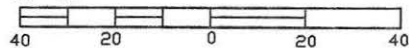
APPLICANT:
CLOVER PASS RESORT
PO BOX 8331
KETCHIKAN, ALASKA 99901

AGENT:
MONREAN ENGINEERING & ASSOC.
PO BOX 9343
KETCHIKAN, ALASKA 99901

DATE: FEB 27, 2018
SHEET: 5 OF 6

WATER BODY: CLOVER PASS

SECTION B-B



NEW 16"x1/2" HDG PILE
 DRILL & SHOOT FOR ROCK SOCKET
 MIN. 10' PENETRATION IN SOUND SHOT ROCK
 DREDGE TO -7.0'
 OVER SHOOT ROCK TO -12'
 ARE OF REMOVAL SECTIONS =122.2

EXISTING GRADE

NEW 10"x220' FLOAT

HTL 19.4'
 MHW 14.4'
 MLLW 0.0'
 ELW -4.0'
 -10'
 -20'

2+50

2+00

1+50

1+00

0+50

0+00

DREDGE TO A MINIMUM OF -7.0

SECTION B-B FLOAT SECTION

CLOVER PASS RESORT

POA-1986-428 MOD. 5

CLOVER PASSAGE 30

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AGENT:

MONREAN ENGINEERING & ASSOC.
 PO BOX 9343
 KETCHIKAN, ALASKA 99901

DATE: FEB. 27, 2018
 SHEET: 6 OF 6

CLOVER PASS
 WATER BODY: