



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

KENAI FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	April 2, 2021
EXPIRATION DATE:	May 3, 2021
REFERENCE NUMBER:	POA-2021-00047
WATERWAY:	Sitka Sound

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 listed below. 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 Mr. Ben Polley at (907) 753-2627 or by email at: Benjamin.L.Polley@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. David Russell and Ms. Melissa Hantke

AGENT: Mr. Cam Davis

LOCATION: The project site is located at Section 12, T. 56 S., R. 63 E., Copper River Meridian; USGS Sitka A-5; Latitude 57.0270° N., Longitude 135.3414° W.; northeast of Whale Island near Sitka, Alaska.

PURPOSE: The applicant's stated purpose is to provide dock access and electricity for a residence on Whale Island.

PROPOSED WORK: The applicant proposes to: 1) discharge up to 250 cubic yards of concrete blocks and washed armor rock into no more than 1,500 square feet below both the High Tide Line (HTL, +12.7 feet above Mean Lower Low Water (MLLW)) and the Ordinary High Water Mark (OHWM, +9.1 feet above MLLW) of Sitka Sound, a navigable water of the U.S., for the purpose of constructing a breakwater between Whale Island and the McClellan Group; 2) construct a 30x20-foot floating dock anchored by three, 1,000-pound anchors and two, 3-pile dolphins comprised of 12-inch steel piles at the end of a 6x90-foot gangway originating from a 25x25-foot platform atop four, 12-inch steel pilings pinned into the bedrock by 4x4x4-foot concrete footings below the OHWM of Sitka Sound, for the purpose of creating safe moorage and access to Whale Island; and, 3) install 1,270 linear feet of underwater power cable below the OHWM of Sitka Sound from an existing transformer on Bamdoroshni Island to the 25x25-foot platform for the purpose of providing power to a planned residence on Whale Island. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated March 24, 2021.

ADDITIONAL INFORMATION: The applicant has applied for a tidelands lease from the State of Alaska.

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: Avoiding all impacts to waters of the U.S. is unavoidable. The applicant stated that there are no other safe locations available for dock construction and that the proposed site is only safe following construction of the breakwater.

b. Minimization: The applicant proposes to use washed armor rock and concrete blocks to construct the breakwater. The rocks would be arranged in a staggered way and intermixed with concrete blocks to create a locking system to withstand incoming swells.

c. Compensatory Mitigation: No compensatory mitigation was proposed.

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 eligible 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 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 because of the lack of eligible historic properties in the area and the small footprint of the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments the 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 Endangered Western Distinct Population Segment (DPS) of Steller Sea Lions (*Eumetopias jubatus*), Fin whales (*Balaenoptera physalus*), North Pacific Right whales (*Eubalaena japonica*), and Sperm whales (*Physeter macrocephalus*) and the Threatened Mexico DPS of Humpback whales (*Megaptera novaeangliae*). Additionally, the project area is within proposed Critical Habitat for Humpback whales

We have determined the described activity may affect these threatened or endangered species but would have no effect on the proposed humpback whale critical habitat. 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 Atka Mackerel (*Pleurogrammus monopterygius*), Alaska plaice (*Pleuronectes quadrituberculatus*), Skates (Rajidae), Arrowtooth Flounder (*Atheresthes stomias*), Sculpins (cottidae), Black Rockfish (*Sebastes melanops*), Blackspotted Rockfish (*Sebastes melanostictus*), Dark Rockfish (*Sebastes spp.*), Dover Sole (*Microstomus pacificus*), Dusky Rockfish (*Sebastes ciliatus*), Flathead Sole (*Hippoglossoides elassodon*), Green Stripe Rockfish (*sebastes elongatus*), Harlequin Rockfish (*Sebastes variegatus*), Kamchatka flounder (*Atheresthes evermanni*), Thornyhead Rockfish (*Sebastolobus spp.*), Northern Rock Sole (*Lepidopsetta polyxystra*), Northern Rockfish (*Sebastes polyspinis*), Octopus, Pacific Cod (*Gadus macrocephalus*), Pacific Ocean Perch (*Sebastes alutus*), Pollock (*Gadus chalcogrammus*), Pygmy Rockfish (*Sebastes wilsoni*), Quillback Rockfish (*Sebastes maliger*), Redbanded Rockfish (*Sebastes babcocki*), Redstripe rockfish (*Sebastes proriger*), Rex Sole (*Glyptocephalus zachirus*), Rosethorn Rockfish (*Sebastes helvomaculatus*), Roughey Rockfish (*Sebastes aleutianus*), Sablefish (*Anoplopoma fimbria*), Sharpchin rockfish (*Sebastes zacentrus*), Shortraker Rockfish (*Sebastes borealis*), Shortspine Thornyhead (*Sebastolobus alascanus*), Southern Rock Sole (*Lepidopsetta bilineata*), Yellow Irish Lord (*Hemilepidotus jordani*), Yelloweye Rockfish (*Sebastes ruberrimus*), Yellowfin Sole (*Limanda aspera*), Rex Sole (*Glyptocephalus zachirus*), Silvergray Rockfish (*Sebastes brevispinis*), Pink Salmon (*Oncorhynchus gorbuscha*), Chum Salmon (*Oncorhynchus keta*), Sockeye Salmon (*Oncorhynchus nerka*), Chinook Salmon (*Oncorhynchus tshawytscha*), and Coho Salmon (*Oncorhynchus 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 EFH 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

Enclosures

Title Block

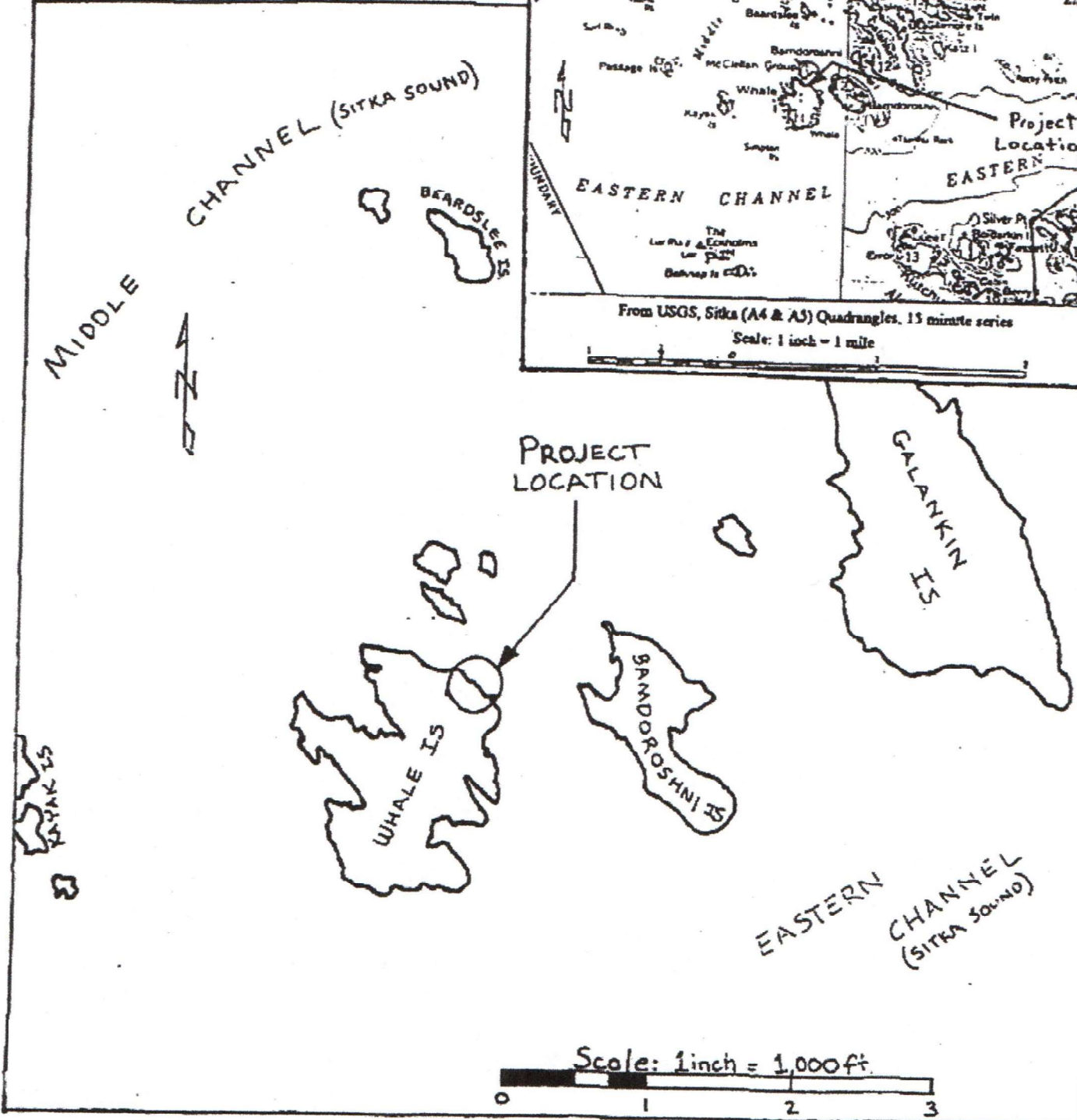
Proposed dock for residential use, Whale Island
City and Borough of Sitka (Sitka Sound)

POA-2021-00047, Sitka Sound

57.0270° N; 135.3412° W

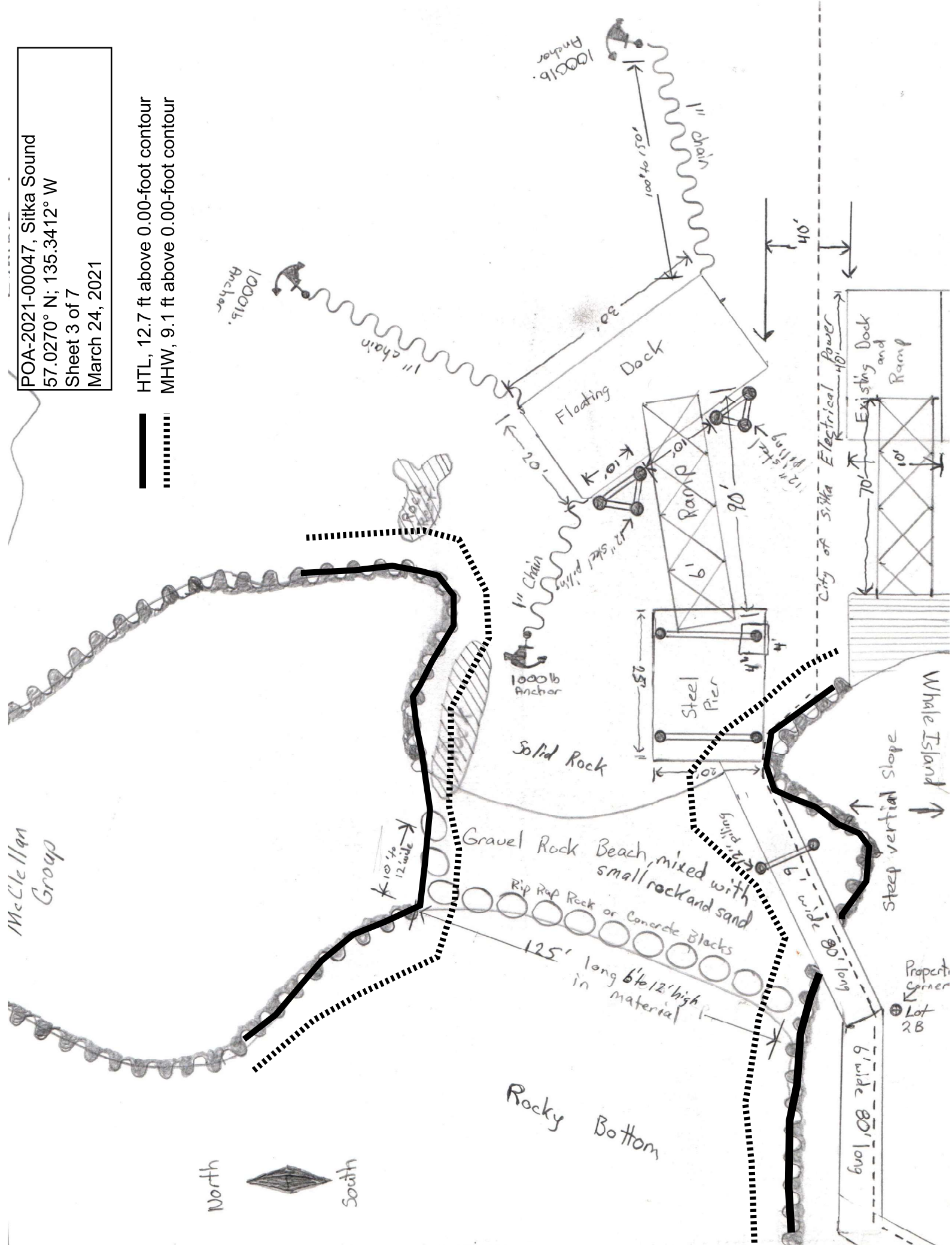
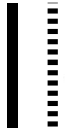
Sheet 1 of 7

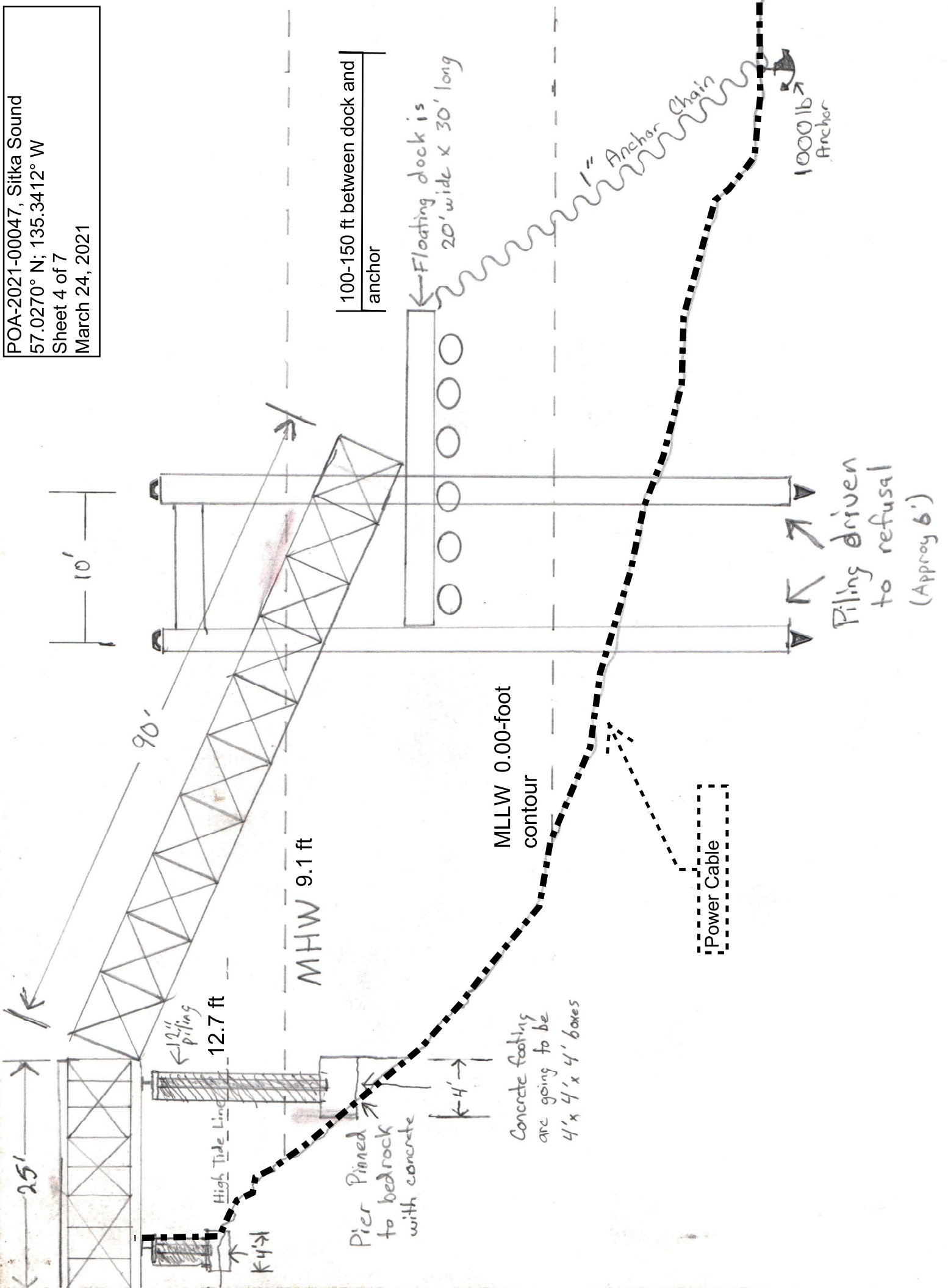
March 24, 2021

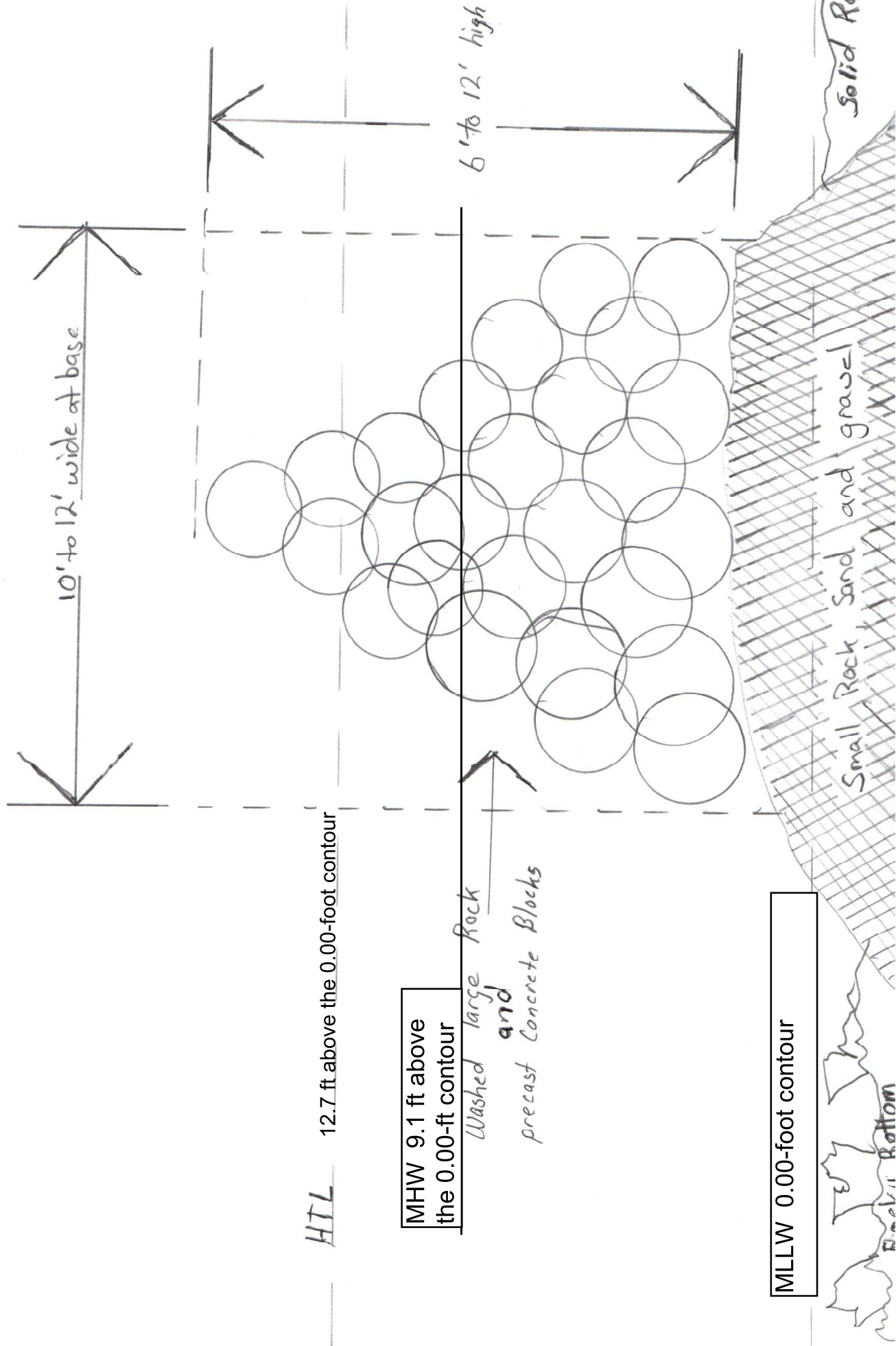


POA-2021-00047, Sitka Sound
 57.0270° N; 135.3412° W
 Sheet 3 of 7
 March 24, 2021

HTL, 12.7 ft above 0.00-foot contour
 MHW, 9.1 ft above 0.00-foot contour









Base Map:



Google Satellite

Address Parcel ID Owner Google

GIS Map Street View Other Maps GIS Links



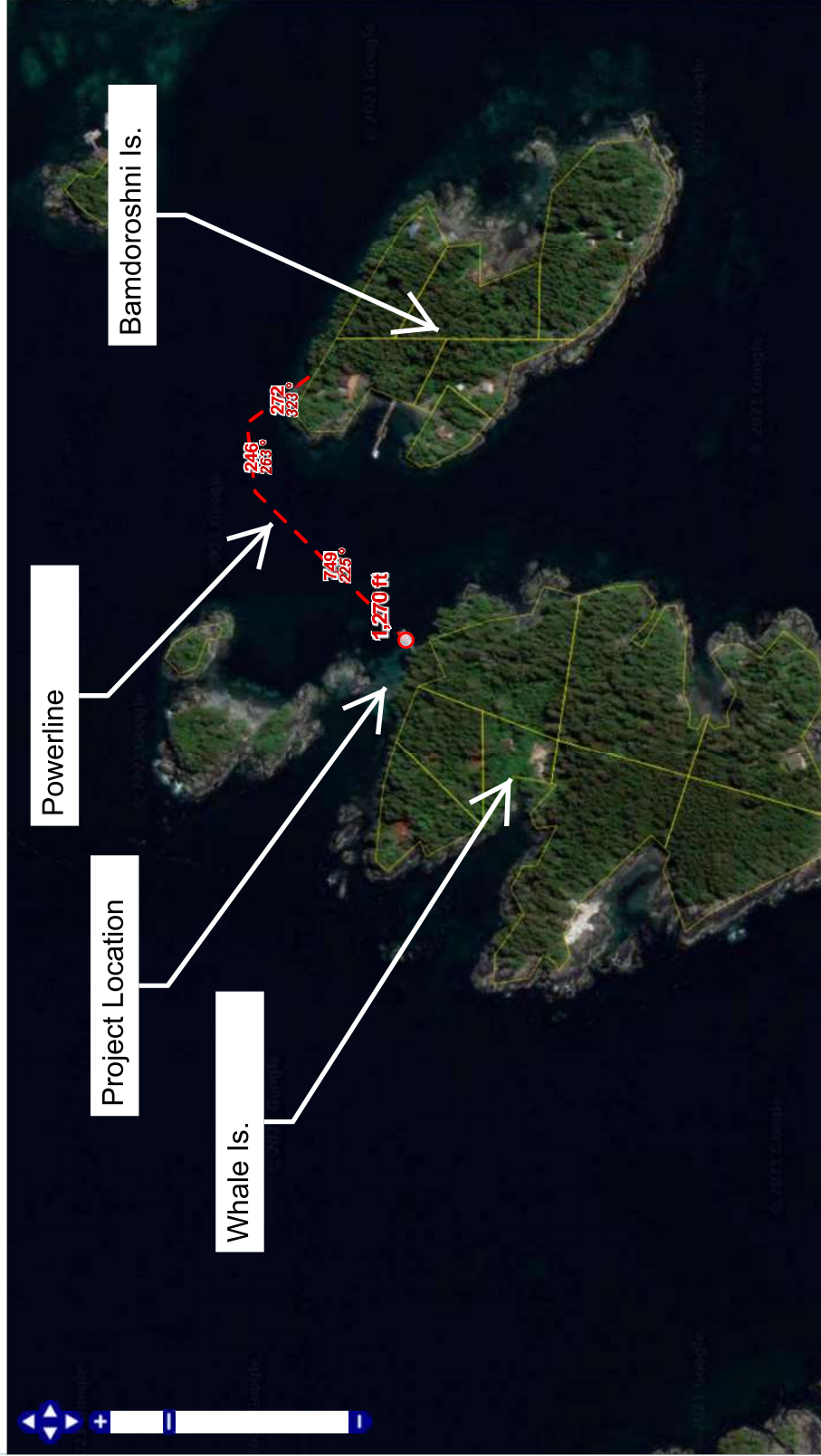
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Layers Property Selection

Clear Save Mail Zoom

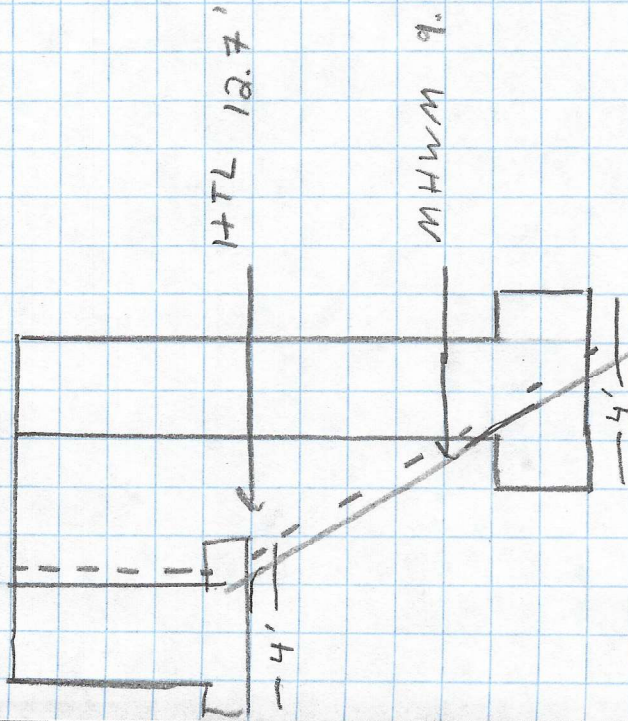
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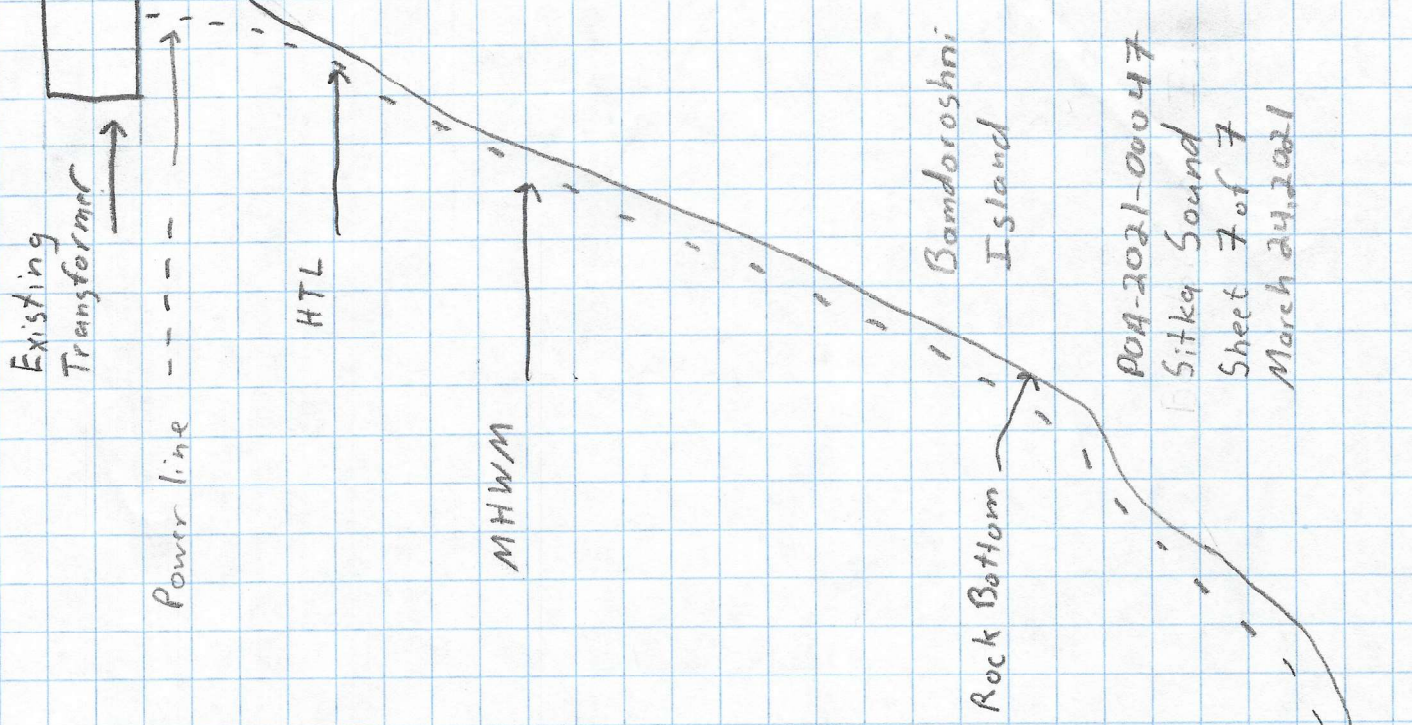
25' Landing — See Sheet 4 for dock/ramp Profile

NOT TO SCALE



Whale Island

Sitka Sound



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Sitka Sound

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