



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 11, 2022
EXPIRATION DATE:	May 11, 2022
REFERENCE NUMBER:	POA-2011-00622
WATERWAY:	Wrangell 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 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 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: Joni Johnson; Post Office Box 602, Petersburg, AK 99833;
email: jonimichelle@gmail.com

LOCATION: The project site is located at Latitude 56.687291° N., Longitude 132.930353° W.;
in Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to construct a safe area for new home construction and additional outbuildings.

PROPOSED WORK: Work would include removing the existing float house that is currently beached. The existing pad on the property would then be expanded 0.04-acre below the high tide line. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 13, 2022.

ADDITIONAL INFORMATION: The site is atypical. The trees on the lot were harvested when Mitkof Highway was constructed in the 1950's and slash was deposited and left on site. The road prism within the State of Alaska right of way to the east of the driveway is a mix of unconsolidated boulders and material that continues to creep downslope. The yard on the lot is settling as the slash underneath the fill rots and interstitial spaces are filled. The existing rock pad is roughly 18 inches to 24 inches of fill over road construction materials and is not suitable for residential structures due to the settling process. A float house (20 feet by 60 feet) has been on site since 1979. After removing the float house, the applicant would allow the upper beach meadow to revegetate.

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: The parcel is narrow, bounded by Mitkof Highway and the Falls Creek tide flats. The State of Alaska right of way and highway-related road prism and slash/fill prevents construction elsewhere in conjunction with using the existing pad.

b. Minimization: The applicant would only place the minimal amount of fill necessary to fulfil the proposed project purpose. The float house removal and fill placement would occur at low tide when there is no water present in the project area. No fill would be placed below mean high water.

c. Compensatory Mitigation: The applicant is not proposing any compensatory mitigation due to the small scale of the project which would have a minimal impact on the surrounding area.

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 known cultural resources in the permit area or within the vicinity of the permit area. The permit area includes the footprint of the fill below the High Tide Line and the footprint where the float house would be removed below the Ordinary High Water Mark.

Consultation of the AHRS constitutes the extent of cultural resource investigations by the U.S. Army 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), federally recognized tribes, and other consulting parties. Any comments SHPO, federally recognized tribes, and other consulting parties 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 threatened Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*) and the endangered Western DPS Steller sea lion (*Eumetopias jubatus*).

We have determined the described activity would have no effect on the Mexico DPS humpback whale or the Western DPS Steller sea lion 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).

We have determined the described activity may adversely affect EFH in the project area for the following species Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), sockeye (*Oncorhynchus nerka*) and pink salmon (*Oncorhynchus gorbuscha*). The proposed project may adversely affect EFH quantity for the above listed species due to the removal of 0.04-acre of intertidal habitat. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Corps 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 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

Enclosures



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/401 Certification
555 Cordova Street, Anchorage AK 99501-2617
Phone: 907-269-6285 | Email: DEC-401Cert@alaska.gov

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 (CWA) 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 CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps' Reference Number POA-2011-00622, Wrangell Narrows, has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to DEC-401cert@alaska.gov by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

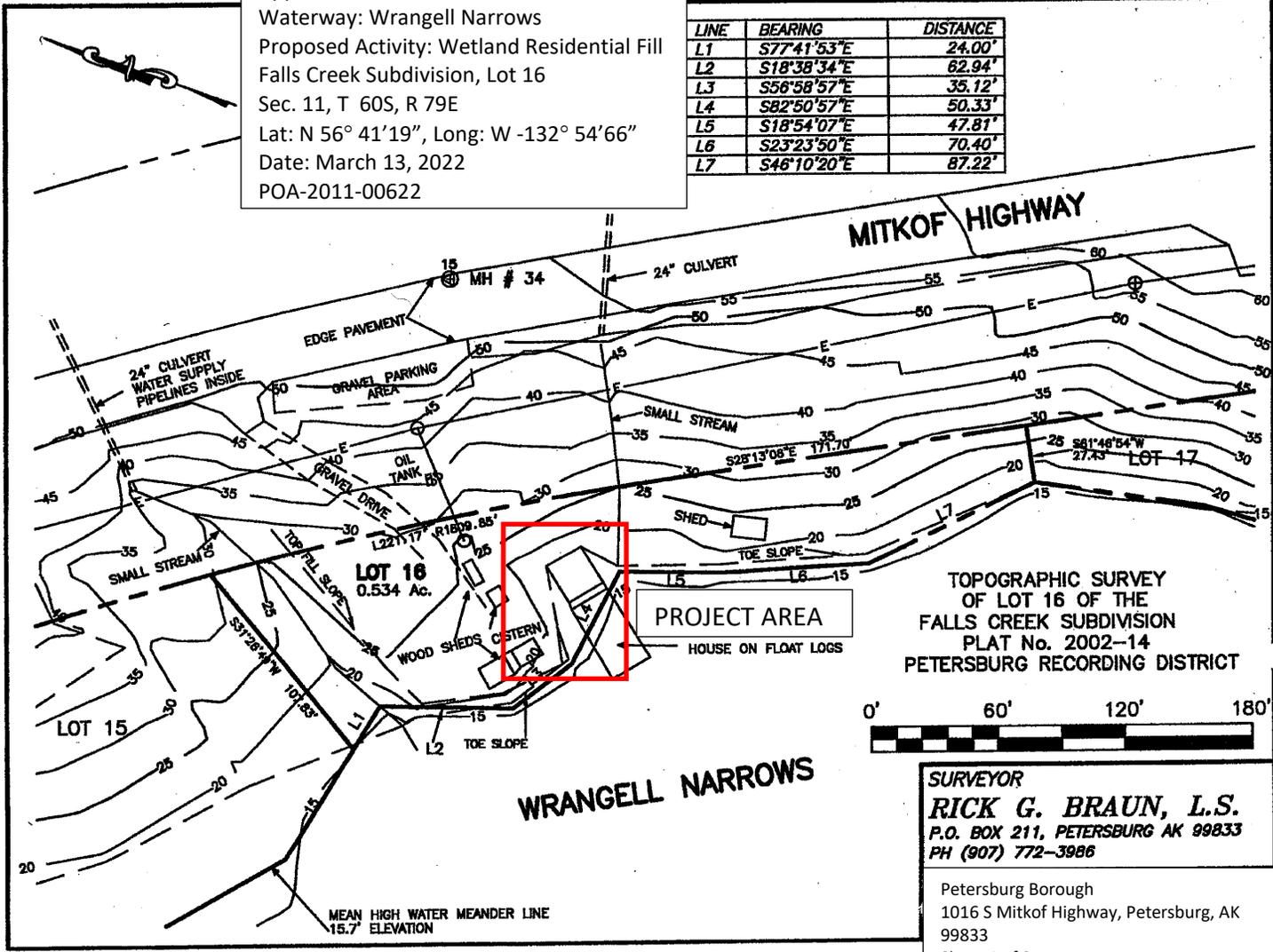
The permit application and associated documents are available for review. For inquires or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Brian Blessington at 907-269-6272 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

Applicant: Joni Johnson
 Waterway: Wrangell Narrows
 Proposed Activity: Wetland Residential Fill
 Falls Creek Subdivision, Lot 16
 Sec. 11, T 60S, R 79E
 Lat: N 56° 41'19", Long: W -132° 54'66"
 Date: March 13, 2022
 POA-2011-00622

LINE	BEARING	DISTANCE
L1	S77°41'53"E	24.00'
L2	S18°38'34"E	62.94'
L3	S56°58'57"E	35.12'
L4	S82°50'57"E	50.33'
L5	S18°54'07"E	47.81'
L6	S23°23'50"E	70.40'
L7	S46°10'20"E	87.22'



TOPOGRAPHIC SURVEY
 OF LOT 16 OF THE
 FALLS CREEK SUBDIVISION
 PLAT No. 2002-14
 PETERSBURG RECORDING DISTRICT

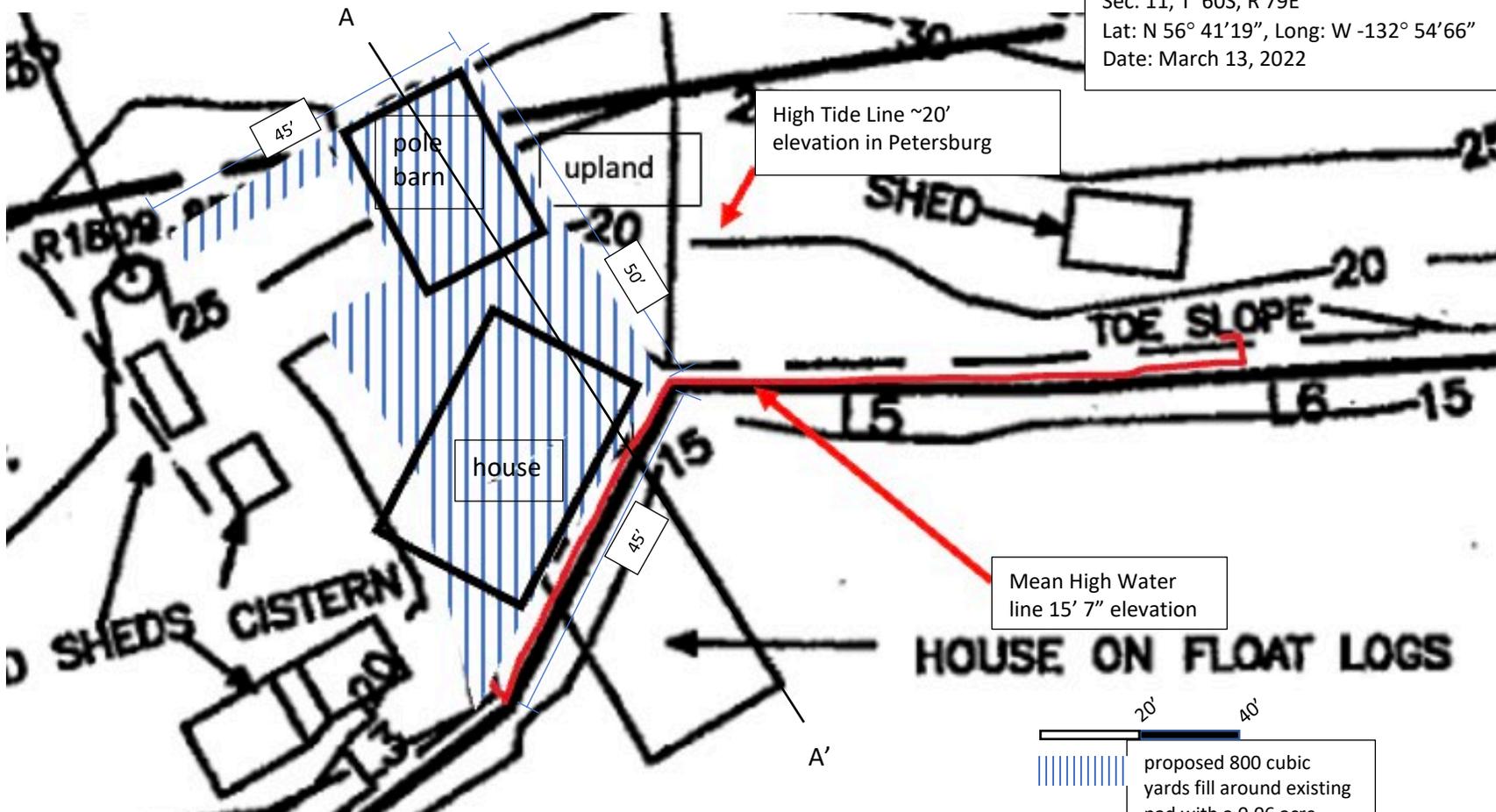


SURVEYOR
RICK G. BRAUN, L.S.
 P.O. BOX 211, PETERSBURG AK 99833
 PH (907) 772-3986

Petersburg Borough
 1016 S Mitkof Highway, Petersburg, AK
 99833
 Sheet 1 of 3

PLAN VIEW

Applicant: Joni Johnson
 Waterway: Wrangell Narrows
 Proposed Activity: Wetland Residential Fill
 Falls Creek Subdivision, Lot 16
 Sec. 11, T 60S, R 79E
 Lat: N 56° 41'19", Long: W -132° 54'66"
 Date: March 13, 2022

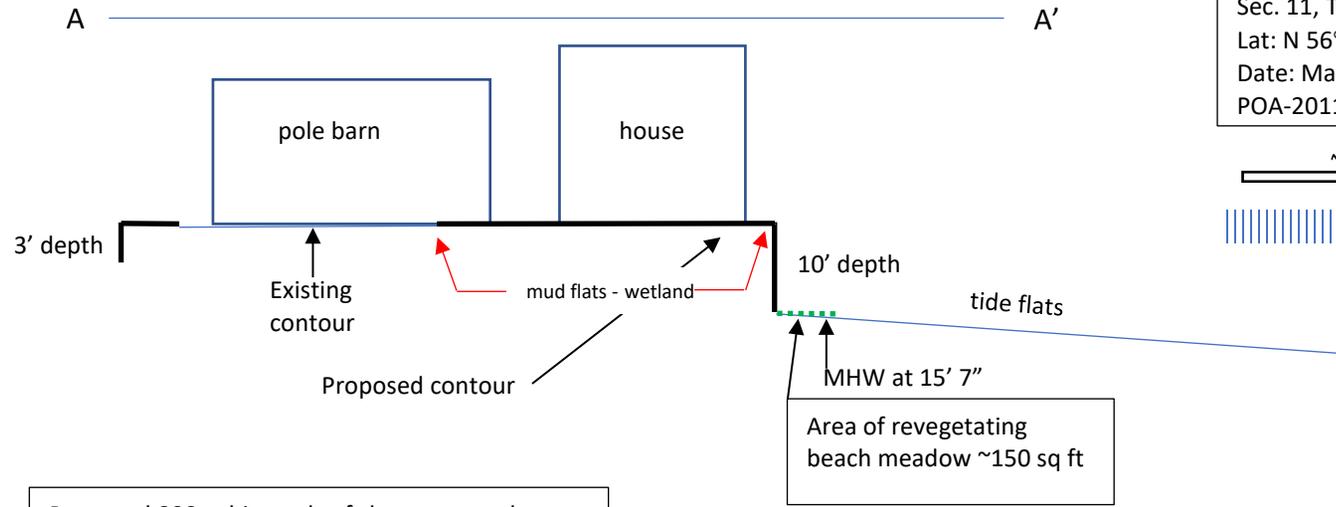


Petersburg Borough, Alaska
 1016 S Mitkof Highway
 Sheet 2 of 3

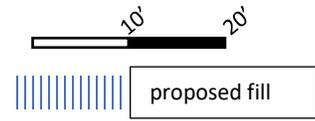
Tide Flats so MLLW out
 toward the Wrangell
 Narrows

proposed 800 cubic
 yards fill around existing
 pad with a 0.06 acre
 footprint (0.04 wetland,
 0.02 upland). See Sheet
 3

Cross Section
Residential wetland (and upland) fill



Applicant: Joni Johnson
 Waterway: Wrangell Narrows
 Proposed Activity: Wetland Residential Fill
 Falls Creek Subdivision, Lot 16
 Sec. 11, T 60S, R 79E
 Lat: N 56° 41'19", Long: W -132° 54'66"
 Date: March 13, 2022
 POA-2011-00622



Proposed 800 cubic yards of clean course shot rock and crushed aggregate fill for residential lot development. Removal of the floathouse and restoration of beach meadow vegetation in front of the pad as mitigation. Footprint = 0.06 total acres.

Petersburg Borough, Alaska
 1016 S Mitkof Highway, Petersburg, AK. 99833
 Sheet 3 of 3