



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

SITKA FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 16  
Sitka, Alaska 99835

<b>PUBLIC NOTICE DATE:</b>	<b>December 16, 2014</b>
<b>EXPIRATION DATE:</b>	<b>January 15, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2104-0060</b>
<b>WATERWAY:</b>	<b>George Inlet</b>

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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.

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 **Linda Speerstra** at (907) 747-0658, or by email at [linda.speerstra@usace.army.mil](mailto:linda.speerstra@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities (ADOT&PF), 6860 Glacier Highway, Juneau, Alaska 99801.

**POINT OF CONTACT:** Jane Gendron, Southeast Region Environmental Coordinator, ADOT&PF

**LOCATION:** The project would begin at the terminus of the White River Road; Latitude 55.5186° N., Longitude 131.5188° W.; continue east toward Bat cove and north along Salt Lagoon and Salt Creek to and end point at the existing Shelter Cove Road; Latitude 55.5487° N., Longitude 131.4718° W.; near Ketchikan, Alaska.

**SPECIAL AREA DESIGNATION:** A portion of the proposed road is located within the Tongass National Forest.

**PURPOSE:** The applicant's stated purpose is to provide a public surface transportation link that would extend the existing Ketchikan road system to the Shelter Cove road system.

**PROPOSED WORK:** The applicant proposes to discharge 75,760 cubic yards of fill material into 9.6 acres of waters of the United States (U.S.), specifically wetlands, to construct 7.3 miles of road. Approximately 1.61 miles of road would be routed through wetlands or other waters of the United States (U.S.), while the other 5.68 miles would be routed through uplands. The 75,760 cy of fill material would consist of 3,595 cy of surface materials (e.g. Subbase Grading C), 12,870 cy of shot rock (e.g. Class 1 riprap), and 59,295 cy of Type C select materials.

The project would also discharge an additional 178 cy of fill material below the ordinary high water mark (OHWM) of 21 streams to install culverts. Ten of the proposed culvert crossings have been determined to support fish. These culverts would be designed and installed to ensure continued fish passage. The culvert installation would impact 1,470 linear feet of stream. An additional 32 culverts would be installed in wetlands for cross drainage purposes. Culverts would range in diameter from 24 to 78 inches depending on intended use.

The proposed 14-foot (ft) wide single lane road would be designed to support a 20-mile per hour speed limit and include 10-ft wide inter-visible turnouts as needed. The road design incorporates a 2:1 side slope. The width of the roadway embankment would range from 30 ft to 230 ft, depending upon the topography of adjacent terrain and locations of inter-visible turnouts. The average embankment width would be 60 ft to 80 ft. The cut and fill limits of the proposed road are shown on the permit figures.

The construction limits would include a 15-ft clearing on either side of the toe of slope. Temporary ground-disturbing activities during construction, such as clearing and/or operating equipment would temporarily impact 5.73 acres of wetlands and 0.06 acres in streams.

All staging areas, quarry sites, and waste disposal locations would be located in uplands.

All work would be performed in accordance with the enclosed plan (sheets 1-22), dated November 2014.

**ADDITIONAL INFORMATION:** Other authorizations required for the project would include a Title 16 fish habitat permits from the Alaska Department of Fish and Game, Alaskan Pollutant Discharge Elimination System (APDES) permit from the Alaska Department of Environmental Conservation (ADEC), a PADES Construction General Permit from ADEC and a Bald Eagle Permit from the United State Fish and Wildlife Service (USFWS).

**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.

**Avoidance and Minimization:** The applicant states the following: “The project has been designed to avoid and minimize impacts to wetlands and other waters, fish, Essential Fish Habitat (EFH), bald eagles and other resources wherever practicable through avoidance and minimization measures such as route choice, construction methods, selective siting of project components, and appropriately sized conveyance structures. The following avoidance and minimization measures have been incorporated into the design and construction of the project.

- The alternative that would meet the proposed overall project purpose and would impact the least amount of wetlands and other waters was selected by ADOT&PF for the permit application.
- The dimensions of the road are the minimum required to meet the overall project purpose.
- To the extent practicable and in consideration of design criteria constraints, the proposed road alignment was rerouted to avoid impacts to wetlands and other waters (including EFH).
- The design incorporates 2:1 side slopes, as recommended for slope stability and traffic safety, to avoid impacts to wetlands and other waters, where practicable.
- The project was designed to include a 50-foot buffer for anadromous waters and EFH, except where streams would be crossed, to avoid impacts to riparian habitat.
- The proposed route avoids direct impacts to sensitive cultural resources sites in the permit area.
- The proposed alignment was rerouted so stream crossings would be as close to perpendicular to the axis of the channel as engineering and routing conditions allow.
- Properly sized and designed culverts will be installed to minimize impacts to fish in fish-bearing streams, in compliance with the Fishway Act (or fish Passage act, Alaska Statute (AS) 16.05.841), the Anadromous Fish Act (AS 16.05871), and the Magnuson Stevens Act. Fish passage will be designed in accordance with Tier 1 guidelines in the Memorandum of Agreement between the Alaska Department of Fish and Game and DOT&PF for the design, permitting and construction of culverts for fish passage.

**Compensatory Mitigation:** The applicant states: “As compensatory mitigation for unavoidable impacts to 9.6 acres of wetland and partial functional impacts to 0.06 acre of streams, DOT&PF proposes to purchase 23.35 wetland credits and 0.06 stream credits from an appropriate ILF provider whose service area covers the proposed project.” The following tables were provided:

**Table 1. Summary of Permanent and Temporary Impacts to Wetlands and Other Waters of the U.S.**

Wetland Type	NWI Code	Permanent Impact (Acres)	Temporary Impact (Acres)
Forested	PFO4B	3.48	2.22
	PFO4/SS1B	0.42	0.30
	PFO4/SS4B	3.20	2.04
	PFO4C	0.59	0.20
	PFO1C	0.94	0.44
Scrub-Shrub	PSS4/1B	0.68	0.35
	PSS1B	0.26	0.14
	PSS4/EM1B	0.03	0.05
<b>Other Waters of the U.S.</b>			
Streams	R3UBH	0	0.06*
<b>Total</b>		<b>9.6</b>	<b>5.80</b>

Note: \* This (0.06 acres) only includes impacts to streams that flow through uplands. Impacts to streams (0.03 acres) that flow through wetlands are included in the permanent wetland impacts.

**Table 2. Summary of Wetland Impacts and Proposed Mitigation Ratios**

Wetland Category	NWI Codes	Permanent Impact (acres filled)	Proposed Mitigation Ratio for Permanent Impacts	Credits Needed to Offset Permanent Impacts
I	PSS4/EM1B	0.033	3 to 1	0.099
II	PFO1C, PFO4/SS4B	4.136	3 to 1	12.408
III	PFO4B, PFO4/SS1B, PFO4C, PSS4/1B, PSS1B	5.421	2 to 1	10.842
<b>Total</b>		<b>9.59</b>		<b>23.349</b>

**Table 3. Temporary Impacts to Streams and Proposed Compensatory Mitigation Ratio**

Stream Crossings	Number	Square Feet of Temporary Impact	Acreage of Temporary Impact	Proposed Mitigation Ratio	ILF Credits Needed
Stream Crossings in Wetlands	6	1,284.5	0.0295	<b><i>Acreage counted in wetlands as permanent impact</i></b>	
Stream Crossings in Uplands	15	2,774.5	0.0637	1 to 1	0.0637
<b>Totals</b>	<b>21</b>	<b>4,059.0</b>	<b>0.0932</b>		<b>0.0637</b>

**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. The applicant has conducted a cultural resources investigation and provided a Cultural Resource Report and determination of effect to the State Historic Preservation Office (SHPO). On October 8, 2014 the SHPO concurred with a determination of "no adverse effect" to historic properties. Since that concurrence, the road alignment has been modified. ADOT&PF will submit the latest road alignment to the SHPO for further consideration.

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.

**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 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: coho salmon (*Oncorhynchus kisutch*) and pink salmon (*Oncorhynchus gorbuscha*). The ADOT&PF submitted an EFH assessment dated November 2014. An estimated 121 cubic yards of fill material would be placed in EFH below the OHWM for the installation of fish passage culverts. The report identified seven fresh water stream crossings that are known to support one or both of the identified salmon species. To minimize adverse effects to salmonids, timing windows have been proposed for in-water work to avoid work during critical life stages of EFH-listed species. Additional information can be found in the attached Shelter Cove EFH Assessment dated November 2014.

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 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 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).

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-2014-0060 GEORGE INLET**, 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.