



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

<b>PUBLIC NOTICE DATE:</b>	<b>August 5, 2015</b>
<b>EXPIRATION DATE:</b>	<b>September 3, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2006-1418-M6</b>
<b>WATERWAY:</b>	<b>Tongass Narrows</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 Ms. Amanda Whittier at (907) 753-5582, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Amanda.L.Whittier@usace.army.mil](mailto:Amanda.L.Whittier@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Survey Point Holdings, Incorporated; Mr. Ethan Berto; Post Office Box 8080, Ketchikan, Alaska 99901

**LOCATION:** The project site is located within Section 25, T. 75 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.3442° N., Longitude 131.6567° W.; in Ketchikan, Alaska.

**PURPOSE:** The applicant's stated purpose is to have permit special conditions 15 and 17 reconsidered or removed.

**PROPOSED WORK:** Permit POA-2006-1418-2 has two special conditions that restrict the vessel size for Berth IV.

Special Condition 15: No vessels longer than 58 feet shall use the north tender float.

Special Condition 17: No vessels longer than 63 feet shall use the south tender float.

These special conditions were incorporated at the request of the United States Coast Guard (USCG) and for the protection of navigation and the general public's right of navigation on the water surface [33 CFR 320.4(o)(3)].

The applicant states the restriction on the north float was originally required based on a permit that was issued to an adjacent property owner. The work authorized under the adjacent property owner's permit in 2006 has yet to be completed and the applicant seeks a new determination regarding vessel size at this float until improvements have been built on the adjacent property.

The applicant states the restriction on the south float was determined by the estimated distance between the float and a cruise ship moored at the facility. There are a number of different size cruise ships that utilize the facility and some are much smaller than others and do not cause a restriction to navigation in this area. Also, for much of the day and all winter the applicant does not have any vessels moored at the face of the dock but these restrictions on vessels size still exist for the float. In addition, an extension to this float under permit POA-2006-1418-M4 which has added more room to maneuver to the southern area.

**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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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:** 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 the Humpback Whale, 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).

The project area is within the known range of the Chinook salmon (*Oncorhynchus tshawytscha*), Chum salmon (*Oncorhynchus keta*), Sockeye salmon (*Oncorhynchus nerka*), Coho salmon (*Oncorhynchus kisutch*) and Pink salmon (*Oncorhynchus gorbuscha*). We have determined the described activity would not adversely affect EFH in the 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 authority:  
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

District Commander  
U.S. Army, Corps of Engineers

Enclosures