



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>February 28, 2017</b>
<b>EXPIRATION DATE:</b>	<b>March 15, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2006-1753-M2</b>
<b>WATERWAY:</b>	<b>El Capitan Passage</b>

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 Julie Ruth at (907) 753-2735, toll free from within Alaska at (800) 478-2712, or by email at Julie.C.Ruth@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Edward and Linda Squibb, Post Office Box 210733, Auke Bay, Alaska 99821

**LOCATION:** The project site is located within Section 9, T. 66 S., R. 78 E., Copper River Meridian; Latitude 56.1607°N., Longitude 133.3447°W.; El Capitan Subdivision, Lot 1; 50 air miles north of Craig, Alaska.

**PURPOSE:** The applicant's stated purpose is to gain access to their private property.

**PROPOSED WORK:** The project involves construction of a 6 foot by 140 foot wood trestle on 16 concrete pillars, a 16 foot by 90 foot wooden decked log float with a 4 foot by 40 foot ramp, two 3,000-pound temporary anchors, two anchor cables tied to rocks, and installation of four pilings to secure the float. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated February 22, 2017.

ADDITIONAL INFORMATION: The project was originally authorized in 2006 and granted a time extension in 2012, but the applicant requires additional time to complete the project. The applicant is proposing construction in three phases: the trestle was constructed in 2007-2008, the floating dock, ramp, and anchors were installed in 2008-2009, and the pilings would be installed and sea anchors removed when resources are available.

APPLICANT PROPOSED MITIGATION:

a. Avoidance: The project could not be avoided entirely and still achieve the purpose of providing access to the applicant's property.

b. Minimization: Alternative locations are not practicable as this is a waterfront lot owned by the applicant, and the desire and need for private access would produce similar impacts in alternate locations. The applicant would reduce impacts to the aquatic environment by avoiding wood preservatives and using yellow cedar for approach trestle and float. The pilings would be steel. The project would not be placed in areas of eelgrass.

c. Compensatory Mitigation: The applicant does not propose compensatory mitigation for this project as the level of environmental impact is minor.

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 the area directly impacted by piling installation and dock and float construction. Consultation of the AHRS constitutes the extent of cultural resource investigations by the 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 humpback whale, (*Megaptera novaeangliae*).

**MAY AFFECT, NOT LIKELY TO ADVERSELY AFFECT**

We have determined the described activity may affect, but is not likely to adversely affect the endangered 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 coho salmon, (*Oncorhynchus kisutch*), chum salmon, (*Oncorhynchus keta*), and pink salmon, (*Oncorhynchus gorbuscha*), as well as Dolly Varden, (*Salvelinus malma*), char, (*Salvelinus alpinus*), and steelhead trout, (*Oncorhynchus mykiss*).

We have determined the described activity would not adversely affect EFH in the project area. 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 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

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

## **ANCHORAGE**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## **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.

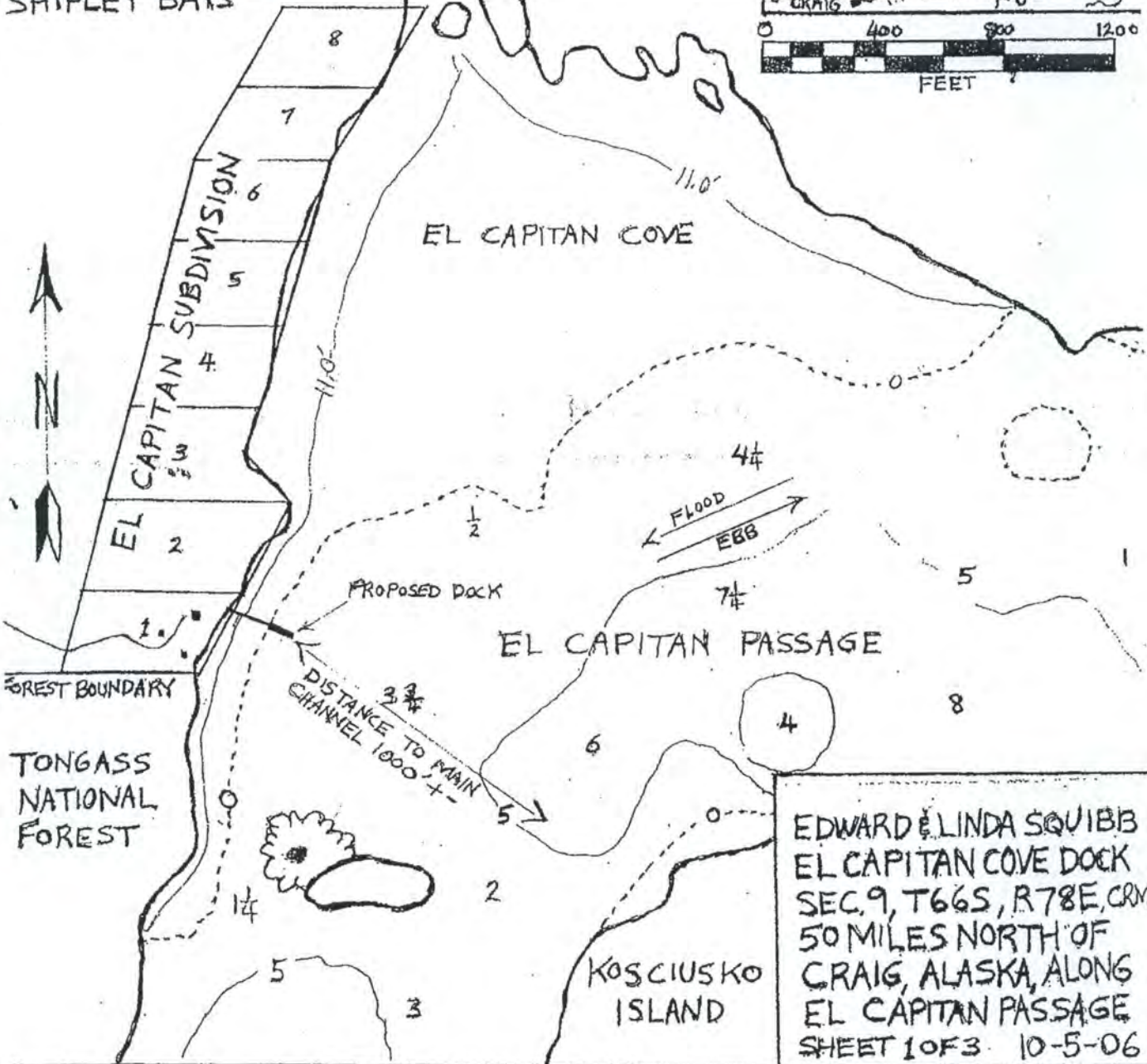
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2006-1753-M2, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

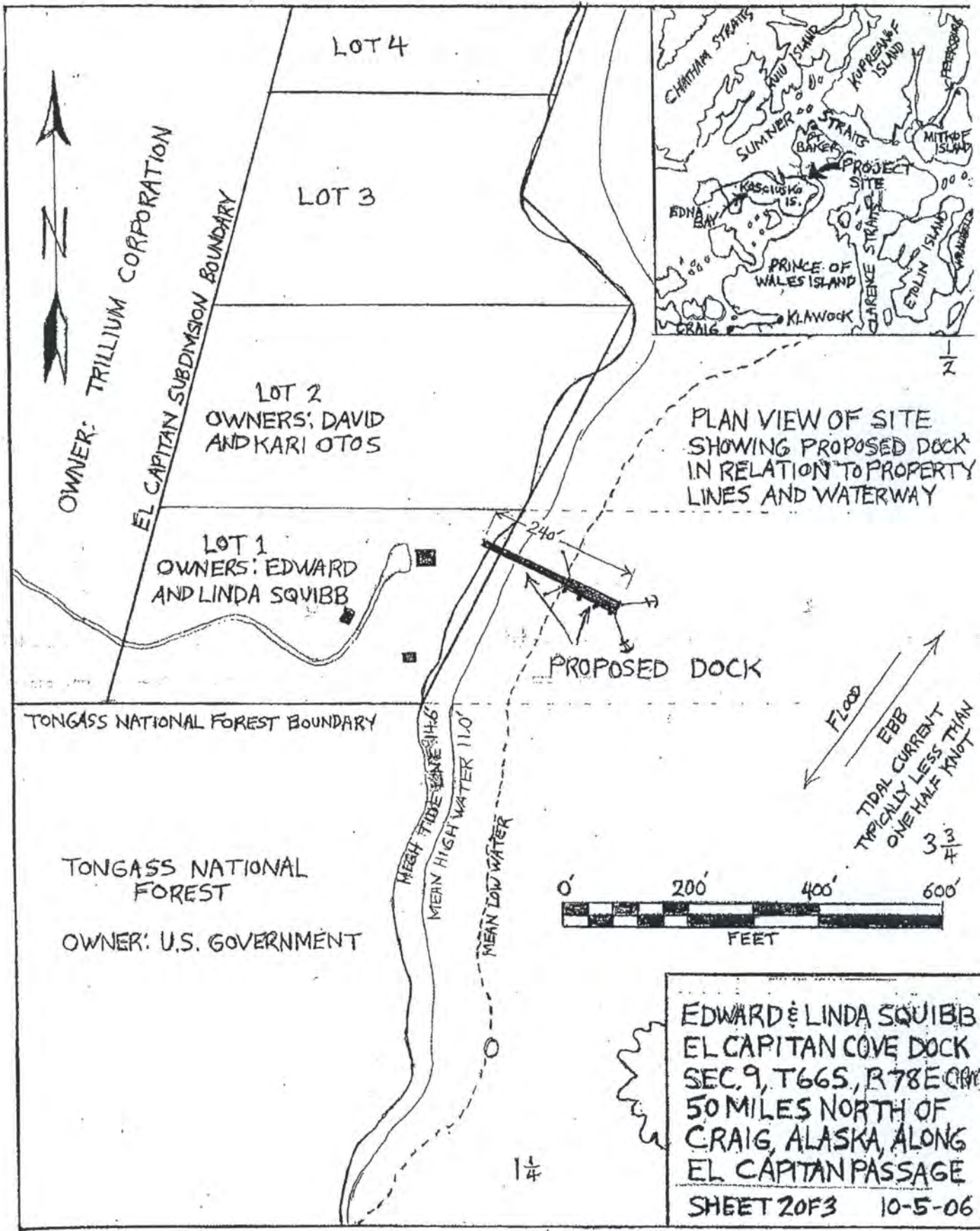
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.

PRINCE OF WALES ISLAND

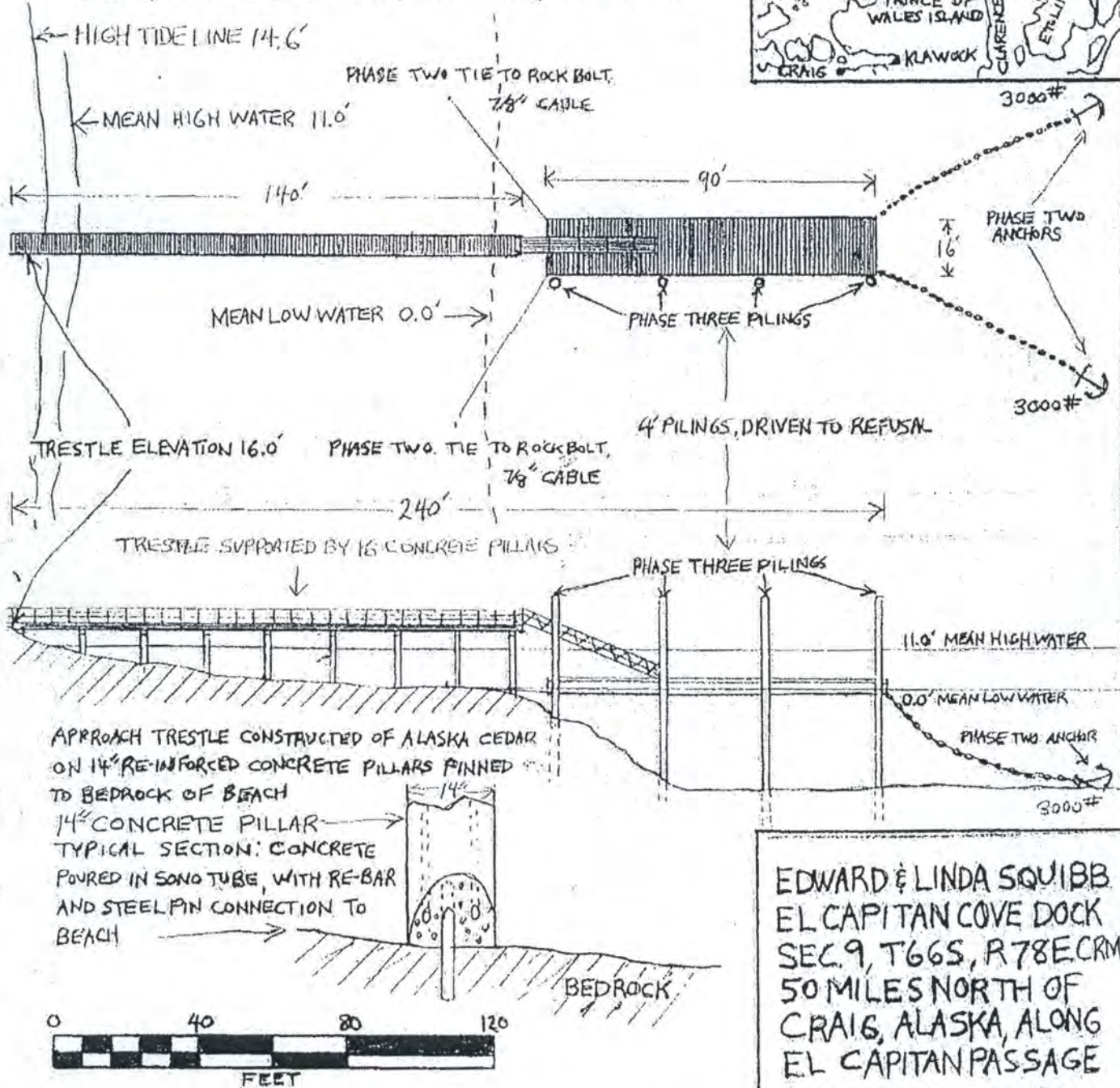
VICINITY MAP  
 INFORMATION FROM  
 U.S.G.S. PETERSBURG A-5  
 MAP AND NOAA CHART  
 17387, SHAKAN AND  
 SHIPLEY BAYS





# CONSTRUCTION DETAILS

16' X 90' WOOD DECKED LOGFLOAT WITH 6' X 140' WOOD APPROACH TRESTLE ON CONCRETE PILLARS  
 INITIAL PHASE: CONSTRUCT TRESTLE, 2007-2008  
 PHASE TWO: INSTALL FLOAT AND RAMP, WITH ANCHORS AND BACK TIES TO ROCK BOLTS ON BEACH 2008-2009  
 PHASE THREE: DRIVE UP TO FOUR PILINGS TO SECURE FLOAT, REMOVE ANCHORS AND BACK TIES, 2009-2010



EDWARD & LINDA SQUIBB  
 EL CAPITAN COVE DOCK  
 SEC 9, T66S, R78ECRM  
 50 MILES NORTH OF  
 CRAIG, ALASKA, ALONG  
 EL CAPITAN PASSAGE  
 SHEET 3 OF 3 10-5-06

POA-2006-1253