



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	July 12, 2017
EXPIRATION DATE:	August 11, 2017
REFERENCE NUMBER:	POA-2017-308
WATERWAY:	Tongass 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.

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 Matthew L. Beattie at (907) 753-2791, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Matthew.L.Beattie@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ethan Berto, eberto@surveypt.com

AGENT: R&M Engineering-Ketchikan, Inc.; POC: Trevor Sande, trevorsande@rmketchikan.com

LOCATION: The project site is located within Section 33, T. 76 S., R. 91 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.3039° N., Longitude 131.5623° W.; proceed south from the Ketchikan Airport on the Tongass Highway seven miles to the project site; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide a pad for the construction of a residential dwelling.

PROPOSED WORK: Construct a 2,325 square-foot (0.05-acre), roughly 86-foot by 67-foot, fill pad below the high tide line that would consist of 630 cubic yards of shot rock and 60 cubic yards of rip rap.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated May 30, 2017.

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: "There are no practical alternatives for avoidance due to the severity of the terrain on the property which has a nearly 50-foot high rock knob that will be partially removed to create a large enough building pad for the house. In addition, nearly 1/3 of the total acreage of the property (approximately 15,000 square feet) lies between the mean high water line. Also, nearly 1/2 of the remaining property (approximately 18,000 square feet) is covered by a very large hill of solid rock."

b. Minimization: "The house pad shown is the smallest practical size and still allow for stable rock pad outside of the building foundation area. The proposed pad is only 15% of the area below the high tide line and is located on a portion of the intertidal area that is sparsely vegetated and primarily consists of exposed bedrock."

c. Compensatory Mitigation: "No compensatory mitigation is proposed for this project. The applicant feels that the project will not significantly change impacts to waters of the U.S. with very little of the project ever inundated with water and the project area devoid of any habitat value."

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 footprint of the proposed project within the Corps of Engineers (Corps) jurisdiction. 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*).

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 (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). The proposed project is not located within any EFH.

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 authorities:

(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 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
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

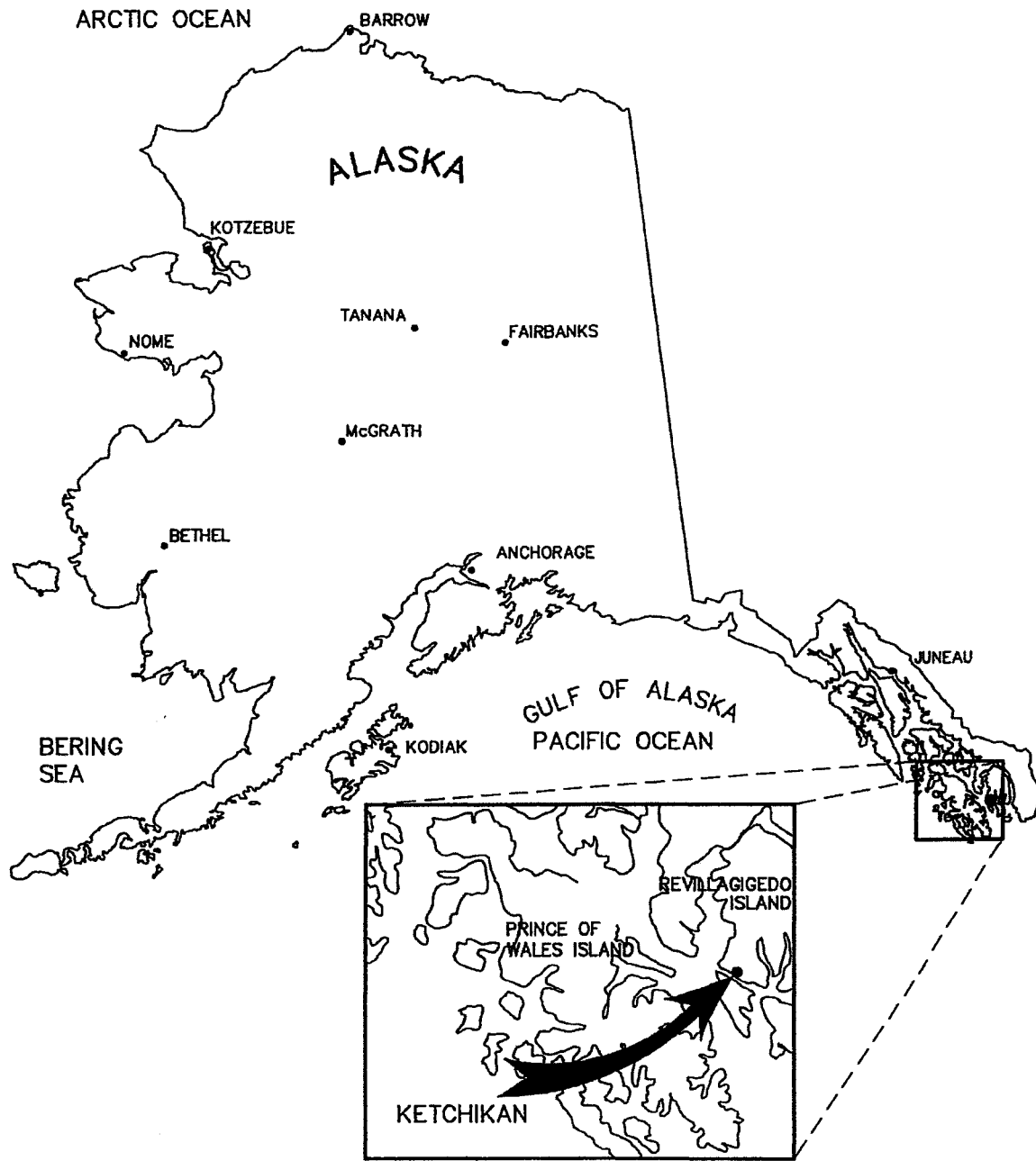
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2017-308, Tongass Narrows, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

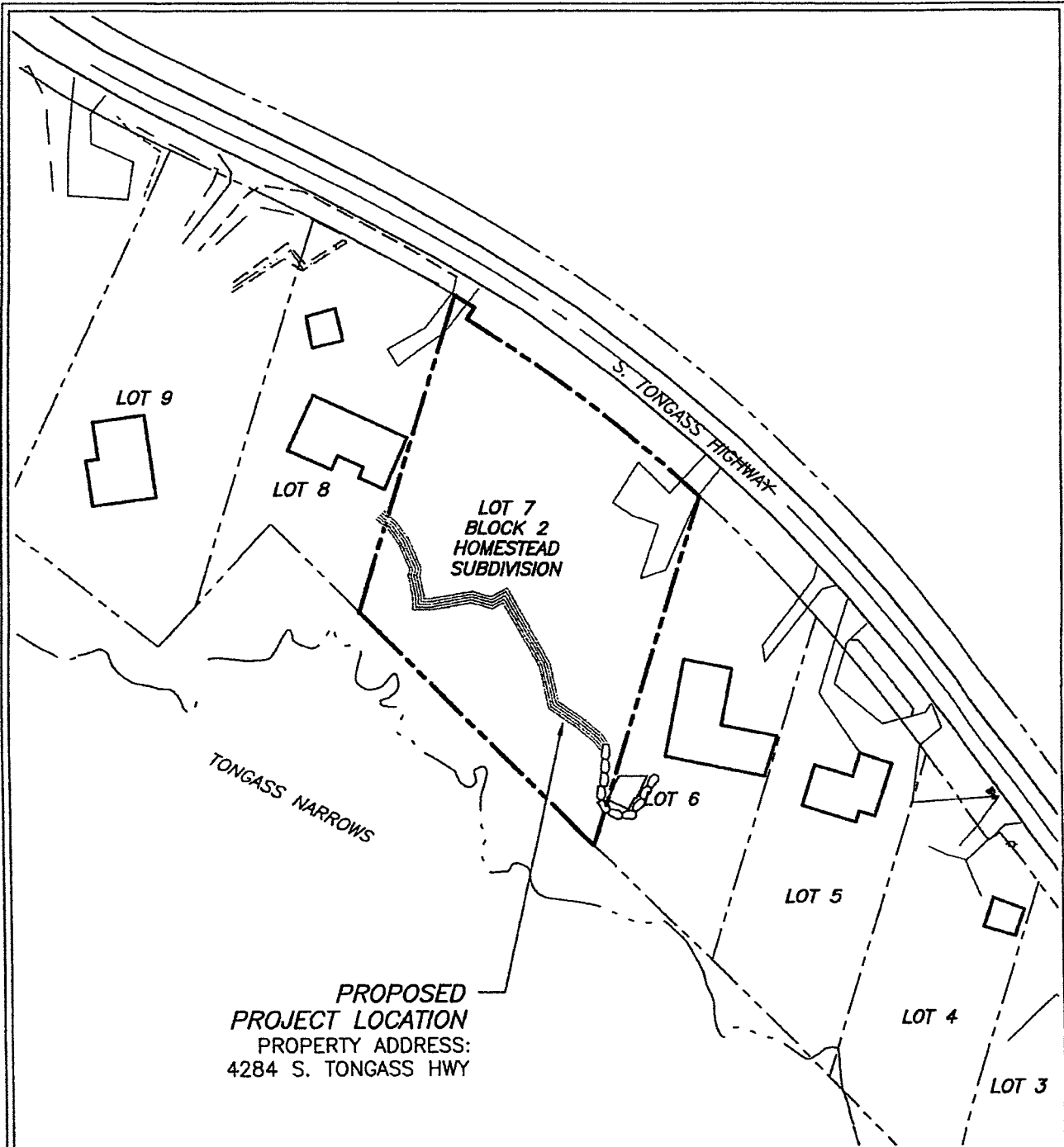
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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 Engineers Public Notice.

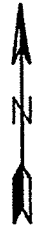


PROJECT LOCATION:
 55°18'12.9"N, 131°33'43.14"W
 T 76S, R 91E, SEC 33, CRM

BERTO SITE IMPROVEMENTS	
LOCATION MAP	
APPLICANT: ETHAN BERTO 4284 S. TONGASS HWY KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 5/30/17 SHEET: 1 OF 6	LOCATION: KETCHIKAN, ALASKA WATER BODY: TONGASS NARROWS

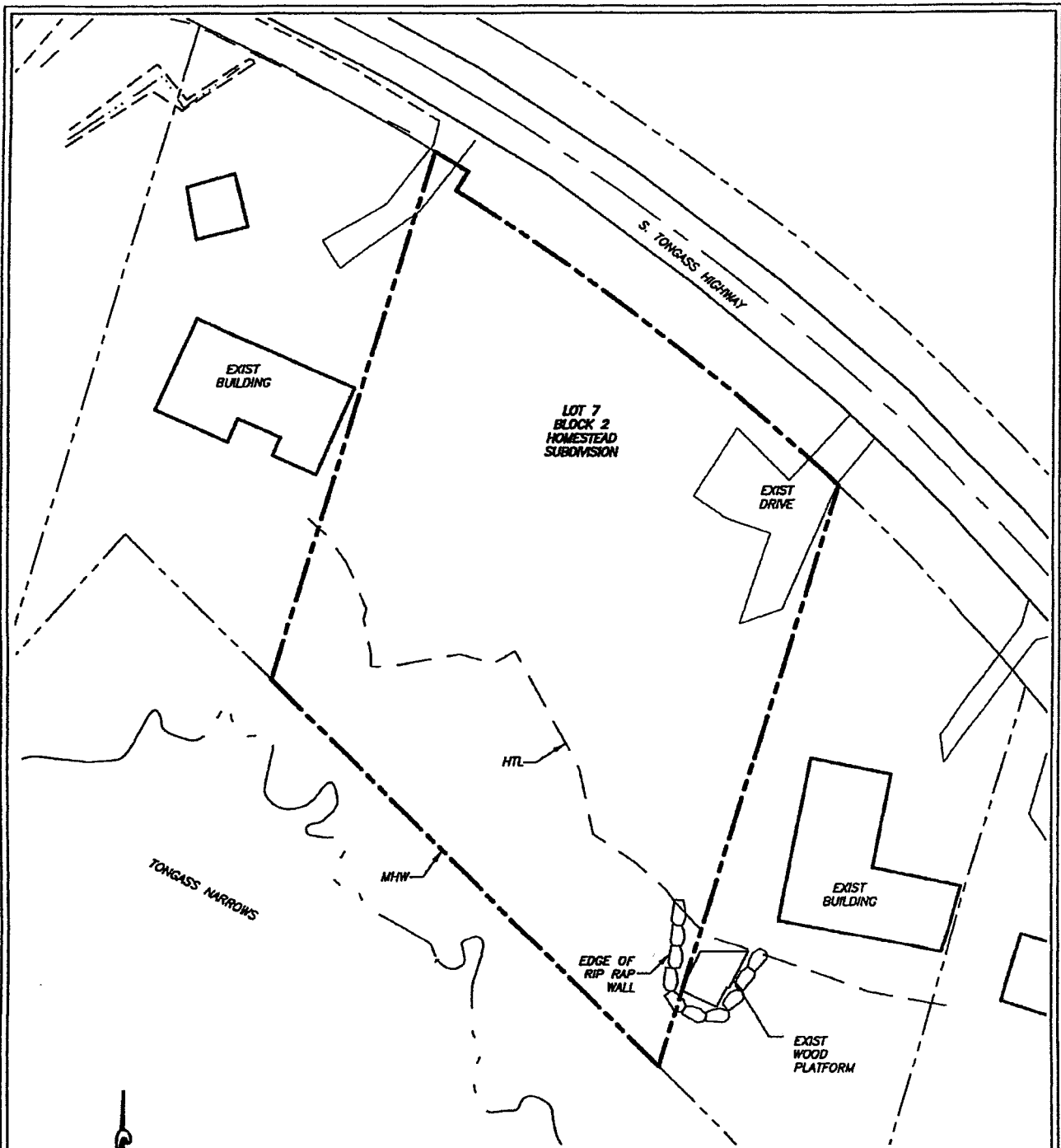


**PROPOSED
PROJECT LOCATION**
PROPERTY ADDRESS:
4284 S. TONGASS HWY



SCALE: 1"=100'

BERTO SITE IMPROVEMENTS	
SITE MAP	
APPLICANT: ETHAN BERTO 4284 S. TONGASS HWY KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING—KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 5/30/17 SHEET: 2 OF 6	LOCATION: KETCHIKAN, ALASKA WATER BODY: TONGASS NARROWS



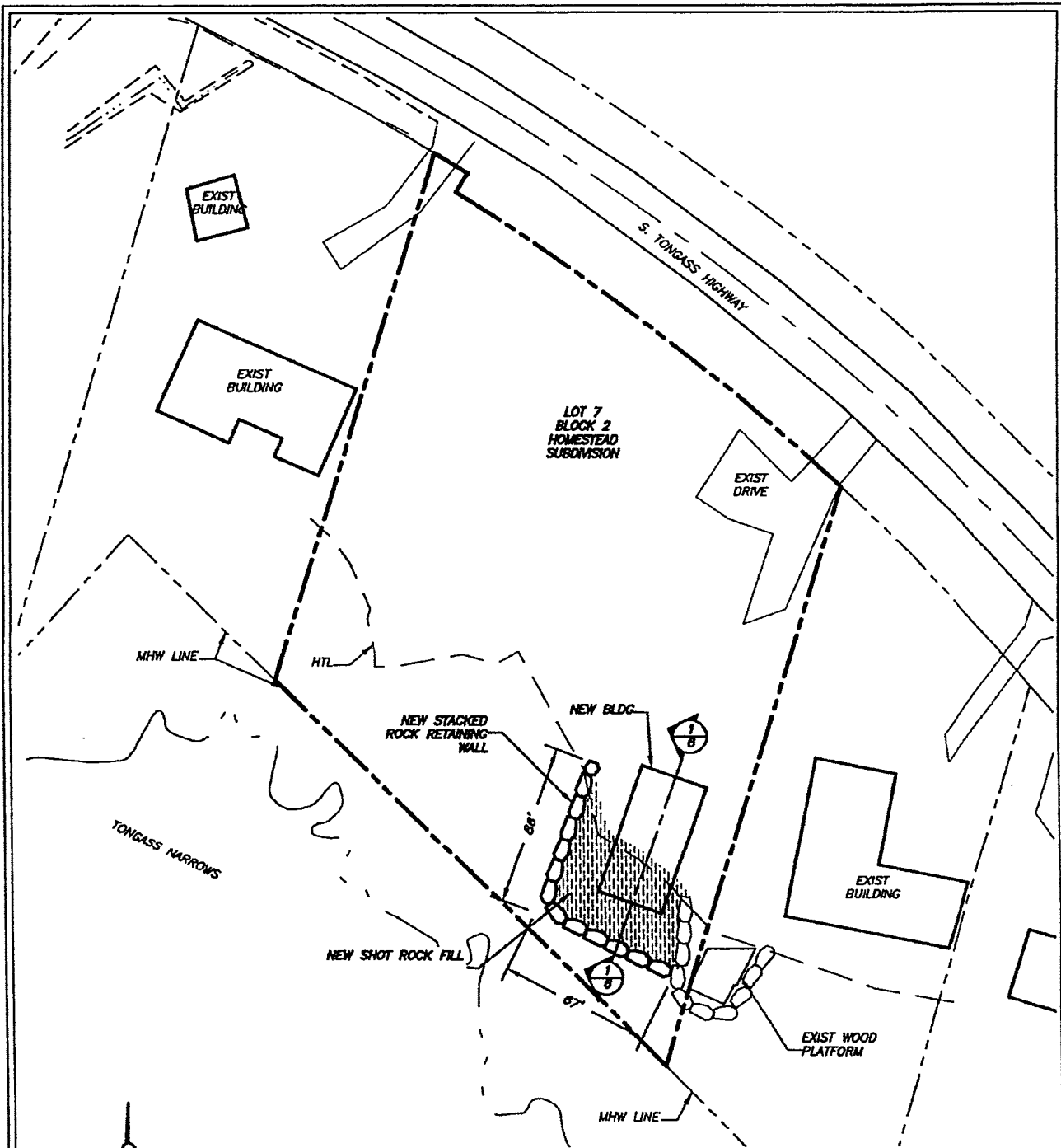
BERTO SITE IMPROVEMENTS
EXISTING CONDITIONS

APPLICANT:
 ETHAN BERTO
 4284 S. TONGASS HWY
 KETCHIKAN, AK 99901

AGENT:
 R&M ENGINEERING—KETCHIKAN
 355 CARLANNA LAKE ROAD
 KETCHIKAN, AK 99901

DATE: 5/30/17
SHEET: 3 OF 6

LOCATION: KETCHIKAN, ALASKA
WATER BODY: TONGASS NARROWS



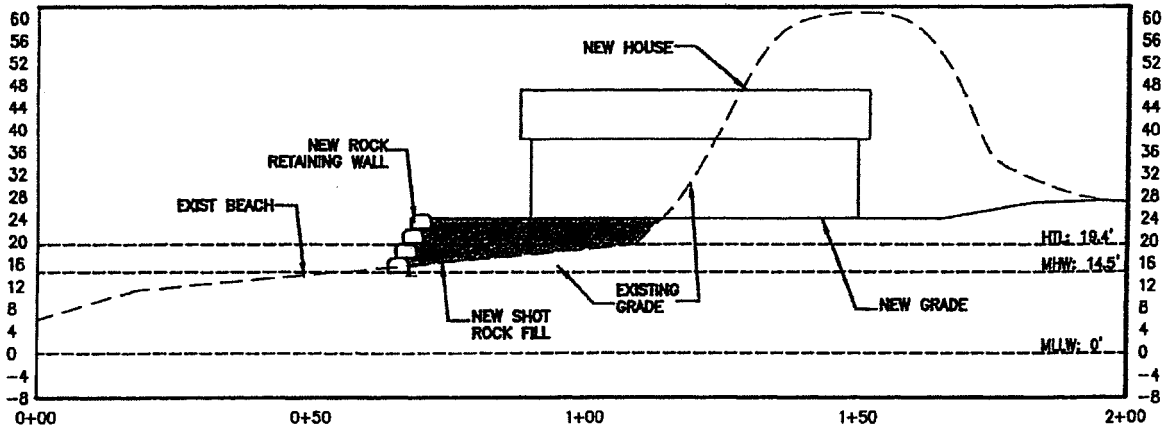
BERTO SITE IMPROVEMENTS
SITE IMPROVEMENTS

APPLICANT:
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 4284 S. TONGASS HWY
 KETCHIKAN, AK 99901

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 R&M ENGINEERING-KETCHIKAN
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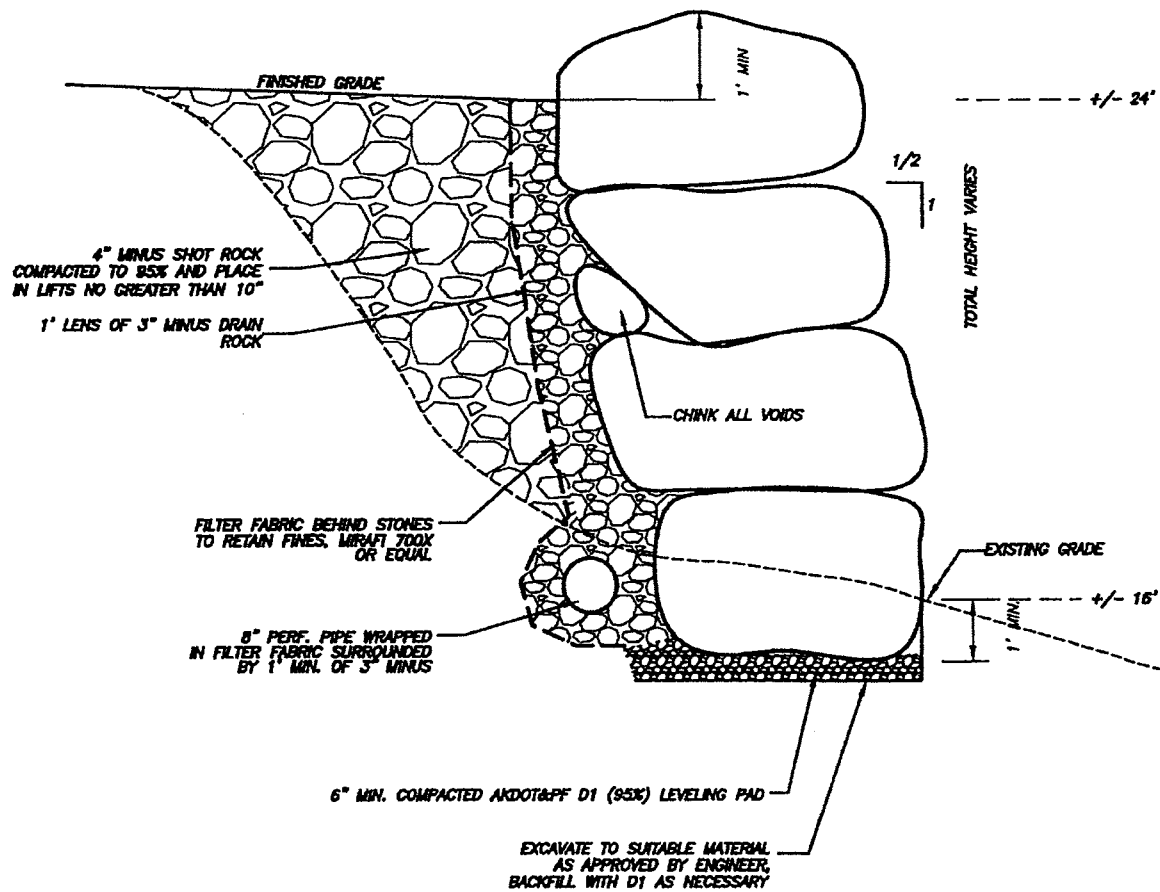
DATE: 5/30/17
 SHEET: 4 OF 6

LOCATION: KETCHIKAN, ALASKA
 WATER BODY: TONGASS NARROWS



① SECTION VIEW
⑤ SCALE: 1"=30'

BERTO SITE IMPROVEMENTS	
SITE SECTION	
APPLICANT: ETHAN BERTO 4284 S. TONGASS HWY KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 5/30/17 SHEET: 5 OF 6	LOCATION: KETCHIKAN, ALASKA WATER BODY: TONGASS NARROWS



ROCKERY RETAINING WALL DETAIL NOTES:

- 1) THE LONG DIMENSION OF THE ROCKS SHALL EXTEND INTO THE EMBANKMENT TO PROVIDE MAXIMUM STABILITY.
- 2) THE ROCK SHALL BE PLACED SO AS TO LOCK INTO TWO ROCKS; STAGGER JOINTS.
- 3) CONSTRUCT ROCKERY OF 5 MAN TO 2 MAN ROCKS WITH DECREASING SIZE FROM BOTTOM TO TOP.
 - 2 MAN ROCKS 200 LBS MIN, 700 LBS MAX, SIZE 18" TO 28"
 - 2 MAN ROCK LOCATION - TOP 3 FEET
 - 3 MAN ROCKS 700 LBS MIN, 2000 LBS MAX, SIZE 28" TO 36"
 - 3 MAN ROCK LOCATION - 2 TO 8 FEET FROM TOP
 - 4 MAN ROCKS 2000 LBS MIN, 4000 LBS MAX, SIZE 36" TO 48"
 - 4 MAN ROCK LOCATION - 4 TO 8 FEET FROM TOP
 - 5 MAN ROCKS 4000 LBS MIN, 6000 LBS MAX, SIZE 48" TO 54"
 - 5 MAN ROCK LOCATION - BOTTOM TO 8 FEET BELOW TOP

BERTO SITE IMPROVEMENTS	
DETAILS	
APPLICANT: ETHAN BERTO 4284 S. TONGASS HWY KETCHIKAN, AK 99901	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 5/30/17 SHEET: 6 OF 6	LOCATION: KETCHIKAN, ALASKA WATER BODY: TONGASS NARROWS