



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: | May 13, 2022 |
| EXPIRATION DATE: | June 13, 2022 |
| REFERENCE NUMBER: | POA-1994-00059-M1 |
| 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: Hammer and Wikan Inc.; Point of Contact: Jim Floyd; Phone: 907-772-4811

AGENT: R&M Engineering-Ketchikan, Inc.; Point of Contact: Joel Teune;
Phone: 907-225-7917 x106

LOCATION: The project site is located at Latitude 56.8100° N., Longitude 132.9406° W., in Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to expand the existing warehouse of the grocery store and the sales floor. The current need has exceeded the capacity of the current location. The existing grocery store supplies 90% of the island's population of essential food products. Due to supply chain issues and receiving all product via barge many times only once a week, a larger warehouse is needed.

PROPOSED WORK: This project proposes to excavate 20663 cubic yards of existing material and place 4703 cubic yards of imported fill into 1.247 acres of Palustrine Emergent wetlands to install a driveway from Haugen Drive, additional parking, and a building pad to expand the existing development of the existing grocery store. The existing grocery store has exceeded its current capacity to adequately serve the community. The building pad would be used to expand the storage and warehouse capacity of the current building. The proposed development is split into four (4) separate sections. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated April 2022.

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: This site was chosen because it is owned by the applicant and due to its close proximity to the existing grocery store. After the fill is placed, the applicant intends to "add on" to the existing grocery store warehouse and storage. This addition will include loading bays for offloading from 40 foot container trucks. Due to the nature of frozen or chilled perishables and produce, the "add on" needs to be in very close proximity, if not adjacent to the existing grocery store. After reviewing the available land listings and the upland areas on the Wetlands Mapper, it was determined that choosing a different "uplands" site would be extremely expensive if not impossible. Additionally, a different site would not be feasible given the function of the facility described above.
- b. Minimization: This project has been minimized to the greatest extent possible in the following ways. A driveway was proposed and approved by Alaska Department of Transportation and Public Facilities to access the new pad from Haugen Drive. This eliminates the need to install a driving pad from the existing parking area thus reducing the volume of fill placed and the area of wetlands affected. The driveway, parking area, and building pad are the smallest size possible to allow for 40 foot container trucks, adequate patron parking, and a building footprint for the expansion of the grocery store. The entire pad was lowered from the existing pad elevation to reduce the toe of fill area and thus reduce the area of wetlands impacted. The toe of the fill is the steepest allowable to reduce the area of wetlands impacted. Only the building pad area (Area A) is proposed to have existing material removed down to bedrock.
- c. Compensatory Mitigation: No compensatory mitigation is proposed at this time.

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 footprint in waters of the U.S. 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: 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 (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).

No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

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) 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