



US Army Corps  
of Engineers  
Alaska District

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
P.O. BOX 6898  
JBER, AK 99506-0898

# Public Notice of Application for Permit

<b>PUBLIC NOTICE DATE:</b>	<b>June 30, 2023</b>
<b>EXPIRATION DATE:</b>	<b>July 31, 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2023-00300</b>
<b>WATERWAY:</b>	<b>Stikine River</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.

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](mailto: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 Tyler Marye at (907) 753-5778, toll free from within Alaska at (800) 478-2712, or by email at [Tyler.J.Marye@usace.army.mil](mailto:Tyler.J.Marye@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** BW Enterprises, Attention: Brett Woodbury, P.O. Box 2121, Wrangell, AK 99929

**AGENT:** Tydi Creek Environmental, Attention: Tyler Riberio, P.O. Box 2105, Wrangell, AK 99929

LOCATION: The proposed project has three separate dredging locations, all are located within the Copper River Meridian; USGS Quad Map Petersburg C-2; near Wrangell, Alaska:

Site A: Latitude 56.6822° N, Longitude 132.2513° W

Site B: Latitude 56.7016° N, Longitude 132.0666° W

Site C: Latitude 56.5874° N, Longitude 132.3743° W

Stockpile Area: Latitude 56.3600° N, Longitude 132.3539° W

PURPOSE: The applicant's stated purpose is to obtain sand and gravel meeting specifications for aggregate materials for use by the applicant's commercial earthwork operations.

PROPOSED WORK: The applicant proposes to perform work in navigable waters of the United States. Specifically, the applicant proposes to dredge up to 25,000 cubic yards of sand and gravel materials from three separate locations within the Stikine River; utilizing a hydraulic excavator located on a 28 foot by 80 foot barge. The three locations total 456.88 acres. Site A contains 76.88 acres, Site B contains 60 acres, and Site C contains 320 acres. The applicant states that dredging will create no side slopes during dredging as the river immediately refills the dredged area by sedimentation and hydraulic action. The dredged material will be stockpiled in an upland location as shown in the enclosed plan. All jurisdictional work shall only occur between June 15<sup>th</sup> through November 15<sup>th</sup> for Site A and Site C, and May 1<sup>st</sup> through June 15<sup>th</sup> for Site B. All work would be performed in accordance with the enclosed plan (sheets 1–6), dated June 27, 2023.

ADDITIONAL INFORMATION: The applicant has applied for a Fish Habitat Permit with the Alaska Department of Fish & Game and a Material Sale Permit with the Alaska Department of Natural Resources.

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: N/A. The applicant's proposed work will not discharge fill into waters of the United States as defined in 33 CFR part 323.
- b. Minimization: N/A. The applicant's proposed work will not discharge fill into waters of the United States as defined in 33 CFR part 323.
- c. Compensatory Mitigation: N/A. The applicant's proposed work will not discharge fill into waters of the United States as defined in 33 CFR part 323.

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 direct footprint of the dredging activities. 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 permit area has been routinely modified by other dredging operations over the years (POA-1997-00919). 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 SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the short-tailed Albatross (*Phoebastria albatrus*), the threatened Mexico Distinct Population Segment (DPS) of humpback whales (*Megaptera novaeangliae*), and the proposed sunflower sea star (*Pycnopodia helianthoides*).

The proposed project would have no effect on the short-tailed albatross. They are a pelagic wandering species occasionally seen in Alaskan offshore waters, but are most commonly found over deep waters at the edge of the continental shelf breaks and slope regions. The proposed project would be located within a near-shore area. The species is not expected to be present in the project vicinity during the proposed construction activities. For the other listed species, we are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate consultation procedures under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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 (Magnuson-Stevens 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 mapped EFH for the chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), cutthroat trout (*Oncorhynchus clarkia*), Dolly Varden (*Salvelinus malma*), eulachon (*Thaleichthys pacificus*), and Steelhead trout (*Oncorhynchus mykiss*).

In consideration of the applicant's proposed jurisdictional work window, 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 Corps, 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 rights or resources. 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 impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which 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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That 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, historic properties, 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 and 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 authority:

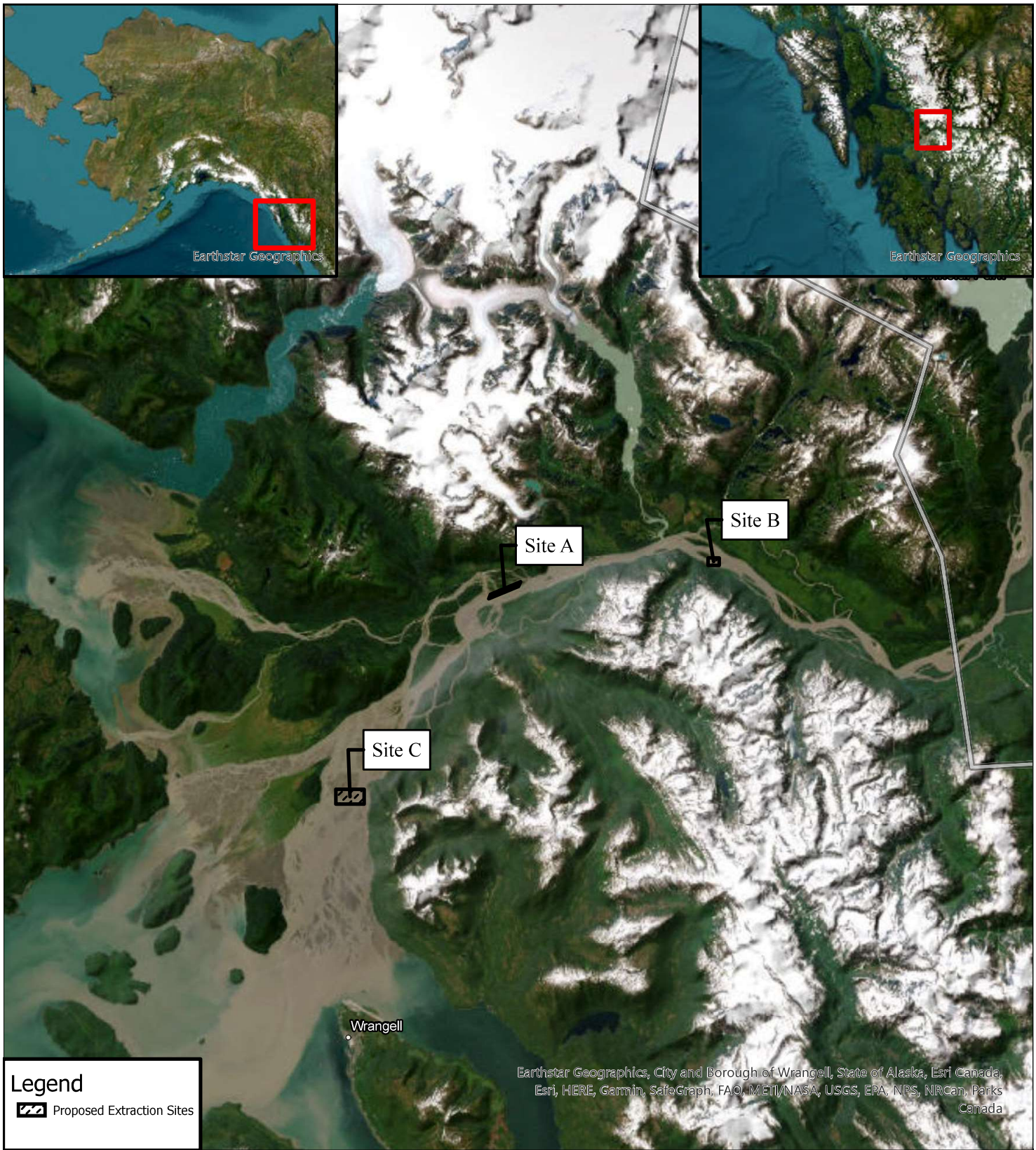
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

Project drawings are enclosed with this public notice.


District Commander  
U.S. Army, Corps of Engineers

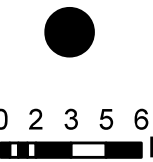
Enclosure





**Legend**

 Proposed Extraction Sites



0 2 3 5 6 Miles



**Tydi Creek Environmental**

**BW Enterprises**  
**Stikine River Material Extraction**


Vicinity Map  
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June 2023

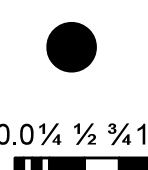




Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, City and Borough of Wrangell, State of Alaska, Esri Canada, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, NRCAN, Parks Canada

**Legend**

 Proposed Extraction Sites



0.0 1/4 1/2 3/4 1.0 Miles



**Tydi Creek Environmental**

BW Enterprises  
Stikine River Material Extraction

Plan View: Site A  
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June 2023







Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, City and Borough of Wrangell, State of Alaska, Esri Canada, Esri, HERE, Garmin, SafeGraph, MET/NASA, USGS, EPA, NPS, USDA, NRCAN, Parks Canada

**Legend**

 Proposed Extraction Sites



0.0 ¼ ½ ¾ 1.0  
 Miles

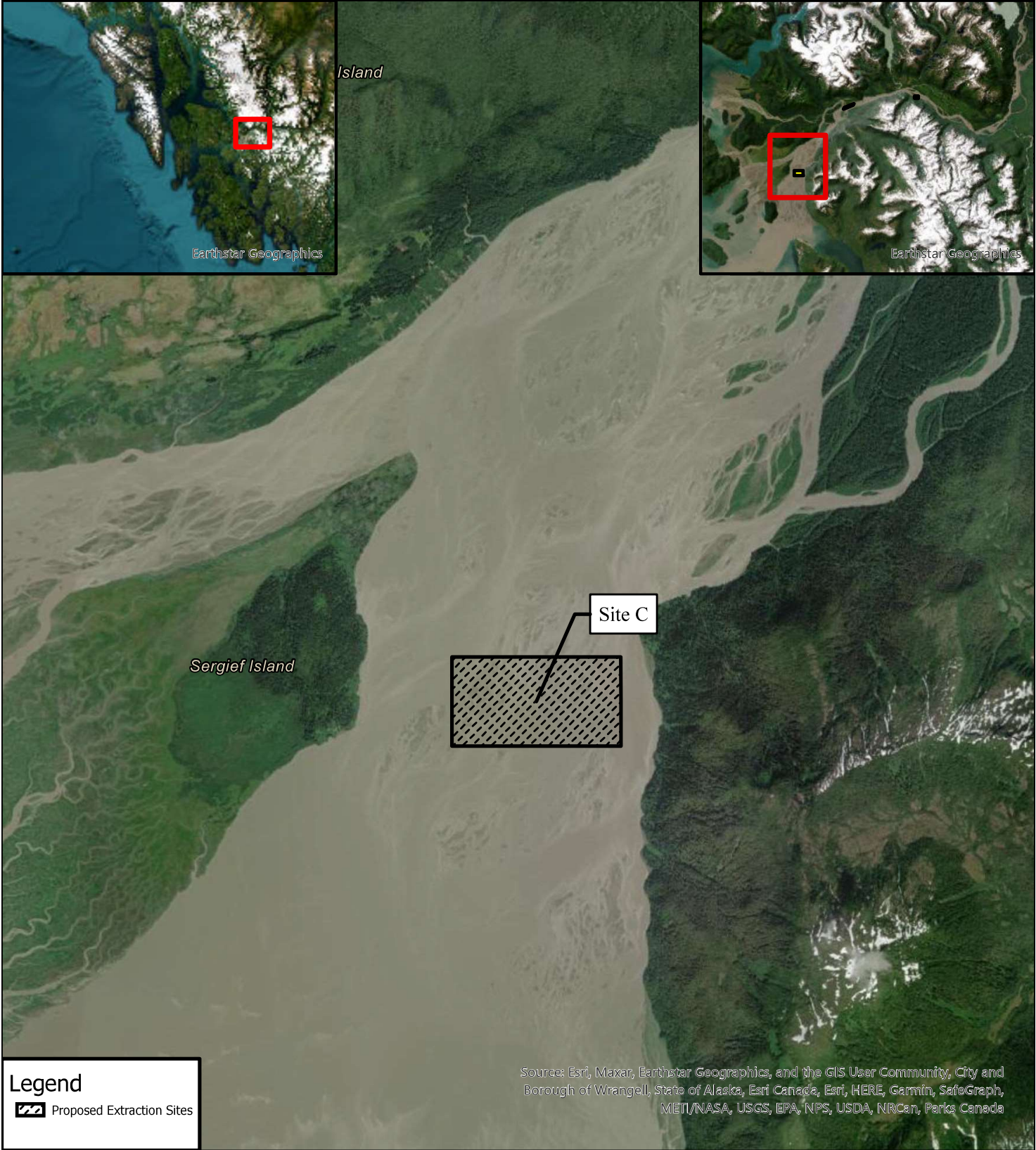


**Tydi Creek Environmental**

BW Enterprises  
Stikine River Material Extraction

Plan View: Site B  
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June 2023






**Legend**

 Proposed Extraction Sites

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, City and Borough of Wrangell, State of Alaska, Esri Canada, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, NRCan, Parks Canada



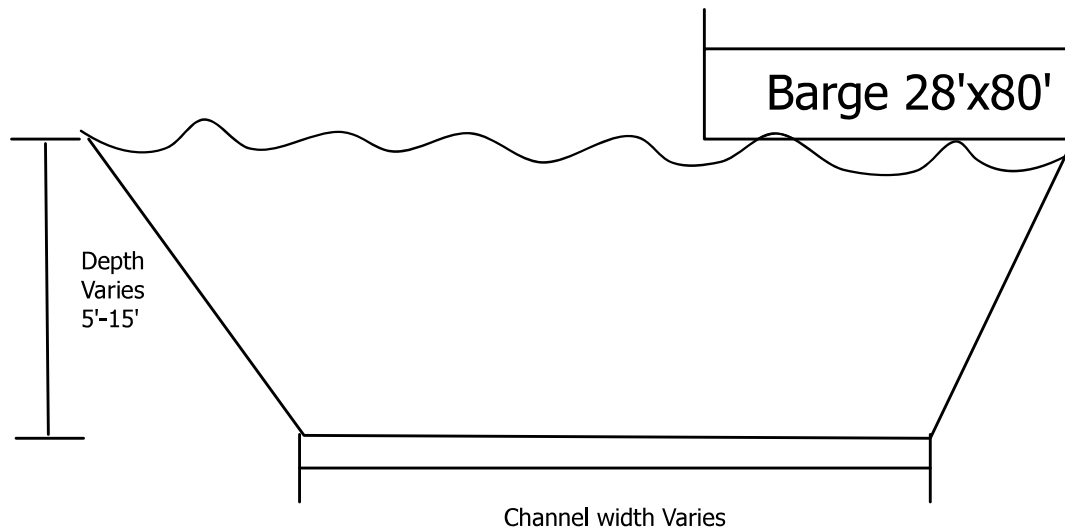
0.0 ¼ ½ ¾ 1.0  
Miles



**Tydi Creek Environmental**

BW Enterprises  
Stikine River Material Extraction

Plan View: Site C  
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June 2023

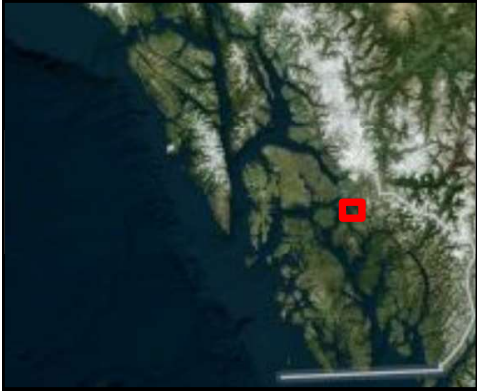


**Notes:**

- Depths at each site are variable between 5' and 15'.
- Side slopes are representative only. Most dredging activities will not be in the vicinity of the shoreline. No side slopes will be generated during dredging as the river immediately refills the dredged area via hydraulic action and sedimentation.


<p>Not to Scale</p>	 <p><b>Tydi Creek Environmental</b></p>	<p>USACE Permit Application</p> <p>BW Enterprises Stikine River Material Extraction</p> <p>Page 5 of 22 Section 6 Notes June 2023</p>
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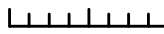


**Legend**

 Stockpile Area



0 0.01 0.03 0.05 Miles



**Tydi Creek Environmental**

USACE Permit Application

BW Enterprises  
Stikine River Material Extraction

Plan View of Stockpile Area  
May 27, 2023

June 2023