



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:** March 18, 2024  
**EXPIRATION DATE:** April 19, 2024  
**REFERENCE NUMBER:** POA-2020-00112  
**WATERWAY:** South Harbor Cove

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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 Leah Barrett at (907) 753-2760, toll free from within Alaska at (800) 478-2712, or by email at [leah.barrett@usace.army.mil](mailto:leah.barrett@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Chris Piburn  
Piburn Investment Properties  
P.O. Box 1273  
Craig, AK 99921  
Email: [chrispiburn@rmketchikan.com](mailto:chrispiburn@rmketchikan.com)  
Phone: 907-401-0155

**LOCATION:** The project site is located within Section 8, T. 74 S., R. 81 E., Copper River Meridian; USGS Quad Map Craig B-4, AK; Latitude 55.474486° N., Longitude 133.142164° W.; in Craig, Alaska.

PURPOSE: The applicant's stated purpose is to construct a building with an office space and rental rooms on top of the office space to be leased for the growing mariculture industry in Southeast Alaska.

PROPOSED WORK: The proposed project is to remove approximately 500 cubic yards of previous dredge material and place it above MHHW to use in the construction of the building pad. Additionally, work would include the discharge of 4,500 cubic yards of shot rock into 0.11-acre of waters of the U.S. for two rock wall structures surrounding an existing ramp and pier. The clean shock rock fill would be placed behind a well sloped rip rap wall. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated January 24, 2024.

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: The applicant states the largest avoidance of impacts to the waters of the US were achieved in this project by selecting a location within an existing boat harbor. Additionally, the property has been designated as a marine industrial zoning by the local municipality. The substrate of the shoreline appears to consist mostly of previously dredged material, most likely as part of the original harbor design or maintenance.
- b. Minimization: The applicant states as part of the design he intends to utilize 2-foot minus shot rock below Mean Higher High Water (MHHW) from a pit source locally known to have a higher hardness and lower fines to reduce the escaping silts as the tide ebbs and floods. Silt booms would be used as necessary to contain any outflow of silted water into the adjoining harbor.
- c. Compensatory Mitigation: The applicant states that "no compensation is proposed for the limited unavoidable impacts of this project. The location identified for this project was chosen due to its location within an already developed harbor. By virtue of its location, we are as a community doing our part to limit the amount of impact that we have on our surroundings."

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 cultural resources within the vicinity of the permit area. However, the proposed work would not affect any listed or potentially eligible sites. The permit area has been determined to be under the Appendix C (33 CFR 325) and is limited to the proposed project's footprint in jurisdictional waters of the U.S., as shown on the enclosed map. 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: The project area is within the known or historic range of the Mexico DPS humpback whale (*Megaptera novaeangliae*) and Sunflower Sea Star (*Pycnopodia helianthoides*).

We have determined the described activity would have no effect on the Mexico DPS humpback whale and may affect but not adversely to affect the Sunflower Sea Star. 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 (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 chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), and sockeye salmon (*Oncorhynchus nerka*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The potential environmental effects of dredging on managed species and designated EFH include the direct removal/burial of organisms; increased turbidity and siltation, including decreasing light attenuation; contaminant release and uptake, including nutrients, metals, and organics; the release of oxygen-consuming substances (e.g., chemicals and bacteria); entrainment in suction and clamshell dredges; noise disturbances, injury, and mortality; and alterations to hydrodynamic regimes and physical habitat.

Fill placement would occur at low tide and turbidity would be minimal and temporary. Dredging would only occur in the proposed 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 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. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

**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:

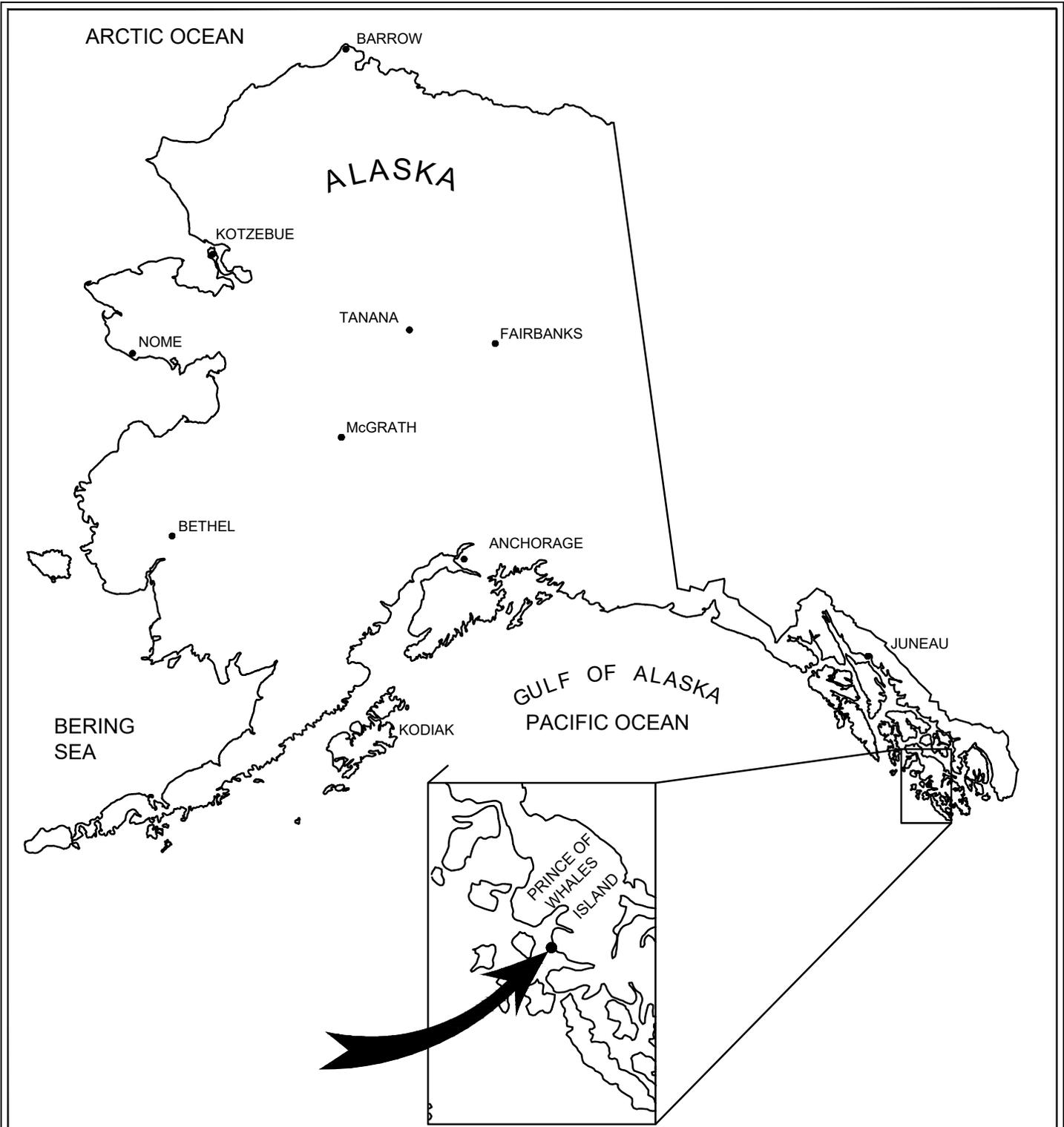
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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 are enclosed with this public notice.

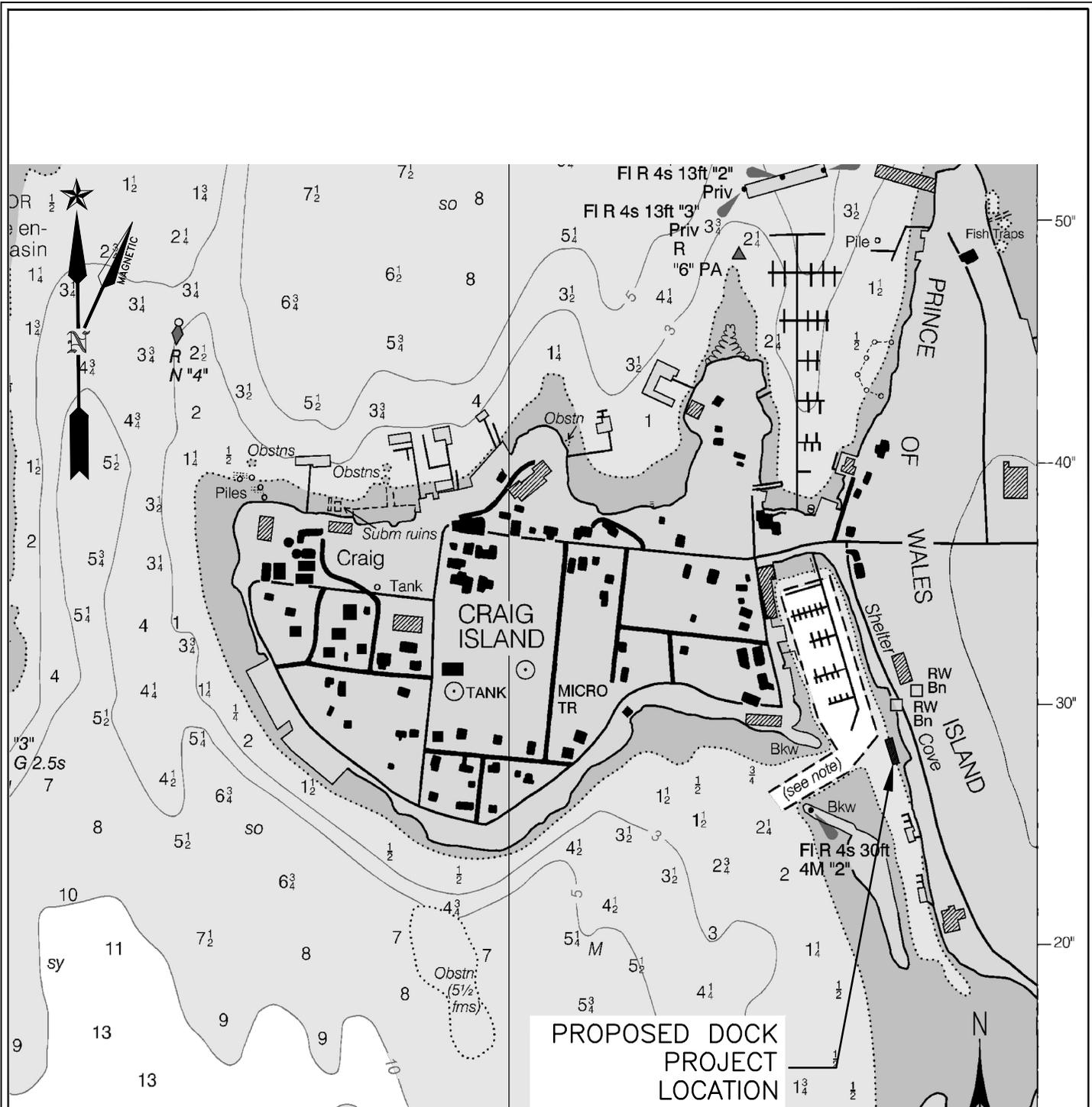
District Commander  
U.S. Army, Corps

Enclosures



PROJECT LOCATION:  
 55°28'28.15"N, 133°08'31.79"W  
 T 74S, R 81E, SEC 8, CRM

<b>Piburn Dock</b>	
LOCATION MAP	
APPLICANT: CHRIS PIBURN 521 WEST HAMILTON CRAIG, AK 99921	AGENT: R&M ENGINEERING-KETCHIKAN 7180 REVILLA RD. SUITE 300 KETCHIKAN, AK 99901
DATE: 1/24/24 SHEET: 1 OF 4	LOCATION: CRAIG, ALASKA WATER BODY: S. COVE HARBOR



# Piburn Dock

## SITE MAP

**APPLICANT:**  
 CHRIS PIBURN  
 521 WEST HAMILTON  
 CRAIG, AK 99921

**AGENT:**  
 R&M ENGINEERING-KETCHIKAN  
 7180 REVILLA RD. SUITE 300  
 KETCHIKAN, AK 99901

**DATE:** 1/24/24  
**SHEET:** 2 OF 4

**LOCATION:** CRAIG, ALASKA  
**WATER BODY:** S. COVE HARBOR

LOT 2 TRACT B  
PLAT 75-29  
(PATRICK GARDNER)

LOT 2  
HARBOR VIEW  
SUBDIVISION  
PLAT 2019-34  
(CHRIS PIBURN)

LOT 1  
HARBOR VIEW  
SUBDIVISION  
PLAT 2019-34  
(MIKE HAMME)

WATER TOWER RD

WEST HAMILTON DR.

TOE OF  
EXISTING  
FILL

EXISTING  
BUILDINGS  
12'X24'

TOP OF  
EXISTING  
FILL

HIGHTIDE LINE  
ELEV.=12.6'

MEAN HIGH WATER  
ELEV.=9.3'

LOT 2A  
TRACT B  
PLAT  
75-29  
(PATRICK  
GARDNER)

LOT 3A-1  
PLAT  
2017-10

MEAN LOW LOWER  
WATER LINE  
ELEV.=0.0

PROPOSED NEAR  
SHORE DREDGE TO  
MINUS 4.500  
CUBIC YARDS OF  
PREVIOUS DREDGE  
SPOILS

PROPOSED 35'X100'  
COMMERCIAL  
STRUCTURE ON  
4,500 CU. YARDS  
OF COMPACTED FILL

LOT 1  
SOUTH  
SHELTER COVE  
SUBDIVISION  
PLAT 98-37  
(SHELTER COVE  
ENTERPRISES  
LLC.)

SOUTH SHELTER  
COVE HARBOR

ATS 1410  
TRACT G  
PLAT 92-20  
(CITY OF CRAIG)



SCALE 1"=50'

## Piburn Dock

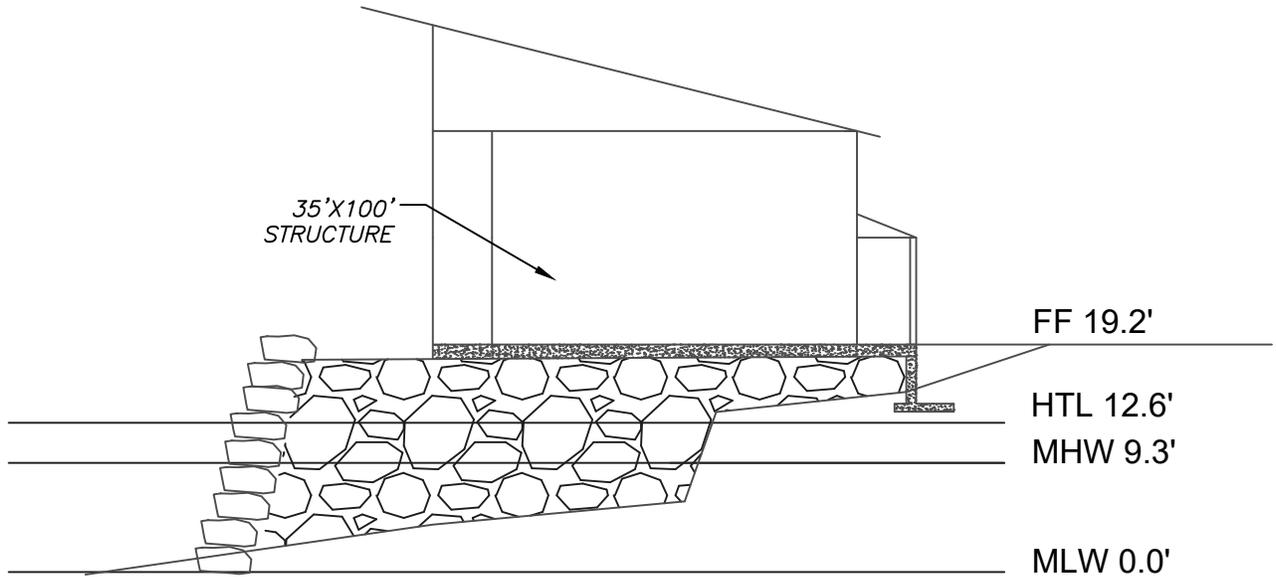
### PROPOSED SITE PLAN

APPLICANT:  
CHRIS PIBURN  
521 WEST HAMILTON  
CRAIG, AK 99921

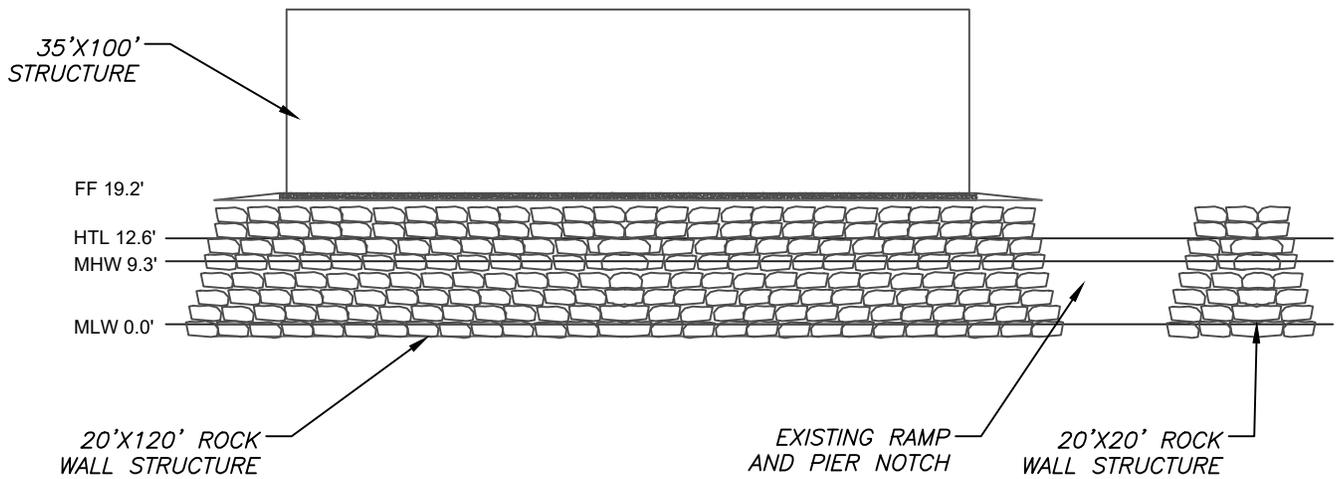
AGENT:  
R&M ENGINEERING-KETCHIKAN  
7180 REVILLA RD. SUITE 300  
KETCHIKAN, AK 99901

DATE: 1/24/24  
SHEET: 3 OF 4

LOCATION: CRAIG, ALASKA  
WATER BODY: S. COVE HARBOR



SECTION A-A



SECTION B-B

<b>Piburn Dock</b>	
SECTIONS	
<b>APPLICANT:</b> CHRIS PIBURN 521 WEST HAMILTON CRAIG, AK 99921	<b>AGENT:</b> R&M ENGINEERING-KETCHIKAN 7180 REVILLA RD. SUITE 300 KETCHIKAN, AK 99901
<b>DATE:</b> 1/25/24 <b>SHEET:</b> 4 OF 4	<b>LOCATION:</b> CRAIG, ALASKA <b>WATER BODY:</b> S. COVE HARBOR