



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	Jun 14, 2024
EXPIRATION DATE:	Jul 15, 2024
REFERENCE NUMBER:	POA-2024-00028
WATERWAY:	Mud Bay

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 Olivia Ortiz at (907) 753-2586, toll free from within Alaska at (800) 478-2712, or by email at Olivia.K.Ortiz@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Kirk Thomas
Gateway Aviation II, LLC
1600 Tongass Avenue
Ketchikan, AK 99901
kirkt@aseresorts.com
Business: (907) 821-6833

AGENT: Fred Monrean
MEA Inc.
P.O. Box 9343
Ketchikan, AK 99901
fmonrean@kpunet.net

Residence: (907) 247-8640
Business: (907) 247-5920

LOCATION: The project site is located within Section 29, T. 74 S., R. 90 E., Copper River Meridian; at Latitude 55.4193° N., Longitude 131.7648° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide access for hovercrafts to be hauled out of the water to be stored and maintained.

PROPOSED WORK: Place 22,925 cubic yards of shot rock, 2,670 cubic yards of D-1 crushed base, 2,100 cubic yards of armor rock, and 3,150 square yards of filter fabric to construct a hovercraft facility. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated April 15, 2024. In total, approximately 5,501 cubic yards (1.8-acre) of fill below the high tide line (HTL) but above the mean high-water line (MHW) and 914 cubic yards (0.347-acre) of fill below the MHW would be placed. There would be 0.1415-acre of estuarine and marine deepwater habitat (E1UBL), and 0.0753-acre of estuarine and marine wetland habitat (E2USN) filled.

ADDITIONAL INFORMATION: The applicant has received a driveway permit from the Alaska Department of Transportation, dated February 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 that avoidance was achieved by placing the launch ramp inside the fill footprint in lieu of outside the footprint.

b. Minimization: The applicant states that minimization is achieved by relocation of the streams to new dedicated controlled stream beds of 0.2586-acre.

c. Compensatory Mitigation: The applicant states they do not believe that compensatory mitigation is required for this project because of the minimal project size.

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 parcel boundaries. 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 fin whale (*Balaenoptera physalus*), Mexico DPS humpback whale (*Megaptera novaeangliae*), and the proposed sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect the fin whale (*Balaenoptera physalus*), Mexico DPS humpback whale (*Megaptera novaeangliae*), and the proposed sunflower sea star (*Pycnopodia helianthoides*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service or 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 pink salmon (*Oncorhynchus gorbuscha*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), chum salmon (*Oncorhynchus keta*), and coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The placement of fill affects wetland habitat functions with the following impacts: reduces the production of detritus, an important food source for aquatic invertebrate (e.g., shredders); alters the uptake and release of nutrients to and from adjacent aquatic and terrestrial systems; reduces wetland vegetation, an important source of food for fish and invertebrates; hinders physiological processes in aquatic organisms (e.g., photosynthesis, respiration) because of degraded water quality and increased turbidity and sedimentation; alters hydrological dynamics, including flood control and groundwater recharge; reduces filtration and absorption of pollutants from uplands; and alters nitrogen and oxygen cycles.

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:

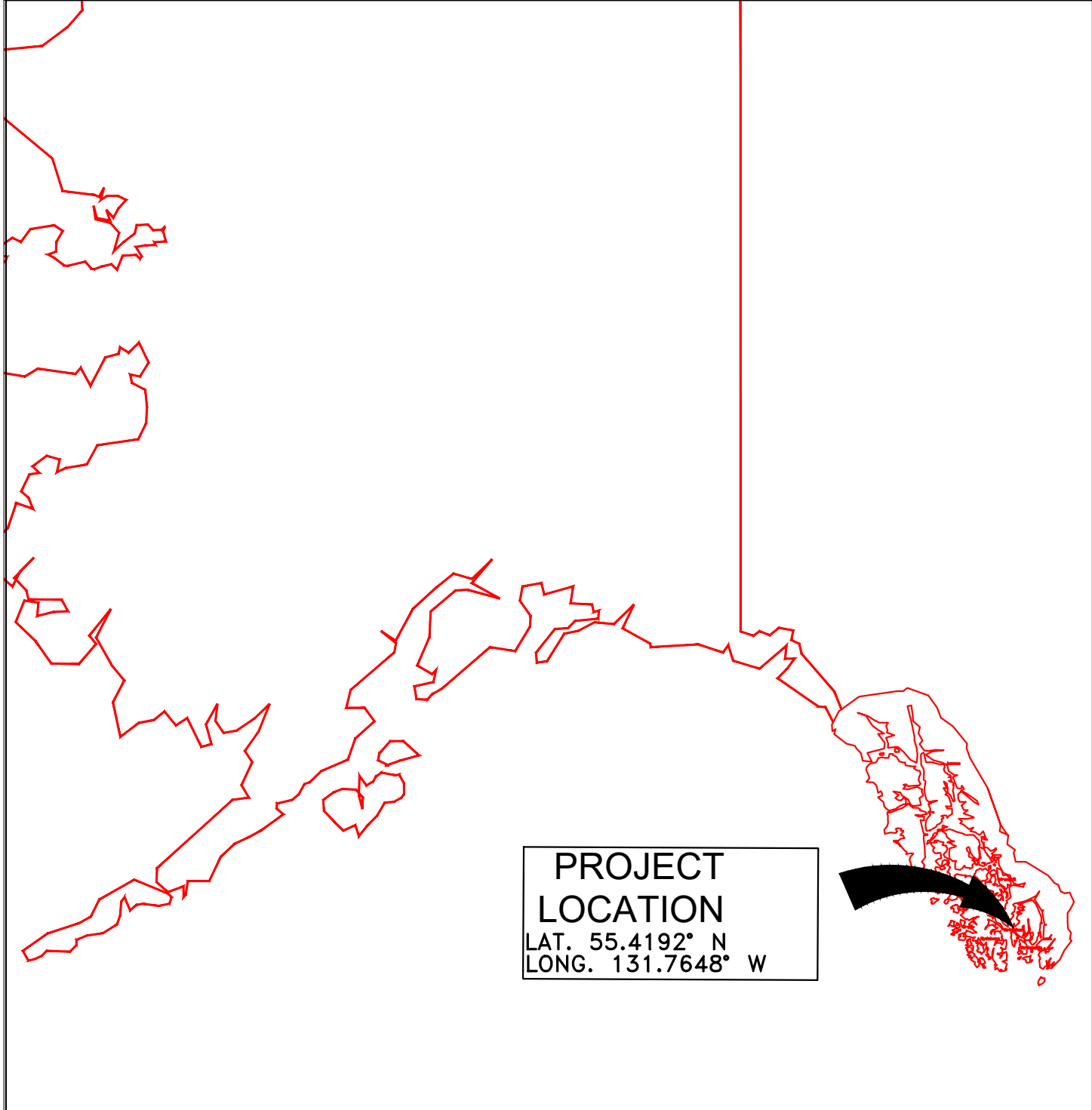
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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



SCALE NONE

PURPOSE:
PROVIDE HOVER CRAFT
HANGER AND HAUL OUT
FACILITY

DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

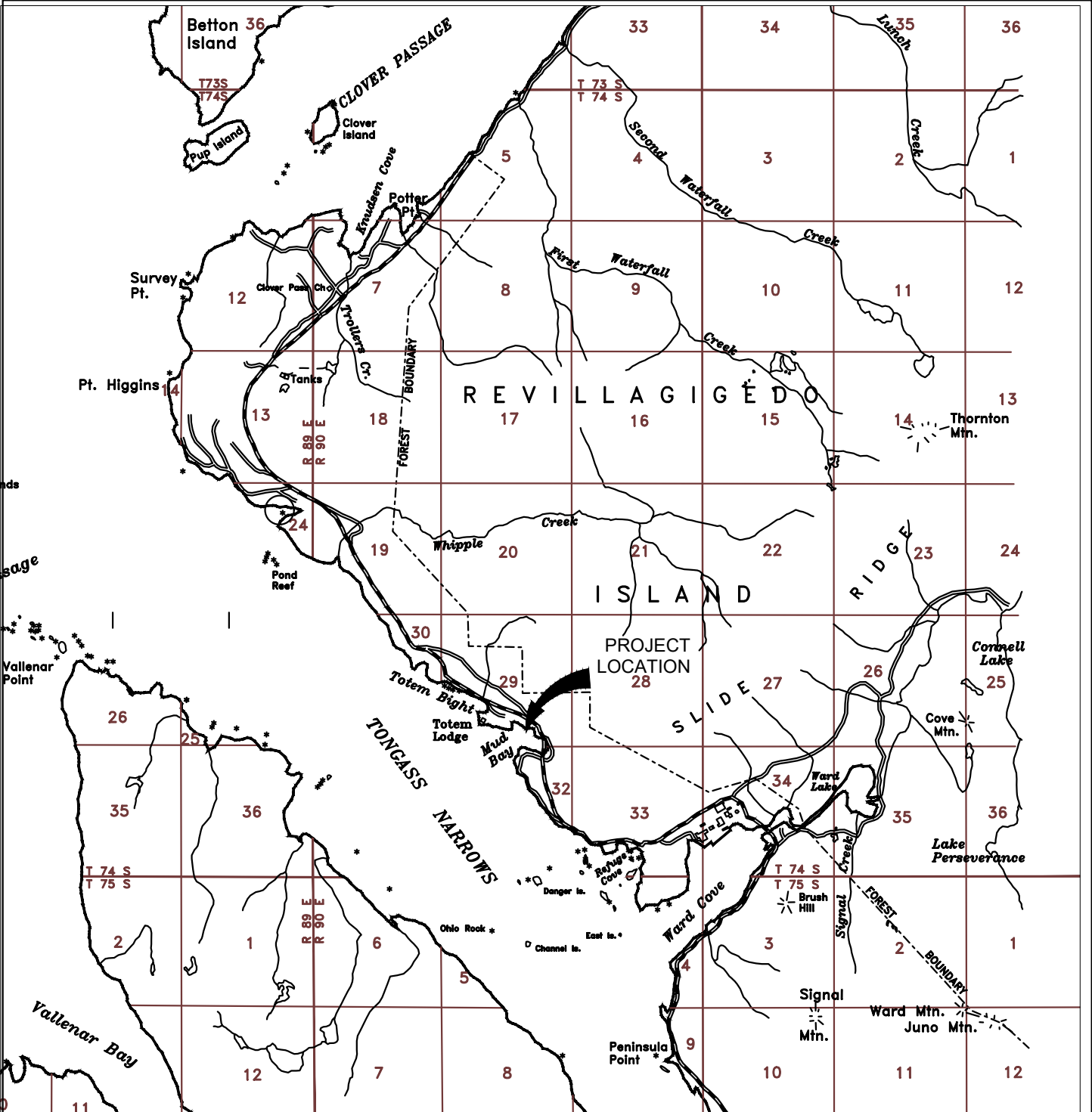
LOCATION MAP
REFERENCE: POA-2024-00028
GATEWAY AVIATION II, LLC
KIRK THOMAS
1600 TONGASS AVE.
KETCHIKAN, ALASKA 99901

PROPOSED:
NEW HOVER CRAFT FACILITY

CITY OF: KETCHIKAN STATE OF: AK

APPLICATION BY: KIRK THOMAS

SHEET 1 of 5 DATE 4-15-24



FROM: KETCHIKAN B-6 QUADRANGLE

3000 0 3000 6000 FEET

SCALE 1"=1 Mile

DATUM:
HORIZONTAL :NAD. 83/91
VERTICAL N.G.V.D. 29

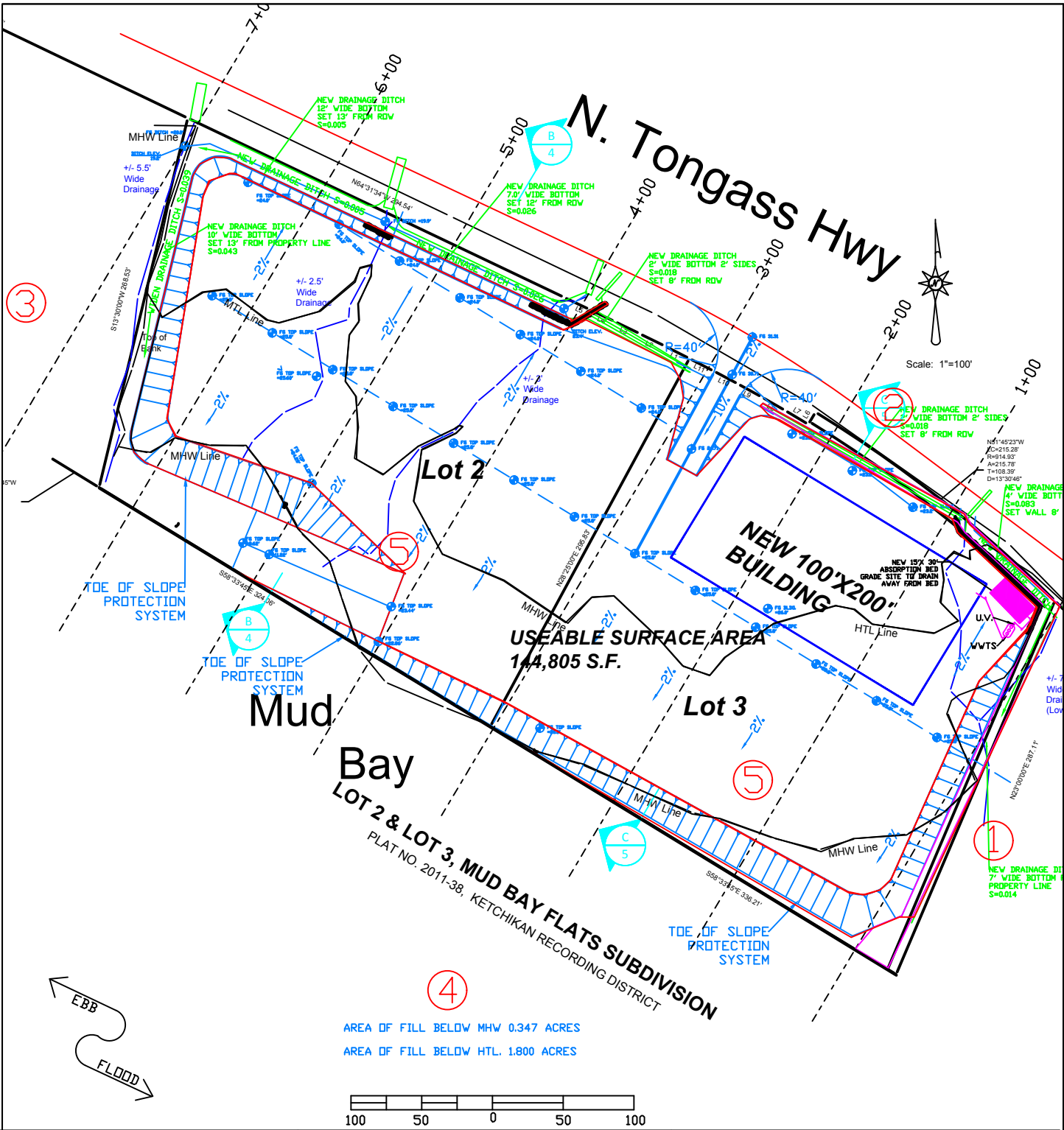
VICINITY MAP
REFERENCE: POA-2024-00028
GATEWAY AVIATION II, LLC
KIRK THOMAS
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PROPOSED:
NEW HOVER CRAFT FACILITY

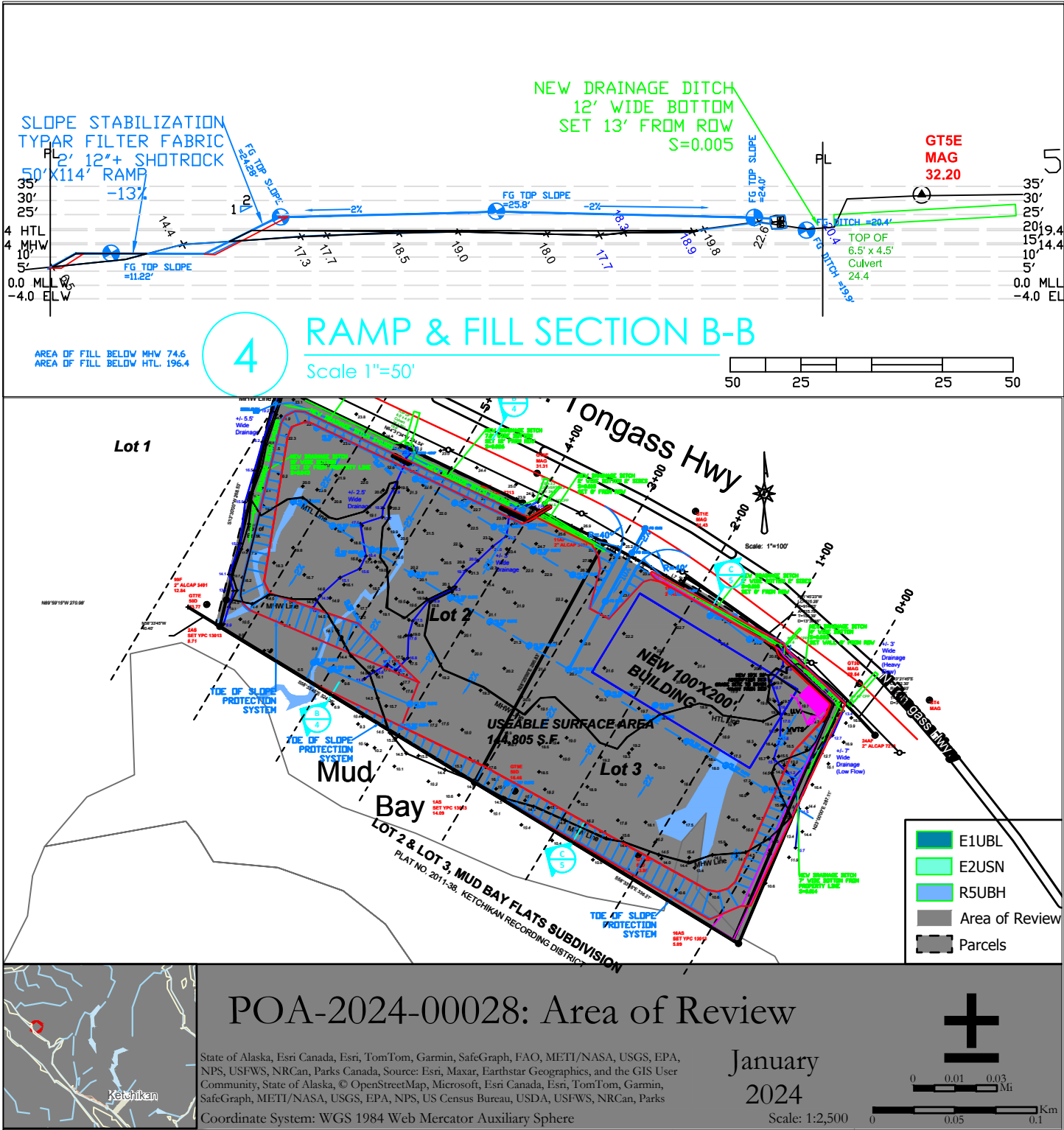
CITY OF: KETCHIKAN STATE OF: AK

APPLICATION BY: KIRK THOMAS

SHEET 2 of 5 DATE 4-15-24



ADJACENT PROPERTY OWNERS: 1. JOHN C. SLOAN 2. STATE OF ALASKA 3. SELEY PROPERTIES LTD 4. KETCHIKAN GATEWAY BOROUGH 5. GATEWAY AVIATION II LLC	PLAN VIEW REFERENCE: POA-2024-00028 GATEWAY AVIATION II, LLC KIRK THOMAS 1600 TONGASS AVE. KETCHIKAN, ALASKA 99901	PROPOSED: NEW HOVER CRAFT FACILITY CITY OF: KETCHIKAN STATE OF: AK APPLICATION BY: KIRK THOMAS SHEET 3 of 5 DATE 5-16-24
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DATUM: HORIZONTAL :NAD. 83/91 VERTICAL N.G.V.D. 29	WETLANDS REVIEW BY COE REFERENCE: POA-2024-00028 GATEWAY AVIATION II, LLC KIRK THOMAS 1600 TONGASS AVE. KETCHIKAN, ALASKA 99901	PROPOSED: NEW HOVER CRAFT FACILITY CITY OF: KETCHIKAN STATE OF: AK APPLICATION BY: KIRK THOMAS SHEET 4 of 5 DATE 5-16-24
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