



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Juneau Field Office  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 22270  
Juneau, Alaska 99802-2270

<b>PUBLIC NOTICE DATE:</b>	<b>March 26, 2024</b>
<b>EXPIRATION DATE:</b>	<b>April 25, 2024</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2024-00134</b>
<b>WATERWAY:</b>	<b>Favorite Channel</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 Delana Wilks at (907) 201-5021, or by email at [Delana.P.Wilks@usace.army.mil](mailto:Delana.P.Wilks@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Larry Dietrick

**LOCATION:** The project site is located within Section 13, T. 40 S., R. 64 E., Copper River Meridian; USGS Quad Map Juneau B-3; Latitude 58.3958° N., Longitude 134.7680° W.; near Juneau, Alaska.

**PURPOSE:** The applicant's stated purpose is to construct a work pad for marine vessels and equipment to accommodate boat haul-out operations.

**PROPOSED WORK:** To discharge 800 cubic yards of shot rock and armor rock into 0.07 acres of intertidal waters (below the high tide line) for the construction of a 50-foot x 60-foot boat and

equipment storage pad. All work would be performed in accordance with the enclosed plan (sheets 1-2), dated February 29, 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: Site selection and design for this project does not affect any wetlands and has been minimized in size (approximately 3,000 square feet or less than .07 acres) to limit the disturbance to the maximum extent practicable between 15.4' and 21' tidal elevation while still being able to accomplish the goal to create a marine storage and work pad to support boat operations. Subject property has limited area adjacent to the boat ramp for development of this project. Site is accessed by existing driveway avoiding any impacts to upland or adjacent areas.

b. Minimization: The project area does not affect any wetlands. The project design incorporates measures that minimize unavoidable impacts to waters of the U.S. through site selection and by minimizing the size of the project while still accomplishing the need. This is also done by limiting the level of tidal height down to which the project extends to 15.4' mean high water. The project was kept at the highest possible tidal level to still fulfill the goal of the project. Only clean, armor rock and compacted shot rock fill, no organics, will be used and placement will be limited to only when tide levels are below 15.4' and no water is present in the fill area. The site will have armoring to prevent erosion and provide shoreline protection.

c. Compensatory Mitigation: The applicant proposes no compensatory mitigation for this project due to minimal adverse impacts to the waters of the U.S.

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 project area. 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 sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect the proposed 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 pink salmon (*Oncorhynchus gorbuscha*) and chum salmon (*Oncorhynchus keta*).

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. 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).

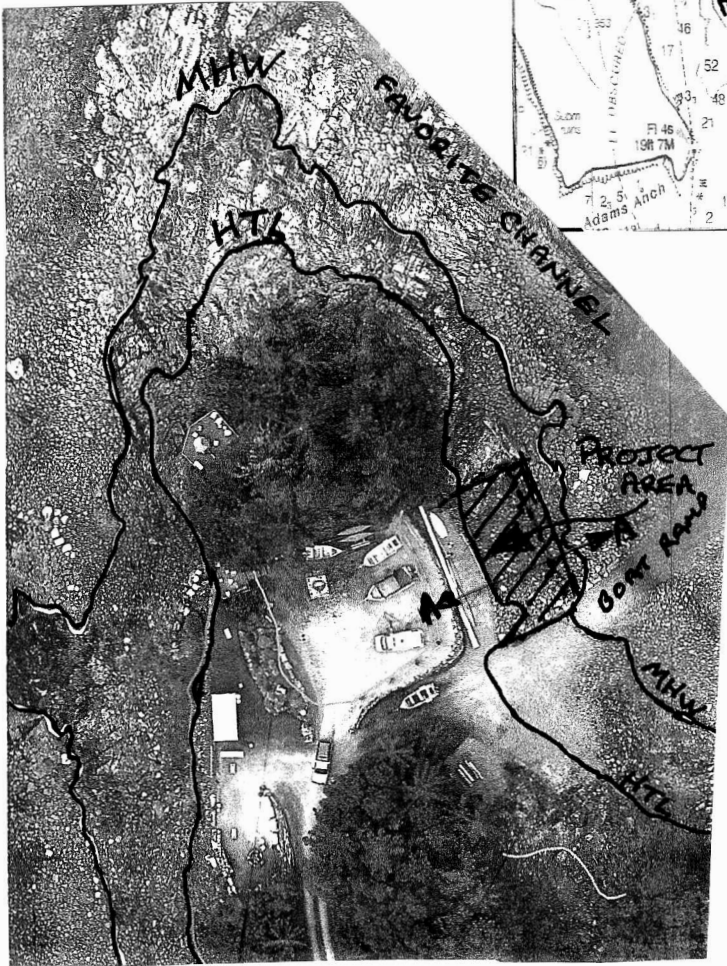
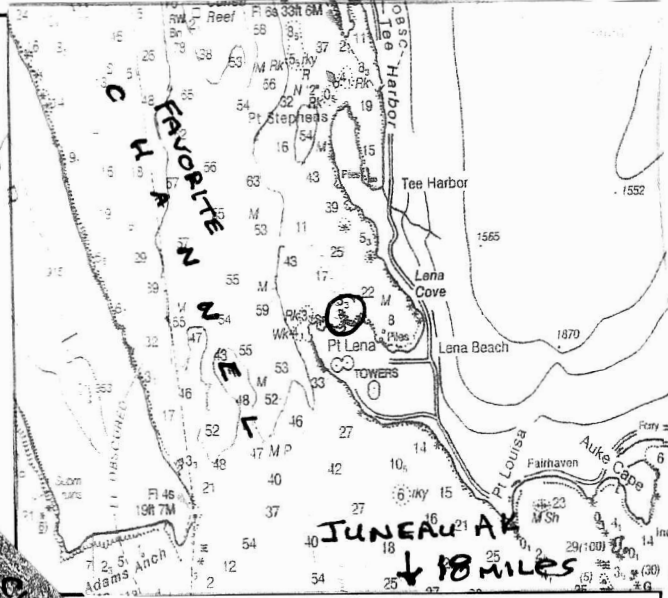
() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

Project drawings are enclosed with this public notice.

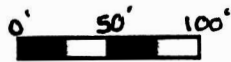
District Commander  
U.S. Army, Corps of Engineers

Enclosures

VICINITY MAP



PLAN VIEW



Scale:

Sheet No. | Of |

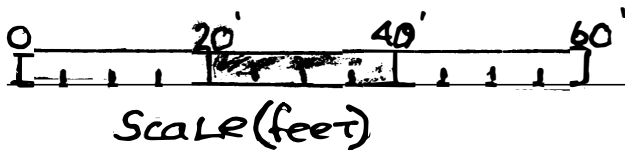
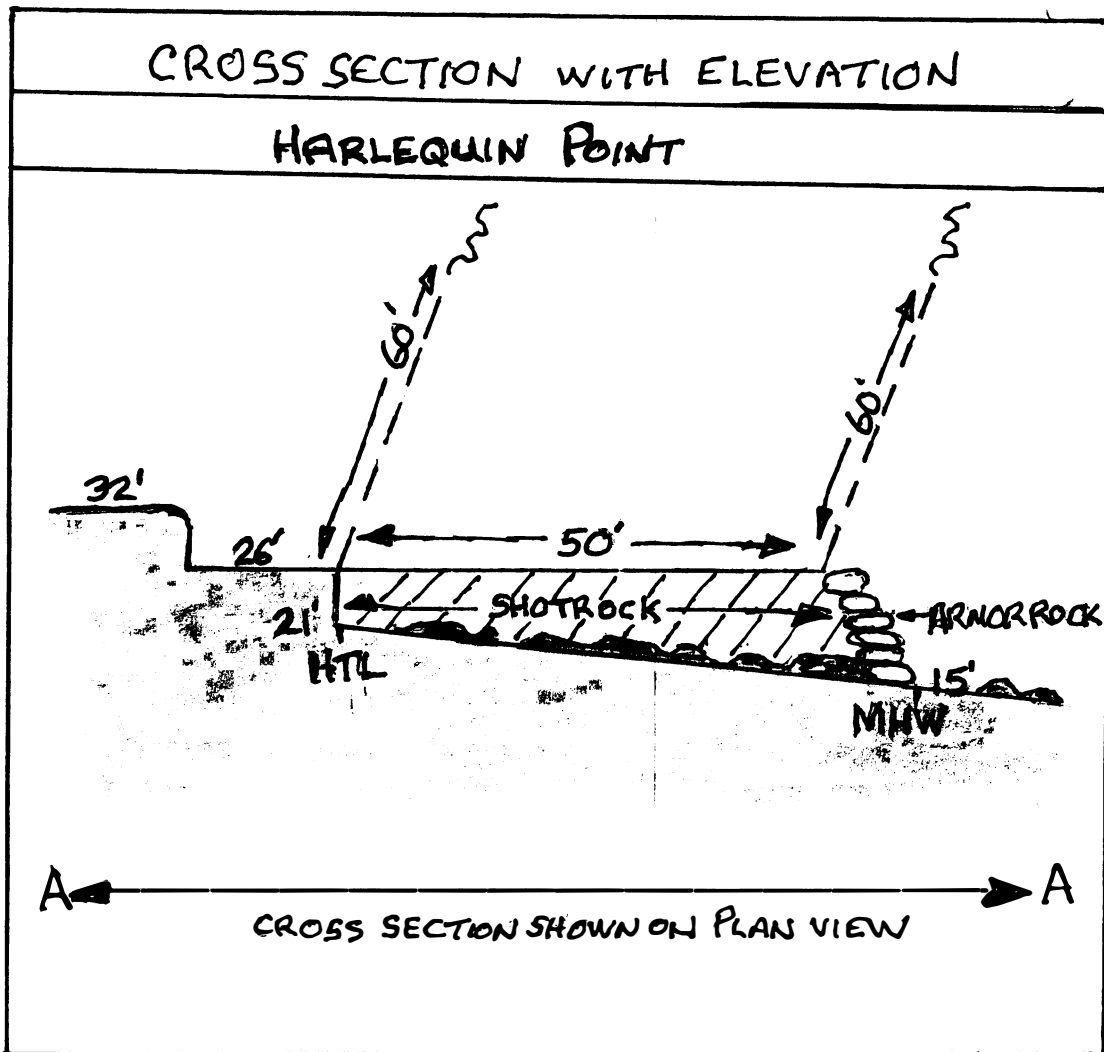
Applicant: LARRY DIETRICH

File No.: POA-2024-00134

Waterway: FAVORITE CHANNEL  
Sec. 13 T.40S R.64E M. COPPER RIVER

Lat.: 58°23'45" N Long.: 134°46'05" W

Date: 2/29/2024



APPLICANT: LARRY D  
 UTRICK File NonPOA-2024-00134  
 WATERWAY: FAVORITE CHANNEL  
 SEC 13 TAOS R64E <sup>COPPER</sup> RIVER  
 LAT: 38°23'45" N LONG: 106°46'05" W  
 DATE: 2/29/2024  
 SHEET 2 OF 2