



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: November 9, 2012
EXPIRATION DATE: December 10, 2012
REFERENCE NUMBER: POA-1978-205-M13
WATERWAY: Bucareli 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.

Comments on the described work, with the reference number, 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 **Roberta Budnik** at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Shelter Cove Enterprises (Ms. Linda Lewis-Creighton), Post Office Box 798, Craig, Alaska 99921.

LOCATION: The project site is located within Section 25, T. 62 S., R. 78 E., Copper River Meridian; USGS Quad Map Petersburg B-4; Latitude 56.4666° N., Longitude 133.1694° W.; in Craig, Alaska.

SPECIAL AREA DESIGNATION: Craig is located within the Tongass National Forest, and the proposed project is located along the coastline in Craig.

PURPOSE: The applicant's stated purpose is to construct a dock that was previously permitted.

PROPOSED WORK: The applicant is requesting a time extension of their permit in order to complete work that was previously permitted. This work consists of installing six pilings and a 165-foot by 8-foot floating dock that would connect the existing north dock with the existing south floating dock (see "Additional Information" for a summary of the permit history). All work would be performed in accordance with the enclosed plan (sheets 1-2), dated May 17, 2012.

ADDITIONAL INFORMATION: The original permit was issued to Mr. John Patterson on July 11, 1979, and authorized the following:

"Construct a boat harbor by dredging approximately 10,000 cubic yards of material, and constructing a 650'x35'x10' fill breakwater, 600'x70' fill for use as a building pad, parking lot and storage area, 50'x100' service building, concrete plank boat launching ramp and 250' treated wood float with connecting finger floats for moorage of 30 boats."

The permit was first modified on March 12, 1982, and extended the expiration date to July 11, 1984.

The permit was modified a second time on June 6, 1984, and extended the expiration date to July 11, 1986.

The permit was modified a third time on May 8, 1986, and extended the expiration date to July 11, 1988.

The permit was modified a fourth time on April 11, 1990, for the following:

"Modification to complete work originally authorized by Department of the Army permit number 2-780205, dated July 5, 1979, excluding the boat launching ramp, which was originally authorized under the permit. This permit additionally authorizes after-the-fact retention of an existing 100' x 40' wide section of breakwater, consisting of approximately 1,400 cubic yards (cy) of shot rock, joined to the existing Shelter Cove breakwater, retention of a 140' x 40' section of breakwater consisting of 1,600 cy of shot rock previously authorized under the original permit, to place 3,500 cy of shot rock to construct an additional 340' x 35' of breakwater, to discharge an additional 4,500 cy of dredged material over a 300' x 25' tidelands area for a fuel storage and marine refueling facility, installation of six 70' x 10' mooring floats, and to increase the dredging requirement from 10,000 cubic yards to 23,000 cubic yards. This excess dredge material will be temporarily stockpiled on the intertidal fill area."

The permit was modified a fifth time on November 12, 1992, and extended the expiration date to December 31, 1995.

The permit was modified a sixth time on December 18, 1995, and extended the expiration date to December 31, 1998. In addition, the permit was modified for the following:

"The length of the breakwater is reduced to 390 feet. A 40' x 130' piling dock and moorage float structure will replace two of the authorized 10'x70' floats. Special Condition (a) on modification P-780205 is deleted for work completed to date."

This permit modification also modified the following:

"The use of creosote-treated wooden construction materials is permitted only if the creosote has been applied by pressure-injections. No pentaclorophenol preservatives are permitted."

The permit was modified a seventh time on November 17, 1998, and extended the expiration date to December 31, 2001.

The permit was transferred to Shelter Cove Enterprises, LLC on April 15, 1999, and modified an eighth time for the following:

"Delete the two 10'x70' pile docks from the original permit, and replace the third permitted 10'x70' pile dock with a 30'x106' pile supported dock."

The permit was modified a ninth time on November 30, 2002, and extended the expiration date to November 27, 2004.

The permit was modified a tenth time on July 13, 2004, for the following:

"Installation of six pilings and a 165-foot by 8-foot floating dock connecting the north dock with the south floating dock."

The permit was modified an eleventh time on March 2, 2005, for the following:

"Special condition 4, of permit modification POA-1978-205-2-W is hereby modified from:

'No in water work to be conducted between March 1 and June 15.' To no read: 'No in water work to be conducted between April 1 and June 15.'"

The permit was modified a twelfth time on June 14, 2007, and extended the expiration date to August 30, 2010.

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 proposed project would involve no fill. Only structures would be placed within marine waters.

b. Minimization: No new configurations to the dock are proposed. The applicant is only requesting a time extension to complete work that was permitted previously.

c. Compensatory Mitigation: The applicant has proposed no compensatory mitigation.

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 is an unevaluated property in the vicinity of the worksite. It has been designated **CRG-00024**. Because the property has been determined to be outside of the project area (above the High Tide Line), no further action is required.

ENDANGERED SPECIES: The project area is within the known or historic range of the blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), sei whale (*Balaenoptera borealis*), sperm whale (*Physeter macrocephalus*), and Steller Sea Lion (*Eumetopias jubatus*). We have determined the described activity would have no effect on any of the above 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 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 Alaska District 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 of Engineers 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 of Engineers 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

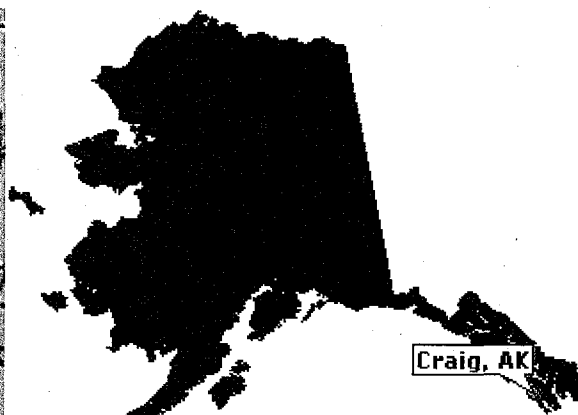
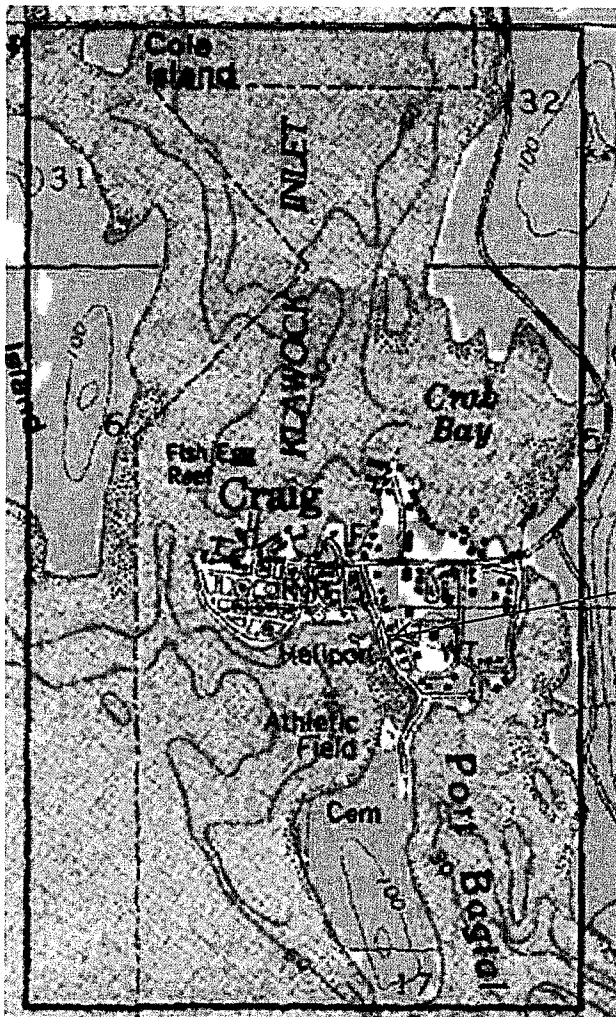
properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine 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

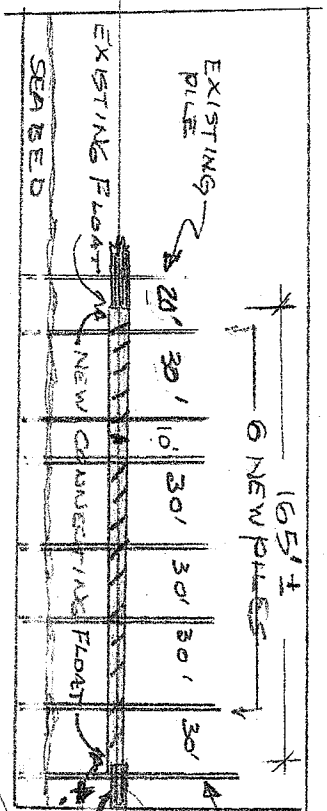
Enclosures



Project Location

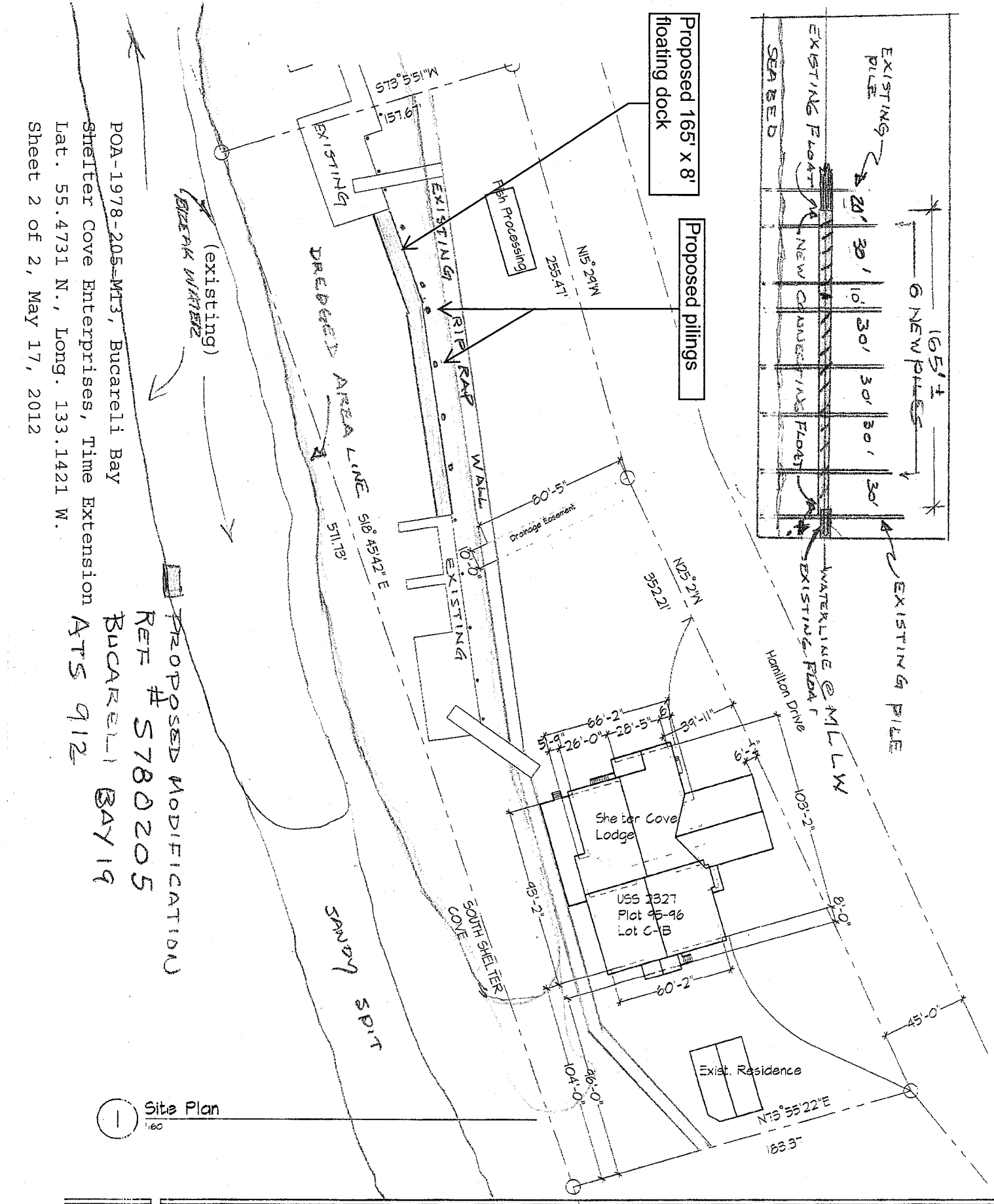


POA-1978-205-M13, Bucareli Bay
Shelter Cove Enterprises, Time Extension
Lat. 55.4731 N., Long. 133.1421 W.
Sheet 1 of 2, May 17, 2012



Proposed 165' x 8' floating dock

Proposed pilings



Site Plan
1:60

POA-1978-205-MT3, Bucareli Bay
Shelter Cove Enterprises, Time Extension
Lat. 55.4731 N., Long. 133.1421 W.
Sheet 2 of 2, May 17, 2012

PROPOSED MODIFICATION
REF # 5780205
BUCARELI BAY 19
ATS 912

A.11

Shelter Cove Lodge
Existing Conditions
703 Hamilton Drive
Ketchikan, Alaska
PO BOX 5758
KETCHIKAN, AK 99901



MILLARD + ASSOCIATES ARCHITECTS



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FAX: 907.247.7889



DATE PLOTTED