



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Juneau Field Office  
Regulatory Division (1145)  
CEPOA-RD  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

**PUBLIC NOTICE DATE:** June 14, 2012

**EXPIRATION DATE:** July 14, 2012

**REFERENCE NUMBER:** POA-2012-337

**WATERWAY:** Annette 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 Matthew Brody at (907) 790-4493, by fax at (907) 790-4497, or by email at [Matthew.T.Brody@usace.army.mil](mailto:Matthew.T.Brody@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mayor Victor C. Wellington, Sr.  
Metlakatla Indian Community  
P.O. Box 8  
Metlakatla, Alaska 99926  
[Mayor@metlakatla.com](mailto:Mayor@metlakatla.com)

**LOCATION:** The project site is located within Section 22, T. 76 S., R. 91 E., Copper River Meridian; USGS Quad Map Ketchikan B-5; Latitude 55.2678° N., Longitude -131.5598° W.; located at the north end of Walden Point road, near Metlakatla, Alaska.

**SPECIAL AREA DESIGNATION:** The project is located within the Annette Island Reserve, a federal Indian reservation.

**PURPOSE:** The applicant's stated project purpose reads "The proposed Emergency Response Vessel Float would be used to shorten the travel to transport residents of Metlakatla needing immediate medical care at me at medical care facility in the city of Ketchikan. Metlakatla transports 100+ people to the City of Ketchikan for emergency medical care, most times at hours of darkness and during periods of extreme high wind conditions. A float in the Annette Bay area would reduce travel time, be safer during periods of extreme bad weather conditions and provide better transport conditions of patients that need immediate medical care."

PROPOSED WORK: The applicant request authorization for the following work in waters and navigable waters of the United States:

1. Discharge fill material into a maximum of 0.20 acres below the high tide line (approximate elevation +19.4 feet above the 0.0 foot contour) to facilitate the construction of a floating dock.
2. Install below the mean high water mark (approximate elevation +14.4 feet above the 0.0 foot contour) one 12 feet wide by 60 long pile supported (3 each, steel) vessel float, connected to one 5 feet wide by 70 feet long aluminum ramp secured to the shore by one 4 feet wide concrete abutment/retaining wall.

All work would be performed in accordance with the enclosed plan (sheets 1-2), dated 5-11-2012.

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: Avoidance was not possible because the project is located immediately adjacent to the Annette Bay Ferry Terminal.
- b. Minimization: "All lands are already disturbed, there is no eel grass or endangered species identified at the proposed float location site."
- c. Compensatory Mitigation: "Compensatory mitigation should not be required as the Metlakatla Indian Community has set aside 84.5 acres of land, free of development for 100 years in the Crab Bay Area for the entire Walden Point Road Project and Annette Bay Ferry Terminal Site."

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 Environmental Protection Agency.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any 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).

The project area is within the known range of the Chinook, Sockeye, Chum, Coho, and Pink Salmon, and Dover Sole.

We have determined the described activity may adversely affect EFH in the project area for the following species Chinook, Sockeye, Chum, Coho, and Pink Salmon, and Dover Sole. Placement of fill material into near shore areas would result in the potential loss of habitat. The project would also include pile driving which can produce pressure waves that are harmful to adult and juvenile aquatic life. 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 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.

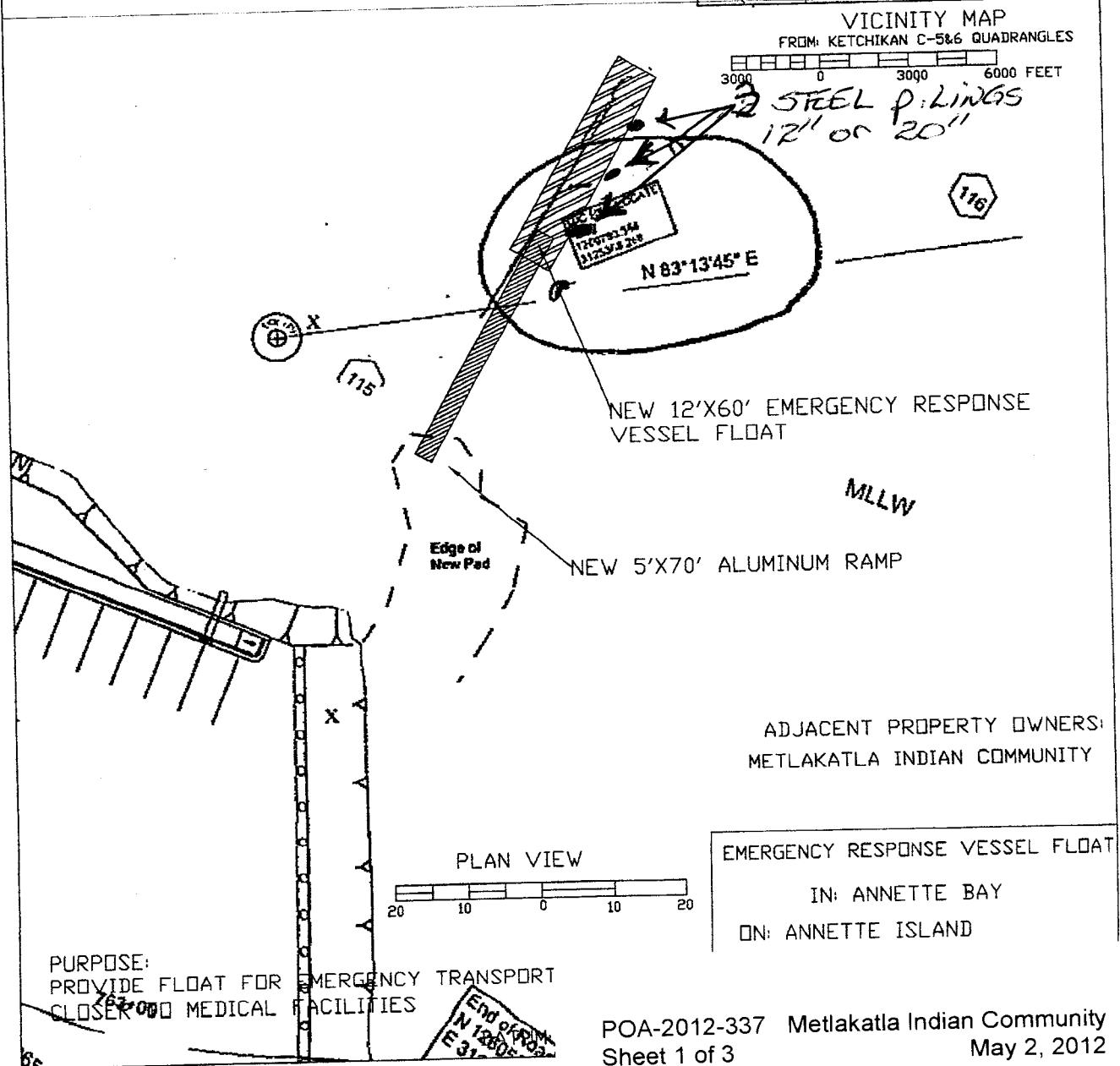
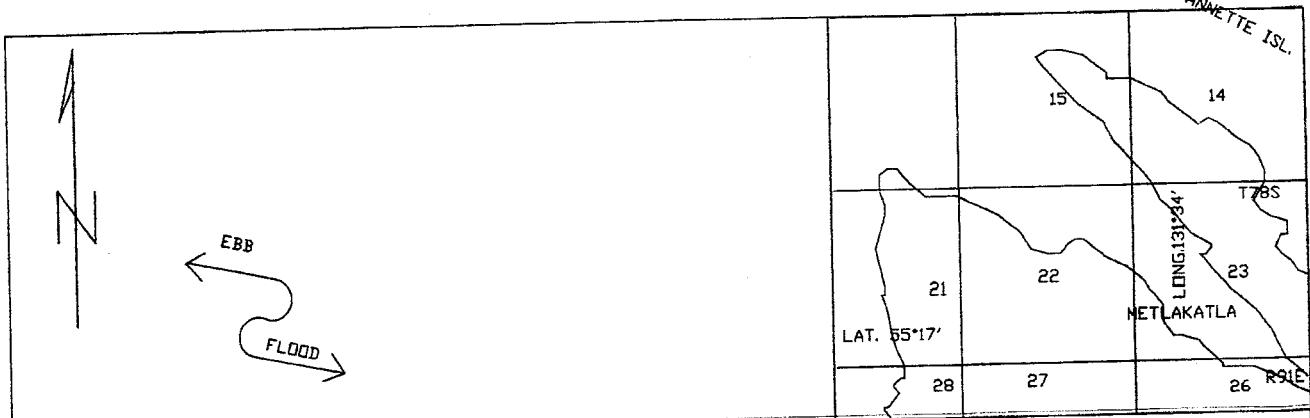
AUTHORITY: This permit will be issued or denied under the following authorities:

- (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).

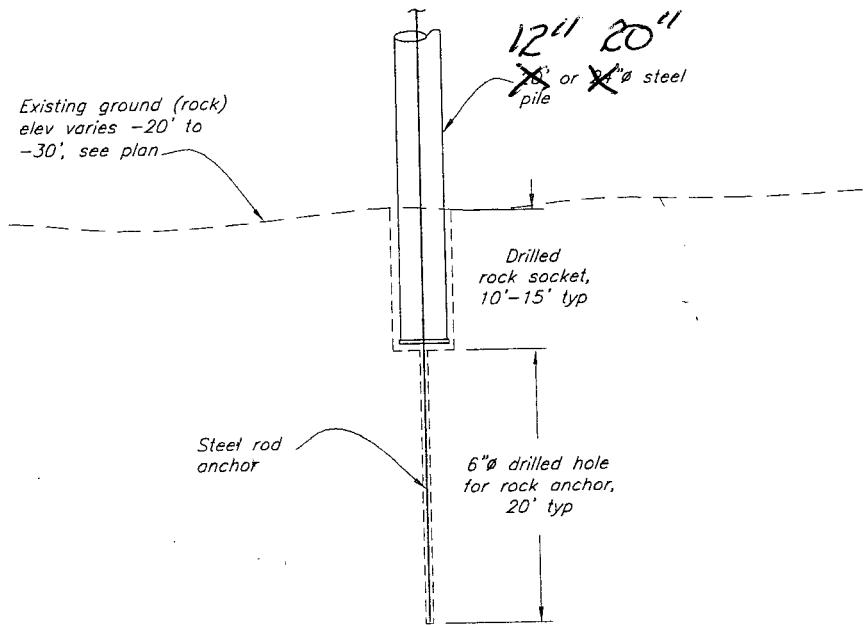
Project drawings are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures



May 2, 2012



*Rock Anchor Detail*  
for Pile Restraint Structures

NTS

EMERGENCY RESPONSE VESSEL FLOAT

IN: ANNETTE BAY

ADJACENT PROPERTY OWNERS:  
METLAKATLA INDIAN COMMUNITYWATER BODIES:  
ANNETTE BAYEXISTING USACE PERMIT NO:  
POA - 1997 - 0027PILE SOCKET &  
ANCHOR DETAILPOA-2012-337 Metlakatla Indian Community  
Sheet 2 of 3 May 2, 2012

