



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:** July 6, 2012  
**EXPIRATION DATE:** August 6, 2012  
**REFERENCE NUMBER:** POA-2012-440  
**WATERWAY:** Tongass Narrows

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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 project drawings that are available online at our website <http://www.poa.usace.army.mil/reg/PNNNew.htm>.

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 **Ms. Shannon Morgan** at (907) 753-5556, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Shannon.R.Morgan@usace.army.mil** if further information is desired concerning this notice.

**APPLICANT:** The City of Ketchikan, 334 front Street, Ketchikan, AK 99901;  
Mr. Carl Amylon, City Manager.

**AGENT:** PND Engineers, Inc., 9360 Glacier Highway, Suite 100, Juneau, AK 99801;  
Mr. Dick Somerville, P.E., Vice President.

**LOCATION:** The project site is located within Section 23, T. 75 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.350° N., Longitude 131.683° W.; NOAA Chart 17430, Ketchikan Harbor; Tidelands Addition to U.S. Survey 1229, Plat entitled Bar Harbor and filed with the City Clerk as Document No. 87-280, City of Ketchikan, Alaska. The project site is located between Bar Harbor North and Bar Harbor South and is accessible via Tongass Avenue in Ketchikan, Alaska.

**PURPOSE:** The applicant's stated purpose is to replace an aging facility and improve accessibility and safety at the City of Ketchikan's Bar Harbor Launch Ramp facility. The applicant states: "The City of Ketchikan currently operates a single lane boat launch ramp at Bar Harbor. The facility is inadequate for the volume of harbor users and congestion is frequent during peak summer months. The existing retaining wall adjacent to the facility is failing and needs to be replaced. Upland site lighting is insufficient to provide safe access during hours of darkness and poor weather."

PROPOSED WORK: Place 3,325 cubic yards of clean fill material (class A shot rock, grading A base course, and class II and III riprap), as well as ramp planks, in 0.049 acre of waters of the U.S. below the high tide line of Ketchikan Harbor, replace the aging single lane Bar Harbor Boat Launch Ramp facility with a modern two lane facility to meet the needs of the community. Construction would include the dismantling of the northern portion of the retaining wall and resetting the existing MSE blocks to reestablish the structure. The existing MSE block retaining wall would be reset with geogrid reinforcement (filter cloth) and the access stairway would be replaced. All work would be performed in accordance with the enclosed plan (sheets 1-12), sheets 1-7 undated, and sheets 8-12 dated April 2012.

ADDITIONAL INFORMATION: The existing ramp facility has been in-place since Statehood.

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: "This project utilizes pile supported and floating structures to the maximum extent possible. Inherently, impacts to the waters of the U.S. would occur by rehabilitating the existing facility and retaining wall."

b. Minimization: The applicant states: "The design has been optimized to minimize any impacts beyond what is required to facilitate the Bar Harbor Launch Ramp Rehabilitation. Measures to avoid impact to jurisdictional wetlands and waters of the U.S. include the following actions:

- Utilizing existing project footprint. The fill footprint has been minimized to the greatest extent practicable, while still meeting the purpose of the project. The launch ramp utilizes the existing footprint for the launch ramp facility thereby minimizing impacts.
- Avoid dredging activities. The project would avoid dredging by utilizing the existing ramp location placing the facility within the existing Bar Harbor Basin. The will be no need to dredge the sea floor.
- Avoid migration barriers to salmonids. At no time would the construction activities result in a migration barrier to salmonids.
- Avoid introduction of contaminated material during construction. Contaminant-free embankment and surface materials would be used during all aspects of construction.
- Preparation of Fill Site. The City of Ketchikan would utilize clean shot rock materials for placement of fill materials so that entry of fine sediment and other suspendible material into Tongass Narrows is kept to the minimum practicable.
- Avoid potential water quality impacts to Tongass Narrows by controlling surface water run-off. Surface water runoff would be directed away from Tongass Narrows through a storm drain system and oil/water separator system prior to discharge.
- Avoid impacts from potential spills during construction. To prevent spills or leakage of hazardous material during construction, standard BMP spill-prevention measures would be implemented during construction.
- Avoid impacts to marine mammals. A marine mammal monitor would be assigned to the project during pile driving operations. Driving piles can generate

underwater sound pressure waves that have the potential to disrupt migration and harass or injure marine mammals. The following measures would be taken:

- o An observer would begin to observe 15 minutes prior to pile driving and throughout the duration of each pile driving event.
- o If marine mammals are observed within a 200-meter (656-foot) radius of the pile being driven, driving would cease until the animal is clear of the zone.
- o If the marine mammal is observed during pile driving and appears to be disturbed by the noise/activity, pile driving would be discontinued and not resumed until the marine mammal is no longer observed.
- o Methods would be confirmed through consultation with NOAA.

Impacts to wetlands and other waters of the U.S. and other resources that depend on other wildlife that depend on aquatic ecosystems have been avoided to the greatest extent practicable. However, due to fill placement, there would be unavoidable impacts. The following measures would be implemented to minimize unavoidable impacts associated with the proposed project:

- Minimization of potential impacts to salmonids and EFH species during critical life stage. Timing windows would be incorporated during construction activities for all in-water work to minimize potential adverse effects to salmon during critical life stages. In-water work would be timed to avoid those times when juvenile salmon are out-migrating if stipulated in the permit special conditions. Once construction has ceased, the proposed project is not expected to measurably impact EFH-listed fish populations at the Bar Harbor Boat Launch facility site.
- Minimization of impacts to estuarine intertidal/subtidal habitat. The spatial configuration of the intertidal fill was adjusted to minimize the amount of fill that would be placed in estuarine intertidal and subtidal habitats by primarily utilizing the footprint of the existing ramp.
- Minimization of potential turbidity impacts during construction. Potential impacts to Tongass Narrows during construction, such as increased turbidity, would be temporary in nature and minimized through implementation of construction and BMPs. For example, if stipulated, floating silt curtains may be used around fill areas during construction to minimize potential turbidity impacts.
- Minimization of noise impacts from pile driving. The City of Ketchikan would encourage the use of vibratory pile driving equipment as the primary installation method for the project.
  - o Impact hammers shall only be allowed for piles that encounter soils too dense to penetrate with the vibratory equipment.
  - o The specifications shall require the use of light duty cushion blocks. Use of a pile cushion between the impact hammer and the piling will help to attenuate sound.
  - o The impact hammer energy will be limited to approximately 20,000 foot-pounds (ft-lbs) to minimize driving energy.
  - o Timing for the installation of all piles shall consider sensitive fish habitat periods for juvenile salmon.
  - o Small diameter piles will be used, when possible, to minimize potential harm to fish.
  - o Driving will occur at low tide when practicable in an effort to minimize potential impacts to fish.
- Minimization of impacts to bald eagles and migratory birds. The proposed project is not expected to have impacts on bald eagles or migratory birds in the project area; however, the following measures will be taken to minimize

- Potential impacts.
  - o If active bird nests, eggs, or nestlings are observed during construction, USFWS agency personnel will be contacted for guidance.
  - o If a bald eagles nest is located in the vicinity of the project area during construction, agencies will be contacted and a bald eagle permit will be obtained, if needed, in accordance with 50 CFR Part 22.
- Minimization of impacts from invasive species. Revegetation and planting activities are not anticipated for this work. Should it be necessary, the prevention and establishment of invasive plants during planting and revegetation activities will be accomplished by following the Cooperative Extension Service's "DON'T plant in Alaska" list."

c. Compensatory Mitigation: The applicant states: "The City of Ketchikan took advantage of extreme low tides during the week of April 1, 2012 to pull debris, including grocery carts, bicycles and other items from Thomas Basin and Bar Harbor. This clean up, coupled with the introduction of a new storm drain and treatment system will aid in promoting a healthy harbor. Existing creosote timber piles will be replaced with galvanized steel piles. Please see attached photos from the clean-up effort and accompanying Ketchikan Daily News article [sheets 4-7].

The City of Ketchikan believes that the impacts resulting from rehabilitating the existing boat launch ramp facility and removing dismantling and resetting the existing MSE block retaining wall will be minor. No further mitigation measures will be taken."

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 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 (*Oncorhynchus tshawytscha*), Coho (*Oncorhynchus kitsutch*), Sockeye (*Oncorhynchus nerka*) Pink (*Oncorhynchus gorbuscha*), and Chum (*Oncorhynchus keta*) Salmon.

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 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).

Notice of Application for State Water Quality Certification is enclosed with this Public Notice and Project drawings are available online at our website <http://www.poa.usace.army.mil/reg/PNNNew.htm>.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

## ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2012-440, Tongass Narrows, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.