



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:** October 5, 2012  
**EXPIRATION DATE:** October 22, 2012  
**REFERENCE NUMBER:** POA-2007-483-M2  
**WATERWAY:** Wrangell Narrows

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 K. 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: Priest Point, LLC, P.O. Box 53, Petersburg, Alaska 99833

AGENT: Reid Brothers Construction, P.O. Box 1187, Petersburg, Alaska 99833

LOCATION: The project site is located within Section 33, T. 58 S., R. 79 E., Copper Meridian; USGS Quad Map Petersburg D-3; Latitude 56.801° N., Longitude 132.981° W.; in Petersburg, Alaska.

PURPOSE: The applicant's stated purpose is to bring back the original use of the existing warehouse, and begin seafood processing in the warehouse and have a solid platform to stage vans and gear, while also providing stabilization for the warehouse itself.

PROPOSED WORK: To place up to 6,475 cubic yards of armor and shot rock fill into 0.29-acre of intertidal waters in order to create a solid fill platform to support seafood processing operations and provide further warehouse structural support. The fill platform would be constructed on the north side of the existing warehouse, dock, and existing fill. It would have toe-to-toe dimensions of 135 feet long by 75 feet wide. In order to bridge the gap between the warehouse and the fill platform, dock-like wooden platforms would be constructed with a concrete footing installed on the fill. The fill placed to provide additional structural support would fill 0.0556-acre (of the above stated 0.29-acre). All work would be

performed in accordance with the enclosed plan (sheets 1-7), dated September 21, 2012.

ADDITIONAL INFORMATION: On September 24, 2007, Priest Point, LLC was issued a Department of Army permit for the following:

Demolish and remove an existing pile supported ramp and wooden shed along with 19 set piles and install a 52- by 60-foot (88-foot wide at the toe) shot rock fill pad. A total of 229 cubic yards of rip rap armor rock and 1,740 cubic yards of short rock will be placed below the high tide line in 0.17 acres to construct the pad and a 40-foot long wire wall.

On September 27, 2012, the permit was modified and the following was authorized:

Discharge up to 5,750 cubic yards of armor and shot rock fill into 0.23-acre of intertidal waters in order to create a 135-foot long by 75-foot wide solid fill dock on the south side of an existing pile supported warehouse.

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 warehouse is existing within the intertidal area, and there are no opportunities to use upland areas as Mitkof Highway is immediately adjacent to the warehouse.

b. Minimization: Impacts would be minimized by using clean rock fill instead of creosote piling. The filled platform would utilize a sloping bank up to the flat working surface instead of using a bulkhead.

c. Compensatory Mitigation: The applicant proposes to wrap the existing creosote pilings and bracings with two layers to prevent further leaching of creosote into the aquatic resource. The pilings and bracings would first be wrapped in plastic, attached with staples. The second layer would be geo-textile fabric for further protection, attached with staples or screws. The pilings would be wrapped to the above the high tide line. The wrappings would be inspected every six months and after storm events to check for damage to the wrappings. Any damage found would be repaired. It has been found that wrapping creosote treated pilings in this manner substantially reduces the leaching of creosote and improves the quality of the aquatic resource.

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. It should be noted that during the review of the originally permitted work, the existing warehouse was found not to be eligible for listing on the NRHP because it was constructed in 1944

and moved to the existing site in Petersburg in 1963. It also had renovation work completed on it, including placement of additional piles and braces, and replacement of the roof and siding. 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: The project area is within the known or historic range of the blue whale, *Balaenoptera musculus*; fin whale, *Balaenoptera physalus*; gray whale, *Eschrichtius robustus*; humpback whale, *Megaptera novaeangliae*; North Pacific right whale, *Eubalaena japonica*; sei whale, *Balaenoptera borealis*; sperm whale, *Physeter macrocephalus*; and the Steller sea lion, *Eumetopias jubatus*. Preliminarily, 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). This application is being coordinated with the U.S. Fish and Wildlife Service and 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, 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 salmon, *Oncorhynchus tshawytscha*; sockeye salmon, *Oncorhynchus nerka*; chum salmon, *Oncorhynchus keta*; Coho salmon, *Oncorhynchus kisutch*; and pink salmon, *Oncorhynchus gorbuscha*. Preliminarily, 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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

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-2007-483-M2, Wrangell 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.

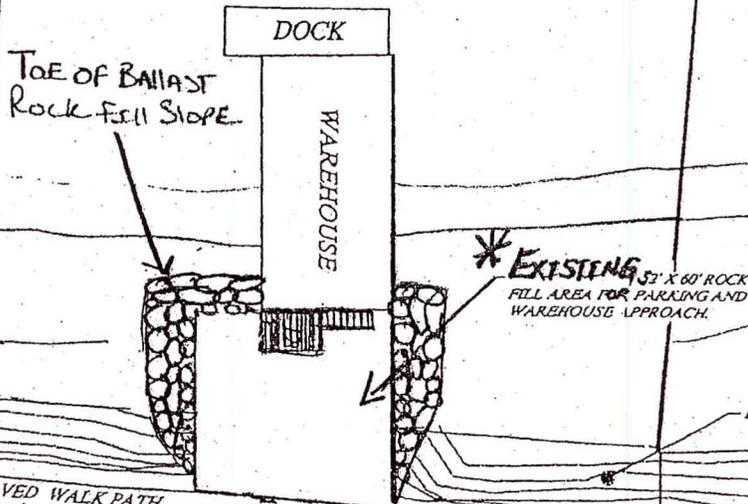
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.





# WRANGELL NARROWS

A.T.S. NO. 187



MHW

HTL

PAVED WALK PATH

PAVED WALK PATH

ELECTRICAL UTILITY POLE

MITKOF

25.4

HIGHWAY

25

05

POA-2007-483-9  
 Priest Point LLC  
 Sheet 2 of 3  
 January 5, 2007  
 Wrangell Narrows

### PURPOSE:

REMOVE AN EXISTING WOOD DOCK  
 AND STORAGE SHED, AND  
 CONSTRUCT A SHOT ROCK  
 APPROACH AND PARKING AREA

DATUM: MLW

### SITE PLAN:

#### APPLICANT:

Jeff Erickson/ Priest Point, LLC  
 P.O. Box 53  
 Petersburg, AK. 99833

DATE: 01/15/12

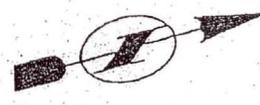
POA-2007-483-M2, Wrangell Narrows

Priest Point, LLC

Intertidal Fill

Lat. 56.8010 N., Long. 132.9810

Sheet 2 of 7, September 21, 2012

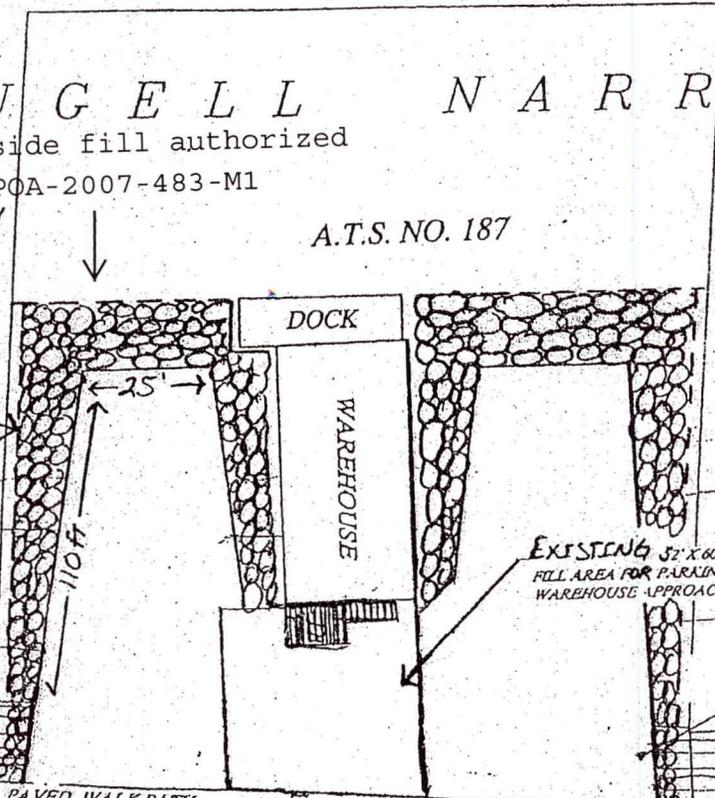


# WRANGELL NARROWS

South side fill authorized  
under POA-2007-483-M1

A.T.S. NO. 187

TOE OF BALLAST/  
ARMOR ROCK OF  
FILL SLOPE



MHW

HTL

EXISTING 52' X 60" ROCK  
FILL AREA FOR PARKING AND  
WAREHOUSE APPROACH

ELECTRICAL UTILITY POLE

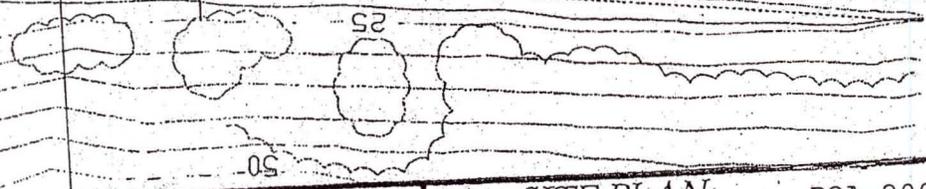
PAVED WALK PATH

PAVED WALK PATH

MITKOF

25.4

HIGHWAY



POA-2007-483-9  
Priest Point LLC  
Sheet 2 of 3  
January 5, 2007  
Wrangell Narrows

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REMOVE AN EXISTING WOOD DOCK  
AND STORAGE SHED, AND  
CONSTRUCT A SHOT ROCK  
APPROACH AND PARKING AREA

DATUM: MLW

## SITE PLAN:

**APPLICANT:**  
Jeff Erickson/ Priest Point, LLC  
P.O. Box 53  
Petersburg, AK. 99833

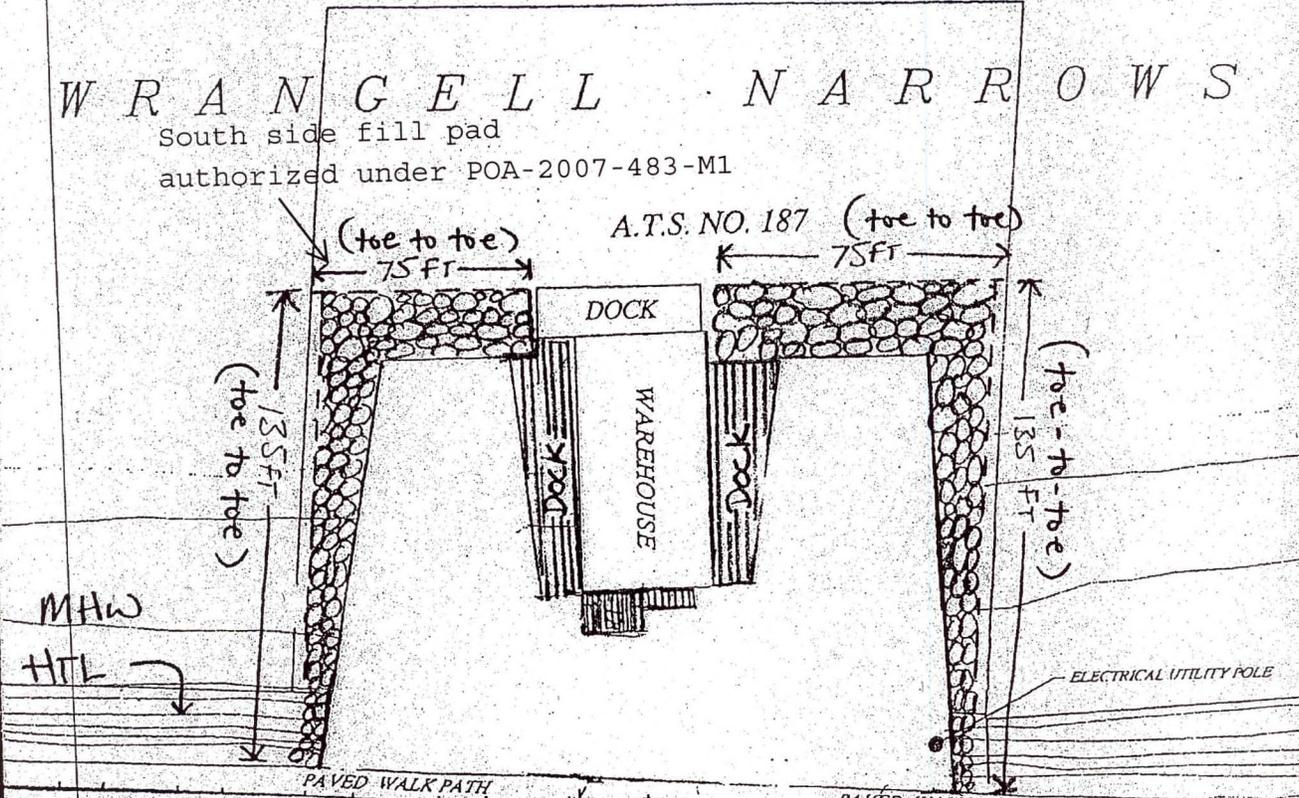
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POA-2007-483-M2, Wrangell Narrows  
Priest Point, LLC  
Intertidal Fill  
Lat. 56.8010 N., Long. 132.9810  
Sheet 3 of 7, September 21, 2012

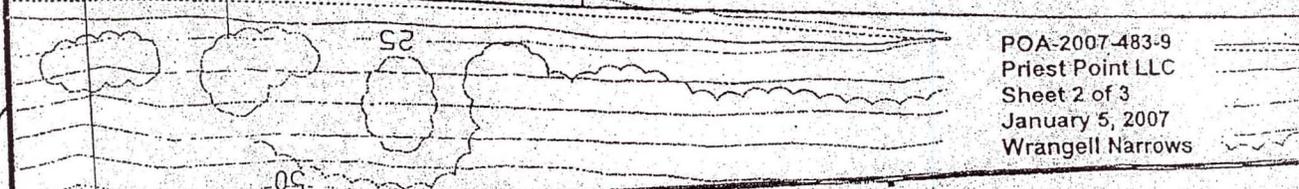


# WRANGELL NARROWS

South side fill pad  
authorized under POA-2007-483-M1



MITKOF .25.4 HIGHWAY



POA-2007-483-9  
Priest Point LLC  
Sheet 2 of 3  
January 5, 2007  
Wrangell Narrows

**PURPOSE:**  
REMOVE AN EXISTING WOOD DOCK  
AND STORAGE SHED, AND  
CONSTRUCT A SHOT ROCK  
APPROACH AND PARKING AREA  
  
DATUM: MLW

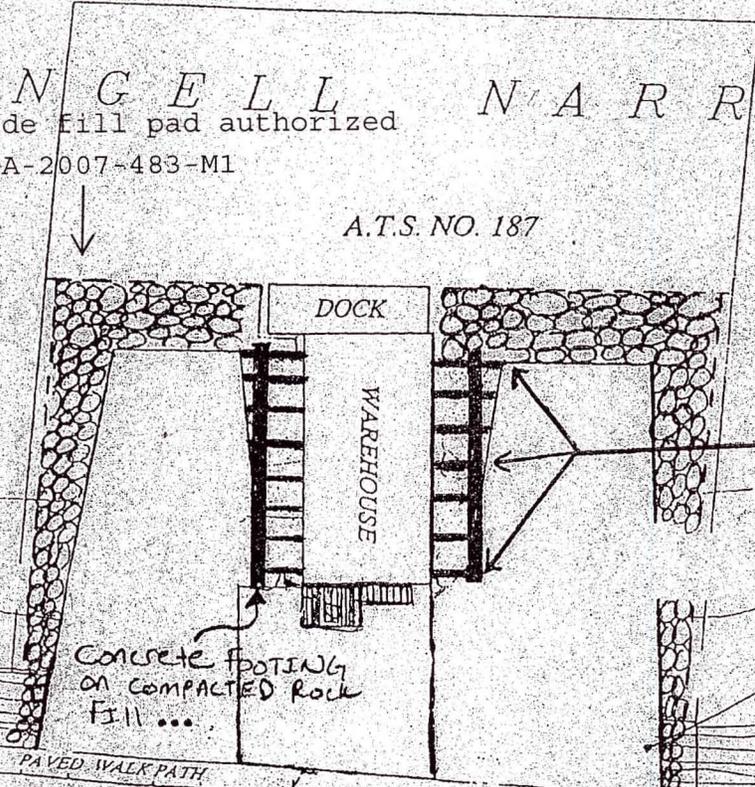
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Priest Point, LLC  
**APPLICANT:** Jeff Erickson/ Priest Point, LLC Intertidal Fill  
P.O. Box 53  
Petersburg, AK. 99833  
Lat. 56.8010 N., Long. 132.9810  
DATE: 01/Sheet 4 of 7, September 21, 2012



# WRANGELL NARROWS

South side fill pad authorized  
under POA-2007-483-M1

A.T.S. NO. 187



MHW  
HTL

CONCRETE FOOTING  
ON COMPACTED ROCK  
FILL

TREATED BEAMS  
LOAD PATTERN/size  
TO BE DETERMINED

ELECTRICAL UTILITY POLE

PAVED WALK PATH

PAVED WALK PATH

MITKOF

• 25.4

HIGHWAY



POA-2007-483-9  
Priest Point LLC  
Sheet 2 of 3  
January 5, 2007  
Wrangell Narrows

**PURPOSE:**  
REMOVE AN EXISTING WOOD DOCK  
AND STORAGE SHED, AND  
CONSTRUCT A SHOT ROCK  
APPROACH AND PARKING AREA.

### SITE PLAN:

**APPLICANT:**  
Jeff Erickson/Priest Point, LLC  
P.O. Box 53  
Petersburg, AK. 99833

DATE: 0

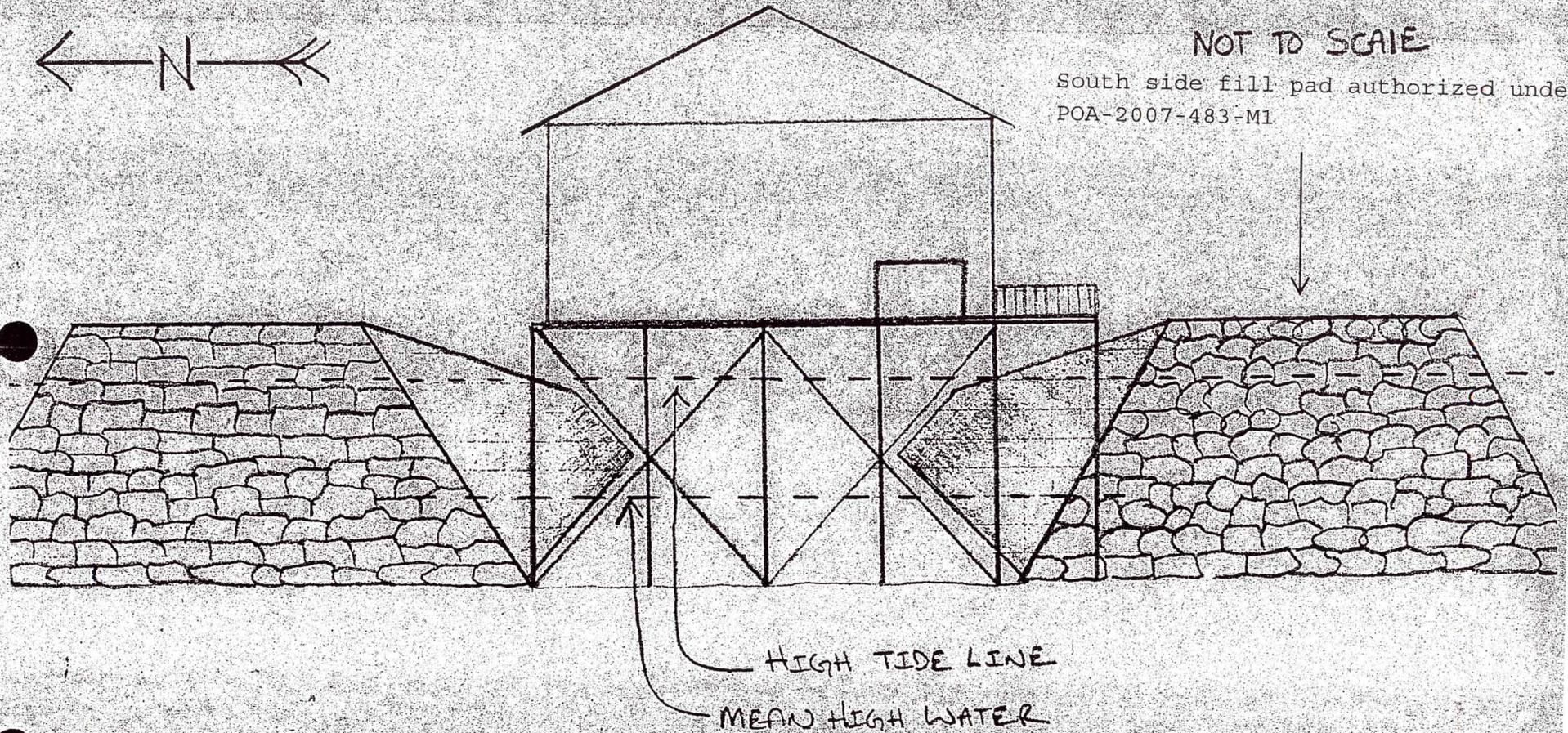
POA-2007-483-M2, Wrangell Narrows  
Priest Point, LLC  
Intertidal Fill  
Lat. 56.8010 N., Long. 132.9810  
Sheet 5 of 7, September 21, 2012

DATUM: MLW



NOT TO SCALE

South side fill pad authorized under  
POA-2007-483-M1



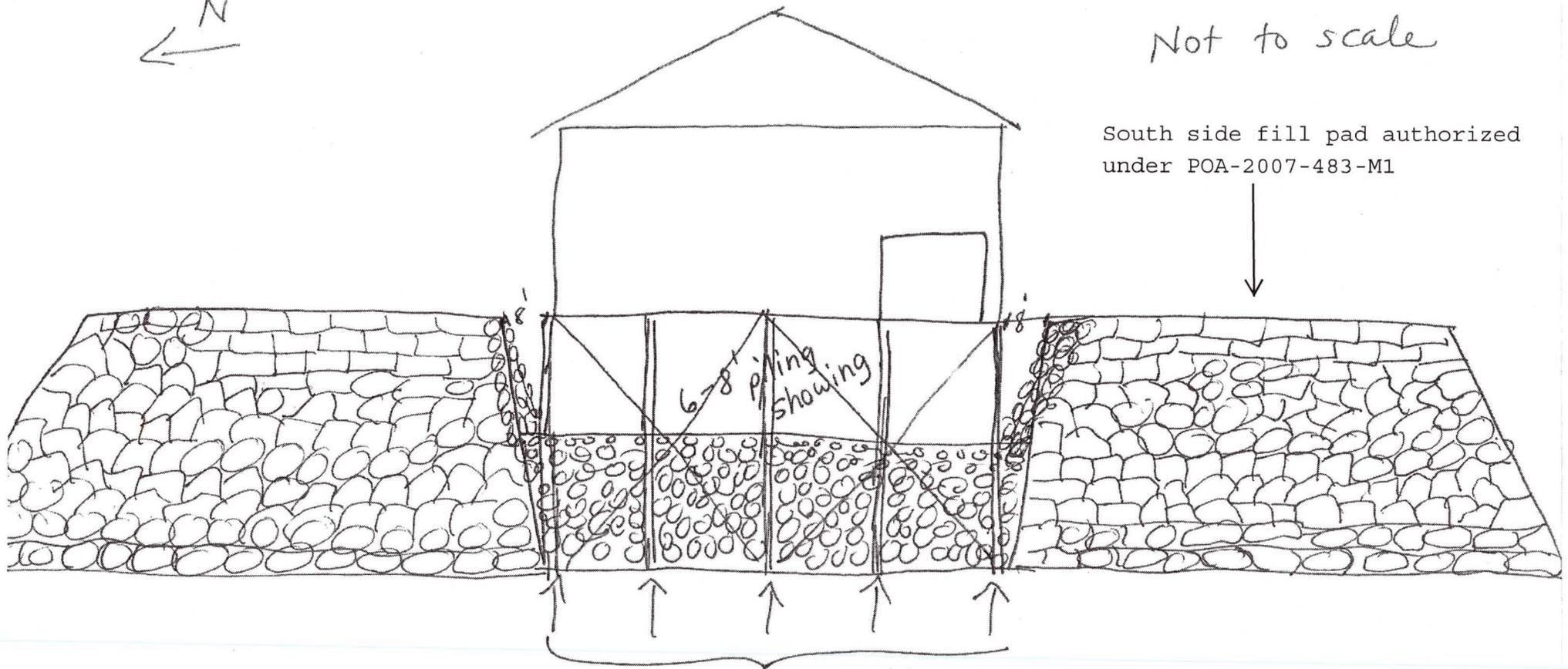
# WRANGELL NARROWS

POA-2007-483-M2, Wrangell Narrows  
Priest Point, LLC  
Intertidal Fill  
Lat. 56.8010 N., Long. 132.9810  
Sheet 6 of 7, September 21, 2012



Not to scale

South side fill pad authorized  
under POA-2007-483-M1



POA-2007-483-M2, Wrangell Narrows  
Priest Point, LLC  
Intertidal Fill  
Lat. 56.8010 N., Long. 132.9810  
Sheet 7 of 7, September 21, 2012

\* wrap each piling  
& cross brace with geotextile  
fabric, then fill with clean  
shot rock.