



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

<b>PUBLIC NOTICE DATE:</b>	<b>February 8, 2023</b>
<b>EXPIRATION DATE:</b>	<b>March 10, 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1983-00465-M8</b>
<b>WATERWAY:</b>	<b>Thorne Bay</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 Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, or by email at [Heather.N.Markway@usace.army.mil](mailto:Heather.N.Markway@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Mr. John Huestis, City of Thorne Bay, P.O. Box 19110, Thorne Bay, AK 99919, 907-828-3380, [administrator@thornebay-ak.gov](mailto:administrator@thornebay-ak.gov)

**AGENT:** Mr. Trevor Sande, R&M Engineering-Ketchikan, Inc., 7180 Revilla Road, Suite 300, Ketchikan, AK 99901, 907-225-7917, [trevorsande@rmketchikan.com](mailto:trevorsande@rmketchikan.com)

**LOCATION:** The project site is located within Section 34, T. 71 S., R. 84 E., Copper River Meridian; USGS Quad Map Cape Flattery; Latitude 55.6706° N., Longitude -132.5239° W.; in the city of Thorne Bay, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the South Davidson Inlet at Davidson Landing Harbor.

PURPOSE: The applicant's stated purpose is to provide additional boat trailer and vehicle parking adjacent to the existing launch ramp and harbor because a planned fire station will displace some of the few parking spaces that currently exist, and the site is very underserved for parking.

PROPOSED WORK: The applicant proposes to expand the Davidson Landing Harbor parking area by filling in a corner bounded by the boat launch ramp to the south, the existing gravel pad and access driveway to the west, harbor access/entrance to the north, and the South Davidson Inlet to the east. Approximately half of this corner area appears to have been partially filled prior to 2008, but not brought up to the surface grade of the surrounding gravel pads/access roads so it is not a useable surface. This previously filled area is lower than the high tide line, but higher than the mean high water, and much higher than the natural beach. The applicant proposes to place clean fill material from a local quarry consisting of 1494 cubic yards of shot rock, 119 cubic yards of D-1 gravel, and 411 cubic yards of armor rock as fill in 0.132-acre of waters of the U.S. to bring this corner area up to grade as a functional parking area. The surface of the proposed parking area would be approximately 74 feet at the widest point and 124 feet long at the longest point, with a 2:1 riprap slope on the east side. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated July 14, 2022, and November 28, 2022.

ADDITIONAL INFORMATION: This is the 8<sup>th</sup> modification for the Davidson Landing Harbor and the final planned phase of the harbor expansion under permit number POA-1983-00465 (see below for the permit history). Most of the land designated for the Davidson Landing Harbor is located with inter-tidal or submerged tidelands. There is a narrow strip of upland area adjacent to the site is already developed with the harbor access road and utilities, and there is no remaining upland to accommodate harbor and boat launch parking.

Permit History for the Davidson Landing Harbor (POA-1983-00465):

POA-1983-00465, Thorne Bay (formerly referenced as 071-0YD-1-830465, Thorne Bay 24): Issued to the South Bay Land Owners Association on February 29, 1984 (expiration date February 29, 1987), and transferred to the City of Thorne Bay on July 13, 1984, authorizing the construction of a 360-foot long, 4-foot wide log stiffleg anchored in place with an attached 8-foot by 24-foot log mooring float.

POA-1983-00465-M1, Thorne Bay (formerly referenced as M-830465): Issued on November 20, 1990 (expiration date extended to December 1, 1991), authorizing the temporary mooring of a 4-foot by 90-foot catwalk section to the existing float.

POA-1983-00465-M2, Thorne Bay (formerly referenced as N-830465): Issued on March 16, 1992 (expiration date March 16, 1995), authorizing the removal of the existing 8-foot by 24-foot mooring float held in place by two pilings and replace with a 40-foot by

40-foot mooring float held in place with two pilings and remove the existing 4-foot by 360-foot anchored log stiffleg and replace it with a decked and railed 6-foot by 390-foot anchored log stiffleg.

POA-1983-00465-M3, Thorne Bay (formerly referenced as O-830465): Issued on September 15, 1992 (expiration date September 15, 1995), authorizing the construction of an additional 24-foot by 70-foot mooring float, secured with two anchors installed on the southeast corner of the existing mooring facility.

POA-1983-00465-M4, Thorne Bay (formerly referenced as POA-1983-465-P): Application was withdrawn – no authorization was issued.

POA-1983-00465-M5, Thorne Bay (formerly referenced as POA-1983-465-Q): Issued on July 18, 2007 (expiration date May 31, 2012), authorized the installation of a new approach, steel and wood pier, ramp, and a new harbor at the Davidson Landing Harbor. It authorized the removal of the existing structures at the Davidson Landing Harbor and the discharge of 12,851-cubic yards of fill material below the high tide line into 0.29-acre to construct an "L-shaped" approach pad with a 45.7-foot by 73.4-foot section (59-foot by 65-foot toe-to-toe) and a 61.7-foot by 24-foot section (46-foot by 84.2-foot toe-to-toe) and a 12-foot by 200-foot boat launching ramp consisting of pre-cast concrete planks. The total toe-to-toe width of the fill material placed to support the ramp was 35-foot at the widest point narrowing toward the end of the ramp. The authorization included the installation of a 6-foot by 200-foot wood float adjacent to the boat ramp to be held in place with six (6) 12-inch diameter driven piles, and a 14-foot by 100-foot steel and wood pier supported by eight (8) 12-inch diameter driven piles. Also included was a 6-foot by 80-foot aluminum gangway and a new harbor system consisting of a 20-foot by 20-foot gangway landing float; a 10-foot by 160-foot access float; a 10-foot by 100-foot and a 10-foot by 75-foot main float; a 10-foot by 72-foot main float with a 3-foot by 42-foot finger float and six (6) 3-foot by 16-foot finger floats attached; and a 40-foot by 60-foot seaplane float at the Davidson Landing Harbor. A total of twenty-one (21) 12-inch diameter driven piles was authorized to support the floating portions of the dock. The floating structures would impact a total of 0.19-acre located below mean high water.

POA-1983-00465-M6, Thorne Bay: Issued on August 22, 2008 (expiration date June 30, 2013), as a modification of the POA-1983-00465-M5 authorization dated July 18, 2007. This modification authorized the construction of a 14-foot by 25-foot pile constructed pier, and 75-foot of the previously authorized pile supported pier to be substituted with 2400 additional cubic feet of shot rock to be placed seaward of the Mean High Water (MHW) impacting an additional 0.101-acre of intertidal waters of the U.S.

POA-1983-00465-M7, Thorne Bay: Issued on June 18, 2009 (expiration date May 31, 2014), as a modification of the POA-1983-00465-M5 authorization dated July 18, 2007 (and modified on August 22, 2008, under POA-1983-00465-M6). This modification changed the location and slightly the design of the previously authorized boat launch, increased the float configuration from 8,496 square feet to 12,300 square feet, added a parking area for vehicles with trailers adjacent to the boat launch, changed slightly

the approach embankment slope from 1:1 to 1.5:1, and installed 28 additional steel pilings to secure the additional floats. This authorized modification increased the total fill area in the project by 0.66-acre for a total of 0.95-acre of fill in intertidal and subtidal areas for the entire project (POA-1983-00465-M5, POA-1983-00465-M6, and POA-1983-00465-M7).

**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 existing boat ramp and small boat harbor are located on the end of the long narrow peninsula with tidelands on both sides of the peninsula. There is very little land available for vehicle and boat trailer parking and the small stretch of land has been programmed to receive a fire station which will further reduce marine service parking.”

b. Minimization: “The parking area was chosen to be the smallest dimensions to accommodate the combined length of vehicles and trailers that utilize the existing boat launch ramp.”

c. Compensatory Mitigation: “No compensatory mitigation is proposed for this project.”

**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 project footprint, as the area immediately surrounding the project was previously permitted and is already in use for parking and other harbor supporting activities. 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:** 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 (NMFS) 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 pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), and coho salmon (*Oncorhynchus kisutch*).

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 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 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.

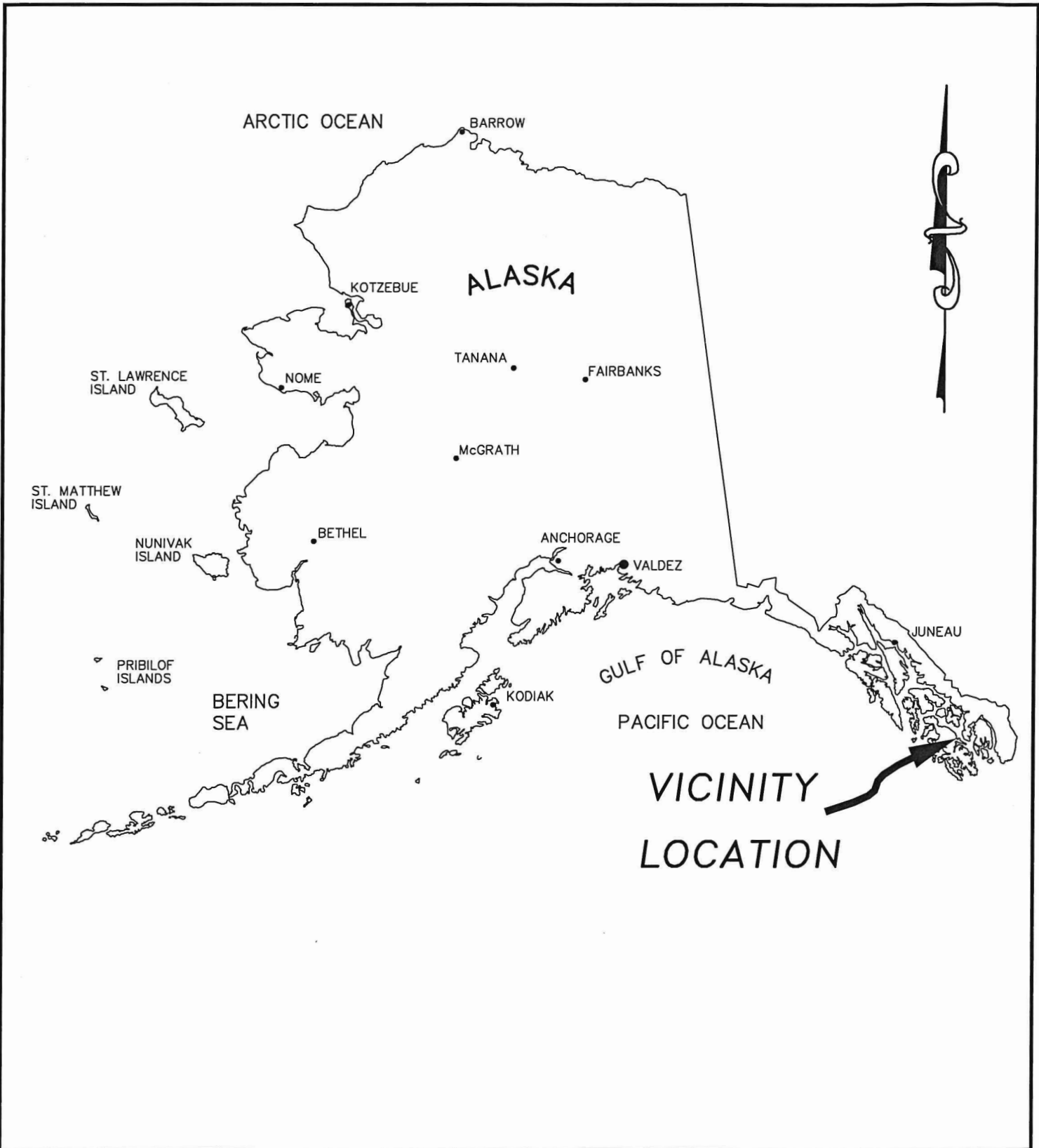
AUTHORITY: This permit will be issued or denied under the following authorities:  
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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).

Project drawings are enclosed with this public notice.

District Commander  
U.S. Army, Corps

Enclosure

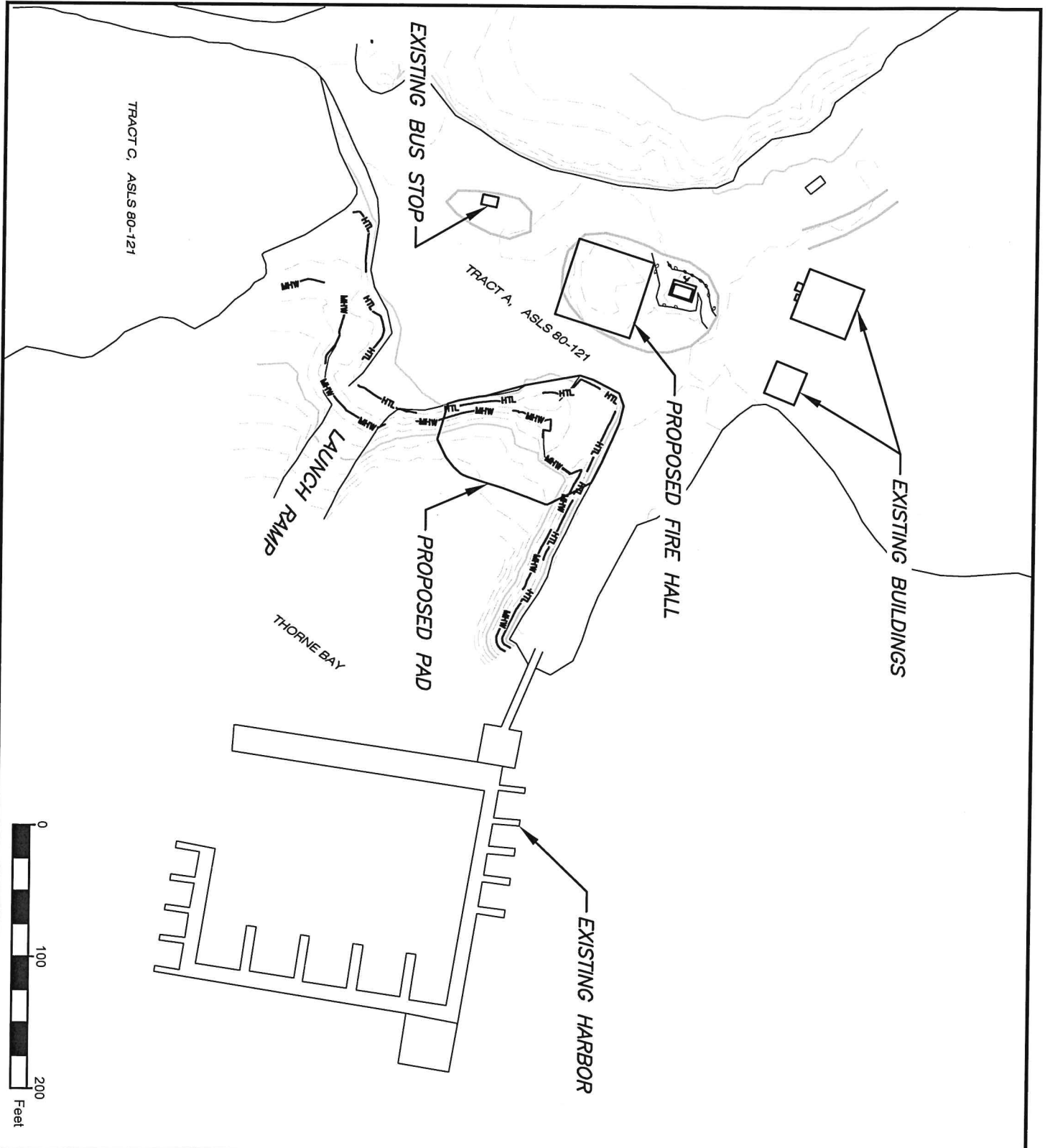


**VICINITY MAP**

APPLICATION BY:  
 CITY OF THORNE BAY  
 P.O. BOX 19110  
 THORNE BAY, AK 99901

AT: SOUTH DAVIDSON INLET  
 LOCATED IN: TRACT A, PLAT 89-29  
 Lat 55°40'14.1"N, Long. 132°31'26.1"W

DATE: 07/14/2022 SHEET 1 OF 5



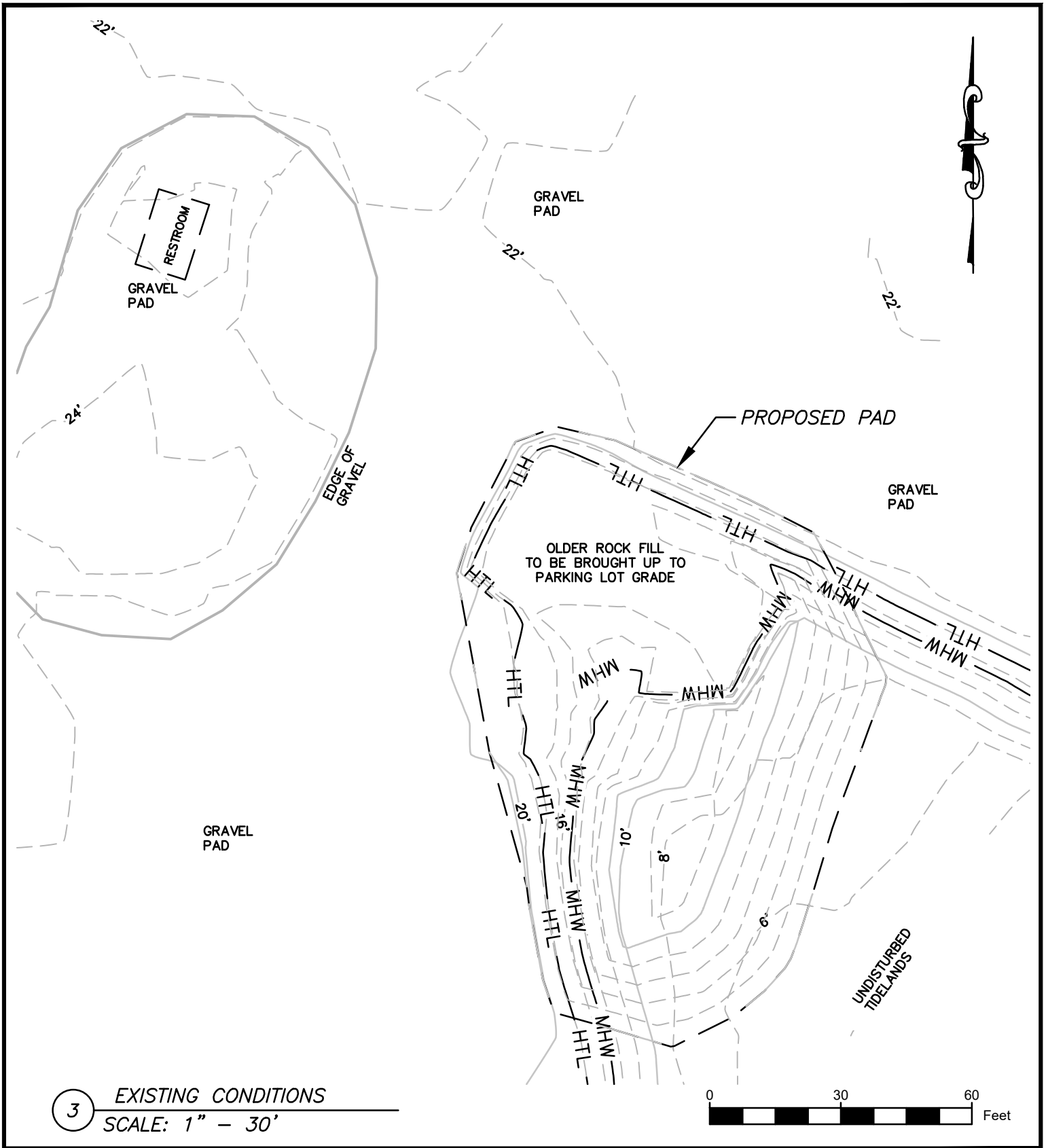
**SITE MAP**

APPLICATION BY:  
 CITY OF THORNE BAY  
 P.O. BOX 19110  
 THORNE BAY, AK 99901

AT: SOUTH DAVIDSON INLET  
 LOCATED IN: TRACT A, PLAT 89-29  
 Lat 55°40'14.1"N, Long. 132°31'26.1"W

DATE: 07/14/2022 SHEET 2 OF 5





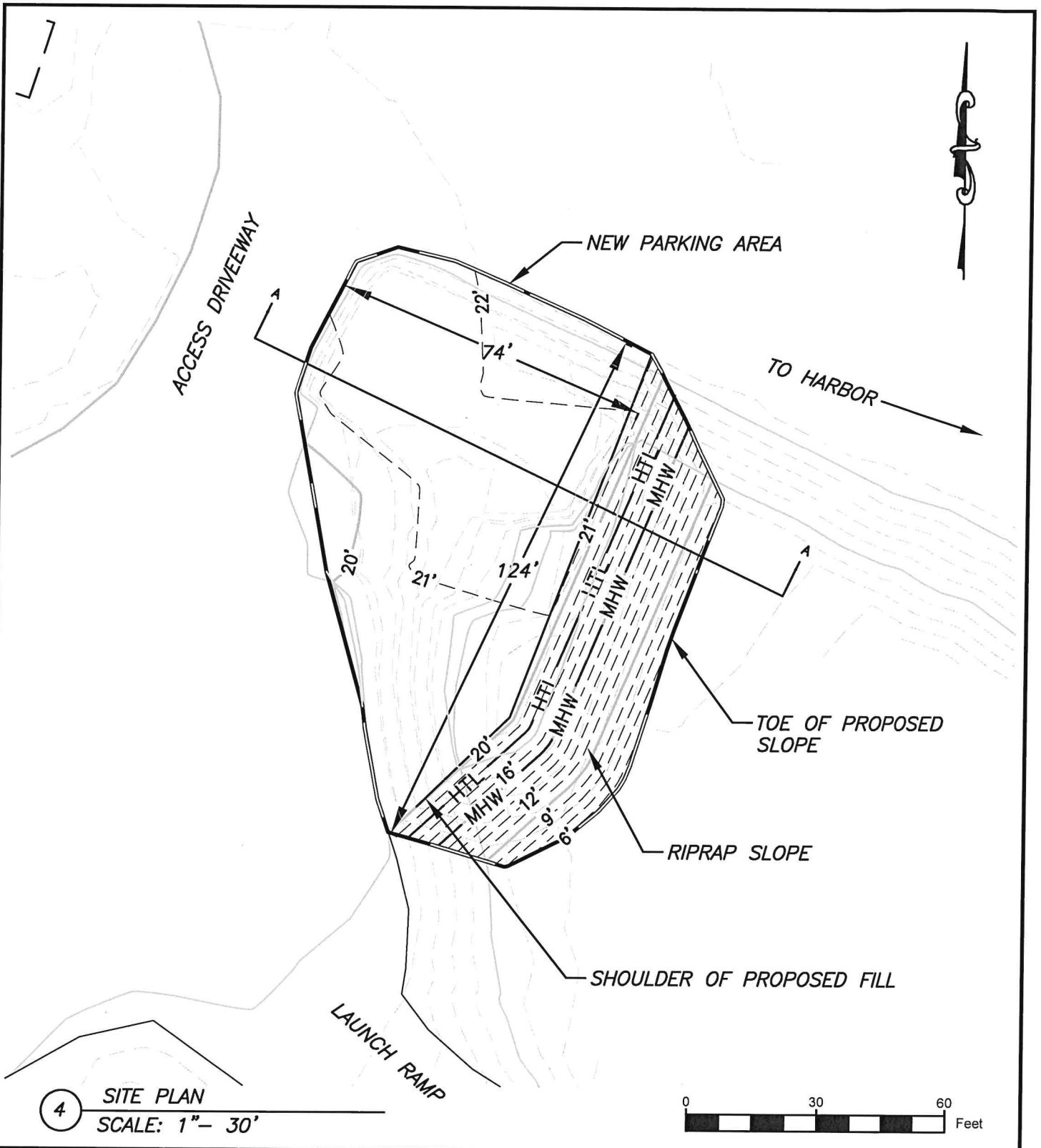
3 EXISTING CONDITIONS  
SCALE: 1" - 30'

MEAN HIGH WATER ELEV. 15.0 FEET  
HIGH TIDE LINE ELEV. 18.0 FEET

### EXISTING CONDITIONS

APPLICATION BY:  
CITY OF THORNE BAY  
P.O. BOX 19110  
THORNE BAY, AK 99901

AT: SOUTH DAVIDSON INLET  
LOCATED IN: TRACT A, PLAT 89-29  
Lat 55°40'14.1"N, Long. 132°31'26.1"W  
DATE: 11/28/2022 SHEET **3** OF **5**



4

**SITE PLAN**  
SCALE: 1" = 30'



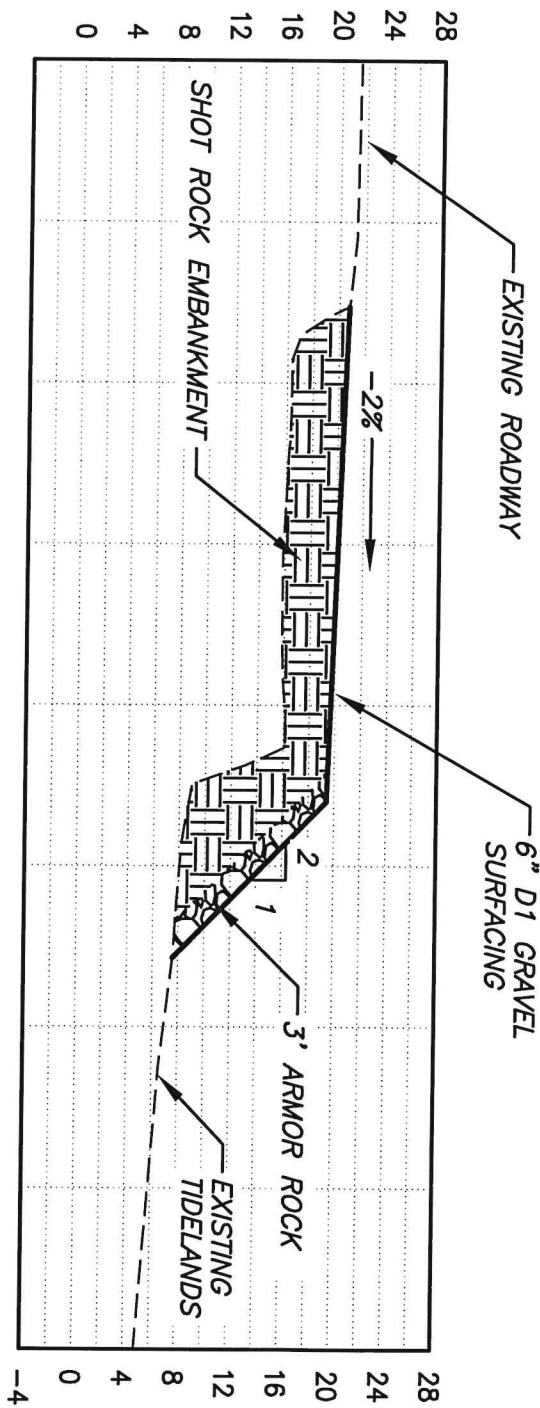
MEAN HIGH WATER ELEV. 15.0 FEET  
HIGH TIDE LINE ELEV. 18.0 FEET

**SITE PLAN**

APPLICATION BY:  
CITY OF THORNE BAY  
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Lat 55°40'14.1"N, Long. 132°31'26.1"W  
DATE: 07/14/2022 SHEET **4** OF **5**

SECTION A - A  
 FILL SECTION



**CROSS SECTIONS**

APPLICATION BY:  
 CITY OF THORNE BAY  
 P.O. BOX 19110  
 THORNE BAY, AK 99901

AT: SOUTH DAVIDSON INLET  
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DATE: 07/14/2022 SHEET 5 OF 5