



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>June 18, 2025</b>
<b>EXPIRATION DATE:</b>	<b>July 3, 2025</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2024-00028</b>
<b>WATERWAY:</b>	<b>Mud 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 Olivia Ortiz at (907) 753-2586, toll free from within Alaska at (800) 478-2712, or by email at [Olivia.K.Ortiz@usace.army.mil](mailto:Olivia.K.Ortiz@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Russell Thomas  
Gateway Aviation II, LLC  
1600 Tongass Avenue  
Ketchikan, Alaska 99901  
[russellt@aseresorts.com](mailto:russellt@aseresorts.com)  
Business: (907) 617-3619

**AGENT:** Kristina Neptun  
Jacobs  
3800 CenterPoint Drive, Suite 920  
Anchorage, Alaska 99503  
[Kristina.Neptun@jacobs.com](mailto:Kristina.Neptun@jacobs.com)

Business: (907) 761-1081  
Residence: (907) 762-1500

LOCATION: The project site is located within Section 29, T. 74 S., R. 90 E., Copper River Meridian; at Latitude 55.4193° N., Longitude 131.7648° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide a storage and maintenance facility for its use, and for initial use by other closely held businesses tied to the applicant. The facility must be located adjacent to the water to remove vessels from the water. The facility would likely store aircrafts, large passenger vessels, heavy construction equipment, fleet vehicles, and small watercrafts. The development footprint was designed to accommodate inside storage, as well as outside storage, and provide space to remove large vessels from the water by truck and trailer (up to 80 feet in length) and move them around the property and/or into the building.

PROPOSED WORK: Place 22,925 cubic yards of shot rock, 2,670 cubic yards of D-1 crushed base, 2,100 cubic yards of armor rock, and 3,150 square yards (0.65-acre) of filter fabric into 3.7 acres of wetlands and 0.445-acre of tidelands to construct a storage and maintenance facility. A rock pad measuring approximately 660 feet long by 270 feet wide would be used as the foundation for the facility. A 50-foot-wide by 114-foot-long haul out ramp would be placed below the mean high water mark (MHWM) (14.6 feet) into Mud Bay. A total of approximately 789 linear feet of perennial stream would be diverted. The rock would be sourced from Log Jam's rock pit at mile 6.5 on the North Tongass Highway. A maintenance building would be constructed on the eastern side of the property and measure 100 feet by 200 feet. Two (2) streams (approximately 256 and 324 linear feet and a total of 1,598 square feet) would be diverted to the west and flow into the stream on the western property boundary (approximately 4,627 square feet of new drainage area). One (1) stream (approximately 164 linear feet and 797 square feet) would be diverted to the east and flow into the existing stream on the eastern property boundary. Approximately 45 linear feet (446 square feet) of this stream would be diverted to the final channel alignment (approximately 1,670 square feet of new drainage area). A rock wall would be placed between this existing stream channel and the eastern property boundary stream. The rock wall would be 87 linear feet along the northeast edge of the proposed rock pad and measure five (5) feet tall, with three (3) of the feet below the high tide elevation.

The diverted channels parallel to the North Tongass Highway would be filled with shot rock and reinforced with seven (7) 6- to 8-inch diameter cedar logs for spawning enhancement structures. The logs would include a V-notch weir to ensure fish passage during low flows. The remaining length of the diversion channels would be filled with on-site materials. To ensure the constructed streambeds would be able to withstand high flows, the applicant proposes to install five (5) 45-degree angle shot rock flow diverters to guide the flow from six (6) culverts under the North Tongass Highway into the channels. The streambeds of the westernmost and easternmost streams would not be affected, except for the increase of flow from the other streams. All streams are located south of the highway and flow relatively short distances (approximately 250 feet) to Mud Bay.

The applicant proposes to begin construction upon receipt of a USACE permit and is expected to take five (5) to six (6) months to complete. No in-water work would take place between April 1 and June 15.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated May 12, 2025.

ADDITIONAL INFORMATION: The applicant has received a driveway permit from the Alaska Department of Transportation, dated February 2024. This project originally went out on public notice from June 4, 2024, to July 5, 2024, proposing the placement of 6,415 cubic yards of fill material into 0.1415-acre of estuarine and marine deepwater habitat (E1UBL) and 0.0753-acre of estuarine and marine wetland habitat (E2USN). However, a wetland assessment produced by Jacobs based on their April 8, 9, and 10, 2025, site visits, discovered the proposed project would have more impacts to waters of the United States than previously anticipated.

The applicant now proposes to place approximately 30,845 cubic yards of fill material into 4.145 acres of palustrine and estuarine wetlands and reroute approximately 789 linear feet of perennial stream. Because this project has previously undergone a 30-day comment period, and site visits were conducted by USACE and later by the agent, this comment period will expire 15 days from the date of this notice.

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 that the site selection process considered the storage needs for equipment and looked at 10 different properties for zoning, accessibility, availability, water access, utility access, and possible expansion. The selected property was the only available and viable property to meet these needs. At least one site with substantial fill, pilings, and additional tideland impacts was rejected in favor of the selected site. The proposed development does not extend to the property edge on the east and west sides in order to provide a setback for the larger stream drainages and avoid impacting those areas. Impacts to tideland areas in the southeast and southwest portion of the site would also be avoided.

b. Minimization: The applicant states that impacts during construction would be minimized by adding fill to tidal areas during low tide and by the selection of fill that does not contain a large portion of fine materials. When filling drainage streams, the new routes would be created first and lined with shock rock to create the flow channel and sloped banks. This would include stilling and calming areas. Once the new channels are in place, the previous drainage streams would be filled to the new elevation of the rock pad, thus rerouted into the new channels.

c. Compensatory Mitigation: The applicant states unavoidable impacts to wetlands for this project may be mitigated by purchasing compensatory mitigation credits from an approved mitigation bank. To facilitate this mitigation, a functional assessment of the tidal and non-tidal

wetlands was completed. The functional scores calculated using WESPAK-SE for tidal and non-tidal wetlands onsite are both 3.3.

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. A pre-filing meeting request was submitted to the Alaska Department of Environmental Conservation on May 15, 2025.

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 parcel boundaries. Consultation of the AHRS constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (USACE) at this time, and we are otherwise unaware of the presence of such resources. USACE has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application has been 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. USACE received the SHPO's concurrence with this determination on July 5, 2024.

ENDANGERED SPECIES: The project area is within the known or historic range of the proposed sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect, but is not likely to adversely affect the proposed sunflower sea star. The sunflower sea star is not afforded protections under the Endangered Species Act (ESA), and it is not expected the species would be listed before project construction would be completed. Therefore, USACE is not seeking a conference opinion with our effect determination.

USACE has determined that while sea lions may exist in the general area, the Western Distinct Population Segment (DPS) of stellar sea lions (*Eumetopias jubatus*) does not occur within the vicinity of the project location. Therefore, USACE will not consult for stellar sea lions.

We have initiated Technical Assistance procedures under Section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS), and USACE has made a "no effect" determination for listed species in the project vicinity. Any comments received 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 (Magnuson-Stevens 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 mapped EFH for pink salmon (*Oncorhynchus gorbuscha*), Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*Oncorhynchus nerka*), chum salmon (*Oncorhynchus keta*), and coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. The placement of fill affects wetland habitat functions with the following impacts: reduces the production of detritus, an important food source for aquatic invertebrate (e.g., shredders); alters the uptake and release of nutrients to and from adjacent aquatic and terrestrial systems; reduces wetland vegetation, an important source of food for fish and invertebrates; hinders physiological processes in aquatic organisms (e.g., photosynthesis, respiration) because of degraded water quality and increased turbidity and sedimentation; alters hydrological dynamics, including flood control and groundwater recharge; reduces filtration and absorption of pollutants from uplands; and alters nitrogen and oxygen cycles.

This public notice reinitiates 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:** USACE 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 USACE, 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. This application has been coordinated with Federally recognized Tribes and other consulting parties. Any comments Federally recognized Tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in USACE's final assessment of the described work.

**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.

USACE 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 USACE 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:

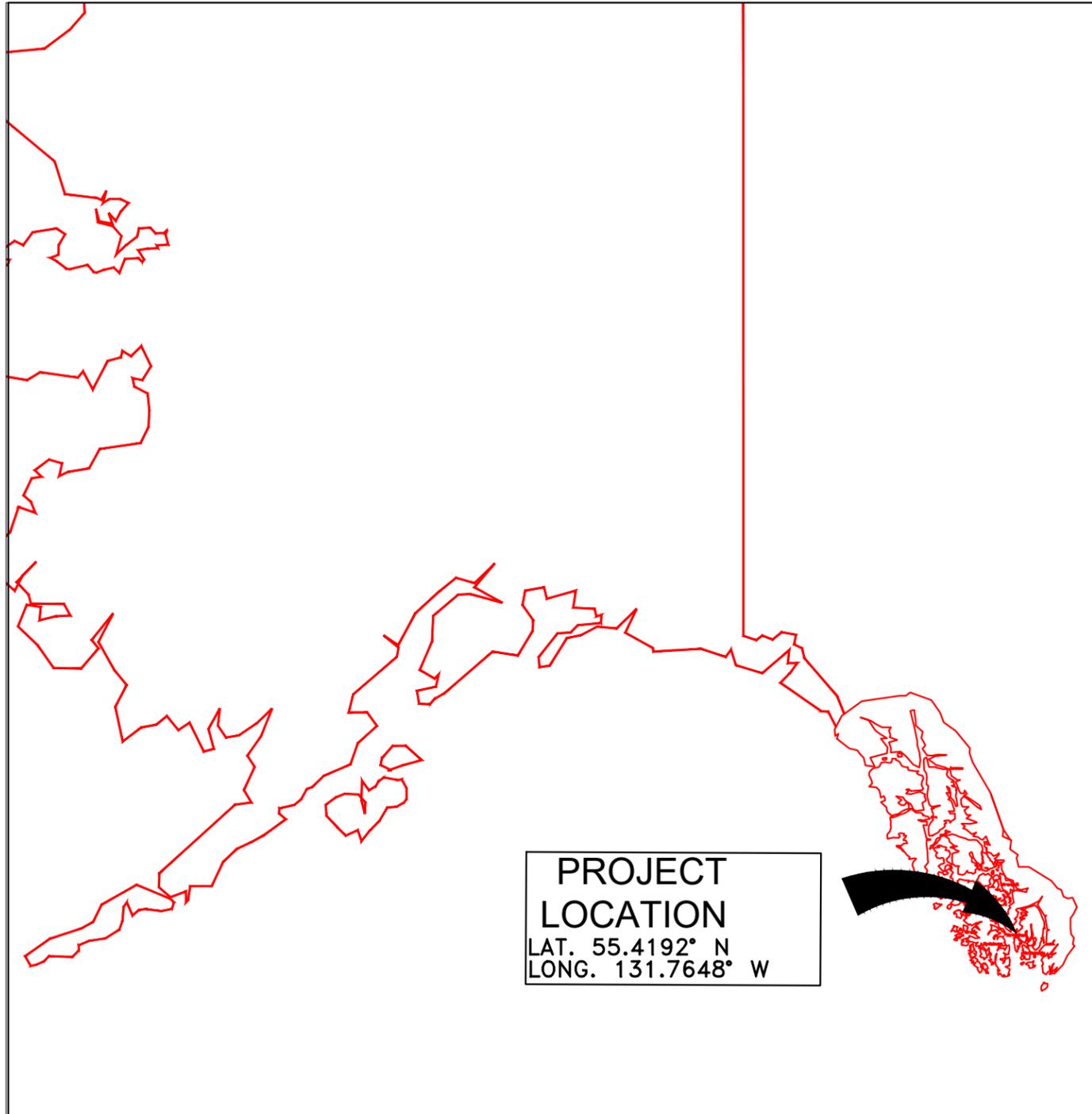
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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.

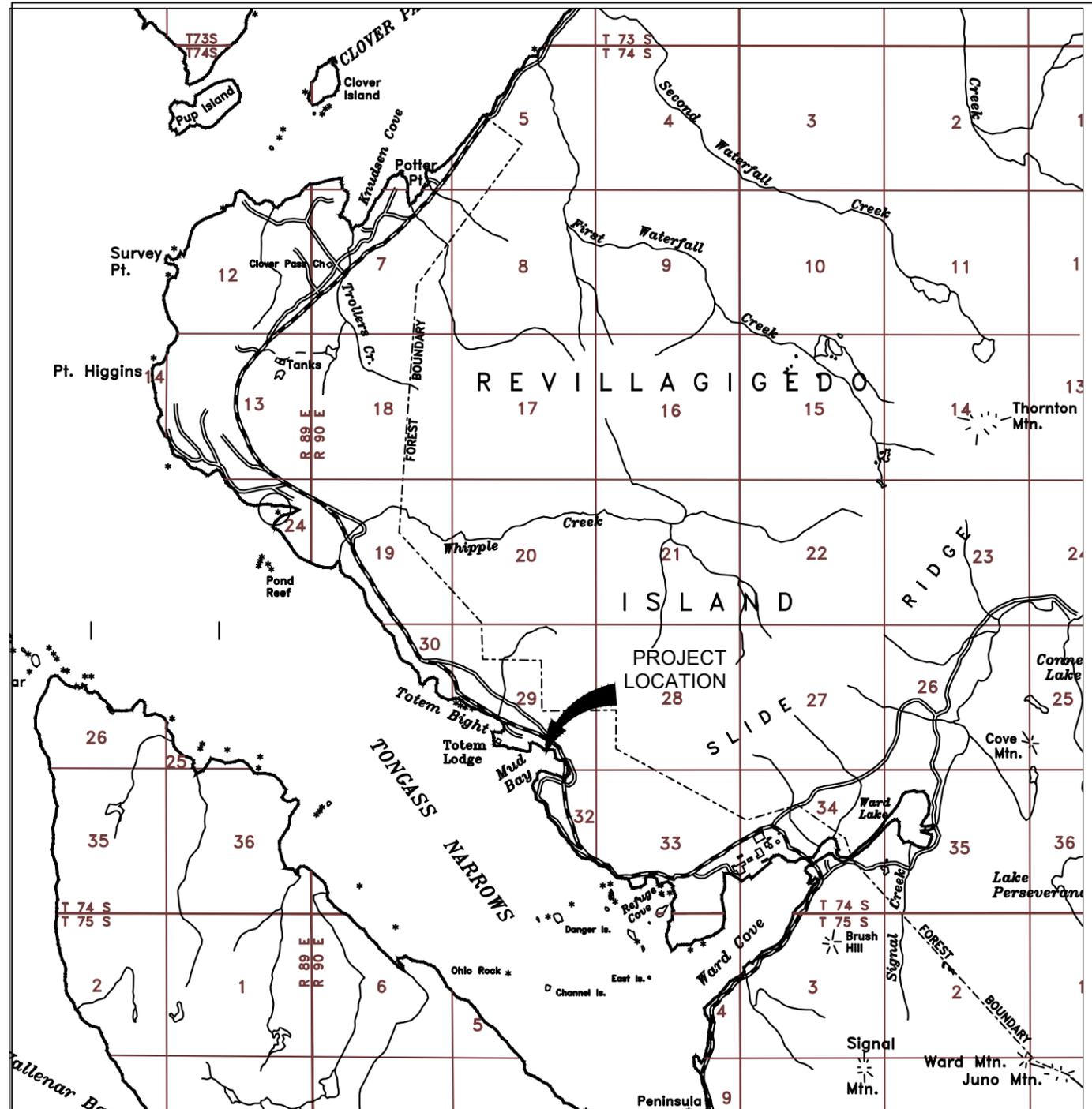
District Commander  
U.S. Army, Corps

Enclosures



SCALE NONE

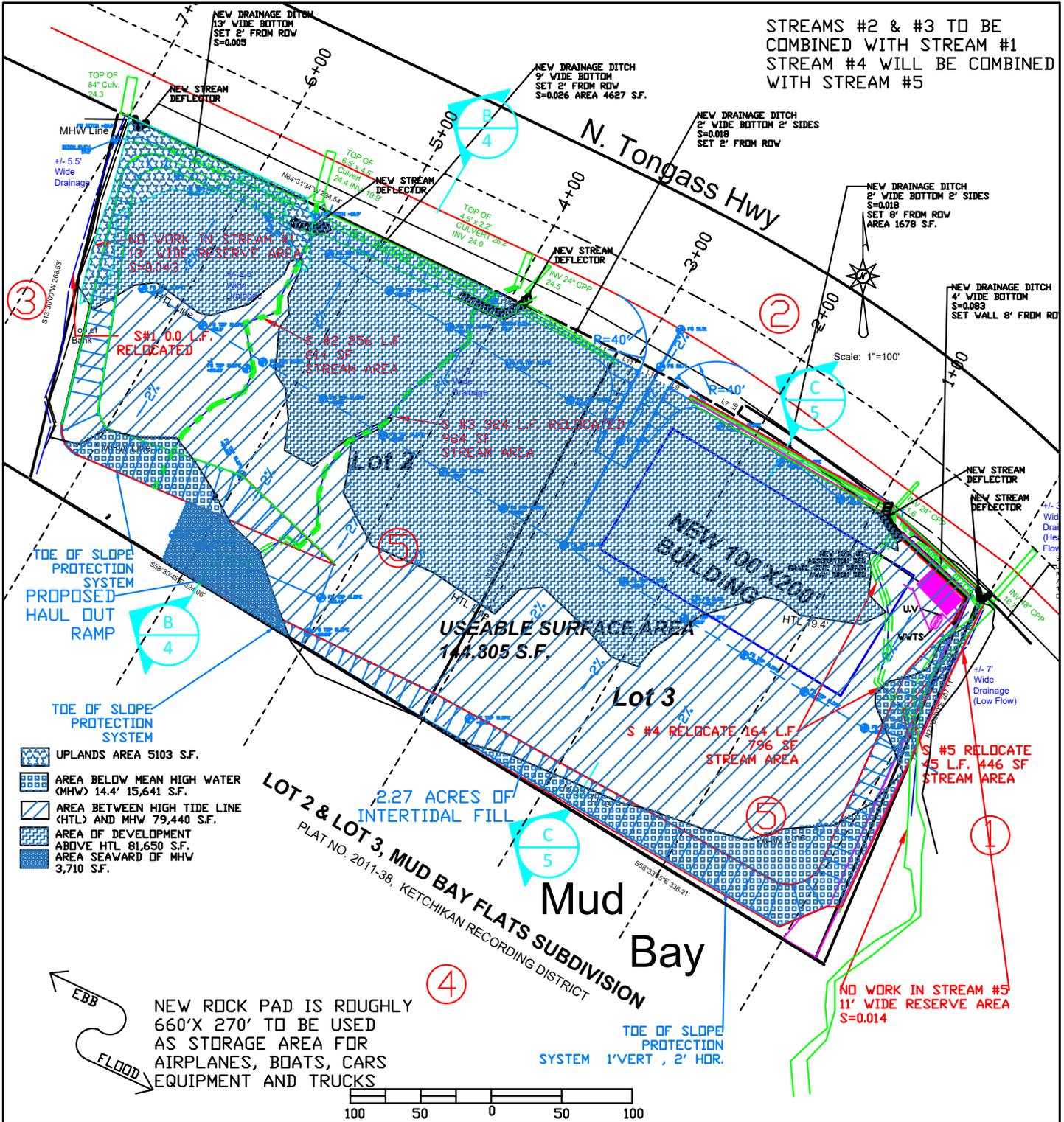
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FROM: KETCHIKAN B-6 QUADRANGLE  
 3000 0 3000 6000 FEET  
 SCALE 1"=1 Mile

DATUM: HORIZONTAL :NAD. 83/91 VERTICAL N.G.V.D. 29	VICINITY MAP REFERENCE: POA-2024-00028 GATEWAY AVIATION II, LLC KIRK THOMAS 1600 TONGASS AVE. KETCHIKAN, ALASKA 99901	PROPOSED: New Haul Out and Hangar Facility CITY OF: KETCHIKAN STATE OF: AK APPLICATION BY: KIRK THOMAS SHEET 2 of 8 DATE 7-18-24
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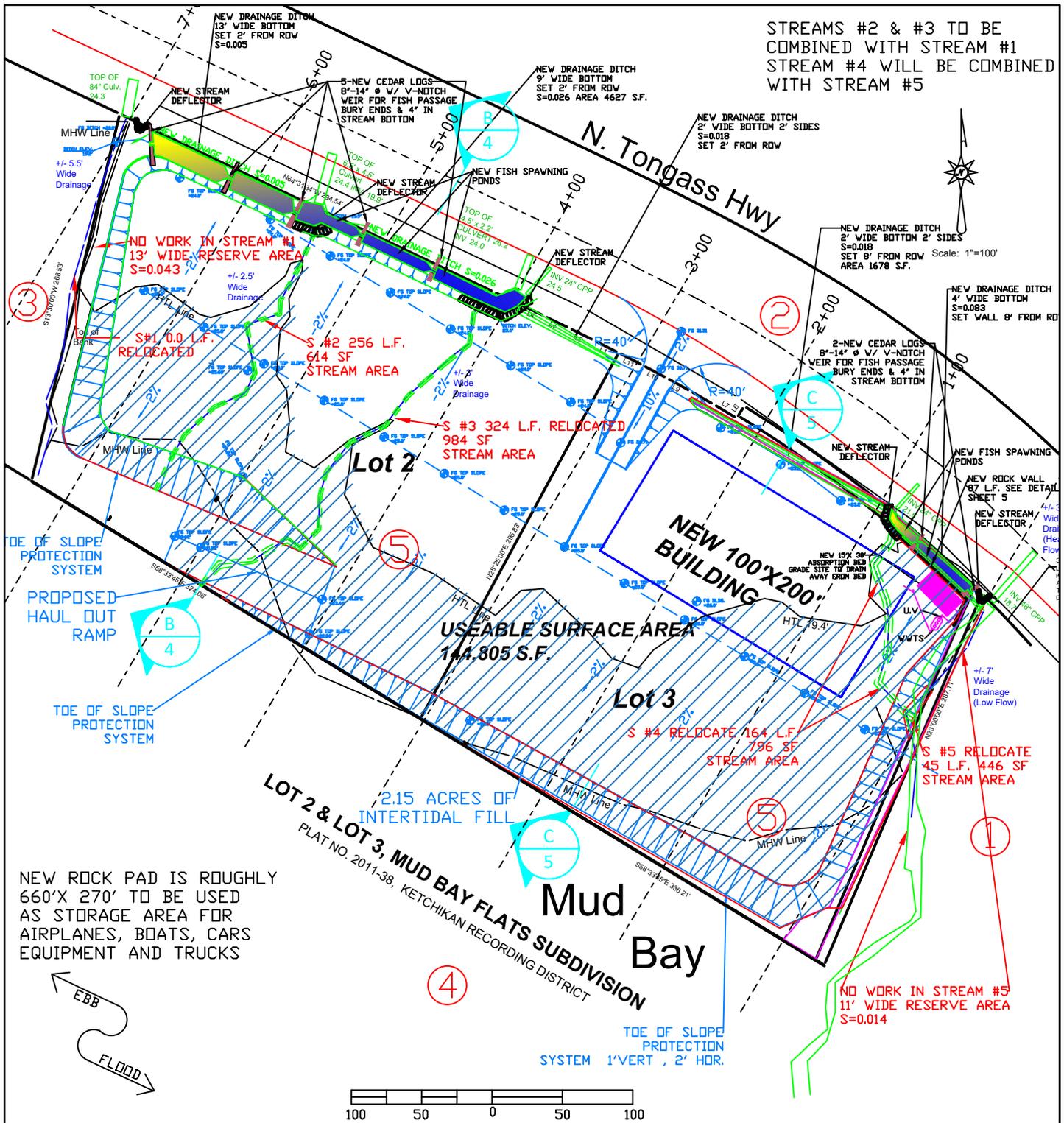
STREAMS #2 & #3 TO BE COMBINED WITH STREAM #1  
 STREAM #4 WILL BE COMBINED WITH STREAM #5



ADJACENT PROPERTY OWNERS:  
 1. JOHN C. SLOAN  
 2. STATE OF ALASKA  
 3. SELEY PROPERTIES LTD  
 4. KETCHIKAN GATEWAY BOROUGH  
 5. GATEWAY AVIATION II LLC

PLAN VIEW  
 REFERENCE: POA-2024-00028  
 GATEWAY AVIATION II, LLC  
 KIRK THOMAS  
 1600 TONGASS AVE.  
 KETCHIKAN, ALASKA 99901

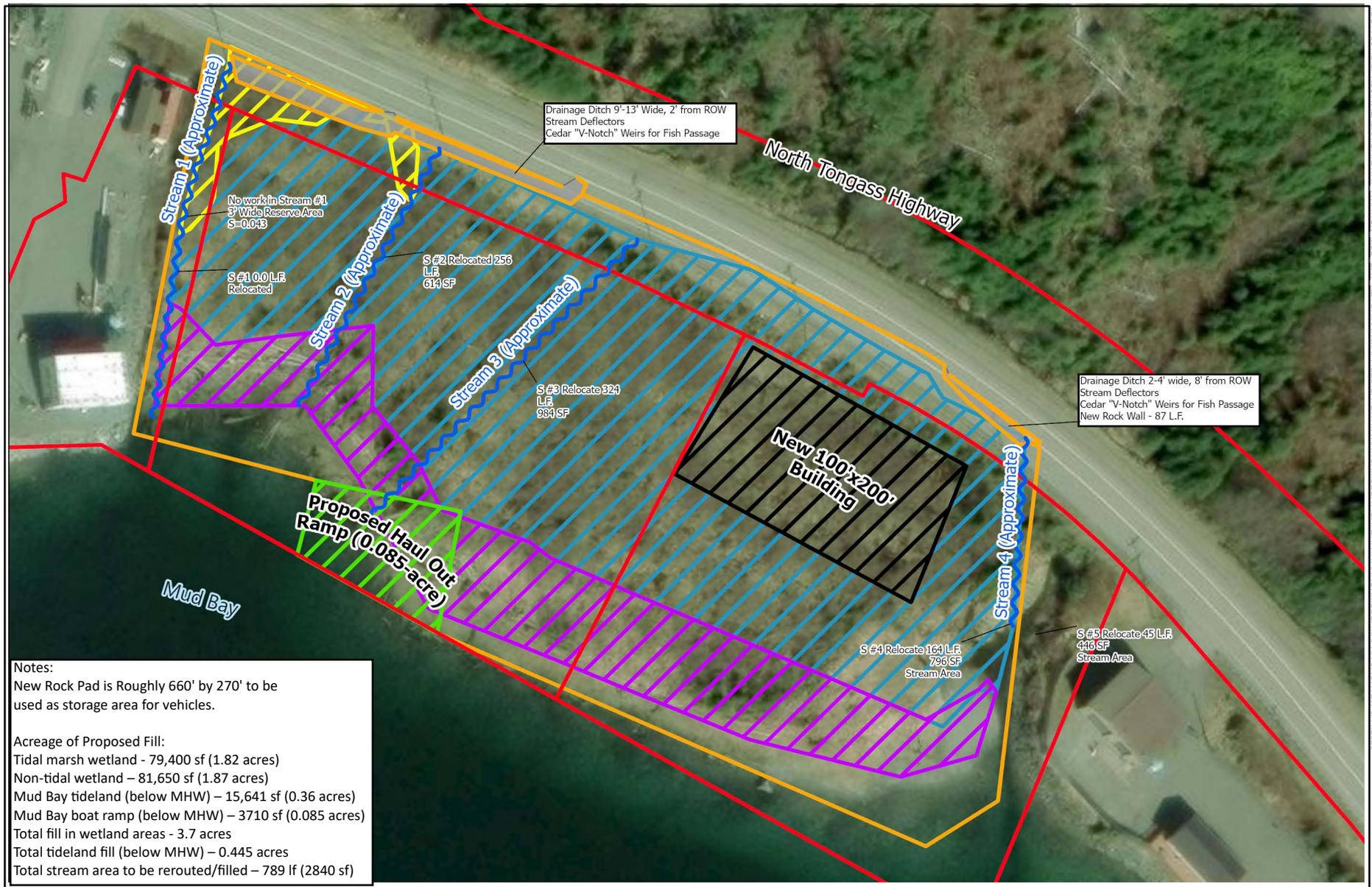
PROPOSED:  
 New Haul Out and Hangar Facility  
 CITY OF: KETCHIKAN STATE OF: AK  
 APPLICATION BY: KIRK THOMAS  
 SHEET 3 of 8 DATE 5-12-2025



ADJACENT PROPERTY OWNERS:  
 1. JOHN C. SLOAN  
 2. STATE OF ALASKA  
 3. SELEY PROPERTIES LTD  
 4. KETCHIKAN GATEWAY BOROUGH  
 5. GATEWAY AVIATION II LLC

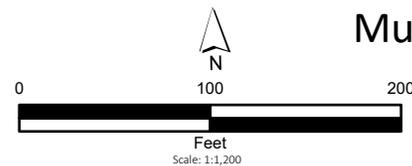
PLAN VIEW  
 REFERENCE: POA-2024-00028  
 GATEWAY AVIATION II, LLC  
 KIRK THOMAS  
 1600 TONGASS AVE.  
 KETCHIKAN, ALASKA 99901

PROPOSED:  
 NEW HOVER CRAFT FACILITY  
 CITY OF: KETCHIKAN STATE OF: AK  
 APPLICATION BY: KIRK THOMAS  
 SHEET 3 of 8 DATE 1-11-2024

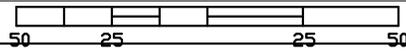
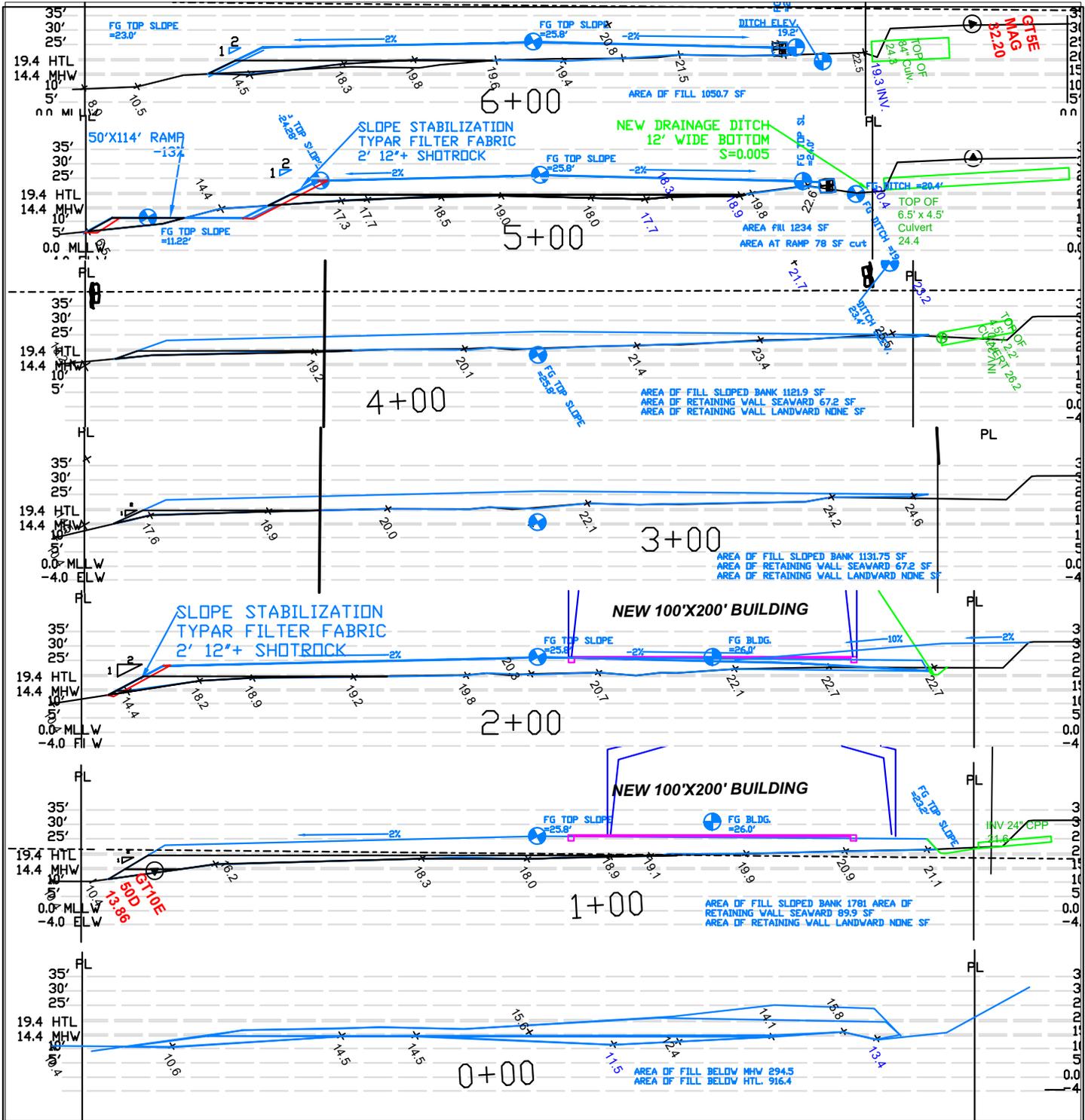


**LEGEND**

- Stream Location (Approximate)
- Proposed Haul Out Ramp
- New 100'x200' Building
- Drainage Ditch
- Fill Extent
- Upland (0.11 Acres)
- Non-Tidal Wetland (1.60 Acres)
- Tidal Wetland (0.66 Acres)
- Alaska Statewide Parcels



# Wetland Delineation Mud Bay, Ketchikan Alaska



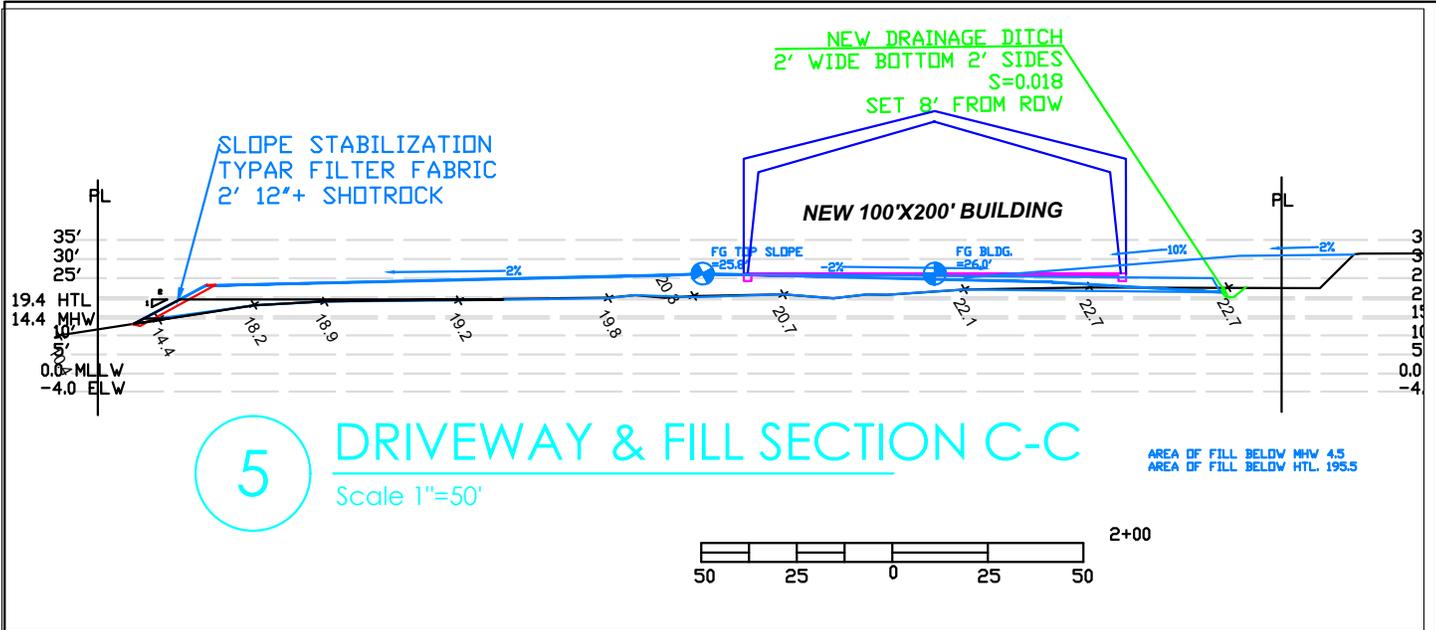
CROSS SECTIONS

REFERENCE: POA-2024-00028  
 GATEWAY AVIATION II, LLC  
 KIRK THOMAS  
 1600 TONGASS AVE.  
 KETCHIKAN, ALASKA 99901

PROPOSED:

New Haul Out and Hangar Facility  
 CITY OF: KETCHIKAN STATE OF: AK  
 APPLICATION BY: KIRK THOMAS  
 SHEET 4 of 8 DATE 5-20-2025

DATUM:  
 HORIZONTAL: NAD. 83/91  
 VERTICAL: N.G.V.D. 29

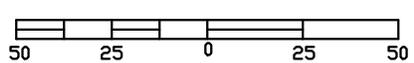


5

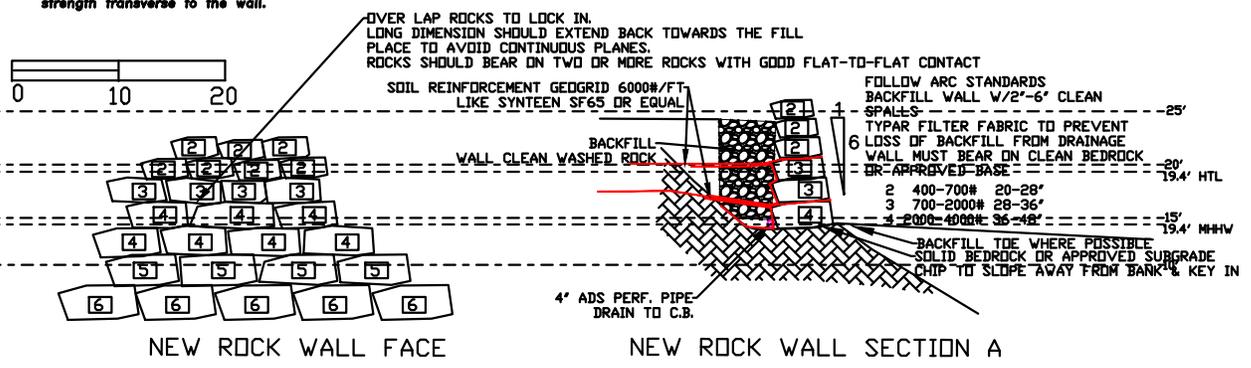
DRIVEWAY & FILL SECTION C-C

Scale 1"=50'

AREA OF FILL BELOW MHW 4.5  
AREA OF FILL BELOW HTL 195.5



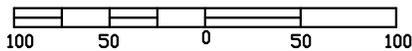
- NOTES:**
1. Rock wall construction is a craft and depends largely on the skill and experience of the builder therefore use only experienced skilled operators
  2. A rock wall is a protective system which helps retard the weathering and erosion process it is not a designed or engineered system in the sense a reinforced concrete retaining wall is designed.
  3. The degree of retention achieved is dependent on the size of the rock used; that is the mass or weigh and the height of the wall being constructed. The larger the rock the more competent the rock wall should be.
  4. Rock wall should be considered maintenance item that will require periodic inspection and repair. They should be located so that they can be reached by a contractor if repairs become necessary.
  5. The maximum inclination of the slopes above and behind the wall should be no more than 2:1 (Horizontal:Vertical)
  6. Minimum thickness of rock filter layer 12", Minimum embedment 12" undisturbed native soil or compacted fill. Maximum rock wall height H=16 feet
  7. Rock walls over 8 feet should be installed under periodic or full time observation of the engineer
  8. Rock should be placed to gradually decrease in size with the rock sizes shown on the attached drawing
  9. The minimum width of the keyway excavation should be equal to the thickness of the base rock as determined by the design.
  10. The long dimension of the rocks should extend back towards the cut or fill face to provide the maximum stability. Rocks should not be stacked like shoe boxes. they should be placed to avoid continuous joint planes in vertical or lateral directions. Whenever possible each rock should bear on two or more rocks below it, with good flat-to-flat contact.
  11. Soil stabilization fabric like System SF65 or equal shall be installed to tie the rock wall back into the bank a minimum of 12'. Orientate fabric for maximum strength transverse to the wall.



DATUM:  
HORIZONTAL :NAD. 83/91  
VERTICAL N.G.V.D. 29

DETAILS & SECTION  
REFERENCE: POA-2024-00028  
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KIRK THOMAS  
1600 TONGASS AVE.  
KETCHIKAN, ALASKA 99901

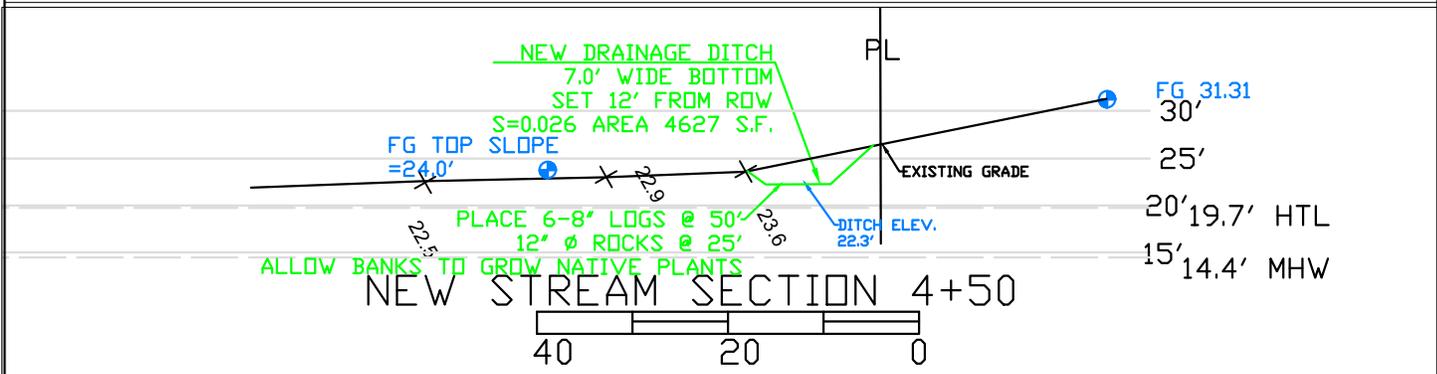
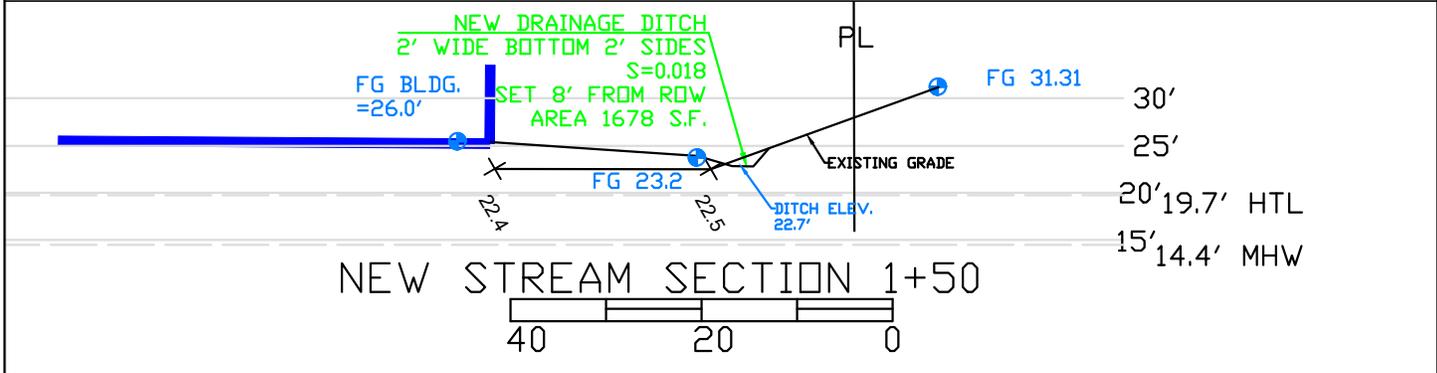
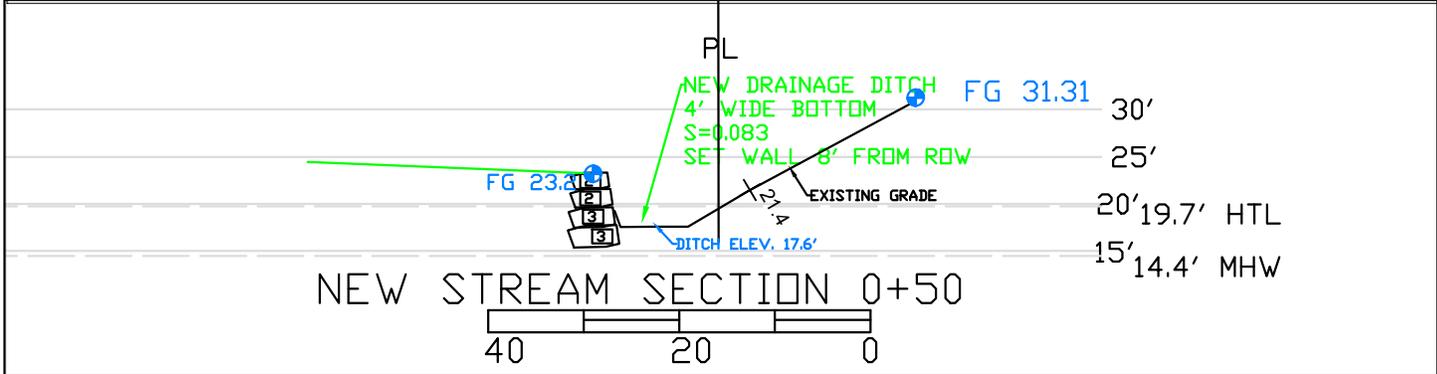
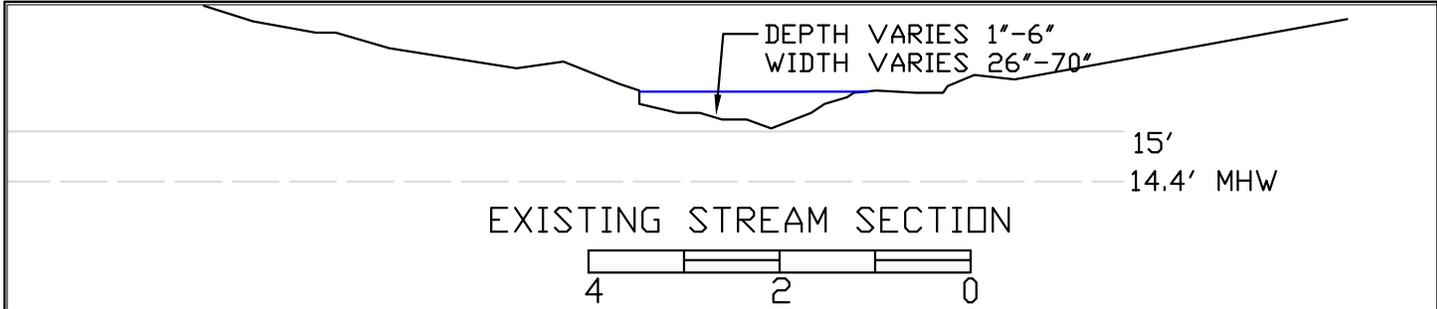
PROPOSED:  
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APPLICATION BY: KIRK THOMAS  
SHEET 5 of 8 DATE 7-18-24



DATUM:  
 HORIZONTAL :NAD. 83/91  
 VERTICAL N.G.V.D. 29

DRAINAGE ON AERIAL  
 REFERENCE: POA-2024-00028  
 GATEWAY AVIATION II, LLC  
 KIRK THOMAS  
 1600 TONGASS AVE.  
 KETCHIKAN, ALASKA 99901

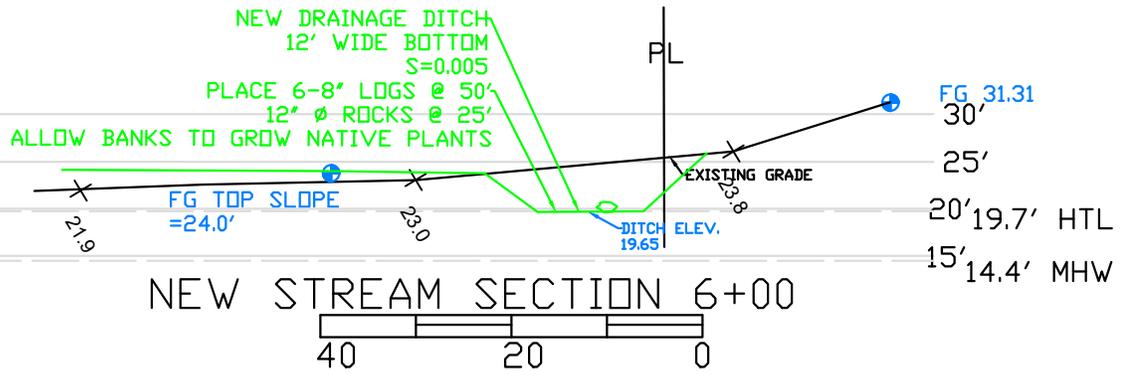
NEW HOVER CRAFT FACILITY  
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 APPLICATION BY: KIRK THOMAS  
 SHEET 6 of 8 DATE 7-18-24



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 CITY OF: KETCHIKAN STATE OF: AK  
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 SHEET 8 of 8 DATE 7-18-24

# Supplemental Figure 1 - Anadromous Waters Catalog Map, Mud Bay, Ketchikan, Alaska



5/12/2025, 10:42:28 PM

POA-2024-00028

May 12, 2025

Sheet 10 of 10

AWC 2024 - Anadromous points

- ▲ LOWER
- MID End
- ▲ UPPER

□ PLSS - PLS TOWNSHIP PY

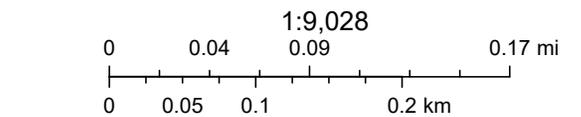
□ PLSS - PLS SECTION PY

Culvert

● Red: crossing assumed to be inadequate for juvenile salmonid/ weak swimming fish passage

● Gray: crossing may be inadequate for juvenile salmonid/ weak swimming fish passage

— AWC 2024 - Anadromous streams



Source: Esri, USDA FSA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, ADFG

ADF&G