



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	October 15, 2025
EXPIRATION DATE:	November 14, 2025
REFERENCE NUMBER:	POA-2025-00433
WATERWAY:	Tongass 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.

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. 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 Leah Barrett at (907) 753-2760, toll free from within Alaska at (800) 478-2712, or by email at leah.barrett@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: William and Patricia Smart
PO Box 8200
Ketchikan, Alaska 99901
smartconstruction@kpunet.net

LOCATION: The project site is located within Section 12, T. 75 S., R. 89 E., Copper River Meridian; Latitude 55.3834° N., Longitude 131.7606° W.; in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to bring an existing boat house on shore to safety that is currently tied to the docking facility. The boathouse has been moved to a storage grid many times due to adverse weather conditions and vessel activity. The proposed work will begin after a Corps permit is received and is estimated to be completed May 2026.

PROPOSED WORK: The proposed work is to fill a previously dredged area with approximately 1600 cubic yards of clean shot rock and 200 cubic yards of armor rock for the front of the property. The dimensions of the fill area measures at approximately 100 feet by 80 feet and work is proposed to be completed completely in the dry. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated October 1, 2025.

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 all work will be completed in the dry when low tide occurs, and no equipment will be in the water during construction.

b. Minimization: The fill extends to where it was previously dredged in the past and does not extend any further than predeveloped land.

c. Compensatory Mitigation: USACE has preliminarily determined no compensatory mitigation is required because the area would be restored to its preexisting condition.

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 area of fill material being discharged. 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 an initial determination of No Historic Properties Affected (No Effect) 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. USACE is requesting the SHPO's concurrence with this determination initiated by this public notice.

ENDANGERED SPECIES: The project area is within the known or historic range of the Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*) and the fin Whale (*Balaenoptera physalus*).

We have preliminarily determined the described activity would have no effect on the Humpback whale and Fin whale and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This is due to the work being completed in the dry when the tide is low. 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 (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 coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), and sock-eye salmon (*Oncorhynchus nerka*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. Based on the site-specific factors, project scale, and analysis above, the proposed action is anticipated to have a minimal adverse impact to EFH with no substantive reduction in quality and/or quantity of EFH. The work is being done completely in the dry during low tide and this is a previously disturbed site. Also, along with the applicants proposed mitigation measures, the Corps permit conditions are designed to minimize adverse impacts. 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: 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 is being coordinated with federally recognized tribes and other consulting parties. Any comments federal 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).

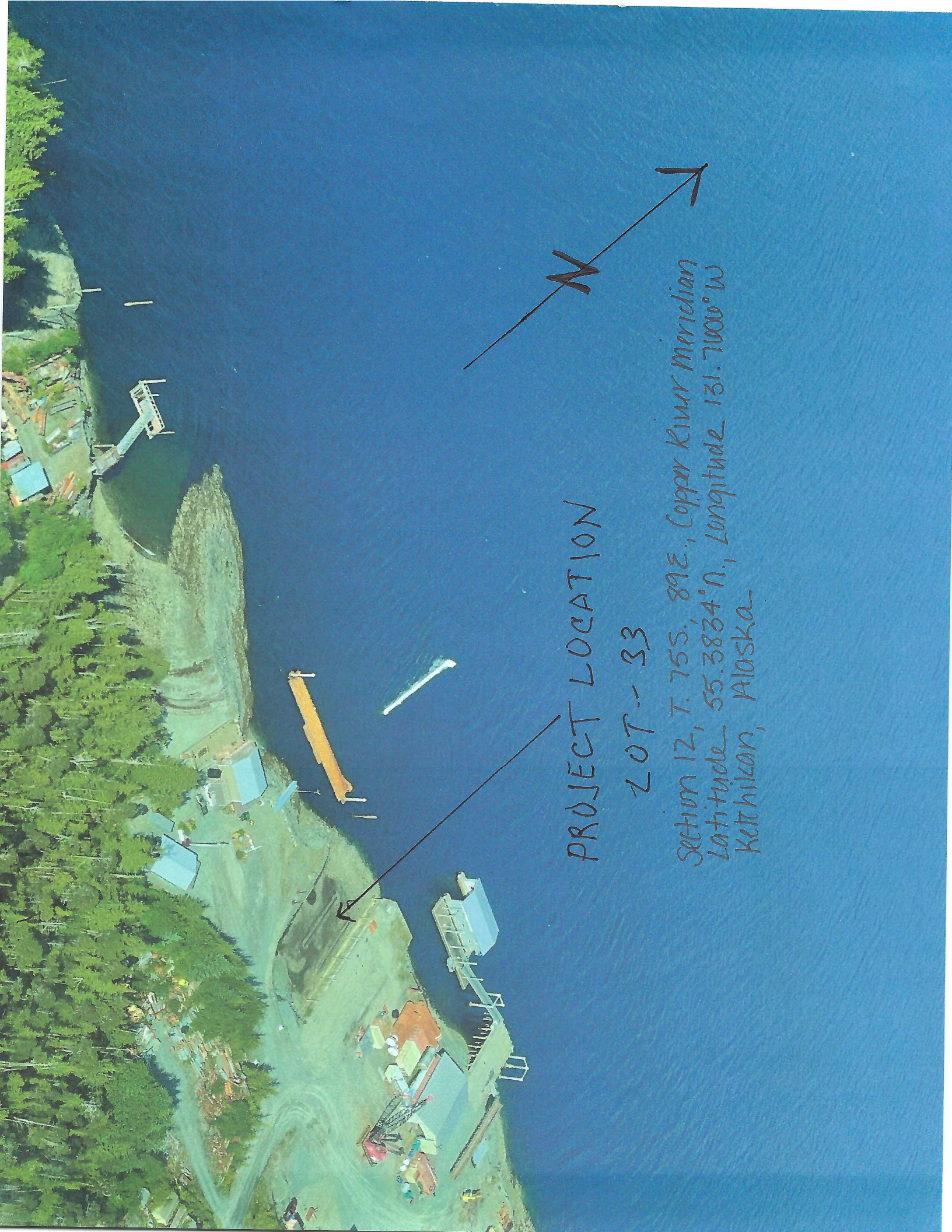
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines

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 of Engineers

Enclosures



PROJECT LOCATION

ZOT--33

Section 12, T. 75S., 89E., Copper River Meridian
Latitude 55.3834° N., Longitude 131.7000° W
Ketchikan, Alaska

USS 3840

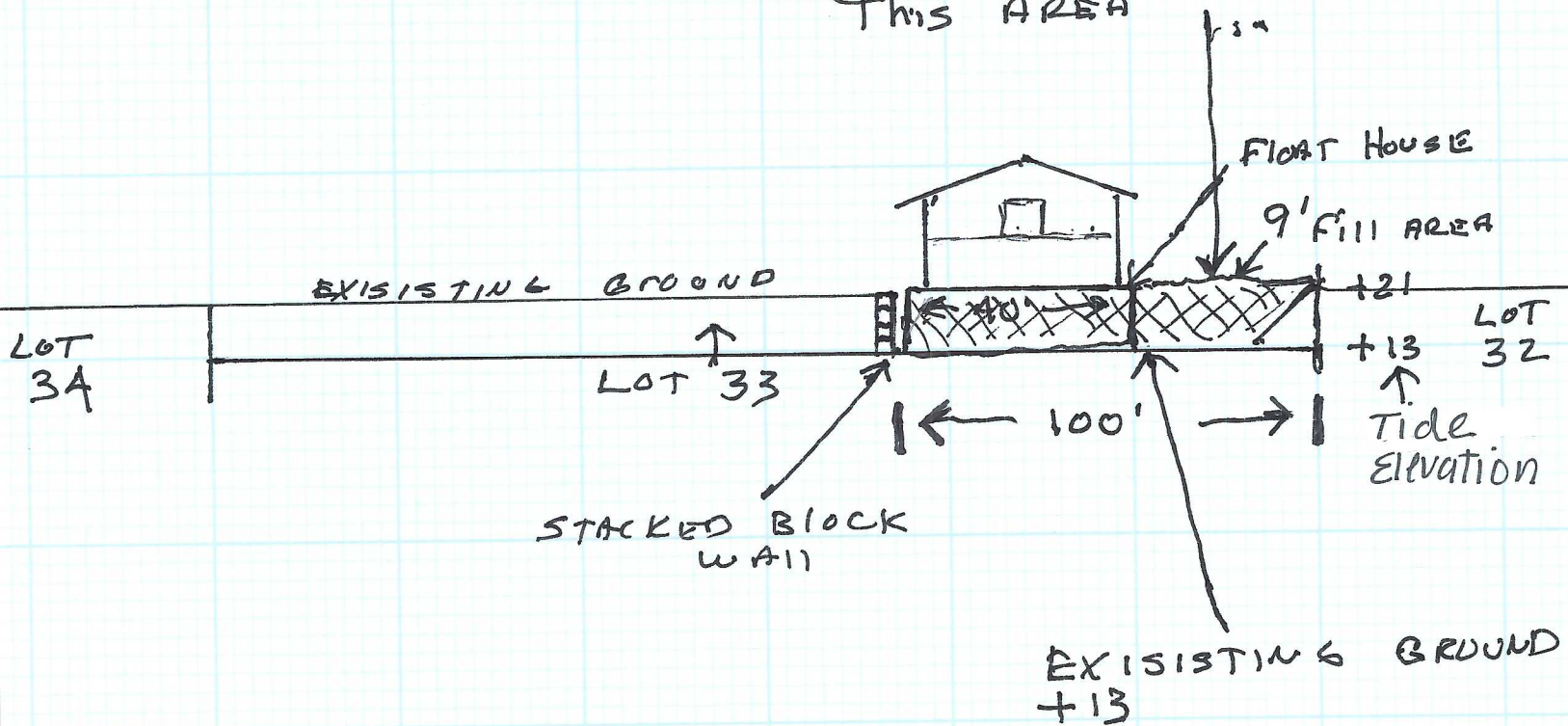
Block 2

LOT
33

LOT
32

LOT
34

TOTAL of 9' Fill Required
THIS AREA



US
BLOCK
3840
2

