



US Army Corps
of Engineers®

PUBLIC NOTICE

Published: September 24, 2026

Expires: October 26, 2026

Permit Application No. POA-2026-00351

Waterway: Jamestown Bay

TO WHOM IT MAY CONCERN: The Alaska District of the United States (U.S.) Army Corps of Engineers (USACE) has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Marcus Hernandez
108 Lincoln Street
Sitka, Alaska 99835

AGENT: Trevor Sande
R&M Engineering-Ketchikan, Inc. Suite 300
7180 Revilla Road
Ketchikan, Alaska 99901

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Jamestown Bay. The project area is located within Section 6, Township 56S., Range 64 E., Copper River Meridian; USGS Quad Map Sitka A-4; at Latitude 57.046731° N. and Longitude 135.292237° W.; State Tax Parcel ID 3-0765-000; located at 1618 Sawmill Creek Road, in Sitka, Alaska.

EXISTING CONDITIONS: The site consists of a partially filled waterfront parcel adjacent to Sawmill Creek Road. The shoreline has been previously modified with upland fill. An existing pile-supported dock, ramp, and floating dock structure are situated seaward of the property. The intertidal substrate within the project footprint is composed of shot rock, gravel, and mud. There is no Submerged Aquatic Vegetation (SAV) or marine salt marsh vegetation present within the proposed construction area.

PROJECT PURPOSE:

Basic: To stabilize the shoreline and retain fill material to support residential construction.

Overall: To stabilize the shoreline, retain fill material, and secure a stable foundation to construct a residential garage and apartment at 1618 Sawmill Creek Road, Sitka, Alaska.

PROPOSED WORK: The applicant requests authorization to discharge approximately 168 cubic yards of shot rock fill and 40.3 cubic yards of pre-cast concrete blocks (consisting of 68 blocks, each measuring 2' x 2' x 4') into 0.0144 acres (627 square feet) of marine intertidal waters below the High Tide Line (HTL, elevation +12.7 feet MLLW) of Jamestown Bay. The proposed fill would be fully retained behind a new 8-foot-high, 68-linear-foot concrete block gravity seawall. The fill would be used to stabilize the shoreline and create a level, stable surface to construct a residential garage and apartment building. All proposed seawall construction and backfilling activities would occur strictly when the intertidal footprint is dewatered during lower tidal cycles. All work would be performed in accordance with the enclosed plan sheets 1 through 5, dated September 11, 2026.

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 and work.

- a. Avoidance: The applicant states that there are no practical alternatives for avoidance due to the location and nature of the project. The lot is of minimal size and is constrained by a large 14-foot setback from the Alaska Department of Transportation (ADOT) highway right-of-way, which restricts development options. The majority of the lot was filled several years ago. The applicant asserts that constructing a seawall to square off the remainder of the property is the most practical option.
- b. Minimization: The applicant states that the minimal size of the seawall and fill were specifically chosen to avoid impacting the adjacent tideland areas to the greatest extent possible.
- c. The applicant has provided the following explanation why compensatory mitigation should not be required: Due to the minimal, localized footprint of the proposed intertidal discharge (0.0144 acres), the lack of Submerged Aquatic Vegetation (SAV) in the work area, and the requirement to conduct all work during dewatered tidal phases, the proposed project would not result in significant degradation of aquatic resources. Therefore, compensatory mitigation is not proposed.

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: USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. USACE's program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005, 2007, and 2009, respectively. The District Engineer consulted district files and

records and the latest published version of the National Register of Historic Places and initially determines that:

USACE has defined the undertaking as all portions of the project described above, which require DA authorization. USACE has defined the permit area as the direct footprint of the proposed project, as well as immediate adjacent areas used for construction.

Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) or cultural resources, are present within USACE's permit area; however, the undertaking would have No Adverse Effect on these historic properties or cultural resources because the work would not affect the visual or physical properties of these resources. USACE subsequently requests concurrence from the State Historic Preservation Officer (SHPO). The District Engineer's final effect determination will be based upon comments received from SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties or cultural resources within the USACE-identified permit area.

ENDANGERED SPECIES ACT (ESA): USACE has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Alaska Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. The project area is within the known or historic range of the endangered short-tailed albatross (*Phoebastria albatrus*), the Mexico Distinct Population Segment (DPS) humpback whale (*Megaptera novaeangliae*), and the Western DPS Steller sea lion (*Eumetopias jubatus*). The short-tailed albatross is an offshore pelagic seabird that nests exclusively on remote oceanic islands and forages primarily in deep, open waters of the North Pacific; suitable nesting, foraging, or resting habitat is not present within the developed intertidal shoreline of Jamestown Bay. Additionally, because the proposed seawall construction and backfill placement would occur when the intertidal work footprint is dewatered at lower tidal cycles, there would be no potential for underwater sound generation, water quality impacts, or direct interaction with marine mammals. Based on this initial review, USACE has made a determination that the proposed project would not affect any listed species or critical habitat. 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 (EFH): Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, USACE reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS).

Implementation of the proposed project would not have a substantial adverse effect on EFH because the proposed discharge of 168 cubic yards of shot rock fill and 40.3 cubic yards of pre-cast concrete blocks (68 blocks, each 2' x 2' x 4') would result in the permanent loss of approximately 0.0144 acres (627 square feet) of marine intertidal substrate in Jamestown Bay below the High Tide Line (+12.7 feet MLLW). These habitat(s) are utilized by the following species: Pacific Salmon, including pink Salmon (*Oncorhynchus gorbuscha*), chum Salmon (*Oncorhynchus keta*), coho Salmon (*Oncorhynchus kisutch*), sockeye Salmon (*Oncorhynchus nerka*), and Chinook Salmon (*Oncorhynchus tshawytscha*). To avoid and minimize adverse impacts to EFH the following minimization would occur:

- All seawall construction and backfilling activities would occur when the intertidal work area is dewatered during lower tidal stages, eliminating in-water turbidity generation during construction.
- Only clean, non-erodible shot rock would be placed behind the concrete gravity seawall to prevent siltation and sedimentation upon subsequent tidal inundation.
- No Submerged Aquatic Vegetation (SAV), eelgrass (*Zostera marina*), or marine kelp beds are present within or adjacent to the fill footprint.
- The retaining seawall would permanently contain the backfill material and tie into existing adjacent shoreline infrastructure, preventing long-term shoreline erosion.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use an USACE Civil Works project.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b)(1) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Alaska District will receive written comments on the proposed work, as outlined above, until October 26, 2026. All comments regarding this public notice should be sent to the address noted below. If you desire to submit your comments electronically, you should send it to the project manager's email as listed below, to regpagemaster@usace.army.mil, or via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Alaska District:

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

Please refer to the permit application number in your comments.

All comments should reach this office no later than October 26, 2026 to become part of the record and be considered in the decision. Please contact Amanda Locken at (907) 753-347-6148, toll free from within Alaska at (800) 478-2712, or by email at Amanda.N.Locken@usace.army.mil if further information is desired concerning this public notice.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



VICINITY MAP

APPLICATION BY:
 MARCUS HERNANDEZ
 1618 SAWMILL CREEK ROAD
 SITKA, AK 99835

HERNANDEZ DOCK REPLACEMENT

AT: SITKA

LOCATED IN: T.55S., R.63E., SECTION 36
 Lat 57.046731°N, Long. 135.292237°W

DATE: 9-11-26

SHEET **1** OF **5**



① VICINITY MAP
 ② SCALE: 1":1000'

TIDAL DATA SOURCE: NOAA
 NAUTICAL CHART 17327
 SITKA HARBOR ENTRANCES

LOCATION MAP

APPLICATION BY:
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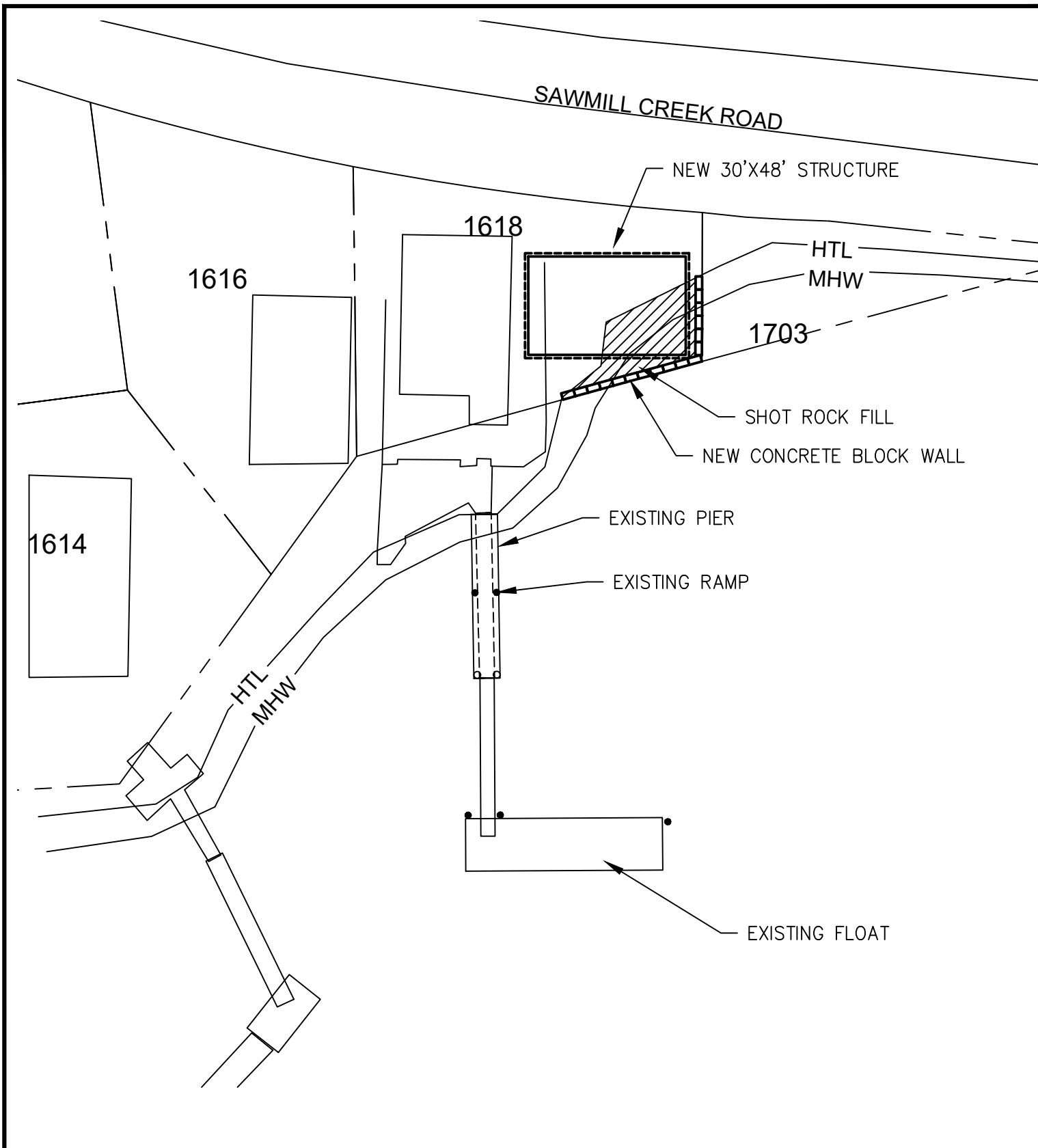
HERNANDEZ GARAGE FILL
 PROJECT

AT: SITKA

LOCATED IN: T.56S., R.64E., SECTION 6
 Lat 57.046731°N, Long. 135.292237°W

DATE: 9-11-26

SHEET **2** OF **5**



SITE PLAN

APPLICATION BY:
 MARCUS HERNANDEZ
 1618 SAWMILL CREEK ROAD
 SITKA, AK 99835

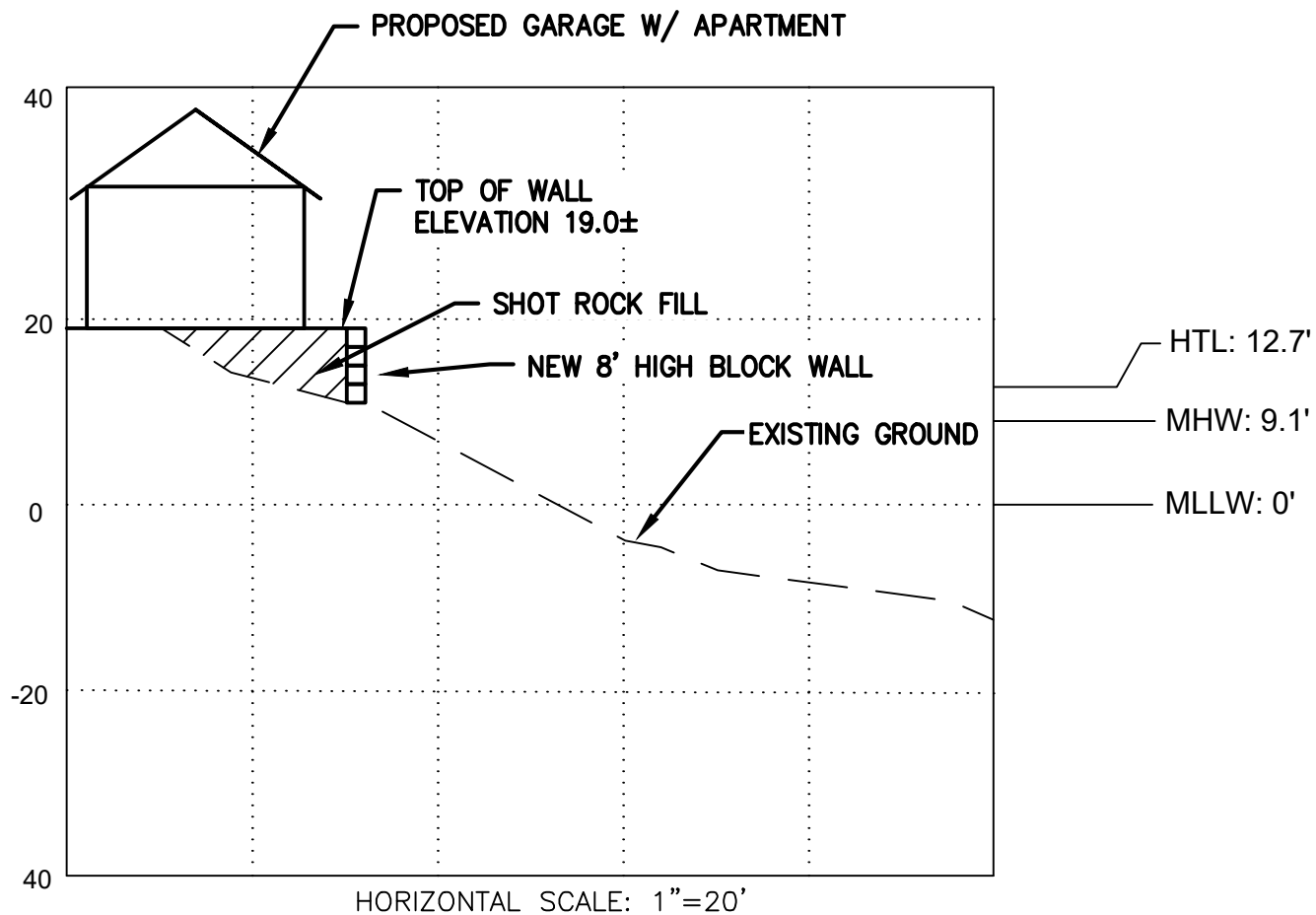
HERNANDEZ GARAGE FILL PROJECT

AT: SITKA

LOCATED IN: T.56S., R.64E., SECTION 6
 Lat 57.046731°N, Long. 135.292237°W

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SHEET **3** OF **5**



ROCK FILL AND BLOCK WALL ELEVATION VIEW

1"=20'

PROFILE VIEW

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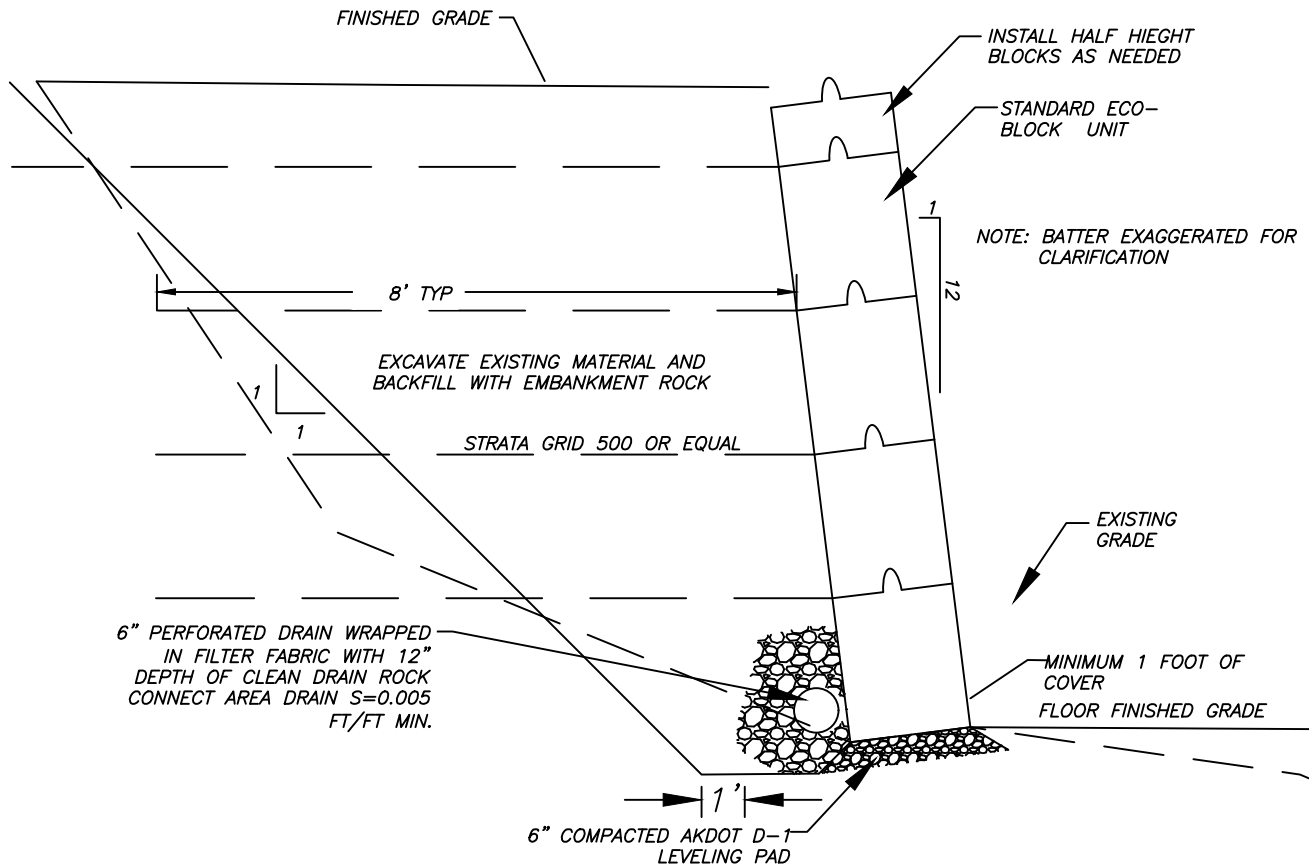
HERNANDEZ GARAGE FILL PROJECT

AT: SITKA

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SHEET **4** OF **5**



2 STACKED BLOCK RETAINING WALL SECTION
D100 NOT TO SCALE

BLOCK WALL DETAIL

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SHEET **5** OF **5**