



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	June 16, 2023
EXPIRATION DATE:	July 3, 2023
REFERENCE NUMBER:	POA-2012-00556-M3
WATERWAY:	Captains Bay

Interested parties are hereby notified that a Department of the Army (DA) 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 CEPOA-RD-Kenai@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 Jen Martin at (907) 753-2730 or by email at Jen.L.Martin@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Trident Seafoods Corporation, Jarred Brand, 5303 Shilshole Avenue NW, Seattle, WA 98107

AGENT: Solstice Alaska Consulting, Inc., Emerald Hagy, 2607 Fairbanks Street, Suite B, Anchorage, AK 99503

LOCATION: The project site is located at the new Trident Seafoods Facility at mile 3.5 Captains Bay Road within Section 20, 21, and 29, T. 73 S., R. 118 W., Seward Meridian; USGS Quad Map Unalaska C-2; Latitude 53.8361° N., Longitude 166.5862° W.; Aleutians West Census Area; waterward of Captains Bay Road, in Unalaska, Alaska.

PURPOSE: The applicant's stated purpose is to provide the needed area to support a new seafood processing facility and associated gear storage for Trident's commercial fishing vessels in Unalaska.

PROPOSED WORK: The applicant proposes to discharge 50,000 cubic yards of fill (43,192 cubic yards of shot rock and 6,808 cubic yards of armor rock) into 2.1 acres below the high tide line (HTL, 4.7 foot above the 0.0 foot contour) and mean high water mark (MHW, 3.4 foot above the 0.0 foot contour) of Captains Bay, a navigable water of the U.S., north of the existing fill on-site (North Area) and 120,000 cubic yards of fill material (113,152 cubic yards of shot rock and 6,848 cubic yards of armor rock) into 5.2 acres below the HTL and MHW south of the existing site (South Area) for expansion of the existing gravel production facility for use as a seafood processing facility with associated storage.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated March 24, 2023.

ADDITIONAL INFORMATION:

A DA permit (POA-2012-00556, Captain Bay) was issued to Bering Shai Marine, LLC, on April 2, 2013, to "construct a 380-foot by 1,175-foot solid fill dock by discharging 250,000 cubic yards of fill material and 2,100 cubic yards of rip rap below the high tide line (HTL) of Captains Bay, a navigable water of the United States. The material will be placed behind a steel, open cell bulkhead, and will encompass a 9.2-acre footprint below the HTL. A fender system will be mounted on the sheet pile face. An unnamed creek will be rerouted around the facility through a 500-foot concrete channel. The work will be completed in two phases, with an initial phase consisting of a 300-foot by 300-foot solid fill dock and mooring dolphin system. Phase One will require 28,000 cubic yards of fill and 3,100 cubic yards of rip rap, discharged into 2.3 acres below the HTL. Phase Two will subsume the structure constructed during Phase One, scheduled to be completed within five years."

Phase One and the required compensatory mitigation for Phase One were completed. The permit was modified (POA-2012-00556-M1) on September 20, 2018, authorizing flattened bulkhead construction material, as opposed to open cell, the compensatory mitigation plan was modified, and the permit expiration date was extended to September 30, 2023.

The permit was transferred to LFS, Inc. (dba Trident Seafoods Corporation) on February 11, 2022. A permit modification (POA-2012-00556-M2) was issued on May 3, 2022, as follows: "Phase Two will include the construction of a 1,240 linear foot solid fill dock by discharging 131,000 cubic yards of fill material and 4,700 cubic yards of rip rap below the HTL of Captains Bay, a navigable water of the U.S. Fill material will be placed behind a steel, sheet pile bulkhead, and will encompass a 9.9-acre footprint below the HTL, of which 2.3 acres was completed under Phase One. A fender system will be mounted on the sheet pile face. An unnamed creek will be rerouted around the facility through a 500-foot concrete channel."

The current proposal would be the third modification of the original permit.

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 purpose of the project is to place fill to support future uplands seafood processing facility and associated commercial fishing vessels. The project is needed to ensure that the future seafood processing facility at this site has adequate space to house equipment that will set a new environmental standard in fish processing, stage additional processing equipment, and provide gear storage for commercial fishing vessels. To meet the project purpose and need, construction must occur within waters of the United States. The project will be located within the already industrialized section of Captains Bay.

b. Minimization: The project used the most compact design practicable for the needs of the project to minimize impacts to waters of the United States. Trident has progressed into the final stages of design for the new processing facility. The new facility's footprint was reduced and subsequently the amount of fill needed to support the facility was reduced as well. As a result, Trident was able to dismiss the originally proposed action (13.6 acres of fill) for an alternative with a smaller footprint (7.3 acres of fill).

c. Compensatory Mitigation: Trident Seafoods proposes to complete an Out-of-Kind Permittee-Responsible Compensatory Mitigation Project to offset to amount and type of impact that the placement of fill will have on Unalaska's aquatic resources. Specifically, Trident Seafoods will target one of the largest threats to the Unalaska marine ecosystem, marine debris, by completing reoccurring cleanup efforts.

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 7.3 acre project footprint, as all other areas were reviewed during the original permit evaluation in 2012. The U.S. Army Corps of Engineers (Corps) received concurrence with a determination of "No Historic Properties Affected" on September 14, 2012, for the previously authorized work. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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: The project area is within the known or historic range of the northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat, Steller's eider (*Polysticta stelleri*), western Distinct Population Segment (WDPS) of Steller sea lion (*Eumetopias jubatus*) and their designated critical habitat, blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), Mexico DPS and Western North Pacific DPS humpback whales (*Megaptera novaeangliae*), North Pacific right whale (*Eubalaena japonica*), sperm whale (*Physeter macrocephalus*) and western North Pacific gray whale (*Eschrichtius robustus*).

We have determined the described activity would have no effect on the blue whale or sperm whale and would not adversely modify 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 for these species. 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.

We have determined the described activity may affect the northern sea otter, Steller's eider WDPS Steller sea lion, fin whale, Mexico DPS and western North Pacific DPS humpback whales, North Pacific right whale, and western North Pacific gray whale. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act 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 (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 arrowtooth flounder (*Atheresthes stomias*), Atka mackerel (*Pleurogrammus monopterygius*), Bering skate (*Beringraja binoculata*), Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), dusky rockfish (*Sebastes ciliatus*), flathead sole (*Hippoglossoides elassodon*), great sculpin (*Myoxocephalus polyacanthocephalus*), northern rock sole (*Lepidopsetta polyxystra*), northern rockfish (*Sebastes polyspinis*), Pacific cod (*Gadus macrocephalus*), Pacific ocean perch (*Sebastes alutus*), pink salmon (*Oncorhynchus gorbuscha*), rex sole (*Glyptocephalus zachirus*), roughey rockfish (*Sebastes aleutianus*), sablefish (*Anoplopoma fimbria*), sockeye salmon (*Oncorhynchus nerka*), southern rock sole

(*Lepidopsetta bilineata*), walleye pollock (*Gadus chalcogrammus*), yellow Irish Lord (*Hemilepidotus jordani*), bigmouth sculpin (*Hemitripterus bolini*), and weathervane scallop (*Patinopecten caurinus*).

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).

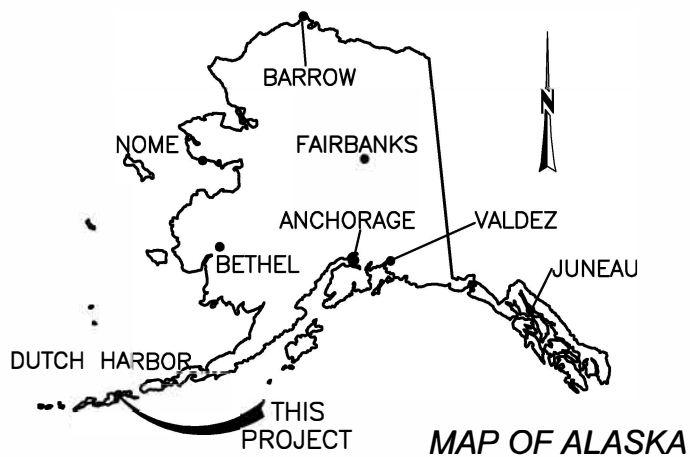
(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps

Enclosure

PROJECT DRAWINGS: LOCATION MAPS AND CONTACT INFORMATION



CONTACT INFORMATION

Trident Seafoods Corporation
5303 Shilshole Ave NW
Seattle, WA 98107
(206) 783-3818

SITE ADDRESS

Captains Bay Road
Approximate Mile 3.5
Unalaska, AK, 99685

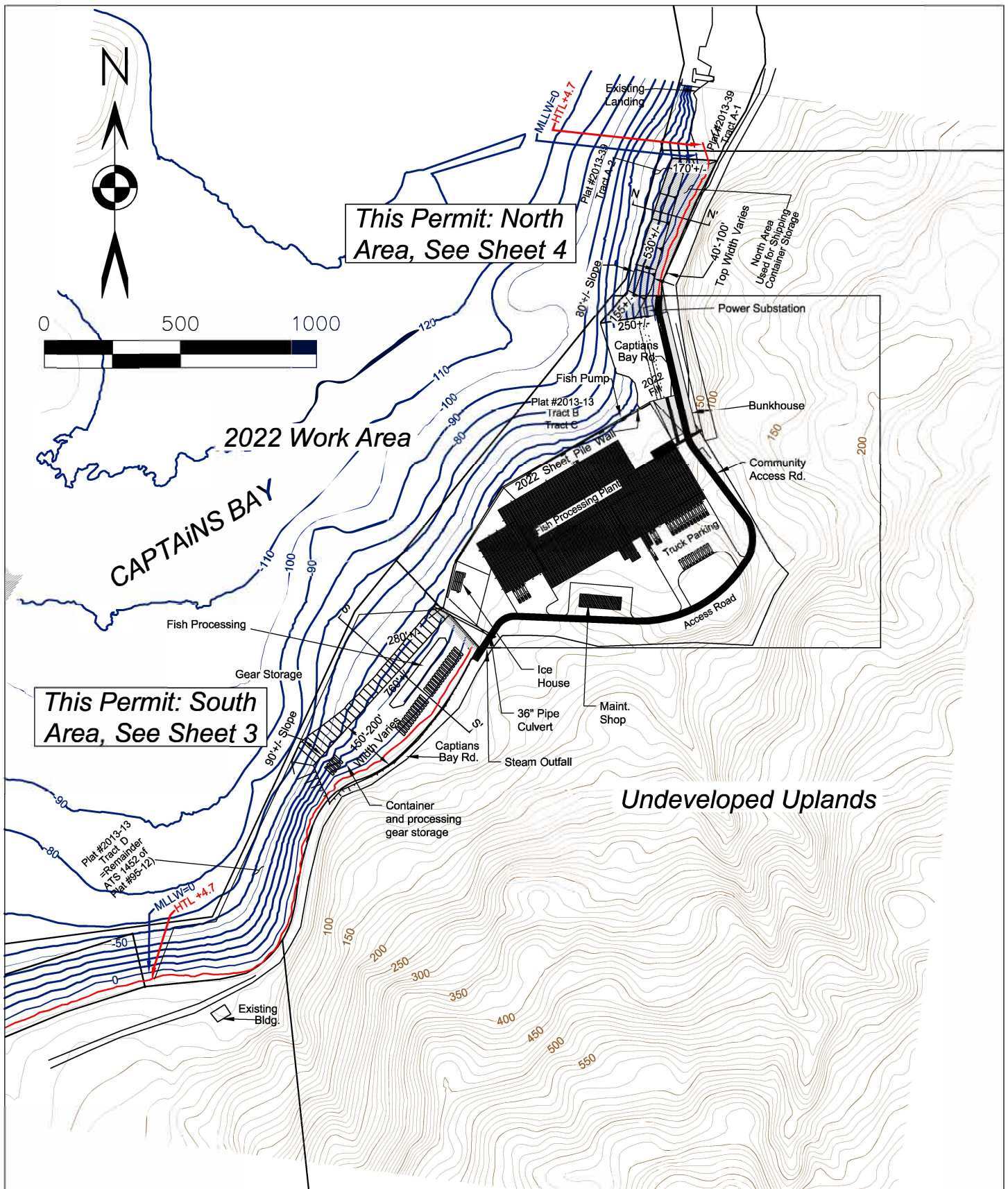


LOCATION MAP

Unalaska, Aleutians West Census Area, Alaska
Township 73S, Range 118W, Sect. 20, 21, 29

Latitude: 53.836° Longitude: 166.586°
Waterway: Captain's Bay

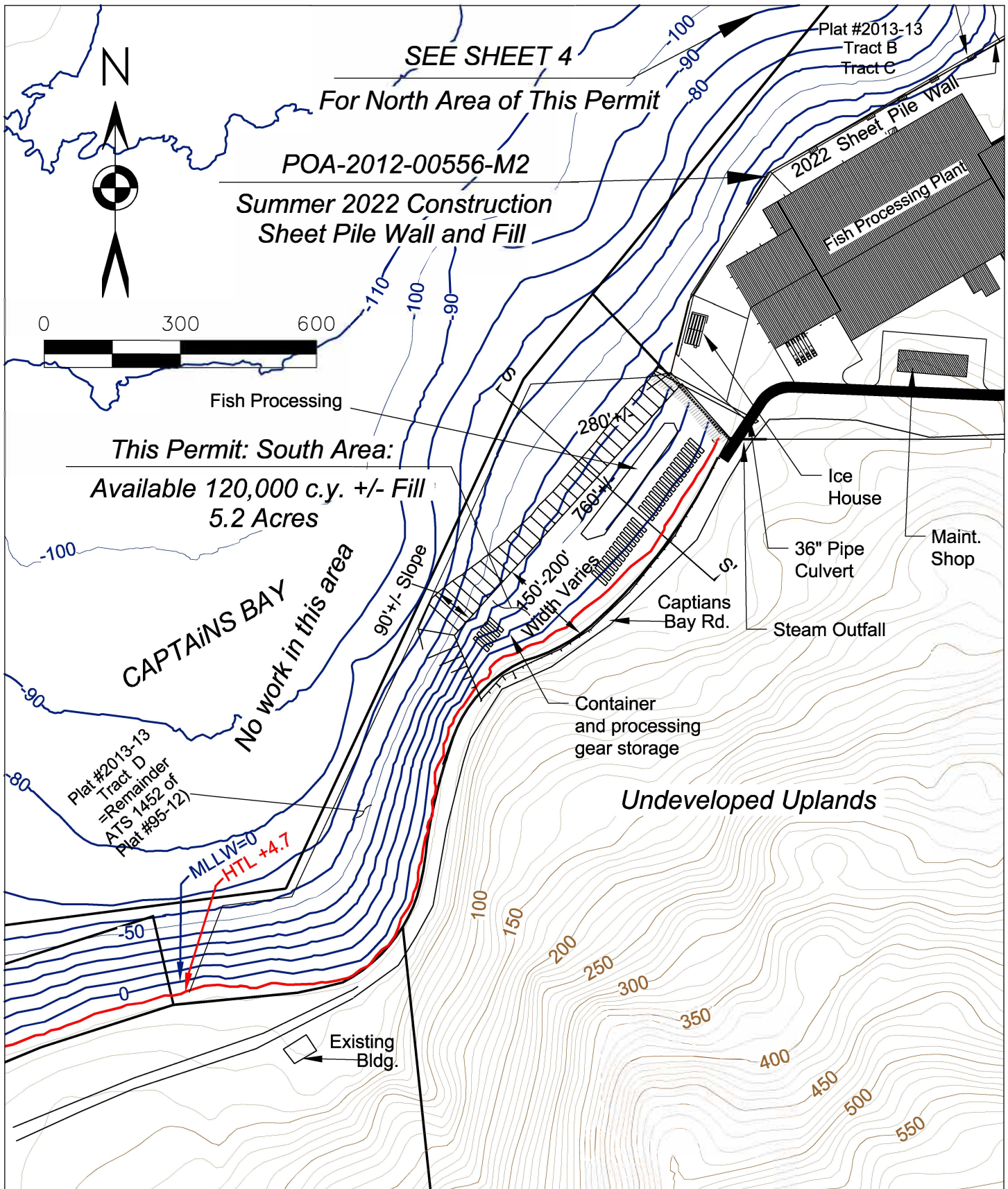
Applicant: Trident Seafoods Corp.
No: POA-2012-00556-M3
Title: Trident Rock Fill
Sheet: Sheet 1 of 5
Date: 3-24-2023



Unalaska, Aleutians West Census Area, Alaska
 Township 73S, Range 118W, Sect. 20, 21, 29

Latitude: 53.836° Longitude: 166.586°
 Waterway: Captain's Bay

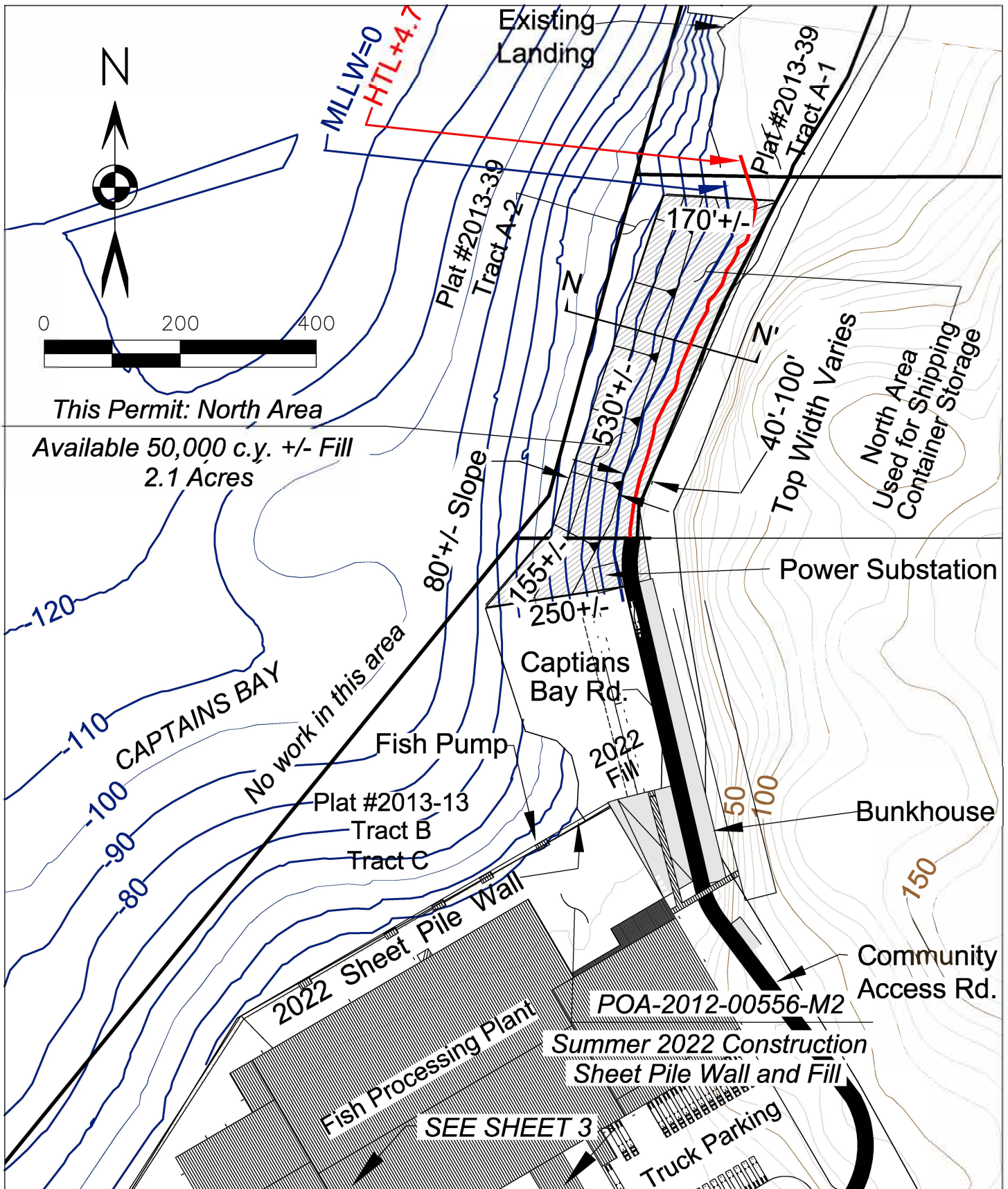
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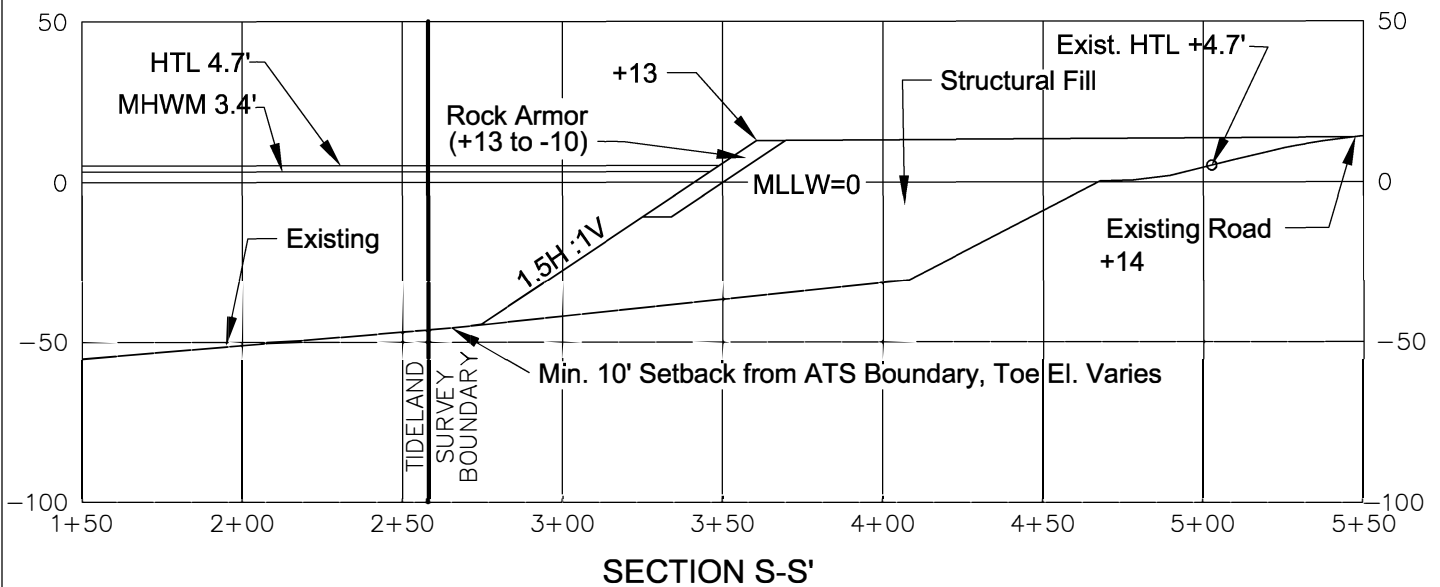
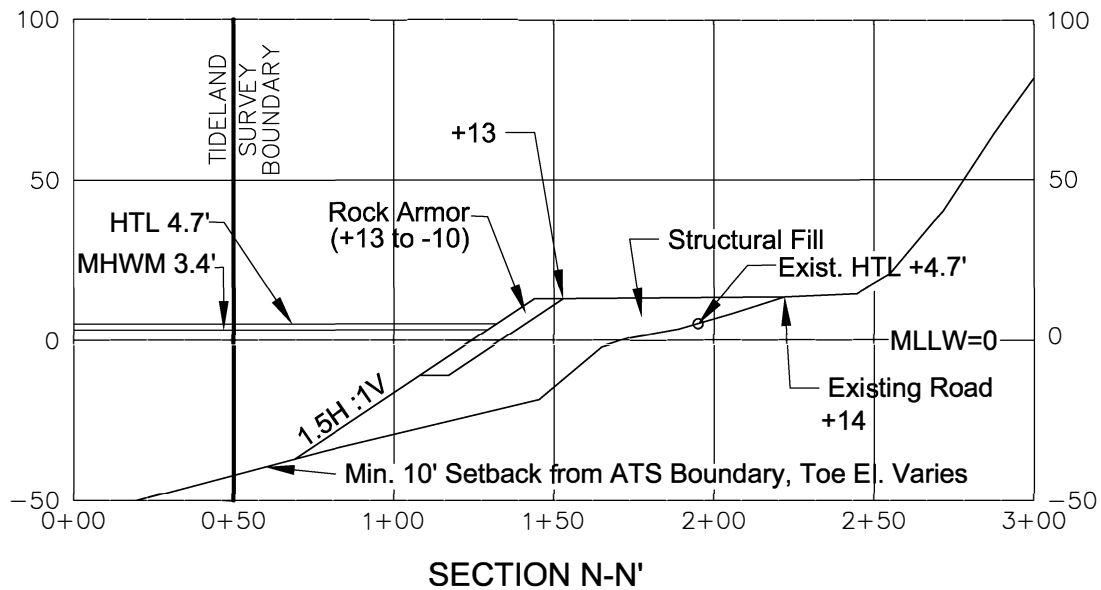
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**TIDAL INFORMATION PER NOAA DATA SHEET STATION 9462620,
Unalaska, AK (Accepted 6/3/2019)**

Mean Higher High Water = 3.60'
Mean High Water = 3.21'
Mean Tide Level = 2.12'
Mean Sea Level = 2.08'
Mean Low Water = 0.93'
Mean Lower Low Water = 0.000 (Datum)
USACE Jurisdictional HTL = 4.7'
USACE Jurisdictional MHWM = 3.4'



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