US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	**31 October 2006**
EXPIRATION DATE:	**15 November 2006**
REFERENCE NUMBER:	**POA-2006-1760-6 Icicle Seafoods (Northern Victor)**
WATERWAY:	**Udagak Bay**

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Icicle Seafoods, 4019 21st Avenue W., Seattle Washington, 98199, attn: Mr. Dan Block, 206-282-0988.

AGENT: Magone Marine, (agent conducting dredging, hauling and discharge) P.O. Box 9220247, Dutch Harbor, Alaska 99692, attn: Mr. Dan Magone, 907-581-1400.

LOCATION: The proposed project is located within:

1. Section 32, T. 75 S., R. 116 W., Seward Meridian; Latitude 53.7332° N., Longitude 166.3282° W.; Udagak Bay (Location of removal, Pile A) near/between Unalaska Island and Sedank Island (Udagak Strait).
2. Primary disposal area (South), approximate center of 1 mile circumference disposal area approved (short-term variance) by the Alaska Department of Environmental Coordination (ADEC), 53°50′5″ North, 166°18′18″ West.
3. Secondary (rough/inclement weather) disposal area (North), approximate center of 1 mile circumference disposal area, 53°50′5″ North, 166°18′18″ West.

PURPOSE: Remove a submerged seafood waste pile (fish bones etc.) from a pre 1992 discharge point in Udagak Bay. This action is mandated by the Environmental Protection Agency (EPA) for compliance with the National Pollution Discharge Elimination System (NPDES) permit AK-005286-8, of the M/V Northern Victor processing facility, September 13, 1999. This EPA/ADEC directed action is intended to restore habitat by returning the 0.9 acre site to its natural state.

WORK: Remove and transport approximately 6000 cubic yards of material from the 0.9 acre site shown as Site A, on the enclosed plans. A barge (KASHEGA) mounted crane

will excavate, to original seafloor grade, and load the material into two motorized vessels (MAKUSHIN BAY & IMPALA) for transport to the dump site(s).

ADDITIONAL INFORMATION: The discharge of the material will be spread out in a manner that should not result in a build up of material on the seafloor within the designated discharge area. The primary dump area is the Southern site. Previous Corps authorizations numbers: A-900345 and 8-1990-0345 (Sec. 10), EPA NPDES Permit No.: AK-005286-B, State I.D. Number AK 9905-08AA.

WATER QUALITY CERTIFICATION: The Alaska Department of Environmental Conservation issued a Short-Term, Water Quality Variance, with conditions, on October 9, 2006, for the Pile "A" Clean-up Plan. The initial request is for a variance period from October 15 through December 15, 2006. This timing window addresses adverse weather and processing season issues.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification. NOTE: The cleanup of Pile A, was previously included in the Final Consistency Determination of 29 June, 1999, State I.D. Number AK 9905-08AA, paragraph 6., objectives 1-6.

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.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 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 right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the Threatened Northern Sea Otter (Enhydra lutris kenyoni) and known historic molting and wintering range of the Steller's Eider (Polysticta stelleri).

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. 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 proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources. This ocean floor cleanup operation is intended to restore approximately 0.9 acre of seafloor habitat in Udagak Bay. NOTE: Currently Udagak Bay is listed as an Impaired Waterbody, Category 4a., primarily due to seafood waste pile accumulation from previous fish processing activities at this location.

SPECIAL AREA DESIGNATION: Alaska Impaired Waterbody, see above.

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That 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 Engineer determines that it would be contrary to the public interest.

The Corps of Engineers 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 of Engineers 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.

Comments on the described work, with the reference number, 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 Medrick R. Northrop at (907) 753-2712; toll free from within Alaska at (800) 478-2712, or by email at regpagemaster@poa02.usace.army.mil if further information is desired concerning this notice.

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).
(X) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

Udagak Bay is located on the west side of Udagak Strait, a small stretch of water between Unalaska Island and Sedank Island between Beaver Inlet and the Pacific Ocean (Diagram 24). Udagak Strait has a strong current exchange between Beaver Inlet and the Pacific Ocean. Currents in this pass can reach velocities of 3.1 knots with the average being between 1.5 knots to 2.5 knots during peak exchange. Slack water in this area is very short and currents can fluctuate, depending on the conditions in Unimak pass

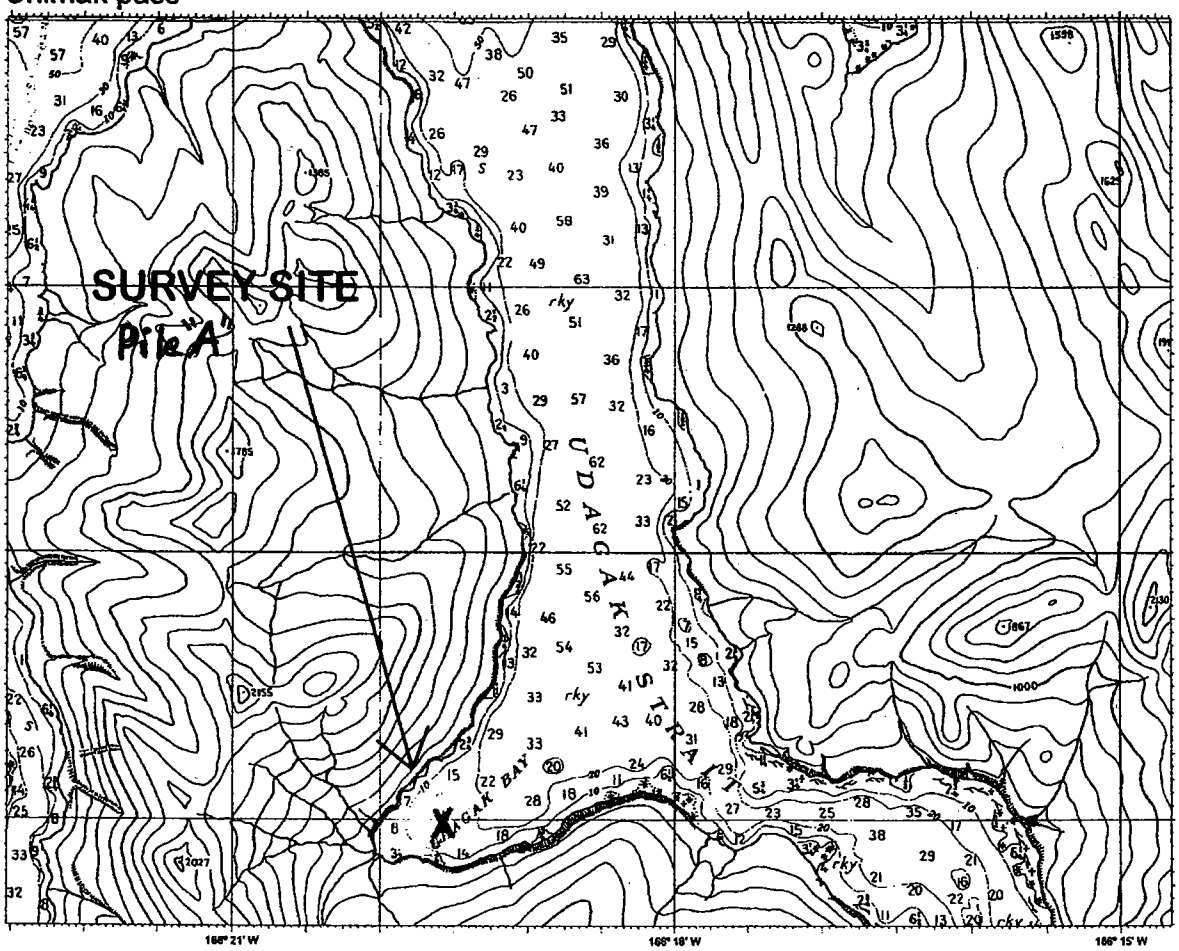

DIAGRAM 24 UDAGAK STRAIT / UDAGAK BAY

Udagak Bay is a relatively small bay just over 1.0 nautical mile long and at the widest point approximately 0.75 nautical miles wide. Water depths in the bay range from as little as 3.0 fathoms at the head of the bay to as much as 40 fathoms at the wide entrance.

53.7332° N 166.3282° W Unalaska R-1

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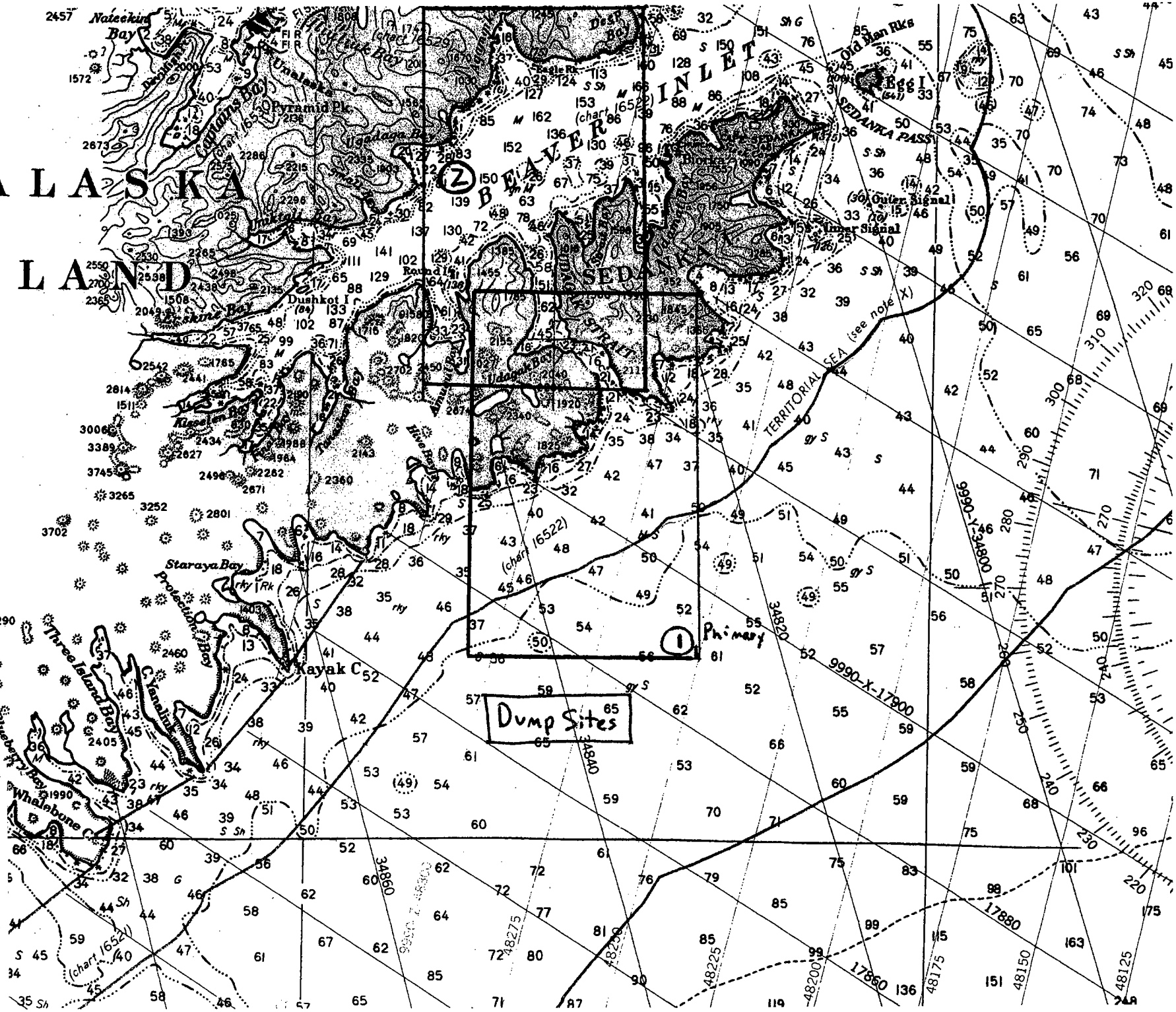

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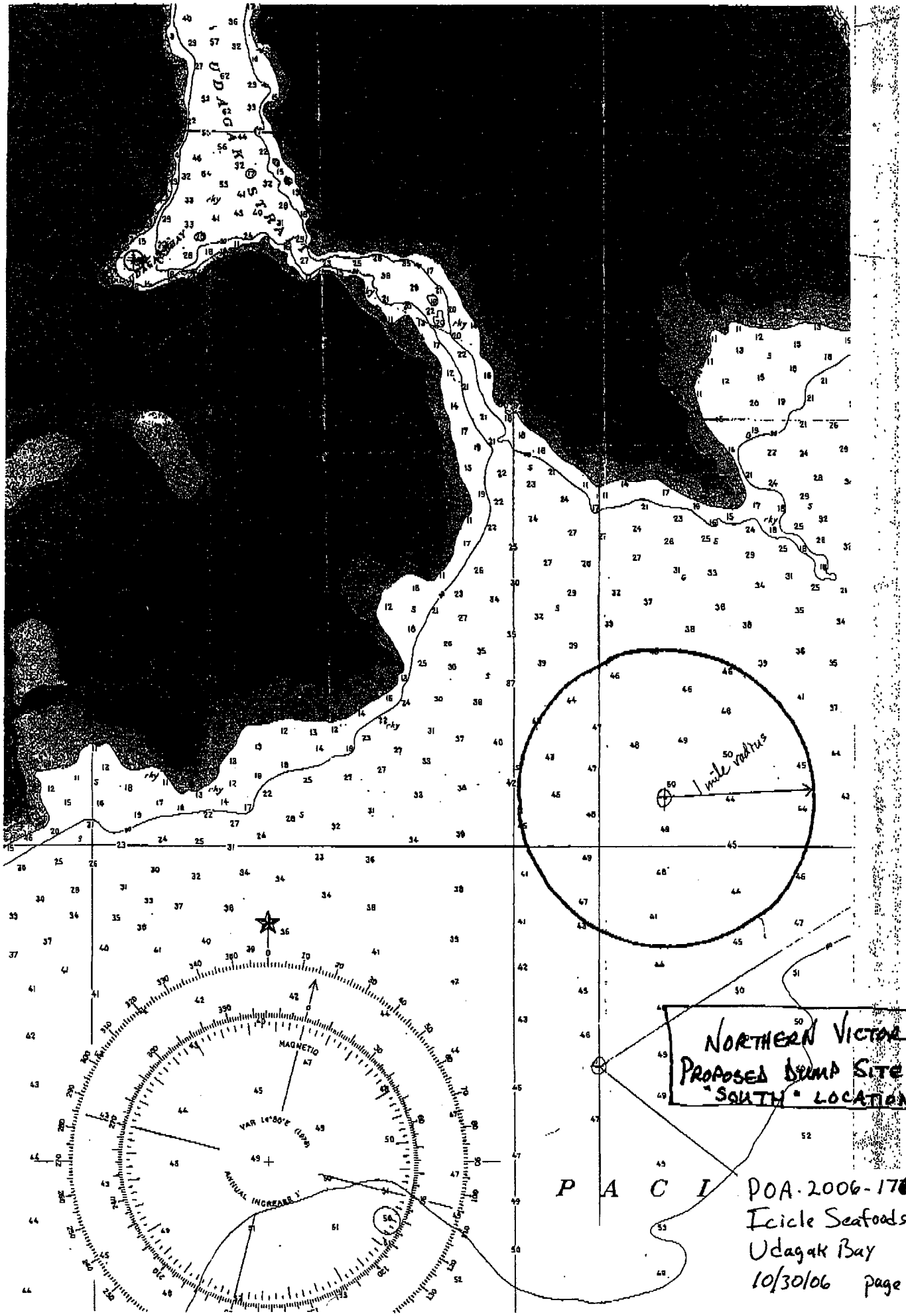

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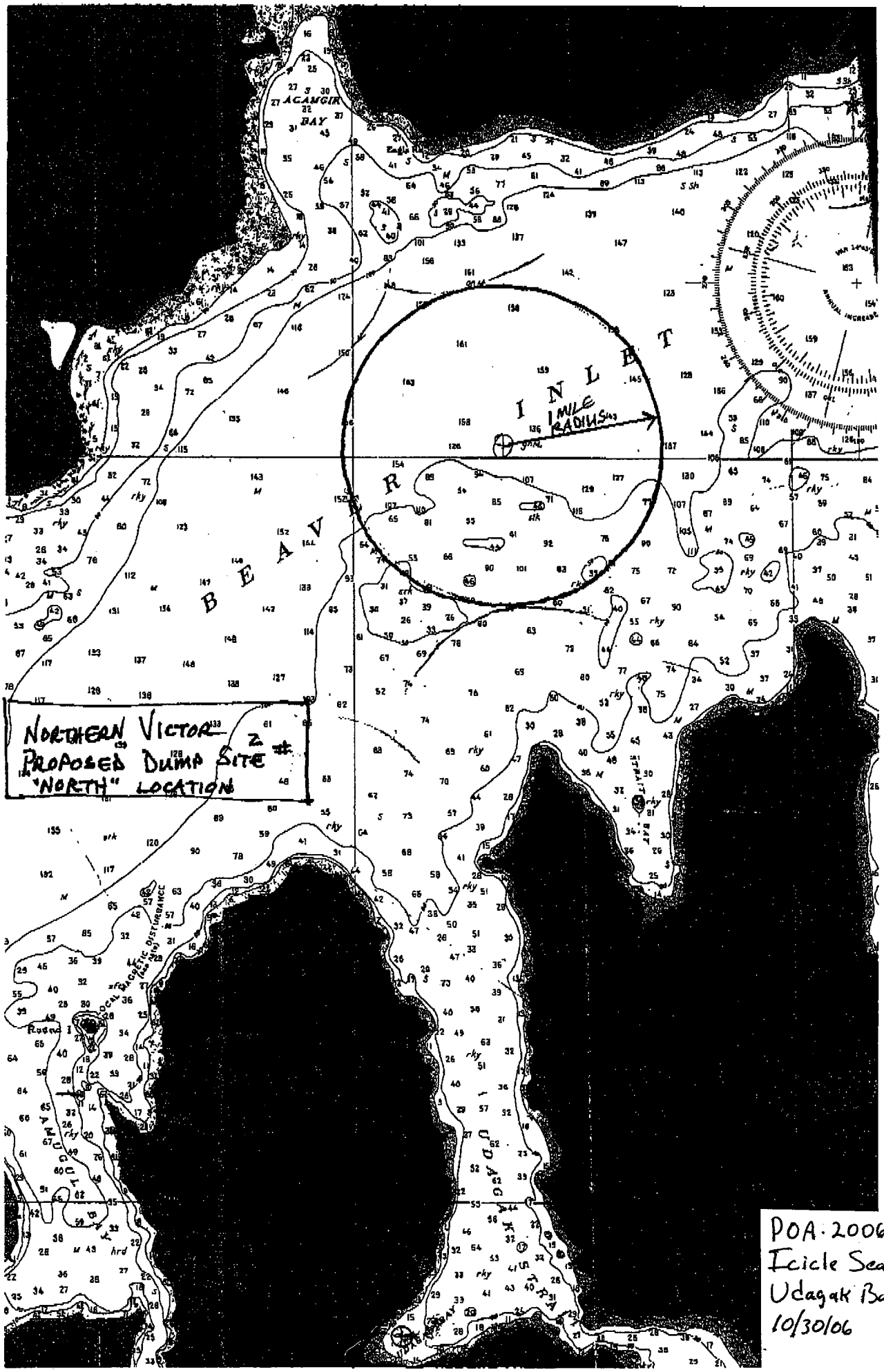

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NORTHERN VICTOR
Waste Pile Removal Plan for Udagak Bay

Plan Overview

This plan addresses key elements of the removal of the waste pile designated as "Pile A" deposited in Udagak Bay by Victor Seafoods prior to 1992. The pile is comprised mainly of fish bones discarded from fish processing operations and is approximately 330 feet long and 260 feet wide and 7-1/2 feet deep at its thickest point. It lies beneath the surface some 83 feet at approximate location of 53* 44' N, 166* 19' 41" W. The volume of the material in the pile is estimated at 6000 cubic yards.

Removal of the waste pile is mandated in the EPA permit for the processing vessel NORTHERN VICTOR which continues to operate nearby. Removal of the waste pile is also for purposes of habitat restoration in efforts to facilitate the lifting of the "impaired" status of the Udagak Bay.

Removal is proposed to be contracted to a local Dutch Harbor contractor, Magone Marine, who will utilize a clamshell dredge operating from an anchored barge to pick up the material. Two additional vessels will be utilized to haul the material to an approved offshore dumping location on a rotation in order to maximize the dredge crane time.

Time frame

Because of ongoing processing operations in Udagak Bay near Pile A the cleanup operation must occur during a time of non-production on board the NORTHERN VICTOR. The reason for concern is the high likelihood of factory water quality being negatively affected during periods of actual dredging. Historical data suggests a reasonable start date between October 1 and October 15, 2006. The time estimate to complete the removal ranges from 10 to 20 days on site depending on weather and other factors. However, ample time exists prior to the ship returning in early January 2007 if there was an unexpected delay.

Bad weather that could negatively affect the cleanup operation is expected to become a greater factor the later the start date of the project. With that in mind, the operation should commence as soon as the NORTHERN VICTOR Pollock "B" season is concluded and the vessel departs. The contractor will need prior notice of commitment to the operation of at least one month.

EPA and Alaska DEC Approval

This plan is a proposal assembled by the contractor and Icicle Seafoods strictly for the purposes of pile removal. It is subject to minor changes as conditions dictate; however, every effort will be made to operate within the guidelines stated. Prior approval will be obtained from both agencies for the procedures proposed and for a waiver of current water quality standards at the both the dredging site and the dump location to allow for the inevitable mud and silt plume. Upon being provided a contact person at both agencies, contact will be made with those persons if for any reason the operation must depart from the guidelines in this plan.

Equipment

The contractor proposes to use the 197' x 52' deck barge KASHEGA with a 150 ton Manitowoc 4000W crane aboard fitted with a 17 cubic yard clamshell scoop to pick up the waste material from the seafloor. The crane has a boom length of 150 feet. The deck barge will be anchored on a four point system for accurate positioning and repositioning throughout the operation. The tug REDEEMER will be used to mobilize the crane barge out of Dutch Harbor and to maneuver the barge as needed during operations.

Two vessels will haul the dredged material offshore for deepwater dumping. The MAKUSHIN BAY is a 130 x 30 foot converted trawler owned by Magone Marine which can handle approximately 130 cubic yards on deck. The IMPALA, owned by Icicle Seafoods, is a 165 x 36 foot oil supply vessel with a very large, low deck that should be able to haul in excess of 200 cubic yards of material.

The REDEEMER will carry a full complement of diver support equipment including the OSHA-required double lock hyperbaric recompression chamber for deep water diving operations.

Monitoring

Before the waste pile removal operation begins, a full visual dive survey of the pile and perimeter will be done by Magone Marine divers. The perimeter will be marked with anchors and surface buoys for reference during the dredging process. At periodic intervals, depending on the visibility, the progress will be checked by visual dive survey with results recorded. Throughout the dredging process visual water surface surveys will be conducted and recorded noting the degree of turbidity, any surface scum, the size of the plume that forms and the presence of any sea life or birdlife.

The crane operator will take care to observe the contents of each clamshell scoop load in order to minimize the disturbance to the seabed by digging deeper than the material pile. Fresh mud showing on the scoop will indicate that the scoop must move to a new spot. When practical, video recording on a daily basis will provide a visual record of the composition of the dredged material picked up and dumped to deep water.

At such time the dredging operation appears to be finished, another visual dive survey will be conducted to determine if any and how much material is left to be picked up by other means. When the pile removal is completed, a final visual dive survey will be conducted to show the state of the seafloor. Future sea floor surveys will be conducted at the direction of EPA to determine what sea life is returning to the site and if there are any post-removal effects.

All log entries, visual surveys, observations, and load data will be compiled in a final report and will be made available to EPA and ADEC on request.

Dewatering

The clamshell scoop on the crane will be modified with expanded steel mesh to minimize the unwanted escape of waste material while being raised through the water column. While this is not a perfect solution, the scoop will be raised vertically through the water so that any particle fallout will tend to float back down onto the pile for pickup in subsequent scoops.

Both hauling vessels will be extensively fitted with heavy tarps against the bulwarks to contain the material dumped by the clamshell crane. At various positions

in the "fence", expanded steel-reinforced silt fence fabric will be fitted and secured in order to dewater the load without letting solids escape.

Hauling and Dumping

The boats doing the hauling will calculate by best estimate the volume of each load of material to be dumped. This will be done by measuring the average depth of material on deck and the area of the load thus determining the cubic yards. Additionally, each boat will record the date, time of day and starting and ending positions for each load dumped.

Material will be dumped at one of two approved dump sites meeting the requirements of offshore dumping in the NPDES permit for the NORTHERN VICTOR; that is, at least 1 nautical mile from the shoreline and in waters over 120 feet deep MLLW. The dump sites proposed by Icicle Seafoods are both circular areas of two miles diameter centered at the following positions.

South Dump location: 53* 40' 22" N, 166* 13' 14" W
North Dump location: 53* 50' 5" N, 166* 18' 18" W

Having two dump sites available will allow the operators to continue in stormy weather conditions regardless of the wind direction.

When the hauling boat arrives at one of the dump sites, it will reduce speed to 3 knots and maintain that speed during the dumping process but remaining inside the boundaries of the dump site. The aft end of the "fence" will be opened and water hoses will gradually flush the material over the stern. It is expected to take from 20 minutes to one hour to flush all the material off the deck. During that time, sea life and bird activity will be monitored and recorded. The weather will be recorded at time of dumping and visual surface observations will be recorded. The boat will then return to the dredge site for another load. Given the dump sites above, it is expected to take approximately 3 hours per round trip per boat. Working 10-12 hour days would allow removal of over 1000 cubic yards of material per day. As the material thins out on the bottom it will take longer to fill a hauling vessel.

At the time the removal is declared complete by the contractor, the vessels will be run or towed back to Dutch Harbor and the contract terminated.

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMNT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2006-1760-6, Udagak Bay**,, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment #1

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-1760-6, Udagak Bay**,, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

Attachment #2