



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	August 20, 2018
EXPIRATION DATE:	September 19, 2018
REFERENCE NUMBER:	POA-2018-00252
WATERWAY:	Isanotski Strait

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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 PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Andy Mitzel at (907) 753-2689, by fax at (907) 420-0813, or by email at andy.mitzel@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Silver Bay Seafoods LLC, 4039 21st Avenue West, Suite. 201, Seattle, WA, 98199.

AGENT: R&M Engineering – Ketchikan, Inc., Attention: Trevor Sande, 7180 Revilla Road, Suite. 200, Ketchikan, AK, 99901.

LOCATION: The project site is located within Section 27, T. 61 S., R. 94 W., Seward Meridian; USGS Quad Map False Pass D-5; Latitude 54.8679° N., Longitude 163.4094° W.; Beach Rd. north of the False Pass boat harbor, near False Pass, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new fish processing facility.

PROPOSED WORK: The applicant is proposing:

- To discharge 1,600 cubic yards (CY) of native fill material into 0.22 acres of wetlands for the construction of a new fish processing facility with equipment and material storage.
- The installation of an 800 foot long 8-inch diameter water processing outfall line and two 625 feet long 10-inch cooling lines would be constructed with high density polyethylene (HDPE) below the Mean High Water Mark (approximate elevation +3.9 feet above the 0.0 foot contour) (MHW). The installation would require the temporary side casting of up to 60 CY of beach material to install the outfall line to the end of the intertidal zone, from the High Tide Line (approximate elevation +6.0 feet above the 0.0 foot contour) (HTL) to the Mean Lower Low Water Line (the 0.0 contour). The excavator would gain access to the intertidal zone from the beach at low tide conditions. The lines would be held in place using helical pile pipe supports, which would be installed by divers.
- The installation of a 12 foot x 130 foot wood float for the tender boats moorage, a 20 foot x 80 foot, equipment wood float, a 40 foot x 95 foot concrete surfaced pier below the HTL and MHW, with a stacked block retaining wall bulk head. The floats would be secured in place by twelve 12-inch diameter steel anchor pilings and four 12-inch diameter steel fender pilings. The concrete piers would be secured in place by eighteen 12-inch diameter steel support piles. The pilings would be driven into the seafloor using a vibratory hammer.

All work would be performed in accordance with the enclosed plan (sheets 1-9), dated June 15, 2018.

ADDITIONAL INFORMATION: The proposed project would be located adjacent to and in False Pass Harbor. False Pass Harbor is a U.S. Corps of Engineers (USACE) Civil Works Project.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant stated the following regarding avoidance:

“For this project, we are proposing to fill the total acreage of wetlands (0.22 acres) located on the subject site. The small, isolated wetland area is located near the center of an industrial site and is unavoidable for future operations of Silver Bay Seafoods. The marine portion of the project will be placed inside the existing harbor facility.”

b. Minimization: The applicant stated the following regarding minimization:

“For this project, we are unable to minimize the impacts to wetlands due to the nature of the fill and the location of the wetlands on the property (near the center of the site). We will be filling a small, isolated wetland that spans only 0.22 acres and appears to be man made through the previous excavation of tideland areas.”

c. Compensatory Mitigation: The applicant stated the following regarding compensatory mitigation:

“We are proposing no compensatory mitigation for this project. This project will not adversely impact any waters of the U.S.”

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 cultural resources in the permit area and within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. The Corps has made a No Adverse Effect determination for the proposed project. This application is being coordinated with 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the species listed below and the designated critical habitat.

Common Name	Scientific Name	DPS	Status	Critical Habitat Present	Agency
Fin Whale	<i>Balaenoptera physalus</i>	-	E	N	NMFS
Humpback Whale	<i>Megaptera novaeangliae</i>	Mexico DPS	T	N	NMFS
		Western North Pacific	E	N	NMFS
North Pacific Right Whale	<i>Eubalaena japonica</i>	-	E	N	NMFS
Sperm Whale	<i>Physeter macrocephalus</i>	-	E	N	NMFS
Steller sea lion	<i>Eumetopias jubatus</i>	Western	E	Y	NMFS
Northern Sea Otter	<i>Enhydra lutris kenyoni</i>	-	T	N	USFWS
Short-tailed Albatross	<i>Phoebastria (=Diomedea) albatrus</i>	-	E	N	USFWS

We have determined the described activity may affect the Fin Whale, Humpback Whale, North Pacific Right Whale, Sperm Whale, Steller sea lion and the designated critical habitat, and the Northern Sea Otter and the designated critical habitat. We have determined the described activity would have no effect to the Short-tailed Albatross. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and/or 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, 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 the known range of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District 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 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 PN 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 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 and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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.

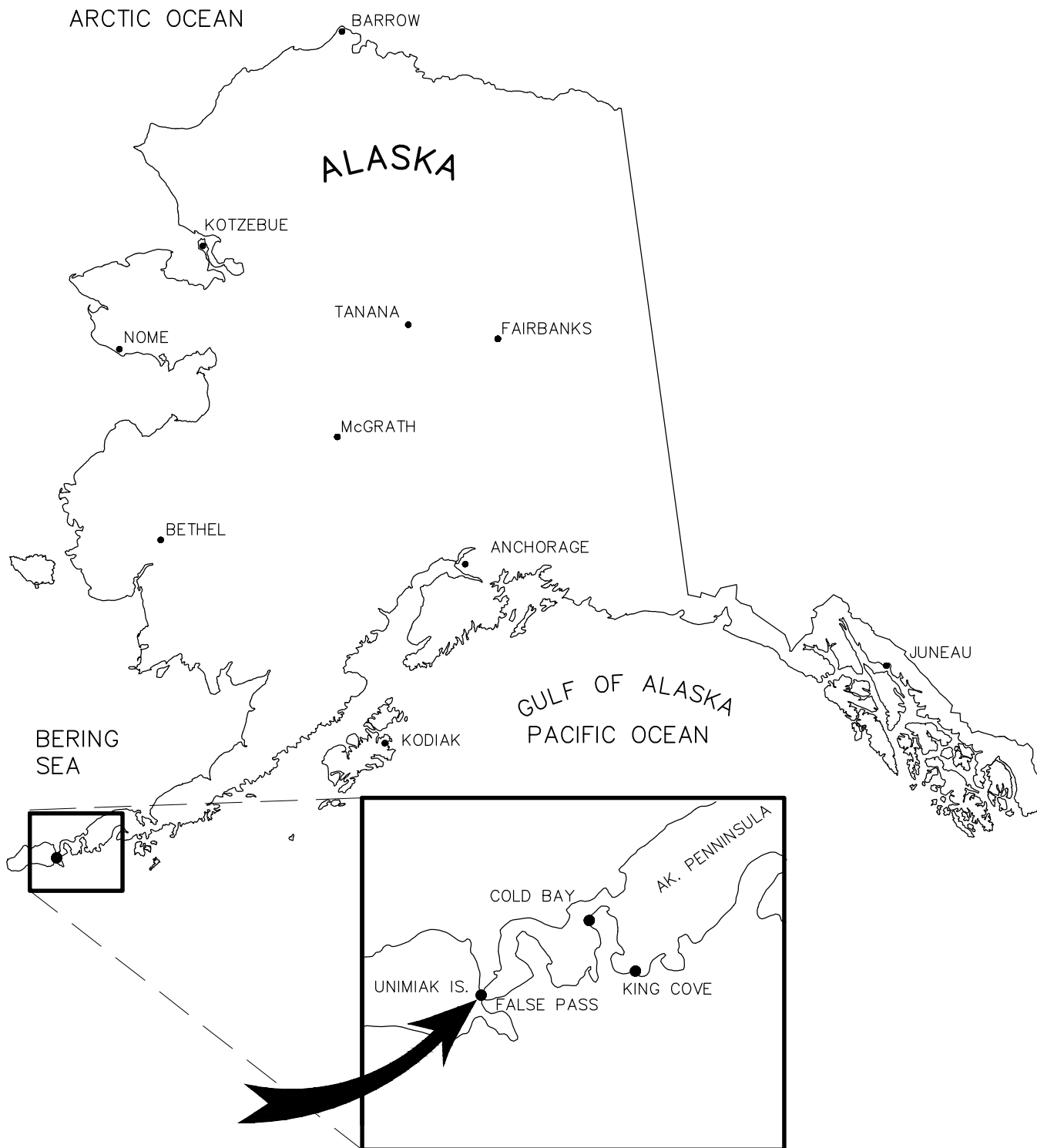
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2018-00252, Isanotski Strait**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance 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 to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

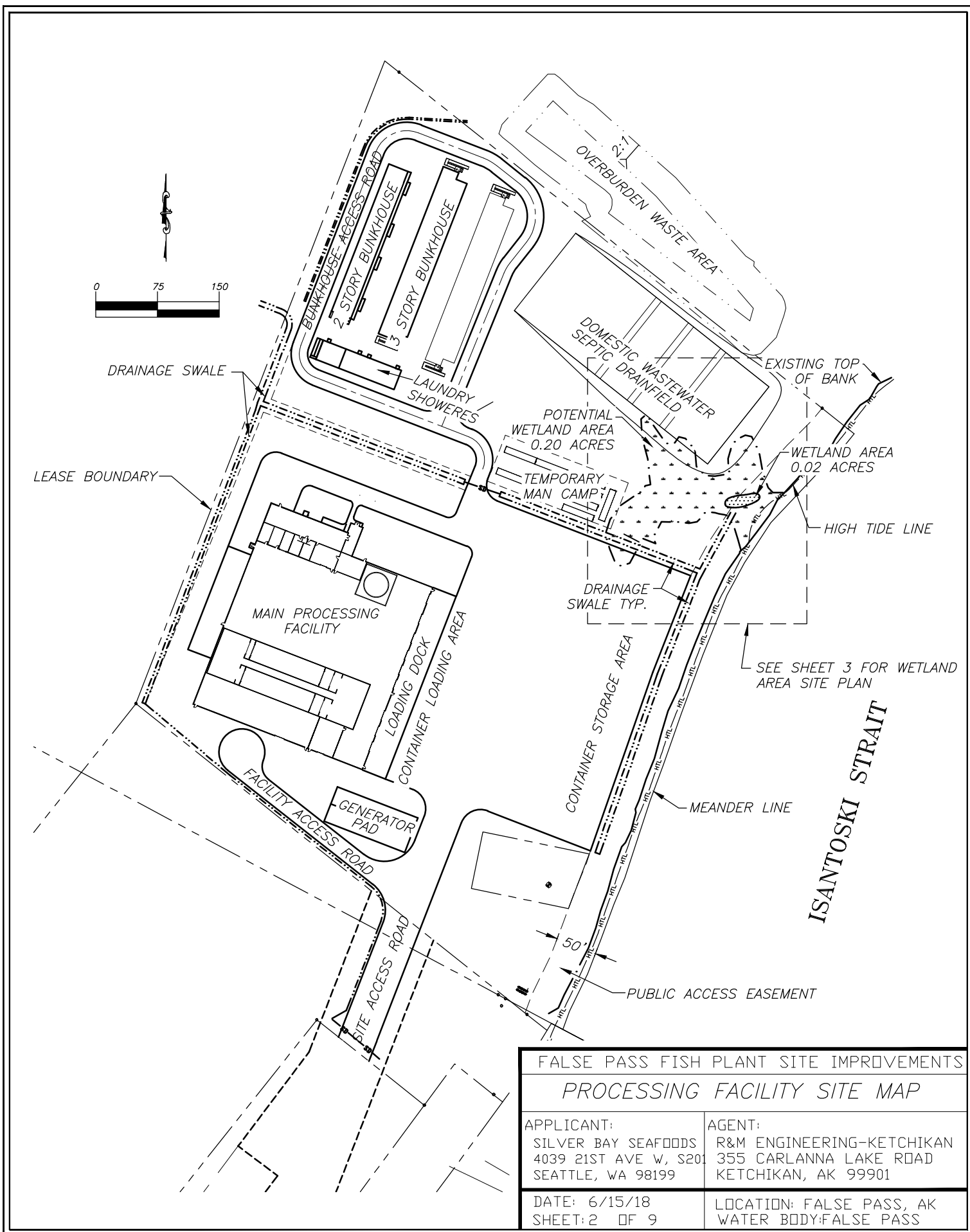
Disability Reasonable Accommodation Notice

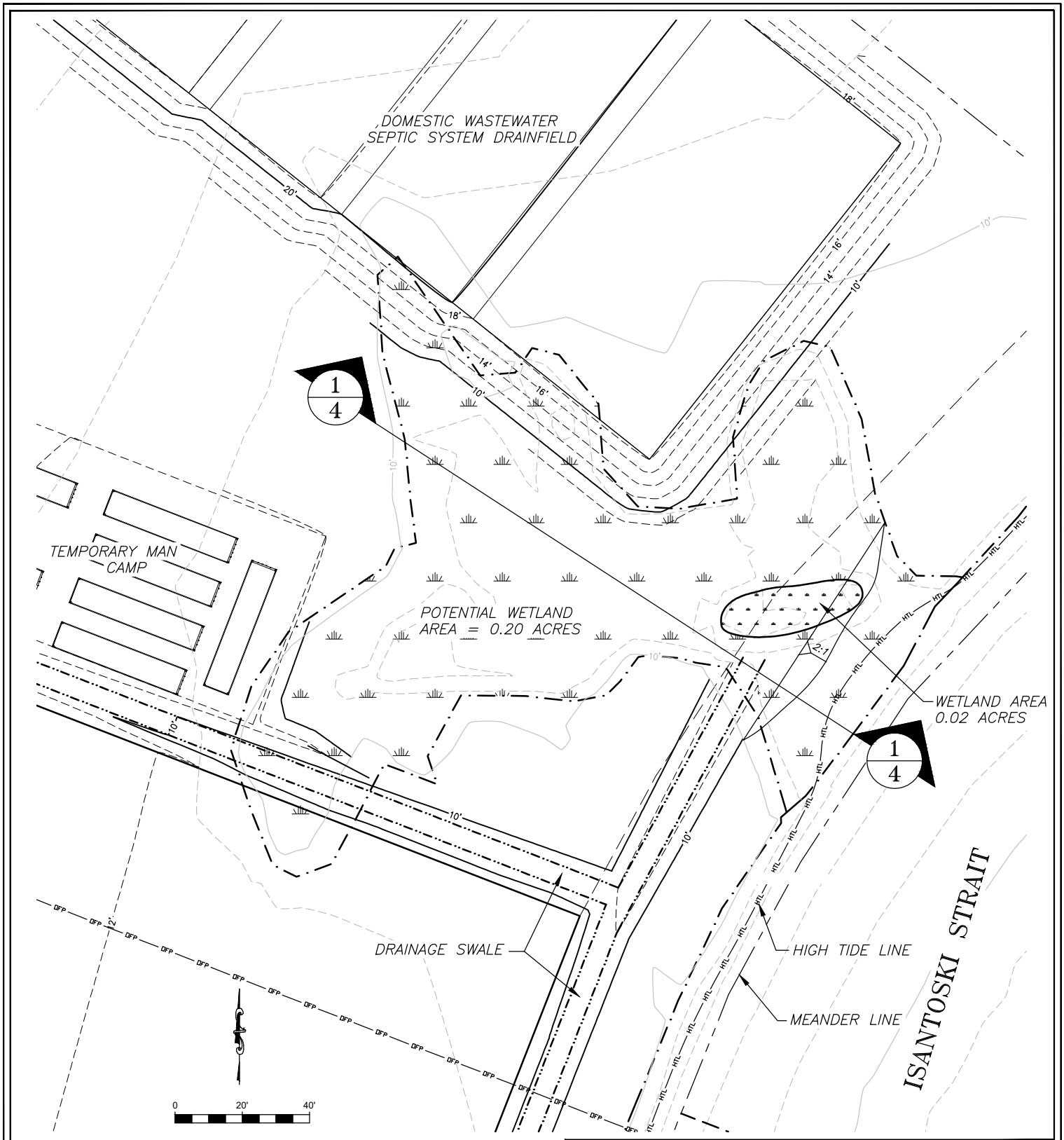
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.



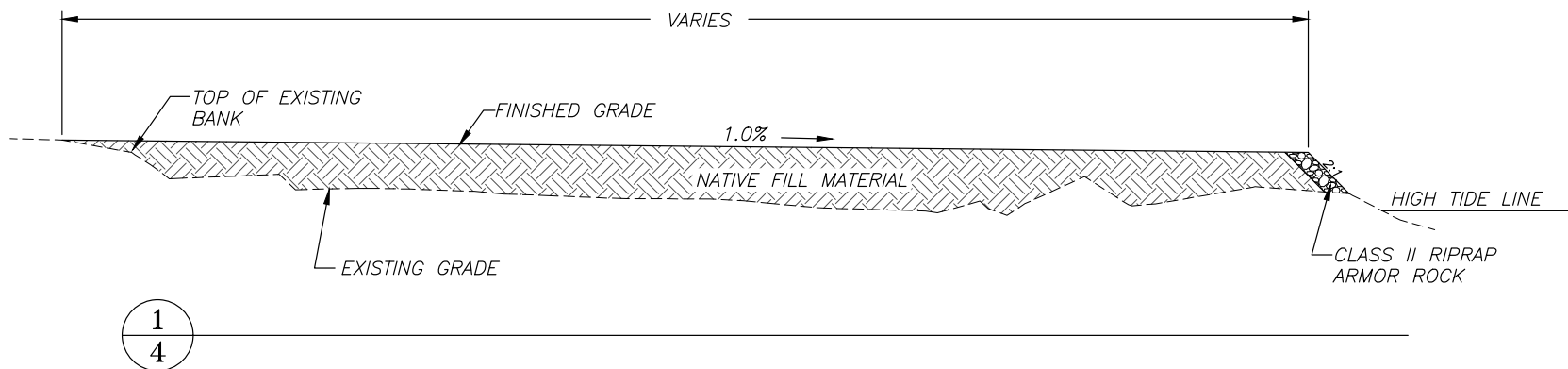
PROJECT LOCATION:
 54.867926°N, 163.409480°W
 T 61S, R 94W, SEC 27, SM

FALSE PASS FISH PLANT SITE IMPROVEMENTS	
LOCATION MAP	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/15/18 SHEET: 1 OF 9	LOCATION: FALSE PASS, AK WATER BODY: FALSE PASS





FALSE PASS FISH PLANT SITE IMPROVEMENTS	
WETLAND AREA SITE MAP	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/15/18 SHEET: 3 OF 9	LOCATION: FALSE PASS, AK WATER BODY: FALSE PASS

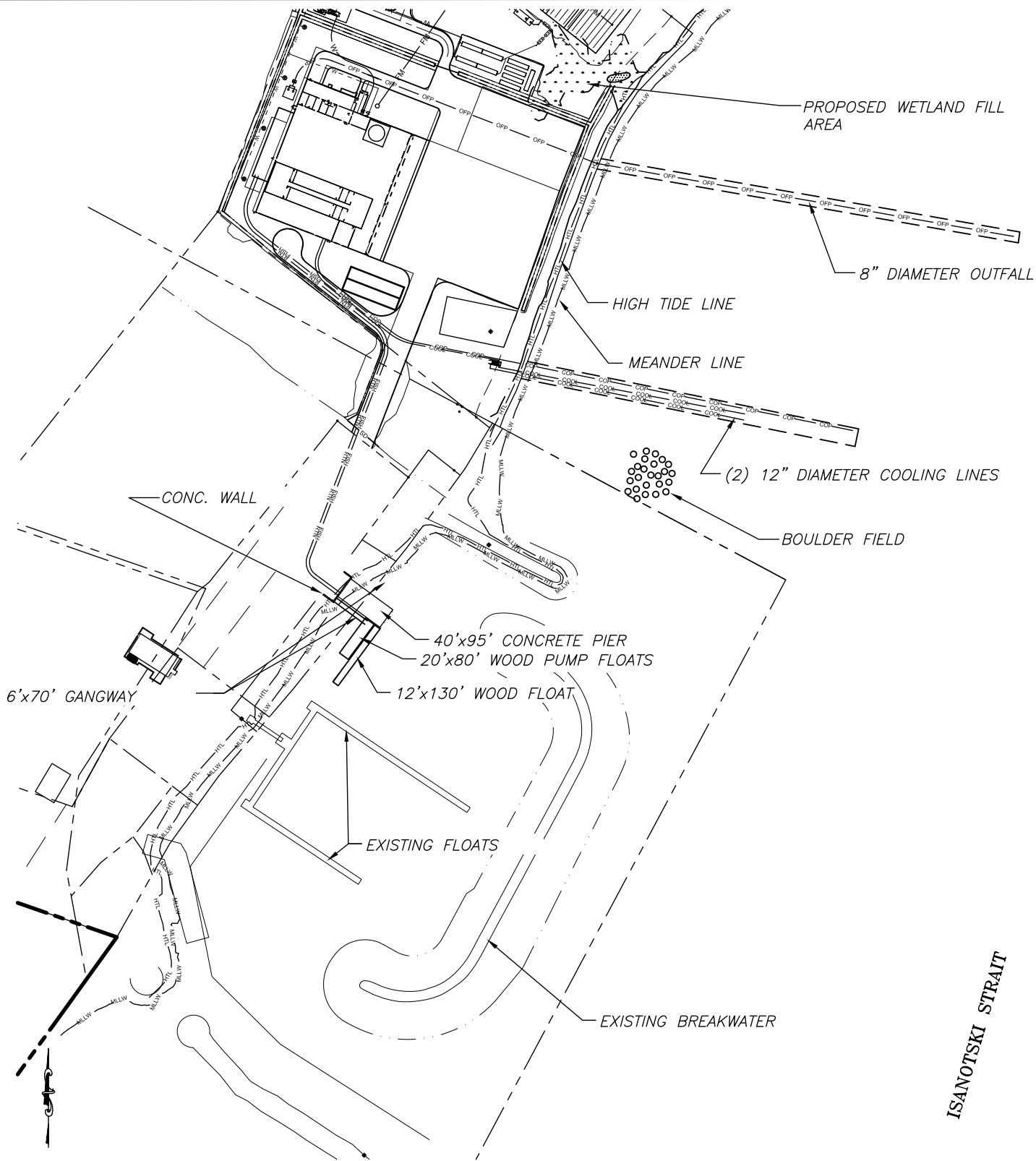


FALSE PASS FISH PLANT SITE IMPROVEMENTS

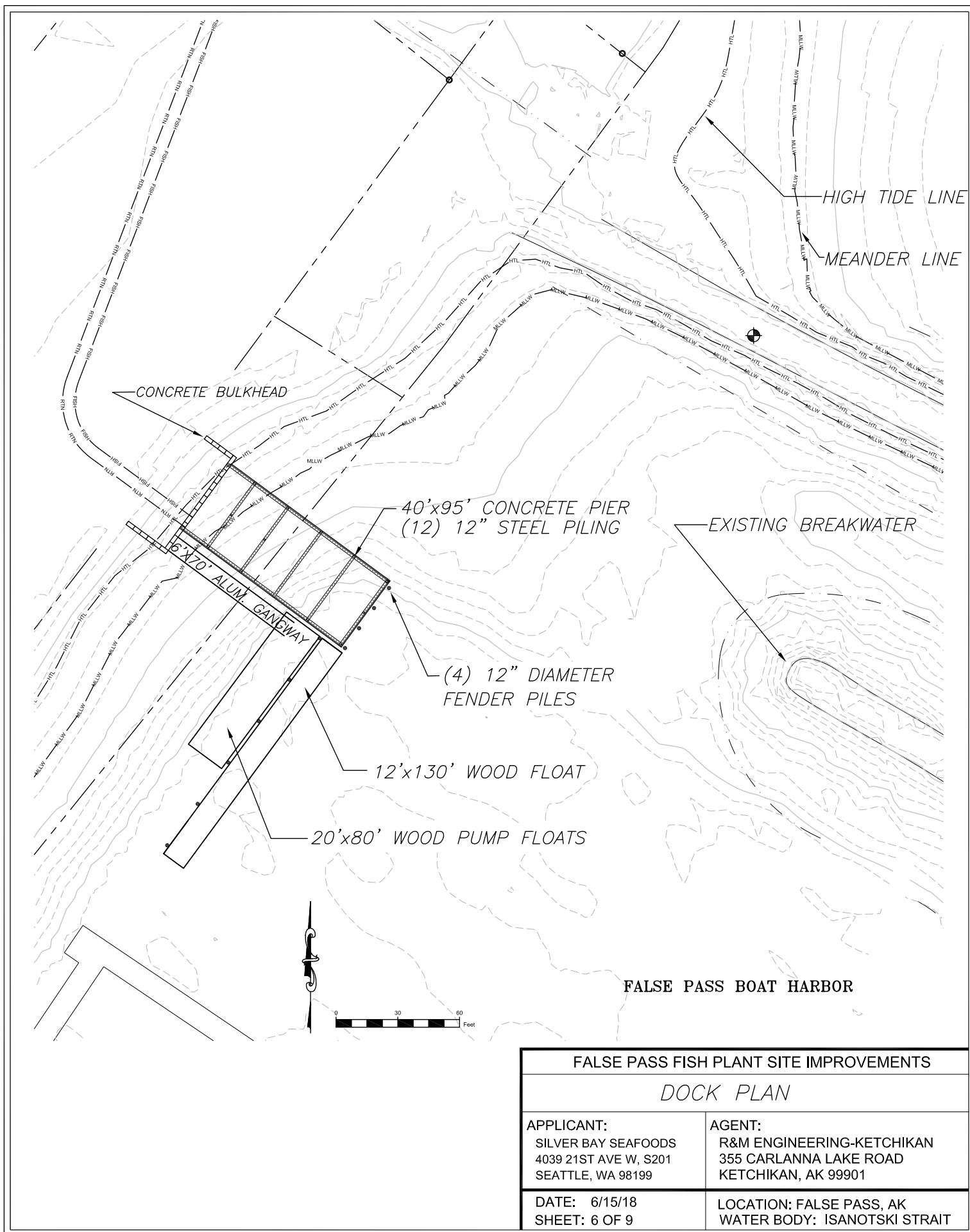
TYPICAL FILL SECTION

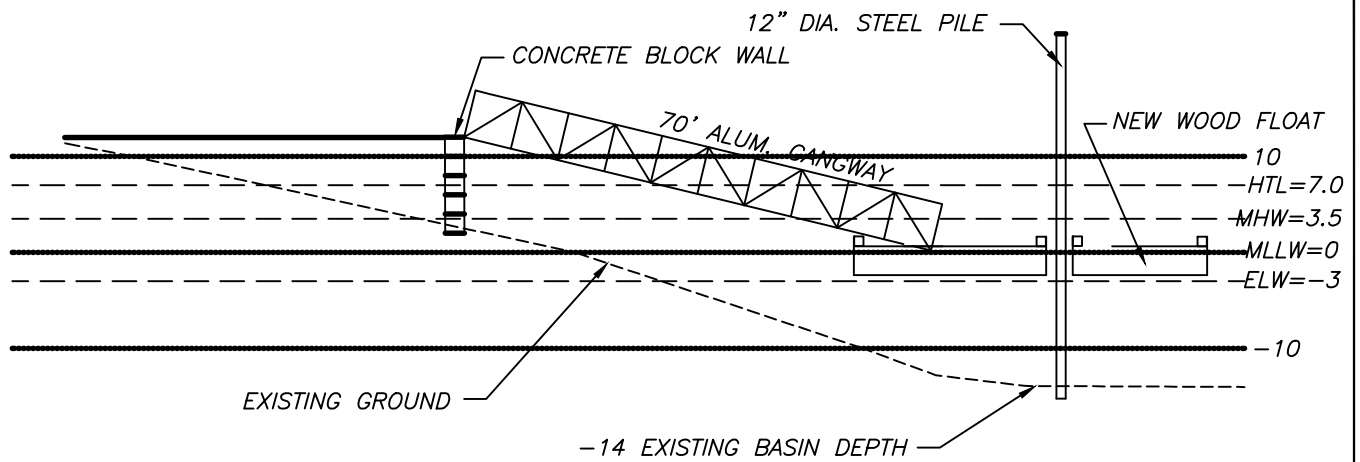
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DATE: 6/15/18 SHEET: 4 OF 9	LOCATION: FALSE PASS, AK WATER BODY: FALSE PASS
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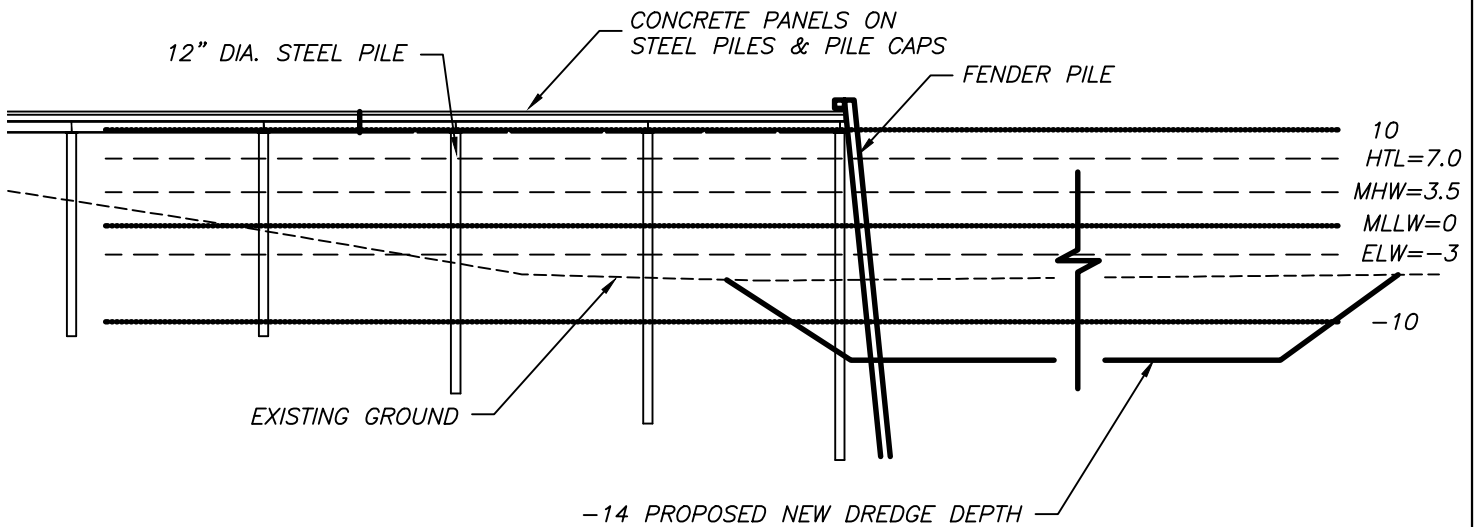


FALSE PASS FISH PLANT SITE IMPROVEMENTS	
HARBOR EXPANSION PLAN	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/15/18 SHEET: 5 OF 9	LOCATION: FALSE PASS, AK WATER BODY: ISANOTSKI STRAIT





SECTION A-A

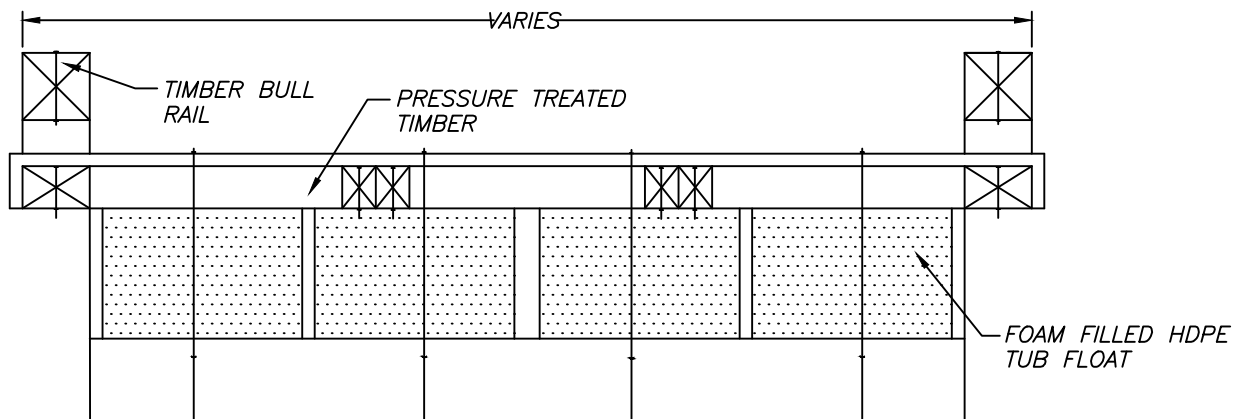


SECTION B-B

0' 5' 10' 20'

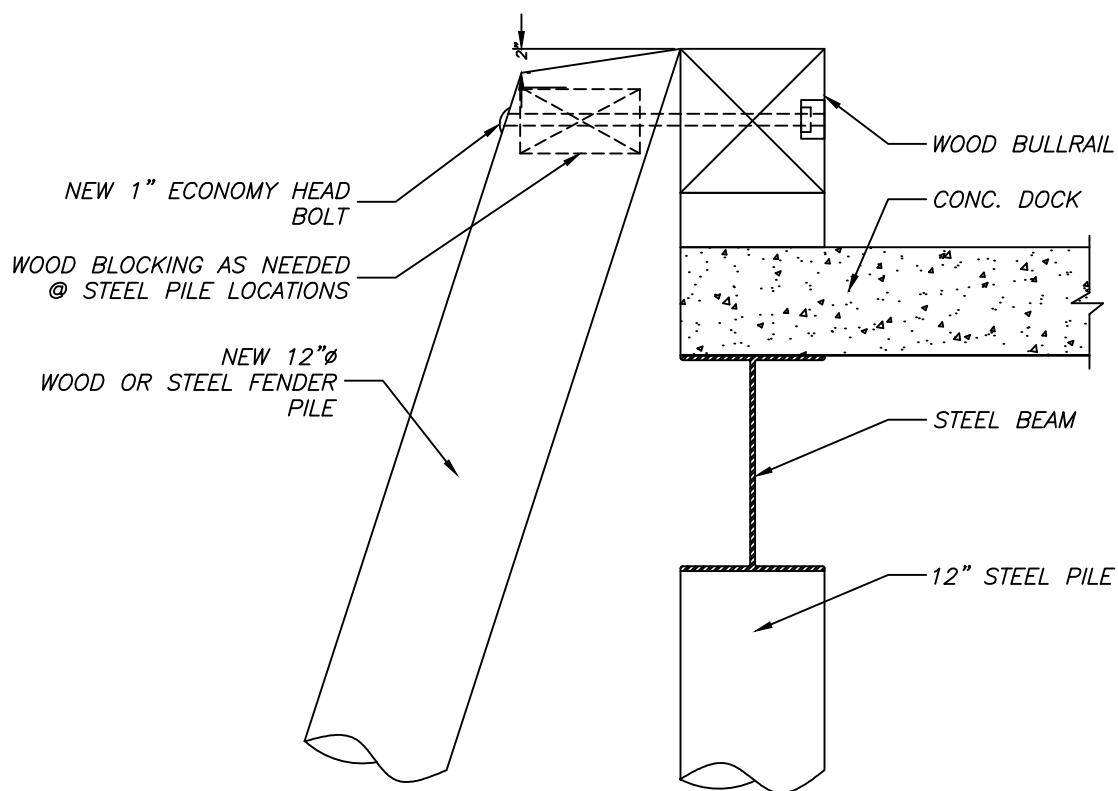
SCALE" 1"=20'

FALSE PASS FISH PLANT SITE IMPROVEMENTS	
SECTION VIEWS	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/15/18 SHEET: 7 OF 9	LOCATION: FALSE PASS, AK WATER BODY: ISANOTSKI STRAIT



TYPICAL FLOAT DETAIL

NTS



FENDER PILE DETAIL

NTS

FALSE PASS FISH PLANT SITE IMPROVEMENTS

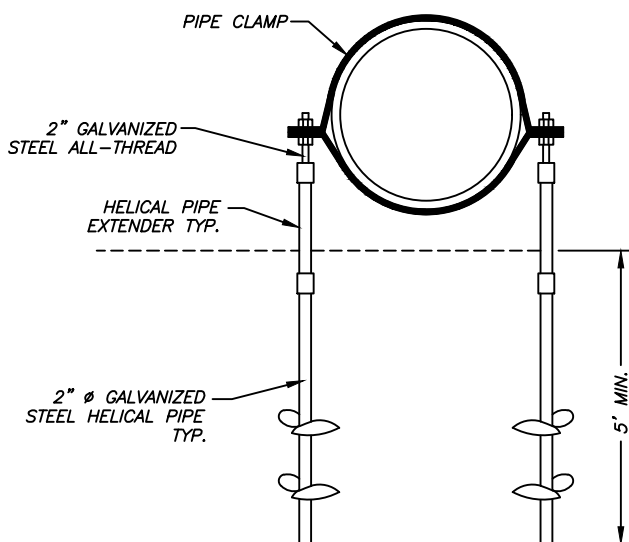
FLOAT AND DOCK DETAILS

APPLICANT:
SILVER BAY SEAFOODS
4039 21ST AVE W, S201
SEATTLE, WA 98199

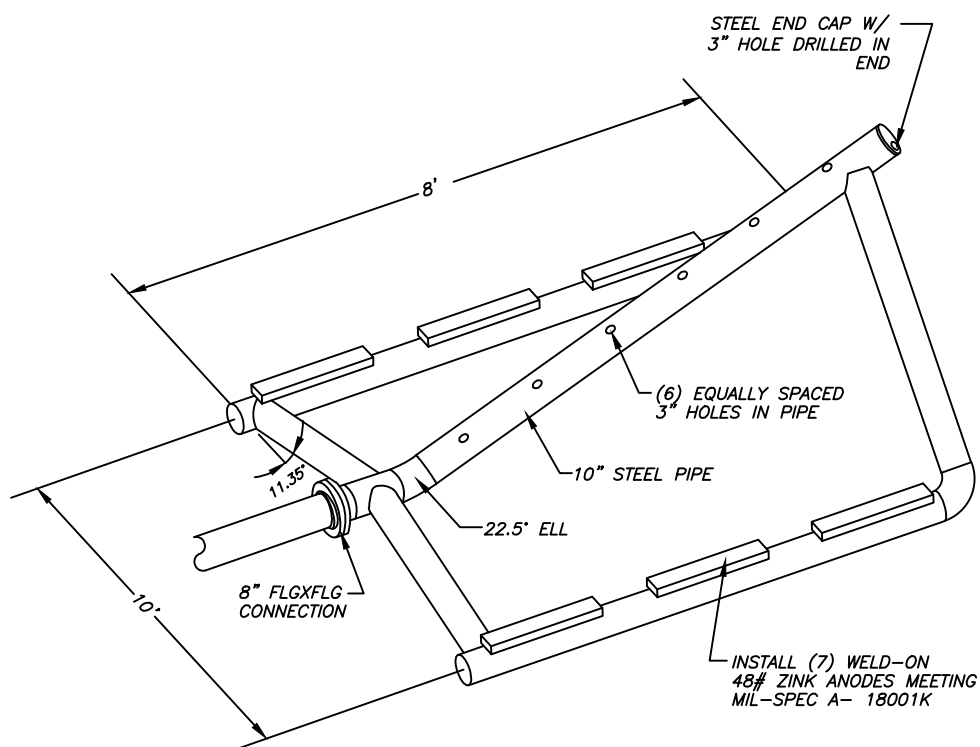
AGENT:
R&M ENGINEERING-KETCHIKAN
355 CARLANNA LAKE ROAD
KETCHIKAN, AK 99901

DATE: 6/15/18
SHEET: 8 OF 9

LOCATION: FALSE PASS, AK
WATER BODY: ISANOTSKI STRAIT



HELICAL PIPE PIPE ANCHOR DETAIL



OUTFALL DIFFUSER DETAIL

FALSE PASS FISH PLANT SITE IMPROVEMENTS	
OUTFALL DETAILS	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING-KETCHIKAN 355 CARLANNA LAKE ROAD KETCHIKAN, AK 99901
DATE: 6/15/18 SHEET: 9 OF 9	LOCATION: FALSE PASS, AK WATER BODY: ISANOTSKI STRAIT