



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

PUBLIC NOTICE DATE:	October 6, 2023
EXPIRATION DATE:	November 7, 2023
REFERENCE NUMBER:	POA-2023-00376
WATERWAY:	Kodiak Harbor

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 Ms. Delana Wilks at (907) 201-5021, or by email at Delana.P.Wilks@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Silver Bay Seafoods, 4039 21st Ave, W. Suite 201

Agent?

LOCATION: The project site is located within Section 6 T. 28 S., R. 19 E., Seward Meridian; USGS Quad Map Kodiak D-2; Latitude 57.7900° N., Longitude 152.3944° W.; in Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to construct an 80 foot x 120 foot, two-story marine services building and to repair a failing wood retaining wall and repair the piling for an existing dock.

PROPOSED WORK: To discharge 9000 cubic yards of shot rock, 150 cubic yards of rip rap, and 214 cubic yards of concrete fill material into 0.33-acres of intertidal waters (below the high tide line and mean high water mark) in order to construct a 80-foot x 120 foot marine services building, repair a failing wood retaining wall, and repair (27) 12-inch steel piles. All work would be performed in accordance with the enclosed plan (sheets 1-9), dated December 19, 2022.

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: There are no practical alternatives for avoidance due to the water dependent nature of the marine service repair and storage building for the Silver Bay crab and pollock fishing fleet. The existing dock is the primary loading and unloading area and the yard will be used for gear storage but at present the yard and dock are not connected. In addition, this facility has been in operation for many years and part of this permit request is for maintaining the bulkheads and returning some of the tideline fill under the proposed building.

b. Minimization: This modification is intended to reduce the impacts on Marine Mammal's due to the work being performed during low tides. All work would be done when the site is de-watered and no noise would be produced in water. Our analysis determined that much of the site was heavily disturbed low value tidelands with no presence of aquatic plants. Because the fill would be used in the barge docking area, it would be refilling the tidelands that were previously removed.

The alternative to fill would be the use of piling, but there are a tremendous amount of sea lions in the area which creates a very likely impact to marine mammals. Piling repair rather than piling replacement was chosen to minimized sea lion disturbance for this project.

c. Compensatory Mitigation: No compensatory mitigation is proposed for this project.

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 footprint of the proposed work consisting of 0.73 acres. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (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 Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*), the endangered Western DPS Steller sea lion (*Eumetopias jubatus*), the endangered sperm whale (*Physeter macrocephalus*), the endangered fin whale (*Balaenoptera physalus*), sunflower sea start (*Pycnopodia helianthoides*), and the endangered North Pacific right whale (*Eubalaena japonica*). Along with the Northern Sea Otter (*Enhydra lutris kenyoni*), (short-tailed Albatross (*Phoebastria albatrus*), and Steller's Eider (*Polysticta stelleri*)

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844), as all work would be done when the site is de-watered and no noise would be produced in water. 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 the vicinity of EFH for Coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity would not adversely affect EFH in the project area as no work would occur in water.

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 authority:

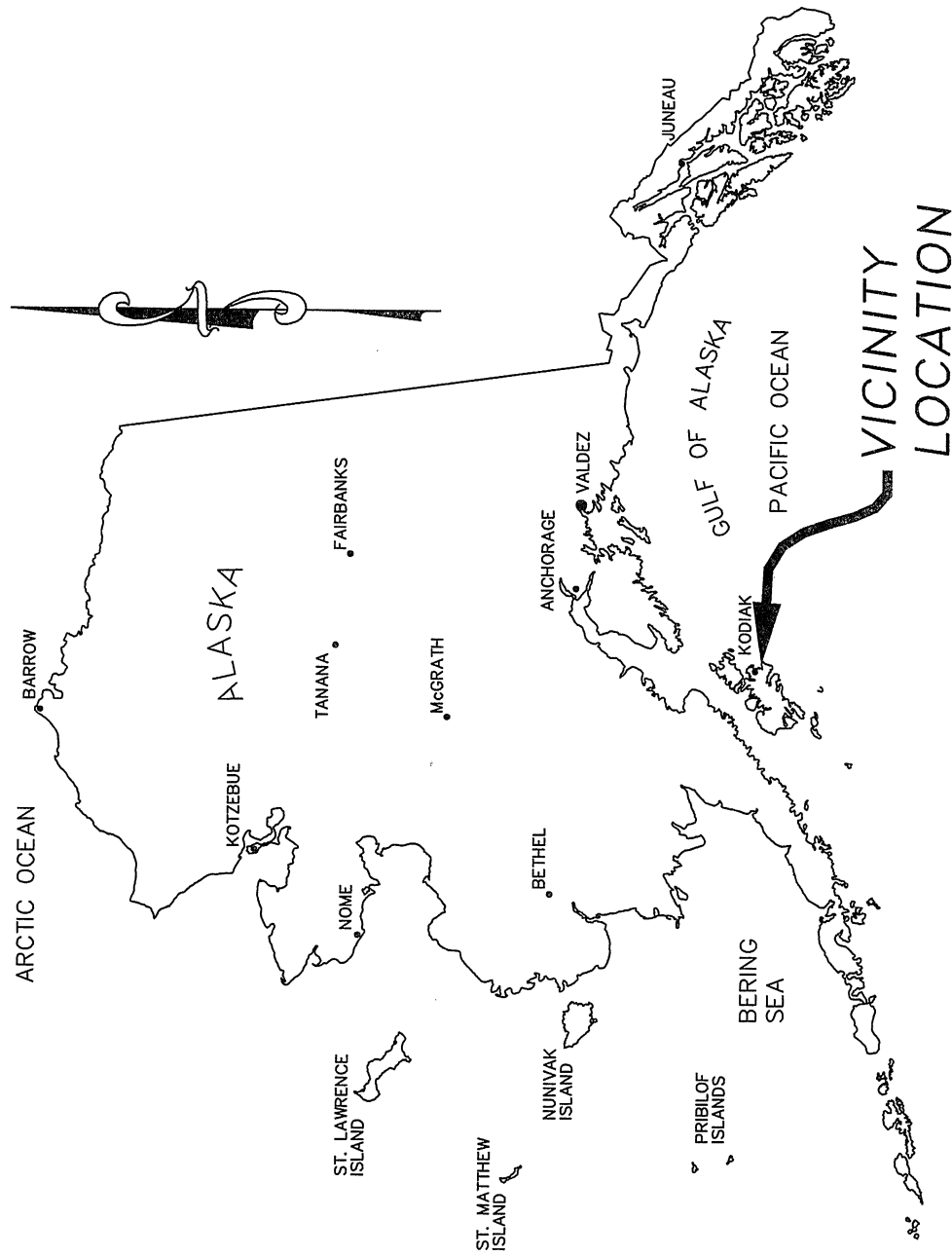
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

Enclosures



SHEET INDEX	
C1	TITLE & LOCATION MAP
C2	HARBOR CHART VICINITY MAP
C3	AERIAL PHOTO LOCATION MAP
C4	EXISTING CONDITIONS
C5	PARCEL INFORMATION
C6	PROPOSED IMPROVEMENTS
C7	SECTION VIEWS
C8	EXISTING PILE REPAIR PLAN
C9	PILE REPAIR DETAIL

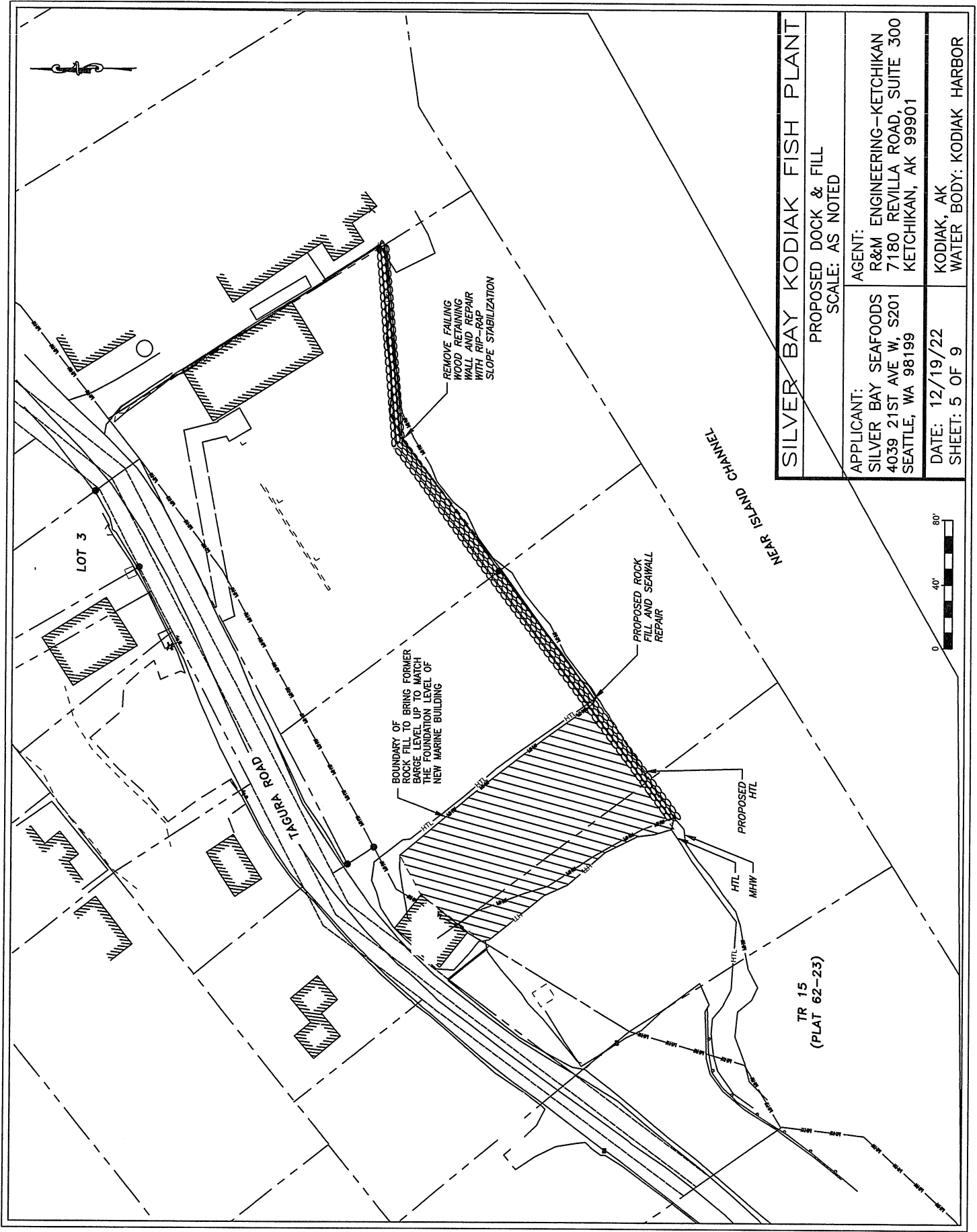
SILVER BAY KODIAK FISH PLANT	
TITLE & LOCATION MAP	
SCALE: AS NOTED	
APPLICANT: SILVER BAY SEAFOODS 4039 21ST AVE W, S201 SEATTLE, WA 98199	AGENT: R&M ENGINEERING--KETCHIKAN 7180 REVILLA ROAD KETCHIKAN, AK 99901
DATE: 12/19/22 SHEET: 1 OF 9	KODIAK, AK WATER BODY: KODIAK HARBOR



VICINITY MAP

SITE LOCATION - LATITUDE: N 57°47'24" LONGITUDE: W 152°23'40"

SILVER BAY KODIAK FISH PLANT	
VICINITY MAP	
SCALE: AS NOTED	
APPLICANT:	AGENT:
SILVER BAY SEAFOODS	R&M ENGINEERING-KETCHIKAN
4039 21ST AVE W, S201	7180 REVILLA ROAD
SEATTLE, WA 98199	KETCHIKAN, AK 99901
DATE: 12/19/22	KODIAK, AK
SHEET: 3 OF 9	WATER BODY: KODIAK HARBOR



SILVER BAY KODIAK FISH PLANT

PROPOSED DOCK & FILL
SCALE: AS NOTED

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA ROAD, SUITE 300
KETCHIKAN, AK 99901

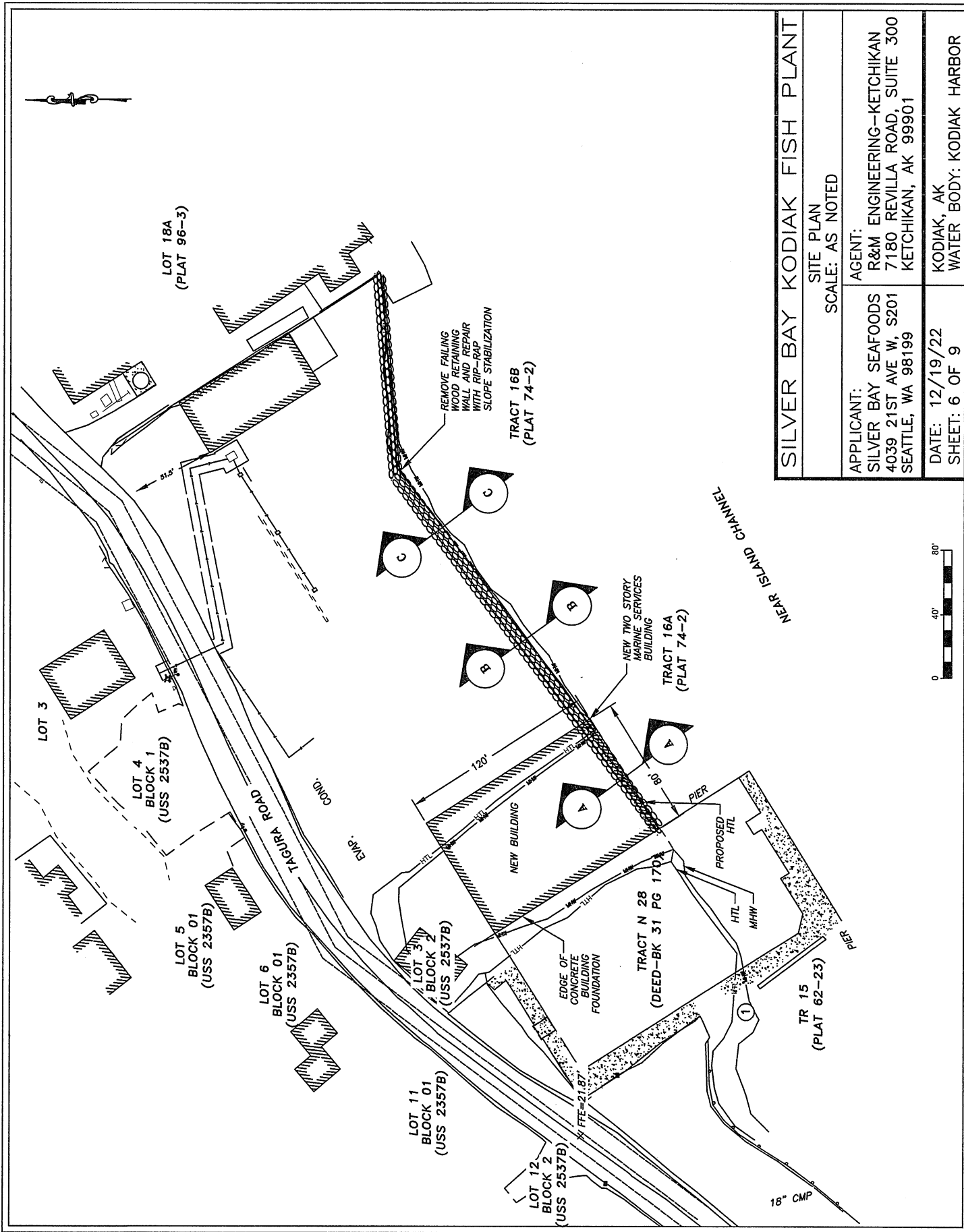
APPLICANT:
SILVER BAY SEAFOODS
4039 21ST AVE W, S201
SEATTLE, WA 98199

DATE: 12/19/22
SHEET: 5 OF 9

KODIAK, AK
WATER BODY: KODIAK HARBOR

TR 15
(PLAT 62-23)





SILVER BAY KODIAK FISH PLANT

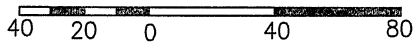
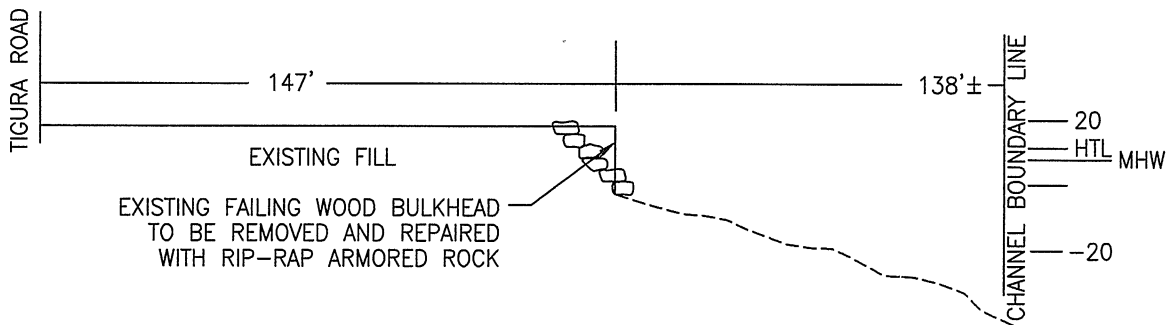
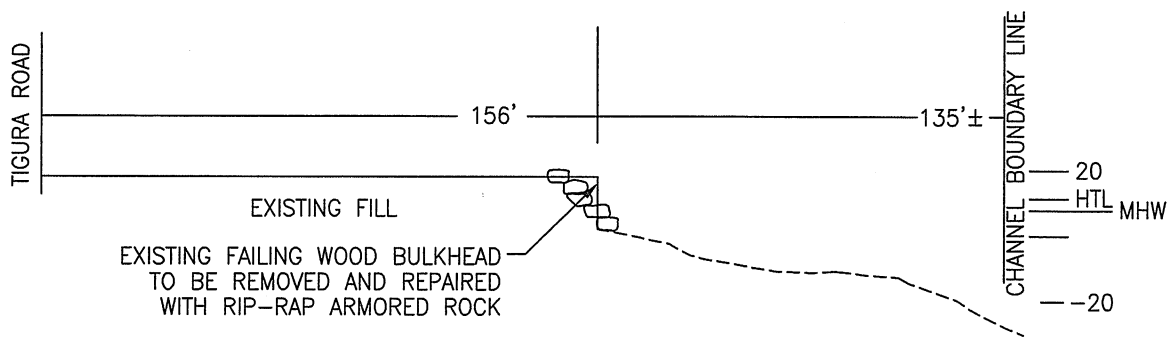
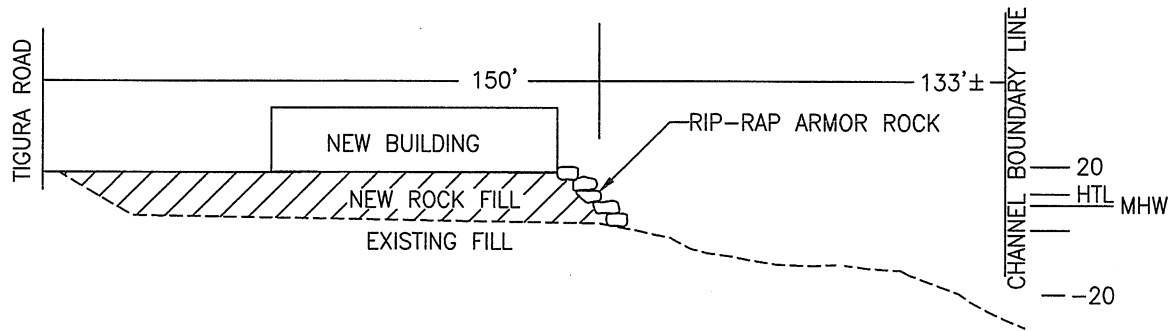
SITE PLAN
SCALE: AS NOTED

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

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA ROAD, SUITE 300
KETCHIKAN, AK 99901

DATE: 12/19/22
SHEET: 6 OF 9

KODIAK, AK
WATER BODY: KODIAK HARBOR



SILVER BAY KODIAK FISH PLANT

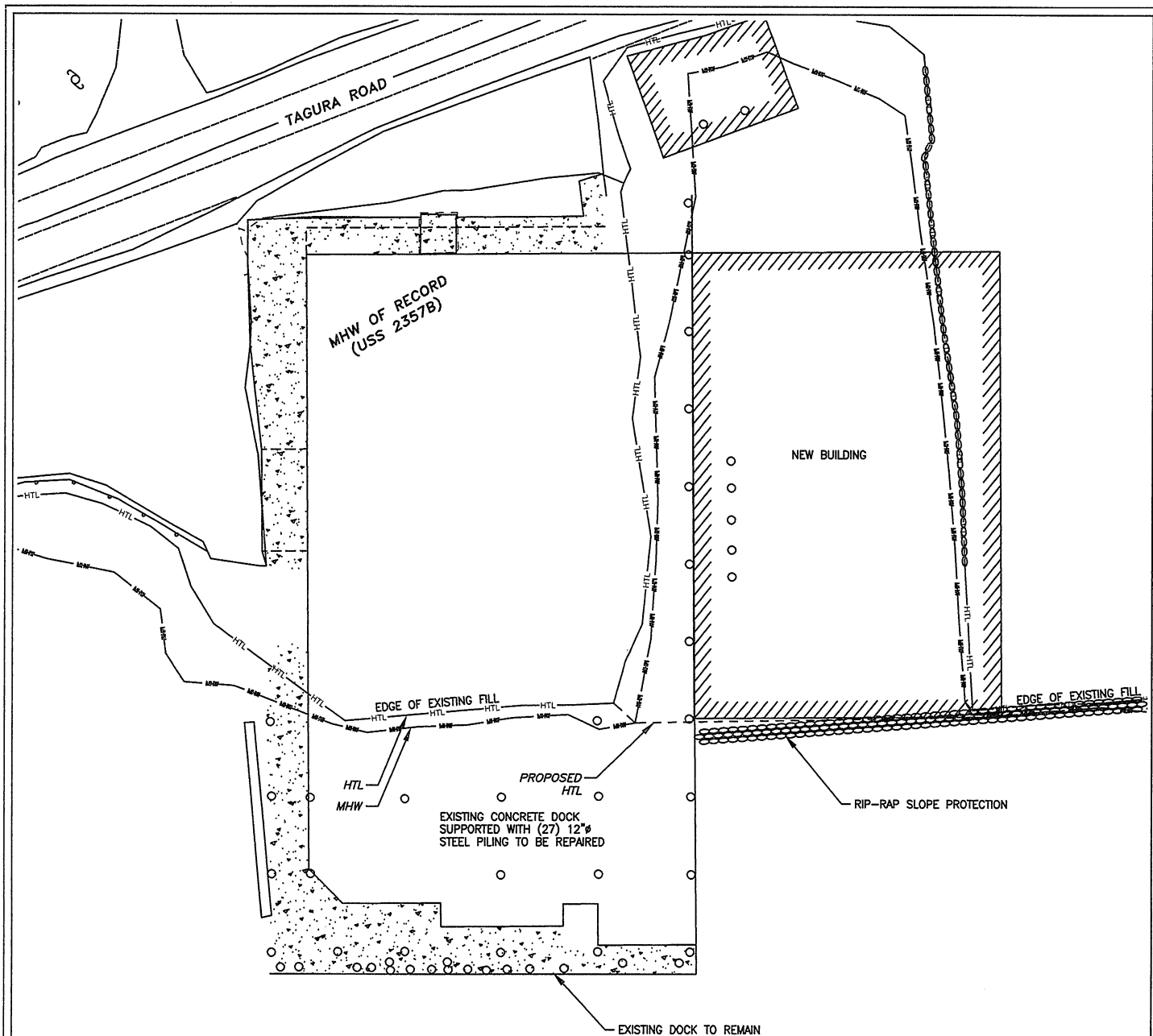
SECTION VIEWS
SCALE: AS NOTED

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

AGENT:
R&M ENGINEERING-KETCHIKAN
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KETCHIKAN, AK 99901

DATE: 12/19/22
SHEET: 7 OF 9

KODIAK, AK
WATER BODY: KODIAK HARBOR



SILVER BAY KODIAK FISH PLANT

EXISTING PILE REPAIR PLAN
SCALE: AS NOTED

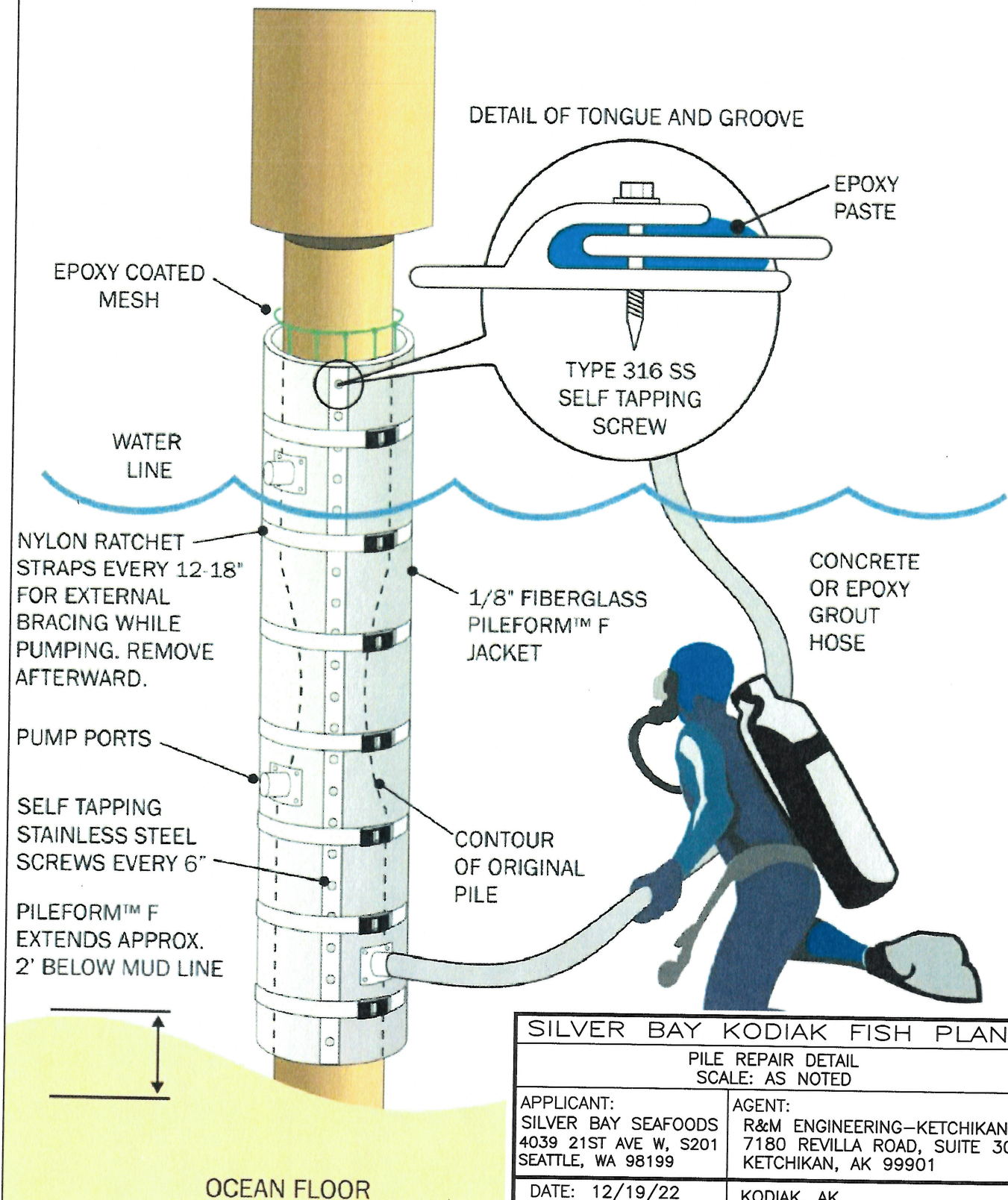
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SILVER BAY SEAFOODS
4039 21ST AVE W, S201
SEATTLE, WA 98199

AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA ROAD, SUITE 300
KETCHIKAN, AK 99901

DATE: 12/19/22
SHEET: 8 OF 9

KODIAK, AK
WATER BODY: KODIAK HARBOR

Pile Encapsulation System



SILVER BAY KODIAK FISH PLANT

PILE REPAIR DETAIL
SCALE: AS NOTED

APPLICANT:
SILVER BAY SEAFOODS
4039 21ST AVE W, S201
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AGENT:
R&M ENGINEERING-KETCHIKAN
7180 REVILLA ROAD, SUITE 300
KETCHIKAN, AK 99901

DATE: 12/19/22
SHEET: 9 OF 9

KODIAK, AK
WATER BODY: KODIAK HARBOR