



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

<b>PUBLIC NOTICE DATE:</b>	<b>February 3, 2017</b>
<b>EXPIRATION DATE:</b>	<b>March 6, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1981-65-M9</b>
<b>WATERWAY:</b>	<b>Akutan Harbor</b>

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.

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 Randal Vigil at (907) 790-4490 or by email at [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Trident Seafoods Corporation, Attention: Aaron DeSalvo, 5303 Shilshole Avenue NW, Seattle, Washington 98107. Telephone number (206) 783-3818.

**LOCATION:** The project site is located within Section 11, T. 70 S., R. 112 W., Seward Meridian; USGS Quad Map Unimak A-6; Latitude 54.133305° N., Longitude 165.780875° W.; ATS 1514; 1 Salmon Lane, in Akutan, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide an extension of the existing container storage yard and adequate space for a new seafood processing building.

**PROPOSED WORK:** The application request authorization to discharge 80,000 cubic yards of clean shot rock and riprap fill material into 2.44 acres below the high tide line (approximate elevation +4.7 feet above the 0.0 foot contour) in Akutan Harbor which is a navigable water of the United States for the construction of a new seafood processing building and expansion of an existing container storage yard.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated January 10, 2017.

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: Due to the steep slopes of the terrain above the high tide line, avoidance is not possible.

b. Minimization: "Development within the proposed tideland area has been designed to a minimum size necessary to lessen impacts to the aquatic ecosystem and limit the amount of fill materials required from the hillside borrow source site. The proposed project has additionally been designed to solely utilize a riprap rock face to stabilize compacted fill materials that will reduce total impacts to the subtidal zone that would generally be greater if installed in conjunction with a bulkhead sheet pile application. The Trident project will use clean upland fill and riprap materials, use in-water silt curtains to contain sediment and turbidity drift, and use construction best management practices to minimize impacts. The project location along the Akutan Harbor north shore, as noted in the Interim Feasibility Report and Environmental Impact Statement for the Akutan Harbor Mooring Basin is less biologically abundant and a project in the specific area would be considered unlikely to jeopardize aquatic animal or plant species, or adversely destroy or modify designated habitat."

c. Compensatory Mitigation: If compensatory mitigation is determined necessary to offset unavoidable impacts to waters of the United States, the applicant proposes to purchase credits from the Conservation Fund in-lieu fee program.

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 unevaluated and registered or eligible properties in the vicinity of the worksite. They have been designated **Akutan Village (UNI-00004) and St Alexander Nevsky Chapel, Akutan (UNI-00028)**, respectively. Because they have been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. 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 endangered Northern sea otters (*Enhydra lutris*), Steller sea lions (*Eumetopias jubatus*) in the western Distinct Population Segment (DPS), humpback whales (*Megaptera novaeangliae*), fin whales (*Balacenopectera physalus*), North Pacific right whales (*Eubalaena japonica*),

sperm whales (*Physeter microcephalus*), Western North Pacific Gray whales (*Eschrichtius robustus*), short-tailed albatross (*Phoebastria albatrus*), and Steller's eider (*Polysticta stelleri*).

We have determined the described activity may affect the endangered Northern sea otter and Steller's eider or their designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife 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 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 Weathervane Scallop (*Patinopecten caurinus*), 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 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 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 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.

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  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## 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-1981-65-M9, Akutan Harbor**, 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 by the expiration date of the Corps of Engineer's Public Notice.