

US Army Corps of Engineers Alaska District

ANCHORAGE Regulatory Division (1145) CEPOA-RD Post Office Box 6898 JBER, Alaska 99506-0898

## Public Notice of Application for Permit

PUBLIC NOTICE DATE:	March 13, 2025
EXPIRATION DATE:	April 14, 2025
REFERENCE NUMBER:	POA-2024-00576
WATERWAY:	Crab Bay

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 Hayley Farrer at (907) 753-2778, toll free from within Alaska at (800) 478-2712, or by email at Hayley.M.Farrer@usace.army.mil if further information is desired concerning this public notice.

<u>APPLICANT</u>: Edward Douville, Shaan-Seet, Inc.; (907) 826-3251; eddouville@shaanseet.com; 501 Main Street Craig, Alaska 99921

<u>AGENT</u>: Trevor Sande, R&M Engineering-Ketchikan, Inc.; (907) 225-7917; trevorsande@rmketchiklan.com; 7180 Revilla Road, Suite 300 Ketchikan, Alaska 99901

<u>LOCATION</u>: The project site is located at Section 5, T. 74 S., R. 81 E., Copper River Meridian; Latitude 55.4864° N., Longitude 133.1410° W.; False Island, in Craig, Alaska.

<u>PURPOSE</u>: To support the growing mariculture industry on Prince of Wales Island, the applicant's stated purpose is to develop a seafood industrial park adjacent to the existing Silver Bay Seafood facility. The location has been selected where some services can be shared between tenants, there is access to City of Craig's utilities, and there is access to deep water for mooring of vessels to load and offload materials.

PROPOSED WORK: The applicant proposes to discharge 40,800 cubic yards of shot rock, 1,159 cubic yards of riprap, and 3,100 cubic yards of D-1 surfacing material into 3.39 acres of estuarine wetlands to create access and develop the south side of False Island. Specific plans include constructing a 182-foot-long by 24-foot-wide gravel roadway, an 80-foot-long by 20foot-wide steel bridge supported with concrete abutments on each end and two (2) 16-inch diameter steel pilings at mid-span. To develop the multi-use mariculture and seafood industrial park, shot rock material would be discharged between the mean high-water mark (-9.2 feet) and the high tide line (HTL) (-12.8 feet) to construct two (2) new 100-foot by 250-foot buildings and one (1) 100-foot by 200-foot building and parking lots for all three buildings. A 430 linear foot stacked rock wall would be constructed on the west side of the island to retain the fill material and provide erosion protection. Additionally, the applicant proposes to construct two (2) concrete dock floats. A 20-foot wide by 260-foot-long concrete pier supported by fourteen (14) 18-inch diameter steel pilings would lead to a 40-foot wide by 100-foot-long concrete float, which would be supported by twenty-eight (28) 18-inch steel piles. The concrete float would be attached to a 6-foot wide by 70-foot-long gangway leading to a 12-foot wide by 120-foot-long concrete float supported by seven (7) 12-inch diameter steel pilings.

The proposed project would tentatively start as soon as all necessary authorizations are received. Pile driving activities would occur when the barge is present for other projects happening in the immediate area. All work would be performed in accordance with the enclosed plan (sheets 1-10), dated September 27, 2024.

<u>APPLICANT PROPOSED MITIGATION</u>: 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 applicant states that avoidance is not possible since the proposed project is water dependent with 49% of the site being below the HTL. The applicant states that above the HTL there are not wetlands, which is unusual for the region. The applicant states that the property was selected due to its proximity to the City Icehouse, the Silver Bay Seafoods facility, and the proximity to clean salt water for processing, since much of the area south of Craig is within the City Treatment Plant mixing zone.

b. Minimization: The applicant states the proposed project is the minimum plan for the expected growth of mariculture in the region and the docks and access road are sized to be the minimum practicable to serve the proposed three (3) processing buildings. The applicant states to minimize the impacts to wetlands and water ways during development of the site, an extensive Storm Water Pollution and Prevention Plan (SWPPP) would be set in place. The contractor performing the work would apply permanent and temporary soil stabilization and erosion controls, including but not limited to maintaining control areas for entering and exiting

equipment and trucks, installing silt fences, sediment containment ponds and ditching, and reseeding-vegetating disturbed areas not slated for further development. The marine contactor would utilize a crane/spud barge for the marine work. Pile installation would start with a vibratory hammer; if embedment is not achieved, then an impact hammer would be used to finish installation. The applicant states both pile installation methods have negligible turbidity effects.

c. Compensatory Mitigation: The applicant does not propose compensatory mitigation. The applicant states they have been unable to identify a relevant project in Craig to use as compensatory mitigation due to a lack of a local preservation council.

<u>WATER QUALITY CERTIFICATION</u>: 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.

<u>CULTURAL RESOURCES</u>: 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 within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project including immediate upland locations where construction equipment would be staged. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time. 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 comments regarding potential effects to historic resources within the vicinity of the permit area.

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the Mexico distinct population segment of humpback whales (*Megaptera novaeangliae*) and the proposed threatened sunflower sea star (*Pycnopodia helianthoides*).

We have determined the described activity may affect but is not likely to adversely affect the Mexico distinct population segment of humpback whales (*Megaptera novaeangliae*) and the proposed threatened sunflower sea star (*Pycnopodia helianthoides*). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with 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.

<u>ESSENTIAL FISH HABITAT</u>: 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 Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*O. keta*), coho salmon (*O. kisutch*), pink salmon (*O. gorbuscha*), sockeye salmon (*O. nerka*), and yellowfin sole (*Limanda aspera*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may adversely affect EFH for the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning EFH will be considered in our final assessment of the described work.

<u>TRIBAL CONSULTATION</u>: The Corps fully supports tribal self-governance and government-togovernment 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. This application is being coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

<u>PUBLIC HEARING</u>: 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.

<u>AUTHORITY</u>: 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 of Engineers

Enclosures



















