



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD-SA
1600 A Street, Suite 110
Anchorage, AK 99501-5146

PUBLIC NOTICE DATE: November 21, 2013
EXPIRATION DATE: December 23, 2013
REFERENCE NUMBER: POA-1990-346-M6
WATERWAY: NAKNEK RIVER

Interested parties are hereby notified that a Department of the Army (DA) 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 Steve Lindamood at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by fax at (907) 279-0064, or Steve.D.Lindamood@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Trident Seafood Corporation, 5303 Shilshole Avenue NW, Seattle, Washington 98107; Mr. Kurt Esveldt, Capital Projects Support Manager, phone (206) 331-0664 or email at kurte@tridentseafoods.com.

LOCATION: The proposed project is located within Section 2, T. 17 S., R. 47 W., Seward Meridian; USGS Quad Map Naknek C-4; Latitude 58.7275° N., Longitude 157.0092° W.; ADL Leases 207006 - Survey 836 and 203938 - Survey 1137; ½ Mile Post, Alaska Peninsula Highway, in Naknek, Alaska.

PURPOSE: The applicant's stated purpose is to support existing seafood processing operations by providing additional storage and staging areas.

PROPOSED WORK: The applicant proposes to construct two separate wood-decked and steel pile-supported dock additions to their existing seafood processing facility. More specifically, a 60-foot by 174-foot dock would be supported by fifty five, 12.75-inch diameter steel pilings and constructed on state parcel ATS 836; and a 40-foot by 100-foot dock would be supported by ninety, 12.75-inch diameter steel pilings and constructed on state parcel ATS 1137. In total, the two docks would cover an area of 18,440 square feet or 0.423-acre. An impact hammer would drive the steel pilings into the river bank during the lowest tidal stages between May and September of 2014. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated October 21, 2013.

ADDITIONAL INFORMATION: DA permit POA-1990-346-1 was issued to Far West Fisheries, Inc. on November 16, 1992, for the construction of a wooden pile-supported dock measuring approximately 125-feet by 41-feet (at the widest point) adjoining an existing pile-supported dock. This permit was transferred to Trident Seafood Corporation on December 14, 1992. On August 2, 1996, the permit was modified (POA-1990-346-M) to authorize

the construction of a 145-foot by 165-foot pile-supported dock extension. On March 24, 1999, special condition number 1 of the permit was modified (POA-1990-346-N) extending the time for completing the work to July 30, 2002. On March 17, 2003, the permit was modified a third time (POA-1990-346-O) to authorize the construction of a 125-foot by 125-foot dock extension shoreward of an existing 40-foot by 125-foot dock. Additionally, the modification authorized the placement of 170-foot by 12-inch diameter steel pilings supporting a dock constructed of untreated wood stringers, joists, and decking that extended over the Naknek River below the mean high water (MHW) mark. On March 3, 2004, the permit was modified a fourth time (POA-1990-346-P) to allow the construction of a 50-foot by 125-foot dock shoreward of an existing dock. On February 15, 2006, the permit was modified a fifth time (POA-1990-346-Q) to allow for the construction of five dock additions to an existing pile-supported dock. These additions were authorized as pile-supported docks with the following dimensions: 40-foot by 120-foot, 40-foot by 70-foot, 20-foot by 375-foot, 40-foot by 130-foot, and 40-foot by 130-foot.

The current proposed activity would be the 6th modification to the original permit.

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: The applicant would avoid adverse marine impacts by placing the dock upon steel piling on sloped inter-tidal river banks with no plans to dredge, drill or place fill materials during the construction of the two docks.

b. Minimization: The project was designed to meet the minimum size required to accomplish the purpose and need for the project. In addition, best management practices would be used to further minimize impacts from construction activities.

c. Compensatory Mitigation: In the event that compensatory mitigation is required, the applicant has proposed to purchase in-lieu fee credits from The Alaska Conservation Fund.

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 Commander 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*), Steller's eider (*Polysticta stelleri*), and the northern sea otter (*Enhydra lutris*).

We have determined the described activity would have no effect on Steller's eider since construction is scheduled during the summer of 2014 when the species are not generally present in the project area.

We have determined the described activity may affect Steller sea lion and the northern sea otter. We will be initiating the appropriate consultation procedures under section 7 of the Endangered Species Act 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 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 Naknek River is an anadromous fish stream. We are currently gathering information

regarding the Pacific Salmon species, but have yet to make a determination of effect. Should we find that the described activity may affect 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 National Marine Fisheries Service may have concerning essential fish habitat 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 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).

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures