



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
1046 Marks Road
Fort Wainwright, Alaska 99703

PUBLIC NOTICE DATE:	February 21, 2025
EXPIRATION DATE:	March 24, 2025
REFERENCE NUMBER:	POA-2011-00769
WATERWAY:	Clover Passage

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 Rebecca Manbeck at (907) 251-6716, toll free from within Alaska at (800) 478-2712, or by email at Rebecca.S.Manbeck2@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Trevor Sande
Marble Seafoods LLC.
7180 Revilla Road, Suite 300
Ketchikan, AK 99901
trevorsande@rmketchikan.com
Business (907) 617-1441

AGENT: Trevor Sande
R&M Engineering-Ketchikan, Inc.
7180 Revilla Road, Suite 300

Ketchikan, AK 99901
trevorsande@rmketchikan.com
Business (907) 617-1441

LOCATION: The project site is located within Section 5, T. 74 S., R. 90 E., Copper River Meridian; USGS Quad Map Ketchikan B-6; Latitude 55.4827° N., Longitude 131.7758° W.; Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to expand and relocate an existing oyster processing facility. The proposed work is required due to the relocation of an aquatic farming lease and sale of an adjacent upland property.

PROPOSED WORK: The applicant proposes to relocate a 46-foot by 125-foot concrete float, a 30-foot by 46-foot processing building, and a 20-foot by 75-foot floating nursery consisting of 144 seed tubs measuring 24-inches by 24-inches from an existing aquatic farming lease to a new aquatic farming lease 300-feet south of the current location. Five (5) 12-inch diameter steel anchor piles holding the existing floating nursery system would be removed using an ICE Model 22-30 vibratory hammer and temporarily placed on a steel material barge for reinstallation at the new lease location. Construction would also include the addition of seven (7) 12-inch diameter steel support piles, a 13-foot by 104-foot concrete breakwater, a 20-foot by 20-foot concrete float, a 8-foot by 70-foot aluminum gangway, four (4) six thousand (6000) pound concrete anchors, four (4) 90-foot shots of chain at each anchor to breakwater, a 68-foot by 80-foot multi-purpose building, a 40-foot wide by 75-foot long by 8-foot tall concrete retaining seawall, and the discharge of 3,350 cubic yards of shot rock, 175 cubic yards of gravel surfacing and 70 cubic yards of concrete below the high tide line (HTL) to support utilities, buried tanks, and a parking area at the new farming lease location. Once complete, the site would accommodate the following six (6) vessels: two (2) 16-foot to 18-foot open skiffs for farm workers to commute to and from Hump Island, a 46-foot Delta Tour Boat, a 24-foot aluminum landing craft for transporting oysters to and from the site, and two (2) 35-foot aluminum landing crafts for crew transport and farm related work activities.

The project would be constructed using a crane barge pushed by a small tug from Ward Cove located seven miles from the project site. Any materials not already located on site would be loaded on a second steel barge and transported to the site at the same time or staged offsite, trucked to the site as required and installed in place when they arrive. The twelve (12) 12-inch diameter steel piles would be driven at the new aquatic farming lease using an MKT-9B3 impact hammer. Driving time for each pile would be between three to five minutes once the pile is in position to drive. The piles are anticipated to hit refusal between ten to fifteen feet. Total installation time is expected to take two to three days with four to five piles installed each day. Based on previous pile driving on the adjacent parcel, the use of cutting or drilling methods to install the piles is not anticipated. Vibratory methods will not be used for installation. All work in the intertidal area would be performed while the site is dewatered. All work would be performed in accordance with the enclosed plan (sheets 1-9), dated February 10, 2025.

ADDITIONAL INFORMATION: The applicant was approved for an Aquatic Farm Permit (DFG-2011-106-AF-S) from Alaska Department of Fish and Game (ADF&G) in March 2019.

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 states there are no practical alternatives for avoidance due to the location and nature of the project. The oyster processing facility has been in place for over a decade and the proposed modifications are to both expand capacity as well as move the facility slightly to the south to allow for better access for loading and unloading product from the dock to land for transport. A portion of the facility needs to be floating due to the live oysters and a portion of the facility needs to be on land due to the heavy loading and concrete tanks that hold recirculated seawater for wet storage of oysters.

b. Minimization: The applicant states the dock geometry chosen was designed to be the minimum size to accommodate the anticipated vessels that would be common use for the oyster farm. The breakwater was added since the site has experienced severe storm damage from northerly winds which has resulted in loss of oyster seed and damage to the concrete floats. The upland building size is matched to the wet storage equipment as well as the processing equipment. The applicant consolidated the facilities to move the wet storage into the multi-use building since this is the only aspect of the processing building that is water dependent. The remainder of the processing building has been relocated to an offsite facility reducing the project footprint from the original design by approximately 40% and discharged fill by approximately 60%. The multi-purpose building itself is already a floating structure and it would be impractical to move above the high tide line.

c. Compensatory Mitigation: The applicant intends to purchase credits from Southeast Alaska Land Trust if compensatory mitigation is required for the 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 known 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 project within jurisdictional waters of the U.S. (WOTUS) under the Corps authority. 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 endangered short-tailed albatross (*Phoebastria albatrus*), the threatened Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*), and the sunflower sea star (*Pycnopodia helianthoides*), which is proposed for listing as threatened.

We have determined the described activity may affect the Mexico DPS of humpback whale and the proposed sunflower sea star. 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 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 (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 pink salmon (*Oncorhynchus gorbuscha*) and Chinook salmon (*Oncorhynchus tshawytscha*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above.

Pile driving may affect prey species by generating intense underwater sound pressure waves. The sound waves impact bottom-living fish and invertebrates, as well as fish with swim bladders more than those in the water column and without gas-filled cavities. Pile driving noise can disrupt fish schooling behavior and their ability to coordinate movements with each other (Limpinsel et al. 2023).

The placement of fill has the following impacts: reduces the production of detritus, an important food source for aquatic invertebrate (e.g., shredders); alters the uptake and release of nutrients to and from adjacent aquatic and terrestrial systems; reduces wetland vegetation, an important source of food for fish and invertebrates; hinders physiological processes in aquatic organisms (e.g., photosynthesis, respiration) because of degraded water quality and increased turbidity and sedimentation; alters hydrological dynamics, including flood control and groundwater recharge; reduces filtration and absorption of pollutants from uplands; and alters nitrogen and oxygen cycles (Limpinsel et al. 2023).

This public notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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. Any comments federally 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.

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).

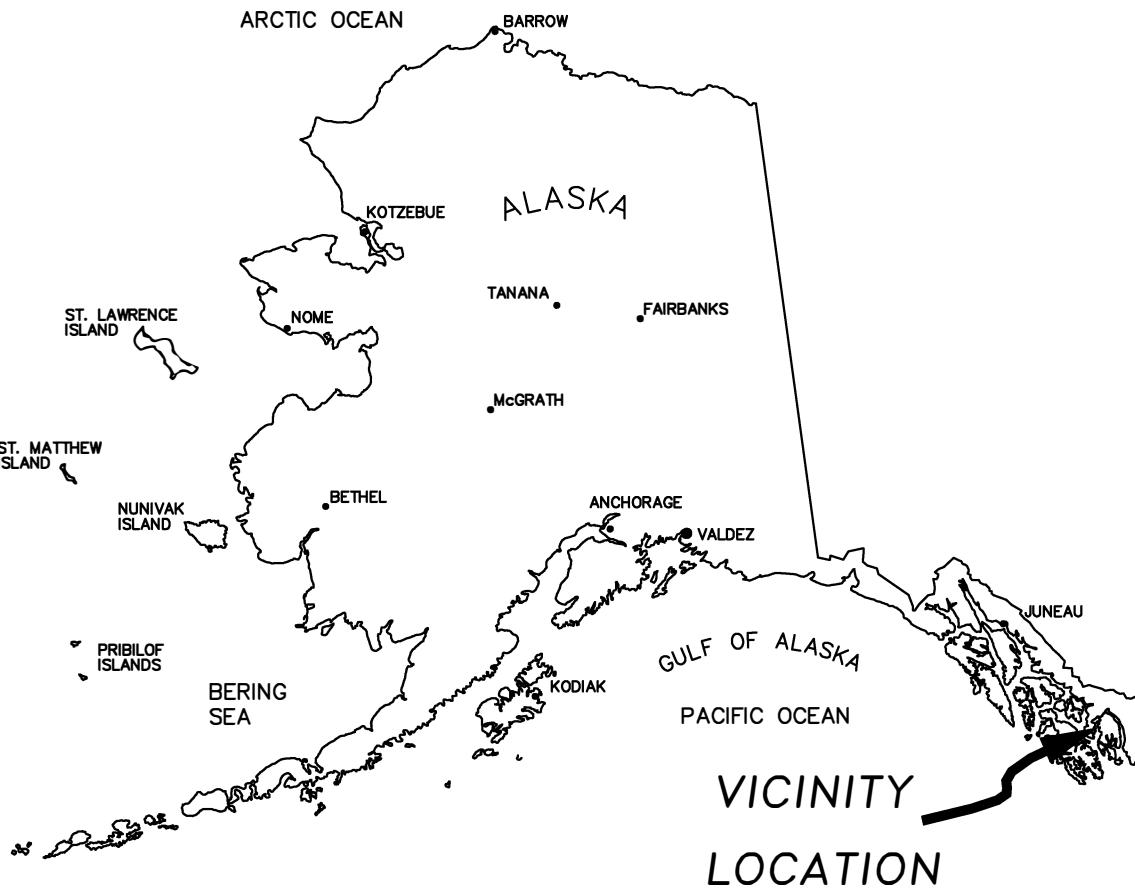
Project drawings are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

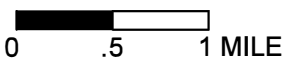
References

Limpinsel, D., S. McDermott, C. Felkley, E. Ammann, S. Coxe, G.A. Harrington, S. Kelly, J.L. Pirtle, L. Shaw, and M. Zaleski. 2023. Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska: EFH 5-year review from 2018-2023. National Marine Fisheries Service, Alaska Region, Juneau, Alaska. U.S. Dep. Commerce, NOAA Tech. Memo. NMFS-F/AKR-30. doi: 10.25923/9z4h-n860.



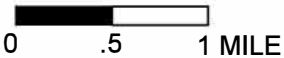
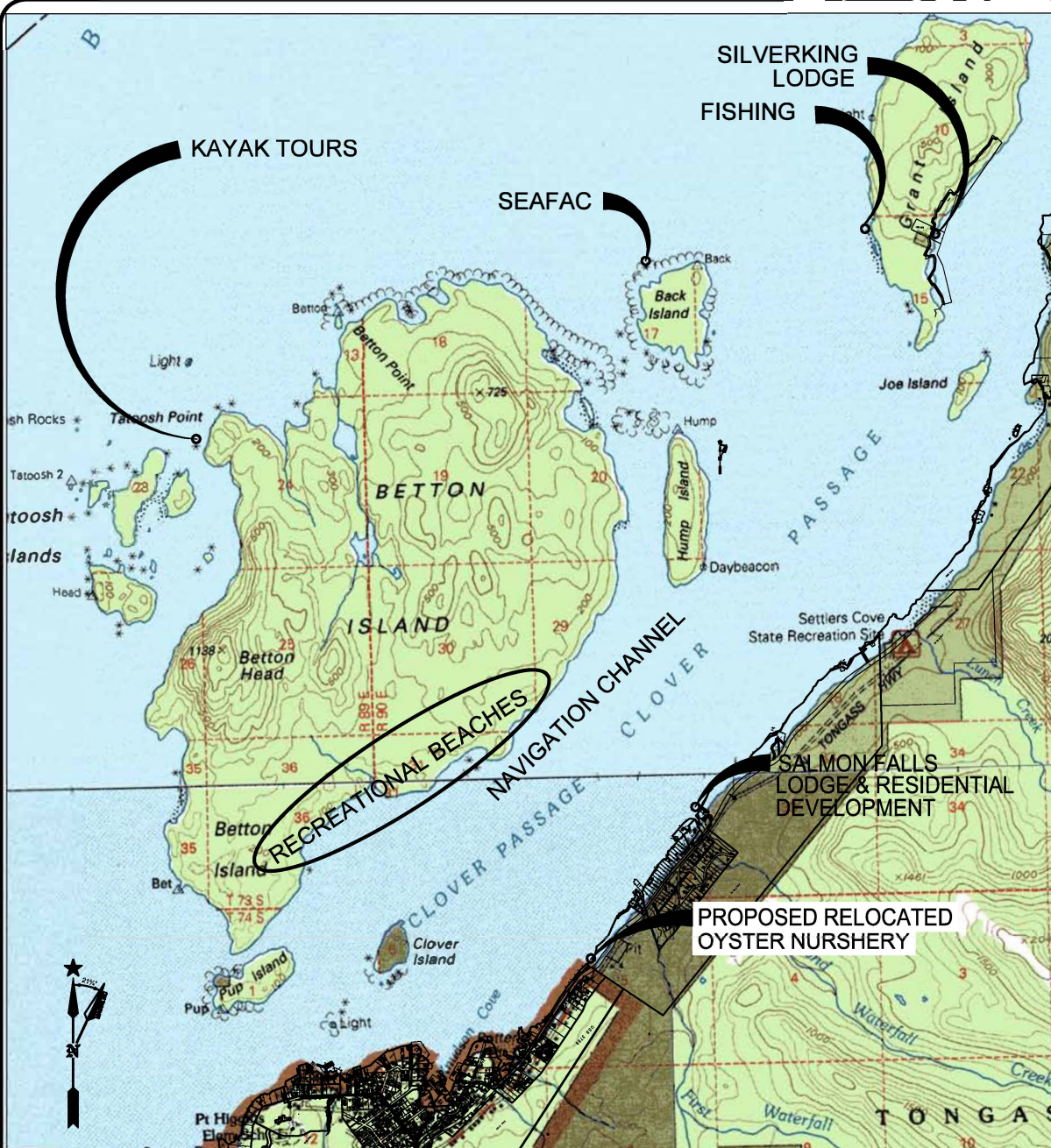
GENERAL LOCATION MAP

(KETCHIAKN C-6 QUAD MAP, T73S, R90E, SEC 20,29)



APPLICANT NAME: MARBLE SEAFOODS
 WATERBODY: CLOVER PASSAGE
 REGION: KETCHIKAN, SOUTHEAST ALASKA

PROJECT NO. 112320	SCALE: 1" = 1 MILE	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 1
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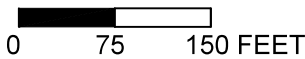
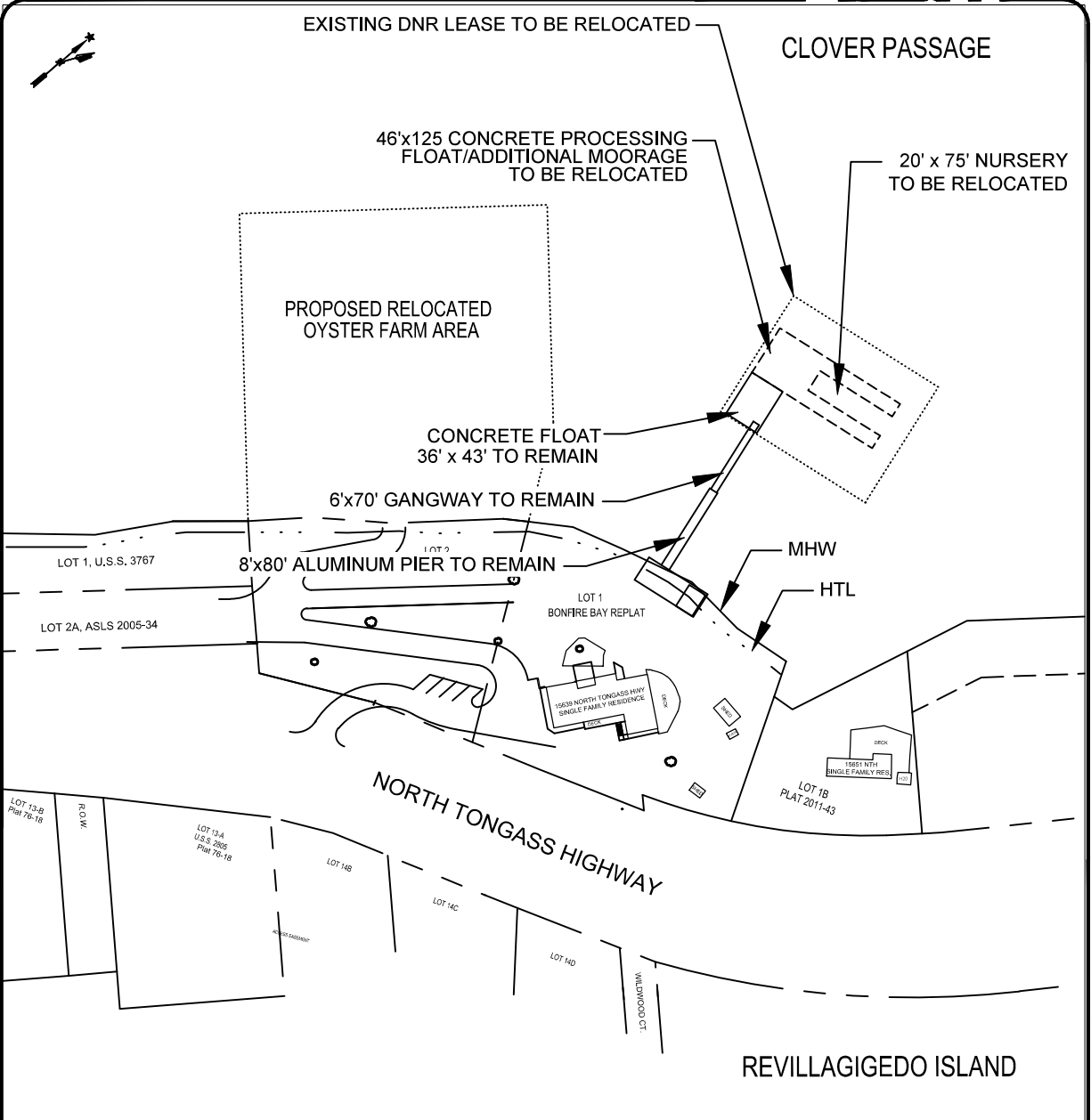


GENERAL LOCATION MAP

CHART 17422
USES WITHIN 3 MILES

APPLICANT NAME: MARBLE SEAFOODS
WATERBODY: CLOVER PASSAGE
REGION: KETCHIKAN, SOUTHEAST ALASKA

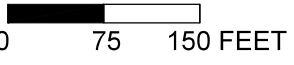
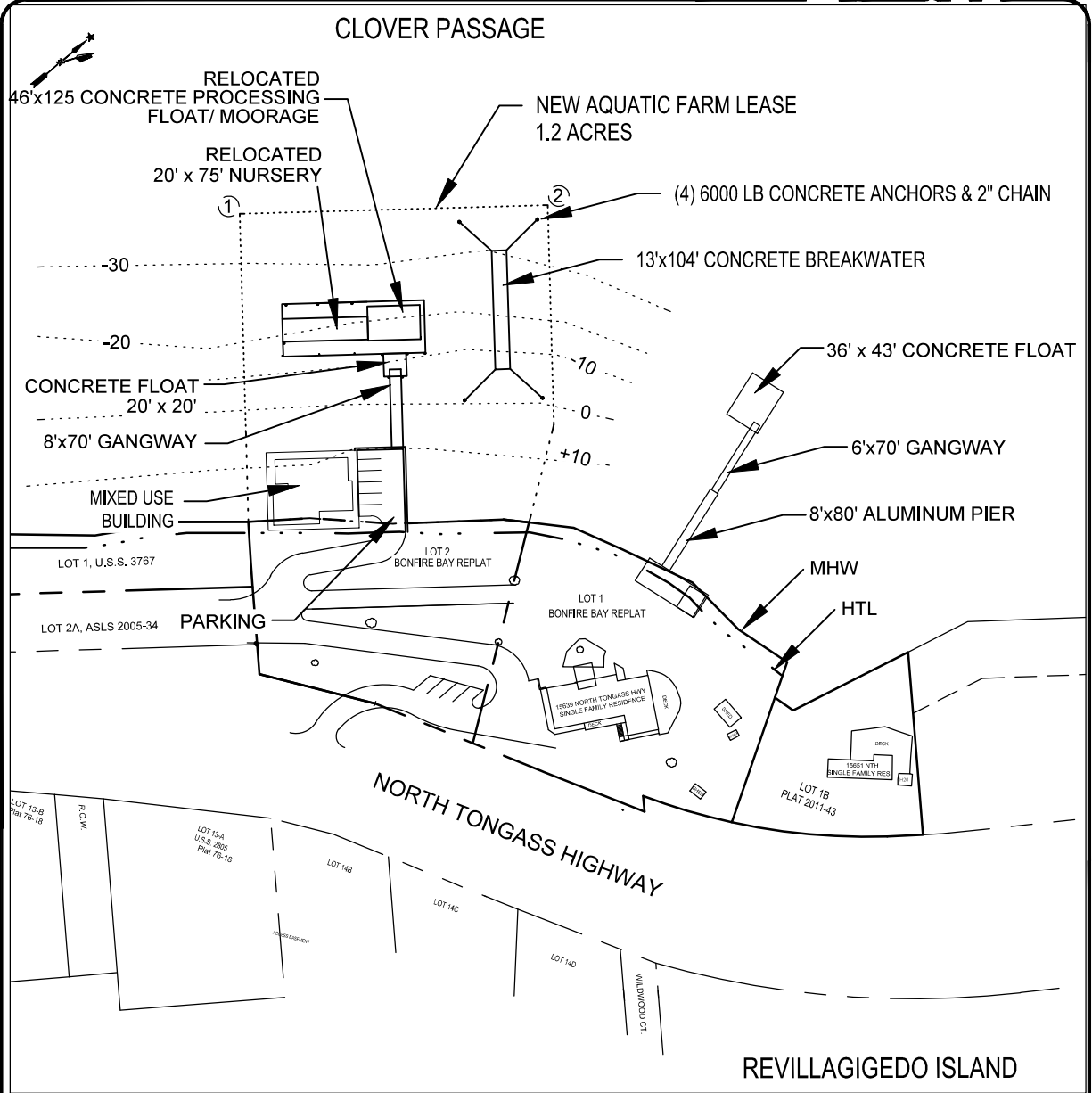
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EXISTING LEASE PARCEL NO. 2 COORDINATES		
CORNER	LATITUDE	LONGITUDE
SW	55°28.9848'N	131°46.4662'W
SE	55°28.9673'N	131°46.4521'W
NW	55°28.9556'N	131°46.4893'W
NE	55°28.9726'N	131°46.5043'W

EXISTING CONDITIONS MAP
NOAA CHART 17422

PROJECT NO. 112320	SCALE: 1" = 100'	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 3
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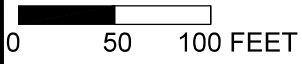
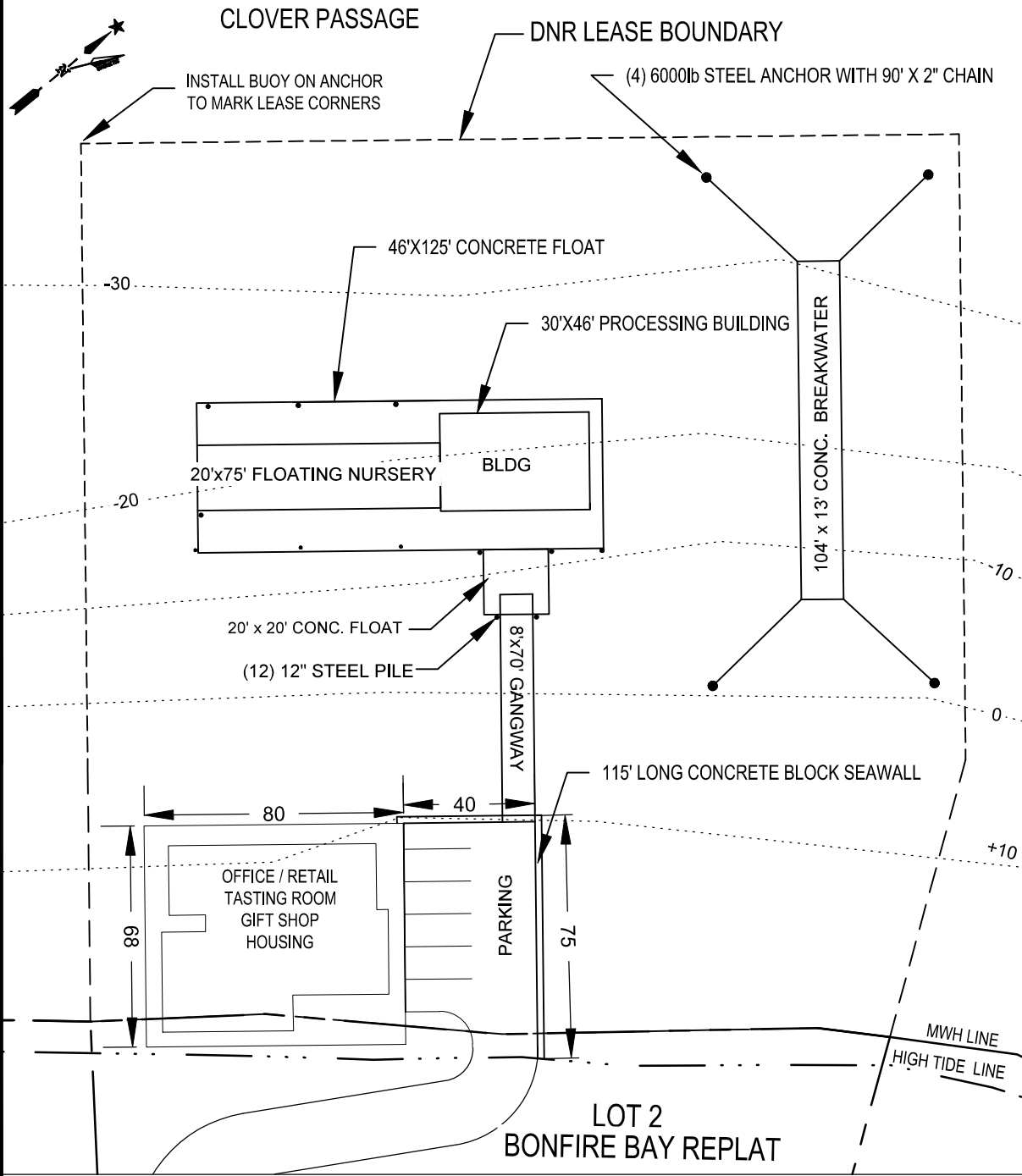


NEW LEASE PARCEL NO. 2 COORDINATES		
CORNER	LATITUDE	LONGITUDE
①	E 55°28.9242'N	131°46.6284'W
②	N 55°28.9590'N	131°46.5798'W

SITE PLAN MAP

NOAA CHART 17422

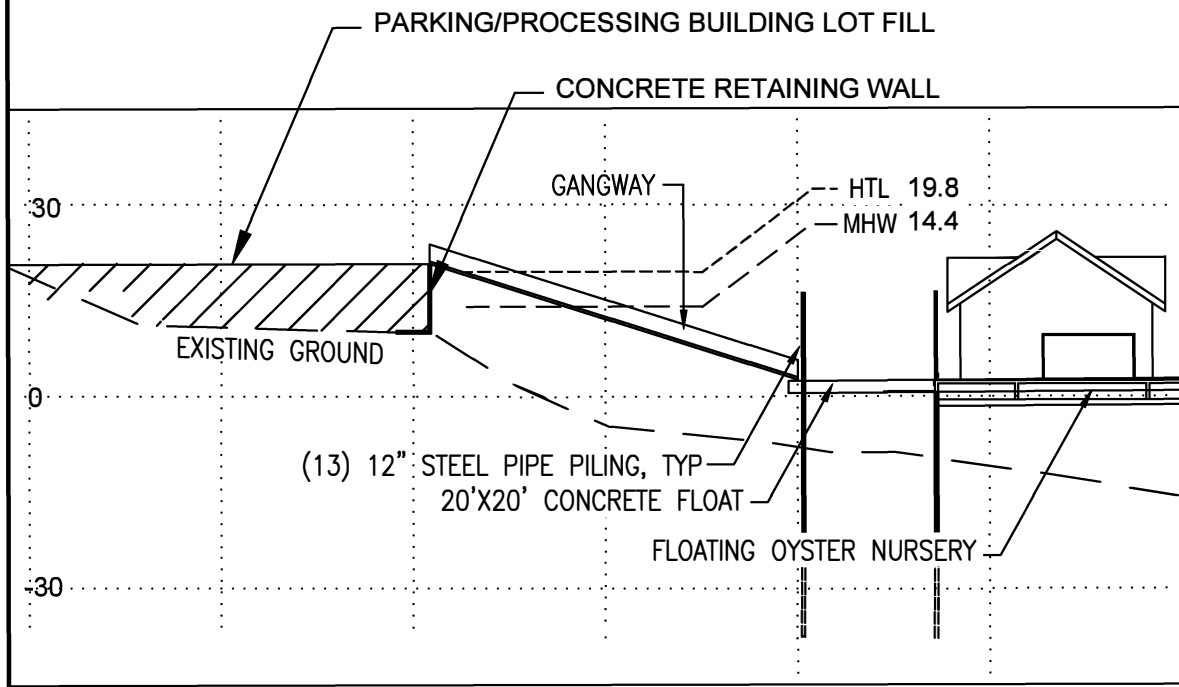
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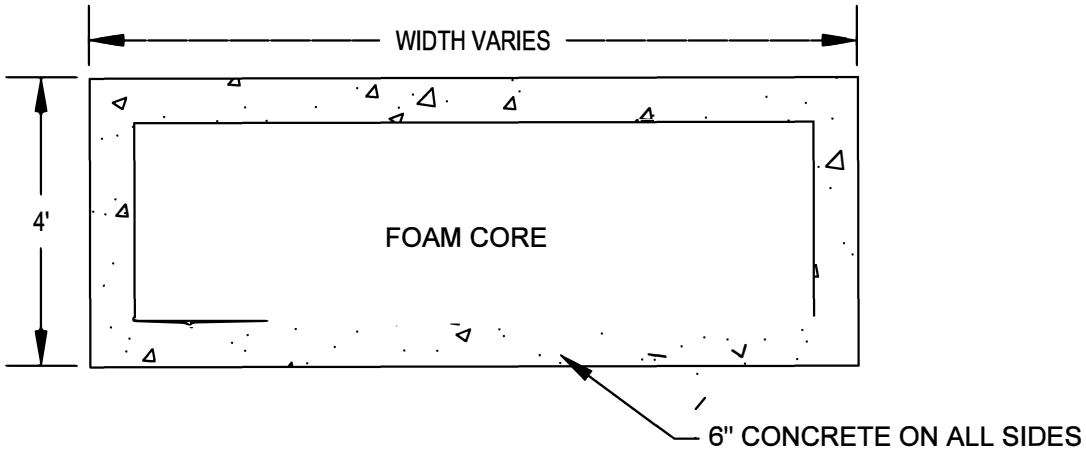
PARCEL 2 SITE PLAN MAP

NOAA CHART 17422

PROJECT NO. 112320	SCALE: 1" = 100'	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 5
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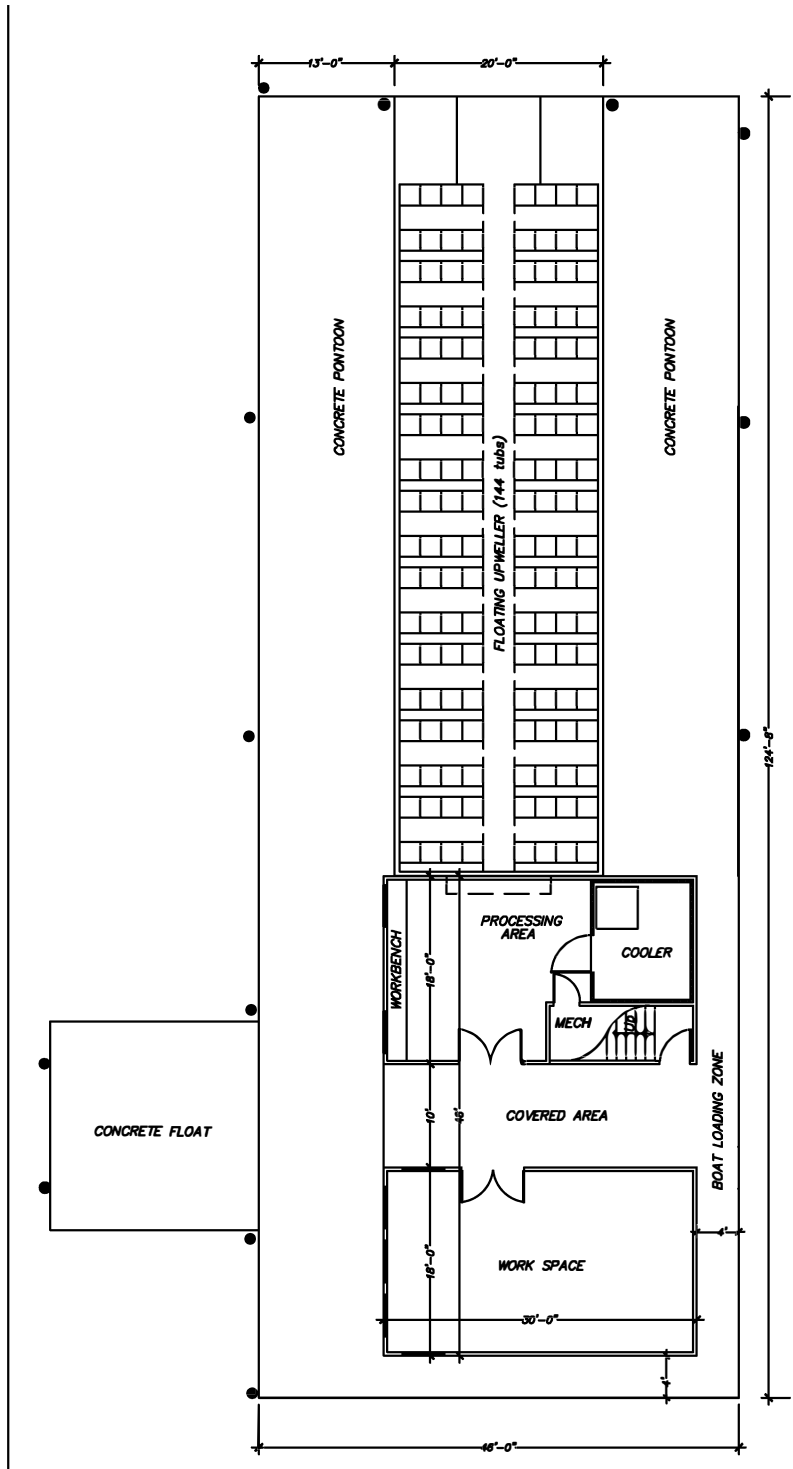


SECTION VIEW



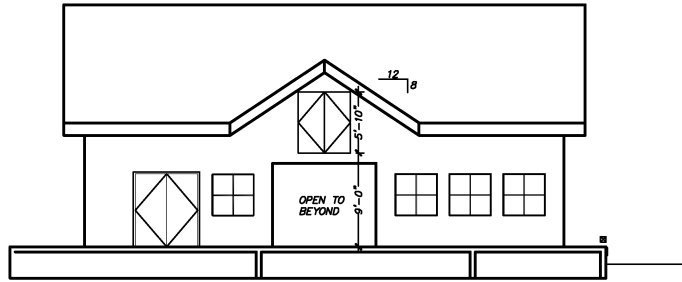
TYPICAL FLOAT / BREAKWATER

PROJECT NO. 112320	SCALE: AS NOTED	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 6
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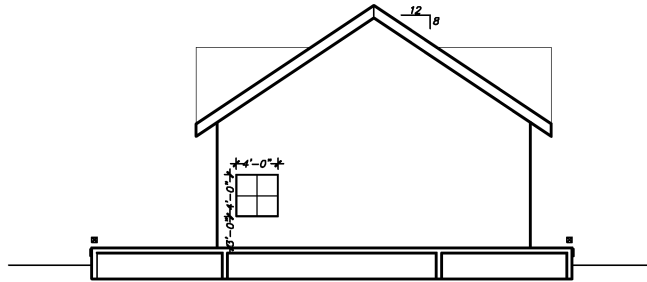


FLOATING NURSERY BUILDING PLAN VIEW

PROJECT NO. 112320	SCALE: AS NOTED	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 7
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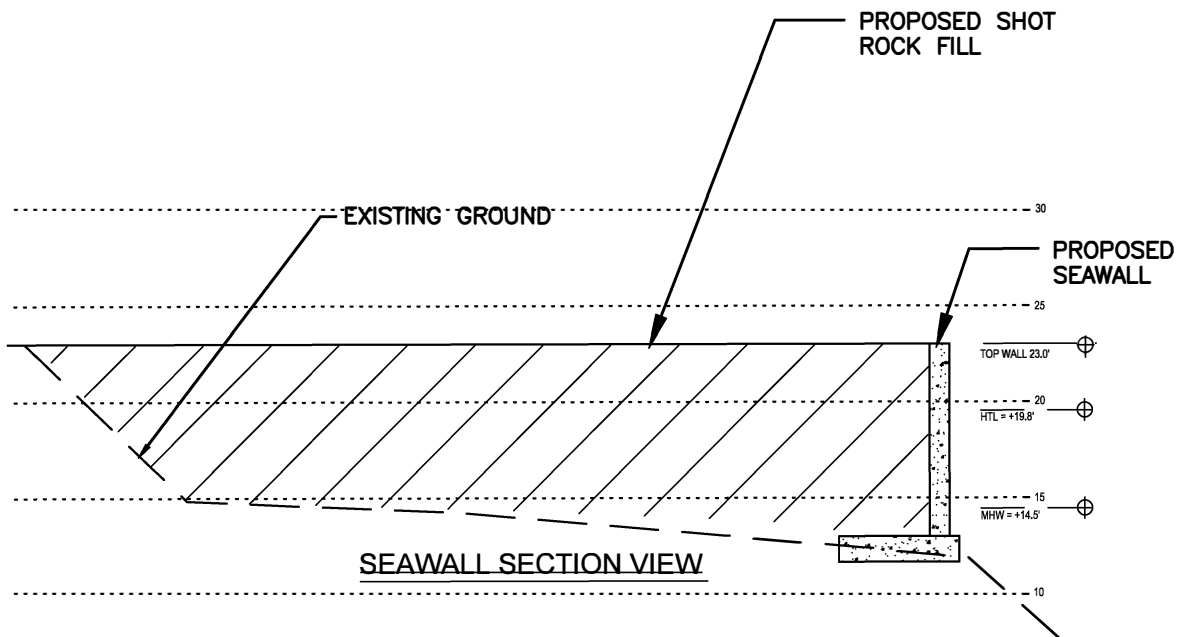


1 Floating Processing Building Elevation
 $3/32"=1'-0"$



2 Processing Building Elevation
 $3/32"=1'-0"$

PROJECT NO. 112320	SCALE: AS NOTED	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 8
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PROJECT NO. 112320	SCALE: AS NOTED	DRAWN BY: T.S.S.	CHECKED BY: BH	DATE: 2-10-25	SHEET NO. 9
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