# Aleutians East Borough

# Planning Commission Meeting

AKUTAN • COLD BAY • NELSON LAGOON

ALEUTIANS EAST

BOROUGH

FALSE PASS • KING COVE • SAND POINT

**Meeting: Monday, May 18, 2015 – 1:00 p.m.**

# Roll Call & Establishment of a Quorum

# Adoption of Agenda

# Agenda

PLANNING COMMISSON MEETING

*(packet available on website www.aleutianseast.org )*

**Date:** Monday, May 18, 2015
**Time:** Meeting: 1:00 p.m.
**Location:** By Teleconference in the locations below:

King Cove AEB office
Sand Point – AEB office
Nelson Lagoon Corp. office
False Pass city office
Akutan city office
Cold Bay city office - library
Anchorage – 3380 C Street

All communities will be provided with conference calling information for the designated location in your community. Public comments on agenda items will take place immediately after the adoption of the agenda. Additional public comments can be made at the end of the meeting.

**PLANNING COMMISSION MEETING AGENDA**

1. Roll Call & Establishment of Quorum.

2. Adoption of Agenda

4. Community Roll Call and Public Comment on Agenda Items

5. Minutes
   - January 21, 2015 Planning Commission Meeting Minutes

6. Resolutions
   - Resolution 15-02, Recommending Approval of Aleutians East Borough Permit No. OSP 2015-01 for the Peter Pan Onshore Seafood Processing Plant, Port Moller Facility

7. Old Business
   - None

8. New Business
   - None

9. Reports and Updates

10. Planning Commission Comments

11. Public Comments

12. Next Meeting Date and Time

12. Adjournment

# Community Roll Call and Public Comment on Agenda Items

# Minutes

Aleutians East Borough
Planning Commission Meeting
January 21, 2015

CALL TO ORDER
The January 21, 2015 Planning Commission meeting was called to order by Chairman Emrich at 3:00 p.m. by teleconference in each community.

ROLL CALL

| | |
|---|---|
| Chair, Chris Emrich | Present |
| Chris Babcock | Present |
| Robert Gould | Present |
| James Brown | Absent |
| Amy Foster | Absent |
| Josephine Borenin-Shangin | Present |
| Justine Gundersen | Present |

A quorum was present.

Staff Present:
Rick Gifford, Administrator
Anne Bailey, Administrator Assistant
Tina Anderson, Clerk
Susan Harvey, Land Use Permit Project Consultant
Roxann Newman, Finance Director

Adoption of Agenda:
Babcock moved to approve the agenda and second by Gundersen. Hearing no more MOTION PASSED.

Community Roll Call and Public Comments
The communities of Sand Point, King Cove, Akutan, False Pass, Nelson Lagoon and the Anchorage office were participating. There were no public comments.

Minutes, March 5, 2014:
MOTION
Babcock moved to approve the March 5, 2014 Minutes and second by Gundersen. Hearing no more the minutes are approved as presented.

Resolution 15-01, the Planning Commission approving the Aleutians East Borough Title 40, Land Use Permit Code Enforcement Manual:
MOTION
Gundersen moved to approve and second by Gould.

Consultant Susan Harvey said the revisions recommended at the last meeting were made and are outlined in the packet.

DISCUSSION
Chairman Emrich said the enforcement manual is quite comprehensive, easy to follow and is well organized. Gundersen agreed.

ROLL CALL
Babcock-yes, Gundersen-yes, Shangin-yes, Emrich-yes, Gould-yes. MOTION PASSED.

Old Business none

New Business none

REPORTS AND UPDATES

Anne Bailey said in the packet there is a report on the land use permitting system data base that has been launched, which can now be reviewed. We have received eight Commercial Recreation Permit applications and two have been approved. Other than a few growing pains the program is working very well. We have also hired Susan Harvey again to assist us throughout the process.

PLANNING COMMISSION COMMENTS

Gould asked when the Planning Commission terms expire. The Clerk explained that seats are all three year terms, however, should stagger the terms so all seats do not expire at the same time. He also enjoyed the workshop, he felt it was very educational and that he learned a lot. He added that the permit process is put together very well. Emrich agreed saying it is broken down very well and information is easy to retrieve.

Emrich said during the next meeting we will be at the stage to review a permit and see how the process works in motion. It will allow us to work out any kinks and find ways to improve the program if needed.

PUBLIC COMMENTS
None

NEXT MEETING DATE AND TIME
Tentative date April 14 at 1:00 p.m.

ADJOURNMENT
MOTION

Gundersen moved to adjourn and second by Shangin. Hearing no more the meeting adjourned at 1:27 p.m.

_____ _____

Chairman Clerk Date

# Resolutions

AKUTAN • COLD BAY • NELSON LAGOON
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Agenda Statement

Date: May 1, 2015

To: Planning Commission Members

From: Rick Gifford, Borough Administrator RG

**Re: AEB Permit Application No. OSP 2015-01,**
**Peter Pan Onshore Seafood Processing Plant, Port Moller Facility**
**Land Use Permit Staff Recommendation**
**Resolution 15-02**

The Aleutians East Borough (AEB) received a January 27, 2015 land use permit application from Peter Pan Seafoods, Inc. (Peter Pan). This permit application requests approval for continued onshore seafood processing at Peter Pan's Port Moller Facility, located on the Alaska Peninsula approximately 90 miles northeast of Cold Bay. Peter Pan's Port Moller Facility operates seasonally from May to September processing and freezing salmon. A year-round caretaker is on site.

Peter Pan's application was submitted to comply with the AEB's new land use permit requirements for Onshore Seafood Processing Plants. Prior to submitting the application, Peter Pan and the AEB Staff met on several occasions to discuss the most efficient and effective method to submit a permit application for the existing Port Moller Facility. During these meetings, the AEB Administrator agreed to waive the Local Economic Development Plan, Historical and Cultural Resources Protection Plan, Good Neighbor Plan, and Design Plans, because this facility is already built and has been in operation for 101 years.

Peter Pan's January 27, 2015, application included a majority of the required elements; however, a Request for Additional Information (RFAI) was sent to Peter Pan on February 2, 2015 to obtain a few additional pieces of information needed to process the permit application, clarify application content, and better understand Peter Pan's use of AEB's lands. On March 4, 2015, Peter Pan responded to the RFAI. On March 17, 2015, the AEB deemed Peter Pan's application complete.

The January 27, 2015 permit application and the March 4, 2015 RFAI response are attached to this Staff Recommendation in electronic form.

This permit application is being processed in accordance with the AEB Municipal Code (AEBMC) requirements of Chapter 40, and must be reviewed by both the Planning Commission and Assembly, and approved by the Assembly.

This permit was subject to a 30 day public review comment period. Public review started on March 25, 2015 and ended on April 23, 2015. We have not received any comments supporting or opposing the application.

The AEB Staff have reviewed the application and have prepared this Staff Recommendation for your review and consideration.

**Facility Information**

Peter Pan owns and operates the Port Moller onshore seafood processing plant. The facility is named "Peter Pan Seafoods – Port Moller, AK" and is owned by two parent companies: Peter Pan Seafoods, Inc. and Maruha Nichiro Corporation.

Port Moller is located on the north side of the Alaska Peninsula, 90 miles northeast of Cold Bay. The Peter Pan facility is located on approximately 32 acres of sand spit and tidelands that divides the waters of Port Moller Bight and the Bearing Sea. There are no communities in the immediate vicinity of the facility. The closest community is Nelson Lagoon, about 25 miles west of Port Moller.

The facility consists of an office and large processing/warehouse complex on the dock, a dock area, two large shore side warehouses, staff support facilities, diesel-powered electrical generation plants, a fuel storage and distribution system and a water system. The facility operates seasonally (June – September), and a caretaker oversees the facility the remainder of the year. The only product currently produced at the facility is frozen salmon and salmon roe.

**Property Ownership and Access**

A majority of Peter Pan's onshore seafood processing plant and equipment is located on property owned by Peter Pan Seafood Inc. However, during the application review process Peter Pan confirmed some structures and containers are located on AEB lands, and that Peter Pan is conducting landfill operations and is using roads, an airstrip and a water source on AEB lands. Peter Pan's March 4, 2014 clarified the property use:

> *"The majority of the Peter Pan Seafoods, Inc., Port Moller facility is located on property owned by Peter Pan Seafoods, Inc. As previously indicated, the landfill site, airstrip, road and water source location are currently on land conveyed to the AEB by the state and federal governments. Additionally our recent review of the 2008 survey by McClintock Land Associates for the Aleutians East Borough indicates structures along the west boundary of U.S. Survey No. 1147 (Peter Pan property) that extend beyond the property line and are believed to be located on AEB land. These*

*buildings include: 2 employee housing units, approximately 6 fishermen's storage containers, the GCI tele-communications container along with the associated communications satellite dishes, and various sidewalks and pathways leading to these structures. It is our belief that Peter Pan has had structures in this area since at least the 1950's. Peter Pan would like to request continued use and access of this AEB land or would like to request the Borough's consideration of conveying this land to Peter Pan."*

The airstrip and lands adjacent to the Peter Pan facility have recently been conveyed by the state and federal government to the AEB. Peter Pan has been using the airstrip, roads, and has been conducting landfill operations, and using a water source on AEB lands adjacent to the Peter Pan facility. And, as explained above, the application process revealed a portion of Peter Pan's facilities (two employee housing units, approximately six fishermen's storage containers, the GCI tele-communications container along with the associated communications satellite dishes, and various sidewalks and pathways leading to these structures) are located on AEB property. There is no lease in place between Peter Pan and AEB for use of these AEB lands.

Prior to conveyance of these lands to the AEB, Peter Pan operated under a Department of Air Force license for airstrip use. Peter Pan holds an Alaska Department of Environmental Conservation (ADEC) permit for the landfill.

Peter Pan's application states the AEB Port Moller airstrip and roads are also used by the Alaska Department of Fish & Game, hunting and fishing guides, and local air taxi services.

The AEB Staff recommend AEB's permit authorize Peter Pan's continued use of the airstrip, roads, landfill, water source, and buildings/storage containers located on AEB lands, provided Peter Pan resolves the land ownership issue with AEB for use of AEB lands and remains in compliance with the ADEC landfill permit, and AEB's required reclamation plans.

The AEB Staff recommend Peter Pan's use of the airstrip and roadway be limited to transportation use only. No fuels, chemicals or other materials may be stored at the airstrip or along the roadways, without prior permission from AEB and that no temporary or permanent structures be added. The AEB authorizes Peter Pan's forklift and shelter that are currently located at the airstrip.

The AEB Staff recommend Peter Pan's use of the landfill is limited to the terms and conditions of its ADEC landfill permit.

**Reclamation Requirements**

The AEB Staff recommend Peter Pan's application is approved subject to the following specific Reclamation Plan requirements. These Reclamation Plan requirements were proposed to Peter Pan by AEB Staff during the RFAI process, and Peter Pan's March 4, 2015 RFAI Response agreed to the terms and conditions listed below. The only addition since Peter Pan's March 4, 2015 agreement was to add a requirement for Peter Pan to also remove the buildings and storage equipment from AEB lands after plant closure, since that was new information contained in Peter Pan's March 4, 2015 response. More specifically, the AEB Staff recommend the following reclamation requirements be added to permit approval.

For Peter Pan's property, Peter Pan must:

a. Develop a reclamation closure plan for its property that includes removal of all hazardous waste, fuel, chemicals, spilled material and contaminated soils, and debris prior to closure, including a plan to retain the facilities and equipment for beneficial reuse, later use, or a plan to remove the facilities;

b. Submit the plan to AEB at least 6 months prior to plant closure for review and approval;

c. Fund and complete the reclamation; and,

d. Ensure the reclamation is completed within 365 days of the plant closure.

For operations conducted by Peter Pan on AEB property (e.g., use of roads, airstrip, landfill area, water source, buildings and storage), Peter Pan must:

a. Hire a solid waste engineer to develop a landfill closure plan that meets State of Alaska Landfill Closure Design Requirements and Best Management Practices at the time of the planned closure;

b. Develop a reclamation plan that includes removal of all hazardous waste, fuel, chemicals, spilled material and contaminated soils, debris, buildings and storage equipment from AEB property;

c. Submit the plan to AEB at least 6 months prior to plant closure for review and approval;

d. Fund and complete the reclamation; and,

e. Ensure the reclamation is completed within 365 days of the plant closure.

These Reclamation Plan requirements will allow Peter Pan flexibility to develop Reclamation Plans that are fit-for-purpose closer to the time of closure, and will provide the AEB with the legal and fiscal assurance that a Reclamation Plan will be developed, funded, and implemented within an acceptable timeframe. This is particularly important for AEB lands used by Peter Pan (airstrip, roads, landfill, and Peter Pan's buildings/structures on AEB land), where the AEB would be burdened with the duty and cost of reclamation if not completed by Peter Pan.

**State and Federal Permits**

Peter Pan operates under a host of state and federal permit requirements. Some of these permits will expire during the five year AEB permit term. Therefore, the AEB Staff recommend Peter Pan's application be approved subject continued compliance with state and federal permit requirements, and a requirement for Peter Pan to provide AEB with a copy of all approved permit applications, certificates, and approval letters specifying the terms, conditions, or stipulations within 30 days of issue. This requirement will provide the AEB with sufficient information to ensure Peter Pan remains in compliance with its state and federal permits during the five-year AEB permit term.

Peter Pan's facility currently operates under an Alaska Department of Environmental Conservation (ADEC) Seafood Processing Facility Permit to Operate (ADEC Permit AK-56-M). This ADEC permit requires compliance with ADEC"s Seafood Processing and Inspection Regulations of Title 18, Alaska Administrative Code, Chapter 34 (18 AAC 34). The primary

purpose of this permit is to ensure seafood is processed in a manner safe for human consumption. As part of this approval, ADEC requires Peter Pan to have a sanitation plan, meet certain facility requirements, and dispose of waste in accordance with ADEC regulations for solid waste (18 AAC 60) and wastewater (18 AAC 72).

Peter Pan's facility currently operates under the Seafood Processor's General Permit No. AK-G52-0014, which requires compliance with the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit for Seafood Processors in Alaska (NPDES Permit No. AK-G52-0000). These permits address management, storage, and discharge of fish waste and wastewater into Port Moller. Peter Pan is authorized to discharge up to 10,000,000 pounds of seafood processing waste residues per calendar year using an effluent treatment method of grinding solid seafood processing wastes to ½ inches before discharge. The discharge point is approximately 250 feet off of the southwest corner of our dock at the 10' mean lower low water (MLLW) mark on the edge of the channel. Fish waste includes waste from the fillet and roe processing areas, including fish frames, fins, fillet trim, discarded roe and processing and flume water. Peter Pan's permit limits discharge of fish waste and associated waste water into the port to a one acre zone of deposit offshore. A dive survey is required to make sure that marine life is feeding on the waste and that not more than one acre is impacted. The permit also restricts residues and waste from collecting on the shoreline, and Peter Pan must adhere to a Best Management Practice plan to control and reduce pollutant discharges. Peter Pan provided a June 2014 copy of its Best Management Practices Plan. Peter Pan also provided a copy of its November 2012 dive survey showing compliance with the one acre zone of deposit and no measureable accumulation of seafood waste was found. ADEC is working on a new NPDES Permit for Seafood Processors in Alaska in 2015, and when complete, Peter Pan's facility will be required to comply with the new state permit.

Peter Pan's facility currently operates under an EPA Spill Prevention Control and Countermeasure Plan (SPCC) for the onshore portion and a USCG Facility Response Plan (FRP) for the offshore portion. Peter Pan has 10 bulk storage tanks with capacity of 346,000 gallons (309,000 gallons diesel and 36,700 gallons gasoline). The diesel fuel tanks are located in a lined, diked impoundment. The gasoline tanks are stored in a diked impoundment with a concrete floor. Bulk fuel is received from barges, transferred to the tank farm and is dispensed to fishing vessels and tenders. Peter Pan has containment boom, sorbents, recovery pumps and hoses, and hand and power tools on site to aid in containment and recovery of spilled products. Peter Pan does not rely on response contractors to meet federal response standards, it relies on its own equipment stored at the facility, and may call on assistance from other Peter Pan Seafood Facilities in King Cover, False Pass and Dillingham. The marine habitat of Port Moller is classified as an environmentally sensitive area; therefore, spill prevention and rapid response is paramount. There are no automatic leak detection systems at the facility. Leak detection is completed by visual monitoring, inventory discrepancy or integrity testing. The AEB Staff encourage Peter Pan to consider installation of automated leak detection systems where technically feasible, and during repairs, upgrades and equipment replacements.

Peter Pan's facility currently operates under an ADEC solid waste permit (SWGPCAMP-18). Prior to year 2000, the Port Moller landfill was permitted by ADEC as a Class III Municipal Landfill (Permit #8821-BA002). In 2000, ADEC recommended the landfill be permitted under a General Permit for the Operation of a Landfill for Remote Camps and Lodges with fewer than 50 residents. While peak residency at Peter Pan's facility in the summer is 150 people, the annual

average residency is less than 50. Waste is limited to incinerated domestic solid waste (50 cubic yards of ash per year), inert waste (50 cubic yards of ash per year), and septage[1] (5,000 gallons per year). Hazardous waste, batteries, vehicle fluids, oily waste, refrigerants, and putrescible waste that has not been treated by incineration, and any other waste not specifically allowed is prohibited in the land fill.

Peter Pan's Risk Management Plan and Emergency Plans address potential hazards at the facility. Peter Pan has a trained fire brigade of 15 employees to operate the fire main, approximately 50 portable fire extinguishers and several wheeled units. A release of anhydrous ammonia from the refrigerant system is a possible risk; Peter Pan has an annual inspection program for this system and a contingency plan in place for responding to this type of event. Peter Pan estimates a worst-case anhydrous ammonia release scenario to be an 8,000 lb release creating a toxic vapor cloud for up to 1.6 miles. There are no local communities (public receptors) within that radius. There is an alarm system and an evacuation plan for employees.

Peter Pan's facility currently operates under an ADEC air quality control permit (Pre-Approved Emission Limit No. AQ0019PL201) that allows burning of up to 315,000 gallons of diesel per year in its power generators. ADEC's air pollutant modeling work determined facilities burning up to this maximum amount of fuel do not pose a risk of exceeding ambient air quality standards for nitrogen oxides. The actual amount of fuel burned was substantially less than the maximum allowed according to fuel usage reports from 2009-2013 that ranged from 165,400 gallons to 215,650 gallons. Peter Pan's facility has eight power generation units:

| | | | |
|---|---|---|---|
| Main Power House #1 | Caterpillar/3412 | Year 1979 | 420 kW |
| Main Power House #2 | Caterpillar/3412 | Year 1979 | 420 kW |
| Main Power House #3 | Caterpillar/3512 | Year 1990 | 830 kW |
| Main Power House #4 | Caterpillar/399 | Year 1975 | 850 kW |
| Main Power House #5 | Caterpillar/3516 | Year 2008 | 1285 kW |
| Winter Power House #1 | John Deere/6068 | Year 2007 | 100 kW |
| Winter Power House #1 | John Deere/6068 | Year 2007 | 100 kW |
| Emergency Power #1 | GMC/6-71 | Year 1976 | 80 kW |

The Aleutians East Borough Municipal Code (AEBMC) requires the AEB Staff to evaluate whether an applicant is using the best available air pollution control technology, alternative energy use, or ultra-low sulfur diesel fuel to reduce air pollution generated within the Borough. The ADEC permit does not require use of best available air pollution control technology or alternative energy use; it only limits the maximum amount of fuel that can be burned in a calendar year. During the application process, the AEB Staff inquired about any steps Peter Pan was taking, or could take to reduce air pollution. Peter Pan explained that it has a rigorous maintenance and repair program to ensure reliable power and to ensure the generators generate power as efficiently as cleanly as possible. Most of the main power house generators were installed in the 1970s, although one was upgraded in 1990 and another in 2008.Two new winter power house generators were installed in 2007. Peter Pan has been using ultra-low sulfur diesel since 2010 to reduce the amount of air pollution.

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[1] Septage includes liquid and solid human waste removed from a septic tank, cesspool or portable toilet.

Due to the age of the power generators used, use of ultra-low sulfur diesel to reduce emissions, and implementation of a maintenance and repair program to optimize combustion efficiency and reduce overall fuel use and emissions, the AEB Staff recommend AEB's standard stipulation for air quality control be deemed satisfied as long as Peter Pan:

a. Remains in compliance with its ADEC air quality control permit for its existing facilities; and,

b. Evaluates use of best available air pollution control technology, and alternative energy use, prior to replacing or adding any significant new air pollution sources.

AEB Staff recoments that the Peter Pan Permit of onshore seafood processing permit be approved with the following additional stipulations:

1. Property ownership issues are resolved within one (1) year from permit authorization . An extension may be issued if extenuating circumstances occur.
2. Peter Pan continues to be compliant with state and federal requirements and provides AEB with a copy of all approved permit applications, certificates and approval letters specifying the terms, conditions or stipulations within 30 days of issue.

A draft Planning Commission Resolution is attached for your review and consideration. We have also provided a draft approval letter for Assembly review and consideration.

The AEB Planning Commission has 60 days to review and make a recommendation to the Assembly (by resolution) on this permit application from the date of this letter. The Planning Commission meeting will be open to the public, and this permit will be placed on the agenda for discussion with a period for oral comment.

For a complete copy of the permit go to the Aleutians East Borough website at www.aleutianseast.org and select the public notices tab.

Tina Anderson has been assigned to your permit, and can be reached by e-mail at tanderson@aeboro.org, or by phone at (907) 383-2699 if you have any questions about this recommendation.

# ALEUTIANS EAST BOROUGH

## Additional Stipulation Supplement Form

**Permit Number:** **AEB Permit No. OSP 2015-01**

Approved by Name: AEB Assembly

Approved by Title: Mayor Stanley Mack

Approved by (signature):_____

### Additional Stipulations Added to Permit Approval

The Aleutians East Borough (AEB) permit application form and approved permit contains a list of standard permit stipulations. Additionally, the AEB has determined that the additional stipulations listed below are required to approve your permit.

1. **Reclamation Requirements:**

For Peter Pan's property, Peter Pan must:

a. Develop a reclamation closure plan for its property that includes removal of all hazardous waste, fuel, chemicals, spilled material and contaminated soils, and debris prior to closure, including a plan to retain the facilities and equipment for beneficial reuse, later use, or a plan to remove the facilities;

b. Submit the plan to AEB at least 6 months prior to plant closure for review and approval;

c. Fund and complete the reclamation; and,

d. Ensure the reclamation is completed within 365 days of the plant closure.

For operations conducted by Peter Pan on AEB property (e.g., use of roads, airstrip, landfill area, water source, buildings and storage), Peter Pan must:

a. Hire a solid waste engineer to develop a landfill closure plan that meets State of Alaska Landfill Closure Design Requirements and Best Management Practices at the time of the planned closure;

b. Develop a reclamation plan that includes removal of all hazardous waste, fuel, chemicals, spilled material and contaminated soils, debris, buildings and storage equipment from AEB property;

c. Submit the plan to AEB at least 6 months prior to plant closure for review and approval;

d. Fund and complete the reclamation; and,

e. Ensure the reclamation is completed within 365 days of the plant closure.

2. **Additional Air Pollution Control Requirements:** Due to the age of the power generators used, use of ultra-low sulfur diesel to reduce emissions, and implementation of a maintenance and repair program to optimize combustion efficiency and reduce overall fuel use and emissions, the AEB's standard stipulation for air quality control is satisfied as long as Peter Pan:

a. Remains in compliance with its ADEC air quality control permit for its existing facilities; and,

b. Evaluates use of best available air pollution control technology, and alternative energy use, prior to replacing or adding any significant new air pollution sources.

3. **Property Ownership Resolution:** Property ownership issues must resolved within one (1) year from permit authorization. An extension may be issued if extenuating circumstances occur.

4. **Continued State and Federal Compliance:** Peter Pan must continues to be compliant with state and federal requirements and provide AEB with a copy of all approved permit applications, certificates and approval letters specifying the terms, conditions or stipulations within 30 days of issue.

# ALEUTIANS EAST BOROUGH

## ONSHORE SEAFOOD PROCESSING LAND USE PERMIT

Authority: Aleutians East Borough Municipal Code Title 40

Mail Permit Application to:
Aleutians East Borough
P.O. Box 349
Sand Point, Alaska 99661
907-383-2699

| AEB Use Only | |
|---|---|
| Permit No. | OSP: 2015 01- ____ |
| Date Received: | 1 / 27 / 2015 |
| Date Approved: | ___/___/___ |

### Section No. 1: Permit Applicant Information

Type of Seafood ☑ Fish ☐ Shellfish ☐ Other _____

☑ New Permit ☐ Permit Renewal

☐ Minor Permit Amendment (administrative change) ☐ Major Permit Amendment ( any increase in impact )

Name of Individual or Corporation: Peter Pan Seafoods, Inc., Port Moller, AK Facility

Business Name: _____

Mailing Address: P.O. Box 181 (City) Cold Bay (State) AK (Zip) 99571

Contact Person: (name) Mark A. Briski (title) Plant Manager

Physical Address: (Street) 181 Cannery Road (City) Port Moller (State) AK (Zip) _____

Office Phone: ( 907 ) - 375 - 2702 Cell Phone: ( 509 ) - 674 - 6299

Satellite Phone: (____) - _____ - _____ Office Fax: (____) - _____ - _____

Email Address: markb @ ppsf . com Webpage Address: www. ppsf . com

Number of Years in Business: 101

Alaska Business License No.: F0141 Issue Date: 12/4/14 Expiration Date: 12/31/15

ADEC Permit No.: AK-56-M Issue Date: 1/1/15 Expiration Date: 12/31/15

Federal Tax Identification EIN No. 91-0556456

### Section No. 2: Facility Information

Township: 48 South, Range: 72 West Section: 29, Meridian: Seward

Name of Facility: Peter Pan Seafoods, Inc., Port Moller, AK

Property Address : Port Moller, AK

Describe Operations and Location: Salmon Processing & Freezing - Alaska Peninsula 90 miles NE of Cold Bay

Geographic Coordinates: Latitude 55.9849225 North Longitude -160.57415138 West

Hours of Operation: _____ Start Date: 5/1/15 End Date: 9/20/15

Months of Operation: ☐ January ☐ February ☐ March ☐ April ☑ May ☑ June ☑ July ☑ August ☑ September ☐ October ☐ November ☐ December

☑ Map(s) of Location Attached to Application (required) ☑ Routes of Access Shown on Map(s) (required)

## Section No. 3: Property Ownership and Access

☑ Land Owned by Applicant ☑ AEB Land ☐ State Land ☐ Federal Land

☐ Private (Name): _____ ☐ Other (Name): _____

Contact Name: Mark A. Briski Phone: 907-375-2702 or 206-727-7210

For properties not owned by the Applicant, describe the instrument used to obtain legal access to land.

☐ Lease ☐ Contract ☐ Permit ☑ License ☐ Other

Name of legal document: Dept. of the Air Force, license #DACA85-3-95-45 continued use of the airstrip.

Date of Agreement/Issue: _____ Expiration Date: 1/1/02

Does the instrument used to obtain legal access allow for the type, location, amount, and extent of operations described in this permit application? ☐ Yes ☐ No

If you answered "yes," are there any limitations placed on your operations? ☐ Yes ☐ No

If you answered "yes," please describe the limitations _____

Existing Facilities: Legal Access Granted to Use/Operate Existing Facilities on Property: ☑ Yes ☐ No

Access Granted to These Existing Facilities: ☑ Building/Structure ☐ Runway ☐ Road ☑ Port/Dock

☐ Other: _____

☑ Other: Legal access to the road and landfill site is neither granted nor prohibited at this time.

☐ Other: _____

New Facilities: Legal Access Granted to Construct/Operate New Facilities on Property: ☐ Yes ☐ No

Access Granted to These Existing Facilities: ☐ Building/Structure ☐ Runway ☐ Road ☐ Port/Dock

☐ Other: _____

☐ Other: _____

☐ Other: _____

Construction/Installation Date: _____ All Required Permits Obtained? ☐ Yes ☐ No

For facilities not owned by the Applicant, describe legal access to use or operate the facilities.

☐ Lease ☐ Contract ☐ Permit ☐ License ☐ Other

Name of legal document: _____

Date of Agreement/Issue: _____ Expiration Date: _____

## Section No. 4: Required Attachments to Permit Application

- [x] Location Map(s): Must clearly show land ownership, all buildings, and township, range and section.
- [x] Transportation Map(s) including routes of access, showing ingress and egress routes
- [x] Plot plan showing the location, name, and brief description of all buildings in the seafood processing facility including housing and employee services. Attach a drawing with buildings labeled by name and use.

All maps & drawings must be submitted electronically for incorporation into the Borough's electronic system.

- [x] Plan of Operations
- [ ] Design Plans (for any new facilities)
- [x] Reclamation Plan
- [x] Emergency & Medical Plan
- [x] Transportation Plan
- [ ] Local Economic Development Plan
- [ ] Historical and Cultural Resources Protection Plan
- [x] Pollution Prevention Plan
- [x] Hazardous Materials and Hazards Assessment Plan
- [ ] Good Neighbor Plan
- [x] A copy of the most recent complete (all five pages) applicant's ADEC Seafood Processors Application
- [ ] A copy of the most recent complete (all three pages) applicant's Application for Federal Processor Permit
- [x] A copy of all State of Alaska Permits, Fisheries Business License, and APDES/NPDES (Notice of Intent Form)
- [x] A copy of all federal permits including EPA Seafood Processing Waste Permit
- [x] Fee Payment to the Aleutians East Borough for the Application Fee

($1,000 for new permit applications and renewal applications. $50 for each permit amendment.)

## Section No. 5: Prior Operating Experience in Aleutians East Borough

Business has previously processed seafood within the AEB boundaries. [x] Yes [ ] No

Business has operated this business in AEB boundaries in prior years. [x] Yes [ ] No Number of Years: 101

Business has all required private, local, state, and federal permits, licenses, and/or authorizations. [x] Yes [ ] No

Business has operated in compliance with all local, state & federal requirements since inception. [x] Yes [ ] No

Business paid sales tax to AEB as required. [x] Yes [ ] No

Permits, licenses and/or authorizations for this business are subject to current enforcement action. [ ] Yes [x] No

Reason for enforcement action : _____

Permits, licenses and/or authorizations for this business have been revoked in the past. [ ] Yes [x] No

Reason for revocation: _____

## Section No. 6: Agreement to Comply with Sales Tax Payment

The Aleutians East Borough collects a two percent sales tax of raw fish product within its boundaries. The tax applies to the sale of raw fish whether delivered directly or indirectly to the buyer in the Borough. The tax levied by the Borough is an obligation of the seller. The buyer shall collect the tax at the time of sale by withholding from payment to the seller the amount of the tax. If payment is not made at the time of sale or delivery, the buyer shall segregate from funds of the buyer an amount equal to the tax due on the sale. I agree to comply with Aleutian East Borough's Municipal Code Chapter 60.20, Sales Tax payment requirements.

Applicant Name (printed): Mark A. Briski Title: Plant Manager

Applicant Signature: Mark A. Briski Date: 1/27/15

## Section No. 7: Certification of Accuracy and Agreement to Comply, Indemnify and Hold Harmless

I certify that the information given by me in this land use permit application is true, complete, and correct. I agree to comply with local, state and federal laws, regulations and requirements pertaining to my business operations and land use. I agree to comply with all permit stipulations placed on this permit. I have reviewed the AEB penalty schedule and agree to immediately notify AEB of any potential violations, remedy any violations on the schedule required by AEB and pay penalties within 30 days. I hereby defend, indemnify, and hold the Aleutians East Borough harmless from any and all claims, damages, law suits, losses, liabilities and expenses related to the death or injury of persons and for the damage to or loss of property arising out of or in connection with the entry on and use of the property within the Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): Mark A. Briski Title: Plant Manager

Applicant Signature: Mark A. Briski Date: 1/27/15

## Section No. 8: Permit Decision [AEB Use Only]

Fee Paid: ☐ Yes ☐ No Check No.: _____ Amount: _____

**Minor Amendment or Renewal Eligible for AEB Administrator Approval?:** ☐ **Yes** ☐ **No**

☐ Approved Approval Date: _____ Expiration Date: _____

Additional Permit Stipulations Attached (in addition to Section No. 9 Permit Stipulations) ☐ Yes ☐ No

AEB Administrator or Designee Name (printed): _____

AEB Administrator or Designee Signature: _____

**New Permit, Major Amendment or Renewal Not Eligible for AEB Administrator Approval?:** ☐ **Yes** ☐ **No**

☐ Pre-Application Meeting Held Date: _____

☐ Application Meeting Held Date: _____

☐ **Final Complete Application Submitted** **Date:** _____

☐ 90 Day Application Review Period Start Date: _____ End Date: _____

Note: 90 day review period includes 30 day written public review that must be completed within that 90 day period.

☐ 30 Day Public Review Period Start Date: _____ End Date: _____

☐ 90 Day Application Review Period Extended ☐ No ☐ Yes New End Date: _____

☐ **Administrator Recommendation to PC** **Date:** _____

☐ 60 Day PC Application Review Period Start Date: _____ End Date: _____

Note: 60 day review period includes one meeting of Planning Commission (PC) with opportunity for public comment

☐ 60 Day Application Review Period Extended ☐ No ☐ Yes New End Date: _____

☐ **PC Recommendation to Assembly** **Date:** _____

☐ 30 Day Assembly Decision Period Start Date: _____ End Date: _____

Note: 30 day review period includes one meeting of Assembly with opportunity for public comment

☐ 30 Day Assembly Decision Period Extended ☐ No ☐ Yes New End Date: _____

☐ **Assembly Decision**

☐ Approved: Approval Date: _____ Expiration Date: _____

☐ Denied: Reason: _____

Additional Permit Stipulations Attached (in addition to Section No. 9 Permit Stipulations) ☐ Yes ☐ No

Mayor or Designee Name (printed): _____

Mayor or Designee Signature: _____

AKUTAN • COLD BAY • NELSON LAGOON
ALEUTIANS EAST
BOROUGH
FALSE PASS • KING COVE • SAND POINT

**Sent by E-mail and U.S. Certified Mail**

[Date]

Peter Pan Seafoods, Inc.
Mark A. Briski, Plant Manager
Port Moller Facility
P.O. Box 181
Cold Bay, Alaska 99571
Phone: 907-375-2702
E-mail: markb@ppsf.com

**Re: AEB Permit Application No. OSP 2015-01**
**Peter Pan Onshore Seafood Processing Plant, Port Moller Facility**
**Land Use Permit Application Approved**

Dear Mr. Briski,

The Aleutians East Borough (AEB) received your January 27, 2015 land use permit application. Your permit application was assigned AEB Permit No. OSP 2015-01. Please refer to this AEB permit number in all correspondence with us.

Your permit application was **approved** on [enter date] in accordance with the AEB Municipal Code (AEBMC) Chapter 40. Your permit is effective on [enter date] and expires on [enter date]. To continue operating beyond the expiration date, you must submit a renewal AEB Land Use Permit Application on or before [enter date].

This Land Use Permit approval is only valid for the scope of operations and activities described in your application. Failure of the Applicant to provide true and correct statements and information in connection with this permit, without regard to intent, shall render the permit immediately void. Any changes to your operations or activities may require a permit amendment. You must consult with the AEB staff assigned to your permit to determine if an amendment is required before proceeding with any operations or activities not authorized under this approval. You must remain in compliance with the terms and conditions herein. Failure to comply with the conditions of this authorization could result in immediate revocation of this authorization.

This permit approval was conducted in accordance with the AEBMC, Chapter 40 and is final. A written decision of the Assembly may be appealed by the Applicant or any person who submitted timely written comments or gave oral testimony pursuant to the requirements of AEBMC Chapter 40. In accordance with the procedures established in AEBMC Chapter 40.04, the decision must be appealed to the Superior Court within 30 calendar days from receipt of the Assembly's decision by certified mail.

AEB Staff, Tina Anderson has been assigned to your permit, and can be reached by e-mail at tanderson@aeboro.org, or by phone at (907) 383-2699 if you have any questions about this determination.

Sincerely,

Mayor Stanley Mack
AEB Assembly Chairman

Cc: AEB Assembly
AEB Administrator
AEB Planning Commission
AEB Clerk
AEB Permit No. OSP: 2015-01 File

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BOROUGH

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**RESOLUTION NO. 15-02**

**A RESOLUTION OF THE ALEUTIANS EAST BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF ALEUTIANS EAST BOROUGH PERMIT NO. OSP 2015-01 FOR THE PETER PAN ONSHORE SEAFOOD PROCESSING PLANT, PORT MOLLER FACILITY.**

**WHEREAS,** a Land Use Permit application was submitted by Peter Pan on January 27, 2015 for its Onshore Seafood Processing Plant, Port Moller Facility and was assigned AEB Permit No. OSP 2015-01.

**WHEREAS,** Aleutians East Borough staff completed the required permit review and public notice requirements and developed a written staff recommendation (dated April 30, 2015) recommending approval of the Permit No. OSP 2015-01, subject to the additional stipulations attached to the staff recommendation.

**WHEREAS,** Aleutians East Borough Planning Commission held a public meeting on May 18, 2015 to review the permit application and staff recommendation.

**WHEREAS,** Aleutians East Borough Planning Commission agreed with the staff recommendation.

**NOW THEREFORE BE IT RESOLVED** that the Aleutians East Borough Planning Commission recommends the Aleutians East Borough Assembly review and approve Permit No. OSP 2015-01, subject to the additional stipulations recommended (and attached) to the Aleutians East Borough Staff Recommendation.

**PASSED AND APPROVED** by the Aleutians East Borough Planning Commission on this 18th day of May 2015.

_____

**Chris Emrich, AEB Planning Commission Chairman**

**ATTEST**

_____

**Tina Anderson, Clerk**

# Old Business

None at this time.

## New Business

None at this time.

# Reports and Updates

**To:** **Planning Commission**

**From:** **Anne Bailey, Assistant Borough Administrator**

**Subject:** **Planning Commission Report**

**Date:** **May 1, 2015**

## Land Use Permitting System Project

- Database: The Borough has entered into contract with RDI in the amount of $24,605 to complete updates on the Permitting Site Database.

- Permits: To date the AEB has received 11 commercial recreation operator permit applications, 1 onshore seafood processing permit and one mineral and coal exploration permit.

**If you have any questions, comments or concerns please contact me at (907) 274-7580 or** abailey@aeboro.org.

# Planning Commission Comments

# Public Comments

# Next Meeting Date and Time

# Adjournment