

**ALEUTIANS EAST BOROUGH**  
**OFFSHORE & DIRECT MARKETING**  
**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.	ODMSP: ___ - ___ - ___
Date Received:	___/___/___
Date Approved:	___/___/___

**Section No. 1: Permit Applicant Information**

Type of Processor:    Offshore Processor at Sea    Shoreside Floating Processor    Direct Marketer  
 Other: \_\_\_\_\_

Type of Seafood:    Fish    Shellfish    Other \_\_\_\_\_  
 New Permit    Permit Renewal    Permit Amendment   Reason: \_\_\_\_\_

Name of Individual or Corporation: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Contact Person: (Name) \_\_\_\_\_ (Title) \_\_\_\_\_

Physical Address: (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Office Phone:   (\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_                           Cell Phone:   (\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

Radio ID: \_\_\_\_\_    Office Fax:   (\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_@\_\_\_\_\_.\_\_\_\_\_.\_\_\_\_\_.   Webpage Address: www.\_\_\_\_\_.\_\_\_\_\_.\_\_\_\_\_.

Number of Years in Business: \_\_\_\_\_                                  Number of Employees: \_\_\_\_\_

Alaska Business License No.: \_\_\_\_\_   Issue Date: \_\_\_\_\_   Expiration Date: \_\_\_\_\_

ADEC Permit No.: \_\_\_\_\_   Issue Date: \_\_\_\_\_   Expiration Date: \_\_\_\_\_

Federal Tax Identification   EIN No. \_\_\_\_\_

**Section No. 2: Vessel Information**

Name of Vessel: \_\_\_\_\_                                  Vessel Owner: \_\_\_\_\_

USCG Documentation No. : \_\_\_\_\_                                  ADF&G Vessel Registration No.: \_\_\_\_\_

ADF&G Processor Code: \_\_\_\_\_                                  Registered Length in feet: \_\_\_\_\_

APDES/NPDES Permit Number: \_\_\_\_\_

Homeport of Vessel:   (City) \_\_\_\_\_                                  (State) \_\_\_\_\_

Shoreside Office Address: (Street) \_\_\_\_\_                                  (City) \_\_\_\_\_                                  (State) \_\_\_\_\_                                  (Zip) \_\_\_\_\_

Are there multiple processing businesses using this vessel for processing or direct marketing?    No    Yes

If yes, name(s) of other businesses using this vessel for processing/direct marketing \_\_\_\_\_

\_\_\_\_\_

**Section No. 3: Operations Information**

Describe Operations and Location(s) : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hours of Operation: \_\_\_\_\_ Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

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

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

- Location Map(s): Show location of vessels routes and planned anchor locations.
  - 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
  - A copy of all State of Alaska Permits, Fisheries Business License, and APDES/NPDES (Notice of Intent Form)
  - A copy of all federal permits including EPA Seafood Processing Waste Permit
  - Fee Payment to the Aleutians East Borough for the Application Fee
- (\$200 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.  Yes  No

Business has operated this business in AEB boundaries in prior years.  Yes  No Number of Years: \_\_\_\_\_

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

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

Business paid sales tax to AEB as required.  Yes  No

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

Reason for enforcement action : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permits, licenses and/or authorizations for this business have been revoked in the past.  Yes  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): \_\_\_\_\_ Title: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**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): \_\_\_\_\_ Title: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Fee Paid:  Yes  No Check No. \_\_\_\_\_ Amount: \_\_\_\_\_

Approved: Approval Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Elevated: Reason: \_\_\_\_\_

Denied: Reason: \_\_\_\_\_

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: \_\_\_\_\_

## Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for one year. Permittee shall have an approved permit prior to conducting any processing operations. The permit is not a property right; it is revocable at the discretion of the Aleutians East Borough (AEB), at any time upon notice.
- ✦ **Compliance with Requirements:** Permittee shall not conduct any operations that are not specifically described in the permit application and supporting documents submitted and approved as part of this permit. Permittee shall comply with all local, state, and federal laws, regulations, rules and orders, and requirements and stipulations included in this authorization. Permittee shall inform and ensure compliance with these stipulations by his agents, employees, clients and guests. This authorization is revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes, or regulations.
- ✦ **Indemnification:** Permittee assumes all responsibility, risk and liability for all activities of the Permittee, its employees, agents, clients guests, contractors, subcontractors or licensees directly or indirectly conducted in conjunction with this permit, including environmental and hazardous substance risks and liabilities, whether occurring during or after the term of this permit. Permittee shall defend, indemnify and hold harmless the AEB, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incident to any act or omission by the Permittee, its employees, agents, clients, guests, contractors, subcontractors or licensees. This indemnification shall survive the expiration or termination of this permit.
- ✦ **Damages and Claims:** Permittee shall pay the AEB for any damage to permitted property resulting from use. This permit is subject to valid adverse claims heretofore or hereafter acquired.
- ✦ **Reservation of Rights:** The AEB reserves the right to grant additional authorizations for compatible uses on or adjacent to the land covered under this authorization. Authorized concurrent users of lands within the AEB; their agents, employees, contractors, subcontractors and licensees shall not interfere with the operation or maintenance activities of each user.
- ✦ **Licenses, Permits and Authorizations:** Permittee shall maintain its State of Alaska Business License and any other private, local, state or federal license, permit or authorization required during the entire permit term or this permit will be null and void. The AEB reserves the right to request a copy of all licenses, permits, or authorizations.
- ✦ **Disturbance:** All activities shall be conducted in a manner that will minimize the disturbance to fish and wildlife populations and habitats.
- ✦ **Human Health and Socioeconomics:** Operations must be sited, designed, and operated in a manner that protects human health from adverse impacts. Operations must improve the quality of life for local residents and must not have adverse socioeconomic affects.
- ✦ **Water Appropriation:** Operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas
- ✦ **Water Quality:** Operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies. Zero water pollution discharge should be achieved whenever technically feasible.
- ✦ **Air Quality:** Operations shall not adversely impact air quality or human health.
  - ✦ **Best Available Air Emission Control Technology:** shall be installed for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds) and hazardous air pollutants.
  - ✦ **Fuel/Power Selection:** The lowest air pollution impact fuel sources shall be used. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used.
  - ✦ **Vapor Controls:** All equipment and facilities must install vapor recovery systems to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the vessel and to transport product from the vessel shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **Solid Waste:** Prior to removal, all garbage and debris that are subject to decomposition shall be stored in bear-proof containment. All solid waste, debris and hazardous substances generated processor's use or other activities conducted in accordance with this authorization shall be removed to a facility approved by the Alaska Department of Environmental Conservation (ADEC). Permittee shall keep the operating areas and facilities used in a neat, orderly, and sanitary condition.

- ✦ **Watershed Protection:** Watershed areas shall be protected. All operations shall be conducted to minimize or eliminate siltation, road and surface runoff and pollution of the water supply. No stationary or mobile equipment may be transported over, refueled on, or operated on a public drinking water supply.
- ✦ **Grey Water and Human Waste Disposal:** Portable or permanently installed sanitation systems shall be provided for workers use. All grey water and human waste shall be collected and disposed of as approved in ADEC Seafood Processors Permit.
- ✦ **Fuel and Chemical Storage:** All fuel and chemical storage containers shall be clearly marked with the contents and the Permittee's name. The Permittee is responsible for preventing spillage and contamination of contiguous land and water as well as cleaning up any oil or other pollutants that result from activities associated with this permit. Drip pans and absorbent pads shall be available to contain and clean up spills from any transfer or handling of fuel.
- ✦ **Spills:** All spills of fuels or chemicals shall be reported to AEB (907) 383-2699 and ADEC (800) 478-9300 within 24 hours and be cleaned up immediately and thoroughly to the AEB's satisfaction.
- ✦ **Alaska Historic Preservation Act:** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Recreation (907) 269-8721 and the appropriate coastal district shall be notified immediately.
- ✦ **Removal of Temporary Equipment and Facilities:** All temporary equipment and facilities, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries. The Permittee shall obtain legal access and authorization from the land owner prior to these activities. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.
- ✦ **Permit Evidence and Inspection:** Permittee and Permittee's employees shall carry a copy of this permit at all times or a copy should be posted at the processing plant in a location visible to all employees and the public. Authorized representatives of the AEB have the right to enter and inspect the operations approved under this permit at any time to ensure that the activity is being or has been accomplished in accordance with the terms and conditions of this permit.
- ✦ **Permit Assignment:** This permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party. If the processing business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, and approved by AEB.
- ✦ **Amendments:** Permittee shall immediately notify AEB of any change of information submitted in this application. Permittee is only authorized to conduct the processing operations described in this permit application and approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.
- ✦ **Violations and Enforcement:** Pursuant to AEB Municipal Code (AEBMC) Chapter 1.24, a person who violates a provision of this permit is subject to any action available to the AEB for enforcement and remedies, including revocation of the permit, civil action for forcible entry and detainer, ejection, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The AEB may seek damages available under a civil action.
- ✦ **Additional Stipulations:** AEB reserves the right to modify the stipulations attached and made a part of this permit or to attach additional stipulations when deemed necessary. If stipulations are added or modified by AEB, the permit will be reissued with the revised permit stipulations. The Permittee will have 60 days to come into compliance with the new requirements.
- ✦ **Communication with AEB about the Permit:** All communication regarding activities and reports required under this permit must be clearly marked with the AEB permit number on the front page of the document and submitted to the AEB at P.O. Box 349, Sand Point, Alaska 99661.
- ✦ **Recordkeeping:** Permittee shall keep and preserve all records of business activities conducted in AEB for at least 5 years after the permit has been discontinued.
- ✦ **Annual Report:** On or before February 1st of each calendar year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that it is complying with all AEB approved plans, permit stipulations and requirements.
- ✦ **Complaints:** Permittee shall notify the AEB of any written or verbal complaint received within 48 hours by contacting the AEB at (907) 383-2699. The AEB will also notify the Permittee of any complaints received at the AEB Offices. Within seven (7) calendar days of receiving a complaint or being notified of a complaint by the AEB, the Permittee shall provide a written response to the AEB explaining the steps taken to resolve the complaint, or explain why it is not a valid complaint. This permit may be revoked if the AEB receives and validates a complaint regarding impact to subsistence use, trespass, human health, excessive noise, or safety.

## General Permit Instructions

- ✦ **Who needs a permit?** Effective January 1, 2015, Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires all Offshore Seafood Processors and Direct Marketing Seafood Processors to obtain a land use permit within the Aleutians East Borough, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC § 40.01.020).
  - ✦ “Offshore Seafood Processor” means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located offshore. This definition includes floating processors that are anchored or docked at the shoreline. This definition excludes Onshore Seafood Processors and Direct Marketing Seafood Processors.
  - ✦ “Direct Marketing Seafood Processor” means a for-profit or non-profit cooperative, partnership or individual fisherman who processes or exports only their own catch or has their own catch custom processed for sale.
- ✦ **Do I need a permit if I plan to process seafood within an AEB Municipality (Incorporated City) that has land use planning authority under AEBMC § 40.01.020?** You do not need an AEB land use permit. You may be required to obtain a city business license, register your business and/or obtain a city land use permit. Please contact the city office for more information on their requirements.
- ✦ **How do I complete the Application? Is there an electronic version of this form?** An Adobe Acrobat, PDF fillable version of the application can be found at <http://www.aleutianseast.org/> under the Permitting Page. Please save a copy to your computer, rename the file, and fill it in electronically on the computer. Please note that you must print and sign a final hard copy of the application and mail the completed application, along with a check for the fees and all required information to AEB at P.O. Box 349, Sand Point, Alaska 99661.
- ✦ **Can I submit a handwritten application?** No. This application must be typed.
- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the Resource Development Fee Fund and all required information to the AEB at P.O. Box 349, Sand Point, Alaska 99661.
- ✦ **Who do I call if I have a question?** Please contact the AEB Clerk/Planner at (907) 383-2699.
- ✦ **What is the permit fee?** The application fee is \$200 per year, and \$50 for each amendment to an existing permit.
- ✦ **When is my permit application due?** Your permit application should be submitted at least 30 days prior to the time you need an approved permit. Most permit approvals should be issued within 10 business days; however, delays can occur during peak work periods or during holidays.
- ✦ **How long is the permit valid?** Approved permits are valid for a one year period from January 1 to December 31 of a calendar year. The permit remains valid, provided applicant complies with permit terms and conditions. Once the permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.
- ✦ **What happens if my application is incomplete?** Submittal of an application does not guarantee that it will be accepted. Only applications that are determined to be entirely complete, including fee payment will be accepted. Incomplete applications will be returned to the applicant for additional information and revision.
- ✦ **Who assigns new permit numbers?** The AEB will assign a permit number when your application is received. Please refer to this number in all future correspondence.
- ✦ **How do I renew an existing permit?** Permits are issued each year for a one year period from January 1 to December 31 of a calendar year. A new application must be submitted each year.
- ✦ **How do I amend an existing permit?** A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant shall explain the reason for the permit amendment. A reduced permit application fee of \$50 is charged for each amendment.

## Section No. 1 Instructions:

Please fill out all the required information in Section No. 1. Check all boxes that apply.





- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See [http://www.commerce.state.ak.us/occ/home\\_bus\\_licensing.html](http://www.commerce.state.ak.us/occ/home_bus_licensing.html). You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

**Sections No. 2 & 3 Instructions:**

Please fill out all the required information in Section No. 2 and 3. Check all boxes that apply.

**Section No. 4 Instructions:**

Please provide all the required information in Section No. 4. Check all boxes that apply. Attach all requested forms.

-  **Is there a specific format that must be used for maps?** Maps should be submitted electronically, in Adobe acrobat pdf, and at least two hard copies.
-  **Who do I make the application fee check out to?** The Aleutians East Borough.
-  **Can I pay for the application fee using a credit card?** No. The AEB does not accept credit card payment at this time.
-  **Can I pay for the application fee using cash?** No. You shall pay by check.

**Section No. 5 Instructions:**

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

**Section No. 6 Instructions:**

Please sign and date Section No. 6. Applications that are not signed will not be accepted.

**Section No. 7 Instructions:**

Please sign and date Section No. 7. Applications that are not signed will not be accepted.

**Section No. 8 Instructions:**

Section No. 8 is for AEB administrative use only. This section of the permit allows AEB to track the permit approval process.

**Section No. 9 Instructions:**

Section No. 9 is a list of standard permit stipulations that will be applied to your permit approval. Additionally, AEB reserves the right to add additional site-specific, operator-specific stipulations to this list. Your final permit may include an additional addendum listing additional permit stipulations that you must comply with for your operation.