

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

policies using the template below or by submitting a narrative description in letter or report form. District enforceable policies are available on the ACMP website at <http://www.alaskacoast.state.ak.us>. Definitions of key terms can be found at: 11 AAC 110.990, 11 AAC 112.990 and 11 AAC 114.990.

If you need more space for an adequate explanation of any of the applicable standards, please attach additional pages to the end of this document. Be sure to include references to the specific sections and subsections that you are evaluating.

STATEWIDE STANDARDS

11 AAC 112.200. Coastal Development

Standard:

(a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.

(b) Districts and state agencies shall give, in the following order, priority to

(1) water-dependent uses and activities;

(2) water-related uses and activities; and

(3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.

(c) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in 33 CFR Parts 320 - 323, revised as of July 1, 2003.

Evaluation:

(a) How is your project economically or physically dependent on a coastal location? Why are you proposing to place the project at the selected location?

The proposed project is a Marine Fueling station and will be the only station servicing all marine traffic in Hoonah. This station is desperately needed to replace the existing out dated facility less than a quarter mile away. The location for the new facility fits very well with the New Hoonah Marine Industrial center.

(b) Evaluation of development priority.

(1) How is the proposed project water-dependent? Explain.

(2) How is the proposed project water-related? Explain.

(3) If the proposed project is neither water-dependent nor water-related, please explain why there is not a practicable inland alternative that meets the public need for the use or activity. Explain.

Answers to all three are covered in the above statement.

(c) DCOM defers to the United States Corps of Engineers (USACE) to interpret compliance with the referenced standards. If you plan to discharge or fill waters of the US, have you applied to the Corps of Engineers for the appropriate authorization?

Yes.

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11 AAC 112.210. Natural hazard areas.

Standard:

- (a) In addition to those identified in 11 AAC 112.990, the department, or a district in a district plan, may designate other natural processes or adverse conditions that present a threat to life or property in the coastal area as natural hazards. Such designations must provide the scientific basis for designating the natural process or adverse condition as a natural hazard in the coastal area, along with supporting scientific evidence for the designation.
- (b) Areas likely to be affected by the occurrence of a natural hazard may be designated as natural hazard areas by a state agency or, under 11 AAC 114.250(b), by a district.
- (c) Development in a natural hazard area may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by known natural hazards.
- (d) For purposes of (c) of this section, "appropriate measures in the siting, design, construction, and operation of the proposed activity" means those measures that, in the judgment of the coordinating agency, in consultation with the department's division of geological and geophysical surveys, the Department of Community and Economic Development as state coordinating agency for the National Flood Insurance Program under 44 C.F.R. 60.25, and other local and state agencies with expertise,
 - (1) satisfy relevant codes and safety standards; or
 - (2) in the absence of such codes and standards;
 - (A) the project plans are approved by an engineer who is registered in the state and has engineering experience concerning the specific natural hazard; or
 - (B) the level of risk presented by the design of the project is low and appropriately addressed by the project plans.

Evaluation:

- (a) Describe the natural hazards designated in the district plan as they affect this site.
- (b) Describe how the proposed project is designed to accommodate the designated hazards. How will you use site design and operate the proposed activity to protect public safety, services and the environment from potential damage caused by known natural hazards?

This project will be designed by an Alaska Registered Professional Engineer. All Federal, State and local regulations will be followed to insure a project that will satisfy all standards set forth by the agencies.

- (d)(1) Describe the measures you will take to meet relevant codes and safety standards in the siting, design, construction and operation of the proposed activity.
- (d)(2)(A) If your project is located in an area without codes and safety standards, how is your project engineered for the specific natural hazard? Give the name of the appropriately qualified registered engineer who will approve the plans for protecting public safety, services, and the environment from damage caused by hazards OR
- (d)(2)(B) If the level of risk presented by the design of the project is low, how do the project plans and project design address the potential natural hazard?

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11 AAC 112.220. Coastal access.

Standard:

Districts and state agencies shall ensure that projects maintain and, where appropriate, increase public access to, from, and along coastal water.

Evaluation:

Please explain how the proposed project will maintain and, where appropriate, increase public access to, from and along coastal water.

Because this facility will replace the existing facility, there will not be increased public access; however, it will be greatly improved with a new dock and ramp. Currently, patrons who dock up must climb a vertical ladder to get to the street level.

11 AAC 112.230. Energy facilities.

Standard:

(a) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent practicable, on the following standards:

- (1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
 - (2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
 - (3) consolidate facilities;
 - (4) consider the concurrent use of facilities for public or economic reasons;
 - (5) cooperate with landowners, developers, and federal agencies in the development of facilities;
 - (6) select sites with sufficient acreage to allow for reasonable expansion of facilities;
 - (7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
 - (8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
 - (9) encourage the use of vessel traffic control and collision avoidance systems;
 - (10) select sites where development will require minimal site clearing, dredging, and construction;
 - (11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination that would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
 - (12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns;
 - (13) site facilities so that areas of particular scenic, recreational, environmental, or cultural value, identified in district plans, will be protected;
 - (14) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
 - (15) site facilities where winds and air currents disperse airborne emissions that cannot be captured before escape into the atmosphere;
 - (16) site facilities so that associated vessel operations or activities will not result in overcrowded harbors or interfere with fishing operations and equipment.
- (b) The uses authorized by the issuance of state and federal leases, easements, contracts, rights-of-way, or permits for mineral and petroleum resource extraction are uses of state concern.

Evaluation:

(a) If this standard applies to your project, please describe in detail how the proposed project is designed to meet each applicable section of this standard:

(1) N/A

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(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

(b) List the authorizations for state and federal leases, easements, contracts, rights-of-way, water rights, or permits for mineral and petroleum resource extraction you have applied for or received.

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11 AAC 112.240. Utility routes and facilities.

Standard:

- (a) Utility routes and facilities must be sited inland from beaches and shorelines unless
 - (1) the route or facility is water-dependent or water related; or
 - (2) no practicable inland alternative exists to meet the public need for the route or facility.
- (b) Utility routes and facilities along the coast must avoid, minimize, or mitigate
 - (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit;
 - (3) blockage of existing or traditional access.

Evaluation:

- (a) If the proposed utility route or facility is sited adjacent to beaches or shorelines, explain how the route or facility is water dependent water related or why no practical inland alternative exists.

This project is definitely water dependent, It will be the only Marine Fueling Station in Hoonah. The existing facility will be decommissioned once the new one is operational.

- (b) If the proposed utility route or facility is sited along the coast, explain how you will avoid, minimize or mitigate:
 - (1) alterations in surface and ground water drainage patterns;

There are no significant drainage patterns near this site. All rainwater runs off the earth embankment and into Frederick Sound. This project will not change any drainage patterns.

- (2) disruption in known or reasonably foreseeable wildlife transit;

N/A

- (3) blockage of existing or traditional access.

N/A

11 AAC 112.250. Timber harvest and processing.

Standard:

AS 41.17 (Forest Resources and Practices Act) and the regulations adopted under that chapter with respect to the harvest and processing of timber are incorporated into the program and constitute the components of the program with respect to those purposes.

Evaluation:

Does your activity involve harvesting or processing of timber? Yes _____ No X

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If yes, please explain how your proposed project meets the standards of the State Forest Resources and Practices Act.

11 AAC 112.260. Sand and gravel extraction.

Standard:

Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits if there is no practicable alternative to coastal extraction that will meet the public need for the sand or gravel.

Evaluation:

If your proposed project includes extracting sand or gravel from coastal waters, intertidal areas, barrier islands or spits, please explain why there is no practicable alternative to coastal extraction that meets the public need for sand or gravel.

N/A

11 AAC 112.270. Subsistence.

Standard:

- (a) A project within a subsistence use area designated by the department or under 11 AAC 114.250(g) must avoid or minimize impacts to subsistence uses of coastal resources.
- (b) For a project within a subsistence use area designated under 11 AAC 114.250(g), the applicant shall submit an analysis or evaluation of reasonably foreseeable adverse impacts of the project on subsistence use as part of:
 - (1) a consistency review packet submitted under 11 AAC 110.215; and
 - (2) a consistency evaluation under 15 C.F.R. 930.39, 15 C.F.R. 930.58, or 15 C.F.R. 930.76.
- (c) Repealed 10/29//2004, Register 172.
- (d) Except in nonsubsistence areas identified under AS 16.05.258, the department may, after consultation with the appropriate district, federally recognized Indian tribes, Native corporations, and other appropriate persons or groups, designate areas in which a subsistence use is an important use of coastal resources as demonstrated by local usage.
- (e) For purposes of this section, "federally recognized Indian tribe," "local usage", and "Native corporation" have the meanings given in 11 AAC 114.990.

Evaluation:

- (a) Is your proposed project located within a subsistence use area designated by a coastal district?
Yes _____ No X

If yes, please describe how the proposed project is designed to "avoid or minimize impacts to subsistence uses of coastal resources:"

- (b) If your project is located in a subsistence use area designated by the coastal district, provide an analysis or evaluation

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of its reasonably foreseeable adverse impacts to the subsistence uses.

(c) No response required.

(d) If your project is not located in a designated subsistence use area, please describe any subsistence uses of coastal resources within the project area. Please be advised that subsistence use areas may be designated by the department during a review.

Subsistence uses of coastal resources within the project area would be fishing. The new dock I'm sure will used for local fishing.

(e) No response required.

11 AAC 112.280. Transportation routes and facilities.

Standard:

Transportation routes and facilities must avoid, minimize, or mitigate:

- (1) alterations in surface and ground water drainage patterns;
- (2) disruption in known or reasonably foreseeable wildlife transit; and
- (3) blockage of existing or traditional access.

Evaluation:

If your proposed project includes transportation routes or facilities, describe how it avoids, minimizes, or mitigates

- (1) alterations in surface and ground water drainage patterns;

N/A

- (2) disruption in known or reasonably foreseeable wildlife transit; and

N/A

- (3) blockage of existing or traditional access.

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N/A

11 AAC 112.300. Habitats.

Standard:

(a) Habitats in the coastal area that are subject to the program are

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands;
- (4) tideflats;
- (5) rocky islands and sea cliffs;
- (6) barrier islands and lagoons;
- (7) exposed high-energy coasts;
- (8) rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes; and
- (9) important habitat.

(b) The following standards apply to the management of the habitats identified in (a) of this section:

- (1) offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (2) estuaries must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) adequate water flow and natural water circulation patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (3) wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;
- (4) tideflats must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) water flow and natural drainage patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence uses, to the extent that those uses are determined to be in competition with the proposed use;
- (5) rocky islands and sea cliffs must be managed to
 - (A) avoid, minimize, or mitigate significant adverse impacts to habitat used by coastal species; and
 - (B) avoid the introduction of competing or destructive species and predators;
- (6) barrier islands and lagoons must be managed to avoid, minimize, or mitigate significant adverse impacts (A) to flows of sediments and water;
 - (B) from the alteration or redirection of wave energy or marine currents that would lead to the filling in of lagoons or the erosion of barrier islands; and
 - (C) from activities that would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;
- (7) exposed high-energy coasts must be managed to avoid, minimize, or mitigate significant adverse impacts
 - (A) to the mix and transport of sediments; and
 - (B) from redirection of transport processes and wave energy;
- (8) rivers, streams, and lakes must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) natural water flow;
 - (B) active floodplains; and
 - (C) natural vegetation within riparian management areas; and
- (9) important habitat
 - (A) designated under 11 AAC 114.250(h) must be managed for the special productivity of the habitat in accordance with district enforceable policies adopted under 11 AAC 114.270(g); or
 - (B) identified under (c)(1)(B) or

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(C) of this section must be managed to avoid, minimize, or mitigate significant adverse impacts to the special productivity of the habitat.

(c) For purposes of this section,

(1) "important habitat" means habitats listed in (a)(1) – (8) of this section and other habitats in the coastal area that are

(A) designated under 11 AAC 114.250(h);

(B) identified by the department as a habitat

(i) the use of which has a direct and significant impact on coastal water; and

(ii) that is shown by written scientific evidence to be biologically and significantly productive; or

(C) identified as state game refuges, state game sanctuaries, state range areas, or fish and game critical habitat areas under AS 16.20;

(2) "riparian management area" means the area along or around a waterbody within the following distances, measured from the outermost extent of the ordinary high water mark of the waterbody:

(A) for the braided portions of a river or stream, 500 feet on either side of the waterbody;

(B) for split channel portions of a river or stream, 200 feet on either side of the waterbody;

(C) for single channel portions of a river or stream, 100 feet on either side of the waterbody;

(D) for a lake, 100 feet of the waterbody.

Evaluation:

(a) List the habitats from (a) above that are within your proposed project area or that could be affected by your proposed project.

offshore areas

(b) Describe how the proposed project avoids, minimizes, or mitigates impacts to each of the identified habitat(s) in section (a) above.

The proposed footprint in the offshore area has been minimized as much as possible and still meet the needs of the community. The new area is only slightly larger than the already permitted & approved area. See plans.

(c) No response required.

11 AAC 112.310. Air, land and water quality

Standard:

Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes.

Evaluation: No response required.

11 AAC 112.320. Historic, prehistoric, and archeological resources.

Standard:

(a) The department will designate areas of the coastal zone that are important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes.

(b) A project within an area designated under (a) of this section shall comply with the applicable requirements of AS 41.35.010 – 41.35.240 and 11 AAC 16.010 – 11 AAC 16.900.

Evaluation:

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(a) Have you contacted the State Historic Preservation Office (SHPO) to see if your project is in a designated area of the coastal zone that is important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes?

N/A

(b) If your project is within an area designated under (a) of this section, how will you comply with the applicable requirements in the statutes and regulations listed in (b)?

N/A

Affected Coastal District Enforceable Policies

Evaluate each applicable district enforceable policy using a format similar to the one you completed above for the State Standards. District enforceable policies are available at <http://alaskacoast.state.ak.us/>. If you need more space for an adequate explanation of any of the applicable district enforceable policies, please attach additional pages to the end of this document.

Applicable District Plan(s) HOONAH COASTAL DISTRICT

Enforceable Policy: CDLU-1 Priority for Water-dependent Uses

Evaluation:

This facility is a water-dependent use and will be a great improvement to the water-front community. The City of Hoonah is 100% behind this project.

Enforceable Policy: CDLU-2 In-Water Development

Evaluation:

There is an obvious need for this new Marine fueling station in Hoonah. The existing station is out dated and has great potential for vandalism & unsafe fueling conditions. Please see response to (b) on page 19.

Enforceable Policy: N/A

Evaluation:

There are no other enforceable policies that are applicable to this project.

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Certification Statement

The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.

Naomi Hobbs
Signature of Applicant or Agent

July 2, 2008
Date

Note: Federal agencies conducting an activity that will affect the coastal zone are required to submit a federal consistency determination, per 15 CFR 930, Subpart C, rather than this certification statement. ACMP has developed a guide to assist federal agencies with this requirement. Contact ACMP to obtain a copy.

This certification statement will not be complete until all required State and federal authorization requests have been submitted to the appropriate agencies.