

State of Alaska
Coastal Zone Uses and Activities
Evaluation of the Pebble Exploration Project
December 21, 2006

Sections to be Evaluated

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11 AAC 112.200. Coastal development

- (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 C.F.R. Parts 320 - 323, revised as of July 1, 2003.

NA. While located in the coastal zone the exploration program is not in or adjacent to coastal waters. Exploration will occur over 50 miles from the coast in an upland area. No structures, dredge or fill will occur in coastal waters.

A11 AAC 112.210. Natural hazard areas

- (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 Commerce, 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.

The exploration program will not be constructing facilities so much of this does not apply. Vegetation is not being cleared, and operations will not be sited in areas of active erosion or on unstable bluffs.

11 AAC 112.220. Coastal access

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

Public access has not been and would not be limited except for public safety around the drill rigs, pump houses, fuel depots, etc. and in seismic survey areas when explosives are being used

11 AAC 112.230. Energy facilities

(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.

NA. This is a hardrock mineral exploration program. No energy facilities are involved.

11 AAC 112.240. Utility routes and facilities

- (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

NA. The exploration program does not require utility routes or facilities.

11 AAC 112.250. Timber harvest and processing

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.

NA. The exploration program will not be harvesting or processing timber.

11 AAC 112.260. Sand and gravel extraction

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.

NA. The exploration program will not be extracting sand or gravel.

11 AAC 112.270. Subsistence

- (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.

(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.

The exploration program would not conflict with subsistence use of the area. The program does not limit access to subsistence resources, reduce subsistence resources, or increase the use of subsistence resources by nonrural residents. Drill and other field crews are forbidden to hunt, fish, or gather in the area unless they are local rural residents. No additional access is being created that would encourage/permit new or increased use of subsistence resources.

11 AAC 112.280. Transportation routes and facilities

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.

NA. No transportation routes or facilities are contemplated as part of the exploration program.

300. Habitats.

310. Air, land, and water quality.

320. Historic, prehistoric, and archeological resources.

11 AAC 112.300. Habitats

(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 (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.

Only three of listed habitats may apply to the exploration program since it will be conducted in uplands. These are (3) wetlands, (8) rivers, streams, lakes, and (9) important habitat.

As defined (9) does not apply since no such important habitat has been identified or designated in the exploration area.

This exploration program will be using up to 7 rigs drilling small diameter bore holes. The drilling program is a low impact operation because of mitigation measures to be used. Access to and between drill sites will be by helicopter year around. In winter there will be a small track vehicle that will run only when snow cover and frost depth are adequate to prevent surface disturbance. The drill rigs will be moved by helicopter and located on large timbers to keep them off the ground surface. Small temporary structures that are moved by helicopter and located on timbers laid on the surface will be used to house supplies and protect the crews from inclement weather. No permanent structures will be constructed. Runoff above the natural condition is almost non-existent being largely limited to the small roof areas of these temporary structures. These low quantities and velocities combined with little or no surface disturbance will not generate a sediment load above natural conditions. Any water discharge from the rigs will be to upland areas. The program will not be operating in streams. As all structures are temporary and will be moved when the drill hole is completed – estimated four to eight weeks) the flood plain will be protected. There will be no dredging or fills. There will be no change in the drainage patterns, surface water quality, and natural groundwater recharge areas, and very minimal disturbance to

11 AAC 112.310. Air, land, and water quality

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.

NA. The exploration program will not require any air, land or water quality permits.

11 AAC 112.320. Historic, prehistoric, and archeological resources

(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.

The exploration program will comply with the regulations. SHPO has been consulted on known sites, and a cultural resources survey will be completed over all proposed bore holes, soils test pit sites and proposed seismic lines. SHPO will continue to be consulted. Approved procedures will be in place to immediately stop activities and provide for investigation and mitigation of unexpected discoveries. Sites and artifacts will be protected as required by regulations.