ACMP Consistency Evaluation & Certification Statement

Pursuant to 11 AAC 110.215(a)(1)(c), the applicant shall submit an evaluation of how the proposed project is consistent with the statewide standards at 11 AAC 112.200 - 11 AAC 112.990 and with the applicable district enforceable policies, sufficient to support the consistency certification. Evaluate your project against each section of the state standards and applicable district enforceable 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 project consists of the rehabilitation of an existing boat harbor which makes it both economically and physically dependent on a coastal location. The location was selected because it is an existing boat harbor.

(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. The project is both water dependent and related because it is a boat harbor.

(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.

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? No natural hazards at project site.
(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? Harbor facilities to be designed by professional engineers per all relevant structural and harbor design codes and standards.

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. Harbor basin will be dredged to improve boater safety during all tidal stages. The new ADA accessible gangway will provide safer pedestrian access to moorage floats from shore.

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. Not an energy facility.

(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.

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 practicable inland alternative exists.

Not a utility route or facility.

(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;  N/A
(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
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. Silty sand material to be dredged from harbor basin to increase basin depth and boater safety but not to be used as fill material. Material to be deposited at ocean disposal site in Gastineau Channel.

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:"
   N/A

(b) If your project is located in a subsistence use area designated by the coastal district, provide an analysis or evaluation of its reasonably foreseeable adverse impacts to the subsistence uses.
   N/A

(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.

Minimal fishing or other sea harvesting within the project area.

(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; Dredge basin side slopes to be stabilized with clean filter rock to avoid sloughing and provide uniform surface drainage.
(2) disruption in known or reasonably foreseeable wildlife transit; and No effect.
(3) blockage of existing or traditional access. No blockage of access.

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
(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.
1- Offshore areas & 4- Tideflats
(b) Describe how the proposed project avoids, minimizes, or mitigates impacts to each of the identified habitat(s) in
section (a) above.

Offshore Areas (dredge material disposal site) – Permitee shall dispose of dredge sediments only in the
proposed disposal area with use of GPS and monitoring of tides and currents. Dredging and dredge
material placement will occur between October and March to minimize environmental impacts.
Tideflats (Harbor site) – Permitee shall install silt curtain across the harbor basin to prevent sediments
from exiting the basin during dredging operations. Permitee shall mandate that dredging be performed
with clamshell or excavator bucket to minimize sediment suspension in the water column. Strict survey
control will be utilized to minimize overdredging. Note: Natural tideflats drainage patterns previously
disrupted during original basin development and subsequent dredging operations.

(c) No response required.

11 AAC 112.310. Air, land and water quality

Standard:
Not withstanding 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:
(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?
No, the project consists of deferred maintenance of an existing harbor.

(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)?
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)  Juneau Coastal Management Plan
Enforceable Policy: No district enforceable policies apply

Evaluation:

Enforceable Policy:
Evaluation:

Enforceable Policy:
Evaluation:

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.

Signature of Applicant or Agent  5/12/10
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.
**Project Description:** Please provide or attach a brief description of your project including the planned work, any effects to coastal uses and resources and how your project is being designed to avoid, minimize and mitigate those effects.

DESCRIPTION: The Douglas Harbor Renovation project includes the following construction activities:

- Removal of approximately 18,000 SF of existing moorage floats and all associated finger floats, (55) creosote treated timber piles, boat launch ramp and boarding float, boat repair grid and steel gangway.
- Addition of approximately 21,000 SF of treated timber moorage floats with (61) galvanized steel pipe piles and a 7’x80’ covered aluminum gangway.
- Addition of filter rock and riprap to stabilize banks and for uplands improvements.
- Addition of modern electrical and water services.
- Approximately 30,000 CY of dredging to allow for safe moorage.

AVOIDANCE: Inherently, impacts to the waters of the U.S. coastal uses and resources will occur by rehabilitating the existing Douglas Harbor facilities. The design has been optimized to minimize any impacts beyond what is required to rehabilitate the harbor facilities and dispose of dredge material.

The proposed aquatic disposal site in Gastineau Channel is a location that has a history of similar use. The site was originally identified by the Army Corps of Engineers (COE) and has been filled during two previous dredging operations in Douglas Harbor, once by the COE in 1997 and again by the City and Borough of Juneau (CBJ) in 2002. The proposed aquatic disposal site is nearby and directly accessible by a high volume dredge barge which will minimize excessive fuel consumption and material handling associated with other disposal alternatives. The need to construct material disposal sites in alternate tideland regions will be eliminated. The use of a silt containment boom will be mandated within the inner harbor in order to contain the dispersal of fine particles during dredging operations. The use of current monitoring devices can be mandated to ensure that off-loaded material settles within the disposal site boundaries in all ocean current orientations and velocities.

MINIMIZATION: The proposed dredging area, depth and resulting volume is the minimum required to ensure safe vessel navigation throughout the tidal range. Currently, vessels traveling through the southeastern portion of Douglas Harbor contact the seafloor at low tides which creates an unacceptable risk to life, property and the environment. Proposed slip lengths have been designed to accommodate the CBJ Docks and Harbor Department’s public demand for larger vessel moorage thus reaffirming the need to dredge the basin to a safe depth. Vessel fairway and slip widths are currently designed to be slightly narrower than is standard in an effort to minimize the amount of dredging required.

The project incorporates the following measures during construction to minimize unavoidable impacts to waters of the U.S.:

- The Owner or Engineer will make marine mammal observations during pile driving activities. The Contract Documents will specify work stoppage if marine mammals are observed within 200 yards of the pile driving activity. The Owner does not object to the NMFS also providing a monitor at the site during all pile driving activity to observe fish and marine mammals. The monitor shall provide instructions to the Owner or Engineer to cease pile driving activities if mortality to fish becomes evident or if marine mammals are observed within 200 yards of the pile driving activities.
- Creosote treated piles and treated timber removed from the site will be disposed of in an approved upland site.
- Vibratory pile driving equipment will be the primary installation method for the project. Impact hammers shall only be allowed for piles that encounter soils too dense to penetrate with the vibratory equipment.
- When practicable, work below the high tide line will be limited to low tidal stages to reduce turbidity.
- The Contract Documents will specify in-water work restrictions to protect outmigrating salmon and spawning herring.
- Erosion and sediment control devices in the form of silt fence and straw bale barriers will be utilized during
A silt curtain will be installed across the harbor basin to prevent sediments from exiting the basin during dredging operations.

The Contract Documents will specify that dredging be performed with clamshell or excavator bucket to minimize sediment suspension in the water column. Strict survey control will be utilized to minimize overdredging.

Project construction time will be minimized due to the nature of the design, and maintenance of the facility will be minimal, thereby further reducing impacts to the habitat (please see drawings submitted with DA permit application).

A harbor management plan incorporating best management practices has been created and operation of the harbor in accordance with that plan will minimize effects to water quality.

Adequate spill containment and cleanup equipment and materials will be on site and/or readily available in the event of a spill. Personnel will be trained in spill response to be available for rapid deployment to spills. These measures will minimize effects to water quality.

Waste receptacles for oils and other potential contaminants will be available on site. This will minimize effects to water quality.

Lighting will be installed and operated utilizing best management practices and technology to avoid attracting ducks and seabirds.

MITIGATION: The proposed work at Douglas Harbor is being performed primarily as a deferred maintenance effort to replace existing deteriorated timber floats and piles and to complete maintenance dredging within an established and previously authorized harbor basin. Approximately one-half of the proposed dredge material volume lies within the COE maintained navigational basin.

All of the existing piles designated to be removed are creosote-treated timber. All new piles will be galvanized steel pipe, driven with a vibratory hammer where practical. All of the timber associated with the existing moorage floats and the boarding float designated to be removed are creosote-treated timber, including non-submerged elements such as decking, bullrails and stringers. These same timber elements will be treated with ACZA on the new floats. While the proposed volume of dredge material has been minimized to the greatest extent possible, the proposed project would result in an increase in aquatic habitat in Douglas Harbor by expanding the basin footprint.

For these reasons, additional compensatory mitigation should not be required. The permittee, however, proposes to fund a study to determine methyl mercury content of edible portions of Dungeness crab caught at South Sandy Beach on Douglas Island. This is an area within the historic Treadwell Mine tailings and is the closest seafood harvest location to the project area that is affected by historic mine tailings.
**Project Area:** Please provide or attach a map of your project location and your proposed work. (Including nearest community, the name of the nearest land feature or body of water, and other legal description such as a survey or lot number.)

Nearest Community: Juneau, Alaska

Nearest Waterbody: Gastineau Channel

Legal Survey Description: ATS 14
VICINITY MAP

PURPOSE:
TO RENOVATE AN EXISTING HARBOR IN ORDER TO INCREASE MOORAGE CAPACITY AND IMPROVE PUBLIC SAFETY.

LOCATION AND VICINITY MAP

APPLICANT ADDRESS:
CITY AND BOROUGH OF JUNEAU
155 S. SEWARD STREET
JUNEAU, AK 99801

OLD DOUGLAS HARBOR REPLACEMENT

IN: GASTINEAU CHANNEL
NEAR: JUNEAU
AT: DOUGLAS HARBOR
APPLICATION BY: CITY AND BOROUGH OF JUNEAU

DATE: 06/14/07

SCALE (FEET)
0  1500  3000