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ALASKA COASTAL MANAGEMENT PROGRAM CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide standards and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

DATE ISSUED

Thursday, October 12, 2006

PROJECT TITLE

West Dowling Road Connection Project

STATE ID. NO.

STP-0532(5)/55012

AFFECTED COASTAL RESOURCE DISTRICT(S)

Municipality of Anchorage

CHAPTER 112. STATEWIDE STANDARDS OF THE ALASKA COASTAL MANAGEMENT PROGRAM

Article 2. Uses & Activities

11 A.A.C. 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) District 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 which 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.*

Evaluation

Alaska Department of Transportation and Public Facilities, in cooperation with Anchorage Metropolitan Area Transportation Solutions (AMATS), has identified the need to construct roadway connectivity and accessibility improvements in the West Dowling Road Connection Project area. In addition to improvements made on the existing project area roads (see Project Description for full details), the bridge spanning Campbell Creek on Dowling Road will be removed and replaced, as well as fill placed into Tina Lake to provide for a new road alignment connecting to Arctic Boulevard to the west. Only the proposed work over Campbell Creek is located within the Anchorage District Coastal Zone boundary. This work will not change the coastal development activities in or adjacent to coastal waters. All construction on Campbell Creek will occur above the ordinary high water mark.

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.210. Natural hazard areas

Standard

- (a) In addition to those identified in 11 A.A.C. 112.900, 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 A.A.C. 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

The ACMP established standards for development in natural hazard areas were reviewed to determine project consistency. The proposed project is designed to take into account the region’s potential for earthquake activity, as well as potential for flooding within the Campbell Creek corridor. The project design will maintain stability within the floodplain by using rip-rap and other appropriate measures. Project plans and designs will be approved by the State of Alaska and have been prepared by engineers familiar with projects in natural hazard areas and the coastal zone of Anchorage.

Consistent Inconsistent Not Applicable

11 A.A.C. 112.220. Coastal access

Standard

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

Evaluation

As designed, this project will not adversely impact public access to the coastal water. As a result of agency and public consultation, the Campbell Creek trail will be redesigned so the trail goes under the Campbell Creek bridge, improving the circulation and safety of pedestrians and bicyclists along the Campbell Creek corridor.

Consistent Inconsistent Not Applicable

11 A.A.C. 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 in productive habitats;*
- (11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which 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 of Alaska 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) select sites 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

Consistent

Inconsistent

Not Applicable

11 A.A.C. 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

The proposed project will impact several utility routes, forcing the relocation of some electrical and telecommunication lines within and outside of the coastal zone boundary. This project will not involve the siting or construction of any new utility routes or facilities within the coastal zone boundary. Current utilities located within the coastal zone boundary are AWWU water and sewer mains and an ENSTAR transmission line, all of which run along Dowling Road on the south side of the section line. Should any upgrades be done to these utility lines, the contractors and utility companies will be in compliance with the standards promulgated by the ACMP.

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.250. Timber harvest & processing

Standard

A.S. 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

This project involves no timber harvesting or processing.

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.260. Sand & 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

The only excavation work for this project will occur within DOT right-of-way for road improvements

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.270. Subsistence

Standard

- (a) *A project within a subsistence use area designated by the department or under 11 A.A.C. 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 A.A.C. 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 A.A.C. 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 A.S. 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 A.A.C. 114.990.*

Evaluation

There are no subsistence use areas within the project area boundaries.

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.280. Transportation routes & 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

To the extent practicable, drainage will be improved throughout the project area, especially east of C Street, which has experience localized flooding issues. Drainage around Tina Lake will be directed into Tina Lake after passing through drainage swales or other storm water treatment measures. The bridge over Campbell Creek would be a clear-span bridge with sufficient elevation to allow safe wildlife passage under the bridge. Existing or traditional access will not be affected within the project area.

Consistent

Inconsistent

Not Applicable

Article 3. Resources & Habitats

11 A.A.C. 112.300. Habitats

Standard

- (a) *Habitats in the coastal area which are subject to the program are*

- (1) offshore areas;*
 - (2) estuaries;*
 - (3) wetlands;*
 - (4) tideflats;*
 - (5) rocky islands and seacliffs;*
 - (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, stream 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 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 A.A.C. 114.250(h) must be managed for the special productivity of the habitat in accordance with district enforceable policies adopted under 11 A.A.C. 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 habitat in the coastal area that are*
 - (A) *designated under 11 A.A.C. 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 under A.S. 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

The following habitats are located within the project area: 1) wetlands, and 2) rivers, streams and lakes and floodplains and riparian management areas of those rivers, streams and lakes. The wetlands along Campbell Creek are designated "A" wetlands by the Municipality of Anchorage (1996). In the vicinity of Dowling Road, Campbell Creek wetlands are limited to the creek channel. Project design would avoid impacts to wetlands to the extent feasible. The Campbell Creek bridge has been designed to avoid fill of the Class A creek-fringe wetland adjacent to Campbell Creek. The bridge would span the creek and no piers would be placed within the creek. Bridge construction will not involve any in-stream work and the natural water flow will not be impacted or interrupted during construction.

Potential impacts on floodways have been adequately considered and minimized within the Campbell Creek floodplain. Project review and approval from the Municipality of Anchorage will be required to ensure of this before any placement of fill or construction occurs within the 100-year floodplain.

Vegetation impacts would occur within the proposed right-of-way. Soil erosion could occur within the construction zone of the proposed project area, but would be a temporary, short-term impact. Construction BMPs will be followed to minimize erosion potential. ADOT&PF will develop a re-vegetation plan that the Contractor will implement.

Consistent

Inconsistent

Not Applicable

11 A.A.C. 112.310. Air, Land & 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 A.S. 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

Air Quality

The Anchorage area meets NAAQS for four of the six targeted pollutants. CO and PM-10 (particulate matter less than 10 microns in diameter) levels, however, have exceeded the NAAQS. CO levels in the Anchorage bowl have decreased since the 1980s, with levels not exceeding the NAAQS since 1996 (MOA website, July 28, 2004). According to the MOA, Anchorage is now considered in compliance with federal CO standards and has applied for consideration by the EPA as a maintenance area, although the EPA designation remains “non-attainment.” To minimize adverse air quality impacts, contractors will follow BMPs to reduce fugitive dust emissions and unnecessary exhaust emissions from construction vehicles.

Water Quality

The lower 10 miles of Campbell Creek has been identified by the ADEC as a Tier II Section 303(d)-listed water-quality-limited waterbody for fecal coliform due to urban runoff. Tier II-listed waterbodies have had assessments completed and now require Total Maximum Daily Load (TMDL) or waterbody recovery plans. Campbell Creek has been on the Section 303(d) list for fecal coliform since 1990, although the problem was documented long before that (ADEC, 2004).

Water quality will be maintained during construction activities by implementing BMP's. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared by the contractor and implemented for the project to obtain coverage under the NPDES General Permit for Storm Water Discharges from Construction Activities. No significant impacts to water quality are expected to result from construction activities. An ADEC Section 401 Water Quality

Certification (Certificate of Reasonable Assurance) would be required for the project, and DOT&PF and its contractors would abide by stipulations included in that certification.

Consistent Inconsistent Not Applicable

11 A.A.C. 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 process.

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

Evaluation

A review of land records and other historical documents, including the files of the Alaska Heritage Resources Survey (ARHS) and Anchorage Museum of History and Art Archives, was conducted to determine if recorded cultural remains are located within the proposed project area. Based on the Historical/Archaeological/Cultural Review conducted for this project, it was determined that no historic properties would be affected by the proposed project. The general project area has very little archaeological potential. This project is being coordinated with the State Historic Preservation Office (SHPO). As stated in the correspondence with SHPO, the SHPO would be contacted if any potential artifacts were discovered during construction.

Consistent Inconsistent Not Applicable