ACMP CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide 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).

STATEWIDE STANDARDS
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 **Evaluation:** b) The proposed project is water-related and water-dependent as the revetments and breakwater are being constructed to reduce and prevent erosion within the Dillingham Small Boat Harbor. The end result of this project is to ensure the protection of the harbor. c) DCOM defers to the United States COE to interpret compliance with the referenced standards.
11 AAC 112.210. Natural hazard areas
Evaluation: This Standard applies when a natural hazard area is designated by DNR or a coastal district. No such designations have been made in the proposed project area, therefore this standard does not apply to this project. No comments were received that referenced this standard.
11 AAC 112.220. Coastal access
Evaluation: The proposed project is being constructed to reduce and prevent erosion within the Dillingham Small Boat Harbor, ensuring continued coastal access within coastal waters. No comments were received that referenced this standard.
11 AAC 112.230. Energy facilities
Evaluation: Major energy facilities are defined as a development of more than local concern carried out in, or in close proximity to, the coastal area. This project does not involve a major energy facility, therefore this standard does not apply to this project. No comments were received that referenced this standard.
11 AAC 112.240. Utility routes and facilities
Evaluation: Utility routes and facilities include power transmission lines, gas pipelines, ect. This project does not involve utility routes and facilities therefore this standard does not apply to this project. No comments were received that referenced this standard.
11 AAC 112.250. Timber harvest and processing
Evaluation: This project does not involve the harvesting or processing of timber, therefore this standard does not apply

to this project. No comments were received that referenced this standard.

11 AAC 112.260. Sand and gravel extraction

Evaluation:

This project does not involve the removal of sand or gravel, therefore this standard does not apply to this project. No comments were received that referenced this standard.

11 AAC 112.270. Subsistence

Evaluation:

The BBCRSA has designated the proposed location as a subsistence use area. The applicant has stated that the construction of the revetments and breakwater would take place within a general area used by subsistence fishers (Scandinavian Creek beach) but would not be on that portion of beach typically used by subsistence fishers. The project is not expected to interfere with subsistence fishing practices and should actually create a net benefit for subsistence users of the Nushagak estuary by stabilizing the shoreline and improving access to coastal waters. No comments were received that referenced this standard.

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
3) Blockage of existing or traditional access

Evaluation:

1) The applicant has stated that the proposed project may slightly alter surface and ground water drainage patterns within the tideland areas. However, the effect would not be significant and does not warrant mitigation.
2) The applicant has stated that this project should have little to no impact on wildlife transit.
3) The proposed project is being constructed to cease erosion and to protect the Dillingham Small Boat Harbor. In doing so, any existing or traditional access that may be associated with the harbor will be maintained.

11 AAC 112.300. Habitats

The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, estuaries, wetlands, tidelands, and rivers must be managed to avoid, minimize, or mitigate significant adverse impacts to:

Estuaries:

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

Wetlands:

Water flow and natural drainage patterns

Tidelands:

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

Rivers:

A) Natural water flow
B) Active floodplains; and
C) Natural vegetation within riparian management areas

Evaluation:

Estuaries:

A) The Bristol Bay CRSA submitted a request for additional information (2/5/09) with the following statements regarding water flow pertaining to tidelands and natural water circulation patterns pertaining to estuaries:

1) How will the hardened west bank of the inner harbor basin affect the unhardened area immediately upstream from it?
2) How will the change in fluid dynamics created by the hardened west bank interact with the changes created by the new boat ramp the city will be installing [on the North side] just upstream and on the opposite side of the bank? Will this create further pressure on the eroding west bank upstream of the proposed hardened area – in particular the area just downstream from the culvert?
3) How will this deflection and acceleration of current affect the unprotected east side of the harbor?
4) Photo evidence suggests that erosion on the east bank of the harbor progressed steadily in the periods between large storms and isn't necessarily the direct and one-time result of large storms – how do boat-generated waves affect the inner harbor?
5) Regarding the dock-side of the plan, how will the proposed alternative affect erosion of the marshy area upstream of where the revetment turns inland?

On 3/3/09, the U.S. Army Corps of Engineers/Civil Works, responded to BBCRSA with the following:

West Bank

"The west side of the revetment will extend through the area that is currently experiencing the greatest erosion and will key into the existing bank. This should not affect the unreveted side of the revetment as the reduction in wave climate within the harbor will greatly reduce erosion through, and keying into the bank should help prevent flanking of the revetment"

Boat Launches

"In the Corps' experience, angled boat launches typically do not affect the interior harbor wave climate or sedimentation patterns, in contrast to bulkheads and other perpendicular walls that can reflect waves and increase wave action in the harbor"

East Bank

"The Corps agrees that the majority of the erosion observed on the east side has been caused by day-to-day wave action and boat wakes. The design of the harbor at Dillingham is, in fact, based on a 50-year design wave of 6.22 feet and not on extreme or rare events. Based on a diffraction analysis, the breakwater alignment will reduce the wave climate in the harbor to 1.2 feet, which should result in a significant reduction of the erosion observed along the harbor's east bank. Effects on the currents within the harbor should be minimal. As for boat wakes, the City of Dillingham has the authority to regulate boat speeds in the harbor. Boat wakes within a small, well-regulated harbor should be negligible, and were not considered in the Corps design."

B) The BBCRSA has designated the proposed location as a subsistence use area. The applicant has stated that the construction of the revetments and breakwater would take place within a general area used by subsistence fishers (Scandinavian Creek beach) but would not be on that portion of beach typically used by subsistence fishers. The project is not expected to interfere/competition with subsistence fishing practices and should actually create a net benefit for subsistence users of the Nushagak estuary by stabilizing the shoreline and improving access to coastal waters.

Wetlands:

The applicant has stated that the proposed project will result in a loss of approximately 0.2 acres of wetlands and that the loss should not result in changes to water flow or drainage patterns

Tidelands:

A) Please see the above explanation for estuaries
B) The applicant has stated that within the project area, macrofaunal invertebrates are low in abundance or nonexistent and the intertidal zone is used little by wildlife. Consequently, the loss

of these tidelands should not interfere with wildlife uses. In addition, the applicant has stated that the construction of the revetments and breakwater would take place within a general area used by subsistence fishers (Scandinavian Creek beach) but would not be on that portion of beach typically used by subsistence fishers. The project is not expected to interfere/competition with subsistence fishing practices

Rivers

A) The Bristol Bay CRSA submitted a request for additional information (2/5/09) with the following statements regarding natural water flow pertaining to rivers:

1) How will the proposed breakwater affect sediment deposition around the mouth of the harbor in particular and how will it interact with structures up and downstream?

On 3/3/09, the U.S. Army Corps of Engineers/Civil Works, responded to BBCRSA with the following: "The sedimentation rates at Dillingham harbor are currently so high that the dredge contractor must dredge the entrance channel each year just to reach the harbor. Most of this sediment settles from the ambient water body. In the Corps' judgment, the proposed design may alter some localized sedimentation patterns, but is unlikely to affect overall sedimentation rates. A sedimentation study to verify this would have been expensive, and probably would not have yielded useful information. Regardless of any changes to sedimentation rates or patterns, the Federal share of the maintenance dredging (100% of the cost) remains the same. The risk of increased costs from increased sedimentation rates would not be passed on to local entities."

B) The proposed project is not located with an active floodplain

C) The proposed project will not be able to avoid impacts to the riparian management area as the construction of the revetments and breakwater will occur within harbor waters. However, the proposed work is to reduce and prevent erosion within the Dillingham Small Boat Harbor. The end result of this project is to ensure the protection of the harbor and will not result in significant adverse impacts to the riparian management area of the Nushagak River.

11 AAC 112.310. Air, land, and water quality.

Evaluation: 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. (Eff. 7/1/2004, Register 170)

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

Evaluation: Comments from the district and the State did not identify the proposed project location as an area which is important to the study, understanding, or illustration of national, state, or local history or prehistory. The applicant has been advised to contact DNR/SHPO should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

Bristol Bay CRSA Enforceable Policies

A-1: Floating Facilities

The proposed project is not a floating facility and does not apply to this project.

B-1: Activities in Designated Recreation Areas

The Nushagak River has been designated by the BBCRSA as a recreation area. However, the proposed purpose of this project is to reduce and prevent erosion within the Dillingham Small Boat Harbor. The end result of this project is to ensure the protection and enhance accessibility, therefore, maintaining/potentially increasing, recreational use and activities.

No comments were received that referenced this enforceable policy.

C-1: Pre-application Consultation and Surveys
The BBCRSA has designated this area for the understanding of history and prehistory. However, the applicant has stated that the State Historic Preservation Office has reviewed the proposed project, resulting in a finding of no historic properties adversely affected.
No comments were received that referenced this enforceable policy.