

APPENDIX 5

Alaska Coastal Management Program Enforceable Policies Evaluation

Valdez Coastal Management Program
Enforceable Policies

Effective Date: February 4, 1987

The following evaluation compares the enforceable policies against the anticipated effects of the Valdez Navigation Improvements project. The project features and environmental impacts are discussed in the Feasibility Report and Integrated Environmental Assessment.

A. Coastal Development

1. Water-Related and Water-Dependent Uses

In planning for and approving development in shoreline areas, priorities shall be in the following order:

- (a) water-dependent uses and activities;

The Valdez proposed harbor is water-dependent.

- (b) water-related uses and activities; and

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

2. Habitat Protection

To the extent feasible and prudent, all land and water uses and activities shall avoid potentially adverse impacts on fish and wildlife and their habitats. Where adverse impacts cannot be avoided, mitigation shall be required. **The harbor would impact 26 acres of intertidal/subtidal moderately productive habitat. Adjacent habitats are similar and abundant. Avoidance and minimization measures have been employed in the design. Compensatory mitigation proposed is to cap decaying bark at the Two Moon Bay Log Transfer Site to restore the bottom habitat and thereby replacing lost habitat at the harbor.**

3. Development In and Over Water

To the extent feasible and prudent, development in or over water, such as piers, docks and protective structures shall avoid adverse impacts on water quality, fish and wildlife, vegetation and physical processes. **The harbor would construct breakwaters and create an upland staging area using dredged material. Construction would be timed to avoid sensitive fish migration periods, allow for near shore fish migration by providing near shore breaches, and maintain water quality by configuring the harbor for maximum circulation. Best management practices would be instituted into a harbor management plan to include trash and waste oil disposal, a bilge water pump-out station, and fuel spill prevention and containment.**

4. Buffer Zones

Where industrial uses and activities may cause significant adverse visual or noise impacts on adjacent uses and activities, the developer shall be required to provide adequate screening or open space buffers to reduce the nuisance to acceptable levels. Where prudent and feasible a 100 foot buffer of natural vegetation will be maintained. **Not Applicable**

5. Alteration of Bodies of Water

The placement of structures and the discharge of dredge or fill material into water bodies, floodways, backshores or wetlands must, at a minimum, comply with the standards contained in parts 320-330, Title 33, Code of Federal Regulations. **The project will be in compliance.**

6. Sewage Systems

Every building in which plumbing fixtures are installed and every premise with drainage piping thereon shall have a connection to a public sewer or an approved on-site sewage disposal system. **Not Applicable**

7. Hazardous Lands

Residential development shall not occur in areas designated as hazardous areas (including those shown in figures 4.1 and 4.2) such as avalanche run out zones, active floodways and high water channels and unstable slopes and shorelines. **Not Applicable**

8. Cooperative Uses of Facilities

Cooperative use of piers, cargo handling, storage, parking or other water-front facilities is strongly encouraged. (Administrative Policy). **The harbor would be a public harbor open to everyone.**

9. Coordination [Administrative Policy]

The City of Valdez shall use zoning, subdivision and floodplain ordinances and building codes as well as implementation procedures set forth in this plan to implement the district plan. Local regulation shall allow flexibility in the techniques used to achieve the desired goals and objectives of the local government, as expressed in the District Coastal Management Program. **Not Applicable**

10. Optimum Location [Administrative Policy]

The City of Valdez shall assist with the identification of suitable sites for industrial development which satisfy industrial requirements, meet safety standards, protect fish and wildlife resources and maintain environmental quality. **The city of Valdez participated in the identification of the harbor location.**

11. Dredge and Excavation Material [Administrative Policy]

Dredge and site excavation material should be disposed of in sites which will be approved by the Community Development Department. Dredge spoils may also be disposed of by deep water method with the appropriate local, state and federal permitting. **The Valdez Planning Department has approved of the Two Moon Bay disposal/restoration plan for the harbor's dredged material. Permits must be obtained from the State of Alaska.**

B. Industrial and Commercial Facilities

1. Facility Expansion

To the extent feasible and prudent, industrial commercial uses and activities must have enough space for reasonable expansion of facilities without preempting lands suitable for other development. **The harbor alternative selected is the expanded plan.**

2. Consolidation

To the extent feasible and prudent, the activities associated with construction and operation of industrial and commercial uses and activities shall consolidate use of facilities such as staging and storage areas, right-of-ways and dock and other transportation facilities. **The harbor alternative is adjacent to the existing harbor and the Alyeska SERVS Dock.**

3. Habitat Protection

Projects which require dredging, clearing or construction in productive habitats shall be designed to keep these activities to a minimum area necessary for the project. **The harbor plan has been maximized to accommodate the vessel moorage demand. The harbor configuration is constrained by topography and also to meet circulation and flushing standards.**

4. Accidental Spills

To the extent feasible and prudent, industrial and commercial uses and activities must be designed and sited where waste water effluents and oil, fuel and other potentially harmful or toxic spills can be controlled or contained effectively by utilizing the most effective technology and natural features, such as topography. **The harbor will have a state of the art fuel dock with a spill prevention and containment plan. The breakwater would contain spills with the aid of sorbent booms.**

5. Air Quality

To the extent feasible and prudent, industrial and commercial uses and activities with airborne emissions must be located where winds and air currents can disperse emissions which cannot be captured before escape into the atmosphere. The shore-term emissions and cumulative impacts of facilities shall not violate state and federal air quality standards. **The proposed harbor is in a windy area and would be expected to adhere to air quality standards.**

6. Water Quality

The shore term effluents and cumulative impacts of facilities shall not violate state and federal water quality standards. To the extent feasible and prudent, industrial and commercial uses and activities must be located in areas of least biological productivity, diversity and vulnerability and where effluents can be controlled (including areas where currents can disperse effluents) or contained. **The harbor is located in a moderately productive habitat but is also sited near the existing harbor. The combined facility will improve water quality in the existing harbor by reducing overcrowded conditions and upgrading the fuel facility. A harbor management plan will include fuel spill containment and prevention plans and equipment, trash and waste oil containers, and a bilge water pump out station. Sediment control measures would be in place during dredging.**

7. Impact Avoidance

To the extent feasible and prudent, industrial and commercial uses and activities will be sited to minimize adverse impact on environmental and cultural values on adjacent lands and waters. **The new harbor is adjacent to the existing harbor so the commercial and industrial uses are concentrated in one area.**

8. Pipeline and Utility Corridors

To the extent feasible and prudent, existing pipeline utility corridors shall be used for new facilities or expansion of existing facilities, rather than developing new corridors. **Not Applicable**

9. Site Selection

The siting and approval of major energy facilities shall be based on the standards of the Alaska Coastal Management Program (RCMP). Sites suitable for the development of major onshore, near shore, and offshore energy facilities must be identified by the state in cooperation with the district. **Not Applicable**

C. Recreation, Tourism, and Natural Setting

1. Scenic Views

Recreational and access developments shall, wherever appropriate, blend into the surroundings, and preserve or enhance scenic views and vistas. **Not Applicable**

2. Development of Recreation and Tourism [Administrative Policy]

The City of Valdez shall encourage recreational and tourism development and improvement of the aesthetics of the city. Recreational developments shall provide the local population a wide range of recreations opportunities in appropriate locations. **The proposed harbor would provide increased recreational and charter boat tourist opportunities.**

3. Public Recreation [Administrative Policy]

The City of Valdez shall support local, state, and federal efforts to develop marine parks, roadside pullouts and other recreation facilities on public lands within the adjacent to the Valdez coastal district boundaries. **Not Applicable**

D. Transportation and Utility Routes

1. Location

Wherever there is a feasible inland alternative, transportation and utility routes shall be located away from the shorelines. If shoreline routes are constructed, they shall provide reasonable means of public access to the water. All state projects within the City limits shall be reviewed by the City as required in AS 35.30.010. **Not Applicable**

2. Facility Design, Construction, and Maintenance

Design, construction and maintenance of highways, airports, ports, and utilities shall not alter water courses, wetlands, and intertidal marshes unless there is a significant public need for the use or activity and no other feasible alternate site is available. If construction is approved all feasible and prudent steps to maximize conformance with the RCMP standards and the policies in this plan will be taken. **The proposed harbor will alter the near shore zone by the construction of breakwaters and dredging. There will be no impact to water courses, wetlands or intertidal marshes. There is a significant public demand for additional moorage slips.**

3. Stream Crossings

To the extent feasible and prudent, roads shall avoid crossings of anadromous fish streams. Bridges and culverts shall be designed, scheduled, and constructed in accordance with good fisheries conservation practices which minimize habitat disturbance and allow the free passage of fish. **Not Applicable**

4. Underground Utilities

To the extent feasible and prudent, underground installation of utilities shall be required. Overhead installation will only be approved if it is not feasible and prudent to place the utilities underground. **Not Applicable**

5. State-Highway Construction and Maintenance [Administrative Policy]

The City of Valdez shall support highway construction and maintenance efforts to improve the transportation link to Interior Alaska. **Not Applicable**

E. Geophysical Hazards

1. Avalanches and Mass Wasting

Proposed industrial and commercial development within mass wasting areas and avalanche run out zones shall be prohibited unless appropriate siting, design, and construction measures for minimizing property damage and protection against loss of life have been provided. **Not Applicable**

2. Riverine and Glacier-Dammed Lake Outburst Flooding

To the extent prudent and feasible, structures (including bridges and flood diversion structures such as dikes) shall not be located in the floodway. Bridges and fills that cross the floodway shall be designed and maintained to permit flow through the structure at flood levels and to avoid retaining and spreading flood waters behind them. Applicants for structures within the floodway and floodway fringe shall be aware that the Valdez Flood Plain Ordinance also addresses such uses and activities. **Not Applicable**

3. Coastal, Seiche, and Tsunami Flooding

New development within 10.5 feet elevation above mean sea level (100-year recurrence or 1 percent probability event) shall be limited to water-related or water-dependent uses. Water-related and water-dependent development within 10.5 feet above sea level shall be subject to siting, design, and construction measures to safeguard against potential hazards. **The harbor is water-dependent.**

4. Seismic Events

All development in seismic hazard and liquefaction areas shall be prohibited unless appropriate siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Refer to Figure 4.1). **Not Applicable**

5. Coordination [Administrative Policy]

The City of Valdez shall work with state and federal governments and private interests to gather geophysical information, analyze the extent of hazards, and recommend proper siting, design, and construction measures in order to maximize safe utilization of hazardous lands. **The city of Valdez as project sponsor has cooperated in siting and design of the harbor.**

6. Glacier Stream Flood Plain Plan [Administrative Policy]

The City of Valdez shall prepare a Glacier Stream Gravel Management Plan to direct gravel mining within the Glacier Stream flood plain. **Not Applicable**

F. Coastal Access

1. Public Access

To the extent feasible and prudent, new development adjacent to the shoreline shall incorporate public access to the shoreline. **The harbor would be public and have boat launch facilities.**

2. Recreation Facilities [Administrative Policy]

The City of Valdez shall continue to provide access to the shoreline through trails, bike paths, and development of state public interest lands under its management.

G. Fisheries and Seafood Processing

1. Optimum Resource Use

Maintenance and enhancement of fisheries habitat and migratory routes shall be given high priority when evaluating shoreline uses. **The harbor would incorporate near shore fish passage breaches into the breakwaters.**

2. Development

To the extent feasible and prudent, development which may have an adverse impact on recreational or commercial fishing activities or fisheries enhancement projects shall be designed and sited to avoid these impacts. Where adverse impacts cannot be avoided, mitigation shall be required. **The harbor will benefit commercial and recreational fishing activities by providing additional moorage space.**

3. Fisheries Enhancement [Administrative Policy]

Fisheries programs will strive to maintain, restore, develop or enhance the natural biological productivity of Port Valdez, anadromous fish streams and lakes in the coastal zone. **The harbor project would not significantly affect the biological productivity of the area.**

H. Mineral Extraction and Processing **Not Applicable**

1. Site Preference

To the extent feasible and prudent, sources of sand and gravel shall be authorized in the following sequence:

- (a) existing gravel pits;
- (b) reuse of gravel from abandoned development areas;
- (c) new upland sites;
- (d) rivers, streams, and lakes that do not support fish;
- (e) shoreline and offshore gravel sources; and
- (f) floodplain gravel sources in fish-bearing streams.

2. Gravel Mining

If mining in floodways and floodway fringes cannot be avoided, the following policies apply to all types of rivers and streams:

- (a) to the extent feasible and prudent, changes to channel hydraulics shall be avoided; and

- (b) gravel pits shall be located to minimize the probability of channel diversion through the site.

In addition, the following policies shall apply to anadromous fish bearing waters and tributaries to anadromous fish bearing waters:

The affects of gravel removal shall be minimized by maintaining buffers between active channels and the work area and by avoiding: 1) instream work, 2) unnecessary clearing of riparian vegetation and 3) disturbance to natural banks.

To the extent feasible and prudent, site configurations shall avoid the use of long straight lines and shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitat.

- (c) If the site is likely to be inundated during operation, temporary dikes shall be constructed around the site to minimize disturbance to low flow channels and avoid entrapment of fish.

- (d) When gravel washing operations occur on the floodplain, settling ponds are required and shall be diked or set back to avoid breaching by the 10year flood. The wash water shall be recycled; effluent discharge shall comply with state and federal water quality regulations.

3. Mineral Extraction and Processing **Not Applicable**

Mining and mineral processing in the coastal district shall be regulated, designed, constructed and maintained so as to be compatible with the RCMP, adjacent uses and activities, state and federal laws and this plan.

4. Material Sources [Administrative Policy]

Applicants proposing activities that require development of new gravel or other material resources will coordinate with the City of Valdez in the identification of material sites.

Agreed

I. Archaeological and Historic Resources

1. State and Federal Regulations

The Valdez Coastal Management Plan adopts 6 AAC 80.150 dealing with historic, prehistoric and archaeological resources. This standard requires districts and appropriate state agencies to identify coastal areas important to the study, understanding or illustration of national, state, or local history or prehistory. **Coordination with the State Historic Preservation Officer has determined that the harbor project would have no affects to cultural resources.**

2. Resource Identification [Administrative Policy]

Because prehistoric and archaeological sites are important assets, the City of Valdez shall institute programs designed to identify and protect all significant sites not already protected by federal and state programs.

Air and Water Quality

1. State and Federal Regulations

All uses and activities shall comply with state and federal regulations for air and water quality. **The harbor would be in compliance with air and water quality standards.**

2. Wastewater Discharge

To the extent feasible and prudent, the site of discharge of wastewater and other effluents must be located in areas of least biological productivity, diversity and vulnerability and where effluents can be controlled (including areas where currents can disperse effluents) or contained. All uses and activities shall avoid violations of federal and state water quality standards, including those for maintaining fish and wildlife populations and their habitats, commercial fishing activities and recreation activities. **Not Applicable**

3. Harbor

Harbor, small boat harbor and marina designs shall incorporate facilities for proper handling of sewage and refuse in accordance with state and federal regulations. **The proposed harbor would have a harbor management plan to insure proper pollution controls are in place. A new bilge water pump out facility will be constructed in association with the harbor.**

K. Resource Enhancement and Protection

1. Conservation Areas

Important habitat areas identified below are designated as conservation areas whose primary use is for the enhancement and protection of fish and wildlife habitats. These areas shall be maintained in an undisturbed and natural state. Weirs and other structures necessary for the study or enhancement of habitats are permitted. Access roads, trails, vehicle pullouts and parking, and interpretive signs may be allowed after a coastal consistency review determines such uses to be consistent with other RCMP and Valdez Coastal Management Program (CMP) provisions.

Conservation areas include all public lands and waters in the Duck Flats; Robe Lake and associated wetlands; and all anadromous fish streams and lakes, including appropriate setbacks (see policy K-4). **The harbor is not within these areas.**

2. Habitats

The City of Valdez adopts the standards set forth in 6 AAC 80.130, which apply to habitats within the coastal area. **The harbor project adheres to the below standards.**

3. Upland Habitats

Upland habitats shall be managed to prevent excessive runoff and erosion and to retain natural drainage patterns, surface water quality and natural groundwater recharge areas.

4. Anadromous Fish Streams and Lakes

No development or land clearing with the exception of hydroelectric, transportation or utility routes, and uses and activities involving the study, protection, or enhancement of anadromous fish shall take place within a minimum of 25 feet within residential subdivisions and within 40 feet outside residential subdivisions from the ordinary high water mark of anadromous fish streams and lakes. In consultation with the Alaska Department of Fish and Game setback distances of up to 100 feet may be required based on a site-specific analysis utilizing the following evaluation criteria:

- (a) Sensitivity of anadromous fish using the proposed site (i.e., species and life stage).
- (b) Nature of the proposed activity, including construction and operation, and size and configuration of the lot with respect to the stream.
- (c) Characteristics of riparian vegetation.
- (d) Slope and soil type at proposed activity site.
- (e) Social and economic impacts.

5. Eagle Nest Sites

Bald eagles and their nests are protected under the Bald Eagle Protection Act (16 U.S.C. 668-668c). To minimize the potential of violating this federal act through induced nest abandonment, an undisturbed buffer of 330 feet in radius around each bald eagle nest tree will be established where feasible and prudent. The exact dimensions of the undisturbed buffer may be modified based upon the local topography, timber type, wind firmness, and other factors. The undisturbed buffers will be established in consultation with the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game. **The harbor is not near eagle nest sites.**

6. Buffer Zones

Where industrial and commercial activities may cause significant adverse impacts on fish and wildlife populations and habitat, the development shall be required to provide a minimum 25 foot buffer. Where prudent and feasible, additional buffers of up to 100 feet will be required to avoid significant adverse impacts. **Buffers are not necessary for the harbor.**

1. Subsistence

The City of Valdez adopts the standards set forth in 6 AAC 80.120, which apply to subsistence activities within the Valdez Coastal Management District. This standard requires the recognition and assurance of opportunities for subsistence usage of coastal areas and resources; requires the identification of areas where subsistence is the dominant use of the coastal resource; allows subsistence zones, giving those uses and activities priority, to be designated and protected from proposals with possible adverse impacts; and requires that districts that share migratory fish and game resources submit compatible plans for management. **The harbor project would provide more moorage space that would benefit subsistence activities.**

M. Timber

1. Timber Harvest and Processing **Not Applicable**

