

<b>Aleutians East Borough</b>	<b>Consultant – Glenn Gray and Associates</b>
<p>Policy A-1: Fisheries Habitat</p> <p>a. Activities that reduce the net productivity fish habitat are not allowed including disruption to banks and stream beds. Projects that disrupt fish habitat are allowed if the project description includes provisions to restore the productivity of the disturbed area or rehabilitate a nearby area of the waterbody so that the net productivity of the watershed is not diminished.</p> <p>b. Eelgrass Beds: Development activities with a potential to cause significant adverse impacts to eelgrass beds are not allowed.</p> <p>c. This policy is established pursuant to 11 AAC 114.250(h). Subsection a applies to uses and activities in designated important habitat areas for fish and subsection b applies to eelgrass beds designated as important habitat as described in Section 4.4.2.</p>	<p>OPMP recommends that the enforceable policy not be approved. The proposed Important Habitat designated Area was not recommended for approval (see designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable, nor permissible.</p> <p>In addition, the enforceable policy is not approvable because it contains criteria. The State Habitat Standard at 11 AAC 112.300 requires that the eight listed habitat types be manage to avoid, minimize, or mitigate significant adverse impacts. The avoid, minimize, or mitigate sequence is defined at 11 AAC 112.900. Since the avoid, minimize, mitigate sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid, minimize, or avoid sequence, and is therefore, not permissible.</p>
<p>Policy B-1: Bank Stabilization</p> <p>a. All stream or lake bank cuts, fills or exposed earthwork in or adjacent to fish habitat, wetlands or marine waters shall be stabilized to prevent erosion during construction, operation and following cessation of development activities.</p> <p>b. This policy is established pursuant to 11 AAC 114.250(b), and it applies to areas designated as subject to erosion hazards as described in Section 4.4.3.</p>	<p>OPMP recommends that the enforceable policy not be approved.</p> <p>Stabilizing erosion prone areas is considered an appropriate measure for the known natural hazard of erosion and therefore already addressed by 11 AAC 112.210. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing erosion is not adequately addressed.</p> <p>In addition, various State and federal agency laws, including AS 41.14.840, AS 41.14.870, 18 AAC 60 and 70 manage the impacts to water quality and habitat. The State Habitat Standard at 11 AAC 112.300 also already addresses certain aspects of impacts to habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing impacts to habitat is not adequately addressed.</p>
<p>Policy C-1: Coastal Facilities</p> <p>a. For a development facility in coastal waters, project applicants shall include measures in the project description demonstrating that the facility is for a water-dependent use and that the facility is sited, designed, constructed and operated to</p>	<p>OPMP recommends this policy not be approved. This enforceable policy does not meet the requirements of 11 AAC 114.270(e)(2) in that requiring optimization of use is not enforceable language.</p>

<p>minimize the need for duplicative coastal facilities and to optimize the use of coastal land and water. These facilities include waterfront facilities, docks, piers, cargo handling and storage areas, commercial and subsistence fishing support facilities, and marinas.</p> <p>b. This policy is established under the Coastal Development standard subject use (11 AAC 112.200), and it applies to developments in or adjacent to coastal waters.</p>	
<p>Policy D-2: Siting of Seafood Processing Facilities</p> <p>a. Land-based and floating fish processors shall site facilities to avoid or minimize impacts to coastal resources and uses.</p> <p>b. To the extent practicable, applicants for seafood processing facilities shall include measures in the project description for maximizing the recovery and efficient utilization of processing waste through production of byproducts such as fish meal or fish oil.</p> <p>c. This policy is established for areas designated as suitable for commercial fishing and seafood processing facilities under 11 AAC 114.250(f) as described in Section 4.4.5. Policy D-2: Siting of Seafood Processing Facilities</p>	<p>OPMP recommends that the enforceable policy not be approved for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed sites suitable for commercial fishing and seafood processing facilities designated area was not recommended for approval (see designated area analysis table for justification). Without an approved designated area, this policy will not be applicable, nor permissible.</li> <li>2. The subject of this enforceable policy is broader than the designation allowed under 11 AAC 114.250(f), which is limited to designating areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. The designation was never meant to address commercial fishing or seafood processing, which is already regulated by other state laws.</li> <li>3. The policy is not clear and concise as required by 11 AAC 114.270(e)(1) because the district proposes to designate all coastal waters and the policy contradicts this designation in attempting to limit the impacts to coastal resources and uses.</li> <li>4. The policy applies outside the designated area, in that the designated area is all coastal waters and the policy discusses land-based activities.</li> </ol>
<p><b>Aleutians West CRSA</b></p>	<p><b>Consultant – LaRoche + Associates</b></p>
<p>K-2 Sand and Gravel Extraction Operation Sand and gravel extraction operations in coastal floodplains shall be located and designed to minimize adverse changes to channel hydraulics and the potential for channel diversion through the extraction site, unless specifically designed to reduce erosion</p>	<p>Due to recent comments from the Office of Habitat Management and Permitting based on the preliminary recommendations OPMP does not recommend this policy for approval. The issues of channel hydraulics and channel diversions are adequately addressed by AS 41.14.840 and AS 41.14.870.</p>

or flooding threats.	
<b>Municipality of Anchorage</b>	<b>Consultant – Bristol Environmental and Engineering Services Corporation, LaRoche + Associates</b>
<p>RECREATIONAL USE AREAS EP-1</p> <p>The following uses are allowed and considered appropriate in the Recreation Use Area and Important Habitat Designations: primary and secondary structures, utilities and transportation features, direct access to stream or waterbodies or to accommodate water-dependent or related uses, habitat enhancement or restoration projects, land clearing, impervious surfaces, clearing of native or other vegetation, removal of dead or decaying trees that threaten public or private property or health and safety. These uses are permitted provided they meet the following required conditions [and relevant regulations in the Anchorage Land Use Code]:</p> <p>(a) A 50-foot setback from the Ordinary High Water (OHW) of streams and/or waterbodies, as depicted on Maps 1, 2 &amp; 3 or on other published and available Municipality of Anchorage maps or GIS coverages, unless there is no practicable alternative location for the use or activity.</p> <p>(b) For streams or waterbodies with contiguous wetlands, setback distances shall follow those defined in Table 2 of the Anchorage Wetlands Management Plan (see Appendix), which vary from 25' to 200'.</p>	<p>OPMP recommends this policy be approved provided the following changes are made.</p> <p><i>The following uses are allowed and considered appropriate in the Recreation Use Area: primary and secondary structures, utilities and transportation features, direct access to stream or waterbodies or to accommodate water-dependent or related uses, habitat enhancement or restoration projects, land clearing, impervious surfaces, clearing of native or other vegetation, removal of dead or decaying trees that threaten public or private property or health and safety. These uses are permitted provided they meet the following required conditions:</i></p> <p><i>(a) A 50-foot setback from the Ordinary High Water (OHW) of streams and/or waterbodies, as depicted on Maps 1, 2 &amp; 3 unless there is no practicable alternative location for the use or activity.</i></p> <p><i>(b) For streams or waterbodies with contiguous wetlands, setback distances shall follow those defined in Table 2 of the Anchorage Wetlands Management Plan (see Appendix), which vary from 25' to 200'.</i></p> <p>This enforceable policy is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>The policy addresses a matter regulated by state law, namely 11 AAC 114.250 (c). The district documents that the matter is of local concern as shown in the above table and in the Resource Inventory and Analysis.</p>

<p>COASTAL ACCESS EP-4</p> <p>(A) Development shall not interfere with existing legal public access to, or use of, the waterfront where such access or use has been established through acquisition, donation, dedication, or prescriptive easement.</p> <p>(B) New subdivisions shall be designed to maintain or enhance public access to, from, and along the lands and waters within the coastal zone where practicable.</p>	<p>OPMP recommends this policy be approved provided the following changes are made.</p> <p><i>(A) Development shall not interfere with existing legal public access to, or use of, the waterfront where such access or use has been established through acquisition, donation, dedication, or prescriptive easement.</i></p> <p><i>(B) New subdivisions shall be designed to maintain or enhance public access to, from, and along coastal waters within the coastal zone where practicable.</i></p> <p>This enforceable policy flows from the coastal access standard; is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>The policy addresses a matter regulated by state law, namely 11 AAC 112.220. The district documents that the matter is of local concern as shown in the above table and in the Resource Inventory and Analysis.</p>
<p>IMPORTANT HABITAT IH-1</p> <p>The following post-construction, project site restoration Best Management Practice shall apply to all development activities located within the waterbody setbacks delineated in EP-1:</p> <ul style="list-style-type: none"><li>• Revegetation of disturbed and/or fill areas shall be required and shall include non-invasive species at a density similar to pre-construction conditions.</li></ul>	<p>The Important habitat designated area was not approved (See OPMP's Designated Area Analysis Table), thus the policy cannot be approved.</p> <p>After several lengthy reviews of the Important Habitat designation OPMP has determined that, while the ASIDSS model is a highly useful planning tool, its current application as the basis of the habitat designation does not meet the requirements of the regulations as outlined at 11 AAC 114.250 (h).</p> <p>The model shows "A" wetlands, songbird assemblages, and anadromous fish. While these factors are clearly important in determining biologically and significantly productive, the model also takes into account several other factors such</p>

	<p>as geophysical hazards and the 100-year floodplain which are not included in the requirements at 11 AAC 114.250 (h).</p> <p>The model is a “Sensitivity model” showing areas most at risk for human impacts. While this is important information to have for planning purposes this does not meet the requirements of the regulations for designating important habitat. This model is an important planning tool, it appears that it could be manipulated to reflect the requirements for designating the areas, but since we were only introduced it in February 2006, there was not enough time and too many unanswered questions to approve the model at this time.</p>
<p><b>Bering Straits CRSA</b></p>	<p><b>Consultant – Glenn Gray and Associates</b></p>
<p>Policy A-1: Subsistence Use Priority</p> <p>a. Activities in areas designated as important for subsistence use that do not give subsistence use the highest priority use are not allowed.</p> <p>b. An applicant shall address the following matters in the analysis required by 11 AAC 112.270:</p> <p>1) Activities that would reduce opportunities for subsistence use,</p> <p>2) Measures that will be implemented to insure the subsistence use priority is met., and</p> <p>3) Measures that will ensure the customary and traditional uses of subsistence resources are not diminished.</p> <p>c. Project activities that deplete subsistence resources below the level sufficient to support customary and traditional harvests of subsistence resources are not allowed. Customary and traditional use is documented in studies cited in the resource inventory and analysis.</p> <p>d. This policy relates to uses and activities for subsistence use areas designated under the authority of 11 AAC 114.250(g). The subsistence use area designations are described in Section 4.5.1.</p>	<p>OPMP recommends this policy not be approved. The proposed Subsistence Use designated area was not recommended for approval (see the designated area analysis table for justification). Without an approved subsistence use designated area, this policy will not be applicable, or permissible.</p> <p>Parts a and c are not approvable because the policy contains criteria. The State Subsistence Standard at 11 AAC 112.270 requires that projects within subsistence use areas must avoid or minimize impacts to subsistence uses of coastal resources. The avoid or minimize sequence is defined at 11 AAC 112.900. Since the avoid or minimize sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid or minimize sequence, and is therefore, not permissible.</p> <p>Part b is not approvable because the State Subsistence Standard at 11 AAC 112.270 already addresses subsistence use prioritization and protection through the application of the avoid or minimize sequence. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy B-1: Fisheries Habitat</p> <p>a. Project activities that would result in a net</p>	<p>OPMP recommends this policy not be approved. The proposed Important Habitat designated</p>

<p>decrease to productivity of fish habitat are not allowed. Productivity of fish habitat includes fish spawning, migration, and rearing functions including those occurring in over-wintering areas.</p> <p>b. Facilities are not allowed within 100 feet landward of the ordinary high water mark from each stream bank. This requirement does not apply to projects that require an over-water or water edge location, nor does it preclude necessary stream, river, or lake crossings.</p> <p>c. This policy is established for areas designated as important habitat under 11 AAC 114.250(h) as described in Section 4.5.3, and it applies to uses and activities that affect functions related to the special productivity of fish habitat.</p>	<p>area was not recommended for approval (see the designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable, nor permissible.</p> <p>Part a is not approvable because the policy contains criteria. The State Habitat Standard at 11 AAC 112.300 requires that the eight listed habitat types be managed to avoid, minimize, or mitigate significant adverse impacts. The avoid, minimize, or mitigate sequence is defined at 11 AAC 112.900. Since the avoid, minimize, mitigate sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid, minimize, or mitigate sequence, and is therefore, not permissible.</p> <p>In addition, the proposed enforceable policy duplicates the authority of AS 41.14.870, which requires complete plans and specifications for the proper protection of fish and game. Additionally, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of impacts to fish habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy C-1: Cultural, Historic and Archeological Sites</p> <p>a. For project within the areas designated for historic and prehistoric resources, the applicant shall submit with the consistency review an assessment of potential impacts to historic and prehistoric resources and a plan for protection of those resources. As part of the assessment, the applicant shall consult with the Bering Straits CRSA and tribal entities to determine if a resource survey shall be completed.</p> <p>b. The CRSA shall require a resource survey if one or more of the following circumstances exist:</p> <ol style="list-style-type: none"><li>1) The proposed activity is with one-mile of a known historic or prehistoric site catalogued by the State Historic Preservation Office or by the CRSA, or</li><li>2) The project is a large project.</li></ol>	<p>OPMP recommends that Part a. of this policy be approved excluding the last phrase reading “to determine if a resource survey shall be completed”. OPMP recommends that Part c. of this policy be approved.</p> <p>Parts a. and c. flow from 11 AAC 114.250 (i); are not a matter regulated by DEC; do not adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; are clear and concise as to the activities and persons affected by the policies and requirements of the policies; use precise, prescriptive, and enforceable language; and do not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>Parts a. and c. address a matter regulated by state law, namely 11 AAC 112.320. The district</p>

	<p>has documented that the matter is of local concern.</p> <p>OPMP recommends that the last phrase of Part a. reading “to determine if a resource survey shall be completed” and Part b. not be approved.</p> <p>The last part of Part a. and Part b. are neither clear nor concise as to the activities and persons affected by the policy and the requirements of the policy.</p>
<p>Policy D-1: Bank Stabilization</p> <p>a. All stream or lake bank cuts, fills or exposed earthwork adjacent to waterbodies, including streams, wetlands or marine waters, shall be stabilized to prevent erosion into adjoining waters during construction, operation and following cessation of development activities.</p> <p>b. This policy relates to uses and activities for areas designated as flooding and erosion hazard areas under 11 AAC 114.250(b). These area designations are described in Section 4.5.4.</p>	<p>OPMP recommends this policy not be approved. Stabilizing erosion prone areas is considered an appropriate measure for the known natural hazard of erosion and therefore already addressed by 11 AAC 112.210. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing erosion is not adequately addressed.</p> <p>In addition, various State and federal agency laws, including AS 41.14.840, AS 41.14.870, 18 AAC 60 and 70 manage the impacts to water quality and habitat. The State Habitat Standard at 11 AAC 112.300 also already addresses certain aspects of impacts to habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing impacts to habitat is not adequately addressed.</p>
<p><b>City of Bethel</b></p>	<p><b>Consultant – Bechtol Planning and Development</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>Bristol Bay Borough</b></p>	<p><b>Consultant - none</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>Bristol Bay CRSA</b></p>	<p><b>Consultant – Glenn Gray and Associates</b></p>
<p>Policy A-1: Subsistence Use Priority</p> <p>a. Subsistence use will be given the highest priority for designated subsistence use areas. Activities that would have significant adverse effects to subsistence will not be allowed in these areas.</p> <p>b. Before a potentially conflicting activity may be authorized, the coordinating agency must determine, in cooperation with the district, that the analysis required by 11 AAC 112.270 adequately assesses potential impacts of the</p>	<p>The proposed Subsistence Use designated area was not recommended for approval (see the designated area analysis table for justification). Without an approved subsistence use designated area, this policy will not be applicable, or permissible.</p> <p>In addition, the State Subsistence Standard at 11 AAC 112.270 already addresses subsistence use prioritization and protection through the application of the “avoid or minimize” sequence.</p>

<p>project on subsistence uses and that appropriate safeguards are in place to ensure the subsistence use priority is met and that subsistence resources are not depleted below the level needed to sustain customary and traditional use.</p> <p>c. This policy is established pursuant to 11 AAC 114.250(g), and it applies to uses and activities affecting designated subsistence use areas described in Section 4.5.2.</p>	<p>The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy B-1: Anadromous Fish Habitat</p> <p>a. For projects that may affect fish habitat, applicants shall demonstrate that the activities will not have a significant adverse effect to habitat functions including the ability to support fish spawning, migration, rearing, and overwintering. The habitat characteristics of shorelines that have banks, beaches, and beds important to fish populations shall not be diminished.</p> <p>b. When practicable, projects adjacent to fish habitat will maintain a setback of at least 300 feet landward of the ordinary high water measured from each stream bank. When such a setback is not practicable, activities may occur within this area if there is no loss to fish habitat. This subsection does not apply to projects that require an over-water or water edge location, nor does it preclude or restrict necessary stream, river, or lake crossings. Compliance with the setbacks identified in the Alaska Department of Natural Resource's Bristol Bay Area Plan (2005) will also achieve compliance with this policy (pp. 61 and 66-67).</p> <p>c. Sand and gravel extraction in or adjacent to fish habitat shall use measures to prevent adverse impacts to fish and fish habitat including, but not limited to, berms, settling ponds, and measures to prevent fish entrapment. Reclamation or rehabilitation measures will be required in order to minimize stream bank erosion and to maintain fish habitat. Sand and gravel extraction operations will be consolidated and not allowed when another reasonable source is feasible.</p> <p>d. This policy is established under authority of 11 AAC 114.250(h), and it applies to uses and activities affecting areas designated as important habitat as described in Section 4.5.1.</p>	<p>The proposed Important Habitat designated area was not recommended for approval (see the designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable, nor permissible.</p> <p>In addition, the proposed enforceable policy duplicates the authority of AS 41.14.870, which requires complete plans and specifications for the proper protection of fish and game. Additionally, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of impacts to fish habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>



<p>Policy B-7: Sand and Gravel Extraction</p> <p>a. Review and approval of sand and gravel extraction from barrier islands, spits and coastal waters, including intertidal areas, shall use the following criteria.</p> <ol style="list-style-type: none"><li>1. Upland areas shall be used before other areas to the maximum extent practical.</li><li>2. For the portions of rivers and streams considered coastal waters:<ol style="list-style-type: none"><li>i) Larger rivers and streams shall be used before siting operations in smaller rivers and streams,</li><li>ii) Braided river systems shall be used before siting operations in other river systems,</li><li>iii) The quantity of gravel removed shall be limited to ensure gravel recruitment and accumulation rates are sufficient to avoid extended impacts on channel morphology and anadromous fish habitat,</li><li>iv) Skimming of gravel bars in streambeds shall be allowed only when other alternatives are not practical; use of gravel bars shall occur during periods of low flow and from areas above the low-flow water level,</li><li>v) When practical, operations shall avoid removal of large, woody debris from streambeds; When it is not practical to leave such material in the streambed, comparable materials shall be replaced by an applicant,</li></ol></li><li>3. Applicants shall include in the project description measures to monitor the adverse impacts of gravel operations on anadromous fish habitat to determine if actual impacts exceed those predicted.</li></ol> <p>b. This policy relates to uses and activities covered by the statewide sand and gravel extraction policy (11 AAC 112.260) and applies throughout the coastal area to the types of areas mentioned in the policy.</p>	<p>Subsections (a)(2)(iii)-(v) and (a)(3) duplicate the State's authority at AS 41.14.870. In addition, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of impacts to habitat.</p> <p>It is important to note that certain suggestions were made in the OPMP Preliminary Recommendations of May 1, 2006 that would have allowed this policy to be approvable. However, the coastal district did not make the recommended changes, thus this policy cannot be approved.</p>
<p>Policy D-2: Mining and Recreation</p> <p>a. Mining activities, including surface mining, transportation, and tailings disposal, shall be approved in designated recreation areas only when they have no significant adverse impacts to recreation activities. The following criteria shall be considered by the coordinating agency when determining compatibility:</p> <ol style="list-style-type: none"><li>1. The degree of disturbance to recreational</li></ol>	<p>The proposed Recreation designated area was not recommended for approval (see designated area analysis table for justification).</p> <p>Without an approved recreation designated area, this policy will not be applicable, or permissible.</p> <p>In addition, mining is considered a "use of state concern" as defined at AS 46.40.210. Under AS 46.40.060, the district has not demonstrated that</p>

<p>values, including scenic views and an absence of continuous mechanical noise,                  2. Unimpeded access to recreation areas, and                  3. Continued availability of recreation-related resources identified in the resource inventory and analysis, including sufficient quantities of fish and wildlife.                  b. This policy is established under authority of 11 AAC 114.250(c), and it applies to uses and activities affecting designated recreation areas as described in Section 4.5.4.</p>	<p>this policy does not arbitrarily or unreasonably restrict a use of state concern.</p>
<p><b>Ceñaliulriit CRSA</b></p>	<p><b>Consultant – Glenn Gray and Associates</b></p>
<p>A-1. Subsistence Use                  a. Subsistence use has a priority over all other uses.                  b. For projects that involve activities that compete with subsistence uses, the applicant shall include in the project description measures that will ensure the subsistence priority is met.                  c. Project activities shall not deplete subsistence use opportunities, including the availability of subsistence resources, below the level sufficient to support customary and traditional uses as demonstrated in studies cited in the resource inventory and analysis or studies completed by the Alaska Department of Fish and Game, Division of Subsistence.                  d. This policy relates to uses and activities for subsistence use areas designated under the authority of 11 AAC 112.250(g). The area designations are described in Section 4.5.1.</p>	<p>DCOM recommends this policy not be approved for the following reasons:                  The proposed Subsistence Use designated area was not recommended for approval (see the designated area analysis table for justification). Without an approved subsistence use designated area, this policy will not be applicable, nor permissible.                   Also, the policy is not approvable because the State Subsistence Standard at 11 AAC 112.270 already addresses subsistence use prioritization and protection through the application of the avoid or minimize sequence. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.                  In addition, the policy is not approvable because it contains criteria. The State Subsistence Standard at 11 AAC 112.270 requires that projects within subsistence use areas must avoid or minimize impacts to subsistence uses of coastal resources. The avoid or minimize sequence is defined at 11 AAC 112.900. Since the avoid or minimize sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid or minimize sequence, and is therefore, not permissible.</p>
<p>B-1. Buffer Zone for Anadromous Fish Waters                  a. Uses and activities with a potential to affect use of subsistence resources shall be prohibited within 100 feet of the ordinary high water mark of</p>	<p>DCOM recommends this policy not be approved for the following reasons:                  The proposed Important Habitat designated area was not recommended for approval (see the</p>

<p>anadromous fish streams unless:</p> <ol style="list-style-type: none"> <li>1) The use is a transportation or utility crossing,</li> <li>2) The use is a subsistence camp,</li> <li>3) The purpose of the use is research, protection, or enhancement of anadromous fish or their habitat, including erosion control when there will be no net habitat loss,</li> <li>4) There is a public need for the use, and the use will avoid significant adverse impacts to the anadromous fish waters,</li> <li>5) The use is a gravel mining operation that meets the criteria for Policy G-2, or</li> <li>6) The applicant demonstrates in the project description that measures will prevent the loss of anadromous fish habitat including the loss of habitat functions related to spawning or rearing.</li> </ol> <p>When developing measures, the applicant shall consider the following factors:</p> <ol style="list-style-type: none"> <li>i. The sensitivity of anadromous fish using the site,</li> <li>ii. The nature of the use and the anticipated disturbance, including construction and operation, and the size and configuration of the development with respect to the habitat functions, and</li> <li>iii. The characteristics and function of existing instream and riparian vegetation; and</li> <li>iv. The slope, soil type, and soil stability at the proposed activity site as it affects the potential for erosion problems.</li> </ol> <p>b. This policy is established pursuant to 11 AAC 114.250(h), and it applies to uses and activities in designated important habitat areas as described in Section 4.5.3</p> <p>b. This policy is established pursuant to 11 AAC 114.250(h), and it applies to uses and activities in designated important habitat areas as described in Section 4.5.3.</p>	<p>designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable, nor permissible.</p> <p>Part a is not approvable because the policy contains criteria. The State Habitat Standard at 11 AAC 112.300 requires that the eight listed habitat types be manage to avoid, minimize, or mitigate significant adverse impacts. The avoid, minimize, or mitigate sequence is defined at 11 AAC 112.900. Since the avoid, minimize, mitigate sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid, minimize, or mitigate sequence, and is therefore, not permissible.</p> <p>In addition, the proposed enforceable policy duplicates the authority of AS 41.14.870, which requires complete plans and specifications for the proper protection of fish and game. Additionally, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of impacts to fish habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>C-3. Floating Facilities</p> <p>a. Floating facilities in coastal waters, including barges and dredges, shall:</p> <ol style="list-style-type: none"> <li>1) Use methods that are sufficient to anchor the facility during high winds and extreme tides,</li> <li>2) Be removed or disposed of when the lease or permit has expired or if the facilities are no longer being properly maintained.</li> </ol> <p>b. This policy applies to uses and activities relating to floating facilities, and it is established for the</p>	<p>DCOM recommends this policy not be approved for the following reason:</p> <p>In accordance with 11 AAC 114.240(c) a “district must document by local usage or scientific evidence a use or resource of unique concern that is subject to an enforceable policy”. Ceñaliulriit CRSA does not discuss within the resource analysis the impacts to floating facilities due to high winds and extreme tides.</p> <p>Also, the policy duplicates the authority granted to</p>

<p>Coastal Development standard (11 AAC 112.200).</p>	<p>the Army Corps of Engineers under §10 of the Rivers and Harbors Act (specifically general permit 89-4) and AS 38.05.075(c). The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>D-2. Storm Surges and Flooding  a. Project facilities shall not be sited in areas subject to storm surge and flooding, including areas in and adjacent to coastal waters and areas subject to flooding from freshwater bodies, unless there is a public need and no practical alternative exists.  b. The applicant shall include measures in the project description that demonstrate how project activities, including facility siting, design, construction and operations, will minimize damage to subsistence uses and the resources and habitats on which they depend. The measures shall address the potential for damage from the interaction of project facilities with storm surges and flooding.  c. The CRSA, local governments and tribal agencies shall be consulted under the provisions of 11 AAC 112.210(d). Local residents have expertise about flooding and storm surges from longstanding, direct observations.  d. This policy applies to all areas designated for flooding and erosion under 11 AAC 114.250(b) as described in Section 4.5.2.</p>	<p>DCOM recommends this policy not be approved for the following reasons:  The proposed natural hazard flooding and erosion designated area was not recommended for approval (see designated area analysis table for justification). Without an approved natural hazard designated area, this policy will not be applicable, nor permissible.  DCOM recommends part b not be approved because it addresses subsistence and habitat and therefore does not flow from the natural hazard state standard at 11 AAC 112.210. DCOM recommends part c not be approved because the state standard at 11 AAC 112.210(d) requires the consultation part c addresses. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p><b>City of Cordova</b></p>	<p><b>Consultant – Bristol Environmental and Engineering Services Corporation, LaRoche + Associates</b></p>
<p>CA-2 – Increased Public Access  Subdivision of State, University, Mental Health Trust, City, Eyak, and Chugach Corporation lands shall include public access to, from, and along coastal water and shorelines within designated recreational use areas.</p>	<p>DCOM recommends the following part of this policy be approved:  Subdivision of State, City, Eyak, and Chugach Corporation lands shall include public access to, from, and along coastal water and shorelines within designated recreational use areas.</p> <p>This part of the enforceable policy flows from the coastal access standard; is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses</p>

	<p>precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonably restrict or exclude uses of state concern.</p> <p>This part of the policy addresses a matter regulated by state law, namely 11 AAC 112.220. The district documents that the matter is of local concern.</p> <p>The following parts of the policy are not recommended for approval:          "...University, Mental Health Trust..."</p> <p>Mental Health Trust lands are held by the Trust Land Office (TLO), which is a quasi-state agency which is addressed differently from other state agencies. As per 11 AAC 99.020, trust land is not general state land and is managed separately with strict fiduciary responsibilities. The TLO has an obligation to its Trust beneficiaries to maximize its return on the limited lands owned by the Mental Health Trust. As such, the TLO will not agree to a policy that requires the dedication of an easement or access without compensation to the Trust.</p> <p>Similarly, University of Alaska lands are not general state land and is managed separately for the purpose of raising revenues for the benefit of the University.</p>
<p>SG-2 – Sand and Gravel Extraction          Sand and gravel extraction operations in floodplains shall be located and designed to minimize adverse changes to channel hydraulics and the potential for channel diversion through the extraction site, unless specifically designed to reduce erosion or flooding threats.</p>	<p>OPMP recommends the enforceable policy not be approved. The issues of channel diversion of a channel of any navigable water is adequately addressed by Section 10 of the Rivers and Harbors Act and channel hydraulics is adequately addressed by Section 404 of the Clean Water Act.</p>
<p>TU-1 Visual Access          Where practicable, overhead lines shall be located in a manner that does not interfere with scenic coastal vistas.</p>	<p>OPMP recommends that the enforceable policy not be approved. The policy is adequately addressed by the state transportation routes and facilities standard at 11 AAC 112.280.</p>
<p>EL-1 Only water-dependent uses are allowed beyond the ordinary high water mark within the Eyak Lake AMSA.</p>	<p>DCOM recommends that this policy not be approved. The policy does not flow from a state standard. The Coastal Development standard at 11 AAC 112.200 applies only to "coastal waters" as defined in 11 AAC 112.990.</p>
<p><b>City of Craig</b></p>	<p><b>Consultant - none</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>Haines Borough</b></p>	<p><b>Consultant – Sheinberg Associates</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>City of Hoonah</b></p>	<p><b>Consultant – Sheinberg Associates</b></p>

No enforceable policies were disapproved.	
<b>City and Borough of Juneau</b>	<b>Consultant – LaRoche + Associates</b>
<p><b>WATERFRONT DEVELOPMENT (5.1)</b>          Developments shall, wherever practicable, preserve or enhance visual access including scenic views and vistas to from and along coastal water.</p>	<p>The policy is not enforceable as written since scenic views and vistas have not been delineated in the Resource Inventory and Analysis section of the plan.</p>
<p><b>WETLANDS MANAGEMENT WM(15)</b>          A Mitigation Bank will be established to provide bank credit to satisfy compensation requirements for certain developments in Category C wetlands. The Mitigation Bank will operate under the following conditions:          A. Credits are not available to a permit applicant until the bank completes the wetlands protection, enhancement or creation project and the Wetlands Review Board, in consultation with the agency working group, certifies that the wetlands functions and values have been or will be established.          B. Mitigation Bank credits cannot be used for any permit action where the wetlands area to be adversely affected by a dredge or fill activity exceeds five acres. This requirement prevents bank credits from being exhausted by a single large development.          C. A permit applicant will be required to perform mitigation through individual actions rather than through the bank for fill activities that exceed five acres. The bank is designed to facilitate mitigation for small-scale developments that might otherwise cause cumulative incremental damage to overall wetlands values.          D. To the extent feasible and prudent, projects using least damaging technologies will be given priority in using Mitigation Bank credits.          E. The calculation of cost charged to a project applicant for each Mitigation Bank credit will be based on all costs and expenses incurred or expected to be incurred by the bank in establishing and maintaining the bank. This includes, but is not limited to, applicable land costs and project monitoring.          F. The Mitigation Bank should focus on proven mitigation techniques. Restoration and enhancement is preferred over wetlands creation. Protection of existing wetlands (such as through</p>	<p>The Designated Important Habitat Area has not been approved, and therefore this enforceable policy cannot be approved.</p>

<p>public purchase) is the lowest priority for the bank and should only be considered when development and the loss of wetlands functions and their values are imminent.</p> <p>G. To the extent feasible and prudent, mitigation shall occur in the same watershed as the development for which it is compensation.</p>	
<p><b>Kenai Peninsula Borough</b></p>	<p><b>Consultant – LaRoche + Associates</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>Ketchikan Gateway Borough</b></p>	<p><b>Consultant – LaRoche + Associates</b></p>
<p>COASTAL DEVELOPMENT CD-2:          Structures Placed in Navigable Waters          Placement of piling-supported or floating structures in coastal waters shall be subject to the following standards:          A. Use of structures shall be consistent with the allowable uses on the adjacent uplands.          B. Structures shall not be treated with exteriorly applied creosote preservative coatings.</p>	<p>OPMP recommends the enforceable policy be approved if the district makes the following change:</p> <p>Rewrite the policy to read:</p> <p>Placement of piling-supported or floating structures in coastal waters shall be subject to the following standards:          A. Use of structures shall be consistent with the allowable uses on the adjacent uplands to the maximum extend practicable.          B. Structures shall not be treated with exteriorly applied creosote preservative coatings.</p> <p>This enforceable policy is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p>
<p>RECREATIONAL USE AREAS RCA-2:          Visually Important Backdrops and Visual Points of Interest within the Clover Pass Area          Designated Visually Important Backdrops and Points of Interest are depicted on Map Figures 3.2, 3.7-3.13, 3.27 and 3.33 for the Clover Pass area.          Scenic impacts to important backdrops and points of interest within the Clover Pass Area shall be avoided or minimized through use of coastal development best management practices included in Appendix C. Site clearing and re-grading of important backdrops and points of interest within</p>	<p>OPMP recommends the enforceable policy be approved if the district makes the following changes:</p> <ol style="list-style-type: none"> <li>1. Make changes to map figure 3.2 to show visually important backdrops &amp; points of interest or delete the reference to 3.2.</li> <li>2. Include a reference to the specific best management practices that deal with coastal development (BMP 1-11).</li> </ol>

<p>the Clover Pass Area shall be minimized to the extent practicable.</p>	<p>If the district makes the above changes OPMP recommends the policy be approved in whole. The resulting enforceable policy is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p>
<p><b>Kodiak Island Borough</b></p>	<p><b>Consultant – Glenn Gray and Associates</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>Lake and Peninsula Borough</b></p>	<p><b>Consultant – LaRoche + Associates</b></p>
<p>B-1: Geophysical surveys shall, to the extent practicable, be located, designed, and conducted to avoid disturbances to fish and wildlife populations, important habitats, recreational and tourism use areas and subsistence harvest areas as designated in this and other sections of this plan. Seasonal restrictions, restrictions on the use of explosives, or restrictions relating to the type of transportation utilized in such operations may be required as necessary to mitigate potential adverse impacts to aquatic and marine resources. Geophysical surveys in fresh and marine waters supporting fish or wildlife shall use energy sources such as air-guns, gas exploders, or other sources that have been demonstrated to be harmless to fish and wildlife. The in-water use of explosives for purposes other than geophysical surveys shall be considered on a case by case basis after all steps have been taken to minimize impacts and when no practicable alternatives exist to meet the public need.</p>	<p>OPMP recommends this policy not be approved.</p> <ol style="list-style-type: none"> <li>1. This policy does not flow from use or activity identified in 11 AAC 112.200-112.240, 112.260-280, or 114.250 (b)-(i).</li> <li>2. This policy is adequately addressed by AS 41.14.870.</li> <li>3. This policy is adequately addressed by 11 AAC 112.270.</li> <li>4. This policy is adequately addressed by 11 AAC 112.300.</li> </ol>
<p>D-1: Traditional and customary access to subsistence or personal use areas, as designated in this plan, shall be accommodated unless reasonable alternative access is provided. See also B-1 Seismic Surveys and In-Water Use of Explosives</p>	<p>OPMP recommends the policy not be approved.</p> <ol style="list-style-type: none"> <li>1. The state subsistence standard does not address access; the policy does not flow from 11 AAC 112.270.</li> <li>2. Policy would apply outside of the designated area.</li> </ol>
<p>E-1: Elements of coastal access include roads, waterways, trails, campsites, picnic sites, and marine anchorages. Prior to disposal of municipal,</p>	<p>OPMP recommends this policy not be approved.</p> <ol style="list-style-type: none"> <li>1. Enforceable policies cannot apply to federal lands</li> </ol>



<p>state, or federal lands, public coastal access routes shall be identified and dedicated. See policy H-7 Lakeshore Access Requirements</p>	<p>2. There are no MHT lands in the Lake and Peninsula Borough          3. The district has not sufficiently demonstrated in the Resource inventory and Analysis that University and Mental health Trust lands are a matter of local concern.          4. This policy is adequately addressed by 11 AAC 112.240 and 11 AAC 112.280.</p>
<p>H-2: Uses and activities in recreational waters shall meet the following requirements:          a) Structures and buoys placed in navigable waters shall be visibly marked and placed in a manner to minimize navigation hazards or obstructions to other uses; and          b) To the extent practicable, all developments, structures, and facilities in recreational waters shall be sited, constructed, operated, and maintained in a manner that does not create a hazard or obstruction to other uses.</p>	<p>OPMP recommends this policy not be approved.          1. This policy is adequately addressed by AS 38.05.128</p>
<p><b>Matanuska-Susitna Borough</b></p>	<p><b>Consultant – Bristol Environmental and Engineering Services Corporation, LaRoche + Associates</b></p>
<p>RECREATIONAL USE AREA RDA-1          Within the designated recreational use area, as described in section 6.3, uses and activities that are economically or physically dependent on a shoreline location are given higher priority when compared to uses and activities that do not economically or physically require a shoreline location. Priority shall be given in the following order:          (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.          a. Water-dependent uses include: fish hatcheries; floatplane ramps, boat launches, docks; water-based tourism facilities and accessory attached housing; and remote recreational cabins dependent on water access.          b. Water-related activities include: retail stores and commercial activities such as lodges, hotels, restaurants, and other similar uses that provide views and access to the shoreline.</p>	<p>Though the policy applies within the designated recreational use area, the policy as written does not address recreational uses.</p>

<p>Exceptions: Non-water-dependent and non-water-related uses and activities shall be permitted when it is not practicable to develop a site with a water-dependent or water-related use or activity, due to shallow bathymetry or unusual lot characteristics, such as substandard size, frontage, or steep topography, or such uses would be inconsistent with zoning.</p>	
<p><b>City of Nome</b></p>	<p><b>Consultant – Bechtol Planning and Development</b></p>
<p>CD-2. Piers, Docks, and Related Coastal Development Construction          The placement of piers, docks, ports, harbors, marinas, wharfs, causeways, seawalls, any permanent floating structures in coastal waters shall not preclude navigation. Such shoreline improvements and activities shall conform to the following standards:          a. Docks placed in coastal waters shall be the minimum length necessary to achieve the desired purpose.          b. Where a single purpose dock is proposed, the applicant shall state reasons why a cooperative use facility is impractical. Where practicable, the cooperative use of docking, parking, cargo handling and storage facilities should be undertaken.          c. Docks shall be designed to withstand ice movement or be designed for removal during winter months.</p>	<p>OPMP recommends that the enforceable policy be approved if the district makes the following changes: 1. Rewrite to read:</p> <p><i>CD-2. Piers, Docks, and Related Coastal Development Construction          The placement of piers, docks, ports, harbors, marinas, wharfs, causeways, seawalls, any permanent floating structures in coastal waters shall conform to the following standards:</i></p> <p><i>a. Docks placed in coastal waters shall be the minimum length necessary to achieve the desired purpose.</i></p> <p><i>b. Where a single purpose dock is proposed, the applicant shall state reasons why a cooperative use facility is impractical. Where practicable, the cooperative use of docking, parking, cargo handling and storage facilities should be undertaken.</i></p> <p><i>c. Docks shall be designed to withstand ice movement or be designed for removal during winter months.</i></p> <p>This enforceable policy flows from the coastal development standard; is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p>

	The policy addresses a matter regulated by state law, namely 11 AAC 112.200. The district documents that the matter is of local concern [as shown in the above table].
<b>North Slope Borough</b>	<b>Consultant – Glenn Gray and Associates</b>
<p>Policy A-1: Subsistence Use Priority</p> <p>a. When there are potentially conflicting uses, subsistence use of plants, fish and wildlife, including marine mammals, shall be the highest priority use of the lands and waters in the coastal area.</p> <p>b. This policy is established under the authority of 11 AAC 114.250(g), and it applies to uses and activities that affect subsistence uses in areas designated for subsistence in Section 3.5.1.</p>	<p>OPMP recommends this policy not be approved. This policy is not clear and concise and is not enforceable.</p> <p>The justification in Appendix D of the NSB plan refers to language that does not exist in the policy: “Subsection a) requires that subsistence use be given a priority by state agencies during the consistency review process. Subsection b) specifies that projects shall not deplete subsistence use activities below the level of customary and traditional use as indicated in studies. The policy uses precise, prescriptive and enforceable language.”</p> <p>The State Subsistence Standard at 11 AAC 112.270 already addresses subsistence use prioritization and protection through the application of the avoid or minimize sequence. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy C-1: Bowhead Whale Habitat</p> <p>a. The following project activities that would adversely affect bowhead whale migration, feeding, mating, and calving areas are not allowed:</p> <ol style="list-style-type: none"> <li>1) Noise-producing activities that result in levels of industrial sound above 120 decibels where bowhead whales are located during times of subsistence whaling,</li> <li>2) Shipping activities within 10 miles of bowhead whales without a conflict avoidance agreement with the Alaska Eskimo Whaling Commission,</li> <li>3) Activities that would disturb migrating bowhead whale mothers with calves (May 10 – July 1 and August 1 – October 15),</li> <li>4) Seismic survey activities occurring within 12 miles of migrating bowhead whales, and</li> <li>5) Multiple seismic surveys occurring less than 50 miles apart.</li> </ol> <p>b. This policy is established pursuant to 11 AAC 114.250(h), and it applies to uses and activities in designated important habitat for bowhead whales</p>	<p>OPMP recommends this policy not be approved. The proposed Important Habitat designated area that pertains to this policy was not recommended for approval (see designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable or permissible.</p> <p>This policy is not approvable because the policy contains criteria. The State Habitat Standard at 11 AAC 112.300 requires that the eight listed habitat types be manage to avoid, minimize, or mitigate significant adverse impacts. The avoid, minimize, or mitigate sequence is defined at 11 AAC 112.900. Since the avoid, minimize, mitigate sequence is defined, it can not be redefined by a coastal district. By adding criteria to a district enforceable policy, the policy is redefining the avoid, minimize, or avoid sequence, and is therefore, not permissible.</p> <p>The protection of the bowhead whale is addressed under the Marine Mammal Protection Act and the</p>

<p>as described in Section 3.5.2.</p>	<p>Endangered Species Act. In addition, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of some of the coastal habitat used by bowhead whales. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy D-1: Project Applications for Hazard Areas  a. Applicants for projects located in areas subject to ice hazards during times when such hazards are reasonably foreseeable shall:  1) Prepare an ice management plan, reviewed and approved by an engineer experienced in ice hazards and consistent with local knowledge, that describes systems that will be used for surveillance and detection of ice hazard events and for reporting such hazards to the NSB, and  2) Incorporate measures into the project description that demonstrate facilities will be adequately protected from ice hazards. Applicants shall demonstrate in their project description that local knowledge about ice hazards has been considered when developing these measures.  b. Applicants shall provide an analysis in their project application packet about potential hazards and measures to avoid or minimize adverse effects to habitat and subsistence uses from project activities that could be affected by natural hazards. The analysis shall include conservative estimates of hazard potentials.  c. Subsection “a” of this policy applies to uses and activities in areas designated for ice hazards under 11 AAC 114.250(b) as described in Section 3.5.4. Subsection “b” applies to uses and activities in all areas designated as natural hazard areas under 11 AAC 114.250(b) as described in Section 3.5.4.</p>	<p>OPMP recommends this policy not be approved. The State Natural Hazards Standard at 11 AAC 112.210 already addresses appropriate measures in the siting, design, construction and operation in areas of known natural hazards and the involvement of approved engineers. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed. In addition, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of some of the coastal habitat that could be affected by natural hazards. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy E-1: Oil and Gas Activities and Facilities  a. Applicants shall demonstrate in the project description how they have worked with local communities and the NSB to site oil and gas activities in a manner that avoids or minimizes adverse environmental and social impacts.  b. When project activities have a potential to result in cumulative impacts, applicants shall include an analysis of cumulative impacts in the consistency evaluation required by 11 AAC</p>	<p>OPMP recommends this policy not be approved. The State Energy Facilities Standard at 11 AAC 112.230 already addresses appropriate measures in the siting of energy facilities with consideration of social and environmental impacts. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed. In addition, AS 46.40.040(b), AS 46.03, AS 46.04, AS 46.09, and AS 46.14 and the regulations</p>

<p>110.215(a)(1)(C) or 11 AAC 110.410(c)(1)(B).  c. The State of Alaska shall provide an opportunity for the NSB to comment on the siting of energy facilities with respect to the effects to air and water quality for projects not regulated by Alaska Department of Environmental Conservation (DEC) under AS 46.03, AS 46.04, AS 46.14 and the regulations adopted under those statutes.  d. Subsection “a” applies to uses and activities in areas designated as suitable for energy facilities under 11 AAC 114.250(e) as described in Section 3.5.5. Subsections “b” and “c” apply to the energy facilities subject use under 11 AAC 112.230 including offshore uses and activities not regulated by DEC.</p>	<p>adopted under those statutes are the exclusive enforceable policies of the ACMP. Therefore, a district enforceable policy can not address a matter covered by these statutes and regulations. Furthermore, uses or permits for mineral or petroleum resource extraction are uses of state concern under 11 AAC 112.230 (b).</p>
<p><b>Northwest Arctic Borough</b></p>	<p><b>Consultant – Glenn Gray and Associates</b></p>
<p>Policy A-1: Subsistence Use Priority  a. Projects that do not give subsistence use the highest priority use of coastal lands and waters are not allowed.  b. Projects that would deplete subsistence use opportunities, including the availability of subsistence resources, below the level sufficient to support customary and traditional uses as demonstrated in studies cited in the resource inventory and analysis or studies completed by the Alaska Department of Fish and Game, Division of Subsistence are not allowed.  c. This policy relates to uses and activities that may occur in subsistence use areas designated under the authority of 11 AAC 114.250(g) as described in Section 4.4.1.</p>	<p>The State Subsistence Standard at 11 AAC 112.270 already addresses subsistence use prioritization and protection through the application of the “avoid or minimize” sequence. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter is not adequately addressed.</p>
<p>Policy B-1: Fish Habitat  a. Project activities that would result in a net decrease to the productivity of fish habitat are not allowed. Productivity is directly related to losses to the following functions: Spawning, migration, rearing, and over-wintering.  b. Projects within 100 feet landward of the ordinary high water mark from fish habitat are not allowed. This requirement does not apply to projects that require an over-water or water edge location, nor does it preclude necessary stream, river, or lake crossings.  c. Sand and gravel operations that do not consolidate operations to the maximum extent</p>	<p>The proposed Important Habitat designated area was not recommended for approval (see the designated area analysis table for justification). Without an approved important habitat designated area, this policy will not be applicable, or permissible.  In addition, the proposed enforceable policy duplicates AS 41.14.870, which requires complete plans and specifications for the proper protection of fish and game. Also, the State Habitat Standard at 11 AAC 112.300 already addresses certain aspects of impacts to fish habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the</p>

<p>practicable are not allowed.</p> <p>d. Applicants for sand and gravel extraction in or adjacent to fish habitat shall include in the project description measures that will prevent or reduce adverse impacts to fish habitat including berms, settling ponds and measures to prevent fish entrapment.</p> <p>e. This policy relates to uses and activities for habitats designated as important habitat under 11 AAC 114.250(h) as described in Section 4.4.4.</p>	<p>matter is not adequately addressed.</p>
<p>Policy C-1: Cultural, Historic and Archeological Surveys</p> <p>a. Applicants proposing to conduct activities that would disturb historic or prehistoric resources including activities in historic areas such as fish camps culture camps or Native allotments shall consult with the NAB prior to submission of a consistency certification to determine if a resource survey is necessary. The resource survey will be used by the NAB and appropriate state and federal agencies to determine what alternative measures will be necessary to protect historic or prehistoric resource. The NAB shall require a resource survey if one or more of the following circumstances exist:</p> <p>1) The proposed activity is within one mile of a known historic or prehistoric site catalogued by the State Historic Preservation Office or by the NANA regional Native corporation, or</p> <p>2) The project is a large project.</p> <p>b. This policy relates to uses and activities for areas designated as important for the study, understanding or illustration of history and prehistory under 11 AAC 114.250(i) as described in Section 4.4.2.</p>	<p>The policy is neither clear nor concise as to the activities and persons affected by the policy and the requirements of the policy. It is important to note that certain suggestions were made in the OPMP Preliminary Recommendations of June 6, 2006 that would have allowed this policy to be approvable. Further language suggestions were made by OPMP on September 19, 2006 which would have made this policy approvable. However, the coastal district did not make the recommended changes, thus this policy cannot be approved.</p>
<p>Policy D-1: Bank Stabilization</p> <p>a. All stream or lake bank cuts, fills or exposed earthwork adjacent to water bodies, including streams, wetlands and marine waters, shall be stabilized to prevent erosion into adjoining waters, during operation and following cessation of development activities.</p> <p>b. This policy relates to uses and activities for areas designated as flooding and erosion hazard areas under 11 AAC 114.250(b) as described in</p>	<p>Stabilizing erosion prone areas is considered an appropriate measure for the known natural hazard of erosion and therefore already addressed by 11 AAC 112.210. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing erosion is not adequately addressed.</p> <p>In addition, various State and federal agency laws,</p>

Section 4.4.5.	including AS 41.14.840, AS 41.14.870, 18 AAC 60 and 70 manage the impacts to water quality and habitat. The State Habitat Standard at 11 AAC 112.300 also already addresses certain aspects of impacts to habitat. The coastal district has not demonstrated, pursuant to AS 46.40.070(a)(2)(C) and 11 AAC 114.270(e), that the matter addressing impacts to habitat is not adequately addressed.
<b>City of Pelican</b>	<b>Consultant – Sheinberg Associates</b>
No enforceable policies were disapproved.	
<b>City and Borough of Sitka</b>	<b>Consultant – LaRoche + Associates</b>
No enforceable policies were disapproved.	
<b>City of Skagway</b>	<b>Consultant – Sheinberg Associates</b>
Policy TU-1 Roads and trails crossings of anadromous streams shall be consolidated to the extent practicable.	OPMP recommends this policy not be approved. Due to the avoid, minimize, mitigate sequence used in 11 AAC 112.280 the matter addressed in this policy is adequately addressed.
<b>City of Thorne Bay</b>	<b>Consultant - none</b>
No enforceable policies were disapproved.	
<b>City of Valdez</b>	<b>Consultant – Bechtol Planning and Development</b>
RECREATIONAL USE AREAS RT-2. Management of Designated Recreational Beaches Proposed uses or activities in the designated areas as shown on Maps 6, 7, 8, 9, 10, 11, 12 and 15 shall avoid or minimize direct and significant impacts upon the biological or cultural features listed in the Resource Inventory in Chapter 4 upon which recreation on the designated beach depends.	Beaches are already addressed in district enforceable policy RT-1.
COASTAL DEVELOPMENT SG-1. Siting of Material Sources To the extent practicable, sources of sand, gravel, rock and other construction materials shall be approved in the following sequence: a) existing approved gravel pits or quarries operated in compliance with state and federal authorizations; b) reuse of material from abandoned development area, unless reuse could cause more damage to resources (excluding air, land and water quality regulated by DEC) than non-use; c) new upland sites, except for those designated under important habitat; d) beaches of low habitat values; and e) streams, which do not provide fish habitat.	OPMP recommends this policy be approved provided the following changes are made. Rewrite policy to read: SG-1. Siting of Material Sources To the extent practicable, sources of sand and gravel shall be approved in the following sequence: a) existing approved gravel pits or quarries operated in compliance with state and federal authorizations; b) reuse of material from abandoned development area, unless reuse could cause more damage to resources (excluding air, land and water quality regulated by DEC) than non-use; c) new upland sites, except for those designated under important habitat;

	<p>d) beaches of low habitat values; and e) streams, which do not provide fish habitat.</p> <p>This enforceable policy flows from the coastal development standard by defining sand and gravel extraction location requirements; is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>The policy addresses a matter regulated by state law, namely 11 AAC 112.260. The district documents that the matter is of local concern as shown in the above table and in the Resource Inventory and Analysis.</p>
<p>HIST-2. Valdez Historical Cemeteries No development is allowed within the Valdez Historical Cemetery is allowed within the Valdez Historical Cemetery Designated area Important for the study, understanding and illustration for history, pre history and archeology shown on Map 13.</p>	<p>OPMP recommends this policy be approved provided the following changes are made. Rewrite policy to read: "No development is allowed within the Valdez Historical Cemetery Designated area Important for the study, understanding and illustration for history, pre history and archeology shown on Map 13."</p> <p>This enforceable policy is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>The policy addresses a matter regulated by state law, namely 11 AAC 114.250 (i). The district documents that the matter is of local concern as shown in the above table and in the Resource Inventory and Analysis.</p>
<p><b>City of Whittier</b></p>	<p><b>Consultant – Bechtol Planning and Development</b></p>
<p>No enforceable policies were disapproved.</p>	
<p><b>City and Borough of Yakutat</b></p>	<p><b>Consultant – Sheinberg Associates</b></p>
<p>Policy CD5 Conditions To Allow Fill Rather Than</p>	<p>OPMP recommends this policy not be approved.</p>



<p>Pilings Below Mean High Water. Piling-supported or floating structures shall be used for construction below mean high water unless clear and convincing evidence shows that all of the following conditions exist:</p> <ol style="list-style-type: none"> <li>1. Development of the property would be for a water dependent use; and</li> <li>2. The fill is placed in a manner that minimizes impacts on adjacent uses, public access along the shoreline and water views.</li> </ol>	<p>This enforceable policy flows from the coastal development standard; is not a matter regulated by DEC; doesn't adopt, duplicate, repeat, restate, paraphrase, or incorporate by reference a state standard or other state or federal law; is clear and concise as to the activities and persons affected by the policies and requirements of the policies; uses precise, prescriptive, and enforceable language; and does not arbitrarily or unreasonable restrict or exclude uses of state concern.</p> <p>The policy addresses a matter regulated by state law, namely 11 AAC 112.200. The district documents that the matter is of local concern as shown in the above table and in the Resource Inventory and Analysis.</p>
<p>Policy S1 Development in Subsistence Use Areas. Coastal development is prohibited that negatively impacts subsistence use.</p>	<p>OPMP recommends this policy not be approved. This policy is adequately addressed by the avoid or minimize sequence at 11 AAC 112.270.</p>
<p>Policy T1 Consolidate Anadromous Waterbody Crossings. Road, off-road routes, pipelines, and utility crossings (above or below ground) of anadromous fish waterbodies shall be consolidated at a single crossing, unless the applicant can demonstrate to the satisfaction of the responsible State or federal agency and Borough that the project purposes cannot be met with a single crossing and is not practicable. In that case, crossings shall be minimized to the smallest number needed to accomplish the project.</p>	<p>OPMP recommends this policy not be approved. This policy is adequately addressed by the avoid minimize or mitigate sequence at 11 AAC 112.280 and 11 AAC 112.300.</p>
<p>Policy SGE1 Sand and Gravel Extraction Operations.</p> <ol style="list-style-type: none"> <li>1. To the extent practicable, extraction activities shall avoid significant adverse impacts on wave-energy, anadromous fish spawning and rearing habitat, waterbird habitat, and minimize increases in shoreline erosion. References to sediment transport and sedimentation are removed because these are matters regulated by DEC.</li> <li>2. In addition to compliance with State ACMP habitat and other standards, siting, design, and operation of sand and gravel extraction activities shall:             <ol style="list-style-type: none"> <li>a. To the extent practicable, be designed to blend with surroundings and to enhance riparian and aquatic habitats;</li> </ol> </li> </ol>	<p>OPMP recommends this policy not be approved. This policy is adequately addressed by the avoid minimize or mitigate sequence at 11 AAC112.300.</p>

b. Extraction from locations used for spawning and overwintering habitat for anadromous fish is prohibited unless the project or its reclamation enhances fish or wildlife habitat; and Settling ponds shall be protected from flooding.	
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