

DCOM response to House Resources  
Enclosure 1  
March 25, 2011

1. Northern Fiber Optic Link

- High-profile project competing for stimulus funding.
- Project description – install 3,550 miles of high-speed broadband cable that would support health care, public safety, commerce and more.
- Received CPQ and held pre-application meeting w/ agencies and applicant.
- Issued insufficient information letter, followed by second pre-application meeting.
- Series of separate meetings with agencies & applicant re: application sufficiency.
- Started the review.
- Received RFAIs from
  - Bristol Bay Borough—conflicts with Naknek/Dillingham fisheries
  - Bristol Bay CRSA—cable landings in a high erosion area
  - Northwest Arctic Borough—subsistence in Kotzebue Sound
- Numerous applicant project changes during course of review.
- Received second BBCRSA RFAI as applicant did not adequately respond to 1<sup>st</sup> RFAI.
- Stopped review to evaluate RFAI and consult with review participants.
- Designated subsistence use areas at request of NWAB (see attached).
- Restarted review three days later with new comment/proposed/final deadlines.
- Received comments from DFG, BB CRSA and NWAB, focused mainly on conflicts with fisheries and subsistence. Also public comment from Nome miner re: conflicts with Norton Sound mining activities
- Issued proposed determination objecting to project, but proposing alternative measures.
- Applicant adopted alternative measures into project description
  - Avoid subsistence & peak fishing activities via timing windows (Coastal Access, Utility Route, Offshore, Tideflats & Estuaries standards)
  - Notify communities and competing user groups (same standards)
- Issued final determination concurring with project.

2. Sitka Runway Safety Area

- Airport sits on Japonski Island, marine waters on three sides.
- Runway did not meet FAA standards for safety landing area, required upgrading.
- ADOT proposed intertidal fill to create 280' long by 200' wide runway safety area (RSA) expansion (one of many RSA projects around the state).
- Required U.S. Army Corps of Engineers permit.
- DCOM coordinated pre-review meeting between the Corps and DOT.
- Received a complete CPQ and started 50-day review.
- Received copies of comments to Corps from EPA, US Fish and Wildlife Service and National Marine Fisheries Service—forwarded to review participants.
- Received comments from DFG and the Sitka Coastal District
  - Habitat—No concerns, consistent
  - Coastal District—Fill placement could damage wastewater outfall line and/or block vessel passage through Middle Channel to harbor

- Issued proposed determination objecting to project, but proposing alternative measures:
- DCOM proposed alternative measures
  - Protect outfall from damage & repair any damage (coastal development and coastal access)
  - Provide video documentation of fill placement (same)
  - Notify mariners on in-water work windows (same)
- DOT asked to stop the clock.
- Facilitated several meetings & teleconferences w/ DOT, District, agencies.
- DOT agreed to modify project description.
- Restarted clock, issued “straight to Final” with the concurrence of review participants (per 11 AAC 110.440(f))

### 3. Cosmopolitan Oil Development

- Using Horizontal Directional Drilling techniques, develop state offshore oil & gas leases from an onshore private upland location on the eastern shore of Cook Inlet, surrounded by private recreational and residential properties.
- DCOM sponsored pre-application meetings, and agency coordination meetings after application packet was received.
- Applicant also applied to Minerals Management Service to produce oil from federal leases in the unit. MMS told DCOM that they would recommend that the applicant withdraw their federal application. DCOM brought the applicant and review participants together to clarify the project description and limit the scope to the state leases.
- Received several letters supporting the project as well as comments from neighbors concerned about drilling noise. Apparently, during exploration at the same site, the neighboring properties were impacted by noise from 24-hour drilling operations.
- The Division of Oil & Gas requested an alternative measure to make the project consistent with the Energy Facilities statewide standard (site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs) and minimize impacts by:
  - a. Constructing an earthen berm to block sound
  - b. Constructing a fence to block sound and visual impact
  - c. Other alternatives based on discussions with adjacent landowners
- Applicant agreed to:
  - a. Build noise-attenuating fencing or earthen berms
  - b. Or enclose equipment in noise-muffling modules
  - c. Minimize visual impacts with lighting designed to reduce off-site illumination
  - d. Minimize visual impacts via appropriate facility painting
- Consistent with alternative measures

### 4. Kenai Watershed

- NGO applied to replace culverts that were blocking fish passage with new culverts that had a fish-friendly design.
- Thursday, June 17<sup>th</sup>—Received 3 CPQs from the Watershed Forum for three separate culvert replacement projects.
- Friday, June 18<sup>th</sup>—Sent out heads up email to DNR, DFG, DEC & coastal district

- Notifying them that we had received the applications
  - Asking if they had permits in play for the projects
  - Asking if they agreed to expedited ACMP reviews via GCD
- Received agency responses
  - DNR State Parks permits NOT required
  - DFG Division of Habitat permits required
- Tuesday, June 22<sup>nd</sup>—Sent expedited Review letters to all three applicants
- Projects found consistent via GCD 7 bridges/culverts
- Just 3 of 93 projects Anchorage Project Review Unit got last June



# MEMORANDUM

STATE OF ALASKA

Department of Natural Resources  
Division of Coastal and Ocean Management

TO: Margie Goatley  
Project Review Coordinator

DATE: January 7, 2010

TELEPHONE: 907-465-8797

FROM: Randy Bates  
Director

SUBJECT: NWAB Designated Areas  
for Northern Fiber Optic  
Link Kodiak to Prudhoe  
Bay

In a letter addressed to you dated December 3, 2009, the Northwest Arctic Borough (NWAB) has requested that the Department of Natural Resources (DNR) designate specific subsistence use areas for purposes of the Great Pacific Cable's Northern Fiber Optic Link from Kodiak to Prudhoe Bay, ACMP consistency review # AK 0910-07AA. The Division of Coastal and Ocean Management (DCOM), as the lead agency for the Alaska Coastal Management Program (ACMP), retains the departmental authority to designate areas within the context of an ACMP consistency review.

DCOM requested clarification of the original December 3<sup>rd</sup> request on December 4<sup>th</sup>, 7<sup>th</sup> and 21<sup>st</sup> via letter and email. DCOM has evaluated the NWAB request and notes that the requested area designations are based on Section 7.4 of the NWAB's coastal management plan as revised during the 2008 coastal district plan mediation and on revised maps in Appendix P of the draft plan.

DCOM has evaluated the NWAB request and supporting information against the requirements of 11 AAC 112.270, and has determined that portions of the request meet the requirements necessary to designate a subsistence use area for the purposes of a consistency review only, and thereby grants portions of the NWAB's request for subsistence use areas designation for this consistency review as follows:

*The designated subsistence use area resides along the proposed fiber optic cable route as described by the latitude/longitude coordinates submitted by the applicant and attached to this memo. The designation occurs for one mile on either side of the proposed cable route as it travels through State waters within the coastal zone and does not extend into federal lands or waters. The designated subsistence use area is specific to the following uses and for the times identified:*

- **Salmon:** During the months of July and August.
- **Other Fish:** During the months of May and June.
- **Marine Mammals (seal and walrus):** During the months of May, June and July.

The maps referenced by the NWAB (Appendix P) as supplemented during mediation do not meet DCOM's planning standards, criteria, or requirements for mapped subsistence use designated areas. In addition, the Subsistence Use section of the draft NAB coastal management plan dated September 11, 2006, and supplemented during the 2008 mediation, doesn't support the subsistence use designations of polar bear, beluga whale, and gray whale. Specifically, Section 7.4.2.7, which discusses subsistence

uses in and around the City of Kotzebue, contains no reference to hunting polar bears, beluga whales, or gray whales. Therefore, the NAB has not demonstrated that the subsistence use of polar bears, beluga whales, and gray whales is an important use of coastal resources. The only mention of beluga whales in Section 7.4.2.7 indicates that residents of Kotzebue receive beluga whales from residents of Kivalina.

The DCOM notes that there is no regulatory requirement in which requests to designate areas during the course of an ACMP review be "connected" to potential impacts of the proposed activity on such areas. However, in order for consistency review comments referencing the Subsistence statewide standard (11 AAC 112.270) to be considered during the consistency evaluation portion of this review, such comments will need to clearly and definitively draw a connection between the project (that portion of the project subject to the consistency review) and the anticipated impacts of the activity on the designated use area.

According to the regulation at 11 AAC 112.270, "... the department may, after consultation with the appropriate district, federally recognized Indian tribes, Native corporations, and other appropriate persons or groups, designate areas in which a subsistence use is an important use of coastal resources as demonstrated by local usage." The DCOM notes that the NWAB has completed the required consultation for designating the general areas identified above. Although not required under 11 AAC 112.270, I recommend that you communicate with the applicant and, in light of this memorandum granting in part the NWAB requested designated areas, provide the applicant with the opportunity to amend or supplement its consistency evaluation, as appropriate.

#### Attachment

cc: Ik Icard, Great Pacific Cable LLC  
Dick LeFebvre, DNR Commissioner's Office  
Kim Kruse, Tom Atkinson, Gina Shirey-Potts, Melinda O'Donnell DNR/DCOM  
Tom Okleasik, John Chase, Northwest Arctic Borough