

11 AAC 112.260. Sand and gravel extraction.

Standard:

Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits if there is no practicable alternative to coastal extraction that will meet the public need for the sand or gravel.

Evaluation:

If your proposed project includes extracting sand or gravel from [coastal waters](#), intertidal areas, barrier islands or spits, please explain why there is no practicable alternative to coastal extraction that meets the public need for sand or gravel. The project does not include extracting sand or gravel from coastal waters, intertidal areas, barrier islands or spits. The gravel for CD5 will come from the existing ASRC Mine Site. This site was selected over other alternatives because of the quality and quantity of gravel available, its distance to the project site, and the existence of an active permit held by ASRC. The site will be mined and rehabilitated according to the approved rehabilitation plan.

11 AAC 112.270. Subsistence.

Standard:

- (a) A project within a subsistence use area designated by the department or under 11 AAC 114.250(g) must avoid or minimize impacts to subsistence uses of coastal resources.
- (b) For a project within a subsistence use area designated under 11 AAC 114.250(g), the applicant shall submit an analysis or evaluation of reasonably foreseeable adverse impacts of the project on subsistence use as part of
 - (1) a consistency review packet submitted under 11 AAC 110.215; and
 - (2) a consistency evaluation under 15 C.F.R. 930.39, 15 C.F.R. 930.58, or 15 C.F.R. 930.76.
- (c) Repealed 10/29//2004, Register 172.
- (d) Except in nonsubsistence areas identified under AS 16.05.258, the department may, after consultation with the appropriate district, federally recognized Indian tribes, Native corporations, and other appropriate persons or groups, designate areas in which a subsistence use is an important use of coastal resources as demonstrated by local usage.
- (e) For purposes of this section, "federally recognized Indian tribe," "local usage", and "Native corporation" have the meanings given in 11 AAC 114.990.

Evaluation:

- (a) Is your proposed project located within a subsistence use area designated by a coastal district?

Yes _____ No

If yes, please describe how the proposed project is designed to "avoid or minimize impacts to subsistence uses of coastal resources:"

(b) If your project is located in a subsistence use area designated by the coastal district, provide an analysis or evaluation of its reasonably foreseeable adverse impacts to the subsistence uses.

(c) No response required.

(d) If your project is not located in a designated subsistence use area, please describe any subsistence uses of coastal resources within the project area. Please be advised that subsistence use areas may be designated by the department during a review. The protection of subsistence uses and resources has been addressed in the planning and design of the CD5 project. The project will not introduce barriers to the movement of caribou or other wildlife and will not substantially affect subsistence users' ability to access fish or wildlife. Elements of project design and operation should minimize effects on subsistence resources in the project area. The project's potential impacts upon subsistence activity were evaluated in the ASDP EIS.

(e) No response required.

11 AAC 112.280. Transportation routes and facilities.

Standard:

[Transportation routes and facilities](#) must avoid, minimize, or mitigate

- (1) alterations in surface and ground water drainage patterns;
- (2) disruption in known or reasonably foreseeable wildlife transit; and
- (3) blockage of existing or traditional access.

Evaluation:

If your proposed project includes transportation routes or facilities, describe how it avoids, minimizes, or mitigates (1) alterations in surface and ground water drainage patterns; The Nigliq Channel bridge and connecting road are designed to limit impacts to natural drainage patterns and river flow. Culverts in the gravel road will be designed to minimize alterations to natural ground water drainage patterns.

(2) disruption in known or reasonably foreseeable wildlife transit; and Extensive habitat, fish, bird, wildlife and hydrology studies of the project area were performed and were characterized in the ASDP EIS. This project will not introduce barriers to movement of caribou or other wildlife and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure unrestricted wildlife passage and human use of the area.

(3) blockage of existing or traditional access. This project will not introduce barriers to movement and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure unrestricted wildlife passage and human use of the area.

11 AAC 112.300. Habitats.**Standard:**

(a) Habitats in the coastal area that are subject to the program are

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands;
- (4) tideflats;
- (5) rocky islands and sea cliffs;
- (6) barrier islands and lagoons;
- (7) exposed high-energy coasts;
- (8) rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes; and
- (9) important habitat.

(b) The following standards apply to the management of the habitats identified in (a) of this section:

- (1) offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (2) estuaries must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) adequate water flow and natural water circulation patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (3) wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;
- (4) tideflats must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) water flow and natural drainage patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence uses, to the extent that those uses are determined to be in competition with the proposed use;
- (5) rocky islands and sea cliffs must be managed to
 - (A) avoid, minimize, or mitigate significant adverse impacts to habitat used by coastal species; and
 - (B) avoid the introduction of competing or destructive species and predators;
- (6) barrier islands and lagoons must be managed to avoid, minimize, or mitigate significant adverse impacts
 - (A) to flows of sediments and water;
 - (B) from the alteration or redirection of wave energy or marine currents that would lead to the filling in of lagoons or the erosion of barrier islands; and
 - (C) from activities that would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;
- (7) exposed high-energy coasts must be managed to avoid, minimize, or mitigate significant adverse impacts
 - (A) to the mix and transport of sediments; and
 - (B) from redirection of transport processes and wave energy;
- (8) rivers, streams, and lakes must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) natural water flow;
 - (B) active floodplains; and

- (C) natural vegetation within riparian management areas; and
- (9) important habitat
- (A) designated under 11 AAC 114.250(h) must be managed for the special productivity of the habitat in accordance with district enforceable policies adopted under 11 AAC 114.270(g); or
- (B) identified under (c)(1)(B) or
- (C) of this section must be managed to avoid, minimize, or mitigate significant adverse impacts to the special productivity of the habitat.
- (c) For purposes of this section,
 - (1) "important habitat" means habitats listed in (a)(1) – (8) of this section and other habitats in the coastal area that are
 - (A) designated under 11 AAC 114.250(h);
 - (B) identified by the department as a habitat
 - (i) the use of which has a direct and significant impact on coastal water; and
 - (ii) that is shown by written scientific evidence to be biologically and significantly productive; or
 - (C) identified as state game refuges, state game sanctuaries, state range areas, or fish and game critical habitat areas under AS 16.20;
 - (2) "riparian management area" means the area along or around a waterbody within the following distances, measured from the outermost extent of the ordinary high water mark of the waterbody:
 - (A) for the braided portions of a river or stream, 500 feet on either side of the waterbody;
 - (B) for split channel portions of a river or stream, 200 feet on either side of the waterbody;
 - (C) for single channel portions of a river or stream, 100 feet on either side of the waterbody;
 - (D) for a lake, 100 feet of the waterbody.

Evaluation:

- (a) List the habitats from (a) above that are within your proposed project area or that could be affected by your proposed project.

Habitats from (a) that are within the project area include wetlands, streams, and lakes. _____

- (b) Describe how the proposed project avoids, minimizes, or mitigates impacts to each of the identified habitat(s) in section (a) above. Impacts to habitat have been minimized by decreasing the footprint of the facilities (drill site and road) to the degree practicable. Existing Alpine infrastructure at CD1 and CD2 will also be utilized for the CD5 project to the degree practicable. Best management practices will be used to minimize impacts to water quality.

- (c) No response required.

11 AAC 112.310. Air, land and water quality

Standard:

Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes.

Evaluation: No response required.

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

Standard:

- (a) The department will designate areas of the coastal zone that are important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes.
- (b) A project within an area designated under (a) of this section shall comply with the applicable requirements of AS 41.35.010 – 41.35.240 and 11 AAC 16.010 – 11 AAC 16.900.

Evaluation:

- (a) Have you contacted the State Historic Preservation Office (SHPO) to see if your project is in a designated area of the coastal zone that is important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes?

CPAI performed an archaeological evaluation of the project area (road, drill site, and pipeline location). No evidence of archaeological or cultural resources was found. CPAI has consulted with the North Slope Borough and State Historic and Preservation Office to identify and address concerns regarding historical and archaeological resource protection

throughout the planning process. The activities associated with CD5 are consistent with the policies concerning historic, pre-historic, and archaeological resources.

(b) If your project is within an area designated under (a) of this section, how will you comply with the applicable requirements in the statutes and regulations listed in (b)?

N/A
