

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Pollution Water Control Program

RECEIVED

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Alaska District Corps of Engineers

June 22, 2006

Certified Mail 7003-2260-0004--8663

555 Cordova Street  
Anchorage, AK 99501-2617  
Phone: (907) 465-5321

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<http://www.state.ak.us/dec/>

Mr. Reuben Yost  
Special Projects Manager  
Alaska Department of Transportation and Public Facilities  
6860 Glacier Highway  
Juneau, AK 99801-7999

Subject: Lynn Canal DOT&PF Juneau Access  
Reference No. POA-2006-597-2  
State I.D. No AK 0603-07

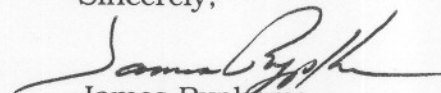
Dear Mr. Yost:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the purposed Juneau Access project. The project is located north and west of Juneau, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK, 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, AK 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,



James Rypkema  
Program Manager

Enclosure

cc: (with encl.)

Jeff Koschak, COE, Juneau

Jackie Timothy, ADNR/OHMP, Juneau

Joe Donohue, OPMP/DNR, Juneau  
Jim Powell, ADEC

**STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the Alaska Department of Transportation and Public Facilities (DOT&PF), 6860 Glacier Highway, Juneau Alaska 99801-7999 for the proposed Juneau Access Project. The proposed project consists of constructing 50.8 miles of road from Cascade Point Road north to the proposed ferry terminal located approximately two miles north of the Katzeihin River. The project consists of discharging 2,942,900 cubic yards of fill and dredged fill materials into approximately 253.18 acres of waters, including forested wetlands, stream channels, deep-water habitat, vegetated shallows, and in navigable waters of the U.S. Approximately 14.7 acres of wetlands, outside of the road fill footprint, would be excavated to provide for slope stabilization and proper drainage of the construction area. Landclearing would not extend beyond the width of the road fill or the excavated area. All excavated material would be placed on an upland area or used within the requested fill area. Approximately 1.4 million cubic yards of blasted rock would be disposed of in deep water in two areas. The project includes installation of 443 new culverts and extension of 19 culverts in waters of the U.S. Approximately 130,400 cubic yards of fill material is proposed to be placed below High Tide Line for construction of the new ferry terminal.

The proposed activity starts at the north end of the existing Glacier Highway in SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 18 T. 37 S., R. 64 W., continuing north and west 50.8 miles and ending at the proposed ferry terminal located at NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 33, T. 320 S., R. 60 E. Copper River Basin, north of Juneau, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number POA-2006-597-2, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. Prior to fill placement, a silt fence or similar structure shall be installed on a line parallel to and within 5' of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25' of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner.

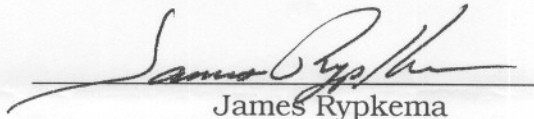
2. Sediment and erosion control measures shall be actively employed during and after construction to prevent sediment-laden runoff caused by construction activity on this project from entering natural surface waters. Erosion control measure may include the following:
  - a) Installation of erosion-resistant channels along drainage paths and ditches and diversion channels, using liners or riprap.
  - b) During construction, installation of check dams in all drainage channels, with frequent inspection for sediment buildup, followed by removal of sediments to restore check dam function. Removal of construction check dams shall occur after the project is completed.
  - c) Installation of engineered sediment containment ponds. Pond location and size should consider potential runoff flow rates and sediment suspension times. Ponds should be located in the ditched areas adjacent to the road. Use of non-toxic flocculants and other filtration systems may also be used to improve settlement of suspendable solids. Any disturbance in the stream banks or streambeds areas shall be immediately stabilized to prevent erosion and resultant sedimentation of the water body during and after operations. Any disturbed areas shall be re-contoured and re-vegetation as soon as practicable.
3. All soil-disturbing construction operations that would increase turbidity of surface waters to levels that would violate Alaska Water Quality Standards will be temporarily suspended if on-site monitoring demonstrates said violations. The designated Stormwater Prevention Plan Manager shall inspect the earth work at sites adjacent to flowing water on a daily basis. When rainfall events that exceed 0.5 inches water quality monitoring for turbidity shall occur at the outfalls from stormwater drainage or treatment structures and on all affected natural waterbodies to determine if they are being adversely impacted by construction activities. If turbidity exceeds water quality standards, ADEC, Jim Powell ph. 465-5321, will be contacted to help determine what mitigation measures shall be employed by DOT&PF. Suspended construction activities will not be resumed until erosion control measures are demonstrated to be effective.
4. Materials such as sorbent pads and spill containment apparatus shall be available on-site, and shall be used to contain and cleanup any petroleum product spilled as a result of construction activity.
5. Runoff discharged from the construction site must be covered under EPA's NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires that a Storm Water Pollution Prevention Plan (SWPPP), describing construction runoff and erosion control, be prepared.
  - Provide a copy of this SWPPP to Jim Powell at least 7 days prior to starting earth disturbing activities.
  - For projects that disturb greater than 5 acres, this SWPPP must also be submitted to ADEC (Greg Drzewiecki) prior to construction.
  - Please contact EPA directly concerning the NPDES storm water permit.



6. For culverts which carry waters that are or discharge into fish bearing fresh waters or marine waters, installation shall not occur within the flowing waters of the stream/drainage. Culvert installation techniques such as stream diversion, dam and pump, or stream fluming shall be incorporated into the installation activity to insure that silt laden water is not carried into sensitive fish habitat. If the stream is intermittent, culvert installation shall occur when the stream bed is dry. DNR Habitat permits shall address the anadromous fish bearing streams.
7. The side slopes on all road cuts and fills and the bottoms of road side ditches that drain to the natural waterbody, shall be stabilized against erosion.
8. Design plans for the post-construction (permanent) collection and treatment of stormwater runoff, including runoff from the ferry facility, must be submitted to and approved by ADEC (Greg Drzewiecki, 907-269-7692) prior to construction (18 Alaska Administrative Code 72.600).
9. All organic material shall be removed from the blasting area prior to blasting. No blasting shall occur in waterbodies.
10. If the breakwater is constructed prior to dredging or if dredging activity do not accede water quality standards than no silt curtain is required. If dredging occurs prior to the breakwater installation than a silt curtain capable of containing the silt plumb is required. In either case if a silt plumb develops from construction activity dredging shall cease until the dredge operation has been enclosed within a silt curtain which is capable of containing the silt plumb.

The certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC 15.100).

Date June 22, 2006

  
James Rypkema  
Program Manager



# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF PROJECT MANAGEMENT/PERMITTING**  
**ALASKA COASTAL MANAGEMENT PROGRAM**

☐ SOUTH CENTRAL REGIONAL OFFICE  
550 W 7<sup>th</sup> AVENUE SUITE 1660  
ANCHORAGE, ALASKA 99501  
PH: (907) 269-7470 FAX: (907) 269-3891

☐ CENTRAL OFFICE  
PO BOX 111030  
JUNEAU, ALASKA 99811-1030  
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☐ PIPELINE COORDINATOR'S OFFICE  
411 WEST 4<sup>th</sup> AVENUE, SUITE 2C  
ANCHORAGE, ALASKA 99501  
PH: (907) 257-1351 FAX: (907) 272-3829

June 27, 2006

Mr. Reuben Yost  
Alaska Department of Transportation and Public Facilities  
6860 Glacier Highway  
P.O. Box 112506  
Juneau, Alaska 99811-2506

Dear Mr. Yost:

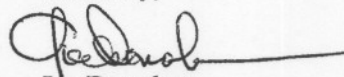
**Subject: Lynn Canal (Juneau Access Improvements)**  
**State I.D. No. AK 0603-07J**  
**Final Consistency Determination – Concurrence**

The Office of Project Management and Permitting (OPMP) has completed coordinating the State's review of the Department of Transportation and Public Facilities' (ADOT/PF) proposed "Juneau Access Improvements" project on the east side of Lynn Canal, north of Juneau, Alaska, for consistency with the Alaska Coastal Management Program (ACMP).

Based upon review by the Alaska Department of Natural Resources and the Juneau Coastal District, OPMP has developed the enclosed consistency determination, in which the State concurs with certification that was submitted by the applicant, that the project is consistent with the ACMP and affected coastal district's enforceable policies. This will be the final ACMP decision on this project, as proposed.

By copy of this letter, OPMP is informing the U.S. Army Corps of Engineers and State review participants of OPMP's finding. If you have any questions, please contact me at 907-465-4664 or email [joe\\_donohue@dnr.state.ak.us](mailto:joe_donohue@dnr.state.ak.us).

Sincerely,

  
Joe Donohue  
ACMP Project Specialist

Enclosure

*"Develop, Enhance, and Conserve Natural Resources for Present and Future Alaskans."*

cc: Jim Powell - ADEC, Juneau \*  
Mark Fink - ADFG, Anchorage \*  
Travis Guymon - ADNR/DMLW, Juneau \*  
Doug Sanvik - ADNR/DMLW, Juneau \*  
Brady Scott - ADNR/DMLW, Juneau \*  
Alex Dugaqua - ADNR/DMLW, Juneau \*  
Jackie Timothy - ADNR/OHMP, Juneau \*  
Carl Schrader - ADNR/OHMP, Juneau \*  
Jen Becker - ADNR/OPMP, Juneau \*  
Tom Crafford - ADNR/OPMP, Anchorage \*  
Randy Bates - ADNR/OPMP, Juneau \*  
Margie Goatley - ADNR/SHPO, Anchorage \*  
Andy Hughes - ADOT/PF, Juneau \*  
Pat Kemp - ADOT/PF, Juneau \*  
Mal Menzies - ADOT/PF, Juneau \*  
Bob Plumb - ADPS, Juneau \*  
Teri Camery - Coastal District, Juneau \*  
Dale Pernula - City and Borough of Juneau \*  
Scott Hansen - Coastal District, Haines \*  
Robert Venables - Administrator, Haines Borough \*  
Jeff Koschak - USACE, Regulatory, Juneau \*  
Chris Meade - USEPA, Juneau \*  
Sue Walker - NMFS, Juneau \*

\* = emailed

**ALASKA COASTAL MANAGEMENT PROGRAM  
FINAL CONSISTENCY DETERMINATION  
CONCURRENCE**

**DATE ISSUED:** June 27, 2006

**PROJECT TITLE:** Lynn Canal (Juneau Access Improvements)

**STATE ID. NO.:** AK 0603-07J

**AFFECTED COASTAL RESOURCE DISTRICT:** Juneau

**APPLICANT:** ADOT/PF / Mr. Rueben Yost

**DESCRIPTION OF PROJECT SUBJECT TO ACMP REVIEW:**

The project site is located along the eastern shore of Lynn Canal and stretches 50.8 miles from Echo Cove to just north of the Katzeihin River. The project begins at the end of Glacier Highway within Section 18, Township 37 S., Range 64 E., in the Copper River Meridian. Coordinates for the beginning of the project are approximately latitude 58.663344° North, longitude 134.903281° West. The beginning of the project is located 40.5 miles northwest of Juneau, at the end of Glacier Highway.

The new road would continue north and west, partially following the existing alignment of the Cascade Point Road and the Jualin Mine Access Road, and ending at the proposed ferry terminal. The proposed ferry terminal would be located in Section 33, Township 30 S., Range 60 E., in the Cooper River Meridian. The coordinates for the ferry terminal are latitude 59.227191° North and longitude 135.327309° West.

The Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to improve surface transportation to and from Juneau within Lynn Canal. DOT&PF, in cooperation with the Federal Highway Administration (FHWA), plans to construct a 50.8-mile highway from the end of Glacier Highway at Echo Cove along the east side of Lynn Canal to a new ferry terminal north of the Katzeihin River delta. A ferry system will shuttle from Katzeihin to both Haines and Skagway. Mainline ferry service would end at Auke Bay.

**ROAD**

The highway will have a 30-foot pavement width with two 11-foot-wide vehicle lanes and two 4-foot paved shoulders. It will follow the same alignment as the Cascade Point Road as far as Cascade Creek. From there, the highway will generally follow the shoreline to just north of the Katzeihin River, except at a few locations where topography would allow the highway to be located inland from the shore. The road would be placed in approximately 26.0 acres of marine (tidal) waters over the course of the alignment north of Comet Beach. The highway would be



constructed of shot rock fill and would be protected at its base with 6-feet of class IV rock riprap extending to up to an elevation of +24 feet above the 0.0 foot contour. Approximately 1.4 million cubic yards (CY) of blasted rock would be placed in deep water (below the -10 foot contour) within the segment between Independence Creek and the Katzechin River Bridge.

The road would impact 69.1 acres of forested wetlands, 0.7 acres of palustrine scrub-shrub wetlands, and 0.2 acres of emergent wetlands. To the extent possible, the highway has been aligned to avoid wetlands, especially the salt marshes in Berners Bay. Palustrine emergent wetlands (muskeg bogs and fens) have been avoided entirely. More impact and mitigation details can be found in the FEIS, in Appendix O Wetlands Technical Report, and the addendum in Appendix W.

#### **BRIDGES AND CULVERTS**

Bridges will be constructed over all anadromous fish streams and navigable waters. Multi-span bridges with at least 130-foot spacing between piers will be used to cross the Antler, Lace, and Katzechin rivers. These bridges allow clearances for airboat traffic. Single-span bridges will cross Sawmill, Antler Slough, Slate, Sweeny, Sherman, and five unnamed creeks without in-stream work.

The project would involve the installation of approximately 443 new culverts and the extension of 19 existing culverts. The culvert alignments and gradients would match the natural stream beds except where excavation or excessive skew make this impractical. The culverts would be placed in a bedding footprint of 1.5 feet on either side of the culvert. The culverts would be installed with temporary diversion by either pumping water around the site or by diverting the water through a temporary lined channel. The work would be done during low flow periods and standard procedures would be used to minimize water quality impacts.

#### **FERRY TERMINAL**

The project also calls for the construction of a new ferry terminal to be located approximately 2 miles north of the Katzechin River. The construction of the ferry terminal requires approximately 130,400 CY of fill material to be placed below the high tide line (HTL). Approximately 79,400 CY of this fill material would be placed in a 450-foot long by 365-foot wide area for the terminal facility which would consist of a parking area, terminal building, wastewater treatment area, generator building, and oil/water separators. The remaining 51,000 CY of fill material would be used for the construction of two breakwaters that would have a maximum base width of 180-feet and would be placed above the -30 foot contour. The south breakwater would be 500-feet long and the north breakwater would be 400-feet long. A 100-foot long steel sheet pile wave barrier would be attached to the channel-side end of the north breakwater. The wave barrier would have a dolphin pile support attached to the end. The dolphin would consist of three (3) 24-inch diameter steel piles. The breakwaters would contain gaps or culverts to allow for fish passage.

A mooring facility for the State ferry would be constructed off the north end of the terminal fill area. The mooring facility would consist of a stern berth with a 60-foot by 80-foot steel float and a 143-foot long by 20-foot wide steel transfer bridge and six mooring structures. The mooring structures would consist of four mooring dolphins each consisting of three 24-inch

diameter steel piles and four 30-inch diameter steel piles. There would also be two float restraint dolphins each consisting of four 30-inch diameter steel piles.

The ferry terminal facility would also require the dredging of approximately 40,000 CY of marine sediment from a 4.4 acre area to the -25 foot contour to create a mooring basin. The dredged material would be used for the construction of the ferry terminal facility and would be contained behind a 6-feet thick layer of rock riprap.

#### **PROJECT TIMING**

The project will be constructed in segments. The first construction phase, to be started in 2006, consists of two segments: from Echo Cove to the south shore of the Antler River, and from northwest bank of Lace River to the south bank of Sweeny Creek. Other segments will be constructed over the next four to five years as designs are finalized and funding becomes available.

#### **MITIGATION COMMITMENTS:**

##### **Water Quality**

- Only clean fill material (rock or mineral soil excavated from construction limits or immediately adjacent to the highway) will be used for the highway and ferry terminal embankments. No soil will be imported to the project site. Fill material will be free from petroleum or other toxic substances.
- Work will be done in a manner to prevent the spread of invasive plant species. Any soil within the project boundaries identified as containing invasive species will not be transported to other areas of the project. Construction equipment will be steam cleaned prior to use on the project to reduce the potential for introducing invasive species.
- Rock will be used to stabilize the toes of slopes at ponds and stream crossings.
- Grass seed will be placed on all road slopes containing soil to stabilize the soil. To protect the integrity of the natural plant communities, plant species indigenous to the area will be used for vegetating road slopes, except that non-native, non-invasive annual grasses may be used to provide initial soil cover. Only seed mixtures certified for purity will be used to seed exposed soils.
- Silt fences will be used adjacent to EFH anadromous stream channels, near the toe of the fill, and other appropriate places, to reduce erosion and sedimentation during construction.
- Sediment basins will be used, as necessary, during construction.
- Discharge from the wastewater outfall at the Katzehin Ferry Terminal will undergo tertiary treatment with aeration and ultraviolet light disinfection. The treated wastewater will implement the effluent limitations in the federal National Pollutant Discharge Elimination System permit. Sewage sludge will be transported to a sewer treatment plant.
- Fill near intertidal areas will be placed during low tides to minimize introduction of sediments into the marine environment.

- Fill at intertidal areas will be placed in a seaward direction from shore, avoiding in-water use of construction equipment to minimize introduction of sediments and petroleum products into the marine environment.
- Dredging and driving of dolphins at the ferry terminal will be accomplished by equipment staged on a floating barge, or from permitted fill. There will be no placement of temporary fill.
- Fill will be placed on excavated ground within the shortest reasonable time, so that disturbed soils are not left exposed for extended periods.
- Silt and sediment from site excavation and fill materials will not enter wetlands or waters outside the work area. If silt and sediment are evident in water outside the excavation and fill area, appropriate control and containment measures will be applied.
- No excavated soil or vegetation removed from the project area will be disposed of in waters, near streams, or on wetlands.
- Work will be timed to occur during low flow periods to avoid sedimentation entering streams and marine waters through runoff.
- Precautions and controls will be used to prevent incidental and accidental discharge of petroleum products from construction equipment. Containment devices, such as oil booms, absorbent pads, and straw bales are examples of items that contractors will be required to have on hand during construction to handle leaks or spills associated with construction equipment and vehicles.
- Work sites will have site housekeeping plans that address the containment and disposal of debris and waste.
- All staging, fueling, and servicing operations will be conducted at least 100 feet away from all streams and wetlands.
- Parking lot runoff at the ferry terminal will be controlled to avoid introduction of petroleum contaminants into the waters, by monitoring and maintaining oil-water separators.
- Snow removed from the highway will be dispersed along the highway. No large amounts will be deposited in one place.

#### **Areas of Disturbance (wetlands, streams, and areas below the High Tide Line)**

- Staking would be done at the planned outside limits of disturbance prior to construction to ensure that impacts are limited to that area.

#### **Wetlands**

- No grubbing will be done outside of the fill footprint and only the minimum clearing required for safety will be done beyond the toe of slope. During construction, slope limits in wetland areas will be separately identified to ensure that workers are aware of wetlands and the need to avoid impacts beyond the slope and clearing limits.
- In wetlands the embankment heights and side slopes will be minimized to reduce the fill footprint.



- Bridge extensions for wildlife passage also will bridge riparian wetlands on the south sides of the Antler and Lace rivers (50-foot bridge extensions) and on the north side of the Katzechin River (100-foot section), reducing impacts to riparian wetlands.
- In maintaining the highway, the use of salt will be minimized to the extent possible and the use of sand near wetlands will be limited.
- In clearing the corridor, timber will not be dragged through wetlands.
- In wetland areas, roadside drainage ditches will only be constructed below cut slopes to collect surface water and channel it to the down-gradient side of the highway. End sections or rock dissipaters will be used to disperse high volume/high velocity flows to protect soils and vegetation below culvert outfalls from erosion.
- Culverts and roadside swales will be used in appropriate locations to maintain natural flow patterns for surface water.
- Construction camps, staging sites, borrow pits, and waste areas will be located in upland areas and stabilized during and after use to avoid loss of wetlands and water quality impacts to wetlands and water bodies.

#### **Intertidal and Subtidal Areas**

- DOT&PF will also investigate ways to reduce the amount of sidecast material into subtidal areas.
- To the extent practicable, beach access points will use existing landings, previously disturbed sites, or locations of planned fill. Additional necessary access points identified during construction will be sited to minimize impacts to habitat and will be restored to preexisting condition after project completion.
- The design for the breakwaters at the Katzechin Ferry Terminal will include fish passage gaps or large box culverts to provide fish passage.
- No in-water work for fill placement, dredging, or pile driving will be conducted from March 15 through June 15 at the ferry terminal site to protect migrating fish species.
- Piles at the ferry terminal will be driven during low tide periods in intertidal and shallow subtidal areas to prevent injuries to fish.
- If peak sound pressure levels from deepwater pile driving at the ferry terminal exceed the threshold for injury to fish, measures will be implemented to reduce sound pressure.
- Booms will be stored at each terminal where fueling occurs, for oil spill response.

#### **Anadromous Streams**

- All anadromous streams will be crossed with bridges to provide fish passage and to minimize impacts on stream function.
- The bridges crossing all but the Lace, Antler, and Katzechin rivers will not encroach on the stream channels. Anadromous fish streams that can be crossed with 130-foot or shorter bridges will not have any structure or fill in the stream channel. Anadromous fish streams that require pier supports will have the minimum possible piers using 130-foot spacing, placed to reduce impact to the streams.

- The northern-most channel of the Antler River identified as a eulachon spawning area will be clear-spanned to avoid impacts to this habitat.
- Equipment will not enter streams or rivers during construction.
- No in-water work will be conducted from March 15 through June 15 at the Katzechin River to protect out-migrating salmonids and spawning eulachon.
- In clearing the corridor, timber will not be dragged through stream floodplains.

#### **Fish and Wildlife**

- Pile driving at the Katzechin Ferry Terminal will be done with vibratory hammers to the extent possible.
- Monitoring for the presence of marine mammals will be conducted during pile driving at the Katzechin ferry terminal. Pile driving will be halted if any marine mammals come within 660 feet (200 meters) of the activity.

#### **Compensatory Mitigation**

The Juneau Access Improvements Project will result in the loss of approximately 70 acres of wetlands and 32 acres of unvegetated intertidal and shallow subtidal habitat. The wetlands affected by the project consist of 69.1 acres of palustrine forested, 0.7 acre of palustrine scrub-shrub, and 0.2 acre of estuarine emergent wetlands. The project area is largely undeveloped and does not contain substantial areas of degraded wetland, intertidal, or subtidal habitat. DOT&PF will compensate for unavoidable adverse impacts to wetlands and marine areas with an on-site out-of-kind mitigation feature, and an in-lieu fee payment.

To compensate for impacts to scrub-shrub and forested palustrine wetlands, DOT&PF will construct a wildlife underpass at the identified bear travel corridor in the northwest part of the peninsula between the Lace and Antler rivers. This wildlife underpass is estimated to cost \$440,000.

To compensate for impacts to intertidal and subtidal habitat, DOT&PF will provide a fee in lieu payment of \$780,000, based on a value of \$60,000 per acre for estuarine emergent wetlands and \$24,000 per acre for unvegetated marine areas. This payment will be used to fund habitat restoration/enhancement projects and to purchase parcels containing high value wetland, riparian, and intertidal habitat in the project vicinity threatened by development. Based on consultation with resource agencies, DOT&PF will provide funds for the following four parcels/projects, in order of prioritization:

- 1) Point Bridget State Park inholding (conservation parcel, \$356,000 - assessed value);
- 2) artificial reef in Lynn Canal (NMFS proposed subtidal habitat enhancement, \$250,000);
- 3) Brown property, Sawmill Creek at Sixth Avenue, Haines (conservation parcel, \$55,000);
- 4) Pullen Creek Fish Passage & Restoration, Skagway, remaining Phase II funds needed and corresponding cost of project management (culvert replacement, \$105,000).

Based on the cost estimates shown above, the fee in lieu commitment would be sufficient to fund all four projects. The Point Bridget parcel (the highest priority) would be acquired through the Southeast Alaska Land (SEAL) Trust. If the negotiated cost of the parcel is higher than

\$370,000, less funding would be provided to the Pullen Creek project. If the four designated projects do not need all of the \$780,000, the remaining funds would be held by SEAL Trust, with first priority use being conservation parcels within the Strawberry Creek drainage adjacent to the City and Borough of Juneau Amalga Meadows Natural Area Park.

**SCOPE OF PROJECT TO BE REVIEWED:**

The scope of the project subject to the consistency review includes all activities that require an authorization from a Federal and/or State agency for the project to proceed – with the following exception: the scope of this review does not include the Alaska Department of Environmental Conservation (ADEC) 401 Certification process required from the State prior to the issuance of a Section 404 (of the Clean Water Act of 1977) permit by the Department of the Army.

**AUTHORIZATIONS:**

The project must be found consistent with the ACMP before the following Federal and State authorizations may be issued:

U.S. Army Corps of Engineers (COE)  
Sections 10 and 404 Permits No. POA-2006-597-2

U.S. Coast Guard (USCG)  
Section 9 Bridge Permit

Department of Environmental Conservation  
Certificate of Reasonable Assurance (401)

Alaska Department of Natural Resources (ADNR)  
Division of Mining, Land and Water (DMLW)  
Land Easement ADL 107463

Alaska Department of Natural Resources (ADNR)  
Office of Habitat Management and Permitting (OHMP)  
Fish Habitat Permit(s)

State agencies shall issue permits within five days after OPMP issues the final consistency determination that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities.

Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. Applicants may not use any State land or water without ADNR authorization.

**CONSISTENCY STATEMENT:**



Based on an evaluation of your project by the Alaska Department of Natural Resources -- Division of Mining, Land and Water (DMLW) and the Office of Habitat Management and Permitting (OHMP) and the Juneau Coastal District, the State of Alaska concurs with the consistency certification submitted by the ADOT/PF and signed by the project agent, Mr. Reuben Yost.

State permits. State agencies shall issue permits within five days after OPMP issues the final consistency determination that concurs with the applicant's consistency certification, unless the resource agency considers additional time necessary to fulfill its statutory or regulatory authority.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit of authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260(f)) is more or less restrictive than a similar requirement in a Resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without ADNR authorization.

This final consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above; regarding the conditions necessary to ensure the proposed project is consistent with the ACMP.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

**ADVISORIES:**

Department of Natural Resources:

Division of Mining, Land and Water (DMLW) -- On May 22, 2006 OPMP received the following advisory comments from DMLW:

"In accordance with AS 38.05.850 and 11AAC 96.040, the Division of Mining, Land and Water will be issuing a draft decision and public notice for issuance of an easement to the Alaska Department of Transportation and Public Facilities. The easement would authorize the use of approximately 43.3 acres of State owned tide and submerged land and shore land for the construction and use of a road from Echo Cove, around Berners Bay and then up the east side of Lynn Canal to a point approximately one-mile north of Independence Creek. The public will be invited to comment on this proposed action."

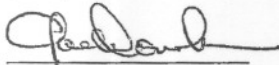
This consistency determination may include reference to specific laws and regulations, but this in no way precludes an applicant's responsibility to comply with all other applicable State and federal laws and regulations.

This consistency determination is only for the project as described and for the agreed upon alternative measures. If, after issuance of a final consistency determination, the applicant proposes any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, the applicant must contact this office immediately to determine if further review and approval of the modifications to the project are necessary. Changes may require amendments to the State authorizations listed in this determination, or may require additional authorizations.

If the proposed activities reveal cultural or paleontological resources, the applicant is to stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

**FINAL CONSISTENCY DETERMINATION PREPARED BY:**

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Joe Donohue

**ACMP CONSISTENCY EVALUATION**  
**Lynn Canal (Juneau Access Improvements) – AK 0603-07J**

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

**STATEWIDE STANDARDS**

**11 AAC 112.200. Coastal Development**

- (a) In planning for and approving development in or adjacent to coastal water, districts and state agencies shall manage coastal land and water uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.
- (b) Districts and state agencies shall give, in the following order, priority to (1) water-dependent uses and activities; (2) water-related uses and activities; and (3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.
- (c) The placement of structure and the discharge of dredged or fill material into coastal water, must at a minimum, comply with the standards contained in 33 C.F.R. Parts 320-323, revised as of July 1, 2003.

**Evaluation:** This standard applies to those areas of the highway right-of-way and the proposed ferry terminal that will be in coastal waters or within lands immediately adjacent to the Lynn Canal shoreline. The proposed activity is consistent with the subsection of this standard as follows:

- (a) priority – there is no use other than the Juneau Access project to be given a higher priority for those portions of the highway that are adjacent to the shore;
- (b)(1) water-dependent – the ferry terminal is water dependent.
- (b)(2) water-related – the ferry terminal is water-related.
- (b)(3) not water-dependent or water-related, no inland alternative – there are no practicable inland alternatives to the portions of the highway being located on or near the shore. Wherever possible, the highway alignment has been positioned inland and above the high tide to limit intertidal and subtidal impacts.
- (c) as proposed and described, this project meets the intent of this subsection.

Based on consistency responses from review participants, this project, as proposed and described, meets the intent of this standard.

#### **11 AAC 112.210. Natural Hazard Areas**

**Evaluation:** There were no coastal district, or state-designated natural hazard areas associated with the proposed activity, however, the Final Environmental Impact Statement (FEIS) references “known geologic hazards” in the project area.

This project, as proposed and described, meets the intent of this standard.

#### **11 AAC 112.220. Coastal Access**

**Districts and state agencies shall ensure that projects maintain and, where appropriate, increase public access to, from, and along coastal water.**

**Evaluation:** This proposed activity does not negatively affect public access to coastal water. The applicant will maintain public access to coastal waters (with the exception of the sections by the established sea lion haulouts). Access to areas will be increased and pullouts will be provided along the road.

This project, as proposed and described, meets the intent of this standard.

#### **11 AAC 112.230. Energy Facilities**

**Evaluation:** This standard does not apply to the project as proposed.

#### **11 AAC 112.240. Utility Routes and Facilities**

**Evaluation:** This project does not apply to the project as proposed.

#### **11 AAC 112.250. Timber Harvest and Processing**

**Evaluation:** This standard does not apply to the project as proposed.

#### **11 AAC 112.260. Sand and Gravel Extraction**

**Evaluation:** This standard does not apply to the project as proposed.

#### **11 AAC 112.270. Subsistence**

**(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.**

**Evaluation:** There was no subsistence area designated within the project area by the State or the nearest municipality, therefore this standard does not apply to the project as proposed.



**11 AAC 112.280. Transportation Routes and Facilities**

**Transportation routes and facilities must avoid, minimize, or mitigate (1) alterations in surface and ground water drainage patterns; (2) disruption in known or reasonably foreseeable wildlife transit; and (3) blockage of existing or traditional access.**

**Evaluation:** Based on consistency comments received from the Office of Habitat Management and Permitting, because the proposed road would be located between the beach and upland habitats, the road could disrupt transit of mountain goats, bears, moose and wolves that move seasonally or daily between the beach and upland areas. Bears, moose and wolves are found mainly in the river drainages and tide flats near the head of Berners Bay. Mountain goats live mainly in the alpine and sub-alpine areas, but migrate down to tidewater during winter.

Disruption to wildlife movement has been minimized by routing the road as far as practical away from the beach. Since bears, wolves, and other wildlife species migrate in riparian areas, bridge abutments on the Lace, Antler and north side of the Katzeihin River would be placed at least 50 feet beyond the stream bank to provide for wildlife passage. Two separate wildlife underpasses would be constructed at bear travel corridors on the peninsula between the Lace and Antler rivers.

To mitigate unavoidable impacts, DOT&PF is funding ADF&G to conduct wildlife studies to document population levels, habitat use and movement in the project area prior to, during and following construction. This information will be used to identify additional management measures to minimize impacts, and for ADF&G to manage wildlife populations that will be subject to road impacts and greater hunting pressure. Wildlife studies include GPS tracking of goats, moose and bears and studies of wolverines in the Berners Bay area.

During winter months goats along the road corridor and adjacent steep wooded hillsides would potentially be disturbed or displaced by construction noise. Disturbance is particularly of concern during winter when nannies are pregnant and energy reserves are low. If goat monitoring identifies areas where pregnant nannies congregate in late winter or early spring, DOT&PF will coordinate with ADF&G to avoid construction from January through April in those areas, to the extent feasible.

Based on consistency responses from participating State agencies, this project, as proposed and described, meets the intent of this standard.

**11 AAC 112.300. Habitats**

Habitats in the project area include: (2) Estuaries, (3) Wetlands, (4) Tideflats, (7) Exposed high-energy coasts, and (8) Rivers, streams and lakes and the active floodplains and riparian management areas.

**Evaluation:** The Office of Habitat Management and Permitting evaluated this proposed project based on the following subsections of this standard:

**(2) Estuaries**

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

Estuaries are defined as semi-enclosed coastal waterbodies that have a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage. Estuarine habitat in the project area is found in Berners Bay and the Katzeihin River delta area, including the ferry terminal.

The Katzeihin Ferry Terminal would include breakwaters that have the potential to impact the natural water circulation. The breakwaters will be designed with breaches to minimize impacts to alongshore

water flow and provide fish passage. To minimize impacts to fish and wildlife pile driving would be done with vibratory hammers, to the extent possible. Pile driving in shallow areas would be limited to low tide, and if peak sound pressure levels from deepwater pile driving exceed the threshold for injury to fish, measures would be implemented to reduce sound pressure. No in-water work for fill placement, dredging, or pile driving would be conducted from March 15 through June 15.

Bridges over the Lace, Antler, and Katzechin Rivers would be constructed with piers spaced 130 feet apart to minimize impacts to water flow and circulation patterns, and are designed to provide clearance for vessel passage. No in-water work would be conducted March 15 through June 15 to protect migrating salmon and eulachon.

*The proposed design and management measures would adequately avoid, minimize or mitigate significant adverse impacts to estuaries.*

### (3) Wetlands

Wetlands must be managed to avoid, minimize or mitigate significant adverse impacts to water flow and natural drainage patterns. The project would fill about 69 acres of forested wetlands, 0.7 acres of Palustrine wetlands, and 0.2 acres of emergent wetlands. The road alignment has been designed to avoid impacting all but about an acre of high value palustrine scrub-shrub and estuarine emergent wetlands. Bridge abutments on the Lace, Antler and Katzechin Rivers have been placed at least 50 feet back from the streambank to avoid impacting riparian wetlands. The majority of wetlands impacted would be palustrine forested wetlands, which are common in the project area.

Where wetland fill could not be avoided, impacts to water flow and natural drainage patterns would be minimized by providing cross-drainage structures. To mitigate unavoidable wetlands fills DOT&PF has agreed to provide compensatory mitigation in the form of a fee in lieu payment of \$780,000. Compensatory mitigation is appropriate because there are no realistic opportunities to create replacement wetlands in the project area. The funds would be used to purchase land containing high value wetland, riparian and intertidal habitat threatened by development, and to fund habitat restoration projects in the project vicinity.

*The proposed design and management measures would adequately avoid, minimize or mitigate significant adverse impacts to wetlands.*

### (4) Tidelands

Tidelands 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

Most of the potential impacts to tidelands occur at the Katzechin Ferry Terminal. Measures to avoid, minimize, or mitigate impacts to tidelands are discussed in the section on Estuaries above.

*The proposed design and management measures would adequately avoid, minimize or mitigate significant adverse impacts to tidelands.*

### (7) Exposed high-energy coasts

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

Potential impacts to high-energy areas of the coast would occur in limited areas where fill is placed below the high tide line to avoid steep terrain, eagle trees, avalanche hazards, etc., and to construct breakwaters at the Katzechin Ferry Terminal. Fill along high energy sections of the coast would be stabilized with riprap that would not impact the mix and transport of sediments. Breakwaters at the Katzechin Ferry Terminal are designed to dissipate or redirect wave energy, but are the minimum needed to provide the necessary protection to docks and vessels. Impacts to transport processes are minimized by minimizing the size of the breakwaters.

*The proposed design measures would adequately avoid, minimize or mitigate adverse impacts to exposed high-energy coasts.*

(8) Rivers, streams and lakes

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

To avoid and minimize impacts to water flow and floodplains, bridges would be constructed across all anadromous fish streams. Single-span bridges would be constructed across Sawmill, Antler Slough, Slate, Sweeny, Sherman, and five unnamed creeks that would eliminate any disturbance to water flow or the floodplain. Two non-anadromous fish-bearing streams would be crossed with culverts above natural blockages to fish passage. Culverts would be placed on numerous small streams that do not support fish. These culverts would be designed to minimize disturbance to the natural water flow.

Natural vegetation within riparian management areas would be impacted at the approaches to river and stream crossings. Impacts would be minimized by placing bridge abutments back from the streambank (at least 50 feet back from the Lace, Antler, and north side of the Katzechin), and crossing all streams at a perpendicular angle.

*The proposed design and management measures would adequately avoid, minimize or mitigate adverse impacts to rivers, lakes and streams and riparian management areas of those rivers, streams and lakes.*

*Therefore we (OHMP) agree with the certification that the project as proposed is consistent with the Statewide Standards 11 AAC 112.280 Transportation Routes and Facilities, and 11 AAC 112.300 Habitats."*

Based on consistency responses from participating State agencies, this project, as proposed and described, meets the intent of this standard.

**11 AAC 112.310. Air, Land & Water Quality**

**Evaluation:** The ADEC statutes and regulations with respect to air, land and water quality are incorporated into the ACMP. The issuance of an ADEC authorization constitutes consistency with the ACMP for the authorized activity and this standard. Consistency with this standard will be established when the ADEC issues or waives the required authorizations.

**11 AAC 112.320. Historic, Prehistoric, and Archaeological Resources**

**(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:** According to the consistency comment received from the Office of History and Archaeology, and consistent with subsection (a) – as per 10/5/2005 correspondence, the State Historic Preservation Officer (SHPO) did identify specific areas within the proposed project location as areas which are important to the study, understanding, or illustration of national, state, or local history or prehistory.

SHPO had previously reviewed (10/5/05) the Juneau Access Improvements project, stating that the proposed alignment will pass through the following historic districts (previously determined to be eligible for the National Register of Historic Places):

- Berners Bay Historic Mining District (JUN-928)
- Jualin Historic Mining District (JUN-022)
- Comet/Bear Kensington Mining District (JUN-945)

The proposed project area also includes the following historic sites (Both of which have been determined eligible for the NRHP):

- Jualin Mine Tram (JUN-932)
- Comet/Bear/Kensington Railroad (JUN-946)

Previous consultation between the SHPO and the FHWA (Federal Highway Administration) has resulted in the acknowledgement that while JUN-22, JUN-928, and JUN-945 will be affected by this proposed project, the effects will not be adverse. Additionally, FHWA has stated that bridges will be constructed across JUN-932 and JUN-946, again avoiding any adverse affects.

In order for the Office of History and Outdoor Recreation to find the project consistent with 11 AAC 112.320, sites JUN-932 and JUN-946 the SHPO has asked that these sites should be clearly flagged by an archaeologist to aid in preventing inadvertent damage by the proposed project. The SHPO has also asked to receive photographs of these two sites once the project has been completed. DOT/PF will continue to coordinate with the SHPO on these last two topics.

The consistency determination advises the applicant to contact ADNR/SHPO and the U.S. Army Corps of Engineers and the Alaska State Troopers should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

Based on consistency responses from participating State agencies, this project, as proposed and described, meets the intent of this standard.

#### **AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES**

##### **Juneau Coastal District:**

**Evaluation:** On June 8, 2006 the City and Borough of Juneau's (CBJ) Juneau Coastal District submitted consistency comments for the Juneau Access Improvements project through the Director of the CBJ's Community Development Department. The comments included five recommended alternative measures from the Juneau Coastal District and the CBJ Wetland Review Board.

Contrary to 11 AAC 110.250(a)(2)(A&B) these comments did not identify inconsistencies with either specific statewide ACMP standards under 11 AAC 112, or the current enforceable policies of the Juneau Coastal Management Program under 6 AAC 85. Because of this lack of cited enforceable policies and/or statewide standards, the recommendations were determined to not represent an inconsistency with the ACMP were not included in the ACMP consistency determination.