

3.23 Coastal Zone Management

3.23.1 Affected Environment

The Alaska Coastal Management Program (ACMP) expired by enactment of Alaska Statutes 44.66.020 and 44.66.030 on June 30, 2011. As a result, the ACMP was withdrawn from the National Coastal Management Program on July 1, 2011, and Alaska no longer has a Coastal Zone Management Act program. As of that date, the regulations at 11 Alaska Administrative Code (AAC) 110, 11 AAC 112, and 11 AAC 114, as well as local coastal management plans, were without statutory authority and therefore unenforceable. The Alaska Department of Natural Resources, Division of Coastal and Ocean Management, no longer conducts project consistency reviews.

The *Kenai Peninsula Borough Coastal Management Plan (Coastal Management Plan)* was developed in accordance with the provisions of the ACMP Section 46.40.030, Development of District Coastal Management Plans. The plan was adopted and went into effect on June 22, 2008 (adopted by the Kenai Peninsula Borough [Borough] Assembly on August 21, 2007). It was developed to provide local information and policies that carry out the objectives of the ACMP.

Since the expiration of the ACMP, the policies described in the Borough's *Coastal Management Plan* lack State statutory authority and are limited in their scope of enforcement. However, according to Borough officials, the Kenai River Center reviews projects for compliance with the *Coastal Management Plan* through established Borough codes and existing local, State, and Federal permitting processes (Mohorcich, personal communication, 2011) for projects located within the Borough coastal zone district.¹ Borough codes such as the Habitat Protection Ordinance (Code 21.18) and Floodplain Management Ordinance (Code 21.06), as well as the Multi-Agency Permit Application, provide regulatory authority consistent with many of the enforceable policies within the *Coastal Management Plan*. See Section 3.24, Permits, for more information on permitting requirements. Enforceable policies applicable to the proposed project are briefly described below. Section 3.23.2 evaluates the enforceable policies against the proposed project alternatives.

3.23.1.1 Enforceable Policies

Coastal Development. These are enforceable policies relating to development in or adjacent to coastal waters throughout the entire coastal resource district. Borough policies set forth requirements for floating facilities and ports and harbors.

Natural Hazards. These are enforceable policies pertaining to erosion in designated natural hazard areas. Borough policy requires that developers retain existing vegetative cover in designated erosion-prone areas to the greatest extent practicable.

Recreation and Coastal Access. These are enforceable policies relating to access to, from, and along coastal waters and throughout the designated recreation use area. All lands and waters of the Borough coastal zone are included within the recreation designation to allow for management

¹ The Borough coastal zone district includes a landward limit up to the 1,000-foot elevation contour and all islands in their entirety, and a seaward limit that extends 3 miles from the coastline.

of uses and activities that may have direct and significant impact on the physical, biological, and cultural features upon which recreational and tourism uses depend.

Transportation and Utilities. These are enforceable policies relating to minimizing adverse social and environmental impacts from transportation facilities in coastal areas. These policies seek to protect drainage patterns, water quality, safety, use by non-motorized travelers, important scenic values, and important fish and wildlife habitats by incorporating these concerns into designs and permits for transportation and utility projects.

Sand and Gravel Extraction. These are enforceable policies relating to sources of sand and gravel through the entire coastal resource district. The policies state that to the extent practicable, sources of sand and gravel from coastal waters should first come from reuse of abandoned development areas and, if that is not practicable, from rivers, streams, and lakes that do not support fish.

Subsistence. These are enforceable policies relating to traditional hunting and gathering subsistence activity on public lands. These policies seek to maintain opportunities for subsistence and harvest of fish and game through continued public access and habitat protection on public lands traditionally used for subsistence.

Fish and Wildlife Habitat. This is an enforceable policy relating to habitat within the Borough. The general goal of this policy is to protect and maintain the habitat values and biological productivity of important fish and wildlife habitat areas within the Borough.

Air, Land, and Water Quality. This is an enforceable policy relating to the protection of air, land, and water quality in coordination and compliance with State and Federal government regulations. This policy is applicable to the handling and storage of hazardous materials, petroleum, and petroleum products as well as the location of contaminated sites.

Archaeological and Historic Resources. These are enforceable policies relating to protection of important historic, prehistoric, and archaeological sites and artifacts within the Borough coastal district. Protection of these resources is to be considered during planning and construction of development projects.

3.23.2 Environmental Consequences

Although there is no State coastal consistency review process in place, the Borough reviews projects using the *Coastal Management Plan* (Mohorcich, personal communication, 2011). The following sections evaluate the consistency of project alternatives with the applicable enforceable policies described in the Borough's plan. The policies and the resources they are intended to protect directly relate to resource categories analyzed within this Supplemental Environmental Impact Statement and, where applicable, the appropriate section where additional information can be found is referenced.

3.23.2.1 No Build Alternative

Direct and Indirect Impacts

The No Build Alternative is located within the coastal zone for its entire length. Improvements made to the existing highway under the No Build Alternative would be subject to the Borough's *Coastal Management Plan* consistency review by the Kenai River Center and would be

developed consistent with all applicable local, State, and Federal regulations under a project separate from this Sterling Highway Milepost 45–60 Project.

3.23.2.2 Issues Applicable to the Build Alternatives

All build alternatives would be located within the coastal zone (see Map 3.23-1) either for the entire alignment (Cooper Creek and G South alternatives) or for the majority of the alignment (Juneau Creek [preferred alternative] and Juneau Creek Variant alternatives). The consistency of the build alternatives with the Borough's *Coastal Management Plan* enforceable policies is discussed below.

Coastal Development. The Alaska Department of Transportation and Public Facilities (DOT&PF) would comply with this policy through use of best management practices (BMPs) during design and construction to avoid or minimize potential adverse impacts to coastal resources. Dredging and filling necessary for the construction of the highway has been avoided or minimized through routing around most highly productive wetlands and habitat important to resident or anadromous fish. The segment of each alternative built on a new alignment would be located substantially farther from the Kenai River than the existing highway. Section 3.20 describes impacts pertaining to wetlands, and Section 3.21 describes impacts pertaining to fish habitat. Mitigation measures are described in each respective section.

Natural Hazards. The build alternatives would comply with this policy by reducing erosion through mitigation and BMPs during design and construction. Hazards such as avalanche and rockslide chutes, as well as floodplains, have been identified and avoided to the greatest extent practicable, or the effects have been minimized by routing the alignment elsewhere during preliminary design. Avalanche control measures would be implemented to reduce risk to the public and property. Multiple-span bridges would be supported on pilings that would be of size and distribution to create no significant flood risks. Smaller floodplains would be crossed with culverts large enough to pass the 100-year flood without a rise in floodwater. Where construction within the floodplain would be necessary, facilities would be constructed to meet 100-year flood flow passage requirements. The risk of road washout would be minimized through armoring road embankments with rock along the Kenai River. Section 3.19, Floodplains, describes floodplain impacts and proposed mitigation. Section 3.12, Geology and Topography, describes natural hazards such as rockslides and avalanches in relation to the build alternatives.

Recreation and Coastal Access. All build alternatives provide for recreational access to rivers, campgrounds, and trailheads in the project area, and ultimately to coastal areas downstream. All build alternatives would cross recreational lands and trails and could alter public access, but none would eliminate any access. DOT&PF has minimized conflicts with recreational use of designated recreation areas and minimized conflicts with access to recreational lands, or has provided mitigation for recreation, or both. Section 3.8, Park and Recreation Resources, and the Section 4(f) analysis in Chapter 4 describe recreational impacts.

Transportation and Utilities. This standard seeks to protect coastal zone waterways during crossings by transportation and utility corridors. DOT&PF has committed to replacing existing undersized or poorly placed culverts, providing fish passage culverts on anadromous fish streams, and providing replacement bridges on the Kenai River with no more piers in the water than currently exist. Section 3.11, Utilities, describes impacts to utilities located in the project area.

Sand and Gravel Extraction. No sand or gravel for use in project construction would be extracted from coastal zone waterways. Material disposal areas would be located within upland areas of the coastal zone. Reclamation and restoration of sites would occur as described in Section 3.20, Wetlands and Vegetation.

Subsistence. The build alternatives would affect Federal public lands that allow for subsistence uses by qualified rural residents. Section 3.10, Subsistence, describes subsistence impacts.

Fish and Wildlife Habitat. The build alternatives would adversely affect habitat for fish, terrestrial mammals, and birds. DOT&PF has minimized adverse impacts to habitat through proposed mitigation measures. Impacts to fish habitat would be minimized through replacement of existing culverts and bridges that would provide for upgraded fish passage, compared to current conditions. Impacts to fish habitat and wildlife habitat, as well as proposed mitigation, are described in Sections 3.21 and 3.22, respectively.

Air, Land, and Water Quality. During construction, operation, and maintenance of any alternative, DOT&PF would ensure all Alaska Department of Environmental Conservation regulations would be met. To avoid downstream water degradation, BMPs would be used for fueling vehicles and for fuel storage during construction. Sections 3.13 and 3.14 describe water and air quality impacts, respectively.

Archaeological and Historic Resources. To the extent feasible, DOT&PF has minimized adverse impacts to the historic properties associated with each build alternative and plans to mitigate impacts that would occur. The project has been analyzed under the Section 106 process of the National Historic Preservation Act. Section 3.9 describes historic property and district impacts. Chapter 5, Comments and Coordination, includes detail regarding ongoing consultation with the State Historic Preservation Officer and Tribes relevant to the project.

Direct and Indirect Impacts

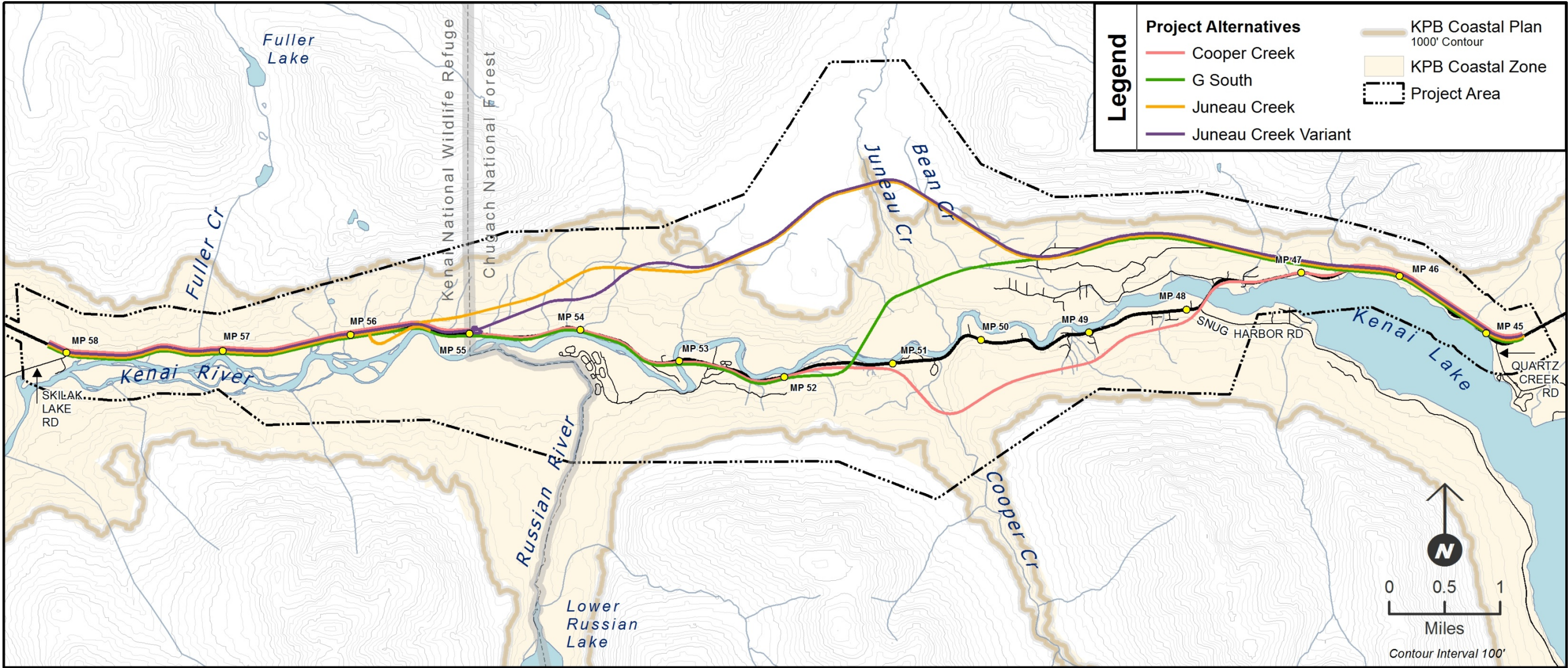
The Cooper Creek and G South Alternatives are located entirely within the coastal zone. The Juneau Creek and Juneau Creek Variant alternatives are located within the coastal zone for 85 and 84 percent of their lengths, respectively. The remainders of these alternatives lie at elevations slightly above the 1,000-foot elevation that marks the coastal zone boundary. The implementation of these alternatives would result in impacts to coastal zone resources as referenced above. Impacts to resources listed in the enforceable policies are described in detail in each respective applicable section of this document.

Construction Impacts

Construction impacts to resources listed in the enforceable policies are described in detail in each respective applicable section of this document.

Mitigation

Proposed mitigation for impacts to coastal zone resources are described in each respective section, as referenced above.



Map 3.23-1. Coastal zone in the project area

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