

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT
<http://www.alaskacoast.state.ak.us>

SOUTHCENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 705
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

CENTRAL OFFICE
302 GOLD STREET, SUITE 202
P.O. Box 111030
JUNEAU, ALASKA 99811-1030
PH: (907) 465-3562 FAX: (907) 465-3075

August 28, 2009

Attn: Southcentral Regional Land Office
Division of Mining, Land, and Water
Department of Natural Resources
550 West 7th Ave, St. 900c
Anchorage, AK 99501

Subject: Site Easement
ADL 230693 – Knik River Public Use Area Rifle Range (Maud Road Extension)
Proposed Consistency Determination

Dear Southcentral Regional Land Office:

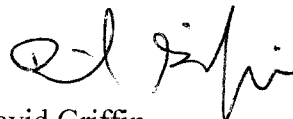
The Division of Mining, Land, and Water (DMLW) is currently coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). DMLW has developed the attached proposed consistency response based on reviewers' comments.

Based on an evaluation of your project by the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the Matanuska-Susitna Coastal Resource District, DMLW proposes to concur with your certification that the project is consistent with the ACMP and affected coastal district's enforceable policies.

This is *not* the final decision for your project. The project may be elevated as described in the attached proposed consistency determination.

If you have any questions regarding this process, please contact me at (907) 269-8546 or e-mail david.griffin@alaska.gov.

Sincerely,



David Griffin
Natural Resource Specialist

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

Enclosures

cc:

Mike Bethe, Alaska Dept. of Fish and Game
Sean Palmer, Alaska Dept. of Environmental Conservation
Stephanie Ludwig, Alaska Dept. of Natural Resources, SHPO
Christine Ballard, Alaska Dept. of Natural Resources, OPMP
Adele Lee, Alaska Dept. of Natural Resources, SCRO
Blake Kowal, Cook Inlet Region, Inc.
Bob Shavelson, Cook Inlet Keeper
Catherine Inman, Wasilla Soil and Water Conservation District
Cindi Bettin, Cook Inlet Region, Inc.
Dave Gann, DNR/DCOM
Garvan Bucaria, Wasilla
Gary Porter, Bald Mountain Scientific
Jim Arnesen, Eklutna, Inc.
Kellie Westphal, DNR/MLW
Kim Cunningham, Cook Inlet Region, Inc.
Kristie May Renfrew, District Manager, USSWC
Laurie Herman, Port of Anchorage
Matt LaCroix, EPA
Michael Dombkowski, US Coast Guard Civil Engineering Unit
Native Village of Eklutna
Nikos Pastos, Alaska Intertribal Council
Pamela Russell, DNR/Parks
Valerie Conner, Alaska Center for the Environment
Wayne Biessel, DNR/Parks
John Light, Western Construction & Equipment
Chad Gasaway, Western Construction & Equipment

**ALASKA COASTAL MANAGEMENT PROGRAM
PROPOSED CONSISTENCY RESPONSE
CONCURRENCE**

DATE ISSUED: **AUGUST 28, 2009**

PROJECT TITLE: **KRPUA RIFLE RANGE (MAUD ROAD EXTENSION)**

STATE ID. NO. : **ID2009-0318AA**

AFFECTED COASTAL RESOURCE DISTRICT(S): **MATANUSKA - SUSITNA**

PROJECT DESCRIPTION: WITH THE ISSUANCE OF A 5 ACRE SITE EASEMENT BY THE SOUTHCENTRAL REGIONAL LAND OFFICE OF THE DIVISION OF MINING, LAND, AND WATER, A SMALL-SCALE RIFLE RANGE WILL BE CONSTRUCTED ON STATE OWNED LAND W/IN THE KNIK RIVER PUBLIC USE AREA AT A LOCATION IDENTIFIED IN THE KNIK RIVER PUBLIC USE AREA MANAGEMENT PLAN THAT WENT INTO EFFECT ON SEPTEMBER 25, 2008. THE RANGE WILL BE LOCATED OUTDOORS. THE RANGE WILL MEASURE APPROXIMATELY 200 METERS LONG BY 25 METERS WIDE. EARTHEN BERM BACKSTOPS AND EARTHEN BERM SIDESTOPS WILL BE CONSTRUCTED TO PROVIDE FOR PUBLIC SAFETY.

SCOPE OF THE PROJECT SUBJECT TO REVIEW: THE SCOPE OF THE PROJECT TO BE REVIEWED IS THE CONSTRUCTION OF THE EARTHEN BERM BACKSTOP AND SIDESTOP.

Legal Location: Township 17 North, Range 3 East, Section 16, Seward Meridian.
Latitude/Longitude: 61.563,430° North/ 148.932,052° West – NAD83

CONSISTENCY STATEMENT: DMLW proposes to concur with the consistency certification submitted by David Griffin on behalf of the Southcentral Regional Land Office on behalf of.

AUTHORIZATIONS: The project must be found consistent with the ACMP before the following State authorization(s) may be issued:

Department of Natural Resources (DNR)
Division of Mining, Land and Water
ADL 230693

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

State agencies shall issue permits within five days after DMLW 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. An agency may deny a permit or authorization even though the ACMP concurs with your consistency certification. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the final project description 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 DNR authorization.

ELEVATION PROCESS: Pursuant to 11 AAC 110.600, a state resource agency, the project applicant, or an affected coastal resource district that does not concur with this proposed consistency response may request an elevation of the response to the department commissioner. A request for elevation must

- (1) be in writing;
- (2) be received by DMLW within five days after the proposed consistency response is issued; and
- (3) explain the requestor's concern, including any addition of or modification to an alternative measure identified that would achieve consistency with the enforceable policies of the ACMP.

ADVISORIES:

[OTHER]

Please be advised that although DMLW proposes to concur with your certification that the project is consistent with the ACMP, you are still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) so that consultation per section 106 of the National Historic Preservation Act may proceed.

Proposed Consistency Determination Prepared By:

David Griffin, Natural Resource Specialist

Knik River Public Use Area

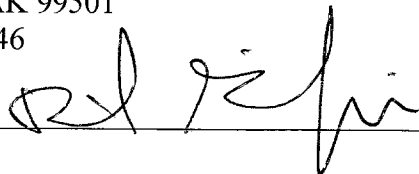
Division of Mining, Land, and Water

550 W. 7th Ave., Suite 900c

Anchorage, AK 99501

(907) 269-8546

[signature]



8/28/2009

[date]

ACMP CONSISTENCY EVALUATION

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
<p>a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those 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.</p> <p>b) Districts and state agencies shall give, in the following order, priority to</p> <ol style="list-style-type: none"> (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 <p>Evaluation: This standard does not apply because the project is not located in or adjacent to coastal water, which means those waters, adjacent to shorelines, that contain a measurable quantity or percentage of sea water, including sounds, bays, lagoons, ponds, estuaries, and tidally influenced waters. The proposed project is more than 8 miles from tidally influenced waters. Because the project is not located in or adjacent to coastal water, a public comment submitted by Elizabeth Friedman on 4/30/2009 stating that the proposed project does not meet this standard does not apply.</p>
11 AAC 112.210. Natural hazard areas
<p>Evaluation: The project is not within a designated natural hazard area.</p>
11 AAC 112.220. Coastal access
<p>Evaluation: This project does not affect coastal access because it is not along coastal water. Because the project is not located in or adjacent to coastal water, a public comment from Ms. Friedman on 4/30/2009 stating that the access road to the proposed project site increases the public safety risks for coastal users does not apply.</p>
11 AAC 112.230. Energy facilities
<p>Evaluation: This project does not involve a major energy facility, which means a development of more than local concern carried out in, or in close proximity to, the coastal area, that is (i) required to support energy operations for exploration or production purposes; (ii) used to produce, convert, process, or store energy resources or marketable products; (iii) used to transfer, transport, import, or export energy resources or marketable products; (iv) used for in-state energy use; or (v) used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices that are involved in an activity described in (i)-(iv) of this subparagraph.</p>
11 AAC 112.240. Utility routes and facilities
<p>Evaluation: This project does not involve utility routes and facilities.</p>
11 AAC 112.250. Timber harvest and processing
<p>Evaluation: This project does not involve timber harvest or processing.</p>
11 AAC 112.260. Sand and gravel extraction
<p>Evaluation:</p>

This project does not involve sand or gravel extraction.
11 AAC 112.270. Subsistence
Evaluation: This project is not located within a designated subsistence use area.
11 AAC 112.280. Transportation routes and facilities
Evaluation: This project does not involve transportation routes and facilities.
11 AAC 112.300. Habitats
The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns.
Evaluation: The project site is not located next to any waterbodies. This project is a half mile from Mud Lake and a third mile from Jim Lake. According to DNR staff that have visited the site, any surface water drains into depressions and percolates into the ground. A public comment received by Ms. Friedman on 4/30/2009 states that DNR has failed to address the impacts on habitat for birds and wildlife in the area. The ADF&G was included in the distribution of this consistency review and did not provide comments objecting to consistency with the Habitat standard. DNR also included DEC and the EPA in the distribution of this consistency review; none of these agencies provided comments objecting to consistency with the Habitat standard, therefore the project is consistent with this standard.
11 AAC 112.310. Air, land, and water quality.
Evaluation: 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. (Eff. 7/1/2004, Register 170)
11 AAC 112.320. Historic, prehistoric, and archeological resources.
Evaluation: Comments from the district and the State did not identify the proposed project location as an area which is important to the study, understanding, or illustration of national, state, or local history or prehistory. The applicant has been advised to contact DNR/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.
AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES
None of the coastal resource district enforceable policies apply to this project.