

STATE I.D. NUMBER AK 0209-07JJ
SKAGWAY RIVER 10 FLOOD CONTROL
DIRECTOR-LEVEL ELEVATION

ISSUE PAPER

Project Description and Required Permits

The project proposes the construction of flood control dikes to protect the City of Skagway in the event of a 100-year flood, and the fill and reclamation of land from the Skagway River floodplain for industrial use. Dike and revetment structures would be placed along both sides of the river, from just upstream of the Klondike Highway Bridge to about 5,300 feet upstream, northeast of the city center. The dikes would have a 14-foot wide maintenance access road at the top. A total of 50,700 cubic yards of material will be used in the dike and revetment structures for flood control. Additionally, about 17,900 cubic yards of material from an unspecified location in the floodplain would be taken and filled in behind a section of dike that will be placed in the active floodplain, for creation of land for industrial purposes. Further details about the project components can be found in the proposed consistency determination (Enclosure 1).

Authorizations needed for the project are a Section 404 permit from the U.S. Army Corps of Engineers, a 401 Certificate of Reasonable Assurance from the Department of Environmental Conservation, a Fish Habitat Permit from the Department of Fish and Game, and a Right of Way Permit from the Department of Natural Resources.

The applicant has proposed the following mitigation measures: 1) coordinating the realignment of Dairy Creek and bridging its confluence with the Skagway River to promote fish passage; 2) the east side of the project has been designed to allow a break in the dike to allow some meandering of the river; and 3) the west dike just above the Klondike Highway bridge will follow the existing shoreline, instead of a straight dike through this area. The widening is expected to provide a slow flow area for fish to congregate prior to continuing upstream.

Status of Review

The State consistency review began on September 12, 2002. The applicant granted a timeline extension to DGC to issue the proposed determination, and it was issued November 13, 2002. The review clock was then stopped at day 49 per the applicant, and DGC received a request for elevation on November 22. Day 1 of the director-level elevation was November 22. As such, a director-level proposed determination must be issued no later than 15 days later, which is December 7, a Saturday, so the director-level proposed will be issued on December 9.

Summary of Regional-Level Consistency Determination

The regional-level proposed consistency determination found the project consistent with the Alaska Coastal Management Program, with 13 stipulations. The stipulations were

required for the project to be consistent with the Geophysical Hazards standard (6 AAC 80.050), the Habitats standard (6 AAC 80.130), the Air, Land, and Water Quality standard (6 AAC 80.140), the Alaska Water Quality standards (18 AAC 70), and various enforceable policies of the Skagway Coastal Management Plan. The standards and enforceable policies cited appear as Enclosure 3. Stipulation 1, the stipulation elevated by the applicant, would require the location of the west dike to follow the ordinary high water line as surveyed in 2001. Rationale cited for this stipulation was predicated on the agencies' determination that the proposed location for the dike would result in a decrease in the river's hydraulic capacity, an increased possibility of property damage and loss of life by increasing flood potential from reducing the active river channel.

Summary of Elevation Request

The applicant's elevation request appears as Enclosure 2. The applicant believes that the project does meet the standards of the ACMP. In addition, the applicant's elevation request states that there is a public need for the project, that while moving the west dike may be reasonable and prudent, it does not meet the objectives of the project, which are to provide flood control and reclaim lost industrial land for the City of Skagway. Further, the request states that feasible and prudent steps have been taken to maximize conformance with ACMP standards, in the form of mitigation, timing, and a maintenance plan for gravel mining.

Additional Information

There are ownership disputes over certain of the lands subject to the application for this project. DNR asserts ownership and title to much of this area as it is in the bed of a river that they deemed navigable in 1993. For the sake of allowing the project to proceed, the City of Skagway, DNR, and Dave and Pamela Hunz (adjacent landowners) signed an agreement to protect any of the parties from prejudicing title assertions to any of the lands involved. Under its Title 38 authority, DNR will issue one right-of-way authorization for all state lands, including disputed state lands, associated with the project. The purpose of the right-of-way authorization is not to define ownership issues but to allow construction of the project.