

Skagway Coastal Management Program

Plan Amendment



Prepared by
City of Skagway

with assistance from
Sheinberg Associates
Juneau, Alaska

March 2007

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Acronyms

ACMA	Alaska Coastal Management Act
ACMP	Alaska Coastal Management Program
ADEC	Alaska Department of Environmental Conservation
ADFG	Alaska Department of Fish and Game
AIDEA	Alaska Industrial Development Authority
AMHS	Alaska Marine Highway System
AML	Alaska Marine Lines
AMSA	Area Which Merits Special Attention
AP&T	Alaska Power & Telephone
AS	Alaska Statute
ATS	Alaska Tidelands Survey
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
cfs	cubic feet per second
CMP	Coastal Management Program
DCCED	Alaska Department of Commerce, Community and Economic Development
DGGS	Division of Geological and Geophysical Services
DIPAC	Douglas Island Pink and Chum
DNR	Alaska Department of Natural Resources
DOT&PF	Alaska Department of Transportation & Public Facilities
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FIRM	Flood Insurance Rate Maps
HB	House Bill
HUD	Department of Housing and Urban Development
KLGO	Klondike Gold Rush National Historic Park
MW	Megawatt
NHL	National Historic Landmark
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NWI	National Wetland Inventory
OCRM	Office of Ocean and Coastal Resources Management
OHMP	Office of Habitat Management and Permitting
OPMP	Office of Project Management and Permitting
RV	Recreational vehicle
SCMP	Skagway Coastal Management Program
SCVB	Skagway Convention and Visitors Bureau
SDC	Skagway Development Corporation
TMDL	Total Maximum Daily Load
TRUCS	Tongass Resource Use Cooperative Study
USFS	United States Forest Service
USGS	United States Geological Survey
WPYR	White Pass & Yukon Route Railroad

1.0 Introduction

The City of Skagway has participated in the Alaska Coastal Management Program (ACMP) since 1980. Skagway has used coastal management as an effective tool in managing a wide range of coastal uses and resources, including use and development of its deepwater port and commercial/industrial waterfront, flood control on the Skagway River, protection of areas important for community recreation, fisheries enhancement, and protection of coastal habitats. It has given the City an important voice in decisions about State and federal permitting for coastal development activities.

Recent changes in State law require the City to update the Skagway Coastal Management Program (SCMP), which was last revised in 1991. This Final Draft Plan Amendment of the SCMP has been prepared to comply with the Alaska Coastal Management Act as amended by the Alaska State Legislature in 2003 and the ACMP regulations adopted in 2004. Skagway has also taken this opportunity to update the resource information and analysis in the SCMP, and to address new coastal management issues in the revised policies of this plan.

1.1 Coastal Management Overview

The United States Congress passed the Coastal Zone Management Act in 1972. The federal law provided an opportunity and incentives for coastal states to develop land and water use plans to manage their coastlines and coastal resources. The Alaska State Legislature passed the Alaska Coastal Management Act in 1977 and Alaska received federal approval of the ACMP in 1979.

Coastal management planning in Skagway began in 1980 with adoption of the *Skagway Coastal Management and Energy Impact Program*, which was approved by the State of Alaska as the district coastal management plan for Skagway. In 1987 and 1990, Skagway revised the plan to update its resource inventory and analysis, update its goals and objectives, clarify the enforceable policies, and revise the implementation section of the plan. In 1991, Skagway adopted more specific coastal management plans for the *Skagway River* and *Port of Skagway Areas Meriting Special Attention* (AMSA).

In 2003, the Alaska Legislature amended the Alaska Coastal Management Act (AS 46.39 and AS 46.40) with the passage of House Bill (HB) 191. The Alaska Department of Natural Resources (DNR), Office of Project Management and Permitting (OPMP) adopted new regulations to implement the statute in 2004 (11 AAC 110, 11 AAC 112 and 11 AAC 114). The statute made many substantive changes to Alaska's coastal management program. All coastal districts are required to revise their plans to bring them into compliance with the new requirements. The new coastal district plans must be submitted to the Commissioner of DNR for State approval, and to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management (OCRM) for federal approval.

This Final Draft Plan Amendment of the Skagway Coastal Management Program:

- Complies with the revised Alaska coastal management statute and regulations.
- Updates the resource information and analysis, and the issues, goals and objectives of the program.
- Provides updated and improved digital mapping for coastal resources and areas subject to the policies of the plan.
- Updates the enforceable policies of the plan to reflect Skagway's current intent for managing coastal uses and activities within its coastal zone boundaries.

This plan was adopted by resolution of the Skagway City Council on May 26, 2005. A copy of Council Resolution 05-11 is included in Appendix C.

1.2 Purpose, Objectives and Use of the Coastal Program

The general purposes of the ACMP are to balance development and preservation of coastal resources and to bring the local expertise and knowledge of coastal communities and residents into the State and federal permitting processes for coastal development projects. The objectives listed in the statute (AS 46.40.020) are the:

1. Use, management, restoration, and enhancement of the overall quality of the coastal environment.
2. Development of industrial or commercial enterprises that are consistent with the social, cultural, historic, economic, and environmental interests of Alaskans.
3. Orderly, balanced utilization and protection of the resources of the coastal area consistent with sound conservation and sustained yield principles.
4. Management of coastal land and water uses in such a manner that, generally, 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.
5. Protection and management of significant historic, cultural, natural, and aesthetic values and natural systems or processes within the coastal area.
6. Prevention of damage to or degradation of land and water reserved for their natural values as a result of inconsistent land or water usages adjacent to that land.
7. Recognition of the need for a continuing supply of energy to meet the requirements of the state and the contribution of a share of the state's resources to meet national energy needs; and the full and fair evaluation of all demands on the land and water in the coastal area.

When a project is proposed for development within the City of Skagway's coastal zone, it is subject to the SCMP's enforceable policies, listed in Chapters 4.0 and 5.0 (and consolidated in Appendix A). If the project is a federal activity, or needs State or federal

permit or other approval, the State reviews the project for consistency with the ACMP and the Skagway CMP, and Skagway formally participates in the State-coordinated review. If only local approval is required (such as a City of Skagway conditional use permit), then the City reviews the project for consistency as part of the Planning Commission's regular permit review process.

Federal lands and waters are excluded from Skagway's coastal zone. However, the federal government is not exempt from coastal management. Activities that require a federal license or permit, or that are sponsored by a federal agency, that would affect coastal uses or resources within Skagway's coastal zone must be consistent with the Skagway CMP to the maximum extent practicable.

1.3 Organization of this Plan

The Final Draft Plan Amendment of the Skagway Coastal Management Program includes the following chapters:

- 2.0 Coastal Boundaries – Identifies the Skagway coastal district's coastal zone boundary, which is the area subject to this plan.
- 3.0 Resource Inventory and Analysis – Inventories coastal resources, analyzes the impacts to these uses and activities, designates certain special use areas under 11 AAC 114.250 to which specific enforceable policies apply, and provides required documentation and rationale to support these designations and the enforceable policies of the SCMP.
- 4.0 Issues, Goals, Objectives and Policies – Discusses coastal issues in Skagway, the district's goals and objectives for coastal management, and lists the enforceable policies that would be applied within Skagway's coastal zone during consistency reviews.
- 5.0 Areas Which Merit Special Attention – Provides more detailed coastal management plans for four AMSAs in the Skagway coastal district. These AMSAs are: Yakutania Point AMSA, Pullen Creek Shoreline Park AMSA, Port of Skagway AMSA, and Skagway River AMSA.
- 6.0 Implementation – Identifies the land and water uses and activities subject to the SCMP. Describes how the plan will be implemented by the City of Skagway and by State and federal agencies.
- 7.0 Public Participation – Documents the process for public participation in development of the Final Draft Plan Amendment.
- 8.0 References – Lists the scientific and technical references used to support the resource inventory and analysis.

This amendment to the Skagway CMP was prepared in accordance with the process and requirements outlined in ACMP regulation, 11AAC114.345 Transition. The plan was submitted to the State of Alaska OPMP in June 2005, then revised to address OPMP's requirements for plan approval and resubmitted for approval in March 2006.

2.0 Coastal Boundaries

The City of Skagway borders British Columbia, Canada on its north and east boundary, and the City and Borough of Haines on the south and west. Figure 2.1 illustrates the corporate boundary of the City of Skagway and the coastal zone boundary of the Skagway coastal district. No change to Skagway's existing coastal zone boundary is proposed in this plan update.

Skagway's inland coastal zone boundary includes all islands and the lands and waters within:

- The timberline of the coastal Sitka spruce/hemlock forest,
- Slopes contiguous with marine waters where mass wasting is evident or likely to occur, and
- Unvegetated areas left by receding glaciers where the coastal forest is likely to invade.

Skagway's seaward coastal zone boundary includes all marine waters and tidelands within the city limits.

Skagway's coastal zone boundary corresponds to the *Biophysical Boundaries of Alaska's Coastal Zone*, produced by Alaska Department of Fish and Game in 1978 and adopted by the State of Alaska as the initial boundaries of Alaska's coastal zone. Skagway's coastal zone boundary includes the zones of "direct interaction" and "direct influence" between coastal waters and adjacent land, as delineated by the State of Alaska.¹

Federal lands are excluded from state or local jurisdiction under coastal management. In the Skagway district, federal lands include those under the jurisdiction of the USDA Forest Service (USFS), National Park Service (NPS) and Bureau of Land Management (BLM). Actions of federal agencies and activities authorized by those agencies that may have an impact on land or water use or natural resources of Skagway's coastal zone are required to be consistent to the "maximum extent practicable" with the Skagway coastal management plan. Readers should refer to the federal Coastal Zone Management Act (Section 307) and its implementing regulations (15 CFR 923 and 15 CFR 930) for specific federal consistency requirements.

There are no incompatibilities between the Skagway coastal zone boundary and neighboring coastal zone boundaries.

¹ The zone of direct interaction is the area where biophysical processes are a function of direct contact between land and sea. The zone of direct influence is the coastal area which is landward of the zone of direct interaction, but which is also closely influenced by the proximity of land to sea.

Skagway Coastal Management Program

Figure 2.1 Skagway Boundaries

Skagway Municipal and Coastal District Boundary

Skagway Coastal Zone Boundary

0 1.5 3 6 Miles



March 2006



Skagway 1:250,000
USGS Alaska Topographic Series

Federal lands are excluded from state or local jurisdiction under coastal management. However, if a federal activity (including a federal agency's activity or an activity requiring a federal permit) affects identified land or water uses or natural resources within the Skagway coastal district boundary, then that activity is subject to the relevant Alaska Coastal Management Program standards at 11 AAC 112 and the Skagway Coastal Management Program's enforceable policies.



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

3.0 Resource Inventory and Analysis

This chapter presents the Resource Inventory and Analysis for the Skagway Coastal Management Program. It describes the natural environment, cultural setting and uses of coastal resources. Where relevant to provide justification for the enforceable components of the Skagway CMP, it analyzes current and potential needs and demands for coastal resources, suitability and sensitivity to development, and potential conflicts among uses and activities. This information provides the rationale for the special use area designations made in this chapter under 11 AAC 114.250, and for the goals, objectives and enforceable policies in Chapter 4.0. Additional resource inventory and analysis information is also presented in the Areas Which Merit Special Attention (AMSA) plans in Chapter 5.0.

Detailed information about Skagway's demographics, economy, community and private infrastructure, city government, public and social services, and community organizations is well-described in the *City of Skagway Comprehensive Plan* (October 1999), and more recently in Skagway Development Corporation's *Economic Profile and Inventory for Skagway, Alaska* (February 2005). This information is generally not repeated here, unless there has been a change in those factors that relates to a coastal resource use or issue relevant to the SCMP.

3.1 Demographics

Skagway's population in 2004 was estimated at 870 people (Alaska Department of Labor, 2004). Skagway has experienced an approximately 2.0% annual growth rate in the 1990's and early-2000's, attributed to growth in the City's tourism industry. The population has increased from a recent low of 692 in 1990.

During the 2000 U.S. Census, Skagway's population was reported at 862 people, with 92% Caucasian, 5.1% reporting Alaska Native ethnicity, and the remainder other races (U.S. Census Bureau, 2000). Skagway's ethnic character has remained relatively unchanged over the past three census counts.

The 2000 Census counted total housing units at 502, with approximately 100 used seasonally rather than year-round. The 2000 Census found an unemployment rate of 14.1 percent, although 32.2 percent of all adults were not in the work force. The median household income was \$49,375, per capita income was \$27,700, and 3.69 percent of residents were living below the poverty level.

In 2003, the Alaska Department of Labor counted 749 jobs in Skagway, up from 561 in 1990 and 681 in 1998. The largest industry sectors providing jobs included transportation and warehousing (24.8%), all government (21.0%), leisure and hospitality (20.6%) and retail trade (20.3%) (Alaska Department of Labor, 2005).

3.2 Land Status, Management and Use

3.2.1 Land Status and Management

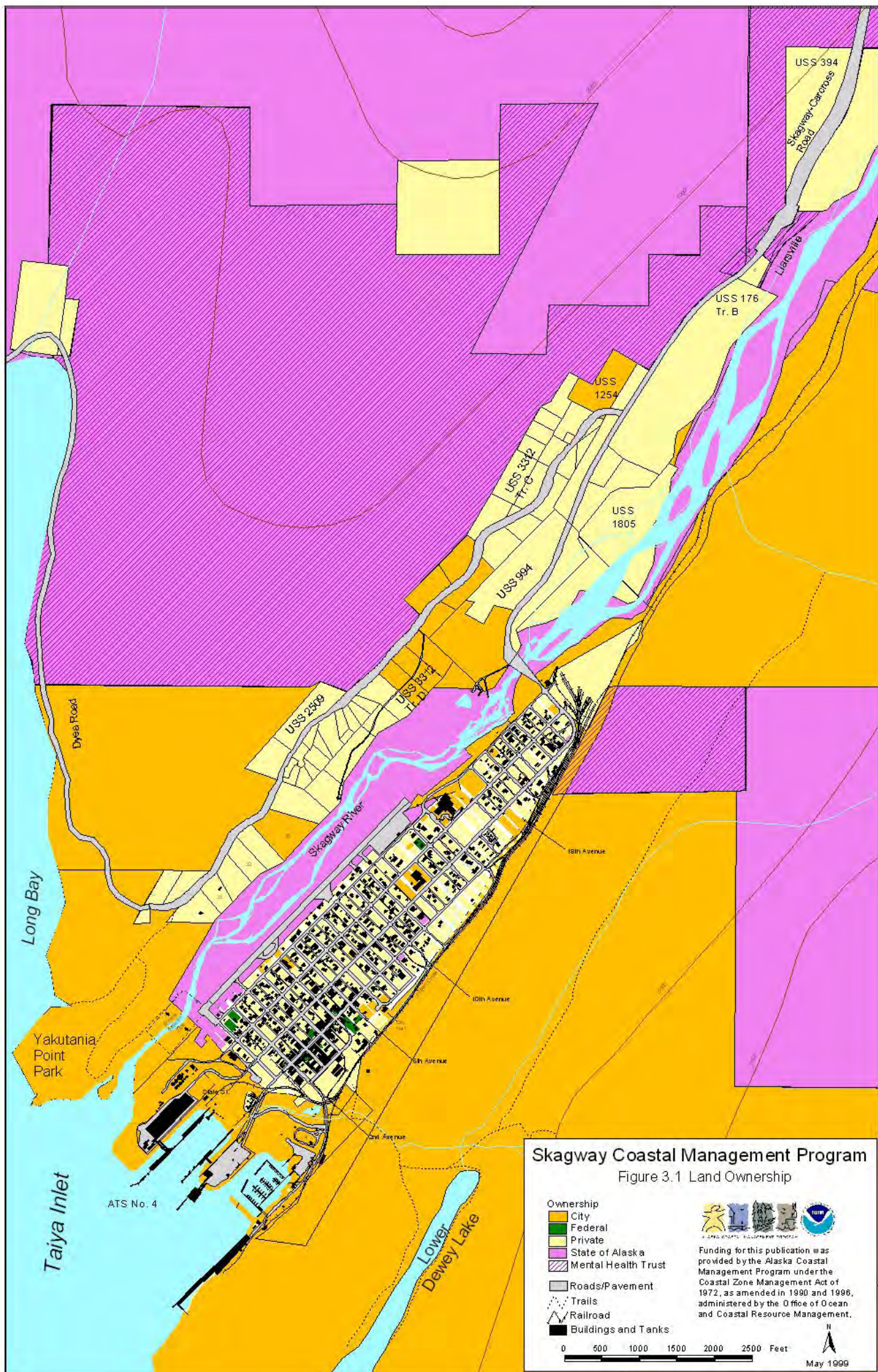
The City of Skagway is a first-class city governing an estimated 455 square miles of land. Skagway is the only city within the area. The City of Skagway annexed all land between the Haines Borough boundary and the Canadian border on March 4, 1980, expanding the city limits from 11 square miles to its current extent. There is no borough form of government. Lands within the City of Skagway are managed in accordance with the *City of Skagway Comprehensive Plan* (1999), the Skagway Coastal Management Program, and Skagway's municipal land use and zoning code (Chapters 16-20).

Within the City boundary, land is owned by private individuals and companies, the City of Skagway, the State of Alaska (including Alaska Mental Health Trust lands), and the federal government. Land ownership is shown on Figures 3.1 and 3.2. Detailed information about land status and management is provided in the *City of Skagway Comprehensive Plan* (1999) and the State and federal agencies management plans referenced below.

About 68 percent of the land within the City of Skagway is federally managed. Most of this is within the Tongass National Forest managed by the USFS, and is managed for semi-remote recreation, remote recreation, or natural area research. Federal land within the Skagway townsite and the Klondike National Historical Park is managed by the NPS, in accordance with the *Klondike Gold Rush National Historical Park General Management Plan, 1997*. The Klondike Gold Rush National Historical Park (KLGO) was established in 1976 to preserve in public ownership for the benefit and inspiration of the people of the United States, historic structures and trails associated with the Klondike Gold Rush of 1898. Park lands are managed for historic preservation, maintenance and interpretation of the historic scene, protection of natural resources and public use. The NPS also manages the complete Chilkoot Trail corridor, much of which is State owned.

Federal land west of the Taiya River Valley is managed by the BLM. BLM has no written land management plan for the area, but addresses natural and cultural resource values and issues when it issues permits for use of its land.

About 27 percent of the land in the City of Skagway is State owned and managed. The main area of State land stretches from the western valley of the Skagway River to and including the Taiya River valley, and the upper reaches of the West Creek and Nelson Creek valleys. On the east side of town, the State owns some land south of the Dewey Lakes, and on the western flank of Twin Dewey Peaks. The Alaska DNR manages this land in accordance with the *Northern Southeast Area Plan* (DNR, October 2002). The large tracts of State owned and State selected land in the Skagway are assigned "General Use" a multiple use designation, to allow for flexibility in resource management and protection, and because there are no immediately apparent economic trends that would require their use during the planning period. The Area Plan assumes that these large



Skagway Coastal Management Program

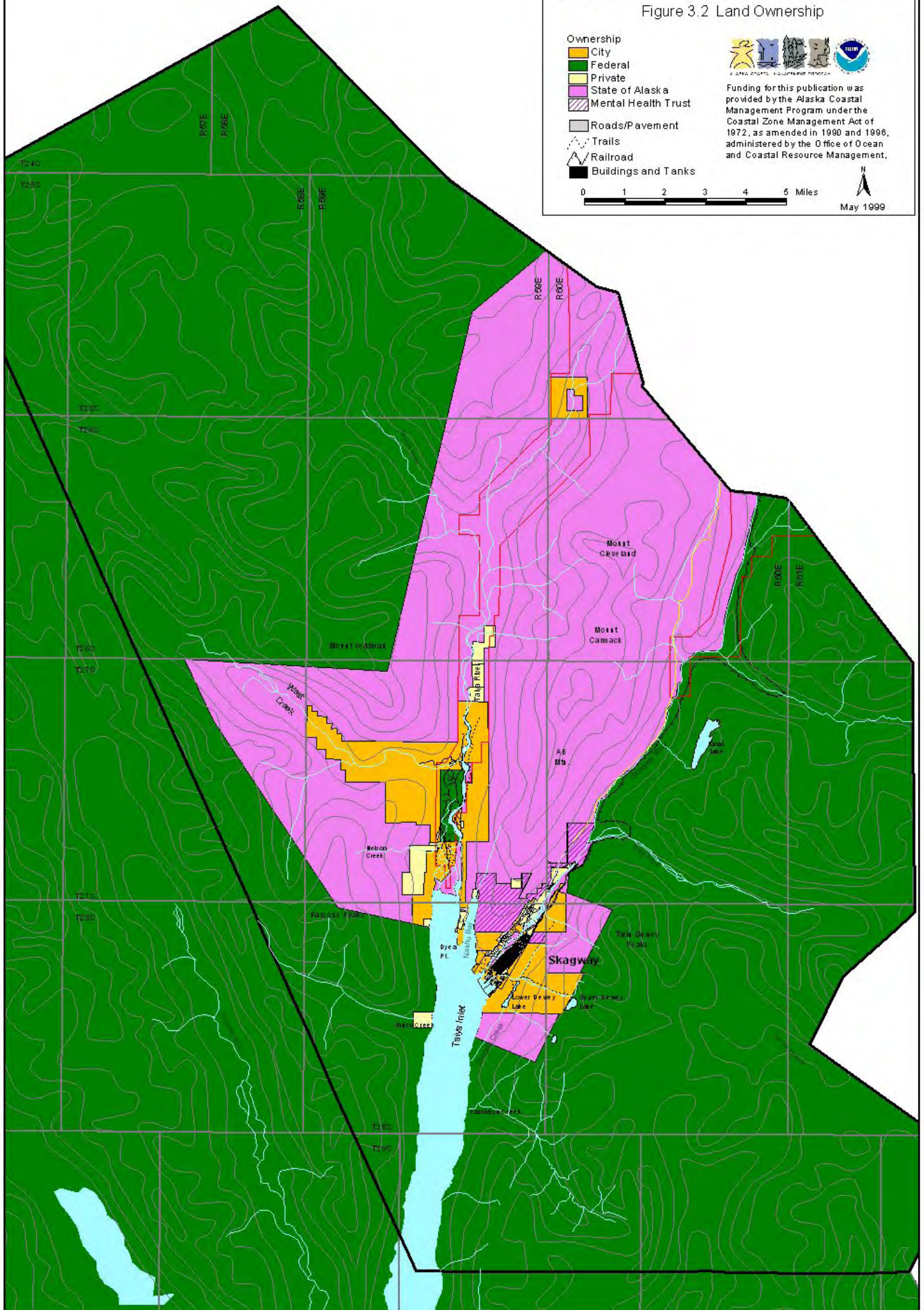
Figure 3.2 Land Ownership

- Ownership
- City
 - Federal
 - Private
 - State of Alaska
 - Mental Health Trust
 - Roads/Pavement
 - Trails
 - Railroad
 - Buildings and Tanks



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management.

0 1 2 3 4 5 Miles



tracts would not be used for development purposes within the 20-year State land planning period. State tidelands will be managed to protect sensitive habitats and areas important as fisheries, marine mammal concentration sites, wildlife movement corridors, subsistence, and to protect community and commercial harvest.

The Alaska Mental Health Trust manages about 1,400 acres of State land on AB Mountain and near the Skagway River, close to town. The Trust, which was established by Congress in 1956, manages its lands to generate long-term revenue to improve the lives of the Trust beneficiaries.

The City owns about three percent of the land base within the City of Skagway and private individuals own approximately two percent, which includes a few large Native Allotments.

3.2.2 Coastal Development Uses and Constraints

Skagway's coastline measures only approximately 25 linear miles. Coastline areas that can be used and developed are further limited by existing development and use, limited road access, steep terrain, river deltas, the presence of coastal recreation areas, and other constraints. Each section of this chapter (Sections 3.3 through 3.16) provides resource inventory information that describes Skagway's coastline and its coastal development uses, challenges and issues.

Resource Analysis – Coastal Development

Skagway's coastline is the gateway to its community. Its short 25-mile length is a finite resource, and thus is extremely valuable. The coastline must serve a range of development and non-development needs that are crucial to the economic vitality of Skagway and to the quality of life of its residents. Uses that must be accommodated on the limited coastline include the port (serving industrial, marine transportation, tourism, commercial, and recreational uses), recreation, tourism, fisheries enhancement, fish and wildlife harvesting, residential development, energy facilities, transportation and utility routes, and other uses, activities and developments.

It is essential that Skagway's coastline be carefully managed to ensure that future water-dependent and water-related uses can be accommodated to support the community's growth development and quality of life. Uses and developments that do not have an essential need for a coastal location must be located inland, to ensure that future coastal development is not precluded. Consolidation of uses, where practicable, is another important tool for ensuring that future water-dependent and water-related uses can be accommodated. Management for water-dependent and water-related uses is of particular importance in Skagway's port area (See Chapter 5.0, Section 5.3).

Further, it is important that development on Skagway's coast minimize impacts to the coastal resources and amenities important for recreation, tourism, pedestrian access to coastal areas, fish and wildlife harvesting, and other uses. The impacts of new

development on valuable biological resources, scenic vistas, public access and other amenities must be considered, and development alternatives must be sought that minimize such impacts and balance the needs of property owners with the community-wide benefits to sound coastal management. Examples of alternatives include not allowing coastal locations for non-water-dependent accessory uses, or prohibiting placement of fill in coastal waters for residential development if there is a practicable alternative.

3.3 Climate and Setting

Skagway is located at the head of the Taiya Inlet in northern Southeast Alaska. Rugged mountains, steep-walled valleys and glacial rivers, numerous glaciers, and ice fields characterize the geography of the area. The most recent glacial activity is estimated to have ended between 12,000 to 13,000 years ago. As the glaciers retreated, deep bays and channels and steep-sided valleys were carved.

The Skagway River and the Taiya River are the two major rivers that drain the upper Taiya Inlet watershed. The Skagway River drainage is approximately 19 miles long and covers 145 square miles, with glaciers covering 17 percent of the watershed. The Taiya River drainage is approximately 16 miles long and drains approximately 180 square miles. The Skagway and Taiya watersheds are mountainous, with elevations ranging from sea level to almost 7,000 feet.

Skagway is in a maritime climatic zone, with cool summers and mild winters. Average summer temperatures range from 45° to 60° F; average winter temperatures range from 18° to 37° F. Skagway receives less precipitation than other communities in Southeast Alaska. Total precipitation averages 26 inches a year, with 39 inches of snow. By comparison, Juneau receives 86 inches of precipitation annually with 35 inches of snow. Two-thirds of Skagway's precipitation falls between September through January. Persistent surface winds are common. Total precipitation may vary by two to three times within a few miles. Snowfall averages 39 inches per year in town, while in the mountain passes it can be 500 inches per year.

The base rock that underlies much of Skagway is igneous, intrusive rock, with some metamorphic rock. Both rock types have low permeability to water and surface run-off fluctuates after rain and snowmelt, causing streams to rise rapidly. The retreating glaciers covered the base rock with deposits of colluvium (cobble, boulder-sized rubble, sandy gravel and silt). Because the mountain slopes are very steep, most of this colluvium slid or was washed downslope, and is found at the base of slopes or in depressions. Colluvium is generally considered unsuitable as material for man-made uses or structures. The floor of the river valleys are formed by floodplain and alluvial surface deposits (gravel, sand, some cobbles, and silt). The townsite of Skagway is located on a sand and gravel alluvial deposit to a depth of six hundred feet in the center of the Skagway River valley.

Generally, Skagway's soils range from fine silt, to boulders, to zones of organic material. Most soils are well-drained. Poor drainage occurs in areas with high silt or organic materials, and may create muskeg conditions.

Skagway is located within the coastal spruce/hemlock forest that extends throughout Southeast Alaska. However, Skagway's relatively low precipitation creates conditions that support some unique assemblages of flora and fauna. The spruce/hemlock forest is found on Skagway's well-drained slopes from sea level to timberline at 2,000 to 3,000 feet in elevation. Cottonwoods grow along the river floodplains. Near timberline, the forest changes to scattered and stunted mountain hemlock and fir. The forest understory includes a variety of shrubs and herbivorous plants, including willow, red alder, berries, devil's club and skunk cabbage. Above timberline, alpine tundra vegetation is found. Tideflat and wetland vegetation include grasses, sedges and rushes.

The intertidal zone of the Skagway area is composed of deltaic deposits (sandy gravel, gravelly sand, cobbles, small boulders, shell fragments, sand and silt) ten to fifty feet thick, covered by alluvial deposits from the rivers or by man-made fill. Fill has been placed for development along the waterfront, the airport and in distributed properties throughout town.

3.4 Natural Hazards

The City of Skagway is located on the delta and lower valley of the Skagway River. The small community of Dyva is located on the lower Taiya River. These coastal communities are subject to flooding, earthquakes and associated effects, upland and underwater landslides, locally-induced tsunami waves, and slow uplift (rebound) of land area.

This section provides an inventory and analysis of natural hazards in the Skagway coastal district, and designates several specific areas as natural hazard areas under ACMP regulation, 11 AAC 114.250(b). Natural hazard areas in the Skagway coastal district are depicted on Figures 3.3, 3.4 and 3.5.

3.4.1 Skagway River Floodplain

The Skagway River drains an area of approximately 145 square miles, entering Taiya Inlet at the Skagway townsite. Major tributaries to the river include the East Fork and the White Pass Fork of the Skagway River.

The city townsite is located in the delta of the Skagway River, downstream of the narrow river valley. The federal Department of Housing and Urban Development, *Flood Insurance Study* (HUD, 1976) identified the base floodplain that would be inundated by a 100-year flood. HUD *Flood Insurance Rate Maps* (FIRM) designated the river area as a special flood hazard area (Zone A6). The townsite was designated as an area subject to

sheet flooding (Zone B), with the 100-year flood producing flow depths of less than one foot.² Figures 3.4 and 3.5 depict the FIRM maps.

More recently, the City of Skagway prepared the *Skagway River Flood Control Master Plan* (Montgomery Watson, 1997). The Master Plan shows that the Skagway River has meandered across its floodplain upstream of the Klondike Highway bridge over the last forty years. The report indicates that peak river flows occur June through August, when discharge is primarily from glacial melt. Gaging records from 1964-1986 recorded a mean river flow of 560 cubic feet per second (cfs). The Master Plan estimated the 20-year flood event at 15,300 cfs, and 100-year flood event at 38,000 cfs.

Resource Analysis – Skagway River Floodplain

The City of Skagway has long recognized that development in the Skagway River floodplain must be done in a manner that does not exacerbate potential flooding and erosion, and also protects coastal development, life and property from the flood and erosion hazard. The original Skagway townsite (including commercial and residential areas), airport and school are immediately adjacent to the river banks. There is demand for continued development and use of land in and adjacent to the floodplain. Through its coastal management program, implementation of other municipal ordinances, and intent to construct additional flood control structures, the City is working to effectively manage the flood hazard.

Development of the city townsite has required the river to be channelized to prevent the river from channel shifting, eroding property and flooding the Skagway community. Beginning in the 1940s, flood control dikes have been built on both sides of the Skagway River, through the townsite and to about 1.5 miles upstream, by the US Army, the Army Corps of Engineers, private landowners and the Alaska Department of Transportation and Public Facilities (DOT&PF, 1999). Repairs to the dikes were made in 1945, 1951 and 1967. Dikes have since been constructed upstream of the townsite by various entities, including private land owners, the Corps of Engineers, and DOT&PF.

The City has taken steps to manage flood hazards on the Skagway River by codifying and implementing local floodplain land use regulation, participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA), and some maintenance of dikes turned over to the City from the Corps of Engineers. The city's flood management ordinance (Skagway Municipal Code, Chapter 15.12) regulates development in the flood zones depicted in the 1977 FIRM maps (Figures 3.4 and 3.5).

The City plans to construct additional flood control structures upstream of the Klondike Highway bridge to further manage flood hazards and prevent destruction. The proposed work would include installation of revetments and dike structures to retain the 100-year flood on both sides of the river to approximately 5,300 feet upstream of the Skagway

² "Sheet flooding" is a condition where stormwater runoff forms a sheet of water to a depth of six inches or more. Sheet flooding is often found in areas where there are no clearly defined channels.

River bridge, improvements to existing dikes, and regular dike inspection and periodic maintenance. Approval for the flood control project by permitting agencies has been received from the State of Alaska, but the permit from the Corps of Engineers is still pending. Skagway will begin construction once the Corps permit is received and funding is approved.

Following construction of the flood control structures, the city will initiate a FEMA map revision for Skagway to show the reduced 100-year flood zone. The designation of the floodplain as a natural hazard area in this Skagway CMP will be revised as necessary after the FEMA map revision is completed. The Department of Commerce, Community and Economic Development (DCCED), Division of Community Advocacy, has indicated its support for the FEMA map revision following construction of the flood control structures (DCCED memo to City of Skagway, April 6, 2005).

Additional resource inventory and analysis related to the Skagway River can be found in the Skagway River AMSA plan, Chapter 5.0, Section 5.4 of this document. Section 3.4.6 of this chapter designates the Skagway River 100-year floodplain as a natural hazard area under the provisions of 11 AAC 114.250(b). The designated area is shown on Figures 3.4 and 3.5.

3.4.2 Taiya River Floodplain

The Taiya River watershed is approximately 180 square miles and is located west of Skagway. The river enters the Taiya Inlet at the historic townsite of Dyea. Major tributaries to the river include West Creek and the Nourse River, which are both subject to flooding. U.S. Geological Survey (USGS) gaging data for the Taiya River from 1969-1977 show an average discharge of 1,130 cfs, with a maximum discharge of 11,500 cfs on September 27, 1976, for the gaging period. USGS data notes that a flood of September 1967 was estimated to reach a peak of over 25,000 cfs. The USGS reactivated the Taiya River gage in October 2003.

The DNR Division of Geologic & Geophysical Surveys (DGGS) has mapped the surficial geology of the lower Taiya River on the USGS Skagway B-1 quadrangle (March, 1982). The map shows the location of active floodplain alluvium and inactive floodplain alluvium and the boundary of the active floodplain, inferred from these soil types. No mapping was done upstream of this point. However, the DGGS recommended that the mapped floodplain be extended northward from that delineated by March to the limits of vegetation shown on the USGS base map (memo from DGGS to the City of Skagway, undated).

Resource Analysis – Taiya River Floodplain

Areas along the Taiya River floodplain are developed for low-density residential development and used for dispersed recreation, subsistence (fisheries) and tourism. The

floodplain also encompasses areas of major historical significance. Located at the mouth of the Taiya River, the Dyea Flats served as the staging area for gold seekers who traveled over the Chilkoot Pass during the Klondike Gold Rush of 1897-98. The Chilkoot Trail leaves from the Dyea Flats and travels up the river corridor. The Chilkoot Trail and Dyea is listed on the National Register of Historic Places and is a designated historic landmark. There are still visible historic structures on the Flats and along the trail, as well as numerous smaller artifacts yet to be discovered.

Intensive development in the Taiya River floodplain is not expected. The area is zoned as Residential Conservation, and is identified for future use for recreation and open space in the *City of Skagway Comprehensive Plan* (October 1999). Low-density residential development, natural resource use, and dispersed public recreation and tourism uses, and infrastructure to support such use and development may occur.

It is essential that these developments be accomplished in a manner that does not exacerbate the potential for riverine flooding and erosion, and also protects development, life and property from the flood and erosion hazard. The City of Skagway has determined that management to ensure that development can withstand a 100-year flood is warranted in this area.

Active management of the flood hazard has already occurred and additional management is needed. The City of Skagway has constructed flood control dikes from the West Creek bridge, upstream to the beginning of the canyon. Private residential property at the confluence of West Creek and the Taiya River has also been protected from flood damage by installation of instream controls (pers. comm., Rob Sampson, Natural Resource Conservation Service, 2005). The NPS, KLGO, has submitted a funding request for the installation of an engineering log jam at the historic townsite of Dyea to prevent its further loss to riverine erosion (letter from NPS to City of Skagway, April 4, 2005).

Section 3.4.6 of this chapter designates the Taiya River 100-year floodplain as a natural hazard area under the provisions of 11 AAC 114.250(b). The designated area is illustrated on Figure 3.3.

3.4.3 Glacial Outburst Flooding


Both the Taiya River and Skagway River watersheds are subject to glacial lake outburst flooding. On July 23, 2002, a lateral moraine of the West Creek Glacier in the Taiya River watershed liquefied and slid into a lake, causing a flood that swept down the Taiya River floodplain, through national park lands and the small community of Dyea. The peak flood discharge was estimated at 146% of the predicted 500-year flood for West Creek, producing a peak discharge of 16,209 cfs (Capps, 2004). There were no injuries or deaths, but the flood damaged private and government property, roads and bridges, and forced the evacuation of residents and campers at Dyea (NPS, 2004).

Skagway Coastal Management Program

Figure 3.3 Designated Natural Hazards and Other Hazard Inventory Information




Designated Natural Hazard Areas:
The following areas are designated as Natural Hazard Areas under 11 AAC 114.250 (b). Skagway CMP enforceable policy NH-1 will apply to these designated areas. Federal lands are excluded from designated areas.

- Subaqueous Slides:**
- ① Approximate area of inferred subaqueous slide in 1899
 - ② Approximate area of subaqueous slide in 1966
 - ③ Location of subaqueous slide in 1994
 - ⋈ Margin of possible subaqueous slide, based on interpretation of 1943 US Coast and Geodetic Survey data

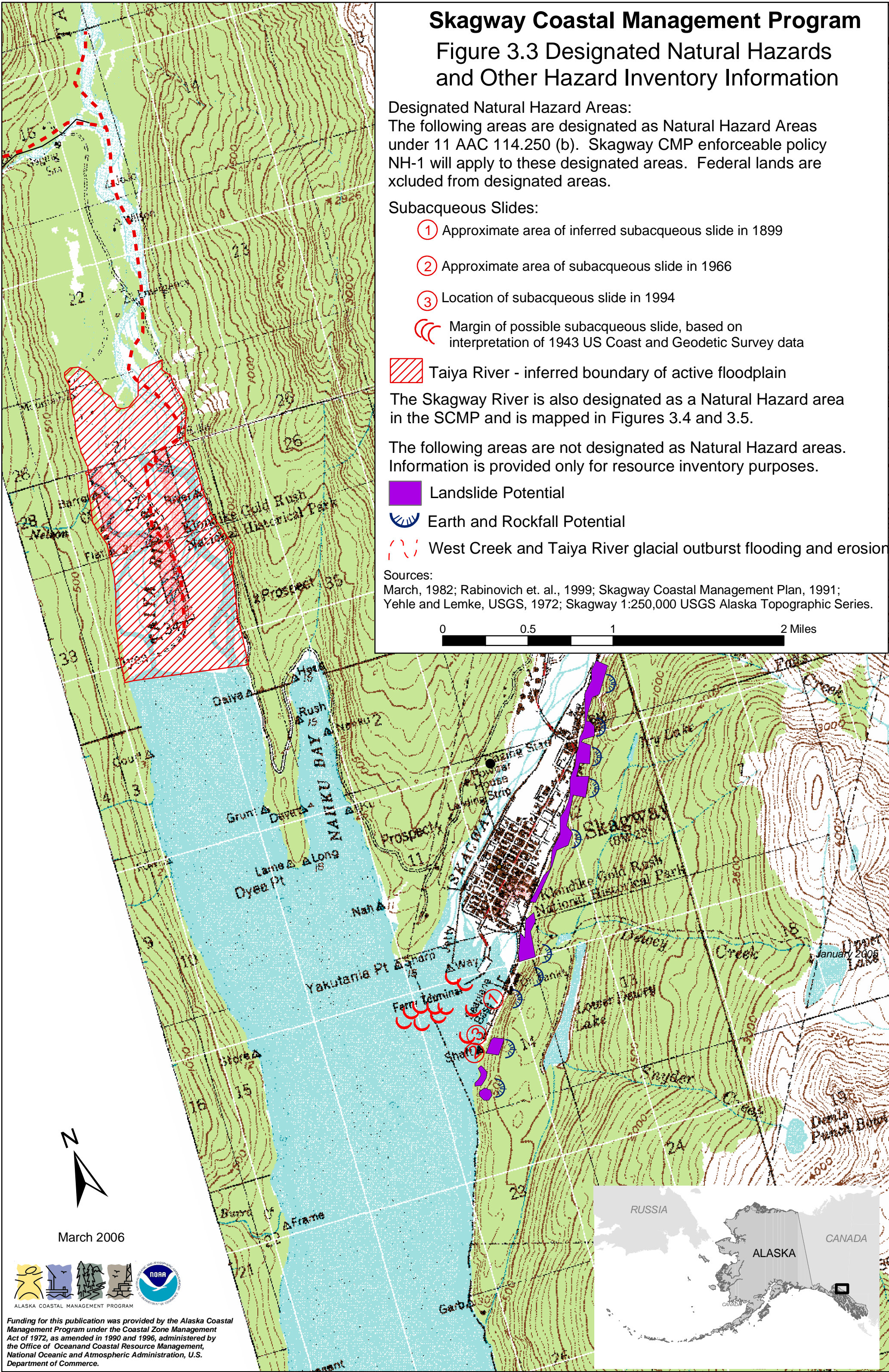
 Taiya River - inferred boundary of active floodplain

The Skagway River is also designated as a Natural Hazard area in the SCMP and is mapped in Figures 3.4 and 3.5.

The following areas are not designated as Natural Hazard areas. Information is provided only for resource inventory purposes.

-  Landslide Potential
-  Earth and Rockfall Potential
-  West Creek and Taiya River glacial outburst flooding and erosion

Sources:
March, 1982; Rabinovich et. al., 1999; Skagway Coastal Management Plan, 1991; Yehle and Lemke, USGS, 1972; Skagway 1:250,000 USGS Alaska Topographic Series.

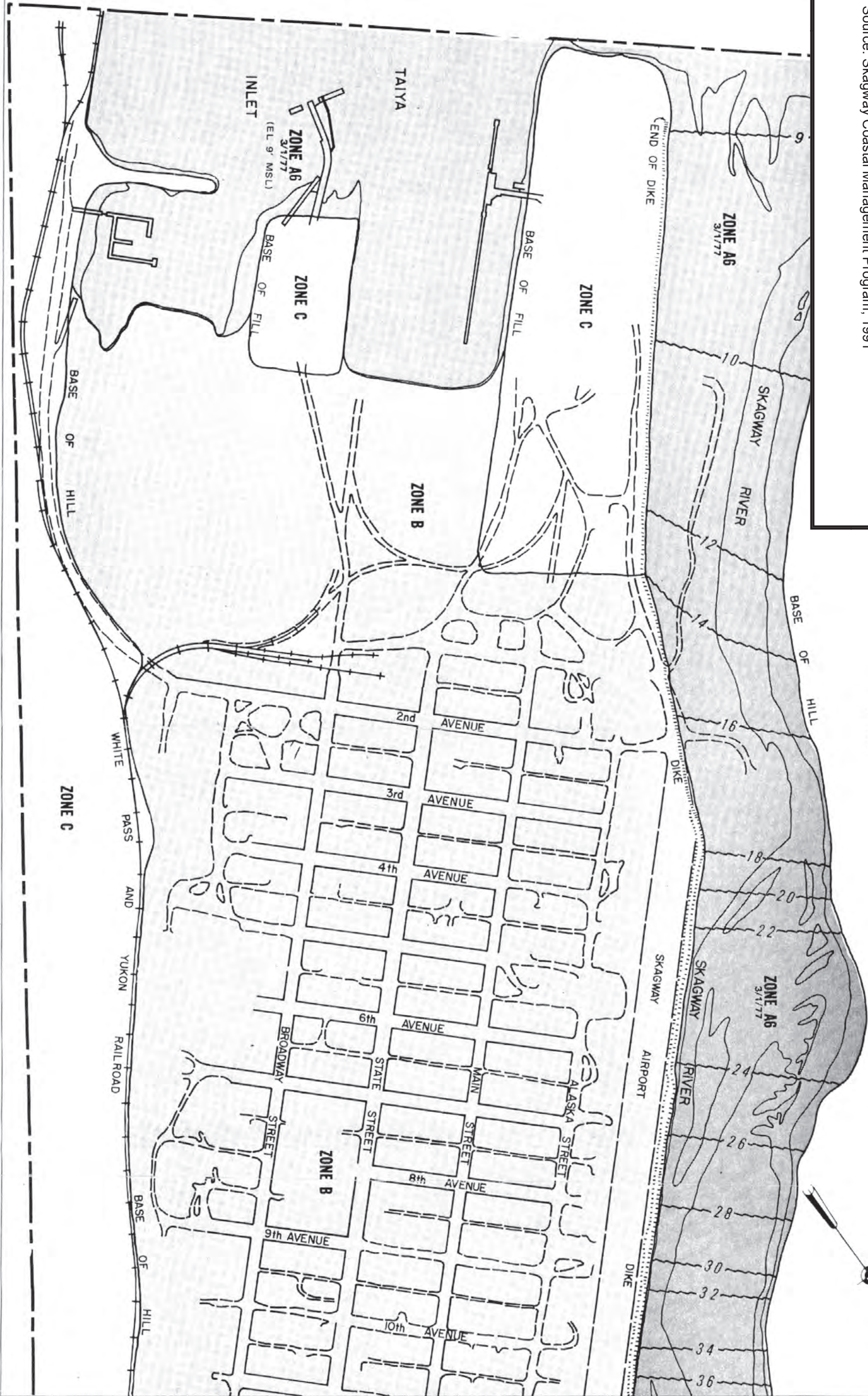


March 2006



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Skagway Coastal Management Program Figure 3.4 Skagway River Floodplain – South Source: Skagway Coastal Management Program, 1991



JOINS 02

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 Federal Insurance Administration

CITY OF SKAGWAY, AK
 (UNORGANIZED BOROUGH)

APPROXIMATE SCALE

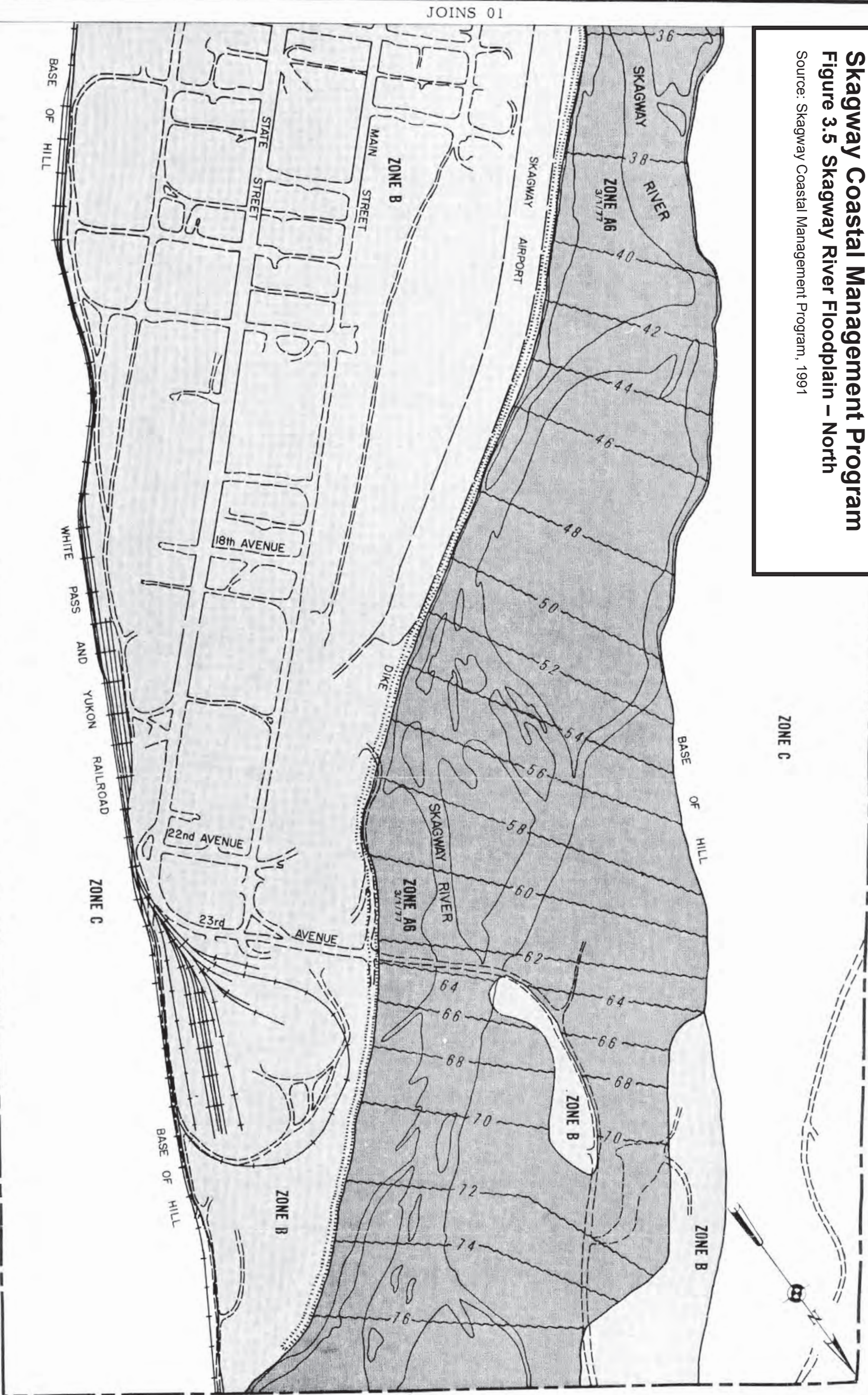
0 100 300 500 1000 1500 2000 FT

FLOOD HAZARD BOUNDARY MAP H -01
FLOOD INSURANCE RATE MAP I -01

EFFECTIVE DATE
 MARCH 1, 1977

H&I-01

Skagway Coastal Management Program
Figure 3.5 Skagway River Floodplain – North
 Source: Skagway Coastal Management Program, 1991



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 Federal Insurance Administration

CITY OF SKAGWAY, AK
 (UNORGANIZED BOROUGH)

APPROXIMATE SCALE
 0 100 300 500 1000 1500 2000 FT

FLOOD HAZARD BOUNDARY MAP H -02
FLOOD INSURANCE RATE MAP I -02

EFFECTIVE DATE
 MARCH 1, 1977

H&I-02

Glacial outbursts are events that can repeat at intervals, as moraines re-form, water collects in lakes behind the moraine, and the conditions eventually lead to moraine collapse. Photographs taken of the Taiya Valley during an 1894 international boundary survey show evidence of an outburst flood originating in the Nourse River drainage (NPS, 2004).

Resource Analysis – Glacial Outburst Flooding

The development potential, sensitivity and potential for conflicts with natural hazards for the Taiya River and Skagway River watersheds are described in Sections 3.4.1 and 3.4.2, above. The potential for hazardous conditions due to glacial outburst events is analyzed below.

Following the 2002 glacial outburst and flood event in the Taiya River watershed, the NPS and BLM conducted limited assessments of the potential for a repeat event in West Creek and a similar glacial lake outburst in the Nourse River drainage. In September 2004, hydrologists from the BLM conducted site inspections in both the West Creek and Nourse River drainages (Denton, et al., 2005). The purpose of the inspection was to characterize the stability of the glacial moraines in both drainages by taking surface and subsurface measurements. However, the malfunction of geophysical instruments made it impossible to gather any subsurface information. The surface observations included aerial and on-the-ground observations to inventory sagging or sloughing areas, and to measure distance and slope.

The BLM report concluded that the West Creek Glacier area has a low potential to cause further glacial lake outburst flooding (Denton, et al., 2005). The West Creek flooding event in 2002 was caused by the collapse of a major moraine. While there is a second lateral moraine, it is composed of sediments that recline at a slope that provides structural support which may prevent its collapse. In addition, it is in a location that is less subject to saturation that would weaken its structure.

The Nourse River glacial area does have the potential for catastrophic flooding. Surface observation of the Nourse Glacier moraine showed a sediment composition and slope that does not indicate a high potential for instability or failure. However, if it did fail, the amount of water it retains would cause significant downstream damage if it was released through catastrophic failure of the moraine. Modeling by the NPS estimated the peak discharge at Dyea to be over five times the estimated 500-year flood event on the Taiya River (Denton, et al., 2005). The BLM recommends additional study of the surface and subsurface integrity of the Nourse Glacier moraine to more fully characterize the risk of its failure.

The KLGO continues to work with BLM to conduct a timely evaluation of the Nourse Lake moraine in order to determine its stability and potential for, and probability of, rupture. NPS staff has performed a cursory evaluation and did not identify any comparable geohazards in the Skagway River Valley.

There is not sufficient specific information available about which exact areas in the Taiya River watershed (the West Creek and Nourse River valleys) would be at risk due to glacial outburst flooding to comply with the requirement in 11 AAC 114.250(b) to specifically map the areas subject to this natural hazard. Therefore, the Skagway CMP cannot designate a natural hazard area at this time to address this hazard. However, the Skagway coastal district may choose to pursue such a designation in the future when more information is available about areas subject to this hazard.

3.4.4 Underwater Landslides and Local Tsunami

The underwater front slope of the active Skagway River delta, south of the port and harbor, is subject to underwater landslide. Sliding of delta fronts can occur due to normal sediment accumulation, caused by the increasing weight and steepness or the mass of sediment; or may be triggered by earthquakes or other destabilizing forces.

An underwater landslide on November 3, 1994, on the east side of the Skagway Harbor occurred during one of the lowest tides of the year, producing a locally-generated tsunami with an estimated amplitude of 9 to 11 meters (Kulikov, et. al, 1996). There was no earthquake trigger for that landslide. Since the tide was very low, the wave did not leave the inlet basin. However, the wave caused the death of one person and destroyed a cargo terminal and 1.5 km of railway lines. There has been considerable scientific and legal interest and investigation of the circumstances of that event, but no follow up work to further assess risk, potential for damage, or appropriate prevention or response measures.³

Resource Analysis – Underwater Landslide and Local Tsunami

The risk and the potential period for repeat or additional underwater landslides in the Skagway delta are unknown. However, the 1994 was not unique, but was the latest among known underwater landslide events (Figure 3.3). In a USGS report, Yehle and Lemke (1972) note that a slide occurred in 1966 southwest of the railroad wharf during fill placement, and infer that an underwater slide occurred in 1899, when the outer end of a wharf sank into the water along what is now Congress Way. The report also notes the location of a slide inferred to have occurred in 1943, based on examination of U.S. Geodetic Survey Data.

The areas subject to hazard from underwater landslide includes the mouth of the Skagway River and the port, harbor and wharf areas. Development in this area supports Skagway's intermodal marine transportation activities, as well as its marine-based tourism economy. Additional development of the public harbor and port is planned (see Section 5.3 Port of Skagway AMSA plan), and additional improvements and development of wharf infrastructure to support tourism and other uses can be anticipated.

³ A workshop of state, federal and private scientists and engineers and City of Skagway officials was held in October 2001, led by the National Oceanic and Atmospheric Administration, U.S. National Tsunami Hazard Mitigation Program. However, no additional research work or planning was conducted following that workshop.

It is essential that these developments be accomplished in a manner that does not exacerbate the underwater landslide hazard, and also protects development, life and property.

The potential for damage to Skagway's coastal and onshore development and properties from destructive waves generated locally as a result of an underwater slide or an earthquake would depend on wave height, tide stage, slope of the shore, and warning time. There has been no modeling of potential risk of or damage from locally-generated tsunami.

Tsunamis from the open ocean would have to traverse 160 miles of fiord before reaching Skagway, which would allow time to assess impending danger and take necessary emergency actions. The potential hazard from distant tsunamis to the community of Skagway was estimated to be "low" by DGGs (Combellick and Long, 1983).

Section 3.4.6 of this chapter designates areas in Taiya Inlet subject to underwater landslides and locally-generated tsunami as a natural hazard area under the provisions of 11 AAC 114.250(b). These areas are mapped on Figure 3.3.

3.4.5 Earthquakes, Terrestrial Landslides and Uplift

Skagway is located in an active tectonic region, about 100 miles northeast of the active Fairweather fault, and near the less active Denali fault. A general assessment of earthquake potential prepared by DGGs indicated that a magnitude 7.0 earthquake would be the maximum credible event for the Denali fault to consider for emergency planning purposes (Hansen and Combellick, 1998), although the likelihood or recurrence frequency of such an earthquake has not been determined. Yehle and Lemke (1972) estimated a maximum event of magnitude 5.5 to 6.0 in the Skagway area. Earthquake effects could include ground shaking, surface displacement, subaerial and subaqueous slides, avalanches, compaction, liquefaction of certain soils, ground subsidence, and/or locally-generated destructive waves.

The steep slopes in the Skagway area are subject to large and small-scale slides, debris flows, rock falls, soil flows, and underwater slides. Although slides may be triggered by earthquake, many occur as the result of normal river delta formation, heavy rainfall, seasonal freezing and thawing, and man's alteration of slopes. Slides and avalanches have occurred along the Skagway waterfront and along the Klondike Highway.

Land uplift is the generally slow rebound of land relative to sea level that results from glacial advances and retreats. The river delta areas are particularly susceptible to uplift from rebound and sedimentation. Shoaling of the harbor area and disposition in the riverbed can occur. However, earthquakes can result in rapid and dramatic uplift, such as the one-foot raise in land elevation that occurred during a 1958 earthquake in the Skagway area.

Resource Analysis – Earthquakes and Uplift

While earthquakes and land slides are hazards that could potentially affect property and safety in Skagway, the City has determined that implementation of local zoning and building codes is sufficient to protect against hazardous conditions, and that a natural hazard designation through the coastal management program is not necessary. Land uplift is a minor geologic hazard that poses no threat to life, and a minor long-term threat to property.

3.4.6 Natural Hazard Area Designations

ACMP regulations, 11 AAC 112.210 and 11 AAC 114.150(b), provide that a coastal district may designate areas within its coastal zone subject to natural hazards that present a threat to life or property. A State agency may also make such a designation.

Based on the resource inventory and analysis presented above, the City of Skagway is designating the following as natural hazard areas, under ACMP regulation 11 AAC 114.250(b). These areas are described above and mapped on Figures 3.3, 3.4 and 3.5.

- Skagway River, 100-year floodplain
- Taiya River, 100-year floodplain
- Areas in Taiya Inlet subject to underwater landslides and locally-generated tsunami

With the designation of these areas in the SCMP, the following ACMP statewide regulation will apply to future development in these areas:

11 AAC 112.210(c): Development in a natural hazard area may not be found consistent [with the SCMP] unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by known natural hazards.

This means that before development could be permitted in the designated natural hazard area, the applicant for the development would be required to determine the level of risk, ensure that the project is designed and engineered appropriately relative to that risk, and comply with other relevant codes or safety standards (such as the City's local flood ordinance requirements.) In addition, Skagway CMP enforceable policy NH-1 will apply to development in these designated natural hazard areas. Additional information about the natural hazard area designation can be found in Chapter 4.0, Section 4.3.

3.5 Coastal Habitats

Coastal habitats in the Skagway coastal district include estuaries and offshore areas, wetlands and tideflats, rivers, streams, lakes and upland habitats. These habitat types are described below and illustrated on Figure 3.6.

3.5.1 Estuaries and Offshore Areas

The ACMP defines an estuary as "a semiclosed coastal body of water that has a free connection with the sea and within which seawater is measurably diluted with freshwater from land drainage." Offshore areas are defined as "submerged lands and waters seaward of the coastline." According to these definitions, the Taiya Inlet is both an estuary and an offshore area.

Relative to the rest of Lynn Canal in northern Southeast Alaska, Taiya Inlet is not a very productive habitat. This is due to the high volume of freshwater and silt and the deep, steep-sides of the inlet. Taiya Inlet does provide habitat for marine fish and shellfish, acts as a migratory pathway for anadromous and other fish, staging area for waterfowl and seabirds, and regularly attracts marine mammals.

3.5.2 Wetlands and Tideflats

The ACMP defines tideflats as "mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide." Skagway's largest tideflats are at the mouths of the Taiya and Skagway Rivers, with smaller tideflats at the mouths of smaller creeks and the heads of small coves. Tideflats provide habitat for shellfish and other invertebrates and are used by waterfowl and shorebirds at low tides.

Wetlands are vegetated areas inundated by salt or fresh water with a frequency sufficient to support hydrophytic plants (species which grow in water or require saturated soil conditions for growth and reproduction). Figure 3.6 illustrates wetland areas identified for the Skagway area through the U.S. Fish and Wildlife Service's National Wetland Inventory (NWI). NWI mapping provides a general characterization of Skagway's wetlands, but is based on aerial imagery and may have missed or misclassified smaller or hidden wetland units.

The only extensive wetlands in the Skagway area occur along the lower reaches of the Taiya River below West Creek (NPS, 1997). These wetlands were delineated and described in the field for the Klondike Gold Rush National Historical Park (Bosworth, 2000) and are also mapped on Figure 3.6. These include freshwater riverine and estuarine wetlands associated with the Taiya River, estuarine wetland flats and tidal sloughs, and palustrine wetlands which are inland, freshwater and not connected to flowing water.

Small isolated saltwater wetlands are found in association with tideflats in the few sheltered bays of Taiya Inlet. Small freshwater wetlands occur along the Skagway River

or as isolated bogs and shallow ponds on topographic benches, such as the area between Lower Dewey Lake and Icy Lake.

Wetlands and tideflats help establish drainage characteristics, sedimentation and current patterns, salinity gradients and flushing characteristics, serve as valuable storage areas for storm and flood waters and help shield upland areas from wave action, erosion or storm surge damage. Within wetlands and tideflats, organic material is decomposed, providing bacterially-enriched detritus (nutrients) to marine and aquatic food chains. The wetlands along the Taiya River are part of an aquatic/riparian/floodplain forest habitat complex important to waterfowl, bear and small furbearers.

Skagway's Taiya River Valley is one of just three known breeding areas for western toads and appears to be critical habitat for this declining species (letter from NPS to City of Skagway, April 4, 2005). Amphibian breeding ponds and amphibian presences is noted on Figure 3.6.

3.5.3 Rivers, Streams and Lakes

According to ACMP definitions for the purposes of coastal management planning and project reviews, rivers, streams and lakes include "those portions of fresh water bodies that are catalogued under AS 41.14.870 as important for anadromous fish," or have been determined by the State of Alaska to show evidence of anadromous fish, up to the first point of a physical blockage to anadromous fish access.

The following streams in the Skagway coastal district are included in the Alaska Department of Fish and Game (ADFG) *Catalog of Waters Important for the Spawning, Rearing and Migration of Anadromous Fishes* (ADFG, 2005) and mapped on Figure 3.6. All chinook salmon in the Upper Taiya Inlet and in these rivers and creeks are due to salmon enhancement projects and are not native.

- Skagway River (ADFG #115-34-10300) – Catalog lists coho, chum and Dolly Varden presence. DOT&PF also documented chinook presence (Bethers, 2002). Six tributaries to Skagway River are also catalogued.
- Taiya River (ADFG #115-34-10230) – Catalog lists chinook, coho, pink, chum and Dolly Varden presence in the main Taiya River. Fourteen tributaries to the Taiya River are catalogued. Major tributaries include West Creek (coho presence) and Nourse River (coho and Dolly Varden presence).
- Nelson Creek (ADFG # 115-34-10230-2011) – Catalog lists coho and Dolly Varden rearing.
- Pullen Creek (ADFG #115-34-10310) – Catalog lists coho spawning and rearing, pink spawning, chinook presence and Dolly Varden spawning and rearing. Chinook salmon are enhanced through the Jerry Myers Hatchery. Three tributaries of Pullen Creek are also catalogued.

Skagway Coastal Management Program

Figure 3.6 Anadromous Fish Streams, Wetlands, and Amphibian Use Areas

Wetlands

- Marine
- Estuarine
- Riverine
- Lacustrine
- Palustrine

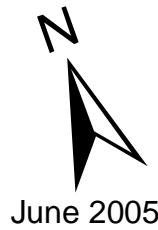
Amphibian Breeding Ponds

Amphibian Presence

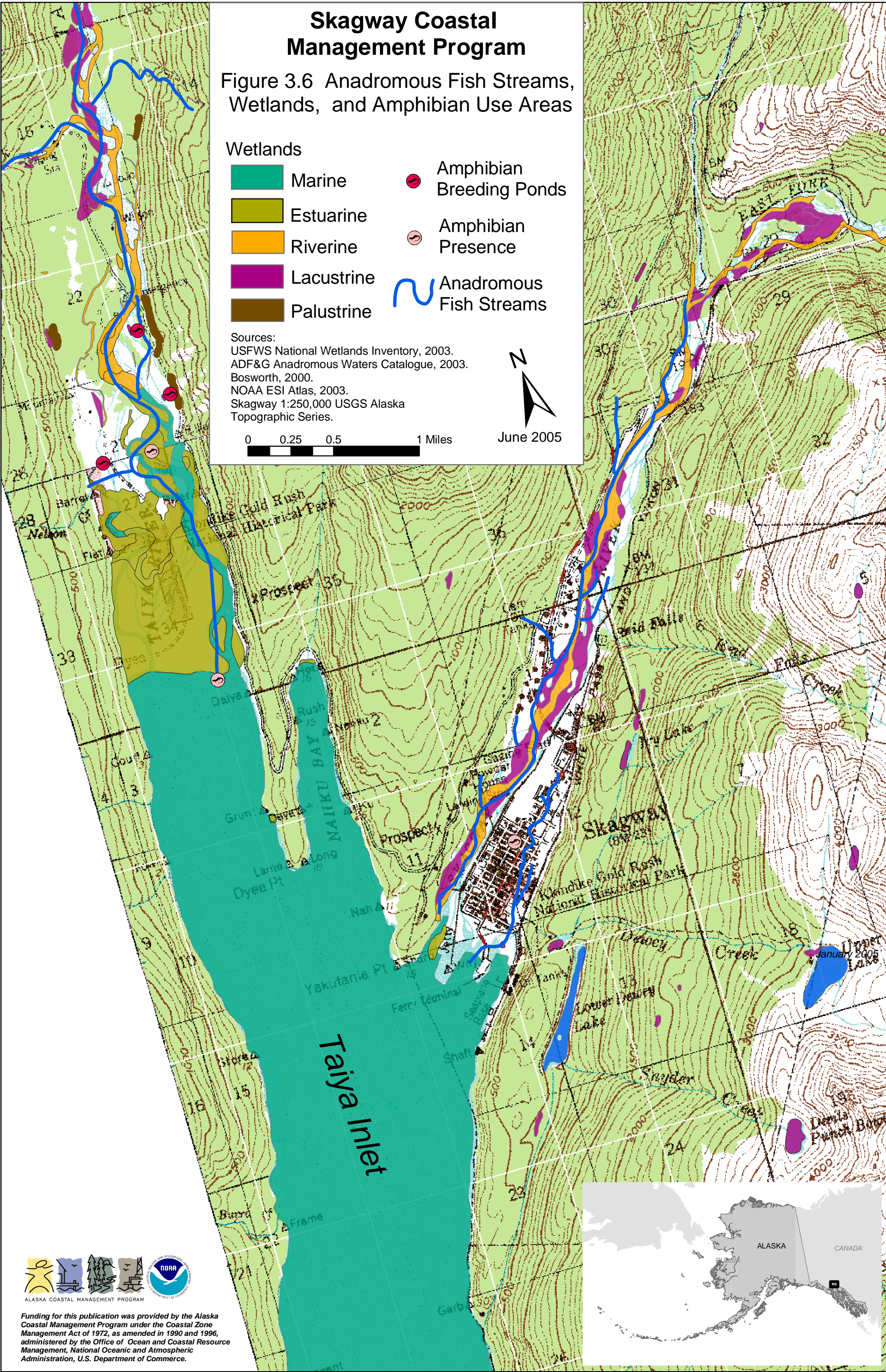
Anadromous Fish Streams

Sources:
USFWS National Wetlands Inventory, 2003.
ADF&G Anadromous Waters Catalogue, 2003.
Bosworth, 2000.
NOAA ESI Atlas, 2003.
Skagway 1:250,000 USGS Alaska Topographic Series.

0 0.25 0.5 1 Miles



June 2005



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Matthews Creek at the head of Nahku Bay also supports anadromous fish, but has not been catalogued by ADFG (pers. comm., Amber Bethe, Taiya Inlet Watershed Council, 2005).

Lower Dewey Lake and other smaller lakes within the coastal spruce/hemlock forest are also freshwater habitats within the Skagway coastal district boundary, although they do not meet the ACMP's regulatory definition of a "river, lake or stream" (noted above).

3.6 Cultural, Historic, Prehistoric and Archaeological Resources

3.6.1 Cultural and Historical Resources

The following summary of the cultural and historical background and resources of the Skagway coastal district is taken from a recent *Klondike Gold Rush National Historical Park, Ethnographic Overview and Assessment* (Thornton, 2004) that provides thorough documentation of the area's culture and history, including the longstanding residence and use by indigenous peoples, and from the *City of Skagway Comprehensive Plan* (1999).

The Skagway coastal district is located in the homeland of the coastal Chilkat and Chilkoot Tlingit Indians. Tlingit oral history and the archaeological record suggest that the upper Lynn Canal was settled relatively late by the Tlingits, compared to other areas in Southeast Alaska (Thornton, 2004). The village site of Deiya'a ("to pack") was located on the Taiya River at the present site of Dyea. The village was occupied regularly and year round at one time, but by the time of the gold rush, it was primarily used as a fishing camp for salmon and eulachon and a staging area for trade expeditions to and from the interior. Much of the physical evidence for the prehistoric and historic village site may have been lost due to the eroded river bank. There was also said to be a small settlement of Shgagw'ei ("rugged or roughed up place," referring to wind buckling the ocean) at the mouth of the Skagway River, which most informants agree was only seasonal (Thornton, 2004). The Chilkoot Tlingit successfully pioneered and pursued trade with inland tribes over the Chilkat, Chilkoot and White Pass trail routes. Tlingit place-names for locations in the Skagway area are depicted on Figure 3.7 (pers. comm., Lance Twitchell, Skagway Traditional Council, 2005; Thornton, 2004).

From the *City of Skagway Comprehensive Plan*:

The northern Lynn Canal was the ancestral territory of the Tlingits before the discovery of gold in the Klondike in 1896. The Chilkoot Tlingits occupied land east of the Chilkat Peninsula ridge line, including the Dyea and Skagway valleys. Before contact with whites, they maintained a sophisticated and complex trading network with inland tribes. Early Europeans explorers returned with reports about the powerful and ferocious nature of these people and consequently few outsiders ventured into the territory of the Chilkoot or Chilkat (Haines area). Remarkably, however, at least one prospector, George Holt, slipped past the Tlingits and over the Chilkoot in 1874 or 1875. He returned to Sitka by the same route with some

“coarse gold” from the Yukon River drainage. This awakened local miners to the possibilities of the region, and they applied pressure on the government to open up the territory.

One of the first non-native residents was Captain William “Billy” Moore who settled the City in 1887. Moore foresaw a gold strike somewhere in the Yukon and is credited with reconnoitering the White Pass route through the Skagway River Valley into the Yukon Territory. This route, and the nearby Chilkoot Pass Trail along the Taiya River Valley, became the main points of entry for fortune-seekers during the Klondike Gold Rush.

The Klondike Gold Rush era began when gold was discovered on Bonanza Creek of the Klondike River in 1896. The resultant gold rush that occurred between the years 1896-1899 brought tens of thousands of prospectors through the Skagway River and Taiya River Valleys to climb either the Chilkoot Pass or White Pass trail to the gold fields. An estimated 20-30,000 gold seekers arrived in the first year of the rush. By 1900 when Skagway became Alaska’s first incorporated city, there were already platted streets and lots, schools, hospitals, wharves, electric street lights, and a post office.

During the gold rush era the White Pass and Yukon Route railroad was built from tidewater to Whitehorse, Yukon, approximately 110 miles away. The White Pass and Yukon Route railroad and their Yukon River steamboat line became the main suppliers of goods to the mining camps in the interior. After the prosperous gold rush years had passed for Skagway, the population and economy stabilized around the railroad industry.

During World War II the town experienced an economic boom as Skagway became an important center in Alaska’s defense system. During the war a fuel pipeline was built paralleling the railroad from Skagway to Whitehorse, YT. Both the pipeline and the railroad were used to haul materials for the war effort and the construction of the Alaska-Canada Highway. After the war boom faded, the population re-stabilized around the railroad.




Skagway also experienced healthy years in the late 1960's through the mid 1970's. The opening of the Cyprus Anvil lead-zinc mine in Faro, Canada in 1968 increased freight shipments on the railroad from 132,000 tons annually in the mid- sixties to 800,000 tons annually by the mid-seventies. The White Pass and Yukon Route (WPYR) geared for this increased capacity by building an ore terminal and ship basin (estimated at \$10 million) on city leased tidelands. After the peak years of 1970-1975 the world market price for ore dropped and labor costs continued to rise which, eventually, forced the mine to close in 1982. The railroad (and its freight division) which were dependent on mine shipments were also forced to close.

Traditional Place Names

- 1 Shgagw'ei "rugged or roughed up place" refers to the wind buckling the ocean
- 2 Ya'akeudeiya'a.aa "place to pack your canoe over"
- 3 Na'xk'w "Little Halibut hook"
- 4 Deiya'a "to pack"
- 5 Deiya'a He'eni "Deiyaa River"
- 6 Na'xk'w Heeni "Naxk'w River"
- 7 Shaa Shakyee "on top of the mountain"
- 8 Kasadaayi He'en "flowing creek"
- 9 Kanagoo Yahaayi "Kanagoo's Place"

Skagway Coastal Management Program

Figure 3.7 Designated Prehistoric, Historic, and Cultural Resource Areas and Traditional Place Names

-  Skagway Coastal District Boundary
-  Skagway Coastal Zone Boundary
-  Designated Historic and Cultural Resource Areas
- 1 Chilkoot Trail and Dyea Site National Historic Landmark
- 2 Skagway and White Pass District National Historic Landmark

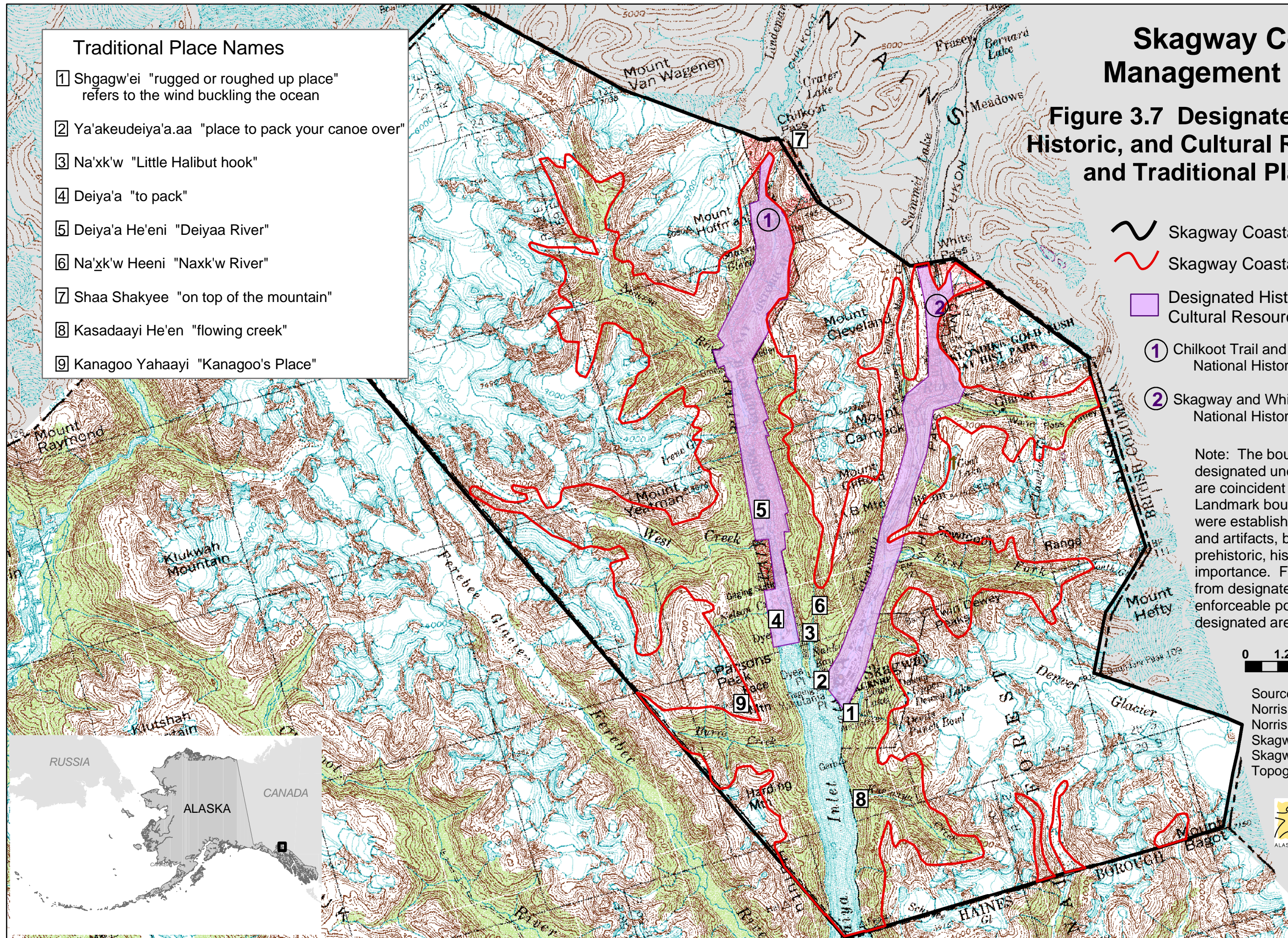
Note: The boundaries of the areas designated under 11 AAC 114.250 (i) are coincident with the National Historic Landmark boundaries. The Landmarks were established for gold rush sites and artifacts, but also include sites of prehistoric, historic and cultural importance. Federal lands are excluded from designated areas. Skagway CMP enforceable policy H-1 will apply to these designated areas.

0 1.25 2.5 5 Miles

Sources:
Norris, 1987
Norris and Cole, 1987.
Skagway Traditional Council.
Skagway 1:250,000 USGS Alaska
Topographic Series. March 2006



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If Skagway had been totally dependent on the rail industry it could have suffered tremendous losses. As it was, the closure of the railroad did significantly impact the town, but Skagway had already begun to diversify its economic base. A road linking Skagway with Whitehorse, YT was completed in 1978 and tourism, which had been a minor industry, began to play a more important role beginning in the late 1970's.

In 1976 the U.S. Congress authorized the Klondike Gold Rush National Historical Park and funded the restoration work of historic buildings and trails in Skagway. This restoration has been a catalyst for downtown redevelopment and beautification.

Throughout the 1980's other major infrastructure improvements were completed. Streets were paved, water and sewer lines were upgraded, and a new school was built. In May 1988 the railroad resumed passenger excursion service on a seasonal basis as a tourist attraction. In recent years, the cruise ship industry has boomed throughout Southeast Alaskan communities, including Skagway. Today, the tourism industry is Skagway's economic mainstay.

Resource Analysis – Cultural and Historical Resources

Areas used in contemporary times by Skagway residents and visitors for development, recreation, subsistence, tourism, energy generation, and other uses are the same areas that supported human habitation, use and transit in prehistoric and historic times. Skagway's community culture, quality of life and economy is inextricably tied to its history. It is essential that use and development of the Skagway coastal zone be managed to protect cultural and historic artifacts that are known, as well as those that are not yet uncovered.

Areas, structures and artifacts important to the Klondike Gold Rush of 1897-98 are well-documented and protected by the NPS and the State Historic Preservation Office. The Klondike Gold Rush National Historical Park was established in 1976 "to preserve in public ownership for the benefit and inspiration of the people of the United States, historic structures and trails associated with the Klondike Gold Rush of 1898..." (NPS, 1996).

Recognition and designations of historic significance related to gold rush era historic resources includes the establishment of the Skagway & White Pass District National Historic Landmark (NHL) in 1962 and the Chilkoot Trail & Dyea NHL in 1978. The Skagway & White Pass District NHL extends from the Port of Skagway to the US/Canada border and includes approximately 100 original buildings and other structures from 1887-1910 (NPS, 1987). The Chilkoot Trail & Dyea NHL extends from the historic Dyea waterfront to the border. This landmark includes the Dyea site, the Slide Cemetery where many victims of the April 1898 avalanche are buried, the historic Chilkoot Trail (NPS, 2002), and an historic wagon road on the west side of Taiya Inlet that connected to the Chilkoot Trail tram.

Additional designations include the listing on the National Register of Historic Places of the Skagway Historic District & White Pass (1966), the Chilkoot Trail (1975), and the Klondike Gold Rush National Historical Park (1976). The WPYR Railroad was designated an International Historic Civil Engineering Landmark in 1994. The KLGO was designated as an International Historic Park in 1998. In addition, recent archaeological investigations have described the Lower Dewey Lake Hydroelectric complex as a historic resource that is eligible for the National Register of Historic Places (letter from NPS, KLGO, to City of Skagway, April 4, 2005.)

The City of Skagway has also adopted protections for the Skagway Historic District in city code (Title 19). The ordinance established a Historic District Commission and guidelines for building and redevelopment in the district to protect the Klondike Gold Rush historic resources and character.

Areas and artifacts Skagway's non-gold rush culture and history are less well-known and potentially less well-protected. While the National Historic Landmarks described above were established to protect gold rush sites and artifacts, their boundaries also encompass the primary developable areas and transportation routes in the Skagway coastal district. For example, many traditional and cultural sites important to the Chilkoot Tlingit Indians, including the Deiya'a village site and burial ground on the Taiya River (pers. comm., Lance Twitchell, Skagway Traditional Council, 2005), a rock shelter recently uncovered on the Chilkoot Trail (Rasic, 1998) and a shell midden on the east side of the Taiya River (Environaid, 1981) are located within the Chilkoot Trail & Dyea NHL.

Skagway also has historic significance for structures associated with the building boom brought about by World War II (pers. comm., Karl Gurcke, NPS KLGO, 2004). There have been no designations specifically established to provide recognition or protection for such structures. However, they are also located within the Skagway and White Pass District NHL.

3.6.2 Designation of Prehistoric, Historic and Cultural Use Areas

ACMP regulation, 11 AAC 114.250(i), provides that a coastal district may designate areas within its coastal zone important to the study, understanding, or illustration of national, state, or local history or prehistory. DNR may also make such a designation under 11 AAC 112.320(a).

The Skagway coastal district is designating the areas within the boundaries of the Skagway & White Pass District NHL and the Chilkoot Trail & Dyea NHL as important to the study, understanding and illustration of national, state and local history and prehistory, under 11 AAC 114.250(i). The designated areas are mapped on Figure 3.7. To comply with ACMP regulatory requirements, areas designated under 11 AAC 114.250 must not encompass federal lands and must not include areas outside of the Skagway coastal zone boundary. Therefore, the designated areas mapped on Figure 3.7 do not include the full extent of the national historic landmarks, but exclude areas of

Federal land along the Taiya River and areas outside of the coastal zone (shown as a red boundary line on Figure 3.7).

State and federal law already requires consultation and provides protection for the gold rush resources within these designated national landmarks. However, the landmark boundaries also enclose areas of historic human habitation, use and travel for the eras before and after the Klondike Gold Rush. It is sensible to use the landmark boundaries as the areas designated under 11 AAC 14.250(i), to ensure that consultation also occurs for traditional cultural properties and non-gold rush era historic resources.

This designation means that the statewide ACMP standard for Historic, Prehistoric and Archaeological Resources (11 AAC 112.320) will apply to these areas. That standard requires that any development within the designated areas comply with the applicable requirements of the State of Alaska's historic preservation laws and regulations. The SCMP's enforceable policy H-1, listed in Chapter 4.0, Section 4.10, will also apply, requiring that developers consult with the City and the Skagway Traditional Council in areas of municipal, private or State land identified as having a high potential for presence of prehistoric, historic or cultural resources. This consultation step was specifically supported by the State Historic Preservation Office in its comments on the Skagway CMP Public Review Draft.

3.7 Subsistence and Personal Use Harvests

3.7.1 Patterns and Areas of Subsistence Use

Residents of the community of Skagway gather and use fish, wildlife and plant resources for personal, or subsistence, use. Subsistence resources regularly used include: salmon, non-salmon finfish (especially eulachon), halibut, shrimp, mussels, dungeness crab, waterfowl and upland game birds, goat, moose (less common), berries, seaweed/kelp, mushrooms, spruce tips, and medicinal plants. Skagway residents also harvest deer, but not in the Skagway vicinity. This information was drawn from recent consultation with the Skagway Traditional Council and the Skagway Coastal Management Committee, as well as the *Tongass Resource Use Cooperative Study* (TRUCS), conducted by the ADFG, Division of Subsistence, in 1988 for the 1987 harvest year (Betts, et. al. 2000). TRUCS survey data were compiled from a stratified random sample of 60 out of 204 Skagway households. TRUCS survey results and subsistence use area maps were reviewed and verified by attendees at public meetings hosted by ADFG in Skagway on November 23 and 24, 1992.

Subsistence use by both Native and non-Native Skagway residents is also summarized in the *Klondike Gold Rush National Historical Park, Ethnographic Overview and Assessment* (Thornton, 2004). The following information is excerpted from that report (p. 256):

In 1987, when the last comprehensive survey of fish and wildlife harvests was completed [the TRUCS Survey], ... overall fish and wildlife harvests in the

[Skagway] community averaged 48 pounds per capita, a fairly low figure for the state as a whole. Annual harvests per household averaged 137 pounds, with 68 percent of households participating directly in harvest activities and 96 percent using subsistence resources. The high use figure among households, as compared to harvest participation, suggests a high level of sharing within the community.

Harvest activities themselves were largely oriented on Taiya Inlet including especially the upper inlet and Dyea and Skagway areas. Inland and high upland areas were used for goat harvests... The primary focus of subsistence harvests in the community was on marine fish, especially salmon and halibut taken by rod and reel, marine invertebrate species (especially king and Dungeness crab), and plants (wood and various species of berries), with somewhat lower levels of freshwater fishing and goat and bird hunting. ...

Significantly, in 1987, 5.5 percent of households were estimated to have harvested eulachon [from the Dyea area], roughly comparable to the proportion of Natives in Skagway. ... More recently, a plant use workshop put on by the Skagway Traditional Council ... emphasized important medicinal plants that are found in the vicinity of Dyea.



Figure 3.8A and Figure 3.8B illustrate the areas used by Skagway households for subsistence harvesting of fish and wildlife that are being designated as subsistence use areas through the ACMP (see Section 3.7.2, below). However, to comply with ACMP requirements for designation of subsistence use areas, only areas on non-federal lands within the Skagway coastal district boundary could be mapped and designated. Therefore, the full land and water area used for subsistence by the Skagway community is not depicted on Figures 3.8A and 3.8B. The primary source for the subsistence information is the TRUCS survey conducted in 1987, supplemented by recent information provided by the Skagway Traditional Council (pers. comm., Lance Twitchell, Skagway Traditional Council, 2005). Patterns of resource use by local communities are complex and it is common to find that the entire area mapped as a community's subsistence use area is not used all the time.

Resource Analysis – Subsistence




Areas used by Skagway residents for subsistence or personal use of fish and wildlife are shown on Figures 3.8A and 3.8B, and include marine waters (marine mammals, invertebrates), fish streams and lakes, and high mountain areas (goats). There has not been a history of conflict between subsistence uses and other uses, activities and development in Skagway's coastal zone. However, designation of subsistence use areas will provide a mechanism to ensure that subsistence uses are considered and conflicts avoided or minimized.

Skagway Coastal Management Program

Figure 3.8A
Designated Subsistence Use Areas

-  Skagway Coastal District Boundary
 Skagway Coastal Zone Boundary

The following Subsistence Use Areas are designated under 11 AAC 114.250 (g).
Federal lands are excluded from designated areas.

-  Marine Mammals
 Invertebrates
 Goat Hunting

Sources:
Tongass Resource Use
Cooperative Survey, 1989
(Betts, et. al, 2000).
Skagway Traditional Council.
Skagway 1:250,000 USGS Alaska
Topographic Series.

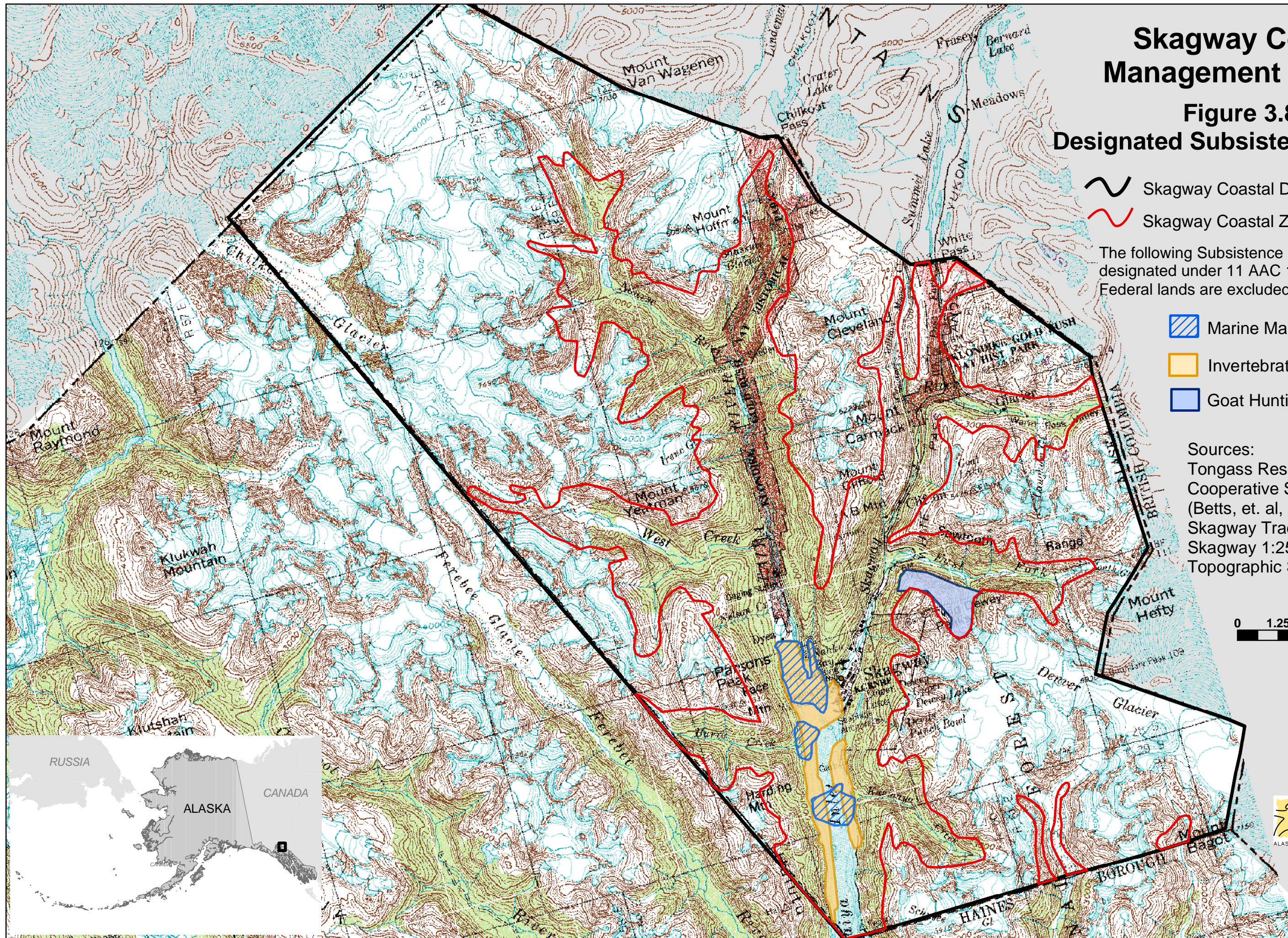
0 1.25 2.5 5 Miles



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Skagway Coastal Management Program

**Figure 3.8B
Designated
Subsistence Use Areas**

- ~ Skagway Coastal District Boundary
~ Skagway Coastal Zone Boundary

The following Subsistence Use Areas are designated under 11 AAC 250 (g). Federal lands are excluded from designated areas.

- Salmon
Non-salmon Finfish

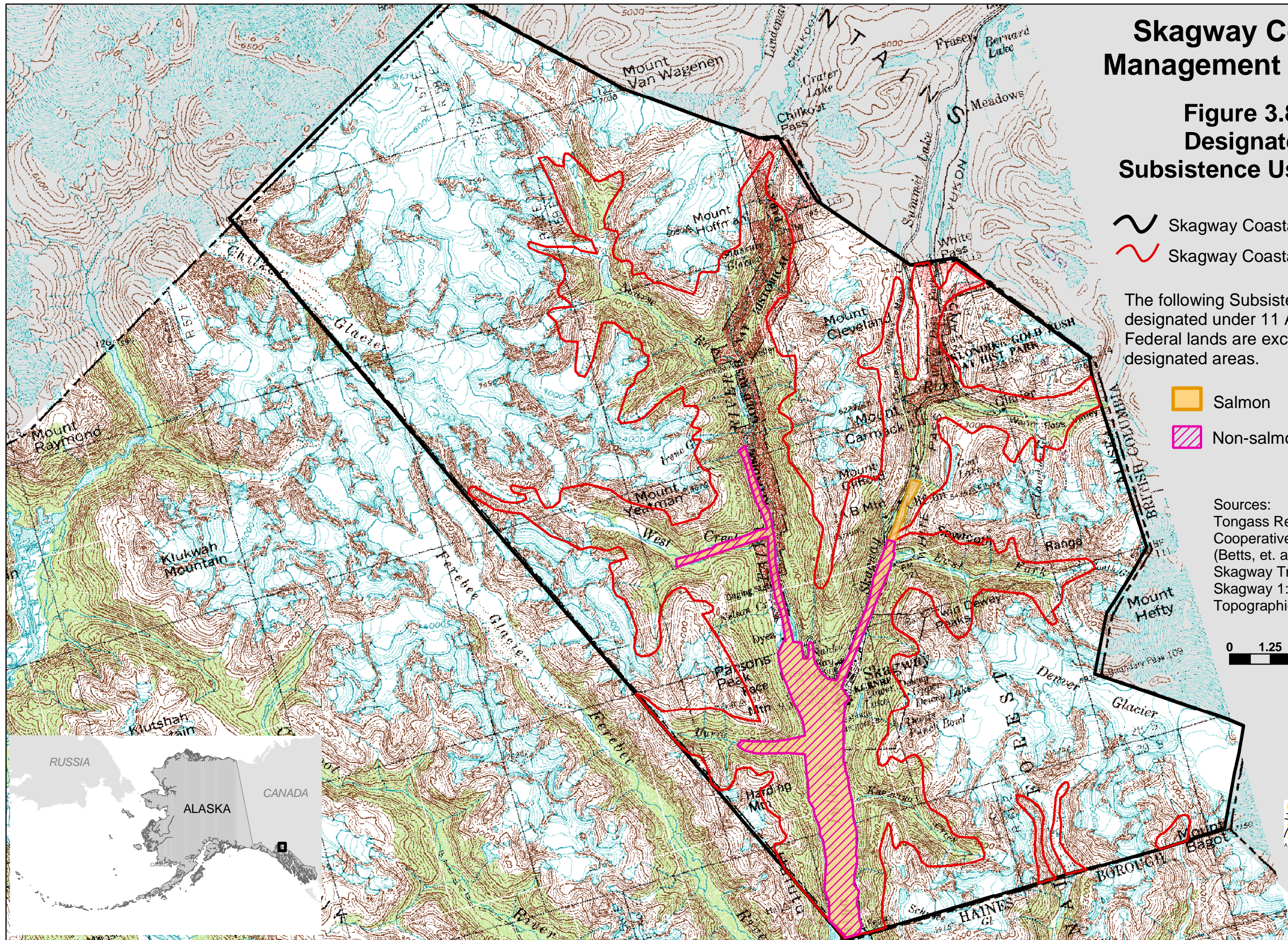
Sources:
Tongass Resource Use Cooperative Survey, 1989 (Betts, et. al, 2000).
Skagway Traditional Council.
Skagway 1:250,000 USGS Alaska Topographic Series.

0 1.25 2.5 5 Miles

March 2006



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3.7.2 Subsistence Use Area Designations

ACMP regulation, 11 AAC 114.250(g), provides that a coastal district may designate areas within its coastal zone in which subsistence use is an important use of coastal resources. The City of Skagway is designating the specific geographic areas mapped on Figures 3.8A and 3.8B as important for subsistence use for marine mammals, invertebrates, goats, salmon, and non-salmon finfish. It is important to note that under ACMP regulations, only non-federal lands within the Skagway coastal zone boundary can be designated for subsistence. Therefore, Figures 3.8A and 3.8B do not fully illustrate all areas that may be used for subsistence households in Skagway. The following ACMP regulation will apply to future development in the area:

11 AAC 112.270 (a) A project within a subsistence area designated 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, the applicant shall submit an analysis or evaluation of reasonably foreseeable impacts of the project on subsistence use ... [to the City and coordinating agency].

(c) For purposes of this section, “avoid or minimize” means a process of avoiding adverse impacts where practicable and, if avoidance is not practicable, minimizing impacts where practicable.

This means that before development could be permitted to occur in the designated subsistence use area, the applicant for the development would be required to determine the foreseeable impacts of the project on subsistence use, and design and conduct the project to avoid or minimize impacts to subsistence use.

3.8 Fish and Wildlife Resources

3.8.1 Fish and Shellfish

The Alaska Department of Fish and Game and DNR share responsibility for cataloguing the following rivers and tributaries as important for anadromous fish in the Skagway coastal district (Figure 3.6):

- Skagway River and its tributaries – coho, chum and Dolly Varden presence (ADFG, 2005); chinook rearing in Skagway River (Bethers, 2002).
- Taiya River and its tributaries – chinook, coho, pink, chum and Dolly Varden presence in the main Taiya River. Major tributaries include West Creek (coho presence) and Nourse River (coho and Dolly Varden presence).
- Nelson Creek – coho and Dolly Varden rearing.

- Pullen Creek and its tributaries – coho spawning and rearing, pink spawning, chinook presence and Dolly Varden spawning and rearing. Chinook salmon are enhanced through the Jerry Myers Hatchery.

Matthews Creek at the head of Nahku Bay also supports anadromous fish, but has not been catalogued by ADFG (pers. comm., Amber Bethe, Taiya Inlet Watershed Council, 2005).

Salmon smolt out-migrations occur in Taiya Inlet from mid-March through May. The salmon juveniles that hatch in these areas migrate out of fresh water and remain in estuaries of upper Lynn Canal near natal streams. The time period that the salmon juveniles stay in the estuaries depends on freshwater input, temperature and available food. Juvenile salmon probably make use of the net surface water transport down Lynn Canal and into the straits leading to the Gulf of Alaska. Where possible, they remain close to the shorelines and congregate for short periods. Adult salmon returns occur in the Taiya Inlet June 1 through October, migrating up the Taiya Inlet into the Taiya and Skagway Rivers, Pullen Creek and their tributaries. Some pink salmon spawn intertidally at the mouth of the creeks that plunge into Taiya Inlet.

Eulachon run up the Taiya River to West Creek (Armstrong, 1978; Thornton, 2004) and are reported to also spawn in the lower reaches of the Skagway River (Merrell, 1993). Recently, the eulachon run was reported to be strong in the Taiya and lower Skagway River in 2003 (Bethers, 2003) and weak in 2004 (Sogge, 2004).

Additional information about the fishery resources and habitats in the Skagway River and Pullen Creek is provided in the AMSA plans for those areas of the Skagway coastal district (Chapter 5.0).

Several lakes in the Skagway area support limited numbers of trout and char (Armstrong, 1978). Dolly Varden are the most widely distributed freshwater fish. Higher elevation lakes have been stocked with brook trout (Upper and Lower Dewey Lakes and Devil's Punchbowl), rainbow trout (Lost Lake) and grayling (Goat Lake) (ADFG, Division of Sport Fish, 2004).

A 2001-02 survey of fishes using nearshore marine and estuarine habitats in Skagway collected eleven species, including: pink, chinook and chum salmon; Dolly Varden char; walleye pollock; Pacific staghorn sculpin; great sculpin; high cockscomb; crescent gunnel; unidentified gunnel species; starry flounder; and rock sole (Arimitsu, et. al., 2003).

The intertidal and subtidal zones of Taiya Inlet contain invertebrates and vertebrates which contribute to its overall productivity, including clams, cockles and mussels. Several species of crab and shrimp are found in Upper Lynn Canal inlets. These include snow (tanner) crab; dungeness crab; brown, blue and red king crab; and pink, sidestripe, spot, and coonstrip shrimp. There is a growing commercial and personal use shrimp fishery in upper Taiya Inlet.

3.8.2 Wildlife and Birds

The Skagway area supports a high concentration of mountain goats, moderate numbers of black and brown bear, waterfowl, and a few moose. Important habitats for these species were documented in the 1980's (ADFG, 1986) and are shown in Figure 3.9, supplemented by more recent information provided by ADFG (pers. comm. Polly Hessing, ADFG, Division of Wildlife Conservation, 2005).

Moose. A small population of moose inhabits the upper Skagway River valley, but adequate habitat is limited in the Skagway area. However, there is a Tier II moose hunt in Game Management Unit 1D (Haines/Skogway); typically only one moose is taken in the Skogway area each year. The Warm Pass valley provides important winter habitat for these moose (Curtes, 1978; ADFG, 1977; ADFG, 1986).

Mountain Goat. The Skogway area supports a healthy mountain goat population. High meadows and talus slopes in rugged, remote alpine areas provide important summer habitat for mountain goat. In winter, goats move into coniferous forests adjacent to steep slopes and rock outcrops for shelter, food and escape from predators. Deep snows occasionally force goats to valley bottoms and along Taiya Inlet, where they are more vulnerable to hunters traveling by boat. Goat numbers in some of this area appear to have declined since 1970. Goat harvest is managed on a point system to encourage the taking of male goats over females. In some areas close to Skogway, such as Dewey Lakes, females are more readily accessible. Thus, in some years, a higher take of females results in a shorter hunting season.

Concurrent with construction of the Klondike Highway and heavy recreational use of the Chilkoot Trail, the area between the Taiya River on the west and the White Pass and Yukon Railroad tracks on the east was closed to hunting, following several surveys with low goat numbers. ADFG will reopen the season when at least 100 goats are sighted during a survey of this area. In the meantime, the presence of goats near town provides opportunities to view, photograph and enjoy mountain goats. Access for goat hunters in Skogway is usually by railroad and foot or by skiff. A small number of hunters use floatplanes to land on alpine lakes in the area. A survey of human use in 2004 showed seven goats were harvested in the coastal zone management area.

Bear. Both black and brown bear inhabit the Skogway area. Prime black bear habitat consists of semi-open forests in the Taiya/West Creek and Skogway River valleys. Spring concentrations of both black and brown bear occur in these areas, particularly in estuaries. Black bears feed on fruit-bearing shrubs, grasses and succulent forbs. Salmon, carrion and insects supplement their diet. ADFG estimated 275 black bears in Game Management Unit 1D in 1990, an average of 1.3 black bears per forested square mile. Linzey, et al.'s model (1986) estimated an average of 3.8 black bears per square mile, which seems high to ADFG, given some general reports of fewer bears seen in recent years compared to earlier years (pers. comm. Polly Hessing, ADFG Division of Wildlife Conservation, 2005). Lacking more direct estimates of black bear numbers, it is difficult

to set a number on the population in this unit. The black bear harvest in the Skagway area is lower than in the Haines area.

Brown bear are occasionally seen. They use a variety of habitats throughout the year, but generally prefer open grassland or tundra habitats. While a wide variety of fruits, berries, insects, small mammals and carrion are consumed throughout the year, brown bears tend to feed on beach grasses and sedge flats in the spring and concentrate on salmon streams in the late summer and fall. The wetlands, tideflats and stream banks of the lower Taiya River provide important brown bear habitat. The salmon run in Pullen Creek has attracted black and brown bears on occasion.

Hunter harvest of black bears in the Skagway area between 1973 and 1998 was 16, averaging one bear per year. Harvest doubled between 1989 and 2003, to 31 black bears killed by hunters.

In contrast, the brown bear harvest in the Skagway area has not increased markedly. A total of 16 bears were harvested from 1973 to 1988, and the same number from 1989 to 2003.

Other Mammals. There is little information on the quantity and distribution of other mammals in the Skagway area, but a variety of animals may be in the area, including beaver, mink, otter, muskrat, marten, wolf, coyote, fox, lynx, wolverine, marmot, porcupine and numerous small mammals. The ADFG wildlife harvest database shows that between 2002 and 2003, one wolf and 264 marten were killed in the Skagway area.

Waterfowl, Seabirds and Terrestrial Birds. The ecosystems of the Skagway and Taiya River valleys support a wide range of bird species. More than 180 bird species have been recorded in the Skagway area, with 62 present through the winter months. Migrations are generally at their peak during April and September. Table 3.1 provides a listing of bird species that occur in the Skagway coastal district (Skagway Bird Club, 2004). Eagle nesting trees are mapped on Figure 3.9.

3.9 Fisheries and Fishery Enhancement

Fishery resources in upper Taiya Inlet do not support a significant commercial fishery. In 2004, only four Skagway residents held commercial fishing permits (DCCED, Alaska Economic Information System web site, January 2005). However, the sport fishery in the upper Lynn Canal and Taiya Inlet is enjoyed by local residents and visitors, and supports a small sport charter fleet. The Skagway area has a continuing role in providing sites for fisheries enhancement facilities and projects that support the commercial, sport and subsistence fisheries in Lynn Canal and Taiya Inlet by producing and releasing fish to augment natural runs.

Skagway Coastal Management Program

Figure 3.9 Wildlife Distribution

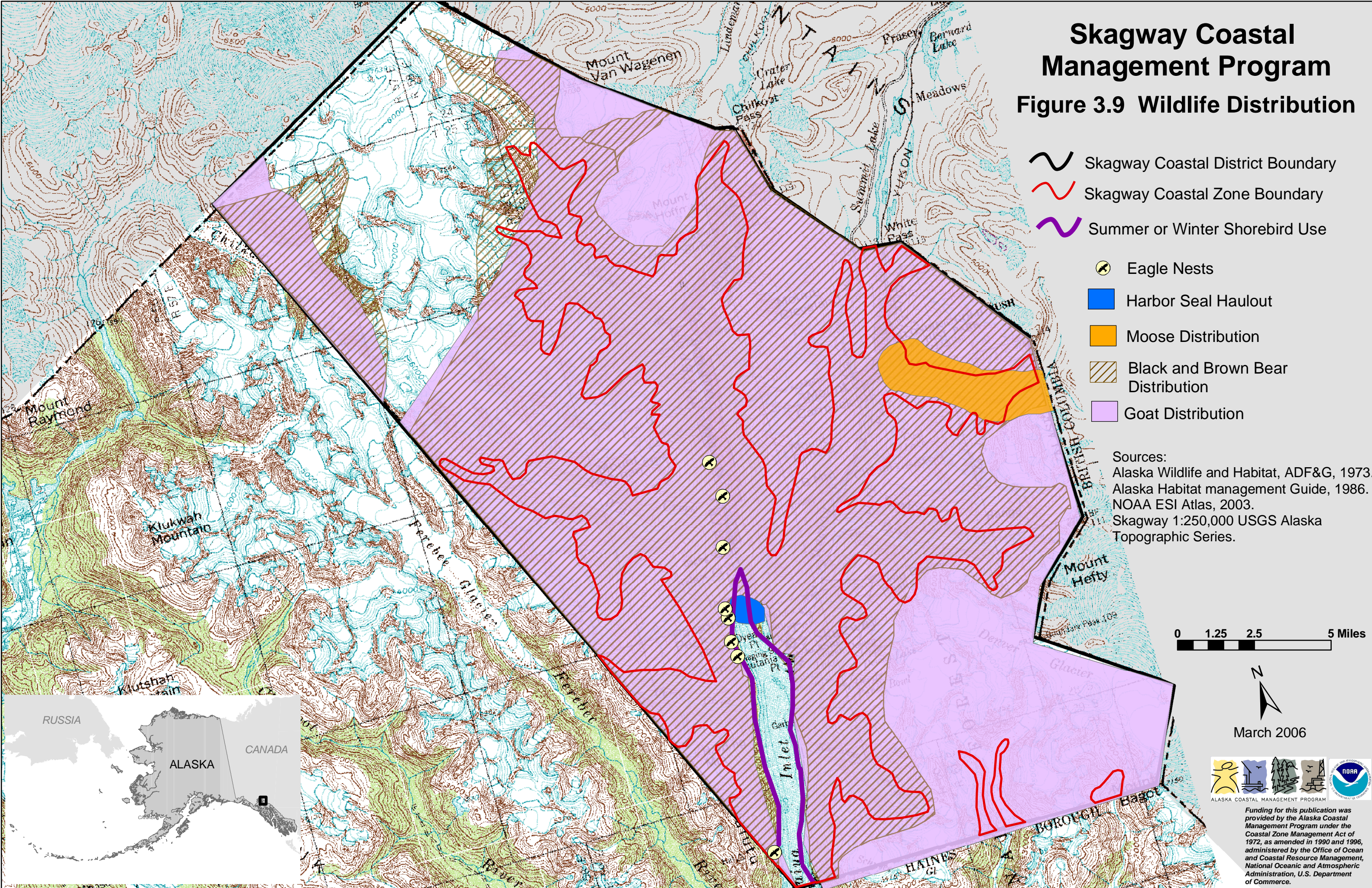


Table 3.1
Bird Species in the Skagway Coastal District

Red-throated Loon Pacific Loon Common Loon Yellow-billed Loon	White-tailed Ptarmigan Willow Ptarmigan Rock Ptarmigan	Belted Kingfisher	Varied Thrush American Robin
Horned Grebe Red-necked Grebe Western Grebe	American Golden-Plover Semipalmated Plover Killdeer	Red-breasted Sapsucker Downy Woodpecker Hairy Woodpecker Amer. Three-toed Woodpecker Northern Flicker ... Yellow-shafted ... Red-shafted	Gray-cheeked Thrush Swainson's Thrush Hermit Thrush
Fork-tailed Storm-Petrel	American Coot Sandhill Crane		European Starling
Double-crested Cormorant	Greater Yellowlegs Lesser Yellowlegs	Olive-sided Flycatcher Western Wood-Pewee Pacific-slope Flycatcher	American Pipit
Great Blue Heron	Solitary Sandpiper Spotted Sandpiper Wandering Tattler Sanderling Dunlin Western Sandpiper Pectoral Sandpiper Semipalmated Sandpiper Least Sandpiper Long-billed Dowitcher Common (Wilson's) Snipe Red-necked Phalarope	Alder Flycatcher Least Flycatcher Hammond's Flycatcher Says Phoebe	Bohemian Waxwing Cedar Waxwing
Canada Goose Brant (Black) Snow Goose (Lesser) Trumpeter Swan Tundra Swan Mallard Gadwall Eurasian Wigeon American Wigeon Blue-winged Teal Northern Shoveler Northern Pintail [American] Green-winged Teal Canvasback Redhead Ring-necked Duck Greater Scaup Lesser Scaup Long-tailed Duck Harlequin Duck Surf Scoter Black Scoter White-winged Scoter Common Goldeneye Barrow's Goldeneye Bufflehead Common Merganser Red-breasted Merganser	Bonaparte's Gull Mew Gull Herring Gull Thayer's Gull Glaucous-winged Gull Glaucous Gull Black-legged Kittiwake Arctic Tern	Northern Shrike Warbling Vireo Red-eyed Vireo	Orange-crowned Warbler Tennessee Warbler Yellow Warbler Yellow-rumped Warbler (Myrtle) Townsend's Warbler Blackpoll Warbler American Redstart Northern Waterthrush MacGillivray's Warbler Common Yellowthroat Wilson's Warbler
		Steller's Jay Gray Jay Black-billed Magpie Common Raven Northwestern Crow	Western Tanager
		Horned Lark	American Tree Sparrow Chipping Sparrow Savannah Sparrow Golden-crowned Sparrow White-crowned Sparrow Fox Sparrow Song Sparrow Lincoln's Sparrow Dark-eyed Junco ... (Slate-colored) ... (Oregon) Lapland Longspur Snow Bunting
	Common Murre Pigeon Guillemot Marbled Murrelet Kittlitz's Murrelet	Northern Rough-wing Swallow Bank Swallow Violet-green Swallow Tree Swallow Cliff Swallow Barn Swallow	Western Meadowlark Brown-headed Cowbird Red-winged Blackbird Rusty Blackbird
	Rock Pigeon Band-tailed Pigeon	Black-capped Chickadee Mountain Chickadee Boreal Chickadee Chestnut-backed Chickadee	
	Short-eared Owl Great Horned Owl Snowy Owl Great Gray Owl Northern Saw-whet Owl Western Screech-Owl Northern Pygmy-Owl Northern Hawk Owl	Red-breasted Nuthatch	
Northern Harrier Sharp-shinned Hawk Swainson's Hawk Northern Goshawk Red-tailed Hawk Golden Eagle Bald Eagle Merlin American Kestrel Gyr Falcon Peregrine Falcon		Brown Creeper	
	Common Nighthawk Vaux's Swift	Winter Wren	Pine Grosbeak Gray-crowned Rosy-Finch Red Crossbill White-winged Crossbill Common Redpoll Hoary Redpoll Pine Siskin
	Anna's Hummingbird Rufous Hummingbird	American Dipper	American Goldfinch
		Golden-crowned Kinglet Ruby-crowned Kinglet	
Spruce Grouse Blue Grouse		Townsend's Solitaire Mountain Bluebird	

Source: Skagway Bird Club, 2004.

3.9.1 Fisheries Enhancement Resources and Facilities

The fishery resources of the Taiya Inlet have been supported and enhanced by the fisheries enhancement work undertaken by salmon hatcheries that have operated in Skagway at Pullen Creek and Burro Creek. The existing Pullen Creek hatchery is owned by the City of Skagway and has been operated by the Skagway School District since 1981. The hatchery has a strong emphasis on education, but also contributes to the Pullen Creek sport fishery and the fisheries in Lynn Canal. In 1989, the school's hatchery program received recognition as the Alaska State Vocational Program of the Year.

The Burro Creek hatchery facility is located on Burro Creek about 1.5 miles across Taiya Inlet from Skagway. Burro Creek Farms, a private nonprofit corporation that operated the hatchery for about 20 years, has an annual permitted capacity of a combined three million pink and chum, 100,000 coho and 100,000 chinook eggs. The hatchery last released fish to Taiya Inlet in 2000. Burro Creek Farms never conducted traditional cost recovery fisheries, but obtained operating funds from tourism, sale of smoked/canned salmon harvested on site, and sale of carcasses to dog mushers (ADFG, 2004). The hatchery is no longer active and, as of early 2005, was listed for sale.

The City of Skagway is partnered with the ADFG, the Burro Creek Hatchery and the Douglas Island Pink and Chum, Inc. (DIPAC), a nonprofit hatchery in Juneau, to produce and rear chinook salmon in Pullen Creek. The Skagway School District has also participated in this program. As a part of a four-party cooperative agreement signed in 2000, the City is investigating the construction of a salmon production hatchery at Pullen Pond, in the Pullen Creek Shoreline Park AMSA (see Chapter 5.0, Section 5.2).

Resource Analysis – Fisheries Enhancement


The *City of Skagway Comprehensive Plan* (1999) expresses the City's interest in providing more efficient and effective fish hatchery functions, improving fish stock returns, maintaining the local sport fishery and related businesses, expanding economic opportunities (both for the community and the hatcheries), and maintaining educational and scientific use of hatcheries. The City continues to plan for expanded public hatchery operations and facilities at the Pullen Creek Shoreline Park.

The Comprehensive Plan also recommends considering the potential for hatchery or salmon enhancement facilities in Nahku (Long) Bay. The bay is protected, may be suitable for salt water holding pens for smolt, and has good marine access. The Comprehensive Plan designates the head of the bay for waterfront-related commercial or industrial growth, which would be compatible with a hatchery or related facility. However, the zoning would have to be changed from the current Residential Conservation designation for such development to occur.

Development of new or expanded fisheries enhancement facilities would provide economic and scientific/educational benefits to the Skagway community. However, the

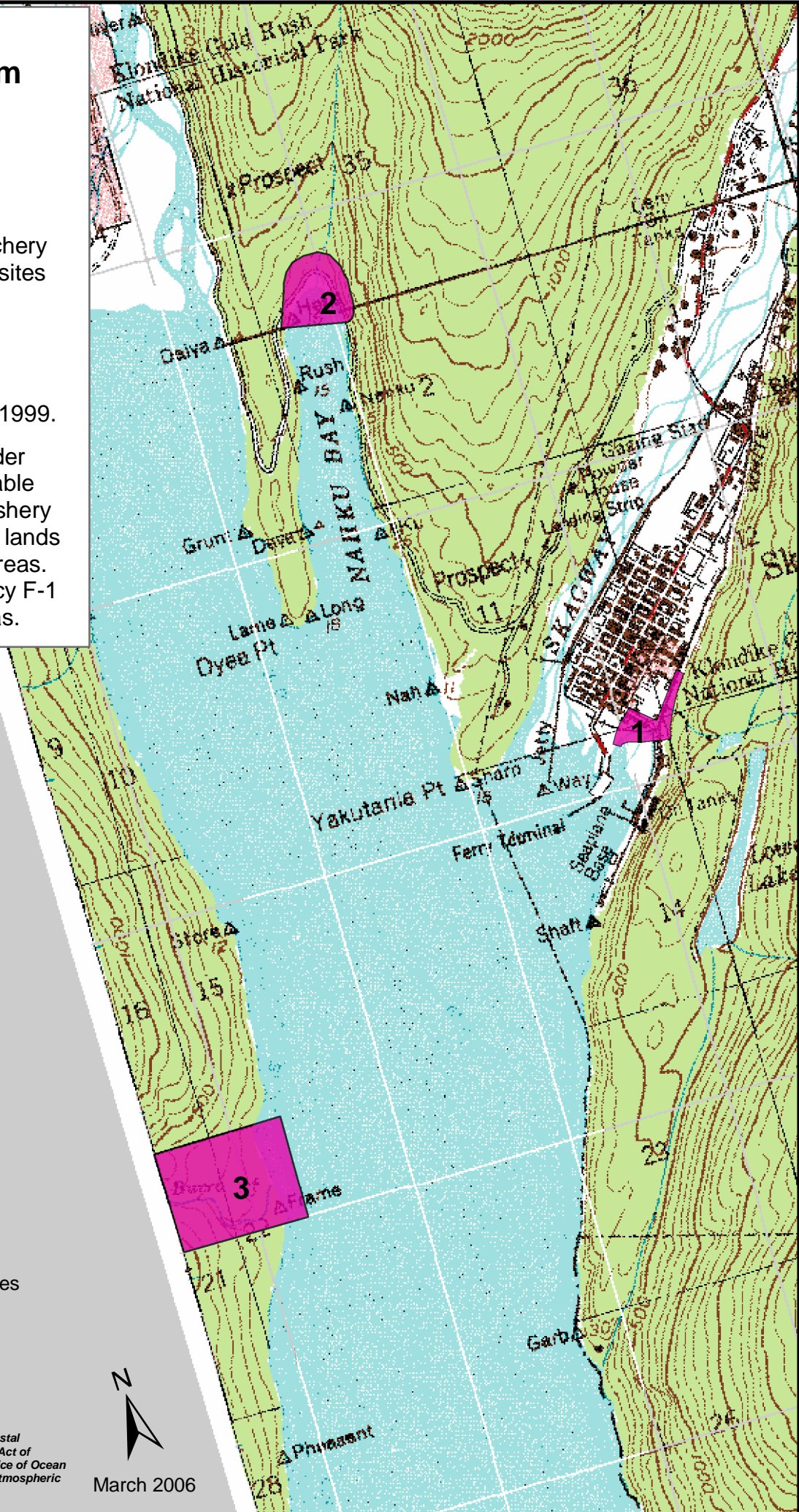
Skagway Coastal Management Program

Figure 3.10
Designated Fishery
Enhancement Sites

-  Existing or potential hatchery or fishery enhancement sites
1. Pullen Creek
 2. Head of Nahku Bay
 3. Burro Creek

Source:
Skagway Comprehensive Plan, 1999.

These areas are designated under 11 AAC 114.250(f) as sites suitable for location or development of fishery enhancement facilities. Federal lands are excluded from designated areas. Skagway CMP enforceable policy F-1 will apply to the designated areas.



0.5 0.25 0 0.5 Miles



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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facilities must be sited and operated to ensure compatibility with other coastal uses, which are primarily recreation and tourism uses at the Pullen Creek Shoreline Park and low density residential and recreation uses along Nahku Bay. Development of facilities and accessory uses must also ensure that coastal areas are appropriately reserved for water-dependent and water-related uses. The designation of sites for fishery enhancement (below) and the enforceable policies of the Pullen Creek Shoreline Park AMSA (Chapter 5.0, Section 5.2) address these issues.

3.9.2 Designation of Existing and Potential Fishery Enhancement Sites

The Skagway coastal district is designating three areas as sites suitable for fisheries enhancement facilities under 11 AAC 114.250(f), which allows districts to designate areas “suitable for ... facilities related to commercial fishing.” Fisheries enhancement facilities support commercial and other fisheries by producing and releasing fish to augment natural stocks. The designations include the existing salmon enhancement hatchery site on Pullen Creek, the Burro Creek hatchery site, the potential hatchery site in Pullen Creek Shoreline Park, and the head of Nahku (Long) Bay. The designated sites are mapped on Figure 3.10.

Designation of these sites does not mean that fishery enhancement is the only use of the area that would be appropriate. Uses and activities proposed to take place within these designated areas must comply with the enforceable policy F-1 of the Skagway CMP. There is no statewide ACMP standard that regulates fisheries facility siting or operation.

3.10 Recreation and Coastal Access

Skagway’s natural environment and scenic setting provides many opportunities for recreational activities that take advantage of and benefit from the natural physical and biological features of the area, including the recreational opportunities offered along Skagway’s coastline. Recreational pursuits include hiking, skiing, boating, beach-combing, enjoying scenic and coastal views, wildlife viewing, fishing and hunting, recreational games, and many other past-times. Skagway residents value their recreation areas as important to their quality of life, and also recognize their importance to visitors’ enjoyment of the community.

This section provides an inventory and analysis of recreational resources in the Skagway coastal district, and designates a number of specific areas as recreation use areas under ACMP regulation 11 AAC 114.250(c) (See Section 3.10.9 below). Recreation areas in the Skagway coastal district are depicted on Figure 3.11. Designated recreation use areas are shown on Figure 3.12. The recreational uses of these designated areas and the features that support this recreational use are described in the following sections and presented in Table 3.2.

3.10.1 Skagway Area Trail System

The City of Skagway highly values its diverse trail system. Trails near town provide accessible opportunities for exercise and recreation, access to the coastline for recreation and solitude, and ready access to wilderness areas for Skagway visitors exploring on their own. More distant trails and routes are used for hiking, snow machine, ATV, horseback riding, bicycling, skiing and snowshoeing. The trail system is managed by a number of landowners, including the City, State of Alaska, NPS and USFS.

The City of Skagway recently completed a *Comprehensive Trail Plan* (City of Skagway, 2005). The plan addresses the management, maintenance, enhancement and expansion of the Skagway area trail system. It identifies priority projects, funding sources, and potential public and private sector partners who can work together to continue to maintain and improve these essential recreation corridors and areas for the enjoyment of Skagway's residents and visitors. The trails addressed in this plan are shown on Figure 3.11.

The City of Skagway has taken steps to limit commercial use of the City's trails and recreation property. Ordinance 02-17, passed in August 2002, prohibits all commercial activity on the City's trail system. It was adopted to ensure that residents and visitors to Skagway can enjoy recreational experiences on the trail system.

3.10.2 Dewey Lakes Recreation Area

The Lower and Upper Dewey Lakes, on the mountainside above the Skagway townsite, are highly valued by Skagway residents as a nearby site for recreation and solitude. The *City of Skagway Comprehensive Plan* cited a Community Opinion Survey conducted in 1998, in which 70% of Skagway residents felt that the City land around Dewey Lakes east of town should be used solely for recreation and open space.





In 2004, the City of Skagway adopted Ordinance No. 04-18, establishing the Dewey Lakes Recreation Area and adopting a management plan for this area. The plan recognizes the local, State and regional significance of the Dewey Lakes area, because of its historic importance, scenic values, and the opportunity it provides for natural and wilderness experiences. The plan's goal is to preserve the recreation area and the traditional and historic recreational uses of the area. The ordinance also adopted a list of allowed and prohibited uses for the area.

3.10.3 Dyea Flats and Adjacent Dyea Lands

The Dyea Flats and adjacent Dyea lands are areas of immeasurable historic, cultural and recreation significance. Located at the entrance to the Chilkoot Trail unit of the Klondike Gold Rush National Historical Park, the Dyea flats is the site of the historic town of Dyea, which rivaled Skagway in size and significance during the first year of the gold rush.

Skagway Coastal Management Program

Figure 3.11
Areas Used for Recreation

-  Skagway Coastal District Boundary
-  Skagway Coastal Zone Boundary
-  Existing and Potential Trails
-  Areas Used for Recreation

Sources: City of Skagway
Comprehensive Trails Plan, 2005.
Skagway Comprehensive Plan, 1999.
Skagway 1:250,000 USGS Alaska
Topographic Series.

0 1.5 3 6 Miles



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Skagway Area Trail System Existing and Proposed Trails

- 1 Lower Dewey Lake Loop Trail
- 2 Upper Dewey Lake/Devil's Punchbowl Trail
- 3 Sturgill's Landing Trail
- 4 Icy Lake/Reid Falls Trail
- 5 Yakutania Point/Smuggler's Cove Trail
- 6 AB Mountain Trail
- 7 Denver Glacier Trail
- 8 Laughton Glacier Trail
- 9 Skagway-Haines Kayak Route
- 10 Skagway River Water Route
- 11 Proposed CCC Trail
- 12 Chilkoot Trail
- 13 Lost Lake Trail
- 14 Face Mountain Trail
- 15 Proposed West Creek Trail
- 16 Taiya River Water Route
- 17 Proposed S Glacier Extension
- 18 Proposed Dyea-Klondike Transportation Wagon Road Trail
- 19 Proposed Warm Pass Trail
- 20 Proposed AB Mountain to International Falls Trail
- 21 Proposed Sturgill's Landing to Kasidaya Creek Trail
- 22 Proposed Kasidaya Creek to Katzechin River Trail
- 23 Proposed Nourse Valley Trail
- 24 Proposed Goat Lake Trail
- 25 Proposed Brackett Wagon Road Trail
- 26 Proposed Skagway-Dyea Telegraph Trail

**Seventh
Pasture
Ball
Field**

**City "View" Lot
(City-owned)**

**Yakutania
Point AMSA**

**Pullen
Creek
AMSA**

Sturgill's Landing

**Nourse
River Valley**

West Creek Valley

**Dyea Flats and
Adjacent Dyea Lands**

**Laughton
Glacier Valley**

**Denver
Glacier Valley**

**Dewey Lakes
Recreation Area**

**Inset
Map**



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Table 3.2
Recreational Uses and Features that Support Recreational Use of
Areas Used for Recreation in Skagway(Figure 3-11)

SCMP Section	Designated Recreation Use Area	Recreational Uses	Physical, biological and cultural features that support recreation uses
3.10.1	Skagway Area Trail System	Walking, hiking, running, coastal access, snow machining, ATV use, horseback riding, bicycling, skiing, snowshoeing, fishing, hunting, plant gathering, solitude, picnicking, bird and wildlife watching, appreciation of cultural resources, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.2	Dewey Lakes Recreation Area	Walking, hiking, running, ATV use, horseback riding, bicycling, skiing, snowshoeing, skiing, fishing, hunting, plant gathering, solitude, picnicking, bird and wildlife watching, appreciation of cultural resources, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural ecosystems / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.3	Dyea Flats and Adjacent Dyea Lands	Walking, hiking, ATV use, camping, picnicking, bird and wildlife watching, fishing, hunting, horseback riding, trapping, snow machining, swimming, coastal access, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)

Table 3.2
Recreational Uses and Features that Support Recreational Use of
Areas Used for Recreation in Skagway(Figure 3-11)

SCMP Section	Designated Recreation Use Area	Recreational Uses	Physical, biological and cultural features that support recreation uses
3.10.4	Townsite Recreation Areas – Yakutania Point, Pullen Creek Shoreline Park, City Overview Lot, Seven Pastures Ball Field	Walking, hiking, running, boating, picnicking, ski touring, swimming, coastal access, horseback riding, fishing, hunting, active games, bird and wildlife watching, appreciation of cultural resources, other day-use recreation activities compatible with the features of the area	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties) • Developed recreation infrastructure (ball field)
3.10.5	Taiya River Watershed – West Creek and Nourse River Valleys	Hiking, camping, running, skiing, snowshoeing, snow machining, fishing, hunting, plant harvesting, canoeing, rafting, bird and wildlife watching, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Riverine ecosystem • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.6	Upper Skagway River Watershed – Denver Glacier and Laughton Glacier Valleys	Hiking, camping, running, skiing, snowshoeing, snow machining, fishing, hunting, plant harvesting, bird and wildlife watching, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)

Table 3.2
Recreational Uses and Features that Support Recreational Use at
Designated Recreation Use Areas (Figure 3-11)

SCMP Section	SCMP Section	SCMP Section	SCMP Section
3.10.7	Sturgill's Landing	Hiking, camping, picnicking, coastal (boat) access	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.8	Klondike Gold Rush National Historical Park Units	Hiking, camping, running, skiing, snowshoeing, snow machining, fishing, hunting, plant harvesting, bird and wildlife watching, boating, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)

In addition to its historic and cultural significance, the Dyea area is highly valued by Skagway residents for a wide range of recreation uses, including walking, ATV use, camping, picnicking, bird and wildlife watching, fishing, hunting, horseback riding, trapping, snow-machining, cross country skiing, swimming, and other uses. The area offers easy access to the ocean and tideflat environments. Users of the flats relish the quiet respite it offers from downtown Skagway during the busy and crowded summer season.

In 1996, the City of Skagway prepared a management plan for the Dyea Flats area. The plan expressed the City's intent to be a responsible steward of the resources and values of the Dyea Flats in perpetuity (Ordinance 99-28). The plan commits to keep the Flats in public ownership, and highlights the importance of public recreation use of the area. The

management plan was instrumental in the State of Alaska agreeing to convey a 202 acre portion of the Dyea Flats to city ownership. In 2003, the City expanded the coverage of the management plan to include city-owned lands adjacent to the Dyea Flats (Ordinance 03-06).

3.10.4 Townsite Coastal Recreation and View Areas

Town-site recreation and view areas that are designated for recreation use include:

- Yakutania Point AMSA – Yakutania Point was conveyed to the City of Skagway in 1923 “for use as a public park” by the federal government. The point is a favorite site for picnicking and camping, and provides access to trails, natural shoreline and tidelands. Yakutania Point was designated an AMSA in the 1991 SCMP (Chapter 5.0, Section 5.1).
- Pullen Creek Shoreline Park AMSA – The Pullen Creek shoreline area represents an area of substantial recreation value and interpretive value to Skagway residents and tourists. The Pullen Creek Shoreline Park was designated an AMSA in the 1991 SCMP (Chapter 5.0, Section 5.2).
- City Overview Lot – City-owned “Lot 30” on the Dyea Road offers a beautiful vista of the Skagway townsite and river valley and is valued by residents and visitors as a scenic overlook.
- Seven Pastures Ball Fields – City-owned ball fields located west of the Skagway River, across the highway bridge.

3.10.5 Taiya River Watershed – West Creek and Nourse River Valleys

Public lands in the West Creek and Nourse River drainages, which drain into the Taiya River east of Skagway are enjoyed for remote recreation, including hiking, camping, running, skiing, snowshoeing, snow-mobiles, fishing, hunting, plant harvesting, canoeing, rafting and other recreation uses. There is some commercial recreation use in these drainages.

3.10.6 Upper Skagway River Watershed – Denver Glacier and Laughton Glacier Valleys

Public lands in the upper Skagway River watershed are enjoyed for remote recreation, including hiking, goat hunting and moose hunting. In addition, these valleys are prominent scenic viewsheds for the WPYR Railroad, a major tourism activity in the Skagway area. There are commercial hiking tours offered in these drainages.

3.10.7 Sturgill’s Landing

Sturgill’s Landing is a USFS shoreline picnic area located south of the Skagway townsite. The area can be accessed by trail or boat, and serves as a camp site for kayakers traveling between Haines and Skagway.



View of Skagway from City Overview Lot

3.10.8 Klondike Gold Rush National Historical Park Units

The Chilkoot Trail Unit (including Dyea) of the KLGO is world-renowned site for its historic and recreation values. Beginning on the north edge of Dyea, the Unit includes the historic Chilkoot Trail along the east side of the Taiya River and four associated camping areas. Hikers traveling the full length of the Chilkoot Trail are limited to 3,000 per season, with 50 hikers per day allowed to cross through Canadian customs (pers. comm., Sandy Snell-Dobert, NPS KLGO, 2005). However, the lower part of the Chilkoot Trail is much more intensively used by independent and commercially-guided hikers.

The White Pass Trail Unit of the KLGO, which starts seven miles northeast of Skagway and extends north to the Canadian border, is undeveloped and contains portions of the historic Brackett Wagon Road, remnants of White Pass City and segments of the White Pass Trail. There are no developed trails to or through the unit. However, reestablishment of the Brackett Wagon Road/White Pass Trail is being considered for hikers seeking a challenging hike in a remote setting (NPS, 1996; City of Skagway, 2005).

Resource Analysis – Recreation and Coastal Access

The recreation areas identified above receive extensive local use, and are enjoyed by Skagway visitors as well. Continued enjoyment of these areas depends upon protection and enhancement of the values and attributes which make them attractive for recreation use – including the physical and biological features of the natural environment, scenic values, historic and cultural resources, relative solitude, access to coastal areas, and other attributes. It is essential that other development and uses (including commercial guided recreation use) be restricted in some cases, or conducted in a manner that will maintain the values and attributes which make these areas desirable recreation sites.

Coastal access is not important only for “recreation.” Access to Skagway’s coastline provides for tourism uses; harvesting of fish, wildlife and other resources; appreciation of local history and cultural sites and resources; and other uses. See also Chapter 3.0, Sections 3.5, 3.6, 3.7, 3.8 and 3.11.

However, it is also important to assure that recreation developments and coastal access-ways are designed, developed and managed in a manner that minimizes impacts on other existing or planned shoreline uses and operations, and that does not present a hazard to life, public safety or property. The designation of recreation uses areas (below) and the enforceable policies of Chapter 4.0, Section 4.4 and 4.5, address these issues.

3.10.9 Designation of Recreation Use Areas





The Skagway coastal district is designating the areas listed below and mapped on Figure 3.12 for recreational use under 11 AAC 114.250(c). These areas are designated because they receive significant use by people engaging in recreational use, or the area has potential for recreational use because of physical, biological or cultural features. It is important to note that ACMP regulations do not allow designations of special use areas under 11 AAC 114 on federal lands or on lands outside of the Skagway coastal zone boundary. Further, the OPMP will not approve the designation of areas within the KLGO Chilkoot Trail Unit and White Pass Trail Unit for recreation in the SCMP, as that agency maintains that these areas are already effectively managed for recreation uses. Therefore, the areas designated for recreation use in the Skagway CMP and mapped on Figure 3.12 do not encompass all areas that are actively used for recreation in the Skagway coastal district. See Figure 3.11 for a more complete inventory of important recreation use areas in Skagway.

The designated recreation use areas include:

- Skagway Trail System and 50-foot wide corridor on each side of trail (excluding trails on federal lands, within a KLGO park unit, or outside of the Skagway coastal zone boundary)
- Dewey Lakes Recreation Area (excluding the small area outside of the Skagway coastal zone boundary)
- Townsite Coastal Recreation and View Areas

Skagway Coastal Management Program

Figure 3.12
Designated Recreation Use Areas

-  Skagway Coastal District Boundary
-  Skagway Coastal Zone Boundary
-  Existing and Potential Trails
-  Recreation Use Area Designations

Areas designated as recreation use areas under 11 AAC 114.250 (c). These areas receive significant use by persons engaging in recreational pursuits, or have the potential for recreational use because of their physical, biological, or cultural features. Federal lands are excluded from designated areas. Skagway CMP enforceable policies R-1, R-2, and R-3 apply to the designated recreation use areas.

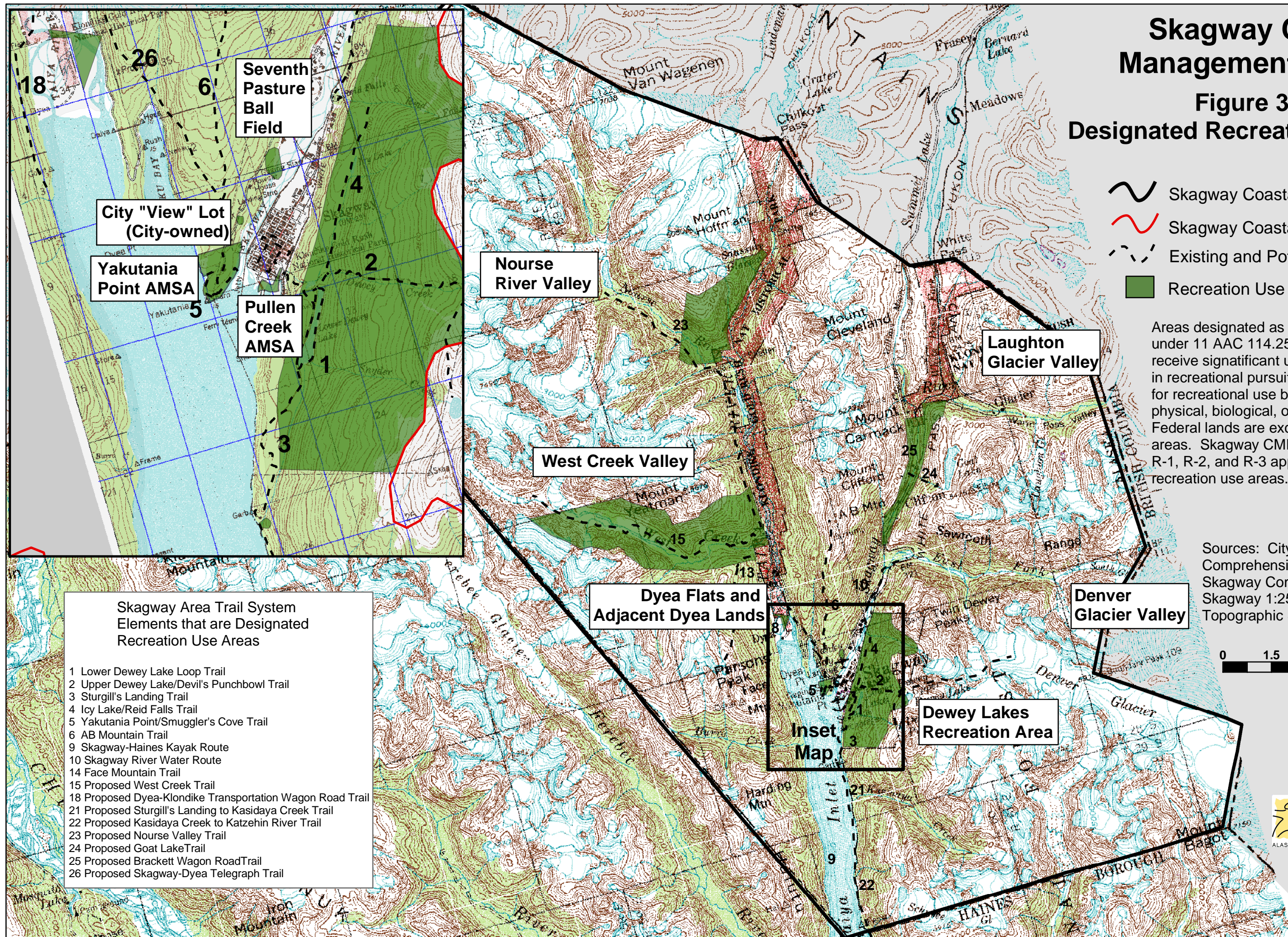
Sources: City of Skagway
Comprehensive Trails Plan, 2005.
Skagway Comprehensive Plan, 1999.
Skagway 1:250,000 USGS Alaska
Topographic Series.

0 1.5 3 6 Miles

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City "View" Lot
(City-owned)

Yakutania
Point AMSA

Pullen
Creek
AMSA

Nourse
River Valley

West Creek Valley

Dyea Flats and
Adjacent Dyea Lands

Laughton
Glacier Valley

Denver
Glacier Valley

Dewey Lakes
Recreation Area

Inset
Map

Skagway Area Trail System Elements that are Designated Recreation Use Areas

- 1 Lower Dewey Lake Loop Trail
- 2 Upper Dewey Lake/Devil's Punchbowl Trail
- 3 Sturgill's Landing Trail
- 4 Icy Lake/Reid Falls Trail
- 5 Yakutania Point/Smuggler's Cove Trail
- 6 AB Mountain Trail
- 9 Skagway-Haines Kayak Route
- 10 Skagway River Water Route
- 14 Face Mountain Trail
- 15 Proposed West Creek Trail
- 18 Proposed Dyea-Klondike Transportation Wagon Road Trail
- 21 Proposed Sturgill's Landing to Kasidaya Creek Trail
- 22 Proposed Kasidaya Creek to Katzehein River Trail
- 23 Proposed Nourse Valley Trail
- 24 Proposed Goat Lake Trail
- 25 Proposed Brackett Wagon Road Trail
- 26 Proposed Skagway-Dyea Telegraph Trail

- Yakutania Point AMSA
- Pullen Creek Shoreline Park AMSA
- City “View” Lot (Lot 30 on Dyea Road)
- Seven Pastures ballfields
- Taiya River Watershed – West Creek, Nourse River (excluding federal lands, lands within the KLGO Chilkoot Trail Unit, or lands outside of the Skagway coastal zone boundary)
- Upper Skagway River (excluding federal lands, lands within the KLGO White Pass Trail Unit, and lands outside of the Skagway coastal zone boundary)

These designated recreation use areas, the characteristics of their use and values, the rationale for their designation, and steps Skagway has taken to protect the recreation values and use of these areas is described in the resource inventory and analysis sections, above. The designation of these areas is compatible with the Recreation designations in the Future Growth Plan adopted in the *City of Skagway Comprehensive Plan* (1999).

Designation as an area for recreational use under the SCMP does not mean that recreation is the only use of the area that is appropriate. However, uses and activities proposed to take place within these designated areas must comply with the enforceable Recreation policies of Chapter 4.0, Section 4.4. There is no statewide ACMP standard that regulates recreation.

3.11 Tourism

The tourism industry flourishes each May through September in Skagway, which serves as the northern terminus of the Alaska Inside Passage for cruise ships and the Alaska Marine Highway System (AMHS) ferries, a transfer site for rail and interior bus tours, and an attraction for independent travelers and hardy hikers drawn by the Klondike Gold Rush Historical Park and the WPYR Railroad. Tourists come to the Skagway area to appreciate and enjoy its historical and cultural significance, its beautiful natural setting and wildlife, and outdoor recreation, adventure and sports.

Cruise visitation is the dominant form of tourism. Over 722,000 cruise ship passengers came to Skagway in 2004, representing 90 percent of all visitors that year. Cruise visitation has increased 1,400% since the 48,000 visitors that arrived by cruise ship in 1983. Other modes of travel include the AMHS, Klondike Highway, WPYR Railroad, and air travel. These modes of visitation have stayed fairly stable over the years (Table 3.3).

Cruise visitors heavily use the Skagway townsite area, enjoying the historic structures, artifacts and ambience; Skagway’s many retail shops, restaurants and tours; and the

Klondike Gold Rush National Historical Park visitor center and sites. The National Historical Park counted its visitation at 844,576 people in 2003, and shows that numbers of visitors increase each year. Park visitation in 2000 was 697,051 (pers. comm., Sandy Snell-Dobert, NPS KLGO, 2005).

There are a wide variety of commercial tours and guided experiences available in Skagway and the Dyea area for both cruise and independent travelers. Offerings include hiking, rafting, horse-back riding, sight-seeing, sport fishing and marine boating, flight-seeing and other recreation experiences.

Table 3.3 Annual Visitation and Mode of Arrival to Skagway					
Mode of Arrival	1985	1990	1995	2000	2004
Cruise	77,623	136,512	256,788	565,639	722,095
AMHS	31,522	33,234	33,961	30,732	23,171
Klondike Highway	89,542	63,237	87,977	94,925	77,837
WP&YR	NA	16,072	15,521	19,231	13,187
Small cruise vessels	15,000	17,767	13,000	NA	NA
Air	4,000	4,799	17,000	15,626	6,046
Other	NA	NA	4,100	8,362	15,069
Total	217,687	271,621	428,347	734,515	857,405
Note: 1985, 1990, 1995 & 2004 data are for months of May through September (5 month season). 2000 data are from months of April through September (six month season). Source: pers. comm., Karen Ward, Skagway Convention and Visitors Bureau, 2004					

The visitor industry is the most important segment of the Skagway economy, providing most of the business income, employment and government revenue for the city. In 1999, visitors spent a total of \$59.5 million in Skagway, with the most expenditures (\$44 million) spent by cruise passengers. Seasonally, the visitor industry brings an additional 900 jobs to Skagway, which in 1999 generated a total payroll of \$7.7 million. These wages, in turn, supported local businesses and generated an additional 100 jobs in Skagway (Southeast Strategies and Dean Runyan Associates, 2000).

The City of Skagway relies on tourism as its primary source of local government revenue. The City's 4% sales tax generated \$4.5 million in revenue in calendar year 2004, while its 8% accommodations tax generated \$165,000 for the calendar year.

Expenditures related to restoration of historic building and trails in Skagway have also boosted the economy, as the NPS has contributed \$12.5 million to restore 13 historic structures in Skagway in the past 30 years (Alaska Department of Labor, 1999), and private commercial businesses have built and reconstructed buildings to support tourism trade.

The impact of tourism can be seen in the employment mix for Skagway. Employment for the tourism sector is not counted directly, but most tourism-related jobs in Skagway are included in the retail trade and leisure and hospitality service sectors. These industries provided 307 jobs during 2003, or 41 percent of total employment (Alaska Department of Labor, 2005). Transportation, the strongest sector of Skagway's economy, is also strongly-tied to tourism. The WPYR Railroad is the largest private employer.

The influx of tourists and the related employment boom is strongly seasonal. The Skagway Convention and Visitors Bureau works to expand Skagway's "shoulder" tourism season with events like the Buckwheat Ski Classic (March), Klondike Trail of '98 Road Relay (September) and other special events.

The *City of Skagway Comprehensive Plan* expresses the City's goal to diversity its economy by encouraging the development of businesses that would operate year-round and provide more stable local employment throughout the year. The Skagway Development Corporation was formed in 2001, to achieve the goal of increasing year-round economic stability.

Tourism is the mainstay of Skagway's economy and is an integral part of the community. Skagway has welcomed tourism, while attempting to take appropriate steps to manage its impacts. The essence of this management is to ensure that tourism is conducted in a manner that is compatible with the community's needs and interests.

3.12 Mineral Extraction and Processing

There is no active hard rock mining, oil and gas or coal mining in the coastal district. Mining is not a subject use under the ACMP. There are no State coastal management standards that address mining, and coastal districts are not allowed to regulate mining activities through district coastal management policies. Sand and gravel extraction is addressed in the Skagway River AMSA plan (Chapter 5.0, Section 5.4).

3.13 Transportation and Utilities

Skagway's transportation and utilities facilities and services are very well-described in the *City of Skagway Comprehensive Plan* (October 1999). Transportation and utility services provides a large number of jobs in Skagway, primarily with the WPYR Railroad. In 2003, the transportation and warehousing sector was the largest private sector employer (Alaska Department of Labor, 2005).

3.13.1 Transportation Access

Road Access. The Klondike Highway and Alaska Highway provide a connection through British Columbia and the Yukon Territory, Canada, to the lower 48 states or north to Interior Alaska. The highway is owned and maintained by the State of Alaska. It has been open year-round since 1986, and in 2004 brought 77,837 people into Skagway. The highway is an important connection for freight and commerce between

Skagway, Whitehorse and other communities in the Yukon. The Klondike Highway was designated as an “Industrial-Use Highway” in 1989 to accommodate the heavy use of the road by oversize/overweight trucks.

The Alaska DOT&PF has been studying options for improving transportation from Juneau north, to access the road connections to Canada and northern Alaska. *The Juneau Access Improvements Supplemental Draft Environmental Impact Statement* was released for public review in January 2005 (DOT&PF, 2005). A route along the east shore of Lynn Canal through Skagway, with shuttle service to Haines, has been selected by DOT&PF as the preferred alternative.

Air Transportation. The Skagway Airport is owned, operated and maintained by the State of Alaska. Skagway is serviced with scheduled air taxis and flight-seeing operations. The number of emplanements has declined to 6,046 in 2004 from a high of 17,000 in 1995 (see Table 3.2), due to a decrease in flight-seeing operations. The City of Skagway owns and manages a seaplane float in the small boat harbor.

In 1999-2001, DOT&PF constructed major improvements to the Skagway Airport, to make it capable of safely and efficiently accommodating peak demand in the summer months. DOT&PF constructed a new runway (3,350 feet) and parallel taxiway, expanded the airport apron, constructed an airport terminal, addressed a number of safety hazards, replaced the footbridge to Yakutania Point, and constructed dikes to provide flood protection for the airport. These improvements expanded the airport area and infrastructure to the west, into the Skagway River channel. The airport project incorporated a number of mitigation measures, including fish habitat enhancement projects for Pullen Creek and Lillegraven Creek (both anadromous fish waters) and monitoring of fish passage at key locations for five years post-construction.

Marine Transportation. Skagway offers a deep-water, ice-free port at the head of the Inside Passage. Port commerce and activity supports the Skagway economy. Skagway receives regular State ferry and barge service and very high visitation by cruise vessel traffic from May through mid-October. Small cruise ships, day boats and “water taxis” (Skagway-Haines-Juneau) are visiting Skagway in growing numbers. Independent boaters and small commercial operations base out of Skagway’s city-owned small boat harbor.

The Skagway Coastal Management Plan has designated the Port of Skagway as an Area Which Merits Special Attention (AMSA). Additional information about marine transportation and the Port are provided in the Port AMSA Plan, in Section 5.3.

Railroad Access. Skagway is connected for tourist travel to Fraser, British Columbia, by the WPYR narrow gauge railroad, with through bus connections to Whitehorse and northern Alaska. The railway ran year-round from 1900 to 1982 for commerce between Skagway and the Yukon, and reopened in 1986 for tourist traffic. It currently travels a maximum 80 miles round-trip for a tourist excursion between Skagway and Lake



Alaska Marine Highway System Fast Vehicle Ferry Fairweather docking at Skagway.

Bennett, although the shorter round-trip to the White Pass summit is the more-frequented trip. There are plans to extend seasonal passenger service to Carcross (Yukon Territory) in 2006.

3.13.2 Public Utilities

Skagway's drinking water is supplied by a City utility from an underground aquifer below the Skagway River. Three wells located on 15th Avenue between Main Street and the Skagway River tap the aquifer at depths ranging from 75-120 feet. Skagway's water quality is considered good and no treatment is required at this time. The 1999 *Comprehensive Plan* indicates that issues associated with the water supply include: low or inconsistent water pressure at the north end of town, the potential need to install a treatment system in the future, extension of City water to the future growth area north of the 23rd Avenue bridge and to parts of the Dyea Road, and a potential need to tap new water sources if demand increases or due to future water quality issues.

The City has a municipal sewer system that collects wastewater and processes it through a sewage treatment plant, at Main Street near the waterfront and railroad tracks. Treated sewage is discharged Taiya Inlet via an outfall 35-feet below mean low water. The City's

stormwater collection system is separate from the wastewater system. Stormwater is discharged into Pullen Creek, the Skagway River and Taiya Inlet.

The city used a landfill site at Mile 3.2 Dyea Road prior to 1991 and at Mile 4.5 Dyea Road from 1991-1998. Numerous other sites have been used in the history of the community. Concerns about the proximity of the Mile 4.5 landfill site to a growing residential area and the feasibility of continued open burning at this site prompted the City to install an incinerator at Mile 6 on the Klondike Highway in 1998. The incinerator also burns the sludge from the sewage treatment plant. Ash from the burns is disposed of in disposal cells at the site. The City has a goal of expanding the community's recycling program. Scrap metal is shipped to Washington State every 12-24 months. The City also participates in the regional Household Hazardous Waste Collection annually.

Resource Analysis – Transportation and Utilities

The City of Skagway is located within a river valley that is subject to flooding and erosion (Section 3.4), and hosts a number of anadromous fish streams (Section 3.5). Conflicts with expansion and improvements of transportation and utility infrastructure are not anticipated. However, it is important that infrastructure be sited and developed in a manner that does not exacerbate flood and erosion hazard, and avoids and minimizes impacts to surface water drainage.

3.14 Energy Facilities Siting and Development

3.14.1 Energy Facility Sites and Resources

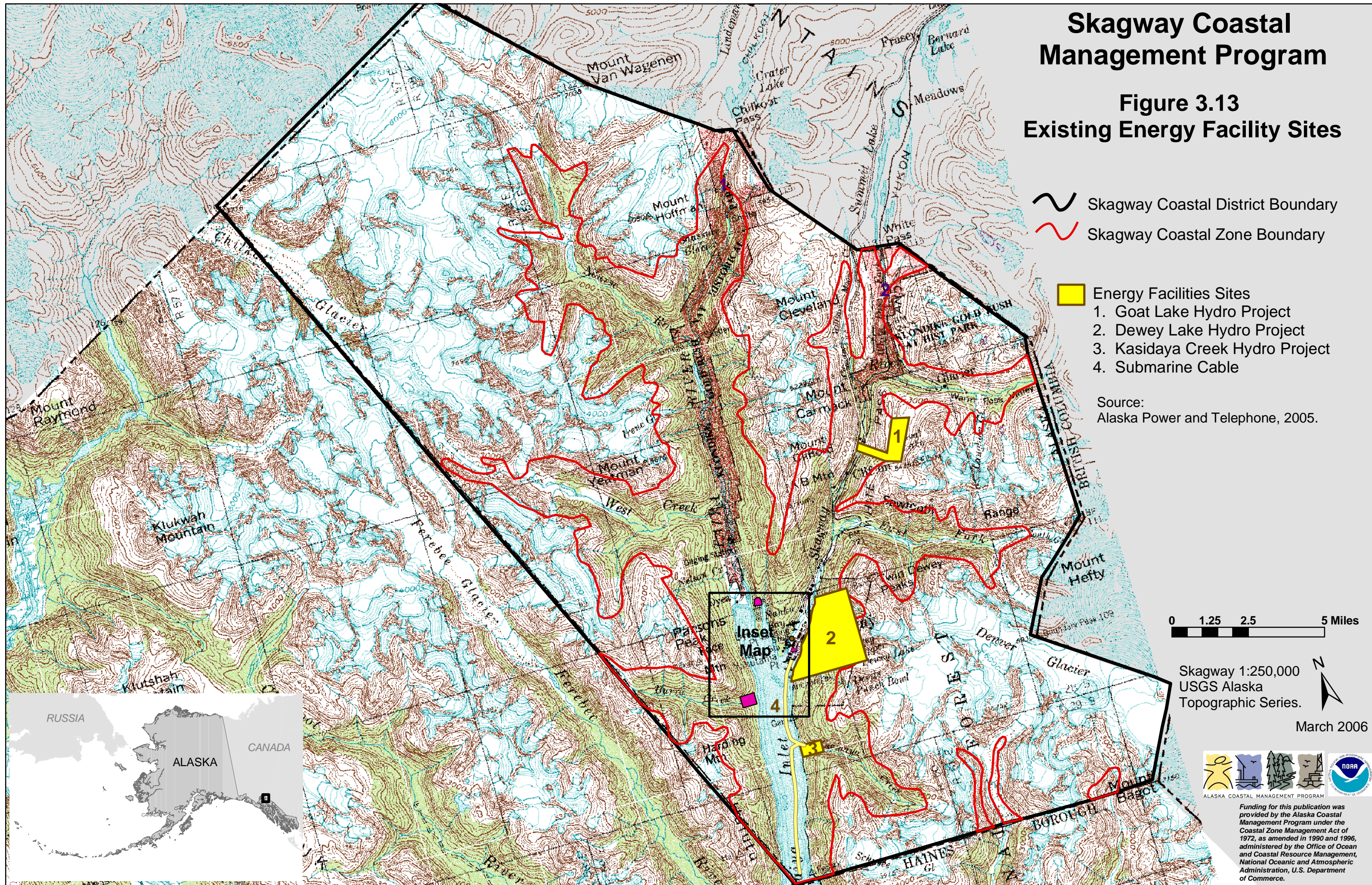
Electric power in Skagway is supplied by the Alaska Power and Telephone (AP&T) company, under license by the Federal Energy Regulatory Commission (FERC). Major electrical energy facilities serving Skagway are mapped on Figure 3.13. Skagway's electric power grid runs throughout the townsite, out to Mile 7 Klondike Highway and approximately Mile 7 Dyea Road. Extension to Mile 10 Dyea Road is anticipated after the Dyea Road reconstruction project is completed by DOT&PF. The electric grid is currently sufficient to meet the predicted energy demand for the next ten years (Skagway Development Corporation, 2005). The largest commercial uses of electric power in Skagway are the City of Skagway, WPYR, Skagway School District, and the NPS (Skagway Development Corporation, 2005).

Since 1997, hydroelectric power in Skagway has been generated from Goat Lake, a small lake located about seven miles northeast of Skagway. The transmission line runs along the west side of the Skagway River for 4,000 feet then ascends the slope to the site of the border station, where it ties into a transmission line to Skagway. Goat Lake can produce 4 Megawatts (MW) of power.

Prior to Goat Lake, electricity was generated by a combination of hydroelectric power from Dewey Lake and diesel generation. Dewey Lakes was able to generate only 865 Kilowatts of power, which did not meet Skagway's demand.

Skagway Coastal Management Program

Figure 3.13
Existing Energy Facility Sites



Skagway 1:250,000
USGS Alaska
Topographic Series.

March 2006

ALASKA COASTAL MANAGEMENT PROGRAM

Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

In 2002, AP&T received FERC approval to construct an additional hydroelectric project at Kasidaya Creek, located about three miles south of Skagway along the east side of the Taiya Inlet.⁴ This “run-of-river” project would generate 3 MW of power. The Kasidaya project would be used in an alternating manner with Goat Creek. AP&T is expecting to construct the project 2005-2006.

In 1998, a 13-mile submarine cable was installed between Skagway and Haines to allow AP&T, which merged with Haines Light and Power Company in 1996, to share hydroelectric power between Skagway and Haines.

AP&T is also investigating the possibility and feasibility for developing wind-generated energy in Skagway.

3.15 Air, Land and Water Quality

Skagway is located in a Class II airshed, as classified under provisions of the Clean Air Act amendments. Class II airsheds are defined by the Alaska Department of Environmental Conservation (DEC) as generally free from air pollution, but with some industrial use occurring. In Skagway, air quality impacts could occur from cruise ship, other ship, train or power company emissions, or from waterfront/industrial transshipment activities.

In 1998-99, the KLGO completed a pilot study using selected lichen species collected in the Skagway area to assess local air quality. The study found higher levels of heavy metals and sulfur in Skagway area lichen tissues than baseline levels established at over 120 sites on the surrounding Tongass National Forest. Pilot study investigators recommended that KLGO conduct a follow-up lichen assessment to track trends in air quality over time (letter from NPS, KLGO, to City of Skagway, April 4, 2005.)

Skagway has had an active history as a military site and industrial transshipment port. As such, land and water quality in the community has been impacted to some extent and has received much attention. In the late 1980's and early 1990's, studies of human health, soil and water evaluated the accumulation of lead in Skagway's environment, due to mineral ore that had been shipped through the community. It was determined that there was no cause for public health concern. Contaminated upland soils were discovered and removed (City of Skagway, 1999). Lead concentrations remain on the seafloor adjacent to the ship loading facility. However, it was determined this lead was encapsulated under a layer of uncontaminated sediment and that it was environmentally preferable to leave it undisturbed (NPS, 1997).

Surface water in the Skagway area is generally clear with some suspended sediments during periods of high run-off (NPS, 1997).

⁴ As a condition of a USFS Special Use Permit for the Kasidaya Creek project, AP&T has agreed to remove garbage from the Sturgill's Landing recreation site.

Pullen Creek is on DEC's 303(d) list of impaired water bodies in Alaska for heavy metals contamination.⁵ DEC funded the Skagway Traditional Council to prepare a watershed assessment for Pullen Creek. The Council considers its data to be provisional and recommends additional data collection and analysis. Heavy metals were sampled in the water, bank soils and sediments in Pullen Creek and the Council recommends additional studies. Further, elevated levels of other water contaminants were found (Skagway Traditional Council, 2004).

ADEC's statutes and regulations constitute the only regulatory requirements for air, land and water quality under the ACMP (11 AAC 112.310). There are no additional State standards that address air, land and water quality in Alaska's coastal zone, and coastal districts are not allowed to regulate air, land and water quality through district coastal management policies.

3.16 Timber Harvest and Processing

Skagway is located within the coastal spruce/hemlock forest that extends throughout Southeast Alaska. This forest type is found on well-drained slopes from sea level to timberline at 2000 feet to 3000 feet in elevation. As timberline is approached tree composition shifts to mountain hemlock and fir, which are scattered and stunted. Muskeg is found in clearings throughout forested areas. Above timberline alpine tundra and barren ground dominate the landscape. Most of Skagway's forest is considered non-commercial quality. State and federal land use plans for the area do not anticipate commercial forestry occurring in the area (DNR, 2002; USFS, 1977).

Timber harvest is managed by the State of Alaska under the Forest Resources and Practices Act (AS 41.17) and the State's forest practices regulations. There are no State standards that address timber management in Alaska's coastal zone, and coastal districts are not allowed to regulate timber harvest through district coastal management.

⁵ The 303(d) list includes water bodies in Alaska that have "impaired" water quality as defined under the Clean Water Act. Before the creek can be removed from the 303(d) list, a Total Maximum Daily Load (TMDL) process must be followed, which would calculate of the maximum amount of a pollutant that Pullen Creek can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. ADEC is scheduled to prepare the TMDL in 2005.

4.0 Issues, Goals, Objectives and Policies

4.1 Introduction

Residents of the City of Skagway, representatives of State and federal agencies, and other interested parties have worked together to implement a coastal management program in Skagway since the mid-1980's. Over the past 20 years, Skagway's coastal management efforts have worked to:

- Foster development that supports Skagway's community economy and well-being,
- Reserve the port and working waterfront areas for water-dependent and related uses,
- Ensure that development is appropriately designed and operated in areas with potential for natural hazards,
- Maintain and enhance the community's important recreation areas, and
- Protect the area's natural environment and values.

This revision to the Skagway Coastal Management Program retains these emphasis areas, but updates the issues, goals, objectives and policies of the plan to reflect new conditions. The revision also complies with new ACMP requirements for enforceable policies (see Section 4.1.2 of this chapter).

For each coastal management topic area or "subject use" addressed in the SCMP, this chapter includes the following:

- Issue – what coastal management issue, opportunity or concern is the SCMP addressing through its policies?
- Goals – the long-term results residents of the City of Skagway wish to achieve for each coastal management subject area.
- Objectives – approaches or actions for achieving these goals.
- State ACMP standard – the State regulation from 11 AAC 112 that applies to each subject area, formatted in a "text box" to avoid confusion with the enforceable policies of the SCMP.
- Enforceable policies – the policies used in project reviews (along with the State ACMP standards adopted by the State at 11 AAC 112) to achieve Skagway's coastal management goals and objectives.⁶

⁶ None of the enforceable policies duplicate, restate or incorporate by reference statutes or regulations adopted by state or federal agencies, including the state standards of the ACMP.

Appendix A includes a complete listing of the enforceable policies of the SCMP, as well as a listing of the areas designated under 11 AAC 14.250, and the Enforceable Policies Cross-Reference Table required by OPMP.

Appendix B lists the “advisory policies” of the SCMP. For some subject areas, advisory policies express the City’s intent or interest in accomplishing an action to achieve a goal and objective. The advisory policies are not enforceable during coastal management consistency reviews.

4.1.1 Applicability of Enforceable Policies to Subject Uses

ACMP regulations require a coastal district to identify the uses and activities that are subject to the coastal district’s management program (11 AAC 114.250). The “subject uses” that can be addressed in a coastal district program are limited to those topics covered by a statewide coastal management standard in the ACMP regulations.⁷ And, the ACMP now directs that a coastal district program *may not* address timber harvest and processing, mining, and activities regulated under ADEC statutes or regulations.

ACMP regulations indicate that a coastal district may adopt enforceable policies for the following subject uses and activities, *applicable throughout its coastal zone* in accordance with the specific language of the policy. These subject uses are:

- Coastal Development
- Coastal Access
- Utility Routes and Facilities
- Transportation Routes and Facilities
- Sand and Gravel Extraction

The Skagway CMP has adopted enforceable policies in this chapter that address the first four of the subject uses listed above. The policies addressing these topics are applicable to relevant uses and activities occurring throughout the Skagway coastal zone, which is mapped (Figure 2.1) and described in Chapter 2.0.

The State standard for sand and gravel extraction (11 AAC 112.260) is also included in this chapter, for the information of the Skagway coastal district and applicants. The SCMP does not adopt any district-wide policies related to sand and gravel extraction.⁸ However, there are enforceable policies for the Skagway River AMSA (Chapter 5.0, Section 5.4) that “flow from” the ACMP standard for sand and gravel extraction.

⁷ ACMP regulations 11 AAC 112.200-240, 11 AAC 112.260-280, and 11 AAC 114.250(b)-(i).

ACMP regulations also state that a district can adopt enforceable policies for the following eight subject uses, provided the coastal district plan *designates specific geographic areas of the coastal district* in which the enforceable policies will apply:

- Natural Hazard Areas
- Subsistence Use Areas
- Energy Facilities
- Recreational Use Areas
- Areas Suitable for Commercial Fishing and Seafood Processing Facilities (including Fisheries Enhancement)
- Areas Important to the Study or Understanding of Historic, Prehistoric, Archaeological and Cultural Resources
- Important Habitat Areas
- Tourism Use Areas

The Skagway CMP has adopted enforceable policies in this chapter that address five of the subject uses listed above, in designated areas of the Skagway coastal district. These subject uses are: natural hazards; subsistence use; recreation use; fisheries enhancement; and historic, prehistoric, archaeological and cultural resources. The designated areas are described further below, and mapped in Chapter 3.0 Resource Inventory and Analysis.

The Skagway CMP does not designate areas for energy facility siting, important habitat areas, or tourism use, and does not include enforceable policies to regulate these subject uses. However, the ACMP statewide standards for energy facilities (11 AAC 112.230) and habitat (11 AAC 112.300) are included in this chapter, for the information of the Skagway coastal district and applicants. There is no statewide ACMP standard for tourism uses.

4.1.2 State Criteria for Enforceable Policies

The Alaska State Legislature passed legislation in 2003 that established new criteria for coastal district enforceable policies. State law AS 46.40.070(a) directs that enforceable policies must:

- Be clear and concise regarding the requirements, the activities and the persons affected by it;
- Use precise, prescriptive and enforceable language; and
- Not address matters regulated or authorized by State or federal law (including the ACMP statewide standards) unless the enforceable policies related specifically to “matter of local concern.”⁹

⁹ Policies established for designated recreation or tourism use areas do not need to meet this requirement.

A “matter of local concern” is defined by the State as a specific *coastal use or resource* that is within a defined portion of the district’s coastal zone, sensitive to development, not adequately addressed by State or federal law, and of unique concern to the coastal district as demonstrated by local usage or scientific evidence (see 11 AAC 114.270(h)(1)). The justification section that follows each enforceable policy or group of policies in Chapters 4.0 and 5.0, along with the resource inventory and analysis provided in Chapters 3.0 and 5.0, provide the information required to address the ACMP requirement regarding matters of local concern. There is additional information in Appendix D regarding the State and federal laws, regulations and plans that were reviewed during preparation of the Skagway CMP to ensure that this requirement was met. *In no case* does the Final Draft Plan Amendment of the SCMP include an enforceable policy that is already adequately addressed by State or federal law.

4.2 Coastal Development

Issue: Skagway’s coastline is the gateway to the community. The coastal district has a strong commitment to managing its coastal development to support sustainable economic ventures in the community, provide services for intermodal transportation, maintain and enhance access to and enjoyment of its coastline for recreation, and support its tourism industry. Skagway’s entire coastline is only approximately 25 miles. Its developable coastline is further limited by existing coastal development and uses, lack of road access, steep terrain, river deltas, the presence of coastal recreation areas, and other constraints. It is essential that the coastline be managed carefully to ensure that future water-dependent and water-related uses can be accommodated to support the community’s growth, development and quality of life. See Chapter 3.0, Section 3.2.2 for further discussion of coastal development constraints. See the Port of Skagway AMSA (Chapter 5.0, Section 5.3) for an AMSA management plan that very specifically addresses coastal development within Skagway’s port and small boat harbor.

Goals and Objectives:

Goal CD-1 To guide community and coastal development in an orderly and efficient manner that will foster a secure and diversified economy, while allowing for responsible growth.

Objective CD-1

Strive for compatibility among land uses on available coastal lands and waters for waterfront, commercial, industrial, residential and recreational activities.

Objective CD-2

Allow waterfront and tidelands development, while avoiding, minimizing or mitigating adverse impacts to coastal resources.

Objective CD-3

Create an attractive, usable and enjoyable waterfront for local residents and visitors.

Goal CD-2 To achieve an efficient and modern port that meets the needs of Skagway's businesses and residents for intermodal transportation and transshipment of people and commodities.

Objective CD-4

Manage the port, harbor and working waterfront in a manner that gives priority to water-dependent and water-related uses, to allow these areas to continue to be expanded and improved to support Skagway's intermodal transshipment and tourism industries, and to meet the waterfront needs of local residents.

ACMP Coastal Development Standard (11 AAC 112.200)

- (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.
- (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 structures 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.

Enforceable Policies for Coastal Development:

Policy CD-1 In accordance with the prioritization requirement set forth in 11 AAC 112.200(b),

A. "Water-dependent" uses are economically and physically dependent upon a coastal location and are given a higher priority than those land and water uses and activities that are not water-dependent. Water dependent uses in the Skagway coastal district include:

1. boat harbors;
2. freight, fuel or other docks;
3. marine-based tourism facilities;
4. boat repair, haul outs, marine ways and accessory attached house;
5. shipwrights;
6. facilities that service the transportation of good and services between the marine transportation system and the road system;

7. fish hatcheries, mariculture activities and fish processing; and
8. facilities to provide public access to coastal waters.

B. “Water-related” uses in the Skagway coastal district include:

1. commercial activities such as hotels, restaurants and other similar uses that provide views and access to the waterfront. Commercial uses that promote physical or visual use of shorelines by the public will be given preference over other commercial uses in developing shoreline locations.
2. residential development.

C. Accessory developments to residential use shall not be located along the coastline unless no practicable inland alternative exists, and shall not be permitted over the water unless water-dependent, such as piers and floats for recreational or personal use. Joint or community use of private piers or floats shall be used over proliferation of piers and floats for individual lots, where practicable. Mooring buoys shall be used where practicable.

D. Facilities for water-dependent recreation, such as fishing, swimming, and boating, and water-related recreation such as picnicking, hiking and walking shall be located near the shoreline, while non-water-related recreation facilities shall be located inland where practicable.

Policy CD-2 Placement of fill in coastal waters for residential development is prohibited unless there is no practicable upland alternative.

Justification for Coastal Development policies: The ACMP standard for coastal development (11 AAC 112.200) directs coastal districts to give priority to uses and activities in the coastal area based on whether the uses are water-dependent or water-related. These terms and statement of priority are broad in scope. Policy CD-1 of the SCMP more specifically defines which uses or activities in the Skagway coastal zone fall into each of these categories. Skagway’s usable coastline is so limited and needs to fulfill many different purposes. It is important that uses that do *not* strictly need a coastal location (such as accessory uses) *not* locate on the coastline, unless there is no practicable alternative (see Chapter 3.0, Section 3.2.2). It is also appropriate to use other planning tools, such as joint use (where practicable) of facilities that require a coastal location, to assure that water-dependent and water-related coastal development can be accommodated in the future.

The ACMP standard requires compliance “at a minimum” with U.S. Army Corps of Engineers regulations, 33 CFR Parts 320-323. These regulations provide the Corps of Engineers with permitting authority over the placement of structures and dredged or fill

material into navigable waters. The laws are broad in scope and general in their application. Policy CD-2 provides local direction regarding placement of fill for residential development. Restricting placement of fill in coastal waters for residential uses is a management tool to reduce the adverse impacts of coastal development on the coastal resources that contribute to important coastal uses, including recreation and fish and wildlife harvesting. This specific statement from the community regarding residential development in coastal waters would contribute to the best interest finding and public interest findings required in both the Corps of Engineers and DNR permit/leasing processes. (See Chapter 3.0, Section 3.2.2).

4.3 Natural Hazards

Issue: The City of Skagway is located on the delta and lower valley of the Skagway River. The small community of Dyea is located on the lower Taiya River. The Skagway area is geologically active and is subject to flooding, earthquake and associated effects, upland and underwater landslides, locally-induced tsunami waves and slow uplift (rebound) of land area. In the past 10-15 years, the Skagway coastal district has experienced riverine flooding, including flooding of the Taiya River induced by glacial lake outburst; a locally-induced tsunami that led to loss of life and damaged waterfront property and structures; and other natural hazard events.

Skagway has traditionally used its coastal management program to manage and control Skagway River flooding and is pursuing construction of a major flood control project that would further address hazardous conditions. (See the Skagway River AMSA plan, Chapter 5, Section 5.4 for a specific AMSA management plan that addresses natural hazards in the Skagway River floodplain.) Skagway is also working with the NPS and BLM to further ascertain the hazard from glacial lake outburst.

Goals and Objectives:

Goal NH-1 To minimize the loss of life and property by recognizing the threat of natural hazards, and planning and conducting development in a manner that responds appropriately to potential risks.

Objective NH-1

Continue to improve management of the Skagway River flood zone by constructing and maintaining flood management structures and implementing the City of Skagway's flood control ordinances.

Objective NH-2

Continue to work with State and federal agencies to improve information on the types, locations and relative risks and potential for damage for natural hazard areas in the coastal district.

ACMP Natural Hazard Areas Standard (11 AAC 112.210)

(a) In addition to those identified in 11 AAC 112.990, the department, or a district in a district plan, may designate other natural processes or adverse conditions that present a threat to life or property in the coastal area as natural hazards. Such designations must provide the scientific basis for designating the natural process or adverse condition as a natural hazard in the coastal area, along with supporting scientific evidence for the designation.

(b) Areas likely to be affected by the occurrence of a natural hazard may be designated as natural hazard areas by a state agency or, under 11 AAC 114.250(b), by a district.

(c) Development in a natural hazard area may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by known natural hazards.

(d) For purposes of (c) of this section, "appropriate measures in the siting, design, construction, and operation of the proposed activity" means those measures that, in the judgment of the coordinating agency, in consultation with the department's division of geological and geophysical surveys, the Department of Community and Economic Development as state coordinating agency for the National Flood Insurance Program under 44 C.F.R. 60.25, and other local and state agencies with expertise,

- (1) satisfy relevant codes and safety standards; or
- (2) in the absence of such codes and standards;
 - (A) the project plans are approved by an engineer who is registered in the state and has engineering experience concerning the specific natural hazard; or
 - (B) the level of risk presented by the design of the project is low and appropriately addressed by the project plans.

Designation of Natural Hazard Areas: The SCMP is designating the following areas as natural hazard areas in accordance with 11 AAC 112.210(a) and 11 AAC 14.250(b). These areas are described below and are mapped on Figures 3.3, 3.4 and 3.5. Information that justifies their designation is provided in the Resource Inventory and Analysis (Chapter 3.0, Section 3.4).

- Skagway River, 100-year floodplain (Chapter 3.0, Section 3.4.2; and Skagway River AMSA plan, Chapter 5.0, Section 5.4.4).
- Taiya River, 100-year floodplain (Chapter 3.0, Section 3.4.3).
- Areas in Taiya Inlet subject to underwater landslides and locally-generated tsunami (Chapter 3.0, Section 3.4.5).

With the designation of these areas by the City of Skagway, the statewide ACMP standard for development in designated natural hazard areas included in the text box above, 11 AAC 112.210(c) and (d), will be in effect for these areas. The following policy NH-1 will also apply to development in these designated areas. It is important to note that designated areas under 11 AAC 114.250 cannot include federal lands or lands outside of Skagway's coastal zone, and can only include areas for which a high degree of scientific information and certainty exists. Therefore, the areas designated for natural hazards on Figures 3.3, 3.4 and 3.5 do not depict all areas in the Skagway vicinity that could be at risk due to natural hazards.

Enforceable Policies for Natural Hazards:

Policy NH-1 Development in the Skagway River and Taiya River designated natural hazard areas must be designed and constructed to withstand a 100-year flood.

Justification for Natural Hazards policy: Policy NH-1 of the SCMP provides more specificity than the ACMP natural hazards standard for development in the Skagway River and Taiya River floodplains, by specifying that development must be designed and constructed to withstand the 100-year flood condition. This specificity was added to the policy in response to comments from the NPS. Further, the ADFG specifically supported the policy as “providing district-specific guidance to implement the state standard, 11 AAC 112.200.” DNR’s Division of Geological and Geophysical Services (DGGS) has not been able to assess specific hazard conditions in most coastal districts, and has not promulgated specific development standards to prevent loss of property and life to natural hazards. Therefore, this policy is not duplicative of an existing State regulation. (See Chapter 3.0, Section 3.4 for more information.)

4.4 Coastal Access

Issue: Public access to coastal waters is important to residents of and visitors to Skagway to ensure they have appropriate access for recreation, enjoyment of scenic views, subsistence and other uses and activities. Skagway’s accessible coastline is limited and is heavily-utilized for a wide variety of water-dependent and water-related uses. It is essential to ensure that public access to shorelines is maintained and enhanced where it can be safely provided.

Goals and Objectives:

Goal CA-1 To maintain and enhance public access to shorelines when such access can be safely provided.

Objective CA-1

Protect public access along the shoreline by providing easements or other appropriate mechanisms.

ACMP Coastal Access Standard (11 AAC 112.220)

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

Enforceable Policies for Coastal Access:

Policy CA-1 New development sited along coastal waters shall provide physical access to shorelines, unless such access would significantly interfere with operations or present a hazard to life or property.

Justification for Coastal Access policy: The statewide ACMP standard for coastal access (11 AAC 112.220) requires that public access be maintained and “where appropriate” increased to, from and along coastal water. Coastal access policy CA-1 of the SCMP is more specific than the State standard; giving more specific direction regarding the instances in which it would be “appropriate” to increase public access. Policy CA-1 specifies that coastal access *must not significantly interfere with operations occurring on the lot being developed and must not be hazardous to life or property*. Access that would cause such impacts would not be appropriate to construct. The importance of coastal access to coastal recreation, tourism, fish and wildlife harvesting, appreciation of local historical and cultural resources, and other uses is documented in Chapter 3.0.

4.5 Recreation

Issue: Recreation opportunities are highly-valued in the Skagway coastal district, where the natural scenic beauty, outdoor adventure opportunities, fishing and hunting, and other recreation resources and settings attract both residents and visitors. Skagway’s recreation assets are important to its residents, in part as an outlet and escape from the busy downtown environment during its summer season. Skagway’s recreation values also support its thriving tourism industry, which is essential to the economic livelihood of the community. Recreation issues include ensuring that important recreation areas are protected from incompatible development, and managing use such that areas are available for non-commercial as well as commercial recreation/tourism use. (See also the Yakutania Point AMSA Plan, Chapter 5.0, Section 5.1 and the Pullen Creek Shoreline Park AMSA plan, Chapter 5.0, Section 5.2 for specific information and enforceable policies to manage the recreation assets of these coastal areas.)

Goals and Objectives:

Goal R-1 To maintain and enhance recreation areas and resources to provide for the recreation needs and enjoyment of Skagway residents and visitors.

Objective R-1

Ensure that there is an appropriate balance between recreation areas reserved for non-commercial recreation, as well as areas where commercial recreation can occur.

Objective R-2

Protect the important recreation uses, areas and resources from incompatible use or development.

Goal R-2 To achieve an improved system of parks, recreation use areas and opportunities, and trails.

Objective R-3

Continue improvements to existing parks, recreational facilities, and recreation opportunities through capital improvement programming.

Objective R-4

Provide parks and recreation areas easily accessible to residents and visitors.

Objective R-5

Encourage State and federal agencies to increase recreational vehicle camping sites, develop and maintain trails, and provide additional camping facilities.

ACMP Standard: There is no statewide ACMP standard for recreation.

Designation of Recreation Use Areas: The Skagway Coastal Management Program is designating the following areas as recreation use areas in accordance with 11 AAC 14.250(c). These areas are mapped on Figure 3.12. Information that justifies their designation is provided in the Resource Inventory and Analysis (Chapter 3.0, Section 3.10).

- Skagway Trail System and 50-foot wide corridor on each side of trail (excluding trails on federal lands, within a KLGO park unit, or outside of the Skagway coastal zone boundary)
- Dewey Lakes Recreation Area (excluding the small area outside of the Skagway coastal zone boundary)
- Townsite Coastal Recreation and View Areas
 - Yakutania Point AMSA
 - Pullen Creek Shoreline Park AMSA
 - City “View” Lot (Lot 30 on Dyea Road)
 - Seven Pastures ballfields
- Taiya River Watershed – West Creek, Nourse River (excluding federal lands, lands within the KLGO Chilkoot Trail Unit, or lands outside of the Skagway coastal zone boundary)
- Upper Skagway River (excluding federal lands, lands within the KLGO White Pass Trail Unit, and lands outside of the Skagway coastal zone boundary)

The following enforceable policies, R-1 through R-4, will apply in these designated Recreation Use Areas. Designation of these areas for recreation use does not preclude other development. It simply strives to highlight the importance of these areas for recreation use and to ensure that other uses and activities are conducted in a manner that

maintains and enhances the area for continued enjoyment for recreation by residents of and visitors to Skagway.

It is important to note that areas that are on federal land or are outside the Skagway coastal district cannot be formally designated under 11 AAC 114.250(c)). Therefore, the designated recreation areas do not include all areas important to Skagway residents and visitors for recreation. Figure 3.11 in Chapter 3.0, Section 3.10 provides a more complete picture of areas used for recreation in the Skagway vicinity.

Enforceable Policies for Recreation:

Policy R-1 Proposed uses or activities in the designated Recreation Use Areas, as depicted on Figure 3.12, shall not prevent, significantly impede or cause significant adverse impacts to the recreation uses; recreation resources; and the physical (including scenic), biological or cultural features upon which public recreation in these areas depend. (See Chapter 3, Section 3.10, for information about the recreation uses, resources and features that must be considered for each Recreation Use Area).

Policy R-2 Developments within recreation areas intended to provide a recreational experience must be designed, constructed and operated in a manner that would not present a hazard to life or property.

Policy R-3 Commercial tours are prohibited in the following recreation areas, mapped on Figure 3.12. Commercial tours include any group larger than one person that is being guided for any form of compensation.

A. Trails maintained by the City, excluding trails on federal lands, outside of the Skagway coastal zone boundary, or within KLGO park units¹⁰

B. Dewey Lakes Recreation Area

C. Yakutania Point AMSA

D. City-owned land in the Pullen Creek Shoreline Park AMSA

E. West Creek Road or off-road into the West Creek Valley, excluding areas on federal lands

Policy R-4 To the extent practicable, utilities shall be installed underground in the designated recreation use areas for which enjoying scenic views is listed as a recreational use in Table 3.1-A (Chapter 3, Section 3.10).

Justification for Recreation policies: There is no statewide ACMP standard for recreation. Skagway's recreation policies appropriately address recreation issues

¹⁰ For purposes of this policy, trails maintained by the City include the Dewey Lake trail system, Yakutania Point trail system, the Lost Lake Trail and the West Creek Trail from the slide toward the back of the valley.

addressed in the resource inventory and analysis (Section 3.10), ensuring that important recreation areas are protected from incompatible development (Policy R-1), that development to serve recreation purposes are designed, constructed and operated in a manner that is not hazardous to life and property (Policy R-2), and uses are managed such that areas are available for non-commercial as well as commercial recreation/tourism use (Policy R-3). Enjoyment of scenic views is an important use in many of the designated recreation areas shown on Figure 3.12 and listed in Table 3.2. The ACMP statewide standard for utilities (11 AAC 112.240) would not adequately protect scenic views in these recreational use areas. Policy R-4 will address this important issue.

4.6 Energy Facilities

Issue: The City of Skagway's electrical power is provided primarily by hydroelectric sources owned and operated by Alaska Power and Telephone (AP&T). Supplemental power is also provided to Haines. The Skagway coastal management program recognizes the importance of reserving energy facility sites to meet Skagway's future utility needs.

Goals and Objectives:

Goal EF-1 To maintain and improve the Skagway hydroelectric system so that power can be obtained from hydroelectric sources.

Objective EF-1

To recognize the sites suitable for development of energy facilities, in cooperation with the industry, State and federal government.

ACMP Energy Facilities Standard (11 AAC 112.230)

(a) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent practicable, on the following standards:

- (1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
- (2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
- (3) consolidate facilities;
- (4) consider the concurrent use of facilities for public or economic reasons;
- (5) cooperate with landowners, developers, and federal agencies in the development of facilities;
- (6) select sites with sufficient acreage to allow for reasonable expansion of facilities;
- (7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
- (8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
- (9) encourage the use of vessel traffic control and collision avoidance systems;
- (10) select sites where development will require minimal site clearing, dredging, and construction;

ACMP Energy Facilities Standard (11 AAC 112.230) – continued

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination that would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns;

(13) site facilities so that areas of particular scenic, recreational, environmental, or cultural value, identified in district plans, will be protected;

(14) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(15) site facilities where winds and air currents disperse airborne emissions that cannot be captured before escape into the atmosphere;

(16) site facilities so that associated vessel operations or activities will not result in overcrowded harbors or interfere with fishing operations and equipment.

(b) The uses authorized by the issuance of state and federal leases, easements, contracts, rights-of-way, or permits for mineral and petroleum resource extraction are uses of state concern.

Enforceable Policies for Energy Facilities: The Skagway CMP has adopted no enforceable policies related to energy facility siting.

4.7 Transportation and Utilities Routes and Facilities

Issue: Skagway is a transportation hub for the Yukon and Interior Alaska. Transportation routes that support this regional role and provide for safe and convenient local transportation are essential. At the same time, routes must be sited and infrastructure must be developed to protect coastal resources and avoid creating hazardous conditions.

Goals and Objectives:

Goal TU-1 To achieve an integrated, efficient, safe, reliable and environmentally sound transportation network that facilitates the movement of goods and people in and through Skagway.

Objective TU-1

Ensure that transportation facilities are sited, designed and constructed to incorporate measures that adequately protect coastal resources, uses and activities and provide safe transportation service.

Goal TU-2 To serve as the regional port for northern Alaska and the Yukon, and strengthen its year-round economy through providing marine/road transshipment. (See also Port of Skagway AMSA, Section 5.3)

Objective TU-2

Improve small boat harbor facilities and related waterfront uplands to support port operations and meet intermodal transportation opportunities and needs.

Goal TU-3 To provide reliable public utilities to support residential, commercial and industrial development, while considering protection of coastal resources and scenic viewsheds.

Objective TU-3

Support needed utility improvements, both public and private, to provide adequate and dependable services and capacity for future growth.

ACMP Utility Routes and Facilities Standard (11 AAC 112.240)

- (a) Utility routes and facilities must be sited inland from beaches and shorelines unless
 - (1) the route or facility is water-dependent or water related; or
 - (2) no practicable inland alternative exists to meet the public need for the route or facility.
- (b) Utility routes and facilities along the coast must avoid, minimize, or mitigate
 - (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit;
 - (3) blockage of existing or traditional access.

ACMP Transportation Routes and Facilities Standard (11 AAC 112.280)

- 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.

Enforceable Policies for Transportation and Utilities: The Skagway CMP has adopted no enforceable policies related to transportation and utilities.

4.8 Fisheries and Fishery Enhancement

Issue: Fishery resources in upper Taiya Inlet do not support a significant commercial fishery. However, fisheries enhancement activities, accomplished by local hatcheries, have supplemented natural fish stocks and enhanced the local sport fishery, expanded economic opportunities for sport fishery businesses, provided educational and scientific opportunities, and supported regional fishery enhancement efforts through collaboration with the Douglas Island Pink and Chum hatchery in Juneau and with ADFG. The hatcheries are also an attraction to local residents and have the potential to attract tourism, if they are developed and operated for that purpose.

Goals and Objectives:

Goal F-1 To support the sport and personal use fisheries in the upper Lynn Canal and Taiya Inlet by enhancing local fishery resources.

Objective F-1

Develop and implement a strategy for providing additional salmon enhancement, focused on the potential to develop a hatchery at Pullen Creek Shoreline Park.

Objective F-2

Implement the four-party agreement for fishery enhancement between the City of Skagway, Burro Creek hatchery, ADFG and DIPAC.

ACMP Standard: There is no statewide ACMP standard for commercial fishing, fish processing, or fisheries enhancement.

Designation of Sites Suitable for Commercial Fishing/Seafood Processing

(including Fisheries Enhancement Sites): The following three areas in the Skagway coastal district are designated as areas suitable for location or development of fisheries enhancement sites, in accordance with 11 AAC 14.250(f). These areas have existing fish hatchery facilities or are suitable for location of future fishery enhancement facilities. They are mapped on Figure 3.10. Information that justifies their designation is provided in the Resource Inventory and Analysis (Chapter 3, Section 3.9).

- Pullen Creek Shoreline Park AMSA, and upstream existing hatchery site on Pullen Creek – See AMSA Plan, Chapter 5.0, Section 5.2
- Burro Creek Hatchery
- Head of Nahku (Long) Bay

The following enforceable policy F-1 will apply in the designated Fishery Enhancement Areas. It is noted that these designations do not include areas on federal land, nor areas outside of the Skagway coastal zone boundary.

Enforceable Policies for Fisheries and Fishery Enhancement:

Policy F-1 Facilities accessory to fisheries enhancement and aquaculture shall not be located on the coastline unless the accessory development is dependent upon that waterfront location to fulfill its role in supporting the fishery enhancement or aquaculture activity. Fisheries enhancement includes a range of techniques used with the purpose of producing and releasing fish to augment natural fish stocks, such as a fish hatchery operation.

Justification for Fishery and Fisheries Enhancement policy: There is no State standard for facilities related to commercial fisheries, seafood processing or fisheries enhancement. However, coastal districts are advised to designate areas important for these purposes. The Skagway coastal district has done so above, and on Figure 3.10. For these designated areas, policy F-1 “flows from” the designation (11 AAC 114.250) and from the State coastal development standard (11 AAC 112.200) to ensure that only

accessory uses that require a coastline location can site there. This specificity will contribute to the State approval process for such developments. In its tideland permit/leasing program, DNR is required to prepare a best interest finding (BIF) before issuing approval for aquatic farming on State land. The BIF requires an assessment of “whether aquatic farming is compatible with land management policies [including] ... *local land use plans...*” (11 AAC 63.050(b)(4)). It also requires consideration of a wide-range of potential conflicts with multiple demands on limited coastlines (11 AAC 63.050(b)(5)-(6)). Policy F-1 is a specific policy tool (in a local land use plan) that will help avoid conflicts with coastal siting and use, by ensuring that waterfront locations are retained for water-dependent uses. DNR’s regulations do not provide this specificity.

4.9 Subsistence Uses

Issue: Skagway residents use fish, wildlife and plant resources for personal, or subsistence, use. Through its coastal management program, Skagway seeks to ensure that as coastal development occurs, potential impacts upon these local resources and access to them are considered, and measures are taken to avoid and minimize those impacts when necessary.

Goals and Objectives:

Goal S-1 To recognize the importance of continued access to fishing, hunting and plant harvesting for subsistence or personal use in the Skagway coastal district.

Objective S-1

Ensure that land and water development decisions and land management policies are compatible with subsistence uses and activities.

ACMP Subsistence Standard (11 AAC 112.270)

- (a) A project within a subsistence use area designated 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.

Designation of Subsistence Use Areas: The SCMP is designating the areas mapped on Figure 3.8A and Figure 3.8B as Subsistence Use Areas in accordance with 11 AAC 112.210(a) and 11 AAC 14.250(g). Information that describes required consultation with Tribal organizations and justifies their designation is provided in the Resource Inventory and Analysis (Chapter 3.0, Section 3.7). It must be noted that the ACMP regulations do

not allow designation of areas under 11 AAC 114.250 on federal lands or on lands outside of the Skagway coastal zone boundary. Therefore, the areas shown on Figures 3.8A and 3.8B do not depict all areas important for subsistence use to the community of Skagway.

With the designation of these areas by the City of Skagway, the statewide ACMP standard for development in subsistence use areas included in the text box above (11 AAC 112.210(a)) will be in effect for these areas.

Enforceable Policies for Subsistence Use: The Skagway CMP is adopting no additional enforceable policies related to subsistence use.

4.10 Historic, Prehistoric, Archaeological and Cultural Resources

Issue: The Skagway coastal district is internationally renowned for its importance to the history of the Klondike Gold Rush. The focus of existing historic protections and interpretation in the district are locations and artifacts associated with the gold rush era. At issue is improving consultation between applicants; local, State and federal agencies; and Tribal organizations about traditional cultural properties and other locations and resources that may be related to the non-gold rush history of the area.

Goals and Objectives:

Goal H-1 To maintain and protect archaeological, prehistoric, historic and cultural sites, structures and objects.

Objective H-1

Coordinate with Skagway Traditional Council, the NPS and other organizations and agencies to inventory sites, structures, and objects of historic and cultural value.

Objective H-2

Ensure that siting, design and construction measures are used to mitigate any adverse impacts from subject uses and activities located near significant sites or structures.

ACMP Historic, Prehistoric, and Archeological Resources Standard (11 AAC 112.320)

- (a) The department [of natural resources] 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.

Designation of Areas Important to History, Prehistory, Archaeology and Cultural Resources:

The Skagway coastal district is designating two areas important to the study, understanding or illustration of national, State, or local history or prehistory, in accordance with 11 AAC 112.320 and 11 AAC 14.250(i). The following policy H-1 will apply in these designated areas. These geographic areas coincide with the boundaries of the existing national historic landmarks. These are:

- Skagway and White Pass National Historic Landmark, excluding areas outside of the Skagway coastal zone boundary
- Chilkoot Trail and Dyea National Historic Landmark, excluding areas outside of the Skagway coastal zone boundary and areas on federal land

The designated areas are mapped on Figure 3.7. Information that justifies their designation is provided in the Resource Inventory and Analysis (Chapter 3.0, Section 3.6). State and federal law already requires consultation and provides protection for the gold rush resources within these designated national landmarks. However, the landmark boundaries also enclose areas of historic human habitation, use and travel for the eras before and after the Klondike Gold Rush. It is sensible to use the landmark boundaries as the areas designated under 11 AAC 14.250(i), to ensure that consultation also occurs for traditional cultural properties and non-gold rush era historic resources. This consultation step was specifically supported by the State Historic Preservation Office in its comments on the Skagway CMP Public Review Draft.

It is important to note that ACMP regulations do not allow designations on federal land, nor areas outside of the Skagway coastal zone boundary. Therefore, the cultural and historic resource areas mapped and designated on Figure 3.7 do not depict all areas that are important for these resources in the Skagway vicinity.

Enforceable Policies for History, Prehistory, Archaeology and Cultural Resources:

Policy H-1 Uses and activities in designated areas identified in Figure 3.7 shall comply with the following:

- A. Known artifacts of significant historic, prehistoric, or archaeological importance shall not be disturbed during project development unless the Skagway Coastal District approves the action.

- B. If previously undiscovered artifacts or areas of historic, prehistoric, or archaeological importance are encountered during development, an artifact agreement will be developed between the landowner, the Skagway Traditional Council, appropriate state or federal agencies, and a curation facility if artifacts are disturbed by the project.

Activities occurring on federal or state land are excluded from this policy, since they fall under the authority of federal and state agencies.

Justification for History, Prehistory, Archaeology and Cultural Resources policy:

The statewide standard for historic, prehistoric and archaeological resources (11 AAC 112.320) provides that projects within areas designated by DNR shall comply with the applicable State of Alaska historic protection standards (AS 41.35.010-41.35.240 and 11 AAC 16.010-11 AAC 16.900). However, the State standard does not provide such regulatory coverage for *areas designated by coastal districts* under 11 AAC 114.250(i). Further, State requirements for historic resource protection do not apply on municipal or private lands, and do not apply to protection of traditional cultural properties.

Policy H-1 will fill these gaps in existing law and regulation. In its comments on this policy, the DNR Office of History and Archaeology (SHPO) supported the SCMP's designation of the areas on Figure 3.7, supported the language of Policy H-1, and noted that the existing national historic landmark designations do not protect important traditional cultural properties located within the designated areas. (See Chapter 3.0, Section 3.6 for more information.)

4.11 Sand and Gravel Extraction

The Skagway CMP does not include enforceable policies related to sand and gravel extraction that apply throughout the coastal district. However, there are policies in the Skagway River AMSA Plan (Chapter 5.0, Section 5.4) that address this subject use.

The ACMP standard for sand and gravel extraction is printed here for the reference of the Skagway coastal district, applicants for development projects, and State and federal agencies using this plan document.

ACMP Sand and Gravel Extraction Standard (11 AAC 112.260)

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.

4.12 Habitats

The Skagway CMP did not designate areas for important habitat under 114.250(h) and, therefore, cannot have enforceable policies related to coastal habitats. The ACMP

standard for habitats is printed here for the reference of the Skagway coastal district, applicants for development projects, and State and federal agencies using this plan document.

ACMP Habitats Standard (11 AAC 112.300)

(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;

ACMP Habitats Standard (11 AAC 112.300, continued)

(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 significantly more productive than adjacent habitat; 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.

5.0 Areas Which Merit Special Attention

The ACMP allows a coastal district to develop a more specific coastal management plan for an Area Which Merit Special Attention (AMSA) when there are resources sensitive to change or alteration, when there are conflicting or incompatible resource uses, or when there are values particularly important to the general public (AS 46.210(1)).

The Skagway Coastal Management Program has designated four AMSAs inside the Skagway coastal district, under the authority of 11 AAC 114.420. These AMSAs include:

- Yakutania Point AMSA – AMSA plan adopted in 1982
- Pullen Creek Shoreline Park AMSA – AMSA plan adopted in 1982
- Port of Skagway AMSA – AMSA plan adopted in 1991
- Skagway River AMSA – AMSA plan adopted in 1991

In this revision of the Skagway CMP, each AMSA plan's update resource inventory and analysis, goals and objectives, and enforceable policies have been updated to reflect current conditions and City intent, and to comply with changes in ACMP law and regulations. There are no significant changes to the AMSA boundaries proposed. However, the revised plans for the Pullen Creek Shoreline Park and the Port of Skagway AMSAs more clearly distinguish the boundary between those areas.¹¹

The AMSA plans provide resource information and analysis that is specific to these areas and provides the necessary background and context for the AMSA management plans. More general resource information for the coastal district is provided in Chapter 3.0 and is not repeated here.

Each AMSA plan will be implemented as described for the full Skagway CMP in Chapter 6.0. District organization for AMSA plan implementation is provided in Section 6.1.1. Subject uses and activities applicable to these AMSA plans are described in Section 6.1.2. Proper and improper uses applicable to these AMSA plans are described in Section 6.1.3. Public and agency participation in development of the revised AMSA plans is described in Chapter 7.0.

¹¹ Formerly, the Pullen Creek Shoreline Park area was addressed in both the Shoreline Park AMSA and the Port AMSA. It is now addressed only in the former plan. The boundary line between the two AMSAs has been clarified.

5.1 Yakutania Point AMSA

Yakutania Point Park (Figure 5.1) is located on Yakutania Point, west of the mouth of the Skagway River. The area was identified as an AMSA in the 1982 SCMP.

5.1.1 Basis for AMSA Designation

The Yakutania Point AMSA was designated because of its historical significance, scenic importance and recreational values. The AMSA meets the definition of an area which merits special attention under the Alaska Coastal Management Act in that it is an area of “cultural value, historical significance, or scenic importance” (AS 46.40.210(A)), and “substantial recreational value or opportunity” (AS 46.40.210(C)). Yakutania Point is listed on the Alaska Heritage Resources Survey (AHRs).

The historic, recreational and scenic significance of the park is illustrated in this excerpt from Skagway's "The Daily Alaska" dated July 11, 1922:

Those who have visited the grounds and enjoyed some of its excellent picnic advantages as well as its marvelous views of the channel below the city are pleased with the proposition that this tract be set aside by the government for a public park. Already the tourists are using the place for walks and dinner parties and remark with zest of its scenic possibilities.

Efforts by the citizens of Skagway to develop the park potential of Yakutania Point began with the formation of the Skagway Alpine Club in January 1917. The Club led community efforts to build a suspension bridge from town across the Skagway River to the park. Also, the club organized boat trips to Smuggler's Cove with the dual purpose of getting people over to the park for a good time and to begin the work of trail building and shelter construction. By the summer of 1921 two miles of trail had been cleared, a large picnic ground had been chosen, plans were made to build a boat landing, and, that fall, a 175-foot suspension bridge was built. Simultaneously, the Club pressed its efforts to have this land set aside by the Department of the Interior as a scenic park.

The 67th Congress granted the City of Skagway about 250 acres in March 1923 "for use as a public park" provided that the land be held and used for that purpose alone. The city purchased 87 acres in the park two years later, and the title to that land was transferred by U.S. Patent in 1931. From that time to the present the community's use of the land has been essentially consistent with the intent of Congress and with the original concepts of the Alpine Club.

Yakutania Point Park remains a quiet haven adjacent to the industrial and commercial activities of the townsite. Because it is at the tip of a peninsula, extending south of the townsite, it offers 270° views down the waters of Taiya Inlet and up to the mountains and glaciers of the Coast Range without sign of human development.

Skagway Coastal Management Program

Figure 5.1 Yakutania Point AMSA

0 250 500 1,000 Feet
June 2005



Aerial Map Credit: AeroMap, Anchorage, AK 2003

The Park is an area of substantial recreational value and opportunity. For over 60 years the park has provided access to the trail system in the park and to the Skyline Trail which leads up the AB Mountain ridge to the north. It has been a favorite site for picnicking and camping. With the conversion of Skagway's other tidelands to industrial and transportation uses, the park represents the closest access to natural shoreline and tidelands. In adjacent Nahku (Long) Bay is the best crab fishing in the area. Salmon and Dolly Varden are caught along the shoreline of the park.

The opportunity for recreation represented by the park is a function of its accessibility from town. The park has been accessible by footbridge off and on since the first bridge was constructed in 1921. Most recently, a new footbridge was built near the mouth of the Skagway River in 1999, associated with the Skagway Airport expansion project.

5.1.2 Location and Boundary

The Yakutania Point AMSA is located on the border of the original townsite, along the west side of the Skagway River (Figure 5.1). It is the SW 1/4 of Section 11, T28S R59E. It constitutes U.S. Survey 1499 and comprises 87.02 acres. The area included within the AMSA boundary is the land purchased by the City of Skagway in 1925 for purposes of a public park. It has been managed as a park for the past 60+ years and as an AMSA under the SCMP since 1982.

5.1.3 Land Ownership and Zoning

The city has clear title to the Yakutania Point Park and to the adjacent tidelands. The park is currently zoned Residential Conservation.

5.1.4 Resource Inventory and Analysis Specific to the AMSA

Natural Environment. The shore forms of the park include many isolated small coves separated by steep granite out-crops. Slopes are relatively gentle, dropping away to the east and west from the ridge that goes down the center of the tract. One small freshwater stream runs intermittently down to tidewater at Smuggler's Cove.

The park is covered by a coastal spruce/hemlock type forest which includes Sitka spruce, western hemlock, lodgepole pine and mountain ash. The groundcover is dominated by lichens, mosses and ferns. Along the eastern edge of the park, on land adjacent to the Skagway River, there is a strip of riparian shrub vegetation.

The Skagway River is a designated anadromous fish stream. The park has traditionally been a place where local kids have hunted snowshoe hares, blue and ruffed grouse and occasional coyotes. The park is a favorite location for watching marine mammals in Taiya Inlet. These include seals, sea lions, whales and porpoises.

Existing Uses and Activities. Yakutania Point Park is a favorite area for picnicking, hiking, jogging and beachcombing. A jogging/exercise trail was built in 1988. During

the winter the park roads are used by snow machine drivers and by ski tourers. The park is for day use only and camping is not authorized. There is a pet cemetery overlooking the Skagway River in the northeast corner of the park. The Skagway Sportsman's Club 100-yard rifle and pistol range is located at the north end of the park. However, the City is in the process of obtaining a lease of State land at 5 mile Klondike Highway to relocate the rifle range to that location.

The park's popularity and proximity to town makes it susceptible to heavy use. It is important to manage uses to ensure that the natural environment and resources that make it an attractive site for recreation are protected. The AMSA policies below are adopted to protect the area from deforestation, fire hazard, erosion, damage to the park's scenic values, excessive noise, and other damage.

5.1.5 AMSA Management Issues, Goals, Objectives and Policies

Issues: Yakutania Point is highly-valued by the community of Skagway, as it offers natural scenic areas, beach access, and opportunities for hiking and exercise close to downtown. The primary management issue is simply ensuring that the AMSA is protected from incompatible use and development.

Goals and Objectives:

Goal Y-1 To manage the Yakutania Point Park AMSA to retain the essentially undeveloped and relatively primitive nature of the area, to provide for day-use recreation, and to protect the park's historic value.

Objective Y-1:

Continue current management approaches for Yakutania Point Park, which promote appropriate day-use recreation that is compatible with and preserves the biological and physical features of the area that make it valuable for community recreation.

Enforceable Policies:

Policy Y-1 Allowable land and water uses in the Yakutania Park AMSA are:

- hiking
- picnicking
- boating
- jogging
- ski touring
- beachcombing
- horseback riding
- fishing
- access by service vehicles
- bird/wildlife watching
- swimming

- pet burial
- operation of motor vehicles on the road within the Park
- other day use recreation compatible with the management intent of the Park

Policy Y-2 Land and water uses that are not allowed within the park include:

- fuelwood cutting/gathering except deadfalls used for campfires in the park
- commerce or commercial activities
- operation of any motor vehicle (including snow machine) off-road
- mining or quarrying
- marine mammal hunting, skinning or rendering
- dumping of any fill or refuse

Justification for Yakutania Point AMSA Policies: Policies Y-1 and Y-2 clarify the types of uses and activities that are allowable, and those that are not allowable within the Yakutania Point AMSA and designated recreation area. The resource inventory and analysis (Section 5.1.4) discusses the impacts that the uses prohibited through Policy Y-2 would have on the recreation values of the AMSA. There is no statewide ACMP standard for recreation that must be addressed through these policies and the “matter of local concern” test of 11 AAC 114.270(e)(3) does not apply to management of coastal recreation.

5.1.6 Implementation

The Yakutania Point AMSA plan will be implemented as described for the full Skagway CMP in Chapter 6.0. District organization for AMSA plan implementation is provided in Section 6.1.1. Subject uses and activities applicable to the AMSA are described in Section 6.1.2. Proper and improper uses applicable to the AMSA are described in Section 6.1.3.

5.1.7 Public and Agency Participation

Public and agency participation in development of the Yakutania Point AMSA plan is described in Chapter 7.0.

5.1.8 Preferred Planning and Management Mechanism for the AMSA

ACMP regulations require that an AMSA plan must include an “analysis showing that designation of an area which merits special attention is the district’s preferred planning and management mechanism for meeting the objectives” of the plan. The Yakutania Point AMSA was initially adopted by the City of Skagway and approved by the State and federal governments as an AMSA plan in 1982. For the past 24 years, the AMSA plan has been an effective tool for managing the Yakutania Point Park AMSA for recreation purposes and continues to be the district’s preferred mechanism for managing this area.

5.2 Pullen Creek Shoreline Park AMSA

The Pullen Creek Shoreline Park AMSA (Figure 5.2) is located in the northeast corner of the Skagway waterfront, north of the small boat harbor. The area was identified as an AMSA in the 1982 SCMP, and was also addressed in the Port of Skagway AMSA plan adopted in 1991.

5.2.1 Basis for AMSA Designation

The Pullen Creek Shoreline Park AMSA is an area of substantial recreational value and interpretive value to Skagway residents and visitors. The AMSA meets the definition of an area which merits special attention under the Alaska Coastal Management Act in that it is an area of “substantial recreational value or opportunity” (AS 46.40.210(C)). It is also an area that would be “susceptible to industrial or commercial development” (AS 46.40.210(E)), because of its proximity to both the Skagway historic/commercial district and the port. Designation of the AMSA for purposes of recreation, public access and buffering between more intensive uses ensures that the area is retained for such uses. Finally, in the AMSA, “development of facilities [to meet the objectives to provide for fisheries enhancement in the AMSA] is dependent upon the utilization of, or access to, coastal water” (AS 46.40.210(1)(D)).

The initial goals of the Pullen Creek AMSA when it was designated in 1982 were to accomplish two inter-related projects: establish a salmon fishery in Pullen Creek and surrounding waters; and develop a waterfront park along Pullen Creek. These goals have been realized to a great extent. Future AMSA management will build upon this progress.

When the AMSA designation was made in the 1982 SCMP, the Pullen Creek park area was a vacant, unvegetated, graveled area and the Jerry Myers Hatchery was a new venture. The AMSA designation served to focus management attention on this site and provided a vehicle for supplementary funding to help realize the site's potential. The improvement to the aesthetics and recreation value of the area is a successful outcome of the AMSA designation.

There is much more to do to continue to improve the attractiveness and benefit of the park for Skagway's residents and visitors, and to utilize the potential of the site for fishery enhancement. There is also strong interest in improving the habitat functions of the creek, although it would not be restored to a natural state.

5.2.2 AMSA Location and Boundary

The Pullen Creek AMSA is located in the northeast corner of the Skagway waterfront north of the small boat harbor (Figure 5.2). The AMSA area includes all lands and waters that need to be managed in a coordinated manner to meet the objectives of maintaining and enhancing the park's appearance and recreation values, and providing for the fisheries enhancement activities occurring in and planned for the AMSA in the future.

Skagway Coastal Management Program

Figure 5.2 Pullen Creek Shoreline Park AMSA

0 125 250 500 Feet

June 2005



Aerial Map Credit: AeroMap, Anchorage, AK 2003

5.2.3 Land Ownership and Zoning

The area of the Pullen Creek Shoreline Park AMSA that is south of Congress Way is owned by the City of Skagway, with the exception of about ten lots owned by the WPYR Railroad at the southeast corner of Broadway and Congress Way. The WPYR also owns the portion of the AMSA north of Congress Way, along the Pullen Creek corridor and the railroad route. There is a small privately owned parcel (identified as Lot 2) surrounded by City land near the Pullen Pond, which is currently used for commercial purposes.

The Pullen Creek Shoreline Park AMSA area is currently primarily zoned for Waterfront Commercial Industrial use. The southeast corner of Broadway and Congress Way, owned by WPYR, is zoned Commercial.

Areas adjacent to the AMSA include the City-owned harbor and tidelands, the WPYR railroad right-of-way and the road to the ferry terminal and waterfront.

5.2.4 Resource Inventory and Analysis Specific to AMSA

Natural Environment. Pullen Creek is a catalogued anadromous fish stream (ADFG #115-34-10310) that supports native runs of coho salmon and Dolly Varden, and enhanced stocks of chinook and pink salmon. Pullen Pond (in the Shoreline Park) is an important overwintering area for small fish (Bethers, 2002), including rearing coho salmon (Sogge, 2004) and chinook hatchery salmon.

Pullen Creek has two branches. The west branch flows the length of the City from the WPYR railroad yard; the east branch flows from the Jerry Myers hatchery vicinity. Both branches originate from springs at the base of the steep mountainside on the east side of the Skagway River Valley.

The creek has been extensively modified over the years and flows largely through developed areas before entering Pullen Creek Shoreline Park. A 2004 report indicates that there are 43 culverts, several footbridges, three railroad crossings and five major road crossings along the length of the stream, as well as a hydroelectric project tailrace that contributes water to the creek (Rusanowski, 2004).

Pullen Creek is a spring fed stream, which also received stormwater runoff and drainage from adjacent mountainsides. The creek's natural water flow ranges up to 6-7 cfs during spring thaw and 1-2.7 cfs the rest of the year. It has received supplemental water flow from the Dewey Lake hydroelectric project for more than 100 years (Rusanowski, 2004).

Pullen Creek is on DEC's 303(d) list of impaired water bodies in Alaska for heavy metals contamination.¹² The source of the contamination is the heavy metals that impacted the

¹² The 303(d) list includes water bodies in Alaska that have "impaired" water quality as defined under the Clean Water Act. Before the creek can be removed from the 303(d) list, a Total Maximum Daily Load (TMDL) process must be followed, which would calculate of the maximum amount of a pollutant that

Skagway River valley when lead ore from Yukon Territory mines was being transferred through the Port of Skagway.

DEC funded the Skagway Traditional Council to prepare a watershed assessment for Pullen Creek. The Council considers its data to be provisional and recommends additional data collection and analysis. Heavy metals were sampled in the water, bank soils and sediments in Pullen Creek and the Council recommends additional studies of whether metals are accumulating in the food chain. Further, elevated levels of other water contaminants were found (Skagway Traditional Council, 2004).

As mitigation for the Airport Expansion project constructed in 1999-2000, DOT&PF “day-lighted” a 230-foot section of Pullen Creek in the reach just upstream of its outlet near the Broadway Dock. This work involved removal of a lengthy culvert and constructing an open stream channel. This section of the stream corridor is now owned by the City. The DOT&PF also moved the outlet of the creek to the east side of the Broadway Dock and constructed a fish slide to improve the outlet for outmigrating hatchery fry. As mitigation for a barge site and staging area construction project on the waterfront north of the Pullen Creek outlet, the WPYR will be constructing a concrete fish ladder to aid returning adults and migrating juveniles.

DOT&PF also replaced the 2nd Avenue culvert and Broadway Street culverts on Pullen Creek to improve adult fish passage. Annual monitoring conducted in 2002-2004 indicate that adult salmon and Dolly Varden successfully pass through these new culverts, although juvenile fish may have difficulty passing upstream through the 2nd Street culverts at higher water flows and velocities (Bethers, 2002 & 2003; Sogge, 2004).¹³

The railroad and Congress Way culverts, which are also in the AMSA, were investigated for fish passage for AP&T (Rusanowski, 2004). High and low water flows through these culverts do not restrict movement of adult fish. However, the Congress Way culvert appears to block movement of juvenile salmon upstream at all flow conditions, due to water velocities at the downstream end of the culvert.

The Taiya Inlet Watershed Council is seeking funding to restore the Congress Way reach of Pullen Creek within the AMSA, from the Pullen Pond upstream to a footbridge located approximately 130 m above Congress Way. The railroad and Congress Way culverts described above are within this reach. The project would improve fish passage, improve stream hydraulics and function, and restore riparian and aquatic vegetation. The project would also provide for resident and visitor enjoyment and educational use of the stream corridor by providing pedestrian walkways or paths, viewing platforms and fishing areas in the riparian area. School and community groups would be involved in the project.

Pullen Creek can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. ADEC is scheduled to prepare the TMDL in 2005.

¹³ Although not a published finding, the Taiya Inlet Watershed Council's observations at this location show that juvenile salmon cannot pass the culvert and that adults may also have difficulty (pers. comm.. Taiya Inlet Watershed Council, 2005).

The City of Skagway supports and encourages habitat restoration work on Pullen Creek. As mitigation for placement of fill for an expanded staging area east of the small boat harbor along Congress Way, the City has committed to contribute in-kind services to support Pullen Creek restoration and enhancement efforts. The City is coordinating with the Taiya Inlet Watershed Council to determine the work that will be accomplished.

Human Environment. The Pullen Creek Shoreline Park has been extensively altered since its designation as an AMSA in 1982. A coastal management grant was used in 1981-1982 to transform the vacant, gravel area to a shoreline park. Pullen Pond was widened and deepened to provide a location for salmon imprinting, rearing and egg takes. The pond expansion provided a suitable pool for returning salmon and expanded the shoreline space for fish viewing and anglers. In 1982, trails were established, a footbridge was built across Pullen Creek at the downstream end of the pond and fish viewing platforms were installed at the pond. Topsoil was spread and grass, flowers, shrubs and trees were planted to improve the aesthetics of the area and provide visual buffers between the historic district and the waterfront, and benches and picnic tables were installed.

It was initially intended that pedestrians entering town from the railroad dock and boat harbor would transit paths through the Pullen Creek Shoreline Park. However, Congress Way has evolved into the main pedestrian route from the east side of the waterfront to the Historic District. The City is planning to emphasize the Congress Way pedestrian route with landscaping and other amenities. Pedestrian use of the shoreline park would be limited to people attracted to its trails and other features, which will reduce impacts to the park area from heavy pedestrian use. Impacts from heavy pedestrian use too close to the creek, and the erosion and stream bank damage that it causes, must be managed.

The Pullen Creek Shoreline Park serves as a buffer between the industrial waterfront and the City's Historic District. Additional improvements to the park's aesthetics and recreation values are needed and are contemplated by the City. However, the area has been significantly improved, currently provides a vegetated and somewhat landscaped buffer between the town and the waterfront, and serves as a park-like gateway into downtown for visitors arriving at the small boat harbor and disembarking from cruise ships at the WPYR railroad dock.

The designation of the Pullen Creek AMSA has been instrumental in Skagway's efforts to establish and sustain a modest sport salmon fishery in upper Taiya Inlet. The Jerry Myers Hatchery (located upstream of the AMSA boundary) has been operated by the Skagway school since 1981 and has contributed to the program to imprint chinook salmon to Pullen Creek and to increase salmon available for Skagway's personal and charter sport salmon fisheries. The first salmon fry were introduced to and emigrated from Pullen Creek in the spring of 1981. The widening and deepening of Pullen Pond made it possible to accomplish egg takes there and provided important rearing environment for hatchery smolt.

The City of Skagway, Burro Creek Hatchery, ADFG and DIPAC (a private nonprofit hatchery in Juneau) signed a cooperative agreement in 2000 related to chinook salmon enhancement. The purpose of the agreement is to develop more eggs from the Tahini River chinook salmon brood stock that will make it possible for the DIPAC hatchery to change its chinook brood stock to the Tahini River brood (a management goal of ADFG and DIPAC). To achieve this, Tahini Brood smolts have been stocked in and imprinted to Pullen Pond. Eggs are then taken from the returning adult fish. The program benefits Skagway by imprinting chinook salmon to return as adults to Pullen Creek, which boosts the personal and charter sport fishing opportunity in Taiya Inlet and upper Lynn Canal.

As part of its implementation of the cooperative agreement, the City of Skagway is evaluating options for constructing a new salmon production hatchery in the shoreline park at Pullen Pond. It is not certain whether the new hatchery would be strictly designed for salmon production, or would also serve as an educational facility and visitor attraction.

The use of the Pullen Creek Park AMSA for fisheries enhancement is an attraction to local residents and visitors, contributing to the park's value for recreation and tourism. The AMSA has been identified as a site suitable for fisheries enhancement in Chapter 4.0, Section 4.7, of this SCMP.

5.2.5 AMSA Management Issues, Goals, Objectives and Policies

Issues: The Pullen Creek Shoreline Park AMSA serves multiple purposes, as a recreation area, anadromous fish habitat, fishery enhancement site with potential for additional infrastructure development, “buffer” between the historic downtown and the City’s port and harbor, and the “gateway” that welcomes visitors entering Skagway from the waterfront. The primary issue is to manage the various uses and developments to maximize their compatibility, and not preclude any of these important uses from occurring.

Goals and Objectives:

Goal PC-1 To manage the Pullen Creek Shoreline Park AMSA to enhance its value to the community as a waterfront park and attractive park entrance and stream corridor for the community.

Objective PC-1

Maintain and enhance its value as an aesthetic area for public recreation, an attractive entry to town from the small boat harbor and WYPR railroad dock, and a vegetated buffer between the historic district and the waterfront.

Objective PC-2

Support efforts to restore stream habitat functions and values in Pullen Creek.

Goal PC-2 To manage the Pullen Creek AMSA to continue and potentially expand salmon enhancement efforts to support the personal and charter sport salmon fishery in Taiya Inlet.

Objective PC-3

Evaluate options for constructing a new salmon production hatchery on the banks of Pullen Pond.

Enforceable Policies:

Policy PC-1 Allowable land and water uses in the Pullen Creek Shoreline Park AMSA are:

- Aquaculture and fisheries enhancement,
- Recreation uses and activities,
- Pedestrian-related uses, and
- Other uses compatible with the management intent of the park .

Policy PC-2 Development shall be sited to maintain pedestrian access to the creek and recreational use of the creek shoreline.

Justification for Pullen Creek Shoreline Park AMSA Policies: The priority uses of the Pullen Creek Shoreline Park AMSA for recreation and fisheries enhancement are established through Policy PC-1, as well as through the designation of the area as a Recreation Use Area (Chapter 3.0, Section 3.10) and area suitable for fisheries and fishery enhancement (Chapter 3.0, Section 3.14). Policy PC-2 provides specificity regarding how uses must be sited to continue to provide for pedestrian access and recreation use of the park and the creek shoreline. There is no ACMP standard for recreation or fisheries that must be addressed through these policies. The “matter of local concern” test of 11 AAC 114.270(e)(3) does not apply to management of coastal recreation.

5.2.6 Implementation

The Pullen Creek Shoreline Park AMSA plan will be implemented as described for the full Skagway CMP in Chapter 6.0. District organization for AMSA plan implementation is provided in Section 6.1.1. Subject uses and activities applicable to the AMSA are described in Section 6.1.2. Proper and improper uses applicable to the AMSA are described in Section 6.1.3.

5.2.7 Public and Agency Participation

Public and agency participation in development of the Pullen Creek Shoreline Park AMSA plan is described in Chapter 7.0.

5.2.8 Preferred Planning and Management Mechanism for the AMSA

ACMP regulations require that an AMSA plan must include an “analysis showing that designation of an area which merits special attention is the district’s preferred planning and management mechanism for meeting the objectives” of the plan. The Pullen Creek Shoreline Park AMSA was initially adopted by the City of Skagway and approved by the State and federal governments as an AMSA plan in 1982. For the past 24 years, the AMSA plan has been an effective tool for managing the Pullen Creek Shoreline Park AMSA for recreation, fisheries enhancement, and tourism purposes and continues to be the district’s preferred mechanism for managing this area. As noted above in Section 5.2.1, since the area was designated as an AMSA, substantial improvements have been made to improve the aesthetics and recreation value of the AMSA.

5.3 Port of Skagway

5.3.1 Basis for AMSA Designation

The Skagway Port AMSA Plan was adopted in 1991 to implement the City’s goals for management of its deep water port and commercial/industrial working waterfront. Skagway is the marine terminus of the Klondike Highway. Its deep water, ice-free port has served as the tidewater transshipment point into Interior Alaska and the Canadian Yukon Territory since the Klondike Gold Rush. Skagway’s port supports the city’s thriving and continually growing water-based tourism industry, welcoming the over 760,000 visitors that arrived on cruise ships, ferries or other vessels in 2004.

The Port of Skagway AMSA meets the definition of an area which merits special attention under the Alaska Coastal Management Act (AS 46.40.210). The Port is an “area where development of facilities is dependent upon the utilization of, or access to, coastal water” and is “susceptible to industrial or commercial development.”

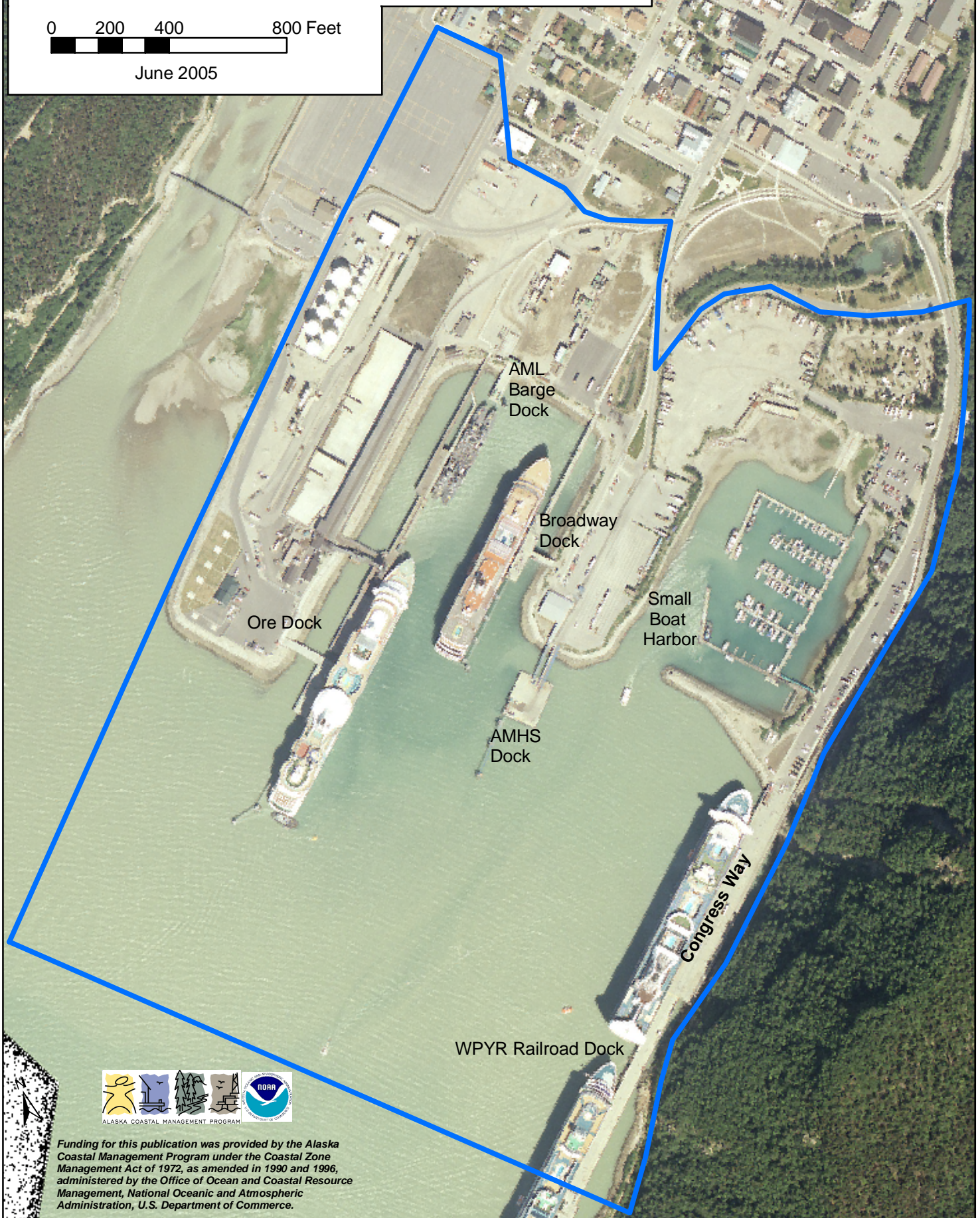
The City of Skagway’s foremost intent is to ensure that the Port is positioned to capitalize on all opportunities to serve as an intermodal transportation link for movement of goods, visitors, fish and freight into Interior Alaska and the Yukon. The Port is being managed, expanded and improved to have the capability to service large commercial and industrial developments, including large construction projects such as the gas pipeline. While it is not currently serving as a port for mining in the Yukon, the Port’s ore loader and chute is still in place and ready for future industrial transshipment.

The City also encourages and is developing infrastructure and space to support a full range of marine services, including marine repair, vessel storage, shipwrights, and freight and vessel staging. To serve these purposes, the City is developing additional staging areas, pursuing harbor expansion, and considering installing a boat travel lift and other facilities.

Skagway Coastal Management Program

Figure 5.3 Port of Skagway AMSA

0 200 400 800 Feet
June 2005



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

The AMSA plan limits development in the Port area to uses that are directly dependent upon and/or directly related to the water, a waterfront location. Attention is also given to maintaining safety, public access and an attractive waterfront appearance – since the Port AMSA is transited by over ¾ million visitors each year.

In the previous SCMP documents, the Pullen Creek Shoreline Park “overlapped” the Port of Skagway AMSA, and the management plan dealt with shoreline recreation issues as well as waterfront use. In this document, the Pullen Creek Shoreline AMSA is discussed separately in Section 5.2 of this chapter.

5.3.2 Location and Boundaries

The Port of Skagway is located at the mouth of the Skagway River, south of the historic/commercial district (Figure 5.3). The AMSA boundary coincides with Alaska Tidelands Survey (ATS) No. 4, with these exceptions:

- The portion of ATS No. 4 where the mouth of the Skagway River is located is within the Skagway River AMSA rather than the Port AMSA.
- The Port AMSA boundary does not include lands within the Pullen Creek Shoreline Park, which is managed under a separate AMSA plan (See Section 5.2 and Figure 5.2).
- The Port AMSA boundary swings southward about 20-100 feet from the ATS No. 4 boundary in the vicinity of Congress Way. At this location, the AMSA boundary coincides with the WPYR railroad tracks.

The AMSA boundary includes the areas that are zoned for and managed for port purposes by the City of Skagway.

5.3.3 Zoning and Land and Facility Ownership

Zoning. The Port AMSA is zoned as Waterfront Commercial Industrial by the City of Skagway. This zoning ensures that Skagway’s limited developable waterfront is developed for water-dependent and water-related uses. Intended activities are those that derive major economic or social benefits from a waterfront location, with emphasis on waterfront industrial, tourism, commerce and commercial enterprises.

City Owned Land. The City is the major Port landowner, but has leased much of its property to other parties. The City owns the 16 acre small boat harbor and seaplane float, and employs a full-time harbor master and a part-time summer assistant manager. The harbor has capacity for approximately 145 vessels, and accepts vessel up to 130 feet in length.

The City owns the area currently occupied by a recreational vehicle (RV) park, just upland from the harbor on Congress Way. The City owns the freight transfer bridge by the State ferry terminal and several acres of uplands adjacent to the state ferry terminal

and the small boat harbor. The City also owns several blocks and partial blocks south of 1st Avenue where the City's sewage plant is located.

City Leased Land. In March 1968 the City signed a 55 year lease with the WPYR Railroad for their use of seventy acres of the waterfront, and additional leases have been granted to accommodate dock extensions since that time. The WPYR has constructed an ore terminal, ship basin, and two docks on this property (the ore dock and Broadway dock). The ore terminal is located on land leased to WPYR, but the building itself is owned by the Alaska Industrial Development Authority (AIDEA).

Another large parcel of City land was leased to the State Department of Transportation and Public Facilities (DOT&PF) in 1962 for the State ferry terminal. The lease agreement states that “in the event that the ... lands should cease to be used as a Marine & Highway transportation system, or should the above lands be abandoned by the State for any reason whatsoever, they shall revert to the City of Skagway at no cost.” The DOT&PF operates and maintains the ferry terminal and dock at this site. In 1978 the City entered into a joint agreement with the DOT&PF, to share use of the floating dock and to allow the City to construct a transfer bridge for freight.

There are also two private restaurants located on City leased land on Congress Way, southeast of the boat harbor.

Privately Owned Land. The WPYR owns the seven acre WPYR Railroad dock which services cargo vessels and cruise ships at the south end of Congress Way. This dock can accommodate two large cruise vessels. Alaska Marine Lines is leasing waterfront property from the WPYR at the north end of the ore dock for freight transshipment and staging and operates a barge dock at that location.

The WPYR also owns a small parcel adjacent to the pedestrian corridor leading to the State ferry dock, which was formerly used as a helipad site. Helicopter staging has now moved to a location southwest of the ore dock, adjacent to the river, on land that is also owned by WPYR.

State Owned Land. The State DOT&PF owns and manages land in the northeast corner of the original AMSA boundaries. This area is used for airport parking and staging.

WPYR Right-of-Way. Land ownership on the eastern part of the Port AMSA between ATS No. 4 and the WPYR railroad tracks is not clear. In a 1909 right-of-way plat for the WPYR, the federal government had given the railroad a right-of-way that measured 100 feet on either side of the railroad track centerline. When Westours acquired the site for the Westmark hotel, the title established a 50 foot railroad right-of-way on either side of the tracks in this area. Both legal and title research would be needed to clarify land ownership in this area.

5.3.4 Resource Inventory and Analysis

The environment of the Skagway coastal district is described in the SCMP Resource Inventory, Chapter 3.0. This section presents resource information that is specific to the Port AMSA area and relevant to the AMSA management plan.

Natural Environment. The Skagway Port is located at the mouth of the Skagway River, on Taiya Inlet. The intertidal area by the Port is composed of deltaic deposits (sandy gravel, gravelly sand, shell fragments, sand and silt). This is covered by alluvial river deposits and by man-made fill.

The bathymetry of the Taiya Inlet is unusual, in that it is more than three times the depth of other estuaries of Lynn Canal. Depths range from 200 feet to more than 1400 feet. The average bottom depth off the Port and Skagway River areas is about 84 feet, increasing to between 120-140 feet by one quarter of a mile offshore. The extreme tidal range at Skagway is approximately 25 feet (Table 5.1).

Table 5.1 Approximate Tidal Range at Skagway	
	Feet
Gale Driven High Tide	24.0
Extreme High Water	20.6
Mean High Water	15.7
Mean Low Water	0.0
Extreme Low Water	-4.6
Total Tidal Range	25.2

Source: Port of Skagway AMSA Plan, 1991

Chapter 3.0, Section 3.4.5 and Figure 3.3 of this document describe the potential for underwater landslide south of the port and harbor. The Skagway has designated this area as a natural hazard area under the provisions of 11 AAC 114.250(b)).

Transshipment Use of the Port. The Port of Skagway is the most heavily used part of town. The flow of people and goods, products and resources to and through the City drives the local economy.

Skagway is one of the few Alaskan cities that enjoy all three major types of transportation infrastructure within its community: land (including rail), sea and air. The community is connected with the interior by hard-surface road, open year-round to unrestricted traffic. Its airport, located just north of the Port AMSA, provides air linkage with other southeast communities, including the international airport in Juneau.

The Port of Skagway has five docks, a small boat harbor and a seaplane float (Figure 5.3). The WPYR Railroad dock on Congress Way is generally used for containerized cargo ships and cruise ships. This dock can accommodate two large cruise vessels. The Broadway dock is primarily used as a cruise ship docking facility. The Skagway ore dock is generally used for a bulk cargo ships, including a fuel barge and cruise ships. The Alaska Marine Highway System (AMHS) dock services the State ferries. The Alaska Marine Lines barge dock is owned and operated by AML/Lynden Transport for cargo transshipment.

Transshipment use through the Port of Skagway is summarized on Tables 5.2 and 5.3.

Table 5.2 Port of Skagway Transshipment Use (in tons of freight)				
Type of Freight	1970-71	1986-87	1989	2004
General Freight	60,000	30,000	45,000	25,500
Petroleum Products	136,000	102,000	82,540	82,540
Ore Concentrates	545,000	515,000	560,000	0
Asbestos	120,000	0	0	0
TOTALS (tons)	861,000	577,000	713,162	108,040

Sources: Reid-Crowther, 1988; Port of Skagway AMSA Plan, 1991; Alaska Marine Lines and PetroMarine Services, 2004.

Table 5.3 Port of Skagway Vessel Activity				
Type of Vessel	1975	1986-87	1989	2004
Barges	50	50	25	52
Petroleum Barges	20	*	*	25
Ore Concentrate Vessels	26	18	24	NA
Cruise Ships	100	265	153	454
Alaska State Ferries	246	246	265	319
TOTALS	442	579	519	850

* Petroleum products carried via freight vessels in these years.

Sources: Reid-Crowther, 1988; Port of Skagway AMSA Plan, 1991; Alaska Marine Lines and PetroMarine Services, 2004; Skagway Convention and Visitors Bureau, 2004; ADOT&PF, 2004.

Visitor Use of the Port. Tourism has become a major contributor to the local economy and the Port of Skagway increasingly serves the visitor industry. Table 5.4 lists the number of Skagway visitors who have arrived via the Port 1985-2004. Visitor arrivals on large cruise vessels has sky-rocketed. There is steady and continuing growth in small cruise vessels, including Chilkat Cruises, Fjordland Express and Allen Marine. The AMSA plan must assure that the Port can accommodate this use and that the Port's appearance is maintained and enhanced. Public access should be provided wherever it is not prevented for safety reasons.

Table 5.4					
Annual Visitation Arriving Via Port of Skagway					
Mode of Arrival	1985	1990	1995	2000	2004
Cruise	77,623	136,512	256,788	565,639	722,095
AMHS	31,522	33,234	33,961	30,732	23,171
Small cruise vessels	15,000	17,767	17,100	8,362	15,069
Total	124,145	185,513	307,849	604,733	760,335
Note: 1985, 1990, 1995 & 2004 data are for months of May through September (5 month season). 2000 data are from months of April through September (six month season). Source: Skagway Convention and Visitors Bureau, 2004					

The City of Skagway is working to develop and enhance the intermodal capacities of the Port, and is planning for and beginning harbor improvements, expansion and installation of new infrastructure. The City is encouraging and supporting development of marine industrial and vessel services at the Port, including such services as marine vessel repair, shipwrights, staging and storage. The City has acquired a boat haulout trailer and is considering installing a boat travel lift along with its harbor expansion plan. A roll-on/roll-off ramp that would allow offloading heavy equipment from barges at the Broadway dock is also being considered. The harbor improvements would likely include establishing control for surge coming into the harbor, which can damage floats and other infrastructure.

A new seawall along the Port of Skagway AMSA's southern boundary at Congress Way is under construction, and will expand staging areas adjacent to the small boat harbor and enhancement/beautification of the pedestrian way that leads from the WPYR cruise dock into town. The City is also seeking funding to expand the small boat harbor to provide additional slips for vessels and related industrial uses.

There is potential for development of agreements with Southeast Alaska commercial ventures to ship fish through Skagway to markets outside Alaska. This could lead to the need to site and construct a cold storage, ice plant and services for fishing tenders.

Private companies are also expanding their capacity to provide transshipment services at the Port. The WPYR continues to maintain and improve its services and infrastructure for cargo and visitor transshipment. Alaska Marine Lines has developed a new barge loading and staging facility north of the Broadway dock and ferry terminal.

It is also essential that the Port continue to serve the needs of the small and large cruise vessels that visit Skagway. Maintaining enough capacity for vessels, and enhancing the waterfront for safe and aesthetic pedestrian experience is essential for the over 760,000 visitors who transit the Port each year.

There is a RV park located on City land (leased to the park owner) at the Port, east of the small boat harbor. The park provides a waterfront location which many visitors desire, provides economic gain to downtown businesses since visitors staying at the RV Park can easily walk to town and is much more attractive than what was at the site previously. However, this area may eventually transition to a water-dependent use as the Port continues to be improved and expanded.

5.3.5 AMSA Management Issues, Goals, Objectives and Policies

Issues: The City of Skagway's foremost intent is to ensure that the Port is positioned to capitalize on all opportunities to serve as an intermodal transportation link for movement of goods, visitors, fish and freight into Interior Alaska and the Yukon. The primary issues addressed in the AMSA management plan are to ensure that the port area is reserved for uses that are directly dependent upon and/or directly related to the water, a waterfront location; that safety, public access, and an attractive waterfront appearance are maintained; and that uses are compatible with the management goals.

Goals and Objectives:

Goal PS-1 To manage the deep water Port of Skagway in a manner that supports the City's tourism and transshipment industries and positions the Port to capitalize on future opportunities to serve as an intermodal transportation link for movement of goods, visitors, fish and freight.

Objective PS-1

Reserve the Port AMSA for water-dependent and water-related uses.

Objective PS-2

Maintain and enhance the intermodal (marine, land and air) transportation services provided by the Port, in support of tourism and commerce, including providing needed land area and infrastructure for transshipment industries.

Objective PS-3

Maintain and strengthen the Port's industrial nature while protecting public health, safety and welfare.

Objective PS-4

Maintain and enhance the Port's appearance and public access.

Objective PS-5

Establish policies that will promote compatibility between adjacent uses.

Enforceable Policies for the Port of Skagway AMSA:

Policy PS-1 Water-Dependent and Water-Related Activities – In accordance with the prioritization requirement set forth in 11 AAC 112.200(b),

A. “Water-dependent” uses are economically and physically dependent upon a Port location and will contribute to the development and operation of the Port as an intermodal transshipment facility for goods and people. Such water dependent uses include: boat harbors; freight, fuel or other docks; marine-based tourism facilities and uses; boat repair, haul outs, staging areas, shipwrights; facilities that service the transportation of good and services between the marine transportation system and the road system; and facilities to provide public access to coastal waters for recreation and tourism.

B. The following uses and activities are considered to be “water-related” for the Port AMSA. Such uses provide goods or services that are directly associated with water-dependence and which, if not located within the Port AMSA, would result in a public loss of quality in the good or services offered. Water-related uses and activities in the Port AMSA include uses that are accessory to a water-dependent use, and must be located nearby for the water-dependent use to achieve its full utility to the public.

C. For the Port AMSA, “water-related” uses do not include commercial uses such as hotels, restaurants and other similar uses that simply benefit from waterfront views and location, or residential development.

Policy PS-2 Protection of Waterfront Uses – All land and water uses and activities in the Port of Skagway AMSA shall be conducted to minimize potentially adverse effects on the following:

- Use and development of the small boat harbor and adjacent staging areas;
- Use and development of the Port’s transshipment and marine vessel servicing facilities;
- Fishing activities; and
- Pedestrian and coastal access, in areas safe and appropriate for such uses.

Policy PS-3 Allowable Uses in the Skagway Small Boat Harbor include boating and fishing uses, including marine and fish related commercial businesses such as small boat haul-out, marine vessel service and repair, vessel staging and storage, shipwrights, marine service stations, marine equipment sales, facilities to service fishing. Pedestrian-related amenities and public access to this area will be enhanced to accommodate sightseeing and sport fishing where appropriate. Uses that would jeopardize the safe operation of small boats or would be incompatible with the operation of the allowable uses listed above shall be prohibited, to the extent practicable.

Justification for Port of Skagway AMSA policies: The ACMP standard for coastal development (11 AAC 112.200) directs coastal districts to give priority to uses and activities in the coastal are based on whether the uses are water-dependent, water-related, or have no inland development alternative. These terms are broad in scope. The policies of the Port of Skagway AMSA all “flow from” the ACMP coastal development standard (11 AAC 112.200) and provide a specific, enforceable and effective set of policies to manage the many water-dependent and water-related uses and activities that must site within the limited port area. Policy PS-1 gives a more specific listing of uses considered to be water-dependent and water-related for the Port of Skagway. Policy PS-2 is more specific than the State ACMP standard in how priority must be provided, in that it minimized adverse effects on the primary water-dependent and water-related uses within the port area. Policy PS-3 lists allowable water-dependent and water-related uses for the small boat harbor, and disallows uses (where practicable) that do not meet this more specific description.

5.3.6 Implementation

The Port of Skagway AMSA plan will be implemented as described for the full Skagway CMP in Chapter 6.0. District organization for AMSA plan implementation is provided in Section 6.1.1. Subject uses and activities applicable to the AMSA are described in Section 6.1.2. Proper and improper uses applicable to the AMSA are described in Section 6.1.3.

5.3.7 Public and Agency Participation

Public and agency participation in development of the Port of Skagway AMSA plan is described in Chapter 7.0.

5.3.8 Preferred Planning and Management Mechanism for the AMSA

ACMP regulations require that an AMSA plan must include an “analysis showing that designation of an area which merits special attention is the district’s preferred planning and management mechanism for meeting the objectives” of the plan. The Port of Skagway AMSA was initially adopted by the City of Skagway and approved by the State and federal governments as an AMSA plan in 1991. For the past 15 years, the AMSA plan has been an effective tool for managing the Port of Skagway AMSA to ensure that

the port serves as an intermodal transportation link from Alaska into the Yukon, and that the limited port area remains available for water-dependent and water-related uses to meet port management objectives. The AMSA plan provides an effective mechanism for coordinating local, State and federal permitting decisions related to port development, and continues to be the district's preferred mechanism for managing this area.

5.4 Skagway River AMSA

The Skagway River AMSA (Figure 5.4) includes the river and its banks, from Yakutania Point upstream to Liarsville, a distance of 3.8 miles. The area was identified as a potential AMSA in the 1982 SCMP. The Port of Skagway AMSA plan was adopted in 1991.

5.4.1 Basis for AMSA Designation

The Skagway River drains 145 square miles of the vast Coast Mountains, meanders about 19 miles and finally spills into Taiya Inlet in Alaska. Over the years, many have walked the Skagway River Valley from tidewater, across the White Pass, into the Yukon's interior lakes. Today there are many different activities occurring adjacent to and in the Skagway River. The Skagway Airport, the State highway, a heavily used railroad, a campground and the City of Skagway itself are all on the River banks.

Salmon swim up and spawn in the River and gravel and sand are extracted from its bottom. A foot bridge near the River's mouth and the Dyea Road provide access from town to the heavily visited Yakutania Point Park.

These myriad activities and issues caused the City of Skagway to designate the lower reach of the Skagway River an AMSA under the ACMP. The Skagway River AMSA meets the definition of an area which merits special attention under the Alaska Coastal Management Act in that it is an area "of unique geologic or topographic significance which is susceptible to industrial or commercial development" (AS 46.40.210(E)), an area of hazard due to floods and erosion (AS 46.40.210(F)), and an area that is an aquifer recharge area (AS 46.40.210(G)).

The designation of the Skagway River AMSA and preparation of an AMSA plan in 1991 have been instrumental in river and flood management. The City is continuing to work to achieve an initial AMSA plan goal, to address floodplain management. The City is nearing construction of a flood control project which has required many years of technical studies, surveying and planning, as well as collaboration and negotiation between the City and State and federal agencies. The AMSA designation has helped focus attention on the importance of improving flood control on the River.



Skagway River valley, looking upstream

5.4.2 Location and Boundary

The boundary for the Skagway River AMSA was selected to include the portion of the River most subject to potential use and development, and therefore also most subject to the need for flood hazard management. This includes the River's mouth (the westernmost portion of ATS No. 4) and continues north to that part of the River that is adjacent to the northern end of U.S. Survey 3312, Tract A. The total distance along the River is approximately 3.8 miles.

Most of the surveyed and subdivided land adjacent to the River on its west bank is included within the AMSA since activities on these lands could impact the River. On the west side of the River the boundary follows the southern boundary of U.S. Survey 1439 until it is intersected by Dyea Road. From there, the boundary follows Dyea Road to U.S. Survey 1254. At this point the boundary follows the western boundary of U.S. Surveys 1254, 176, 3312 Tract A and B, and 1394. The eastern boundary of the AMSA is the east side of the airport runway to 16th Avenue, the boundary continues in a northerly direction toward the 23rd Avenue highway bridge. At this point the boundary turns east to include the bridge and runs parallel to the railroad tracks, at a 100 foot setback distance from the railroad track centerline, to the end of the AMSA.

Skagway Coastal Management Program

Figure 5.4 Skagway River AMSA

0 1,000 2,000 4,000 Feet

June 2005

23rd Avenue Bridge



Funding for this publication was provided by the Alaska Coastal Management Program under the Coastal Zone Management Act of 1972, as amended in 1990 and 1996, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

5.4.3 Zoning and Land/River Ownership

The area within the Skagway River AMSA is zoned residential conservation below the 23rd Avenue highway bridge, and primarily industrial upstream of the highway bridge.

River Ownership. The question of who owns the Skagway River hinges on the question of whether the Skagway River is navigable. The State of Alaska has maintained that the river is navigable and that the State owns the River and the streambed beneath it. The City of Skagway and other land owners have maintained that the river is not navigable. Their view is based upon historic and present day use, as well as a review of the State navigability criteria. There has been no final determination regarding navigability. In recent years, the State and City have agreed to move ahead on projects and resolve conflicts in a manner that leaves the question of navigability open, and assures that property rights would not be jeopardized in the event such a determination is made. For example, the City, private land owners and DNR signed such an agreement in 2001 to allow the City to move ahead with its planned flood control project.

Adjacent Upland Ownership. Uplands adjacent to the Skagway River are both publicly and privately owned. Public owners include the City of Skagway, State of Alaska and the USFS as part of the Tongass National Forest. Private land owners in the AMSA include the WPYR Railroad, Russell Metals, Dave and Pam Hunz, and other owners. The State owns the airport and land adjacent to it, property near Liarsville and Lots in U.S. Survey 3312, Tract A, and manages Dyea Road and the U.S. portion of the Klondike Highway.

5.4.4 Resource Inventory and Analysis Specific to AMSA

The environment of the Skagway coastal district is described in the SCMP Resource Inventory, Chapter 3.0. This section presents resource information that is specific to the Skagway River AMSA area and relevant to the AMSA management plan.

Natural Environment. The Skagway River is a braided stream with an overall average gradient of 192 feet per mile and an average gradient of about 40 feet per mile in the AMSA area. The River valley is for the most part a canyon intersected by tributary valleys. The River drains an area of approximately 145 square miles, consisting mainly of steep, partly timbered, mountainous terrain.

The townsite of Skagway and the Skagway River are located on igneous and metamorphic bedrock. In the floodplain, this bedrock is covered by an approximately 600 foot thick layer of sediments on top of the bedrock. These sediments include approximately 150 feet of alluvial, deltaic and marine deposits that overlie 450 feet of compact glacial deposits. The glacial deposits are composed of cobble and boulder sized rubble, sandy gravel and silt.

The groundwater table is encountered between five and ten feet below the surface. Sediments below the groundwater table are saturated. Along the River the top

surface deposits consist of glacial drift in some places, floodplain deposits and alluvial deposits - gravel, sand, some cobbles and silt. The sorted glacial drift material is good road surfacing material.

Important Skagway River drainage characteristics are summarized in Table 5.5.

Flood Hazards. The hydraulic capacity of the Skagway River is of great local concern. The City of Skagway has grown up along the riverbank. The original townsite, airport and school are immediately adjacent to its banks. As river waters rise during storms, the possibility of flooding becomes a major concern. To assure that the flooding potential does not increase, development along the River must not decrease the carrying capacity of the River.

Table 5.5 Drainage Characteristics of the Skagway River	
Length	19 miles
Drainage Area	Approximately 145 square miles
Mean Elevation	3,900 feet
Average Slope	192 feet per mile
Average slope in AMSA area	40 feet per mile
Water temperature	33-49 degrees F
Major tributaries	East Fork, White Pass
Major Glaciers	Laughton, Denver, South
Major Lakes	Goat
Average Discharge	500 cubic feet second (low of 50 cfs in April; high 1,270 cfs in June-August)

Source: Skagway River AMSA Plan, 1991

Flooding from the Skagway River may result from heavy rains, rapid snow melt, earthquakes, or the sudden breakout of a glacier-dammed lake. Floods usually occur in the autumn after heavy rains. In addition, human activity such as control or diversion of waterways or development in the floodplain can magnify flooding problems.

Development of the City of Skagway has required the river to be channelized to prevent the river from channel shifting, eroding property and flooding the townsite. Dikes were constructed by the Corps of Engineers in 1940 along the east side of the river adjacent to the townsite. Repairs to the dikes were made in 1945, 1951, and 1967. Dikes have since been constructed upstream of the townsite by various entities, including private land owners, the Corps of Engineers and the ADOT&PF.

Flooding has occurred repeatedly, with peak recorded floods through 1986 shown in Table 5.6 (Montgomery Watson, 1997). A gaging station was maintained on the river from 1963 through 1986.

Table 5.6 Historic Flood Flows	
Date	Flow (cfs)
October 1901	35,000
September 1919	15,000
September 1927	15,000
October 1936	15,400
October 1943	35,000
October 1944	30,000
September 1967	13,600
September 1981	16,400

Skagway participates in the National Flood Insurance Program, administered by FEMA. This program makes flood insurance and disaster assistance available to communities that adopt and enforce floodplain management ordinances. As a participant in this program, Skagway has adopted flood control regulations and adopted city ordinances to oversee building activity in the Skagway River floodplain through the building review process.

The City plans to construct additional flood control structures upstream of the Klondike Highway bridge to further manage flood hazards and prevent destruction. The proposed work would include installation of revetments and dike structures to retain the 100-year flood on both sides of the river to approximately 5,300 feet upstream of the Skagway River bridge, improvements to existing dikes, and regular dike inspection and periodic maintenance. Skagway will begin construction once permits are received and funding is approved. Following construction, the city will initiate a FEMA map revision for the Skagway River to show the reduced flood zone.

Additional information about Skagway River flooding can be found in Chapter 4.0, Section 4.2 Natural Hazards, and Figures 3.4 and 3.5.

Skagway Municipal Water. Skagway's current drinking water supply comes from three wells located at 15th Avenue that tap a groundwater aquifer in alluvium deposits formed by the Skagway River. City well No. 1 is 80 feet deep, well No. 2 is 75 feet deep and well No. 3 is 120 feet deep. The City began using these wells as its groundwater source in 1966. Water from the Skagway River and its tributary streams enter alluvial deposits to recharge the floodplain aquifer. Additional surface water enters the aquifer as precipitation runoff that percolates downward into the aquifer. Most of the surface water accumulating on paved surfaces and buildings either evaporates or is carried in City storm drains that empty into Pullen Creek or the River.

Material Extraction. Sand and gravel resources in the Skagway area come from the Skagway River floodplain, talus slopes, glacial moraines and beach deposits. The Skagway River floodplain provides an easily developed source for the City's material needs. The area upstream of the 23rd Avenue highway bridge and the East Fork of the Skagway River is generally all suitable as a source of gravel. This area has been zoned Industrial by the City of Skagway. Currently, gravel is being extracted from one source

in the River floodplain by a private operation, and by the City on a talus slope above the river plain.

5.4.5 AMSA Management Issues, Goals, Objectives and Policies

Issues: The primary management issues associated with the Skagway River AMSA are the need to manage development, including sand and gravel extraction, to ensure that flooding and erosion are not exacerbated; that development is designed and constructed in a manner that does not endanger life or property due to riverine flooding or erosion; and to maintain the scenic qualities of the river to the extent practicable.

Goals and Objectives:

Goal SR-1 Provide a rational management plan for the AMSA area with guidelines for the varied uses and activities that occur in and adjacent to the Skagway River.

Objective SR-1
Address floodplain control and management.

Objective SR-2
Provide for industrial uses and sand and gravel extraction in appropriate areas.

Objective SR-3
Coordinate management and resolve conflicts among agencies.

Enforceable Policies of the Skagway River AMSA:

Policy SR-1 Development or resource extraction activities in or adjacent to the river shall, to the extent practicable, create a more stable river channel with a well-defined thalweg channel that carries drainage at low flows.

Policy SR-2 To consolidate resource extraction activity and its impacts in and adjacent to the River, sand and gravel extraction from the AMSA area shall, to the extent practicable, be limited to a single material site until this resource is exhausted. Exceptions may occur if other river areas are targeted for dredging as part of a comprehensive hydraulic/flooding management program for the river or if access is a problem.

Justification for Skagway River AMSA policies: The ACMP standard for sand and gravel extraction (11 AAC 112.260) urges that sand and gravel be extracted from areas *other than* coastal waters, intertidal areas, barrier islands and spits for sand and gravel extraction. Therefore, Policies SR-1 and SR-2, which address extraction from a riverine environment, “flow from” this ACMP standard. It is noted that the Skagway River 100-year floodplain is designated as a natural hazard area under 11 AAC 14.250(b) (See Chapter 4.0, Section 4.2), and that Policy NH-1 will also apply to this AMSA.

5.4.6 Implementation

The Skagway River AMSA plan will be implemented as described for the full Skagway CMP in Chapter 6.0. District organization for AMSA plan implementation is provided in Section 6.1.1. Subject uses and activities applicable to the AMSA are described in Section 6.1.2. Proper and improper uses applicable to the AMSA are described in Section 6.1.3.

5.4.7 Public and Agency Participation

Public and agency participation in development of the Skagway River AMSA plan is described in Chapter 7.0.

5.4.8 Preferred Planning and Management Mechanism for the AMSA

ACMP regulations require that an AMSA plan must include an “analysis showing that designation of an area which merits special attention is the district’s preferred planning and management mechanism for meeting the objectives” of the plan. The Skagway River AMSA was initially adopted by the City of Skagway and approved by the State and federal governments as an AMSA plan in 1991. For the past 15 years, the AMSA plan has been an effective tool for managing the natural hazards in the AMSA, as well as sand and gravel extraction. The AMSA plan continues to be the district’s preferred mechanism for managing this area.

6.0 Implementation¹⁴

6.1 Introduction

The information provided in this chapter addresses all aspects of the implementation of the Skagway Coastal Management Program, including the four AMSA plans which are a part of the approved program. The implementation chapter accomplishes the following:

- Describes the City of Skagway organization for participation in the ACMP.
- Provides instructions on how to use this coastal management program, including the four AMSA plans that are part of the program (see Chapter 5.0), to participate effectively in state consistency reviews.
- Explains to other ACMP network participants how best to work with the City of Skagway in implementing its coastal management plan.
- Provides City residents, landowners and development project applicants with an understanding of how the Skagway CMP will be used.

6.1.1 Organization

The City of Skagway, which is a First Class City, is eligible to be a coastal district in accordance with state law at AS 46.40.210(2)(B).

Local ACMP decisions and actions are the responsibility of the City Council. The Council has delegated ACMP implementation duties to the City Planning Commission and the Coastal Coordinator. The Coastal Coordinator is authorized to make routine decisions and to participate in consistency review and other daily implementation tasks.

The Coastal Coordinator works with the City Planning Commission, which is an advisory body to the City Council, to implement the Skagway CMP. The Coastal Coordinator regularly consults with the Planning Commission on matters related to implementation of the plan. Decisions about large or controversial projects are brought to the Planning Commission for consideration during the consistency review process. Final Planning Commission recommendations are brought before the City Council for their final decision.

The point of contact for local consistency reviews involving City of Skagway coastal zone lands is the City of Skagway Coastal Coordinator. The address is:

¹⁴ Note: Chapter 6.0 Implementation was drafted by the Office of Project Management and Permitting as a template for coastal districts to include in their coastal management programs. The text prepared by OPMP was edited only as necessary to make it specific to the Skagway coastal district.

City of Skagway
 ATTN: Coastal Coordinator
 P.O. Box 415
 Skagway, Alaska 99840
 (907) 983-2297

6.1.2 Subject Uses and Activities

In accordance with 11 AAC 110.010, land and water uses and activities in the coastal zone that are subject to a consistency review and district enforceable policies include the following:

- Federal activities affecting coastal uses or resources.
- Land and water uses and activities requiring federal permits or authorizations (see 11 AAC 110.400).
- Land and water uses and activities requiring state permits or authorizations (see Section 6.4).

In addition, outside of the state consistency review process, there may be a local consistency review for land and water uses in the City of Skagway's coastal zone for land and water uses and activities requiring local permits or authorizations (see Section 6.5).

6.1.3 Proper and Improper Uses

The Alaska Administrative Code under 11 AAC 114.260 requires that district plans identify uses and activities, including uses of state concern, that are considered proper and improper within the coastal area. The City of Skagway has not identified any uses which are categorically prohibited within the coastal boundary. Proper and improper uses are determined by their compliance with performance standard policy requirements.

All land or water uses or activities within the City of Skagway are considered to be proper as long as they comply with the policies of this coastal management plan, the ACMP standards under 11 AAC 112, and applicable federal and state regulations. Land or water uses or activities are considered to be improper if they are inconsistent with ACMP standards or the policies of this plan or if they do not comply with or cannot be made to comply with applicable federal and state regulations. Designated areas included in this plan in some instances identify specific land or water uses and activities that will be allowed or not allowed.

6.1.4 Designated Areas

District policies related to recreation; historic, prehistoric, archeological and cultural resources; fisheries and fishery enhancement; energy facilities; natural hazards; and subsistence only apply to projects within designated use areas identified in this plan.

6.1.5 Uses of State Concern

Uses of state concern are uses and activities that are considered to be of state or national interest. A district cannot restrict or excluded uses of state concern unless they provide ample justification for the exclusion or restriction within the district plan. Alaska Statutes at AS 46.40.210(12) defines uses of state concern. In addition, the former Coastal Policy Council issued Resolution Number 13 that specifies more categories and criteria for uses of state concern. This resolution remains in effect until it is superceded by statues or regulations or until it is formally rescinded by DNR.

6.2 Skagway CMP Participants' Duties and Responsibilities

6.2.1 City of Skagway Planning Commission

The City Council has delegated local implementation of the City of Skagway CMP to the Planning Commission and the Coastal Coordinator. The Planning Commission implements the Skagway CMP when issuing consistency comments. The Planning Commission normally delegates authority to make consistency comments to the City Coastal Coordinator. In addition, the Planning Commission has the following responsibilities:

- Monitor and assess consistency comments issued on its behalf by the Coastal Coordinator.
- Review every five years and, if required, amend the City of Skagway CMP.
- Submit the City of Skagway CMP to OPMP for re-approval every ten years. The submittal shall include an evaluation of the plan's effectiveness and implementation, a presentation of any new issues, and a recommendation for resolving any problems that have arisen.

6.2.2 City of Skagway Coastal Coordinator

The City of Skagway Coastal Coordinator is staff to the City of Skagway Planning Commission, among other duties. The Coastal Coordinator has day to day responsibilities within the City of Skagway for the administration of the City of Skagway CMP. The coordinator must:

- Help applicants fill out the coastal project questionnaire (CPQ) including an evaluation of the district's enforceable policies along with the boundary determination and educate them about the ACMP and the City of Skagway CMP throughout the process.
- Ensure that information has been received in a timely manner by the parties involved in the consistency review process
- Determine if information received is complete and sufficient for a consistency review.

- Decide which projects are routine and which projects have great significance to the coastal zone and should be reviewed and discussed with the Planning Commission (routine approvals will be processed by the Coastal Coordinator).
- Evaluate uses and activities that require local, state, or federal permits or authorizations for consistency.
- Evaluate proposed projects against the enforceable policies of the Skagway CMP.
- Accurately assess the effect of applicable policies of the City of Skagway CMP on the application.
- Manage project information to ensure that it reaches all affected persons and organizations.
- Draft effective, concise and comprehensive consistency determinations and recommendations and produce evidence in support of the conclusions reached.
- Develop draft consistency comments and alternative measures for consideration by the Planning Commission, when necessary.
- Integrate feedback from the local contacts and other interested parties into the City of Skagway's consistency recommendation.
- Coordinate consistency review activities with adjoining coastal districts where issues or activities of mutual concern are under consideration.
- Prepare and submit the consistency recommendation in a timely manner.
- Prepare quarterly and annual reports to the state, as required by the City of Skagway's ACMP grant agreement.
- Facilitate and receive public input, and act as an information resource concerning the Skagway CMP.

The Coastal Coordinator represents the City of Skagway at meetings, conferences, and in ongoing interactions with applicants, the general public and state and federal agency staff regarding the City of Skagway CMP.

6.3 General Consistency Review Information

Because the State of Alaska has adopted the City of Skagway CMP as an amendment to the statewide ACMP, the City of Skagway is one of several reviewers that concurs or objects to an applicant's consistency certification or a federal agency's consistency determination to the coordinating agency during consistency review. Based on these comments and on the policies and procedures of the ACMP, the coordinating agency issues a consistency finding.

6.3.1 Two Types of Consistency Reviews

The enforceable components in this plan form the basis for a determination of consistency with the Skagway CMP. There are two types of reviews: State-coordinated

consistency reviews and locally-coordinated consistency reviews. When a project is proposed, State ACMP project reviewers determine which authorizations are needed. If the project is a federal activity, or needs state or federal authorization, the State of Alaska reviews the project for consistency with the ACMP. The City of Skagway participates in the state-coordinated review. If only local authorization is required (but not state or federal authorization), then the City of Skagway itself reviews the project for consistency with the ACMP.

6.3.2 Determination of Consistency in Connection with Other Permits and Approvals

In addition to consistency, an applicant is required to obtain all other necessary permits and approvals required in connection with a proposed project. A determination of consistency does not guarantee or presume approval of any other federal, state, or local permit.

6.3.3 Department of Environmental Conservation Standards

The DEC's air, land, and water quality standards are the exclusive standards of the ACMP for those purposes. Issuance of DEC permits, certification, approvals, and authorizations establishes consistency with the ACMP program for those activities of a proposed project subject to those permits, certifications, approvals, or authorizations. A project that includes an activity subject to a DEC authorization on the C list (see ABC List next) may be subject to a coordinated review if the project includes a different activity that is not subject to a DEC authorization but is the subject of an enforceable district policy or another C-listed authorization. However, the specific activities subject to the DEC authorization are not within the scope of those project activities to be reviewed.

In the case of a DEC single agency review, the scope of review is limited to an activity that is the subject of a district enforceable policy. DEC Policy Guidance No. 2003-001, January 7, 2004, contains the actual procedure by which DEC will participate and coordinate in ACMP consistency reviews. This document is titled "DEC Single Agency Coastal Management Consistency Review Procedures and sets forth the "Uniform Procedures for Conducting a Coastal Management Consistency Review for Projects that Only Require a [DEC] Permit or Contingency Plan Approval to Operate."

6.3.4 "ABC List" – Classification System for State and Federal Permits

The "ABC List" is a classification system of state and federal approvals that can streamline the consistency review portion of the state permitting process for a proposed project. The intent of the ABC List (specifically the "A" and "B" portions of the List) is to reduce the amount of time reviewers must spend on reviewing routine individual projects, allowing them to concentrate on more complex projects that require more involved ACMP consistency review.

The ABC List actually breaks down into three lists:

- The "A" List represents categorically consistent determinations – approvals of activities requiring a resource agency authorization, when such activities have been determined to have minimal impact on coastal uses or resources.
- The "B" List has been broken into two sections. Section I of the "B" List represents generally consistent determinations – approvals for routine activities that require resource agency authorization(s), when such activities can be made consistent with the ACMP through the application of standard measures. Section II of the "B" List includes nationwide permits and general permits that have been found to be consistent with the ACMP.
- The "C" List represents a comprehensive listing of those state permits that may trigger consistency review.

Projects do not always fit neatly into just one of the three lists (the "A," "B," or "C" List). Some projects need authorizations that fall under more than one list or include activities that are not found in the "B" List. For these projects, OPMP will determine how much review the project requires.

6.3.5 Federal Authority and Consistency Determination

In accordance with federal law, the City of Skagway coastal zone excludes all federal lands and waters within its boundaries. Federal lands and waters are those lands and waters managed, owned, or held in trust by the federal government.

However, the federal government is not exempt from compliance with the ACMP or the Skagway CMP. Federal law requires "federal agencies, whenever legally permissible, to consider State management programs as supplemental requirements to be adhered to in addition to existing agency mandates" (15 CFR 930.32(a)). The federal government meets this requirement in several ways, depending upon the type of project or activity being considered.

First, federally licensed or permitted activities proposed within the coastal area and affecting coastal uses or resources must be consistent with the ACMP, including the Skagway CMP (15 CFR 930.50).

Second, federal license and permit activities described in detail in Outer Continental Shelf plans and affecting coastal uses or resources must be consistent with the ACMP including the City of Skagway CMP (15 CFR 930.70).

And finally, all federally conducted or supported activities, including development projects directly affecting the coastal zone, must be consistent to the maximum extent practicable with the ACMP, including the Skagway CMP. Federal activities are "any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities." This does not include the issuance of a federal license or permit. Federal development projects are those federal activities "involving the construction,

modification, or removal of public works, facilities, or other structures, and the acquisition, utilization, or disposal of land or water resources" (15 CFR 931.31) The phrase "consistent to the maximum extent practicable" means that such activities and projects must be "fully consistent with such programs unless compliance is prohibited based upon the requirements of existing law applicable to the federal agency's operations" (15 CFR 930.32(a)).

6.4 City Participation in State-Coordinated Consistency Review

6.4.1 Procedure

The point of contact for state and federal consistency reviews involving the Skagway CMP is the Office of Project Management and Permitting (OPMP). OPMP addresses are:

Southcentral Regional Office
550 W 7th Ave, Ste. 1660
Anchorage, AK 99501
(907) 269-7470
Fax#: (907)-269-3981

Central Office
302 Gold Street, Ste. 202
Juneau, AK 99801-0030
(907)-465-3562
Fax#: (907)-465-3075

The state-coordinated consistency review process is contained in state regulations at 11 AAC 110. The City of Skagway may participate in that process as an affected coastal district. A brief discussion of the City of Skagway's role in the state consistency review process is described in this section. However, applicants should obtain current information on the state consistency review process from OPMP.

The City of Skagway strongly recommends that applicants who need state or federal permits for a major or complex project in the coastal zone request pre-review assistance prior to submitting such an application. The City of Skagway seeks to work with applicants to initiate early communication and facilitate an expedient and informed consistency review.

The coordinating agency will notify the City of a pending consistency review. If requested, the City will participate in determining scope of review of a proposed project, based on the City's enforceable policies.

Upon the notification from the coordinating agency of the start of a consistency review, the City of Skagway Coastal Coordinator will determine whether the project information is adequate to allow the City to concur or object to an applicant's consistency certification. If more information is required, the City will notify the coordinating agency by the "request for additional information" deadline and specifically identify the additional information required.

6.4.2 Permit Application Meeting

During a consistency review, the Skagway Coastal Coordinator may contact the coordinating agency to request a meeting to resolve issues. The purpose of the meeting is to discuss coastal management and permitting issues of the proposed activity and to work toward resolution of issues of concern and potential conflicts. This meeting should be scheduled no later than 10 days after notification of the action is received by the Coastal Coordinator. At a minimum, representatives of the coordinating agency, the City of Skagway, affected major landowners, the applicant, affected interest groups and organizations, and affected resource agencies will be invited to participate. Depending on the nature of the activity and travel constraints, the meeting may involve a meeting or teleconference. Subsequent work sessions may be beneficial to reaching early consensus on the consistency determination. Scheduling a permit application meeting does not change the final consistency review deadline of ninety days as directed in 11 AAC 100.265.

6.4.3 Consistency Comments

During the period allowed to review and consider the proposed use, the City of Skagway will prepare written comments on the applicant's consistency certification. In preparing a consistency review comment the City will comment on consistency with state standards and the enforceable policies of the Skagway CMP. In order to be considered by the coordinating agency, City comments must be in writing and must:

- State that the City concurs with the applicant's consistency certification and explain why, or
- Identify that the City objects to the applicant's consistency certification.

If the City objects to the consistency certification, the City must:

- Identify and explain why the proposed project is inconsistent with specific state standards or district enforceable policies and
- Identify any “alternative measure(s)” that, if adopted by the applicant, would achieve consistency with the specific state standard or district enforceable policy.

Alternative measures are project conditions proposed by a state resource agency or coastal district that, if adopted by the applicant, would make the project consistent with either state standards or district enforceable policies. If the City proposes alternative measures, they must explain how the alternative measure would achieve consistency with the specific enforceable policies in question.

When the consistency review is routine in nature and the City of Skagway Planning Commission does not need to take action, the Coastal Coordinator will issue the City's consistency comments on behalf of the Planning Commission.

Upon receiving notice of local, state, or federal permit application, the Skagway Coastal Coordinator will notify the president of the Skagway Traditional Council and the appropriate regional non-profit native corporation that could potentially be affected by the proposed action. The Coastal Coordinator will also determine if major landowners will be affected by the proposed action and will contact their representatives to identify concerns and special conditions for development.

The Coastal Coordinator will ensure that local input is solicited and appropriately incorporated in the City of Skagway's consistency comment. The City will consider such input in developing comments and alternative measures regarding the consistency of a proposed project. Where local concerns cannot be incorporated in the City of Skagway's consistency comment, the Coastal Coordinator must provide justification for this decision to the local contacts involved.

6.4.4 Public Hearing During a State-Coordinated Consistency Review

Any person or affected party may request that the coordinating State agency hold a public hearing on a project or activity undergoing a consistency determination by providing adequate justification for the request as specified in 11 AAC 110. During the initial consistency review, the Coastal Coordinator, in consultation with the Planning Commission and affected parties, may decide that the scope of a project will require a public hearing. If a public hearing is needed, the Coastal Coordinator will submit a written request to the coordinating agency that they hold a public hearing and outline the need for such a hearing. The coordinating agency will review the request to determine if it is based on concerns not already adequately addressed in the review. If a public hearing is held, the ninety day deadline in 11 AAC 110.265 for the completing the consistency review is unchanged. The coordinating agency should be consulted for the exact schedule.

6.4.5 Changes in the Nature of a Permitted or Approved Activity

Per 11 AAC 110.280, an applicant that proposes a modification to an activity for which a final consistency has been issued must submit a new coastal project questionnaire to the agency that coordinated the consistency review. The modification is subject to another consistency review if the modification will have significantly different effects than the existing use on the resources of the City of Skagway coastal zone and if a new authorization or change in authorization is required.

6.4.6 Due Deference

Due deference is a concept and practice within the consistency review process that affords the commenting review participants the opportunity to include, review, or refine the alternative measures or consistency concurrence if they have expertise in the resource or the responsibility for managing the resource. The City and resource agencies are provided deference in interpretation of policies and standards in their area of expertise or area of responsibility. In order to be afforded due deference, the district must have an

approved district plan and have commented during the consistency review. The district may be afforded due deference if no resource agency has specific authority or expertise and if the district can demonstrate expertise in the field. A district doesn't have to have a specific policy that applies to the proposed project under review. The district may comment on the consistency of the proposed project within the state standards.

If the coordinating agency rejects the comments of the City of Skagway or any alternative measures that the City might seek to have imposed on the application in connection with a consistency determination, the coordinating agency must provide a brief written explanation stating the reasons for rejecting or modifying the alternative measure.

Note: this requirement only applies when the coordinating agency disagrees with the City on issues involving the interpretation and application of the Skagway CMP.

6.5 City Coordination of Local Consistency Review

Under the provisions of AS 46.40.100, actions and approvals by local governments are also subject to consistency with approved district coastal management programs. In some cases, a proposed action requiring a municipal permit or approval will also need a state or federal permit, and the federal/state consistency review will take place at the state level. Sometimes, a proposed action will only require a municipal permit and no state or federal permit. In such cases, the municipal government is responsible for reaching the consistency determination.

6.5.1 Uses Subject to Local Consistency Review

All uses that are proposed in the City of Skagway coastal zone that do not require federal or state authorization or that is not a federal activity will require a determination of consistency from the City of Skagway if they are among the following local subject uses:

- All land and water uses requiring a permit or approval in accordance with City of Skagway Code Title 16.

City of Skagway procedures for local consistency determinations are simple and are designed to quickly determine whether a proposed use is consistent with the City of Skagway CMP.

6.5.2 Application Procedure and Time Line

There is no separate application for a local consistency determination under the City of Skagway CMP. Rather, the applicant desiring to undertake a subject use applies to the City of Skagway for the required land use permit or approval. When an application involves land within the City of Skagway coastal zone, the land use permit application usually provides the City of Skagway with the information required in order to make a CMP consistency determination.

6.5.3 Local Consistency Determinations

The point of contact for local consistency reviews involving City of Skagway coastal zone lands is the City of Skagway Coastal Coordinator, a staff position within the City of Skagway. The address is:

City of Skagway
ATTN: Coastal Coordinator
P.O. Box 415
Skagway, Alaska 99840
(907) 983-2297

The City of Skagway will issue its consistency determination in conjunction with the underlying zoning permit or approval. The underlying permit or approval process will establish the time line for a local City of Skagway CMP consistency determination. If the information provided by the applicant is incomplete or insufficient to allow a local consistency determination, the City will ask the applicant for the missing or required information in accordance with local authorization procedures.

The City of Skagway zoning ordinance details the review process and schedule for each specific permit or approval required. The City of Skagway will conduct its consistency review concurrently with its zoning permit or approval review process. Upon issuing its zoning permit or approval, the City of Skagway will also issue a consistency determination.

The City of Skagway strongly recommends that applicants who seek authorization from the City for a major project requiring local consistency review request a pre-application meeting before submitting the application.

6.6 Elevation Process/ Appeals

6.6.1 Elevation of State Consistency Determination

Elevations of a consistency determination issued by a coordinating agency follow the procedures established under regulations at 11 AAC 110.600.

6.6.2 Appeal of Local Consistency Determination

The applicant, or any aggrieved person, may appeal the City of Skagway 's consistency determination to the City of Skagway Planning Commission or Council, in accordance with the procedures established for the appeal of the underlying zoning permit or approval in the City of Skagway zoning ordinance. Subsequent appeals may be made to the Superior Court in accordance with the procedures established in the City of Skagway zoning ordinance.

6.7 Planning for Major Projects

Certain types of activities can significantly impact coastal resources and create major changes within the City of Skagway coastal zone. The City of Skagway is interested in participating in agency planning for large scale development projects and land management decisions. A consistency determination for a major project often takes place after the planning process is completed, which may mean that substantive decisions concerning the use have already been made. Conflicts that could have been avoided by mutual agreement early on become costly in terms of time and effort spent on resolving differences later on. To avoid this, major project planning establishes the following objectives:

- City of Skagway CMP policies should be considered as early as possible in planning for proposed major uses.
- Problems and potential consistency conflicts should be addressed and resolved prior to the application stage.
- Prior resolution of differences should speed the issuance of subsequent permits or approvals.

There are three procedures that are strongly encouraged for major activities of area-wide concern: (1) pre-application meetings, (2) permit application meetings, and (3) local partnership in planning activities. Participation in these procedures has the following objectives:

- Apply coastal management policies early in project or plan development
- Address problems and potential consistency evaluation conflicts prior to the permit or approval stage
- Speed up subsequent permits or approvals through early resolution of issues
- Ensure the compatibility of future planning projects with the approved City of Skagway CMP

6.7.1 Local Participation in Planning Activities

Local participation in state and federal planning activities that affect the allocation of resources in the City of Skagway coastal zone benefits everyone involved. State and federal agencies should invite representatives of the City of Skagway Planning Commission, coastal zone communities, and major coastal zone landowners and land managers to take part when conducting regional planning and resource allocation studies. The City of Skagway Planning Commission will assist in the identification of local representatives who are capable of ensuring that the plans that are developed accurately reflect local concerns and have credibility both in the City and in state government.

6.7.2 Pre-application Meeting Between City of Skagway and Applicant

At least 60 days prior to filing a permit application for a federal, state, or local permit or approval or proposing action on a disposal or management plan, parties planning major development projects are strongly encouraged to present a plan for activities to the City of Skagway Planning Commission and other participants in the consistency review process. This meeting is not part of a state-coordinated consistency review and is optional.

Developers of large industrial projects allow for sufficient lead time between their plan presentation to the Planning Commission and filing the permit application so that key issues can be addressed in project planning and permit applications submitted. It is recommended that presentations include the following information, which the prospective applicant may submit to the City of Skagway in any format desired that conveys the following information clearly and in sufficient detail.

- **Project Description.** The description should consist of a narrative describing the proposed use or activity.
- **Site Description.** The description should include information about the property as it currently exists, including such items as size, existing structures, vegetation, topography, and any other features that may be a factor in the design of or operation of the proposed project.
- **Owner, Sponsor or Developer.** The name of the agency, activity, business enterprise or person who will own the use should be provided, along with the name of other operators, if any.
- **Location and Size.** The location and size of the proposed project should be identified. A map, prepared at the most appropriate scale, and which may initially be hand drawn, should be provided showing the location of the proposed use and any structures, roads or alterations planned for the area. As the significance or complexity of the proposed project increases, the City of Skagway may, in its discretion, determine that professionally prepared maps and other documentation are needed at the time of application.
- **Construction Schedule.** The dates of any construction or other preparatory site activity should be given.
- **Operation Schedule.** The dates, times, and, if applicable, seasons of operation should be given.
- **Special circumstances.** Any special circumstances that exist that effect decisions made should be described.
- **Impact Assessment.** The prospective applicant's assessment of the impact on City of Skagway coastal zone resources that will be created by the proposed use should be given.
- **Statement of Consistency.** The applicant should provide a sufficiently detailed statement demonstrating that he or she has assessed the project against applicable

City of Skagway CMP policies and believes that the proposed use is consistent with the City of Skagway CMP. Supporting material, such as studies and assessments supporting the prospective applicant's assertions, should be submitted to support any area where compliance is not apparent. Written justification for deviating from any applicable City of Skagway CMP policy should be provided in the event that the proposed use does not comply with one or more of the pertinent policies.

- **Mitigation Measures.** Any actions or measures that will be undertaken to bring a nonconforming proposed use into conformity with the policies of the City of Skagway CMP should be explained.

The City of Skagway recommends that the applicant provide the following additional information in connection with proposed uses that are of large size, occupy a large land area, involve intensive activities, or are generally complex in nature:

- **Statement of Local, State or Federal Need.** Information supporting the public need and necessity for, and the benefit to be gained from, the project;
- **Alternative Sites.** Consideration of alternative locations outside the City of Skagway coastal zone.
- **Alternative Size and Scope.** Consideration of a reduced size and/or scope of the project.
- **Alternative Development Schedule.** Consideration of alternative construction and site preparation times.

Within 30 days of notification that an applicant for a major development project would like to make a presentation, the CMP Coastal Coordinator will notify major landowners, the general public, and other consistency review participants and will work with these groups to hold the presentation meeting. As appropriate, discussions may follow the presentation to identify issues and conflicts that need to be addressed prior to permit review and preparation of the City of Skagway consistency comment. The Coastal Coordinator and Planning Commission will be available to work with developers in project planning. The Coastal Coordinator may provide a written summary to the developer outlining major consistency concerns and policy issues. Copies will be sent to OPMP and the coordinating agency. All pre-application meetings sponsored by the City of Skagway are open to the public, and public notice of the meeting will be provided. The City of Skagway will notify appropriate state agencies in advance and invite them to attend.

After the applicant's presentation, discussions will be held to identify issues and conflicts that need to be addressed prior to the submission of a formal application. Following the meeting, the City of Skagway will undertake additional pre-application work with the prospective applicant in project planning on request.

6.8 Amendments and Revisions

Every five years, the Coastal Coordinator should initiate a local review of the approved Skagway coastal program. This formal review gives residents, developers, affected communities, and local landowners an opportunity to become familiar with the plan and its policies and to propose amendments. Changes can keep the Coastal Plan up to date and relevant. Some adjustments may be made to coastal zone boundaries or land use districts based on new information. Policies may be further refined and standards adopted to facilitate the consistency review process. More detailed plans developed for special areas, such as Areas Which Merit Special Attention (AMSA), may be incorporated into the City of Skagway CMP after state and federal approval.

In addition, after completing any regional planning efforts, the Planning Commission may evaluate amending the City of Skagway CMP to include pertinent policies, classifications, and resource data developed through the specific planning process. The Skagway City Council must approve all amendments to the City of Skagway CMP. The Commissioner of DNR and the federal Office of Ocean and Coastal Resource Management must also approve any amendment to the City of Skagway CMP. The process for amending the City of Skagway CMP is contained in regulations at 11 AAC 114.

Two processes are available to the City of Skagway for amending its plan. The minor amendment process quickly incorporates minor changes. The significant amendment process provides a more thorough review for important changes. Examples of changes that are a significant amendment to the City of Skagway CMP are:

- New policies or changes to existing policies
- Alteration to the coastal zone boundaries
- AMSAs or ACMP special management areas
- Restrictions or exclusions of a use of state concern not previously restricted or excluded

6.9 Monitoring and Enforcement

AS 46.40.100 gives state resource agencies and municipalities enforcement responsibility for provisions of the Alaska Coastal Management Program. If an applicant fails to implement an adopted alternative measure or if the applicant undertakes a project modification not incorporated into the final determination and not reviewed under 11 AAC 110.800- 820, it is a violation of the Alaska Coastal Management Program. The responsibility for enforcing alternative measures carried on state and federal permits rests with the permitting agency. The City of Skagway strongly encourages the state to enforce alternative measures and bring violators into compliance.

District policies and ACMP standards are implemented at the state level through alternative measures incorporated into the project description. The ACMP does not issue

a separate coastal permit but relies on existing state authorities. Thus, state monitoring and enforcement of the ACMP occurs primarily through agency monitoring and enforcement of alternative measures on their permits. A district can assist in this process by monitoring projects and providing information to appropriate state agencies.

The Skagway Coastal Coordinator and the Planning Commission have first-hand knowledge of local concerns and issues related to development activities. The Coastal Coordinator and Planning Commission may, within legal and logistical constraints, assist agencies and municipalities in their monitoring and compliance efforts. The intent is to ensure that alternative measures associated with the City of Skagway CMP are carried out in the development process.

The Coastal Coordinator is the key individual in monitoring projects to ensure that alternative measures are carried out in the development process. The Coastal Coordinator and Planning Commission will rely on community input in monitoring implementation of alternative measures. Individuals, local governments, and landowners in the City of Skagway coastal zone may report suspected violations to the Coastal Coordinator, Planning Commission, or state and federal resource agencies. The Coastal Coordinator will investigate reports of violations and follow up with appropriate action to ensure state or federal enforcement. The Coastal Coordinator and Planning Commission will work with state and federal agencies in monitoring and enforcement and provide responsible agencies with copies of local reports on noncompliance. This will include adherence to permit conditions, cooperative plans and the policies of the City of Skagway CMP.

If a subject use requires a zoning permit or approval from the City of Skagway, the City will carry on its zoning permit all conditions placed on the subject use in the consistency determination. In such instances, the permitting state and/or federal agency will share concurrent jurisdiction with the City of Skagway and either or both may seek to enforce the conditions placed on the subject use.

6.10 Public Education and Outreach

The City of Skagway Coastal Program Coordinator is committed to understanding how coastal management can benefit communities and residents within City boundaries and knows the most important way to gain this understanding is to listen to people. This local coastal professional also knows if coastal management is presented within the framework of local issues, concerns, and visions for the future, residents will be more likely to participate and support the program.

The Coastal Program Coordinator already has a general feel for local issues and sentiment and should encourage decision-making bodies and residents of the City to use coastal management as a way to identify areas appropriate for development, keep coastal resources healthy, and as a way to effect state and federal decision-making. The Coordinator also wants to ensure that local knowledge and public needs are heard and considered when local coastal resources and way of life might be affected by a

development proposal. Here are some other education and outreach opportunities that the Coordinator intends to consider as he or she identified how best to communicate about coastal management within the City of Skagway:

- Request general ACMP publications from OPMP and make sure these are available to local residents. The Coordinator plans to apply labels with local contact information to each of these publications before putting them out in the City office reception areas and his or her office.
- Use public service announcements (radio and newspaper), flyers, newspaper ads, and phone calls to encourage the input from residents during the review of projects.
- Encourage local residents to communicate with the coastal district coordinator about coastal issues.
- Talk to legislators about how the ACMP benefits the people, local coastal resources, and the local economy.
- Provide local news and volunteer to write articles for the ACMP website.
- Develop a City coastal management web site and provide a link to the ACMP website. Once this website is regularly providing information considered important by locals, the Coordinator plans to develop a promotional strategy for getting the word out about this valuable information source.
- Train local teachers or other environmental educators about ACMP-related materials including the “Discover the Zone” game for kids.
- Be available for work in the schools, especially during Sea Week in the spring.
- Volunteer to serve as a mentor to high school students, especially if a local high school is participating in the annual National Ocean Sciences Bowl quiz game and research paper hosted at the Alaska Sea Life Center in Seward.
- Develop a presentation on the local coastal management program and the ACMP and pursue speaking engagements with different community organizations. The Coordinator plans to request assistance from OPMP to develop and, if appropriate, deliver this presentation.
- Participate in state, federal, and tribal natural resource planning efforts.
- Participate in watershed volunteer efforts and help them seek sources of funding.
- Encourage City Council and planning commission members to participate in education and outreach efforts, and provide them with the resources they will need to do this.
- Organize and participate in an annual beach clean up. If appropriate, coordinate this local effort with the international beach clean up held every year in September.
- Use OPMP as a resource.

7.0 Public & Agency Participation

The Skagway City Council adopted Resolution 05-11 on May 26, 2005, approving this Final Draft Plan Amendment of the Skagway Coastal Management Program (Appendix C). The Council's unanimous approval was the culmination of a community-supported planning process. This section describes the work of the City, the many volunteers who committed their time and energy to the planning process, and members of the public and agency staff who participated in developing this revision of the SCMP, including the four AMSA management plans that are a part of this program (Chapter 5.0).

A Coastal Management Committee appointed by the Skagway Planning Commission worked tirelessly on the coastal management plan evaluation and revision. All committee meetings were advertised locally and were open to the public. Individual Planning Commission and City Council members joined in committee meetings on a number of occasions.

The Committee met on June 21, June 24 and July 22, 2004, as it prepared the SCMP plan evaluation required by OPMP. In July 2004, the Skagway Planning Commission and City Council each offered an opportunity for public testimony and adopted resolutions supporting undertaking the revision of the SCMP.

During the planning process, the Coastal Management Committee held the following meetings, which were open to the public:

- December 1, 2004
- February 8, 2005
- February 15-16, 2005 (joint meetings with Planning Commission)
- March 2, 2005
- April 6, 2005 (public hearing to accept testimony on Public Review Draft)
- April 28, 2005 (final recommendation to Planning Commission)

Members of the Committee also met on February 15 and 16, 2005, to discuss the Pullen Creek AMSA and Skagway River AMSA revisions. The Skagway Port and Harbors Board met on February 15 and 28 to discuss the Port of Skagway AMSA revision.

The City of Skagway attended the ACMP District Workshop on October 22-24, 2004, and met with state and federal resource agencies during the Resource Fair. During the plan revision process, the City and its consultant Sheinberg Associates contacted resource agency staff to obtain information relevant to the resource inventory, analysis and enforceable policies of the coastal management plan. Assistance was received from the following state and federal agencies:

- ADFG – Sport Fish, Subsistence and Wildlife Conservation Divisions
- DCCED – Community Advocacy Division

- DNR – DGGS, SHPO, OHMP, OPMP
- DOT&PF – AMHS and Southeast Region DOT&PF
- BLM
- NPS – KLGO
- Natural Resources Conservation Service
- USFS

Consultation with the following parties also contributed to the resource inventory and analysis of the SCMP: Alaska Marine Lines, Alaska Power & Telephone, Hunz & Hunz, Peratrovich Nottingham & Dradge, Petromarine, Sealaska Native Corporation, Skagway Bird Club, Skagway Convention and Visitors Bureau, Skagway Development Corporation, Skagway Traditional Council, and Taiya Inlet Watershed Council.

A Public Review Draft of the SCMP was distributed for a 21-day public and agency review from March 15 – April 6, 2005. Notice of the availability of the plan and the public hearing was provided in the Juneau Empire (March 13, 2005), the Skagway News (March 11, 2005) and on the City of Skagway's web site. The Coastal Management Committee hosted a public workshop in Skagway on April 6.

Comments were received from the following State and federal agencies. No written comments were received from the public.

- ADEC
- ADFG – Sport Fish Division
- DCCED – Community Advocacy Division
- DNR – DGGS; Division of Mining, Land and Water; OHMP; Office of History and Archaeology; OPMP
- NPS – KLGO

The Public Review Draft was revised to address comments received, resulting in this Final Draft Plan Amendment document.

The Skagway Planning Commission hosted a public hearing on May 12, 2005, and adopted Resolution 05-03 recommending approval of the Final Draft Plan Amendment by the City Council.

The City Council hosted an additional public hearing on May 26, 2005, and adopted Resolution 05-11, adopting the Final Draft Plan Amendment of the Skagway Coastal Management Program and supporting its submittal to OPMP for approval.

Copies of the City Council and Planning Commission resolutions and the minutes of the public hearings are provided in Appendix C.

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Appendix A – Enforceable Policies, Designated Use Areas, and Cross-Reference Table

Coastal Development

Enforceable Policies for Coastal Development:

Policy CD-1 In accordance with the prioritization requirement set forth in 11 AAC 112.200(b),

A. “Water-dependent” uses are economically and physically dependent upon a coastal location and are given a higher priority than those land and water uses and activities that are not water-dependent. Water dependent uses in the Skagway coastal district include:

1. boat harbors;
2. freight, fuel or other docks;
3. marine-based tourism facilities;
4. boat repair, haul outs, marine ways and accessory attached house;
5. shipwrights;
6. facilities that service the transportation of good and services between the marine transportation system and the road system;
7. fish hatcheries, mariculture activities and fish processing; and
8. facilities to provide public access to coastal waters.

B. “Water-related” uses in the Skagway coastal district include:

1. commercial activities such as hotels, restaurants and other similar uses that provide views and access to the waterfront. Commercial uses that promote physical or visual use of shorelines by the public will be given preference over other commercial uses in developing shoreline locations.
2. residential development.

C. Accessory developments to residential use shall not be located along the coastline unless no practicable inland alternative exists, and shall not be permitted over the water unless water-dependent, such as piers and floats for recreational or personal use. Joint or community use of private piers or floats shall be used over proliferation of piers and floats for individual lots, where practicable. Mooring buoys shall be used where practicable.

- D. Facilities for water-dependent recreation, such as fishing, swimming, and boating, and water-related recreation such as picnicking, hiking and walking shall be located near the shoreline, while non-water-related recreation facilities shall be located inland where practicable.

Policy CD-2 Placement of fill in coastal waters for residential development is prohibited unless there is no practicable upland alternative.

Natural Hazards

Designation of Natural Hazard Areas: The SCMP is designating the following areas as natural hazard areas in accordance with 11 AAC 112.210(a) and 11 AAC 14.250(b). These areas are mapped on Figures 3.3, 3.4 and 3.5. Policy NH-1 applies within these designated areas.

- Skagway River, 100-year floodplain (Chapter 3.0, Section 3.4.2; and Skagway River AMSA plan, Chapter 5.0, Section 5.4.4).
- Taiya River, 100-year floodplain (Chapter 3.0, Section 3.4.3).
- Areas in Taiya Inlet subject to underwater landslides and locally-generated tsunami (Chapter 3.0, Section 3.4.5).

Enforceable Policy for Natural Hazards:

Policy NH-1 Development in the Skagway River and Taiya River designated natural hazard areas must be designed and constructed to withstand a 100-year flood.

Coastal Access

Enforceable Policies for Coastal Access:

Policy CA-1 New development sited along coastal waters shall provide physical access to shorelines, unless such access would significantly interfere with operations or present a hazard to life or property.

Recreation

Designation of Recreation Use Areas: The SCMP is designating the following areas as recreation use areas in accordance with 11 AAC 14.250(c). These areas are mapped on Figure 3.12. Policies R-1 through R-4 apply in these designated areas.

- Skagway Trail System and 50-foot wide corridor on each side of trail (excluding trails on federal lands, within a KLGO park unit, or outside of the Skagway coastal zone boundary)

- Dewey Lakes Recreation Area (excluding the small area outside of the Skagway coastal zone boundary)
- Townsite Coastal Recreation and View Areas
 - Yakutania Point AMSA
 - Pullen Creek Shoreline Park AMSA
 - City “View” Lot (Lot 30 on Dyea Road)
 - Seven Pastures ballfields
- Taiya River Watershed – West Creek, Nourse River (excluding federal lands, lands within the KLGO Chilkoot Trail Unit, or lands outside of the Skagway coastal zone boundary)
- Upper Skagway River (excluding federal lands, lands within the KLGO White Pass Trail Unit, and lands outside of the Skagway coastal zone boundary)

Enforceable Policies for Recreation:

Policy R-1 Proposed uses or activities in the designated Recreation Use Areas, as depicted on Figure 3.12, shall not prevent, significantly impede or cause significant adverse impacts to the recreation uses; recreation resources; and the physical (including scenic), biological or cultural features upon which public recreation in these areas depend. (See Chapter 3, Section 3.10, for information about the recreation uses, resources and features that must be considered for each Recreation Use Area).

Policy R-2 Developments within recreation areas intended to provide a recreational experience must be designed, constructed and operated in a manner that would not present a hazard to life or property.

Policy R-3 Commercial tours are prohibited in the following recreation areas, mapped on Figure 3.12. Commercial tours include any group larger than one person that is being guided for any form of compensation.

- A. Trails maintained by the City, excluding trails on federal lands, outside of the Skagway coastal zone boundary, or within KLGO park units¹⁵
- B. Dewey Lakes Recreation Area
- C. Yakutania Point AMSA
- D. City-owned land in the Pullen Creek Shoreline Park AMSA

¹⁵ For purposes of this policy, trails maintained by the City include the Dewey Lake trail system, Yakutania Point trail system, the Lost Lake Trail and the West Creek Trail from the slide toward the back of the valley.

- E. West Creek Road or off-road into the West Creek Valley, excluding areas on federal lands.

Policy R-4 To the extent practicable, utilities shall be installed underground in the designated recreation use areas for which enjoying scenic views is listed as a recreational use in Table 3.1-A (Chapter 3, Section 3.10).

Energy Facilities

Enforceable Policy for Energy Facilities:

The SCMP has adopted no enforceable policies related to energy facility siting.

Transportation and Utilities

Enforceable Policy for Transportation and Utilities:

The SCMP has adopted no enforceable policies related to transportation and utilities.

Fisheries Enhancement

Designation of Sites Suitable for Commercial Fishing/Seafood Processing (including Fisheries Enhancement Sites): The SCMP is designating three areas as areas suitable for location or development of fisheries enhancement sites, in accordance with 11 AAC 14.250(f). They are mapped on Figure 3.10. Policy F-1 applies in these designated areas.

- Pullen Creek Shoreline Park AMSA, and upstream existing hatchery site on Pullen Creek (See AMSA Plan, Chapter 5.0, Section 5.2.)
- Burro Creek Hatchery
- Head of Nahku (Long) Bay

Enforceable Policy for Fisheries and Fishery Enhancement:

Policy F-1 Facilities accessory to fisheries enhancement and aquaculture shall not be located on the coastline unless the accessory development is dependent upon that waterfront location to fulfill its role in supporting the fishery enhancement or aquaculture activity. Fisheries enhancement includes a range of techniques used with the purpose of producing and releasing fish to augment natural fish stocks, such as a fish hatchery operation.

Subsistence

Designation of Subsistence Use Areas: The SCMP is designating the areas mapped on Figure 3.8A and Figure 3.8B as Subsistence Use Areas in accordance with 11 AAC 112.210(a) and 11 AAC 14.250(g). The SCMP is adopting no additional enforceable policies related to subsistence use.

History, Prehistory, Archaeology and Cultural Resources

Designation of Areas Important to History, Prehistory, Archaeology and Cultural Resources: The SCMP is designating two areas important to the study, understanding or illustration of national, state, or local history or prehistory, in accordance with 11 AAC 112.320 and 11 AAC 14.250(i). The areas are mapped on Figure 3.7. Policy H-1 will apply in these designated areas.

- Skagway and White Pass National Historic Landmark, excluding areas outside of the Skagway coastal zone boundary
- Chilkoot Trail and Dyea National Historic Landmark, excluding areas outside of the Skagway coastal zone boundary and areas on federal land

Enforceable Policy for History, Prehistory, Archaeology and Cultural Resources:

- Policy H-1** Uses and activities in designated areas identified in Figure 3.7 shall comply with the following:
- A. Known artifacts of significant historic, prehistoric, or archaeological importance shall not be disturbed during project development unless the Skagway Coastal District approves the action..
 - B. If previously undiscovered artifacts or areas of historic, prehistoric, or archaeological importance are encountered during development, an artifact agreement will be developed between the landowner, the Skagway Traditional Council, appropriate state or federal agencies, and a curation facility if artifacts are disturbed by the project.

Activities occurring on federal or state land are excluded from this policy, since they fall under the authority of federal and state agencies.

Sand and Gravel Extraction

Enforceable Policy for Sand and Gravel Extraction:

The SCMP has adopted no enforceable policies related to sand and gravel extraction that apply throughout the coastal district. However there are policies in the Skagway River AMSA that address this subject use.

Habitats

Enforceable Policy for Habitats:

The SCMP has adopted no enforceable policies related to habitats.

Yakutania Point AMSA

The following enforceable policies apply within the Yakutania Point AMSA (Figure 5.1).

Policy Y-1 Allowable land and water uses in the Yakutania Park AMSA are:

- hiking
- picnicking
- boating
- jogging
- ski touring
- beachcombing
- horseback riding
- fishing
- access by service vehicles
- bird/wildlife watching
- swimming
- pet burial
- operation of motor vehicles on the road within the Park
- other day use recreation compatible with the management intent of the Park

Policy Y-2 Land and water uses that are not allowed within the park include:

- fuelwood cutting/gathering except deadfalls used for campfires in the park
- commerce or commercial activities
- operation of any motor vehicle (including snowmachine) off-road
- mining or quarrying
- marine mammal hunting, skinning or rendering
- dumping of any fill or refuse

Pullen Creek Shoreline Park AMSA

The following policies apply within the Pullen Creek Shoreline Park AMSA (Figure 5.2).

Policy PC-1 Allowable land and water uses in the Pullen Creek Shoreline Park AMSA are:

- Aquaculture and fisheries enhancement,
- Recreation uses and activities,
- Pedestrian-related uses, and
- Other uses compatible with the management intent of the park .

Policy PC-2 Development shall be sited to maintain pedestrian access to the creek and recreational use of the creek shoreline.

Port of Skagway AMSA

The following policies apply within the Port of Skagway AMSA (Figure 5.3).

Policy PS-1 Water-Dependent and Water-Related Activities – In accordance with the prioritization requirement set forth in 11 AAC 112.200(b),

A. “Water-dependent” uses are economically and physically dependent upon a Port location and will contribute to the development and operation of the Port as an intermodal transshipment facility for goods and people. Such water dependent uses include: boat harbors; freight, fuel or other docks; marine-based tourism facilities and uses; boat repair, haul outs, staging areas, shipwrights; facilities that service the transportation of good and services between the marine transportation system and the road system; and facilities to provide public access to coastal waters for recreation and tourism.

B. The following uses and activities are considered to be “water-related” for the Port AMSA. Such uses provide goods or services that are directly associated with water-dependence and which, if not located within the Port AMSA, would result in a public loss of quality in the good or services offered. Water-related uses and activities in the Port AMSA include uses that are accessory to a water-dependent use, and must be located nearby for the water-dependent use to achieve its full utility to the public.

C. For the Port AMSA, “water-related” uses do not include commercial uses such as hotels, restaurants and other similar uses that simply benefit from waterfront views and location, or residential development.

Policy PS-2 Protection of Waterfront Uses – All land and water uses and activities in the Port of Skagway AMSA shall be conducted to minimize potentially adverse effects on the following:

- Use and development of the small boat harbor and adjacent staging areas;
- Use and development of the Port’s transshipment and marine vessel servicing facilities;
- Fishing activities; and

- Pedestrian and coastal access, in areas safe and appropriate for such uses.

Policy PS-3 Allowable Uses in the Skagway Small Boat Harbor include boating and fishing uses, including marine and fish related commercial businesses such as small boat haul-out, marine vessel service and repair, vessel staging and storage, shipwrights, marine service stations, marine equipment sales, facilities to service fishing. Pedestrian-related amenities and public access to this area will be enhanced to accommodate sightseeing and sport fishing where appropriate. Uses that would jeopardize the safe operation of small boats or would be incompatible with the operation of the allowable uses listed above shall be prohibited, to the extent practicable.

Skagway River AMSA

The following policies apply within the Skagway River AMSA (Figure 5.4).

Policy SR-1 Development or resource extraction activities in or adjacent to the river shall, to the extent practicable, create a more stable river channel with a well-defined thalweg channel that carries drainage at low flows.

Policy SR-2 To consolidate resource extraction activity and its impacts in and adjacent to the River, sand and gravel extraction from the AMSA area shall, to the extent practicable, be limited to a single material site until this resource is exhausted. Exceptions may occur if other river areas are targeted for dredging as part of a comprehensive hydraulic/flooding management program for the river or if access is a problem.

Cross-Reference Table (required by OPMP)				
Enforceable Policy Number or Area Designation, and Page		Issues, Goals, and Objectives	Resource Inventory & Analysis	Maps
CD-1 Coastal Development Prioritization	p. 4-5	Section 4.2	Sections 3.2..2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.13	
CD-2 Placement of fill for residential development	p.4-6	Section 4.2	Section 3.2.2	
Natural Hazard Area Designation	p. 4-8	Section 4.3	Section 3.4	Fig. 3.3
NH-1 Development in Skagway River and Taiya River floodplains	p. 4-9	Section 4.3	Sections 3.4, 3.4.1, 3.4.2; 5.4	Fig. 3.3, 3.4, 3.5
CA-1 Coastal access	p. 4-10	Section 4.4	Section 3.10	
Recreation Use Area Designation	p. 4-11	Section 4.5	Section 3.10, Table 3.2	Fig. 3.12
R-1 Impacts to recreation uses and resources in designated recreation use areas	p. 4-11	Section 4.5	Section 3.10, Table 3.2	Fig. 3.12
R-2 Recreational developments in designated recreation use areas	p. 4-11	Section 4.5	Section 3.10, Table 3.2	Fig. 3.12
R-3 Commercial tours	p. 4-11	Section 4.5	Section 3.10, Table 3.2	Fig. 3.12
R-4 Utility installation in designated recreation use areas	p. 4-11	Section 4.5	Section 3.10, Table 3.2	Fig. 3.12
TU-1 Consolidation of road and trail anadromous stream crossings	p. 4-15	Section 4.7	Sections 3.5.3, 3.13	
Fisheries Enhancement Site Designations	p. 4-16	Section 4.8	Section 3.9	Fig. 3.10
F-1 Accessory uses to fishery enhancement	p. 4-17	Section 4.8, Section 4.2	Section 3.9, Section 3.2.2	Fig. 3.10
Subsistence Use Area Designations	p. 4-18	Section 4.9	Section 3.7	Fig. 3.8A & 3.8B
Historic, Prehistoric, Archaeological and Cultural Resource Area Designations	p. 4-19	Section 4.10	Section 3.6	Fig. 3.7
H-1 Protection of historic and cultural resource areas	p. 4-20	Section 4.10	Section 3.6	Fig. 3.7
Yakutania Point AMSA				Fig. 5.1
Y-1 Allowable uses in Yakutania Point AMSA	p. 5-5	Section 5.1.5	Section 5.1.4	Fig. 5.1
Y-2 Uses not allowed in Yakutania Point AMSA	p. 5-6	Section 5.1.5	Section 5.1.4	Fig. 5.1
Pullen Creek Shoreline Park AMSA				Fig. 5.2
PC-1 Allowable uses in Pullen Creek Shoreline Park AMSA	p. 5-13	Section 5.2.5	Section 5.2.4	Fig. 5.2
PC-2 Maintenance of pedestrian access	p. 5.13	Section 5.2.5	Section 5.2.4	Fig. 5.2

Cross-Reference Table (required by OPMP) - continued				
Enforceable Policy Number or Area Designation, and Page		Issues, Goals, and Objectives	Resource Inventory & Analysis	Maps
Port of Skagway AMSA				Fig. 5.3
PS-1 Water-dependent and water-related uses in the Port	p. 5-22	Section 5.3.5	Section 5.3.4, Section 3.2.2, Section 3.11, Section 3.13	Fig. 5.3
PS-2 Protection of waterfront uses	p. 5-23	Section 5.3.5	Section 5.3.4, Section 3.2.2, Section 3.10	Fig. 5.3
PS-3 Allowable uses in small boat harbor	p. 5-23	Section 5.3.5	Section 5.3.4	Fig. 5.3
Skagway River AMSA				Fig. 5.4
SR-1 Stable river channel	p. 5-30	Section 5.4.5	Section 5.4.4	Fig. 5.4
SR-2 Consolidation of resource extraction activity	p. 5-30	Section 5.4.5	Section 5.4.4	Fig. 5.4

Appendix B – Advisory Policies

The following are advisory policies of the Skagway Coastal Management Program. These policies *are not enforceable* policies of the SCMP that would be applied during coastal management consistency reviews, but express the City of Skagway's intent or interest in accomplishing or encouraging an action to achieve a coastal management goal and objective.

Natural Hazards:

- ADV-1 Skagway encourages appropriate state and federal agencies to improve information on types and locations of hazard areas in the district, including Skagway and Taiya River hydrology and flooding; glacial lake outburst in the West, Nourse and Denver drainages; and underwater landslides in the Skagway River delta area offshore of the City's waterfront that could generate tsunami waves.

Energy Facilities:

- ADV-2 The City shall encourage feasibility investigations and development of wind-generated energy.

History, Prehistory, Archaeology and Cultural Resources:

- ADV-3 The City of Skagway and the Skagway Traditional Council may request comment from the State Historic Preservation Officer or the National Park Service in implementation of enforceable policy H-1.

Pullen Creek Shoreline Park AMSA:

- ADV-4 The City of Skagway will continue to improve the appearance, and scenic and recreation features of the Pullen Creek Shoreline Park. The AMSA shall be enhanced by the provision of amenities such as landscaping, walkways, bike paths and bike racks, water and fish viewing areas, sport fishing areas, picnic areas and interpretive displays. Public access to the Pullen Creek area and the waterfront shall be emphasized to accommodate sightseeing, fish viewing and sport fishing where appropriate.
- ADV-5 The City of Skagway will continue to evaluate the feasibility of constructing a production salmon hatchery at the Pullen Creek Shoreline Park to maintain and enhance the Taiya Inlet salmon sport fishery.
- ADV-6 The City of Skagway supports and encourages the efforts of the Taiya Inlet Watershed Council and other cooperators to restore the stream functions and values of the Pullen Creek stream.

Port of Skagway AMSA:

- ADV-7 Multiple Use – To the extent practicable, piers, docks, cargo handling, fuel and other storage, parking and other accessory facilities should be designed and used to minimize the need for duplicative facilities.

- ADV-8 Consolidation of Facilities – To the extent practicable, facilities and activities should be located adjacent to similarly used facilities and areas.

- ADV-9 Compatibility – Activities on and uses of Port of Skagway lands and waters should be compatible with adjacent land and water uses. Compatibility should be given priority attention when industrial uses locate adjacent to or share facilities with docks used by for non-industrial uses, especially to serve tourism and recreation uses of the AMSA. Compatibility may be achieved by visual and sound buffering and screening.

- ADV-10 Amenities and Enhancements – The City of Skagway will continue to encourage and pursue improvements to the safety and aesthetics of coastal access routes, including those to the Alaska Marine Highway Terminal, small boat harbor and cruise ship docks. These pedestrian ways should be enhanced with increased landscaping, benches, windbreaks, bike paths and racks, interpretative displays, and other recreation and pedestrian-related amenities.

Appendix C – City of Skagway Resolutions and Public Hearing Minutes

CITY OF SKAGWAY, ALASKA
RESOLUTION NO. 05-11R

A RESOLUTION OF THE CITY OF SKAGWAY, ALASKA SUPPORTING THE SKAGWAY COASTAL DISTRICT'S REVISED COASTAL MANAGEMENT PLAN.

WHEREAS, the original coastal management plan for the Skagway Coastal District took effect on August 15, 1983; and

WHEREAS, Skagway Coastal District's Coastal Management Plan is being amended in accordance with the revised Alaska Coastal Management Program (ACMP) statutes at AS 46.39 and AS 46.40 and the new ACMP regulations at 11 AAC 110, 11 AAC 112, and 11 AAC 114; and

WHEREAS, if approved, this plan will guide the Skagway Coastal District's participation in the ACMP, a voluntary state program for the cooperative management of uses and activities in the coastal zone; and

WHEREAS, the Skagway Coastal District has circulated this draft plan amendment for public review and comment in accordance with state law at 11 AAC 114.345; and

WHEREAS, in the process of revising its plan, the Skagway Coastal District has asked for comments from all involved parties; and

WHEREAS, the Skagway Coastal District has considered all comments and resolutions received during the public review and comment period, and has incorporated any necessary changes into the draft plan amendment; and

WHEREAS, this public participation in the plan amendment process helps ensure that the plan reflects the attitudes and values of the local residents regarding use of the district's coastal resources; and

WHEREAS, the information contained within the district plan and the public participation effort also provide important documentation of local usage relating to coastal uses and resources that are of unique concern to the district; and

WHEREAS, State law at 11 AAC 114.345(c)(4) requires that the Coastal District obtain a resolution of support from the Skagway City Council before it is submitted to the Department of Natural Resources for consideration; and

WHEREAS, the Skagway Coastal Management Plan Re-write Committee held public meetings throughout the winter months developing the amendments to the Skagway Coastal Management Plan; and

WHEREAS, the Ports & Harbors Committee reviewed the Skagway Port AMSA; and

WHEREAS, the Skagway Coastal Management Plan Re-write Committee hosted a town meeting on April 6th to take final comment during the Public Review Period; and


WHEREAS, the Skagway Planning & Zoning Commission held a public hearing on May 12, 2005 to receive comments on the public review draft plan amendment, and finds, based on public comment, that it is in the best interest of the district to grant concept approval to the plan;

WHEREAS, the City Council held a public hearing on May 26, 2005 to receive comments on the public review draft plan amendment, and finds, based on public comment, that it is in the best interest of the district to grant concept approval to the plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Skagway provides its support and approval to the revised Skagway Coastal District Coastal Management Plan;

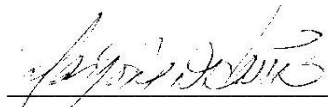
BE IT FURTHER RESOLVED that within 30 days after approval of the public review draft plan amendment by the Department of Natural Resources, the City of Skagway should adopt the revised plan for the Skagway Coastal District.

PASSED AND APPROVED by the Skagway City Council this 26th day of May, 2005.



Tim Bourcy, Mayor

ATTEST:

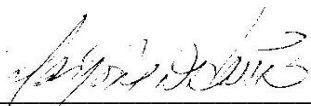


Marjorie D. Harris, City Clerk

(SEAL)

Vote: 4 Aye 0 Nay 1 Absent

I, Marjorie D. Harris, City Clerk, do hereby certify that the full Council composed of 6 members, of whom 4 were present on May 26, 2005, adopted the above resolution by an affirmative vote of 4 members.

SIGNED: 
Marjorie D. Harris, City Clerk

CITY OF SKAGWAY, ALASKA
REGULAR COUNCIL MEETING

May 26, 2005

Section G of Meeting Minutes, **Consideration and Public Participation of Resolution No. 05-11R**; Supporting the amended Skagway Coastal Management Plan

1. **Call To Order:**

Mayor Bourcy called the meeting to order at 7:05 p.m.

2. **Roll Call:**

Present: Mayor: Tim Bourcy, **Council Members:** Monica Carlson, Mike Catsi, Dan Henry, Dave Hunz

Absent: Council Members: Mike Korsmo

G. **Consideration and Public Participation of Resolution No. 05-11R;**
Supporting the amended Skagway Coastal Management Plan
Motion/Second: Catsi/Hunz

To adopt Resolution No. 05-11R supporting the amended Skagway Coastal Management Plan.

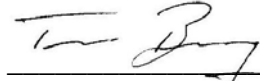
Mayor Bourcy opened the hearing to public comment. No comments were made; Mayor Bourcy closed the hearing to public comment.

Clmr. Carlson mentioned errors: changing May 19th to May 26th; Page 11 7 pastures or 7th pasture? Page 17 4 party agreement is Burro Creek being left in or not. Mayor Bourcy indicated it should be left in. Page 36 quotes 750,000 visitors and Page 42 quotes 760,000 which is correct? Clmr. Catsi indicated that a lot of work has gone into this, it's all needed.

Manager Ward indicated that it has been completed on time in spite of lots of fears from other communities to the contrary and recognized Marj Harris, Michelle Calver, all the members of the Ports & Harbors Committee, Amber Bethe, Mike O'Daniel, Dave Hunz, LC Cassidy who served as chair, Su Rappleye and Dave Vogel who all put a lot of time and effort into this to get it done not only on time but done well.

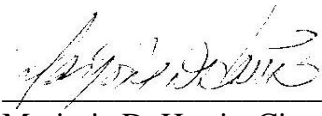
Motion passed unanimously by roll call vote of those present.

To adjourn the meeting of May 26, 2005 at 12:05 a.m. **Motion passed unanimously by voice vote of those present.**



Tim Bourcy, Mayor

ATTEST:



Marjorie D. Harris, City Clerk

(SEAL)

Approved: 06/16/2005

PLANNING & ZONING COMMISSION

RESOLUTION NO. 05-03

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SKAGWAY, ALASKA SUPPORTING THE SKAGWAY COASTAL DISTRICT'S REVISED COASTAL MANAGEMENT PLAN.

WHEREAS, the original coastal management plan for the Skagway Coastal District took effect on August 15, 1983; and

WHEREAS, Skagway Coastal District's Coastal Management Plan is being amended in accordance with the revised Alaska Coastal Management Program (ACMP) statutes at AS 46.39 and AS 46.40 and the new ACMP regulations at 11 AAC 110, 11 AAC 112, and 11 AAC 114; and

WHEREAS, if approved, this plan will guide the Skagway Coastal District's participation in the ACMP, a voluntary state program for the cooperative management of uses and activities in the coastal zone; and

WHEREAS, the Skagway Coastal District has circulated this raft plan amendment for public review and comment in accordance with state law at 11 AAC 114.345; and

WHEREAS, in the process of revising its plan, the Skagway Coastal District has asked for comments from all involved parties; and

WHEREAS, the Skagway Coastal District has considered all comments and resolutions received during the public review and comment period, and has incorporated any necessary changes into the draft plan amendment; and

WHEREAS, this public participation in the plan amendment process helps ensure that the plan reflects the attitudes and values of the local residents regarding use of the district's coastal resources; and

WHEREAS, the information contained within the district plan and the public participation effort also provide important documentation of local usage relating to coastal uses and resources that are of unique concern to the district; and

WHEREAS, State law at 11 AAC 114.345(c)(4) requires that the Coastal District obtain a resolution of support from the Skagway City Council before it is submitted to the Department of Natural Resources for consideration; and

WHEREAS, the Skagway Planning & Zoning Commission created the Skagway Coastal Management Plan Re-write Committee of citizens from the community to work on the redrafting of the Skagway Coastal Management Plan Amendment; and

WHEREAS, the Skagway Coastal Management Plan Re-write Committee held public meetings throughout the winter months developing the amendments to the Skagway Coastal Management Plan; and

WHEREAS, the Ports & Harbors Committee reviewed the Skagway Port AMSA; and

WHEREAS, the Skagway Coastal Management Plan Re-write Committee hosted a town meeting on April 6th to take final comment during the Public Review Period; and

WHEREAS, the Skagway Planning & Zoning Commission held a public hearing to receive comments on the public review draft plan amendment, and finds, based on public comment, that it is in the best interest of the district to grant concept approval to the plan;

NOW, THEREFORE, BE IT RESOLVED that the Skagway Planning & Zoning Commission provides its support and approval to the revised Skagway Coastal District Coastal Management Plan.

BE IT FURTHER RESOLVED that the Skagway Planning & Zoning Commission recommends that the Skagway Coastal District Coastal Management Plan be presented to the Skagway City Council for public hearing on May 19, 2005.

PASSED AND APPROVED on the 12th day of May, 2005.

ATTEST:



Marjorie D. Harris, CMC
City Clerk




Debora R. Steidel, Chair

(SEAL)

I, Marjorie D. Harris, City Clerk, do hereby certify that the full Commission composed of 5 members, of whom 5 were present on May 12, 2005, adopted the above resolution by an affirmative vote of 5 members.

SIGNED:


Marjorie D. Harris, City Clerk

CITY OF SKAGWAY
Planning & Zoning Commission
Meeting Date – May 12, 2005

Section 7A of Meeting Minutes, Public Hearing on Skagway Coastal Management Plan

1. CALL TO ORDER:

Chair Steidel called the meeting to order at 5:35 p.m.

2. ROLL CALL:

PRESENT: Lisa Cassidy, Craig Jennison, Jeff Mull, Debbie Steidel, Dave Vogel, and Council Representative Hunz

ABSENT:

7. NEW BUSINESS:

- A. Public Hearing on Skagway Coastal Management Plan; P&Z Resolution No. 05-03

Jan Caulfield, Barbara Sheinberg & Associates, participated by teleconference and gave a brief overview of the work the Re-write Committee has accomplished over the past several months followed by a town meeting for public input into the plan and State Agency comments. Ms. Caulfield indicated the document before the Commission represents the recommendation by the Re-write Committee.

Chair Steidel opened the hearing to public comment. No comments were made; Chair Steidel closed the hearing to public comment.

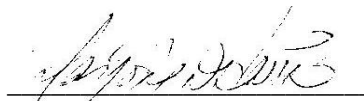
Motion/Second: Vogel/Cassidy

To approve Planning Resolution No. 05-03, supporting and approving the revised Skagway Coastal District Coastal Management Plan and presenting the plan to the City Council for public hearing on May 19, 2005. **Motion passed unanimously by roll call vote.**



Debora R. Steidel, Chair

ATTEST:



Marjorie D. Harris, City Clerk

SEAL

Approved: 06/16/2005



City of Skagway
Gateway to the Gold Rush of "98"
P.O. Box 415, Skagway, AK 99840
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Skagway Coastal Management Plan Re-write Committee
April 6, 2005
Town Meeting/Public Hearing
6:00 p.m. – 8:00 p.m.

Committee Members Present: LC Cassidy, Dave Hunz, Su Rappleye, Amber Bethe
City of Skagway Staff Present: Marjorie Harris, Michelle Calver, Jan Caulfield,
Consultant Sheinberg Associates

Clerk Harris explained that copies of the Public Review Draft is available on the table and that this is an opportunity for the public to make comment regarding the plan.

Jan Caulfield, Sheinberg Associates, indicated she has been working with the Committee to put together the public review draft of the Skagway Coastal Management Plan. Ms. Caulfield explained that the community has had a coastal management plan since the early 90's and is one of about 30 in the State participating in the Alaska Coastal Management Program. She also explained the revision to the State law covering this program and the changes to regulations requiring the City to revise the coastal management plan to comply with the regulations.

Ms. Caulfield explained that the public review draft has been available since mid March. This public meeting is being offered to provide people a chance to give input as to what changes they think should be made in this draft before its finalized. She also explained that the final will be what the Committee recommends to the Planning Commission; the Planning Commission will also have a hearing to look at it and make recommendations to the City Council and then the City Council will have a public hearing before taking action. Once the City Council approves the plan, they will pass a resolution supporting it and then it will be submitted to the State of Alaska and the Commissioner of the Department of Natural Resources is the sole person in the State that will have to approve this for the State level. Ms. Caulfield indicated that coastal management is a multi-step process because it does involve the local government, the State government and the Federal government. Ms. Caulfield invited people with comments or questions to come forward.

No public comments were made. The Committee used the time to review the Agency comments received to date.

Marjorie D. Harris
City Clerk

Appendix D – Correspondence Between City of Skagway and Office of Project Management/Permitting, including Supplemental Information Provided in Response to OPMP Requests for Additional Information



City of Skagway
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www.skagway.org

October 10, 2005

State of Alaska, Department of Natural Resources
Office of Project Management/Permitting
ATTN: Jackie Brock
302 Gold Street
Juneau, AK 99801

Dear Ms. Brock,

This letter responds to the Office of Project Management and Permitting (OPMP) July 29 and September 8, 2005, letters to the City of Skagway regarding Skagway Coastal Management Plan (SCMP) Final Draft Plan Amendment, dated June 2005. Following are the City's response to the points raised in your letters.

1. **Comment:** For district enforceable policy R-1, there is no clear list of recreation uses and potential for recreation because of physical, biological or cultural resources (11AAC 114.250(e)) for the areas identified in Figure 3.11. Please submit a table...

Response: Recreation uses and the physical, biological and cultural resources that support the uses of areas mapped in Figure 3.11 are clearly and concisely described in narrative text in Section 3.10. However, at OPMP's request, we have developed Table 3.1-A (Attachment 1) to convey this information.

2. **Comment:** Coastal management law and regulation require that coastal district enforceable policies do not address a matter regulated or authorized by state or federal law unless the enforceable policies relate specifically to a matter of local concern, including justification that the matter is "not adequately addressed by state or federal law." The plan amendment has not submitted sufficient justification for a number of enforceable policies.

Response: To move forward, the City of Skagway is providing information about the district's evaluation of state and federal laws addressing matters covered by the enforceable policies referenced in OPMP's July 29 letter. However, we question the extent to which OPMP is putting the burden of this regulatory analysis on the coastal districts. Districts who have submitted their Final Draft Plan Amendments to OPMP are now being asked to demonstrate that they've evaluated the range of federal and state law that remotely pertains to topics covered by local policies. Coastal management law does not state that the burden of this analysis and evaluation must be assumed solely or even primarily by the coastal districts – and we maintain (as detailed below), that it would be *most effective to rely upon the agencies to identify specific policies* that duplicate or are redundant to existing authorities.

The Skagway district has done the following to comply with the requirement that its policies not duplicate or be redundant to existing State or federal authorities:

1. Completed extensive required plan evaluation in June/July 2004, which resulted in the district's determination that 44 of the 103 policies in the original SCMP should be deleted because they were adequately addressed in state and federal law. These policies were deleted and did not appear in the Public Review Draft (PRD).

2. Participated in the October 2004 ACMP coastal conference and resource fair, to consult with all agencies about their laws and regulations.
3. During planning, consulted with state and federal agencies about technical information and their authorities, as documented in the consultation log submitted with the Final Draft Plan Amendment in June 30, 2005.
4. Reviewed state and federal laws, regulations and plans typically applicable to development projects and activities subject to ACMP review and the Skagway coastal district program, as described below.
5. Crafted policies in the PRD that met the requirement.
6. Revised PRD policies, as necessary, to address specific comments from state and federal agencies about the *very few policies* they felt were duplicative of or adequately addressed by an existing state or federal authority.

Skagway views this as the most important step in the planning process relative to this requirement. The ACMP is intended to be a cooperative, "networked" program – involving local, state and federal government agencies which participate to share their expertise. It make little sense to ask each district to become expert in every state or federal law that may address a potential issue that would arise under coastal management. The most efficient and effective way to ensure that this requirement is met is to rely on state and federal agencies to specifically identify policies that do not meet the requirement, with cites to the relevant state or federal authority.

OPMP provided agencies with a "policy analysis table" to complete during the PRD review. The table asked agencies to determine for each policy, "3. Does the policy adopt, duplicate, repeat, restate, paraphrase or incorporate by reference a state standard or other state or federal law per 11 AAC 114.270(c)?" "6. Does the policy address a matter regulated by state or federal law?" and, "7c. Does the policy address a coastal use or resource that is not adequately addressed by state or federal law?"

OPMP's April 5, 2005, comments on the Skagway PRD stated, "We anticipate that the state and federal agencies, which have expertise with respect to their statutory and regulatory authorities, may provide some of that information in their comments on the PRD." What makes sense now is for OPMP to rely on the agencies' PRD comments and ensure that any duplication or redundancy they specifically identified has been remedied – not to go back to the drawing-board and ask districts to jump through additional, generic hoops.

Skagway received very few comments from agencies regarding policies that were duplicative or redundant to existing authorities. In fact, in a letter of April 6, 2005, the DNR Office of Habitat Management and Permitting (OHMP) stated: "Skagway has crafted many enforceable policies that hold up against the guidelines. Nice job."

When agencies in their PRD comments requested that a policy be modified or deleted because of this requirement, Skagway complied in the Final Draft Plan Amendment. Examples of this responsiveness are provided below.

Policy CD-23, Coastal Development: State and federal laws considered when developing these policies include 11 AAC 112.200, Clean Water Act Section 404, Rivers and Harbors Act Section 10, 404(b)(1) guidelines, Corps of Engineers Nationwide permits, AS 41.14.840, AS 41.14.870, and AS 38.05 (applies only to state tidelands, not other land ownerships).

With regard to CD-2, OHMP's comments on the PRD stated that the agency didn't "see where accretion and littoral drift [a focus of policy CD-2] have been articulated by either state or federal law" (p. 5). Policy CD-3 states more specifically than state or federal law, that placement of fill in coastal waters for residential development is prohibited unless there is no practicable upland alternative. This specific statement from the community regarding residential development in coastal waters would contribute to the best interest and public interest findings required in both the Corps of Engineers and DNR permit/leasing processes.

The City of Skagway was responsive to agency comments on Coastal Development policy 1.4 of the PRD. This policy, as well as several others in the PRD that addressed scenic qualities or aesthetics, was deleted due to agency comments regarding the policy's subjectivity.

Policy NH-1, Natural Hazards: This policy does not duplicate the state standard, 11 AAC 112.210 (as stated in OPMP's July 29 letter, p. 7). It provides more specificity by requiring that development must plan for and be developed to withstand the 100-year flood condition (the state standard gives no such specific measure for compliance). This specificity was added to the policy in response to the National Park Service's comments on the PRD (p. 2 of NPS letter). In comments on the PRD, the Alaska Department of Fish and Game (ADFG) specifically supported the districts' natural hazard policies and designation, stating that the policies "provides district-specific guidance to implement 11 AAC 112.200" (p. 15 of ADFG comment matrix). The DNR Department of Geological and Geophysical Services (DGGS) was consulted during plan preparation, assisted with mapping of natural hazard areas, and provided relevant publications. DGGS has not been able to assess specific hazard conditions in most coastal districts, and has not promulgated specific development standards to prevent loss of property and life to hazards. DGGS did not take issue with the natural hazard designations or policies of the SCMP as a duplication of existing state regulatory authorities.

Policy CA-1 through CA-3, Coastal Access: State laws considered when developing these coastal access policies include AS 38.05, which applies only to State managed lands and tidelands and is, therefore, not as locally-specific or encompassing as CA-1 through CA-3, as well as 11 AAC 112.220, the ACMP standard. We are not aware of a federal law or regulation related to provision of coastal access in the Skagway coastal district. In response to comments on policy 3.3 of the PRD (now re-numbered policy CA-3), Skagway revised the policy as requested by DNR/Mining. The SCMP already provides clear justification for how each of these policies is more specific than the existing state standard for coastal access, 11 AAC 112.220 (SCMP, p. 65).

Policy R-1 through R-5, Recreation: The Northern Southeast Alaska State Area Plan and plans for federal NPS lands in Skagway were reviewed and no duplication was found with the recreation policies of the SCMP. During the PRD review, no State or federal agencies suggested that the policies of the SCMP were duplicative or redundant of existing regulatory authorities or plans. It must also be remembered that any State or federal laws regarding recreation would only apply on State or federal land, respectively. The recreation policies of the SCMP would also apply on city-owned and private land and, therefore, could not simply be duplicative of or redundant to existing State and federal laws.

OPMP's comments of July 29 and September 8 regarding the SCMP's recreation policies (and "cut and pasted" into your comments on Yakutania Point and Pullen Creek AMSAs) demonstrate what a "goose chase" requiring a review of all regulatory requirements could become if common sense is not applied. In

your letter of July 29, you noted that AS 05.20.010 is a state law that discusses recreation. Your September 8 letter indicates that this statute is "an example of state laws that pertained to recreation, which did not appear to be considered in [Skagway's] research." AS 05.20.010 deals with regulation of *ski areas and ski area equipment* on state land. There are no such facilities in Skagway and there would be no reason to address that State law in the SCMP. Other cites provided by OPMP in the July 29 letter were similarly not applicable to recreation and recreation use areas in Skagway.

In the Final Draft Plan Amendment, Skagway did revise policies R-2, R-3 and R-4 to address specific comments regarding enforceability provided by OPMP during the PRD review.

Policy TU-1 and TU-2, Transportation and Utilities: State and federal laws reviewed relevant to these policies in the planning process include AS 41.14.840 and AS 41.14.870, Corps of Engineers Section 404 and Section 10, 404(b)(1) guidelines, Corps of Engineers Nationwide Permit 12 (utility lines), Title 38.05 (note that these requirements apply only on State land, and that public right-of-ways permits on State lands are exempted from the best interest findings of Title 38.05.035), 11 AAC 112.240 Utility routes and facilities, and 11 AAC 112.280 Transportation routes and facilities.

With regard to TU-2, both OHMP (PRD comments, p. 43) and ADFG (PRD comments, p. 45) specifically supported the language of TU-2. ADFG complemented the policy as a "good district-specific policy" for implementation of 11 AAC 112.280.

Policy F-1, Fisheries and Fishery Enhancement: The SCMP now includes only one policy (F-1) related to fisheries enhancement and aquaculture. This policy gives specific local direction that developments "accessory to fisheries enhancement and aquaculture shall not be located on the coastline unless the accessory development is dependent upon that waterfront location to fulfill its role in supporting the fishery enhancement activity." State and federal regulations reviewed included 11 AAC 63, AS 38.05 (tidelands leasing and aquatic farm / hatchery leases on state land only), Corps of Engineers Section 404 and Section 10, and 404(b)(1) guidelines. 11 AAC 63.050 requires DNR to prepare a best interest finding (BIF) before issuing a lease for aquatic farming on State land. The BIF requires an assessment of "whether aquatic farming is compatible with land management policies [including] ... local land use plans..." (11 AAC 63.050(b)(4)). It also requires consideration of potential conflicts with coastal access, navigability, existing or pending uses of the site, traditional and existing uses of the site, and impacts on communities or residential lands (11 AAC 63.050(b)(5)-(6)). Policy F-1 is a specific policy tool (in a local land use plan) that will help avoid the types of conflicts listed above, by ensuring that waterfront locations are retained for water-dependent uses. DNR's regulations do not provide this specificity.

Policy H-1, Historic, Prehistoric, Archaeological and Cultural Resources: The SCMP now includes only one policy (H-1) related to these important resources. It requires an applicant to follow basic steps to consult with local, tribal, and State government authorities; protect known resources; and not disturb any newly-discovered resources pending evaluation and approval by appropriate authorities. In its comments on the PRD, the DNR Office of History and Archaeology (SHPO) supported the SCMP's designation of "Areas Important to History, Prehistory, Archaeology and Cultural Resources" (Figure 3.7), noting that National Historic Landmarks are already protected under state statutes, but that the traditional cultural properties (TCPs) located within the designated areas are not addressed under State law. Further, SHPO supported policy H-1 (formerly policy 10.2 of the PRD), stating that it complies with 11 AAC 114.270(c), (d) and (e)(3). In its comments, SHPO stated that policy H-1 "does not merely restate state statutes ... but offers specific instructions...; alerts the applicant that they need to incorporate cultural resource review in a timely fashion to avoid delays to their project ...; applies to sites within the coastal district whether they are on state or private land ...; [and applies to sites and resources] important to local heritage." State and federal authorities

State of Alaska, Department of Natural Resources
Office of Project Management/Permitting
ATTN: Jackie Brock
October 10, 2005
Page 5 of 10

reviewed in developing Policy H-1 include the National Historic Preservation Act, the National Historic Landmarks designation documents, National Register of Historic Places designation documents, SHPO database, and the Alaska Historic Preservation Act (AS 41.35).

Your statement (July 29) that the plan does not address how these types of resources are “sensitive to development” is absurd. Historic, prehistoric, archaeological and cultural resources are – when they occur – always “sensitive to development.” In the Skagway area, these types of resources are the subject of local, state, tribal, national and international recognition, respect and protection. Section 3.6 summarizes and cites many additional sources of information documenting their sensitivity and importance.

Y-1 through Y-3, Yakutania Point AMSA policies: There are no State or federal recreation plans or authorities that would apply to the recreation use of Yakutania Point AMSA, as the City has clear title to the park and adjacent tidelands. During the PRD review, no State or federal agencies suggested that the policies of the SCMP were duplicative or redundant of existing regulatory authorities or plans, or otherwise commented on these policies.

PC-1 through PC-5, Pullen Creek AMSA policies: There are no State or federal recreation plans or authorities that would apply to the recreation use of Pullen Creek Shoreline Park AMSA, as land in the AMSA is owned by the City of Skagway and private land owners. During the PRD review, no State or federal agencies suggested that the recreation-related policies of the Pullen Creek AMSA were duplicative or redundant of existing regulatory authorities or plans, or otherwise commented on these policies.

The AMSA is also designated as an area suitable for fisheries and fishery enhancement. State regulations reviewed include AS 16.40.100, Aquatic Farm and Hatchery Permits, AS 16.40.400 Hatchery Permit (private non-profit), AS 41.14.840 and AS 41.14.870, and 11 AAC 112.300 Habitats. The former establish criteria for ADFG to consider in evaluating hatchery permit applications, but do not address protecting suitable sites from encroachment or incompatibility (as does PC-2 and PC-4), and do not address maintaining the existing/traditional recreation values of sites where hatcheries are located (as does PC-5). AS 41.14.840 & 870 regulate activities “stream bank to stream bank,” and would not address development on uplands adjacent to Pullen Creek.

PS-1 through PS-8, Port of Skagway AMSA: State and federal laws considered when developing these policies include 11 AAC 112.200, Clean Water Act Section 404, Rivers and Harbors Act Section 10, 404(b)(1) guidelines, Corps of Engineers Nationwide permits, AS 41.14.840, AS 41.14.870, and AS 38.05 (applies only to state lands, not other land ownerships). There is very little state land in the AMSA; the majority is city-owned, city-leased or private land.

The primary authorities that would come into play during project permitting in the port would be the Corps of Engineers permitting. Policies PS-1 through PS-8 provide appropriate local specificity regarding water-dependency, water-relatedness, and other issues related to port development that will inform the Corps’ public interest review.

As noted in OPMP’s comments on the PRD, providing a list of uses or activities that are water-dependent or water-related “provides specificity to the state standard” (p. 15). Policy PS-1 does exactly that.

We believe that the justification for these policies provided in the SCMP (p. 100-101) is very complete, so we are repeating that language here:

Justification for Port of Skagway AMSA policies: The ACMP standard for coastal development (11 AAC 112.200) directs coastal districts to give priority to uses and activities in the coastal area based on whether the uses are water-dependent, water-related, or have no inland development alternative. These terms are broad in scope. The policies of the Port of Skagway AMSA all “flow from” the ACMP coastal development standard and provide a specific, enforceable and effective set of policies to manage the many water-dependent and water-related uses and activities that must site within the limited port area. Policy PS-1 and Policy PS-8 gives more specific statements describing which types of uses are considered to be water-dependent and water-related for the Port of Skagway and specifically the small boat harbor, and gives examples of such uses. The policy also disallows uses that do not meet this more specific description. Policy PS-2 and Policy PS-5 are more specific than the state standard in how priority must be provided, in that they ensure that different types of water-dependent and water-related uses within the port area are designed and conducted to be compatible. Policies PS-3 (multiple use) and PS-4 (consolidation of uses) help ensure that adequate land area is available for future water-dependent and water-related uses in the limited Port area by requiring multiple use and consolidation of facilities when practicable. Finally, policies PS-7 and PS-8 provide protection for water-dependent and water-related recreation and tourism uses of the port from aesthetic, noise and other impacts.”

Policies SR-1 through SR-5, Skagway River AMSA: State and federal authorities and information reviewed for applicability to the Skagway River AMSA include Corps of Engineers Section 404 and Section 10, AS 41.14.840 and AS 41.14.870, AS 38.05, and Flood Insurance Rate Mapping (FIRM) for the Skagway River. As land ownership of the Skagway River’s submerged lands is a matter of contention (SCMP, p. 104), the degree to which the State regulations regarding material sales on state lands (AS 38.05.110) would apply to the area is uncertain.

With regard to the AMSA policies related to natural hazards, DGGs was consulted during plan preparation. DGGs has not been able to assess specific hazard conditions in most coastal districts, and has not promulgated specific development standards to prevent loss of property and life to hazards. DGGs did not take issue with the natural hazard designations or policies of the SCMP as a duplication of existing state regulatory authorities.

Conclusion

The City of Skagway and other coastal districts have worked diligently since June 2004 to conduct detailed plan evaluations, attempt to follow OPMP’s evolving interpretations of State coastal management law and regulations, comply with changing requirements and timeframes, address agency and public comments on review drafts, and respond to OPMP letters that are a “cut and paste” reiteration of laws and regulations and demonstrate no detailed review of the research, planning and public input that support the coastal district plans. It has been, and continues to be, a very frustrating process.

The June 2005 Final Draft Plan Amendment of the Skagway Coastal Management Plan is complete. Please start the review of the plan per 11 AAC 114.345(g). The information provided in this letter in response to OPMP’s comments will be incorporated into the plan as Appendix C.

The City of Skagway has made every effort to comply with new State requirements and retain our participation in the coastal management process, because in the past the ACMP has allowed us to bring local information, perspective and issues to the table during coastal development reviews. We hope that the information provided in this letter will address OPMP’s concerns, lead to approval of the Final Draft Plan

State of Alaska, Department of Natural Resources
Office of Project Management/Permitting
ATTN: Jackie Brock
October 10, 2005
Page 7 of 10

Amendment, and reestablish this history of communication and cooperation between the State of Alaska and local coastal governments.

Sincerely,

Robert W. Ward, Jr.
City Manager

cc: Governor Frank Murkowski
Representative Bill Thomas
Senator Albert Kookesh
Bill Jeffress, Director, OPMP
Randy Bates, Deputy Director, OPMP
Skagway City Council
Skagway Planning Commission
Skagway Coastal Management Committee
Skagway Harbor Board

Table 3.1 – A Recreational Uses and Features that Support Recreational Use at Designated Recreation Use Areas (Figure 3-11)			
SCMP Section	Designated Recreation Use Area	Recreational Uses	Physical, biological and cultural features that support recreation uses
3.10.1	Skagway Area Trail System	Walking, hiking, running, snowmachining, ATV use, horseback riding, bicycling, skiing, snowshoeing, fishing, hunting, plant gathering, solitude, picnicking, bird and wildlife watching, appreciation of cultural resources, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.2	Dewey Lakes Recreation Area	Walking, hiking, running, ATV use, horseback riding, bicycling, skiing, snowshoeing, skiing, fishing, hunting, plant gathering, solitude, picnicking, bird and wildlife watching, appreciation of cultural resources, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural ecosystems / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.3	Dyea Flats and Adjacent Dyea Lands	Walking, hiking, ATV use, camping, picnicking, bird and wildlife watching, fishing, hunting, horseback riding,	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation

		trapping, snowmachining, swimming, coastal access, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.4	Townsite Recreation Areas – Yakutania Point, Pullen Creek Shoreline Park, City Overview Lot, Seven Pastures Ball Field	Walking, hiking, running, boating, picknicking, ski touring, swimming, coastal access, horseback riding, fishing, hunting, active games, bird and wildlife watching, appreciation of cultural resources, other day-use recreation activities compatible with the features of the area	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties) • Developed recreation infrastructure (ball field)
3.10.5	Taiya River Watershed – West Creek and Nourse River Valleys	Hiking, camping, running, skiing, snowshoeing, snowmachining, fishing, hunting, plant harvesting, canoeing, rafting, bird and wildlife watching, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Riverine ecosystem • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.6	Upper Skagway River Watershed – Denver Glacier and Laughton Glacier Valleys	Hiking, camping, running, skiing, snowshoeing, snowmachining, fishing, hunting, plant	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote

		harvesting, bird and wildlife watching, appreciation of cultural resources, solitude, other recreation uses	recreation <ul style="list-style-type: none"> • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.7	Sturgill's Landing	Hiking, camping, picknicking, coastal (boat) access	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Coastal access • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)
3.10.8	Klondike Gold Rush National Historical Park Units	Hiking, camping, running, skiing, snowshoeing, snowmachining, fishing, hunting, plant harvesting, bird and wildlife watching, boating, appreciation of cultural resources, solitude, other recreation uses	<ul style="list-style-type: none"> • Scenic surroundings and vistas • Natural / undeveloped character conducive to semi-remote and remote recreation • Fish, wildlife and plants that support fishing, hunting and plant gathering • Cultural resources, sites and artifacts (e.g., gold rush era or other; traditional cultural properties)

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

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

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September 8, 2005

Ms. Marj Harris, Coastal Coordinator
City of Skagway
PO Box 415
Skagway, AK 99840

Dear Ms. Harris:

Thank you for your letter dated August 10, 2005. You raised several points and/or questions that deserve a response.

First, it is important to recognize that the additional information we are asking for is necessary to either establish or supplement the justification for certain enforceable policies. This information is required in order for our office to review and approve the enforceable policies and the plan in its entirety.

Second, I would like to address each of the questions and issues you raised in your letter. While I have chosen to number the responses, I recognize that your questions were not numbered, and the issues I have addressed in the numbered responses were spread throughout your letter.

1. For a district to develop an enforceable policy on a matter already regulated by state or federal *law*, the district must demonstrate the matter is not already adequately addressed by state or federal law (See The Alaska Coastal Management Program, As Amended June 2, 2005, Subsection 5.3.5.2). It is not necessary to list every law that mentions the topic, but the district does need to demonstrate for each enforceable policy that the matter is not already adequately addressed by state or federal law and not simply those regulations that are in and inclusive of the ACMP. The research mentioned in your response that you performed on state and federal laws needs to be demonstrated in your justification or Resource Inventory and Analysis. Your statement "there is not statewide ACMP standard that regulates recreation" (SCMP, p. 47) is not a sufficient discussion to justify that the recreation in Skagway is not already adequately addressed by existing state and federal law. The regulations I provided were simply examples of state laws that pertained to recreation, which did not appear to be considered in your research.

2. You are correct that AS 46.40.070(a)(2)(A) does not require a table be created for the various recreation uses. However, AS 46.40.070(a)(2)(A) does require that coastal district enforceable policies be clear and concise as to the activities and persons affected by the policies and the requirements of the policies. The discussion of recreation activities and uses in the Resource Inventory and Analysis of the SCMP was neither clear nor concise as to which recreation activities occur at designated recreational use areas and which physical, biological or cultural features they depend on. We recommend a table as the most clear and concise way to organize the information. However, you may choose to comply with the cited statute in some other clear, concise, and appropriate manner.
3. In your letter, you stated that “The comments raised in the July 29th letter are comments that were not raised during the agency review of the Public Review Draft. Why are they being raised now?” As evidenced by OPMP’s April 6, 2005 preliminary findings and comments on the Skagway Public Review Draft, page 8:

“OPMP’s finds the coastal district has not sufficiently documented that existing state or federal law does not adequately address a matter that is the subject of the enforceable policy (11 AAC 114.270(d) and (e)). This documentation must be included in the final draft plan that is submitted by July 1, 2005. We anticipate that the state and federal agencies, which have expertise with respect to their statutory and regulatory authorities, may provide some of that information in their comments on the PRD.”

4. We received a copy of the minutes of the April 6th public hearing. When you have compiled the additional information that is required, it should be incorporated into your plan revision, including the rationale discussed above and the April 6th public hearing notes. That revised plan should be resubmitted to our office on Compact Disks (CDs).

We appreciate your interest and desire to meet to resolve the outstanding issues, and share the same interest. Please let me know your preferred meeting times so I can make the necessary arrangements.

Sincerely,

Jackie Brock
Natural Resource Specialist



City of Skagway
Gateway to the Gold Rush of "98"
P.O. Box 415, Skagway, AK 99840
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August 10, 2005

Ms. Jaclyn Brock
Natural Resource Specialist
Department of Natural Resources
Office of Project Management/Permitting
Alaska Coastal Management Program
302 Gold Street
Juneau, AK 99801

City of Skagway's Final Draft Coastal Management Plan Amendment

Dear Ms. Brock:

I am in receipt of your July 29, 2005 request for additional information regarding the Skagway Final Draft Coastal Management Plan Amendment.

As identified in 11 AAC 114.345(e) "Within 30 days of receiving a request under (d) of this section, the office shall determine whether the request is complete and notify the district accordingly. If the request is not complete, the office shall inform the district what information or documentation is necessary to complete the request."

Please provide the information or documentation necessary to complete the request specifically. Justification has been submitted for each of the policies cited yet your July 29th letter requests as part of the justification "include a discussion about the state and federal laws that were considered when developing the statement". Must the City discuss every state or federal law that merely mentions a certain topic, whether it specifically pertains to that section of our coastal plan? For example:

In the comments made regarding Policy R1 through R5 AS 05.20.010, AS 41.21.020 and 11 AAC 96.010-020 were used as statewide regulations of recreation.

- Please explain how AS 05.20.010 "Owners or operators to provide safe equipment" is pertinent to hiking and wilderness trails that people may be using privately owned ATV's, snow machines or skiing equipment.
- Please explain how AS 41.21.020 "Duties and powers of Department of Natural Resources; limitations" is pertinent to recreation policies of the ACMP regarding land that is not within state parks or state recreational facilities.
- Please explain how 11 AAC 96.010 – 11 AAC 96.020 applies to the Skagway Coastal Plan proposed policies R1 through R5.
 1. 11 AAC 96.010 addresses "Uses requiring a permit" on state land.

2. 11 AAC 96.014 addresses “Special use land” none of which are within the City of Skagway or the Skagway Coastal Management Plan Zone.
3. 11 AAC 96.018 addresses “Uses requiring registration” on state land.
4. 11 AAC 96.020 addresses “Generally allowed uses” on state land.

In all the policies the July 29th letter addresses; requests are being made for a discussion about the state and federal laws that were considered when developing the statements.

- Please specify what you are looking for.
- Please specifically address the information or documentation necessary.

For district enforceable policy R-1, your letter states “there is no clear list of recreation uses and potential for recreation because of physical, biological or cultural resources for the areas identified in Figure 3.11. Please submit a table with the areas in Figure 3.11 listed....”

- Neither AS 46.40.070(a)(2)(A) or 11 AAC 114.250(c) requires that a table be created for the various recreational uses. Recreational uses are outlined in paragraph form in Chapter 3.10

The comments raised in the July 29th letter are comments that were not raised during the agency review of the Public Review Draft. Why are they being raised now? In some cases comments are being raised even though agencies have come out supporting a particular policy. We did basic research on existing state and federal laws and found no conflicts. To the extent that agencies identified any conflicts or duplications with existing state or federal laws, we revised the plan to address those comments, as well as other comments that they made on resource information and policies.

We participated in the agency resource fair, making contact with agencies and documenting issues.

Your July 29th letter requests meeting summaries for each of the meetings listed in the Skagway plan. Copies of the minutes were provided for the two public hearings. The April 6th public hearing was inadvertently overlooked and a copy of the April 6th meeting is attached. Written minutes are not kept of committee meetings; these are basic work sessions in an informal setting that people, committee members and the public can round-table a work plan putting together ideas. The following meetings were committee meetings:

- December 1, 2004
- February 8, 2005
- February 15-16, 2005
- February 15 Ports & Harbors Committee
- February 28 Ports & Harbors Committee
- March 2, 2005
- April 28, 2005

I am requesting additional time as needed to resolve these issues. I am also requesting a joint meeting with you, your supervisor, Sheinberg Associates and City staff to resolve issues

for the Skagway Coastal Management Plan Amendment so that we can have a working viable plan.

Sincerely,

Marjorie D. Harris
City Clerk/Skogway Coastal Management Coordinator

Cc: Bob Ward, City Manager
Mayor Bourcy & City Council
Sheinberg Associates
Skagway Planning & Zoning Commission
Gina Shirey-Potts
Randy Bates
Bill Jeffress
Bruce Anders
Frank Gilesbie
Donna Anderson
Mandy Schramm
Peter McKay
Sally Cox

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

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July 29, 2005

Ms. Marj Harris, Coastal Coordinator
City of Skagway
PO Box 415
Skagway, AK 99840

Dear Ms. Harris:

Thank you for submitting the City of Skagway's Final Draft Coastal Management Plan Amendment (plan amendment). Our office received that submittal on June 30, 2005.

In accordance with 11 AAC 114.345(d), you must submit your plan amendment no later than March 1, 2006 – you have submitted your plan amendment well in advance of that deadline. However, after reviewing the plan amendment as submitted, I have determined that it does not include the necessary materials, as required under 11 AAC 114.345(d), and as identified below:

11 AAC 114.345(d)(1) requires that the request include “a complete draft of each plan amendment that has been prepared to meet the requirements of AS 46.40 and this chapter;”

- AS 46.40.070(a)(2)(A) require that coastal district enforceable policies are clear and concise as to the activities and persons affected by the policies, and the requirements of the policies. The following areas of the plan amendment are not clear nor concise:
 - For district enforceable policy R-1, there is no clear list of recreation uses and potential for recreation because of physical, biological or cultural resources (11 AAC 114.250 (c)) for the areas identified in Figure 3.11. Please submit a table with the areas in Figure 3.11 listed on the left hand side and the various recreational use attributes listed across the top. The specific attributes could then be clearly marked in intersecting boxes for each area.
- AS 46.40.070(a)(2)(C) and 11 AAC 114.270 (d), (e), (h) require that coastal district enforceable policies do not address a matter regulated or authorized by state or federal law unless the enforceable policies relate specifically to a matter of local concern. The plan amendment has not submitted sufficient justification for the following enforceable policies:

- CD2-3 – Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C)(i) and (iii) and 11 AAC 114.270 (d), (e), (h). However, the plan amendment falls short in its justification for (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii). Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. As part of that justification, please include a discussion about the *all* the state and federal laws that were considered, including but not limited to EPA, ADF&G and OHMP laws when developing the statement: “The laws are broad in scope and general in their application.” (SCMP, p62)
- Policy NH1: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C)(i) and (iii) and 11 AAC 114.270 (d), (e), (h). However, the plan amendment falls short in its justification for (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii). Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. Please provide clear and convincing evidence and justification demonstrating the enforceable policy’s compliance with these requirements. As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “Policy NH-1 of the SCMP provides more specificity than the ACMP standard for development in the Skagway River and Taiya River floodplains, by specifying that development must plan for and develop to withstand the 100-year flood condition”.
- Policy CA1 through CA3: Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “The coastal access policies of the SCMP are more specific than the state standard” (SCMP, p65)
- Policy R1 through R5: Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270

(d), (e), (h). As part of that justification, include a discussion about all the state and federal laws that were considered when developing the statement “there is not statewide ACMP standard that regulates recreation” (p47). Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. For example, AS 41.2185, AS 05.20.010, AS 41.21.020, 11 AAC 96.010-020 all discuss statewide regulations of recreation. Please provide clear and convincing evidence and justification demonstrating the enforceable policy’s compliance with these requirements.

- Policy TU1 through TU2: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C)(i). However, there is no information within the plan amendment justifying compliance with AS 46.40.070(a)(2)(C)(ii) or (iii) and 11 AAC 114.270 (d), (e), (h). Please provide clear and convincing evidence and justification demonstrating the enforceable policies compliance with these requirements including justification of how enforceable policies TU1 through TU2 are not adequately addressed by existing state or federal law including the avoid, minimize, mitigate sequence in the state transportation standard 11 AAC 112.280. Please provide clear and convincing evidence and justification on how the enforceable policy TU1 is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii). As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “Policy TU-1 provides more specific direction related to alterations in surface water drainage patterns, requiring layout and construction to be done in a manner that will avoid flooding and erosion” (SCMP p71). Please provide clear and convincing evidence and justification on how the enforceable policy TU2 is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii). As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “Both the DNR Office of Habitat Management and Permitting, and the ADFG Sport Fish Division, specifically supported Policy TU-2 in their comments on the Skagway CMP Public Review Draft. They noted that it was a specific and enforceable policy. Other state and federal laws that deal with the permitting of transportation and utility routes and facilities are broad in scope and general in their application.” (SCMP p71)
- Policy F1: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C)(iii). However, there is no information within the plan amendment justifying compliance with AS 46.40.070(a)(2)(C)(i) or (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS

46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “Policy F-1 provides more specificity than the state ACMP standard for coastal development, by clarifying that accessory development to fisheries enhancement projects must be water-dependent to merit a coastline location” Please provide clear and convincing evidence and justification demonstrating the enforceable policies compliance with these requirements.

- Policy H1: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C)(iii). However, the plan amendment falls short in its justification for (i) and (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and how the resources covered under the enforceable policy are “sensitive to development” AS 46.40.070(a)(2)(C)(i) and 11 AAC 114.270 (d), (e), (h). Please provide clear and convincing evidence and justification demonstrating the enforceable policies compliance with these requirements.
- Policies Y1 through Y3: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C) (iii). However, the plan amendment falls short in its justification for(i) and (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). As part of that justification, include a discussion about the all the state and federal laws that were considered when developing the statement “There is no state standard for recreation that must be addressed through these policies and the matter of local concern test of 11 AAC 114.270 (e) (3) does not apply to management of coastal recreation.” (SCMP p83) Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. Please provide clear and convincing evidence and justification demonstrating the enforceable policy’s compliance with these requirements For example, AS 41.2185, AS 05.20.010, AS 41.21.020, 11 AAC 96.010-020 all discuss statewide regulations of recreation. Please provide this discussion as well as any other information or documentation to support parts i) and ii) of the matter of local concern test.
- Policies PC1 through PC5: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C) (iii). However, the plan amendment falls short in its justification for (i) and (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately

addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). As part of that justification, include a discussion about the all the state and federal laws that were considered when developing the statement “There is no ACMP standard for recreation or fisheries that must be addressed through these policies. The “matter of local concern” test of 11 AAC 114.270(e)(3) does not apply to management of coastal recreation” Part of the analysis of “adequately addressed” includes a discussion of all state and federal laws that were considered when writing the policy not simply those in and inclusive of the ACMP standard. Please provide clear and convincing evidence and justification demonstrating the enforceable policy’s compliance with these requirements for example, AS 41.2185, AS 05.20.010, AS 41.21.020, 11 AAC 96.010-020 all discuss statewide regulations of recreation and ADF&G have regulations on fisheries. Please provide this discussion as well as any other information or documentation to support parts i) and ii) of the matter of local concern test.

- Policies PS1 through PS8: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C) (iii). However, the plan amendment falls short in its justification for (i) and (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “The ACMP standard for coastal development (11 AAC 112.200) directs coastal districts to give priority to uses and activities in the coastal are based on whether the uses are water-dependent, water-related, or have no inland development alternative. These terms are broad in scope. The policies of the Port of Skagway AMSA all “flow from” the ACMP coastal development standard and provide a specific, enforceable and effective set of policies to manage the many water-dependent and water-related uses and activities that must site within the limited port area.”(SCMP, p100)
- Policies SR1 through SR5: Although not clearly discernable, there appears to be some information supporting compliance with AS 46.40.070(a)(2)(C) (iii). However, the plan amendment falls short in its justification for (i) and (ii). Please provide clear and convincing evidence and justification on how the enforceable policy is “not adequately addressed by state or federal law.” AS 46.40.070(a)(2)(C)(ii) and 11 AAC 114.270 (d), (e), (h). As part of that justification, include a discussion about the state and federal laws that were considered when developing the statement “The policies of the Skagway River AMSA “flow from” and are more specific than the ACMP standard for natural hazard areas (11 AAC

112.210) and the ACMP standard for sand and gravel extraction (11 AAC 112.260).”(SCMP p108)

- Most mapping requirements appear to have been met.
- 11 AAC 114.270 (c) specifies that “a district may not adopt, duplicate, restate or incorporate by reference statutes or administrative regulations adopted by state or federal agencies. The following areas need to be re-written because they restate the state standard:
 - Policy NH1: Development in the Skagway River and Taiya River designated natural hazard areas may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by a 100-year flood.
- 11 AAC 114.330 (b) (3) requires the submission of public hearing comments. The meeting summary from April 6, 2005, is insufficient. We are unable to discern any comments made during the meeting on the draft plan amendment. Please provide more details on the meeting including a summary of the discussion points.
 - The meetings listed in your Final Draft Plan are not accompanied by summaries. Please provide meeting summaries for each of the meetings listed in your plan.

The information requested above must be included *in* the resubmitted final plan in electronic form on a CD, in accordance with the final plan amendment deliverables as specified in the grant agreement. The meeting summaries and copies of comments on the plan must also be submitted in electronic format on the CD. Thank you again for your timely submittal of your plan amendment. We look forward to receiving the above information in a timely manner in order to continue our review of your plan amendment.

As identified in 11 AAC 114.345(f), you have thirty days from the date of this letter to provide the additional information or documentation listed above. If you feel like you may need more than 30 days to provide the information and comply with the information requirements, please let me know.

If you have any questions, my phone number is (907) 465-3529, and my e-mail is jaclyn_brock@dnr.state.ak.us.

Sincerely,

Jaclyn Brock
Natural Resource Specialist
Attachment: Plan Deliverables