

# APPENDIX A

## Enforceable Policies

### COASTAL DEVELOPMENT

(2.1) Water- related and water dependent uses shall be given priority in the area immediately surrounding small boat harbors.

Authority: 11 AAC 112.200(a)

(2.2) To the extent practicable, placement of port and harbor uses shall minimize the negative aesthetic impact of their use and activities, shall enhance and maintain the positive visual aspects of their development, and shall provide opportunities for public viewing to, from and along coastal water.

Authority: 11 AAC 112.200(c) 11 AAC 112.220 AS 46.40.020(5)

(2.3) To the extent practicable, placement of structures shall not detract from the scenic qualities of the shorelines and shall not significantly block scenic vistas.

Authority: 11 AAC 112.200(c) 11 AAC 112.220 AS 46.40.020(5)

(2.4) Filling of intertidal areas below mean high tide, not specifically addressed in the Special Waterfront Areas (Section 3) for the expansion of upland area is specifically prohibited unless clear and convincing evidence is provided showing that all of the following conditions exist:

- (A) That strict compliance with the policy would prevent the applicant from making a reasonable use of the property or would make compliance unreasonably burdensome;
- (B) That fill is the only means to allow development of the property which is similar to other properties in the vicinity;
- (C) That less than the proposed fill would prevent the applicant from making a reasonable use of the property or would make compliance unreasonably burdensome;
- (D) That the proposed project meets the requirements of the other enforceable policies of the JCMP;
- (E) That the proposed project will not be detrimental to the public health, welfare and safety or to other properties in the vicinity;
- (F) That approval of the project will not authorize uses on the property otherwise not allowed by other state, federal and local laws and regulations; and

(G) That, if applicable, the meaning of the term "practicable" has been considered and found to support approval of the proposal to fill.

Provided, log and mining transfer facilities and the following public facilities are exempt from this policy: bridges, causeways, boat ramps, utility transmission facilities, pipelines, treatment plant lines and outfalls, and transportation facilities.

Authority: 11 AAC 112.200(c)

## **SPECIAL WATERFRONT AREAS**

### Map Reference and Applicability

Policies apply to the JCMP Special Waterfront Area Map, dated December 1, 1990.

The JCMP Special Waterfront Area Map, dated December 1, 1990, shows the boundaries of each special waterfront area, and the maximum seaward limits for permanent development in each special waterfront area. The land or water inside the boundaries shown on the JCMP Special Waterfront Area Map is subject to the provisions of this section. Uses allowed within the special waterfront areas as provided in this section are not allowed along other waterfronts within the city and borough unless such uses are allowable outside the special waterfront areas under the terms of the coastal development section of this chapter.

### Interpretation of the JCMP Special Waterfront Area Map.

The purpose of this subsection is to assist users of the JCMP Special Waterfront Area Map.

Lines which apparently follow street or right of way centerlines shall be construed as following such centerlines.

Lines which apparently follow property or lot boundary lines shall be construed as following such boundary lines.

Lines at the first and second rock dumps shall represent a line one hundred feet upland from the mean high water line. Lines on other land and water areas where there are no survey lines shall be construed by using the scale of the JCMP Special Waterfront Area Map. Where doubt arises over the location of a line, the parties shall first establish the true scale of the map by using a known distance between points visible on the map. The outside, or seaward edge of the line appearing on the map shall then be construed as the line.

(3.1) Fill proposals within the special waterfront areas are not subject to the fill prohibition in the coastal development section of this chapter. Each fill proposal shall be individually reviewed to ensure that configuration, timing, composition and construction practices will minimize impacts on shoreline processes. The size of any fill shall not exceed that necessary for the use unless a larger fill is needed to maintain integrity of the fill, maintain or enhance shoreline processes, or to fulfill other enforceable provisions of this section.

Authority: 11 AAC 112.200(c) 11 AAC 114.400

(3.2) When the placement of dredged or fill materials into coastal waters is required, uses that do not require direct siting in or access to the water to fulfill their basic purpose will be directed to upland areas unless it is clearly demonstrated that upland alternatives are not available.

Authorities: 11 AAC 112.200(c) 11 AAC 114.400

Land and Water Uses Permissible in the Special Waterfront Areas

(3.3) General. The land and water uses listed below as permissible in the special waterfront areas may be further restricted in zoning classifications within the special waterfront areas. The uses and activities listed below are deemed to meet the water dependent/water related requirements of this Chapter. Other uses and activities may be allowed if they meet the requirements of the zoning districts under CBJ Chapter 49.25, and the water dependent/water related requirements of this Chapter.

(A) Maritime activities including private boating, commercial boating of all types, visitor industry, including cruise ships and transient pleasure vessels, commercial fishing, charter fishing and boating, floatplane activity, and any other activity not involving a structure for the use of waterbodies for sport, recreation, or commerce;

(B) Floats, docks, jetties, groins, bulkheads, ramps, shore defense works, piers, wharfs, dolphins, and other structures needed to provide access between shore and waterbody or to protect and stabilize the shoreline;

(C) All forms and structures related to handling and storage of cargo which arrived by water and/or is intended to depart by water, including storage yards, warehouses, cranes and similar machinery, and marine railways;

(D) Any form or structure for manufacturing or repair which is related to maritime activity and which substantially requires or benefits from a shoreline location;

(E) Any form or structure associated with uses which need or substantially benefit from a shoreline location;

(F) Marine fuel, water and sanitation facilities including services and support for transient and permanent vessels;

(G) All forms of public, private, and commercial moorage;

(H) Public access facilities, including boat ramps, parks, promenades, sidewalks, viewing areas, benches, plazas, and other forms of public open spaces;

(I) Research and education facilities related to the waterbody they abut;

(J) Fish and shellfish propagation and management;

- (K) Offices which are related to and a necessary part of permissible uses;
- (L) Public utilities including lines, pump stations, transformer stations, and similar uses;
- (M) Hotels, motels and other types of transient lodging which are designed to take advantage of the shoreline amenity and which will result in increased visual or physical public access to the shoreline;
- (N) Restaurants, cafes, and other food or beverage facilities which are designed to take advantage of the shoreline amenity and which will result in increased visual or physical access to the shoreline;
- (O) Gift shops, entertainment facilities, ticketing agencies, and other visitor industry services;
- (P) Retail services directly linked to a maritime clientele, such as gear and supply stores, boat sales, and laundries. To be directly linked, the proposed use must show by design and orientation that the primary clientele will be persons arriving from or going to watercraft or working on or in conjunction with watercraft, and that the proposed use is reasonably located to be convenient to foot borne customers that are already found in the area or can be expected to be in the area;
- (Q) Retail establishments and restaurants catering to the needs of persons working in the special waterfront areas when close proximity is important to the function of permissible uses;
- (R) Water oriented retail and/or office complexes where the value and income potential from retail or office uses will enable provision of public access and other water related amenities for use by the public. Such amenities must be provided at the same time as the facilities are completed, or earlier in time. An overall plan for the entire development must be presented with the permit application showing spaces and features that will be available to the public;
- (S) Residences;
- (T) The following accessory uses when associated with the uses set forth above: parking lots, spaces and structures, driveways, sidewalks, entrance structures, decorative structures, benches, landscaping features, awnings and similar improvements, and utility facilities.

Authority: 11 AAC 112.200(a) 11 AAC 112.200(b) 11 AAC 114.400

Special Enforceable Policies for the Special Waterfront Areas.

(3.4) No additional intertidal fill may be allowed in the Tee Harbor special waterfront area except that necessary to construct a public boat ramp.

(3.5) Gold Creek Mouth Protection Area. No structures or activities shall be allowed in this area except as needed by the U.S. Coast Guard for its purposes or as allowed by the Alaska Department of Fish and Game for habitat maintenance and enhancement.

(3.6) No floating structures are allowed within three hundred feet of the mouths of streams in the Thane special waterfront area.

(3.7) A portion of the intertidal area near the mouth of Salmon Creek has been set aside as a natural beach for salmon resting.

## **RECREATION, TOURISM, COASTAL ACCESS**

Enforceable policies apply to recreation use areas designated by the district under 11 AAC 114.250(c) (refer to designated recreational use areas shown on the maps in Chapter VII, section 5). Enforceable policies relating to coastal access apply to, from and along coastal waters throughout the entire coastal district.

Note: The Designated Recreational Use Areas are broken into numerous sub-categories on the Designated Areas Maps. These sub-categories have been retained for consistency with the CBJ Comprehensive Plan. All areas depicted on these maps are designated recreational use areas for purposes of coastal management.

(5.1) Within designated recreational use areas, development that is adjacent to bodies of water shall be located, designed, constructed, and managed to minimize adverse effects on other uses and to provide safe, healthy conditions for recreation.

Authority: 11 AAC 114.250(c)

(5.2) Within designated recreational use areas, and to from and along coastal waters, developments shall, wherever practicable, preserve or enhance scenic views and vistas as well as improve the aesthetic value of the area.

Authority: 11 AAC 114.250(c) 11 AAC 112.220

(5.3) Access to coastal areas and within designated natural recreational use areas, such as fishing streams and hunting areas, shall be a combination of linear trails or easements and small parking areas to minimize user concentration on small portions of the shore or upland areas.

Authority: 11 AAC 114.250(c) 11 AAC 112.220

(5.4) Facilities for water dependent recreation, such as fishing, swimming, and boating, and water oriented recreation, such as picnicking, hiking, and walking, shall be located near the shoreline. Non water related recreation facilities shall be located away from the shoreline unless no practicable inland alternative exists to meet the public need.

Authority: 11 AAC 114.250(c) 11 AAC 112.200(b)

(5.5) Within the designated recreational use area, Auke Creek, the east bank of Auke Lake, and Lake Creek outside federal lands shall be protected with shoreline public easements and

greenbelts to ensure recreational access and preserve the physical and biological features upon which recreational uses depend.

Authority: 11 AAC 114.250(c)

## UTILITIES AND TRANSPORTATION

(7.1) Where practicable, overhead lines shall be located so as not to interfere with scenic coastal vistas.

Authority: 11 AAC 112.220 11 AAC 112.240(a) 46.40.020(5)

## DOWNTOWN WATERFRONT AREA MERITING SPECIAL ATTENTION

(14.1) Seawalk. A pedestrian access easement and walkway intended to provide a continuous pedestrian path along the entire downtown waterfront area, shall be included with all future development or redevelopment along the downtown waterfront shoreline. This walkway, to be known as the seawalk, shall be a continuous path along the entire downtown waterfront as depicted in the Long Range Waterfront Plan. In lieu of constructing the required seawalk, property owners developing or redeveloping property along the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan shall pay a fee to the City and Borough equal to 20 percent of the final project cost for a seawalk constructed to public assembly standards for the section abutting their property. Unless the alignment of the seawalk requires otherwise, owners of property along the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan developing or redeveloping their property shall dedicate all easements necessary for construction of a seawalk 16 feet in width.

- (A) Reserved.
- (B) Reserved.
- (C) The seawalk shall not be required for existing buildings located along the water's edge until additions or alterations, or both, in excess of 50 percent of the gross square footage of the existing structure are proposed or undertaken within a 36-month period as determined by the City and Borough building division. General maintenance or repair work is exempt from this requirement.
- (D) Reserved.

Authorities: 11 AAC 112.200(c) 11 AAC 112.220 11 AAC 114.250(c)(d)  
11 AAC 114.400

## WETLANDS MANAGEMENT

WM(4) All individual wetlands will be managed in accordance with the wetland management designations presented in the charts and maps in Appendix F and the Shoreline Corridor and Residential Road Corridor Designation Rules described in policies 8 and 9, respectively. (CBJ Land Use Code: 49.70.1080(b)(1))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(5) The Shoreline Corridor and Residential Road Corridor Designation Rules, take precedence over the underlying wetland management designations presented in Appendix F. (CBJ Land Use Code: 49.70.1080(b)(2))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(6) The Shoreline Corridor Designation Rules take precedence over the Residential Road Corridor Designation Rules. (CBJ Land Use Code: 49.70.1080(b)(3))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(7) Category A, B, C, D and EP wetlands will be managed according to the management guidelines described below:

- A. Category A wetlands might be developed only if there is no net loss of individual functional values in the wetland unit. One environmental function could not be substituted for another. (CBJ Land Use Code: 49.70.1080(b)(4)(A))
- B. Category B wetlands might be developed only if there is no net loss of aggregate functional values in the wetland unit. One environmental function could be substituted for another. However, to the extent feasible and prudent, individual environmental functions that are rated high or medium high in Appendix F will be retained within the wetland unit. (CBJ Land Use Code: 49.70.1080(b)(4)(B))
- C. Category C wetlands might be developed if there is no net loss of aggregate functional values in the roaded area. To the extent feasible and prudent, individual environmental functions that are rated high or medium high in Appendix F will be retained either within or outside the wetland unit. (CBJ Land Use Code: 49.70.1080(b)(4)(C))
- D. Category D wetlands can be developed using best management practices. Project design and scheduling must minimize adverse impacts. (CBJ Land Use Code: 49.70.1080(4)(D))
- E. Dedicated land refers to land that has special land use restrictions in addition to wetlands restrictions. They include city and State parks, State land, municipal rural reserves, Tongass National Forest, etc. These lands are not generally available for development because of public ownership and associated restrictions. They have not been evaluated by the plan because their management is already determined. The Mendenhall Wildlife

Refuge and all estuaries are in this category. Dedicated land is not available for general development. (CBJ Land Use Code: 49.70.1080(4)(E))

- F. Enhancement potential (Category EP) wetlands are wetlands that have potential for environmental enhancement. These are, in large part, wetlands that have been created or degraded by development. Enhancement could be only required if the wetland is publicly owned. Publicly owned TiP' wetlands can only be used for enhancement projects. (CBJ Land Use Code: 49.70.1080(4)(F))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

#### WM(8) Shoreline Corridor Designation Rule:

- A. For riverine wetlands (rivers): All catalogued anadromous fish streams shall have a 50-foot shoreline corridor on each side of the stream, measured from ordinary high water in the main channel. The 50-foot corridor shall be designated and managed as wetlands Category A. This rule applies only to wetlands adjacent to anadromous fish streams included in the "Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes" published by the Alaska Department of Fish and Game and streams that have been nominated for inclusion in the catalog as of the date of Coastal Policy Council approval of this plan (October 31, 1991). The shoreline corridor extends upstream to the limit of anadromous fish use indicated in the catalog. Additional streams may be catalogued by the Alaska Department of Fish and Game subsequent to the approval of this plan. Once catalogued, these streams would also be subject to the Shoreline Corridor Designation Rule. (CBJ Land Use Code: 49.1080(5)(A))
- B. For lacustrine wetlands (lakes): There shall be a 50-foot shoreline corridor measured from the ordinary high water of the shoreline. If the lacustrine wetland or adjacent palustrine wetland is designated Category A, then the 50-foot corridor shall be designated and managed as Category A. In all other cases, the corridor shall be designated and managed as Category B. (CBJ Land Use Code: 49.70.1080(5)(B))
- C. Shoreline corridors alongside lakes and anadromous fish streams take precedence over all other management categories and designations. For example, if a shoreline corridor intersects a residential road corridor, the shoreline corridor would be the applicable wetlands classification. (CBJ Land Use Code: 49.1080(5)(C))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(9) Residential Road Corridor Designation Rule: The Residential Road Corridor Designation Rule allows residential development on certain palustrine (vegetated non-tidal) Category A or B wetlands under the Category C guidelines. The rule applies only to residential parcels where public water is already provided, the parcel is already affected by development and is subdivided into small lots. This rule allows residential development applications to be reviewed under Category C guidelines in cases where: (1) the residential parcel is in a development corridor served by public water and existing local access roads; and (2) the property owner has no practicable upland alternative to wetlands development. Existing roads and public water utility lines means those built as of the date of Coastal Policy Council approval of this plan (October 31,

1991). Application of the rule allows land use patterns consistent with CBJ land use policy and public investment in infrastructure. (CBJ Land Use Code: 49.70.1080(6))

- A. Undeveloped palustrine wetland residential parcels with no practicable upland development alternative shall have a temporary 100-foot Category C designation corridor measured from the road frontage right-of-way, unless there is not a building site with less than 20 percent slope in the temporary corridor. In this case, the temporary corridor is extended into the individual parcel until a building site with less than 20 percent slope is located. Once a fill permit is obtained, the temporary corridor is eliminated except for a designated "envelope" surrounding and equaling 30 percent of the nil footprint. Once the fill is completed, the temporary corridor reverts to the original wetlands management category, except that the 30 percent envelope remains. (CBJ Land Use Code: 49.70.1080(6)(A))
- B. Developed palustrine residential parcels shall have a Category C designated envelope that is 30 percent larger than their existing fill footprint. For example, if the existing fill footprint is 1,000 square feet, then the existing fill could be expanded under the guidelines of a Category C wetland, only up to 300 square feet. (CBJ Land Use Code: 49.70.1080(6)(B))
- C. Undeveloped residential parcels with an upland practicable alternative on the parcel shall retain their original designated management category. When a practicable alternative is available on the parcel, the development corridor is not available. (CBJ Land Use Code: 49.70.1080(6)(C))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(10) Best management practices are required for development on any wetland. The following conditions will be prescribed for all wetland developments. The CBJ Wetlands Review Board can prescribe further conditions based on its analysis of individual projects for Category C and D wetlands and comments received during the permit review process. (CBJ Land Use Code: 49.70.1080(7))

- A. There shall be no work in or adjacent to stream beds in the spring during out-migration of salmon smolts. (CB J Land Use Code: 49.70.1080(7)(A))
- B. Filtration curtains shall be used to protect streams from turbidity due to adjacent soil disturbance activities. (CBJ Land Use Code: 49.70.1080(7)(B))
- C. Existing wetlands vegetation shall be stripped in mats and repositioned over regarded soil. (CBJ Land Use Code: 49.70.1080(7)(C))
- D. The amount of fill shall be restricted to the minimum amount necessary to achieve stated project purposes. (CBJ Land Use Code: 49.70.1080(7)(D))
- E. Hydrology surrounding the discharge site shall be maintained with the use of culverts, if necessary. Activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill. (CBJ Land Use Code: 49.70.1080(7)(E))

- F. All discharge material shall be free from toxic pollutants in toxic amounts. (Toxic amounts are defined by Alaska State Law.) (CBJ Land Use Code: 49.70.1080(7)(F))
- G. Erosion at the construction site shall be controlled through revegetation and other appropriate means. Exposed soils shall be revegetated within one year. (CBJ Land Use Code: 49.70.1080(7)(G))
- H. All work must be completed within three years of the authorization. (CBJ Land Use Code: 49.70.1080(7)(H))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
 Maps: Volume II, Appendix C

WM(11) For each wetland unit, individual functions which have potential for high values as presented in Appendix F will be considered during review of a project. Any new information regarding the value of individual wetland functions will be evaluated and considered during the review of a project. Individual wetland functions may either be demonstrated to be less, or more, important than the data in Appendix F indicate. As wetlands are developed, some functions may become scarce, increase in value, and require special consideration during a project review. (CBJ Land Use Code: 49.70.1080(8))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
 Maps: Volume II, Appendix C

WM(12) The following mitigation policies will apply to a development proposal that would be located in Category A or B wetlands and that requires municipal, State or federal permits:

- A. Avoid damage to the functional values by avoiding or relocating the development proposal. (CBJ Land Use Code: 49.70.1080(9)(A))
- B. Where loss or damage to the functional values cannot be avoided, minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development. (CBJ Land Use Code: 49.70.1080(9)(B))
- C. Where the loss of functional values cannot be minimized, restore or rehabilitate the wetland to its pre-disturbance condition, to the extent feasible and prudent. (CBJ Land Use Code: 49.70.1080(9)(C))
- D. Where the loss of functional values at the development site is substantial and irreversible and cannot be avoided, minimized, or rectified, compensate for the loss as follows:
  - (i) For Category A wetlands, the compensation actions must be in-kind and must be on-site, located as close as possible to the development site(s).
  - (ii) For Category B wetlands, the compensation actions may be in-kind or out-of-kind provided the net aggregate values of the wetland unit are maintained. Compensation actions must occur on-site, located as close as possible to the development site(s). (CBJ Land Use Code: 49.70.1080(9)(D))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
 Maps: Volume II, Appendix C

WM(13) The following mitigation policies will apply to a development proposal that would be located in Category C or D wetlands and that requires municipal, State or federal permits:

- A. Based on the extensive analysis of land use alternatives conducted in the land use inventory for the JWMP, the CBJ will presume that there is no practicable alternative for developments proposed on Category C and D wetlands. This presumption is rebuttable for individual projects, which means that the Wetlands Review Board can still conclude that there is a practicable alternative based on its review of project-specific evidence during the permit review process. (CBJ Land Use Code: 49.70.1080(10)(A))
- B. Where the development proposal is otherwise lawful and entitled to a wetlands development permit, minimize the loss of functional values by limiting the degree or magnitude of the development and the actions associated with conducting the development. (CBJ Land Use Code: 49.70.1080(10)(B))
- C. Where the wetland loss cannot be reduced by minimizing the development, mitigate by restoring or rehabilitating the wetland to its pre-disturbance condition, to the extent feasible and prudent. (CBJ Land Use Code: 49.70.1080(10)(C))
- D. Where the loss cannot be reduced by minimization and restoration/rehabilitation, mitigate by compensating for the loss as follows:
  - (i) For Category C wetlands, the form of compensation required will be selected on the basis of: (1) probability of success, (2) potential gain in functional values, (3) extent to which high and medium high functional values are retained, and (4) cost effectiveness. In general, the order of preference for compensation is:
    - (a) on-site and in-kind;
    - (b) on-site and out-of-kind;
    - (c) off-site and in-kind; and
    - (d) off-site and out-of-kind.

For small-scale developments (five acres or less), the CBJ mitigation bank may be used to meet this requirement.

- (ii) For Category D wetlands, off-site compensatory mitigation is not required provided the minimization and restoration steps above in 13(B) and (C) are followed and best management practices are employed. (CBJ Land Use Code: 49.70.1080(10)(D))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(14) Some wetland units may receive a Category B designation for a portion of the unit and a Category C for the rest of the unit. If on-site mitigation is required as compensation for development within the Category B area of the wetland unit under policy 12(D)(ii), the mitigation

project should occur within the Category B wetland area unless: (1) a suitable site or mitigation opportunity is not available within the Category B wetland area, or (2) the same or greater environmental benefit could be gained with less expenditure by conducting a mitigation project with the Category C wetland area. (CBJ Land Use Code: 49.70.1080(11))

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C

WM(15) A Mitigation Bank will be established to provide bank credit to satisfy compensation requirements for certain developments in Category C wetlands. The Mitigation Bank will operate under the following conditions:

- A. Credits are not available to a permit applicant until the bank completes the wetlands protection, enhancement or creation project and the Wetlands Review Board, in consultation with the agency working group, certifies that the wetlands functions and values have been or will be established.
- B. Mitigation Bank credits cannot be used for any permit action where the wetlands area to be adversely affected by a dredge or fill activity exceeds five acres. This requirement prevents bank credits from being exhausted by a single large development.
- C. A permit applicant will be required to perform mitigation through individual actions rather than through the bank for fill activities that exceed five acres. The bank is designed to facilitate mitigation for small-scale developments that might otherwise cause cumulative incremental damage to overall wetlands values.
- D. To the extent feasible and prudent, projects using least damaging technologies will be given priority in using Mitigation Bank credits.
- E. The calculation of cost charged to a project applicant for each Mitigation Bank credit will be based on all costs and expenses incurred or expected to be incurred by the bank in establishing and maintaining the bank. This includes, but is not limited to, applicable land costs and project monitoring.
- F. The Mitigation Bank should focus on proven mitigation techniques. Restoration and enhancement is preferred over wetlands creation. Protection of existing wetlands (such as through public purchase) is the lowest priority for the bank and should only be considered when development and the loss of wetlands functions and their values are imminent.
- G. To the extent feasible and prudent, mitigation shall occur in the same watershed as the development for which it is compensation.

Authority: 11 AAC 112.300(9) 11 AAC 114.250(h) 11 AAC 114.400  
Maps: Volume II, Appendix C