

CONFERENCE  
COMMITTEE

CONSIDERING:

CSHB 106(FIN)

AND

SCS CSHB 106(FIN)

House Version

**CSHB 106(FIN)**

**CS FOR HOUSE BILL NO. 106(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 4/15/11**

**Referred: Today's Supplemental Calendar**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act extending the termination date of the Alaska coastal management program and**  
2   **relating to the extension; relating to the review of activities and regulations of the Alaska**  
3   **coastal management program; establishing the Alaska Coastal Policy Board; relating to**  
4   **the development, review, and approval of district coastal management plans; relating to**  
5   **the duties of the Department of Natural Resources relating to the Alaska coastal**  
6   **management program; relating to the review of certain consistency determinations;**  
7   **providing for an effective date by amending the effective date of secs. 1 - 13 and 18, ch.**  
8   **31, SLA 2005; and providing for an effective date."**

9   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10    \* **Section 1.** AS 44.37.020 is amended by adding a new subsection to read:

11           (c) In administering the Alaska coastal management program under AS 46.39  
12           and AS 46.40, the Department of Natural Resources may consider how subsistence

uses may be affected.

\* **Sec. 2.** AS 44.66.020(a) is amended to read:

(a) Agency programs and activities listed in this subsection that are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

(1) programs in the budget categories of general government, public protection, and administration of justice - January, 1980;

(2) programs in the budget categories of education and the University of Alaska - January, 1981;

(3) programs in the budget categories of health and social services - January, 1982;

(4) programs in the budget categories of natural resources management, development, and transportation - January, 1983;

(5) the Alaska coastal management program (AS 46.40) - January, 2017 [2011].

\* **Sec. 3.** AS 46.39 is amended by adding a new section to article 1 to read:

**Sec. 46.39.005. Alaska Coastal Policy Board.** (a) The Alaska Coastal Policy Board is created in the Department of Natural Resources. The board consists of the following:

(1) five public members appointed by the governor; the public members shall include

(A) one at-large member and an alternate member from any coastal resource district who is a representative of

(i) a Native regional corporation established under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act);

(ii) a mining organization;

(iii) an oil and gas organization; or

(iv) any other resource development or extraction industry;

(B) four members from a list composed of at least three names from each region, and four alternate members from a list composed of at least

1 three names from each region, nominated and submitted by the coastal  
2 resource districts of each region; the governor may reject a list submitted under  
3 this subparagraph and request that subsequent lists with different names be  
4 submitted; one public member shall be appointed from each of the following  
5 regions:

6 (i) northwest Alaska, including, generally, the area of  
7 the North Slope Borough and the Northwest Arctic Borough; and the  
8 Bering Strait area, including, generally, the area of the Bering Strait  
9 regional educational attendance area;

10 (ii) southwest Alaska, including, generally, the area  
11 within the Lower Yukon, Lower Kuskokwim, and Southwest regional  
12 educational attendance areas and the Lake and Peninsula and Bristol  
13 Bay Boroughs; and the Kodiak-Aleutians area, including the Kodiak  
14 Island and area of the Aleutians East Boroughs and the area of the  
15 Aleutian, Adak, and Pribilof regional educational attendance areas;

16 (iii) Upper Cook Inlet area, including the Municipality  
17 of Anchorage and the Matanuska-Susitna Borough; the Lower Cook  
18 Inlet area, including, generally, the Kenai Peninsula Borough; and the  
19 Prince William Sound area, including, generally, the area east of the  
20 Kenai Peninsula Borough to 141 West longitude; and

21 (iv) Southeast Alaska, generally the area east of 141  
22 West longitude;

23 (2) each of the following designated members:

24 (A) the commissioner of environmental conservation;

25 (B) the commissioner of fish and game;

26 (C) a deputy commissioner of natural resources;

27 (D) the commissioner of transportation and public facilities.

28 (b) Public members serve staggered terms of three years. Each member serves  
29 until a successor is appointed and qualified. A public member may be reappointed. A  
30 public member may be removed at the pleasure of the governor, in which event the  
31 alternate member shall serve the remainder of the term and a new alternate shall be

1 appointed under (a)(1) of this section.

2 (c) The board shall designate co-chairs, one of whom shall be selected from  
3 among the public members appointed under (a)(1) of this section and one from among  
4 the members designated in (a)(2) of this section.

5 (d) If a member serving under (a)(1) of this section is unable to attend, the  
6 alternate may attend. The names of alternates serving under (a)(1) of this section shall  
7 be filed with the board.

8 (e) If a member serving under (a)(2) of this section is unable to attend, a  
9 deputy commissioner in the same department may attend and act in place of the  
10 member. The names of alternates serving under (a)(2) of this section shall be filed  
11 with the board.

12 (f) Three public members and three designated members of the board  
13 constitute a quorum. However, action may be taken only upon the affirmative vote of  
14 at least two-thirds of the full membership of the board.

15 (g) The board shall meet at least four times a year and as often as necessary to  
16 fulfill its duties under this chapter and AS 46.40. Meetings may be held and members  
17 may vote telephonically, except one board meeting a year shall be held in person.

18 (h) Public members of the board are entitled to per diem and travel expenses  
19 authorized by law for members of boards and commissions.

20 (i) Administrative support for the board shall be provided by the division in  
21 the department responsible for coastal and ocean management. The director of the  
22 division in the department responsible for coastal and ocean management may contract  
23 with or employ persons as necessary to assist the board in carrying out the board's  
24 duties and responsibilities.

25 (j) The board shall

26 (1) make recommendations to the department relating to the approval  
27 or modification of a district coastal management plan under AS 46.40.060(b);

28 (2) provide a forum for the discussion of issues related to this chapter,  
29 AS 46.40, and the coastal uses and resources of the state; and

30 (3) annually solicit from state and federal agencies information as to  
31 whether they implemented any new statutes or regulations affecting coastal uses or

resources to determine if existing enforceable policies duplicate, restate, incorporate by reference, rephrase, or adopt the new state or federal statutes or regulations, and if so, direct a coastal resource district with such enforceable policies to resubmit its coastal management plan for review under this chapter and AS 46.40; and

(4) review and provide comments to the department on regulations proposed under this chapter and AS 46.40.

\* **Sec. 4.** AS 46.39.010 is amended by adding a new subsection to read:

(d) Not later than January 20 each year, the department shall prepare an annual report summarizing the department's efforts to draft and adopt regulations under this chapter and AS 46.40 during the prior calendar year. The department shall notify the legislature that the report is available and shall also post the report on the department's Internet website.

\* **Sec. 5.** AS 46.39.030 is amended to read:

**Sec. 46.39.030. Powers of the department.** The department may

(1) apply for and accept grants, contributions, and appropriations, including application for and acceptance of federal funds that may become available for coastal planning and management;

(2) contract for necessary services;

(3) consult and cooperate with

(A) persons, organizations, and groups, public or private, interested in, affected by, or concerned with coastal area planning and management;

(B) agents and officials of the coastal resource districts of the state, the Alaska Coastal Policy Board established in AS 46.39.005, and federal and state agencies concerned with or having jurisdiction over coastal planning and management;

(4) take any reasonable action necessary to carry out the provisions of this chapter or AS 46.40.

\* **Sec. 6.** AS 46.39.040 is amended to read:

**Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

(1) develop statewide standards for the Alaska coastal management program, and criteria for the preparation and approval of district coastal management plans in accordance with AS 46.40;

(2) establish continuing coordination among state agencies to facilitate the development and implementation of the Alaska coastal management program; in carrying out its duties under this paragraph, the department shall initiate an interagency program of comprehensive coastal resource planning for each geographic region of the state;

(3) assure continued provision of [DATA AND] information to coastal resource districts to carry out their planning and management functions under the program; in providing information to a coastal resource district and coastal resource service area under this paragraph, the department shall provide the information by electronic transmission, or by mail if the addressee does not have an electronic mail address, to the presiding officer of the governing body of the coastal resource district and to other persons as may be designated in writing by the district;

(4) summarize the minutes of the board's discussion of issues related to this chapter, AS 46.40, and coastal uses and resources of the state.

\* Sec. 7. AS 46.40.030 is amended to read:

**Sec. 46.40.030. Development of district coastal management plans. (a)**

Coastal resource districts shall develop and adopt district coastal management plans in accordance with the provisions of this chapter. The plan adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives, and standards governing the use of resources within the coastal area of the district. The plan must meet the [STATEWIDE STANDARDS AND] district plan criteria adopted under AS 46.40.040, may not be inconsistent with the standards adopted under AS 46.40.040, and must include

(1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management plan;

(2) a statement, list, or definition of the land and water uses and



activities subject to the district coastal management plan;

(3) a statement of enforceable policies to be applied to the land and water uses subject to the district coastal management plan; and

(4) [A DESCRIPTION OF THE USES AND ACTIVITIES THAT WILL BE CONSIDERED PROPER AND THE USES AND ACTIVITIES THAT WILL BE CONSIDERED IMPROPER WITH RESPECT TO THE LAND AND WATER WITHIN THE COASTAL AREA; AND

(5)] a designation of any [, AND THE POLICIES THAT WILL BE APPLIED TO THE USE OF,] areas which merit special attention under [WITHIN] the district coastal management plan and a designation of the enforceable policies that will be applicable within those areas which [RESOURCE DISTRICT THAT] merit special attention.

(b) In developing enforceable policies in its coastal management plan under (a) of this section, a coastal resource district shall meet the requirements of AS 46.40.070 and ensure that the enforceable policies

(1) are clear and concise as to the activities and persons affected by the policies;

(2) use prescriptive or performance-based standards that are written in precise and enforceable language;

(3) address a coastal use or resource of concern to the residents of the coastal resource district as demonstrated by local knowledge or supported by scientific evidence; and

(4) employ the least restrictive means to achieve the objective of the enforceable policy [MEET THE REQUIREMENTS OF AS 46.40.070 AND MAY NOT DUPLICATE, RESTATE, OR INCORPORATE BY REFERENCE STATUTES AND ADMINISTRATIVE REGULATIONS ADOPTED BY STATE OR FEDERAL AGENCIES].

\* Sec. 8. AS 46.40.030 is amended by adding a new subsection to read:

(c) In determining whether an enforceable policy employs the least restrictive means to achieve its objective, the following factors shall be considered:

(1) alternative methods of achieving the objective of the policy;

- 1 (2) local knowledge or scientific evidence supporting each alternative  
 2 method;  
 3 (3) how the alternative methods may affect other existing or potential  
 4 uses;  
 5 (4) the economic effects of alternative methods;  
 6 (5) the technological feasibility of the alternative methods; and  
 7 (6) any other relevant factors.

8 \* Sec. 9. AS 46.40.040(b) is amended to read:

9 (b) Notwithstanding any other provision of law, AS 46.03, AS 46.04, AS  
 10 46.09, AS 46.14, and the regulations adopted under those statutes constitute the  
 11 exclusive enforceable policies of the Alaska coastal management program for those  
 12 purposes. For those purposes only,

13 (1) the issuance of permits, certifications, approvals, and  
 14 authorizations by the Department of Environmental Conservation establishes  
 15 consistency with the Alaska coastal management program for those activities of a  
 16 proposed project subject to those permits, certifications, approvals, and authorizations;

17 (2) for a consistency review of an activity that does not require a  
 18 Department of Environmental Conservation permit, certification, approval, or  
 19 authorization because the activity is a federal activity or the activity is located on  
 20 federal land or the federal outer continental shelf, consistency with AS 46.03, AS  
 21 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes shall  
 22 be established on the basis of whether the Department of Environmental Conservation  
 23 finds that the activity satisfies the requirements of those statutes and regulations.

24 \* Sec. 10. AS 46.40.050 is amended by adding a new subsection to read:

25 (c) A coastal resource district shall resubmit its coastal management plan, as  
 26 may be directed by the board under AS 46.39.005(j)(3).

27 \* Sec. 11. AS 46.40.060(a) is amended to read:

28 (a) If, upon submission of a district coastal management plan for approval, the  
 29 department finds that the plan meets the provisions of this chapter [AND THE  
 30 STATEWIDE STANDARDS AND DISTRICT PLAN CRITERIA ADOPTED BY  
 31 THE DEPARTMENT AND DOES NOT ARBITRARILY OR UNREASONABLY

RESTRICT OR EXCLUDE USES OF STATE CONCERN], the department may approve the district coastal management plan, or may approve portions of the district plan that meet those requirements.

\* Sec. 12. AS 46.40.060(b) is amended to read:

(b) If the department finds that a district coastal management plan is not approvable or is approvable only in part under (a) of this section, the department shall explain in writing the basis for its decision. The coastal resource district that submitted the plan may request that the department submit the plan or portions of the plan to the board for review. The board shall review the plan or portions of the plan and make recommendations relating to whether the department should approve or modify the district coastal management plan in whole or in part [IT SHALL DIRECT THAT DEFICIENCIES IN THE PLAN SUBMITTED BY THE COASTAL RESOURCE DISTRICT BE MEDIATED. IN MEDIATING THE DEFICIENCIES, THE DEPARTMENT MAY CALL FOR ONE OR MORE PUBLIC HEARINGS IN THE DISTRICT. THE DEPARTMENT SHALL MEET WITH OFFICIALS OF THE COASTAL RESOURCE DISTRICT IN ORDER TO RESOLVE DIFFERENCES].

\* Sec. 13. AS 46.40.060(c) is amended to read:

(c) After the board has reviewed the district coastal management plan and submitted recommendations under (b) of this section [IF, AFTER MEDIATION, THE DIFFERENCES HAVE NOT BEEN RESOLVED], the department shall enter findings and, by order, may [REQUIRE]

(1) approve the plan or portions of the plan;

(2) require that the district coastal management plan be amended to meet [SATISFY] the provisions of this chapter [OR MEET THE STATEWIDE STANDARDS] and district plan criteria adopted by the department;

(3) require [(2)] that the district coastal management plan be revised to accommodate a use of state concern; or

(4) require that [(3)] any other action be taken by the coastal resource district [AS APPROPRIATE].

\* Sec. 14. AS 46.40.060 is amended by adding new subsections to read:

(e) Only a coastal resource district affected by a decision of the department under this section may request reconsideration of the decision. The request must be made within 15 days after the decision, must be in writing, and must include a statement of the specific issues and material facts that the coastal resource district contends that the department overlooked, failed to consider, or misconceived. The commissioner of natural resources may review the department's decision on the basis of the request and determine whether the decision should be changed. The commissioner may issue a determination in writing within 20 days after the issuance of the decision. If the commissioner has not issued a written decision within the 20-day period, the request for reconsideration shall be considered as denied. Denial of a request for reconsideration is a final administrative order and decision of the department.

(f) The superior courts of the state have jurisdiction to enforce orders of the department entered under (c) and (e) of this section.

\* **Sec. 15.** AS 46.40.070 is repealed and reenacted to read:

**Sec. 46.40.070. Requirements for department review and approval.** (a) The department shall approve a district coastal management plan submitted for review and approval if, as determined by the department, the

(1) district coastal management plan meets the requirements of this chapter and the district plan criteria adopted by the department; and

(2) enforceable policies of the district coastal management plan

(A) do not duplicate, restate, incorporate by reference, rephrase, or adopt state or federal statutes or regulations;

(B) are not preempted by or in conflict with state or federal statutes or regulations;

(C) employ the least restrictive means to achieve the objective of the enforceable policies;

(D) do not arbitrarily or unreasonably restrict uses of state concern; and

(E) meet the requirements of (b) and (c) of this section.

(b) The enforceable policies in a district coastal management plan submitted

1 for review under this section must meet the requirements of (a) of this section and may  
 2 establish new standards or requirements that are within the authority of a state or  
 3 federal agency unless

4 (1) a state agency specifically objects to the proposed new standards or  
 5 requirements on the grounds that the proposed standards or requirements

6 (A) are based on scientific evidence or local knowledge relied  
 7 upon by the coastal resource district to satisfy the requirements of AS  
 8 46.40.030 but that conflicts with the agency's interpretation of the scientific  
 9 evidence within the agency's area of expertise;

10 (B) conflict with the agency's allocation of existing or planned  
 11 agency resources to meet state policies and objectives; or

12 (C) conflict with agency priorities or objectives, or other state  
 13 policies;

14 (2) the proposed new standards or requirements address discharges,  
 15 emissions, contaminants, conditions, risks, or other matters that fall within the  
 16 authority of the Department of Environmental Conservation under AS 46.03, AS  
 17 46.04, AS 46.09, AS 46.14, and regulations adopted under those statutes.

18 (c) An approval of a district coastal management plan with enforceable  
 19 policies may not affect a person's rights or authorizations under an unexpired permit,  
 20 lease, or other valid existing right to explore or develop natural resources that predates  
 21 the date that the enforceable policy becomes final. An enforceable policy becomes  
 22 final when its adoption is no longer subject to further review through either a judicial  
 23 or administrative process.

24 (d) In this section, "specifically objects" means that, during a review of a  
 25 district coastal management plan under AS 46.40.050 or 46.40.060 and their  
 26 implementing regulations, a written objection to the enforceable policy that establishes  
 27 the new standards or requirements is filed with the department by

28 (1) the commissioner or the commissioner's designee of a state agency;  
 29 or

30 (2) the attorney general of the state.

31 (e) Notwithstanding any other provision of this chapter, an enforceable policy

that establishes requirements within the authority of a state or federal agency shall be superseded upon the enactment of a law or adoption of a regulation that is inconsistent with the enforceable policy.

\* Sec. 16. AS 46.40.096(d) is amended to read:

(d) In preparing a consistency review and determination for a proposed project, the reviewing entity shall

(1) request consistency review comments for the proposed project from state resource agencies, affected coastal resource districts, and other interested parties as determined by regulation adopted by the department;

(2) prepare proposed consistency determinations;

(3) conduct an elevated review [COORDINATE SUBSEQUENT REVIEWS] of proposed consistency determinations prepared under (2) of this subsection; an elevated [A SUBSEQUENT] review of a proposed consistency determination under this paragraph

(A) shall be conducted [IS LIMITED TO A REVIEW] by the commissioners of the resource agencies or their deputies [DEPARTMENT];

(B) may occur only if requested by

(i) the project applicant;

(ii) a state resource agency; or

(iii) an affected coastal resource district; and

(C) shall be completed with the issuance of a written order signed by at least two of the commissioners of the resource agencies or their deputies [BY THE DEPARTMENT] within 60 [45] days after the initial request for an elevated [SUBSEQUENT] review under this paragraph; if a written order is not issued in accordance with this subparagraph, the proposed consistency determination under (2) of this subsection is the final consistency determination and certification; and

(4) render the final consistency determination and certification consistent with this subsection.

\* Sec. 17. AS 46.40.096(o) is amended to read:

(o) The time limitations in (n) of this section

(1) do not apply to a consistency review involving the disposal of an interest in state land or resources;

(2) are suspended

(A) from the time the reviewing entity determines that the applicant has not adequately responded in writing within 14 days after the receipt of a written request from the reviewing entity for additional information, until the time the reviewing entity determines that the applicant has provided an adequate written response;

(B) during a period of time requested by the applicant;

(C) during the period of time a consistency review is undergoing an elevated [A SUBSEQUENT] review under (d)(3) of this section.

\* Sec. 18. AS 46.40.096(q)(2) is amended to read:

(2) "reviewing entity" means the

(A) Department of Natural Resources, for a consistency review subject to AS 46.39.010;

(B) commissioners or their deputies for an elevated review;

(C) state agency identified in (b) of this section, for a consistency review not subject to AS 46.39.010.

\* Sec. 19. AS 46.40.180(b) is amended to read:

(b) If a city or village within a coastal resource service area fails to approve a portion of the district coastal management plan prepared and submitted for approval under (a) of this section, the governing body shall advise the coastal resource service area board of its objections to the proposed plan and suggest alternative elements or components for inclusion in the district coastal management plan. New matter submitted by a city or village that is not inconsistent with the standards adopted under AS 46.40.040 and meets the [STATEWIDE STANDARDS AND] district plan criteria adopted under this chapter shall be accepted and the district coastal management plan modified accordingly. If a city or village fails to provide objections and suggested alternatives within the time limits established in this section, the coastal

1 resource service area board may adopt the district coastal management plan as initially  
2 offered.

3 \* **Sec. 20.** AS 46.40.210 is amended by adding new paragraphs to read:

4 (13) "board" means the Alaska Coastal Policy Board established in AS  
5 46.39.005;

6 (14) "commissioners" means the commissioners of the resource  
7 agencies;

8 (15) "elevated review" means a review of a proposed consistency  
9 determination by the commissioners, or their deputies, of the resource agencies;

10 (16) "local knowledge" means a body of knowledge or information  
11 about the coastal environment or the human use of that environment, including  
12 information passed down through generations, if that information is

13 (A) derived from experience and observations;

14 (B) generally accepted by the local community; and

15 (C) not contradicted by scientific evidence;

16 (17) "scientific evidence" means facts or data that are

17 (A) premised upon established chemical, physical, biological,  
18 or ecosystem management principles as obtained through scientific method and  
19 submitted to the division in the department responsible for ocean and coastal  
20 management to furnish proof of a matter required under this chapter;

21 (B) in a form that would allow resource agency review for  
22 scientific merit; and

23 (C) supported by one or more of the following:

24 (i) written analysis based on field observation and  
25 professional judgment along with photographic documentation;

26 (ii) written analysis from a professional scientist with  
27 expertise in the specific discipline; or

28 (iii) site-specific scientific research that may include  
29 peer-review level research or literature.

30 \* **Sec. 21.** (a) AS 46.39.005 is repealed.

31 (b) AS 46.40.060(d) is repealed.



1     \* **Sec. 22.** The uncoded law of the State of Alaska is amended by adding a new section to  
2 read:

3           TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY BOARD;  
4 STAGGERED TERMS. (a) Notwithstanding AS 46.39.005(a), added by sec. 3 of this Act,  
5 within 30 days after the effective date of this section, the municipalities of each region  
6 identified in AS 46.39.005(a)(1)(B) shall submit to the governor the names of three persons  
7 from the region qualified under AS 46.39.005(a), added by sec. 3 of this Act. Notwithstanding  
8 AS 46.39.005, added by sec. 3 of this Act, within 60 days after the effective date of this  
9 section, the governor shall appoint, from the lists of names submitted under AS  
10 46.39.005(a)(1)(B), one member and one alternate from each region, or request subsequent  
11 lists of names in accordance with AS 46.39.005(a)(1)(B), and shall appoint one at-large  
12 member and one alternate to serve on the Alaska Coastal Policy Board established by AS  
13 46.39.005, added by sec. 3 of this Act. The governor shall appoint the public members to  
14 three-year staggered terms. The alternate for each member shall serve the same term as the  
15 member. The governor shall specify the term of each member appointed subject to this  
16 section.

17           (b) Notwithstanding the requirements of AS 46.40.060(b), as amended by sec. 12 of  
18 this Act, a review by the Alaska Coastal Policy Board relating to a district coastal  
19 management plan, or a portion of a district coastal management plan, shall be delayed until all  
20 the public members and alternates of the board are appointed under (a) of this section.

21     \* **Sec. 23.** The uncoded law of the State of Alaska is amended by adding a new section to  
22 read:

23           TRANSITION: PENDING DISTRICT COASTAL MANAGEMENT PLANS. If a  
24 plan of a coastal resource district was submitted to the Department of Natural Resources  
25 before the effective date of this Act, but is pending approval in its entirety before the effective  
26 date of this Act, the coastal resource district shall resubmit the entire plan to the Department  
27 of Natural Resources for approval using the standards set out as AS 46.39 and AS 46.40, as  
28 modified by this Act.

29     \* **Sec. 24.** The uncoded law of the State of Alaska is amended by adding a new section to  
30 read:

31           REVIEW AND REPORT BY THE ALASKA COASTAL POLICY BOARD. Before

1 February 1, 2013, the Alaska Coastal Policy Board shall review AS 46.40.040(b), as amended  
 2 by sec. 9 of this Act, AS 46.40.040(c), and AS 46.40.096(i), their implementing regulations,  
 3 and related federal and state statutes and regulations, and prepare a report to the governor and  
 4 the legislature on any proposed changes to the provisions of AS 46.40.

5 \* **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to  
 6 read:

7 **RETROACTIVITY AND REVIVAL.** (a) The amendment to AS 44.66.020(a)(5)  
 8 made by sec. 2 of this Act is retroactive to January 1, 2011.

9 (b) If, under AS 01.10.070(c), sec. 27 of this Act takes effect on or after July 1, 2011,  
 10 sec. 27 of this Act is retroactive to July 1, 2011, and sections repealed by sec. 18, ch. 31, SLA  
 11 2005, are revived. If a revived section is amended by this Act, it is revived as amended by this  
 12 Act. The revived sections are subject to repeal under sec. 22, ch. 31, SLA 2005, as amended  
 13 by sec. 27 of this Act.

14 (c) If, under AS 01.10.070(c), this section takes effect on or after July 1, 2011, AS  
 15 46.39.005, added by sec. 3 of this Act and repealed by sec. 21(a) of this Act, is revived. AS  
 16 46.39.005, as revived, is subject to repeal under secs. 21(a) and 28 of this Act and sec. 22, ch.  
 17 31, SLA 2005, as amended by sec. 27 of this Act.

18 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
 19 read:

20 **CONDITIONAL EFFECT.** Section 21(a) of this Act takes effect only if secs. 1 - 13  
 21 and 18, ch. 31, SLA 2005, take effect.

22 \* **Sec. 27.** The uncodified law of the State of Alaska enacted in sec. 22, ch. 31, SLA 2005, is  
 23 amended to read:

24 Sec. 22. Sections 1 - 13 and 18, ch. 31, SLA 2005, [OF THIS ACT] take effect  
 25 July 1, 2017 [2011], unless the state's revised coastal management program has not  
 26 been approved by the National Oceanic and Atmospheric Administration, Office of  
 27 Ocean and Coastal Resource Management, United States Department of Commerce,  
 28 under 16 U.S.C. 1455 and 1457 (Coastal Zone Management Act of 1972) before  
 29 January 1, 2006. If the state's revised coastal management program is not approved  
 30 before January 1, 2006, by the National Oceanic and Atmospheric Administration,  
 31 Office of Ocean and Coastal Resource Management, United States Department of

1 Commerce, then secs. 1 - 13 and 18, ch. 31, SLA 2005, [OF THIS ACT] take effect  
2 May 10, 2006. The commissioner of natural resources shall notify the revisor of  
3 statutes on February 1, 2006, whether the revised coastal management program has  
4 been approved as described in this section.

5 \* **Sec. 28.** If sec. 21(a) of this Act takes effect, it takes effect on the date that secs. 1 - 13 and  
6 18, ch. 31, SLA 2005, take effect.

7 \* **Sec. 29.** Except as provided in sec. 28 of this Act, this Act takes effect immediately under  
8 AS 01.10.070(c).

Senate Version

**SCS CSHB 106(FIN)**

**SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - FIRST SPECIAL SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered: 5/13/11**

**Referred: Today's Calendar**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act extending the termination date of the Alaska coastal management program and**  
2   **relating to the extension; relating to the review of activities and regulations of the Alaska**  
3   **coastal management program; establishing the Alaska Coastal Policy Board; relating to**  
4   **the development, review, and approval of district coastal management plans; relating to**  
5   **the duties of the Department of Natural Resources relating to the Alaska coastal**  
6   **management program; relating to the review of certain consistency determinations;**  
7   **providing for an effective date by amending the effective date of secs. 1 - 13 and 18, ch.**  
8   **31, SLA 2005; and providing for an effective date."**

9   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10    \* **Section 1.** AS 44.37.020 is amended by adding a new subsection to read:

11           (c) In administering the Alaska coastal management program under AS 46.39  
12           and AS 46.40, the Department of Natural Resources may consider how subsistence

1 uses may be affected.

2 \* **Sec. 2.** AS 44.66.020(a) is amended to read:

3 (a) Agency programs and activities listed in this subsection that are  
4 specifically designated as provided in AS 44.66.030 are subject to termination during  
5 the regular legislative session convening in the month and year set out after each:

6 (1) programs in the budget categories of general government, public  
7 protection, and administration of justice - January, 1980;

8 (2) programs in the budget categories of education and the University  
9 of Alaska - January, 1981;

10 (3) programs in the budget categories of health and social services -  
11 January, 1982;

12 (4) programs in the budget categories of natural resources  
13 management, development, and transportation - January, 1983;

14 (5) the Alaska coastal management program (AS 46.40) - January,  
15 2017 [2011].

16 \* **Sec. 3.** AS 46.39 is amended by adding a new section to article 1 to read:

17 **Sec. 46.39.005. Alaska Coastal Policy Board.** (a) The Alaska Coastal Policy  
18 Board is created in the Department of Natural Resources. The board consists of the  
19 following:

20 (1) five public members appointed by the governor; the public  
21 members shall include

22 (A) one at-large member and an alternate member from any  
23 coastal resource district who is a representative of

24 (i) a Native regional corporation established under 43  
25 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act);

26 (ii) a mining organization;

27 (iii) an oil and gas organization; or

28 (iv) any other resource development or extraction  
29 industry;

30 (B) four members from a list composed of at least three names  
31 from each region, and four alternate members from a list composed of at least

1 three names from each region, nominated and submitted by the coastal  
2 resource districts of each region; the governor may reject a list submitted under  
3 this subparagraph and request that subsequent lists with different names be  
4 submitted; one public member and one alternate member shall be appointed  
5 from each of the following regions:

6 (i) northwest Alaska, including, generally, the area of  
7 the North Slope Borough and the Northwest Arctic Borough; and the  
8 Bering Strait area, including, generally, the area of the Bering Strait  
9 regional educational attendance area;

10 (ii) southwest Alaska, including, generally, the area  
11 within the Lower Yukon, Lower Kuskokwim, and Southwest regional  
12 educational attendance areas and the Lake and Peninsula and Bristol  
13 Bay Boroughs; and the Kodiak-Aleutians area, including the area of the  
14 Kodiak Island and Aleutians East Boroughs and the Aleutian, Adak,  
15 and Pribilof regional educational attendance areas;

16 (iii) Upper Cook Inlet area, including the Municipality  
17 of Anchorage and the Matanuska-Susitna Borough; the Lower Cook  
18 Inlet area, including, generally, the Kenai Peninsula Borough; and the  
19 Prince William Sound area, including, generally, the area east of the  
20 Kenai Peninsula Borough to 141 West longitude; and

21 (iv) Southeast Alaska, generally the area east of 141  
22 West longitude;

23 (2) each of the following designated members:

24 (A) the commissioner of environmental conservation;

25 (B) the commissioner of fish and game;

26 (C) a deputy commissioner of natural resources;

27 (D) the commissioner of transportation and public facilities.

28 (b) Public members serve staggered terms of three years. Except as provided  
29 by (c) of this section, each member serves until a successor is appointed and qualified.  
30 A public member may be reappointed.

31 (c) The board may recommend that the governor remove a public member for

1 cause. With or without a recommendation from the board, the governor may remove a  
2 public member for cause after giving the public member written notice of the charges  
3 and an opportunity to be heard upon not less than 10 days' notice. If a public member  
4 is removed, the alternate member shall serve the remainder of the term, and a new  
5 alternate shall be appointed under (a)(1) of this section. In this subsection, "for cause"  
6 includes lack of contribution to the board's work, neglect of duty, incompetence,  
7 inability to serve, poor attendance, and misconduct in office.

8 (d) The board shall designate co-chairs, one of whom shall be selected from  
9 among the public members appointed under (a)(1) of this section and one from among  
10 the members designated in (a)(2) of this section.

11 (e) If a member serving under (a)(1) of this section is unable to attend, the  
12 alternate may attend. The names of alternates serving under (a)(1) of this section shall  
13 be filed with the board.

14 (f) If a member serving under (a)(2) of this section is unable to attend, a  
15 deputy commissioner in the same department may attend and act in place of the  
16 member. The names of deputy commissioners serving as alternates for members  
17 serving under (a)(2) of this section shall be filed with the board.

18 (g) Three public members and three designated members of the board  
19 constitute a quorum. However, action may be taken only upon the affirmative vote of  
20 at least two-thirds of the full membership of the board.

21 (h) The board shall meet at least four times a year and as often as necessary to  
22 fulfill its duties under this chapter and AS 46.40. Meetings may be held and members  
23 may vote telephonically, except one board meeting a year shall be held in person.

24 (i) Public members of the board are entitled to per diem and travel expenses  
25 authorized by law for members of boards and commissions.

26 (j) Administrative support for the board shall be provided by the division in  
27 the department responsible for coastal and ocean management. The director of the  
28 division in the department responsible for coastal and ocean management may contract  
29 with or employ persons as necessary to assist the board in carrying out the board's  
30 duties and responsibilities.

31 (k) The board shall



(1) make recommendations to the department relating to the approval or modification of a district coastal management plan under AS 46.40.060(b);

(2) provide a forum for the discussion of issues related to this chapter, AS 46.40, and the coastal uses and resources of the state; and

(3) annually solicit from state and federal agencies information as to whether they implemented any new statutes or regulations affecting coastal uses or resources to determine if existing enforceable policies duplicate, restate, incorporate by reference, rephrase, or adopt the new state or federal statutes or regulations, and if so, direct a coastal resource district with such enforceable policies to resubmit its coastal management plan for review under this chapter and AS 46.40; and

(4) review and provide comments to the department on regulations proposed under this chapter and AS 46.40.

\* **Sec. 4.** AS 46.39.010 is amended by adding a new subsection to read:

(d) Not later than January 20 each year, the department shall prepare an annual report summarizing the department's efforts to draft and adopt regulations under this chapter and AS 46.40 during the prior calendar year. The department shall notify the legislature that the report is available and shall also post the report on the department's Internet website.

\* **Sec. 5.** AS 46.39.030 is amended to read:

**Sec. 46.39.030. Powers of the department.** The department may

(1) apply for and accept grants, contributions, and appropriations, including application for and acceptance of federal funds that may become available for coastal planning and management;

(2) contract for necessary services;

(3) consult and cooperate with

(A) persons, organizations, and groups, public or private, interested in, affected by, or concerned with coastal area planning and management;

(B) agents and officials of the coastal resource districts of the state, the Alaska Coastal Policy Board established in AS 46.39.005, and federal and state agencies concerned with or having jurisdiction over coastal

1 planning and management;

2 (4) take any reasonable action necessary to carry out the provisions of  
3 this chapter or AS 46.40.

4 \* Sec. 6. AS 46.39.040 is amended to read:

5 **Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451  
6 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

7 (1) develop statewide standards for the Alaska coastal management  
8 program, and criteria for the preparation and approval of district coastal management  
9 plans in accordance with AS 46.40;

10 (2) establish continuing coordination among state agencies to facilitate  
11 the development and implementation of the Alaska coastal management program; in  
12 carrying out its duties under this paragraph, the department shall initiate an  
13 interagency program of comprehensive coastal resource planning for each geographic  
14 region of the state;

15 (3) assure continued provision of [DATA AND] information to coastal  
16 resource districts to carry out their planning and management functions under the  
17 program; in providing information to a coastal resource district and coastal  
18 resource service area under this paragraph, the department shall provide the  
19 information by electronic transmission, or by mail if the addressee does not have  
20 an electronic mail address, to the presiding officer of the governing body of the  
21 coastal resource district and to other persons as may be designated in writing by  
22 the district;

23 (4) summarize the minutes of the board's discussion of issues  
24 related to this chapter, AS 46.40, and coastal uses and resources of the state.

25 \* Sec. 7. AS 46.40.030 is amended to read:

26 **Sec. 46.40.030. Development of district coastal management plans.** (a)  
27 Coastal resource districts shall develop and adopt district coastal management plans in  
28 accordance with the provisions of this chapter. The plan adopted by a coastal resource  
29 district shall be based upon a municipality's existing comprehensive plan or a new  
30 comprehensive resource use plan or comprehensive statement of needs, policies,  
31 objectives, and standards governing the use of resources within the coastal area of the

1 district. The plan must meet the [STATEWIDE STANDARDS AND] district plan  
 2 criteria adopted under AS 46.40.040, may not be inconsistent with the standards  
 3 adopted under AS 46.40.040, and must include

4 (1) a delineation within the district of the boundaries of the coastal area  
 5 subject to the district coastal management plan;

6 (2) a statement, list, or definition of the land and water uses and  
 7 activities subject to the district coastal management plan;

8 (3) a statement of enforceable policies to be applied to the land and  
 9 water uses subject to the district coastal management plan; and

10 (4) [A DESCRIPTION OF THE USES AND ACTIVITIES THAT  
 11 WILL BE CONSIDERED PROPER AND THE USES AND ACTIVITIES THAT  
 12 WILL BE CONSIDERED IMPROPER WITH RESPECT TO THE LAND AND  
 13 WATER WITHIN THE COASTAL AREA; AND

14 (5)] a designation of any [, AND THE POLICIES THAT WILL BE  
 15 APPLIED TO THE USE OF,] areas which merit special attention under [WITHIN]  
 16 the district coastal management plan and a designation of the enforceable policies  
 17 that will be applicable within those areas which [RESOURCE DISTRICT THAT]  
 18 merit special attention.

19 (b) In developing enforceable policies in its coastal management plan under  
 20 (a) of this section, a coastal resource district shall meet the requirements of  
 21 AS 46.40.070 and ensure that the enforceable policies

22 (1) are clear and concise as to the activities and persons affected by  
 23 the policies;

24 (2) use prescriptive or performance-based standards that are  
 25 written in precise and enforceable language;

26 (3) address a coastal use or resource of concern to the residents of  
 27 the coastal resource district as demonstrated by local knowledge or supported by  
 28 scientific evidence; and

29 (4) employ the least restrictive means to achieve the objective of  
 30 the enforceable policy [MEET THE REQUIREMENTS OF AS 46.40.070 AND  
 31 MAY NOT DUPLICATE, RESTATE, OR INCORPORATE BY REFERENCE

1       STATUTES AND ADMINISTRATIVE REGULATIONS ADOPTED BY STATE  
2       OR FEDERAL AGENCIES].

3       \* **Sec. 8.** AS 46.40.030 is amended by adding new subsections to read:

4               (c) In determining whether an enforceable policy employs the least restrictive  
5       means to achieve its objective, the following factors shall be considered:

6                       (1) alternative methods of achieving the objective of the policy;

7                       (2) local knowledge or scientific evidence supporting each alternative  
8       method; and

9                       (3) how the alternative methods may affect other existing or potential  
10      uses.

11              (d) Additional factors that the department may require be addressed in  
12      determining whether an enforceable policy employs the least restrictive means to  
13      achieve its objective are as follows:

14                      (1) the economic effects of alternative methods;

15                      (2) the technological feasibility of the alternative methods; and

16                      (3) any other relevant factors.

17       \* **Sec. 9.** AS 46.40.040(b) is amended to read:

18              (b) Notwithstanding any other provision of law, AS 46.03, AS 46.04,  
19      AS 46.09, AS 46.14, and the regulations adopted under those statutes constitute the  
20      exclusive enforceable policies of the Alaska coastal management program for those  
21      purposes. For those purposes only,

22                      (1) the issuance of permits, certifications, approvals, and  
23      authorizations by the Department of Environmental Conservation establishes  
24      consistency with the Alaska coastal management program for those activities of a  
25      proposed project subject to those permits, certifications, approvals, and authorizations;

26                      (2) for a consistency review of an activity that does not require a  
27      Department of Environmental Conservation permit, certification, approval, or  
28      authorization because the activity is a federal activity or the activity is located on  
29      federal land or the federal outer continental shelf, consistency with AS 46.03,  
30      AS 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes  
31      shall be established on the basis of whether the Department of Environmental

1 Conservation finds that the activity satisfies the requirements of those statutes and  
2 regulations.

3 \* **Sec. 10.** AS 46.40.050 is amended by adding a new subsection to read:

4 (c) A coastal resource district shall resubmit its coastal management plan, as  
5 may be directed by the board under AS 46.39.005(k)(3).

6 \* **Sec. 11.** AS 46.40.060(a) is amended to read:

7 (a) If, upon submission of a district coastal management plan for approval, the  
8 department finds that the plan meets the provisions of this chapter [AND THE  
9 STATEWIDE STANDARDS AND DISTRICT PLAN CRITERIA ADOPTED BY  
10 THE DEPARTMENT AND DOES NOT ARBITRARILY OR UNREASONABLY  
11 RESTRICT OR EXCLUDE USES OF STATE CONCERN], the department may  
12 approve the district coastal management plan, or may approve portions of the district  
13 plan that meet those requirements.

14 \* **Sec. 12.** AS 46.40.060(b) is amended to read:

15 (b) If the department finds that a district coastal management plan is not  
16 approvable or is approvable only in part under (a) of this section, the department  
17 shall explain in writing the basis for its decision. The coastal resource district that  
18 submitted the plan may request that the department submit the plan or portions  
19 of the plan to the board for review. The board shall review the plan or portions of  
20 the plan and make recommendations relating to whether the department should  
21 approve or modify the district coastal management plan in whole or in part [IT  
22 SHALL DIRECT THAT DEFICIENCIES IN THE PLAN SUBMITTED BY THE  
23 COASTAL RESOURCE DISTRICT BE MEDIATED. IN MEDIATING THE  
24 DEFICIENCIES, THE DEPARTMENT MAY CALL FOR ONE OR MORE PUBLIC  
25 HEARINGS IN THE DISTRICT. THE DEPARTMENT SHALL MEET WITH  
26 OFFICIALS OF THE COASTAL RESOURCE DISTRICT IN ORDER TO  
27 RESOLVE DIFFERENCES].

28 \* **Sec. 13.** AS 46.40.060(c) is amended to read:

29 (c) After the board has reviewed the district coastal management plan  
30 and submitted recommendations under (b) of this section [IF, AFTER  
31 MEDIATION, THE DIFFERENCES HAVE NOT BEEN RESOLVED], the

department shall enter findings and, by order, may [REQUIRE]

(1) approve the plan or portions of the plan;

(2) require that the district coastal management plan be amended to meet [SATISFY] the provisions of this chapter [OR MEET THE STATEWIDE STANDARDS] and district plan criteria adopted by the department;

(3) require [(2)] that the district coastal management plan be revised to accommodate a use of state concern; or

(4) require the coastal resource district to submit additional information if, in the judgment of the department, additional information is necessary for the department to approve the plan or portions of the plan [(3) ANY OTHER ACTION BE TAKEN BY THE COASTAL RESOURCE DISTRICT AS APPROPRIATE].

\* Sec. 14. AS 46.40.060 is amended by adding new subsections to read:

(e) Only a coastal resource district affected by a decision of the department under this section may request reconsideration of the decision. The request must be made within 15 days after the decision, must be in writing, and must include a statement of the specific issues and material facts that the coastal resource district contends that the department overlooked, failed to consider, or misconceived. The commissioner of natural resources may review the department's decision on the basis of the request and determine whether the decision should be changed. The commissioner may issue a determination in writing within 20 days after the issuance of the decision. If the commissioner has not issued a written decision within the 20-day period, the request for reconsideration shall be considered as denied. Denial of a request for reconsideration is a final administrative order and decision of the department.

(f) The superior courts of the state have jurisdiction to enforce orders of the department entered under (c) and (e) of this section.

\* Sec. 15. AS 46.40.070 is repealed and reenacted to read:

**Sec. 46.40.070. Requirements for department review and approval.** (a) The department shall approve a district coastal management plan submitted for review and approval if, as determined by the department, the

1 (1) district coastal management plan meets the requirements of this  
2 chapter and the district plan criteria adopted by the department; and

3 (2) enforceable policies of the district coastal management plan

4 (A) do not duplicate, restate, incorporate by reference,  
5 rephrase, or adopt state or federal statutes or regulations;

6 (B) are not preempted by or in conflict with state or federal  
7 statutes or regulations;

8 (C) employ the least restrictive means to achieve the objective  
9 of the enforceable policies;

10 (D) do not arbitrarily or unreasonably restrict uses of state  
11 concern; and

12 (E) meet the requirements of (b) and (c) of this section.

13 (b) The enforceable policies in a district coastal management plan submitted  
14 for review under this section must meet the requirements of (a) of this section and may  
15 establish new standards or requirements that are within the authority of a state or  
16 federal agency unless

17 (1) a state agency specifically objects to the proposed new standards or  
18 requirements on the grounds that the proposed standards or requirements

19 (A) are based on scientific evidence or local knowledge relied  
20 upon by the coastal resource district to satisfy the requirements of  
21 AS 46.40.030 but that conflicts with the agency's interpretation of the scientific  
22 evidence within the agency's area of expertise;

23 (B) conflict with the agency's allocation of existing or planned  
24 agency resources to meet state policies and objectives; or

25 (C) conflict with agency priorities or objectives, or other state  
26 policies;

27 (2) the proposed new standards or requirements address discharges,  
28 emissions, contaminants, conditions, risks, or other matters that fall within the  
29 authority of the Department of Environmental Conservation under AS 46.03,  
30 AS 46.04, AS 46.09, AS 46.14, and regulations adopted under those statutes.

31 (c) An approval of a district coastal management plan with enforceable

1 policies may not affect a person's rights or authorizations under an unexpired permit,  
 2 lease, or other valid existing right to explore or develop natural resources that predates  
 3 the date that the enforceable policy becomes final. An enforceable policy becomes  
 4 final when its adoption is no longer subject to further review through either a judicial  
 5 or administrative process.

6 (d) Notwithstanding AS 46.40.030(a)(4), in reviewing and approving a district  
 7 coastal management plan under (a) of this section, the department may not require a  
 8 district to designate areas for the purpose of developing an enforceable policy.

9 (e) In this section, "specifically objects" means that, during a review of a  
 10 district coastal management plan under AS 46.40.050 or 46.40.060 and their  
 11 implementing regulations, a written objection to the enforceable policy that establishes  
 12 the new standards or requirements is filed with the department by

13 (1) the commissioner or deputy commissioner of a state agency; or

14 (2) the attorney general of the state.

15 (f) Notwithstanding any other provision of this chapter, an enforceable policy  
 16 that establishes requirements within the authority of a state or federal agency shall be  
 17 superseded upon the enactment of a law or adoption of a regulation that is inconsistent  
 18 with the enforceable policy.

19 \* Sec. 16. AS 46.40.096(d) is amended to read:

20 (d) In preparing a consistency review and determination for a proposed  
 21 project, the reviewing entity shall

22 (1) request consistency review comments for the proposed project  
 23 from state resource agencies, affected coastal resource districts, and other interested  
 24 parties as determined by regulation adopted by the department;

25 (2) prepare proposed consistency determinations;

26 (3) conduct an elevated review [COORDINATE SUBSEQUENT  
 27 REVIEWS] of proposed consistency determinations prepared under (2) of this  
 28 subsection; an elevated [A SUBSEQUENT] review of a proposed consistency  
 29 determination under this paragraph

30 (A) shall be conducted [IS LIMITED TO A REVIEW] by the  
 31 commissioners or deputy commissioners of the resource agencies



1 [DEPARTMENT];

2 (B) may occur only if requested by

3 (i) the project applicant;

4 (ii) a state resource agency; or

5 (iii) an affected coastal resource district; and

6 (C) shall be completed with the issuance of a written order  
 7 signed by at least two of the commissioners or deputy commissioners of  
 8 the resource agencies [BY THE DEPARTMENT] within 60 [45] days after  
 9 the initial request for an elevated [SUBSEQUENT] review under this  
 10 paragraph; if a written order is not issued in accordance with this  
 11 subparagraph, the proposed consistency determination under (2) of this  
 12 subsection is the final consistency determination and certification; and

13 (4) render the final consistency determination and certification  
 14 consistent with this subsection.

15 \* Sec. 17. AS 46.40.096(o) is amended to read:

16 (o) The time limitations in (n) of this section

17 (1) do not apply to a consistency review involving the disposal of an  
 18 interest in state land or resources;

19 (2) are suspended

20 (A) from the time the reviewing entity determines that the  
 21 applicant has not adequately responded in writing within 14 days after the  
 22 receipt of a written request from the reviewing entity for additional  
 23 information, until the time the reviewing entity determines that the applicant  
 24 has provided an adequate written response;

25 (B) during a period of time requested by the applicant;

26 (C) during the period of time a consistency review is  
 27 undergoing an elevated [A SUBSEQUENT] review under (d)(3) of this  
 28 section.

29 \* Sec. 18. AS 46.40.096(q)(2) is amended to read:

30 (2) "reviewing entity" means the

31 (A) Department of Natural Resources, for a consistency review

1 subject to AS 46.39.010;

2 (B) commissioners or deputy commissioners of the resource  
3 agencies for an elevated review;

4 (C) state agency identified in (b) of this section, for a  
5 consistency review not subject to AS 46.39.010.

6 \* Sec. 19. AS 46.40.180(b) is amended to read:

7 (b) If a city or village within a coastal resource service area fails to approve a  
8 portion of the district coastal management plan prepared and submitted for approval  
9 under (a) of this section, the governing body shall advise the coastal resource service  
10 area board of its objections to the proposed plan and suggest alternative elements or  
11 components for inclusion in the district coastal management plan. New matter  
12 submitted by a city or village that is not inconsistent with the standards adopted  
13 under AS 46.40.040 and meets the [STATEWIDE STANDARDS AND] district plan  
14 criteria adopted under this chapter shall be accepted and the district coastal  
15 management plan modified accordingly. If a city or village fails to provide objections  
16 and suggested alternatives within the time limits established in this section, the coastal  
17 resource service area board may adopt the district coastal management plan as initially  
18 offered.

19 \* Sec. 20. AS 46.40.210 is amended by adding new paragraphs to read:

20 (13) "board" means the Alaska Coastal Policy Board established in  
21 AS 46.39.005;

22 (14) "commissioners" means the commissioners of the resource  
23 agencies;

24 (15) "elevated review" means a review of a proposed consistency  
25 determination by the commissioners or deputy commissioners of the resource  
26 agencies.

27 \* Sec. 21. AS 46.39.005 is repealed.

28 \* Sec. 22. AS 46.40.060(d) is repealed.

29 \* Sec. 23. The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY BOARD;

1 STAGGERED TERMS. (a) Notwithstanding AS 46.39.005(a), added by sec. 3 of this Act,  
 2 within 30 days after the effective date of this section, the municipalities of each region  
 3 identified in AS 46.39.005(a)(1)(B) shall submit to the governor the names of three persons to  
 4 be considered for appointment as public members, and the names of three persons to be  
 5 considered as alternate members, from the region qualified under AS 46.39.005(a), added by  
 6 sec. 3 of this Act. Notwithstanding AS 46.39.005, added by sec. 3 of this Act, within 60 days  
 7 after the effective date of this section, the governor shall appoint, from the lists of names  
 8 submitted under AS 46.39.005(a)(1)(B), one member and one alternate member from each  
 9 region, or request subsequent lists of names in accordance with AS 46.39.005(a)(1)(B), and  
 10 shall appoint one at-large member and one alternate member to serve on the Alaska Coastal  
 11 Policy Board established by AS 46.39.005, added by sec. 3 of this Act. The governor shall  
 12 appoint the public members to three-year staggered terms. The alternate member for each  
 13 public member shall serve the same term as the public member. The governor shall specify  
 14 the term of each public member appointed subject to this section.

15 (b) Notwithstanding the requirements of AS 46.40.060(b), as amended by sec. 12 of  
 16 this Act, a review by the Alaska Coastal Policy Board relating to a district coastal  
 17 management plan, or a portion of a district coastal management plan, shall be delayed until all  
 18 the public members and alternate members of the board are appointed under (a) of this  
 19 section.

20 \* Sec. 24. The uncoded law of the State of Alaska is amended by adding a new section to  
 21 read:

22 TRANSITION: PENDING DISTRICT COASTAL MANAGEMENT PLANS. If a  
 23 plan of a coastal resource district was submitted to the Department of Natural Resources  
 24 before the effective date of this section, but is pending approval in its entirety before the  
 25 effective date of this section, the coastal resource district shall resubmit the entire plan to the  
 26 Department of Natural Resources for approval using the standards set out in AS 46.39 and  
 27 AS 46.40, as modified by this Act.

28 \* Sec. 25. The uncoded law of the State of Alaska is amended by adding a new section to  
 29 read:

30 REVIEW AND REPORTS BY THE ALASKA COASTAL POLICY BOARD. (a)  
 31 Before February 1, 2013, the Alaska Coastal Policy Board shall review AS 46.40.040(b), as

1 amended by sec. 9 of this Act, AS 46.40.040(c), and AS 46.40.096(i), their implementing  
 2 regulations, and related federal and state statutes and regulations, and prepare a report to the  
 3 governor and the legislature on any proposed changes to the provisions of AS 46.40.

4 (b) On or before January 1, 2015, the Alaska Coastal Policy Board shall report to the  
 5 governor and legislature on the effectiveness of AS 46.39 and AS 46.40 and regulations  
 6 adopted under those chapters, with its recommendations for any proposed changes to any  
 7 provision of AS 46.39 or AS 46.40.

8 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
 9 read:

10 **RETROACTIVITY AND REVIVAL.** (a) The amendment to AS 44.66.020(a)(5)  
 11 made by sec. 2 of this Act is retroactive to January 1, 2011.

12 (b) If, under AS 01.10.070(c), sec. 28 of this Act takes effect on or after July 1, 2011,  
 13 sec. 28 of this Act is retroactive to July 1, 2011, and provisions repealed by sec. 18, ch. 31,  
 14 SLA 2005, are revived. If a revived provision is amended by secs. 1, 2, 4 - 20, or 22 of this  
 15 Act, it is revived as amended by secs. 1, 2, 4 - 20, and 22 of this Act. The revived provisions  
 16 are subject to repeal under sec. 22, ch. 31, SLA 2005, as amended by sec. 28 of this Act.

17 (c) If, under AS 01.10.070(c), this section takes effect on or after July 1, 2011,  
 18 AS 46.39.005, added by sec. 3 of this Act and repealed by sec. 21 of this Act, is revived.  
 19 AS 46.39.005, as revived, is subject to repeal under secs. 21 and 29 of this Act and sec. 22,  
 20 ch. 31, SLA 2005, as amended by sec. 28 of this Act.

21 \* **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to  
 22 read:

23 **CONDITIONAL EFFECT.** Section 21 of this Act takes effect only if secs. 1 - 13 and  
 24 18, ch. 31, SLA 2005, take effect.

25 \* **Sec. 28.** The uncodified law of the State of Alaska enacted in sec. 22, ch. 31, SLA 2005, is  
 26 amended to read:

27 Sec. 22. Sections 1 - 13 and 18, ch. 31, SLA 2005, [OF THIS ACT] take effect  
 28 July 1, 2017 [2011, UNLESS THE STATE'S REVISED COASTAL  
 29 MANAGEMENT PROGRAM HAS NOT BEEN APPROVED BY THE NATIONAL  
 30 OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND  
 31 COASTAL RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF

1 COMMERCE, UNDER 16 U.S.C. 1455 AND 1457 (COASTAL ZONE  
2 MANAGEMENT ACT OF 1972) BEFORE JANUARY 1, 2006. IF THE STATE'S  
3 REVISED COASTAL MANAGEMENT PROGRAM IS NOT APPROVED  
4 BEFORE JANUARY 1, 2006, BY THE NATIONAL OCEANIC AND  
5 ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND COASTAL  
6 RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF  
7 COMMERCE, THEN SECS. 1 - 13 AND 18 OF THIS ACT TAKE EFFECT MAY  
8 10, 2006. THE COMMISSIONER OF NATURAL RESOURCES SHALL NOTIFY  
9 THE REVISOR OF STATUTES ON FEBRUARY 1, 2006, WHETHER THE  
10 REVISED COASTAL MANAGEMENT PROGRAM HAS BEEN APPROVED AS  
11 DESCRIBED IN THIS SECTION].

12 \* **Sec. 29.** If sec. 21 of this Act takes effect, it takes effect on the date that secs. 1 - 13 and  
13 18, ch. 33, SLA 2005, take effect.

14 \* **Sec. 30.** Except as provided in sec. 29 of this Act, this Act takes effect immediately under  
15 AS 01.10.070(c).

# House Fiscal Notes

House Adopted:

FN #7 - House

FN #8 - House

FN #9 - House

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number 7  
Bill Version CSHB 106(FIN)  
(H) Publish Date 4/15/11

Identifier (file name): HB106CS(FIN)-DEC-WQ-04-15-11  
Title Coastal Management Program  
Sponsor House Rules Committee by Request of the Governor  
Requester House Finance Committee  
Dept. Affected Environmental Conserv  
Appropriation Water  
Allocation Water Quality  
OMB Component Number 2062

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>							
Personal Services	0.0	86.3	86.3	86.3	86.3	86.3	86.3
Travel	5.0	5.2	10.2	10.2	10.2	10.2	10.2
Services	15.0	8.5	23.5	23.5	23.5	23.5	23.5
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>100.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES</b>							
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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	20.0	50.0	70.0	70.0	70.0	70.0	70.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1007 IA Receipts	0.0	50.0	50.0	50.0	50.0	50.0	50.0
<b>TOTAL</b>	<b>20.0</b>	<b>100.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

## POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note was modified to reflect the changes proposed by the CSHB 106(FIN). This note takes into consideration new requirements added to the bill for a review and report by the Alaska Coastal Policy Board before February 1, 2013.

Prepared by Joey Ausel, Budget Manager  
Division Administrative Services  
Approved by Mary Siroky, Director  
Administrative Services

Phone (907) 269-7599  
Date/Time 4/15/11 8:57 PM  
Date 4/15/2011

**FISCAL NOTE #7**

**STATE OF ALASKA  
2011 LEGISLATIVE SESSION**

**BILL NO. CSHB 106(FIN)**

**Analysis**

CSHB 106 would extend the Alaska Coastal Management Program termination date to July 1, 2017, creates an Alaska Coastal Policy Board of which the Commissioner of Environmental Conservation is a member.

Fiscal impacts are detailed below:

**Travel & Contractual**

These costs include travel to coastal policy board meetings for staff (when needed). Additionally, DEC will use contractual support for analysis in preparation for report required under Section 24.



# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 8  
 Bill Version CSHB 106(FIN)  
 (H) Publish Date 4/15/11

Identifier (file name): HB106CS(FIN)-DEC-CO-04-15-11  
 Title Coastal Management Program  
 Sponsor House Rules Committee by Request of the Governor  
 Requester House Finance Committee  
 Dept. Affected Environmental Conserv  
 Appropriation Administration  
 Allocation Commissioner's Office  
 OMB Component Number 633

## Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Travel	7.0	0.0	7.0	5.0	5.0	5.0	5.0
Services	3.0	0.0	3.0	0.0	0.0	0.0	0.0
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	15.0	0.0	15.0	10.0	10.0	10.0	10.0

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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## FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	5.0	0.0	5.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1007 IA Receipts	10.0	0.0	10.0	10.0	10.0	10.0	10.0	10.0
<b>TOTAL</b>	<b>15.0</b>	<b>0.0</b>	<b>15.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

## POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note was modified to reflect the changes proposed by the CSHB 106(FIN). This note takes into consideration new requirements added to the bill for a review and report by the Alaska Coastal Policy Board before February 1, 2013.

Prepared by Joey Ausel, Budget Manager  
 Division Administrative Services  
 Approved by Mary Siroky, Director  
Administrative Services

Phone (907) 269-7599  
 Date/Time 4/15/11 8:57 PM  
 Date 4/15/2011

FISCAL NOTE #8

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB 106(FIN)

**Analysis**

CSHB 106 would extend the Alaska Coastal Management Program termination date to July 1, 2017, creates an Alaska Coastal Policy Board of which the Commissioner of Environmental Conservation is a member.

Additionally, the bill would require a review of the regulations related to DEC permitting and provide a report back to the Governor and the legislature by February 1, 2013.

Fiscal impacts are detailed below:

**Personal Services, Travel and Supplies**

DEC anticipates receiving \$10.0 in I/A from the Department of Natural Resources to assist with the Commissioner's travel and staff costs associated with participating on the Alaska Coastal Policy Board and costs associated with the review and report required by February 1, 2013.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 9  
 Bill Version CSHB 106(FIN)  
 (H) Publish Date 4/15/11

Identifier (file name) CSHB106(FIN)-DNR-DCOM-4-15-11 Dept. Affected Natural Resources  
 Title Act extending termination of the Alaska Coastal Mgmt Pgm Appropriation Resource Development  
 Allocation Coastal and Ocean Management  
 Sponsor Rules Committee by Request of Governor  
 Requester House Finance OMB Component Number 2680

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>							
Personal Services	109.8	3,150.2	3,260.0	3,260.0	3,260.0	3,260.0	3,260.0
Travel	155.7	95.9	251.6	141.8	141.8	121.8	121.8
Contractual	380.0	1,404.4	1,784.4	1,724.4	1,724.4	1,724.4	1,724.4
Supplies	18.6	41.2	54.2	54.2	54.2	54.2	54.2
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>664.1</b>	<b>4,691.7</b>	<b>5,350.2</b>	<b>5,180.4</b>	<b>5,180.4</b>	<b>5,160.4</b>	<b>5,160.4</b>
<b>CAPITAL EXPENDITURES</b>		<b>1,360.0</b>	<b>1,360.0</b>	<b>1,360.0</b>	<b>1,360.0</b>	<b>1,360.0</b>	<b>1,360.0</b>
<b>CHANGE IN REVENUES</b>							

## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts		2,679.0	2,679.0	2,679.0	2,679.0	2,679.0	2,679.0
1003 GF Match		1,672.6	1,672.6	1,672.6	1,672.6	1,672.6	1,672.6
1004 GF	664.1		658.5	488.7	488.7	468.7	468.7
1005 GF/Program Receipts							
1061 CIP receipts		244.6	244.6	244.6	244.6	244.6	244.6
1007 Interagency Receipts		95.5	95.5	95.5	95.5	95.5	95.5
<b>TOTAL</b>	<b>664.1</b>	<b>4,691.7</b>	<b>5,350.2</b>	<b>5,180.4</b>	<b>5,180.4</b>	<b>5,160.4</b>	<b>5,160.4</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

## POSITIONS

Full-time	1	33	34	34	34	34	34
Part-time							
Temporary							

## Why this fiscal note differs from previous version

The fiscal note is updated to reflect changes made in the House Finance committee substitute.

(1) Based on language in the CSHB106 (FIN), this fiscal note reflects the removal of one full time Natural Resource Specialist II position and only an additional \$10.0 in supplies for dissemination of projects in review by hard copy.

**NOTE:** The base budget (\$4,691.7 and 33 positions) was removed from the Senate version of the FY12 operating budget, making it subject to conference committee. This fiscal note also includes the annual capital project request for the federal grant funds that are shared with DCCED for grants to communities and for DCCED's administration of the grants which was removed from the budget making it subject to conference committee.

Prepared by Randy Bates, Director  
 Division Coastal and Ocean Management  
 Approved by Dan Sullivan, Commissioner  
Natural Resources

Phone 465-8797  
 Date/Time 4/15/11 12:00 AM  
 Date 4/15/2011

## FISCAL NOTE #9

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB 106(FIN)

### Analysis

**NOTE:** The base budget (\$4,691.7 and 33 positions) was removed from the Senate version of the FY12 operating budget, making it subject to conference committee. The annual capital project request for the federal grant funds that are shared with DCCED for grants to communities and for DCCED's administration of the grants was removed from the Senate version of the FY12 Capital Budget making it subject to conference committee.

The Alaska Coastal Management Program (ACMP) will automatically terminate on July 1, 2011 (SLA2005, CH31, Sec 22). CSHB106(FIN) would extend the termination date to July 1, 2017.

This fiscal note reflects the increased fiscal impacts due to the additional Division of Coastal and Ocean Management (DCOM) duties, including the administration and implementation of the Alaska Coastal Policy Board (CPB). Those increased fiscal impacts are detailed below:

#### Personal Services

One additional position, a Project Coordinator (range 20), will be required to cover the additional work associated with the CPB and the coordination of district planning functions and information sharing.

#### Travel

The CPB will meet four times in-person in the first two years following establishment of the board, and will meet in-person twice annually after that. The CPB will need to meet more frequently in-person for the first two years in order to establish board protocols, review coastal district plans, and address issues of interest to ACMP participants. CPB travel includes nine members and two DCOM support staff.

In addition, recognizing coastal districts will be amending their district plans based on CSHB106(FIN), two DCOM staff will travel 5-6 different districts per year for four years to assist the districts with their plan amendments.

Five DCOM staff will travel to regional locations for two years to provide ACMP training and education on program changes and the revised ACMP implementing regulations.

The DCOM Director will travel to Washington, DC three times annually for two years to work with NOAA on program change approvals and NEPA requirements.

#### Contractual

The CPB will meet two times annually by teleconference, with each 2-day teleconference lasting 8 hours each day (including 20 phone lines). CSHB106(FIN) will require a substantial revision to all three chapters of the implementing ACMP regulations (11 AAC 110, 112, and 114). Contractual services will be required to develop and complete those revisions, including the Department of Law final review. The coordination and distribution of district planning and consistency review data and information requires postage and other fees. DCOM will also reimburse state agencies for their participation and implementation of the ACMP program.

#### Supplies

Supplies will be required for supporting the CPB (dictation/recorder equipment, packet materials and binders) and support staff (office equipment).

# Senate Fiscal Notes

Senate Adopted:

FN #7 - previous House FN

FN #8 - previous House FN

FN #10 - New Senate FN

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 7  
 Bill Version CSHB 106(FIN)  
 (H) Publish Date 4/15/11

Identifier (file name): HB106CS(FIN)-DEC-WQ-04-15-11  
 Title Coastal Management Program  
 Dept. Affected Environmental Conserv  
 Appropriation Water  
 Allocation Water Quality  
 Sponsor House Rules Committee by Request of the Governor  
 Requester House Finance Committee  
 OMB Component Number 2062

## Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services	0.0	86.3	86.3	86.3	86.3	86.3	86.3
Travel	5.0	5.2	10.2	10.2	10.2	10.2	10.2
Services	15.0	8.5	23.5	23.5	23.5	23.5	23.5
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	20.0	100.0	120.0	120.0	120.0	120.0	120.0

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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## FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	20.0	50.0	70.0	70.0	70.0	70.0	70.0	70.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1007 IA Receipts	0.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0
<b>TOTAL</b>	<b>20.0</b>	<b>100.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>	<b>120.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

## POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note was modified to reflect the changes proposed by the CSHB 106(FIN). This note takes into consideration new requirements added to the bill for a review and report by the Alaska Coastal Policy Board before February 1, 2013.

Prepared by Joey Ausel, Budget Manager  
 Division Administrative Services  
 Approved by Mary Siroky, Director  
Administrative Services

Phone (907) 269-7599  
 Date/Time 4/15/11 8:57 PM  
 Date 4/15/2011

**FISCAL NOTE #7**

**STATE OF ALASKA  
2011 LEGISLATIVE SESSION**

**BILL NO. CSHB 106(FIN)**

**Analysis**

CSHB 106 would extend the Alaska Coastal Management Program termination date to July 1, 2017, creates an Alaska Coastal Policy Board of which the Commissioner of Environmental Conservation is a member.

Fiscal impacts are detailed below:

**Travel & Contractual**

These costs include travel to coastal policy board meetings for staff (when needed). Additionally, DEC will use contractual support for analysis in preparation for report required under Section 24.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number 8  
 Bill Version CSHB 106(FIN)  
 (H) Publish Date 4/15/11

Identifier (file name): HB106CS(FIN)-DEC-CO-04-15-11  
 Title Coastal Management Program  
 Sponsor House Rules Committee by Request of the Governor  
 Requester House Finance Committee  
 Dept. Affected Environmental Conserv  
 Appropriation Administration  
 Allocation Commissioner's Office  
 OMB Component Number 633

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>							
Personal Services	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Travel	7.0	0.0	7.0	5.0	5.0	5.0	5.0
Services	3.0	0.0	3.0	0.0	0.0	0.0	0.0
Commodities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>15.0</b>	<b>0.0</b>	<b>15.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES</b>							
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FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	5.0	0.0	5.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1007 IA Receipts	10.0	0.0	10.0	10.0	10.0	10.0	10.0
<b>TOTAL</b>	<b>15.0</b>	<b>0.0</b>	<b>15.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

### POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note was modified to reflect the changes proposed by the CSHB 106(FIN). This note takes into consideration new requirements added to the bill for a review and report by the Alaska Coastal Policy Board before February 1, 2013.

Prepared by Joey Ausel, Budget Manager  
 Division Administrative Services  
 Approved by Mary Siroky, Director  
Administrative Services

Phone (907) 269-7599  
 Date/Time 4/15/11 8:57 PM  
 Date 4/15/2011



**FISCAL NOTE #8**

**STATE OF ALASKA  
2011 LEGISLATIVE SESSION**

**BILL NO. CSHB 106(FIN)**

**Analysis**

CSHB 106 would extend the Alaska Coastal Management Program termination date to July 1, 2017, creates an Alaska Coastal Policy Board of which the Commissioner of Environmental Conservation is a member.

Additionally, the bill would require a review of the regulations related to DEC permitting and provide a report back to the Governor and the legislature by February 1, 2013.

Fiscal impacts are detailed below:

**Personal Services, Travel and Supplies**

DEC anticipates receiving \$10.0 in I/A from the Department of Natural Resources to assist with the Commissioner's travel and staff costs associated with participating on the Alaska Coastal Policy Board and costs associated with the review and report required by February 1, 2013.

# Fiscal Note

State of Alaska  
2011 Legislative Session

Fiscal Note Number: 10  
Bill Version: SCS CSHB 106(FIN)  
(S) Publish Date: 5/13/11

Identifier: CSHB106(FIN)-DNR-DCOM-4-15-11  
Title: COASTAL MANAGEMENT PROGRAM  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: CONF COMM

Department: Department of Natural Resources  
Appropriation: Land & Water Resources  
Allocation: Alaska Coastal and Ocean Management  
OMB Component Number: 2680

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services	3,260.0		3,260.0	3,260.0	3,260.0	3,260.0	3,260.0
Travel	251.6		251.6	141.8	141.8	121.8	121.8
Services	3,144.4		3,144.4	3,084.4	3,084.4	3,084.4	3,084.4
Commodities	59.8		54.2	54.2	54.2	54.2	54.2
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>6,715.8</b>	<b>0.0</b>	<b>6,710.2</b>	<b>6,540.4</b>	<b>6,540.4</b>	<b>6,520.4</b>	<b>6,520.4</b>

<b>Capital Expenditures</b>							
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<b>Change in Revenues ( )</b>							
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## Fund Source (Operating Only)

1002 Fed Rcpts	4,039.0		4,039.0	4,039.0	4,039.0	4,039.0	4,039.0
1003 G/F Match	1,672.6		1,672.6	1,672.6	1,672.6	1,672.6	1,672.6
1004 Gen Fund	664.1		658.5	488.7	488.7	468.7	468.7
1007 I/A Rcpts	95.5		95.5	95.5	95.5	95.5	95.5
1061 CIP Rcpts	244.6		244.6	244.6	244.6	244.6	244.6
<b>Total</b>	<b>6,715.8</b>	<b>0.0</b>	<b>6,710.2</b>	<b>6,540.4</b>	<b>6,540.4</b>	<b>6,520.4</b>	<b>6,520.4</b>

Estimate of any current year (FY2011) cost: 0.0

## Positions

Full-time	34.0		34.0	34.0	34.0	34.0	34.0
Part-time							
Temporary							

## Reason For Change:

CC: This fiscal note combines the additional funding requested with FY12 program funding removed by the Senate. Additionally, this fiscal note is updated to reflect changes made in the House Finance committee substitute.

This revised fiscal note includes \$1.36 million capital authorization (federal) for operating grants to communities so they have the funding necessary for local participation.

## Analysis:

NOTE: The base budget (\$4,691.7 and 33 positions) was removed from the Senate version of the FY12 operating budget, making it subject to conference committee. The annual capital project request for the federal grant funds that are shared with DCCED for grants to communities and for DCCED's administration of the grants was removed from the Senate version of the FY12 Capital Budget making it subject to conference committee.

The Alaska Coastal Management Program (ACMP) will automatically terminate on July 1, 2011 (SLA2005, CH31, Sec 22). CSHB106(FIN) would extend the termination date to July 1, 2017.

Prepared By: Conference Committee

Date: 05/04/2011

This fiscal note reflects the increased fiscal impacts due to the additional Division of Coastal and Ocean Management (DCOM) duties, including the administration and implementation of the Alaska Coastal Policy Board (CPB). Those increased fiscal impacts are detailed below:

**Personal Services**

One additional position, a Project Coordinator (range 20), will be required to cover the additional work associated with the CPB and the coordination of district planning functions and information sharing.

**Travel**

The CPB will meet four times in-person in the first two years following establishment of the board, and will meet in-person twice annually after that. The CPB will need to meet more frequently in-person for the first two years in order to establish board protocols, review coastal district plans, and address issues of interest to ACMP participants. CPB travel includes nine members and two DCOM support staff.

In addition, recognizing coastal districts will be amending their district plans based on CSHB106(FIN), two DCOM staff will travel 5-6 different districts per year for four years to assist the districts with their plan amendments.

Five DCOM staff will travel to regional locations for two years to provide ACMP training and education on program changes and the revised ACMP implementing regulations.

The DCOM Director will travel to Washington, DC three times annually for two years to work with NOAA on program change approvals and NEPA requirements.

**Contractual**

The CPB will meet two times annually by teleconference, with each 2-day teleconference lasting 8 hours each day (including 20 phone lines). CSHB106(FIN) will require a substantial revision to all three chapters of the implementing ACMP regulations (11 AAC 110, 112, and 114). Contractual services will be required to develop and complete those revisions, including the Department of Law final review.

The coordination and distribution of district planning and consistency review data and information requires postage and other fees. DCOM will also reimburse state agencies for their participation and implementation of the ACMP program.

**Supplies**

Supplies will be required for supporting the CPB (dictation/recorder equipment, packet materials and binders) and support staff (office